APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
NOVEMBER 15, 2022
7:00PM

CALL TO ORDER:

Mayor Lisa Iverson called the Regular Meeting of the Wyoming City Council for November 15, 2022 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, Alex Saxe, Assistant City Administrator, Mark Erichson-WSB, Neil Bauer - Public Safety Director, Fred Weck, Zoning Administrator/Building Official and Chuck Almhjeld, Public Works Superintendent

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

Neil Gatzow, 5481 East Viking Boulevard – Noted that he had brought a request to the Council in August of 2021, but no action was taken at that time. He stated that the situation remains the same and explained that he has done additional research and has paid for a survey of his property He stated that if his house was not there, there would be two lots, but with his home there is only one lot. He explained that in his situation, the assessment is $7,500 times two and his argument is that is not accurate and only one lot should have the assessment. He stated that when there is an assessment it has to be proven that there is a benefit to his property and reiterated that he did not think a $15,000 assessment is justified in terms of increasing the value of his property.

Mayor Iverson – Asked staff to address this concern for the Council.

City Administrator Linwood – Stated that based on the City's ordinance and how the house is situated, the survey, and the setbacks, he would like to allow staff the time to do a bit more due diligence and give the Council a recommendation. He noted that their initial conclusion was that there are two potential lots on this parcel, but noted that he would like staff to meet with Mr. Gatzow and them come back and give the Council a more thorough and formal recommendation on this parcel.

City Attorney Loonan – Stated that in consideration of the survey information, which is new information, he thinks staff can review this and talk to Mr. Gatzow about the appropriate course moving forward.

Mr. Gatzow – Stated that he was anxious to have this resolved because it has not been pleasant having this hang over his head for the past year.

City Engineer Erichson – Thanked Mr. Gatzow for the new survey information and noted that this was also new to him. He stated that he agreed that staff can take a look at the information, meet with Mr. Gatzow and come back to the Council with a recommendation in the near future.

The Council discussed the assessment policy and other similar situations to Mr. Gatzow.

APPROVAL OF MINUTES:

1. **Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota City Council for November 1, 2022**

   A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER OHNSTAD TO APPROVE THE MINUTES OF THE "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL FOR NOVEMBER 1, 2022, AS SUBMITTED

   Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson
   Voting Nay: None
   Abstain: None
   Absent: None

2. **Consider approving the minutes of the "Budget Work Session Meeting" of the Wyoming, Minnesota City Council for November 9, 2022**

   A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE THE MINUTES OF THE BUDGET WORK SESSION MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL FOR NOVEMBER 9, 2022, AS SUBMITTED

   Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson
   Voting Nay: None
   Abstain: None
   Absent: None

SCHEDULED BID LETTINGS: NONE

SCHEDULED PUBLIC HEARINGS:

3. To consider **Resolution 22-11-98** a resolution ordering the project and authorizing the preparation of plans and specifications for the 2023 East Viking Boulevard Improvement Project

City Engineer Erichson – Gave an overview of the plans for the 2023 East Viking Boulevard Improvement project which was originally slated for 2022. He explained that it had been postponed while the City awaited the results of a possible grant to assist in the project, however they had not been successful. He stated that because they were unsuccessful, they have taken a step back in the process with an updated the feasibility study. He reviewed details from the updated feasibility study, the construction schedule, sanitary and storm sewer removal and replacement plans, and the assessment details.

Council Member Schilling – Noted that when he was looking the affected lots, he noticed Lot #7 which the City owns and asked how that worked with regard to assessments.

City Engineer Erichson – Stated that he believed the assessment was not buildable so it would not be assessable.

City Administrator Linwood – Clarified that, in the past, if the City has owned a buildable parcel, they have been assessed those amounts, just like other properties.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO OPEN THE PUBLIC HEARING FOR COMMENT.

Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson
Voting Nay: None
Abstain: None
Absent: None

Gary Sycks - 5710 East Viking Blvd – Stated that on January 18, 2022 they met to talk about the speed on East Viking Boulevard. He stated that people race up and down that street and one of the things talked about at the meeting was plans for traffic calming bump outs, but that does not appear to be on any of the requests before the Council as part of the design. He shared an example of the messaging on the speed trail that was being shown to drivers that just said, 'slow down'.

City Engineer Erichson – Stated that those details are included in their design and the bumps outs are part of the project. Stated that it is included in the construction plans and can share the drawings with Mr. Sykes.

Neil Gatzow – Asked what a 'bump out' is that was mentioned as a traffic calming measure. He noted that he is responsible for shoveling the sidewalk in front of his house and noted that it is sunken in which means the water drains there and then freezes which creates an icy and dangerous situation in front of his home. He asked if the sidewalk would be raised and how it would be dealt with to address this situation.

City Engineer Erichson – Stated that it is likely that it will drain to the roadway and into the storm sewer system. He stated that each individual property will be addressed and will involve an on-site inspector. He gave examples of how bump outs can create a traffic calming technique and described the areas where they will be located in this project.

Tom Terry 26752 Freeport Ct. – Asked what authority has jurisdiction over East Viking Boulevard.

City Engineer Erichson – Explained that the City has jurisdiction.

Tom Terry – Stated that then he feels that the speed should be changed to 25 mph.

City Engineer Erichson – Stated that the City does have more ability than they had previously for setting speed limits. He stated that this has been discussed at a staff level because there have been requests from other property owners and explained that they are awaiting further guidance on this issue before a speed limit is changed.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER OHNSTAD, TO CLOSE THE PUBLIC HEARING.

Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson
Voting Nay: None
Abstain: None
Absent: None

Mayor Iverson – Asked Public Safety Director Bauer to address the comment about the speed trailer and the messaging from the speed trailer.

Public Safety Director Bauer – Stated that having the trailer out there does impact speed and noted that the average speed of 11,000 vehicles over a 2 week period, was about 34 mph. He noted that there was a significant range with speeds as high as 75 mph and as slow as 12 mph.

Mayor Iverson – Asked if any of his data showed the timeframe for the vehicles.

Public Safety Director Bauer – Stated that he has access to the information on a minute by minute basis so he can analyze that a bit closer and see what information he can pull out.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE RESOLUTION 22-11-98 A RESOLUTION ORDERING THE PROJECT AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS FOR THE 2023 EAST VIKING BOULEVARD IMPROVEMENT PROJECT

Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson
Voting Nay: None
Abstain: None
Absent: 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 authoring the payment of recommended bills, payroll, and journal entries for the period of November 2, 2022 to November 15, 2022
5. To consider **Resolution 22-11-99** a resolution receiving the revised feasibility report for the 2023 East Viking Boulevard Improvement Project
6. To consider adopting **Resolution 22-11-100** a resolution certifying the unpaid utility bills and City service invoices of certain residents and businesses contained on the attached list to property taxes for collection in 2023.
7. To consider **Resolution 21-11-101** a resolution designating the polling place for the 2023 Elections
8. To consider **Resolution 22-11-102** a resolution certifying the 2022 General Election results of the City of Wyoming
9. To consider **Resolution 22-11-103** a resolution amending the City of Wyoming Personnel Policy.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING TO APPROVE #4, #5, #6, #7, #8, and #9 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:

10. Report of the Public Safety Director, Neil Bauer for November 9, 2022

11. Report of City Building Official, Fred Weck, IV for November 8, 2022

12. Report of City Attorney Tom Loonan for November 9, 2022

13. Report of City Engineer Mark Erichson, WSB for November 10, 2022

14. Report of Public Works Superintendent Chuck Almhjeld for November 15, 2022

OLD BUSINESS: NONE

NEW BUSINESS

15. To consider **<u>Resolution 22-11-104</u>** a resolution approving a Rezoning Z-22-003 Newman Estates – R-2 to R-1, Location: 5759 250th Street, Applicant: Kelly Newman, Property ID Number: 21.11125.38

Zoning Administrator/Building Official Weck – Gave an overview of the request for rezoning, variance for lot width and lot depth along with a Preliminary and Final Plat for this parcel.

Council Member Nanko Yeager – Asked if she was correct that the variance could not be approved unless the rezoning is approved.

Zoning Administrator/Building Official Weck – Clarified that if the City did not approve the rezoning, the rest of the requests are moot.

Council Member Nanko Yeager – Stated that this appears to be spot zoning.

Zoning Administrator/Building Official Weck – Explained that this was in compliance with the Comprehensive Plan for it to be R-1 zoning and there is also R-1 zoning across the street, so it would not be isolated by itself.

Council Member Schilling – Noted that it is not uncommon for cities, as they grow and progress, to see them spread and grow around the original zoning. He stated that he had also looked at this the way Council Member Nanko Yeager was describing but then he looked across and noticed it is touching an R-1.

Council Member Nanko Yeager – Expressed concern about being inconsistent in a zoning district and about setting a precedent.

Zoning Administrator/Building Official Weck – Noted that in order to do this same thing, other property owners would have to show that they have 1 acre of buildable for both lots. He noted that in this case, Mr. Newman will be the first property owner that is bringing his zoning into compliance with the Comprehensive Plan.

City Administrator Linwood – Noted that even if this sets a precedent, he did not think it was inappropriate, because it matches the Comprehensive Plan, which he feels is a key component in this decision.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE <u>RESOLUTION 22-11-104</u> A RESOLUTION APPROVING A REZONING Z-22-003 NEWMAN ESTATES – R-2 TO R-1, LOCATION: 5759 250TH STREET, APPLICANT: KELLY NEWMAN, PROPERTY ID NUMBER: 21.11125.38

Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson
Voting Nay: None
Abstain: None
Absent: None

16. To consider **<u>Resolution 22-11-105</u>** a resolution approving a lot width variance: Newman Estates, Location: 5759 250th Street, Applicant: Kelly Newman, Property ID Number: 21.11125.38

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE <u>RESOLUTION 22-11-105</u>, A RESOLUTION APPROVING A LOT WIDTH VARIANCE, NEWMAN ESTATES, LOCATION: 5759 250TH STREET, APPLICANT: KELLY NEWMAN, PROPERTY ID NUMBER: 21.11125.38

Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson
Voting Nay: None

Abstain: *None*
Absent: *None*

17. To consider **<u>Resolution 22-11-106</u>** a resolution approving a lot depth variance: Newman Estates, Location: 5759 250th Street, Applicant: Kelly Newman, Property ID Number: 21.11125.38

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE <u>RESOLUTION 22-11-106</u> A RESOLUTION APPROVING A LOT DEPTH VARIANCE: NEWMAN ESTATES, LOCATION: 5759 250TH STREET, APPLICANT: KELLY NEWMAN, PROPERTY ID NUMBER: 21.11125.38

Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson
Voting Nay: None
Abstain: *None*
Absent: *None*

18. To consider **<u>Resolution 22-11-107</u>** a resolution approving a Preliminary Plat: D-22-012 Newman Estates, Location: 5759 250th Street, Applicant: Kelly Newman, Property ID Number: 21.11125.38

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE <u>RESOLUTION 22-11-107</u> A RESOLUTION APPROVING A PRELIMINARY PLAT: D-22-012 NEWMAN ESTATES, LOCATION: 5759 250TH STREET, APPLICANT: KELLY NEWMAN, PROPERTY ID NUMBER: 21.11125.38

Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson
Voting Nay: None
Abstain: *None*
Absent: *None*

19. To consider **<u>Resolution 22-11-108</u>** a resolution approving a Final Plat: D-22-013 Newman Estates, Location: 5759 250th Street, Applicant: Kelly Newman, Property ID Number: 21.11125.38

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE <u>RESOLUTION 22-11-108</u> A RESOLUTION APPROVING A FINAL PLAT: D-22-013 NEWMAN ESTATES, LOCATION: 5759 250TH STREET, APPLICANT: KELLY NEWMAN, PROPERTY ID NUMBER: 21.11125.38

Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson
Voting Nay: None
Abstain: *None*
Absent: *None*

20. To consider **<u>Resolution 22-11-109</u>** a resolution approving a Preliminary Plat: D-22-014 Mayorga Meadows, Location: 7580 250th Street, Property ID Number: 21.10508.00

Zoning Administrator/Building Official Weck– Noted that this property was also located on 250th Street, but was about 3 miles away from the previous item. He gave an overview of the request for Preliminary and Final Plat approval and noted that staff and the Planning Commission recommend approval subject to the conditions as listed in the staff report.

Mayor Iverson – Asked if there was already a house on the property.

Zoning Administrator/Building Official Weck – Confirmed that there is one house on the longer lot.

Council Member Nanko Yeager – Stated that included in the minutes were comments from residents regarding wetland impact and permitting and asked if they were comfortable with the explanation that was given.

Zoning Administrator/Building Official Weck – Noted that he cannot say if they were comfortable or not, but noted that there will not be any wetland impacts with this proposal.

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 22-11-109 A RESOLUTION APPROVING A PRELIMINARY PLAT: D-22-014 MAYORGA MEADOWS, LOCATION: 7580 250TH STREET, PROPERTY ID NUMBER: 21.10508.00

Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson
Voting Nay: None
Abstain: None
Absent: None

21. To consider **Resolution 22-11-110** a resolution approving a Final Plat: D-22-015 Mayorga Meadows, Location: 7580 250th Street, Property ID Number: 21.10508.00

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE RESOLUTION 22-11-110 A RESOLUTION APPROVING A FINAL PLAT: D-22-015 MAYORGA MEADOWS, LOCATION: 7580 250TH STREET, PROPERTY ID NUMBER: 21.10508.00

Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson
Voting Nay: None
Abstain: None
Absent: None

22. To consider **Resolution 22-11-111** a resolution approving the purchase of a 2023 F550 chassis from the National Auto Fleet Group under the Sourcewell contract 091521-NAF in the amount of $63,035.00

Public Works Superintendent Almhjeld – Gave an overview of the past discussions related to this purchase and explained that the City received pricing today for the build slot for this chassis. He gave an overview of the soft quote for the truck box and the 'not to exceed' amount for the total cost for the truck. He noted that the current 2005 F550 truck will be sold on auction with a minimum bid of $16,500.

Council Member Nanko Yeager – Asked if this truck was budgeted for 2022.

Public Works Superintendent Almhjeld – Clarified that it was budgeted in 2021.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 22-11-111 A RESOLUTION APPROVING THE PURCHASE OF A 2023 F550 CHASSIS FROM THE NATIONAL AUTO FLEET GROUP UNDER THE SOURCEWELL CONTRACT 091521-NAF IN THE AMOUNT OF $63,035.00

Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson
Voting Nay: None
Abstain: None
Absent: None

23. To consider **Resolution 22-11-112** a resolution approving the purchase of a 2023 F350 pickup from Midway Ford under State Bid Contract FTM36 Contract #169665 in the amount of $50,370.92

Public Works Superintendent Almhjeld – Gave an overview of use of these vehicle and the quotes received. He noted that the expectation is that the 2012 Chevrolet 2500 will be sold at auction for more than $3,370. He noted that, as discussed in the budget meetings, the earlier this order is placed, the better the chance the City has of receiving the truck.

Mayor Iverson – Asked City Administrator Linwood to explain this situation since it is not how things are usually handled.

City Administrator Linwood – Gave a brief overview of the recent changes with the State contract due to the volatility of the market and supply chain issues. He stated that in this situation, the Council is being asked to approved this purchase before the 2023 budget is approved, but noted that there is funding available in other areas of the City. He noted that the City has had vehicles canceled for both Public Works and Public Safety in the past, so they are hopeful that if they act quickly in this situation that there will be a better chance of the City actually receiving the vehicles.

Council Member Nanko Yeager – Asked when the 'bill' would come for this purchase.

Public Works Superintendent Almhjeld – Stated that it will definitely be 2023 after the budget has been approved.

Assistant City Administrator Saxe – Noted that the paperwork had stated Midway Chevrolet and that should be changed to Midway Ford.

> **A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE <u>RESOLUTION 22-11-112</u> A RESOLUTION APPROVING THE PURCHASE OF A 2023 F350 PICKUP FROM MIDWAY FORD UNDER STATE BID CONTRACT FTM36 CONTRACT #169665IN THE AMOUNT OF $50,370.92, AS AMENDED.**
>
> *Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson*
> *Voting Nay: None*
> *Abstain: None*
> *Absent: None*

COMMUNICATIONS:

COUNCIL REPORTS:

Council Member Ohnstad – Attended the Council Work Session and the Planning Commission meeting.

Council Member Nanko Yeager – Attended the Council Work Session.

Council Member Luger – Attended the Council Work Session.

Council Member Schilling – Thanked City Administrator Linwood, Assistant City Administrator Saxe, and the City staff for their work on the election.

Mayor Iverson – Attended the Council Work Session and Lions Bingo.

> **A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER LUGER, TO ADJOURN THE NOVEMBER 15, 2022 "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT <u>8:15 PM</u>**
>
> *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:
DECEMBER 6, 2022
7:00PM