

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

CALL TO ORDER:

Mayor Lisa Iverson called the Regular Meeting of the Wyoming City Council for August 7, 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, Brett Ohnstad, and Claire Luger

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:

APPROVAL OF MINUTES:

1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for July 16, 2024

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR JULY 16, 2024 AS SUBMITTED.

Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, 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 July 16, 2024

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE THE MINUTES OF THE “WORK SESSION MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR JULY 16, 2024 AS SUBMITTED.

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

Voting Nay: None

Abstain: None

Absent: None

SCHEDULED BID LETTINGS:

3. To consider **Resolution 24-08-72** a Resolution Receiving Bids and Awarding a Contract for Phase 2 of the Railroad Park construction project to JL Theis, Inc. for the base bid and alternate #1 in the amount of \$201,435.30

Assistant City Administrator MacFarlane – Explained that the low bid for Phase 2 of the Railroad Park project was received by JL Theis, Inc.

Mayor Iverson – Asked for an overview of Phase 2 of the Railroad Park project.

Assistant City Administrator MacFarlane – Explained that there would still be one remaining phase and stated that the second phase would include the themed history walk with 3 adjacent pads for future benches, pads for donation pavers, history and interpretive signs, decorative pedestrian light poles, relocation of the existing bike fix-it station, and the retaining wall.

Council Member Nanko Yeager – Asked how long it would be before Phase 3 would begin.

Assistant City Administrator MacFarlane – Stated that he believes that it would be sometime next year.

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 24-08-72 A RESOLUTION RECEIVING BIDS AND AWARDING A CONTRACT FOR PHASE 2 OF THE RAILROAD PARK CONSTRUCTION PROJECT TO JL THEIS, INC. FOR THE BASE BID AND ALTERNATE #1 IN THE AMOUNT OF \$201,435.30

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

Voting Nay: None

Abstain: None

Absent: 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.

4. To consider authorizing the payment of recommended bills, payroll, and journal entries for the period of July 16, 2024 to August 7, 2024
5. To consider a letter of support for the Comfort Lake Forest Lake Watershed District (CLFLWD) grant application.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE #4 and #5 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:

6. Report of the Public Safety Director, Neil Bauer for July 31, 2024

Mayor Iverson – Congratulated Public Safety Director Bauer for his clean BCA audit report and

asked him to give an update to the Council.

Public Safety Director Bauer – Explained that the licensing agency for law enforcement in the State conducts periodic audits to ensure that they are complying with training requirements and other processes. He stated that they came in and found that the Department was in good shape which is a big compliment to their staff.

7. Report of City Building Official, Fred Weck, IV for August 1, 2024

8. Report of City Attorney Tom Loonan for August 1, 2024

9. Report of City Engineer Mark Erichson, WSB for August 1, 2024

10. Report of Public Works Superintendent, Steve Reeves for July 31, 2024

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS

11. To consider **Resolution 24-08-73** a resolution Amending the Conditional Use Permit for a Planned Unit Development C-24-001 Summer Fields, LLC, Property ID Numbers: 21-10582.XX

Zoning Administrator/Building Official Weck – Explained the request to amend the CUP in order to reduce the setbacks on the side property lines for the development in order to allow the construction of homes with 3 car garages. Planning Commission recommends approval with the conditions listed in the report.

Mayor Iverson – Noted that the applicant had explained at the Planning Commission meeting the reason behind wanting to be able to build smaller homes with 3 car garages and asked him to also describe this to the Council.

Jesse Moxness – Stated that the reason behind this request is that they have a lot of builders and customers in the area that want 3 car garages. He stated that he wants to make sure that there is still aesthetic value to the homes and not just look like a home that is all garage and being able to have reduced setbacks meant it would look a lot better.

Mayor Iverson – Asked if the homes would be sold to 55+ or if there would be families moving in.

Mr. Moxness – Explained that right now most of their customers have been in the 50+ age range but noted that the development was not exclusive, so anyone could buy them.

Council Member Nanko Yeager – Asked if there would still be room to get large equipment through, for example, from a tree company.

Mr. Moxness – Confirmed that there would still be room to get that kind of equipment through.

A MOTION WAS MADE BY MAYOR IVERSON, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE RESOLUTION 24-08-73 A RESOLUTION AMENDING THE CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT C-24-001 SUMMER FIELDS, LLC, PROPERTY ID NUMBERS: 21-10582.XX

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

Voting Nay: None

Abstain: None
Absent: None

12. To consider **Resolution 24-08-74** a resolution approving an Interim Conditional Use Permit for Residential Kennel: I-24-003 for Alexander Kabalan located at 24567 Elmcrest Avenue, PID #21.10624.30

Zoning Administrator/Building Official Weck – Reviewed the request for an Interim CUP for a residential kennel for up to 6 dogs on the property. He stated that the Planning Commission was recommended approval with the conditions outlined in the packet.

Mayor Iverson – Noted that she would give residents the opportunity address the Council, but asked that they be respectful.

Dayne Kubitschek, 24553 Elmcrest Avenue – Explained that he was mostly concerned about the safety of his family and their wellbeing. He stated that he understands that Mr. Kabalan doesn't want anything bad to happen, but he is very concerned, because if something were to happen, he would not be able to stop 6 dogs. He stated that there are already 6 dogs on the property and did not believe it was 'normal' for someone to have that many dogs. He noted that there are families the surround this property that are all concerned about this and explained that they want to be able to have quality of life as well as safety on their own properties.

Kim Woehl, 24733 Kettle River Boulevard – Stated that her concern was related to noise and thinks 4 dogs is plenty and felt that having 6 dogs would be over the top. She stated that she has heard from the neighbors that safety is a huge concern for children as well as other animals, but also had concerns about the noise. She stated that everyone in the area bought their properties in order to have quiet peaceful enjoyment.

Hailey Moran, 24645 Kettle River Boulevard – Stated that she was certain that the Council was already aware of the neighborhood's position of opposition to these 6 dogs. She stated that she has a young daughter that plays in their front yard and she has serious concerns about there being 6 large dogs running wild and free around the 4.6 acres next door. She noted that if any of the dogs happen to get out it would put her family and their guests at risk. She stated that she feels that this request was a 'may' and not a 'must' situation and stated that just because the City can allow someone to have 6 dogs and did not feel that they needed to allow it.

Brian Woehl 4581 250th Street N – Stated that he had delved into this a bit more at home because he wanted more information. He stated that he did not intend to invade anyone's personal privacy, but had looked into where the applicant currently lives and it appears that Coon Rapids has a 4 dog maximum rule and did not see where Mr. Kabalan had applied to have the 6 dogs at that location. He noted that at the last meeting they had talked about removing the wire off the top of the fence and mowing the property and explained that the property has been mowed, which he was happy to see, but felt that if the Council was considering approval, he felt that the wire should be off the top of the fence before that happens.

Mayor Iverson – Asked the applicant to come forward in order to answer some questions from the Council. She stated that she was in attendance at both Planning Commission meetings where this request was discussed, but Mr. Kabalan had only been present at the second meeting because he had gotten the earlier meeting date mixed up. She noted that at the second meeting Mr. Kabalan had stated that he purchased the property in October and it was because he had 6 dogs and wanted to keep them on 5 acres with a personal kennel. She asked when Mr. Kabalan realized that he needed to get the personal kennel designation and install a fence.

Alexander Kabalan, Applicant – Explained that he had received an e-mail or call from Building Official Weck.

Mayor Iverson – Asked if Building Official Weck knew that Mr. Kabalan had 6 dogs.

Zoning Administrator/Building Official Weck – Explained that he had received a complaint that he had more than 4 dogs and sent him a letter. He noted that he would have to look in his file, but believes that the letter was sent in either April or May.

Mayor Iverson – Asked additional questions relating to the rules in Coon Rapids versus Wyoming, whether he had a kennel permit while in Coon Rapids,

Mr. Kabalan – Stated that they just wanted to move out of the city in order to enjoy the country life and had not had a kennel permit in Coon Rapids. He noted that none of his neighbors in Coon Rapids had complained because they all love his dogs. He stated that in Coon Rapids they have a vinyl fence and 2 of his neighbors have small dogs and there have never been any issues. He stated that nobody had ever complained about noise and noted that the dogs do bark sometimes, because that is what dogs do. He shared a history of how he can come to own the 6 dogs.

Mayor Iverson – Stated that during the Planning Commission meeting, Mr. Kabalan had also stated that he was not currently living full-time in the City.

Mr. Kabalan – Stated that he was not because he wanted to make sure that they got their permit before they moved here and are also some improvements he wanted to make to the property. He stated that he was not planning to spend money on them if they do not receive the permit. He stated that he has had the dogs on the property on and off when he has been there. He explained that when they had first moved in, he had to put up a temporary fence with chicken wire in order to contain the dogs. He stated that none of his dogs are aggressive and explained that he had sent Building Official Weck information about all the training his dogs have had. He noted that his dogs are the same as K-9 dogs and are very well trained and behaved.

Mayor Iverson – Asked why Mr. Kabalan had not read the conditions of approval.

Mr. Kabalan – Explained that he just hadn't paid attention to them because he has a very busy schedule. He stated that he had glanced at the e-mail from Building Official Weck, but had not read through the whole thing.

Mayor Iverson – Stated that it appears as though he had already mowed the yard and asked why the wire on top of the fence had not been removed.

Mr. Kabalan – Confirmed that he had mowed the lawn and was waiting on the contractor who installed the fencing to come and remove the wires. He stated that the contractor is busy because this is the summer, but it is on their schedule. He assured the Council that he was not here to break any laws and was trying to get along with all his neighbors.

Council Member Luger – Stated that the residents have voiced various safety concerns and asked if Mr. Kabalan's dogs were up to date on their vaccines and if there was any history of aggression by the dogs.

Mr. Kabalan – Stated that they were up to date on their vaccines and noted that their vet is in New Brighton and offered to get copies of their records to the City. He stated that the dogs have had zero history of any kind of aggression. He noted that the dogs are German Shepherds, so they look intimidating, but were actually sweethearts.

Council Member Luger – Asked if the dogs were 'fixed'.

Mr. Kabalan – Stated that 2 of the dogs were not fixed, and explained that they were not planning on breeding the dogs.

Council Member Luger – Asked if there had been any complaints or issues with his neighbors in Coon Rapids and asked about the screening.

Mr. Kabalan – Confirmed that there were no complaints when he was living in Coon Rapids and stated that they were looking at installing slats in the chain link fence in Wyoming to provide additional screening.

Council Member Luger – Stated that this area is zoned Agriculture which is a huge difference from residential and asked what other uses or animals that can go into Agricultural zoning.

Zoning Administrator/Building Official Weck – Stated that the City has what is called ‘animal units’ which is 1 animal unit per 2 acres, so a 5 acre lot, without needing permission from the City, could have 2 steers or heifers; 2.5 horses; 2.5 dairy cows; 5 pigs; 12.5 sheep; 50 turkeys; 50 chickens; or 25 ducks. He stated that there were also some businesses that could be located in Agricultural zoning.

Council Member Luger – Noted that there are 10 conditions of approval along with the addition of screening and asked what would happen if the applicant did not meet the terms of the conditions and if the dogs were barking for prolonged periods of time.

Zoning Administrator/Building Official Weck – Explained that the CUP could be revoked by the City. He stated that regarding barking, the City has a nuisance ordinance that would address that situation. He stated that he had contacted Coon Rapids earlier today and spoke to them and confirmed that Mr. Kabalan did not have a permit and was also told that there were no complaints regarding Mr. Kabalan’s property.

Council Member Luger – Asked for an estimate of time throughout the day how often the dogs would be let out and how long it would be.

Mr. Kabalan – Stated that is hard to say, but noted that when they are out there were out for now more than an hour at a time. He explained that they only let them out when they need to go potty and to be able to burn off some energy. He noted that they have not had issues with the dogs digging and noted that they installed extra wires under the fence, just in case. He stated that he had also communicated with the City that they could come a visit the site to see it.

Council Member Luger – Stated that bored dogs dig and asked what Mr. Kabalan can do in order to prevent the dogs from getting bored.

Mr. Kabalan – Stated that he does not believe that they will ever be bored with this amount of acreage.

Mayor Iverson – Asked how many dogs were allowed for a kennel.

Zoning Administrator/Building Official Weck – Stated that the City had, for a commercial kennel issued a permit for over 100 dogs, but noted that the City’s limit is ‘over 3 dogs’ and after that they are supposed to have a kennel permit.

Council Member Ohnstad – Stated that he was concerned about the fencing being put around the entire yard rather than just the back yard because of the potential for there to be blind spots. He stated that it also can make it difficult for safety personnel to get to the property and asked if there was anything that they have worked on to allow access for them.

Mr. Kabalan – Stated that they have 20 foot guide gate in front that would not be locked and had also installed a gate at the back of the property in case they needed an emergency exit.

Mr. Kabalan – Stated that they have a future plan for the property to build their ‘forever’ home and the existing home would just be temporary.

Council Member Ohnstad – Asked if his future plans also included any businesses.

Mr. Kabalan – Answered that he was not planning for any businesses, because he already has plenty of them.

Council Member Ohnstad – Stated that right now he has 6 dogs and asked if the plan would be to bring the total number down as the dogs die.

Mr. Kabalan – Explained that he could not predict the future, but could guarantee that they will not have more than 6 dogs.

Council Member Nanko Yeager – Asked about the slat screening for the fencing and if vegetation would also be required. She noted that the Planning Commission minutes mentioned that the wire on top of the fence was flagged when it was inspected and asked when that had taken place.

Zoning Administrator/Building Official Weck – Explained that Mr. Kabalan had come in for a fence permit after the letter had been sent. He stated that he came in for a permit for a 6 foot tall chain link fence, but the top ended up having the extra wires be added and explained that he would have to look up when the fence was actually inspected.

Council Member Nanko Yeager – Shared an example of an areas she walks through that have numerous dogs that bark at her while she is walking and noted that she had an appreciation for the neighbor's concerns related to barking dogs.

Zoning Administrator/Building Official Weck – Stated that the fence permit was issued on April 2, 2024, the inspection took place on May 22, 2024.

Council Member Nanko Yeager – Asked how long someone usually had to comply with the inspection findings because the wires are still in place almost 3 months after they were flagged.

Mr. Kabalan – Reiterated that his contractor was just busy and explained that he had already called them about 5 times but assured the Council that it would be taken care of.

Council Member Schilling – Noted that all of his questions had already been asked. He stated that his neighborhood is the one that Council Member Nanko Yeager had referred to because there are 12 dogs within 6 homes, so it can get a bit noisy because they have a walking path. He stated that when there are not people walking around the dogs aren't really doing anything or reacting to each other.

Council Member Luger – Asked how many other residential kennel permits were in the City and if there had been any issues with those permits.

Zoning Administrator/Building Official Weck – Stated that he believes that there were 6 or 7 in the City and has not received any complaints following the issuance of the ICUPs.

Mayor Iverson – Stated that she only sees certificate of training for 4 of the dogs.

Zoning Administrator/Building Official Weck – Stated that the other 2 dogs were still considered puppies.

Mr. Kabalan – Explained that they were in the process of receiving training and noted that one of the dogs was being trained by Top Dog Training in Wyoming.

Mayor Iverson – Asked City Attorney Loonan to explain what could happen if the City does not approve this request.

City Attorney Loonan – Gave an overview of the Council's role as either a quasi-judicial authority or a quasi-legislative authority. He stated that the quasi-legislative is their authority to make laws, pass ordinances, and adopt zoning code provisions and the quasi-judicial is when they were required to apply the rules and laws to situations such as a land use application. He explained that in this instance, the Council was wearing its quasi-judicial hat because they were being asked to apply the authorities that the City has adopted as law, do an analysis and determine whether or not the applicant has met the standards. He stated that generally, the City has previously identified that for agricultural property a residential kennel may be conditionally permitted as an interim use. He stated that when the Council either votes for approval or denial, they will need to have findings of fact which establish the record that could be challenged on appeal that would happen through the court system. He explained that staff has looked at the criteria for approval and has made a recommendation for approval and noted that the Council was able to apply conditions of approval to place restrictions on the use, so if they are violated, the City would have the authority to revoke the approval. He stated that the Council was being asked to look at the criteria that the City has adopted to make a determination of approval or denial. He reiterated that both staff and the Planning Commission have reviewed this and were recommending approval.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 24-08-74 A RESOLUTION APPROVING AN INTERIM CONDITIONAL USE PERMIT FOR RESIDENTIAL KENNEL: I-24-003 FOR ALEXANDER KABALAN LOCATED AT 24567 ELMCREST AVENUE, PID #21.10624.30

Roll Call Vote:

Voting Aye: Schilling, Luger, Ohnstad, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: None

Mayor Iverson – Stated that this was a very difficult decision for her and assured the residents that she has heard every one of them. She stated that her heart would have loved to say 'no' to this request, but her morals would not allow her to because of what was just explained by City Attorney Loonan.

City Attorney Loonan – Noted that it was no longer necessary for item #13 to be conducted in a closed session.

Mayor Iverson – Suggested that the Council move ahead with Council Reports before the last items.

COUNCIL REPORTS:

Council Member Ohnstad – Attended the Park Advisory Commission meeting and Night to Unite.

Council Member Nanko Yeager – Attended the Night to Unite event and courtesy of the Friends of the Library, scooped at least 500 ice cream cones.

Council Member Luger – No report.

Council Member Schilling – No report.

Mayor Iverson – Attended Night to Unite and expressed her appreciation to Public Safety and Public Works.

Mayor Iverson recessed the meeting at 8:03 p.m. and reconvened at 8:09

13. To consider the resignation of Hunter Huberty from the Wyoming Fire Department

A MOTION WAS MADE BY MAYOR IVERSON, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE THE RESIGNATION OF HUNTER HUBERTY FROM THE WYOMING FIRE DEPARTMENT

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

Voting Nay: None

Abstain: None

Absent: None

14. To consider entering a closed session under MN State Statute 13D.03 to discuss labor negotiation strategies for a contract with the bargaining unit of Law Enforcement Labor Services

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING SECONDED BY COUNCILMEMBER LUGER TO ENTER INTO A CLOSED SESSION UNDER MN STATE STATUTUE 13D.03 TO DISCUSS LABOR NEGOTIATION STRATEGIES FOR A CONTRACT WITH THE BARGAINING UNITS OF LAW ENFORCEMENT LABOR SERVICES (LELS) GROUP 507 AND 365 AT 8:12PM

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

Voting Nay: None

Abstain: None

Absent: None

A MOTION WAS MADE BY COUNCILMEMBER LUGER SECONDED BY COUNCILMEMBER OHNSTAD TO RETURN TO OPEN SESSION UNDER MN STATE STATUTUE 13D.03 TO DISCUSS LABOR NEGOTIATION STRATEGIES FOR A CONTRACT WITH THE BARGAINING UNITS OF LAW ENFORCEMENT LABOR SERVICES (LELS) GROUP AND LOCAL 49 AT 8:36PM

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

Voting Nay: None

Abstain: None

Absent: None

City Administrator Linwood gave a summation of the closed session

The closed meeting was relative to the matters for bargaining purposes and contract negotiations between the City of Wyoming and bargaining unit of Law Enforcement Labor Services. The meeting was closed under MN State Statute 13D.03. The closed meeting was attended by Mayor Lisa Iverson and City Council Members Dennis Schilling, Linda Nanko Yeager, Claire Luger and Brett Ohnstad. Also, in attendance was Assistant City Administrator, Grant MacFarlane, Public Safety Director, Neil Bauer, City Administrator, Robb Linwood, and Labor Attorney, Soren Mattick. The council reviewed the proposed contract from the bargaining units. The city council provided advice and direction to legal and city staff but made no formal votes or motions.

15. To consider a contract between the city of Wyoming and Local Law Enforcement Services 365 (PATROL) for the years of 2024-2026

A MOTION WAS MADE BY LUGER SECONDED BY COUNCILMEMBER OHNSTAD TO APPROVE A CONTRACT BETWEEN THE CITY OF WYOMING AND (LELS) LOCAL LAW ENFORCEMENT SERVICES 365 (PATROL) FOR THE YEARS OF 2024-2026

Voting Aye: Schilling, Luger, Ohnstad, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: None

A MOTION WAS MADE BY MAYOR IVERSON. SECONDED BY COUNCILMEMBER LUGER TO ADJOURN THE AUGUST 7, 2024 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 8:39PM

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:
AUGUST 20, 2024
7:00PM