

**AGENDA
CITY COUNCIL
WORK SESSION
CITY OF WYOMING, MINNESOTA
MAY 5, 2026
5:30 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

NEW BUSINESS:

1. Discussion regarding Minnesota State Flag

ADJOURN

ECKBERG LAMMERS

MEMO

To: City of Wyoming
From: Eckberg Lammers, City Attorney
Date: 5/1/2026
Re: Display of Minnesota State Flag

This memo shall provide a brief legal analysis of certain legal considerations associated with displaying flags at the City Hall and on City property. The memo is prepared in consideration of inquiries from citizens requesting the City consider flying the old design of the Minnesota State Flag adopted by the state legislature in 1983.

History of the Minnesota State Flag

Minnesota first adopted an official state flag in 1893, 35 years after being granted statehood. Between 1893 and 2024 the official flag was changed twice in 1957 and 1983. In 2023, the Minnesota Legislature established the State Emblems Redesign Commission tasked, in part, with proposing a new design to the Minnesota State Flag. The legislation provided that the commission's chosen flag would be adopted as the official Minnesota State Flag on May 11, 2024.

The commission welcomed public submissions for a new flag design and received over 2,100 proposals. The commission narrowed the submissions down to six finalists, from which one design was chosen. The chosen design was refined with the assistance of professional graphic designers and the North American Vexillological Association to create the five final designs for consideration by the commission. From those final proposals the commission selected one final design to be the official Minnesota State Flag. The commission's adopted design officially became the Minnesota State Flag on May 11, 2024 and remains the official flag of Minnesota today.

Legal Considerations

The 2024 flag design is established as the official state flag under Section 1.141 of Minnesota Statute. The Statute requires the official flag be flown on the State Capitol grounds between sunrise and sunset and directs the secretary of state to file a photograph of the flag and retain a sample design for public use.

There is no state law requirement for municipalities to display the official flag on City property and the City of Wyoming has not adopted any ordinance regarding the state flag. Thus, the decision whether to display the flag is solely within the discretion of the City Council. As of the date of this memo there are over a dozen municipalities that have chosen to continue to display the pre-2024 state flag design in lieu of the 2024 officially adopted flag.

The City is provided broad power to manage and control its municipal property and displays. When selecting which flags to hang at City property or fly on City flagpoles the City is generally engaging in government speech. Under the government speech doctrine, the City may express its own messages and is not required to maintain viewpoint neutrality as it would in a public forum. Thus, so long as the City's practices and policies reserve selection authority to the City, the City may be selective in which flags it chooses to display without creating a forum for private speech.

The City may subvert certain protections provided under the government speech doctrine if it allows private groups to request or sponsor flags at City properties or on City flag poles. Inviting private groups into the display process could open flag decisions to constitutional challenges. To avoid these challenges and mitigate the risk of litigation, the City should maintain clear procedure confirming that its flagpoles and building displays are for government speech only, with final decision being in the sole discretion of the City.

If the City chooses to display something other than the official Minnesota State Flag the City should be cognizant of groups who may argue the display conveys disfavored or exclusionary messages prompting potential viewpoint discrimination or equal protection claims. To avoid such claims, the City should not be dismissive of groups raising concerns but at all times the City should maintain decision-making authority based on clear, neutral and consistent policy relating to its chosen displays.

Finally, there is currently bill introduced at the Minnesota Legislature proposing a 10% cut to local government aid for cities flying the old design of the state flag. While the bill is not likely to gain any traction this legislative session, it demonstrates that the State Legislature has taken notice of the debate. The City should remain aware of any future legislation governing state flag displays on municipal property to ensure it remains compliant with state law.

Conclusion

The State of Minnesota adopted a new official state flag design on May 11, 2024. This flag is required to be flown at state government buildings and on the State Capitol grounds. There is no law requiring the City display the newly adopted state flag, or any flag at all. The City has broad discretion in determining what is displayed on City property. If the City chooses to deviate from displaying the official Minnesota State Flag it should provide clear and consistent policy regarding the displays on City property and ensure that all display decisions remain the sole authority of the City council.