

**APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
MAY 15, 2018
7:00PM**

CALL TO ORDER:

Mayor Lisa Iverson called the Regular Meeting of the Wyoming City Council for May 15, 2018 to order at 7:00 PM

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, Don Waller, and Claire Luger

ABSENT: None

Also Present: Mark Vierling, Eckberg Lammers, Robb Linwood, City Administrator, Mark Erichson-WSB, Paul Hoppe - Public Safety Director, Fred Weck, Zoning Administrator/Building Official and Marty Powers, 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 May 1, 2018

Councilmember Waller stated that he would like to see under item 15, Councilmember Nanko/Yeager’s comments included regarding what had happened in 2012 and what the Council, at the time, was told about the Fire Department reorganization.

Mayor Iverson stated that for item 12, Policy 18-01, the Respectful Workplace Policy, Councilmember Nanko/Yeager had a lot of questions regarding the policy, however she wasn’t sure if she heard her make a verbal vote. She stated that she had listened to the recording at about the 58 minute mark, and it does not appear that Councilmember Nanko/Yeager made a verbal vote, however, the minutes reflect that she voted yes. She asked about the procedure for a non-verbal vote.

City Attorney Vierling explained that the procedure is that once the chair calls the vote, unless the individual involved corrects it, the chairs vote call stays in the record and is the final result.

Mayor Iverson asked if Councilmember Nanko/Yeager could say for the record whether hers was a yes or no vote.

City Attorney Vierling stated that if Councilmember Nanko/Yeager has an issue, she could ask that the record be reopened so she could correct her vote if she feels there was an error in the record.

Councilmember Nanko/Yeager stated that it was her understanding that she did vote on that policy, although it may have been inaudible, she recalls voting.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR MAY 1, 2018, AS SUBMITTED.

Councilmember Waller asked if her motion was to approve the minutes as amended in relation to the comments he asked to be included that were made by Councilmember Nanko/Yeager in relation to the fire department back in 2012.

Mayor Iverson asked if it could be stated exactly what Councilmember Nanko/Yeager had stated, it could be amended.

Councilmember Waller stated that he could not, but, believes it will be on the tape recording.

Councilmember Nanko/Yeager stated that while she doesn't know exactly what she said, she also assumes it is on the tape. She stated that she had expressed her disappointment that when she had originally voted on the matter, she was doing it with the best information she had at the time.

Mayor Iverson asked City Administrator Linwood how this Council should address this.

City Administrator Linwood stated that it is up to the Council if they want this verbiage included in the minutes.

Mayor Iverson asked the Council whether they would like the comments from Councilmember Nanko/Yeager regarding item 15 included in the minutes.

Councilmember Zerwas stated that he didn't care.

Councilmember Nanko/Yeager stated that she wasn't going to bring it up, but now that it has been, yes, she would like it included.

Councilmember Luger stated if what was said tonight is consistent with what is on the tape, then she is fine including it.

Mayor Iverson asked if the Council should table the minutes until there is a chance to listen to the audio.

City Attorney Vierling stated that was one of the options.

A MOTION WAS MADE BY COUNCILMEMBER WALLER, SECONDED BY COUNCILMEMBER LUGER, TO TABLE DISCUSSION OF THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR MAY 1, 2018.

Voting Aye: Waller, Nanko/Yeager, Luger, Zerwas, Iverson

Voting Nay: None

Abstain: None

Absent: None

2. Consider approving the minutes of the “Work Session Meeting” of the Wyoming, Minnesota City Council for May 9, 2018

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE MINUTES OF THE “WORK SESSION MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR MAY 9, 2018 AS SUBMITTED.

Voting Aye: Waller, Nanko/Yeager, Luger, Zerwas, Iverson

Voting Nay: None
Abstain: None
Absent: None

SCHEDULED BID LETTINGS: NONE

SCHEDULED PUBLIC HEARINGS:

3. To consider **Ordinance No. 2018-04** an interim ordinance placing a temporary moratorium on applications for subdivision sketch plans, preliminary plats, final plats, conditional use permits, and planned unit developments in shoreland districts where such applications include controlled access lots and directing that studies of official controls related thereto be conducted.

A MOTION WAS MADE BY COUNCILMEMBER WALLER, SECONDED BY COUNCILMEMBER LUGER, TO OPEN THE PUBLIC HEARING FOR ORDINANCE NO. 2018-04.

Voting Aye: Waller, Nanko/Yeager, Luger, Zerwas, Iverson
Voting Nay: None
Abstain: None
Absent: None

There was no public comment.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER WALLER, TO CLOSE THE PUBLIC HEARING FOR ORDINANCE NO. 2018-04.

Voting Aye: Waller, Nanko/Yeager, Luger, Zerwas, Iverson
Voting Nay: None
Abstain: None
Absent: None

Zoning Administrator/Building Official Weck stated that the Planning Commission is continuing to work on the Shoreland Ordinance and are fairly close to being done, but, wanted to make sure that there was an extension in place in order to ensure they have time to get it finished.

A MOTION WAS MADE BY COUNCILMEMBER WALLER, SECONDED BY COUNCILMEMBER ZERWAS, TO APPROVE ORDINANCE NO. 2018-04, AN INTERIM ORDINANCE PLACING A TEMPORARY MORATORIUM ON APPLICATIONS FOR SUBDIVISION SKETCH PLANS, PRELIMINARY PLATS, FINAL PLATS, CONDITIONAL USE PERMITS, AND PLANNED UNIT DEVELOPMENTS IN SHORELAND DISTRICTS WHERE SUCH APPLICATIONS INCLUDE CONTROLLED ACCESS LOTS AND DIRECTING THAT STUDIES OF OFFICIAL CONTROLS RELATED THERETO BE CONDUCTED.

Voting Aye: Waller, Nanko/Yeager, Luger, Zerwas, Iverson
Voting Nay: None
Abstain: None
Absent: None

Mayor Iverson asked if the Council would have any objection to move back to the Open Forum portion of the agenda to give an audience member a chance to speak.

OPEN FORUM:

Ivey Borgwardt of 25575 Goldfinch Ave, stated that he just moved in December and has a

problem with a big mound that is present in the neighboring yard. He asked Building Official/Zoning Administrator Weck to come out and take a look. He stated that after Building Official/Zoning Administrator Weck looked, he was told that because his neighbor owns 1.5 acres that he can pretty much dump whatever he wants on the land. He offered to show the Council pictures of what he has to look out his window and see or suggested that the Council come to his house and take a look. He stated that he was asking that the City have his neighbor remove the dirt and debris from this mound. He stated that he is trying to follow the chain of command within the City to get this fixed.

Councilmember Nanko/Yeager asked if he was in the Thornbeck development and noted that she walks in that area and can swing over his way and take a look.

Mayor Iverson stated that she can also stop by the property and take a look.

Building Official/Zoning Administrator Weck stated that the rule that Mr. Borgwardt was referring to is the nuisance ordinance that states that lots over 1 acre do not have to be completely manicured. He stated that he had sent a letter to the property owner informing him that the trash had to be removed. The property owner doesn't live there, but family members do. He stated that the property owner replied that he was planning to come out over the weekend to clean it up and then give the City a call to come out and take a look.

Mayor Iverson asked Mr. Borgwardt to give the property owner a little bit of time to clean up the lot and asked City Administrator Linwood and Building Official/Zoning Administrator Weck to update the Council next week.

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.

4. To consider **Resolution 18-05-38** a resolution declaring certain vehicles as surplus property for disposal and authorizing the Police Department to dispose of vehicles through online auction
5. To consider adopting **Resolution 18-05-39** a resolution approving the City of Wyoming to enter into a Master Partnership contract with MNDOT.
6. To consider the LG220 Application of the Wyoming Fire Relief Association, Wyoming, MN 55092, to allow Exempt Permit Application at 26753 Forest Blvd, Wyoming, MN 55092
7. To consider approving improvements to Ashton Park by the Wyoming Daisy Troop #57321
8. To consider approving the purchase of giveaway items for the Story Night event at Railroad Park on Thursday, June 21, 2018
9. To consider approving a contract between the City of Wyoming and Law Enforcement Labor Services (LELS) for the years 2018 to 2020

Council Member Waller pulled Item #7 because he would like hear from the Girl Scouts and #9 because he has questions on procedure.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE #4, #5, #6, and #8 OF THE WYOMING CITY COUNCIL CONSENT AGENDA.

Voting Aye: Waller, Nanko/Yeager, Luger, Zerwas, Iverson

Voting Nay: None

Abstain: None

Absent: None

Councilmember Waller asked if the Daisy Troop had a presentation for the Council and whether they had spoken with the Master Gardeners in the area regarding their plans for Ashton Park.

A representative for Daisy Troop #57321 stated that they didn't have a presentation and hadn't

spoken with Master Gardeners.

Councilmember Waller suggested that they take the time to find a Master Gardener and suggested Judy Coughlin of the Planning Commission and Mrs. Chouinard who lives on Pioneer Avenue. He asked what they were planning to plant.

The representative for Daisy Troop #57321 gave a brief description of what they are planning.

Councilmember Waller stated that being a former scout and going through scouts with his son, he reiterated his suggestion for involving the advice of a Master Gardener, because the plans will require an ongoing effort and will not just be a one-time shot.

Councilmember Nanko/Yeager asked City Administrator Linwood to take care of the stump that is near where they are planning to come in and plant. She asked that he coordinate with Public Works to get this taken out and cleaned up before the Daisy Troop goes out to do the planting.

Mayor Iverson thanked the Daisy Troop for volunteering to take this on for the City.

Councilmember Waller suggested that this may count for a badge for civic involvement or government service.

A MOTION WAS MADE BY COUNCILMEMBER WALLER, SECONDED BY COUNCILMEMBER LUGER TO APPROVE CONSENT AGENDA ITEM #7 TO APPROVE IMPROVEMENTS TO ASHTON PARK BY THE WYOMING DAISY TROOP #57321.

Voting Aye: Waller, Nanko/Yeager, Luger, Zerwas, Iverson

Voting Nay: None

Abstain: None

Absent: None

Councilmember Waller stated that he had a question about conflict of interest regarding item #9. He noted that three years ago, Councilmember Zerwas did not have a grandson on the Police Department, and now does, so he wanted to make sure that was cleared up before a vote was taken.

City Attorney Vierling recommended that Council Member Zerwas abstain from voting on this item.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER IVERSON TO APPROVE CONSENT AGENDA ITEM #9 APPROVING A CONTRACT BETWEEN THE CITY OF WYOMING AND LAW ENFORCEMENT LABOR SERVICES (LELS) FOR THE YEARS 2018 TO 2020.

Voting Aye: Luger, Iverson

Voting Nay: Waller, Nanko/Yeager

Abstain: Zerwas

Absent: None

Motion failed.

Mayor Iverson recessed the meeting at 7:23 PM

Mayor Iverson reconvened the meeting at 7:25 PM

COMMUNICATIONS:

10. Report of the Public Safety Director, Paul Hoppe for May 10, 2018
11. Report of City Building Official, Fred Weck, IV for May 10, 2018
12. Report of City Attorney Mark Vierling for May 11, 2018
13. Report of City Engineer Mark Erichson, WSB for May 11, 2018
14. Report of Public Works Superintendent Marty Powers for May 10, 2018

OLD BUSINESS: NONE

NEW BUSINESS

15. To consider **Resolution 18-05-41** a resolution approving plans and specifications and ordering advertisement for bids for the 2018 Street Reconstruction Project

City Engineer Erichson stated the plans and specifications for the 2018 Street Reconstruction Project have been finalized. He stated that they are looking at a bid date of June 14, 2018 and plan to bring it back to the Council at the June 19, 2018 meeting for consideration of awarding the bid.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 18-05-41 A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE 2018 STREET RECONSTRUCTION PROJECT, CITY PROJECT 18-01.

Voting Aye: Waller, Nanko/Yeager, Luger, Zerwas, Iverson

Voting Nay: None

Abstain: None

Absent: None

16. To consider **Resolution 18-05-42** a resolution providing for the competitive negotiated sale of \$2,135,000 general obligation improvement bonds, series 2018A

Paul Steinman, with Springsted, Inc. stated that the item before the Council established June 19, 2018 as the sale date for the bonds and to approve the structure of the bonds. He stated that plan is to present those to the Council at the meeting on June 19, 2018, as well. He stated the plan is that the proceeds of the sale will be available on about July 19, 2018. He gave a brief overview of the highlights of the report. He noted that the size can be adjusted up to the date of the sale, if necessary. He stated that this is a 15-year term and was designed to match and mirror the term of the assessments. He noted that the average interest rate at this time is 3.17%.

Councilmember Nanko/Yeager stated that she would like to make a comment.

Mayor Iverson stated that the Council has already discussed this item many times and asked if Councilmember Nanko/Yeager had anything new to add.

Councilmember Nanko/Yeager stated that she would like to advocate that the City does not do 15-year bonds.

Mayor Iverson stated that Councilmember Nanko/Yeager has already advocated for that and this comment wasn't adding anything new to the conversation.

Councilmember Nanko/Yeager stated that she felt the Council should be transparent and have this discussion in public.

Mayor Iverson noted that the Council had already had this discussion in public.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 18-05-42 A RESOLUTION PROVIDING FOR THE COMPETITIVE NEGOTIATED SALE OF \$2,135,000 GENERAL OBLIGATION IMPROVEMENTS BONDS, SERIES 2018A.

Voting Aye: Luger, Zerwas, Iverson

Voting Nay: Nanko/Yeager, Waller

Abstain: None

Absent: None

17. To consider a 10-year Tax Abatement Request from Peterson Companies, Inc. located at 8326 Wyoming Trail, Chisago City, MN

City Administrator Linwood noted that the EDA was unable to have a quorum for last night's meeting, so this item cannot have action taken because there is no official recommendation from the EDA. He noted that the EDA has called for a special meeting on May 23, 2018 and he anticipates this item will be back on the June 5, 2018 Council agenda.

18. To discuss option on the video recording of City of Wyoming Council meetings.

City Administrator Linwood stated that when the audio equipment was installed, the City had looked at the possibility of trying to videotape meetings, however, the costs at the time, were deemed to be too high. He stated that staff would like direction from the Council as to whether the City should consider an alternative such as Facebook Live or utilizing the City's YouTube channel and linking to the website.

Public Safety Director Hoppe stated that they had done some testing today that didn't work out quite how they had anticipated. He stated that there is one more option that he would like to check out.

Mayor Iverson asked what the options for videotaping the meetings would be.

City Administrator Linwood stated that they had originally talked about a pad or camera that could be mounted similar to a GoPro. He stated that these options wouldn't have the ability to scan the room like a mounted camera, but it would at least have the Council and would pick up the audio. He stated that they need to make sure the audio is entering the system and has a good audio match to the video. He stated that he thinks they have a solution to this issue. He stated that Facebook Live is also an option and many municipalities use that and turn off the commenting function which would essentially be a livestream. He stated that another option would be to move to a taping process that could then be uploaded to the YouTube channel and linked to the website.

Mayor Iverson noted that she believed the Facebook Live could also be linked to the website.

City Administrator Linwood noted that the existing system was installed and prepared with the option of videotaping down the road at some point, so the Council can still consider having a camera that could pan around the room. He stated that these solutions may be something the Council could do in the meantime.

Councilmember Zerwas asked if there was a cost associated to using Facebook Live.

City Administrator Linwood stated that there is no cost to the City for either Facebook Live or YouTube. He noted that it would just be the staff time to upload the video to the City pages.

Councilmember Zerwas stated that he wouldn't have a problem with either option.

Councilmember Nanko/Yeager asked if the videos would be archived.

City Administrator Linwood stated that he wasn't sure about the live archiving on Facebook, but he thinks they could be via the YouTube channel. He reiterated that they would be linked in the minutes and agendas section of the website, similar to how the audio is available now.

Councilmember Nanko/Yeager stated that she likes the idea of uploading the video the next day and not doing a livestream. She stated that this will provide a way to archive the meetings and people that aren't on Facebook will be able to view it also.

City Administrator Linwood stated that it could be done all three ways: Facebook Live; YouTube; Linked on the website.

Councilmember Luger stated that she wasn't opposed to livestreaming on Facebook, but she shares Council Member Nanko/Yeager's concern that not everybody is on Facebook, so she would like to have a way to ensure that everyone has equal access. She asked if there were any legal issues that this would raise.

City Attorney Vierling stated that there is not a preferred method, however, you do run into a data practices issue in terms of how long you have to keep it, which is dictated by the State.

Councilmember Waller stated that he would prefer to handle it how the City handles the audio recordings and upload it the next day.

City Administrator Linwood stated that staff will try to combine all three options and go from there.

CLAIMS:

19. Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of May 2, 2018 through May 15, 2018

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, AUTHORIZING PAYMENT OF RECOMMENDED BILLS, PAYROLL AND JOURNAL ENTRIES FOR THE PERIOD OF MAY 2, 2018 THROUGH MAY 15, 2018, AND CORRECT CODING OF BILLS

Voting Aye: Waller, Nanko/Yeager, Luger, Zerwas, Iverson

Voting Nay: None

Abstain: None

Absent: None

COUNCIL REPORTS:

Councilmember Waller – Attended the Road Tour last week and tried to attend the EDA meeting last night.

Councilmember Luger – Attended the Work Session on May 9, 2018

Councilmember Nanko/Yeager – Attended the Road Tour and thanked the audience for attending.

Councilmember Zerwas stated that he would like a few questions to be answered by the City Attorney before he gives his report. He asked if in the future, since he was supposed to abstain from voting on the LELS contract, if he can participate in the negotiation

City Attorney Vierling stated that he will have to take a closer look at that and give an opinion

at a later date.

Councilmember Zerwas stated that he would like to know because he doesn't want to waste his time again. He noted that he had attended the Work Session on May 9, 2018.

Mayor Iverson – Attended Twin Cities Magazine real estate event with City Administrator Linwood. She attended the Park Board meeting on May 7, 2018, the Planning Commission meeting on May 8, 2018 and the Work Session on May 9, 2018. She stated that she also attended the Road Tour. She noted the EDA meeting has been rescheduled for May 23, 2018. She stated that she attended the Fire Department Open House last night which was an excellent event. She stated that she would like to pass along a compliment that she received from a resident who expressed his thanks to the Mayor and Council and stated that he liked the direction the City is going. She explained that she had responded that Council just makes the policy and it is the City staff is who does the work and follows those policies. She stated that she wanted to give a shout out to the City of Wyoming staff and full team and thanked them for all they were doing for the residents. She stated that she is very disappointed in this Council and feels it was a very well calculated defeat of the contract for LELS and hopes this never happens again as long as she is Mayor.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO ADJOURN THE MAY 15, 2018 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 7:43PM

Voting Aye: Waller, 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:
JUNE 5, 2018
7:00PM