

**APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
JUNE 20, 2023
7:00PM**

CALL TO ORDER:

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

ABSENT: None

Also Present: Kevin Sandstrom, Eckberg Lammers, Robb Linwood, City Administrator, Alex Saxe, Assistant City Administrator, Mark Erichson-WSB, Neil Bauer - Public Safety Director, Fred Weck, Zoning Administrator/Building Official and Joe Keding, Acting Public Works Superintendent

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

Jeanine Sax, 25723 Kettle River Boulevard – Shared concerns she had with actions taken over a year ago by Mr. Moxness who ripped out two rows of her evergreens. She noted that she was not trying to get the City involved, but wanted this information on the record. She noted that she had hired an attorney as well and wants those trees to be replaced.

APPROVAL OF MINUTES:

1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for June 6, 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 JUNE 6, 2023 AS SUBMITTED.

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

Voting Nay: None

Abstain: None

Absent: None

2. Consider approving the minutes of the “Budget Work Session Meeting” of the Wyoming, Minnesota City Council for June 7, 2023

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE THE MINUTES OF THE “BUDGET WORK SESSION MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR JUNE 7, 2023 AS SUBMITTED.

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

Voting Nay: None
Abstain: None
Absent: None

SCHEDULED BID LETTINGS: NONE

SCHEDULED PUBLIC HEARINGS: NONE

CONSENT AGENDA:

Items under the "Consent Agenda" will be adopted with one motion; however, council members may request individual items to be pulled from the consent agenda for discussion and action if they choose.

3. To consider authorizing the payment of recommended bills, payroll, and journal entries for the period of June 7, 2023 to June 20, 2023
4. To consider approving the 2023 City of Wyoming Insurance coverage renewal through the League of Minnesota Cities Insurance Trust for a total cost of \$111,230.00
5. To confirm the City Council of the City of Wyoming Does Not Waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04 when renewing Liability Insurance Coverage with LMCIT (League of Minnesota Cities Insurance Trust)
6. To consider the resignation of Austin Smith from the Wyoming Fire Department
7. To consider the resignation of Scott Boecker as Police Officer and begin the hiring process for a Police Officer
8. To consider the resignation of Austin Rademacher as Building Inspector and begin the hiring process for a Building Inspector
9. To consider **Resolution 23-06-62** a resolution approving payment for pay voucher #1 to Dresel Contracting for the 2023 East Viking Boulevard Improvement Project (WSB Project 018553-000) in the amount of \$497,336.45.

Mayor Iverson – Asked to pull items #6, #7, and #8 for further discussion.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE #3, #4, #5, and #9 OF THE WYOMING CITY COUNCIL CONSENT AGENDA

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

#6 - To consider the resignation of Austin Smith from the Wyoming Fire Department

Mayor Iverson – Asked Public Safety Director Bauer to let Mr. Smith and his family know how much the City has appreciated his time serving with the Fire Department.

#7 - To consider the resignation of Scott Boecker as Police Officer and begin the hiring process for a Police Officer

Mayor Iverson – Stated that she wanted to acknowledge what a loss it will be to lose Police Officer Boecker because he has been an amazing officer for the City.

Councilmember Ohnstad – Stated that he agreed and expressed his appreciation for the work that Officer Boecker did with his wife when she fell. He stated that Officer Boecker and members of the Fire Department sat with her to ensure she was comfortable as waited in the snow for almost an hour while awaiting an ambulance. He stated that Officer Boecker did an awesome job for the City and would be missed.

#8 - To consider the resignation of Austin Rademacher as Building Inspector and begin the hiring process for a Building Inspector

Mayor Iverson – Stated that she has heard nothing but good things about Austin Rademacher throughout his time with the City. She asked that the message that he will be greatly missed by the City be passed along to him.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE CONSENT AGENDA ITEMS #6, #7, AND #8, AS PRESENTED.

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

Voting Nay: None

Abstain: None

Absent: None

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

10. Report of the Public Safety Director, Neil Bauer for June 16, 2023

11. Report of City Attorney Tom Loonan for June 14, 2023

12. Report of City Engineer Mark Erichson, WSB for June 16, 2023

13. Report of Acting Public Works Superintendent Joe Keding for June 20, 2023

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS

14. To consider **Resolution 23-06-54** a resolution approving a variance from sections 40-255, (4) (a) & 40-296; to allow the construction of an office building nearer than the 150 foot setback from right-of-way of Highway 8 at PIN 21.10712.10

Zoning Administrator/Building Official Weck – Gave an overview of the lot, location, and existing conditions. He explained that the proposed building is 8,623 sq. ft. and gave a brief overview of the requested variances needed. He reviewed the proposed access and noted that as part of the future Highway 8 reconstruction, Hazel Avenue will be closed off as well as 250th Street on the opposite end and access will be gained by Hamlet Avenue to the west. He noted that the grading and stormwater plans have been approved and reviewed the landscape and lighting plans. He reviewed the 7 conditions of approval that have been recommended by staff and the Planning Commission.

Mayor Iverson – Noted that people want to speak to this project and invited those individuals to come forward and address the Council.

Karl Doll, 7514 250th Street – Stated that he lives near Hazel and 250th Street and explained that he was here to ask the Council to pause in their approval of this plan. He stated that he would like it to be tabled until the next meeting in order to allow time to address resident concerns regarding safety. He stated that he understands that some of their concerns may be alleviated with the completion of Highway 8, but at the current time, he does not feel that the City has adequately addressed those concerns. He stated that Hazel and 250th are both dirt roads and are all residential. He stated that he likes living on a dirt road and is not looking forward to a time

when this road is paved. He stated that pulling on and off of Highway 8 is dangerous and shared examples of accidents that he has witnessed. He stated that he is in support of the Highway 8 project in order to help with some of these safety concerns.

Bonnie Christiansen, 24679 Hale Avenue – Referenced the MnDot letter dated August 24, 2022 that recommended a westbound right turn lane onto Hazel Avenue and the Planning Commission meeting minutes from August 9, 2022. Building Official Weck referenced a letter received from MnDot that outlined requirements related to drainage as well as a turn lane. She noted that the MnDot letter was not included in the June 13, 2023 Planning Commission meeting. She stated that she feels the City needs to state their position, in writing, regarding MnDot's recommendation for the right turn lane at Hazel Avenue and then send the Gregory proposal back to the Planning Commission.

Neil Rever, 24679 Hale Avenue – Read aloud a portion of the City code for Highway 8 corridor overlay district Section 40-292 related to traffic impact studies. He stated that there was a letter included in the packet dated May 12, 2023 to Mr. Gregory that indicates that the maximum employee count for the building would be 25 which he believes would call for a traffic study to be completed. He stated that because this intersection of Highway 8 is one of the most dangerous in the City, he feels this traffic study should be done and the proposal should go back to the Planning Commission.

Earl Newstrand 24795 Hazel Avenue – Asked if the City had taken into consideration what the four lanes of traffic will do so the new building coming in. He stated that he assumes his property will have to go.

Mayor Iverson – Noted that one of the concerns raised at the Planning Commission was regarding speed and there was a suggestion of putting up a speed sign in the area.

Building Official Weck – Stated that there were two letters from MNDOT, one dated August 9, 2022 and another on August 24, 2022. He clarified that MnDot was recommending a right hand turn lane and not a left hand turn lane. He stated that it was a mistake that this information it was not included in the Planning Commission packet and he had simply forgot to attach the PDF file when he compiled the final packet information. He stated that MnDot has looked at the application and they are not requiring anything additional to be completed, such as a traffic impact study. He explained that 150 foot setback for Highway 8 was designed to reserve area for when the project goes through. He noted that the plan has pretty much been approved and once the improvements are done, everything will meet the current setbacks without the Highway 8 overlay. He stated that if Mr. Gregory were to come into the City after the Highway 8 project was completed, he would not need any of the variances.

Councilmember Luger – Stated that in the presentation, there was reference to the need to meet the engineering requirements and asked for details on those items and how they have been addressed.

Building Official Weck – Explained that was in reference to the stormwater comments and noted that they are all minor comments.

Councilmember Ohnstad – Asked how Highway 8 will look when completed.

Mayor Iverson – Stated that she believes it will be like the intersection of Highway 65 and Viking Boulevard.

Building Official Weck – Confirmed that was correct and stated that he believes MnDot has taken a look at the options and that appears to be the one that they are willing to pay for.

Councilmember Nanko Yeager – Referenced the Planning Commission minutes and a statement attributed to City Administrator Linwood that MnDot had not commented and were not requiring any turn lanes. She asked for clarification of what MnDot's final word is on this issue.

City Administrator Linwood – Stated that they are recommending a right turn lane, but are not requiring it.

Councilmember Nanko Yeager – Asked if the City was planning to follow MnDot's recommendation.

Building Official Weck – Stated that is just a recommendation, so the City Council would have the option to take that recommendation if they like. He stated that staff and the County have discussed the possibility of doing a right turn lane and then have it be torn out in a few years and did not feel the costs of this was justified.

Councilmember Nanko Yeager – Confirmed with Building Official Weck that there were no consequences for the City if they do not follow the recommendation from MnDot. She asked if the intersection of Hazel and Highway 8 would need to be modified in order to accommodate commercial traffic. She asked what will prevent traffic from turning onto 250th in order to access.

Building Official Weck – Stated that it would not need to be modified for commercial traffic. He noted that it is a public road, so anyone could take that route if they wanted to.

City Administrator Linwood – Stated that staff had spoken to Public Works about placing speed signs on 250th and Hazel.

Mr. Gregory – Stated that he wants all of his employees to take a right out of their parking and just go to Highway 8 and not travel through the neighborhood. He explained that they pride themselves on having nice looking vehicles, so traveling down a dirt road will not promote a nice looking vehicle.

Councilmember Nanko Yeager – Stated that Mr. Rever brought up the number of employees and the need for a traffic impact study. She asked how many employees would be in the building.

Mr. Gregory – Stated that this building will have 15 employees and noted that there is a separate facility for operations that will have the remainder of the employees. He explained that they are on the brink of having 30 total employees between the two buildings. He noted that the reference made to the comment regarding the soil study was to plan for extra on the septic so they would not have to add onto it later, which is where the 25 came from.

Building Official Weck – Stated that if Mr. Gregory only has 15 employees at this site, there would not be a need for a traffic study.

Mayor Iverson – Asked City Attorney Sandstrom to comment on some of the ideas raised this evening by the residents about tabling this item.

City Attorney Sandstrom – Noted that the biggest issues appear to be related to traffic and noted that MnDot has looked at this and provided some recommendations. He stated that it does not seem apparent what an additional traffic study would provide. He stated that the City could table this and require the applicant to complete a traffic study, but they would have to be cognizant of the 60 day rule.

Building Official Weck – Stated that the 60 day rule ends on July 17, 2023.

City Attorney Sandstrom - Noted that the City also has the option of extending the deadline out to 120 days.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER IVERSON, TO APPROVE RESOLUTION 23-06-54 A RESOLUTION APPROVING A VARIANCE FROM SECTIONS 40-255, (4) (A) & 40-296; TO ALLOW THE CONSTRUCTION OF AN OFFICE BUILDING NEARER THAN THE 150 FOOT SETBACK FROM RIGHT-OF-WAY OF HIGHWAY 8 AT PIN 21.10712.10

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

Voting Nay: None

Abstain: None

Absent: None

15. To consider **Resolution 23-06-55** a resolution approving a variance from section 40-296; to allow the construction of a parking lot nearer than the 150 foot setback from the right-of-way of Highway 8 at PIN 21.10712.10

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 23-06-55 A RESOLUTION APPROVING A VARIANCE FROM SECTION 40-296; TO ALLOW THE CONSTRUCTION OF A PARKING LOT NEARER THAN THE 150 FOOT SETBACK FROM THE RIGHT-OF-WAY OF HIGHWAY 8 AT PIN 21.10712.10

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

Voting Nay: None

Abstain: None

Absent: None

16. To consider **Resolution 23-06-56** a resolution approving a variance from section 40-296; to allow the construction of a free standing sign nearer than the 150 foot setback from the right-of-way of Highway 8 at PIN 21.10712.10

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER IVERSON, TO APPROVE RESOLUTION 23-06-56 A RESOLUTION APPROVING A VARIANCE FROM SECTION 40-296; TO ALLOW THE CONSTRUCTION OF A FREE STANDING SIGN NEARER THAN THE 150 FOOT SETBACK FROM THE RIGHT-OF-WAY OF HIGHWAY 8 AT PIN 21.10712.10

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

Voting Nay: None

Abstain: None

Absent: None

17. To consider **Resolution 23-06-57** a resolution approving a variance from section 40-451, (2) to allow the construction of an office building with more than 35% of Class III building materials on the exterior of the structure at PIN 21.10712.10

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 23-06-57 A RESOLUTION APPROVING A VARIANCE FROM SECTION 40-451, (2) TO ALLOW THE CONSTRUCTION OF AN OFFICE BUILDING WITH MORE THAN 35% OF CLASS III BUILDING MATERIALS ON THE EXTERIOR OF THE STRUCTURE AT PIN 21.10712.10

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

Voting Nay: None

Abstain: None

Absent: None

18. To consider **Resolution 23-06-58** a resolution approving a site plan review application to construct an office with a showroom and storage space at PIN 21.10712.10

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 23-06-58 A RESOLUTION APPROVING A SITE PLAN REVIEW APPLICATION TO CONSTRUCT AN OFFICE WITH A SHOWROOM AND STORAGE SPACE AT PIN 21.10712.10

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

Voting Nay: None

Abstain: None

Absent: None

19. To consider **Resolution 23-06-59** a resolution denying a Conditional Use Permit application at Property ID Numbers: 21.106050.00 and 21.10542.10.10

Building Official Weck – Gave an overview of the request to construct two apartment buildings with 13 total units and two detached buildings for garages and on-site parking. He explained that the Planning Commission is recommending denial of the application. He noted that because the City has run up to 120 days, the Council has to make a decision on this item tonight.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE RESOLUTION 23-06-59 A RESOLUTION DENYING A CONDITIONAL USE PERMIT APPLICATION AT PROPERTY ID NUMBERS: 21.106050.00 AND 21.10542.10.10

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

Voting Nay: None

Abstain: None

Absent: None

20. To consider **Resolution 23-06-60** a resolution approving plans and specifications and ordering advertisement for bids for the 2023 Fallbrook Avenue and 264th Street Improvement Project

City Administrator Linwood – Explained that this is the next step in moving forward with the street improvement project and gave an overview of past discussions about this project.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE RESOLUTION 23-06-60 A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE 2023 FALLBROOK AVENUE AND 264TH STREET IMPROVEMENT PROJECT

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

Voting Nay: None

Abstain: None

Absent: None

21. To consider **Resolution 23-06-61** a resolution restricting parking on Fallbrook Avenue and 264th Street for the 2023 Fallbrook Avenue and 264th Street Improvement Project

Councilmember Nanko Yeager – Confirmed that this parking restriction would only be for the duration of the project and not a permanent change.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE RESOLUTION 23-06-61 A RESOLUTION RESTRICTING PARKING ON FALLBROOK AVENUE AND 264TH STREET FOR THE 2023 FALLBROOK AVENUE AND 264TH STREET IMPROVEMENT PROJECT

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

Voting Nay: None
Abstain: None
Absent: None

- 22.** To consider approving a job description for a part-time Project Coordinator for Age-Friendly work and authorize advertising the position

Assistant City Administrator Saxe – Explained that the City was awarded a Minnesota Age-Friendly Community grant in the amount of \$19,000. He stated that staff is proposing that a part-time position Project Coordinator be created that would focus on age-friendly work in the City. He gave an overview of what it means to be an ‘age-friendly’ community. He stated that this position may also be able to assist with the community garden as well. He noted that the position will be grant funded until March of 2024.

Council Member Nanko Yeager – Clarified that the grant money was just to fund the position and not to be utilized for age-friend projects such as a community garden.

Assistant City Administrator Saxe – Stated that there is a breakdown that he can distribute to the Council. He noted that there is the cost for the employee and noted that the City was also awarded some construction costs for the community garden as well as some administrative costs. He noted that he had received information last week that the existing community garden at Fairview may be willing to expand.

Council Member Nanko Yeager – Asked if the position/employee would be terminated at the end of the grant term.

Assistant City Administrator Saxe – Confirmed that it would be terminated and noted that it is stated at the very top of the job description.

Mayor Iverson – Noted that one of the City’s goals is to create a community where people can age in place.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE A JOB DESCRIPTION FOR A PART-TIME PROJECT COORDINATOR FOR AGE-FRIENDLY WORK AND AUTHORIZE ADVERTISING THE POSITION

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

- 23.** To consider a Council Work Session to discuss the potential apartment project from Reuter Walton on June 27, 2023 at 5:30 p.m.

City Administrator Linwood – Noted that staff has given a high level overview of the product that Reuter Walton is looking to do with a potential apartment project. He explained that staff feels it would be beneficial to have a more in depth discussion about this project at a future work session.

Council Member Luger – Noted that she was not available to meet on that date.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE A COUNCIL WORK SESSION TO DISCUSS THE POTENTIAL APARTMENT PROJECT FROM REUTER WALTON ON JUNE 27, 2023 AT 5:30 P.M.

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

Voting Nay: None
Abstain: None
Absent: None

COMMUNICATIONS:

COUNCIL REPORTS:

Council Member Ohnstad – Attended the Council budget meeting.

Council Member Nanko Yeager – Attended the Highway 8 coffee and cookie event last week.

Council Member Luger – Attended the Council budget work session meeting

Council Member Schilling – No report.

Mayor Iverson – Attended the Highway 8 meeting and expressed her appreciation to the area legislators that were finally able to secure funding for this project. She thanked all the volunteers that were involved in the MS 150 event. She stated that she attended the Council budget work session. She noted that she is very excited about shovels in the ground for the Veteran's Memorial Park which will take place June 23, 2023 at 3:30 p.m.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO ADJOURN THE JUNE 20, 2023 "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 8:00 PM

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

A portion of this public meeting may be closed to discuss "Labor Negotiation Strategies"; "Misconduct allegations or charges"; "Attorney-client privilege"; or "Performance evaluations" as per MN State Statute 13D.01-.05.

NEXT REGULAR MEETING:
JULY 5, 2023
7:00PM