

**APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
DECEMBER 18, 2018
7:00PM**

CALL TO ORDER:

Mayor Lisa Iverson called the Regular Meeting of the Wyoming City Council for December 18, 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, Mark Vierling, Eckberg and Lammers

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

PRESENTATION:

Mayor Iverson – Presented a plaque thanking Councilmember Waller for his 2 years of service to the City.

OPEN FORUM:

APPROVAL OF MINUTES:

1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for December 4, 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 DECEMBER 4, 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: 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.

2. To consider adopting **Resolution 18-12-121** a resolution approving the issuance of various On-Sale, Off-Sale and Combination Liquor Licenses in the City of Wyoming for the year 2019.
3. To consider adopting **Resolution 18-12-122** a resolution approving the issuance of various Tobacco, Waste Haulers and Massage Occupancy Licenses in the City of Wyoming for the year 2019

4. To consider adopting **Resolution 18-12-123** a resolution appointing Justin Gervais to Wyoming Paid On Call Firefighters to Probationary Firefighter.
5. To approve the recommendation of Bret Ohnstad to the open position on the Wyoming Park Advisory Commission
6. To consider separation of employment with firefighter Adam Sauerwein effective immediately.
7. To consider hiring Shawn Smith as a Rink Attendant for the 2018-2019 season at \$11.00/hour
8. To consider approving the expenditure of \$6,285.00 to Braun Pump & Control for a damaged lift station pump under the City of Wyoming Emergency Purchasing Policy
9. To consider Agreement 18-12-07 to authorize the automatic aid/mutual aid agreement between the cities of Stacy and Wyoming for the dispatch and use of fire personnel and equipment
10. To consider Agreement 18-12-08 to authorize the automatic aid/mutual aid agreement between the cities of North Branch and Wyoming for the dispatch and use of fire personnel and equipment
11. To consider Agreement 18-12-09 to authorize the automatic aid/mutual aid agreement between the cities of Chisago and Wyoming for the dispatch and use of fire personnel and equipment.

Council Member Nanko/Yeager pulled Item #6

City Administrator Linwood pulled item #3

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE #2, #4, #5, #7, #8, #9, #10 and #11 OF THE WYOMING CITY COUNCIL CONSENT AGENDA.

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

Voting Nay: None

Abstain: None

Absent: None

#6 - To consider separation of employment with firefighter Adam Sauerwein effective immediately

Council Member Nanko/Yeager – Noted that if someone will be separated from employment, she would like to know why. She stated that she understands the Council would have to go into a closed session in order to discuss it.

City Attorney Vierling – Stated that the Council could not move into closed session at the meeting because there would need to be notice to the effected employee and they would have to give their consent. He stated that this employee is within their probationary period and staff is recommending the termination.

Council Member Nanko/Yeager – Stated that she would be more comfortable knowing the reasons behind the separation from employment.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER WALLER, TO TABLE CONSENT AGENDA ITEM #6 CONSIDER SEPARATION OF EMPLOYMENT WITH FIREFIGHTER ADAM SAUERWEIN EFFECTIVE IMMEDIATELY.

Voting Aye: Waller, Nanko/Yeager

Voting Nay: Luger, Zerwas, and Iverson

Abstain: None

Absent: None

#3 To consider adopting **Resolution 18-12-122** a resolution approving the issuance of various Tobacco, Waste Haulers and Massage Occupancy Licenses in the City of Wyoming for the year 2019

City Attorney Vierling – Noted that there is one license that has a potential issue and a matter pending for a garbage hauler SRC that may impact their license. He stated that staff is recommending that a condition be attached to this license that it is subject to review should a conviction occur in District court file 13-CR-18- 720.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE CONSENT AGENDA ITEM #3 CONSIDER ADOPTING RESOLUTION 18-12-122 A RESOLUTION APPROVING THE ISSUANCE OF VARIOUS TOBACCO, WASTE HAULERS AND MASSAGE OCCUPANCY LICENSE IN THE CITY OF WYOMING FOR THE YEAR 2019, SUBJECT TO REVIEW OF THE LICENSING FOR SRC, INC. IN 2019.

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

Voting Nay: None

Abstain: None

Absent: None

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE CONSENT AGENDA ITEM #6 CONSIDER SEPARATION OF EMPLOYMENT WITH FIREFIGHTER ADAM SAUERWEIN EFFECTIVE IMMEDIATELY.

Voting Aye: Luger, Zerwas, and Iverson

Voting Nay: Nanko/Yeager, and Waller

Abstain: None

Absent: None

COMMUNICATIONS:

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

OLD BUSINESS: NONE

NEW BUSINESS

17. To consider hiring Frances Duncanson on probationary status as Deputy Clerk at a starting wage of \$32.17/hour and employment to commence tentatively on January 21, 2019

City Administrator Linwood – Reminded the Council of the retirement of Deputy Clerk Krinkie earlier in December. He explained that 39 applications were received and three rounds of interviews were conducted along with skills and personality assessments, as well as background and reference checks. He noted that Ms. Duncanson has worked for the City of Amery, Wisconsin as Clerk/Treasurer and also served as Acting Administrator during a time of transition. He gave some examples of her 22 years of experience in related fields. He explained that he is recommending that Ms. Duncanson start at wage step #4 with a 6-month probationary period.

Council Member Nanko/Yeager – **Asked** about the timeline of Ms. Duncanson being able to obtain the necessary credentialing in Minnesota.

City Administrator Linwood – Stated that he is not sure of the timeline but he believes Ms. Duncanson will pursue the Minnesota certifications and because of her experience will have no trouble obtaining them.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER ZERWAS, TO CONSIDER HIRING FRANCES DUNCANSON ON PROBATIONARY STATUS AS DEPUTY CLERK AT A STARTING WAGE OF \$32.17/HOUR AND EMPLOYMENT TO COMMENCE TENTATIVELY ON JANUARY 21, 2019.

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

Voting Nay: None

Abstain: None

Absent: None

18. To consider **Resolution 18-12-124** a resolution selecting a consultant for City of Wyoming audit services for 2018-2020

City Administrator Linwood – Gave an overview of the process to obtain consultation for audit services. He noted that the two top firms were interviewed on December 5, 2018 and staff feels that Bergin KDB will be the best fit for the City.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 18-12-124 A RESOLUTION SELECTING BERGIN KDB AS CONSULTANT FOR THE CITY OF WYOMING AUDIT SERVICES FOR 2018-2020.

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

Voting Nay: None

Abstain: None

Absent: None

19. To consider **Resolution 18-12-125** a resolution approving the creation of the Capital Improvement Revolving Fund and Policy

City Administrator Linwood – Gave an overview of past conversations about the CIP Revolving Fund Policy and the reserve funds.

Council Member Nanko/Yeager – Noted that since the last work session where this was discussed, it has been announced that the State also has a sizeable surplus. She noted that Senator Koran feels this surplus should be returned to the taxpayers. She stated that she understands the reasons for setting up this fund, but finds Senator Koran's idea intriguing and wonders if perhaps the City should follow his lead and return this excess money to the taxpayers as well.

Council Member Zerwas – Stated that he is in favor of keeping the money in this fund.

Council Member Luger – Stated that she is in favor of returning this money to the community in the form of services and public safety.

Council Member Waller – Stated that he does not agree with this type of fund and agrees that a surplus should be returned to the taxpayers because it shows that there has been over-taxing.

Mayor Iverson – Asked City Administrator Linwood to explain how this excess money came to be.

City Administrator Linwood – Gave an overview of the surplus that was built over a number of

years and noted that approximately \$600,000 of the reserve funds is from unused LGA funds.

Council Member Nanko/Yeager – Reviewed some of the audit reserve amounts from 2014-2017.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER IVERSON, TO APPROVE RESOLUTION 18-12-125 A RESOLUTION APPROVING THE CREATION OF THE CAPITAL IMPROVEMENT REVOLVING FUND AND POLICY.

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

Voting Nay: Waller

Abstain: None

Absent: None

20. To consider **Resolution 18-12-126** a resolution approving the transfer of funds from the General Reserve Fund to the Capital Improvement Revolving Fund in the amount of \$1,578,765.00

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 18-12-126 A RESOLUTION APPROVING THE TRANSFER OF FUNDS FROM THE GENERAL RESERVE FUND TO THE CAPITAL IMPROVEMENT RESOLVING FUND IN THE AMOUNT OF \$1,578,765.00.

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

Voting Nay: Waller

Abstain: None

Absent: None

21. To consider approval of the job description for the Administrative Assistant/Utility Billing Clerk position and authorizing the Wyoming Administration Department to proceed with advertisement and a selection process for the position

City Administrator Linwood – Gave a brief overview of the position and duties and noted that it was included in the 2019 budget.

Council Member Nanko/Yeager – Noted that when the previous billing clerk retired, the City contracted with Opus and were told that it was a cost-effective decision that would save the City money. She stated that it appears redundant to once again hire a billing clerk after extending the contract with Opus for another 5 years.

City Administrator Linwood – Confirmed that the City would still retain the services of Opus and noted that this position would handle some of the more complex utility issues on-site that Opus is unable to handle.

Council Member Nanko/Yeager – Stated that growth is static and questioned whether the City should wait until there is a population growth that would warrant an increase in staffing.

City Administrator Linwood – Stated that he thinks that was taken into consideration with the Springsted study and noted that a portion of the funding for this position will come from the water and sewer utility fund.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE THE JOB DESCRIPTION FOR THE ADMINISTRATIVE ASSISTANT/UTILITY BILLING CLERK POSITION AND AUTHORIZING THE WYOMING ADMINISTRATION DEPARTMENT TO PROCEED WITH ADVERTISEMENT AND A SELECTION PROCESS FOR THE POSITION.

Roll Call Vote:

Councilmember Zerwas: Aye
Councilmember Nanko/Yeager: Nay
Councilmember Luger: Aye
Councilmember Waller: Nay
Mayor Iverson: Aye

- 22.** To consider **Resolution 18-12-127** a resolution approving Conditional Use Permit C-18-003, Kennel Conditional Use Permit Hinders Heart Animal Rescue Amanda Kennedy, 26710 Faxton Avenue, PID R21.10640.00

Zoning Administrator Weck – Gave an overview of the CUP application.

Council Member Zerwas – Asked how many cats the applicant anticipates will be present at one time.

Amanda Kennedy – Stated that the intake building will hold about 30-40 cats, however during certain times of the year, there may be higher numbers than that for short periods of time because of litters of kittens or when they are working on the trap, neuter and return projects.

Council Member Nanko/Yeager – Asked for clarification of what a “special needs” cat is.

Ms. Kennedy – Explained that special needs simply means that it is an animal that is more difficult for other agencies to adopt. She gave examples of a senior cat, a shy/unsocialized cat, or cats with acute or chronic illnesses or injuries.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER ZERWAS, TO APPROVE RESOLUTION 18-12-127 A RESOLUTION APPROVING CONDITIONAL USE PERMIT C-18-003, KENNEL CONDITIONAL USE PERMIT HINDERS HEART ANIMAL RESCUE, AMANDA KENNEDY, 26710 FAXTON AVENUE, PID R21.10640.00

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

- 23.** To consider **Resolution 18-12-128** a resolution approving D-18-001, Revised Preliminary Plat “Cherry Hill”, Ken Tolzmann 24738 Hamlet Avenue 21.10659.00

Zoning Administrator Weck – Gave an overview of the revised Preliminary Plat for “Cherry Hill”. He noted that the Planning Commission held a public hearing and is recommending approval.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 18-12-128 A RESOLUTION APPROVING D-18-001, REVISED PRELIMINARY PLAT “CHERRY HILL”, KEN TOLZMANN, 24738 HAMLET AVENUE 21.01659.00 WITH CONDITIONS #2, #3, AND #4 REMOVED.

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

- 24.** To consider **Resolution 18-12-129** a resolution approving V-18-002, Variance Length of Cul-de-sac “Cherry Hill”, Ken Tolzmann 24738 Hamlet Avenue 21.10659.00

Zoning Administrator Weck – Explained the reason for the variance request to the length of the

cul-de-sac. He noted that the Planning Commission held a public hearing and is recommending approval.

A MOTION WAS MADE BY COUNCILMEMBER WALLER, SECONDED BY COUNCILMEMBER ZERWAS, TO APPROVE RESOLUTION 18-12-129 A RESOLUTION APPROVING V-18-002, VARIANCE TO LENGTH OF CUL-DE-SAC, "CHERRY HILL", KEN TOLZMANN, 24738 HAMLET AVENUE, 21.10659.00.

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

Voting Nay: None

Abstain: None

Absent: None

25. To consider **Resolution 18-12-130** a resolution approving "payment of pay voucher #1 final" to Allied Blacktop Co. for the 2018 pavement management project (WSB project 012623-000) in the amount of \$87,536.75

City Engineer Erichson – Gave an overview of the fog seal improvement project and noted that staff is recommending approval.

Mayor Iverson – Asked for an explanation of the difference between a fog seal and a chip seal.

City Engineer Erichson – Gave a brief explanation of the different types of pavement preservation and their costs. He stated that he would like to spend time at a work session discussion the direction the City should go with these types of projects.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 18-12-130 A RESOLUTION APPROVING PAYMENT OF PAY VOUCHER #1 FINAL TO ALLIED BLACKTOP CO. FOR THE 2018 PAVEMENT MANAGEMENT PROJECT (WSB PROJECT 012623-000) IN THE AMOUNT OF \$87,536.75 AND \$2,436.75 TO BE TAKEN FROM THE ROAD FUND TO COVERAGE THE OVERAGE.

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

Voting Nay: None

Abstain: None

Absent: None

26. To consider approval of the job description for the Building Inspector position and authorizing the Wyoming Building Safety Department to proceed with advertisement and a selection process for the position

Zoning Administrator Weck – Noted that this is a budgeted item for a full-time Building Inspector. He gave a brief overview of the duties of this position.

Council Member Nanko/Yeager – Asked how much work MNSPECT had completed for the City.

Zoning Administrator Weck – Stated that he did not know the exact hours but he had been using them a few times a week for inspections. He stated that being able to utilize MNSPECT was not as helpful as he had expected, because it was difficult to schedule their time and hope that inspections were called for on the days they were here.

Council Member Nanko/Yeager – Asked if the City had spent the entire \$35,000 budget for MNSPECT services.

Zoning Administrator Weck – Stated that he does not have the final figures yet, but does not believe the entire amount was used.

Council Member Nanko/Yeager – Asked if this position was approved whether the City would terminate the contract with MNSPECT.

Zoning Administrator Weck – Confirmed that the MNSPECT contract would be terminated.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO CONSIDER APPROVAL OF THE JOB DESCRIPTION FOR THE BUILDING INSPECTOR POSITION AND AUTHORIZING THE WYOMING BUILDING SAFETY DEPARTMENT TO PROCEED WITH ADVERTISEMENT AND A SELECTION PROCESS FOR THE POSITION.

Voting Aye: Luger, Zerwas, Iverson

Voting Nay: Nanko/Yeager, Waller

Abstain: None

Absent: None

27. To discuss the Wyoming Trail sidewalk snow removal and continue discussion on potential lighting for Wyoming Trail

City Administrator Linwood – Showed a map that represented the existing power poles and lights located along Wyoming Trail.

Council Member Waller – Noted that he was looking to primarily have illumination for pedestrian cross traffic from Goodview Avenue up past Kennedy Estates, and not necessarily all along the Wyoming Trail.

The Council discussed the location of the lighting at the intersections and some of the blind spots where it may be difficult to see people crossing the road.

Public Safety Director Hoppe – Stated that his recommendation is to light up the intersections from curb to curb.

Mayor Iverson – Asked if the City would need to check with the nearby homeowners about putting in lighting at these intersections.

City Administrator Linwood – Stated that as part of the process, the City could contact the nearby residents.

There was a Consensus that there should be lighting at the intersections of Goodview Avenue and at Frontier Avenue near Kennedy Estates.

City Administrator Linwood – Stated that there had been complaints from residents about the large snow banks that were located along Wyoming Trail, in the areas along the trail that had very small right-of-way and were near property lines from clearing the trail. He noted that there had also been complaints about grass being killed from the various salt and chemicals used along the trail. He stated that staff is looking for direction from Council on whether the City wants to continue to try to clear Wyoming Trail.

Public Works Superintendent Powers – Noted that if the Council directs them to continue to clear Wyoming Trail, they plan to use a snowblower which should eliminate the large piles, but will still place the snow on private property that is not set aside for snow storage. He stated that it would be very difficult and time consuming to haul the snow away.

Mayor Iverson – Noted that she had received two of the complaint calls and that residents were concerned about the amount of large piles as well as access to the fire hydrants. She stated that she would like to see the City discontinue clearing Wyoming Trail because of the amount of complaints.

Council Member Nanko/Yeager – Suggested a compromise to clear the area between Glen Oak Avenue and Freeport Avenue that has adequate area for snow storage. She stated that this would give the walkers a loop and stays away from the areas of the trail that do not have adequate snow storage.

Council Member Zerwas – Stated that the right way to do the clearing would be to haul it away however, the City does not have the equipment or the manpower to do it that way, so he would suggest it not be done at all.

Council Member Luger – Stated that in light of the damage to private property and the complaints, she agrees that the City should discontinue clearing Wyoming Trail.

Council Member Waller – Stated that he feels it makes sense to clear the area between Glen Oak Avenue and Freeport Avenue in order for walkers to have a loop.

The Council discussed the importance of maintaining access to fire hydrants.

There was a majority consensus to discontinue maintenance of Wyoming Trail during the winter months.

CLAIMS:

28. Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of December 5, 2018 through December 18, 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 DECEMBER 5, 2018 THROUGH DECEMBER 18, 2018 AND CORRECT CODING OF BILLS

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

Voting Nay: None

Abstain: None

Absent: None

COUNCIL REPORTS:

Council Member Waller – Thanked the community for allowing him to serve on the Council for the last two years.

Council Member Luger – No report.

Council Member Nanko/Yeager – Wished the residents a happy holiday.

Council Member Zerwas– Attended the Sewer Commission meeting.

Mayor Iverson – Attended the Fire Department Holiday Party, the EDA and the Planning Commission meeting. She noted that on January 4, 2019 from 3:00-4:30 p.m. the City will host an Open House to wish Diane Krinkie well on her retirement.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER LUGER, TO ADJOURN THE DECEMBER 18, 2018 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 8:30 PM.

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:
JANUARY 2, 2019
7:00PM