

**APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
APRIL 16, 2024
7:00PM**

CALL TO ORDER:

Mayor Lisa Iverson called the Regular Meeting of the Wyoming City Council for April 16, 2024 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, Dennis Schilling, Claire Luger, and Brett Ohnstad (participating remotely from Tradewind Island Grand Resort, 5500 Golf Boulevard, St. Pete Beach, FL 33706)

ABSENT: None

Also Present: Tom Loonan, Eckberg Lammers, Robb Linwood, City Administrator, Grant MacFarlane, Assistant City Administrator, Mark Erichson-WSB, Neil Bauer - Public Safety Director, Fred Weck, Zoning Administrator/Building Official and Steve Reeves, Public Works Superintendent

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

Pat and Carol Kenneally, 6750 Greenway Lane – Explained that they have lived at this address for almost 30 years and would like to speak to the Council about the proposed Greenway frontage road realignment, alternative #6. She stated that in their time in the City they have spent thousands of dollars planting very specific trees and plants to block out, noise and light from both Highway 8 and Greenway Avenue and also to provide a privacy barrier. She noted that the proposed service road will take out 2 corners of their property and the right-of-way will result in the removal of trees on the northwest side of the property.

She stated that they feel the service road would decrease their property value due to the increased road noise, light, and loss of privacy. She explained that they have been told that the curve through their property must be at the angle proposed, but referenced the map and showed other sharp turns on the road, and stated that they did not feel the angle proposed needed to be there and could go around the outer corner of their property.

She stated that they have been told that the Highway 8 improvement project began in 2020 and explained that the only notification/communication they have ever received was one letter in August of 2021 that people would be on their property to take soil samples. She stated that they also received a postcard in 2023 and another in 2024 that the Highway 8 project had received funding and was moving forward. She reiterated that they just want to be included in this process and have a voice in the decisions being made. She clarified that they would like to have access to correspondence and meetings regarding this section of the project.

Mayor Iverson – Asked for clarification from City Engineer Erichson on whether this was a County project or a City project and noted that her understanding was that when the City did a project, they send out information.

City Engineer Erichson – Stated that was correct and explained that this was a County led project on a trunk highway. He stated that MnDot had started this effort years ago but it didn't

move forward due to lack of funding and the County, realized this was an important corridor with a lot of safety issues so they pursued this and took the lead on finding funding and are now looking at starting the design process.

Mayor Iverson – Stated that when the City looks at a local project, they take a look at the houses and businesses that would be effected by the project and asked if the assumption could be made that the County would be doing the same thing.

City Engineer Erichson – Stated that he assumed they would follow the same type of process, but he was not privy to their mailing lists and who would have received notice. He stated that he believes there have been notices in the local paper regarding neighborhood/project meetings. He stated that this has been going on for years and noted that he had participated in a few of the open houses as well.

Ms. Kenneally – Explained that they had never been invited to any of the open houses of project meetings, or even informed that they were occurring.

City Engineer Erichson – Reiterated that he was not privy to the County's mailing lists, but would say that, generally, that they would typically inform those homeowners or businesses about the project.

Mr. Kenneally – Explained that the unique part of this road alignment is that the rest of it is in the right-of-way and anyone who owned property on Highway 8 was aware that if there were adjustments they would lose the frontage. He stated that, in this situation, this is the back and not the frontage, and his understanding is that the two businesses have requested that they share in part of the land loss to their road.

Mayor Iverson – Suggested that the Kenneally's also attend the County meeting tomorrow with Commissioner Montzka, who represents the City, as well as the other County Commissioners. She stated that she appreciated the Kenneally's coming tonight to try to help the Council understanding what is happening, but would encourage them to attend the County meeting and explain this to them as well.

City Administrator Linwood – Noted that he has had some conversations about this issue and had asked the Kenneally's to come and share their concerns with the Council so it is on the record. He stated that the City has approved a preliminary layout and will continue to work with the County as the project moves forward.

Mayor Iverson – Stated that she would come out and take a look at the Kenneally's property and if they decide to attend the County meeting tomorrow, she asked them to contact her, because she would like to try to attend alongside them.

Councilmember Luger –She stated that it sounds like communication is a big issue and was concerned that may be the case with other residents. She asked if the City could request the information on who has been notified.

City Administrator Linwood – Confirmed that the City can reach out to County Engineer Triplett and ask him about the notification areas along the corridor. He noted that he and City Engineer Erichson were planning to go out to this site and take a look next week, as well.

APPROVAL OF MINUTES:

- 1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for April 2, 2024**

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE THE MINUTES OF THE “REGULAR

MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR APRIL 2, 2024 AS SUBMITTED.

Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, 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 authorizing the payment of recommended bills, payroll, and journal entries for the period of April 3, 2024 to April 16, 2024
3. To consider a Letter of Support to Representative Pete Stauber for the Highway 8 Reconstruction Project
4. To consider **Resolution 24-04-40** a resolution approving payment to Miller Excavating, Inc. for the 2023 Street Project in the amount of \$11,824.80
5. To consider **Resolution 24-04-41** a resolution approving Pavement Management System Ratings to be completed by WSB & Associates, Inc. in the amount of \$19,990.00
6. To consider **Resolution 24-04-42** a resolution to authorizing the purchase of a 2024 Dodge Durango vehicle from guardian fleet safety in the amount of \$40,003.00

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE #2, #3, #4, #5, and #6 OF THE WYOMING CITY COUNCIL CONSENT AGENDA .

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

Voting Nay: None

Abstain: None

Absent: None

ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND DEPARTMENT HEADS:

7. Report of the Public Safety Director, Neil Bauer for April 11, 2024
8. Report of City Building Official, Fred Weck, IV for April 11, 2024
9. Report of City Attorney Tom Loonan for April 12, 2024
10. Report of City Engineer Mark Erichson, WSB for April 12, 2024
11. Report of Public Works Superintendent, Steve Reeves for April 12, 2024

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS

12. To consider Resolution 24-04-43 a resolution designating polling places for the remaining 2024 elections

Assistant City Administrator MacFarlane - Noted the continued growth of the City has resulted in the City offering a second voting precinct for elections for the first time in 2024. He stated that the City has worked alongside the County to ensure that residents who would be in the new precinct received mailings and was also published on social media. He explained that in February, staff was made aware of an error on the State's website regarding the locations of the polling place and the two were listed in opposite locations. He stated that they had reached out to have this corrected, but were told it was too close to the March 5, 2024 primary election for that to be done. He explained that they were here today to get the polling places corrected and allow people to vote in the location closest to their location and noted that they would also be sending out new mailings and pushing the social media updates and making sure the State has the correct information as well.

Mayor Iverson – Asked if this was something that happened because of the County and not the City.

Assistant City Administrator MacFarlane – Stated that it appears as though something was missed between the State and the County. He noted that both he and City Administrator Linwood had multiple phone calls with the County about making sure that this information was correct because it would be such a large change for the residents and were assured that it would be correct which was why they were quite surprised when it occurred. He stated that this mistake was made outside of the City's 'court'.

Mayor Iverson – Stated that she knew that staff had been working on this for a few years and was not something done quickly.

City Administrator Linwood – Agreed and explained that the City had identified and worked on designating land areas for the precincts in previous years before going through the process with the Secretary of State. He stated that he is not completely sure what happened and whether it was a mistake or a breakdown in communication, but they were working to get it corrected.

Council Member Nanko Yeager – Asked if there were a lot of people that went to the wrong location.

Assistant City Administrator MacFarlane – Stated that at one location, they had about 250 overall voters and of that, there were about 20 people that were at the wrong location.

City Administrator Linwood – Stated that he was at the other location and had less than that amount. He noted that as part of this process, every household in the City will receive cards in the mail from the Secretary of State about this change and it would also be pushed out in the newsletter and on-line resources.

Council Member Schilling – Noted that he noticed that his polling place was correct, but the A and B designation was incorrect.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE RESOLUTION 24-04-43 A RESOLUTION DESIGNATING POLLING PLACES FOR THE REMAINING 2024 ELECTIONS

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

Voting Nay: None

Abstain: None

Absent: None

13. To consider a Council Work Session meeting on April 30, 2024

City Administrator Linwood – Stated that staff was requesting a Council Work Session meeting be held on April 30, 2024 at 5:30 p.m. to continue discussion on Highway 8 and received updates from County Engineer Tripplett. He stated that City Engineer Erichson asked that the second half of the Work Session be used to discuss the 2024 Street Reconstruction project and its scope.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE COUNCIL WORK SESSION MEETING ON APRIL 30, 2024 AT 5:30 P.M.

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

Voting Nay: None

Abstain: None

Absent: None

14. To consider Council Work Session on May 15, 2024

City Administrator Linwood – Explained that this meeting request was to conduct the Annual Road Tour. He noted that Fairview Meadows has agreed to donate a driver for this tour and thanked them for their continued partnership with the City.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE A COUNCIL WORK SESSION MEETING ON MAY 15, 2024 AT 5:00 P.M. TO CONDUCT THE ANNUAL ROAD AND PROJECT TOUR.

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

Voting Nay: None

Abstain: None

Absent: None

15. Proclamation Celebrating Arbor Day 2024

Assistant City Administrator MacFarlane– Gave an overview of the City's history in becoming a member of Tree City USA program. He stated that there will be a tree planting event on Saturday, April 27, 2024 at the City Hall from 10:00 a.m. to 12:00 noon and noted that the 'rain day' would be the following Saturday. He encouraged the public to attend and noted that they were also working on some possible Boy and Girl Scout participation that day.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE A PROCLAMATION CELEBRATING ARBOR DAY 2024.

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

Voting Nay: None

Abstain: None

Absent: None

COUNCIL REPORTS:

Council Member Ohnstad – No report.

Council Member Nanko Yeager – No report.

Council Member Luger – Attended the Sewer Commission meeting.

Council Member Schilling – No report.

Mayor Iverson – Attended the Joint Sewer Commission meeting and the EDA meeting. She noted that they are currently looking for another EDA member if anyone was interested she encouraged them to contact the City. She expressed her appreciation to Council Member Luger for chairing the last Council meeting while she was absent. She stated that she had received some questions about Katie's Glen related to the wetlands and asked staff to give an explanation about the wetland process in this situation.

City Engineer Erichson – Stated that when all developments come through, there is a requirement for them to identify existing wetlands and noted that the City is the Local Governing Unit (LGU) for the Wetland Conservation Act. He stated that Dustin Simonson, WSB, formalizes that process along with a wetland evaluation panel which could include members from places like BWSR and the DNR. He stated that a development needs to go through a process of avoidance and a sequencing process that identifies where roads are and in some cases, wetlands are scattered around and some are of higher quality than others. He stated that did occur with the Katie's Glen project and explained that they are impacting 3 wetlands on the property, one in its entirety, and the others impact less than 300 sq. ft. in both instances. He noted that the overall impact is less than ¼ acre and in order to do that they need to either restore wetlands on-site or purchase credits which needs to be done at a 2:1 ratio. He noted that, in this case, they will purchase wetland credits for .5 acre from the wetland bank. He assured the Council that they would not be wiping out all the wetlands on the property and was just small portions of them.

Mayor Iverson – Asked for confirmation that they would not be taking dirt and filling in all the wetlands.

City Engineer Erichson – Confirmed that was not what was being done for the Katie's Glen project.

Mayor Iverson – Stated that she believed the Council had approved this development about 2 year ago and asked City Attorney Loonan why the City had to approve it.

City Attorney Loonan – Explained that, when the City receives an application for a development like this, the Council is guided by the City zoning code and the Comprehensive Plan. He stated that if a development comes forward that meets the application requirements and land use guidance, the City is limited in their authority in that situation. He explained that the Council serves in a quasi-judicial role and are not allowed to make a determination on whether it is a project that they want or not, but is to apply the project to what had previously been adopted by the City within the Comprehensive Plan and the zoning code. He stated that if they do not do that the City could potentially be exposed to a lawsuit from developers for not conforming to those requirements that had been previously adopted. He explained that there was not a lot of discretion given to the Council at the time the application comes forward. He stated that when the Katie's Glen project came forward, it satisfied those requirements and the Council, from a legal perspective, had limited discretion in that situation, without exposing them to potential liability if the developer chose to challenge the decision.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO ADJOURN THE APRIL 16, 2024 "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 7:35 PM

Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, 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:
MAY 7, 2024
7:00PM