

**APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
NOVEMBER 21, 2023
7:00PM**

CALL TO ORDER:

Mayor Lisa Iverson called the Regular Meeting of the Wyoming City Council for November 21, 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: Tom Loonan, Eckberg Lammers, Robb Linwood, City Administrator, Grant MacFarlane, Assistant City Administrator, Mark Erichson-WSB, Neil Bauer - Public Safety Director, Fred Weck, Zoning Administrator/Building Official and Joe Keding, Acting Public Works Superintendent

DETERMINATION OF A QUORUM:

1. PLEDGE OF ALLEGIANCE: Led by Webelos Pack #9142

OPEN FORUM:

Scott and Gloria Norton, 21547 Volga Street NE – Shared background on their contact, via e-mail with the Council related to their request that the City incorporate a Christian nativity scene in the Railroad Park development plan. He stated that it has been 5 months since they initially appeared before the Council and the park has been developed and begun putting up holiday display items. He stated that they represent the opinion of many, like-minded adults in the community and have 160 signatures on a petition that they would like to present to the Council.

Mayor Iverson – Asked City Attorney Loonan to address this item.

City Attorney Loonan – Stated that there was an opinion provided to the Council regarding this request and the legal recommendation was that if the City were to install a nativity scene, that would be considered a violation of the establishment clause, because it would be the City establishing one religious choice over another. He stated that he understands that the Norton's have been in contact with the First Liberty Institute who are working on a few lawsuits where other cities have been sued for this exact reason. He stated that the general recommendation is to not establish any sort of religious emblem because there is then a requirement to open it up to any religious emblem that is requested. He referenced the City of Belle Plaine who had put some religious emblems in their Veteran's cemetery and then the church of Satan came in and attempted to put in their own emblem, when Belle Plaine tried to pull back they ended up in a lawsuit which has cost the city a lot of money. He shared some other legal analysis points in this kind of situation.

Mr. Norton – Clarified that he was not an attorney but his understanding is that if the Council were to develop their own plan and incorporate a nativity scene, then it would be

defensible in a court of law and there are faith based, non-profit, legal organizations who would help the City write the plan and would also help defend the City, if it was taken to court.

Mayor Iverson – Stated that the Council is entrusted to the taxpayers and are to do the best they can with the taxpayers money. She stated that by bringing this forward and opening the City up to a potential lawsuit would affect all residents of the City. She stated that anybody can put a nativity around their house or business and explained that she has one in her yard.

Mayor Iverson – Expressed her appreciation to the Norton’s for coming before the Council, but stated that based on the input from their legal counsel, the Council has made the decision.

City Attorney Loonan – Stated that with regard to the non-profit mentioned by the Norton’s, the lawsuit is related to the Arkansas state capitol where they put on the Ten Commandments and were sued. He stated that this lawsuit is still ongoing through the Federal court system. He stated that when a decision is issued in that case, there may be something else to consider, but right now, it is still an unresolved issue. He reiterated that individuals are encouraged to advocate for their beliefs, but as a government, under the First Amendment of the Constitution, they need to be cautious in taking any sort of action that may be interpreted as an establishment of one religion over another.

APPROVAL OF MINUTES:

- 2. Consider approving the minutes of the “Special Meeting” of the Wyoming, Minnesota City Council for November 7, 2023**

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE THE MINUTES OF THE “SPECIAL MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR NOVEMBER 7, 2023, AS SUBMITTED

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

- 3. Consider approving the minutes of the “Work Session Meeting” of the Wyoming, Minnesota City Council for November 8, 2023**

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE THE MINUTES OF THE “WORK SESSION MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR NOVEMBER 8, 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:

4. To consider **Resolution 23-11-109** a resolution approving the Assessment Roll for the 2023 Fallbrook Avenue/264th Street Construction Project

City Engineer Erichson – Gave a brief presentation outlining details of the 2023 Fallbrook Avenue/264th Street Construction project and the City’s public improvement and assessment policy and process.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO OPEN THE PUBLIC HEARING.

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

Voting Nay: None

Abstain: None

Absent: None

Mr. Hallberg – Asked about the difference between front footage and unit. He suggested that perhaps the southern properties should be assessed more since they have curb and gutter and the northern properties do not.

City Engineer Erichson – Explained that they did take a look at that noted that the costs were not significant and felt that the roadway was utilized by all sides. He gave a brief explanation of front footage versus units and that stated that the most equitable way is traditionally done by front footage.

Mr. Hallberg – Explained that he was planning to pay 4 of the parcels up front and then be assessed for the other 4 and asked if he would receive paperwork in the mail on how that can be done.

City Engineer Erichson – Suggested that he stop by and talk to City Administrator Linwood to discuss those details.

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

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

Voting Nay: None

Abstain: None

Absent: None

Councilmember Schilling – Stated that the City had done curb and gutter on the south end and in looking at the details, on the north end they still had to improve the drainage ditch, so there was labor, equipment, and dirt moving involved in that work. He noted that in his mind this would show pretty much the same cost as the curb and gutter.

City Engineer Erichson – Agreed that the costs would be pretty much a wash between the north and south portions.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE RESOLUTION 23-11-109 A RESOLUTION APPROVING THE ASSESSMENT ROLL FOR THE 2023 FALLBROOK AVENUE/264TH STREET CONSTRUCTION PROJECT

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

Voting Nay: None

Abstain: None

Absent: None

CONSENT AGENDA:

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

5. To consider authorizing the payment of recommended bills, payroll, and journal entries for the period of November 8, 2023 to November 21, 2023
6. To consider the hiring of Devin Ojeda as an Ice Rink and Warming House attendant at a starting wage of \$17.00/HR
7. To consider **Resolution 23-11-110** a resolution authorizing a 5 year contract with Axon Enterprise for 12 taser devices, for a 60 month contract, in the amount of \$34,218, payable annually in the amount of \$6,843
- ~~8. To consider **Resolution 23-11-111** a resolution certifying the unpaid utility bills and City services invoices of residents and businesses contained in the attached list to property taxes for collection in 2024 (pulled for separate discussion)~~
9. To consider **Resolution 23-11-112** a resolution approving pay voucher #1 to Blackstone Contractors, LLC for the Railroad Park Phase 1 project in the amount of \$25,070.51
10. To consider Resolution 23-11-113 a resolution approving pay voucher #2 to Blackstone Contractors, LLC for the Railroad Park Phase 1 project in the amount of \$34,883.74
11. To consider **Resolution 23-11-114** a resolution approving pay voucher #1 to Vinco, Inc. for the Railroad Park Veteran's Memorial electrical project in the amount of \$24,405.50
12. To consider **Resolution 23-11-115** a resolution approving pay voucher #2 to Forest Lake Contracting for the 2023 Fallbrook Avenue and 264th Street Improvement Project in the amount of \$519,697.07
13. To consider **Resolution 23-11-116** a resolution approving pay voucher #5 to Dresel Contracting, Inc. for the 2022 East Viking Boulevard Improvement Project in the amount of \$632,135.46.

Council Member Nanko Yeager – Asked to pull item #8

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER SCHILLING TO APPROVE #5, #6, #7, #9, #10, #11, #12, and #13 OF THE WYOMING CITY COUNCIL CONSENT AGENDA

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

Voting Nay: None

Abstain: None

Absent: None

#8 - To consider **Resolution 23-11-111** a resolution certifying the unpaid utility bills and City services invoices of residents and businesses contained in the attached list to property taxes for collection in 2024

Council Member Nanko Yeager – Stated that this is nearly \$102,000 and asked how much was sewer and water and how much was storm sewer.

City Administrator Linwood – Explained that there was a significant increase in the storm sewer amounts this year. He stated that there were also some included for HOAs that had significant billings for water use for sprinkling. He agreed that it is a bit higher than it has been in the past.

Council Member Nanko Yeager – Asked if there was a way to encourage people to pay the storm water fees.

City Administrator Linwood – Stated that the City sends bills and they can receive late fees if they aren't paid on time and then ultimately, it can go on their property taxes. He noted that they have the information in quarterly newsletters, offer payment online, via telephone and in person.

A MOTION WAS MADE BY COUNCILMEMBER NANKO YEAGER, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE CONSENT AGENDA ITEM #8 RESOLUTION 23-11-111 A RESOLUTION CERTIFYING THE UNPAID UTILITY BILLS AND CITY SERVICES INVOICES OF RESIDENTS AND BUSINESSES CONTAINED IN THE ATTACHED LIST TO PROPERTY TAXES FOR COLLECTION IN 2024

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:

14. Report of the Public Safety Director, Neil Bauer for November 15, 2023
15. Report of City Building Official, Fred Weck, IV for November 15, 2023
16. Report of City Attorney Tom Loonan for November 17, 2023
17. Report of City Engineer Mark Erichson, WSB for November 17, 2023
18. Report of Acting Public Works Superintendent Joe Keding for November 21, 2023
19. Report of Abdo Finance 3rd Quarter Report for November 16, 2023

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS

20. To consider the conditional offer to Derek Heath for the Reserve Cadet Officer position

Public Safety Director Bauer – Gave an overview of the selection of a potential candidate for the Reserve Cadet position. He stated that Derek Heath is a current volunteer reserve officer in the department and is a current law enforcement student at Rasmussen University that lives in the City. He stated that the plan would be to do a full background check, psychological evaluation, and full medical evaluation on Mr. Heath, so when he is eligible to become an officer, he may be able to be fast tracked through the hiring process. He stated that this volunteer position was coming before the Council because there is a tuition reimbursement component to this position.

Council Member Nanko Yeager – Asked where the tuition reimbursement funds would come from.

Public Safety Director Bauer – Explained that they would come from the State funds at the end of the year.

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE THE CONDITIONAL OFFER TO DEREK HEATH FOR THE RESERVE CADET OFFICER POSITION.

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

Voting Nay: None

Abstain: None

Absent: None

21. To consider approving Ordinance Amendment 2023-05 Architectural Standards

Zoning Administrator/Building Official Weck – Gave an overview of the discussion, considerations, and recommendations for the City’s architectural standards. He explained that the Planning Commission had held a public hearing and was recommending approval.

Council Member Nanko Yeager – Asked how they can get a uniform architectural theme for a building when the public facing has to be Class #1 and Class #2 materials but the side and rear or anything that is not public can be a lot lesser materials.

Zoning Administrator/Building Official Weck – Explained that although they spell out a number of class materials, they are not eliminating materials, but do have some prohibited ones. He stated that the materials that they are allowing are what is typically used anyway as an exterior material.

Council Member Schilling – Asked if this would have made a difference when the City was looking at the application by Dairy Queen.

Zoning Administrator/Building Official Weck – Stated that he believed it would have.

Mayor Iverson – Expressed her appreciation to Zoning Administrator/Building Official Weck and the Planning Commission for the time they put into this issue. She stated that she serves as the liaison to the Planning Commission meetings and feels there was a lot of really great discussion that took place.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE ORDINANCE AMENDMENT 2023-05 ARCHITECTURAL STANDARDS.

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

22. To consider **Resolution 23-11-117** a resolution approving the summary publication for Ordinance Amendment 2023-05, Architectural Standards

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE RESOLUTION 23-11-117 A RESOLUTION APPROVING THE SUMMARY PUBLICATION FOR ORDINANCE AMENDMENT 2023-05, ARCHITECTURAL STANDARDS

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

23. To consider **Resolution 23-11-118** a resolution ordering preparation of a feasibility report for public improvements for the 2024 Street Improvement Project

City Engineer Erichson – Gave an overview of the proposed resolution to prepare the feasibility report for public improvements for the 2024 Street Improvement Project.

Mayor Iverson – Noted that this is part of her street and asked if she should abstain from voting on this item.

City Attorney Loonan – Explained that would not be necessary for this type of vote.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE RESOLUTION 23-11-118 A RESOLUTION ORDERING PREPARATION OF A FEASIBILITY REPORT FOR PUBLIC IMPROVEMENTS FOR THE 2024 STREET IMPROVEMENT PROJECT

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

Voting Nay: None

Abstain: None

Absent: None

- 24.** To consider **Resolution 23-11-119** a resolution approving a letter of support towards a DEED Grant and a City of Wyoming contributions of \$5,000 towards a Midcontinent Fiber Project

City Administrator Linwood – Explained that this item had been a last minute addition to the agenda due to some timing related to the grant process. He reviewed details surrounding the letter of support towards this DEED grant application and noted that there is a caveat that this would be contingent on Midcontinent receiving the funding from DEED.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE RESOLUTION 23-11-119 A RESOLUTION APPROVING A LETTER OF SUPPORT TOWARDS A DEED GRANT AND A CITY OF WYOMING CONTRIBUTIONS OF \$5,000 TOWARDS A MIDCONTINENT FIBER PROJECT

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

Voting Nay: None

Abstain: None

Absent: None

COUNCIL REPORTS:

Council Member Ohnstad – Attended the Joint Sewer Commission meeting and the City Council Work Session.

Council Member Nanko Yeager – Attended the budget Work Session and the Council Work Session.

Council Member Luger – Attended the Council Work Session

Council Member Schilling – No report.

Mayor Iverson – Attended the Joint Sewer Commission meeting and the Council work sessions. She stated that on November 9, 2023, for Veteran's Day, they were able to have a brief program for the Veteran's and noted that just before the program began, two eagles flew over the project and landed in nearby trees. .

Public Safety Director Bauer – Stated that the Stuff the Truck event will be held at Bruce's Foods on November 22, 2023 from 3:00 to 7:00 p.m. He stated that their goal is to reach 1,700 pounds of food collected.

Mayor Iverson – Noted that the City's tree lighting event and an appearance by Santa will be held on December 2, 2023.

City Administrator Linwood – Noted that the City has received some generous donations for the tree lighting event and will have the Lindstrom Cloggers and Dance Factory there for entertainment. He stated that Sunrise Apple Farm, Wyoming Lions, Polaris, Coffee Smith, with

also be involved in various ways.

Mayor Iverson recessed the meeting at 7:55 p.m. and reconvened at 8:01 p.m.

25. To consider entering a Closed Session under MN State Statute 13D.05 2 (a) (3) and (4) for a personnel matter

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD SECONDED BY COUNCILMEMBER LUGER TO ENTER INTO A CLOSED SESSION UNDER MN STATE STATUTUE 13.D.05 2(A)(3), AND (4) FOR A PERSONNEL MATTER AT 8:02PM

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

Voting Nay: None

Abstain: None

Absent: None

A MOTION WAS MADE BY COUNCILMEMBER LUGER SECONDED BY COUNCILMEMBER OHNSTAD TO RETURN TO OPEN SESSION UNDER MN STATE STATUTUE 13.D.05 2(A)(3), AND (4) FOR A PERSONNEL MATTER AT 8:17PM

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

Voting Nay: None

Abstain: None

Absent: None

City Attorney Loonan – Stated that the Council was in a Closed Session under MN State Statute 13D.05, Subd. 3(2)(3) and (4) for a personnel matter. The Closed Session was attended by Mayor Iverson, Councilmembers Nanko Yeager, Ohnstad and Luger as well as City Administrator Linwood, Assistant City Administrator MacFarlane and himself. He explained that no formal motions were offered or passed at the Closed Session

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING SECONDED BY COUNCILMEMBER OHNSTAD TO ADVERTISE FOR THE CITY OF WYOMING PUBLIC WORKS SUPERINTENDENT POSITION

Voting Aye: Nanko Yeager, Ohnstad, Schilling and Iverson

Voting Nay: Luger

Abstain: None

Absent: None

A MOTION WAS MADE BY COUNCILMEMBER IVERSON TO ADJOURN THE NOVEMBER 21, 2023 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 8:19PM

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

Voting Nay: None

Abstain: None

Absent: None

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

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