

**AGENDA
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
MARCH 21, 2023
7:00 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

"An opportunity for members of the public to address the City Council on items on/or not on the current agenda. Items requiring Council action maybe deferred to staff or Boards and Commissions for research and future Council Agendas if appropriate. You will be limited to three (3) minutes and we ask that you conduct yourself in a professional, courteous manner, and refrain from the use of profanity. Failure to abide by this policy may result in the loss of your privilege to speak".

APPROVAL OF MINUTES:

1. Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota City Council for March 7, 2023

SCHEDULED BID LETTINGS:

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.

2. Consider authorizing the payment of recommended bills, payroll and journal entries for the period of March 8, 2023 to March 21, 2023
3. To consider **Resolution 23-03-28** a resolution approving a Delegated Process Contract (DCP) Agreement with MNDOT

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

4. Report of the Public Safety Director, Neil Bauer, for March 17, 2023

5. Report of City Building Official, Fred Weck, IV for March 16, 2023
6. Report of the City Attorney, Tom Loonan, for March 17, 2023
7. Report of City Engineer Mark Erichson, WSB for March 17, 2023
8. Report of the Acting Public Works Superintendent Joe Keding for March 21, 2023

COMMUNICATIONS:

9. Communication from Chisago County Assessor announcing Board of Equalization date for the City of Wyoming on April 18th, 2023, 6:00PM at Wyoming City Hall.

OLD BUSINESS:

NEW BUSINESS:

10. To consider **Resolution 23-03-29** a resolution approving an Interim Conditional Use Permit to allow a home occupation at 24258 Fallbrook Avenue Property ID Number: 21.00618.00
11. To consider **Resolution 23-03-30** a resolution approving a Site Plan Review application to construct a parking lot for the storage of off-road vehicles at 7400 East Viking Boulevard Property ID Number: 21.00001.00
12. To consider **Resolution 23-03-31** a resolution approving a petition for an extension of the time required to complete the work authorized by Resolutions 22-09-75 A & 22-09-76 A at 5111 East Viking Boulevard at Property ID Number 21.00020.00
13. Proclamation Celebrating Arbor Day in Wyoming
14. To consider a Council Retreat on May 5th, 2023

COUNCIL REPORTS:

ADJOURN

**DRAFT MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
MARCH 7, 2023
7:00PM**

CALL TO ORDER:

Mayor Lisa Iverson called the Regular Meeting of the Wyoming City Council for March 7, 2023 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, Mark Erichson-WSB, Neil Bauer - Public Safety Director and Joe Keding, Acting 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 February 21, 2023

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 FEBRUARY 21, 2023 AS SUBMITTED

Voting Aye: Nanko Yeager, Luger, Ohnstad, Iverson

Voting Nay: None

Abstain: None

Absent: Schilling

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. Consider authorizing the payment of recommended bills, payroll, and journal entries for the period of February 22, 2023 to March 7, 2023
3. To consider **Resolution 23-03-25** a resolution declaring certain vehicles as surplus property for disposal and authorizing the Police Department to dispose of the vehicles

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE #2, and #3 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:

4. Report of the Public Safety Director, Neil Bauer for March 2, 2023
5. Report of City Building Official, Fred Weck, IV for March 2, 2023
6. Report of City Attorney Tom Loonan for March 2, 2023
7. Report of City Engineer Mark Erichson, WSB for March 2, 2023
8. Report of Acting Public Works Superintendent Joe Keding for March 7, 2023

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS

9. To consider **Resolution 23-03-26** a resolution rescinding **Resolution No. 22-05-50**, which authorized the purchase of accessories and outfitting for a new plow truck from Towmaster Truck Equipment in the amount of \$182,566.00
10. To consider **Resolution 23-03-27** a resolution authorizing the purchase of accessories and outfitting for a new plow truck from Towmaster Truck Equipment in the amount of \$189,347.00

Acting Public Works Superintendent Keding – Reminded the Council that in May of 2022 they had authorized the purchase of new plow truck. He explained that while processing the quote, it was discovered that the original box style was not compatible with the City's brine equipment that assists in deicing. He noted that the City has received a new quote for an elliptical style box, but it is an increase of about \$6,781 but explained that Towmaster is giving the City 2022 pricing rather than the current 2023 pricing which is considerably higher.

Council Member Nanko Yeager – Confirmed that the City would still be able to use the same chassis that it had recently purchased. She asked if the change in box style would push the delivery date back at all.

Acting Public Works Superintendent Keding – Explained that it would not push back the delivery date and stated that when they are preparing for the build was how they noticed that the original box style selected was incorrect. He noted that they are still waiting for the chassis to be delivered but once that happens it is typically about a 2 month outfitting process.

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 23-03-26 A RESOLUTION RESCINDING RESOLUTION NO. 22-05-50, WHICH AUTHORIZED THE PURCHASE OF ACCESSORIES AND OUTFITTING FOR A NEW PLOW TRUCK FROM TOWMASTER TRUCK EQUIPMENT IN THE AMOUNT OF \$182,566.00.

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

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER IVERSON, TO APPROVE RESOLUTION 23-03-27 A RESOLUTION AUTHORIZING THE PURCHASE OF ACCESSORIES AND OUTFITTING FOR A NEW PLOW TRUCK FROM TOWMASTER TRUCK EQUIPMENT IN THE AMOUNT OF \$189,347.00

Voting Aye: Nanko Yeager, Luger, Ohnstad, Iverson

Voting Nay: None

Abstain: None

Absent: Schilling

COUNCIL REPORTS:

Council Member Ohnstad – Attended the Park Advisory Commission. He extended his appreciation to Officer Boecker and the Wyoming Fire Department who assisted his wife following her slip and fall incident.

Council Member Nanko Yeager – No report

Council Member Luger – No report

Mayor Iverson – Asked for a brief update on the story Channel 5 did regarding Rosenbauer

Public Safety Director Bauer – Explained that KSTP did a story highlighting Rosenbauer, but as a side benefit because the City has multiple fire apparatus from them, they ended up doing a portion of the story in the City's facilities. He stated that the story was able to really show the partnership between Rosenbauer and the City.

Mayor Iverson – Stated that she thought it was a really fun story to watch on the news and thanked Rosenbauer for being such a great partner with the City. She noted that KSTP also did a story on the Veteran's Memorial.

City Administrator Linwood – Explained that KSTP had interviewed some local residents and did a nice story on the Veteran's Memorial project that talked about the ability to buy bricks during the first phase of the project in honor of a veteran. He stated that the City has gotten a lot of attention from the story and has received some nice donations from outside the City because of the story.

Mayor Iverson – Thanked City staff for their work and noted that it was amazing for the City to have attention for the good things that are being done.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER OHNSTAD, TO ADJOURN THE MARCH 7, 2023 "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 7:14 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: MARCH 21, 2023 7:00PM

For Check Dates 03/14/2023 to 03/14/2023

Check Number Name			Check Date
Text Label	54584	PACIFIC LIFE INSURANCE	03/14/2023
Item Code	GL Number	Amount	
ROTH	101-0000-21712	250.00	
		250.00	
Text Label	54585	LAW ENFORCEMENT LABOR	03/14/2023
Item Code	GL Number	Amount	
UNION POLICE	101-0000-21713	540.00	
		540.00	
Text Label	54586	CENTRAL PENSION FUND,	03/14/2023
Item Code	GL Number	Amount	
CENT PENS FUND	101-0000-21716	480.00	
		480.00	
Text Label	54587	WI SCTF,	03/14/2023
Item Code	GL Number	Amount	
WI CHILD SUPPOR	101-0000-21710	215.42	
		215.42	
Text Label	EFT973	SELECTACCOUNT,	03/14/2023
Item Code	GL Number	Amount	
DEP CARE	101-0000-21711	0.00	
FSA CONT	101-0000-21711	0.00	
HSA CITY CONT	101-0000-21707	0.00	
HSA CONT	101-0000-21707	2,131.16	
		2,131.16	
Text Label	EFT974	P.E.R.A.,	03/14/2023
Item Code	GL Number	Amount	
CORD PERA	101-0000-21704	3,179.16	
DCP PERA	101-0000-21704	0.00	
DCP PERA MATCH	101-0000-21704	0.00	
PERA CITY MATCH	101-0000-21704	3,668.26	
PF PERA	101-0000-21704	3,993.01	
PF PERA CITY	101-0000-21704	5,989.51	
		16,829.94	
Text Label	EFT975	INTERNAL REVENUE SERVICE,	03/14/2023

For Check Dates 03/14/2023 to 03/14/2023

Check Number	Name	Check Date
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Item Code	GL Number	Amount
FITW	101-0000-21701	7,411.00
MEDICARE_EE	101-0000-21703	1,117.70
MEDICARE_ER	101-0000-21703	1,117.70
SOCSEC_EE	101-0000-21703	2,821.41
SOCSEC_ER	101-0000-21703	2,821.41
		15,289.22

Text Label

EFT976 STATE OF MINNESOTA,

03/14/2023

Item Code	GL Number	Amount
SITW	101-0000-21702	3,379.31
		3,379.31

Text Label

General Checking Account 10100
Total Amount Being Paid: \$39,115.05
Total Number of Checks: 8

- Mayor Iverson
- Councilmember Luger
- Councilmember Nanko Yeager
- Councilmember Schilling
- Councilmember Ohnstad

City of Wyoming Check Detail Register

1/10
March 17, 2023 09:52 AM
User: ssaxe
DR: Wyoming

03-21-2023

Check # Invoice #	Check Date	Vendor Name	General Ledger #	Amount	Comment
54589	03/21/2023	ADAM'S PEST CONTROL INC			
3603152			101-3100-42310	CONTRACTED SER	\$77.25
					CONTRACTED SERVICES
		Total for ADAM'S PEST CONTROL INC			\$77.25
54590	03/21/2023	ADVANCE AUTO PARTS			
2509-320031			101-3100-44040	REPAIRS & MAINT.	\$3.00
					REPAIRS & MAINT. - EQUIPMENT
		Total for ADVANCE AUTO PARTS			\$3.00
54591	03/21/2023	ANCOM COMMUNICATIONS			
113226			101-2200-42300	SAFETY EQUIPMEN	\$1,361.80
					SAFETY EQUIPMENT
		Total for ANCOM COMMUNICATIONS			\$1,361.80
54592	03/21/2023	ASPEN MILLS			
310272			101-2110-44080	UNIFORMS	\$54.95
					UNIFORMS
		Total for ASPEN MILLS			\$54.95
54593	03/21/2023	AT & T MOBILITY			
03032023			101-2110-43200	COMMUNICATIONS	\$1,136.63
			101-2200-43200	COMMUNICATIONS	\$272.47
					COMMUNICATIONS (GENERAL)
					COMMUNICATIONS (GENERAL)
		Total for AT & T MOBILITY			\$1,409.10
54594	03/21/2023	AUSTIN RADEMACHER			
03132023			101-2400-42080	TRAINING AND IN	\$243.93
					TRAINING AND INSTRUCTION
		Total for AUSTIN RADEMACHER			\$243.93
54595	03/21/2023	CHISAGO COUNTY PRESS, INC			
02282023			800-0000-20806	SECONDARY SOLU	\$41.18
					SECONDARY SOLUTIONS, INC. ESCROW
		Total for CHISAGO COUNTY PRESS, IN			\$41.18
54596	03/21/2023	CINTAS			
4148172837			101-3100-44180	UNIFORMS	\$118.77
			101-3100-42100	OPERATING SUPPL	\$48.00
					STREETS
4148172609					SHOP SUPPLIES
			101-1400-43600	CLEANING SERVIC	\$31.05
					CLEANING SERVICE-CITY HALL
4148182725			101-2110-43600	CLEANING SERVIC	\$28.51
					CLEANING SERVICE-PUBLIC SAFETY
4148922864			101-3100-44180	UNIFORMS	\$118.77
			101-3100-42100	OPERATING SUPPL	\$33.55
					STREETS
					SHOP SUPPLIES
		Total for CINTAS			\$378.65

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03-21-2023

Check # Invoice #	Check Date	Vendor Name	General Ledger #	Amount	Comment
54597	03/21/2023	CINTAS CORP-FIRST AID & SAFETY			
5149299925					
		101-3100-44010	REPAIRS & MAINT.	\$23.82	REPAIRS & MAINT. - BUILDINGS
		101-2110-44010	REPAIRS & MAINT.	\$142.84	REPAIRS & MAINT. - BUILDINGS
Total for CINTAS CORP-FIRST AID & S				\$166.66	
54598	03/21/2023	CONNEXUS ENERGY			
02272023					
		101-3100-43800	UTILITIES-GAS/ELI	\$37.88	LAKE DR & HEATH - ST LIGHTS
		101-2110-43800	UTILITIES-GAS/ELI	\$5.25	HAMLET DR
		101-2110-43800	UTILITIES-GAS/ELI	\$5.25	FALLBROOK SIREN
		101-3100-43860	STREET LIGHTS	\$21.02	250TH STREET NE SIGN
		101-2110-43800	UTILITIES-GAS/ELI	\$5.25	PIONEER RD
Total for CONNEXUS ENERGY				\$74.65	
54599	03/21/2023	CULLIGAN WATER CONDITIONING			
585107					
		101-2110-42100	OPERATING SUPPL	\$80.00	OPERATING SUPPLIES
Total for CULLIGAN WATER CONDITIO				\$80.00	
54600	03/21/2023	DAN'S TOWING			
90209					
		202-2110-42310	CONTRACTED SER	\$161.06	TOWING
90531					
		202-2110-42310	CONTRACTED SER	\$161.06	TOWING
Total for DAN'S TOWING				\$322.12	
54601	03/21/2023	DAVE TORMA			
03132023					
		101-5200-42080	TRAINING AND IN	\$411.31	TRAINING AND INSTRUCTION
Total for DAVE TORMA				\$411.31	
54602	03/21/2023	DAVID J. KEDING			
03142023					
		101-5200-42080	TRAINING AND IN	\$75.00	TRAINING AND INSTRUCTION
Total for DAVID J. KEDING				\$75.00	
54603	03/21/2023	DAVID SCHUDER			
03/14/2023					
		601-0000-11500	ACCOUNTS RECEIV	\$312.38	Water - Meter Charge
		651-0000-11500	ACCOUNTS RECEIV	\$70.10	Surface Water Mgmt
		602-0000-11500	ACCOUNTS RECEIV	\$20.22	Sewer Usage
		601-0000-11500	ACCOUNTS RECEIV	\$18.20	State Surcharge
		601-0000-11500	ACCOUNTS RECEIV	\$5.23	Water Usage
Total for DAVID SCHUDER				\$426.13	
54604	03/21/2023	DUNAWAY CUSTOM ARMS			
03062023					
		101-2110-42080	TRAINING AND IN	\$1,858.60	TRAINING AND INSTRUCTION
Total for DUNAWAY CUSTOM ARMS				\$1,858.60	

City of Wyoming Check Detail Register

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March 17, 2023 09:52 AM
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03-21-2023

Check # Invoice #	Check Date	Vendor Name	General Ledger #	Amount	Comment
54605 33672	03/21/2023	ECKBERG LAMMERS P.C.			
		101-1400-43040	ATTORNEY FEES	\$300.00	GENERAL
		101-1400-43040	ATTORNEY FEES	\$780.00	MEETINGS
		101-1400-43040	ATTORNEY FEES	\$43.75	EMPLOYEE HANDBOOK REVIEW
		800-0000-20805	ROSENBAUER 2022	\$157.50	ROSENBAUER 2022 ESCROW
		101-1400-43040	ATTORNEY FEES	\$306.25	ATTORNEY FEES
		101-2110-43040	ATTORNEY FEES	\$166.25	ATTORNEY FEES
		Total for ECKBERG LAMMERS P.C.		\$1,753.75	
54606 03152023	03/21/2023	H & W FUND I.U.O.E LOCAL 49			
		101-0000-21706	HOSPITALIZATION	\$8,520.00	PREMIUMS
		Total for H & W FUND I.U.O.E LOCAL 4		\$8,520.00	
54607 03152023	03/21/2023	HALLBERG STORAGE LLC			
		101-2200-42100	OPERATING SUPPL	\$52.50	OPERATING SUPPLIES
		Total for HALLBERG STORAGE LLC		\$52.50	
54608 16306 16317	03/21/2023	HYDRAULICS PLUS & CONSULTING			
		101-3100-44010	REPAIRS & MAINT.	\$75.56	REPAIRS & MAINT. - BUILDINGS
		101-3100-44040	REPAIRS & MAINT.	\$54.69	REPAIRS & MAINT. - EQUIPMENT
		Total for HYDRAULICS PLUS & CONSULTING		\$130.25	
54609 03072023	03/21/2023	IUOE LOCAL #49			
		101-0000-21714	PW UNION DUES	\$210.00	MONTHLY DUES
		Total for IUOE LOCAL #49		\$210.00	
54610 27518	03/21/2023	KRAMER MECHANICAL			
		101-2200-44010	REPAIRS & MAINT.	\$791.32	REPAIRS & MAINT. - BUILDINGS
		Total for KRAMER MECHANICAL		\$791.32	
54611 379349	03/21/2023	LEAGUE OF MN CITIES			
		101-1400-42080	TRAINING AND IN	\$225.00	TRAINING AND INSTRUCTION
		Total for LEAGUE OF MN CITIES		\$225.00	
54612 41111	03/21/2023	LINDSTROM WHEELHORSE			
		101-3100-44040	REPAIRS & MAINT.	\$10.99	REPAIRS & MAINT. - EQUIPMENT
		Total for LINDSTROM WHEELHORSE		\$10.99	
54613 367498	03/21/2023	LITTLE FALLS MACHINE			
		101-3100-44040	REPAIRS & MAINT.	\$214.82	REPAIRS & MAINT. - EQUIPMENT
		Total for LITTLE FALLS MACHINE		\$214.82	

City of Wyoming Check Detail Register

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March 17, 2023 09:52 AM
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03-21-2023

Check # Invoice #	Check Date	Vendor Name		
	General Ledger #	Amount	Comment	
54614	03/21/2023	LRS PORTABLES, LLC		
MP220124	101-5200-44050	SATALLITE RENTAL	\$100.00	SATALLITE RENTAL
MP219885	101-5200-44050	SATALLITE RENTAL	\$140.00	SATALLITE RENTAL
Total for LRS PORTABLES, LLC			\$240.00	
54615	03/21/2023	MED COMPASS		
42883	101-2110-42310	CONTRACTED SER	\$2,950.00	CONTRACTED SERVICES
Total for MED COMPASS			\$2,950.00	
54616	03/21/2023	MENARDS- FOREST LAKE		
3801	101-3100-42400	SMALL TOOLS/MIN	\$41.94	SMALL TOOLS/MINOR EQUIPMENT
Total for MENARDS- FOREST LAKE			\$41.94	
54617	03/21/2023	MIDCONTINENT COMMUNICATIONS		
14463230113216	101-1400-43210	TELEPHONE	\$111.42	CITY HALL
	101-1400-42310	CONTRACTED SER	\$904.84	FIBER
	101-2110-43210	TELEPHONE	\$406.67	POLICE DEPT
	101-3100-43210	TELEPHONE	\$63.59	PUBLIC WORKS
	601-9425-43210	TELEPHONE	\$186.75	WELL
	602-9425-43210	TELEPHONE	\$139.12	LIFTSTATIONS
Total for MIDCONTINENT COMMUNIC/			\$1,812.39	
54618	03/21/2023	MN DEPT OF LABOR AND INDUSTRY		
ABR0301863X	101-3100-44010	REPAIRS & MAINT.	\$10.00	REPAIRS & MAINT. - BUILDINGS
ABR0302633X	101-2200-42100	OPERATING SUPPL	\$10.00	OPERATING SUPPLIES
Total for MN DEPT OF LABOR AND IND			\$20.00	
54619	03/21/2023	NAPA AUTO PARTS		
140592	101-3100-44040	REPAIRS & MAINT.	\$31.48	REPAIRS & MAINT. - EQUIPMENT
142013	101-2200-42100	OPERATING SUPPL	\$18.98	OPERATING SUPPLIES
Total for NAPA AUTO PARTS			\$50.46	
54620	03/21/2023	NORTHERN SALT INC		
29015	101-3100-44400	SALT & SAND	\$3,333.52	SALT & SAND
29020	101-3100-44400	SALT & SAND	\$3,263.56	SALT & SAND
Total for NORTHERN SALT INC			\$6,597.08	

City of Wyoming Check Detail Register

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March 17, 2023 09:52 AM
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03-21-2023

Check # Invoice #	Check Date	Vendor Name	General Ledger #	Amount	Comment
54621	03/21/2023	NORTHERN TOOL & EQUIPMENT			
0361118782					
		101-3100-42400	SMALL TOOLS/MIN	\$79.98	SMALL TOOLS/MINOR EQUIPMENT
		Total for NORTHERN TOOL & EQUIPMENT		\$79.98	
54622	03/21/2023	OLSONS SEWER SERVICE			
100128					
		601-9425-43000	PROFESSIONAL SE	\$4,472.47	PROFESSIONAL SERVICE (GENERAL)
		Total for OLSONS SEWER SERVICE		\$4,472.47	
54623	03/21/2023	RICOH USA			
5066873790					
		101-2110-42240	MAINTENANCE CO	\$24.77	POLICE DEPT
		101-2110-42240	MAINTENANCE CO	\$3.34	FIRE DEPT
		101-1400-42150	COPIER	\$45.87	CITY HALL
		Total for RICOH USA		\$73.98	
54624	03/21/2023	SALT SOURCE LLC			
25951					
		101-3100-44400	SALT & SAND	\$3,407.10	SALT & SAND
		Total for SALT SOURCE LLC		\$3,407.10	
54625	03/21/2023	THOMSON REUTERS-WEST PUBLISH			
847938972					
		101-2110-44360	INVESTIGATIONS	\$169.26	INVESTIGATIVE SUITE
		Total for THOMSON REUTERS-WEST PI		\$169.26	
54626	03/21/2023	TIMESAVER OFF SITE SECRETARIAL			
M28045					
		101-1400-42310	CONTRACTED SER	\$159.00	CONTRACTED SERVICES
		Total for TIMESAVER OFF SITE SECRE7		\$159.00	
54627	03/21/2023	TOTAL CONTROL SYSTEMS			
10592					
		601-9425-42310	CONTRACTED SER	\$303.40	CONTRACTED SERVICES
10593					
		602-9425-42310	CONTRACTED SER	\$318.30	CONTRACTED SERVICES
		Total for TOTAL CONTROL SYSTEMS		\$621.70	
54628	03/21/2023	UNION HOUSE INC.			
49542					
		101-2200-44080	UNIFORMS	\$500.00	UNIFORMS
		Total for UNION HOUSE INC.		\$500.00	

City of Wyoming Check Detail Register

6/10
March 17, 2023 09:52 AM
User: ssaxe
DR: Wyoming

03-21-2023

Check # Invoice #	Check Date	Vendor Name		
	General Ledger #		Amount	Comment
54629	03/21/2023	UNUM LIFE INSURANCE		
04012023				
	101-1400-41310	LIFE INSURANCE	\$185.86	ADMIN
	101-2110-41310	LIFE INSURANCE	\$731.06	POLICE
	101-1910-41310	LIFE INSURANCE	\$67.19	PLAN & ZONE
	101-2400-41310	LIFE INSURANCE	\$143.19	BLDG
	101-3100-41310	LIFE INSURANCE	\$284.38	STREETS
	601-9425-41310	LIFE INSURANCE	\$144.73	WATER
	602-9425-41310	LIFE INSURANCE	\$144.73	SEWER
	101-1400-41220	FICA	\$306.61	UNUM-ALMHJELD
040123				
	101-0000-21715	VOLUNTARY TERM	\$364.71	VOLUNTARY TERM LIFE
Total for UNUM LIFE INSURANCE			\$2,372.46	
54630	03/21/2023	US BANK EQUIPMENT FINANCE		
495947806				
	101-2400-44330	DUES & SUBSCRIP	\$162.00	DUES & SUBSCRIPTIONS
Total for US BANK EQUIPMENT FINANCE			\$162.00	
54631	03/21/2023	VC3, INC.		
103470				
	101-1400-42090	NETWORK MUNICI	\$3,384.40	NETWORK MUNICIPAL COMPUTERS
Total for VC3, INC.			\$3,384.40	
54632	03/21/2023	VERIZON		
9928701454				
	602-9425-43210	TELEPHONE	\$246.09	TELEPHONE
	601-9425-43210	TELEPHONE	\$246.09	TELEPHONE
	101-1400-43210	TELEPHONE	\$82.70	TELEPHONE
	101-2400-43210	TELEPHONE	\$82.70	TELEPHONE
Total for VERIZON			\$657.58	
54633	03/21/2023	VICTORY AUTOMOTIVE SERVICE		
816018				
	101-2110-43900	VEHICLE MAINTEN	\$91.50	VEHICLE MAINTENANCE
816120				
	101-2110-43900	VEHICLE MAINTEN	\$52.05	VEHICLE MAINTENANCE
816132				
	101-2110-43900	VEHICLE MAINTEN	\$35.42	VEHICLE MAINTENANCE
Total for VICTORY AUTOMOTIVE SERVICE			\$178.97	

City of Wyoming Check Detail Register

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March 17, 2023 09:52 AM
User: ssaxe
DR: Wyoming

03-21-2023

Check # Invoice #	Check Date	Vendor Name		
	General Ledger #	Amount		Comment
54634	03/21/2023	VISA		
9546624	101-2110-42100	OPERATING SUPPL	\$29.95	OPERATING SUPPLIES
6502619	101-2200-42100	OPERATING SUPPL	\$68.99	OPERATING SUPPLIES
6546	101-2110-42100	OPERATING SUPPL	\$15.48	OPERATING SUPPLIES
196	101-2110-44330	DUES & SUBSCRIP	\$50.00	DUES & SUBSCRIPTIONS
20230209	101-2110-42100	OPERATING SUPPL	\$43.96	OPERATING SUPPLIES
MT189NL76B	101-2110-42100	OPERATING SUPPL	\$2.99	OPERATING SUPPLIES
29795	101-2200-42100	OPERATING SUPPL	\$46.00	OPERATING SUPPLIES
1622587154	101-2110-44330	DUES & SUBSCRIP	\$206.28	DUES & SUBSCRIPTIONS
80250968	101-2110-44330	DUES & SUBSCRIP	\$62.10	DUES & SUBSCRIPTIONS
804261	101-2110-42000	SUPPLIES - OFFICE	\$33.44	SUPPLIES - OFFICE/COPY/COMPUTR
2397869	101-2110-42000	SUPPLIES - OFFICE	\$8.36	SUPPLIES - OFFICE/COPY/COMPUTR
8856263	101-2110-42000	SUPPLIES - OFFICE	\$23.76	SUPPLIES - OFFICE/COPY/COMPUTR
7292239	101-2110-42000	SUPPLIES - OFFICE	\$33.98	SUPPLIES - OFFICE/COPY/COMPUTR
0578388-IN	101-2110-44360	INVESTIGATIONS	\$101.21	INVESTIGATIONS
02042023	101-2110-42100	OPERATING SUPPL	\$2.00	OPERATING SUPPLIES
02242023	101-2110-42100	OPERATING SUPPL	\$49.27	OPERATING SUPPLIES
Total for VISA			\$777.77	
54635	03/21/2023	VISA		
01302023	101-3100-42400	SMALL TOOLS/MIN	\$370.00	SMALL TOOLS/MINOR EQUIPMENT
	101-3100-42400	SMALL TOOLS/MIN	\$560.00	SMALL TOOLS/MINOR EQUIPMENT
Total for VISA			\$930.00	

City of Wyoming Check Detail Register

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DR: Wyoming

03-21-2023

Check # Invoice #	Check Date	Vendor Name	Amount	Comment
General Ledger #				
54636	03/21/2023	VISA		
90037145				
	601-9425-42080	TRAINING AND IN	\$275.00	TRAINING AND INSTRUCTION
43942044081				
	101-5200-42080	TRAINING AND IN	\$225.00	TRAINING AND INSTRUCTION
79392				
	101-5200-42190	SEASONAL ACTIVI	\$25.22	SEASONAL ACTIVITIES
S3006491				
	101-1400-44010	REPAIRS & MAINT.	\$195.85	REPAIRS & MAINT. - BUILDINGS
9779421				
	101-1400-42000	SUPPLIES - OFFICE	\$35.87	SUPPLIES - OFFICE/COPY/COMPUTR
5517011				
	101-1400-42000	SUPPLIES - OFFICE	\$17.36	SUPPLIES - OFFICE/COPY/COMPUTR
02222023				
	101-1400-42000	SUPPLIES - OFFICE	\$12.98	SUPPLIES - OFFICE/COPY/COMPUTR
Total for VISA			\$787.28	
54637	03/21/2023	VISA		
2390610				
	101-2400-42000	SUPPLIES - OFFICE	\$34.19	SUPPLIES - OFFICE/COPY/COMPUTR
9917020				
	101-1400-42000	SUPPLIES - OFFICE	\$16.49	SUPPLIES - OFFICE/COPY/COMPUTR
9445802				
	101-1400-42100	OPERATING SUPPL	\$22.29	OPERATING SUPPLIES
8141029				
	101-2400-42100	OPERATING SUPPL	\$18.50	OPERATING SUPPLIES
Total for VISA			\$91.47	
54638	03/21/2023	WASTE MANAGEMENT CORP SERVICES		
0027085-4812-4				
	101-5500-43840	REFUSE	\$33.00	LIBRARY 27-16928-33002
	101-5200-43840	REFUSE	\$187.90	CITY MAINT 27-16916-73007
	101-3100-43840	REFUSE	\$161.70	CITY HALL 27-16916-83005
	101-5200-43840	REFUSE	\$221.36	CITY GARAGE 27-16920-33000
Total for WASTE MANAGEMENT CORP			\$603.96	
54639	03/21/2023	WATER CONSERVATION SERVICE		
13063				
	601-9425-43000	PROFESSIONAL SE	\$428.88	PROFESSIONAL SERVICE (GENERAL)
Total for WATER CONSERVATION SER			\$428.88	
54640	03/21/2023	WEX BANK		
87880433				
	101-2400-42120	MOTOR FUELS	\$47.29	MOTOR FUELS
	101-2200-42120	MOTOR FUELS	\$460.38	MOTOR FUELS
	101-2110-42120	MOTOR FUELS	\$2,613.17	MOTOR FUELS
	101-3100-42120	MOTOR FUELS	\$2,672.84	MOTOR FUELS
	101-5200-42120	MOTOR FUELS	\$20.35	MOTOR FUELS
	601-9425-42120	MOTOR FUELS	\$1,346.59	MOTOR FUELS
	602-9425-42120	MOTOR FUELS	\$1,346.59	MOTOR FUELS
Total for WEX BANK			\$8,507.21	

City of Wyoming Check Detail Register

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03-21-2023

Check # Invoice #	Check Date	Vendor Name	General Ledger #	Amount	Comment
54641	03/21/2023	WSB			
01312023					
	651-1000-43030	ENGINEERING		\$107.00	2023 LGU SERVICES
	651-9425-43100	MS4 PERMIT - ENC		\$786.00	MS4 PROGRAM
	800-0000-20588	257 LAND HOLDIN		\$111.50	257 LAND HOLDINGS LLC
	800-0000-20532	SHORE VIEW TWO		\$489.75	SHORE VIEW TWO ESCROW
	800-0000-20531	AADLAND WEST		\$197.75	HUNTER HILL ESCROW
	408-3100-43030	ENGINEERING		\$1,106.00	2021 STREET IMROVEMENT PROJECT
	408-3100-43030	ENGINEERING		\$11,009.14	2023 EAST VIKING BLVD IMPROVEMENT
	408-3100-43030	ENGINEERING		\$1,352.00	2023 FALLBROOK AVE & 264TH IMPROVEMENTS
	101-1400-43030	ENGINEERING		\$61.50	2023 GENERAL ENGINEERING
	101-1910-43030	ENGINEERING		\$510.50	2023 GENERAL PLANNING SERVICES
	408-9425-45350	IMPROVEMENTS		\$2,415.50	2022 TRUNK WATERMAIN IMPROVEMENTS
	408-3100-43030	ENGINEERING		\$2,791.75	BRIDGE 13506 REPLACEMENT
	602-9425-43000	PROFESSIONAL SE		\$303.00	E VIKING BLVD SANITARY SEWER IMPROVEMENT
	800-0000-20591	GREGORY REZONE		\$557.50	GREGORY REZONE ESCROW
	800-0000-20588	257 LAND HOLDIN		\$513.00	HEIMS LAKE APARTMENTS
	800-0000-20572	HEIMS LAKE VILLA		\$827.50	HEIMS LAKE VILLA NORTH SKETCH
	401-3100-45000	CAPITAL OUTLAY		\$55.75	HELIUM COURT STORM SEWER REPLACEMENT
	800-0000-20540	KATIES GLEN ESCF		\$334.50	KATIES GLEN ESCROW
	800-0000-20805	ROSENBAUER 2022		\$281.25	ROSENBAUER 2022 ESCROW
	800-0000-20568	MOXNESS SUMMEF		\$320.25	SUMMER FIELDS 1ST ADDITION
	800-0000-20568	MOXNESS SUMMEF		\$295.00	SUMMER FIELDS 2ND ADDITION
	101-5200-44040	REPAIRS & MAINT.		\$745.00	WYOMING PARK SYSTEM PLAN
	401-1000-45000	CAPITAL OUTLAY		\$390.00	WYOMING PUBLIC BUILDINGS SITE DESIGN
	Total for WSB			\$25,561.14	
54642	03/21/2023	XCEL ENERGY			
818402903					
	101-3100-43860	STREET LIGHTS		\$6,429.31	STOP LIGHTS
	Total for XCEL ENERGY			\$6,429.31	

City of Wyoming Check Detail Register

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March 17, 2023 09:52 AM
User: ssaxe
DR: Wyoming

03-21-2023

Check #	Check Date	Vendor Name
Invoice #	General Ledger #	mount
		Comment

General Checking Account 10100
Total Amount Being Paid: \$90,960.75
Total Number of Checks: 54

Mayor Iverson

Councilmember Luger

Councilmember Nanko Yeager

Councilmember Schilling

Councilmember Ohnstad



Request for Council Action

Date: March 17, 2023

Presented to: Mayor Iverson and City Council Members

Presented by: Robb Linwood, City Administrator

Department: Administration

Reference: MNDOT Delegated Process Contract (DCP) Agreement

Method: Consent Agenda

Background Information:

When a local governmental unit applies for and is successfully awarded funds from the Federal Highway Administration, those routed to the State's DOT office for management and distribution. In Minnesota, MnDOT would act as the local government's agent to accept and manage federal funding on behalf of the local government unit. Transportation projects that receive state or federal funds have specific requirements that must be met during the bidding and construction phases of projects to receive reimbursement for eligible costs.

An agreement between Wyoming and MnDOT must be in place before MnDOT can act as Wyoming's agent on future projects which may be eligible for and receive federal funding. This is called a Delegated Contract Process (DCP) agreement. This document outlines the terms and process that must be followed to receive federal funding reimbursement.

A resolution must be passed along with the approval of the agreement, both documents are attached for reference.

Recommendation: To approve **Resolution 23-03-28** a resolution approving a Delegated Process Contract (DCP) Agreement with MNDOT



CITY OF WYOMING

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092
Phone: 651-462-0575 Fax: 651-462-0576



STATE OF MINNESOTA

AGENCY AGREEMENT

for

FEDERAL PARTICIPATION IN CONSTRUCTION

This Agreement is entered into by and between City of Wyoming ("Local Government") and the State of Minnesota acting through its Commissioner of Transportation ("MnDOT").

RECITALS

1. Pursuant to Minnesota Statutes Section 161.36, the Local Government desires MnDOT to act as the Local Government's agent in accepting federal funds on the Local Government's behalf for the construction, improvement, or enhancement of transportation financed either in whole or in part by Federal Highway Administration ("FHWA") federal funds, hereinafter referred to as the "Project(s)"; and
2. This Agreement is intended to cover all federal aid projects initiated by the Local Government and therefore has no specific State Project number associated with it, and
 - 2.1. The Assistance Listing Number (ALN) is 20.205, 20.224, 20.933 or another Department of Transportation ALN as listed on SAM.gov and
 - 2.2. This project is for construction, not research and development.
 - 2.3. MnDOT requires that the terms and conditions of this agency be set forth in an agreement.

AGREEMENT TERMS

1. Term of Agreement; Prior Agreement

- 1.1. **Effective Date.** This Agreement will be effective on the date that MnDOT obtains all required signatures under Minn. Stat. §16C.05, Subd. 2. This Agreement will remain effective until it is superseded or terminated pursuant to section 14.

2. Local Government's Duties

- 2.1. **Designation.** The Local Government designates MnDOT to act as its agent in accepting federal funds on its behalf made available for the Project(s). Details on the required processes and procedures are available on the State Aid Website.
- 2.2. **Staffing.**
 - 2.2.1. The Local Government will furnish and assign a publicly employed and licensed engineer, ("Project Engineer"), to be in responsible charge of the Project(s) and to supervise and direct the work to be performed under any construction contract let for the Project(s). In the alternative, where the Local Government elects to use a private consultant for construction engineering services, the Local Government will provide a qualified, full-time public employee of the Local Government to be in responsible charge of the Project(s). The services of the Local Government to be performed hereunder may not be assigned, sublet, or transferred unless the Local Government is notified in writing by MnDOT that such action is permitted under 23 CFR 1.33 and 23 CFR 635.105 and state law. This written consent will in no way relieve the Local Government from its primary responsibility for performance of the work.

2.2.2. During the progress of the work on the Project(s), the Local Government authorizes its Project Engineer to request in writing specific engineering and/or technical services from MnDOT, pursuant to Minnesota Statutes Section 161.39. Such services may be covered by other technical service agreements. If MnDOT furnishes the services requested, and if MnDOT requests reimbursement, then the Local Government will promptly pay MnDOT to reimburse the state trunk highway fund for the full cost and expense of furnishing such services. The costs and expenses will include the current MnDOT labor additives and overhead rates, subject to adjustment based on actual direct costs that have been verified by audit. Provision of such services will not be deemed to make MnDOT a principal or co-principal with respect to the Project(s).

2.3. **Pre-letting.** The Local Government will prepare construction contracts in accordance with Minnesota law and applicable Federal laws and regulations.

2.3.1. The Local Government will solicit bids after obtaining written notification from MnDOT that the FHWA has authorized the Project(s). Any Project(s) advertised prior to authorization **without permission** will not be eligible for federal reimbursement.

2.3.2. The Local Government will prepare the Proposal for Highway Construction for the construction contract, which will include all federal-aid provisions supplied by MnDOT.

2.3.3. The Local Government will prepare and publish the bid solicitation for the Project(s) as required by state and federal laws. The Local Government will include in the solicitation the required language for federal-aid construction contracts as supplied by MnDOT. The solicitation will state where the proposals, plans, and specifications are available for the inspection of prospective bidders and where the Local Government will receive the sealed bids.

2.3.4. The Local Government may not include other work in the construction contract for the authorized Project(s) without obtaining prior notification from MnDOT that such work is allowed by FHWA. Failure to obtain such notification may result in the loss of some or all of the federal funds for the Project(s). All work included in a federal contract is subject to the same federal requirements as the federal project.

2.3.5. The Local Government will prepare and sell the plan and proposal packages and prepare and distribute any addenda, if needed.

2.3.6. The Local Government will receive and open bids.

2.3.7. After the bids are opened, the Local Government will consider the bids and will award the bid to the lowest responsible bidder or reject all bids. If the construction contract contains a goal for Disadvantaged Business Enterprises (DBEs), the Local Government will not award the bid until it has received certification of the Disadvantaged Business Enterprise participation from the MnDOT Office of Civil Rights.

2.3.8. The Local Government must disclose in writing any potential conflict of interest to the Federal awarding agency or MnDOT in accordance with applicable FHWA policy.

2.4. **Contract Administration.**

2.4.1. The Local Government will prepare and execute a construction contract with the lowest responsible bidder, hereinafter referred to as the "Contractor," in accordance with the special provisions and the latest edition of MnDOT's Standard Specifications for Construction when the contract is awarded and all amendments thereto. All contracts between the Local Government and third parties or subcontractors must contain all applicable provisions of this Agreement, including the applicable federal contract clauses, which are identified in Appendix II of 2 CFR 200, Uniform Administrative

Requirements, Cost Principles and Audit Requirements for Federal Awards, and as identified in Section 18 of this Agreement.

- 2.4.2. The Project(s) will be constructed in accordance with the plans, special provisions, and standard specifications of each Project. The standard specifications will be the latest edition of MnDOT Standard Specifications for Highway Construction and all amendments thereto. The plans, special provisions, and standard specifications will be on file at the Local Government Engineer's Office. The plans, special provisions, and specifications are incorporated into this Agreement by reference as though fully set forth herein.
- 2.4.3. The Local Government will furnish the personnel, services, supplies, and equipment necessary to properly supervise, inspect, and document the work for the Project(s). The services of the Local Government to be performed hereunder may not be assigned, sublet, or transferred unless the Local Government is notified in writing by MnDOT that such action is permitted under 23 CFR 1.33 and 23 CFR 635.105 and state law. This written consent will in no way relieve the Local Government from its primary responsibility for performance of the work.
- 2.4.4. The Local Government will document quantities in accordance with the guidelines set forth in the Construction Section of the Electronic State Aid Manual that are in effect at the time the work was performed.
- 2.4.5. The Local Government will test materials in accordance with the Schedule of Materials Control in effect at the time each Project was let. The Local Government will notify MnDOT when work is in progress on the Project(s) that requires observation by the Independent Assurance Inspector, as required by the Independent Assurance Schedule.
- 2.4.6. The Local Government may make changes in the plans or the character of the work, as may be necessary to complete the Project(s), and may enter into Change Order(s) with the Contractor. The Local Government will not be reimbursed for any costs of any work performed under a change order unless MnDOT has notified the Local Government that the subject work is eligible for federal funds and sufficient federal funds are available.
- 2.4.7. The Local Government will request approval from MnDOT for all costs in excess of the amount of federal funds previously approved for the Project(s) prior to incurring such costs. Failure to obtain such approval may result in such costs being disallowed for reimbursement.
- 2.4.8. The Local Government will prepare reports, keep records, and perform work so as to meet federal requirements and to enable MnDOT to collect the federal aid sought by the Local Government. Required reports are listed in the MnDOT State Aid Manual, Delegated Contract Process Checklist, available from MnDOT's authorized representative. The Local Government will retain all records and reports and allow MnDOT or the FHWA access to such records and reports for six years.
- 2.4.9. Upon completion of the Project(s), the Project Engineer will determine whether the work will be accepted.

2.5. **Limitations.**

- 2.5.1. The Local Government will comply with all applicable Federal, State, and local laws, ordinances, and regulations.
- 2.5.2. **Nondiscrimination.** It is the policy of the Federal Highway Administration and the State of Minnesota that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (42 U.S.C. 2000d). Through expansion of the mandate for nondiscrimination in Title VI and through parallel legislation, the proscribed bases of discrimination

include race, color, sex, national origin, age, and disability. In addition, the Title VI program has been extended to cover all programs, activities and services of an entity receiving Federal financial assistance, whether such programs and activities are Federally assisted or not. Even in the absence of prior discriminatory practice or usage, a recipient in administering a program or activity to which this part applies is expected to take affirmative action to assure that no person is excluded from participation in, or is denied the benefits of, the program or activity on the grounds of race, color, national origin, sex, age, or disability. It is the responsibility of the Local Government to carry out the above requirements.

2.5.3. **Utilities.** The Local Government will treat all public, private or cooperatively owned utility facilities which directly or indirectly serve the public and which occupy highway rights of way in conformance with 23 CFR 645 "Utilities", which is incorporated herein by reference.

2.6. **Maintenance.** The Local Government assumes full responsibility for the operation and maintenance of any facility constructed or improved under this Agreement.

3. MnDOT's Duties

3.1. **Acceptance.** MnDOT accepts designation as Agent of the Local Government for the receipt and disbursement of federal funds and will act in accordance herewith.

3.2. Project Activities.

3.2.1. MnDOT will make the necessary requests to the FHWA for authorization to use federal funds for the Project(s) and for reimbursement of eligible costs pursuant to the terms of this Agreement.

3.2.2. MnDOT will provide to the Local Government copies of the required Federal-aid clauses to be included in the bid solicitation and will provide the required Federal-aid provisions to be included in the Proposal for Highway Construction.

3.2.3. MnDOT will review and certify the DBE participation and notify the Local Government when certification is complete. If certification of DBE participation (or good faith efforts to achieve such participation) cannot be obtained, then Local Government must decide whether to proceed with awarding the contract. Failure to obtain such certification will result in the Project becoming ineligible for federal assistance, and the Local Government must make up any shortfall.

3.2.4. MnDOT will provide the required labor postings.

3.3. **Authority.** MnDOT may withhold federal funds, where MnDOT or the FHWA determines that the Project(s) was not completed in compliance with federal requirements.

3.4. **Inspection.** MnDOT, the FHWA, or duly authorized representatives of the state and federal government will have the right to audit, evaluate and monitor the work performed under this Agreement. The Local Government will make all books, records, and documents pertaining to the work hereunder available for a minimum of six years following the closing of the construction contract.

4. Time

4.1. The Local Government must comply with all time requirements described in this Agreement. In the performance of this Agreement, time is of the essence.

4.2. The period of performance is defined as beginning on the date of federal authorization and ending on the date defined in the federal financial system or federal agreement ("end date"). **No work completed** after the **end date** will be eligible for federal funding. Local Government must submit all contract close out paperwork to MnDOT at least twenty-four months prior to the **end date**.

5. Payment

- 5.1. **Cost.** The entire cost of the Project(s) is to be paid from federal funds made available by the FHWA and by other funds provided by the Local Government. The Local Government will pay any part of the cost or expense of the Project(s) that is not paid by federal funds. MnDOT will receive the federal funds to be paid by the FHWA for the Project(s), pursuant to Minnesota Statutes § 161.36, Subdivision 2. MnDOT will reimburse the Local Government, from said federal funds made available to each Project, for each partial payment request, subject to the availability and limits of those funds.
- 5.2. **Indirect Cost Rate Proposal/Cost Allocation Plan.** If the Local Government seeks reimbursement for indirect costs and has submitted to MnDOT an indirect cost rate proposal or a cost allocation plan, the rate proposed will be used on a provisional basis. At any time during the period of performance or the final audit of a Project, MnDOT may audit and adjust the indirect cost rate according to the cost principles in 2 CFR Part 200. MnDOT may adjust associated reimbursements accordingly.
- 5.3. **Reimbursement.** The Local Government will prepare partial estimates in accordance with the terms of the construction contract for the Project(s). The Project Engineer will certify each partial estimate. Following certification of the partial estimate, the Local Government will make partial payments to the Contractor in accordance with the terms of the construction contract for the Project(s).
 - 5.3.1. Following certification of the partial estimate, the Local Government may request reimbursement for costs eligible for federal funds. The Local Government's request will be made to MnDOT and will include a copy of the certified partial estimate.
 - 5.3.2. Upon completion of the Project(s), the Local Government will prepare a final estimate in accordance with the terms of the construction contract for the Project(s). The Project Engineer will certify the final estimate. Following certification of the final estimate, the Local Government will make the final payment to the Contractor in accordance with the terms of the construction contract for the Project(s).
 - 5.3.3. Following certification of the final estimate, the Local Government may request reimbursement for costs eligible for federal funds. The Local Government's request will be made to MnDOT and will include a copy of the certified final estimate along with the required records.
 - 5.3.4. Upon completion of the Project(s), MnDOT will perform a final inspection and verify the federal and state eligibility of all payment requests. If the Project is found to have been completed in accordance with the plans and specifications, MnDOT will promptly release any remaining federal funds due the Local Government for the Project(s). If MnDOT finds that the Local Government has been overpaid, the Local Government must promptly return any excess funds.
 - 5.3.5. In the event MnDOT does not obtain funding from the Minnesota Legislature or other funding source, or funding cannot be continued at a sufficient level to allow for the processing of the federal aid reimbursement requests, the Local Government may continue the work with local funds only, until such time as MnDOT is able to process the federal aid reimbursement requests.
- 5.4. **Matching Funds.** Any cost sharing or matching funds required of the Local Government in this Agreement must comply with 2 CFR 200.306.
- 5.5. **Federal Funds.** Payments under this Agreement will be made from federal funds. The Local Government is responsible for compliance with all federal requirements imposed on these funds and accepts full financial responsibility for failure to comply with any federal requirements including, but not limited to, 2 CFR Part 200. If, for any reason, the federal government fails to pay part of the cost or expense incurred by the Local Government, or in the event the total amount of federal funds is not available, the Local Government will be responsible for any and all costs or expenses incurred under this Agreement. The Local Government further agrees to pay any and all lawful claims arising out of or incidental to the performance of the work covered by this Agreement in the event the federal government does not pay the same.

5.6. **Closeout.** The Local Government must liquidate all obligations incurred under this Agreement for each Project and submit all financial, performance, and other reports as required by the terms of this Agreement and the Federal award at least twenty-four months prior to the **end date** of the period of performance for each Project. MnDOT will determine, at its sole discretion, whether a closeout audit is required prior to final payment approval. If a closeout audit is required, final payment will be held until the audit has been completed. Monitoring of any capital assets acquired with funds will continue following project closeout.

6. **Conditions of Payment.** All services provided by Local Government under this Agreement must be performed to MnDOT's satisfaction, as determined at the sole discretion of MnDOT's Authorized Representative, and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Local Government will not receive payment for work found by MnDOT to be unsatisfactory or performed in violation of federal, state, or local law.

7. Authorized Representatives

7.1. MnDOT's Authorized Representative is:

Name: Kristine Elwood, or her successor.

Title: State Aid Engineer

Phone: 651-366-4831

Email: Kristine.elwood@state.mn.us

MnDOT's Authorized Representative has the responsibility to monitor Local Government's performance and the authority to accept the services provided under this Agreement. If the services are satisfactory, MnDOT's Authorized Representative will certify acceptance on each invoice submitted for payment.

7.2. The Local Government's Authorized Representative is:

Name: Robb Linwood or their successor.

Title: Wyoming City Administrator

Phone: 651-462-0575

Email: rlinwood@wyomingmn.org

If the Local Government's Authorized Representative changes at any time during this Agreement, the Local Government will immediately notify MnDOT.

8. Assignment Amendments, Waiver, and Agreement Complete

8.1. **Assignment.** The Local Government may neither assign nor transfer any rights or obligations under this Agreement without the prior written consent of MnDOT and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office.

8.2. **Amendments.** Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.

8.3. **Waiver.** If MnDOT fails to enforce any provision of this Agreement, that failure does not waive the provision or MnDOT's right to subsequently enforce it.

8.4. **Agreement Complete.** This Agreement contains all negotiations and agreements between MnDOT and the Local Government. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

- 8.5. **Severability.** If any provision of this Agreement, or the application thereof, is found to be invalid or unenforceable to any extent, the remainder of the Agreement, including all material provisions and the application of such provisions, will not be affected and will be enforceable to the greatest extent permitted by the law.
- 8.6. **Electronic Records and Signatures.** The parties agree to contract by electronic means. This includes using electronic signatures and converting original documents to electronic records.
- 8.7. **Certification.** By signing this Agreement, the Local Government certifies that it is not suspended or debarred from receiving federal or state awards.

9. Liability and Claims

- 9.1. **Tort Liability.** Each party is responsible for its own acts and omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of any others and the results thereof. The Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, governs MnDOT liability.
- 9.2. **Claims.** The Local Government acknowledges that MnDOT is acting only as the Local Government's agent for acceptance and disbursement of federal funds, and not as a principal or co-principal with respect to the Project. The Local Government will pay any and all lawful claims arising out of or incidental to the Project including, without limitation, claims related to contractor selection (including the solicitation, evaluation, and acceptance or rejection of bids or proposals), acts or omissions in performing the Project work, and any *ultra vires* acts. To the extent permitted by law, the Local Government will indemnify, defend (to the extent permitted by the Minnesota Attorney General), and hold MnDOT harmless from any claims or costs arising out of or incidental to the Project(s), including reasonable attorney fees incurred by MnDOT. The Local Government's indemnification obligation extends to any actions related to the certification of DBE participation, even if such actions are recommended by MnDOT.

10. Audits

- 10.1. Under Minn. Stat. § 16C.05, Subd.5, the books, records, documents, and accounting procedures and practices of the Local Government, or any other party relevant to this Agreement or transaction, are subject to examination by MnDOT and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later. The Local Government will take timely and appropriate action on all deficiencies identified by an audit.
- 10.2. All requests for reimbursement are subject to audit, at MnDOT's discretion. The cost principles outlined in 2 CFR 200.400-.476 will be used to determine whether costs are eligible for reimbursement under this Agreement.
- 10.3. If Local Government expends \$750,000 or more in Federal Funds during the Local Government's fiscal year, the Local Government must have a single audit or program specific audit conducted in accordance with 2 CFR Part 200.

- 11. **Government Data Practices.** The Local Government and MnDOT must comply with the Minnesota Government Data Practices Act, [Minn. Stat. Ch. 13](#), as it applies to all data provided by MnDOT under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Local Government under this Agreement. The civil remedies of [Minn. Stat. §13.08](#) apply to the release of the data referred to in this clause by either the Local Government or MnDOT.

- 12. **Workers Compensation.** The Local Government certifies that it is in compliance with [Minn. Stat. §176.181](#), Subd. 2, pertaining to workers' compensation insurance coverage. The Local Government's employees and agents will not be considered MnDOT employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission

on the part of these employees are in no way MnDOT's obligation or responsibility.

- 13. Governing Law, Jurisdiction, and Venue.** Minnesota law, without regard to its choice-of-law provisions, governs this Agreement. Venue for all legal proceedings out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.
- 14. Termination; Suspension**
 - 14.1. Termination by MnDOT.** MnDOT may terminate this Agreement with or without cause, upon 30 days written notice to the Local Government. Upon termination, the Local Government will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.
 - 14.2. Termination for Cause.** MnDOT may immediately terminate this Agreement if MnDOT finds that there has been a failure to comply with the provisions of this Agreement, that reasonable progress has not been made, that fraudulent or wasteful activity has occurred, that the Local Government has been convicted of a criminal offense relating to a state agreement, or that the purposes for which the funds were granted have not been or will not be fulfilled. MnDOT may take action to protect the interests of MnDOT of Minnesota, including the refusal to disburse additional funds and/or requiring the return of all or part of the funds already disbursed.
 - 14.3. Termination for Insufficient Funding.** MnDOT may immediately terminate this Agreement if:
 - 14.3.1. It does not obtain funding from the Minnesota Legislature; or
 - 14.3.2. If funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the Local Government. MnDOT is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Local Government will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. MnDOT will not be assessed any penalty if the Agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. MnDOT will provide the Local Government notice of the lack of funding within a reasonable time of MnDOT's receiving that notice.
 - 14.4. Suspension.** MnDOT may immediately suspend this Agreement in the event of a total or partial government shutdown due to the failure to have an approved budget by the legal deadline. Work performed by the Local Government during a period of suspension will be deemed unauthorized and undertaken at risk of non-payment.
- 15. Data Disclosure.** Under [Minn. Stat. § 270C.65](#), Subd. 3, and other applicable law, the Local Government consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to MnDOT, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Local Government to file state tax returns and pay delinquent state tax liabilities, if any.
- 16. Fund Use Prohibited.** The Local Government will not utilize any funds received pursuant to this Agreement to compensate, either directly or indirectly, any contractor, corporation, partnership, or business, however organized, which is disqualified or debarred from entering into or receiving a State contract. This restriction applies regardless of whether the disqualified or debarred party acts in the capacity of a general contractor, a subcontractor, or as an equipment or material supplier. This restriction does not prevent the Local Government from utilizing these funds to pay any party who might be disqualified or debarred after the Local Government's contract award on this Project.
- 17. Discrimination Prohibited by Minnesota Statutes §181.59.** The Local Government will comply with the provisions of Minnesota Statutes §181.59 which requires that every contract for or on behalf of the State of Minnesota, or

any county, city, town, township, school, school district or any other district in the state, for materials, supplies or construction will contain provisions by which Contractor agrees: 1) That, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no Contractor, material supplier or vendor, will, by reason of race, creed or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; 2) That no Contractor, material supplier, or vendor, will, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in clause 1 of this section, or on being hired, prevent or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed or color; 3) That a violation of this section is a misdemeanor; and 4) That this contract may be canceled or terminated by the state of Minnesota, or any county, city, town, township, school, school district or any other person authorized to contracts for employment, and all money due, or to become due under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this Agreement.

18. Federal Contract Clauses

- 18.1. Appendix II 2 CFR Part 200.** The Local Government agrees to comply with the following federal requirements as identified in 2 CFR 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, and agrees to pass through these requirements to its subcontractors and third-party contractors, as applicable. In addition, the Local Government shall have the same meaning as “Contractor” in the federal requirements listed below.
- 18.1.1. Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
 - 18.1.2. All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
 - 18.1.3. Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
 - 18.1.4. Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public

Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

- 18.1.5. Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
- 18.1.6. Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.
- 18.1.7. Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- 18.1.8. Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- 18.1.9. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

18.1.10. Local Government will comply with 2 CFR § 200.323.

18.1.11. Local Government will comply with 2 CFR § 200.216.

18.1.12. Local Government will comply with 2 CFR § 200.322.

18.2. **Drug-Free Workplace.** The Local Government will comply with the Drug-Free Workplace requirements under subpart B of 49 C.F.R. Part 32.

18.3. **Title VI/Non-discrimination Assurances.** The Local Government hereby agrees that, as a condition of receiving any Federal financial assistance under this Agreement, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d), related nondiscrimination statutes (i.e., 23 U.S.C. § 324, Section 504 of the Rehabilitation Act of 1973 as amended, and the Age Discrimination Act of 1975), and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, disability, or age be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the Local Government receives Federal financial assistance.

The Local Government hereby agrees to comply with all applicable US DOT Standard Title VI/Non-Discrimination Assurances contained in DOT Order No. 1050.2A, and in particular Appendices A and E, which can be found at: https://edocs-public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=11149035. If federal funds are included in any contract, the Local Government will ensure the appendices and solicitation language within the assurances are inserted into contracts as required. State may conduct a review of the Local Government's compliance with this provision. The Local Government must cooperate with State throughout the review process by supplying all requested information and documentation to State, making Local Government staff and officials available for meetings as requested, and correcting any areas of non-compliance as determined by State.

18.4. **Buy America.** The Local Government must comply with the Buy America domestic preferences contained in the Build America, Buy America Act (Sections 70901-52 of the Infrastructure Investment and Jobs Act, Public Law 117-58) and as implemented by US DOT operating agencies.

18.5. **Federal Funding Accountability and Transparency Act (FFATA)**

18.5.1. This Agreement requires the Local Government to provide supplies and/or services that are funded in whole or in part by federal funds that are subject to FFATA. The Local Government is responsible for ensuring that all applicable requirements, including but not limited to those set forth herein, of FFATA are met and that the Local Government provides information to the MnDOT as required.

- a. Reporting of Total Compensation of the Local Government's Executives.
- b. The Local Government shall report the names and total compensation of each of its five most highly compensated executives for the Local Government's preceding completed fiscal year, if in the Local Government's preceding fiscal year it received:
 - i. 80 percent or more of the Local Government's annual gross revenues from Federal procurement contracts and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities

Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <https://www.sec.gov/answers/execomp.htm>).

Executive means officers, managing partners, or any other employees in management positions.

- c. Total compensation means the cash and noncash dollar value earned by the executive during the Local Government's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - i. Salary and bonus.
 - ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
 - v. Above-market earnings on deferred compensation which is not tax qualified.
- 18.5.2. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.
- 18.5.3. The Local Government must report executive total compensation described above to the MnDOT by the end of the month during which this Agreement is awarded.
- 18.5.4. The Local Government will obtain a Unique Entity Identifier number and maintain this number for the term of this Agreement. This number shall be provided to MnDOT on the plan review checklist submitted with the plans for each Project.
- 18.5.5. The Local Government's failure to comply with the above requirements is a material breach of this Agreement for which the MnDOT may terminate this Agreement for cause. The MnDOT will not be obligated to pay any outstanding invoice received from the Local Government unless and until the Local Government is in full compliance with the above requirements.

[THE REMAINDER OF THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK.]

City of Wyoming

Local Government certifies that the appropriate person(s) have executed the contract on behalf of the Local Government as required by applicable articles, bylaws, resolutions or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

DEPARTMENT OF TRANSPORTATION

By: _____

Title: _____

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____

Date: _____

**CITY OF WYOMING
CHISAGO COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 23-03-28

**A RESOLUTION APPROVING A DELEGATED PROCESS CONTRACT (DCP) AGREEMENT
WITH MNDOT**

WHEREAS, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the local agency to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

NOW THEREFORE BE IT RESOLVED, the Mayor and the City Administrator are hereby authorized and directed for and on behalf of the local agency to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 1052206 a copy of which said agreement was before the City Council and which is made a part hereof by reference.

Hereupon said resolution was declared duly passed and adopted by the City Council of the City of Wyoming this 21st day of March, 2023

CITY OF WYOMING

By: _____
Lisa Iverson, Mayor

ATTEST:

Robb Linwood, City Administrator/Clerk



March 17, 2023

Mayor Iverson and City Council Members

Re: Public Safety Activity Report – March 21, 2023 City Council Meeting

Police Update

Policy Manual Update

We continue to make progress on the police department policy manual project. We will have a variety of policies updated and rolled out at our next department meeting on March 28, 2023. Eckberg Lammers attorneys Imran Ali and Andrew LeFevour will be at the meeting to introduce some updates and answer questions for the officers. This is an extensive project that will ultimately update every policy in the current manual.

Audits

Staff is working on responding to several mandatory audits. The BCA is conducting an Information Technology Audit and National Crime Information Center (NCIC) Administrative Audit. These require staff to respond to multiple requests to ensure that we are compliant with our use of technology. When the audits are completed, an update will be provided to Council. The audits will drive policy updates in these areas.

Our first Body Worn Camera biennial audit is nearly complete. The final summary of the audit is expected within the next few days. That summary will be provided to Council.

Fire Update

The city continues to work with the State Fire Marshall's Office with the AllSafe properties after the recent fire at their location.

Upcoming Community Outreach Events

- Spring Clean Up – April 2023 (SRC 20% discount for Wyoming residents, 4/17/23 – 4/22/23)
- Bike Rodeo – May 20, 2023 @ Wyoming Elementary School

Neil D. Bauer, Ed.D.

Public Safety Director/Police Chief



PUBLIC SAFETY

P.O. Box 188, 7665 Wyoming Trl., Wyoming, MN 55092
Phone: 651-462-0577 Fax: 651-462-0506



March 16, 2023
Honorable Mayor and City Council
City of Wyoming
26885 Forest Boulevard
Wyoming, MN 55092

RE: MARCH 21, 2023 CITY COUNCIL MEETING

Dear Mayor and Council Members:

This letter is intended to summarize on-going commercial building projects and zoning issues within the City. Some of these items may be separate agenda matters, while others are for informational purposes only.

Planning Commission

The Planning Commission held a public hearing to consider an interim conditional use permit for a home occupation at 24258 Fallbrook Avenue. This is a separate agenda item.

The Planning Commission reviewed an application for site plan approval of an off-road vehicle parking area for Polaris Industries. This is a separate agenda item.

The Planning Commission considered a petition to extend the time limit for completion of the Dairy Queen project. This is a separate agenda item.

The Planning Commission heard and tabled a request by 257 Holdings LLC for two apartment buildings on the Heims Lake property that was recently rezoned to the OHC District.

Hallberg Bingham Site

The permit for the south tenant finish has been issued. A temporary Certificate of Occupancy has been issued for the north unit.

Hallberg RV Storage Site

A temporary Certificate of Occupancy has been issued for the four buildings. The remaining site work to be completed in the spring includes pavement and final landscape plantings.

Maranatha Radio Tower

The fence surrounding the tower site is constructed, but one of the congregant's needs to make and install the gate to complete the job.

Sincerely,

Frederick E. Weck, IV
Zoning Administrator
Building Official #1825
Advanced Septic Inspector, MPCA #C5199
City of Wyoming



**ECKBERG
LAMMERS**
ATTORNEYS AT LAW

www.eckberglammers.com

Writer's Direct Dial:
(715) 808-8842

Writer's Email:
tloonan@eckberglammers.com

March 17, 2023

Robb Linwood
City of Wyoming
26885 Forest Boulevard
Wyoming, MN 55092

Delivered via Email

Re: City of Wyoming
Status Update for the Period of – March 3, 2023 – March 17, 2023

Dear Robb:

Our office is assisting with questions related to development projects in the City and advising City staff regarding City contracts. We continue to field questions relating to employment matters and serve in our general counsel role of addressing all general legal concerns raised by City staff relating to any other legal matters relevant to the City.

Please contact me directly if you have any questions regarding this correspondence. Thank you for allowing us to serve the City of Wyoming.

Very Truly Yours,

s/ Thomas R. Loonan

Thomas R. Loonan
City Attorney

Stillwater Office
1809 Northwestern Avenue
Stillwater, MN 55082
Phone: 651-439-2878
Fax: 651-439-2923

Hudson Office
430 Second Street
Hudson, WI 54016
Phone: 715-386-3733
Fax: 715-386-6456



Engineer's Report

March 17, 2023

Honorable Mayor and City Council
City of Wyoming, MN
26885 Forest Boulevard
Wyoming, MN 55092

Re: March 21, 2023, City Council Meeting
WSB Project No. 021007-000

Dear Mayor and Council Members:

This engineers report is intended to update you on engineering activities within the City since the last council meeting. Some of the items below may be on the agenda with more detailed information provided, while the other items below are for informational purposes only.

Fallbrook Avenue and 264th Street Improvement Project

On September 20, 2022, City Council authorized the preparation of a feasibility study for the Fallbrook Avenue and 264th Street Improvement Project. Notice to property owners has been sent indicating that we have been authorized to prepare a feasibility study and that they may see survey crews and soil borings taking place in the area. Survey and geotechnical investigative work have been completed.

Since there are only a few landowners on this project, staff is having individual one on one meetings to discuss the project in a similar manner as we do for a neighborhood informational meeting. Staff will be meeting with Rosenbauer soon and will look to finalize the feasibility study. Staff would like to have the council receive the feasibility study in April and set the public hearing date for May. This would be a late summer/fall construction project.

East Viking Boulevard (Fenwick to Glen Oak)

Council approved plans and specifications and authorized advertisement for bids. Staff is awaiting final MnDOT SA approval including plans for overlay of East Viking Boulevard from Polaris to the east city boundary as an alternate bid item for Public Works. MNDOT state aid has completed their review except for their drainage review. This project will be bid with Bridge No. 13J22 for efficiencies in construction. We anticipate a bid date of April 13th with award of contract being considered at the April 17th City Council meeting.

Bridge No. 13J22 - East Viking Boulevard over the Sunrise River (So. Branch)

Council approved plans and specifications and authorized advertisement for bids. Staff has made minor revisions to the plans and specifications and awaiting MnDOT SA final approval. This project will be bid with East Viking Boulevard Improvement Project for efficiencies in construction. Staff anticipates bridge construction after July 2023 with completion by the end of 2023. There is a chance that material delays will push this portion of the project to be completed in 2024.

Heims Lake Apartments

Staff has reviewed plans for site plan review and CUP for two apartment and two garage buildings on the land adjacent to Heims Lake that was rezoned to Office & Health Care. The planning commission tabled the discussion until the applicant was able to address comments provided.

Polaris Site Improvements

Staff has reviewing plans for site plan review for grading to remove the stockpile that is currently on the facility site, and to use as fill in one of the former wastewater ponds. A grading permit has been issued to allow them to perform work while the haul route is frozen. Further comments have been provided to the applicant that will need to be addressed prior to approval of plans.

Katies Glenn

Staff is awaiting submittal of final plat by the developer.

CUP and Preliminary Plat were approved by Council on 01/03/2023.

This development is located on the east side of Goodview Avenue, south of Goldfinch Avenue. Staff has received revised construction drawings; however, the majority of our comments were not yet addressed.

Helium Court Storm Sewer Repair / 266th Street Storm Sewer Addition

No new update:

City Council awarded both storm sewer improvements and a preconstruction meeting has been held. Due to material availability, these two projects will need to be completed in the spring. Once the storm sewer structures are delivered, we will pay the contractor for materials on hand as we customarily would.

Bingham Property – Hallberg Project (Multi-Tennent)

No new update:

All testing has now passed, and a site walk through has been completed. A final punch list has been provided to the contractor.

Diamond Ridge Development

No new update:

A preconstruction meeting was held on September 21, 2022. Tree removal and erosion control has been placed. No further work is planned to occur until next spring. We have been in communication with the adjacent property owner who has expressed concerns to inform them of what will be next and when.

Sunrise Riverbank Development (residential and commercial)

No new update:

The developer has submitted a revised concept. Staff has met with the applicant's team, and we have provided initial feedback. Staff will be meeting with the development team in the future to provide additional feedback.

The developer is working on the remediation of potentially contaminated soils from previous use as a golf course. Golf courses previously used materials on greens and tee boxes to prevent damage from mold and fungus. The work consists of excavation potentially contaminated soil and hauling to a certified facility. The developer will provide the City with complete documentation report of the remediation.

2021 Street Improvement Project

No new update:

Staff has met with the contractor the week of 7/18, 9/1 and 9/6 with their subcontractor to go over remaining work. Punch list items, and additional seeding has occurred. Staff will be reviewing to ensure restoration efforts have taken. We are also working with the contractor to go over final payment quantities. Once restoration is acceptable, staff will bring a final pay voucher to the City Council for consideration. Once the project is accepted, the two-year warranty period will begin.

TH 61 and East Viking Sanitary Sewer Upsizing Project

The contractor has submitted documents requesting final payment and was approved at the February 7th Council meeting. Staff is awaiting the Maintenance Bond and Consent of Surety submittal by the contractor before releasing payment.

Summer Fields Development

No new update:

First Addition (19 lots): The contractor has indicated the project has been completed and all punch list items are complete as well. Upon inspection, there are a few items that remain; however, it is expected that this will be brought to the City in the near future for consideration of acceptance and release of escrow. The developer is working to address these remaining punch list items.

The Developer started work installing pipes in the filtration basin on 12/12/2022. Staff has reduced the cash escrow to \$10,000. Remaining work is primarily related to the removal of silt fence and ensure restoration efforts have taken.

Second Addition (15 lots):

No New Update:

Utility Construction, curb and gutter placement and asphalt has been placed. An escrow reduction has been requested and staff is confirming the value of work completed and what remains now that they have submitted the remaining. The escrow reduction has taken place.

Third Addition

No new update.

The developer has indicated that they are currently working on the third addition final plat and construction plans. This is for the completion of the site on the east side of Kettle River

Boulevard. Earlier indication was that the third addition was for the next phase on the west side of Kettle River Boulevard.

The next addition on the West side of Kettle River Boulevard will involve the design of a city lift station within the site and will require design and ordering of lift station components. An on-site generator will also be required to be installed at the downstream lift station. The lead time on this is significant and that information has been provided to the developer to make sure these do not impede the timing of this next phase. Lift station design is currently underway as requested by the developer.

Preserve at Comfort Lake

The developer indicated all punch list items were complete and requested final acceptance of the project and release of the Letter of Credit. Upon inspection, very little of the punch list was completed. The punch list was sent to them again along with photos indicating what needs to be completed for the city to consider final acceptance. The developer has indicated these remaining items have now been completed. The only remaining item is the trail construction leading from the road to the park. Staff will be reducing the letter of credit to an amount of 125% of the cost to construct this trail. Once these have been addressed, staff will be ready to recommend acceptance of the improvements and start the two-year warranty period. As-builts have been provided for the project.

Heims Lake Villas North

All sanitary sewer, watermain, and storm sewer have been completed. Aggregate base and curb and gutter and first layer of asphalt has been completed, allowing building permits to be issued. The concrete sidewalk has been completed. The bituminous wearing course will be placed in 2023.

Aadland Development (Hunter Hill)

No new update:

Punch list items are currently underway and final layer of asphalt has been placed. Project acceptance is expected in the spring once restoration is acceptable. Due to the drought, many areas of the seeding have not come in adequately. Project acceptance is expected in the spring. Staff will reduce the letter of credit accordingly.

Hallberg Storage

No new update:

Final Punch list has been created and project completion is near.

Thank you for the opportunity to update the Council on current matters in the City.

Sincerely,

WSB and Associates, Inc.

Mark Erichson, P.E., City Engineer



Public Works Report

Date: March 21, 2023

Mayor Iverson and Councilmembers

Public Works Report for March 21, 2023 City Council Meeting

Streets:

Street maintenance has been very busy over the past 2 weeks. The crews had been responding to many calls in regards to very soft driving conditions on the city's gravel roads. The crew worked independently and with Dressel Contracting to haul in and distribute crushed concrete and rock into areas that required immediate maintenance. Anticipating more concerns in the coming weeks, Public Works has stockpiled material to help facilitate a rapid response as needed. Plowing along these roads has also been modified for the remainder of the winter to keep the dump truck plows off. Pick-ups will be used to remove snow as needed for the remainder of the season. The crew also was in for two additional snow events and are looking at a forecast that has the potential for additional precipitation over the next 14 days.

Sanitary Sewer:

Public Works is scheduling check valve replacement in Lift Station #8 (Kettle River Blvd). Minnesota Pump has been contracted and materials have been ordered. Scheduling will be determined upon the arrival of parts.

Water:

Monthly bacterial, fluoride and manganese tests have been completed. Staff have also conducted routine inspections at the well to look for any necessary repairs. PW staff responded to one call for discolored water. Staff ran water at a dead-end hydrant for 15 minutes until clear. This action remedied the situation in the building. Public Works staff has been anticipating the upcoming meter change out. Public Works has been collaborating with administrative staff and sharing ideas to help facilitate a smooth roll out of the program.

Surface Water:

The PW crew has been continuing to open catch basins in areas that are at risk for street flooding when the thaw finally arrives.

Parks:

Swenson Skating rink is closed for the season. The winter trails are open, but are no longer being groomed. They crew was at Lions Park on 03/07 attempting to groom that trail. The track machine sank into extremely wet snow and two feet of standing water was discovered in a couple of locations.

ASSESSMENT NOTICE

Important Information Regarding Assessment and Classification of Property
This may affect your 2024 property taxes.

NOTICE IS HEREBY GIVEN, That the Board of Appeal and Equalization for the City of Wyoming, CHISAGO County, Minnesota, will meet at the Office of the Clerk in said City At 6:00 o'clock PM., on Tuesday the 18th day of April, 2023 for the purpose of reviewing and correcting the assessment of said City of Wyoming for the year 2023.

The purpose of this meeting is to determine whether taxable property in the jurisdiction has been properly valued and classified by the assessor, and to determine whether corrections need to be made.

All persons considering themselves aggrieved by said assessment, or who wish to complain that the property of another is assessed too low, are hereby notified to appear at said meeting, and show cause of having such assessment corrected. No complaint that another person is assessed too low will be acted upon until the person so assessed or his agent, shall have been notified of such complaint.

If you believe the value or classification of your property is incorrect, please contact your assessor's office to discuss your concerns. If you are still not satisfied with the valuation or classification after discussing it with your assessor, you may appear before the local board of appeal and equalization. The board shall review the valuation, classification, or both if necessary, and shall correct it as needed. Generally, an appearance before your local board of appeal and equalization is required by law before an appeal can be taken to the county board of appeal and equalization.

Given under my hand this 14th day of March, 2023



Clerk of

Wyoming

**CITY OF WYOMING
PLANNING AND ZONING**

TO:	City Council
DATE:	March 21, 2023
FROM:	Kim Lindquist, City Planner Fred Weck, Zoning Administrator
RE:	IUP Home Occupation
APPLICANT:	Rory Sowada
PROPERTY OWNER:	Quinn Miron
PROPERTY:	24258 Fallbrook Ave-R.21.10618.00
FILE NO.:	ICUP-23-001

OVERVIEW

The applicant is requesting approval of an Interim Conditional Use Permit to allow a home occupation at 24258 Fallbrook Avenue. The property is a residential property although has numerous outbuildings, large enough for storage or small business operation. The property, along with the surrounding area is zoned Agriculture and is guided for a combination of Semi-Rural Neighborhood with a wetland overlay.

The approximate 9-acre lot is surrounded by single family development with most properties to the north rural residential lots of one to two acres. To the south the lots are generally larger around 5 acres. The site gains access from Fallbrook and has a looped driveway that runs from north to south, cutting across the property at 24406 Fallbrook Avenue. There are two areas that include outbuildings, to the west of the residence is a building approximately 5,100 square feet and to the east, two smaller outbuildings totally approximately 2630 square feet.

The applicant is proposing to introduce a light manufacturing use at the site as a home occupation. There is no proposal to modify the existing residence or outbuildings to accommodate the use. The most western building will be used to operate the business; the applicant indicates there will be hand assembly and plastic part decorating. The applicant estimates there will be one van delivery daily and one semi-truck approximately every three weeks. All business, assembly, decorating, palletizing, and storage will be conducted in the accessory building. Employees would be the applicant, who will reside at the property, along with one regular employee. It is noted in that application that during busy times additional employees may come to the site. The applicant has offered to add landscaping to the site to assist in screening any on-site activities and further enhance the property.

The Agriculture district allows home occupations that may require additional parking, an accessory building, or an attached garage, or generate a noticeable increase in traffic, and which are in accordance with Article VII, Division 13. The ordinance requires thirteen conditions be met for granting of a conditional use permit. Additionally, the Division 13 of the zoning ordinance lists ten performance standards for granting of an interim conditional use permit for a home occupation.

STAFF RECOMMENDATION

The requirements of Chapter 40, Article V, Division 6, “Conditional Use Permits”, Section 40 – 112, as contained in the City of Wyoming Ordinance have been complied with. Staff is

recommending approval of a Conditional Use Permit to allow a home occupation based upon the findings of fact and subject to the following 11 conditions:

- 1) Conduct of the home occupation does not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence.
- 2) Only those persons residing in the home and one other person may be employed on the site or report to the site on any one day.
- 3) Signage consists of no more than one (1) single or double-faced sign with a maximum area of nine (9) square feet per side in the R-1, R-2, R-3, R-4, R-5, R-6 and MXD (residential uses) Districts and sixteen (16) square feet per side in the Agricultural (A) District.
- 4) No outdoor display of goods or outside storage. All business activity must be contained within the existing accessory structures.
- 5) Any additional need for parking generated by the home occupation shall be met by off-street parking. Said parking area shall be limited to three (3) spaces.
- 6) The home occupation shall not generate sewage of a nature or type that cannot be treated by a standard on-site sewage system, or the municipal sewer system, or hazardous wastes without an approved plan for off-site disposal.
- 7) Semi-trucks are not permitted at the site as a result of the home occupation. The applicant can have oversized trucks to the site for delivery and pick up.
- 8) The applicant shall provide a transportation plan for the site detailing incoming and outgoing deliveries; i.e. days, times, and vehicles.
- 9) Any outdoor trash enclosure shall be screened from the adjoining residential properties.
- 10) The applicant submit a landscape plan that provides screening to the adjoining properties.
- 11) That the Interim Use Permit will expire on June 1, 2053, upon the sale of the property, or when the applicants vacate the property.

STAFF REVIEW

General Comprehensive Plan and Zoning Review

The subject property is zoned A-Agriculture with a partial Shoreland Management Overlay and is guided as Semi-Rural Neighborhood in the City of Wyoming's Comprehensive Plan. The zoning and surrounding uses are as follows:

North – A-Agriculture; Semi-Rural Neighborhood

South – A-Agriculture; Semi-Rural Neighborhood

East – A-Agriculture; Semi-Rural Neighborhood

West – A-Agriculture; Semi-Rural Neighborhood

Existing Site

The approximate 9-acre site contains four structures a single-family residence and three outbuildings. The largest accessory structure, in the west, is approximately 5,100 square feet, the other two buildings in the east are roughly 1930 square feet and 700 square feet. The residential site also contains a .08-acre site directly to the north which contains a portion of the looped

driveway. A portion of the driveway is also located on the property at 24406 Fallbrook Avenue and is contained within a drainage and utility easement.

Permitted uses in the Agricultural district focus on structures and uses that are used for purposes related to the operation of a farm. Single family dwelling units are allowed as a permitted use within the Agriculture zoning district. Section 40-173 allows a home occupation by interim conditional use that may "...require additional parking, an accessory building, or an attached garage, or generate a noticeable increase in traffic and which are in accordance with Article VII, Division 13."

In the recent past, the site has been a source of concern about deposits and burial of debris including hazardous material. The concerns related to a prior owner who allegedly buried material in locations on the site. A subsequent owner brought legal action against the prior owner claiming that the prior owners were liable for the hazardous material and that they should remove the material buried on the site. In 1999, the court determined (generally speaking) that an engineer be appointed to review the buried material and that the engineer work through the MPCA to test the material and determine an appropriate course of action through the cleanup programs available at the State. Following the investigation of the property the MPCA issued a No Action Determination Letter because any soil contamination on the property is within the range of background concentrations or below the MPCA Residential Soil Reference Value, and below "Health Risk Limits" or "Health Based Values" and determined that no further action is required at the property.

Also, in 2001 there is correspondence from the MPCA in response to concerns from adjoining property owners about the on-site buried material and the potential for contaminants on the site and their potential effect on adjoining properties. Similar to the concerns expressed by the Blair's, the neighbors disagreed with the outcome of the MPCA recommendations. The 9/17/2001 letter from the MPCA concludes: *"The MPCA staff does not believe that the contamination at the Site would adversely affect our or others based on the information available and our experience in dealing with many other investigations. If you have additional facts about conditions at the Site that you would like to provide to the MPCA, please do so. MPCA staff is willing to work with you to address any new facts about the Site that could materially alter the conclusions reach to date by the Voluntary Investigation and Cleanup "VIC" program."*

INTERIM CONDITIONAL USE PERMIT STANDARDS

Chapter 40, Article V, Division 6, Conditional Use Permits, Section 40 – 112, sets forth the general standards that shall be met in order to grant a CUP. Granting of an Interim Conditional Use Permit is required for approval of a Home Occupation in the Agriculture zoning district. These standards are as follows:

1. The use is in conformity with the Comprehensive Plan and development policies of the City.
A home occupation is allowed in the Agricultural zoning district and would be in conformity with the Comprehensive Plan. This standard has been met.
2. The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
This use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities. This standard has been met.

3. The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.

The proposal does not include any modifications to the development on the site. The existing outbuildings are available for use and all business operations are to be located within the structures. The applicant has indicated they will add landscaping on the site which could improve the existing condition. This standard has been met.

4. The structure and site will have an appearance that will not have an adverse effect upon adjacent properties.

All structures are current on-site; no new construction is planned or requested. This standard has been met.

5. The use in the opinion of the City is reasonably related to the overall needs of the City and to the existing land use.

The use is consistent with the zoning ordinance intent for home occupations. The current site development, with the larger accessory structures, lends itself to some type of home occupation use. This standard has been met.

6. The use will be consistent with the purpose of this and other City Ordinances.

This standard has been met.

7. The use will be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district in which it is to be located.

The applicant must adhere to the home occupation standards and conditions of approval for the interim conditional use permit, which will mean the site is consistent with the existing and intended character of the Agriculture zoning district. This standard has been met.

8. The use will generate only minimal vehicular traffic on local streets and shall not create traffic hazards or unsafe access or parking needs.

The applicant has indicated he anticipates one van a day to the site relating to the home occupation. However, the applicant also notes that one semi-truck will be at the site every 3 weeks. This type of vehicle would be unusual for the neighborhood and staff does not support allowance of a semi-truck to the site, particularly due to the location of the driveway for the property. The applicant should provide a transportation plan for the business that would provide reasonable access for the site without being overly burdensome to the neighborhood. Staff is recommending the Plan as a condition of approval. This standard can be met.

9. Existing businesses nearby will not be adversely affected because of the curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.

This standard has been met.

10. The establishment or maintenance of the use shall not be detrimental to the public, health, safety, or general welfare.

This standard has been met.

11. The use will not be hazardous, detrimental, or disturbing to present and potential surrounding land use due to water pollution, odor, fumes, general unsightliness, or other nuisances.

This standard has been met.

12. The use will preserve and incorporate the site's important natural and scenic features into the development design.

This standard has been met.

13. The use will cause minimal adverse environmental effects.

The home occupation activity will all be enclosed indoors which should reduce any potential adverse environmental effects. This standard has been met.

APPLICABLE ZONING ORDINANCE HOME OCCUPATION STANDARDS.

Section 40-173. Interim Conditional Uses in the Agriculture district allows home occupations “which may require additional parking, an accessory building, or an attached garage, or generate a noticeable increase in traffic, and which are in accordance with Article VII, Division 13.

Article VII, Division 13, Section 40-353 defines the required standards the city will review when an application for a home occupation is requested. The following standard shall be met for approval of a home occupation:

- (1) Conduct of the home occupation does not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence.
- (2) Only those persons residing in the home and one other person may be employed on the site or report to the site on any one day.
- (3) Signage consists of no more than one (1) single or double-faced sign with a maximum area of nine (9) square feet per side in the R-1, R-2, R-3, R-4, R-5, R-6 and MXD (residential uses) Districts and sixteen (16) square feet per side in the Agricultural (A) District.
- (4) No outdoor display of goods.
- (5) Any additional need for parking generated by the home occupation shall be met by off-street parking. Said parking area shall be limited to three (3) spaces.
- (6) Should the occupation be teaching, classes shall not exceed ten (10) students at any one time.
- (7) Should the home occupation be repair, the items repaired shall be of a size or nature that repair can occur within the home, or an accessory structure to the principal use as allowed by this Ordinance.
- (8) No outside storage is permitted.
- (9) An accessory structure may be utilized in conjunction with the home occupation only for the purpose of holding equipment used off the site, repair (as conditionally permitted pursuant to Sec. 40 – 543, (7), and/or for the storage of goods or articles produced or used by the occupant of the principal structure.
- (10) The home occupation shall not generate sewage of a nature or type that cannot be treated by a standard on-site sewage system, or the municipal sewer system, or hazardous wastes without an approved plan for off-site disposal.

In Addition, the following factors must be considered for Interim Use Permits:

- 1) Whether the use conforms to the zoning regulation;
The use conforms to the zoning regulation with the issuance of this permit.
- 2) Whether a date or event for the termination of the use can be identified with certainty.
The applicant has requested an end date of June 1, 2053. (Staff also recommends that the use will terminate upon the sale of the property, or when the applicants vacate the property).
- 3) Whether the permission of the use will impose additional costs on the public if it is necessary for the public to take the property in the future;
This standard is met – There should be no additional cost to the public.
- 4) Whether the landowner will agree to the conditions that the City Council deems appropriate for permission of the use. This is to be determined.

In staffs opinion all of the conditions of Division 13 can be met by the applicant. The Agriculture District allows the use of accessory structures for the home occupation and recognizes that additional traffic may be brought to the site due to the home occupation.

Planning Commission Recommendation

On March 14, 2023 the Planning Commission publicly heard the petitioner's request for an Interim Conditional Use Permit to allow a Home Occupation to perform finishing operations of injection molded parts. After hearing testimony and discussion, the Planning Commission voted unanimously to recommend approval of the request based on the findings that the standards for the Interim Conditional Use Permit have been met and with the following conditions:

- 1) Conduct of the home occupation does not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence.
- 2) Only those persons residing in the home and one other person may be employed on the site or report to the site on any one day.
- 3) Signage consists of no more than one (1) single or double-faced sign with a maximum area sixteen (16) square feet per side in the Agricultural (A) District.
- 4) No outdoor display of goods or outside storage. All business activity must be contained with the existing accessory structures.
- 5) Any additional need for parking generated by the home occupation shall be met by off-street parking. Said parking area shall be limited to three (3) spaces.
- 6) The home occupation shall not generate sewage of a nature or type that cannot be treated by a standard on-site sewage system, or the municipal sewer system, or hazardous wastes without an approved plan for off-site disposal.
- 7) Semi-trucks are not permitted at the site as a result of the home occupation. The applicant can have oversized trucks to the site for delivery and pick up.
- 8) The applicant shall provide a transportation plan for the site detailing incoming and outgoing deliveries; i.e. days, times, and vehicles.
- 9) Any outdoor trash enclosure shall be screened from the adjoining residential properties.
- 10) The applicant submit a landscape plan that provides screening to the adjoining properties.
- 11) That the Interim Use Permit will expire on June 1, 2053, upon the sale of the property, or when the applicants vacate the property.



City Of Wyoming
 26885 Forest Blvd, PO Box 188
 Wyoming, MN 55092
 Phone (651) 462-4947
 permits@wyomingmn.org

LAND USE APPLICATION: INTERIM USE PERMIT FOR A HOME OCCUPATION

An Interim Use Permit application requests a conditional use permitted in a particular zoning district, but regulated and controlled through conditions placed upon it by the City Council after review by the Planning Commission.

Applicant(s)/Owner(s):

Name(s) Rory Sowada Quinn Miron
 Address 24258 Fallbrook Ave N
 City Wyoming State MN Zip 55025
 Phone Number (651) 455-2222 Email Rory_secsol@mindspring.com

Legal description of property: THAT PT OF S 450 FT OF NE1/4 OF SE1/4 LYING E'LY OF I-35.

Property Identification Number: R.21 211061800 Present zoning of property: A -- Agriculture/mixed use

Present use of property: Residence/mixed use

Proposed Home Occupation: Mixed use, residential

On what date, or upon what event, would the applicant desire the interim use to expire? 6 / 1 / 2053

This application and the following attachments must be submitted to be considered a complete application:

1. A detailed site plan showing the following information from Sec. 40 - 111, 5, (a - k):
 - a. Site plan drawn at scale showing parcel and building dimensions and their square footages
 - b. Curb cuts, driveways, access roads, parking spaces and off-street loading areas
 - c. Type of business or activity and proposed number of employees
 - d. Proposed floor plan of any building and use indicated
 - e. A location map showing the general location of the proposed use within the City and showing all principal land uses within 250 feet of the parcel for which application is being made
 - f. Any other information deemed necessary by the Zoning Administrator or Planning Commission
2. A letter explaining the proposed home occupation and how it will be operated
3. A completed Home Occupation Worksheet
4. A completed Conditional / Interim Use Permit Worksheet
5. The application fee and escrow must be paid at the time of application - The fee is **not** refundable and the unused portion of the escrow will be returned to the applicant.
6. Any other information deemed necessary by the Zoning Administrator or Planning Commission
7. An application for a property in a Shoreland District must include a valid Septic System Certificate of Compliance

Applicant(s) Signature(s) Rory Sowada Quinn Miron Date 1/19/23

As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project. All of Article V, Division 6, Conditional Use Permits, and Article VII, Division 13, Home Occupations are attached to this application and by signing this application, the Applicant acknowledges that they have been read and understood.

A public hearing can be scheduled only after a complete application has been received.

OFFICE USE ONLY

Application # I-23-001

Date Application Received 1/23/23

Date Complete Application Received 2/8/2023

60 Days 4/9/2023

Fee: \$220.00 + Escrow \$750.00

Date Paid 2/6/23

By: [Signature]

Check # 26940

Revised 11/15/22

HOME OCCUPATION WORKSHEET

Applicant: Rory Sowada

Address: 24258 Fallbrook Ave N

Type of Business: Light Manufacturing/ secondary operations services to injection molding

Business name: Secondary Solutions Inc

Answer the following questions based on the standards contained in Article VII, Division 13, of the City of Wyoming Zoning Ordinance for home occupations. If needed, use a separate page. **All questions must be answered.**

Sec. 40 – 543, Performance Standards; Items 1-10. **All home occupations shall conform to the following standards:**

1. Conduct of the home occupation does not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence.

Are any alterations to the exterior of the home proposed? ☐ Yes ☒ No

If yes, what is proposed? _____

2. Only those persons residing in the home and one other person may be employed on the site or report to the site on any one day.

How many employees will the business have? (2) The owner of the residence and 1 employee

3. Signage consists of no more than one (1) single or double-faced sign with a maximum area of nine (9) square feet per side in the R1, R2, R3, R4, R5, R6 and MXD (residential uses) Districts and sixteen (16) square feet per side in the Agricultural (A) District.

Are any signs proposed for the business? ☐ Yes ☒ No

Has a sign permit been applied for? ☐ Yes ☒ No

4. No outdoor display of goods.

Will any goods be displayed outdoors? ☐ Yes ☒ No

5. Any additional need for parking generated by the home occupation shall be met by off-street parking. Said parking area shall be limited to three (3) spaces.

Will there be any off-street parking? ☐ Yes ☒ No (If yes, show the location of parking on the site plan)

6. Should the occupation be teaching, classes shall not exceed ten (10) students at any one time.

Is the business teaching? ☐ Yes ☒ No If yes, how many students per class? _____

7. Should the home occupation be repair, the items repaired shall be of a size or nature that repair can occur within the home, or an accessory structure to the principal use as allowed by this Ordinance.

Is the business repair? ☐ Yes ☒ No If yes, where will the items be repaired? _____

8. No outside storage is permitted.

Where will items be stored? Inside, no product is outside permissible due to environmental effect on goods

9. An accessory structure may be utilized in conjunction with the home occupation only for the purpose of holding equipment used off the site, repair (as conditionally permitted pursuant to Sec. 40 – 543, 7), and/or for the storage of goods or articles produced or used by the occupant of the principle structure.

Will an accessory building be used for the business? ☒ Yes ☐ No

If yes, what will the building be used for? Hand assembly and plastic part decorating

10. The home occupation shall not generate sewage of a nature or type that cannot be treated by a standard onsite sewage system, or the municipal sewer system, or hazardous wastes without an approved plan for offsite disposal.

Will the business generate sewage that cannot be treated? ☐ Yes ☒ No (If yes, attach plan for offsite disposal)

Will hazardous wastes be generated? ☐ Yes ☒ No (If yes, attach plan for offsite disposal)

Application # _____

Revised 11/15/22

CONDITIONAL & INTERIM USE PERMIT WORKSHEET

Applicant: Rory Sowada

Address: 24258 Fallbrook Ave N

Type of Business: Light manufacturing/secondary operations services to injection molding

Business name: Secondary Solutions Inc

Answer the following questions based on the standards contained in Sec. 40 – 112 of the City of Wyoming Zoning Ordinance for Conditional and Interim Use Permits. If needed, use a separate page. **All questions must be answered.**

1. Is your proposed use in conformity with the Comprehensive Plan and development policies of the City?
☐ Yes ☐ No Explain: Yes to the best of my knowledge.
2. Will your proposed use create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?
☐ Yes ☒ No Explain: _____
3. Will your proposed use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and so there will be no deterrence to development of vacant land?
☒ Yes ☐ No Explain: Already in place or will add additional screening to increase property value and privacy
4. Will the structure and site have an appearance that will not have an adverse effect upon adjacent properties?
☒ Yes ☐ No Explain: Already in existence/ no change
5. Is the proposed use reasonably related to the overall needs of the City and to the existing land use?
☐ Yes ☒ No Explain: Company is a service provider to the plastic industry
6. Will the proposed use be consistent with the purpose of the Zoning Ordinance and other City Ordinances?
☒ Yes ☐ No Explain: Mixed use, will be less invasive than agricultural from both smell and noise
7. Will the proposed use be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district in which it is to be located?
☒ Yes ☐ No Explain: No Change
8. Will the proposed use generate only minimal vehicular traffic on local streets?
☒ Yes ☐ No Explain: Low run production, 1 delivery van est. daily Mon.-Fri. 1 semi every 3rd week
9. Will the proposed use create traffic hazards or unsafe access or parking needs?
☐ Yes ☒ No Explain: _____
10. Will existing businesses nearby be adversely affected by your proposed use because of the curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness?
☐ Yes ☒ No Explain: All business is done inside and packaged in boxes/ large orders palletized for truck
11. Will the establishment or maintenance of the proposed use be detrimental to the public health, safety or general welfare?
☐ Yes ☒ No Explain: _____
12. Will the proposed use be hazardous, detrimental, or disturbing to present and potential surrounding land uses due to water pollution, odor, fumes, and general unsightliness or other nuisances?
☐ Yes ☒ No Explain: proper disposal and filtration processes are followed
13. How will the proposed use preserve and incorporate the site's important natural and scenic features into the development design?
☒ Yes ☐ No Explain: Accessory building already exists, general landscaping for aesthetics will take place to improve value over the life of ownership
14. Will the proposed use cause adverse environmental effects?
☐ Yes ☒ No Explain: _____

Application # _____

Revised 11/15/22

Item #4

A letter explaining what you are intending to do for the home occupation and how it will be operated. Include employees needed. Any shipping details (to and from). Provide as much detail as you can; noise, waste, materials, etc.

Home use intention:

I intend to live within the property as my fulltime residency and treat the property in the manner that I intend to live there and keep everything in a respectable manner as it will double as not only my personal life but, professional life. I have customers that work in both medical and aerospace so, the property will need to be maintained to a much higher level. Potentially, having a 3rd party maintain the yard so curb appeal is maintained at all times.

Operation:

I will live on site within the home, I will run daily operations from the large pole building in the back. My operation has myself and one other full time employee. We do use 1099 personnel to meet production requirements when busy to maintain delivery due dates. The 1099's are only used when production exceeds normal operations. We do not produce products but, are a service provider to injection molding companies and perform finishing operations. Like taking a cavitron bottle that holds solutions for cleaning teeth and assembling it. We do some decorating as well, please see image below: (We decorate this specific part "the base" part of a breast tumor detection device.)



As far as "Noise", our loudest equipment is about the volume of a bird chirp... Sounds very similar. Deliveries are usually, every third day, approx. We receive a semi-truck load every 3rd week or so.

Waste is mostly unusable pallets, boxes, and general trash. We would likely get a small 4 yard dumpster that would be emptied every other week. This would include my personal residency trash. Waste is minimal and all products we use are environmentally friendly. We only purchase material based on production requirements to minimize waste.



1 Items	PIN	DotPin	Own name	MailAddr	MailCity	MailState	MailZip	PropAddr	PropUnit	PropCity	PropZip	Deed/
X	211061800	21.10618.00	MILTON QUINN	24258 FALLBROOK AVE	FOREST LAKE	MN	55025	24258 FALLBROOK AVE		FOREST LAKE	55025	9

Business Structure

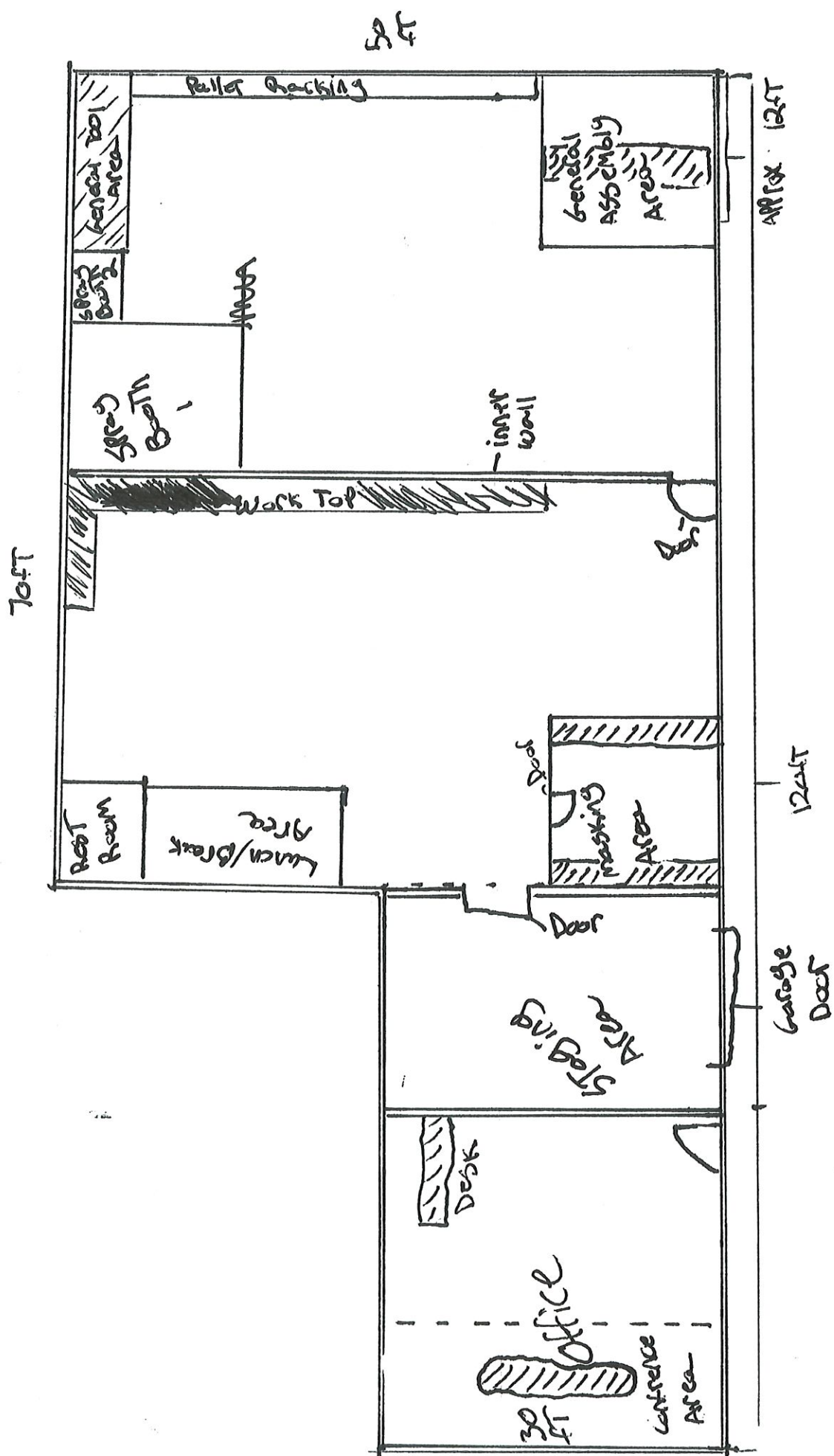
Extra "Long Term" Storage

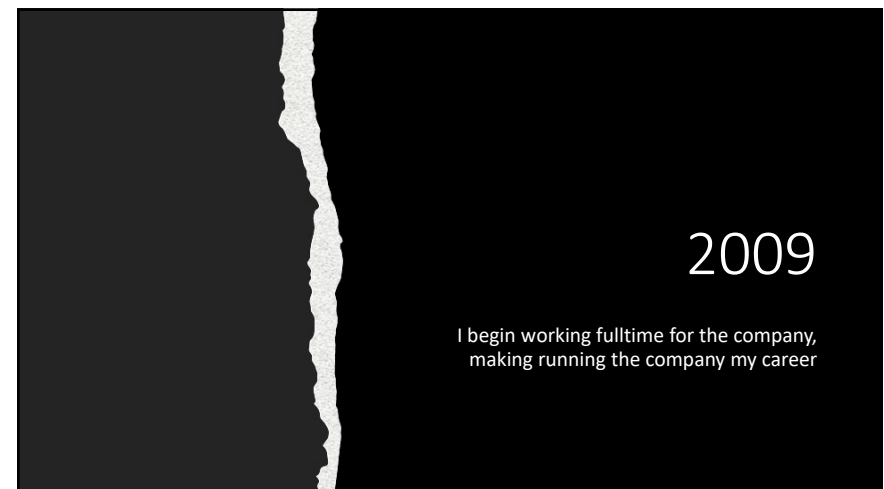
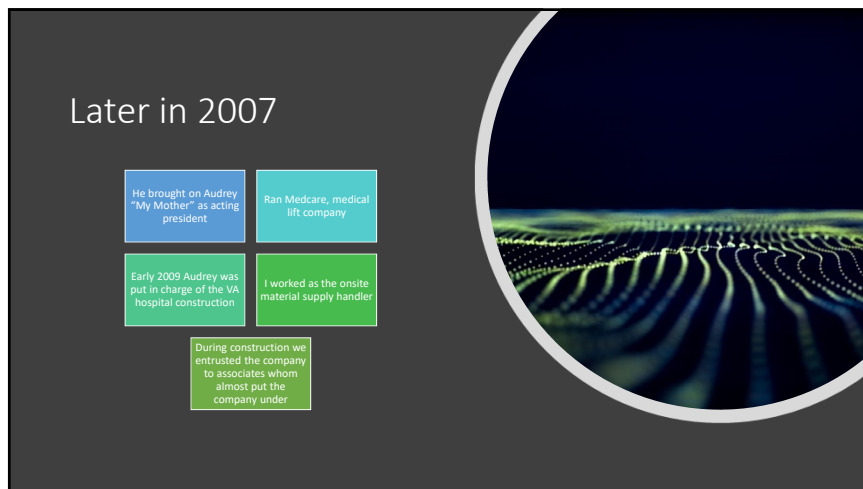
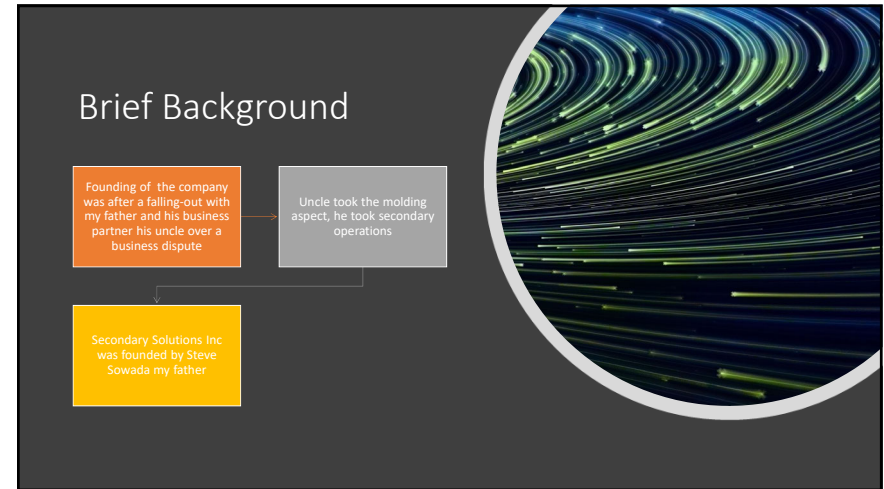
Personal Residence

"Personal" =

ice fishing shack?

motor car?





2017

I become acting VP

2020

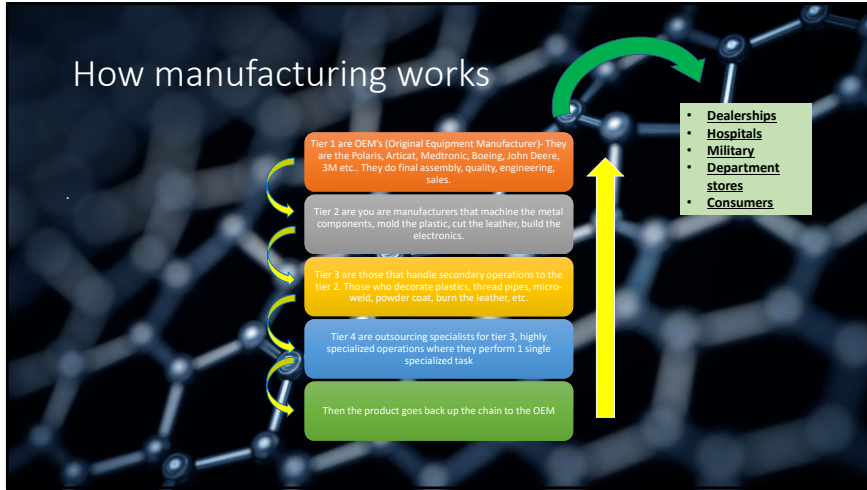
I became part owner and begin planning for future development

Present

- Goal to find a new home, somewhere where I can raise a family in a small-town community, a place to run my company, while being a small business owner that can be part of the community.
- While maintaining a distance close enough to the TwinCities that is still within an accessible distance to my customers

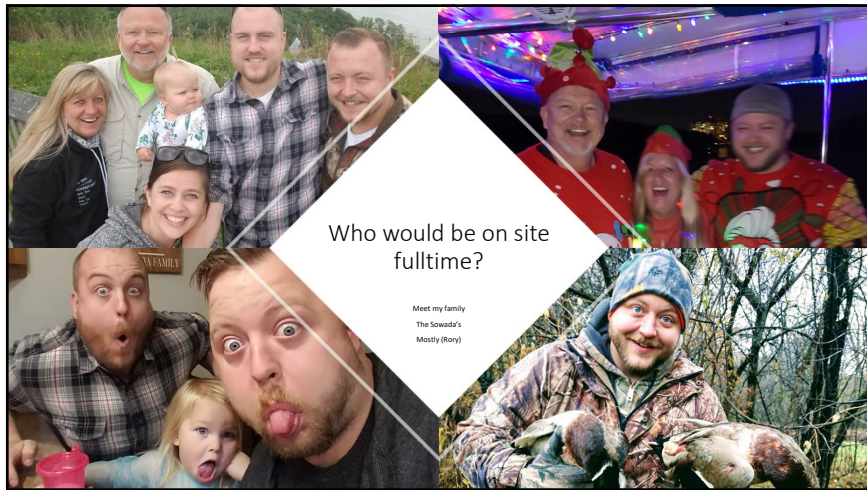
What is Secondary Operations?

Secondary Operations are operations in manufacturing that are tier 3 and tier 4 operations



What does Secondary Solutions Do?

- Plastic bonding, thermal inserts
- Plastic decorating
- Coating Applications
- Assembly





**UNAPPROVED MINUTES
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
MARCH 14, 2023
7:00PM**

CALL TO ORDER:

Planning Commission Chairman Lobermeier called the Regular Meeting of the Wyoming Planning Commission for March 14, 2023 to order at 7:00 PM

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Mark Lobermeier, Michael Naumann, Katie West, and Dan Iverson

ABSENT: None

Also Present: Fred Weck Zoning Administrator; Kim Lindquist, Planner; and Council Liaison Lisa Iverson

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM: NONE

APPROVAL OF MINUTES:

1. **Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota Planning Commission for January 24, 2023**

A MOTION WAS MADE BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR JANUARY 24, 2023 AS SUBMITTED.

<i>Voting Aye:</i>	<i>Iverson, Naumann, West, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>None</i>

SCHEDULED PUBLIC HEARINGS:

2. **Interim Conditional Use Permit for a Home Occupation: ICUP 23-001**
Location: 24258 Fallbrook Avenue
Applicant: Rory Sawada (Prospective buyer)
Owner: Quinn Miron
Property ID Number: 21.10618.00

Kim Lindquist, City Planner, gave an overview of the request for an Interim Conditional Use Permit for a home occupation within the agricultural zoning district. She reviewed the existing residential buildings, driveway location, surrounding areas, and guidance from the Comprehensive Plan. She explained that in the agricultural zoning district there are some additional allowances for home occupation permits that would not necessarily be found in

other districts and reviewed some of those items related to parking, use of accessory structures, and allowance for additional traffic. She explained that in this instance, the property owners have indicated that they plan to use an existing outbuilding for a light manufacturing use of detailing and finish work on a product. She stated that they anticipate one van delivery per day and a larger, semi-truck every 3 weeks. She stated that the proposed plans would mean that it would function fairly close to a residential unit with the exception of some of the use within the accessory building. She stated that one thing noted in the application was that, at times, they are busier so they may have some minor amount of employees to finish some batch work. She noted that one other thing that may be good information for the Commission to have is related to prior concerns about the property and some varied rubble on the site. She stated that there were concerns about what was buried and some possible environmental hazards that could negatively impact the site and the adjoining properties. She stated that there was a brief summary included in the staff report that outlines the litigation and the involvement of the PCA. She explained that the situation was resolved to the satisfaction of the PCA. Staff is recommending approval of the ICUP.

Rory Sawada, explained that the company is a family company called Secondary Solutions and gave a history of their operations, their current operations, and their typical products.

Commissioner Iverson asked about the type of materials that would be used in their products.

Mr. Sawada explained that they may use some adhesives, but most of the stuff they deal with now is considered eco-friendly. He noted that they do have a paint booth, but everything would be going through a specialized filter, so there wouldn't really be any exhaust or fumes.

Commissioner Iverson asked about the semi-truck that would be coming on site every few weeks.

Mr. Sawada explained that the semi-truck is essentially from one customer that does Scotsman icemakers, like those you see in a hotel. He stated that they do a bonding process for the machines and this particular product just takes up space. He noted that right now, that is their only customer like that.

Commissioner Iverson asked what type of waste the business would generate.

Mr. Sawada answered that it would just be general household waste, if any. He stated that none of their material would be anything considered hazardous.

Commissioner West stated that the neighbors had concerns with the past waste and dumping, but noted that it did not sound like it would be an issue with this ICUP. She asked if that information held any relevance for the existing application.

Zoning Administrator Weck explained that this information was shared for informational purposes.

Commissioner Naumann asked if Mr. Sawada had seen the list of proposed conditions.

Mr. Sawada stated that he had seen them and did not have issues with them. He stated that he would be living at this site as well, so he will want things to look nice because they will represent both his business and his personal life.

Chair Lobermeier asked about the semi-truck that will come every few weeks and if he anticipated that it would be coming from the south off of 240th or through the residential neighborhood to the north.

Tony Khambata, Realtor, explained that they have had preliminary discussions with the courier to ensure that coming in through the south and not through the neighborhood would be the preferred route. He noted that related to the prior environmental concern, the PCA is satisfied with the findings of the investigation. He stated that Mr. Sawada is not planning on

any new development on the site, so there would be no additional waste or excavation that would trigger any new environmental studies. He explained that the current topography and lay out of the site will remain the same.

A MOTION WAS MADE BY COMMISSIONER IVERSON, SECONDED BY COMMISSIONER NAUMANN, TO OPEN THE PUBLIC HEARING AT 7:20 P.M.

Voting Aye: Iverson, Naumann, West, and Lobermeier
Voting Nay: None
Abstain: None
Absent: None

Susan Edseth, 24340 Fallbrook Avenue, explained that she has lived in this location for 38 years. She stated that the truck will be traveling right past her bedroom window. She asked if Mr. Sawada actually owned this property and where he currently lived since he had not given his address.

Mr. Sawada explained that his purchase of this property is conditional upon whether this use will be allowed or not. He stated that he currently lives in Woodbury.

Ms. Edseth stated that this property has been a problem property for decades. She stated that businesses have been run, things have been buried there, and explained that they attempted to get the township to action and enforce land use requirements, which did not happen. She stated that it has caused a hardship for her family and explained that she personally does not want to see another industry located next to her home. She stated that she felt it would be disruptive and stated that she has had a lot of sleepless nights over this property. She stated that she did not believe that the City could issue the authority to conduct this type of business if they do not actually own the property yet.

Zoning Administrator Weck explained that the current property owner has also signed the application. He noted that the current property owner and the applicant have also signed a purchase agreement contingent upon whether they get the home occupation permit or not. He stated that if the City approves the home occupation permit then the purchase agreement will move forward and will not if it isn't approved.

Ms. Edseth asked about the length of time that the City is considering issuing the permit for. She asked why it was something like 30 years rather than at the termination of ownership.

Zoning Administrator Weck explained that one of the conditions is 30 years or upon the sale of property or when the applicant vacates the property. He explained that if Mr. Sawada is no longer there, the permit would no longer be valid.

Ms. Edseth stated that there was a suggestion that there would be periods of time where more traffic would be coming and going and asked what kind of limitations would be put on that activity.

Chair Lobermeier explained that the conditions that were listed in the staff report would be the limitations.

Ms. Edseth asked how often the business would have the upsurge in production that would require additional personnel.

Zoning Administrator Weck referenced condition #2 that states that only those persons residing in the home and one other person may be employed on the site or report to the site on any one day.

Ms. Edseth reiterated that there have been lots of issues on this property where permitting was not done or supported. She stated that she did not want to have to police the conditions

and explained that she did not trust them.

Kathy Carlson, 24204 Fallbrook Avenue, stated that for about 15 years they have fought the junk yard, the chop shop, and the meth stuff that was happening on this property. She stated that the Police Department and the Fire Department were there all the time and there was nothing but smells, noise, and terrible things in what should have been a residential area. She stated that there are children, school buses, and people walking to the park. She explained that she did not think that something like this should be put into the residential area just when they finally got back to something 'normal'. She stated that they have been fighting to keep it residential and safe for their neighborhood. She stated that she believes that it is possible that 1-2 employees will then become 3-4, or that there will be numerous part-time employees. She stated that this use will not do her property any good and referenced the location of the wetlands and wildlife in the area. She asked the Commission to keep business out of the residential areas.

Dave Lunn, 24340 Fallbrook Avenue, asked if the Commission was aware that this is an adjudicated hazardous waste disposal site.

Zoning Administrator Weck explained that by 'adjudicated' he means that a court has ruled on it. He stated that the court ruled, and the PCA agreed, that there was no further site clean-up that needed to be done.

Mr. Lunn showed a picture of what was dug up in the first excavation hole that was made by Patrick Blair. He explained that it was a lead acid battery which contains about 25 pounds of lead. He stated that there is no approved permitted septic system on the property and noted that there are 2 other septic systems on the property that have not had percolation tests completed. He stated that Judge Slatengren was sanctioned by the judicial review board for improper ex parte communications by allowing the engineering company that did the inspection to have prior business relations that did the contamination on the property. He asked why the City would put something additional onto a site like this that is located in the middle of a residential neighborhood. He stated that he did not think that Mr. Sawada had any idea how much contamination is present on the site or how much liability he would have if something were to happen. He stated that right now there is a 'no dig' sanction by the MPCA on the property. He explained that this was not a simple or trivial matter nor is this an average home business. He asked that the City not do something stupid with this application.

Darrell Casey, 5329 245th Street, stated that he is all for businesses coming in if they can contain themselves with little to no waste or if they dispose of the waste properly. He explained that he works as a pipe fitter in his job so he has to provide material data sheets for everything that they use on a job site. He stated that he would ask that Mr. Sawada to provide all the material data sheets to the City for the material that he uses so that they are not just taking his word for the kinds of material he will be using.

Jackie Anderson, 25484 E. Comfort Drive, explained that she owns a little piece of property in this area. She stated that this is being proposed in a highly sensitive overlay district of the wetland. She explained that it is part of the Sunrise River system that drains into the river, Comfort Lake and eventually into the lower St. Croix River. She stated that means that the City needs to be very careful that they are not contaminating the tributaries into that system. She stated that even though this would not be required to come before the Comfort Lake/Forest Lake Watershed District, she thinks it may be a good idea because of that connection. She stated that she believes the plans for employees violates the City standards for home occupations. She noted that it appears as though the interpretation is looser because it is agricultural rather than residential which she feels is a disconnection with the zoning and is causing confusion. She asked that the City take a closer look at this issue. She asked how frequent the busier periods would be. She stated that she believes there is a

disconnect with this parcel's zoning, which causes concern among the neighbors. She stated that semi-trucks will have to come in through established neighborhoods and on roads that were not built for semi-truck usage. She asked if the people living on the roads would be taxed to improve the surface and beds of the roadways when they collapse from this usage. She stated that this looks like an appropriate business, but feels it should be located somewhere that is appropriate. She asked about the by products of their finished products go. She noted that she had done some initial research about this type of work found that the finishing process is to get rid of the rough edges and would like to know what happens to that plastic after it has been ground off. She stated that she would not consider that material to be normal household trash. She stated that if that material gets into the river system or wetlands, then there is trouble with contamination for the water and the wildlife. She stated that there are some sites on the plan list for painting and asked what type of paint would be used and if it would be toxic. She asked about the washing station and toilet and noted that typically when there is a separate building those are not connected to the septic system for the primary residence. She reiterated that her main concerns are related to roads and the inappropriate nature of this business next to an area that is residential. She stated that as a former business owner she wished Mr. Sawada luck but explained that the City needed to make sure that this will not cause other damages.

A MOTION WAS MADE BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO CLOSE THE PUBLIC HEARING at 7:39 P.M.

Voting Aye: Iverson, Naumann, West, and Lobermeier
Voting Nay: None
Abstain: None
Absent: None

Chair Lobermeier thanked the residents for coming out and noted that he thinks that they have given a lot of good comments to the Commission. He asked Zoning Administrator Weck to address some of the items that he has additional information about.

Zoning Administrator Weck explained that there is a septic system on the site as well as some abandoned systems that are no longer being used. He stated that there have been two compliance inspections on the property and the existing system is compliant. He stated that there was a third inspection conducted recently, but he has not received that one yet and explained that was delayed because of the holding tank for the toilet in the pole barn wasn't included. He stated that the abandoned systems can be left in place and do not need to be torn out. He stated that he has never seen an order from the MPCA saying that there is a 'no dig' on the property and suggested that if someone has access to that information that they forward it to him so he can take a look. He reiterated that both the MPCA and the courts have adjudicated this and it is no longer a hazardous waste site and is considered clean. He explained that agricultural zoning does allow for commercial uses and also allows residential uses. He stated that based on what Mr. Sawada was proposing, it fit more into the Home Occupation permit arena.

Commissioner West clarified that no structures were being proposed to be added and they would use only what is already existing.

Chair Lobermeier noted that no new development is proposed to be completed on the site. He stated that from his understanding from the staff report, there will be no shaping of the parts on site and would instead come to Mr. Sawada for 'decoration'.

Mr. Sawada confirmed that this was correct and agreed that they would not be creating any shavings or excess material.

Chair Lobermeier asked about the semi-truck traffic and noted that it was stated that the traffic would be coming from the south and not the north.

Zoning Administrator Weck noted that Forest Lake put down reclaimed asphalt off of 240th, so this is no longer a gravel road.

Commissioner Iverson asked about the material data sheets that was mentioned by one of the residents. He asked if that would be addressed anywhere within the City ordinances.

Zoning Administrator Weck explained that typically when there is an applicant that has hazardous waste, there is a small generator license that they have to have with the MPCA which needs to be provided to the City. He stated that the applicant will have to do the material data sheets, but if he does not have any hazardous waste he would not need to have the waste generator license.

A MOTION WAS MADE BY COMMISSIONER LOBERMEIER, SECONDED BY COMMISSIONER WEST, TO RECOMMEND APPROVAL INTERIM CONDITIONAL USE PERMIT FOR A HOME OCCUPATION: ICUP 23-001, LOCATED AT 24258 FALLBROOK AVENUE FOR RORY SAWADA (PROSPECTIVE BUYER), PROPERTY ID NUMBER: 21.10618.00, SUBJECT TO THE 11 CONDITIONS LISTED IN THE STAFF REPORT.

Voting Aye: Iverson, Naumann, West, and Lobermeier
Voting Nay: None
Abstain: None
Absent: None

3. Conditional Use Permit for Apartment Buildings: C-23-001
Location: 257th Street, south end of cul-de-sac
Applicant/Owner: 257 Land Holdings, LLC; Brian Solsrud
Property ID Numbers: 21.10605.00 and 21.10542.10

City Planner Lindquist gave an overview of the request for a CUP for apartment buildings on 257th Street. She stated that this is a 14 acre parcel that has 4.3 acres of upland area. She noted that there is some wetland area and noted that there is also quite a bit of open water. She stated that the property was recently rezoned to Office Healthcare (OHC) and noted that it is also designated for this guidance with the Comprehensive Plan. She stated that the plans are for a 26.2% increase in impervious surface coverage. She explained that the City ordinance states that if this is over 25% a CUP would be needed. She referenced the conditions listed in the staff report but noted that staff is recommending continuance because there is still some additional information that is necessary. She gave an overview of the overall proposal for two principal structures on the site. She explained that there would be a 6 unit and a 7 unit rental units with 1 office unit. She stated that there would also be two detached garage units and about 35 surface parking spots along the primary drive into the site. She explained that the primary access would be from 257th Street which is also the only access to the site. She stated that this does provide enough public access but noted that there is some concern about circulation within the site itself and explained that the Fire Chief had also expressed some concern about access to the back of the residential buildings. She stated that one of the conditions recommended with the continuance is that there has to be some ability to get emergency vehicles to the back of the buildings or the interior building configuration needs to be restructured so that there is primary public access. She stated there is adequate capacity associated with the utilities available off of 257th Street. She stated that there will also be some woodland preservation on the site and referenced City ordinances. She noted that the plans, in general, meet those requirements. She noted that the landscape calculations are based on the up land areas and there is not enough planned, at this point

which was another reason that staff was suggested a continuance in this matter. She reviewed the elevation renderings that were included with the application but noted that no information on the garages, materials, or layout was included which is another reason that staff was recommendation a continuance. She stated that the City is also unclear about the traffic generation that is proposed nor is the City clear on what type of use would happen on the site other than it is some type of multi-family use. She reiterated that staff was recommending a continuance of this application in order to allow certain issues to be addressed such as the type of housing, office use, traffic calculations, building elevation details, emergency vehicle access, additional landscaping on the property, and a better understanding of some of the engineering and watershed comments in terms of development on the site.

Wayne Stark, Stark Engineering, explained that the buildings are laid out as 2-3 bedroom apartments. He stated that as far as the other comments related to engineering and landscape plans, those will be addresses as they move through the process. He stated that, in his opinion, he did not see anything that would majorly change the design other than the access road issue and/or changing the layout of the building in order to provide better public access. He stated that he believes adding a hammerhead turn around at the far end of the property would make sense for emergency vehicles. He noted that right now they had proposed the trash enclosure being on the east side so the garbage truck would not have to drive all the way through the site. He stated that the buildings will be sprinkled and noted that there is a hydrant extended with the water line to provide fire protection in that manner. He stated that they will be applying for a permit from the watershed district because it does trigger their rules #2 and #3.

Chair Lobermeier asked what the intent is for the occupancy of the building.

Mr. Stark stated that he did not know and that question would have to be asked of the developer. He stated that he was not sure if there was a specific target market in mind for these units.

Chair Lobermeier noted that the list created by staff for additional information is fairly long.

Commissioner Iverson stated that in addition to the target market for the units, it looks like every unit is proposed to be 3-bedroom and 3-bathrooms. He stated that it also looks like there are 3 doors per unit and asked why there were so many entry doors planned.

Mr. Stark stated that would need to be asked of the architect.

Commissioner Iverson stated that the elevations make it look like the Hitching Post Motel.

Mr. Stark explained that he has the engineer and not the architect.

Chair Lobermeier explained that the staff recommendation is for continuance in order for more information to be gathered, but noted that the Commission would still like to hold the public hearing in order to get input from the public on this item.

A MOTION WAS MADE BY COMMISSIONER IVERSON, SECONDED BY COMMISSIONER NAUMANN, TO OPEN THE PUBLIC HEARING AT 8:05 P.M.

<i>Voting Aye:</i>	<i>Iverson, Naumann, West, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>None</i>

Wayne Lund, 25330 Heims Lake Circle, stated that he is part of the Heims Lake HOA. He asked for an explanation of what it meant that this item would be 'continued' and if that meant

that the public would no longer have a chance to address the Commission.

Chair Lobermeier explained that they want to hear input from the public so the public hearing would be held, as planned. He stated that there is more information that is going to be submitted, so there will be another hearing when that information is gathered.

Mr. Lund asked about the zoning for this property because he believes the OHC is for 55+.

Zoning Administrator Weck clarified that the OHC zoning stands for office and healthcare and reviewed the permitted and conditional uses that would be allowed in that zoning district.

Mr. Lund stated that if this is 55+, they would ask that the City request from the management company that there be an annual verifiable audit to ensure that the residents are fitting that category.

Kevin Kervida, 31125 Lincoln Road, Lindstrom, stated that he is one of the founders of the Rosenbauer America Group and his family owns for the former Accent building which abuts the proposed development. He stated that he attended the hearing when the City discussed changing the zoning and mentioned at that time that on the map to the east of 35 there is a gravel road that goes north and then cuts diagonally across the Rosenbauer property. He stated that they have talked about adding onto their building for some office space and had suggested that, if this development moves forward, that they turn that road and relocate it on the property line between the new development and their property. He stated that he would be willing to dedicate 20-30 feet so the roadway could go across the two properties and not interfere with their ability to add on to their business in the future.

Zoning Administrator Weck explained that the existing roadway he was referring to was meant for emergency vehicles and not for public use.

Mr. Kervida reiterated that he would recommend that as part of this process that the City make the adjustment to that roadway for it to become a dedicated roadway. He stated that despite it being intended for emergency vehicle usage, there is regular traffic that is using it.

Tim Montzka, 5294 250th Street, stated that he has lived on Heims Lake for about 55 years. He stated that Heims Lake has gone from a mostly open body of water that was very usable to one that is completely covered in vegetation. He stated that the lake has changed significantly over the last 15 years and noted that he believes it is because of changes that were allowed to be made around the lake. He stated that he thinks the lake has been severely damaged and to quote a phrase from *The Princess Bride*, "mostly dead". He stated that he would describe it as a death by 1,000 cuts and expressed his concern about adding excess impervious surface because the City cannot easily regulate properties after the original inspection. He stated that he thinks the City has been careless with this resource and that various decisions have been made over the years that have significantly impacted Heims Lake. He stated that he believes there is a DNR rule about removing trees between buildings and a lake, but has not heard that addressed today by the Commission or staff. He stated that he feels it is ridiculous that the City has an ordinance that clearly gives a percentage for impervious surface and the City is considering just looking the other way and allowing a larger percentage. He stated that he would like to see how the buildable land was calculated and did not reference the OHWL '*Ordinary High Water Line*'. He asked that staff verify this calculation.

Zoning Administrator Weck explained that in this case, the buildable land would be to the OHWL.

Dan Zienty, 25384 Heims Lake Circle, asked if there had been talk about the possibility of this development being subsidized.

Zoning Administrator Weck stated that he has unsure if the applicant was trying to do anything

with subsidized housing.

Chair Lobermeier stated that the City had no information about the possibility of subsidized housing.

Jay Graziani, 25359 Farmstead Lane, stated that his biggest concern was what the major target would be for this project. He asked why that had not been specified before it was brought in for consideration. He stated that he feels as though it has not been very well planned out and is afraid that it is a 'smoke and mirror' type situation. He stated that the proposal seems innocent, but he feels that a lot of red flags were raised when he read the description. He stated that he would like to know who is developing it, their purpose, their market, and what is planned for the future.

Karen Gierke, 25401 Heims Lake Circle, stated that her family has owned 40 acres located on Heims Lake Circle for the last 55 years. She stated that they have seen things change and while she understands development happens, she has often wondered about the planning process. She stated that there was farm land and then the hospital came in. She stated that what goes with the hospital are things like assisted living and dialysis facilities which has started to feel like the plan for this area. She stated that if this is something that does not fit in with that rhythm or space, she questioned why the City would consider it. She stated that she does not understand how the process could get this far without them articulating what they are going to do with the proposed buildings. She stated that her concerns are somewhat fear based and surrounding fear of losing the living environment and experience, including the wildlife and water quality. She stated that there is a trending pattern that goes with apartment buildings or multi-family living facilities that she is concerned about. She stated that if there is going to be something here she would like it to fit in with the environment and the community.

Dan Thompson, 25319 Heims Lake Circle, stated that within the paperwork, there were some general CUP standards that needed to be met. He referenced #3 regarding the use being compatible or screened from adjacent development so its value would not depreciate. He stated that dropping a motel on this site would obviously depreciate the value of his home. He stated that Heims Lake Villas, Heims Lake Villas North, and The Meadows, are all next to each other and have very nice upkeep. He stated that right now they have no idea what this proposal will bring which he finds very concerning. He referenced condition #4 related to the appearance not having an adverse effect on the adjacent properties. He stated that the plans do not at all try to match the existing guidance of the area. He stated that it is a beautiful neighborhood and they all love living back there. He stated that he thinks that the 3 doors per unit makes it clear that they are trying to put in a multi-client type building. He stated that when this developer bought the land in the fall of 2021 they came in and did some power clearing of the land down to the lake without watershed approval. He stated that the developer taking those kinds of actions makes him worried about the type of development they will put in and recommended that the City keep a close eye on this because, to him, it seems very 'shady'.

Jamie Shepard, 25413 Heims Lake Circle, stated that he and his wife had previously lived in East Bethel before they stumbled on the Heims Lake development. He stated that it had everything they were looking for, quiet, great neighbors, and a dead end street. He stated that from a personal standpoint, this development would mean that they will lose many of the things that they came to the area for. He stated that he knows that 55+ senior living communities are in high demand and noted that he wanted to touch on the money aspect of this since he is a former banker. He explained that he was concerned about property values if the City brings in something so significantly different than what is currently in place. He stated that he thinks that there should be some type of property valuation done before

anything goes in to find out what it will do to property values.

Arden Jenson, 25309 Heims Lake Circle, stated that he is right next to the cul-de-sac and expressed concern about the headlights of the traffic leaving the establishment because they will swing across the sunrooms and bedrooms of the first three homes.

Elizabeth Fabre, 25409 Heims Lake Office, stated that she finds it surprising that the developer was not present at the meeting tonight. She stated that she feels it is disrespectful because none of the questions that they have come with tonight have been answered. She stated that she hopes that this behavior is not indicative of how the developer is going to go forward.

Marcia Hanson, 25379 Farmstead Lane, stated that if this project is for people who are older, she questioned why the parking lot would only be on the front of the building and not the back side. She stated that for the people who live on the back side, they would have to carry their groceries and packages all the way around the building. She stated that she was also concerns about the traffic that this development may create. She explained that this is a quiet neighborhood and they all built there homes there for that reason.

A MOTION WAS MADE BY COMMISSIONER WEST, SECONDED BY COMMISSIONER NAUMANN, TO CLOSE THE PUBLIC HEARING AT 8:28 P.M.

Voting Aye: Iverson, Naumann, West, and Lobermeier
Voting Nay: None
Abstain: None
Absent: None

A MOTION WAS MADE BY COMMISSIONER LOBERMEIER, SECONDED BY COMMISSIONER IVERSON, TO TABLE ACTION ON CONDITIONAL USE PERMIT FOR APARTMENT BUILDINGS: C-23-001 FOR PROPERTY LOCATED AT 257TH STREET, SOUTH END OF CUL-DE-SAC FOR APPLICANT/OWNER: 257 LAND HOLDINGS, LLC; BRIAN SOLSRUD, PROPERTY ID NUMBERS: 21.10605.00 AND 21.10542.10, UNTIL ADDITIONAL INFORMATION, AS REQUESTED, IS RECEIVED.

Voting Aye: Iverson, Naumann, West, and Lobermeier
Voting Nay: None
Abstain: None
Absent: None

Zoning Administrator Weck gave an explanation of the 120 day rule and noted that this would have to come back to the Commission by their May 23, 2023 meeting in order to meet that rule. He noted that the applicant could also decide to withdraw their application as well.

Chair Lobermeier reiterated that if there is additional information that comes in, the City will renotify people about the second public hearing, based on the new information.

Zoning Administrator Weck noted that there were a lot of people in attendance tonight that did not receive the original notification letter. He suggested that people send him an e-mail if they would like to be notified and he will make sure he adds them to his contact list. He noted that he can either send it in the USPS mail or via e-mail. He noted that there will be another meeting on this project, but whether the residents get a chance to speak again would be up to the Planning Commission to decide.

Chair Lobermeier stated that because the current application is quite incomplete, the Planning Commission would like to get comments on a complete application, so while he cannot speak for the entire Commission, he believes that they would reopen the public hearing in order to

get additional input.

Chair Lobermeier recessed the meeting at 8:30 p.m. and reconvened at 8:34 p.m.

NEW BUSINESS

4. Site Plan Review: SP-23-001 Polaris Industries, Inc.
Location: 74300 East Viking Boulevard
Applicant: MaKinnah Gunderman, Ryan Companies
Owner: Polaris Industries, Inc.
Property ID Number: 21.00001.00

City Planner Lindquist gave an overview of the proposed site plan for Polaris at 74300 East Viking Boulevard. She stated that this is for an expansion of a parking lot which will really function as a storage area for some of their over land vehicles on the southwest corner of the site. She reviewed the existing conditions, zoning, and the nearby wetland and natural area. She stated that the applicant came forward with a grading permit request earlier to take out some of the fill on the site to prep the site and take advantage of the frozen conditions, however that did not work very well. She explained that they were not able to proceed as planned because of the tracking across and damage to the road, so they moved it to the area just south of the building. She gave an overview of the proposed parking area. She stated that staff recommends approval with the conditions as included in the staff report. She noted that many times cities put in erosion control conditions but many times people still end up storing materials or leaning stuff against the trees that are to be maintained and that is something that they really do not want to see within the 'no disturb' areas.

MaKinnah Gunderman, Ryan Companies, explained that they are proposing to redevelop about 4.2 acres of the existing Polaris facility. She stated that currently, they house the off road vehicles on the north side of the lot. She stated that the City had requested screening, so this is their effort to comply. She stated that plans are to move it to the southwest corner of the site where it will be screened with vertical slats in chain link fencing. She stated that the area will house about 183 vehicles.

Tom Fisher, Polaris, stated that this is their effort to comply with the City's requirements. He stated that they wanted to get things cleaned up and be able to keep their vehicle confidential within a fenced area.

MOTION BY COMMISSIONER NAUMANN, SECONDED BY COMMISSIONER WEST, TO RECOMMEND APPROVAL SITE PLAN REVIEW: SP-23-001 POLARIS INDUSTRIES, INC. LOCATION: 74300 EAST VIKING BOULEVARD FOR APPLICANT: MAKINNAH GUNDERMAN, RYAN COMPANIES, OWNER: POLARIS INDUSTRIES, INC., PROPERTY ID NUMBER: 21.00001.00, SUBJECT TO THE SIX CONDITIONS AS LISTED IN THE STAFF REPORT.

Voting Aye: Iverson, Naumann, West, and Lobermeier
Voting Nay: None
Abstain: None
Absent: None

5. Request for Time Limit Extension of Site Plan Review and CUP Approvals
Location: 5111 East Viking Boulevard
Owner: Fourteen Foods (Dairy Queen)

Zoning Administrator Weck noted that he believes when they removed the tanks last fall, they found another location where there was a spill. He explained that they had received a letter from the MPCA that they needed to take care of the clean-up which means they need some more time.

A MOTION WAS MADE BY COMMISSIONER LOBERMEIER, SECONDED BY COMMISSIONER NAUMANN, TO RECOMMEND APPROVAL OF THE REQUEST FOR A TIME LIMIT EXTENSION OF ONE YEAR FOR SITE PLAN REVIEW AND CUP APPROVALS FOR PROPERTY LOCATED AT 5111 EAST VIKING BOULEVARD FOR FOURTEEN FOODS (DAIRY QUEEN).

Voting Aye: Iverson, Naumann, West, and Lobermeier
Voting Nay: None
Abstain: None
Absent: None

OLD BUSINESS:

6. Architectural Standards: Community Ordinances and Material Examples

Chair Lobermeier recommended that this agenda item be moved to the next Planning Commission meeting.

Zoning Administrator Weck noted that at the present time there is nothing slated for the next Planning Commission meeting so there should be time to dedicate to this topic.

COMMUNICATIONS:

UPDATES:

ADJOURN:

A MOTION WAS MADE BY COMMISSIONER IVERSON, SECONDED BY COMMISSIONER WEST, TO ADJOURN THE MARCH 14, 2023 “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION AT 8:45 PM.

Voting Aye: Iverson, Naumann, West, and Lobermeier
Voting Nay: None
Abstain: None
Absent: None

RESERVED FOR RECORDING DATA

RESOLUTION NO. 23-03-29

**RESOLUTION APPROVING AN INTERIM CONDITIONAL USE PERMIT TO ALLOW
A HOME OCCUPATION REQUIRING THE USE OF AN ACCESSORY BUILDING
AT
24258 FALLBROOK AVENUE
PROPERTY ID NUMBER: 21.00618.00**

WHEREAS, the City of Wyoming is a political subdivision, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of Wyoming has adopted zoning and subdivision regulations, per Ordinances 2009-4 and 2010-08, including subsequent amendments, to promote the orderly, economic and safe development and utilization of land within the City; and,

WHEREAS, WHEREAS, Rory Sowada has applied for an Interim Conditional Use Permit to perform finishing operations of injection molded parts within a detached accessory building on property legally described as:

That part of the south 450 feet of the northeast quarter of the southeast quarter of Section 31, Township 33 North, Range 21 West, Chisago County, Minnesota, lying easterly of Interstate 35.

WHEREAS, on March 14, 2023, the Planning Commission held a public hearing in accordance with the Ordinance and laws of the State of Minnesota; and,

WHEREAS, the City Council and Planning Commission have reviewed the application, as submitted, and have made the following findings of fact:

1. The use is in conformity with the Comprehensive Plan and development policies of the City.

2. The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
3. The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.
4. The structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
5. The use in the opinion of the City is reasonably related to the overall needs of the City and to the existing land use.
6. The use will be consistent with the purpose of this and other City Ordinances.
7. The use will be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district in which it is to be located.
8. The use will generate only minimal vehicular traffic on local streets and shall not create traffic hazards or unsafe access or parking needs.
9. Existing businesses nearby will not be adversely affected because of the curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.
10. The establishment or maintenance of the use shall not be detrimental to the public, health, safety, or general welfare.
11. The use will not be hazardous, detrimental, or disturbing to present and potential surrounding land use due to water pollution, odor, fumes, general unsightliness or other nuisances.
12. The use will preserve and incorporate the site's important natural and scenic features into the development design.
13. The use will cause minimal adverse environmental effects.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Wyoming hereby **GRANTS** the Conditional Use Permit, as requested by the applicant with the following conditions:

- 1) Conduct of the home occupation does not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence.
- 2) Only those persons residing in the home and one other person may be employed on the site or report to the site on any one day.
- 3) Signage consists of no more than one (1) single or double-faced sign with a maximum area of nine (9) square feet per side in the R-1, R-2, R-3, R-4, R-5, R-6 and MXD (residential uses) Districts and sixteen (16) square feet per side in the Agricultural (A) District.

- 4) No outdoor display of goods or outside storage. All business activity must be contained with the existing accessory structures.
- 5) Any additional need for parking generated by the home occupation shall be met by off-street parking. Said parking area shall be limited to three (3) spaces.
- 6) The home occupation shall not generate sewage of a nature or type that cannot be treated by a standard on-site sewage system, or the municipal sewer system, or hazardous wastes without an approved plan for off-site disposal.
- 7) Semi-trucks are not permitted at the site as a result of the home occupation. The applicant can have oversized trucks to the site for delivery and pick up.
- 8) The applicant shall provide a transportation plan for the site detailing incoming and outgoing deliveries; i.e. days, times, and vehicles.
- 9) Any outdoor trash enclosure shall be screened from the adjoining residential properties.
- 10) The applicant submit a landscape plan that provides screening to the adjoining properties.
- 11) That the Interim Use Permit will expire on June 1, 2053, upon the sale of the property, or when the applicants vacate the property.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF WYOMING THIS 21st DAY OF MARCH, 2023.

Lisa Iverson, Mayor

ATTEST:

This Document Drafted by:
The City of Wyoming
26885 Forest Boulevard
Wyoming, Minnesota 55092

Robb Linwood, City Administrator

**CITY OF WYOMING
PLANNING AND ZONING**

TO:	City Council
DATE:	March 21, 2023
FROM:	Kim Lindquist, City Planner
	Fred Weck
RE:	Site Plan Review
APPLICANT:	MaKinnah Gunderman, Ryan Companies for the property owner Polaris Industries, Inc, Tom Eineichner
PROPERTY:	7400 E Viking Blvd; 21.0000100
FILE NO.:	SP-23-001

OVERVIEW

Ryan Companies (“Applicant”) on behalf of the property owner, Polaris Industries, Inc is requesting site plan approval to permit installation of a 183-stall parking lot for storage of off-road vehicles (ORV). The 29-acre site contains much of the Polaris development including building and outside storage. The area in the southwest, approximately 4.2 acres, will be graded to provide a flatter site for installation of a parking lot (a portion of which is paved and the other portion is gravel). The parking lot is immediately adjacent to west of the existing building. The existing trail will be rerouted around the perimeter of the parking lot and some vegetation will be removed due to site grading. Much of the storage area, and rerouted test trail, will be crushed gravel with the most southern 39 stalls along with the two access drives being paved. There will continue to be a wooded area to the west, between the parking lot and the eastern lot line of the State-owned property. To the south, a residence with outbuildings are located away from Polaris, near the southern property line of their 48-acre site.

The applicant indicates the request is prompted by the City’s desire to better screen outside storage. The addition will also provide expansion of outside storage. The new storage area is well-screened due to existing vegetation and the building placement. There are no variances or other approvals, aside from the site plan approval, needed for the project. The site did receive a grading permit to allow some stockpile removal to allow prep for the parking lot work after approval. The plans indicate where the stockpile is being moved to a lot south of E. Viking Blvd also owned by Polaris.

The site is currently zoned as I-Industrial and designated Industrial and General Business in the adopted Comprehensive Plan.

STAFF RECOMMENDATION

The requirements of Article III, Division 4 “Site Plan Review” as contained in the City of Wyoming Ordinances have been complied with. Accordingly, staff recommends approval of the site plan with the following conditions:

1. All required local, state and/or federal permitting must be obtained.

2. Compliance with any Engineering comments provided on the marked-up site plan drawings including provision of additional stormwater information.
3. All areas devoted for parking spaces, vehicle storage, and access drives shall be surfaced with materials suitable to control dust and drainage. All parking areas shall be designed to control surface runoff to adjacent properties.
4. The applicant install a new hydrant in close proximity to the new fenced parking lot subject to approval by the Wyoming Fire Chief.
5. The applicant submit a cut sheet of the new on-site lighting fixtures that will be added with the project to ensure compliance with ordinance standards.
6. The applicant install fencing or some type of barrier to delineate areas for grading versus areas to remain natural. No grading, equipment or materials shall be stored in the areas to remain natural.

STAFF REVIEW

Comprehensive Plan and Zoning Review

The subject property is currently zoned I- Industrial, and is guided as Industrial and General Business in the City of Wyoming's Comprehensive Plan. Light manufacturing and warehousing are permitted uses and storage of goods is reasonable given the business at the site. The zoning and surrounding uses are as follows:

North – A-Agriculture & I - Industrial; Industrial and General Business along with Wetlands

South – A-Agriculture; Industrial and General Business along with Wetlands

East – I-Industrial; Industrial and General Business along with Wetlands

West – A-Agriculture; Wetlands and Water (State-owned property)

A portion of the property is located within the Carlos Avery Wildlife Perimeter Overlay. There are no wetlands located in the vicinity of the work proposed on site although there are wetlands immediately adjacent to the west. The following table summarizes the regulations associated with the site, outlining the standards for property zoned as I - Industrial.

Zoning District	<u>I-Industrial</u>	<u>Proposed</u>
Side Yard Setback (south)	Parking Area – 15 feet	Parking Area (Existing) – 50 feet
Rear Yard Setback (west)	Parking Area – 15 feet	Parking Area (Existing) – 130 feet (from the Carlos Avery property)

Roads and Traffic

There are no new public roads proposed as part of this site plan with current access to the principal structure from E Viking Blvd. Access to the new storage area will be from the existing paved drive

that encircles the building, connecting parking and storage areas. The access drives into the new parking and storage lot will be paved.

This request does not affect traffic from the site.

Parking Lot Expansion

The parking lot expansion is a combination of gravel and pavement. The ordinance requires that “All areas devoted for parking space and driveways shall be surfaced with material suitable to control dust and drainage as determined by the Zoning Administrator. All parking areas shall be designed to control surface runoff to adjacent property with either curbing or grading techniques”. This is a condition of approval to ensure that the use of gravel versus paving does not cause drainage issues on site or on the adjoining property.

The parking lot area will be surrounded by an 8’ chain link fence with vertical slates for screening. There is controlled access to the lot, consistent with other areas on the site. This is not a public parking lot.

Drainage/Natural Resource/Wetlands

The subject property is outside of the Comfort Lake – Forest Lake Watershed District (CLFLWD). An NPDES permit will also be required and compliance with all NPDES permit requirements will need to be confirmed. The proposed subdivision is outside of the 100-year floodplain, so there are no floodplain requirements. The site is showing peak rates decreasing from existing to proposed conditions for the 2-, 10- and 100-year storm events. The existing stormwater system appears to have capacity to address the increase in hard surface and the parking lot expansion. Additional information from the referenced 2015 Hydraulic analysis is requested in order to confirm assumptions stated in the 2023 expansion’s stormwater report. Material from the expansion area is proposed to be placed within one of the decommissioned wastewater treatment ponds south of East Viking Boulevard. The placement of this fill material is not anticipated to cause any negative impacts to the basin or downstream waterbodies. Detailed redline comments related to stormwater management have been provided to the applicant’s engineer.

Utilities

Municipal sanitary sewer and watermain services are currently available on this site, although are not necessary for this site improvement. The Fire Chief requested a fire hydrant closer to the fenced area, which is a condition of approval.

Lighting

The applicant has provided a photometric drawing of the lighting impacts for the new lot. The plan indicates that lighting at the west and south property lines complies with ordinance standards. The plan does not provide a cut sheet of the proposed light fixture and a condition of approval requires its submission.

Landscaping and Tree Preservation

Submitted plans indicate tree removal to permit grading in the parking lot area. The narrative indicates less than 10% of the overall tree count on the property is being removed. Although the applicant has not provided a full tree count on the site the plans indicate that approximately 25% of the trees surveyed are being removed. The provided count does not include numerous trees on the west and north of the parking site. The zoning ordinance allows 10% tree removal “from

exiting improved parcels”. Care must be taken that any future development doesn’t continue to allow additional tree removal without replacement.

The landscaping plan does not indicate any additional trees or shrubs to be installed as part of this project. Section 40-555 Landscaping Regulations indicates regulates the minimum landscape requirements. Under that section it also notes that in instances where there is healthy plant material adjacent to a site, the City may adjust the landscape requirements. Due to the amount of vegetation surrounding the parking lot, particularly in the west, staff believes the current situation provides for adequate screening and landscaping. The disturbed areas not set aside for the parking lot, access drive or trail will be reseeded with more natural vegetation and grasses. Similar grasses will be planted on the site to the south where the stockpile will be moved to.

Site Plan Review Standards

In accordance with Sec. 40-86, the following criteria shall be considered during the Site Plan review application process:

- (1) Consistency with the various elements and objectives of the City’s long range plans, including, but not limited to, the Comprehensive Plan;
- (2) Consistency with the purposes of this Code;
- (3) Preservation of the site in its natural state, insofar as practicable, by minimizing tree and soil removal, and designing any grade changes so as to be in keeping with the general appearance of neighboring developed or developing areas;
- (4) Creation of a harmonious relationship of buildings and open spaces with the terrain and with existing and future buildings having a visual relationship to the proposed development;
- (5) Creation of a functional and harmonious design for structures and site features including;
 - (a) Creation of an internal sense of order for the various functions and buildings on the site and provision of a desirable environment for occupants, visitors and the general community;
 - (b) Appropriateness of the amount and arrangement of open space and landscaping to the design and function of the development;
 - (c) Appropriateness of the materials, textures, colors and details of construction as an expression the design concept of the project and the compatibility of the same with the adjacent and neighboring structures and functions; and
 - (d) Adequacy of vehicular, cycling and pedestrian circulation, including walkways, interior drives and parking, in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian, cycling and vehicular traffic and arrangement and amount of parking so as to be safe, convenient and, insofar as practicable, compatible with the design of proposed buildings, structures and neighboring properties.

- (6) Creation of an energy-conserving design through design, location, orientation and elevation of structures, the use and location of glass in structures, and the use of landscape materials and site grading;
- (7) Protection of adjacent and neighboring properties through reasonable provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design, not adequately covered by other regulations, which may have substantial effects on neighboring land uses.

These criteria are met.

Planning Commission Recommendation

On March 14, 2023 the Planning Commission publicly heard the petitioner's Site Plan Review request. After hearing testimony and discussion, the Planning Commission voted unanimously to recommend approval of the request with the following conditions:

1. All required local, state and/or federal permitting must be obtained.
2. Compliance with any Engineering comments provided on the marked-up site plan drawings including provision of additional stormwater information.
3. All areas devoted for parking spaces, vehicle storage, and access drives shall be surfaced with materials suitable to control dust and drainage. All parking areas shall be designed to control surface runoff to adjacent properties.
4. The applicant install a new hydrant in close proximity to the new fenced parking lot subject to approval by the Wyoming Fire Chief.
5. The applicant submit a cut sheet of the new on-site lighting fixtures that will be added with the project to ensure compliance with ordinance standards.
6. The applicant install fencing or some type of barrier to delineate areas for grading versus areas to remain natural. No grading, equipment or materials shall be stored in the areas to remain natural.



City Of Wyoming
26885 Forest Blvd, PO Box 188
Wyoming, MN 55092
Phone (651) 462-4947
permits@wyomingmn.org

LAND USE APPLICATION: SITE PLAN REVIEW

A site plan review application requests a use permitted in a particular zoning district, but regulated and controlled through conditions placed upon it by the City Council after review by the Planning Commission.

Property Address: 7400 E Viking BLVD Wyoming, MN 55092

Applicant(s): Name(s) MaKinnah Gunderman

Address Ryan Companies, 533 S Third Street, Suite 100

City Minneapolis

State MN

Zip 55415

Phone Number 612-492-4184

Email makinnah.gunderman@ryancompanies.com

Owner(s) - If other than Applicant(s):

Name(s) Tom Eineichner, Polaris Industries Inc

Address 7400 E Viking BLVD

City Wyoming

State MN

Zip 55092

Phone Number _____

Email _____

Signature of owner(s) Tom Eineichner

Date 02/09/2023

Legal description of property: Lot NA Block NA Section 9 Township 33N Range 21W Zone NA

Property Identification Number: R.21. 210000100

Present Zoning: Industrial

Present use of property: Office/Industrial

Proposed use of property: Office/Industrial

This application and the following attachments must be submitted to be considered a complete application:

1. A detailed site plan showing the information listed in Section 40 - 82, 1-6 as well as the following:
 - a. The grading and drainage plan must be designed in accordance with Article VII, Division 21 of the Zoning Ordinance and the City of Wyoming Surface Water Resource Guidance Document
 - b. Elevation drawings of all sides of the proposed building to show compliance with the architectural standards of the zoning district the use will be located in
 - c. Landscaping and Screening in accordance with Article VII, Divisions 14 & 26
 - d. Lighting Plan in accordance with Article VII, Division 15
2. A letter explaining the proposed use and how it will be operated
3. Applications for uses described in Article VI, Divisions 7, 18, & 19 and Article VII, Divisions 2, 8, 10, 17-20, and 25 of the Zoning Ordinance must include the information necessary to show compliance with the applicable section of the ordinance
4. Applications for uses that are within the Highway 8 Overlay District or that utilize Highway 8 for access must include the information necessary to show compliance with Article VI, Division 14 of the Zoning Ordinance.
5. The application fee and escrow must be paid at the time of application - The fee is not refundable and the unused portion of the escrow will be returned to the applicant
6. Any other information deemed necessary by the Zoning Administrator or Planning Commission

Signature of applicant(s) MaKinnah Gunderman

Date 2/20/23

As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project. Article V, Division 4, Site Plan Review is attached to this application. By signing this application, the applicant acknowledges that it has been read and understood.

A public meeting can be scheduled only after a complete application has been received.

OFFICE USE ONLY

Application # Sp-23-001

Date Application Received 2/21/23

Date Complete Application Received 2/21/23

60 Days 4/22/23

Fee: \$220.00 + Escrow \$1,000.00

Date Paid 2/21/23

By: [Signature]
Official

Check # 889105 Page 78 of 104



February 21, 2023

**RE: Polaris ORV Site Improvements
Land Use Application: Site Plan Review
Project Narrative**

1. General Description of the Request or Proposal

Ryan Companies is proposing to redevelop 4.20± acres on the existing Polaris property into a storage yard for Polaris' Off-Road Vehicles ("ORV"). The intent of this lot is to help Polaris comply with the City's request to provide better screening of their off road vehicles which are currently stored on the north end of the Polaris property. The proposed storage lot will consist of gravel and asphalt paving, and an 8ft chain link fence with vertical slats for screening. The lot will be located on the west side of the property which will work best from an operational standpoint for Polaris.

The site is currently zoned "Industrial" and no changes to zoning or use are proposed with this project.

Existing Site Conditions

The location of the proposed storage yard is currently an old stockpile. As a result, the project requires cutting down this stockpile and moving it South of Vikings Blvd onto another portion of the Polaris property. This scope of work was applied for in an early grading permit to provide better off road hauling conditions while the ground is still frozen. Some significant tree removals are also required as part of the ORV Site Improvements but based on aerial imagery the removals are less than 10% of the overall tree count on the property.

Stormwater Management

A stormwater management report is provided in this submittal. This report demonstrates the existing stormwater basins have capacity to handle additional runoff from the proposed ORV Site Improvements. Stormwater will be routed to the west stormwater basin via swales that surround the proposed storage yard.

Landscaping

A landscape plan is provided in this submittal showing final ground cover conditions. No additional trees or shrubs are proposed because they already exist elsewhere on the property.

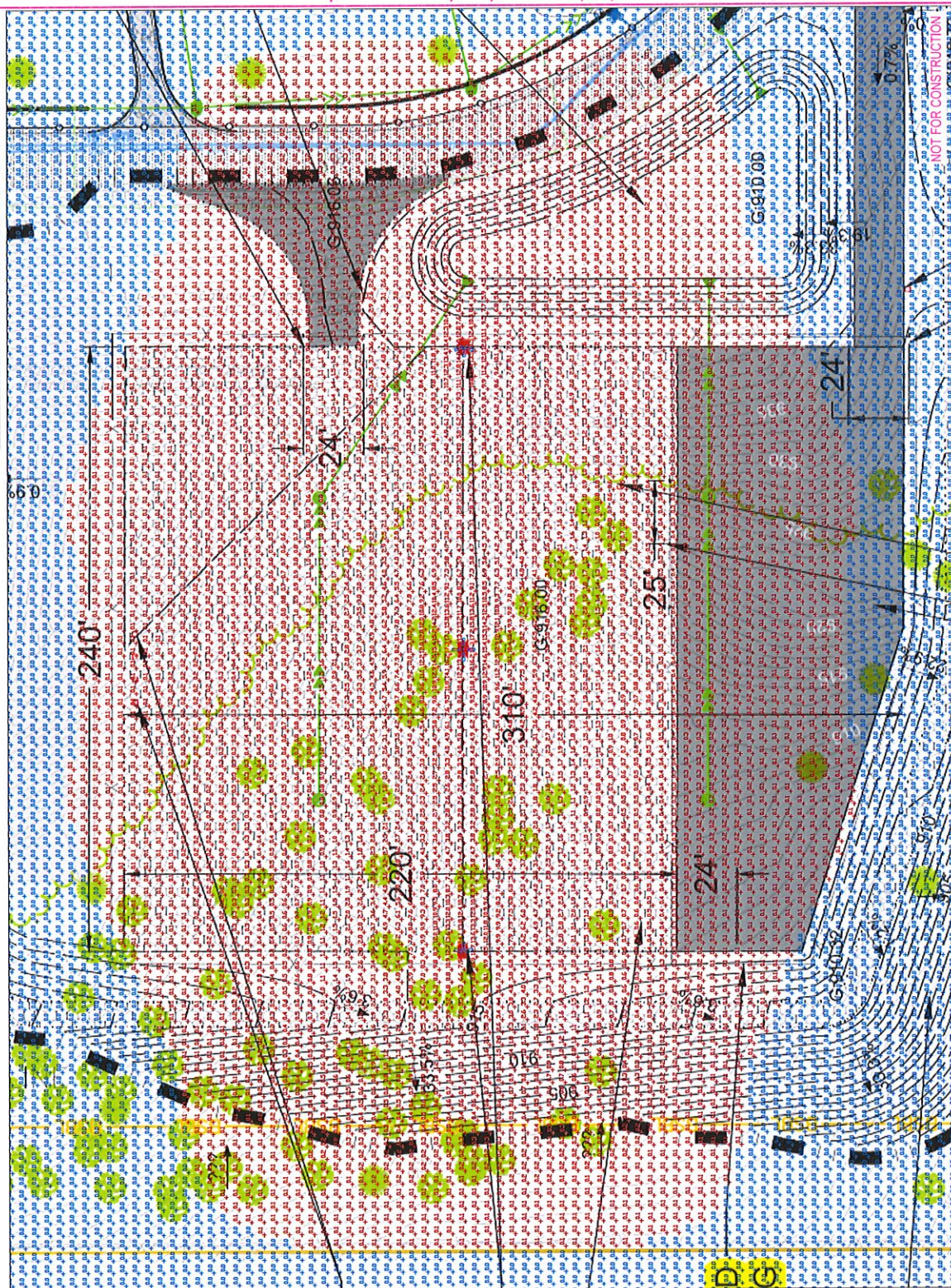
Photometric Plan

A preliminary site photometrics plan that includes light locations, type, and height is included as part of this application.



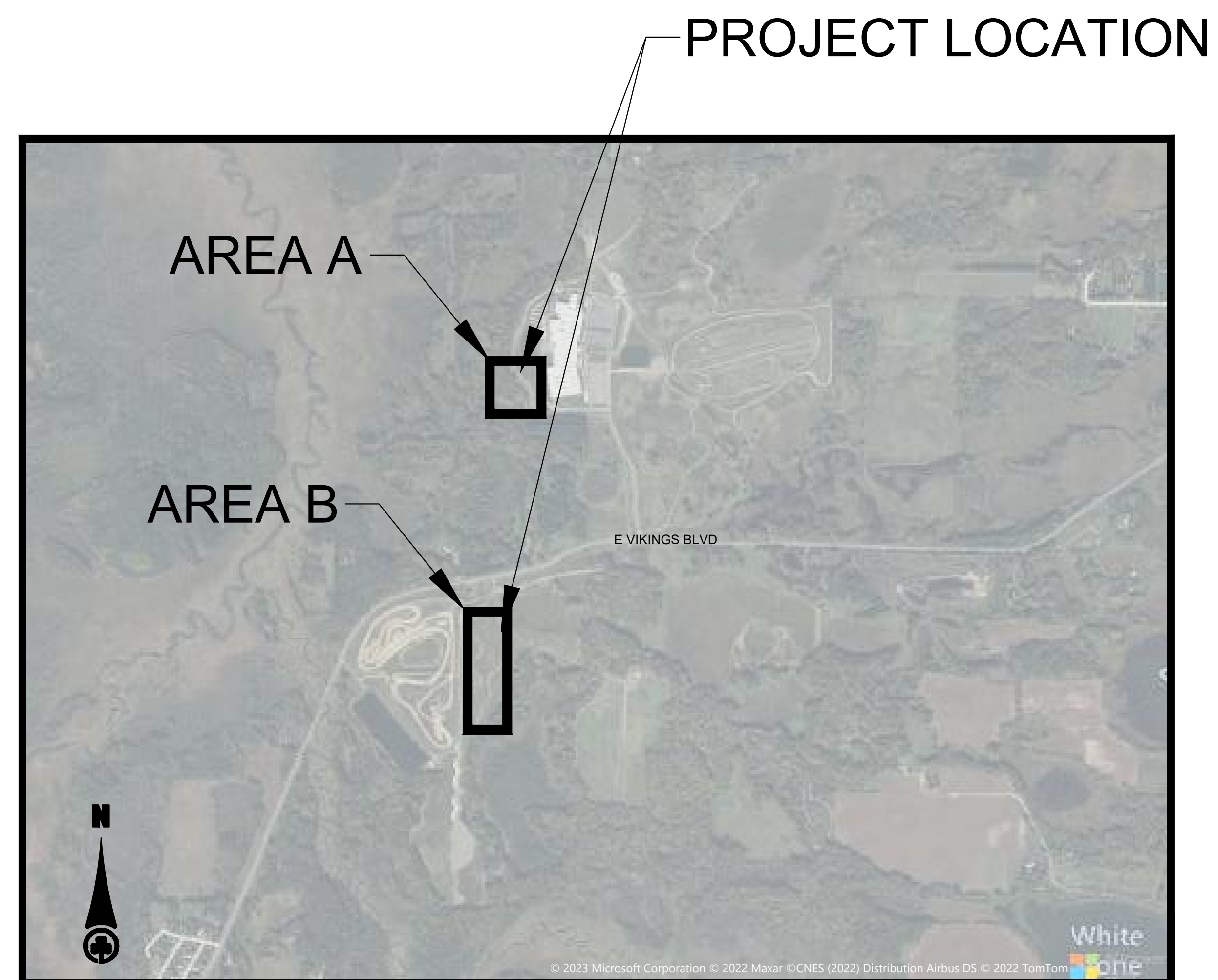
POLARIS ORV STORAGE
YARD

ITEM #	UNIT	MATERIAL FACTORY CAT #	VOL	DESCRIPTION	LUMENS		NOTES
					QTY	WATT	
1	EA	150-25746-00 TO BE	150	100	100	100	100
2	EA	150-25746-00 TO BE	150	100	100	100	100
3	EA	150-25746-00 TO BE	150	100	100	100	100
4	EA	150-25746-00 TO BE	150	100	100	100	100
5	EA	150-25746-00 TO BE	150	100	100	100	100
6	EA	150-25746-00 TO BE	150	100	100	100	100
7	EA	150-25746-00 TO BE	150	100	100	100	100
8	EA	150-25746-00 TO BE	150	100	100	100	100
9	EA	150-25746-00 TO BE	150	100	100	100	100
10	EA	150-25746-00 TO BE	150	100	100	100	100
11	EA	150-25746-00 TO BE	150	100	100	100	100
12	EA	150-25746-00 TO BE	150	100	100	100	100
13	EA	150-25746-00 TO BE	150	100	100	100	100
14	EA	150-25746-00 TO BE	150	100	100	100	100
15	EA	150-25746-00 TO BE	150	100	100	100	100
16	EA	150-25746-00 TO BE	150	100	100	100	100
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22	EA	150-25746-00 TO BE	150	100	100	100	100
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24	EA	150-25746-00 TO BE	150	100	100	100	100
25	EA	150-25746-00 TO BE	150	100	100	100	100
26	EA	150-25746-00 TO BE	150	100	100	100	100
27	EA	150-25746-00 TO BE	150	100	100	100	100
28	EA	150-25746-00 TO BE	150	100	100	100	100
29	EA	150-25746-00 TO BE	150	100	100	100	100
30	EA	150-25746-00 TO BE	150	100	100	100	100
31	EA	150-25746-00 TO BE	150	100	100	100	100
32	EA	150-25746-00 TO BE	150	100	100	100	100
33	EA	150-25746-00 TO BE	150	100	100	100	100
34	EA	150-25746-00 TO BE	150	100	100	100	100
35	EA	150-25746-00 TO BE	150	100	100	100	100
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37	EA	150-25746-00 TO BE	150	100	100	100	100
38	EA	150-25746-00 TO BE	150	100	100	100	100
39	EA	150-25746-00 TO BE	150	100	100	100	100
40	EA	150-25746-00 TO BE	150	100	100	100	100
41	EA	150-25746-00 TO BE	150	100	100	100	100
42	EA	150-25746-00 TO BE	150	100	100	100	100
43	EA	150-25746-00 TO BE	150	100	100	100	100
44	EA	150-25746-00 TO BE	150	100	100	100	100
45	EA	150-25746-00 TO BE	150	100	100	100	100
46	EA	150-25746-00 TO BE	150	100	100	100	100
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48	EA	150-25746-00 TO BE	150	100	100	100	100
49	EA	150-25746-00 TO BE	150	100	100	100	100
50	EA	150-25746-00 TO BE	150	100	100	100	100
51	EA	150-25746-00 TO BE	150	100	100	100	100
52	EA	150-25746-00 TO BE	150	100	100	100	100
53	EA	150-25746-00 TO BE	150	100	100	100	100
54	EA	150-25746-00 TO BE	150	100	100	100	100
55	EA	150-25746-00 TO BE	150	100	100	100	100
56	EA	150-25746-00 TO BE	150	100	100	100	100
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58	EA	150-25746-00 TO BE	150	100	100	100	100
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60	EA	150-25746-00 TO BE	150	100	100	100	100
61	EA	150-25746-00 TO BE	150	100	100	100	100
62	EA	150-25746-00 TO BE	150	100	100	100	100
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99	EA	150-25746-00 TO BE	150	100	100	100	100
100	EA	150-25746-00 TO BE	150	100	100	100	100



WYOMING, MN

CITY SUBMITTAL



VICINITY MAP
NOT TO SCALE

SHEET INDEX

●	02/17/2023	C001	COVER SHEET
●	02/17/2023	C100	TOPOGRAPHIC SURVEY AREA A
●	02/17/2023	C101	TOPOGRAPHIC SURVEY AREA B
●	02/17/2023	C102	REMOVALS PLAN AREA A
●	02/17/2023	C300	SITE AND UTILITY PLAN AREA A
●	02/17/2023	C400	GRADING AND EROSION CONTROL PLAN AREA A
●	02/17/2023	C401	PRELIMINARY GRADING AND EROSION CONTROL PLAN AREA A
●	02/17/2023	C402	PRELIMINARY GRADING AND EROSION CONTROL PLAN AREA B
●	02/17/2023	C600	CIVIL DETAILS

DRAWING INDEX LEGEND

FILLED CIRCLE INDICATES DRAWING INCLUDED WITHIN THIS ISSUE MOST RECENT REVISION NUMBER MOST RECENT ISSUE OR REVISION DATE				
	-	X/XX/20XX	CX	SHEET TITLE



RYAN A+E, INC.
533 South Third Street, Suite 100
Minneapolis, MN 55415
612-492-4000 tel
612-492-3000 fax

WWW.RYANCOMPANIES.COM

PRELIMINARY
NOT FOR
CONSTRUCTION

PROJECT INFORMATION

POLARIS ORV SITE IMPROVEMENTS

7400 E VIKINGS BLVD
WYOMING, MN 55092

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

CHAD H. LOCKWOOD

REGISTRATION NO.	DATE
44986	02/17/2023

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DRAWN BY	CHECKED BY
MBG	CHL
JOB NO.	DATE
701520	02/17/2023

[illegible]

CITY SUBMITTAL

COVER SHEET

C001

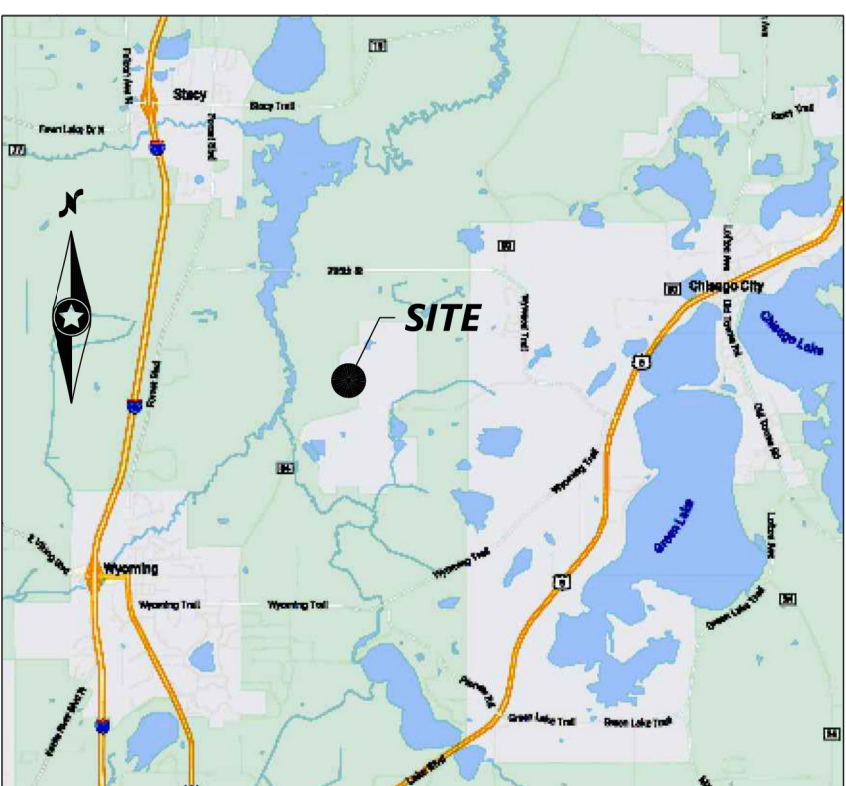
TREE INVENTORY

1	PR10	381	MM9
2	PR11	389	MM4
3	PR11	389	MM1
4	PR11	389	MM4
5	PR12	387	MM1
6	PR12	385	MM4 + 6.2
7	PR12	387	MM1
8	PR11	388	MM4 + 5.6/6.4
9	PR11	389	MM2 + 3.5/3.9
10	PR13	381	MM2
11	PR13	381	MM1
12	PR10	382	MM1
13	PR10	382	MM1
14	PR10	381	MM1
15	PR10	381	MM1
16	PR10	381	MM1
17	PR11 + 5	386	MM2
18	PR11 + 5	386	MM4 + 3.6/4.5/ 6.9 mm on macroalgae with 10
19	PR10	388	MM4
20	PR10	388	MM1
21	PR10	381	MM2
22	PR10	381	MM2
23	PR10	382	MM1
24	PR10	382	MM1
25	PR10	382	MM1
26	PR10	382	MM1
27	PR10	387	MM4 + 4
28	PR10	387	MM4
29	PR10	386	MM1
30	PR10	386	MM1
31	PR10	386	MM1
32	PR10 + 8	381	MM4
33	PR10	381	MM1
34	PR10	381	MM1
35	PR10	381	MM1
36	PR10	381	MM1
37	PR10	381	MM1
38	PR10	381	MM1
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41	PR11	381	MM1
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97	PR10	384	MM1
98	PR10	384	MM1
99	PR10	384	MM1
100	PR10	384	MM1

TREE INVENTORY LEGEND

ASB	Arboretum	x =	multi-trunked
ASH	Green and White Ash	pd =	physically damaged (e.g. tornada, wind/eo storm)
ASP	Ash	bd =	biologically damaged (e.g. tornada, fungal, bacterial, ...)
ASP	Ash	s =	spectimen
ASB	American Bittersoth	dd =	dead
BOX	Baxeler		
BPB	Paper, Yellow, River Birch		
BSW	Bstwood		
CAT	Catopato		
CDB	Eastern Red Cedar		
CDO	Northern White Cedar		
CHB	Black Cherry		
CWD	Cattowood		
ELA	American Elm		
ELR	Elk (Red Elm)		
ELS	Siberian Elm		
ELY	Elly Elm		
FIB	Bilum Fir		
FID	Douglas Fir		
FWW	White Fir		
FEF	Frut Tree		
HAE	Hackberry		
HEM	Hemlock		
HRB	Bitternut Hickory		
IBV	Ironwood		
LAR	Eastern Larch (Tamarack)		
LCB	Black Locust		
LCH	White Locust		
MLB	Mulberry		
MP4	Amy Maple		
MPB	Black Maple		
MPN	Norway Maple		
MPR	Red Maple		
MPS	Sugar Maple		
MPV	Silver Maple		
ONB	Ohio Buckeye		
OKB	Bur Oak		
OKL	Black Oak		
OKP	Pink Oak		
OKR	Red Oak		
OKW	White Oak		
OLV	Russian Olive		
PIA	Austrian Pine		
PIJ	Jack Pine		
PIB	Pandora Pine		
PIR	Red (Norway) Pine		
PIE	Scotch Pine		
PIW	White Pine		
POB	Balsam Poplar		
POW	White Poplar		
SCS	Colorado Spruce		
SNV	Norway Spruce		
SPW	White Spruce		
WAB	Black Walnut		
WAM	White Walnut		
WAB	Black Willow		
WCM	Craw Willow		
WLV	Weeping Willow		
UKN	Unknown Coniferous Tree		

VICINITY MAP



LEGAL DESCRIPTION

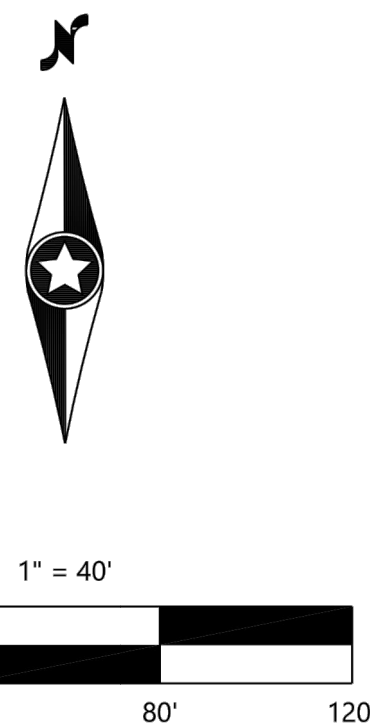
[illegible]

GENERAL SURVEYOR'S NOTES

1. The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. This survey does not represent that the underground utilities shown are in the exact location indicated although the surveyor does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.
2. Bearings based on Minnesota DOT: Chicago County, US Foot.
3. Contours are shown at 1-foot intervals. Vertical Datum is NAVD 88.
4. This survey was prepared without the benefit of a title commitment. No search for easements or restrictions was made by the Surveyor.
5. Field data collection on which this map is based was performed while snow was covering all or part of the subject property. There is a possibility that existing improvements that would normally be observable without the snow cover, may exist.

LEGEND

	CATCH BASIN		STO	STORM SEWER
	HYDRANT		WAT	WATERMAIN
	GATE VALVE		X	FENCE LINE
	SIGN			CURB & GUTTER
	CONIFEROUS TREE			CONCRETE SURFACE
	DECIDUOUS TREE			BITUMINOUS SURFACE
	BOUNDARY LINE			FOUND MONUMENT (SEE LABEL)
	RIGHT-OF-WAY LINE			
	LOT LINE			
	EASEMENT LINE			
	SECTION LINE			



DESIGNED:	
CHECKED:	MJW
DRAWN:	ACW
HORIZONTAL SCALE:	40'

INITIAL ISSUE: 01/09/2022
REVISIONS:

PREPARED FOR:

RYAN COMPANIES US, INC.
533 SOUTH THIRD STREET SUITE 100
MINNEAPOLIS, MN

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME
OR UNDER MY DIRECT SUPERVISION AND THAT I AM A
DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE
STATE OF MINNESOTA


MATHEW J. WELINSKI

DATE: 1/9/2023 LICENSE NO. 53596

POLARIS
WYOMING, MN

Westwood

Phone (952) 937-5150 12701 Whitewater Drive, Suite #300
Fax (952) 937-5822 Minnetonka, MN 55343
Toll Free (888) 937-5150 westwoodps.com

Westwood Professional Services, Inc.

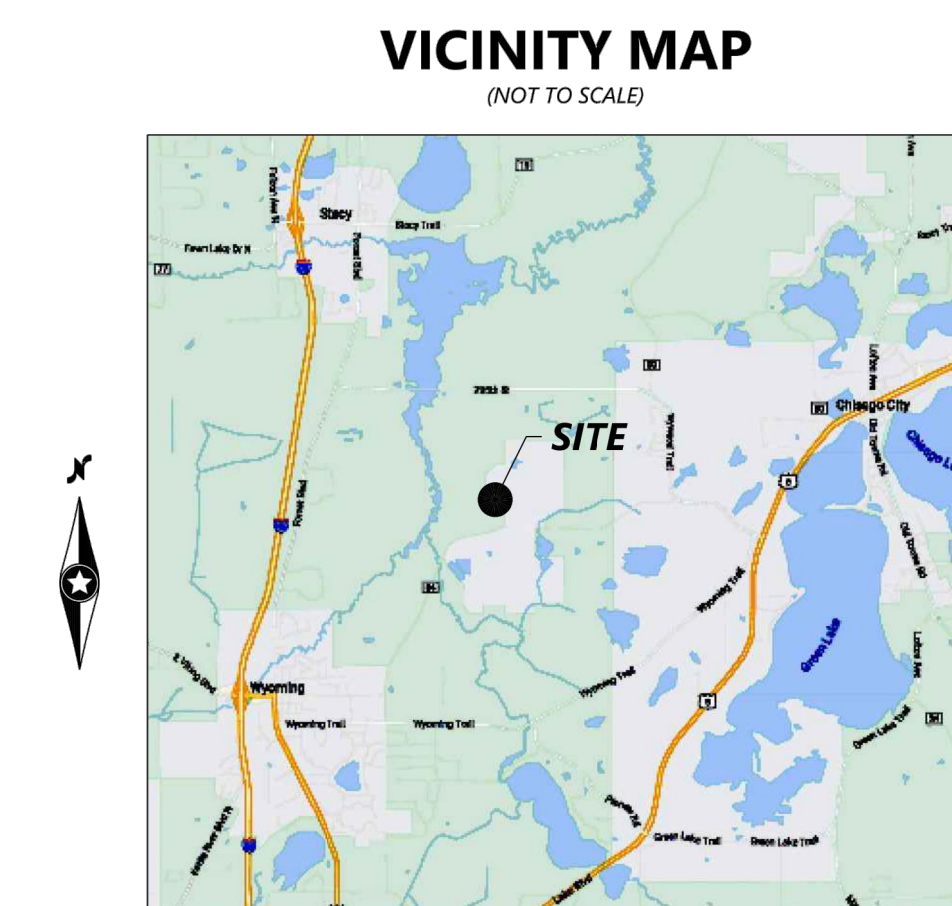
SHEET NUMBER:

1 OF 1

TOPOGRAPHIC SURVEY

PROJECT NUMBER: 0042519.00

DATE: 01/09/2023

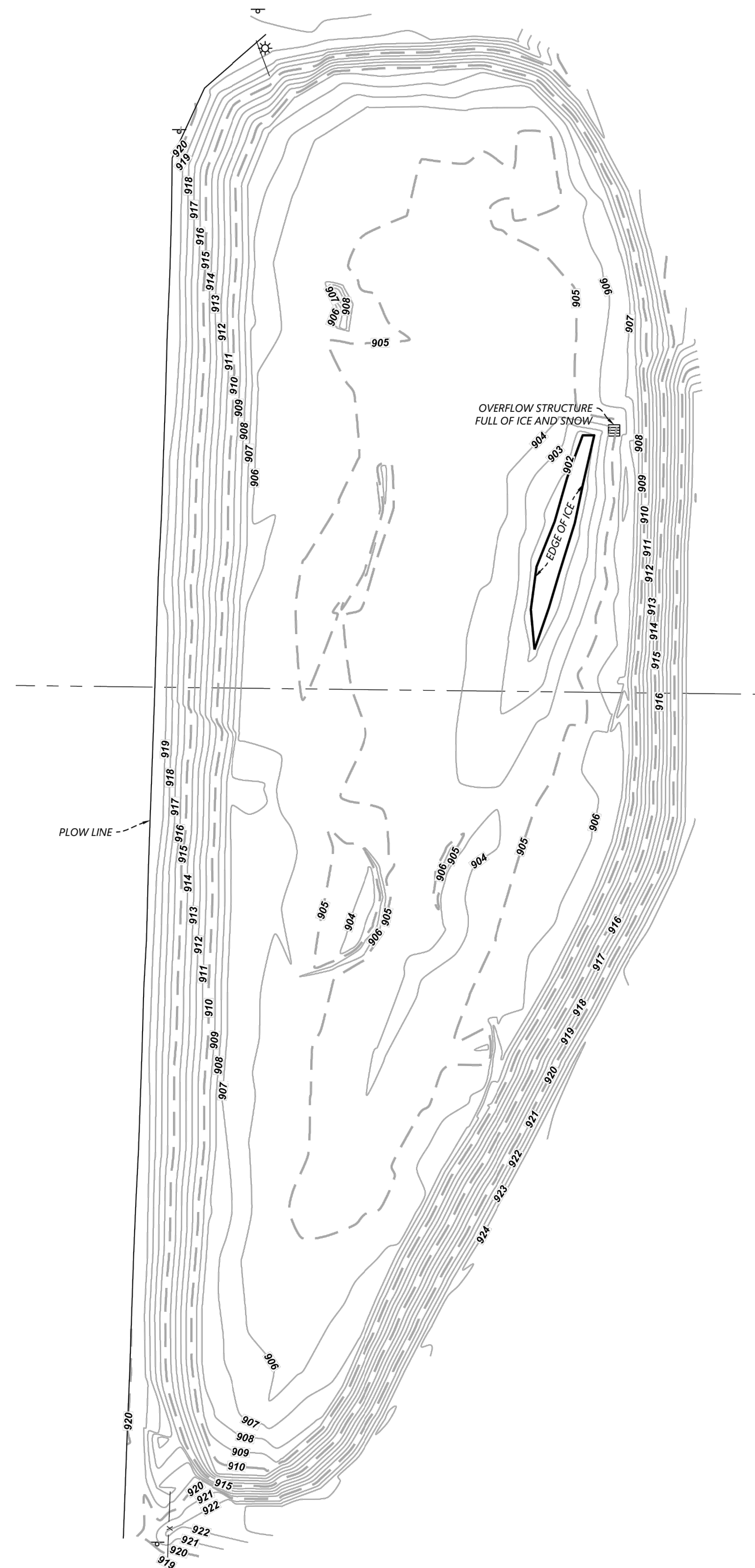
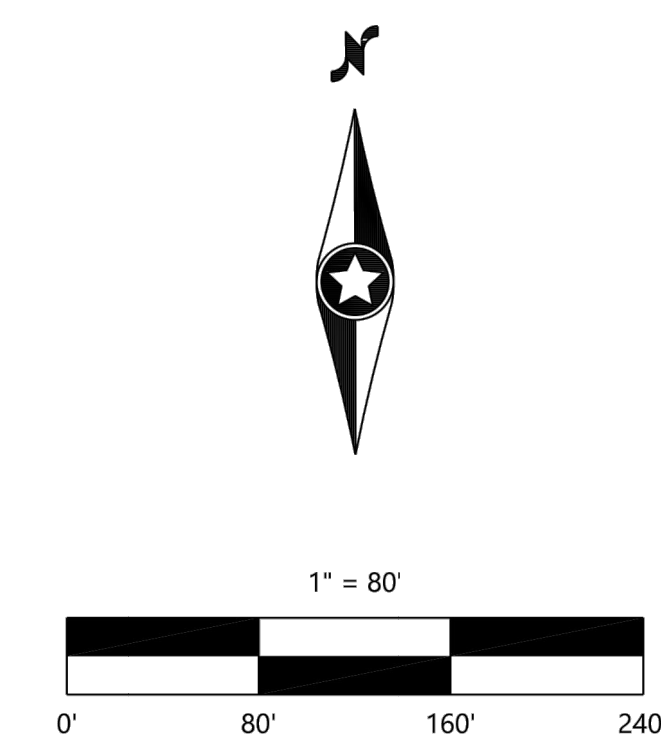


GENERAL SURVEYOR'S NOTES

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- 3) Contours are shown at 1-foot intervals. Vertical Datum is NAVD 88.
- 4) This survey was prepared without the benefit of a title commitment. No search for easements or restrictions was made by the Surveyor.
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LEGEND

	CATCH BASIN		STO	STORM SEWER
	HYDRANT		WAT	WATER MAIN
	GATE VALVE		X	FENCE LINE
	SIGN			CURB & GUTTER
	CONIFEROUS TREE			CONCRETE SURFACE
	DECIDUOUS TREE			BITUMINOUS SURFACE
	BOUNDARY LINE			
	RIGHT-OF-WAY LINE			
	LOT LINE			
	EASEMENT LINE			
	SECTION LINE			



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N:\0042519.00\DWG\42519-V-SURV.DWG

DESIGNED:	
CHECKED:	M/JW
DRAWN:	ACW
HORIZONTAL SCALE:	40'

INITIAL ISSUE: 02/09/2022
REVISIONS:

PREPARED FOR:

RYAN COMPANIES US, INC.

533 SOUTH THIRD STREET SUITE 100
MINNEAPOLIS, MN

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME
OR UNDER MY DIRECT SUPERVISION AND THAT I AM A
DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE
STATE OF MINNESOTA


MATTHEW J. MELINSKI

DATE: 2/9/2023 LICENSE NO. 53596

POLARIS
WYOMING, MN

Westwood

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Toll Free (888) 937-5150 westwoodps.com

Westwood Professional Services, Inc.

EXISTING CONDITIONS

PROJECT NUMBER: 0042519.00

SHEET NUMBER:

1 OF 1

DATE: 02/09/2023

1. CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS AND ELEVATIONS OF EXISTING CONDITIONS. THIS WOULD INCLUDE ALL EXISTING UTILITIES AND TOPOGRAPHIC FEATURES. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR VARIATIONS FROM THE PLANS.
2. ALL DIMENSIONS SHOWN ARE TO FACE OF CURB, FACE OF BUILDING, EDGE OF PAVEMENT, OR TO PROPERTY LINE, UNLESS OTHERWISE NOTED.
3. ALL RADII ARE TO GUTTER LINE OR PAVEMENT EDGE UNLESS OTHERWISE NOTED.
4. ALL CURB TERMINI TO HAVE A 3:0° TAPER UNLESS OTHERWISE NOTED.
5. SEE ELECTRICAL PLANS FOR SITE LIGHTING DESIGN

1. PRIOR TO CONSTRUCTION, SUBCONTRACTORS WHOM WORK REQUIRES EXCAVATION SHALL FIELD VERIFY ALL EXISTING UTILITY LOCATIONS AND INVERTS, SHOWN OR NOT SHOWN. ANY DISCREPANCY BETWEEN PLANS AND FIELD CONDITIONS SHALL BE REPORTED TO THE OWNER IMMEDIATELY.
2. THE UTILITY CONTRACTOR SHALL VERIFY THE LOCATIONS AND ELEVATIONS OF THE BUILDING PIPE SYSTEM PRIOR TO CONSTRUCTING SERVICE CONNECTIONS.
3. ALL UTILITY PIPE BEDDING SHALL BE COMPACTED SAND OR FINE GRANULAR MATERIAL. UTILITY TRENCHES SHALL BE COMPACTED IN ACCORDANCE WITH GUIDELINES PROVIDED BY THE GEOTECHNICAL ENGINEER.
4. PROPOSED PIPE MATERIALS:
STORM SEWER RCP
5. CONTRACTOR SHALL MAINTAIN AS-BUILT PLANS THROUGHOUT CONSTRUCTION AND SUBMIT THESE PLANS TO ENGINEER UPON COMPLETION OF WORK.

ZONING: INDUSTRIAL
PROPOSED IMPERVIOUS AREA: 89,150 SF

PROJECT INFORMATION

7400 E VIKINGS BLVD
WYOMING, MN 55092

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

CHAD H. LOCKWOOD

REGISTRATION NO.	DATE
44986	02/17/2023

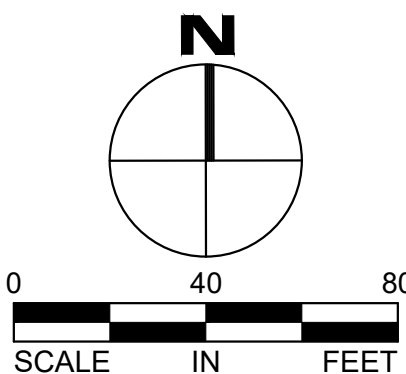
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DRAWN BY MBG	CHECKED BY CHL
JOB NO. 701520	DATE 02/17/2023

[illegible]

SITE AND UTILITY PLAN AREA A

C300



1. SUBCONTRACTORS WHOSE WORK REQUIRES EXCAVATION SHALL CONTACT "GOPHER STATE ONE-CALL" (651-454-0002 OR 1-800-252-1168 OR 811) FOR UTILITY LOCATIONS 48 HOURS PRIOR TO EXCAVATION. HE/SHE SHALL REPAIR OR REPLACE DAMAGED UTILITIES DURING CONSTRUCTION AT NO COST TO OWNER OR GENERAL CONTRACTOR.
2. EXISTING TOPOGRAPHY PER WESTWOOD, TOPOGRAPHIC SURVEY, DATED 01/09/2023
3. REFER TO GEOTECHNICAL RECOMMENDATIONS, AS PREPARED BY BRAUN INTERTEC FOR AN EXISTING SUBSURFACE SITE CONDITION ANALYSIS AND CONSTRUCTION RECOMMENDATIONS.
4. CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS AND ELEVATIONS OF EXISTING CONDITIONS. THIS WOULD INCLUDE ALL EXISTING UTILITIES AND TOPOGRAPHIC FEATURES. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR VARIATIONS FROM THE PLANS.
5. SUBGRADE EXCAVATION SHALL BE BACKFILLED IMMEDIATELY AFTER EXCAVATION TO HELP OFFSET ANY STABILITY PROBLEMS DUE TO WATER SEEPAGE OR STEEP SLOPES. WHEN PLACING NEW SURFACE MATERIAL ADJACENT TO EXISTING PAVEMENT, THE EXCAVATION SHALL BE BACKFILLED PROMPTLY TO AVOID UNDERMINING OF THE EXISTING PAVEMENT.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL HORIZONTAL AND VERTICAL CONTROL.
7. PROPOSED GRADES SHOWN ARE FINISHED GRADES.
8. ALL EXCESS MATERIAL, BITUMINOUS SURFACING, CONCRETE ITEMS, ANY ABANDONED UTILITY ITEMS, AND OTHER UNSTABLE MATERIAL SHALL BECOME THE PROPERTY OF THE SUBCONTRACTOR AND SHALL BE DISPOSED OFF THE CONSTRUCTION SITE.
9. GRADING BEHIND CURBS SHALL START AT THE TOP OF CURB.
10. REMOVE SEDIMENT FROM EXISTING STORM SEWER IF PRESENT.
11. SPOT ELEVATIONS REPRESENT FINISHED SURFACE GRADES, GUTTER/FLOW LINE, FACE OF BUILDING, OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
12. ALL DISTURBED UNPAVED AREAS ARE TO RECEIVE MINIMUM OF 6 INCHES (COMPACTED) OF TOP SOIL AND SEED/MULCH OR SOD. THESE AREAS SHALL BE WATERED/MAINTAINED BY THE CONTRACTOR UNTIL VEGETATION IS ESTABLISHED. SEE LANDSCAPE PLAN FOR DETAILS.
13. ALL CURB TERMINI TO HAVE A 3:0' TAPER UNLESS OTHERWISE NOTED.

1. ALL PERIMETER SILT FENCE AND ROCK CONSTRUCTION ENTRANCES SHALL BE INSTALLED PRIOR TO CONSTRUCTION. SEE CONSTRUCTION SEQUENCING.
2. THE GRADING CONTRACTOR SHALL INSTALL CATCH BASIN EROSION CONTROL MEASURES.
3. INITIATED IMMEDIATELY AND COMPLETED WITHIN 7 DAYS OF SITE GRADING OR INACTIVITY. ALL DISTURBED AREAS SHALL BE STABILIZED WITH SEED, SOD, EROSION CONTROL BLANKET OR ROCK BASE. REFER TO LANDSCAPE PLANS FOR MATERIALS.
4. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH CITY, WATERSHED, COUNTY AND STATE PERMITS AS REQUIRED.
5. THE GRADING CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL MEASURES, INCLUDING THE REMOVAL OF ACCUMULATED SILT IN FRONT OF SILT FENCES DURING THE DURATION OF CONSTRUCTION.
6. REMOVE ALL EROSION CONTROL MEASURES AFTER VEGETATION IS ESTABLISHED.
7. THE GRADING CONTRACTOR SHALL REMOVE ALL SOILS AND SEDIMENT TRACKED ONTO EXISTING STREETS AND PAVED AREAS.
8. DUST MUST BE ADEQUATELY CONTROLLED. IF BLOWING DUST BECOMES A NUISANCE, THE GRADING CONTRACTOR SHALL APPLY WATER FROM A TANK TRUCK TO ALL CONSTRUCTION AREAS.
9. CONTRACTOR TO CLEAN OUT INFILTRATION BASINS, PONDS, CATCH BASINS, AND STORMSEWER SYSTEM AT THE END OF THE PROJECT.
10. ESTIMATED QUANTITIES REFER TO INITIAL INSTALLED QUANTITIES. CONTRACTOR IS RESPONSIBLE TO MAINTAIN AND/OR REPLACE BMPs AS NEEDED.
11. STREETS MUST BE CLEANED AND SWEEP WHENEVER TRACKING OF SEDIMENTS OCCURS AND BEFORE SITES ARE LEFT IDE FOR WEEKENDS AND HOLIDAYS. A REGULAR SWEEPING SCHEDULE MUST BE ESTABLISHED AND MAINTAINED. SWEEP ADJACENT STREETS IN ACCORDANCE WITH CITY REQUIREMENTS.
12. ON SLOPES 3:1 OR GREATER, MAINTAIN SHEET FLOW AND MINIMIZE RILLS AND/OR GULLIES.
13. ALL STORM DRAINS AND INLETS MUST BE PROTECTED UNTIL ALL SOURCES OF POTENTIAL DISCHARGE ARE STABILIZED.
14. FINAL STABILIZATION REQUIRES THAT ALL SOIL DISTURBING ACTIVITIES HAVE BEEN COMPLETED AND THAT DISTURBED AREAS ARE STABILIZED BY A UNIFORM PERENNIAL VEGETATIVE COVER WITH 70% OF THE EXPECTED FINAL DENSITY, AND THAT ALL PERMANENT PAVEMENTS HAVE BEEN INSTALLED. ALL TEMPORARY BMPs MUST BE REMOVED, DITCHES STABILIZED, AND SEDIMENT SHALL BE REMOVED FROM PERMANENT CONVEYANCES AND SEDIMENTATION BASINS IN ORDER TO RETURN THE POND TO DESIGN CAPACITY.
15. REFER TO SWPPP FOR ADDITIONAL EROSION CONTROL REQUIREMENTS.

ITEM DESCRIPTION	UNIT	QUANTITY
SILT FENCE OR BIOLOG	LF	2,250
ROCK CONSTRUCTION ENTRANCE	SF	1,000
INLET PROTECTION	EA	1
EROSION CONTROL BLANKET	SF	54,000
TREE PROTECTION FENCE	LF	0
DITCH CHECKS	EA	11

EXISTING	PROPOSED	
		MAJOR CONTOUR
		MINOR CONTOUR
		HIGH WATER LEVEL
		STORM SEWER PIPE
		STORM INLET
		STORM MANHOLE
		FLARED END SECTION
		ONE-POINT PERCENT GRADE
		TWO-POINT PERCENT GRADE
		SLOPE RATIO
		PAVEMENT ELEVATION
		GUTTER LINE ELEVATION
		TOP OF CURB ELEVATION
		TOP OF CURB-GUTTER LINE
		GROUND ELEVATION
		FINISHED FLOOR ELEVATION
		STRUCTURE RIM ELEVATION
		SOIL BORING
		BENCHMARK
		SILT FENCE OR BIOLOG
		ROCK CONSTRUCTION ENTRANCE
		INLET PROTECTION
		EROSION CONTROL BLANKET
		CONSTRUCTION LIMITS

PROJECT INFORMATION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

CHAD H. LOCKWOOD

REGISTRATION NO.	DATE
44986	02/17/2023

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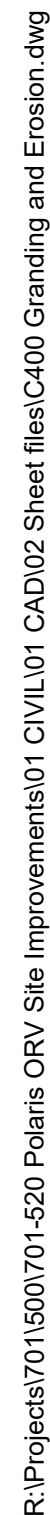
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MBG	CHL
JOB NO.	DATE
701520	02/17/2023

ISSUE RECORD

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GRADING AND EROSION CONTROL PLAN AREA A

C400



1. SUBCONTRACTORS WHOSE WORK REQUIRES EXCAVATION SHALL CONTACT "GOPHER STATE ONE-CALL" (811-454-0002 OR 1-800-252-1168 OR 611) FOR UTILITY LOCATIONS 48 HOURS PRIOR TO EXCAVATION. HE/SHE SHALL REPAIR OR REPLACE DAMAGED UTILITIES DURING CONSTRUCTION AT NO COST TO OWNER OR GENERAL CONTRACTOR.
2. EXISTING TOPOGRAPHY PER WESTWOOD, TOPOGRAPHIC SURVEY, DATED 01/09/2023
3. REFER TO GEOTECHNICAL RECOMMENDATIONS, AS PREPARED BY BRAUN INTERTEC FOR AN EXISTING SUBSURFACE SITE CONDITION ANALYSIS AND CONSTRUCTION RECOMMENDATIONS.
4. CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS AND ELEVATIONS OF EXISTING CONDITIONS. THIS WOULD INCLUDE ALL EXISTING UTILITIES AND TOPOGRAPHIC FEATURES. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR VARIATIONS FROM THE PLANS.
5. SUBGRADE EXCAVATION SHALL BE BACKFILLED IMMEDIATELY AFTER EXCAVATION TO HELP OFFSET ANY STABILITY PROBLEMS DUE TO WATER SEEPAGE OR STEEP SLOPES. WHEN PLACING NEW SURFACE MATERIAL ADJACENT TO EXISTING PAVEMENT, THE EXCAVATION SHALL BE BACKFILLED PROMPTLY TO AVOID UNDERMINING OF THE EXISTING PAVEMENT.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL HORIZONTAL AND VERTICAL CONTROL.
7. PROPOSED GRADES SHOWN ARE FINISHED GRADES.
8. ALL EXCESS MATERIAL, BITUMINOUS SURFACING, CONCRETE ITEMS, ANY ABANDONED UTILITY ITEMS, AND OTHER INSTALLED MATERIALS SHALL BECOME THE PROPERTY OF THE SUBCONTRACTOR AND SHALL BE DISPOSED OFF THE CONSTRUCTION SITE.
9. GRADING BEHIND CURBS SHALL START AT THE TOP OF CURB.
10. REMOVE SEDIMENT FROM EXISTING STORM SEWER IF PRESENT.
11. SPOT ELEVATIONS REPRESENT FINISHED SURFACE GRADES, GUTTERFLOW LINE, FACE OF BUILDING, OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
12. ALL DISTURBED UNPAVED AREAS ARE TO RECEIVE MINIMUM OF 6 INCHES (COMPACTED) OF TOP SOIL AND SEED/MULCH OR SOD. THESE AREAS SHALL BE WATERED/MAINTAINED BY THE CONTRACTOR UNTIL VEGETATION IS ESTABLISHED. SEE LANDSCAPE PLAN FOR DETAILS.
13. ALL CURB TERMINI TO HAVE A 3.0' TAPER UNLESS OTHERWISE NOTED.

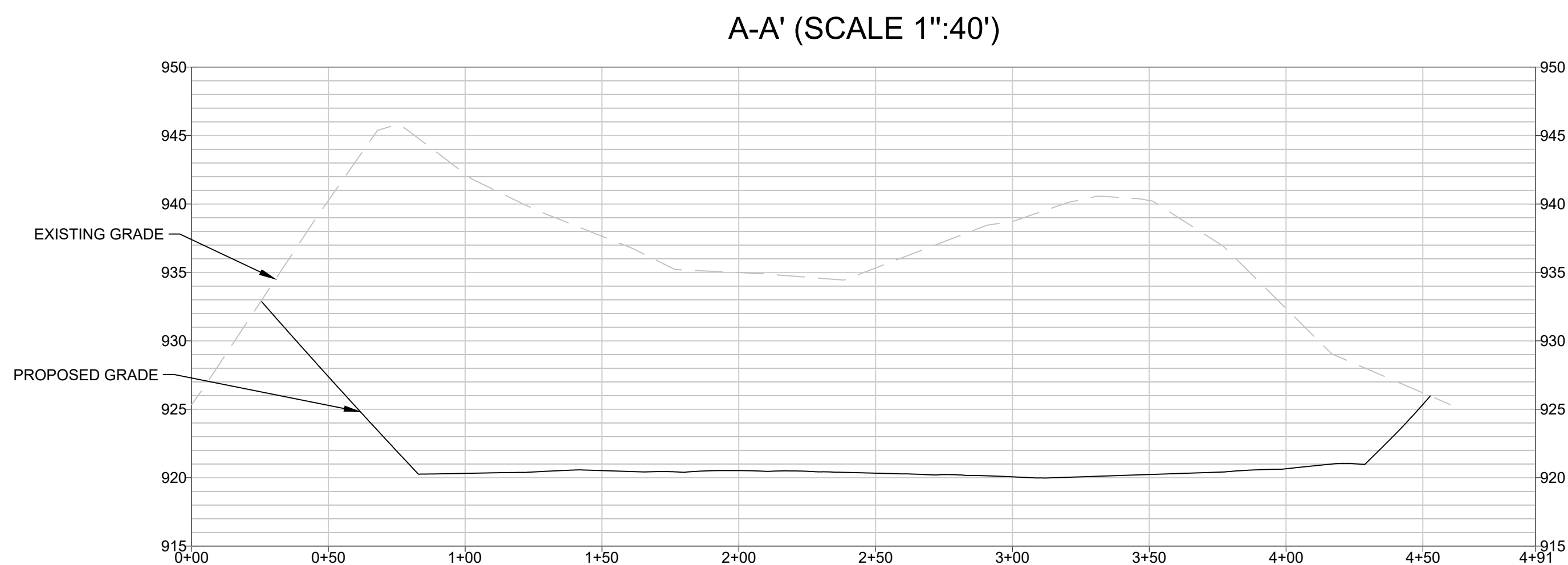
1. ALL PERIMETER SILT FENCE AND ROCK CONSTRUCTION ENTRANCES SHALL BE INSTALLED PRIOR TO CONSTRUCTION. SEE CONSTRUCTION SEQUENCING.
2. THE GRADING CONTRACTOR SHALL INSTALL CATCH BASIN EROSION CONTROL MEASURES.
3. INITIATED IMMEDIATELY AND COMPLETED WITHIN 7 DAYS OF SITE GRADING OR INACTIVITY. ALL DISTURBED AREAS SHALL BE STABILIZED WITH SEED, SOD, EROSION CONTROL BLANKET OR ROCK BASE. REFER TO LANDSCAPE PLANS FOR MATERIALS.
4. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH CITY, WATERSHED, COUNTY AND STATE PERMITS AS REQUIRED.
5. THE GRADING CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL MEASURES, INCLUDING THE REMOVAL OF ACCUMULATED SILT IN FRONT OF SILT FENCES DURING THE DURATION OF CONSTRUCTION.
6. REMOVE ALL EROSION CONTROL MEASURES AFTER VEGETATION IS ESTABLISHED.
7. THE GRADING CONTRACTOR SHALL REMOVE ALL SOILS AND SEDIMENT TRACKED ONTO EXISTING STREETS AND PAVED AREAS.
8. DUST MUST BE ADEQUATELY CONTROLLED. IF BLOWING DUST BECOMES A NUISANCE, THE GRADING CONTRACTOR SHALL APPLY WATER FROM A TANK TRUCK TO ALL CONSTRUCTION AREAS.
9. CONTRACTOR TO CLEAN OUT INFILTRATION BASINS, PONDS, CATCH BASINS, AND STORMSEWER SYSTEM AT THE END OF THE PROJECT.
10. ESTIMATED QUANTITIES REFER TO INITIAL INSTALLED QUANTITIES. CONTRACTOR IS RESPONSIBLE TO MAINTAIN AND/OR REPLACE BMPs AS NEEDED.
11. STREETS MUST BE CLEANED AND SWEEP WHENEVER TRACKING OF SEDIMENTS OCCURS AND BEFORE SITES ARE LEFT IDE FOR WEEKENDS AND HOLIDAYS. A REGULAR SWEEPING SCHEDULE MUST BE ESTABLISHED AND MAINTAINED. SWEEP ADJACENT STREETS IN ACCORDANCE WITH CITY REQUIREMENTS.
12. ON SLOPES 3:1 OR GREATER, MAINTAIN SHEET FLOW AND MINIMIZE RILLS AND/OR GULLIES.
13. ALL STORM DRAINS AND INLETS MUST BE PROTECTED UNTIL ALL SOURCES OF POTENTIAL DISCHARGE ARE STABILIZED.
14. FINAL STABILIZATION REQUIRES THAT ALL SOIL DISTURBING ACTIVITIES HAVE BEEN COMPLETED AND THAT DISTURBED AREAS ARE STABILIZED BY A UNIFORM PERENNIAL VEGETATIVE COVER WITH 70% OF THE EXPECTED FINAL DENSITY, AND THAT ALL PERMANENT PAVEMENTS HAVE BEEN INSTALLED. ALL TEMPORARY BMPs MUST BE REMOVED, DITCHES STABILIZED, AND SEDIMENT SHALL BE REMOVED FROM PERMANENT CONVEYANCES AND SEDIMENTATION BASINS IN ORDER TO RETURN THE POND TO DESIGN CAPACITY.
15. REFER TO SWPPP FOR ADDITIONAL EROSION CONTROL REQUIREMENTS.

ITEM DESCRIPTION	UNIT	QUANTITY
SILT FENCE OR BIOLOG	LF	1,900
ROCK CONSTRUCTION ENTRANCE	SF	1,000
INLET PROTECTION	EA	1
EROSION CONTROL BLANKET	SF	37,400
TREE PROTECTION FENCE	LF	0
DITCH CHECKS	EA	0

EXISTING	PROPOSED	
		MAJOR CONTOUR
		MINOR CONTOUR
		HIGH WATER LEVEL
		STORM SEWER PIPE
		STORM INLET
		STORM MANHOLE
		FLARED END SECTION
		ONE-POINT PERCENT GRADE
		TWO-POINT PERCENT GRADE
		SLOPE RATIO
		PAVEMENT ELEVATION
		GUTTER LINE ELEVATION
		TOP OF CURB ELEVATION
		TOP OF CURB-GUTTER LINE
		GROUND ELEVATION
		FINISHED FLOOR ELEVATION
		STRUCTURE RIM ELEVATION
		SOIL BORING
		BENCHMARK
		SILT FENCE OR BIOLOG
		ROCK CONSTRUCTION ENTR
		INLET PROTECTION
		EROSION CONTROL BLANKET
		CONSTRUCTION LIMITS

PRELIMINARY
GRADING AND
EROSION
CONTROL PLAN
AREA A

C401



PROJECT INFORMATION

7400 E VIKINGS BLVD
WYOMING, MN 55092

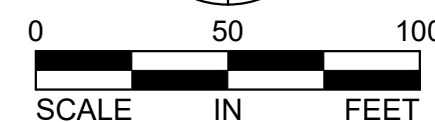
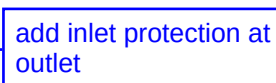


REGISTRATION NO.	DATE
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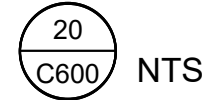
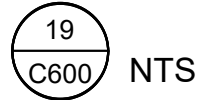
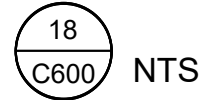
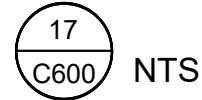
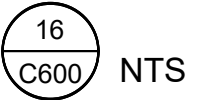
DRAWN BY	CHECKED BY
MBG	CHL
JOB NO.	DATE
701520	02/17/2023

CITY SUBMITTAL

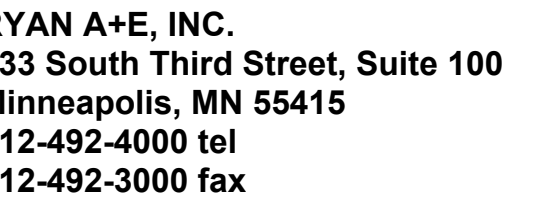
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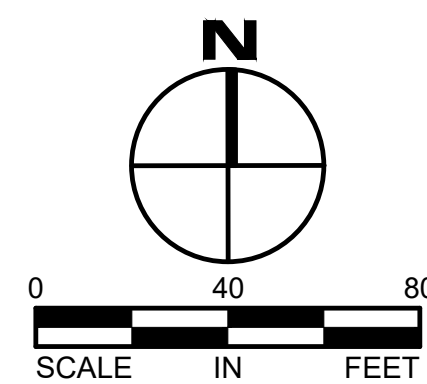
EXISTING	PROPOSED	
		MAJOR CONTOUR
		MINOR CONTOUR
		HIGH WATER LEVEL
		STORM SEWER PIPE
		STORM INLET
		STORM MANHOLE
		FLARED END SECTION
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		BENCHMARK
		SILT FENCE OR BIOLOG
		ROCK CONSTRUCTION ENTRANCE
		INLET PROTECTION
		EROSION CONTROL BLANKET
		CONSTRUCTION LIMITS



1. SUBCONTRACTORS WHOSE WORK REQUIRES EXCAVATION SHALL CONTACT "GOPHER STATE ONE-CALL" (651-454-0002 OR 1-800-252-1166 OR 811) FOR UTILITY LOCATIONS 48 HOURS PRIOR TO EXCAVATION. HE/SHE SHALL REPAIR OR REPLACE DAMAGED UTILITIES DURING CONSTRUCTION AT NO COST TO OWNER OR GENERAL CONTRACTOR.
2. CONTOURS ILLUSTRATED ON THIS PLAN REPRESENT FINISHED GRADING CONTOUR LINES.
3. FOR ELEVATIONS AND SPECIFIC MATERIAL, NOTES REFER TO CIVIL PLANS.
4. ADDITIONAL EROSION CONTROL MEASURES ARE REQUIRED BEYOND THE GROUND COVER VEGETATION SEED MIXES. REFER TO THE CIVIL PLANS FOR FURTHER REQUIREMENTS.
5. REFER TO 1500 FOR PLANTING NOTES AND SPECIFIC GROUND COVER SEED MIX FORMULATIONS.



PLANT SCHEDULE				
GROUND COVERS	CODE	COMMON / BOTANICAL NAME	SIZE	QTY
	MN25151	MNDOT HIGH MANT, TURF 25-151 MNDOT	SF	4,373 sf
	RIM	Ryan Native Rim Native Seed Mix - Storm Basin Rim	SF	12,761 sf
	UP	Ryan Native Upland Native Seed Mix - Upland seed mix	SF	78,500 sf



PROJECT INFORMATION

7400 E VIKINGS BLVD
WYOMING, MN 55092

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota

DAVID W. PATTEN

REGISTRATION NO.	DATE
1458	02/17/2023

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DRAWN BY DWP	CHECKED BY DWP
JOB NO. 01520	DATE 2/17/2023

ISSUE RECORD		
SSE #	DATE	DESCRIPTION
01	02/10/2023	EARLY GRADING PERMIT
02	2/17/2023	CITY SUBMITTAL
03	0000	0000
04	0000	0000
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06	0000	0000
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GROUND COVER PLAN

L400



1. SUBCONTRACTORS WHOSE WORK REQUIRES EXCAVATION SHALL CONTACT "GOPHER STATE ONE-CALL" (651-454-0002 OR 1-800-252-1166 OR 811) FOR UTILITY LOCATIONS 48 HOURS PRIOR TO EXCAVATION. HE/HIS SHALL REPAIR OR REPLACE DAMAGED UTILITIES DURING CONSTRUCTION AT NO COST TO OWNER OR GENERAL CONTRACTOR.
2. CONTOURS ILLUSTRATED ON THIS PLAN REPRESENT FINISHED GRADING CONTOUR LINES.
3. FOR ELEVATIONS AND SPECIFIC MATERIAL NOTES REFER TO CIVIL PLANS.
4. ADDITIONAL EROSION CONTROL MEASURES ARE REQUIRED BEFORE THE GROUND COVER VEGETATION SEED MIXES. REFER TO THE CIVIL PLANS FOR FURTHER REQUIREMENTS.
5. REFER TO L500 FOR PLANTING NOTES AND SPECIFIC GROUND COVER SEED MIX FORMULATIONS.

PLANT SCHEDULE				
GROUND COVERS	CODE	COMMON / BOTANICAL NAME	SIZE	QTY
	MN22	MNDOT Five-year Stabilization 22-12 MNDOT	SF	108,274 sf
	MN21	MNDOT Winter Wheat Cover Crop 21-112 MNDOT	SF	81,906 sf



WWW.RYANCOMPANIES.COM

PRELIMINARY
NOT FOR
CONSTRUCTION

PROJECT INFORMATION

POLARIS ORV SITE IMPROVEMENTS

7400 E VIKINGS BLVD
WYOMING, MN 55092

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota

D. J. Park

DAVID W. PATTEN

REGISTRATION NO.	DATE
41458	02/17/2023

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DWP	DWP
JOB NO.	DATE
701520	02/17/2023

[illegible]

PRELIMINARY GROUND COVER PLAN

L401



1. LANDSCAPE SUBCONTRACTOR TO VERIFY ALL UTILITY LOCATIONS ON PROPERTY WITH THE GENERAL SUBCONTRACTOR AND BY CALLING Gopher STATE ONE CALL (454-0002) PRIOR TO STAKING PLANT LOCATIONS.
2. COORDINATE THE PHASES OF CONSTRUCTION AND PLANTING INSTALLATIONS WITH OTHER SUBCONTRACTORS WORKING ON SITE.
3. LANDSCAPE SUBCONTRACTOR SHALL PROTECT EXISTING ROAD SURFACES, CURBS / GUTTERS, TRAILS, TREES, GRASSED SPACES AND OTHER NEARBY LANDSCAPE SITE AMENITIES DURING CONSTRUCTION OPERATIONS. ALL DAMAGE SHALL BE REPAIRED AT AN ADDITIONAL COST TO THE OWNER.
4. WHERE EXISTING TREES AND/OR SIGNIFICANT SHRUBS MESSINGS ARE FOUND ON SITE, WHETHER SHOWN ON THE DRAWING OR NOT, THEY SHALL BE PROTECTED AND SAVED UNLESS NOTED TO BE REMOVED AND ARE IN AN AREA TO BE GRADED, ANY QUESTION REGARDING WHETHER PLANT MATERIAL SHOULD REMAIN OR NOT SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO REMOVAL.
5. ALL EXISTING TREES TO REMAIN TO BE FERTILIZED AND PRUNED TO REMOVE DEAD WOOD AND DAMAGED OR RUBBING BRANCHES.
6. NO PLANT MATERIAL SUBSTITUTIONS WILL BE ACCEPTED UNLESS APPROVAL IS REQUESTED OF THE LANDSCAPE ARCHITECT BY THE LANDSCAPE SUBCONTRACTOR PRIOR TO THE SUBMISSION OF A BID AND/OR QUOTATION.
7. ALL PLANT MATERIAL SHALL COMPLY WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AMERICAN ASSOCIATION OF NURSERYMEN.
8. SUBCONTRACTOR IS RESPONSIBLE FOR ON-GOING MAINTENANCE OF ALL NEWLY INSTALLED MATERIALS UNTIL TIME OF OWNER ACCEPTANCE, ANY ACTS OF VANDALISM OR DAMAGE WHICH MAY OCCUR PRIOR TO OWNER ACCEPTANCE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
9. SUBCONTRACTOR SHALL PROVIDE A WRITTEN REPORT FOR THE OWNER ACCEPTANCE INSPECTION.
10. WARRANTY FOR LANDSCAPE MATERIALS SHALL BEGIN ON THE DATE OF ACCEPTANCE BY THE LANDSCAPE ARCHITECT AFTER THE COMPLETION OF PLANTING OF ALL LANDSCAPE MATERIALS. NO PARTIAL ACCEPTANCE WILL BE CONSIDERED.
11. SUBCONTRACTOR SHALL GUARANTEE NEW PLANT MATERIAL, THROUGH ONE CALENDAR YEAR FROM THE DATE OF OWNER ACCEPTANCE WITH ALL REPLACEMENTS TO BE PROVIDED AT NO ADDITIONAL COST TO THE OWNER.

1. NO PLANTING TO BE INSTALLED UNTIL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
2. ALL PLANT MATERIAL LOCATIONS MUST BE REVIEWED AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO ANY AND ALL DIGGING.
3. IF THE LANDSCAPE SUBCONTRACTOR PERCEIVES ANY DEFICIENCIES IN THE PLANT SELECTIONS, SOIL CONDITIONS, OR ANY OTHER SITE CONDITION WHICH MIGHT NEGATIVELY AFFECT PLANT MATERIAL ESTABLISHMENT, SURVIVAL, OR GUARANTEE, THEY SHALL BRING THESE DEFICIENCIES TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
4. ADJUSTMENTS IN LOCATION OF PROPOSED PLANT MATERIALS MAY BE NEEDED IN FIELD. SHOULD AN ADJUSTMENT BE ADVISED, THE LANDSCAPE ARCHITECT MUST BE NOTIFIED.
5. ALL PLANTS TO BE INSTALLED AS PER PLANTING DETAILS.
6. ONE SHRUB PER TYPE AND SIZE IN EACH PLANTING BED AND EVERY TREE SHALL BE CLEARLY IDENTIFIED (COMMON OR LATIN NOMENCLATURE) WITH A PLASTIC TAG WHICH SHALL NOT BE REMOVED PRIOR TO OWNER ACCEPTANCE.
7. WHERE SOD/SEED AREAS PAVED SURFACES, FINISHED GRADE OF SOD/SEED SHALL BE HELD 1" BELOW SURFACE ELEVATION OF TRAIL, SLAB, CURB, ETC.
8. SOD SHALL BE LAID PARALLEL TO THE CONTOURS AND SHALL HAVE STAGGERED JOINTS. ON SLOPES STEEPER THAN 3:1 OR IN DRAINAGE SWALES, THE SOD SHALL BE STAKED TO THE GROUND.
9. SEED ALL AREAS DISTURBED DUE TO GRADING OTHER THAN THOSE AREAS NOTED TO RECEIVE SOD.
10. REPAIR ALL DAMAGE TO PROPERTY FROM PLANTING OPERATIONS AT NO COST TO THE OWNER.

1. LANDSCAPE SUBCONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING A SHOP DRAWING ILLUSTRATING AN IRRIGATION PLAN AND SPECIFICATION AS PART OF THE SCOPE OF WORK WHEN BIDDING. THESE SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO ORDER.
2. VERIFY EXISTING/PROPOSED IRRIGATION SYSTEM LOCATION.
3. UNLESS OTHERWISE NOTED ALL SOD/SEED AND PLANTING AREAS INDICATED ON PLAN SHALL BE 100% IRRIGATED. THE IRRIGATION SHALL INCLUDE THE PUBLIC RIGHT OF WAY BETWEEN PROPERTY LINE AND BACK OF CURB WHERE NEW LANDSCAPE IMPROVEMENTS ARE PLANTED.
4. IT SHALL BE THE LANDSCAPE SUBCONTRACTOR'S RESPONSIBILITY TO INSURE THAT ALL SODDED / SEEDDED AND PLANTED AREAS ARE IRRIGATED PROPERLY, INCLUDING THOSE AREAS DIRECTLY AROUND AND ABUTTING HARDSCAPE ELEMENTS.
5. THE LANDSCAPE SUBCONTRACTOR SHALL PROVIDE THE OWNER WITH A WATERING / LAWN IRRIGATION SCHEDULE APPROPRIATE TO THE PROJECT SITE CONDITIONS AND TO PLANT MATERIAL GROWTH REQUIREMENTS.

1. LANDSCAPE SUBCONTRACTOR SHALL WARRANTY NEW PLANT MATERIAL THROUGH TWO CALENDAR YEARS FROM THE TIME OF FINAL OWNER AND CITY ACCEPTANCE. NO PARTIAL ACCEPTANCE WILL BE CONSIDERED.
2. LANDSCAPE SUBCONTRACTOR SHALL BE RESPONSIBLE FOR ONGOING MAINTENANCE OF NEWLY PLANTED MATERIALS UNTIL THE TIME OF OWNER ACCEPTANCE. ACTS OF VANDALISM OR DAMAGE WHICH MAY OCCUR PRIOR TO OWNER ACCEPTANCE SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE SUBCONTRACTOR.
3. LANDSCAPE SUBCONTRACTOR SHALL PREPARE AND SUBMIT A WRITTEN REQUEST FOR THE OWNER ACCEPTANCE INSPECTION OF THE LANDSCAPE AND SITE IMPROVEMENTS PRIOR TO SUBMITTING FINAL PAY REQUEST.
4. LANDSCAPE SUBCONTRACTOR SHALL PREPARE AN AS BUILT DRAWING(S) OF LANDSCAPE INSTALLATION SITE IMPROVEMENTS UPON COMPLETION OF CONSTRUCTION INSTALLATION AND PRIOR TO PROJECT ACCEPTANCE.

RYAN NATIVE STORM BASIN RIM SEED MIX

Upland Seed Mix (upland conditions per plan)				
Common Name	Scientific Name	Rate (lb/ac)	% of Mix (by weight)	Seeds / SF (average)
Grasses				
Big Bluestem	<i>Andropogon gerardi</i>	1.50	3.488%	5.67
Prairie Brome	<i>Bromus kalmii</i>	0.20	0.465%	0.73
Side-ots Grama	<i>Bouteloua curtipendula</i>	3.00	6.977%	6.61
Buffalograss - Bowle	<i>Bouteloua dactyloides</i>	1.50	3.488%	1.98
Canada Wild Ry	<i>Elymus canadensis</i>	2.25	5.233%	4.30
Slender Wheat Grass	<i>Elymus trachycalus</i>	2.80	6.512%	8.60
Liberty Switch Grass	<i>Panicum virgatum</i>	1.00	2.326%	8.93
Little Bluestem	<i>Schizachyrium scoparium</i>	2.00	4.651%	11.02
Indian Grass	<i>Sorghastrum nutans</i>	1.75	4.070%	7.71
	Grasses Subtotal	16.00	37.209%	55.64
Forbs				
Yarrow	<i>Achillea millefolium</i>	0.08	0.186%	5.23
Black-eyed Susan	<i>Rudbeckia hirta</i>	0.15	0.349%	5.07
Purple Prairie Clover	<i>Dalea purpurea</i>	0.40	0.930%	2.20
Wild Bergamot	<i>Monarda fistulosa</i>	0.18	0.412%	4.11
Acisely Hyssop	<i>Asclepias tomentosa</i>	0.02	0.047%	0.66
Common Milkweed	<i>Asclepias syriaca</i>	0.20	0.465%	0.29
Butterfly Weed	<i>Asclepias tuberosa</i>	0.02	0.047%	0.03
White Prairie Clover	<i>Dalea candida</i>	0.02	0.047%	0.14
Canada Tick Trefoil	<i>Desmodium canadense</i>	0.20	0.465%	0.40
Golden Alexander	<i>Zizia aurea</i>	0.20	0.465%	0.81
Blue Vervain	<i>Verbena hastata</i>	0.02	0.047%	0.68
Culvers Root	<i>Veronicastrum virginicum</i>	0.02	0.047%	5.88
Mountain Mint	<i>Pycnanthemum virginianum</i>	0.01	0.023%	0.81
Long-Headed Cone Flower	<i>Ratibida columnifera</i>	0.16	0.372%	2.47
Smooth Blue Aster	<i>Symphoricarpos laevis</i>	0.04	0.093%	0.97
New England Aster	<i>Symphoricarpos novae-angliae</i>	0.04	0.093%	0.81
Maximilian's Sunflower	<i>Helianthus maximiliani</i>	0.10	0.233%	0.48
Common Ox-eye Sunflower	<i>Helopsis helianthoides</i>	0.10	0.233%	0.17
Prairie Blazing Star	<i>Liatis pycnostachya</i>	0.02	0.047%	0.08
Yellow Cone Flower	<i>Ratibida pinnata</i>	0.02	0.047%	0.22
Stiff Goldenrod	<i>Oligoneuron rigidum</i>	0.02	0.047%	0.30
	Forbs Subtotal	2.00	4.651%	12.17
Cover Crop*				
Oats	<i>Avena sativa</i>	25.00	58.140%	7.35
	Cover Crop Subtotal	25.00	58.140%	7.35
	Basin Rim Seed Mix Total	43.00	100.000%	75.16

Upland Seed Mix (upland conditions per plan)				
Common Name	Scientific Name	Rate (lb/ac)	% of Mix (by Weight)	Seeds / SF (Averages)
Grasses				
Big Bluestem	<i>Andropogon gerardi</i>	1.50	3.488%	5.67
Prairie Brome	<i>Bromus kalmii</i>	0.20	0.465%	0.73
Side-ots Grama	<i>Bouteloua curtipendula</i>	3.00	6.977%	6.61
Buffalograss - Bowie	<i>Buchloe dactyloides</i>	1.50	3.488%	1.98
Canada Wild Rye	<i>Elymus canadensis</i>	2.25	5.233%	4.30
Slender Wheatgrass	<i>Elymus trachyachyus</i>	2.80	6.512%	8.68
Liberty Softgrass	<i>Panicum virgatum</i>	1.00	2.236%	3.21
Little Bluestem	<i>Scythrachium scoparium</i>	2.00	4.651%	11.02
Indian Grass	<i>Sorghastrum nutans</i>	1.75	4.070%	7.71
	Grasses Subtotal	16.00	37.209%	55.64
Forbs				
Yarrow	<i>Achillea millefolium</i>	0.08	0.186%	5.23
Black-eyed Susan	<i>Rudbeckia hirta</i>	0.15	0.349%	5.07
Purple Prairie Clover	<i>Dalea purpurea</i>	0.40	0.930%	2.20
Wild Bergamot	<i>Monarda fistulosa</i>	0.16	0.372%	4.11
Anise Hyssop	<i>Agastache foeniculum</i>	0.02	0.047%	0.66
Common Milkweed	<i>Asclepias syriaca</i>	0.20	0.465%	0.29
Butterfly Weed	<i>Asclepias tuberosa</i>	0.02	0.047%	0.03
White Prairie Clover	<i>Dalea candida</i>	0.02	0.047%	0.14
Canada Tick Trefoil	<i>Desmodium canadense</i>	0.20	0.465%	0.40
Golden Alexander	<i>Zizia aurea</i>	0.20	0.465%	0.81
Blue Vervain	<i>Verbena hastata</i>	0.02	0.047%	0.68
Galves Root	<i>Veronicastrum virginicum</i>	0.02	0.047%	5.88
Mountain Mint	<i>Pycnanthemum virginicum</i>	0.01	0.023%	0.81
Long-Headed Cone Flower	<i>Ratibida columnifera</i>	0.16	0.372%	2.47
Smooth Blue Aster	<i>Symphoricarpos laevis</i>	0.04	0.093%	0.97
New England Aster	<i>Symphoricarpos novae-angliae</i>	0.04	0.093%	0.81
Maximillian's Sunflower	<i>Helianthus maximiliani</i>	0.10	0.233%	0.48
Common Oxe-eye Sunflower	<i>Helopsis helianthoides</i>	0.10	0.233%	0.11
Prairie Blazing Star	<i>Liatris pycnostachya</i>	0.02	0.047%	0.08
Yellow Cone Flower	<i>Ratibida pinnata</i>	0.02	0.047%	0.22
Stiff Goldenrod	<i>Oligoneuron rigidum</i>	0.02	0.047%	0.30
	Forbs Subtotal	2.00	4.651%	12.17
Cover Crop*				
Oats	<i>Avena sativa</i>	25.00	58.140%	7.35
	Cover Crop Subtotal	25.00	58.140%	7.35
	Basin Rim Seed Mix Total	43.00	100.000%	75.16

Cover Crop - Fall Seeding				
Winter Wheat	<i>Triticum aestivum</i>	25.00		6.89
Cover Crop Subtotal		25.00		6.89

21-112		Crop			
Common Name	Scientific Name	Rate (lb/ac)	Rate (kg/ha)	% of Mix (by weight)	Seeds/ sq ft
Winter Wheat	<i>Triticum aestivum</i>	100.00	112.09	100.00%	26.08
	Total	100.00	112.09	100.00%	26.08
Purpose:	Temporary cover crop for fall plantings				
Planting Area:	Statewide				

22-12	Five-year Stabilization				
Common Name	Scientific Name	Rate (lb/ac)	Rate (kg/ha)	% of Mix (by weight)	Seeds/ sq ft
Perennial Ryegrass	<i>Lolium perenne</i>	13.50	15.13	33.75%	67.25
Smooth Brome	<i>Bromus inermis</i>	6.00	6.73	14.99%	19.67
Slender wheatgrass	<i>Elymus trachycaulus</i>	2.00	2.24	5.01%	9.08
St. Augustine	<i>Andropogon gerardii</i>	6.00	6.73	14.99%	19.67
	Grasses Subtotal	22.00	24.66	55.00%	93.83
Alfalfa	<i>Medicago sativa</i>	8.50	9.53	21.25%	44.25
St. Clover	<i>Andropogon pratensis</i>	6.50	7.19	17.47%	34.35
Alsike Clover	<i>Trifolium hybridum</i>	3.50	3.92	8.75%	54.50
American vetch	<i>Vicia americana</i>	0.50	0.56	1.26%	0.38
	Forbs Subtotal	19.00	20.18	45.00%	103.68
	Total	40.50	44.83	100.00%	227.51

25-151	High Maintenance Turf				
Common Name	Scientific Name	Rate (lb/ac)	Rate (kg/ha)	% of Mix (by weight)	Seeds/ sq ft
Elite Kentucky bluegrass	<i>Poa pratensis</i> Elite	30.00	33.63	25.00%	957.30
Low Maintenance Kentucky bluegrass	<i>Poa pratensis</i> Low Maintenance	30.00	33.63	25.00%	957.30
Park Kentucky bluegrass	<i>Poa pratensis</i> Park	30.00	33.63	25.00%	957.30
Perennial Ryegrass	<i>Lolium perenne</i>	20.40	22.87	17.00%	101.85
red fescue	<i>Festuca rubra</i>	5.60	6.17	4.00%	100.10
	Total	120.00	134.50	100.00%	3073.65

Purpose: Conventional Turfgrass. Not salt, shade or drought tolerant. Requires more mowing, fertilizer and water than the low maintenance turf mix.

Planting Area: Statewide

Combine all components when blending this mix.

RESOLUTION NO. 23-03-30

**RESOLUTION APPROVING A SITE PLAN REVIEW APPLICATION TO CONSTRUCT A
PARKING LOT FOR THE STORAGE OF OFF-ROAD VEHICLES**

AT

**7400 EAST VIKING BOULEVARD
PROPERTY ID NUMBER: 21.00001.00**

WHEREAS, the City of Wyoming is a political subdivision, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of Wyoming has adopted zoning and subdivision regulations, per Ordinances 2009-4 and 2010-08, including subsequent amendments, to promote the orderly, economic and safe development and utilization of land within the City; and,

WHEREAS, MaKinnah Gunderman of Ryan Companies on behalf of Polaris Industries has requested Site Plan Review approval to construct a 183 stall parking lot for the storage of off-road vehicles on property legally described as:

The East Half of the Northeast Quarter (E 1/2 of NE 1/4) of Section 9, Township 33, Range 21, Chisago County, Minnesota EXCEPT that part of said East Half of the Northeast Quarter described as follows: Beginning at the southwest corner of said East half, thence on an assumed bearing South 89° 48' 07" East, along the south line of said East Half, 386.53 feet, thence North 00° 03' 42" East, 1,034.50 feet, thence North 45° 03' 42" East, 662 48 feet, thence South 89° 56' 18" East, 363.15 feet, thence North 00° 12' 22" West, 1,095.26 feet to the North line of said East Half of the Northeast Quarter, thence South 89°37'10" West, along said North line, 1,213.75 feet to the northwest corner of said East Half of the Northeast Quarter, thence South 00°02'43" West, along the West line of said East Half of the Northeast Quarter, a distance of 2,587.90 feet to the point of beginning.

WHEREAS, on March 14, 2023 the Planning Commission held a public meeting in accordance with the Ordinance and laws of the State of Minnesota; and,

WHEREAS, the City Council and Planning Commission have reviewed the Site Plan Review application, as submitted, and have made the following findings of fact:

1. The Site Plan is consistent with the various elements and objectives of the City's long range plans, including, but not limited to, the Comprehensive Plan;
2. The Site Plan is consistent with the purposes of this Code;
3. The Site Plan preserves the site in its natural state, insofar as practicable, by minimizing tree and soil removal, and designing any grade changes so as to be in keeping with the general appearance of neighboring developed or developing areas;
4. The Site Plan is has a harmonious relationship of buildings and open spaces with the terrain and with existing and future buildings having a visual relationship to the proposed development;
5. The Site Plan creates a functional and harmonious design for structures and site features including;
 - a. Creation of an internal sense of order for the various functions and buildings on the site and provision of a desirable environment for occupants, visitors and the general community;
 - b. Appropriateness of the amount and arrangement of open space and landscaping to the design and function of the development;

- c. Appropriateness of the materials, textures, colors and details of construction as an expression of the design concept of the project and the compatibility of the same with the adjacent and neighboring structures and functions; and
 - d. Adequacy of vehicular, cycling and pedestrian circulation, including walkways, interior drives and parking, in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian, cycling and vehicular traffic and arrangement and amount of parking so as to be safe, convenient and, insofar as practicable, compatible with the design of proposed buildings, structures and neighboring properties.
6. The Site Plan protects adjacent and neighboring properties through reasonable provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light, and air, and those aspects of design, not adequately covered by other regulations, which may have substantial effects on neighboring land uses.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Wyoming hereby **APPROVES** the Site Plan Review, as requested by the applicant with the following conditions:

- 1. All required local, state and/or federal permitting must be obtained.
- 2. Compliance with any Engineering comments provided on the marked-up site plan drawings including provision of additional stormwater information.
- 3. All areas devoted for parking spaces, vehicle storage, and access drives shall be surfaced with materials suitable to control dust and drainage. All parking areas shall be designed to control surface runoff to adjacent properties.
- 4. The applicant install a new hydrant in close proximity to the new fenced parking lot subject to approval by the Wyoming Fire Chief.
- 5. The applicant submit a cut sheet of the new on-site lighting fixtures that will be added with the project to ensure compliance with ordinance standards.
- 6. The applicant install fencing or some type of barrier to delineate areas for grading versus areas to remain natural. No grading, equipment or materials shall be stored in the areas to remain natural.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF WYOMING THIS 21st DAY OF MARCH, 2023.

Lisa Iverson, Mayor

ATTEST:

This Document Drafted by:
The City of Wyoming
26885 Forest Boulevard
Wyoming, Minnesota 55092

Robb Linwood, City Administrator



Request for Council Action

Date: March 17, 2023

Presented to: Mayor Iverson and City Council Members

Presented by: Zoning Administrator / Building Official Frederick E. Weck, IV

Department: Department of Building Safety

Reference: Dairy Queen Conditional Use Permit and Site Plan Review Extensions

Method: New Business

Background Information:

In accordance with the City of Wyoming's Zoning Ordinance Section 40-88 and Section 40-113 Site Plan Review and Conditional Use Permit approvals are valid for one year. If the work authorized by them has not been completed within one year they become null and void unless the applicant requests an extension in writing. The request shall state facts showing a good faith attempt has been made to complete the work. The Dairy Queen at 5111 East Viking Boulevard was granted a Conditional Use Permit and Site Plan Review approval on August 3, 2022. The applicant is requesting a one-year extension to August 3, 2024. The requested extension is due to the MPCA issuing a new leak number for a petroleum tank release at the former gas station on the site. The applicant will need the additional time to address the MPCA's requirements to remediate the site.

Recommendation:

Upon recommendation of staff, the Planning Commission is recommending that the City Council grant the applicant's extension request.

Frederick E. Weck, IV

Zoning Administrator

Building Official #1825

Advanced Septic Inspector, MPCA #C5199



DEPARTMENT OF BUILDING SAFETY

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092

Phone: 651-462-4947 Fax: 651-462-3938



February 10, 2023

City of Wyoming
Attention: Fred Weck
26885 Forest Blvd.
PO Box 188
Wyoming, MN 5509
Email: Fweck@wyomingmn.org

Via Electronic Mail

Re: 5111 East Viking Blvd, Wyoming, MN ("Project")- Dairy Queen Redevelopment

Dear Mr. Weck,

This letter is to notify you that Double Seven Development and D7-Wyoming, LLC are formally requesting an extension of the Conditional Use Permit and Site Plan Approval for the Project located at the address set forth above. Our intended construction date has been delayed due to the issuance of a new leak number by the Minnesota Pollution Control Agency ("MPCA") in January 2023.

We are requesting a one-year extension to August 3, 2024 to conduct additional environmental due diligence and ensure compliance with any MPCA requirements prior to further development of the Project.

If you have any questions or require further documentation documenting the necessity of this extension, please feel free to contact Nick Johnson at 612.236.1591 or via email at njohnson@fourteenfoods.com. We thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Meghan Flynn", with a long horizontal flourish extending to the right.

Meghan Flynn
Associate General Counsel
O: 952.460.9832
E: mflynn@fourteenfoods.com
6442 City West Pkwy, Suite 400
Eden Prairie, MN 55344

CC: Nick Johnson

January 9, 2023

Leslie Adam
Double Seven Development, LLC
D7 Wyoming LLC
7101 W 78th St
Minneapolis, MN 55439-2524

RE: Petroleum Storage Tank Release
Site: Wyoming Sinclair Speedway, 5111 E Viking Rd, Wyoming Chisago 55092
MPCA Site ID: LS0021901

Dear Lesley Adam:

The Minnesota Pollution Control Agency (MPCA) has learned there was a petroleum tank release at the Site referenced above. As the owner/operator of the tank(s), you are responsible for the contamination caused by the release. According to state law, you must investigate, and if necessary clean up the contamination.

Your first step: Complete and submit the enclosed *Leak site ownership form* **within 30 days**. If you believe that you are not legally responsible for the release, please contact me immediately.

Definition of legally responsible: You are considered legally responsible for a petroleum tank release if you owned or operated the tank either during or after the release, unless specifically exempted under the law. See Minn. Stat. § 115C.021.

Next steps: Hire a qualified environmental consulting firm to help you investigate and address the contamination. A site investigation must fully define the extent and magnitude of the soil and/or groundwater contamination caused by the release. Investigation and clean-up guidance documents, standardized report forms, and related information are located on the MPCA website at <https://www.pca.state.mn.us/waste/petroleum-remediation-program>. Once the investigation is complete, your consultant should summarize the results in an MPCA report form, including a recommendation for additional investigation or monitoring, corrective action, or site closure. If your site is **high priority** (see below), you must submit the report to the MPCA **within 90 days** from the date of this letter. For all other sites, you must submit the report **within 10 months**.

High-priority sites have one or more of the following conditions. See guidance document 1-01 *Petroleum Remediation Program general policy* for detailed descriptions of each condition. If you are uncertain whether your site is high priority, please contact me, Luis Allen.

- Existing or high risk of drinking water contamination
- Existing or high risk of vapor intrusion into occupied buildings or risk of explosive vapor buildup
- Surface water impacts
- Recent or ongoing releases
- Petroleum free product

Paying for the work: The Minnesota Petrofund helps tank owners, operators, and volunteer property owners pay for the cost of investigating and cleaning up contamination from petroleum tank releases. You will receive a separate mailing from the Minnesota Department of Commerce, which administers the Petrofund, explaining eligibility criteria and how to apply for reimbursement. Please note that applicants are required to use an environmental consulting firm registered with the Petrofund and obtain written competitive bids. Read the Petrofund mailing thoroughly so you know how to be eligible for the maximum reimbursement.

Please respond: Your timely response is important. If you do not submit the completed *Leak site ownership form* within 30 days, the MPCA will assume that you do not intend to comply and will begin enforcement actions. Also, please be aware that failure to cooperate in a timely manner will reduce your reimbursement from the Petrofund. Finally, should you fail to take necessary corrective actions, the MPCA may take them on your behalf and request the Petrofund to recover the costs from you.

For more information:

- **MPCA Petroleum Remediation Program guidance documents:** Found on the MPCA website at <https://www.pca.state.mn.us/waste/cleanup-guidance>.
- **Petrofund:** Reimbursement questions? Call 651-539-1515 or 800-638-0418 or go to the Minnesota Department of Commerce website at <http://mn.gov/commerce/industries/fuel/petrofund/index.jsp>.
- **MPCA Brownfields Program:** Selling or redeveloping contaminated property? Go to the MPCA website at <https://www.pca.state.mn.us/waste/brownfields>.

If you have questions about this letter or the MPCA's requirements, please contact Luis Allen, MPCA Project Manager, at 651-757-2018 or by email at luis.allen@state.mn.us. When contacting the MPCA, please have your MPCA Site ID (LS0021901) available.

AEJ:df

Enclosures

ec: Robb Linwood, City of Wyoming (electronic)
Jesse Milligan, City of Wyoming Fire Department (electronic)
Kurt Schneider, Chisago County Environmental Services (electronic)
Eric Halpaus, Nova (electronic)
Minnesota Department of Commerce Petrofund (electronic)

You as a responsible party in the Petroleum Remediation Program

You have received a letter because the Minnesota Pollution Control Agency (MPCA) has identified you as a person responsible for a petroleum storage tank release, or you are someone who has volunteered to accept this responsibility.

About the MPCA's Petroleum Remediation Program

The Petroleum Remediation Program protects human health and the environment from the dangers associated with leaking petroleum storage tanks. Leaking tanks contaminate drinking water, streams, rivers, or lakes, and generate harmful vapors.

The MPCA is responsible for minimizing the environmental impact of leaking petroleum tanks. The agency does this by enforcing the law that requires tank owners and operators responsible for these releases to investigate them, and if necessary, clean up the leaking petroleum products.

Where to start

You first need to hire an experienced environmental consultant to investigate your petroleum release.

Find a consultant: Consultants and contractors who perform these services must be registered with the Department of Commerce's Petrofund program. The Petrofund program provides a list of registered consultants at <https://mn.gov/commerce/industries/fuel/petrofund/>.

Get financial help: The Petrofund reimburses tank owners, operators, and volunteer property owners a portion of the costs associated with investigating and cleaning up contamination from leaking petroleum storage tanks.

In order to maximize the amount of Petrofund reimbursement available, obtain written competitive bids from consulting firms registered with the Petrofund. Read the mailing from the Petrofund thoroughly so you know how to be eligible for the maximum reimbursement.

Apply for reimbursement at <https://mn.gov/commerce/industries/fuel/petrofund/reimbursement.jsp>. For more information about the Petrofund program, call 651-539-1515 or 1-800-638-0418.

Questions? The MPCA has assigned a project manager to you. You or your consultant can contact the project manager whenever you have questions. This will help ensure the work your consultant performs meets the MPCA's requirements.

For more information

Consultant guidance documents for leaking petroleum storage tank investigations and cleanup are available on our website at <http://www.pca.state.mn.us/waste/cleanup-guidance>.

If you are purchasing, selling, or developing property that is contaminated with petroleum, assistance is available through the Brownfield Program. Visit our website at <http://www.pca.state.mn.us/waste/brownfields>, or call 651-296-6300 and ask to speak to a Brownfield staff person.

RESERVED FOR RECORDING DATA

RESOLUTION NO. 22-03-31

**RESOLUTION APPROVING A PETITION FOR AN EXTENSION OF THE TIME
REQUIRED TO COMPLETE THE WORK AS AUTHORIZED BY
RESOLUTIONS 22-09-75 A & 22-09-76 A
AT
5111 EAST VIKING BOULEVARD
PROPERTY ID NUMBER: 21.00020.00**

WHEREAS, the City of Wyoming is a political subdivision, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of Wyoming has adopted zoning and subdivision regulations, per Ordinances 2009-4 and 2010-08, including subsequent amendments, to promote the orderly, economic and safe development and utilization of land within the City; and,

WHEREAS, Fourteen Foods, LLC was granted approval for a Conditional Use Permit for an increased impervious surface area of 57% in a shoreland district and approval of a Site Plan Review application to demolish the existing, and construct a new, Dairy Queen restaurant on the property legally described as:

That part of the south half of the northeast quarter (S1/2 of NE1/4) of Section nineteen (19), Township thirty-three (33), Range twenty-one (21), Chisago county, Minnesota and that part of lots one (1) and two (2), Block one (1), of the recorded plat of Tomblers Addition to the Village of Wyoming described jointly as follows: Commencing at the point of intersection of the east line of said Section 19 with the northerly right-of-way line of Pennsylvania Avenue, said point also being the northeast corner of said south half of northeast quarter (S1/2 of NE1/4); thence west, along said northerly right-of-way line a distance of 718 feet; thence south at right angles a distance of 83 feet, more or less, to the intersection of the southerly right-of-way line of Interstate Highway 35 and the westerly line of a public street, being the point of beginning; thence continuing south, along said westerly line of public street, a distance of 210 feet; thence west at right angles to the

easterly right-of-way line of Interstate Highway 35; thence northerly, along said easterly right-of-way line a distance of 145 feet, more or less; Thence easterly along the southerly right-of-way line of Interstate Highway 35, a distance of 442 feet, more or less, to the point of beginning.

WHEREAS, Fourteen Foods LLC has petitioned the city for an extension of the time required to complete the project.

WHEREAS, on March 14, 2023, the Planning Commission held a public meeting in accordance with the Ordinance and laws of the State of Minnesota; and,

WHEREAS, the City Council and Planning Commission have reviewed the petition, as submitted, and have made the following findings of fact:

1. That the petitioner must remediate a petroleum tank release as required by the Minnesota Pollution Control Agency.
2. That condition # 2 of Resolution 22-09-75 A and condition # 2 of Resolution 22-09-76 A require that the applicant make use of the prior authorizations within one year of their approval.
3. That the petitioner's request for an extension of the time required to complete construction shows that a good faith attempt has been made to complete the project on time.
4. That the petitioner is requesting an extension for completion of the project to August 3, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Wyoming hereby **GRANTS** the petition, as requested by the applicant with the following conditions:

1. That all conditions listed in Resolution 22-09-75 A, except condition # 2, shall remain in effect.
2. That all conditions listed in Resolution 22-09-76 A, except condition # 2, shall remain in effect.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF WYOMING THIS 21st DAY OF MARCH, 2023.

Lisa Iverson, Mayor

ATTEST:

This Document Drafted by:
The City of Wyoming
26885 Forest Boulevard
Wyoming, Minnesota 55092

Robb Linwood, City Administrator



Request for Council Action

Date: March 17, 2023

Presented to: Mayor Iverson and City Council Members

Presented by: Alex Saxe, Assistant City Administrator

Department: Administration

Reference: Arbor Day 2023

Method: New Business

Background Information:

In 2020, the Wyoming City Council applied for and became a member of the Tree City USA program. The Tree City USA program began in 1976 and is national program that supports community tree management. Trees are a critical part of a city's infrastructure. A healthy forestry program helps to protect groundwater, reduce energy costs, support erosion control, and boost property values. The city has since taken multiple steps to support and promote the city's tree infrastructure and regularly updates the Wyoming Tree Board of progress related to the city's green infrastructure. To maintain Tree City USA status the city is required to sign a proclamation celebrating Arbor Day.

Request: Approve the Proclamation celebrating Arbor Day in Wyoming, Minnesota on April 28th, 2023.



CITY OF WYOMING

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092
Phone: 651-462-0575 Fax: 651-462-0576



Proclamation Celebrating Arbor Day in Wyoming, Minnesota

WHEREAS: Arbor Day provides people the opportunity to celebrate the importance of trees and forests to our economy, culture, history, and future of the state; and

WHEREAS: Trees are of great value as they provide clean air and water, shade and energy savings, wildlife habitat, recreational opportunities, wood products, and jobs while capturing and storing carbon from the atmosphere, thereby offsetting greenhouse gas emissions; and

WHEREAS: Properly planting and caring for a diverse mix of trees makes community forests more resilient by minimizing the impacts of diseases, insects, and other stressors such as climate change and providing long-term community and environmental benefits; and

WHEREAS: Thoughtfully choosing, planting, and caring for a diverse mix of trees now supports resilient communities into the future.

NOW, THEREFORE, The City Council of Wyoming, Minnesota hereby proclaims Friday, April 28, 2023, as:

ARBOR DAY

Lisa Iverson
Mayor



Request for Council Action

Date: March 17, 2023

Presented to: Mayor Iverson and City Council Members

Presented by: Alex Saxe, Assistant City Administrator

Department: Administration

Reference: Council Retreat Date

Method: New Business

Background Information:

At the February 21, 2023 City Council Meeting, Council selected Sara Peterson Consulting to facilitate a Council Strategic Planning Retreat. Since then, staff have had conversations with Ms. Peterson and would like to set a date for this retreat. Staff is recommending Friday, May 5th 2023 as the date to hold this retreat.

Recommendation: That the Wyoming City Council set a date for the Council retreat on Friday, May 5, 2023.



CITY OF WYOMING

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092
Phone: 651-462-0575 Fax: 651-462-0576