

**APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
JULY 2, 2024
7:00PM**

CALL TO ORDER:

Mayor Lisa Iverson called the Regular Meeting of the Wyoming City Council for July 2, 2024 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 Steve Reeves, 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 June 18, 2024**

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 18, 2024 AS SUBMITTED.

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

Voting Nay: None

Abstain: None

Absent: None

- 2. Consider approving the minutes of the “Work Session Meeting” of the Wyoming, Minnesota City Council for June 18, 2024**

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE THE MINUTES OF THE “WORK SESSION MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR JUNE 18, 2024 AS SUBMITTED.

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

Voting Nay: None

Abstain: None

Absent: None

SCHEDULED BID LETTINGS: NONE

SCHEDULED PUBLIC HEARINGS:

3. To consider Public Hearing and approve an Interim Ordinance of the City of Wyoming, Chisago County, Minnesota, extending the Interim Ordinance 2023-03, Prohibition on the Operation of Hemp Businesses in the City under Minnesota Statute section 462.355, Subd. 4, for an additional 120 days

City Administrator Linwood – Reviewed the State legislation related to the regulation of hemp within city jurisdictions and the request to extend the moratorium on the operation of hemp businesses in the City for an additional 120 days.

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

There were no public comments.

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

Council Member Nanko Yeager – Asked if staff felt that an extension of 120 days would be sufficient.

City Administrator Linwood – Stated that he believed it would be enough time and noted that 120 days is all the City would be allowed for this extension.

Council Member Ohnstad – Asked what the new date for the end of this moratorium would be.

City Administrator Linwood – Explained that it would be from the date of publication, July 11, 2024 and the moratorium would then go into November.

City Attorney Loonan – Explained that the Council had already adopted a moratorium on the hemp businesses which was set to expire, but the Statute allows the City to extend it for 120 days. He noted that many cities are taking advantage of this extension opportunity because they have not gotten clear guidance from the Office of Cannabis Management and the League of Minnesota Cities. He clarified that the City's cannabis ordinance goes through the end of 2024 and this ordinance, for hemp businesses, will take the City up to the end of November.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE AN INTERIM ORDINANCE OF THE CITY OF WYOMING, CHISAGO COUNTY, MINNESOTA, EXTENDING THE INTERIM ORDINANCE 2023-03, PROHIBITION ON THE OPERATION OF HEMP BUSINESSES IN THE CITY UNDER MINNESOTA STATUTE SECTION 462.355, SUBD. 4, FOR AN ADDITIONAL 120 DAYS.

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

Voting Nay: None

Abstain: None
Absent: None

4. To consider **Resolution 24-07-67**, a Resolution Adopting and Approving a Summary Publication for Interim Ordinance 2023-03 an Ordinance Prohibiting the Operation of Hemp Businesses in the City under Minnesota Stat. 462.355, Subd. 4, for an additional 120 days

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE RESOLUTION 24-07-67, A RESOLUTION ADOPTING AND APPROVING A SUMMARY PUBLICATION FOR INTERIM ORDINANCE 2023-03 AN ORDINANCE PROHIBITING THE OPERATION OF HEMP BUSINESSES IN THE CITY UNDER MINNESOTA STAT. 462.355, SUBD. 4, FOR AN ADDITIONAL 120 DAYS

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. consider authorizing the payment of recommended bills, payroll, and journal entries for the period of June 19, 2024 to July 2, 2024
6. To consider **Resolution 24-07-58** a resolution approving the Memorandum of Understanding (MOU) between the City of Wyoming and the International Union of Operating Engineers, Local No. 49 regarding the Central Pension Fund
7. To consider **Resolution 24-07-59** a resolution declaring certain Administrative Department items as surplus property and authorizing the Administrative Department to dispose of such items through on-line auction or disposal process.
8. To consider **Resolution 24-07-60** a resolution establishing procedures relating to compliance with reimbursement bond regulations under the Internal Revenue Code.
9. To consider **Resolution 24-07-61** a resolution accepting the work and approving release of escrow for the Hunter Hill development
10. To consider **Resolution 24-07-62** a resolution approving Pay Voucher #2 to Northdale Construction Co., for the 2024 Trunk Watermain and Forcemain Improvements Project in the amount of \$252,082.69
11. ~~To consider a Mobile Food Unit permit for Melissa Wright of Maplewood Chic-Fil-A (pulled for separate discussion)~~
12. To consider Mobile Food Unit permit for Tammy Kuntz o Grandpa Mike's Pizza Rig
13. To consider reviewing an Earned Sick and Safe Time (ESST) Policy as required by Minnesota State Statute and Updating the Wyoming Personnel Policy to Reflect the addition of the approved policy
14. ~~To consider a quotation from BergankDVB for audit services to the City of Wyoming and Wyoming Fire Relief Association for the years 2024, 2025, and 2026. (pulled for separate discussion)~~
15. To accept the resignation of Rick Ahartz from the Wyoming Park Advisory Commission effective June 11, 2024

Council Member Nanko Yeager – Asked to pull item #14 for separate discussion

Council Member Luger – Asked to pull item #11 for separate discussion

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE #5, #6, #7, #8, #9, #10, #12, #13, and #15 OF THE WYOMING CITY COUNCIL CONSENT AGENDA

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

Voting Nay: None
Abstain: None
Absent: None

#11 - To consider a Mobile Food Unit permit for Melissa Wright of Maplewood Chic-Fil-A

Council Member Luger – Stated that she understood that this application met City ordinances, but explained that Chic-Fil-A has a history of discriminatory actions in their employment practices. She noted that she has been elected to support all members of the community so she could not support an application for a business that does not welcome or accept all members of the City and would prefer to wait to take action on this request until the City can see what efforts Chic-Fil-A put into their DEI programs.

#14 - To consider a quotation from BerganKDV for audit services to the City of Wyoming and Wyoming Fire Relief Association for the years 2024, 2025, and 2026.

Council Member Nanko Yeager – Noted that the pricing for the audit services have increased by 8.4% and stated that the previous contract approval had also included a hefty increase. She asked whether this should go out for an RFP due to these large increases in order for the City to check and see whether the pricing is fair or if the City can do better.

City Administrator Linwood – Explained that this increase was similar to what they saw for the last three and noted that the changes were identified in the staff report. He stated that the City can go out for RFPs anytime and if the council is interested in doing so staff can prepare that. The city has a good and professional relationship with BerganKDV. He noted that staff did not feel that the increases were substantial based on what they have seen in the past, and were recommending continuing to work with BerganKDV.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER IVERSON, TO APPROVE CONSENT AGENDA ITEM #11 - TO CONSIDER A MOBILE FOOD UNIT PERMIT FOR MELISSA WRIGHT OF MAPLEWOOD CHIC-FIL-A

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

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER IVERSON, TO APPROVE CONSENT AGENDA ITEM #14 TO CONSIDER A QUOTATION FROM BERGANKDV FOR AUDIT SERVICES TO THE CITY OF WYOMING AND WYOMING FIRE RELIEF ASSOCIATION FOR THE YEARS 2024, 2025, AND 2026

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:

16. Report of the Public Safety Director, Neil Bauer for June 26, 2024

17. Report of City Building Official, Fred Weck, IV for June 26, 2024

18. Report of City Attorney Tom Loonan for June 26, 2024

19. Report of City Engineer Mark Erichson, WSB for June 26, 2024

20. Report of Public Works Superintendent, Steve Reeves for June 27, 2024

COMMUNICATIONS:

21. Old Town Hall Park – Dog Park Update

Assistant City Administrator MacFarlane – Explained that the Old Town Hall Dog Park was completed and had officially opened on May 20, 2024.

Mayor Iverson - Asked if the dog park would be open year round.

Assistant City Administrator MacFarlane – Stated that they are planning to assess that decision, as they move forward into the winter months.

OLD BUSINESS: NONE

NEW BUSINESS

City Administrator Linwood – Explained that the representative from Rueter Walton had been delayed and asked the Council to move ahead on the agenda and discuss item #24 first, in order to allow time for him to arrive for the discussions.

#24. To consider **Resolution 24-07-65** a resolution expressing support for the proposed use of Tax Increment Financing (TIF) for an Affordable Housing Project by Duffy Development Company

City Administrator Linwood – Explained that this item is related to the possible construction of a new 63 unit senior apartment project, near Fairview. He noted that it will have to go through an MHFA application process and noted that if this project were to receive tax credits then the City would re-evaluate at that time and move through a formal TIF process. He introduced Mikaela Huot of Baker Tilly to give the Council a preliminary review of the information provided by the developer.

Mikaela Huot, Baker Tilly - Gave a summary of the initial TIF revenue projections for the project proposed by Duffy Development Company. She explained that the developer was seeking financing through Minnesota Housing and briefly reviewed the project finding, sources of funding, and qualifications for how TIF funding could be used as part of the project funding.

Council Member Nanko Yeager – Noted that at the work session where this was discussed, they were told that Ebenezer would be managing this facility and asked if that was still the case and if so, what it would be branded.

Mr. Duffy – Stated that Ebenezer would manage this facility as if it were all one facility, but it would have a different name.

Council Member Nanko Yeager – Explained that she supported some of what was included in the resolution, but could not support the use of TIF for this project.

Mayor Iverson – Asked the age of who would be able to rent these units.

Mr. Duffy – Stated that the units will be for 55+, but noted that generally, the people living there were older than that.

Mayor Iverson – Asked if in a project like this whether the developer would still pay for things like the various permits that go along with this type of project.

City Administrator Linwood – Stated that the City would still receive all the normal permit fees even if this project received the MHFA and TIF funding.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 24-07-65 A RESOLUTION EXPRESSING SUPPORT FOR THE PROPOSED USE OF TAX INCREMENT FINANCING (TIF) FOR AN AFFORDABLE HOUSING PROJECT BY DUFFY DEVELOPMENT COMPANY

Voting Aye: Schilling, Luger, Ohnstad, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: None

22. To consider Resolution 24-07-63 a resolution expressing support for the proposed use of Tax Increment Financing (TIF) for an Affordable Housing Project by Rueter Walton Development, LLC

23. To consider Resolution 24-07-64 a resolution regarding the support of a Housing Trust Fund application in connection with Reuter Walton Development, LLC

City Administrator Linwood – Explained that these two items was similar to the item that had just been discussed and was asking for a resolution of support for a potential TIF district if the project received the MHFA financing. He noted that staff considered this possible 72 unit affordable housing development as potential work force housing. He noted item #23 was related to the Chisago County HRA/EDA Housing Trust Fund that had been awarded to the project contingent upon support of the project by the City.

Mikaela Huot, Baker Tilly – Briefly reviewed the preliminary analysis for the proposed 72 unit work force housing project including project financing, sources/uses of funds, and qualifications.

Mayor Iverson – Asked what staff was hearing when they met with area businesses about why this type of housing was important.

City Administrator Linwood – Stated that the businesses have indicated that they are in support to have this type of housing available because they feel it will help their labor supply to have this type of housing available for their workers. He stated that he felt this type of housing will be helpful to have nearby for the area manufacturing businesses, but also for the hospital and other areas businesses.

Mayor Iverson – Asked if this project would still have to pay the various permit fees as discussed in the last item.

City Administrator Linwood – Confirmed that this development would have to pay for building permits and other things, such as water and sewer fees.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE RESOLUTION 24-07-63 A RESOLUTION EXPRESSING SUPPORT FOR THE PROPOSED USE OF TAX INCREMENT FINANCING (TIF) FOR AN AFFORDABLE HOUSING PROJECT BY RUETER WALTON DEVELOPMENT, LLC.

Voting Aye: Schilling, Luger, Ohnstad, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: None

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE RESOLUTION 24-07-64 A RESOLUTION REGARDING THE SUPPORT OF A HOUSING TRUST FUND APPLICATION IN CONNECTION WITH REUTER WALTON DEVELOPMENT, LLC

Voting Aye: Schilling, Luger, Ohnstad, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: None

25. To consider **Resolution 24-07-66** a resolution approving plans and specifications and authorizing advertisement for bids for Railroad Park Phase 2

Assistant City Administrator MacFarlane – Gave an overview of plans for Phase 2 in Railroad Park.

Council Member Nanko Yeager – Asked if there had been enough donations to cover the entire cost of Phase 2.

Assistant City Administrator MacFarlane – Stated that they currently have adequate donations to cover those costs.

Mayor Iverson – Expressed her appreciation to the Park Advisory Board for their work on the Railroad Park plans.

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 24-07-66, A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR RAILROAD PARK PHASE 2

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

Voting Nay: None

Abstain: None

Absent: None

26. To consider approving a License Agreement between Chisago County and the City of Wyoming to allow the installation and operation of radio antennas and associated equipment on the North Wyoming Water Tower for the County's Public Safety Communication Network

City Administrator Linwood – Explained that in 2018, the City had demolished a water tower located at the corner of 267th Street and Felton Avenue which was where this equipment had been located in the past. He stated that the County has indicated that they would now like to put this equipment back up on the City's north tower. He explained that the proposed agreement had been reviewed by staff and legal counsel and were in agreement that this would be the best for the County and for public safety of the people in the area to ensure that the communication was working well.

Mayor Iverson – Asked if the County would also lease space on the water tower like other entities have done with their equipment.

City Administrator Linwood – Explained that because this communication would be for the greater good of the City and County, they would not charge them to lease this space like they would for a private company.

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE A LICENSE AGREEMENT BETWEEN CHISAGO COUNTY AND THE CITY OF WYOMING TO ALLOW THE INSTALLATION AND OPERATION OF RADIO ANTENNAS AND ASSOCIATED EQUIPMENT ON THE NORTH WYOMING WATER TOWER FOR THE COUNTY'S PUBLIC SAFETY COMMUNICATION NETWORK

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

Voting Nay: None

Abstain: None

Absent: None

COUNCIL REPORTS:

Council Member Ohnstad – Noted that he had checked on the dog park and would give it 'Two Paws Up'.

Council Member Nanko Yeager – No report.

Council Member Luger – No report.

Council Member Schilling – No report.

Mayor Iverson – Attended the League of Minnesota Cities training last week. She congratulated Park Advisory Chair Spangler on his upcoming retirement.

City Engineer Erichson – Stated that the City expects bids back on July 31, 2024 for the 2024 Street Projects. He explained that he has had some conversations with contractors who have expressed some worry about being able to finish projects this year because of all the rain that the area had received. He asked the Council if they wanted to create some competition, within the specifications, that would allow contractors to start the project this year, but would also give some flexibility to finish the work in both 2024 and 2025, because it may provide better bid results.

Mayor Iverson – Asked for clarification of what City Engineer Erichson meant when he used the term 'finish'.

City Engineer Erichson – Explained that what he felt may attract more contractors is if the City would say that they may complete a portion of the project. He noted that the City would not allow it to be gravel over the winter, but if the contractor felt that they would not have time to get the urban sections done with curb and gutter, they could tackle the rural section and get that completed in 2024. He stated that his idea would be to provide the contractor with some flexibility, but the City would have some performance specifications built in. He noted that he felt comfortable with this approach but wanted to make sure that Council also felt comfortable providing some flexibility. He stated that he thinks it is also possible that they may find a contractor that will be able to come in and get it all done in 2024, but felt that giving this kind of flexibility would provide some competition and potentially get the City some better pricing as well.

Mayor Iverson – Asked how the assessment payments would work, for example if they only did a portion of the project in 2024.

City Engineer Erichson – Noted that many communities assess in advance of the improvement project.

Council Member Nanko Yeager - Confirmed that City Engineer Erichson had stated that the flexible approach would not leave anything half finished.

City Engineer Erichson – Stated that they may get to a position where they may have the base

course down and not the wearing course down, but it will be a hard surface and not gravel.

Council Member Nanko Yeager – Asked if not having the wear course down would cause any issues for the plow trucks.

City Engineer Erichson – Stated that it would not cause any issues for the plow trucks or the surface of the roadway. He noted that if they put curb and gutter down, they would want both layers or for it to be ramped so that is protected and not damaged by the plow trucks.

Council Member Nanko Yeager - Asked when the restoration would take place if the project were to be split between 2024 and 2025.

City Engineer Erichson – Stated that he would expect that if the project was started this year or very early in spring of 2025, he would expect that everything would be 70% vegetated in 2025.

There was consensus of the Council to support allowing for flexibility, as outlined by City Engineer Erichson, within the bid for the 2024 Street Improvement Project.

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER SCHILLING, TO ADJOURN THE JULY 2, 2024 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 7:56 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 16, 2024
7:00PM