

**APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
FEBRUARY 2, 2022
7:00PM**

CALL TO ORDER:

Mayor Lisa Iverson called the Regular Meeting of the Wyoming City Council for February 2, 2022 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, Dennis Schilling, and Claire Luger

ABSENT: None

Also Present: Tom Loonan, 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 Chuck Almhjeld, Public Works Superintendent

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 City Council for January 18, 2022

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 2, 2022 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.

2. To consider authorizing payment of recommended bills, payroll, and journal entries for the period of January 19, 2022 through February 2, 2022
3. To consider the resignation of Joe Kuskey from the Wyoming Fire Department

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE #2 AND #3 OF THE WYOMING CITY

COUNCIL CONSENT AGENDA

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:

4. Report of the Public Safety Director, Neil Bauer for January 25, 2022
5. Report of City Building Official, Fred Weck, IV for January 28, 2022
6. Report of City Attorney Tom Loonan for January 27, 2022
7. Report of City Engineer Mark Erichson, WSB for January 28, 2022
8. Report of Public Works Superintendent Chuck Almhjeld for January 27, 2022

City Administrator Linwood – Noted that Building Official Weck had provided the Council with the annual building report. He stated that in 2021, the City had 32 new homes built in the City and the Building Department had record revenues.

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS

9. To consider **Ordinance 2022-01**, an ordinance granting Northern States Power Company, a Minnesota corporation, its successors and assigns, permission to construct, operate, repair, and maintain in the City of Wyoming, an electric distribution system and transmission lines, including necessary poles, lines, fixtures, and appurtenances, for the furnishing of electric energy to the City, its inhabitants, and others and to use the public grounds and public ways of the City for such purposes.

City Administrator Linwood – Gave an overview of the numerous conversations that have been held on the potential franchise fee issue. He explained how franchise fees can be used to add and gain revenues for the City from the utility providers and noted that about 357 of the 853 cities in the State currently utilize franchise fees. He explained that the City has taken an aggressive approach to taking care of its roads and this would allow the City to continue with that aggressive approach. He stated that if the ordinances being proposed are approved, it would raise about \$290,000 each year. He noted that for an average resident home it would mean about \$62/year, versus \$72/year for a levy. He reminded the Council that they have been discussing this issue for a few years.

Council Member Schilling – Asked if the franchise fee revenue would remain dedicated to the CIP.

City Administrator Linwood - Explained that it would be dedicated to the street/road fund.

Council Member Nanko Yeager – Noted that City Administrator Linwood had stated that non-profits, such as government entities and schools would be included and asked if that included churches.

City Administrator Linwood – Confirmed that churches would be included.

Council Member Nanko Yeager – Suggested that the resolution language be changed in order to clarify that the funds would be dedicated to street reconstruction and reclamation and not maintenance.

City Attorney Loonan – Agreed that without broadening the definition within the resolution, future Councils could potentially interpret that item differently.

Council Member Nanko Yeager – Explained that she is not in favor of franchise fees and feels they are a hidden tax and would prefer to see them up front and not buried in her bills.

Council Member Luger – Noted that she would be in favor of tightening up the definition of maintenance so it is not misinterpreted in the future. She stated the Council has been working on this for a very long time and has attempted to have public engagement. She stated that she does not love this idea, but feels it is the most responsible, least expensive option for the City to consider.

Mayor Iverson – Stated that she believes this is transparent and will not be a hidden tax.

City Attorney Loonan – Stated that regarding the definition of maintenance as discussed, Ordinances 2022-04 and 2022-06 should be updated and read aloud his suggested language change.

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE ORDINANCE 2022-01, AN ORDINANCE GRANTING NORTHERN STATES POWER COMPANY A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR, AND MAINTAIN IN THE CITY OF WYOMING, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, LINES, FIXTURES, AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY, ITS INHABITANTS, AND OTHERS AND TO USE THE PUBLIC GROUNDS AND PUBLIC WAYS OF THE CITY FOR SUCH PURPOSES.

Voting Aye: Schilling, Luger, Ohnstad, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: None

- 10.** To consider **Ordinance 2022-02** an ordinance implementing an electric service franchise fee on Northern States Power Company, a Minnesota corporation, its successors and assigns, for providing electric service within the City of Wyoming.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE ORDINANCE 2022-02 AN ORDINANCE IMPLEMENTING AN ELECTRIC SERVICE FRANCHISE FEE ON NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, FOR PROVIDING ELECTRIC SERVICE WITHIN THE CITY OF WYOMING.

Voting Aye: Schilling, Luger, Ohnstad, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: None

- 11.** To consider **Ordinance 2022-03** an ordinance grant Northern States Power Company, a Minnesota corporation, its successors and assigns, permission to erect a gas distribution system for the purposes of constructing, operating, repairing, and maintaining in the City of Wyoming, the necessary gas pipes, mains, and appurtenances for

transmission or distribution of gas to the City and its inhabitants and others and transmitting gas into and through the City and to use the public grounds and public ways of the City for such purposes.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE ORDINANCE 2022-03 AN ORDINANCE TO GRANT NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSIONS AND ASSIGNS, PERMISSION TO ERECT A GAS DISTRIBUTION SYSTEM FOR THE PURPOSES OF CONSTRUCTING, OPERATING, REPAIRING, AND MAINTAINING IN THE CITY OF WYOMING, THE NECESSARY GAS PIPES, MAINS, AND APPURTENANCES FOR TRANSMISSION OR DISTRIBUTION OF GAS TO THE CITY AND ITS INHABITANTS AND OTHERS AND TRANSMITTING GAS INTO AND THROUGH THE CITY AND TO USE THE PUBLIC GROUNDS AND PUBLIC WAYS OF THE CITY FOR SUCH PURPOSES.

Voting Aye: Schilling, Luger, Ohnstad, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: None

12. To consider Ordinance 2022-04, an ordinance implementing a gas service franchise fee on Northern States Power Company, a Minnesota corporation, its successors and assigns, for providing gas service within the City of Wyoming.

City Attorney Loonan – Reiterated the proposed language changes to clarify that the funds are dedicated to street construction and removal of the word ‘maintenance’.

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE ORDINANCE 2022-04, AN ORDINANCE IMPLEMENTING A GAS SERVICE FRANCHISE FEE ON NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSIONS AND ASSIGNS, FOR PROVIDING GAS SERVICE WITHIN THE CITY OF WYOMING, WITH THE LANGUAGE CHANGES AS PROPOSED.

Voting Aye: Schilling, Luger, Ohnstad, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: None

13. To consider Resolution 22-02-15, a resolution adopting and approving a summary publication for ordinances 2022-01, 2022-02, 2022-03, 2022-04, that amend the City of Wyoming Code of Ordinances, Appendix I electric franchise Northern States Power Company

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE RESOLUTION 22-02-15, A RESOLUTION ADOPTING AND APPROVING A SUMMARY PUBLICATION FOR ORDINANCES 2022-01, 2022-02, 2022-03, 2022-04, THAT AMEND THE CITY OF WYOMING CODE OF ORDINANCES, APPENDIX I ELECTRIC FRANCHISE NORTHERN STATES POWER COMPANY.

Voting Aye: Schilling, Luger, Ohnstad, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: None

14. To consider Ordinance 2022-05, an ordinance granting to Conexus Energy, A Minnesota cooperative corporation, its successors and assigns, permission to construct,

operation, repair and maintain in the City, an electric distribution system and transmission lines, including necessary poles, lines, fixtures and appurtenances, for the furnishing of electric energy to the City, its inhabitants, and others, and to use the public grounds and public ways of the City for such purposes.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER IVERSON, TO APPROVE ORDINANCE 2022-05, AN ORDINANCE GRANTING TO CONEXUS ENERGY, A MINNESOTA COOPERATIVE CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATION, REPAIR AND MAINTAIN IN THE CITY, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, LINES, FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY, ITS INHABITANTS, AND OTHERS, AND TO USE THE PUBLIC GROUNDS AND PUBLIC WAYS OF THE CITY FOR SUCH PURPOSES.

Voting Aye: Schilling, Luger, Ohnstad, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: None

- 15.** To consider Ordinance 2022-06, an ordinance modifying the electric franchise fee on Conexus Energy for providing electric service within the City of Wyoming

City Attorney Loonan – Reiterated the proposed language change to clarify the use of the funds.

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE ORDINANCE 2022-06, AN ORDINANCE MODIFYING THE ELECTRIC FRANCHISE FEE ON CONEXUS ENERGY FOR PROVIDING ELECTRIC SERVICE WITHIN THE CITY OF WYOMING, WITH THE LANGUAGE CHANGES AS PROPOSED.

Voting Aye: Schilling, Luger, Ohnstad, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: None

- 16.** To consider Resolution 22-02-16, a resolution adopting and approving a summary publication for Ordinances 2022-05 and 2022-06, amending the City of Wyoming Code of Ordinances, Appendix J electric franchise Conexus Energy

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 22-02-16, A RESOLUTION ADOPTING AND APPROVING A SUMMARY PUBLICATION FOR ORDINANCES 2022-05 AND 2022-06, AMENDING THE CITY OF WYOMING CODE OF ORDINANCES, APPENDIX J ELECTRIC FRANCHISE CONEXUS ENERGY.

Voting Aye: Schilling, Luger, Ohnstad, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: None

- 17.** To consider approving a Request for Proposals (RFP) for a Construction Manager (CM) for the Wyoming Public Safety Building Project

City Administrator Linwood – Explained that the City has moved onto the design component for the Public Safety facility and are recommending moving forward with an RFP for a Construction Manager for the project. He noted that this is a very common practice for construction of facilities that are this large.

Council Member Schilling – Noted that based on his past experience, he believes this is the best way to proceed.

Council Member Nanko Yeager – She asked if the fee for this individual would be between \$223,600 and \$447,200.

Jonathan Loose, Wold Architects – Explained that is correct and is based on percentages that they see, but a bulk of those costs are built into the construction estimate that has already been put together. He noted that they do not anticipate it costing more than what was already budgeted for the project.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE A REQUEST FOR PROPOSALS (RFP) FOR A CONSTRUCTION MANAGER (CM) FOR THE WYOMING PUBLIC SAFETY BUILDING PROJECT

Voting Aye: Schilling, Luger, Ohnstad, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: None

18. To consider a Council Work Session meeting on water infrastructure on February 15, 2022 at 5:30 PM

City Administrator Linwood – Explained that this Work Session would be in order to review water quality, the current status of the infrastructure, and discuss the possible extension of services in certain areas of the City.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE A COUNCIL WORK SESSION MEETING ON WATER INFRASTRUCTURE ON FEBRUARY 15, 2022 AT 5:30 PM

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

Voting Nay: None

Abstain: None

Absent: None

COUNCIL REPORTS:

Council Member Ohnstad – No report.

Council Member Nanko Yeager – Attended the Sewer Commission meeting.

Council Member Luger – No report.

Council Member Schilling – No report.

Mayor Iverson – Attended the Sewer Commission meeting and toured the Sartell Public Safety building. She noted that she will be attending the upcoming League of Minnesota Cities advanced training. She congratulated Council Member Nanko Yeager for her Paul Harris Fellowship that was awarded to her from the Forest Lake Rotary Club.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO ADJOURN THE FEBRUARY 2, 2022 "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 7:33PM

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:
FEBRUARY 15, 2022
7:00PM