

**APPROVED MINUTES  
CITY COUNCIL  
REGULAR MEETING  
CITY OF WYOMING, MINNESOTA  
OCTOBER 20, 2020  
7:00PM**

**CALL TO ORDER:**

*Mayor Lisa Iverson called the Regular Meeting of the Wyoming City Council for October 20, 2020 to order at 7:00 PM*

**Mayor Iverson** – Read aloud a statement explaining that the Council is meeting via teleconference due to the COVID-19 pandemic. She explained that tonight’s meeting would be held according to State Statute 13D.021, will be live streamed on the City’s YouTube page, and will be recorded as part of the public record on the City’s website

**CALL OF ROLL:**

*On a Call of the Roll the following members of the Wyoming City Council were present: Councilmembers Lisa Iverson, Linda Nanko Yeager, Joe Zerwas, Dennis Schilling, and Claire Luger*

*ABSENT: None*

*Also Present: Tom Loonan, Eckberg Lammers, Robb Linwood, City Administrator, Assistant City Administrator Kelly Dumais, Mark Erichson-WSB, Ryan Krzos- WSB, Paul Hoppe - Public Safety Director, and Chuck Almhjeld, Public Works Superintendent*

**DETERMINATION OF A QUORUM:**

**PLEDGE OF ALLEGIANCE:**

**OPEN FORUM: NONE**

**APPROVAL OF MINUTES:**

1. **Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for October 6, 2020**

**A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR OCTOBER 6, 2020 AS SUBMITTED.**

*Roll Call Vote:*

*Voting Aye: Schilling, Nanko Yeager, Luger, Zerwas, Iverson*

*Voting Nay: None*

*Abstain: None*

*Absent: None*

2. **Consider approving the minutes of the “Special Meeting” of the Wyoming, Minnesota City Council for October 15, 2020**

**A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE THE MINUTES OF THE “SPECIAL MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR OCTOBER 15, 2020 AS SUBMITTED.**

*Roll Call Vote:*

*Voting Aye: Schilling, Nanko Yeager, Luger, Zerwas, Iverson*

*Voting Nay: None*

*Abstain: None*

*Absent: None*

## **SCHEDULED BID LETTINGS: NONE**

## **SCHEDULED PUBLIC HEARINGS: NONE**

### **CONSENT AGENDA:**

*Items under the "Consent Agenda" will be adopted with one motion; however, council members may request individual items to be pulled from the consent agenda for discussion and action if they choose.*

3. To consider authorizing payment of recommended bills, payroll and Journal Entries for the period of October 7, 2020 through October 20, 2020
4. To consider **Resolution 20-10-92** a resolution to authorize the purchase of gravel from Dresel Contracting in the amount of \$13,640.09

**A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE #3 AND #4 OF THE WYOMING CITY COUNCIL CONSENT AGENDA**

*Roll Call Vote:*

*Voting Aye: Schilling, Nanko Yeager, Luger, Zerwas, Iverson*

*Voting Nay: None*

*Abstain: None*

*Absent: None*

## **ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS, COMMISSIONS, AND DEPARTMENTS HEADS:**

5. Report of the Public Safety Director, Paul Hoppe for October 15, 2020
6. Report of City Building Official, Fred Weck, IV for October 15, 2020
7. Report of City Attorney Tom Loonan for October 15, 2020
8. Report of City Engineer Mark Erichson, WSB for October 15, 2020
9. Report of Public Works Superintendent Chuck Almhjeld for October 14, 2020

### **COMMUNICATIONS:**

### **OLD BUSINESS: NONE**

### **NEW BUSINESS**

10. To consider **Resolution 20-10-93** a resolution approving a rezoning from Rural Residential I (R-1) to the One- and Two-Family Residential District (R-4) for the Moxness Development Group, Jesse Moxness at Location PID #s 21.10582.05 and 21.10582.10

**City Administrator Linwood** – Asked that the comments received be read aloud regarding this item.

**Mayor Iverson** – Read aloud the statements from Sarah Dickey, 25846 Addison Avenue expressing opposition to this development; Guy Humphrey, 4923 259<sup>th</sup> Court expressing

opposition to this development; and Shawn Gavett, 25874 Euclid Avenue, expressing opposition to this development.

**City Administrator Linwood** – Explained that items #10 and #11 on the agenda are related to the same development and gave a brief outline of the proposed development and the recommendation from the Planning Commission.

**City Engineer Erichson** – Explained that they have a Power Point presentation that gives an overview of the development and noted that he believes that this presentation will also answer many of the questions raised at the public hearing and in the statements that Mayor Iverson read aloud.

**Ryan Krzos, WSB** – Shared a presentation that explained the development, zoning, and PUD plans. He noted that the Planning Commission recommended approval with the conditions as recommended by staff as well as one additional condition related to the traffic study.

**City Engineer Erichson** – Addressed questions raised at the public hearing and the submitted letters related to drainage, traffic, lighting and density. He explained details of the traffic study and what items were considered in the modeling.

**Ryan Krzos, WSB** – Gave an overview of the density of this development and explained how it was calculated.

**Mayor Iverson** – Asked questions related to taxes, concerns related to the pond in the development, speed limit options and details related to the traffic study.

**City Engineer Erichson** – Answered questions and explained details related to speed and the traffic study.

**Mayor Iverson** – Noted the feedback from residents regarding the lack of a park and asked if there was to be a trail in the development and its location.

**Jesse Moxness** - Stated that there was a sidewalk planned in the development which gives them some credit for a trail. He stated that they met with the Park Advisory Commission and there is really no way to construct a road from the development to the park. He stated that they also felt the City already had many parks that were underutilized so they decided to ask for a cash dedication in lieu of parkland.

**Mayor Iverson** – Asked for how far away this development is to Lions Park and asked if there was any way to make a connection.

**City Engineer Erichson** – Stated that it is about ½ mile.

**Mayor Iverson** – Asked if Mr. Moxness would entertain installation of a small park within the development.

**Mr. Moxness** – Stated that he won't say he is totally against it, but is not sure if there is a good, suitable location for a park. He stated that potentially it could be included on the villa side of the development, but reiterated that he is not sure there is an ideal spot for a park. He noted that they are open to doing a combination of land and fees, but noted that right now, as it stands, they will be contributing around \$160,000 in park dedication fees to the City, in addition to putting in the sidewalks.

**Mayor Iverson** – Stated that it would be nice to have a small park in the Sunrise Meadow area. She noted that the City had received about 8 or 9 letters from residents that are in opposition to the development. She stated that she hopes the presentation from City Engineer Erichson and Mr. Krzos answered many of the resident questions. She stated that she thinks much of the

concern is the R-4 zoning because it includes the verbiage of two-family homes or townhomes. She asked if there is a point in time that they may go back to the idea of including townhomes or can the City get it in writing that they will remain villas. She stated that she thinks that is what is making many resident nervous about this development.

**Mr. Moxness** – Stated that he can guarantee it will never be a two-family dwelling because they do not do twin homes. He noted that twin homes do not have a high rate of success for home builders at this point. He explained that he has a development in Wyoming called Kennedy Estates that has a twin home lot which is still available. He stated that they explored townhomes and there is just not a market for that type of home in the area so they are planning to stick with the villa style homes.

**Mayor Iverson** – Asked about the price point for the homes.

**Mr. Moxness** – Stated that their goal is to be in the \$325,000 to \$400,000 range.

**Mayor Iverson** – Stated that the Council may need more time to sift through all the information and concerns that have been raised.

**Councilmember Luger** – Reviewed how the Joint Park/Planning Board met to discuss this in January and had originally made the call to take cash dedication in lieu of establishing a park. She noted that many residents have weighed in with their opinions and asked if the City had gotten feedback from the surrounding businesses regarding how they feel about this development.

**City Administrator Linwood** – Noted that no businesses had given any feedback on the development.

**Councilmember Luger** – Stated that she would like to have more time to delve into information and on the surface looks like it would be a great benefit to the City, but would like more time to digest it.

**Councilmember Nanko Yeager** – Asked questions regarding lot sizes and City sewer and water.

**City Engineer Erichson** – Gave an overview of the City sewer and water infrastructure and noted that the existing system and previously planned updates will be enough to support this development. He noted that the developer will be responsible for constructing a sanitary sewer lift station.

**Councilmember Nanko Yeager** – Discussed concerns about the intersection of Kettle River Boulevard and Viking Boulevard and possible upgrades. She asked about the likelihood of putting in a bike trail in the neighborhood connecting it to Lions Park or another part of town.

**City Engineer Erichson** – Noted that this is a question for the Park Advisory Commission

**Councilmember Nanko Yeager** – Indicated that she would like to know how this project will affect the property values in Sunrise West. She asked questions about the location of the homes on the lots and screening.

**Councilmember Schilling** – Noted that he likes the idea of a left turn lane but understands the traffic study numbers indicate it won't be necessary. He stated that he liked the landscaping plans along the back of the villas. He noted that many of his concerns were addressed in the engineering presentation.

**Mayor Iverson** – Asked if the City can remove the words two-family residential.

**City Attorney Loonan** – He stated that he does not believe it could be rewritten for this development alone without rewriting the entire R-4 zoning.

**Mayor Iverson** – Stated that she believes this is a good development for the City and asked how soon Mr. Moxness had planned to begin construction.

**Mr. Moxness** – Stated that, if approved, they had hoped to begin some of the construction this season and explained that he has contractors set up and ready to move forward with at least initial grading on the first 19 lots. He stated that he also has 5 committed builders that are ready to begin construction on this project.

**Mayor Iverson** – Stated that there have been a lot of questions and concerns raised by residents, but noted that she believes many of them were answered in tonight's engineering presentation. She stated that she would like to table this item and put it on the next agenda to ensure that the residents understand the information shared this evening and make sure that there are no additional questions.

**Councilmember Luger** – Noted that she feels most of the questions from Council and the residents were answered tonight but still has concerns about the possibility of town homes in this development.

**City Attorney Loonan** – Noted that this item is approval of Preliminary Plat and there will still be the Final Plat to come before the Council which will include construction plans

**Mr. Krzos** – Explained that one of staff's recommended conditions is that the development be conditioned on receiving a CUP for a PUD which would spell out specifically the building development type and the applicant will be locked into that.

**Councilmember Nanko Yeager** – Expressed concern regarding the density and traffic.

**City Engineer Erichson** – Gave an overview of what they had used to evaluate the traffic in the area.

**Mayor Iverson** – Asked Public Safety Director Hoppe to address concerns about speed in this area.

**Public Safety Director Hoppe** – Stated that here are issues with speed along Kettle River. He stated that he thinks there is significant justification to extending the 30-mph zone south of 255<sup>th</sup> Street. He stated that thinks this development may help the City, from a public safety standpoint, to justify reducing the speed to 30 mph all the way south of 255<sup>th</sup> Street.

**Mayor Iverson** – Stated that she appreciated the comments that have come in from the residents and expressed her appreciation for the clear staff presentation and noted that she feels more comfortable moving forward after hearing their input.

**A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER ZERWAS, TO APPROVE RESOLUTION 20-10-93 A RESOLUTION APPROVING A REZONING FROM RURAL RESIDENTIAL I (R-1) TO THE ONE AND TWO-FAMILY RESIDENTIAL DISTRICT (R-4) FOR THE MOXNESS DEVELOPMENT GROUP, JESSE MOXNESS AT LOCATION PID #s 21.10582.05 AND 21.10582.10**

*Roll Call Vote:*

*Voting Aye: Schilling, Nanko Yeager, Luger, Zerwas, Iverson*

*Voting Nay: None*

*Abstain: None*

*Absent: None*

11. To consider **Resolution 20-10-94** a resolution approving the Preliminary Plat of “Summer Fields” Moxness Development Group, Jesse Moxness, PID #s 21.10582.05 and 21.10582.10

**City Administrator Linwood** – Noted that #1 in the conditions should be omitted and is not applicable to this application.

**A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER ZERWAS, TO APPROVE RESOLUTION 20-10-94 A RESOLUTION APPROVING THE PRELIMINARY PLAT OF “SUMMER FIELDS” MOXNESS DEVELOPMENT GROUP, JESS MOXNESS, PID #S 21.10582.05 AND 21.10582.10, WITH THE REMOVAL OF CONDITION #1.**

*Roll Call Vote:*

*Voting Aye: Schilling, Nanko Yeager, Luger, Zerwas, Iverson*

*Voting Nay: None*

*Abstain: None*

*Absent: None*

12. To consider **Resolution 20-10-95** a resolution approving the purchase of a skid steer 2230 skid lift attachment from Skid Lift in the amount of \$14,495.00

**Public Works Superintendent Almhjeld** – Gave an overview of the request for a skid steer to purchase it utilizing CARES Act funding and explained how the equipment would be used.

**A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER ZERWAS, TO APPROVE RESOLUTION 20-10-95 A RESOLUTION APPROVING THE PURCHASE OF A SKID STEER 2230 SKID LIFT ATTACHMENT FROM SKID LIFT IN THE AMOUNT OF \$14,495.00**

*Roll Call Vote:*

*Voting Aye: Schilling, Nanko Yeager, Luger, Zerwas, Iverson*

*Voting Nay: None*

*Abstain: None*

*Absent: None*

13. To consider **Resolution 20-10-96** a resolution concurring with the Economic Development Authority of the City of Wyoming, MN authoring the execution of that certain sixth amendment to statutory mortgage

**City Administrator Linwood** – Gave an overview of the need for execution of a sixth amendment related to what is known as the Bingham property. He noted that this amendment was recommended for approval at the October 14, 2020 EDA meeting

**Councilmember Nanko Yeager** – Stated that she did not see Resolution 20-10-96 in her packet.

**City Administrator Linwood** – Stated that it looks like it was inadvertently left out of the packet. He shared his screen in order for the Council to review the resolution before taking action.

**A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 20-10-96 A RESOLUTION CONCURRING WITH THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF WYOMING, MN AUTHORIZING THE EXECUTION OF THAT CERTAIN SIXTH AMENDMENT TO STATUTORY MORTGAGE.**

*Roll Call Vote:*

*Voting Aye: Schilling, Nanko/Yeager, Luger, Zerwas, Iverson*

*Voting Nay: None*

*Abstain: None*

*Absent: None*

14. To consider a work session meeting on October 28, 2020 at 6:00 p.m. to review the current status of the Wyoming CARES Act dollars

**City Administrator Linwood** – Explained that staff would like to holding a special work session meeting to discuss the status of the CARES Act funds

**A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER IVERSON, TO APPROVE A WORK SESSION MEETING ON OCTOBER 28, 2020 AT 6:00 P.M. TO REVIEW THE CURRENT STATUS OF THE WYOMING CARES ACT DOLLARS.**

*Roll Call Vote:*

*Voting Aye: Schilling, Nanko/Yeager, Luger, Zerwas, Iverson*

*Voting Nay: None*

*Abstain: None*

*Absent: None*

15. To consider a special meeting on November 12, 2020 at 6:00 p.m. to certify the 2020 City of Wyoming General Election results

**Assistant City Administrator Dumais** – Explained the request to review the canvassing results of the 2020 General Election on November 12, 2020. She noted that staff would like to suggest that the Council hold their previously scheduled budget work session on November 12, 2020 rather than November 11, 2020 which is Veteran's Day.

The Council discussed other meeting date and time alternatives.

**A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE A SPECIAL MEETING ON NOVEMBER 12, 2020 AT 7:00 P.M. TO CERTIFY THE 2020 CITY OF WYOMING GENERAL ELECTION RESULTS**

*Roll Call Vote:*

*Voting Aye: Schilling, Nanko Yeager, Luger, Zerwas, Iverson*

*Voting Nay: None*

*Abstain: None*

*Absent: None*

16. To consider **Resolution 20-10-97** declaring the cost to be assessed and ordering preparation of proposed assessment roll for the 2020 Street Improvement Project (City Project No. 20-01)

**City Engineer Erichson** – Noted that the 2020 Street Improvement Project is nearly completed, and noted that the contractors are hopeful that it can still be wrapped up by the early part of November despite the recent snowfall. He stated that the Council needs to address the standard language used in **Resolution 20-10-97** and **Resolution 20-19-98** that refers to the meeting taking place at City Hall. He gave an overview of the projected project costs of \$3.511 million. He noted that staff is suggested scheduling the public hearing for November 17, 2020, but noted that there needs to be clarification on how the hearing will be held.

**Mayor Iverson** – Stated that the City has been holding virtual meetings since March and asked how many public hearings have been held in that time period.

**City Administrator Linwood** – Stated that he believes the first public hearing for the Council will be on November 4, 2020.

**Mayor Iverson** – She noted that in general, public input has been by people submitting their questions and comments prior to the meetings. She noted that the City does not have a policy

for this type of situation but feels the City has done a lot in terms of transparency over the last four years. She expressed concern about being able to run an orderly meeting.

**City Administrator Linwood** – Gave examples of how other cities have set up the meetings in order to allow input in an orderly fashion.

**Mayor Iverson** – She stated that she believes this meeting will need to be held virtually, but would like to recommend that the City consider having a policy in place for future public hearings that need to be held virtually.

**Councilmember Schilling** – Asked if there was a reason that the public hearing couldn't be held in person and simply have people wait to come into the Council chambers until others left. He stated that he believes that there could be appropriate social distancing done if it is controlled a bit.

**City Administrator Linwood** – Stated that he is not sure where residents could wait.

**City Attorney Loonan** – Stated that the public hearing can be held via electronic means as long as people are allowed the opportunity to comment. He noted that it could either be done by giving residents ample notice of the need to submit their comments prior to the meeting or attempt to allow people to participate in a live virtual meeting.

The Council discussed the best way to hold a public hearing by virtual means and the need to draft a clear policy and procedure for future resident participation in City meetings.

***There was a consensus of the Council to direct staff to research policies for virtual public meetings for Council consideration.***

**City Administrator Linwood** – Suggested that in the notification it indicate that people can provide public comment via the City website and the Open Forum link or send written comment to the City and if the Council comes up with a policy at the November 4, 2020 Council meeting, the City can reach out to the individuals if there is an interactive policy.

***There was a consensus of the Council to follow the suggestion made by City Administrator Linwood to notify residents that they can submit comments via the Open Forum link or in writing, but if a policy for an interactive way for people to participate becomes available it will be communicated to those residents.***

**Councilmember Nanko Yeager** – Asked if it would be possible to drop the interest rate a bit on the assessments.

**City Administrator Linwood** – Noted that standard policy has been that the City takes its interest rate and then adds 2% to the interest rate to cover administrative costs. He explained that the City's interest rate on the bonds was 2% which is why they proposed the 4% interest rate for the assessment.

**Councilmember Nanko Yeager** – Stated that she would like the Council to consider lowering this interest rate due to COVID-19, even if it is just a half a percentage point.

The Council discussed the interest rate and possible precedents that may be set if it is changed.

***There was a Consensus to keep the interest rate at 4% for the assessment.***

**City Engineer Erichson** – Noted that he had neglected to cover a topic during this presentation and gave an overview on the ditch maintenance in the area and noted that he had excluded that from the assessment.



**A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER ZERWAS, TO APPROVE RESOLUTION 20-10-97 A RESOLUTION DECLARING THE COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL FOR THE 2020 STREET IMPROVEMENT PROJECT (CITY PROJECT NO. 20-01).**

*Roll Call Vote:*

*Voting Aye: Schilling, Nanko Yeager, Luger, Zerwas, Iverson*

*Voting Nay: None*

*Abstain: None*

*Absent: None*

17. To consider **Resolution 20-10-98** calling hearing on assessments for the 2020 Street Improvement Project (City Project No. 20-01)

**City Attorney Loonan** – Stated that the Council needs to clarify that the meeting will be held virtually because the current resolution language states it will be held at City Hall.

**A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE RESOLUTION 20-10-98 A RESOLUTION CALLING HEARING ON ASSESSMENTS FOR THE 2020 STREET IMPROVEMENT PROJECT (CITY PROJECT NO. 20-01) FOR NOVEMBER 17, 2020 TO BE HELD VIA ELECTRONIC MEANS.**

*Roll Call Vote:*

*Voting Aye: Schilling, Nanko Yeager, Luger, Zerwas, Iverson*

*Voting Nay: None*

*Abstain: None*

*Absent: None*

## **COUNCIL REPORTS:**

**Council Member Zerwas** – Attended the Special Council meeting and the Sewer Commission meeting.

**Council Member Nanko Yeager** – Attended the Special Council meeting.

**Council Member Luger** – Attended Special Council meeting and the Park Advisory Commission meeting.

**Council Member Schilling** – Attended the Special Council meeting.

**Mayor Iverson** – Attended the Park Advisory Commission, the EDA, and the Special Council meeting.

**Assistant City Administrator Dumais** – Gave an update on the iPads that have been ordered for the Council. She noted that she is in the process of getting them booted up and the necessary information loaded and is hopeful that they will be launched by the next Council meeting. She explained that the City had them engraved with the City of Wyoming on them, so if they were inadvertently left somewhere people would know who they belong to. She noted that it did not cost any additional funds to have them engraved.

**A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER SCHILLING, TO ADJOURN THE OCTOBER 20, 2020 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 9:44 PM.**

Roll Call Vote:

Voting Aye: Schilling, Nanko Yeager, Luger, Zerwas, Iverson

Voting Nay: None

Abstain: None

Absent: None

**A portion of this public meeting may be closed to discuss “Labor Negotiation Strategies”; “Misconduct allegations or charges”; “Attorney-client privilege”; or “Performance evaluations” as per MN State Statute 13D.01-.05.**

**NEXT REGULAR MEETING:**  
**NOVEMBER 4, 2020**  
**7:00PM**