

**APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
JUNE 5, 2018
7:00PM**

CALL TO ORDER:

Mayor Lisa Iverson called the Regular Meeting of the Wyoming City Council for June 5, 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: Led By Boy Scout Troop # 142

OPEN FORUM: None

APPROVAL OF MINUTES:

1. Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota City Council for May 15, 2018.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER ZERWAS, TO APPROVE THE MINUTES OF THE "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL FOR MAY 15, 2018.

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

2. Consider approving the minutes of the "Special Meeting" of the Wyoming, Minnesota City Council for May 24, 2018

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE MINUTES OF THE "SPECIAL MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL FOR MAY 24, 2018, AS SUBMITTED.

*Voting Aye: Nanko/Yeager, Luger, Zerwas, and Iverson
Voting Nay: None
Abstain: Waller
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 approving the 2018 City of Wyoming Insurance coverage renewal through the League of Minnesota Cities Insurance Trust for a total cost of \$82,810.00
4. To confirm the City Council of The City of Wyoming Does Not Waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04 When Renewing Liability Insurance Coverage with LMCIT (League of Minnesota Cities Insurance Trust)
5. To consider approving the expenditure of \$5,758.55 to Olson's Sewer for a water main break on April 23, 2018 under the City of Wyoming Emergency Purchases Policy
6. To consider **Resolution 18-06-43** a resolution appointing Wyoming Paid on Call Firefighters to Probationary Status
7. To consider a contract with RES Pyrotechnics for Wyoming Stagecoach Days in the amount of \$6,500.00
8. To consider **Resolution 18-06-44** a resolution to authorize the purchase of gravel from Dressed Contracting for Kettle River Blvd. in the amount of \$12,000.00
9. To consider accepting the resignation of Kevin Teel from the City of Wyoming Park Board

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER ZERWAS, TO APPROVE #3 THROUGH #9 OF THE WYOMING CITY COUNCIL CONSENT AGENDA.

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

Voting Nay: None

Abstain: None

Absent: None

COMMUNICATIONS:

10. Report of the Public Safety Director, Paul Hoppe for May 31, 2018
11. Report of City Building Official, Fred Weck, IV for May 31, 2018
12. Report of City Attorney Mark Vierling for May 31, 2018
13. Report of City Engineer Mark Erichson, WSB for June 1, 2018

Mayor Iverson asked to pull item #13 to thank and congratulate City Engineer Erichson for the \$7,000 Grant the City received for the Wellhead Protection Plan. She asked for a brief explanation of the project.

City Engineer Erichson stated that the City had done the first phase of the Wellhead Protection plan a few years ago and recently applied for a grant from the Minnesota Department of Health to continue those efforts.

14. Report of Public Works Superintendent Marty Powers for May 31, 2018

OLD BUSINESS:

15. Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota City Council for May 1, 2018

Council Member Nanko/Yeager that she went back and listened to the recording at 1:09:57 and does not feel that what was written in the minutes adequately reflects what she said. She quoted what she said on May 1, 2018, that she did not have complete information when she made that decision and did not know the City was not operating according to code and she expressed her disappointment in that. She asked that the minutes be changed to more accurately reflect her comments.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER WALLER, TO TABLE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR MAY 1, 2018 IN ORDER TO REVISE THE MINUTES TO ACCURATELY CAPTURE COMMENTS MADE AT THE 1:09:57 MARK OF THE MEETING.

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

Voting Nay: None

Abstain: None

Absent: None

NEW BUSINESS:

16. To consider the Wyoming Police Department to implement the Growth Through Opportunity (GTO) cadet program as a pilot project and authorize acceptance of Sean Sieleni as the first volunteer Cadet.

Public Safety Director Hoppe explained that the City has gotten an opportunity to be part of a very unique program called Growth Through Opportunity (GTO) which is designed to integrate individuals with intellectual and developmental disabilities (IDD) into the police organization as volunteers. He stated he that believes the program allows the police department to gain perspective and the opportunity to engage with individuals with IDD. He stated that it also allows the individuals with IDD to work with the police and gain some understanding of what they do and help reduce some of the stress and anxiety for them in dealing with first responders. He stated that it also helps these individuals gain some real-life work experience within their communities. He noted that the program lasts 16 weeks and really integrates law enforcement aspects as well as other life experience tasks, like creating a resume, filling out job applications, or practicing for interviews. He noted that this program has already been adopted in the State of Virginia and if, approved, Minnesota will be the second State in the Nation to implement this program. He stated that there will be a job coach provided with the individuals and that position is funded through Health and Human Services who has contracted with a company called TSE and will be provided at no cost to the City. He noted that these individuals will not go out on calls or respond to emergency events, but will work side by side with the office staff and during community events. He noted that the schedule is Tuesday through Friday, 9:00 a.m. to 2:00 p.m. He reviewed the work day scheduled and noted that the first hour is for the curriculum designed for the program and the majority of the day is spent on tasks designed by the City for the individual. He stated that the person who created this program in Virginia has offered to fly up to Minnesota and train the staff and the job coach on the curriculum and how to implement it. He stated that there is a cost of \$2,500 for this and Mr. Sieleni's family has offered to fundraise to come up with the funds for this training. He noted that TSE will also be providing the workman's compensation insurance for the coach and the volunteer.

Council Member Waller asked if the coach will be with the individual for the duration of the work day.

Public Safety Director Hoppe stated that the coach will be with the individual from start to finish and will work alongside them through the day and are responsible for supervision.

Councilmember Zerwas asked how many City employees will be trained for this program.

Public Safety Director Hoppe stated that training will be provided to about half of the staff, but noted that they have some individuals on staff that already have personal experience with IDD.

Councilmember Nanko/Yeager asked what would happen if the fundraising efforts fell short.

Public Safety Director Hoppe stated that it may be possible to use some of the supplement police funds, if needed. He stated that he would have no problem using those funds for this purpose.

Mayor Iverson stated that she had read a lot of articles about this program from Virginia and is excited that it may come to the City and feels it is a great honor to be the first City to start it in Minnesota. She noted that in Virginia, the cadets received a police uniform and asked if that is something that the City would be providing to the cadets.

Public Safety Director Hoppe stated that this is one detail that he hasn't figured out. He believes that they will be provided with a uniform similar to the police, but the patches will be different, but he is unsure if that comes from the GTO program or from the City. He stated that it will be a minimal expense, if the City needs to provide the uniform.

Councilmember Waller asked who would provide the necessary safety equipment for any of the tasks the cadets will be doing.

Public Safety Director Hoppe noted that the City would provide any necessary equipment and noted that they will be working alongside employees to complete the tasks as well.

Councilmember Luger asked who would determine the success of the program after the 16 weeks and what areas needed to be tweaked if the City decided it would like to repeat the program.

Public Safety Director Hoppe stated that he would be directly involved as the main liaison for the program. He stated that he thinks at the end of the 16-week period there will be a candid conversation with the cadet, his family, and the employees, to really evaluate whether this is something the City wants to continue to be involved in.

The Council discussed how the funds could be allocated if the City needs to bridge the gap to cover training costs.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER ZERWAS, TO APPROVE THE GROWTH THROUGH OPPORTUNITY (GTO) CADET PROGRAM AS A PILOT PROJECT AND AUTHORIZE ACCEPTANCE OF SEAN SIELENI AS THE FIRST VOLUNTEER CADET, AND IF IT IS NECESSARY TO PROVIDE ADDITIONAL FUNDING TO BRIDGE THE GAP OUT OF THE 208 FUND.

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

Voting Nay: None

Abstain: None

Absent: None

17. To consider approving a contract between the City of Wyoming and Law Enforcement Labor Services (LELS) for the years 2018 to 2020

City Administrator Linwood reviewed the proposed contract between the City and the LELS. He noted that the City had been negotiating for the last few months to come to terms to extend a contract that expired in 2017. He noted that this item was on the May 15, 2018 Council agenda and did not go through. He stated that there was a special meeting held for bargaining on May 24, 2018 and noted the contract is being presented tonight with a slight change in paragraph 10.1 and 10.2 that states, "if an employee opts out of the City Group Health

coverage, the City will pay the employee \$350.00 per month.”

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO APPROVE THE CONTRACT BETWEEN THE CITY OF WYOMING AND LAW ENFORCEMENT LABOR SERVICES (LELS) FOR THE YEARS 2018 TO 2020

Voting Aye: Nanko/Yeager, Luger, Iverson

Voting Nay: Waller

Abstain: Zerwas

Absent: None

Councilmember Nanko/Yeager stated that she would like to explain to people why she is changing her vote on this item. She stated that if she is perfectly honest, she disagrees with this contract and thinks the City could have done better. She noted that there are additional costs associated with not passing it which were high enough that she did not see enough benefit to the taxpayer. She stated because Councilmember Zerwas cannot participate in the vote because he has family on the police force, she has chosen to vote yes so it can pass, but wishes the Council knew about this conflict when negotiations first began.

18. To consider a City of Wyoming City Council Code of Conduct Policy

City Administrator Linwood noted that some policies were recently reviewed at a work session about a respectful workplace and a sexual harassment policy for the City. He noted that at that time there was some interest in developing a Code of Conduct Policy for the City Council and elected officials.

Councilmember Nanko/Yeager stated that she has some concerns about the policy. She stated that she finds it extremely controlling and intrusive because, in her opinion, it overreaches into private settings and into private conversations. She thinks that it may have the effect of inhibiting an honest exchange of opinions and ideas. She is concerned that dissenting views expressed publicly or privately could be considered breaches of this code of conduct. She is also concerned that the code could be applied unequally and could be used as a tool to silence or punish dissenting Councilmembers. She stated she feels this code can be circumvented by having family or friends make the comment that would be deemed inappropriate. She noted that if the Council believes this policy is necessary, she feels it should be extended to all Boards and Commissions as well as staff.

Councilmember Waller stated that he agrees with Councilmember Nanko/Yeager and has a few other issues. He asked who actually controlled the policy and whether it would be implemented. He noted that the City has had some other policies that have fallen by the wayside. He suggested tabling this item and have more specific line item discussions at a work session. He stated that he is concerned that the minority can be silenced through this policy.

Councilmember Zerwas stated that he read through the policy and felt it was very well written and is in favor of passing it tonight.

Councilmember Luger stated that she agrees that it is well written and thinks to question whether it would be applied equitably and fairly questions the ethics of those involved. She stated that if it is read and applied as it is on paper, she is comfortable approving it.

Mayor Iverson stated that she believes that as elected officials, the Council should be held to higher standards and the residents are expecting the Council to behave and to talk nicely to each other and be civil. She stated that she received a phone call a few months ago from a resident who was concerned because a Councilmember was saying some vulgar language about other Councilmembers, which is what brought this policy forward. She stated that she agreed with Councilmember Luger's comments that the fairness of the policy being enforced calls into

question all of the members integrity.

Councilmember Waller asked who would decide if a comment is belligerent or impertinent, for example, if someone is using sarcasm. He stated that under item #1, Ceremonial Events, it says that if the Mayor is unable to serve as the representative, the staff will determine if the event organizers would like another representative from the Council. He noted that he felt that this should automatically fall to the Deputy Mayor.

Mayor Iverson stated that she didn't think it would automatically be the Deputy Mayor but could be decided on by the full Council or the City Administrator depending on who would be available.

Mayor Iverson asked if the Council would like to discuss this at a work session or take action tonight.

Councilmember Zerwas would like to take action tonight.

Councilmember Nanko/Yeager would like to discuss it in a work session.

Councilmember Luger is comfortable taking action tonight.

A MOTION WAS MADE BY COUNCILMEMBER WALLER, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO TABLE ACTION ON APPROVAL OF A CITY OF WYOMING CITY COUNCIL CODE OF CONDUCT POLICY.

Voting Aye: Waller and Nanko/Yeager

Voting Nay: Iverson, Luger and Zerwas

Abstain: None

Absent: None

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER TO APPROVE A CITY OF WYOMING CITY COUNCIL CODE OF CONDUCT POLICY.

Voting Aye: Luger, Zerwas and Iverson

Voting Nay: Nanko/Yeager and Waller

Abstain: None

Absent: None

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER WALLER, TO EXTEND THE CITY OF WYOMING CITY COUNCIL CODE OF CONDUCT POLICY TO APPLY TO ALL BOARDS, COMMISSIONS AND STAFF.

Voting Aye: Waller and Nanko/Yeager

Voting Nay: Iverson, Luger and Zerwas

Abstain: None

Absent: None

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

City Administrator Linwood introduced Nancy Hoffman, Chisago County EDA Director, to give a summation of the project and the proposed tax abatement.

Ms. Hoffman explained that tax abatements are approved by each jurisdiction and effect only the taxes that are newly generated by the project. She explained that in 2011, Peterson Companies, Inc. had a fire that devastated their building and after looking at other possible locations, built in Wyoming and a little bit of Chisago City. She noted that they built their new building in 2012 and the County had approved a 10-year tax abatement for them at that time. She stated that Peterson Companies would like to construct a new 19,3000 sq. ft. building and are asking the City for a 10-

year abatement of \$8,000/year. She explained that in addition to their existing 161 jobs, the company expects to create 40 new full-time and 10 part-time jobs. She noted that the City EDA met on May 23, 2018 and is recommending holding a public hearing for the Council to consider a 10-year tax abatement.

John Peterson of Peterson Companies, Inc., 8326 Wyoming Trail, stated that quite simply they are asking to pay what they have been paying for taxes and not have an increase for their addition for ten years. He gave some statistical details of where his current employees live and noted that the company is very involved in the community.

Councilmember Nanko/Yeager stated that the only tax abatement that the City has granted in recent memory has been to Polaris and asked if other businesses such as X-treme Paint and the dental office had asked for a tax abatement.

City Administrator Linwood stated that was correct that those businesses had not requested tax abatement.

Councilmember Zerwas noted that the City policy states a term of five years for tax abatement and explained that he would have a problem going to 10 years.

City Administrator Linwood noted that the language of the policy states that five years is the "preferred" length for a tax abatement.

Councilmember Waller gave a brief overview of things that were discussed at the EDA meeting. He noted that he personally is hesitant to support a TIF or tax abatement, however, the Peterson Companies has tripled the number of employees they said they would and, as a company, have proven that they are worth it.

Councilmember Luger stated that as representatives of the community and representing their interests, it is tough for her to see this persuasively. She noted that as individual taxpayers, if we are making an improvement to a home, we don't ever get a pass on paying our taxes. She stated that she fully supports encouraging companies and retaining businesses but, thinks there comes a time where you have to pay your fair share in a community, especially one in which the infrastructure is being used regularly and heavily. She stated that to continue making progress and keep the tax levy down, she sees this as not beneficial to that process or to the larger community of individual taxpayers.

Councilmember Waller noted that they are using the State and County roadways and are not on the water system and have their own septic. He noted that on their first rebuild, the company did not receive an abatement from the City and reiterated that they have proven themselves and the City won't be losing tax revenue, just for the value of the addition to be abated for ten years.

Councilmember Luger stated that she understands the request but doesn't see it in terms of a deficit mentality. She stated that she sees it as, if you have the means and the ability to build on, then you should pay your fair share to the community in which you have set up.

Councilmember Waller asked how she would compare this to the issue of Polaris being granted a tax abatement.

Councilmember Luger stated that the issue of Polaris is not on the table.

Mayor Iverson asked Mr. Peterson if he would be purchasing more trucks as part of this addition.

Mr. Peterson stated that they are planning to continue to grow as they have the last few years and do have long term growth plans that do include more equipment.

Mayor Iverson asked if an abatement from the County and the City would mean a levy for those

tax dollars.

City Administrator Linwood stated that the City would levy for the tax dollars and believes the County would, as well.

Councilmember Nanko/Yeager stated that if the City captured the taxes and Peterson Companies did not receive an abatement, it would lessen the burden on the taxpayers.

A MOTION WAS MADE BY COUNCILMEMBER WALLER TO SET A PUBLIC HEARING TO CONSIDER A 10 YEAR TAX ABATEMENT REQUEST FROM PETERSON COMPANIES, INC. LOCATED AT 8326 WYOMING TRAIL, CHISAGO CITY, MN. MOTION DIED FOR LACK OF A SECOND.

20. To consider **Sketch Plan, D-18-002** a sketch plan from Paxmar, LLC. for “Greenwood At Carlos Avery” Sketch Plan, PID 21.00012.00, 21.10302.00, 21.10311.00, 21.10312.00, 21.10302.10, 21.10311.10, 21.00009.30, 21.10302.20, 21.10311.20, 21.10298.30, 21.10302.30, and 21.10298.40.

Building Official Weck noted that this is a second showing of the plan that was presented to the Council at the last meeting. He stated that they are planning to go back to the Park Board and look at parkland dedication and scale down the size of the planned park.

Alan Roessler, Paxmar, LLC, stated that since the Council had seen this sketch plan last, they have gone through the process of finalizing the floodplain information. He stated they are before the Council now to make sure they are comfortable with the planned lot sizes, setbacks, and the general layout of what they are proposing. He gave a brief overview of the plans and noted that they are planning life cycle style housing from starter homes, to move-up homes, to one level villa style. He stated that there is the opportunity for a homeowner’s association as well as commercial development. He stated that the smaller units will be like a detached townhouse.

Councilmember Nanko/Yeager asked if this development will look like Parkside North in Blaine.

Mr. Roessler stated that it will be similar to that development. He noted that this density and layout allows for a bit more green space and the market seems to be moving away from attached to detached townhomes.

Councilmember Nanko/Yeager stated that she had driven through the development in Blaine and found them to be quite rectangular like someone had played Monopoly and placed the hotels side by side. She stated that she would like there to be some splaying so there is more room for a walking path.

City Engineer Erichson noted that that kind of layout is dependent on the layout of the street. If the streets are straight, the lots will be straighter and more rectangular and if they are more curved, the lots will be more pie shaped.

Councilmember Nanko/Yeager stated that she did appreciate the open spaces behind the homes for walking paths.

Mayor Iverson asked for clarification for the residents in attendance of where this development is being planned.

Building Official Weck stated that it is behind the Village Inn.

Councilmember Nanko/Yeager asked if there would be more variation in housing styles than in Blaine. She stated that she was concerned about the downsizing of the park from 7.5 acres to 1.5 acres because it is a very large, self-contained development. She stated that the smaller park will accommodate the smaller children, but the older children will have to go elsewhere, such as

Lions Park. She asked what the City can do to get the older children across the street safely since this development will also mean an increase in traffic in the area. She stated that when the Urban Land Institute came in and commented on the project, the things mentioned in City Administrator Linwood's memo were things like that the City should be cautious with retail and take a more creative approach in the design of the commercial component. She asked if these suggestions could be incorporated into Mr. Roessler's plan.

Mr. Roessler stated that they could be and noted that the layout, specifically for the commercial area, was simply taken from plans they have done in the past and put them in as placeholders. He stated that the commercial development will really rely on what developments want to come in. He stated that there has been a lot of inquiries for hotels to locate on this site as well as the apartment complex for possible senior style housing. He noted that the wetland will limit the size of the structures that can go in as well.

Councilmember Nanko/Yeager stated that the development in the commercial area will probably be more piecemeal because of the wetlands and asked what would happen if Mr. Roessler didn't find anybody to come in and develop the commercial areas. She asked if the plan would be to come back to the City to make that area more residential.

Mr. Roessler stated that it would be something they would look at, if the City was willing to consider more residential development. He stated commercial use is always a bit of a chicken or egg situation but, in his experience, the commercial usually comes in last. He stated that if the City wanted to consider it, he feels the commercial area would lend itself well to a high or medium density housing because of the proximity of the freeway, but not single-family homes.

Councilmember Waller asked how deep the lakes would be dug. Secondly he asked if they had considered creating a private park for the development.

Mr. Roessler stated that it will depend on how much sand they can get out of them. Stated that they had not and feels it is a matter of opinion regarding the advantages and disadvantages of having a private park. He stated that he personally would like to see it be a public park and could even see kids that were staying at the hotel walk over and use the park during their stay.

Councilmember Waller confirmed that the Park Board wanted to waive the land in lieu of a parkland dedication fee.

City Administrator Linwood stated that the City would like the Joint Park Planning Commission to weigh in on this issue since the plan has changed since they evaluated it with the much larger parkland.

Mayor Iverson stated that her biggest concern is the traffic count on County Road 22 and how it will affect the current businesses.

Councilmember Luger asked Public Safety Director Hoppe if, in terms of a public safety lens, whether this jives with fire trucks, emergency vehicles, and first responders being able to maneuver around in the development area.

Public Safety Director Hoppe stated that he doesn't see an issue and noted that the EAW will determine where the entrances and egresses of the development will be located. He noted that the EAW will also shed some more light on the increase in traffic along County Road 22 but, didn't think there was anything in the development plans that would impede their ability to provide emergency services.

Mayor Iverson asked when the EAW study process would begin.

Mr. Roessler stated that if the Council likes their overall vision that is one of the big steps to be completed before they can move ahead and get the EAW study started.

Councilmember Nanko/Yeager stated that the County is about to do some improvements to County Road 22 and asked if those improvements will be sufficient to accommodate the extra traffic.

City Engineer Erichson noted that the City has been working with Chisago County and keeping them informed, so they are aware of the proposal. He explained some of the things that the EAW would analyze and consider.

Councilmember Waller asked if the City had heard from MnDot about when they will be looking at redoing the bridge and the exit.

City Engineer Erichson stated that the City did recently have a meeting with them about resurfacing Highway 61 all the way to the bridge, which has been expedited up to 2020, but there are no proposed bridge changes, at this time. He stated that they will keep MnDot informed on the status of this project as well.

Mr. Roessler stated that one of the nice things about this project is that it is located on a County Road, directly adjacent to a freeway, so it shouldn't overburden the local traffic.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO CONSIDER SKETCH PLAN D-18-002, A SKETCH PLAN FROM PAXMAR, LLC FOR "GREENWOOD AT CARLOS AVERY" SKETCH PLAN, PID 21.00012.00, 21.10302.00, 21.10311.00, 21.10312.00, 21.10302.10, 21.10311.10, 21.00009.30, 21.10302.20, 21.10311.20, 21.10298.30, 21.10302.30, and 21.10298.40.

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

Voting Nay: None

Abstain: None

Absent: None

21. To consider **Resolution 18-06-45** a resolution approving Site Plan S-18-001 for Xtreme Paint, Aaron Wachholz, PID 21.10293.00

Building Official Weck introduced Aaron Wachholz.

Aaron Wachholz explained that he was looking to build on a new site to expand his business to repair RVs and boats with exterior body work, painting and gel coating.

Councilmember Waller asked if he would be getting rid of his leased space.

Mr. Wachholz confirmed that he would be giving up the leased space, but not moving the other space at this time.

Councilmember Zerwas asked how close the building would be to the walking trail.

Mr. Wachholz stated that the building will be closer to Highway 61 than it will be to the walking trail.

Councilmember Nanko/Yeager asked if there would be screening or a fence between his property and the walking trail.

Mr. Wachholz stated that he is planning on fencing with privacy slats.

Building Official Weck stated that he hadn't had a chance to review the septic plans yet and noted that the project will have to obtain the necessary permits from other regulator bodies.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY

COUNCILMEMBER ZERWAS, TO APPROVE RESOLUTION 18-06-45 A RESOLUTION APPROVING SITE PLAN S-18-001 FOR XTREME PAINT, AARON WACHHOLZ, PID 21.10293.00, WITH THE CONDITIONS AS OUTLINED IN THE STAFF REPORT.

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

Voting Nay: None

Abstain: None

Absent: None

- 22.** To consider **Resolution 18-06-46** a resolution considering an interim use permit for an electronic graphic display sign for Hallberg Center for the Arts located at 5521 East Viking Blvd. Wyoming, MN 55092

Dennis Schilling stated that he serves on the Planning Commission and was unable to attend the last meeting where the Commission had a lengthy discussion of this application and wanted to share his opinion. He noted that staff has recommended approval and from what he saw in the Planning Commission minutes, there was a hang up about some of the definitions for the terms, such as quasi-public. He stated that when he missed the meeting, he didn't think it was going to be an issue. He noted that he had included the definition from the City of West St. Paul for quasi-public, and reviewed what is present in the area of the Arts Center. He stated that if he would have been present, he would have voted in support of the application, however, the Planning Commission voted 2-1 to recommend denial of the request. He reviewed the reasons outlined in the staff report. He stated that he doesn't see this as an issue in any way shape or form. He thinks the Arts Centers is a very beneficial thing for the City and in his opinion, this should have been a no brainer and approved with the conditions outlined by staff.

Andrew Engstrom, 5478 East Viking Boulevard, stated that he lives three doors down from the proposed sign location and would ask that the sign be rejected for a few reasons. He stated that the site lines for the sign information will be changed and he feels that perhaps a mobile sign along Highway 61 might be a better bang for their buck because there isn't a large volume of traffic along East Viking Boulevard. He stated that he wants to see the Arts Center flourish and thinks it is a really cool thing to have in the City, but with the new setback people will not be able to see the sign until they are right on top of it. He stated that he feels the term "interim" means temporary and doesn't know how a hard-wired sign could be considered temporary. He stated that the other concern he has is for safety because his children have almost been run over numerous times by distracted drivers. He stated that he feels a dynamic sign may contribute to creating even more distracted driving. He asked that the City look at the westbound lanes and consider striping the remainder of the road and perhaps designating some street parking for the Arts Center because the road is in poor condition and lots of people drive on the shoulder. He stated that he also feels an 8 second refresh is a little extreme and feels like the sign will basically be an advertisement for Hallberg because of the prominence of the name.

Building Official Weck reiterated Commissioner Schilling's statement that staff recommended approval and the Planning Commission voted 2-1 to recommend denial. He stated that had prepared resolutions for both approval and denial for the Council to consider.

Councilmember Nanko/Yeager noticed language in the resolutions that the City may order the sign to be removed if the ownership changes. She asked what would happen if the new owners won't comply due to lack of money or time to get around to it.

Building Official Weck stated, in that instance, it that would go to a civil court case.

Councilmember Nanko/Yeager asked if there was any interest from the Planning Commission to define what quasi-public means.

Building Official Weck stated that the Planning Commission plans to look at that issue but noted that the 60-day rule applies to this application, so a timely decision needs to be made and cannot wait until further discussion about the definition of quasi-public.

Councilmember Nanko/Yeager stated that she had read all the attached definitions and doesn't really understand how the Arts Center would be considered quasi-public other than the fact that they are a non-profit, although they sell art.

Mr. Peterson stated that the Arts Center is a true non-profit with no paid staff and the money they raise pays for insurance, utilities and other projects. He stated that they have received grants for things such as the handicapped ramp in front of their building and hold classes much like community ed operates, where a portion of what the teacher charges goes to the Arts Center. He stated that they hold 11 different shows a year that are free and open to the public.

Councilmember Nanko/Yeager stated that she had read the minutes of the May 8, 2018 Planning Commission meeting minutes that stated that there is art work offered for sale.

Mr. Peterson stated that they don't sell much art work and their goal is first and foremost to expose the public to art. He stated that if something does sell, 30% of that goes to the Arts Center and the other 70% goes to the artist.

Councilmember Nanko/Yeager noted the table in the staff report showed existing commercial uses in residential districts and everything quasi-public was either schools or churches so she wasn't sure how going from a church to an art gallery would still be considered quasi-public.

Mr. Peterson stated that the organization was started to enhance and enrich the lives of the people in the community and noted that all events are open to the public.

Councilmember Zerwas asked if interim use was for a specified amount of time, such as 1, 2 or 3 years.

Building Official Weck stated that it can be a set time from a day, a week or a year, or, like the recommendation outlines a change in the use of property, or a change in ownership.

Councilmember Zerwas asked what hours the sign would be lit.

Mr. Peterson stated that it is up to the Council what they will allow.

Mayor Iverson stated that she is in favor of the sign but, has some conditions that she would put on the interim use. She proposes winter hours of October-March, 7:00 a.m. to 7:00 p.m. and summer hours of April – September, 7:00 a.m. to 9:00 p.m., except when the center is open to the public. She stated that she would also recommend the condition that if the property were to be sold, the new owner would need to resubmit for the interim use permit to operate the sign or it would have to be removed. She stated that in thinking about the residents, she feels the refresh rate would have to be at 30 seconds, not 8 seconds.

Building Official Weck confirmed what he felt Mayor Iverson was suggesting is approval of the resolution, with the 8 conditions, as listed, but the refresh rate, on number 6 be changed to 30 seconds, and to clarify the daylight hours in number 5.

Councilmember Waller stated that he has a tendency to go along with the recommendation from the Planning Commission to define the terms and deny the request at this time.

Councilmember Nanko/Yeager stated that she would also prefer to uphold the Planning Commission recommendation.

Councilmember Luger stated that she is comfortable with the staff recommendations and the conditions as outlined, but noted she shares the same concerns for safety on East Viking Boulevard as Mr. Engstrom and feels striping would be helpful, however, there are many other things that could be done along the road to address safety and feels that the Arts Center is just

one piece of the puzzle and doesn't want to penalize them.

Mayor Iverson asked staff to address things that may be able to be done to address safety concerns.

Public Safety Director Hoppe stated that some of the issues that were raised were valid and agrees that the road conditions may be a big part of why people aren't staying in their lanes and noted that distracted driving is a problem state-wide. He noted that this is a priority road that their department gives attention to but some of the safety concerns raised are outside of their control.

Councilmember Nanko/Yeager stated that her other concern is that this is a residential area and is zoned residential. She is not sure if she would want a sign like this in her own neighborhood.

Building Official Weck stated that if the Council votes to approve this contrary to the Planning Commission recommendation the Council will need to present Findings of Fact for their reasons.

Mayor Iverson stated the Findings of Fact would be: Applicant is compliant with the 20-foot setback; Applicant will comply with winter hours; Other properties have had an interim use that go along with the sale of the property and the need to reapply for use if the property changes hands or use; A refresh rate of 30 seconds is safer than 8 seconds.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 18-06-46, A RESOLUTION CONSIDERING AN INTERIM USE PERMIT FOR AN ELECTRONIC GRAPHIC DISPLAY SIGN FOR HALLBERG CENTER FOR THE ARTS LOCATED AT 5521 EAST VIKING BLVD. WYOMING, MN 55092, WITH THE CONDITIONS AS OUTLINED IN THE STAFF REPORT WITH REVISIONS TO THE DAYLIGHT HOURS AND THE REFRESH RATE AT 30 SECONDS.

Voting Aye: Luger, Zerwas, and Iverson

Voting Nay: Waller and Nanko/Yeager

Abstain: None

Absent: None

23. To Consider Agreement 18-06-03 an agreement for contract services with MNSPECT, Inc. for 2018.

Building Official Weck explained that the Council had recently authorized the Building Department to hire a part-time person and after conducting interviews, that notion fell through because they were not able to find a qualified person to do the job. He stated that there seems to be a shortage of inspectors so they are looking at contracting with a private company called MNSPECT to assist in handling inspections. He noted that year to date, there have already been 17 new homes applied for, which is the most they have had in the last 9 years. He stated that it is getting busy and he needs the help.

Councilmember Waller asked if the City would be getting the same person from MNSPECT each time to provide consistency.

Building Official Weck stated that it would be the same person. He stated that they will be certified, but he would supervise them initially to make sure they measure up to his standards.

Councilmember Nanko/Yeager asked how many inspection hours he anticipates needing.

Building Official Weck stated that it is hard to say, but he has budgeted for 411 hours. He stated that currently for plans that require review, he is about 2 weeks out before he can take a look at them.

Mayor Iverson asked who would be liable in case of a mistake made as part of the inspection.

Building Official Weck stated that MNSPECT's insurance will cover any mistakes that may arise, but noted that this was part of the reason that he wants to make sure they are qualified and up to his standards to minimize that possibility.

Councilmember Zerwas asked where MNSPECT was located.

Building Official Weck introduced Scott Quall of MNSPECT to answer any questions the Council may have.

Mr. Quall stated that they are located in Waconia and currently handle back up services in Forest Lake and 17 other cities in the Twin Cities area.

Councilmember Zerwas asked where Waconia was located and how that would affect travel time.

Mr. Quall noted that Waconia is west of Eden Prairie, but they have staff located in various places throughout the Twin Cities so travel time shouldn't be a big issue. He noted that the agenda lists their company as MNSPECT, Inc. and it should be MNSPECT, LLC.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER ZERWAS, TO APPROVE AGREEMENT 18-06-03 AN AGREEMENT FOR CONTRACT SERVICES WITH MNSPECT, LLC. FOR 2018.

Voting Aye: Waller, Luger, Zerwas, and Iverson

Voting Nay: Nanko/Yeager

Abstain: None

Absent: None

24. To consider the use of Sewer Fund Balance for \$21,000.00 to pay for Capital Improvements Made on lift stations that were budgeted in 2017.

Public Works Superintendent Powers explained that in December of 2017, the Council approved lift station improvements and due to weather and the availability of the contractor, the project was not completed until 2018 and so the funds should be taken out of 2018 funds. He stated that they are asking for a transfer of funds so it does not affect the 2018 budget

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER IVERSON, TO APPROVE THE USE OF SEWER FUND BALANCE FOR \$21,000.00 TO PAY FOR CAPITAL IMPROVEMENTS MADE ON LIFT STATIONS THAT WERE BUDGETED IN 2017.

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

Voting Nay: None

Abstain: None

Absent: None

25. To consider **Resolution 18-06-47** a resolution authorizing the purchase a PCMS-4880 Multi-functional trailer with radar and data logging capability from Street Smart for \$14,999.62.

Public Safety Director Hoppe stated that this is a proposal to replace their speed trailer that received catastrophic damage last year when it spontaneously started on fire. He stated that this machine can log data that can be shared with the residents. He noted that there have already been requests for the speed trailer for this year. He stated that this board is multi-function and can be used as a message board in addition to the speed trailer function for other events or the

Public Works Department to advertise road closures. He stated that he is suggesting that the funds come out of the 208 fund which is primarily generated from administrative fines, such as speeding tickets.

Councilmember Zerwas asked if this unit had a solar charging panel.

Public Safety Director Hoppe stated that it does have solar charge panels.

Councilmember Nanko/Yeager stated that if the purpose of the speed trailer is to proactively keep the speeds down she asked if diverting it to be a message board actually defeated the purpose of having a speed trailer.

Public Safety Director Hoppe stated that its primary purpose will be as a speed trailer, but, noted that he feels there are times throughout the year that Public Works would benefit from being able to use the sign as a message board. He gave the example of Public Works working on the curves of Pioneer Trail and being able to use the message board to alert traffic and help keep the City employees safe.

Councilmember Nanko/Yeager asked how much it would cost to purchase a separate messaging board.

Public Safety Director Hoppe stated that it would be the close to the same cost and would be about \$13,000.

Councilmember Luger asked if the trailer would come with a warranty.

Public Safety Director Hoppe stated that it does come with a warranty that makes sure it works properly, but not for the life of the unit.

Councilmember Waller asked if the width of the unit fit with the uniform code for traffic control for a message board.

Public Safety Director Hoppe stated that he assumes the company building the units are building within the code of the traffic messaging boards.

Councilmember Waller noted that to be used for traffic control, the message board would have to be located off the highway. He suggested the City consider renting a message board for the times the City needs a message board.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER ZERWAS, APPROVING RESOLUTION 18-06-47 A RESOLUTION AUTHORIZING THE PURCHASE A PCMS-4880 MULTI-FUNCTIONAL TRAILER WITH RADAR AND DATA LOGGING CAPABILITY FROM STREET SMART FOR \$14,999.62.

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

Voting Nay: Waller

Abstain: None

Absent: None

CLAIMS:

26. Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of May 16, 2018 through June 5, 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 15, 2018 THROUGH JUNE 5, 2018, AND CORRECT CODING OF BILLS

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

Voting Nay: None

Abstain: None

Absent: None

COUNCIL REPORTS:

Councilmember Zerwas – Apologized that he left his detailed notes at home, but he attended the budget meeting for the Sewer Commission Meeting. He reviewed some of the projected costs and ways to come up with the necessary funding. He also attended the special Council meeting on May 24, 2018 and the budget kick-off meeting on May 30, 2018.

Councilmember Nanko/Yeager – Attended the All Boards meeting with the ULI, the Planning Commission meeting, the Council special meeting, the Council budget meeting, the Touch a Truck event, and the rush line task force meeting.

Councilmember Waller – Attended the All Boards Meeting with the ULI, the EDA and the budget meeting.

Councilmember Luger – Attended the special Council meeting, the budget meeting. The Park Board meeting was cancelled due to a lack of a quorum and rescheduled for June 1, 2018 at 6:00 p.m.

Mayor Iverson – Noted that there are some openings on the Park Board. She attended the All Boards Meeting with the ULI, the Wyoming Bike Rodeo, and the Planning Commission. She stopped by Ashton Park and thanked the Girl Scouts for making the park pretty. She also attended the special Council meeting and the first budget meeting. She attended the Touch a Truck event and thanked Polaris, Ziegler Cat, SRC, Public Works, Wyoming Building Department, Wyoming Public Safety and City staff for their work on the event. She stated that she met a family there that passed along their thanks to the snowplow drivers for doing such a great job this year. She stated that she is hoping to have future conversation about the safety along East Viking and come up with some ideas that help.

Public Safety Director Hoppe – Stated that he would also like to include Linwood Pizza because they donated all the pizza for the event.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO ADJOURN THE JUNE 5, 2018 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 9:06pm

Voting Aye: Waller, Nanko/Yeager, Luger, Zerwas, and 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 19, 2018
7:00PM