

**APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
DECEMBER 20, 2022
7:00PM**

CALL TO ORDER:

Mayor Lisa Iverson called the Regular Meeting of the Wyoming City Council for December 20, 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, Brett Ohnstad and Claire Luger

ABSENT: Councilmember Dennis Schilling

Also Present: Tom Loonan, Eckberg Lammers, Robb Linwood, City Administrator, Alex Saxe, Assistant City Administrator, Paul Hornby-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:

APPROVAL OF MINUTES:

- 1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for December 6, 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 DECEMBER 6, 2022 AS SUBMITTED.

Voting Aye: Nanko Yeager, Luger, Ohnstad, Iverson

Voting Nay: None

Abstain: None

Absent: Schilling

- 2. Consider approving the minutes of the “Work Session Meeting” of the Wyoming, Minnesota City Council for December 13, 2022**

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE THE MINUTES OF THE “WORK SESSION MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR DECEMBER 13, 2022 AS SUBMITTED.

Voting Aye: Nanko Yeager, Luger, Ohnstad, Iverson

Voting Nay: None

Abstain: None

Absent: Schilling

SCHEDULED BID LETTINGS: NONE

SCHEDULED PUBLIC HEARINGS:

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 authorizing the payment of recommended bills, payroll, and journal entries for the period of December 7, 2022 to December 20, 2022
4. To consider **Resolution 22-12-128** a resolution approving The Wyoming Fire Relief Associations request to the City of Wyoming raising the Relief Associations pension level to \$4,500 per year of active service

Council Member Nanko Yeager – Noted that the benefit level for the Fire Relief Association has been increasing \$500/year for the past few years and asked if this would ever be capped in order to prevent a deficit.

City Administrator Linwood – Explained that the current benefit level was \$4,000/year and agreed that since 2019, the Fire Relief Association had been increasing it in \$500 increments. He reminded the Council that the Fire Relief Association is a separate 501(c)(3) than the Fire Department and explained that this is evaluated on an annual basis. He explained that he was unsure if there was a 'cap', but reiterated that it is evaluated every year.

A MOTION WAS MADE BY COUNCILMEMBER NANKO YEAGER, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE #3 and #4 OF THE WYOMING CITY COUNCIL CONSENT AGENDA.

Voting Aye: Nanko Yeager, Luger, Ohnstad, Iverson

Voting Nay: None

Abstain: None

Absent: Schilling

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

5. Report of the Public Safety Director, Neil Bauer for December 16, 2022
6. Report of City Building Official, Fred Weck, IV for December 15, 2022
7. Report of City Attorney Tom Loonan for December 16, 2022
8. Report of City Engineer Paul Hornby, WSB for December 14, 2022
9. Report of Public Works Superintendent Chuck Almhjeld for December 20, 2022

COMMUNICATIONS:

10. CLFLWD Sunrise River Hwy 61 Wetland Enhancement Project Construction

City Administrator Linwood – Explained that the CLFLWD is expecting to break ground on this project on January 3, 2023.

11. 2023 East Viking Blvd. Road Project/5481 East Viking Blvd. Gatzow Parcel

OLD BUSINESS: NONE

NEW BUSINESS

- 12. To consider Resolution 22-12-129** a resolution approving a Conditional Use Permit for the Master Plan of a Planned Unit Development, C-22-003, Katie's Glen, Location: Goodview Avenue between 255th and 258th Streets, Applicant: Pobuda Enterprises, Property ID Number: 21.10140.00

Zoning Administrator/Building Official Weck – Gave a brief presentation that outlined the proposed residential development consisting of wetlands and 39 single family parcels. He noted that by making this a Planned Unit Development, the lots can be a bit smaller, but noted that they are not gaining any density because it is providing for green space. He noted that there is a proposed wetland impact that still needs approval and explained that he had misspoken at the Planning Commission meeting that it had already been approved. He outlined the landscape and tree removal/replacement plans and noted that staff and the Planning Commission recommend approval.

Mayor Iverson – Suggested that the Council start the discussion with the residents who have asked to speak on this topic.

Nancy Brockman, 25678 Goodwin Road – Stated that the appearance into the adjacent lots will change with this proposal. She stated that the nearby lots are around 1.5 acres each and explained that the people in the area like larger lots and space which is why they moved to this area. She read aloud a statement from the City's website about having a commitment to protecting and improving the quality water resources, such as wetlands. She asked the Council to protect the wetlands in the area and noted that there is a lot of wildlife in the area that she did not want to be taken away for another housing development. She stated that she is devastated by the proposed plans and also expressed concerns about upkeep of a new roadway when the existing road has not been taken care of very well. She stated that she feels this proposal will completely change the dynamic of the area. She reiterated that the reason they moved to the area was that it was a nice quiet area with larger lots and does not want to see a more densely packed development that will take away the wetlands.

Dan Iverson, 25675 Goodwin Road – Stated that he is a member of the Planning Commission and explained that he had voted in opposition to this proposal and gave a brief overview of the reason for his vote. He stated that he did not like the density of putting small $\frac{1}{4}$ acre lots surrounded by 1-2 acre lots and explained that he would like to see something done that is more consistent with the surrounding usage.

Jared Wenzel, 25709 Goodview – Stated that he and his wife were married in the backyard of his property on October 1, 2022. He explained that he would echo the comments made that this proposal will change the landscape or the view of the surrounding homes. He stated that it is pretty obvious that this will be a development that looks like Heims Lake. He stated that he does not understand why the City would support taking down 18 acres of forest in order to develop something that crams the houses in. He explained that he feels that people moved to Wyoming in order to get away from 'city sized lots' and he believes that sentiment was made apparent at the Planning Commission meeting. He asked about the wetland on the back portion of his lot and asked how that may be affected by this proposal. He gave examples of the many types of wildlife that are in the area and explained that was one of the many reasons he purchased this house in June of 2020 because there were 8 deer in the backyard the first time he came to look at it. He stated that he would agree with the comments made by Mr. Iverson that this parcel should be developed in a manner that is consistent with what is already there and not with 'city lots'.

Council Member Ohnstad – Asked what happens if the Council did not approve this request tonight.

City Attorney Loonan – Explained that in this instance, Council sits as sort of a judge to determine whether or not the applicant has met the standards that have been adopted by the City. He stated that if the Council is inclined to deny the request, there must be findings as to which standards have not been met and why they have not been met.

Council Member Ohnstad – Stated that he was concerned about the changing of the zoning and asked if the City did not change the zoning if the applicant had alternative plans.

Zoning Administrator/Building Official Weck – Explained that the applicant was not requesting a rezoning and were just requesting changes to the standards, with some conditions. He stated that they are asking for things like smaller lot width so there is less street frontage and less asphalt and as a trade-off, they are providing the City will have some green space. He reiterated that the zoning was not changing because it was already in place.

Council Member Luger – Asked what criteria and input the Planning Commission used to make a recommendation to the Council for a development like this.

Zoning Administrator/Building Official Weck - Stated that they review the staff report and explained that staff reviews the application based on the City's ordinances and standards that have been adopted.

Council Member Luger – Asked for confirmation that this meant that this proposal was consistent with ordinances and the Comprehensive Plan.

Zoning Administrator/Building Official Weck – Confirmed that this proposal was consistent with City ordinances and the Comprehensive Plan.

Council Member Luger – Asked Zoning Administrator/Building Official Weck to address the concerns expressed by Planning Commissioner Iverson.

Zoning Administrator/Building Official Weck – Gave a brief response to the concerns that were raised by Planning Commissioner Iverson. He reviewed the screening and landscaping plans and noted that this parcel is vacant land. He noted that some of the concerns that have been raised are somewhat subjective and explained that this proposal is what the current land owner for this parcel is proposing.

Council Member Luger – Stated that she read through the minutes from the Planning Commission meeting and drove by the site this weekend. She stated that she personally believes in conservation and maintaining natural beauty and habitats in the community. She stated that she grew up on Goodview and can remember when there were no homes in the area because it was all forested land and has now become a neighborhood. She stated that cherry picking what codes and ordinances the City's wants to abide by sets a bad precedent for future consideration. She stated that she thinks this comes down to being less what the Council 'thinks' about this proposal and more about what actually meets the criteria.

Council Member Nanko Yeager – Stated that in the staff report, it appears as though the reason it is being compared to R-3 is because it was already zoned that many years ago. She asked if the green space in Outlot A is wetlands, a pond, and an infiltration basin.

Zoning Administrator/Building Official Weck – Agreed that was what much of it was and noted that there will be some trees left in place along the northern edge. He noted that there is a path that will go around the pond that will provide some access to a scenic area to view the wildlife.

Council Member Nanko Yeager – Asked who would be responsible for maintaining the path and the green space, and asked for details related to screening the surrounding properties.

Zoning Administrator/Building Official Weck – Explained that the Outlot would be under the control of the homeowner's association. He explained that because there are deciduous trees, the screening during the winter may not be as full, but reminded the Council that the ordinance does not require screening between residential uses.

Council Member Nanko Yeager – Noted that Mr. Wenzel had compared the proposed development to Heims Lake Villas and stated that she also feels that seems out of character with the neighborhood.

Zoning Administrator/Building Official Weck – Explained that there was a question during the Planning Commission meeting of what other PUDs the City had approved which is where Heims Lake Villas were mentioned. He noted that he had also mentioned Summerfields, Hawk Meadows, and Liberty Ponds as other PUD projects.

Brent Pobuda, Applicant– Explained their thought process behind the wider lots and having slab on grade options for the older generation that will provide one-level living and mentioned the possibility of having three car garages.

Council Member Nanko Yeager – Stated that she is not completely comfortable putting in ¼ acre lots in an area that is surrounded on three sides by lots that are 1 acre or larger. She expressed concern that this decision may set a precedent that the City will allow smaller lots in areas that are zoned for larger lots.

Zoning Administrator/Building Official Weck- Reminded the Council that the current and proposed Comprehensive Plan has this parcel in the R-3 zoning.

City Attorney Loonan – Clarified that the City is not necessarily concerned about precedent in this instance because each land use application is to be looked at on its own merit. He noted that tonight there are only four Council Members present which presents the opportunity for a 2-2 tie vote. He noted that the City does not need to take action tonight because there is the opportunity for an extension to take a closer look, but reminded the Council that for approval or denial, there will need to be findings of fact that are relevant to the City standards. He reiterated that the Council can revisit this item in January, if necessary.

Mayor Iverson – Asked if Pobuda had any other developments.

Brent Pobuda – Explained that the only other development he has done was in Otsego but it was with another builder. He explained that he is a flooring contractor that works with a number of different builders. He stated that he had purchased this property when the economy was in bad shape and has been waiting for the right time to move forward.

Mayor Iverson – Asked the Mr. Pobuda why he chose to put this type of development into the middle of an area that was surrounded by 1 acre lots.

Brian Krystofiak, Engineer for the Applicant – Stated that all the surrounding lots will be septic and well and this land was set up for City sewer and water.

Brent Pobuda – Stated that this project was started as Katie's Glen long before he purchased the property and believes it originally had about 45 lots planned but they needed to remove a few lots and put in more stormwater run-off management. He noted that he believes there is a lot of interest in the one-level living for senior living right now.

Mayor Iverson – Stated that she is in favor of PUDs, but what concerns her with this request is that this is different because all around the entire property is lots that are about 1.5 acres. She asked if there was anyway that the applicant would consider making the lots a bit larger and if there was a way for the two sides to meet in the middle.

Brent Pobuda – Stated that with all of the extra things that have been included in their plans, it is already way more expensive than he thought it was going to be.

Mr. Krystofiak – Explained that he thinks they could provide additional screening.

Mayor Iverson – Asked about the lack of sidewalks in the proposed plans.

Mr. Krystofiak – Stated that there are no sidewalks in the adjacent development.

Mayor Iverson – Agreed but noted that one of the things that this Council has worked on is walkability within the developments and noted that many are putting in sidewalks. She explained her potential concern with the lack of sidewalks with the location of Goodview Park, especially if they put in family homes rather than senior living homes. She stated that based on the comments that have been received already, she would suggest that the Council table this discussion until there can be a full Council present.

Council Member Nanko Yeager – Asked if the Council could add any conditions to this application.

City Attorney Loonan – Stated that Council can add related conditions and noted that if the Council was going to table discussion he would ask that they give direction to staff on any additional conditions that they would like to attach.

Mayor Iverson – Noted that she would also feel more comfortable waiting on the decisions to be made regarding the wetlands before the Council makes a decision. She stated that she lives nearby and noted that in addition to deer and other wildlife, there are also bear in this area.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER OHNSTAD, TO TABLE DISCUSSION OF RESOLUTION 22-12-129 A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A MASTER PLAN OF A PLANNED UNITED DEVELOPMENT, C-22-003, KATIE'S GLEN, LOCATED AT GOODVIEW AVENUE BETWEEN 255TH AND 258TH STREETS, FOR POBUDA ENTERPRISES, AT PROPERTY IDENTIFICATION NUMBER: 21.10140.00.

Voting Aye: Nanko Yeager, Luger, Ohnstad, Iverson

Voting Nay: None

Abstain: None

Absent: Schilling

- 13. To consider Resolution 22-12-130 a resolution approving the Preliminary Plat of Katie's Glen, D-22-0016, Location: Goodview Avenue between 255th and 258th Streets, Applicant: Pobuda Enterprises, Property ID Number: 21-10140.00**

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER OHNSTAD, TO TABLE DISCUSSION OF RESOLUTION 22-12-130, A RESOLUTION APPROVING THE PRELIMINARY PLAT OF KATIE'S GLEN, D-22-0016, LOCATION: GOODVIEW AVENUE BETWEEN 255TH AND 258TH STREETS, APPLICANT: POBUDA ENTERPRISES, PROPERTY ID NUMBER: 21-10140.00.

Voting Aye: Nanko Yeager, Luger, Ohnstad, Iverson

Voting Nay: None

Abstain: None

Absent: Schilling

- 14. To consider an update of the Long Term Financial Plan for the City of Wyoming by Abdo Financial**

City Administrator Linwood – Introduced Vicki Holthaus of Abdo Financial.

Vicki Holthaus, Abdo Financial – Gave a brief overview of the proposed updated Long Term Financial Plan.

- 15. To consider Resolution 22-12-131 a resolution authorizing the purchase of iPlan tables for**

the Building Department

Zoning Administrator/Building Official Weck– Gave an overview of his request to purchase iPlan tables and how it will assist in electronic review of plans. He noted that although this expense was not budgeted, he has funds left over in payroll because he was without a building inspector for a few months and reviewed the ways he has been able to bring revenue to the City.

Council Member Nanko Yeager – Asked how much it will cost for upkeep and maintenance of the iPlan tables.

Zoning Administrator/Building Official Weck– Stated that there is no maintenance involved.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE RESOLUTION 22-12-131, A RESOLUTION AUTHORIZING THE PURCHASE OF IPLAN TABLES FOR THE BUILDING DEPARTMENT.

Voting Aye: Nanko Yeager, Luger, Ohnstad, Iverson

Voting Nay: None

Abstain: None

Absent: Schilling

16. To consider **Resolution 22-12-132** a resolution Adopting the City of Wyoming 2022 Comprehensive Plan Update

Zoning Administrator/Building Official Weck– Gave a brief synopsis of the updated Comprehensive Plan and noted that this process began in 2016.

Council Member Nanko Yeager – Stated that she believed that there may be some more up to date demographic information that could be included. She referenced page 8 and noted that the information included was from 2019 and thinks that there is more recent information available.

Zoning Administrator/Building Official Weck– Stated that he can make sure it contains the most recent population trends from 2021. He noted that he believes they are probably fairly close, but he can make sure those items are updated.

A MOTION WAS MADE BY COUNCILMEMBER NANKO YEAGER, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE RESOLUTION 22-12-132 A RESOLUTION ADOPTING THE CITY OF WYOMING 2022 COMPREHENSIVE PLAN UPDATE, WITH THE INCLUSION OF UPDATED DEMOGRAPHIC INFORMATION, AS DISCUSSED.

Voting Aye: Nanko Yeager, Luger, Ohnstad, Iverson

Voting Nay: None

Abstain: None

Absent: Schilling

17. To consider an agreement with Abdo Financial Solutions for accounting services/outsourced finance director for the duration of January 1, 2023 to December 31, 2025

City Administrator Linwood – Explained that the City had contracted with Abdo Financial Solutions for the finance director services since 2017.

Council Member Nanko Yeager – Asked about the large increases for the services.

City Administrator Linwood – Agreed that there are significant increases and explained that it is similar to what has been seen with other vendors and noted that there are no other consultants that offer this type of services.

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE AN AGREEMENT WITH ABDO FINANCIAL SOLUTIONS FOR ACCOUNTING SERVICES/OUTSOURCED FINANCE DIRECTOR FOR THE DURATION OF JANUARY 1, 2023 TO DECEMBER 31, 2025.

Voting Aye: Nanko Yeager, Luger, Ohnstad, Iverson

Voting Nay: None

Abstain: None

Absent: Schilling

COMMUNICATIONS:

COUNCIL REPORTS:

Council Member Ohnstad – No report.

Council Member Nanko Yeager – Attended the Joint Sewer Commission meeting and the Special City Council meeting.

Council Member Luger – Attended the Special City Council meeting.

Mayor Iverson – Attended the Joint Sewer Commission meeting, the Planning Commission meeting, and the Special City Council meeting. She stated that the City's hearts go out to Deputy Fisher on the devastating loss of his house, including their family pets and K9 Kyro.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER LUGER, TO ADJOURN THE DECEMBER 20, 2022 "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 8:26 PM

Voting Aye: Nanko Yeager, Luger, Ohnstad, Iverson

Voting Nay: None

Abstain: None

Absent: Schilling

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 3, 2023

7:00PM