

**AGENDA
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
MARCH 15, 2022
7:00 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

"An opportunity for members of the public to address the City Council on items on/or not on the current agenda. Items requiring Council action maybe deferred to staff or Boards and Commissions for research and future Council Agendas if appropriate. You will be limited to three (3) minutes and we ask that you conduct yourself in a professional, courteous manner, and refrain from the use of profanity. Failure to abide by this policy may result in the loss of your privilege to speak".

1. Highway 8 Update - Joe Triplett, County Engineer/Director Public Works

APPROVAL OF MINUTES:

2. Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota City Council for March 1, 2022

SCHEDULED BID LETTINGS:

SCHEDULED PUBLIC HEARINGS:

3. To consider **Resolution 22-03-22** a resolution to vacate a portion of public right away property located within the Diamond Ridge Plat

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.

4. Consider authorizing the payment of recommended bills, payroll and journal entries for the period of March 2, 2022 through March 15, 2022
5. To consider **Resolution 22-03-23** a resolution to consider applying for the Minnesota DNR

Outdoor Recreation Grant Program to receive funding for improvements at Railroad Park

6. To consider **Resolution 22-03-24** a resolution declaring certain vehicles as surplus property for disposal and authorizing the Police Department to dispose of the vehicles through online auction
7. To consider the recommendation of the Wyoming Park Advisory Commission of Bruce Vukelich for the vacant commission seat
8. To consider the selection of Swenson's Lawncare and snow plowing for the 2022-2024 lawn mowing contract
9. To consider authorization for the advertisement of two seasonal Public Works employees

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

10. Report of the Public Safety Director, Neil Bauer, for March 10, 2022
11. Report of City Building Official, Fred Weck, IV for March 10, 2022
12. Report of the City Attorney, Tom Loonan, for March 9, 2022
13. Report of the Public Works Superintendent Chuck Almhjeld for March 9, 2022

COMMUNICATIONS:

OLD BUSINESS:

NEW BUSINESS:

14. Kraus Anderson Construction Management Services presentation for the City of Wyoming Public Safety Building Project
15. To consider **Resolution 22-03-25** a resolution approving Final Plat D-22-002 Diamond Ridge 2nd Addition located at 261st Street and Emerald Avenue by Beckman Custom Homes, LLC - Charles Beckman Property ID Numbers: 21.00040.01 - 21.00040.06
16. To consider **Resolution 22-03-26** a resolution approving a Final Plat D-22-001 Sunrise Riverbank located at East Viking Boulevard, Greenwood Golf Course Site by Northern Tier Development, LLC; Richard Morris Property ID Numbers: 21.00009.30, 21.00012.00, 21.10298.30, 21.10298.40, 21.10302.00, 21.10320.10, 21.10320.20, & 21.10320.30
17. To consider **Resolution 22-03-27** a resolution declaring a negative declaration of need for an Environmental Impact Statement (EIS) for Sunrise Riverbank Development

18. To review Sketch Plan D-22-004 Sunrise Riverbank – Commercial Lots located at East

19. To review a Sketch Plan D-22-003 Sunrise Riverbank – Residential Lots located at East Viking Boulevard, Greenwood Golf Course Site by Northern Tier Development, LLC;
Richard Morris Property ID Numbers: 21.10302.20, 21.10302.00, 21.10302.30
20. To consider **Ordinance 2022-07** an ordinance amending the City of Wyoming code of ordinances, Chapter 24, Peddlers and Solicitors
21. To consider **Resolution 22-03-28** a resolution adopting and approving a summary publication for ordinance 2022-07; an ordinance amending the City of Wyoming code of ordinances, Chapter 24, Peddlers and Solicitors
22. To consider **Ordinance 2022-08** an ordinance amending the City of Wyoming code of ordinances, Chapter 12, Businesses; Article III, Cigarettes/Tobacco Products
23. To consider **Resolution 22-03-29** a resolution adopting and approving a summary publication for ordinance 2022-08; an ordinance amending the City of Wyoming code of ordinances, Chapter 12, Businesses; Article III, Cigarettes/Tobacco Products
24. To consider **Resolution 22-03-30** a resolution reestablishing precincts and polling locations for the City of Wyoming, Minnesota
25. To consider the Wyoming city council entering a closed session under MN Statute 13D.03 to discuss labor negotiation strategies for a contract with the bargaining unit of Law Enforcement Labor Services

COUNCIL REPORTS:

ADJOURN

**DRAFT MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
MARCH 1, 2022
7:00PM**

CALL TO ORDER:

Mayor Lisa Iverson called the Regular Meeting of the Wyoming City Council for March 1, 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 February 15, 2022**

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR FEBRUARY 15, 2022 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 February 15, 2022**

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE THE MINUTES OF THE “WORK SESSION MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR FEBRUARY 15, 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.

3. To consider authorizing the payment of recommended bills, payroll, and journal entries for the period from February 16, 2022 through March 1, 2022
4. To consider the Memorandum of Agreement with the Minnesota Department of Health for the Wyoming Public Water System for Radium Compliance
5. To consider a letter of support for the Chisago County Hwy 8 Project for a Federal Raise Grant

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE #3, #4, and #5 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:

6. Report of the Public Safety Director, Neil Bauer for February 24, 2022
7. Report of City Building Official, Fred Weck, IV for February 24, 2022
8. Report of City Attorney Tom Loonan for February 24, 2022
9. Report of City Engineer Mark Erichson, WSB for February 25, 2022
10. Report of Public Works Superintendent Chuck Almhjeld for March 1, 2022

COMMUNICATIONS:

11. Wyoming Spring Medallion Hunt

Assistant City Administrator Saxe – Gave a brief overview of the upcoming Spring Medallion Hunt from March 7 – 11, 2022. He explained that a red train engine would be hidden somewhere in the City and one clue will be released each morning at 9:00 a.m. on the City's Facebook page. He stated that the winner will receive a \$100 gift card to Splitrocks, a free combo meal from McDonalds, a gold medal, and get to keep the red train engine.

OLD BUSINESS: NONE

NEW BUSINESS

12. To consider **Resolution 22-03-21** a resolution approving a Rezone (Z-22-001) Rural Residential II (R-2) to Commercial (C) Located at Lake Boulevard/Highway 8 and Hazel Avenue by Richard Gregory, Jr. Owner: Westkey Enterprises LLC, Property ID Number: 21-10721.10

Zoning Administrator/Building Official Weck – Explained the rezoning request and noted that staff and the Planning Commission are recommending approval.

Council Member Ohnstad – Asked about future plans for Hazel Avenue.

Zoning Administrator/Building Official Weck – Explained that when Highway 8 is reconstructed, Hazel Avenue will be a dead end right at the highway and there will be a backage road along the north side that will tie into Hamlet Avenue.

Council Member Nanko Yeager – Noted that she had been told that this property gets pretty wet in the spring and asked if the City had confirmed that there was at least 1 acre of buildable land on this parcel.

Zoning Administrator/Building Official Weck – Explained that as an existing lot, so even if it did not have 1 acre of buildable land, it would still be a legal non-conforming. They will need to provide an area for a Type 1 septic system but reiterated that for an existing lot, it does not matter if there is 1 acre of buildable land, because it would be buildable whether it was commercial or residential.

Mayor Iverson – Stated that this project works right in with the plans Chisago County has for Highway 8.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 22-03-21 A RESOLUTION APPROVING A REZONE (Z-22-001) RURAL RESIDENTIAL II (R-2) TO COMMERCIAL (C) LOCATED AT LAKE BOULEVARD.HIGHWAY 8 AND HAZEL AVENUE BY RICHARD GREGORY, JR. OWNER: WESTKEY ENTERPRISES, LLC, PROPERTY ID NUMBER: 21-10721.10.

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

Voting Nay: None

Abstain: None

Absent: None

13. To consider staff recommendation for construction management services for the Public Safety Project

City Administrator Linwood – Stated that the City received 7 proposals are part of the RFP process and reviewed the criteria staff used to review the proposals. He explained that staff is recommending moving forward with 2 of the proposals for interviews from Terra Construction and Kraus-Anderson.

Mayor Iverson – Asked if this cost had already been figured into the original project cost that has been discussed for the last year.

Paige Sullivan, Wold - Stated that there will be a cost on top of what had been factored in which is usually between 2-4% of the project cost. She explained that they have found that getting construction managers involved in the process early on can help save money for the project because of their expertise in the field.

Mayor Iverson – Asked why City staff could not take on the construction management duties.

Paige Sullivan, Wold – Stated that construction management really ends up as a full-time job to oversee a project of this magnitude.

The Council discussed the advantage to choosing a construction management firm that has experience in a public safety building and the duties of the firms.

Mayor Iverson – Expressed concern that Kraus-Anderson may be too big of a firm for this project. She stated that she has no problems with Terra Construction but would like the Council to

consider Bradbury Stamm Construction because one of the team members is someone from the community that she completely trusts.

Council Member Nanko Yeager – Noted that it appears as though the fees included in the RFPs are not the 2-4% of construction costs but between 4.6%-9.1%.

Council Member Schilling – Stated that he assumed that those were the contingencies built in.

City Administrator Linwood – Explained the fees and the potential extra costs, but noted that this could not be looked at as a hard cost, because most likely the project will see significant savings because of the construction management services rather than a general contractor.

Council Member Schilling – Stated that he feels using a construction manager will make the project run 100 times smoother and agrees that this will end up being a full-time duty. He stated that he also prefers a construction manager to a general contractor because they are hired as the City's representative to run the project. He stated that he has worked with, and likes, both firms that staff has recommended.

Council Member Luger – Stated that she is in support of interviewing both companies but noted that she felt that Kraus-Anderson may have the best of both worlds for this project.

Mayor Iverson – Noted that one other advantage of having a construction manager is to assist in navigating the supply chain issues that currently exist. She asked if the Council wanted to add interviews with any other companies or if they felt they were ready to choose a construction manager tonight.

The Council discussed the construction management firms, their preference for choosing one to work with the City tonight, or continuing with the interview process.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON TO APPROVE TERRA CONSTRUCTION AS THE CONSTRUCTION MANAGEMENT FIRM.

Motion died for lack of a second.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE KRAUS-ANDERSON AS THE CONSTRUCTION MANAGEMENT FIRM FOR THE PUBLIC SAFETY FACILITY.

Voting Aye: Schilling, Luger, and Ohnstad

Voting Nay: Nanko Yeager and Iverson

Abstain: None

Absent: None

There was Consensus of the Council to cancel the meeting set aside for interviewing construction management firms.

City Attorney Loonan – Noted that the Council has chosen Kraus-Anderson as the construction management firm, so a special meeting to ask interview questions was not necessary and suggested that Kraus-Anderson come to a future Council meeting to discuss details of the project.

Mayor Iverson – Noted that she is disappointed because she has major concerns about Kraus-Anderson because of the size of their firm.

City Administrator Linwood – Explained that they could set up a meeting with them at a future Council meeting to give a presentation and allow the Council the opportunity to ask the questions they have.

Mayor Iverson – Explained that even though Kraus-Anderson was not her first choice, she will

support them in this endeavor.

- 14.** To consider the hiring of Austin Rademacher as Building Inspector at Step 3 with a starting wage of \$32.41/hr. with a tentative start date of March 21, 2022

Zoning Administrator/Building Official Weck – Gave an overview of the background and experience of Austin Rademacher and noted that staff is recommending hiring him at a Step 3 with a 6 month probationary period.

Council Member Luger – Confirmed that this position was a replacement and not a new position.

Council Member Nanko Yeager – Noted that building inspections have been around 1,300/year and the City is still outsourcing planning services. She stated that she does not want to support an additional building inspector because with the increased levy this would be a way to cut the budget.

Mayor Iverson – Asked if the City were to cut the building inspector position what the effect would be on the City's budget.

City Administrator Linwood – Stated that it would not affect the budget or the levy, because this position is completely revenue based. He explained that most cities have an inspector that handles 1,000 inspections and currently Zoning Administrator/Building Official Weck is handling all of the zoning and administrative duties, receives more calls than anyone in the office, and is also out doing all the building inspections. He stated that the level of customer service to the residents should be considered and gave a brief overview of some of the upcoming projects in the City that will require inspections. 2021 was the busiest year the building department has had and 2022 is going to be busier. He commended Zoning Administrator/Building Official Weck for the extremely good job that he has been doing even though he has been stretched very thin.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO APPROVE THE HIRING OF AUSTIN RADEMACHER AS BUILDING INSPECTOR AT STEP 3 WITH A STARTING WAGE OF \$32.41/HR WITH A TENTATIVE START DATE OF MARCH 21, 2022.

Voting Aye: Schilling, Luger, Ohnstad, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: None

- 15.** To review and discuss a Pavement Management Study completed by WSB

City Engineer Erichson – Gave a brief overview of the reasons behind conducting a Pavement Management Study. He noted that staff wanted to get this information in the hands of the Council prior to the spring road tour.

Council Member Nanko Yeager – Asked if the outlook plans that go out to about 2025 take into account the City funding of the road levy and will only be getting a partial year of franchise fees.

City Administrator Linwood – Explained that there has always been a 5 year CIP and noted that it will be necessary, as always, to do analysis on these projects and make a determination on how aggressive to be for some of them. He noted that the CIP is always a fluid guiding document and it will be looked at in relation to the City's current financial situation.

- 16.** To consider scheduling a Wyoming City Council Work Session on March 15, 2022 at 5:30 PM

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE SCHEDULING A WYOMING CITY COUNCIL WORK SESSION ON MARCH 15, 2022 AT 5:30 PM.

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

COMMUNICATIONS:

COUNCIL REPORTS:

Council Member Ohnstad – Attended the Planning Commission and the Council Work Session.

Council Member Nanko Yeager – Attended the Sewer Commission Meeting and Aiden Head's Eagle Scout Court of Honor.

Council Member Luger – Attended the Council Work Session.

Council Member Schilling – Attended the Council Work Session.

Mayor Iverson – Attended the Council Work Session, the Planning Commission, the Sewer Commission, and Aiden Head's Eagle Scout Court of Honor.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER OHNSTAD, TO ADJOURN THE MARCH 1, 2022 "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 8:01PM.

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:
MARCH 15, 2022
7:00PM



Request for Council Action

Date: March 11, 2022

Presented to: Mayor Iverson and City Council Members

Presented by: Alex Saxe, Assistant City Administrator

Department: Administration

Reference: Public Hearing for Vacation of Public Right Away within the Diamond Ridge Plat

Method: New Business

Background Information:

At the February 15, 2022 City Council meeting, council passed a resolution setting a public hearing for the proposed vacation within the Diamond Ridge Plat.

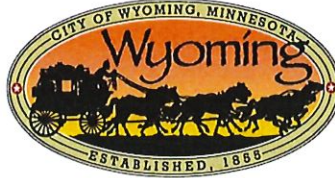
The vacation is needed within the final plat because there are 3 lots in a cul-de-sac. Staff have reviewed the vacation application submitted by Beckmann Custom Homes, LLC and are recommending the approval of the vacation of the public street, drainage and utility easements.

Request: To approve **Resolution 22-03-22** a resolution to vacate a portion of public right away property located within the Diamond Ridge Plat.



CITY OF WYOMING

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092
Phone: 651-462-0575 Fax: 651-462-0576



City of Wyoming
PO Box 188 26885 Forest Blvd
Wyoming, MN 55092
Phone 651-462-0575 Fax 651-462-0576

PUBLIC RIGHT OF WAY VACATION APPLICATION

Applicant Beckmann Custom Homes, LLC

Address 15827 Madison St. NE Ham Lake MN 55304
Street City State Zip

Telephone No. 612-599-6141 Fax No. --- Email Beckmanncustomhomes@gmail.com

I hereby petition the City Council of the City of Wyoming to vacate all of the following described public right of way.

☒ Street ☐ Alley ☒ Utility Easement
☒ Drainage Easement ☐ Other

Legal description of the area proposed to be vacated: *(Please note all legal descriptions shall be transmitted electronically in a Word documents to the City of Wyoming City Clerk)*

Within the Diamond Ridge Plat: All Right-of-Way, utility easements, and drainage easements (to be replaced with new Right-of-Way, utility easements, and drainage easements in the new Re-plat of Diamond Ridge). Full / formal description to be provided in Word.

Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water?

☐ Yes ☒ No

Please note if the area requested to be vacated terminates at or abuts upon any public water, no vacation shall be made unless written notice of the petition is served by certified mail upon the Commissioner of Natural Resources by the City of Wyoming thirty days before any Council action.

- Attach a copy of a survey showing in full detail, including the legal description of the area proposed to be vacated.
- Include the Vacation fee of \$175.00

Date Initiated 8-23-21 Signature Charles L. Beckmann
Charles L. Beckmann

Application # _____ OFFICE USE ONLY Date Application Received 8/23/21

Date Complete Application Received 8/23/21 120 Days --- By: [Signature]
Official

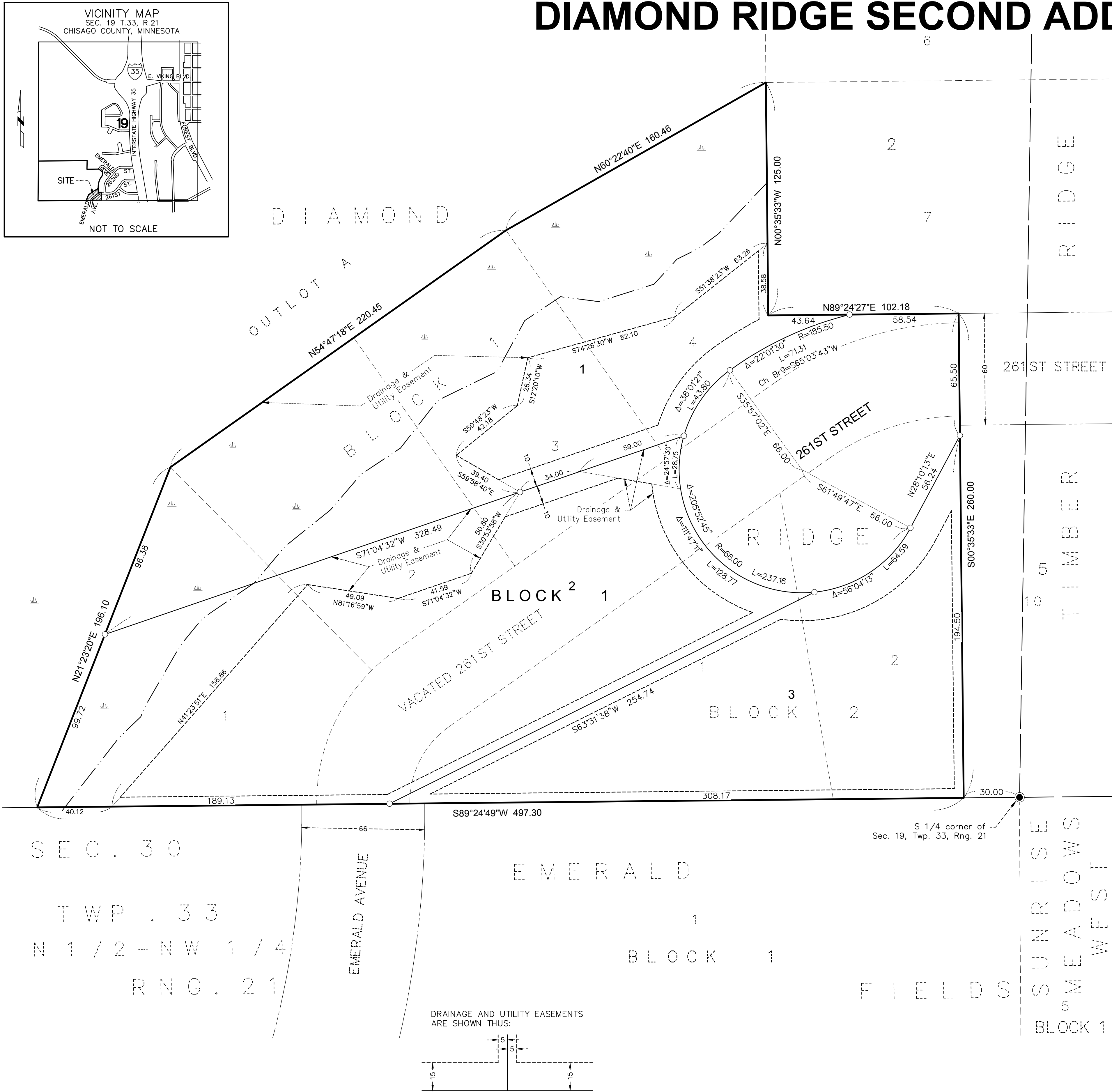
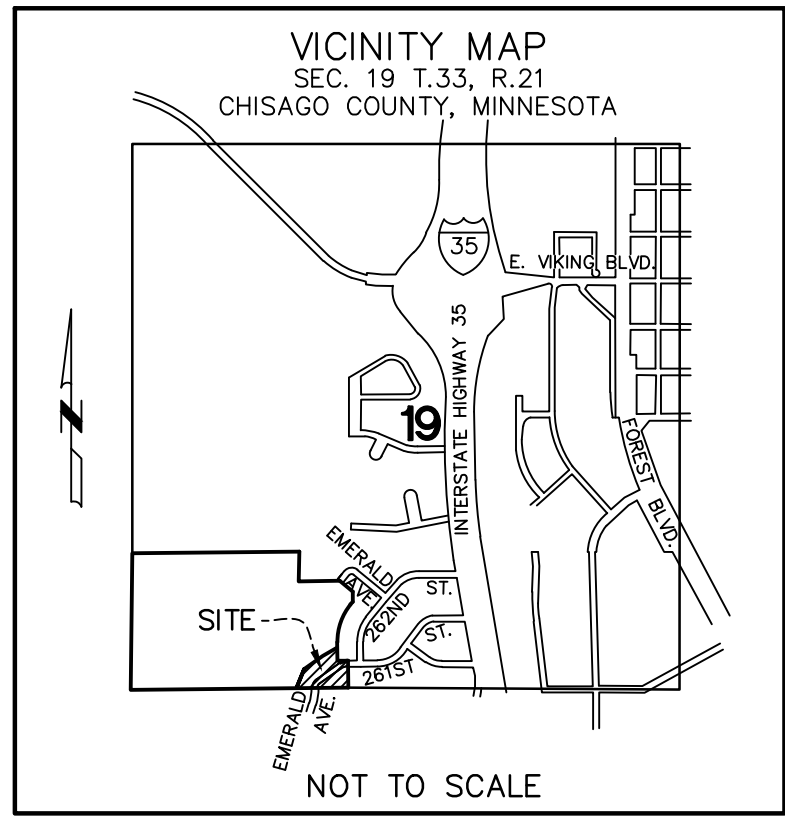
Fee \$175.00

Date Paid 8/23/21

Check # _____

DIAMOND RIDGE SECOND ADDITION

UNCHECKED PLAT
SUBJECT TO CHANGE
REVISED: 1/13/22



KNOW ALL PERSONS BY THESE PRESENTS: That Beckmann Custom Homes, LLC a Minnesota Limited Liability Company owner and proprietor of the following described property situated in the County of Chisago, State of Minnesota, to wit:

Lots 1, 2, 3 and 4, Block 1 and Lots 1 and 2 Block 2, DIAMOND RIDGE according to the plat thereof Chisago County, Minnesota, and vacated 261st Street in said plat.

Has caused the same to be surveyed and platted as DIAMOND RIDGE SECOND ADDITION and does hereby donate and dedicate to the public for public use forever 261st Street and the easements as shown on this plat for drainage and utility purposes only.

In witness whereof said Beckmann Custom Homes, LLC a Minnesota Limited Liability Company has caused these presents to be signed by its proper officer this ____ day of _____, 20____.

Charles L. Beckmann, President

STATE OF MINNESOTA
COUNTY OF _____
The foregoing instrument by Charles L. Beckmann, President of Beckmann Custom Homes, LLC a Minnesota Limited Liability Company, on behalf of the corporation was

acknowledged before me this ____ day of _____, 20____.

_____(signature)

_____(print name)

Notary Public, Minnesota
My Commission Expires 1/31/20____

I hereby certify that I have surveyed and platted or directly supervised the surveying and platting of the land described on this plat; this plat is a correct representation of the boundary survey; all mathematical data and labels are correctly designated on the plat; all monuments depicted on the plat have been or will be correctly set within one year; all water boundaries and wet land as of this date are shown and labeled; and all public ways are shown and labeled.

Shawn M. Kupcho, Land Surveyor
Minnesota Licensed Surveyor No. 49021

STATE OF MINNESOTA
COUNTY OF CHISAGO
The foregoing Surveyor's Certificate by Shawn M. Kupcho, Minnesota License No. 49021, was acknowledged before me this ____ day of _____, 20____.

_____(signature)

_____(print name)

Notary Public, Minnesota
My Commission Expires 1/31/20____

Approved by the City Council of the City of Wyoming, Minnesota, this ____ day of _____, 20____, and is in compliance with the provisions of Chapter 505.03, Subdivision 2, Minnesota Statutes.

Signed: _____ Mayor Signed: _____ Clerk

This plat was approved as to form and execution this ____ day of _____, 20____.

City of Wyoming Attorney

Pursuant to Chisago County Subdivision Ordinance Number 99-2, I hereby certify that this plat has been checked and approved as to compliance with Chapter 505, Minnesota Statutes this ____ day of _____, 20____.

Chisago County Surveyor

No delinquent taxes and transfer entered this ____ day of _____, 20____.

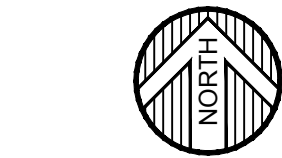
Chisago County Auditor

I hereby certify that the taxes for the year 20____ on the property described herein are paid this ____ day of _____, 20____.

Chisago County Treasurer

Document No. _____
I hereby certify that this instrument was filed in the Office of the County Recorder for record on this ____ day of _____, 20____, at ____ o'clock ____ M., and was duly recorded in the Chisago County Records.

Chisago County Recorder



0 30 60
1 INCH = 30 FEET

FOR THE PURPOSES OF THIS PLAT, THE BEARINGS ARE BASED ON THE CHISAGO COUNTY COORDINATE SYSTEM HARN GEODETIC POSITION NAD83 (1996)

● DENOTES A SECTION CORNER MONUMENT

○ DENOTES A SET 1/2" IRON PIPE MONUMENT W/CAP MARKED LS 49021

WETLAND DENOTES WETLAND

WETLAND DELINEATED BY WIDSETH JUNE 2020

WIDSETH
ARCHITECTS ■ ENGINEERS ■ SCIENTISTS ■ SURVEYORS

RESOLUTION NO. 22-03-22

**A RESOLUTION TO VACATE A PORTION OF PUBLIC RIGHT AWAY PROPERTY
LOCATED WITHIN THE DIAMOND RIDGE PLAT**

WHEREAS, Beckman Custom Homes, LLC submitted a vacation application to the City of Wyoming for the vacation of a public street, drainage and utility easements within the Diamond Ridge Plat; and

WHEREAS, the vacation application has been reviewed by city staff; and

WHEREAS, the City Council noticed and conducted a public hearing regarding the proposed vacation on March 15, 2022

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Wyoming hereby authorizes that public right away be vacated

Hereupon said Resolution was declared duly passed and adopted this 15th day of March 2022.

Lisa Iverson, Mayor

ATTEST:

Robb Linwood, City Administrator/Clerk

For Check Dates 03/01/2022 to 03/01/2022

Check Number	Name	Check Date
53094	PACIFIC LIFE INSURANCE	03/01/2022
Item Code	GL Number	Amount
ROTH	101-0000-21712	230.77
		<u>230.77</u>
53095	LAW ENFORCEMENT LABOR	03/01/2022
Item Code	GL Number	Amount
UNION POLICE	101-0000-21713	585.00
		<u>585.00</u>
53096	WI SCTF,	03/01/2022
Item Code	GL Number	Amount
WI CHILD SUPPOR	101-0000-21710	215.42
		<u>215.42</u>
EFT862	SELECTACCOUNT,	03/01/2022
Item Code	GL Number	Amount
DEP CARE	101-0000-21711	0.00
FSA CONT	101-0000-21711	0.00
HSA CITY CONT	101-0000-21707	0.00
HSA CONT	101-0000-21707	2,064.62
		<u>2,064.62</u>
EFT863	P.E.R.A.,	03/01/2022
Item Code	GL Number	Amount
CORD PERA	101-0000-21704	2,693.30
DCP PERA	101-0000-21704	0.00
DCP PERA MATCH	101-0000-21704	0.00
PERA CITY MATCH	101-0000-21704	3,107.65
PF PERA	101-0000-21704	3,913.92
PF PERA CITY	101-0000-21704	5,870.84
		<u>15,585.71</u>
EFT864	INTERNAL REVENUE SERVICE,	03/01/2022
Item Code	GL Number	Amount
FITW	101-0000-21701	7,037.88
MEDICARE_EE	101-0000-21703	1,028.93
MEDICARE_ER	101-0000-21703	1,028.93

For Check Dates 03/01/2022 to 03/01/2022

Check Number	Name		Check Date
SOCSEC_EE	101-0000-21703	2,464.26	
SOCSEC_ER	101-0000-21703	2,464.26	
		<u>14,024.26</u>	

EFT865 STATE OF MINNESOTA,

03/01/2022

Item Code	GL Number	Amount
SITW	101-0000-21702	3,208.76
		<u>3,208.76</u>

General Checking Account 10100**Total Amount Being Paid: \$35,914.54****Total Number of Checks: 7**

 Mayor Iverson

 Councilmember Luger

 Councilmember Nanko/Yeager

 Councilmember Schilling

 Councilmember Ohnstad

City of Wyoming Check Detail Register

1/10
March 11, 2022 02:56 PM
User: ssaxe
DR: Wyoming

03152022

Check # Invoice #	Check Date	Vendor Name	General Ledger #	Amount	Comment
53097	03/11/2022	ABDO FINANCIAL SOLUTIONS, LLC			
454375			101-1500-43000	PROFESSIONAL SE \$3,950.00	PROFESSIONAL SERVICE (GENERAL)
Total for ABDO FINANCIAL SOLUTIONS, LLC				\$3,950.00	
53098	03/11/2022	ADAM'S PEST CONTROL INC			
3442207			101-2110-42310	CONTRACTED SER \$42.95	CONTRACTED SERVICES
3442205			101-3100-42310	CONTRACTED SER \$42.95	CONTRACTED SERVICES
3442206			101-3100-42310	CONTRACTED SER \$70.22	CONTRACTED SERVICES
Total for ADAM'S PEST CONTROL INC				\$156.12	
53099	03/11/2022	ALEX SAXE			
02252022			101-5200-42190	SEASONAL ACTIVI \$31.21	SEASONAL ACTIVITIES
Total for ALEX SAXE				\$31.21	
53100	03/11/2022	ANDERSON - KOCH FORD			
88403			101-2110-43900	VEHICLE MAINTEN \$364.95	VEHICLE MAINTENANCE
Total for ANDERSON - KOCH FORD				\$364.95	
53101	03/11/2022	ASPEN MILLS			
290031			101-2110-44080	UNIFORMS \$160.00	UNIFORMS
Total for ASPEN MILLS				\$160.00	
53102	03/11/2022	AT & T MOBILITY			
03032022			101-2110-43200	COMMUNICATIONS \$1,064.82	COMMUNICATIONS (GENERAL)
Total for AT & T MOBILITY				\$1,064.82	
53103	03/11/2022	BCA/TRAINING DEVELOPMENT			
22006			101-2110-42080	TRAINING AND IN: \$125.00	
Total for BCA/TRAINING DEVELOPMENT				\$125.00	
53104	03/11/2022	BRIAN HOFFMEISTER			
03/10/2022			602-0000-11500	ACCOUNTS RECEIV \$182.00	Sewer Usage
			601-0000-11500	ACCOUNTS RECEIV \$43.65	Water Usage
Total for BRIAN HOFFMEISTER				\$225.65	
53105	03/11/2022	CAMPBELL KNUTSON			
3446-0000			101-1400-43040	ATTORNEY FEES \$31.00	ATTORNEY FEES
Total for CAMPBELL KNUTSON				\$31.00	

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Check # Invoice #	Check Date	Vendor Name	General Ledger #	Amount	Comment
53106	03/11/2022	CHISAGO LAKES JOINT SEWAGE TRE			
13153					
		602-9425-43890	SEWER PLANT FEE	\$45,520.56	TREATMENT CHARGES
Total for CHISAGO LAKES JOINT SEWA				\$45,520.56	
53107	03/11/2022	CONNEXUS ENERGY			
02252022					
		101-3100-43800	UTILITIES-GAS/ELI	\$33.86	LAKE DR & HEATH - ST LIGHTS
		101-2110-43800	UTILITIES-GAS/ELI	\$5.00	HAMLET DR
		101-2110-43800	UTILITIES-GAS/ELI	\$5.00	FALLBROOK SIREN
		101-3100-43860	STREET LIGHTS	\$15.45	250TH STREET NE SIGN
		101-2110-43800	UTILITIES-GAS/ELI	\$5.00	PIONEER RD
Total for CONNEXUS ENERGY				\$64.31	
53108	03/11/2022	CULLIGAN WATER CONDITIONING			
02152022					
		101-2110-42100	OPERATING SUPPL	\$199.90	OPERATING SUPPLIES
555845					
		101-3100-42310	CONTRACTED SER	\$32.60	CONTRACTED SERVICES
Total for CULLIGAN WATER CONDITIO				\$232.50	
53109	03/11/2022	CW TECHNOLOGY			
72946					
		101-2110-42000	SUPPLIES - OFFICE	\$107.50	SUPPLIES - OFFICE/COPY/COMPUTR
CW72238					
		101-1400-42090	NETWORK MUNICI	\$3,083.00	NETWORK MUNICIPAL COMPUTERS
Total for CW TECHNOLOGY				\$3,190.50	
53110	03/11/2022	DAN'S TOWING			
85839					
		202-2110-42310	CONTRACTED SER	\$172.00	TOWING
85955					
		202-2110-42310	CONTRACTED SER	\$160.70	TOWING
85956					
		202-2110-42310	CONTRACTED SER	\$160.70	TOWING
85984					
		202-2110-42310	CONTRACTED SER	\$160.70	TOWING
Total for DAN'S TOWING				\$654.10	
53111	03/11/2022	E.H. RENNER & SONS			
6913					
		601-9425-44390	REPAIRS & MAINT.	\$1,377.00	REPAIRS & MAINT. - WELLS
Total for E.H. RENNER & SONS				\$1,377.00	
53112	03/11/2022	ECKBERG LAMMERS P.C.			
28386					
		101-1400-43040	ATTORNEY FEES	\$125.00	GENERAL
		101-1400-43040	ATTORNEY FEES	\$819.00	MEETINGS
		101-1400-43040	ATTORNEY FEES	\$43.75	ATTORNEY FEES
Total for ECKBERG LAMMERS P.C.				\$987.75	

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Check # Invoice #	Check Date	Vendor Name	General Ledger #	Amount	Comment
53113	03/11/2022	ECM PUBLISHERS INC.			
878984					
	101-1400-43510	LEGAL NOTICE PUI		\$22.40	LEGAL NOTICE PUBLICATION
880170					
	101-1400-43510	LEGAL NOTICE PUI		\$30.80	LEGAL NOTICE PUBLICATION
Total for ECM PUBLISHERS INC.				\$53.20	
53114	03/11/2022	FACILICARE INC			
16895					
	101-5500-43600	CLEANING SERVIC		\$1,263.40	LIBRARY
	101-1400-43600	CLEANING SERVIC		\$299.00	CITY HALL/FIRE
	101-2110-43600	CLEANING SERVIC		\$299.00	POLICE
Total for FACILICARE INC				\$1,861.40	
53115	03/11/2022	FERGUSON WATERWORKS			
0489570					
	601-9425-42290	METERS		\$3,330.00	METERS
0489946					
	601-9425-44040	REPAIRS & MAINT.		\$112.30	REPAIRS & MAINT. - EQUIPMENT
0489967					
	601-9425-44490	WATERMAIN BREA		\$620.88	WATERMAIN BREAK
CM036211					
	601-9425-44490	WATERMAIN BREA		\$(178.88)	WATERMAIN BREAK
Total for FERGUSON WATERWORKS				\$3,884.30	
53116	03/11/2022	GOPHER STATE ONE CALL			
2020852					
	601-9425-44650	LOCATES (GOPHER		\$15.30	LOCATES (GOPHER STATE)
	602-9425-44650	LOCATES (GOPHER		\$15.30	LOCATES (GOPHER STATE)
	651-9425-44650	LOCATES (GOPHER		\$15.30	LOCATES (GOPHER STATE)
Total for GOPHER STATE ONE CALL				\$45.90	
53117	03/11/2022	H & L MESABI			
09760					
	101-3100-44040	REPAIRS & MAINT.		\$1,272.50	REPAIRS & MAINT. - EQUIPMENT
07653-1					
	101-3100-44040	REPAIRS & MAINT.		\$(103.00)	REPAIRS & MAINT. - EQUIPMENT
Total for H & L MESABI				\$1,169.50	
53118	03/11/2022	H & W FUND I.U.O.E LOCAL 49			
401382					
	101-0000-21706	HOSPITALIZATION		\$8,070.00	PREMIUMS
Total for H & W FUND I.U.O.E LOCAL 4				\$8,070.00	
53119	03/11/2022	HOLIDAY COMPANIES			
06010103220					
	101-2110-43900	VEHICLE MAINTEN		\$103.50	VEHICLE MAINTENANCE
Total for HOLIDAY COMPANIES				\$103.50	

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Check # Invoice #	Check Date	Vendor Name	General Ledger #	Amount	Comment
53120	03/11/2022	HOME DEPOT CREDIT SERVICES			
LATE FEE					
		101-3100-42400	SMALL TOOLS/MIN	\$11.00	SMALL TOOLS/MINOR EQUIPMENT
Total for HOME DEPOT CREDIT SERVICES				\$11.00	
53121	03/11/2022	HYDRAULICS PLUS & CONSULTING			
15154					
		101-3100-44040	REPAIRS & MAINT.	\$63.59	REPAIRS & MAINT. - EQUIPMENT
Total for HYDRAULICS PLUS & CONSULTING				\$63.59	
53122	03/11/2022	HYRKAS TRAINING LLC			
2002					
		101-2110-42080	TRAINING AND IN	\$622.75	TRAINING AND INSTRUCTION
Total for HYRKAS TRAINING LLC				\$622.75	
53123	03/11/2022	INNOVATIVE OFFICE SOLUTIONS			
IN3689439					
		101-3100-42000	SUPPLIES - OFFICE	\$46.22	SUPPLIES - OFFICE/COPY/COMPUTER
IN3689216					
		101-1400-42000	SUPPLIES - OFFICE	\$60.96	SUPPLIES - OFFICE/COPY/COMPUTER
Total for INNOVATIVE OFFICE SOLUTIONS				\$107.18	
53124	03/11/2022	MED COMPASS			
40812					
		101-2110-42310	CONTRACTED SER	\$3,285.00	CONTRACTED SERVICES
Total for MED COMPASS				\$3,285.00	
53125	03/11/2022	MENARDS- FOREST LAKE			
80103					
		101-2110-43900	VEHICLE MAINTEN	\$25.78	VEHICLE MAINTENANCE
80141					
		101-3100-44400	SALT & SAND	\$89.40	SALT & SAND
80559					
		101-3100-42100	OPERATING SUPPL	\$34.40	OPERATING SUPPLIES
80356					
		101-3100-42100	OPERATING SUPPL	\$68.90	OPERATING SUPPLIES
Total for MENARDS- FOREST LAKE				\$218.48	
53126	03/11/2022	MIDCONTINENT COMMUNICATIONS			
14463230112527					
		101-1400-43210	TELEPHONE	\$140.39	CITY HALL
		101-1400-42310	CONTRACTED SER	\$772.53	FIBER
		101-2110-43210	TELEPHONE	\$140.39	POLICE DEPT
		101-3100-43210	TELEPHONE	\$123.39	PUBLIC WORKS
		601-9425-43210	TELEPHONE	\$111.76	WELL
		602-9425-43210	TELEPHONE	\$76.00	LIFTSTATIONS
		101-1400-43210	TELEPHONE	\$48.89	TELEPHONE
		101-3100-43210	TELEPHONE	\$191.10	TELEPHONE
Total for MIDCONTINENT COMMUNICATIONS				\$1,604.45	

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Check # Invoice #	Check Date	Vendor Name	General Ledger #	Amount	Comment
53127 01-22/ 3/31/22	03/11/2022	MN DEPARTMENT OF HEALTH			
		601-0000-22810 SURCHARGE PAYA		\$3,553.00	WATER SUPPLY
		Total for MN DEPARTMENT OF HEALTH		\$3,553.00	
53128 ABR0278543X	03/11/2022	MN DEPT OF LABOR AND INDUSTRY			
		601-9425-43120 FEE (GOVERNMENT		\$10.00	FEE (GOVERNMENT-STATE)
		Total for MN DEPT OF LABOR AND IND		\$10.00	
53129 081454	03/11/2022	NAPA AUTO PARTS			
		101-3100-42100 OPERATING SUPPL		\$39.55	OPERATING SUPPLIES
		Total for NAPA AUTO PARTS		\$39.55	
53130 143229	03/11/2022	PETERSON'S NORTH BRANCH MILL			
		651-9425-42300 SAFETY EQUIPME		\$119.95	SAFETY EQUIPMENT
		Total for PETERSON'S NORTH BRANCH		\$119.95	
53131 105917893	03/11/2022	RICOH BUSINESS SYSTEMS			
		101-1400-42150 COPIER		\$146.23	CITY HALL
		101-2110-42240 MAINTENANCE CO		\$77.19	POLICE DEPT
		101-2110-42240 MAINTENANCE CO		\$20.71	FIRE DEPT
		Total for RICOH BUSINESS SYSTEMS		\$244.13	
53132 5064010983	03/11/2022	RICOH USA			
		101-2110-42240 MAINTENANCE CO		\$44.74	POLICE DEPT
		101-2110-42240 MAINTENANCE CO		\$93.35	FIRE DEPT
		101-1400-42150 COPIER		\$4.03	CITY HALL
		Total for RICOH USA		\$142.12	
53133 M27146	03/11/2022	TIMESAVER OFF SITE SECRETARIAL			
		101-1400-42310 CONTRACTED SER		\$154.00	CONTRACTED SERVICES
		101-1910-42310 CONTRACTED SER		\$198.13	CONTRACTED SERVICES
		Total for TIMESAVER OFF SITE SECRE		\$352.13	
53134 10105	03/11/2022	TOTAL CONTROL SYSTEMS			
		601-9425-42050 SOFTWARE UPGRA		\$1,500.00	SOFTWARE UPGRADES
		602-9425-42050 SOFTWARE UPGRA		\$1,500.00	SOFTWARE UPGRADES
		Total for TOTAL CONTROL SYSTEMS		\$3,000.00	
53135 59700	03/11/2022	TOTAL TESTING			
		101-1910-42310 CONTRACTED SER		\$305.00	CONTRACTED SERVICES
		Total for TOTAL TESTING		\$305.00	

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Check # Invoice #	Check Date	Vendor Name	General Ledger #	Amount	Comment
53136	03/11/2022	US BANK EQUIPMENT FINANCE			
466787066					
		101-2400-42000	SUPPLIES - OFFICE	\$162.00	SUPPLIES - OFFICE/COPY/COMPUTER
Total for US BANK EQUIPMENT FINANCE				\$162.00	
53137	03/11/2022	VERIZON			
9899679397					
		601-9425-43210	TELEPHONE	\$40.04	TELEPHONE
		602-9425-43210	TELEPHONE	\$40.04	MACHINE-TO-MACHINE
9900502433					
		101-2400-43210	TELEPHONE	\$82.96	TELEPHONE
		602-9425-43210	TELEPHONE	\$241.76	TELEPHONE
		601-9425-43210	TELEPHONE	\$241.76	TELEPHONE
		101-1400-43210	TELEPHONE	\$82.96	TELEPHONE
Total for VERIZON				\$729.52	
53138	03/11/2022	VICTORY AUTOMOTIVE SERVICE			
303241					
		101-2110-43900	VEHICLE MAINTENANCE	\$219.80	VEHICLE MAINTENANCE
803249					
		101-2110-43900	VEHICLE MAINTENANCE	\$73.72	VEHICLE MAINTENANCE
803325					
		101-2110-43900	VEHICLE MAINTENANCE	\$49.94	VEHICLE MAINTENANCE
Total for VICTORY AUTOMOTIVE SERVICE				\$343.46	

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Check # Invoice #	Check Date	Vendor Name	General Ledger #	Amount	Comment
53139	03/11/2022	AMAZON			
6449849	101-2110-42100	OPERATING SUPPL	\$19.27	OPERATING SUPPLIES	
5746637	101-2110-42100	OPERATING SUPPL	\$27.06	OPERATING SUPPLIES	
855459	101-2110-42100	OPERATING SUPPL	\$21.42	OPERATING SUPPLIES	
0747410	101-2110-42100	OPERATING SUPPL	\$46.13	OPERATING SUPPLIES	
5405845	101-2110-45800	OTHER EQUIPMEN	\$12.86	OTHER EQUIPMENT	
2897827	101-2110-42000	SUPPLIES - OFFICE	\$19.32	SUPPLIES - OFFICE/COPY/COMPUTR	
3821826	101-2110-42100	OPERATING SUPPL	\$75.15	OPERATING SUPPLIES	
5997003	101-2110-42100	OPERATING SUPPL	\$18.46	OPERATING SUPPLIES	
9274668	101-2110-42100	OPERATING SUPPL	\$42.92	OPERATING SUPPLIES	
9878618	101-2110-42000	SUPPLIES - OFFICE	\$134.21	SUPPLIES - OFFICE/COPY/COMPUTR	
02152022	101-2110-42100	OPERATING SUPPL	\$123.68	OPERATING SUPPLIES	
173144	208-2110-42230	CRIME PREVENTIC	\$398.65	CRIME PREVENTION	
16B41066E59501106	101-2110-42080	TRAINING AND IN'	\$200.00	TRAINING AND INSTRUCTION	
88991018NK4460031	101-2110-42080	TRAINING AND IN'	\$200.00	TRAINING AND INSTRUCTION	
63A21922GM9102126	101-2110-44330	DUES & SUBSCRIP	\$50.00	DUES & SUBSCRIPTIONS	
2WY17044MF995673V	101-2110-44330	DUES & SUBSCRIP	\$60.00	DUES & SUBSCRIPTIONS	
20220210	101-2110-42080	TRAINING AND IN'	\$250.00	TRAINING AND INSTRUCTION	
350548191	101-2110-42100	OPERATING SUPPL	\$2.65	OPERATING SUPPLIES	
VP_RXZKV8LV	101-2110-42100	OPERATING SUPPL	\$107.35	OPERATING SUPPLIES	
Total for VISTA PRINT				\$1,809.13	
53140	03/11/2022	AMAZON			
1549839	101-2110-45800	OTHER EQUIPMEN	\$29.18	OTHER EQUIPMENT	
Total for AMAZON				\$29.18	
53141	03/11/2022	WYOMING POST OFFICE			
9402	101-1400-43220	POSTAGE	\$9.90	POSTAGE	
Total for WYOMING POST OFFICE				\$9.90	

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Check # Invoice #	Check Date	Vendor Name	Amount	Comment
General Ledger #				
53142	03/11/2022	WEX BANK		
78474868				
	101-2400-42120	MOTOR FUELS	\$48.45	MOTOR FUELS
	101-2110-42120	MOTOR FUELS	\$244.73	MOTOR FUELS
	101-2110-42120	MOTOR FUELS	\$3,131.55	MOTOR FUELS
	101-3100-42120	MOTOR FUELS	\$1,414.02	MOTOR FUELS
	601-9425-42120	MOTOR FUELS	\$707.01	MOTOR FUELS
	602-9425-42120	MOTOR FUELS	\$707.00	MOTOR FUELS
Total for WEX BANK			\$6,252.76	
53143	03/11/2022	WHITE BEAR LOCKSMITH		
33474				
	101-1400-44010	REPAIRS & MAINT.	\$84.00	REPAIRS & MAINT. - BUILDINGS
Total for WHITE BEAR LOCKSMITH			\$84.00	
53144	03/11/2022	WSB		
01312022				
	408-3100-43030	ENGINEERING	\$603.50	2020 STREET IMPROVEMENT
	101-1400-43030	ENGINEERING	\$1,603.00	2022 GENERAL ENGINEERING
	651-1000-43030	ENGINEERING	\$111.00	2022 LGU SERVICES
	408-3100-43030	ENGINEERING	\$2,489.75	2021 STREET IMPROVEMENT
	101-1910-43150	PLANNER (COMP P	\$796.00	2022 COMP PLAN UPDATE
	800-0000-20532	SHORE VIEW TWO	\$217.50	WSB-SHORE VIEW TWO PRELIM PLAT VARIANCE
	800-0000-20569	DIAMOND RIDGE C	\$651.75	WSB-EMERALD AVE IMPROVEMENTS PROJECT
	408-3100-43030	ENGINEERING	\$103.00	BRIDGE 13506 REPLACEMENT
	602-9425-43000	PROFESSIONAL SE	\$154.50	E VIKING SANITARY SEWER IMPROVEMENTS
	800-0000-20577	NORTHERN TIER R	\$240.00	WSB-NORTHERN TIER REZONE
	800-0000-20584	NORTHERN TIER C	\$2,352.00	WSB-NORTHERN TIER DEVELOP EAW
	800-0000-20586	HALLBERG BINGHA	\$585.25	WSB-HALLBERG BINGHAM SITE PLAN ESCROW
	800-0000-20572	HEIMS LAKE VILLA	\$566.50	WSB-HEIMS LAKE VILLA NORTH SKETCH
	651-9425-43100	MS4 PERMIT - ENC	\$466.75	MS4 PERMIT - ENGINEERING
	601-9425-43030	ENGINEERING	\$3,748.50	RISK ASSESSMENT AND EMERGENCY RESPONSE P
	800-0000-20568	MOXNESS SUMMEF	\$217.50	WSB-SUMMER FIELDS ESCROW 1ST ADDITION
	800-0000-20568	MOXNESS SUMMEF	\$757.25	WSB-SUMMER FIELDS ESCROW 2ND ADDITION
	101-5200-44040	REPAIRS & MAINT.	\$1,697.50	WYOMING PARK SYSTEMS PLAN
	401-1000-45000	CAPITAL OUTLAY	\$51.50	WYOMING PUBLIC BUILDINGS SITE DESIGN
	408-3100-43030	ENGINEERING	\$28,151.25	2022 EAST VIKING BLVD IMPROVEMENT
Total for WSB			\$45,564.00	

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53145	03/11/2022	XCEL ENERGY			
768662619					
	101-3100-43800	UTILITIES-GAS/ELI		\$2,745.91	PARKS
	101-3100-43860	STREET LIGHTS		\$272.61	STOP LIGHTS
	601-9425-43800	UTILITIES-GAS/ELI		\$2,984.00	WELLHOUSE
	101-2110-43800	UTILITIES-GAS/ELI		\$1,380.52	POLICE/PUBLIC WORKS
	101-1400-43800	UTILITIES-GAS/ELI		\$1,501.04	CITY HALL
	101-5500-43800	UTILITIES-GAS/ELI		\$2,432.06	LIBRARY
	101-5200-43800	UTILITIES-GAS/ELI		\$548.19	UTILITIES-GAS/ELEC/SEWER/WATER
770048285					
	101-3100-43860	STREET LIGHTS		\$212.58	STOP LIGHTS
	101-3100-43860	STREET LIGHTS		\$125.41	STREET LIGHTS
	101-3100-43860	STREET LIGHTS		\$3,708.59	STREET LIGHTS
	101-3100-43860	STREET LIGHTS		\$1,169.56	STREET LIGHTS
	101-3100-43860	STREET LIGHTS		\$15.00	STREET LIGHTS
	101-3100-43860	STREET LIGHTS		\$119.92	STREET LIGHTS
	101-3100-43860	STREET LIGHTS		\$1,096.97	STREET LIGHTS
	101-3100-43860	STREET LIGHTS		\$24.39	STREET LIGHTS
	101-3100-43860	STREET LIGHTS		\$25.49	STREET LIGHTS
Total for XCEL ENERGY				\$18,362.24	

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		Comment

General Checking Account 10100
Total Amount Being Paid: \$160,347.79
Total Number of Checks: 49

Mayor Iverson

Councilmember Luger

Councilmember Nanko/Yeager

Councilmember Schilling

Councilmember Ohnstad



Request for Council Action

Date: March 11, 2022

Presented to: Mayor Iverson and City Council Members

Presented by: Alex Saxe, Assistant City Administrator

Department: Administration

Reference: MN Outdoor Recreation Grant

Method: Consent

Background Information:

At the February 15, 2022 City Council meeting, council authorized staff to apply for the MN Outdoor Recreation Grant. As part of the grant application the city council is required to adopt the attached resolution. The resolution grants Assistant City Administrator, Alex Saxe the authority to apply for the grant and execute any agreements with the DNR to implement the project if awarded grant money.

Request: To adopt **Resolution 22-03-23** a resolution to consider applying for the Minnesota DNR Outdoor Recreation Grant Program to receive funding for improvements at Railroad Park.



CITY OF WYOMING

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092
Phone: 651-462-0575 Fax: 651-462-0576

Resolution 22-03-23

**A RESOLUTION TO CONSIDER APPLYING FOR THE MINNESOTA DNR
OUTDOOR RECREATION GRANT PROGRAM TO RECEIVE FUNDING FOR
IMPROVEMENTS AT RAILROAD PARK**

BE IT RESOLVED that the City of Wyoming act as legal sponsor for the project contained in the Outdoor Recreation Grant application to be submitted on 31 March 2022 and that Alex Saxe is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of the City of Wyoming.

BE IT FURTHER RESOLVED that the applicant has read the Conflict of Interest Policy contained in the Outdoor Recreation Grant Program Manual and, upon discovery, certifies it will report to the State any actual, potential, or perceived individual or organizational conflicts of interest to the application or grant award.

BE IT FURTHER RESOLVED that the City of Wyoming has the legal authority to apply for financial assistance, and it has the financial capability to meet the match requirement (if any) and ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that the City of Wyoming has not incurred any development costs and has not entered into a written purchase agreement to acquire the property described in the Cost Breakdown section on this application.

BE IT FURTHER RESOLVED that the City of Wyoming has or will acquire fee title or permanent easement over the land described in the site plan included in the application.

BE IT FURTHER RESOLVED that, upon approval of its application by the State, the City of Wyoming may enter into an agreement with the State for the above-referenced project, and that the City of Wyoming certifies that it will comply with all applicable laws and regulations as stated in the grant agreement including dedicating the park property for uses consistent with the funding grant program into perpetuity.

NOW, THEREFORE BE IT RESOLVED that Alex Saxe, Assistant City Administrator is hereby authorized to execute such agreements as necessary to implement the project on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the City Council of the City of Wyoming on March 15, 2022.

CITY OF WYOMING

By: _____
Lisa Iverson, Mayor

ATTEST:

Robb Linwood, City Administrator/Clerk



March 9, 2022

Presented To: Mayor Iverson and City Council

Presented By: Chief Neil Bauer

Department: Public Safety

Reference: Disposal of Vehicles

Method: Consent Agenda

Background Information:

The public safety department has seven (7) vehicles that need to be disposed of through our online public auction process.

1. 2001 Subaru Legacy, VIN# 4S3BH675217648423. The vehicle was impounded on 12/06/2021 pursuant to arrest. The registered owner was sent notices to reclaim the vehicle on 12/13/2021 and again on 01/04/2022. The vehicle owner did not respond to the notice of impound or reclaim the vehicle. The police department has made reasonable attempts to notify the vehicle owner to reclaim the vehicle without success. The period to reclaim the vehicle and is now lapsed and is considered to be an unclaimed vehicle, therefor eligible for public auction. The vehicle will be auctioned through our public auction process with proceeds directed to the impound lot fund. (Case # 21-010521).
2. 2002 Pontiac Grand Prix, VIN# 1G2WP52K32F234851. The vehicle was impounded on 07/28/2021 after being found abandoned. The registered owner was sent notices to reclaim the vehicle on 09/22/2021 and again on 08/05/2021. The vehicle owner did not respond to the notice of impound or reclaim the vehicle. The police department has made reasonable attempts to notify the vehicle owner to reclaim the vehicle without success. The period to reclaim the vehicle and is now lapsed and is considered to be an unclaimed vehicle, therefor eligible for public auction. The vehicle will be auctioned through our public auction process with proceeds directed to the impound lot fund. (Case # 21-006413).
3. 1999 Dodge Dakota, VIN# 1B7GL22XXS186091. The vehicle was impounded on 07/19/2021 pursuant to arrest. The registered owner was sent notices to reclaim the vehicle on 08/05/2021 and again on 09/22/2021. The vehicle owner did not respond to the notice of impound or reclaim the vehicle. The police department has made reasonable attempts to notify the vehicle owner to reclaim the vehicle without success. The period to reclaim the vehicle and is now lapsed and is considered to be an unclaimed vehicle, therefor eligible for public auction. The vehicle will be auctioned through our public auction process with proceeds directed to the impound lot fund. (Case # 21-006181).
4. 1992 Dodge Dakota, VIN# 1B7FL26X2NS684532. The vehicle was impounded on 08/25/2021 after being involved in a crash. The registered owner was sent notices to reclaim the vehicle on 08/25/2021 and again on



PUBLIC SAFETY

P.O. Box 188, 7665 Wyoming Trl., Wyoming, MN 55092
Phone: 651-462-0577 Fax: 651-462-0506

01/04/2022. The vehicle owner did not respond to the notice of impound or reclaim the vehicle. The police department has made reasonable attempts to notify the vehicle owner to reclaim the vehicle without success. The period to reclaim the vehicle and is now lapsed and is considered to be an unclaimed vehicle, therefore eligible for public auction. The vehicle will be auctioned through our public auction process with proceeds directed to the impound lot fund. (Case # 21-007045).

5. 2006 Chevrolet Trailblazer, VIN #1GNDT13S262102352. The vehicle was impounded on 10/28/2021 after being found abandoned. The registered owner was sent notices to reclaim the vehicle on 11/02/2021 and again on 11/22/2021. The vehicle owner did not respond to the notice of impound or reclaim the vehicle. The police department has made reasonable attempts to notify the vehicle owner to reclaim the vehicle without success. The period to reclaim the vehicle and is now lapsed and is considered to be an unclaimed vehicle, therefore eligible for public auction. The vehicle will be auctioned through our public auction process with proceeds directed to the impound lot fund. (Case # 21-009015).
6. 2006 Honda CRV, VIN #JJHLRD788X6C021852. The vehicle was being used for department use for surveillance and other purposes however is not be utilized at this time. The vehicle will be auctioned through our public auction process with proceeds directed to the Capital Equipment Fund.
7. 2001 Ford F350, VIN # 3FTSF31L71MA69333. This vehicle was being utilized as a grass truck for the fire department and was replaced in 2021. The vehicle has had all accessories removed and is no longer being utilized at this time. The vehicle will be auctioned through our public auction process with proceeds directed to the Capital Equipment Fund.

Recommendation:

It is my recommendation that the City Council authorize the disposal of these vehicles through our online public auction process.



Neil D. Bauer, Ed.D.
Public Safety Director



PUBLIC SAFETY

P.O. Box 188, 7665 Wyoming Trl., Wyoming, MN 55092
Phone: 651-462-0577 Fax: 651-462-0506

RESOLUTION 22-03-24

A RESOLUTION DECLARING CERTAIN VEHICLES AS SURPLUS PROPERTY FOR DISPOSAL AND AUTHORIZING THE POLICE DEPARTMENT TO DISPOSE OF THE VEHICLES THROUGH ONLINE AUCTION

WHEREAS, the City of Wyoming has a policy of impounding vehicles for lawful violations and if unclaimed or forfeited selling said vehicles at auction

WHEREAS, the Wyoming Police Department has filed the appropriate documents with Chisago County Courts to clear title on the following vehicles so that they may be sold/disposed of

WHEREAS, the following vehicles are now eligible to be declared surplus property of the City of Wyoming for sale or recycling through an online auction or disposed of as scrap:

The following vehicles will be posted on the Minnesota State Surplus on-line auction:

2001 Subaru Legacy
2002 Pontiac Grand Prix
1999 Dodge Dakota
1992 Dodge Dakota
2006 Chevrolet Trailblazer
2006 Honda CRV
2001 Ford F350

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYOMING, MINNESOTA authorizes the Police Department to sell/dispose of these vehicles through an Online Auto Auction with the net proceeds to be distributed to the Wyoming Police Department's Impound Lot Fund and Capital Equipment Fund

ALSO THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYOMING, MINNESOTA, also authorize the Mayor and the City Administrator to sign the necessary documents to transfer the vehicles from the City to the new owners as required.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF WYOMING THIS 15TH DAY OF MARCH, 2022.

CITY OF WYOMING

By: _____
Lisa Iverson, Mayor

ATTESTED:

Robb Linwood, City Administrator/Clerk



Dear Mr. Linwood,

I am writing to express my interest in serving on the Park Advisory Commission. I was advised by one of the current members to contact you directly. I am a current resident of the city and have been a resident since 2008. I have an interest in keeping our city parks the best they can be for our community. Please consider me for this position and if you need any further information from me in this regard.

Respectfully,
Bruce Vukelich
5481 245th St.



CITY OF WYOMING

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092
Phone: 651-462-0575 Fax: 651-462-0576



Request for Council Action

Date: March 9th, 2022

Presented to: Mayor Iverson and City Council Members

Presented by: Chuck Almhjeld, Public Works Superintendent

Department: Public Works

Reference: Lawn Mowing 2022-2024

Method: Consent

Background Information:

The City of Wyoming Mowing contract was last awarded for the year 2021. With the current contract expired the city put out advertisements for companies to respond to a Request for Proposals (RFP) for Lawn Services for the 2022 through 2024 mowing seasons. We created an RFP for the selected parks, lift stations, well houses and right of ways that need mowing within the City of Wyoming. On Friday, February 25th, 2022 at 10:00 am all interested companies were invited to city hall to discuss the proposal and then received a tour of all listed areas to be mowed as described. It was then explained to the companies that sealed bids would be due by 10:00 A.M March 4th, 2022 at Wyoming City Hall. All received bids for this project were then opened immediately after 10:00 on the same day at Wyoming City hall. The City received two bids for the lawn services for 2022-2024 as follows:

Company	2022 Bid Amount	2023 Bid Amount	2024 Bid Amount	3-Year Total
Swensons Lawn Care	\$39,038.91	\$39,038.91	\$39,038.91	\$117,116.73
Precision Property Maintenance	\$73,590.00	\$73,590.00	\$73,590.00	\$220,770.00

Recommendation:

Staff recommends approval of the 3 year bid from Swenson's Lawn Care in the amount of \$39,038.91 per season with the total being \$117,116.73 for the three years.



CITY OF WYOMING

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092
Phone: 651-462-0575 Fax: 651-462-0576



**2022-2024 LAWN MOWING
AGREEMENT**

AGREEMENT: This Agreement, made this ____ day of _____, 2022 by and between _____ and the City of Wyoming "City".

1. **SERVICES:** The City hereby agrees to engage the services of the Contractor to furnish the lawn mowing and yard trimming (Exhibit A) and the Contractor agrees to perform such services to acceptable professional standards and for the compensation herein set forth.
2. **TERM:** This Agreement shall commence April 18th, 2022_____ and shall

Continue in effect thereafter for a successive 26-week period annually ending on or about October 14th, 2024.
3. **COMPENSATION:** The City shall compensate the Contractor based on the mowing schedule listed on Exhibit B. In the event that the Contractor and City of Wyoming mutually agree to reduce or increase the number of weeks for the contract year of 2022 the compensation will be reduce or increased by the indicated cost per mowing per site as seen on Exhibit B.
4. **PROBATIONARY REVIEW:** During the first six (6) months of the Agreement, the City shall have the ability to immediately terminate this Agreement at any time, without reason, with written notice to Contractor.
5. **TERMINATION:** Notwithstanding any other section or provision of this Agreement, either party may terminate this Agreement upon thirty (30) days written notice, at any time, without reason, to the other party's representative at its respective address. No notice shall be due for termination for cause. "Termination for cause" shall include, but not be limited to, breech of confidential or premises security.
6. **CHANGE IN WORK PERFORMED:** The compensation is based upon the areas to be serviced and the frequency of service outlined in Exhibit A. If there are changes in area or services, the City agrees to negotiate a reasonable price adjustment with the Contractor.

7. **MODIFICATION:** The parties may from time to time request changes in this Agreement. Such changes, including any increase or decrease in the Contractor's compensation which are mutually agreed upon by and between the City and the Contractor, shall be effective when incorporated in written amendments to this Agreement.

8. **INSURANCE:** The City of Wyoming will be requiring the Contractor to execute and deliver unto Wyoming a Certificate of Insurance for Public Liability, General Liability, Worker's Compensations and Minnesota "no-fault" coverage, covering all vehicles and equipment and all operations to be performed by the Contractor pursuant to the Agreement. Such insurance shall provide at least the following coverage:

a. **PUBLIC LIABILITY INSURANCE:** Including general liability, automobile and inland marine:

- i. At least \$1,000,000 when the claim is one for death by a wrongful act or omission and \$1,000,000 to any claimant in any other case including, but not limited to, claims for bodily injury, death or property damage;
- ii. \$1,000,000 for any number of claims arising out of a single occurrence whether for bodily injury, death, or property damage.
- iii. Liability insurance shall include contractual liability coverage, covering all obligations of the Contractor under this Agreement and shall name Wyoming, its elected officials, employees, and agents as additional insured.
- iv. Liability insurance policy shall provide the City of Wyoming with at least thirty (30) days written notice of cancellation of the policy.

b. **WORKERS COMPENSATION INSURANCE:** Covering all employees of the Contractor, if any, engaged in the performance of the Agreement, in accordance with the Minnesota Workers Compensation law.

The Contractor's insurance of the above amounts and coverage shall be maintained at all times for the duration of the Agreement. The insurance company or agent for the company shall provide Wyoming with thirty (30) day's

policies. A certificate of insurance shall be filed with the City Clerk evidencing insurance coverage as set forth above.

- 9. CONTRACTOR INDEMNITY:** Contractor agrees to defend, indemnify and hold harmless Wyoming, its elected officials, Council Members, its officers, employees and agents (collectively referred to as "Indemnities") from and against, and shall reimburse each such indemnity for any, and all loss, claim, liability, damage, judgment, penalty, injunctive relief, cost, attorney's fees, expense, action or cause of action imposed by law or principal of common law or equity in connection with the Agreement and arising out of or relating in any way to the activity or inactivity of Contractor, its predecessor, or anyone acting through or on behalf of the Contractor.
- 10. AUDITS:** The books, records, documents, and accounting procedures and practices of the Contractor or other parties relevant to this Agreement are subject to examination by the City and either Legislative Auditor or the State Auditor for a period of six months after the effect date of this Agreement.
- 11. INDEPENDENT CONTRACTOR:** The parties intend that the Contractor in performing services herein specified shall act as an independent contractor and shall have control over the work and the manner in which it is performed. Contractor shall be responsible for all taxes, including sales tax, created by the execution and implementation of this agreement.
- 12. CONTRACTOR'S EMPLOYEES:** It shall be understood and agreed that during the term of this Agreement all individuals performing duties on behalf of the Contractor shall be listed with the City. All employees must be legally eligible to perform work under State and Federal law.
- 13. HOLIDAYS:** The Contractor is not obligated to perform services on the following statutory holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Veterans' Day; Thanksgiving Day; the day after Thanksgiving; and Christmas Day.
- 14. CONFLICTS:** No salaried officer or employee of the City and no member of the Board of the City shall have a financial interest, direct or indirect, in this Agreement. The violation of this provision rendered the Agreement void. Any federal regulation and applicable state statutes shall not be violated.

15. CLAIMS: To receive any payment on this Agreement, the invoice or bill must include the following signed and dated statement: "I declare under penalty of perjury that this account, claim or demand is just and correct and that no part of it has been paid."

16. LIMITATIONS OF REMEDIES: In the event of a breach of the Agreement by the City, Contract shall not be entitled to recover punitive, special or consequential damages for loss of business.

17. APPLICABLE LAW: This Agreement shall be governed by the laws of the State in which services are performed. If any provision in this Agreement is held by any court to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force.

18. DATA PRACTICES ACT: Contractor shall at all times abide by the Minnesota Government Data Practices Act, Minn. Stat. §13.01, et seq., to the extent that the Act is applicable to data and documents in hands of Contractor.

19. DISCRIMINATION: In performance of this Agreement, Contract shall not discriminate on the grounds of or because of race, color, creed, religion, national origin, sex, marital status, status with regards to public assistance, disability, sexual orientation, or age against any employee of Contract, any subcontractor or it, or any applicant for employment. Contractor shall include a similar provision in all contracts with subcontractors to this Agreement. The Contractor further agrees to comply with all aspects of the Minnesota Human Rights Act, Minn. Stat. §363.01, et. Seq., Title VII of the Civil Rights Act of 1964, and the Americans with Disability Act of 1990.

20. ENTIRE AGREEMENT: This Agreement contains the entire Agreement between the Contractor and the City. All prior negotiations between the parties are merged in this Agreement, and there are no understandings or agreements other than those incorporated herein. This Agreement may not be modified except by written instrument signed by both parties.

Both parties indicate their approval of this Agreement by their signature below and each party warrants that all corporate or governmental action necessary to bind the parties to the terms of this agreement has been taken.

Dated: _____ 2022

CITY OF WYOMING

By _____

Lisa Iverson, Mayor

By _____

Robb Linwood, City Administrator/Clerk

Dated: _____ 2022

_____.

By _____

(Owner Signature)

Its _____

(Company Title)

STATE OF MINNESOTA)

) ss

COUNTY OF CHISAGO)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by Lisa Iverson, Mayor and Robb Linwood, City Administrator/Clerk of the City of Wyoming, a Minnesota municipal corporation, on behalf of the corporation

Notary Public

STATE OF MINNESOTA)

) ss

COUNTY OF CHISAGO)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____ a Minnesota company established under the rules of the State of Minnesota on behalf of the company.

Notary Public



Request for Council Action

Date: March 9th, 2022

Presented to: Mayor Iverson and City Council Members

Presented by: Chuck Almhjeld, Public Works Superintendent

Department: Public Works

Reference: Advertising for Seasonal Employees

Method: Consent

Background Information:

The 2022 summer maintenance activities will be upon us in a couple months. Public Works budgets for two seasonal employees for the summer months. The approximate date is May to August depending on the employee's schedule with activities such as college. Parks have been the main focus in the past. Public Works has identified other responsibilities we would like to assign to the seasonal employees such as jetting assistant for sewer, crack filling of trails, and catch basin cleaning for storm water.

Recommendation:

Staff recommends advertising for Two Seasonal Employees at \$13.00-\$15.00 per hour depending on experience.



CITY OF WYOMING

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092
Phone: 651-462-0575 Fax: 651-462-0576



Council Report

March 10, 2022

Mayor Iverson and City Council Members

Re: Public Safety Activity Report, March 15, 2022, City Council Meeting

Strategic Planning Process: On March 9, 2022, the police department met for an all staff meeting. One of the objectives of that meeting was to conduct a SWOT analysis for a variety of focus areas. Staff identified strengths, weaknesses, opportunities and threats for each of these focus areas:

Buildings/Facilities	Community Building	Community Education	Community Engagement
Community Outreach	Community Partnerships	Community Trust	Data/Information
Employee Retention	Equipment	Innovations	Organizational Culture
Organizational Knowledge	Political Environment	Public Perception	Recruitment
Regulatory	Social Media	Staffing	Succession Planning
Technology	Training	Wellness	



The ultimate objective will be to develop the tactics for achieving priorities for the remainder of 2022 and into 2023. We want to thank the Chisago County Sheriff's Office for providing law enforcement coverage for the City of Wyoming for the duration of the meeting.



PUBLIC SAFETY

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Community Outreach Event: The 2022 Wyoming Police Department Bike Rodeo is scheduled for May 21, 2022, from 9 AM – 11 AM at the Wyoming Elementary parking lot. This has been a well-attended event in the past and after an extended winter, it will be great to see everyone.



Neil D. Bauer, Ed.D.
Public Safety Director



PUBLIC SAFETY

P.O. Box 188, 7665 Wyoming Trl., Wyoming, MN 55092
Phone: 651-462-0577 Fax: 651-462-0506



March 10, 2022
Honorable Mayor and City Council
City of Wyoming
26885 Forest Boulevard
Wyoming, MN 55092

RE: MARCH 15, 2022 CITY COUNCIL MEETING

Dear Mayor and Council Members:

This letter is intended to summarize on-going commercial building projects and zoning issues within the City. Some of these items may be separate agenda matters, while others are for informational purposes only.

Hallberg RV Storage Site

The steel building components are being delivered to the site. The floor slab for the two northernmost buildings have been placed. All footings and the foundations for the buildings are in, site grading is near completion.

Hallberg Bingham Site

The building and grading permits have been issued.

Gopher State Mini-Storage

Work is complete on the second storage building. The final grade and hardscaping are still remaining.

Maranatha Radio Tower

The fence surrounding the tower site is partially installed and will be completed by spring.

New Homes

31 new home permits were issued in 2021. In 2022, as of the writing of this report, 12 new home permits have been issued and 5 more have been applied for and are waiting for plan review.

Planning Commission

The Planning Commission reviewed the final plats of Diamond Ridge Second Addition and Sunrise Riverbank. These two plats are agenda items that will require City Council approval. The Planning Commission reviewed the sketch plans for the Sunrise Riverbank residential and commercial sites. These two items do not require action by the City Council; they are being presented for information and comment only.

Sincerely,

Frederick E. Weck, IV
Zoning Administrator
Building Official #1825
Advanced Septic Inspector, MPCA #C5199
City of Wyoming



DEPARTMENT OF BUILDING SAFETY

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092

Phone: 651-462-4947 Fax: 651-462-3938



**ECKBERG
LAMMERS**
ATTORNEYS AT LAW

www.eckberglammers.com

Writer's Direct Dial:
(715) 808-8842

Writer's Email:
tloonan@eckberglammers.com

March 9, 2022

Robb Linwood
City of Wyoming
26885 Forest Boulevard
Wyoming, MN 55092

Delivered via Email

Re: City of Wyoming
Status Update for the Period of – February 25, 2022 – March 9, 2022

Dear Robb:

Our office is assisting the City in responding to legal concerns relating to general real estate matters and upcoming development projects in the City. We are advising the City on questions regarding City contracts and employment matters. We continue our general counsel role of fielding questions and addressing general concerns raised by City staff relating to any other legal matters relevant to the City.

Please contact me directly if you have any questions regarding this correspondence. Thank you for allowing us to serve the City of Wyoming.

Very Truly Yours,

s/ Thomas R. Loonan

Thomas R. Loonan
City Attorney

Stillwater Office
1809 Northwestern Avenue
Stillwater, MN 55082
Phone: 651-439-2878
Fax: 651-439-2923

Hudson Office
430 Second Street
Hudson, WI 54016
Phone: 715-386-3733
Fax: 715-386-6456



Public Works Report

Date: 3/15/2022

Mayor Iverson and City Council Members

Public Works Report for March 15th, 2022 Council Meeting

The snow event of March 5th and 6th caused lots of ice to build up in certain spots. We have been working on cleaning up these small areas with heavy ice pack. Public Works started plowing at 4:30 AM and finished at 2:30 PM. The snow was full of water and very heavy. We also broke down twice with one of the trucks. A normal plowing takes 8 hours to complete.

The South Water Tower has not been repaired. We have estimates and will be taking the tower off-line when the temperatures are above freezing.

Parks:

Hockey Rink closed for season.

Warranty light replacement will be soon.

Sanitary Sewer:

Daily Rounds have been completed.

Water:

Daily and monthly water tests have been completed.

South Water Tower leak in the riser pipe

Streets:

Tree trimming

Snow plowing continues

Surface Water:

Collecting the Data for the yearly reporting for the MS4 Permit.



CITY OF WYOMING

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092
Phone: 651-462-0575 Fax: 651-462-0576



Request for Council Action

Date: March 10, 2022

Presented to: Mayor Iverson and City Council Members

Presented by: Robb Linwood, City Administrator

Department: Administration

Reference: Kraus Anderson Construction Manager Presentation for Public Safety Building Project

Method: New Business

Background Information:

At the March 1, 2022 Wyoming city council meeting Kraus Anderson was selected as construction manager for the Public Safety Building project. Council directed staff to have Kraus Anderson come to the next council meeting for a presentation and question and answer about the project and process

Recommendation: The construction management team from Kraus Anderson will be in attendance to give the Wyoming city council a presentation and ability to ask questions about the process.



CITY OF WYOMING

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092
Phone: 651-462-0575 Fax: 651-462-0576

**CITY OF WYOMING
PLANNING AND ZONING**

TO: City Council
DATE: March 15, 2022
FROM: Tom Ramler-Olson WSB
Mark Ericson, WSB
Fred Weck
RE: Diamond Ridge Second Addition
OWNER: Beckmann Custom Homes, LLC
PROPERTY: PID R21.00040.01, R21.00040.02, R21.00040.03,
R21.00040.04, R21.00040.05, R21.00040.06
FILE NOS.: D-22-002

Requested Action

Beckmann Custom Homes, LLC (“applicant”) is requesting final plat review of a proposed subdivision. The final plat submitted by the applicant shows a three-lot subdivision at the western terminus of 261st Street west of Interstate 35. The property has a combined area of 2.89 acres and contains a wetland to the northwest. The preliminary plat for the development was reviewed in September 2021 and approved by the City Council.

According to the plat, 261st Street would terminate in a cul-de-sac at the property’s eastern edge and have an area of approximately 17,350 square feet or 0.40 acres. A ROW vacation request associated with the development will be reviewed independently of the final plat review.

Staff Recommendation

The requirements of Article III, Division 3, “The Final Plat”, as contained in the City of Wyoming Subdivision Ordinance have been complied with. Accordingly, Staff recommends approval of the final plat with the following conditions:

1. The Fire Official shall verify that the proposed turn-around accommodates emergency vehicles. The plans shall be revised accordingly if necessary.
2. That after the City Engineer has approved the construction plans and specifications, new construction plans that reflect the approved revisions are submitted to the City (three full size and two reduced sets).
3. That all required local, state and/or federal permitting must be obtained, and proof of such permits submitted prior to the pre-construction conference with staff.
4. Any Protective Covenants established for the lots must first be approved by the City Attorney.

5. A Development Agreement, the terms and provisions of which must be approved by the City Attorney, between the property owner, the developer and the city, must be executed prior to construction beginning on the improvements in the development.
6. A surety in the form of a cash deposit or letter of credit guaranteeing to complete the work in substantial compliance with the approved street, utility, grading, and drainage plans. The surety must remain in place until the site work is complete and approved by the city. The City Engineer must approve the surety amount and the City Attorney must approve the terms if a letter of credit is used.

General Staff Review

The property is currently undeveloped with wooded and wetland areas. Surrounding properties are primarily low-density residential, agricultural, and wooded areas.

Article III of the City of Wyoming Subdivision Ordinance sets forth the platting procedure. The City previously reviewed a preliminary plat for the development. At that time, the applicant addressed staff's concerns with the proposed vacation of the right-of-way that accommodates the extension of Emerald Ave. The applicant has now advanced to the third and final step which is the final plat.

Comprehensive Plan and Zoning Ordinance Review

Surrounding Property Planned Land Use

Direction	Surrounding Property Planned Land Use
North	Lower-Density Suburban Neighborhoods
West	Lower-Density Suburban Neighborhoods
South	Lower-Density Suburban Neighborhoods
East	Lower-Density Suburban Neighborhoods

Comprehensive Plan Designation

The proposed development is currently within the Lower-Density Suburban Neighborhoods comprehensive plan designation, which is described in the latest proposed document as follows:

“The Lower Density Suburban Neighborhoods Areas are locations that can be subdivided and economically served with either public or private shared wastewater treatment systems. Parcels for single-family housing in the Lower Density Suburban Neighborhoods should be in the range of 9,000 to 18,000 square feet.”

The proposed development will be serviced with municipal wastewater facilities.

Zoning

The subject site currently has one zoning designation, R3 – Single Family Residential. The R-3 district is intended to establish an area of one-family residential buildings served by public sewer and water lines. Single family dwelling units are not permitted in areas classified as wetlands, flood plain, peat and muck areas, or areas of poor drainage, but in areas where the standing water table is less than three feet, the Zoning Administrator, may require soil testing and borings, footing and foundation engineering and/or an alternate building design or location.

Existing Zoning District Requirements

Zoning District	Lot Width	Lot Depth	Lot Size	Front Yard Setback	Side Yard Setback	Rear Yard Setback
R3	100 feet (215 on corner lots)	150 feet (not more than 4x the width)	15,000 square feet	30 feet from road ROW	10 feet (principal building)	35 feet (principal building)

Utilities

There is an existing watermain and sanitary sewer available within 261st Street to serve the proposed lots. The development is proposing extending the 8-inch watermain and 8-inch sanitary sewer into the cul-de-sac to serve the three proposed lots. A portion of 261st Street will require removal of asphalt pavement with the curb likely be saved. The roadway will require curb to curb pavement section replacement where disturbed by proposed utility construction.

Roads and Traffic

The final plat shows 261st Street terminating within the project area as a cul-de-sac bulb. Lots with frontage at the turnaround section of a cul-de-sac should have a usable amount of road frontage, and the Code states that in no case should the road have less than 60 feet of frontage. The proposed lots would also have to meet the lot width requirement at the building setback line for the zoning district, which is 100 feet. Plans indicate that the proposed lots would meet this standard.

Staff is comfortable with the proposed cul-de-sac design rather than a road making the through connection. The applicant has revised their plan and is now proposing an urban section.

Park Dedication

Park fees were paid when the property was initially platted; the replatting of the development is creating less lots than the original design, therefore no additional park dedication is warranted.

Drainage/Natural Resources/Wetlands

The drainage and erosion control plans of all residential, business, industrial and institutional developments are subject to the engineer's written approval. No modification in grade and drainage flow through fill, cuts, or erection of retaining walls are permitted until such plans have been reviewed and have received written approval from the City Engineer. The City Engineer has previously reviewed the stormwater management plans. The comments provided at the time of preliminary plat were addressed.

Stormwater Management

Under the current plans, the applicant is proposing to add approximately 0.56 acres of impervious surface coverage to the project area. The impervious surface coverage will increase but, the total area will be less than an acre of new impervious surface coverage added. Stormwater treatment is required not required by the NPDES for this project, however, the City of Wyoming has stormwater regulations that require stormwater treatment for the proposed improvements.

A vegetated infiltration swale will be constructed as part of the proposed improvements to reduce the peak runoff rates. The applicant's project narrative states that the vegetated infiltration swale has been maximized to the extent possible and will treat 2 inches of runoff from the impervious area and provide rate control for stormwater entering adjacent wetlands. The total land disturbance of the project will be approximately 1.5 acres. The project will be disturbing less than 10 acres; therefore, temporary sediment control basins are not needed.

Final Plat Review

The following is an itemization of regulations from the Subdivision Ordinance, Article III, Division 3, "The Final Plat", which are to be completed prior to plat approval:

1. Taxes are to be paid in full. *This has been done.*
2. The City Engineer is to review the final plat for conformity with engineering standards. *Final red line plans with minor comments have been given to the applicant.*
3. The City Attorney shall state whether fee simple title to the platted property is in the names of the subdividers. *As of the writing of this report the City Attorney has not commented.*
4. The Zoning Administrator shall confirm that the final plat substantially conforms to the preliminary plat as modified and approved by the City Council. *The proposed parcel complies.*
5. The predetermined park fee has been paid. *The park dedication is not applicable.*
6. All known legal, engineering, and any other costs associated with the plat shall be paid prior to final plat approval. *This has been done.*
7. If improvements are not complete, a Developer's Agreement must be signed. *The development agreement is being drafted by the City Attorney.*

Planning Commission Recommendation:

On March 8, 2022 the Planning Commission publicly heard the petitioner's request. After hearing testimony and discussion, the Planning Commission voted unanimously to recommend the approval of the requested final plat with the finding of fact; that the requirements of Article III, Division 3, "The Final Plat", as contained in the City of Wyoming Subdivision Ordinance have been complied with.

The Planning Commission recommends approval of the Final Plat with the following conditions:

1. That the City Attorney shall state whether fee simple title to the platted property is in the names of the subdividers.
2. The Fire Official shall verify that the proposed turn-around accommodates emergency vehicles. The plans shall be revised accordingly if necessary.
3. That after the City Engineer has approved the construction plans and specifications, new construction plans that reflect the approved revisions are submitted to the City (three full size and two reduced sets).

4. That all required local, state and/or federal permitting must be obtained, and proof of such permits submitted prior to the pre-construction conference with staff.
5. Any Protective Covenants established for the lots must first be approved by the City Attorney.
6. A Development Agreement, the terms and provisions of which must be approved by the City Attorney, between the property owner, the developer and the city, must be executed prior to construction beginning on the improvements in the development.
7. A surety in the form of a cash deposit or letter of credit guaranteeing to complete the work in substantial compliance with the approved street, utility, grading, and drainage plans. The surety must remain in place until the site work is complete and approved by the city. The City Engineer must approve the surety amount and the City Attorney must approve the terms if a letter of credit is used.



Diamond Ridge Second Addition

City Of Wyoming

26885 Forest Blvd., PO Box 188

Wyoming, MN 55092

Phone (651) 462-4947 Fax (651) 462-3938

FINAL PLAT SUBDIVISION APPLICATION

Applicant(s): Name(s) Beckmann Custom Homes, LLC
Address 15827 Madison St NE
City Ham Lake State MN Zip 55040
Work and home phone numbers 612-599-6141 Email Beckmanncustomhomes@gmail.com

Owner(s): (if other than Applicant(s)) Charles Beckmann - owner/operator of Beckmann Custom Homes
Name(s) Charles Beckmann
Address _____
City _____ State _____ Zip _____
Work and home phone numbers _____ Email _____
Signature of owner(s) Charles Beckmann Date 1/30/22

Legal description of property: Diamond Ridge part of the SW1/4 of section 19, T.33N.R21W, Chisago County
Property Identification Number R.21

Present use of property: Undeveloped Land

Proposed use of property: New Construction Single Family Residential Homes

Present zoning of property: Residential

Surveyor: Name Shawn Kupcho - Widseth Phone 651-316-3646

Engineer: Name Widseth Engineering - Tim Houle Phone 218-316-3646

Real Estate Agent: Name Kevin Miller - Edina Realty Phone 612-750-7325

This application and the following attachments must be submitted to be considered a complete application:

Total size of property: 2.98 Acres Total acreage in wetlands or floodplain: _____
Number of proposed lots: 3 Current zoning and use of property: o

- | | |
|--|--|
| ☐ 11 full size copies of the final plat drawings | ☐ 2 reduced copies (no larger than 11 x 17 |
| ☐ Improvements complete & accepted | ☐ Developers Agreement |
| ☐ Performance guarantee for the improvements | ☐ Certificate of Title & Opinion |
| ☐ Soil perc tests and borings | ☐ Receipt proving that the taxes have been paid |
| ☐ Park Dedication Submitted | ☐ Legal & Engineering Fees Paid |
| ☐ Other | |
| ☐ The application fee and escrow must be paid at the time of application. | |

Signature of Applicant(s) Charles Beckmann Date 1/30/22

As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project.

The meeting can be scheduled only after a complete application is received

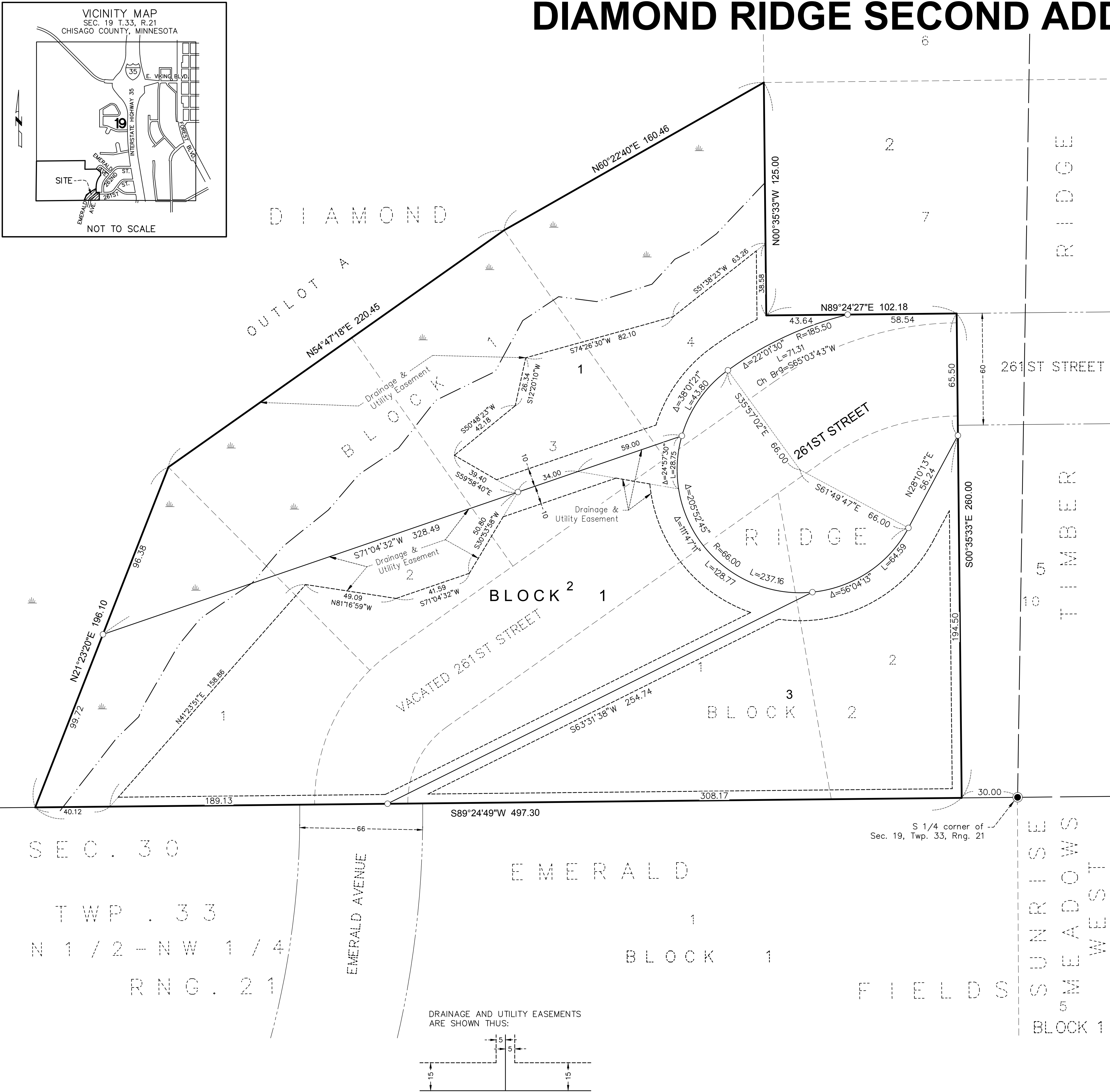
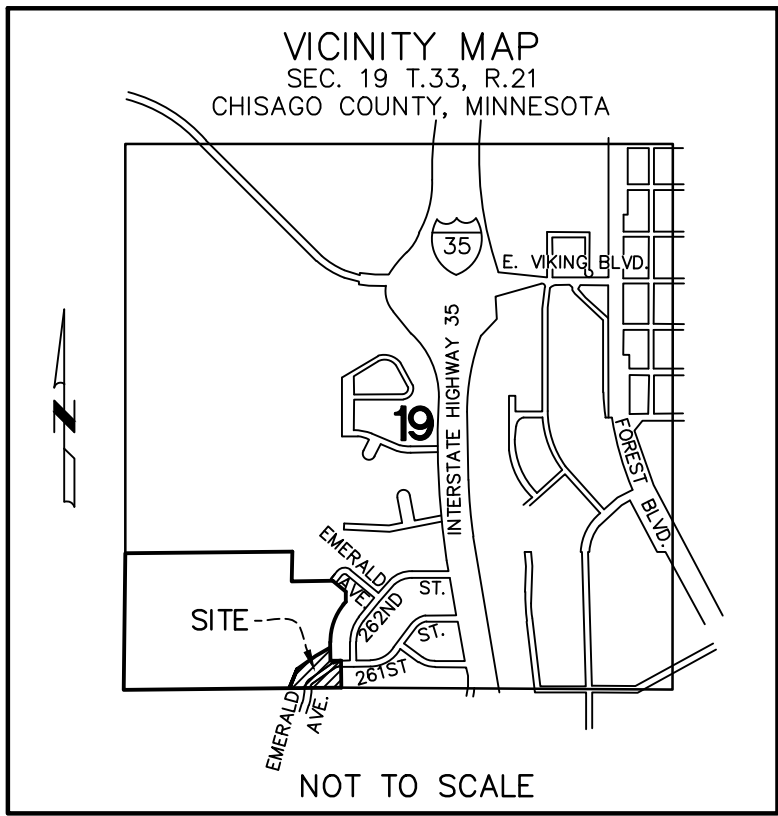
Application # D-22-002 OFFICE USE ONLY Date Application Received 2/7/22

Date Complete Application Received 2/7/22 120 Days 6/7/22 By: FHEWalt
Official

Fee \$200.00 + Escrow \$1,000.00 Date Paid 2/7/22 Check # _____

DIAMOND RIDGE SECOND ADDITION

UNCHECKED PLAT
SUBJECT TO CHANGE
REVISED: 1/13/22



KNOW ALL PERSONS BY THESE PRESENTS: That Beckmann Custom Homes, LLC a Minnesota Limited Liability Company owner and proprietor of the following described property situated in the County of Chisago, State of Minnesota, to wit:

Lots 1, 2, 3 and 4, Block 1 and Lots 1 and 2 Block 2, DIAMOND RIDGE according to the plat thereof Chisago County, Minnesota, and vacated 261st Street in said plat.

Has caused the same to be surveyed and platted as DIAMOND RIDGE SECOND ADDITION and does hereby donate and dedicate to the public for public use forever 261st Street and the easements as shown on this plat for drainage and utility purposes only.

In witness whereof said Beckmann Custom Homes, LLC a Minnesota Limited Liability Company has caused these presents to be signed by its proper officer this ____ day of

_____, 20____.

Charles L. Beckmann, President

STATE OF MINNESOTA

COUNTY OF _____

The foregoing instrument by Charles L. Beckmann, President of Beckmann Custom Homes, LLC a Minnesota Limited Liability Company, on behalf of the corporation was

acknowledged before me this ____ day of _____, 20____.

_____(signature)

_____(print name)

Notary Public, Minnesota

My Commission Expires 1/31/20____

I hereby certify that I have surveyed and platted or directly supervised the surveying and platting of the land described on this plat; this plat is a correct representation of the boundary survey; all mathematical data and labels are correctly designated on the plat; all monuments depicted on the plat have been or will be correctly set within one year; all water boundaries and wet land as of this date are shown and labeled; and all public ways are shown and labeled.

Shawn M. Kupcho, Land Surveyor

Minnesota Licensed Surveyor No. 49021

STATE OF MINNESOTA

COUNTY OF CHISAGO

The foregoing Surveyor's Certificate by Shawn M. Kupcho, Minnesota License No. 49021, was acknowledged before me this ____ day of _____, 20____.

_____(signature)

_____(print name)

Notary Public, Minnesota

My Commission Expires 1/31/20____

Approved by the City Council of the City of Wyoming, Minnesota, this ____ day of _____, 20____, and is in compliance with the provisions of Chapter 505.03, Subdivision 2, Minnesota Statutes.

Signed: _____ Signed: _____

Mayor

Clerk

This plat was approved as to form and execution this ____ day of _____, 20____.

City of Wyoming Attorney

Pursuant to Chisago County Subdivision Ordinance Number 99-2, I hereby certify that this plat has been checked and approved as to compliance with Chapter 505, Minnesota Statutes

this ____ day of _____, 20____.

Chisago County Surveyor

No delinquent taxes and transfer entered this ____ day of _____, 20____.

Chisago County Auditor

I hereby certify that the taxes for the year 20____ on the property described herein are paid this ____ day of _____, 20____.

Chisago County Treasurer

Document No. _____

I hereby certify that this instrument was filed in the Office of the County Recorder for record on this ____ day of _____, 20____, at ____ o'clock ____ M., and was duly recorded in the Chisago County Records.

Chisago County Recorder



FOR THE PURPOSES OF THIS PLAT, THE BEARINGS ARE BASED ON THE CHISAGO COUNTY COORDINATE SYSTEM HARN GEODETIC POSITION NAD83 (1996)

● DENOTES A SECTION CORNER MONUMENT

○ DENOTES A SET 1/2" IRON PIPE MONUMENT W/CAP MARKED LS 49021

WETLAND DENOTES WETLAND

WETLAND DELINEATED BY WIDSETH JUNE 2020

WIDSETH
ARCHITECTS ■ ENGINEERS ■ SCIENTISTS ■ SURVEYORS

RESERVED FOR RECORDING DATA

RESOLUTION NO. 22-03-25

**RESOLUTION APPROVING THE FINAL PLAT OF
"DIAMOND RIDGE SECOND ADDITION"**

AT

**PROPERTY IDENTIFICATION NUMBERS 21.00040.01, 21.00040.02, 21.00040.03,
21.00040.04, 21.00040.05, and 21.00040.06**

WHEREAS, the City of Wyoming is a political subdivision, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of Wyoming has adopted zoning and subdivision regulations, per Ordinances 2009-4 and 2010-08, including subsequent amendments, to promote the orderly, economic and safe development and utilization of land within the City; and,

WHEREAS, Beckman Custom Homes LLC has applied for approval of the Final Plat of Subdivision for the creation of three lots on property legally described as:

Block 1, Lots 1, 2, 3, & 4 and Block 2, Lots 1 & 2, Diamond Ridge.

WHEREAS, on March 8, 2022 the Planning Commission held a public meeting in accordance with the Ordinance and laws of the State of Minnesota; and,

WHEREAS, the City Council and Planning Commission have reviewed the application, as submitted, and have made the following findings of fact:

1. The requirements of Article III, Division 3, "The Final Plat", as contained in the City of Wyoming Subdivision Ordinance have been complied with.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Wyoming hereby **GRANTS** the Final Plat as requested by the applicant with the following conditions:

1. That the City Attorney shall state whether fee simple title to the platted property is in the names of the subdividers.
2. The Fire Official shall verify that the proposed turn-around accommodates emergency vehicles. The plans shall be revised accordingly if necessary.
3. That after the City Engineer has approved the construction plans and specifications, new construction plans that reflect the approved revisions are submitted to the City (three full size and two reduced sets).
4. That all required local, state and/or federal permitting must be obtained, and proof of such permits submitted prior to the pre-construction conference with staff.
5. Any Protective Covenants established for the lots must first be approved by the City Attorney.
6. A Development Agreement, the terms and provisions of which must be approved by the City Attorney, between the property owner, the developer and the city, must be executed prior to construction beginning on the improvements in the development.
7. A surety in the form of a cash deposit or letter of credit guaranteeing to complete the work in substantial compliance with the approved street, utility, grading, and drainage plans. The surety must remain in place until the site work is complete and approved by the city. The City Engineer must approve the surety amount and the City Attorney must approve the terms if a letter of credit is used.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF WYOMING THIS 15th DAY OF MARCH 2022.

Lisa Iverson, Mayor

ATTEST:

This Document Drafted by:
The City of Wyoming
26885 Forest Boulevard
Wyoming, Minnesota 55092

Robb Linwood, City Administrator

**CITY OF WYOMING
PLANNING AND ZONING**

TO: City Council
DATE: March 15, 2022
FROM: Tom Ramler-Olson, City Planner
Fred Weck
RE: Final Plat Review
APPLICANT: Northern Tier Development, LLC
Richard Morris
PROPERTY R21.10302.00, 21.10302.10, 21.10302.20, 21.10302.30, 21.00012.00,
21.00009.30, 21.10298.30, 21.10298.40
FILE NO.: D-22-001

Requested Action

Northern Tier Development, LLC (the “Applicant”) has requested a final plat review of a proposed subdivision located northwest of the intersection of Interstate 35 and East Viking Boulevard (the “subject property”). The proposal would subdivide the 222-acre property that once contained Greenwood Golf Course into three lots: 1) Lot 1, Block 1 2) Lot 2, Block 1 and 3) Outlot A. The Applicant is also proposing the establishment of a wetland mitigation bank on site, which will require separate approvals by state and federal permits.

Staff Recommendation

The requirements of Article III, Division 3 “The Final Plat,” as contained in the City of Wyoming Subdivision Ordinance have largely been complied with and, accordingly, staff recommends approval of the final plat. Recommended conditions for the approval are the following:

1. All required local, state and/or federal permitting must be obtained.
2. An approved Wetland Bank Plan is obtained in compliance with WCA Rules 8420.0700 to 8420.0755.
3. Per Sec. 40 – 113, CUPs become null and void should the work to establish the CUP not have been completed within one year. Recognizing that the process to establish a wetland mitigation bank can exceed one year, the applicant has two years to complete this task, beyond which this CUP will become null and void.
4. The Applicant shall remove existing buildings, debris, and any other remaining infrastructure on Block 1, Lot 1 as part of their restoration efforts.

The following item was initially a proposed staff condition, but is now a comment. The applicant will be working through this with the City Engineer and County Engineer in conjunction with the County’s study to alleviate traffic issues in this area.

5. *The applicant show that Kettle River Boulevard can be re-routed through Outlot A to accommodate its likely relocation due to traffic concerns if it were to remain in its current location. If it cannot be relocated through the portion of Outlot A that currently has frontage along Kettle River Boulevard, it may alter the final plat where the wetland bank is located.*

Comprehensive Plan and Zoning Ordinance Review

Article III of the City of Wyoming Subdivision Ordinance sets forth the platting procedure with Sec. 32 – 51 highlighting the review of the Final Plat.

Comprehensive Plan Designation

The following table describes the planned land uses surrounding the project area:

Direction	Planned Land Use
North	Light Industrial and General Business
West	Rural Residential / Open Space (Linwood Township)
South	Low Density Suburban Neighborhoods / Commercial
East	City Center / Light Industrial and General Business

The existing land uses on the subject property is farm field, wetlands, and wooded areas.

The Comprehensive Plan guides the entire subject property for Mixed Use, a land use category that features a mix of two or more types of land use, which may include retail businesses or service businesses, office buildings, single-family housing, and multiple-family housing.

Developers will be required to negotiate a unified and comprehensively design plan with the City. Any Mixed Use development should be required to obtain a conditional use permit or go through the planned-unit development process. If a proposed development in a location planned Mixed Use abuts an area either planned or developed as housing, the design for the Mixed Use site must be compatible with the nearby residential site.

Zoning

The subject property is currently subdivided into three lots within the following zoning district:

Description	Area	Zoning Designation
Lot 1, Block 1	170.17 acres	A – Agriculture
Lot 2, Block 1	34.07 acres	R1 – Rural Residential I
Outlot A	15.88 acres	C – Commercial

The first of the three lots is zoned for A – Agriculture. Per the City’s Zoning Code, the purpose of the A - Agriculture Zoning District is the following:

“The (A) Agricultural District is intended to provide areas to be utilized for agricultural and Rural Residential II uses.”

Staff determined that the A – Agriculture Zoning District is the most suitable zoning district for Block 1 Lot 1 to accommodate a wetland bank as it appears very similar to other conditional uses within that district, such as forestry or nurseries.

The Lot 2, Block 1 parcel is zoned R1 – Rural Residential I for single family residential uses. The R1 District is intended to provide an area for very low-density housing with on-site wastewater systems.

The Outlot A parcel is zoned C – Commercial for commercial uses. The C district is designed and intended to promote the development of retail and service business that require volumes of automobile traffic.

Utilities

While utility service for Lot 1, Block 1 is not necessary, sanitary sewer and watermain will be necessary to develop Outlot A and Lot 2, Block 1. Capacity in the gravity sanitary sewer pipe leading to the site can accommodate full buildout of the proposed improvements in both the commercial and residential concepts plans that have been submitted that correlate to Outlot A and Lot 2, Block 1, respectively. The Kettle River Blvd LS (#8) is projected to have enough capacity for the Sunrise Riverbank single family, twin homes, and townhomes. However, at a minimum the pumps in the Kettle River Boulevard Lift Station (LS # 8) need to be upsized once they add in the hotel and apartments. The existing 6' wet well is feasible at ultimate flows. We are currently completing a hydraulic analysis to determine if the existing 4" forcemain under the freeway will be required to be upsized to upsized to 6".

12" watermain will be required to be extended from the stub on 273rd Street near the water tower, under I35 and to the site. The applicant has requested City cost participation to extend the utilities to the site.

Roads and Traffic

Staff has had preliminary discussions about how Outlot A and Lot 2, Block 1 may be developed in the future to ensure the extents of the wetland bank do not limit or restrict what may be required for developing these properties. We now have a concept for both of these areas and Chisago County is currently working on a traffic study to identify what future improvement options exist that will address identified traffic concerns in this area.

Stormwater Management

Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities must submit a stormwater management plan to the City. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until approval of the Stormwater Pollution Prevention Plan or a waiver of the approval requirement has been obtained in conformance with the ordinance.

Drainage

Plans for surface water runoff and drainage shall be required and reviewed by the City Engineer, Planning Commission, and City Council prior to Final Plat approval. The subdivision should be so designed for the drainage system to utilize to the greatest extent possible existing natural overland flows, open channels, and drainage routes. The drainage system shall be constructed and operational during the initial phase of construction.

Natural Resources/Wetlands

Previously, the Applicant proposed the establishment of a wetland mitigation bank on site. Its purpose will be to generate wetland credits to provide compensatory mitigation for wetland impacts authorized by state and federal permits.

After approval of the wetland mitigation bank, the site would enter a 5- to 10-year monitoring and maintenance period. A conservation easement would need to be established that restricts development and agricultural activities. This proposed wetland bank was approved under a conditional use in 2021 that will require the approval of corresponding permits from other regulating bodies to implement. The CUP may allow the Applicant to use the property as a wetland mitigation bank, but the applicant will need approval of a Wetland Bank Plan per Wetland Conservation Act (WCA) Rules 8420.0700 to 8420.0755.

The City of Wyoming, as Local Government Unit (LGU) for the WCA, is responsible for approving wetland bank plan applications. Minnesota WCA Rules 8420.0700 to 8420.0755 outline the standards for wetland bank establishment and administration. As an LGU, the City will review submitted materials and provide them to the Technical Evaluation Panel (TEP) for review and discussion. The TEP, which consists of representatives from Chisago County Soil and Water Conservation District, the Board of Water and Soil Resources, and the Department of Natural Resources, and the US Army Corps of Engineers (USACE) will review the wetland bank plan application and make recommendations that will help ensure the establishment of an ecologically successful wetland mitigation bank.

To date, the applicant has submitted a Draft Prospectus (Scoping) document, on which the City as LGU and the TEP have provided comments. The City anticipates receipt of a Prospectus (Concept Plan) for review and finally the Mitigation Bank Plan application. The City will review and consult with the TEP and USACE during each step of this process. During the final Mitigation Bank Plan application step, staff will present their recommendation to the City Council for consideration.

Park Dedication

Whenever land is being developed in Wyoming under the provisions of this Subdivision Ordinance, the developer shall be required to dedicate a portion of the land in the proposed subdivision for park, playground, trail, public open space, or cash in lieu of land. No development will occur on Block 1 Lot 1. Park dedication is not required for this parcel. The other two lots must be further subdivided to be developable, which can only occur once municipal water and sewer services are available. When the applicant proposes to subdivide the other two lots, the City will evaluate if Park Dedication will be in the form of cash, land, or a combination of both.

Final Plat Review

The following is an itemization of regulations from the Subdivision Ordinance, Article III, Division 3, "The Final Plat", which are to be completed prior to plat approval:

1. Taxes are to be paid in full. *This has been done.*
2. The City Engineer is to review the final plat for conformity with engineering standards. *No improvements are proposed as part of this application, so the City Engineer review is not applicable.*

3. The City Attorney shall state whether fee simple title to the platted property is in the names of the subdividers. *As of the writing of this report the City Attorney has not commented.*
4. The Zoning Administrator shall confirm that the final plat substantially conforms to the preliminary plat as modified and approved by the City Council. *The proposed parcel complies.*
5. The predetermined park fee has been paid. *The park dedication is not applicable to Lot 1, Block 1. The two remaining lots will contribute as they are redeveloped.*
6. All known legal, engineering, and any other costs associated with the plat shall be paid prior to final plat approval. *This has been done.*
7. If improvements are not complete, a Developer's Agreement must be signed. *No improvements are proposed so this is not applicable.*

Planning Commission Recommendation:

On March 8, 2022 the Planning Commission publicly heard the petitioner's request. After hearing testimony and discussion, the Planning Commission voted unanimously to recommend the approval of the requested final plat with the finding of fact; that the requirements of Article III, Division 3, "The Final Plat", as contained in the City of Wyoming Subdivision Ordinance have been complied with.

The Planning Commission recommends approval of the Final Plat with the following conditions:

1. That the City Attorney shall state whether fee simple title to the platted property is in the names of the subdividers.
2. All required local, state and/or federal permitting must be obtained.
3. An approved Wetland Bank Plan is obtained in compliance with WCA Rules 8420.0700 to 8420.0755.
4. Per Sec. 40 – 113, CUPs become null and void should the work to establish the CUP not have been completed within one year. Recognizing that the process to establish a wetland mitigation bank can exceed one year, the applicant has two years to complete this task, beyond which this CUP will become null and void.
5. The Applicant shall remove existing buildings, debris, and any other remaining infrastructure on Block 1, Lot 1 as part of their restoration efforts.



Sunrise Riverbank

City Of Wyoming

26885 Forest Blvd., PO Box 188
Wyoming, MN 55092
Phone (651) 462-4947 Fax (651) 462-3938

FINAL PLAT
SUBDIVISION APPLICATION

Applicant(s): Name(s) Northern Tier Development, LLC
Address 7380 France Ave S, Ste 250
City Edina State MN Zip 55435
Work and home phone numbers 952-832-2000 or 612-965-6640 Email rlm@morrislawmn.com

Owner(s): (if other than Applicant(s))
Name(s) Same
Address _____
City _____ State _____ Zip _____
Work and home phone numbers _____ Email _____
Signature of owner(s) _____ Date _____

Legal description of property: _____
See Exhibit A Attached _____ Property Identification Number R.21

Present use of property: Vacant

Proposed use of property: Wetland Mitigation Easement

Present zoning of property: Agricultural

Surveyor: Name Jason Rud E.G. Rud & Sons, Inc Phone 651-361-8200

Engineer: Name Sean Bohan Advanced Engineering Concepts Phone 715-552-0330

Real Estate Agent: Name _____ Phone _____

This application and the following attachments must be submitted to be considered a complete application:

Total size of property: 221 Acres Total acreage in wetlands or floodplain: 170
Number of proposed lots: 3 Current zoning and use of property: Agricultural

☒ 12 full size copies of the final plat drawings
☐ Improvements complete & accepted
☐ Performance guarantee for the improvements
☐ Soil perc tests and borings
☐ Park Dedication Submitted
☐ Other
☒ The application fee and escrow must be paid at the time of application.

OR

☒ 2 reduced copies (no larger than 11 x 17)
☐ Developers Agreement
☐ Certificate of Title & Opinion
☐ Receipt proving that the taxes have been paid
☐ Legal & Engineering Fees Paid

Signature of Applicant(s) [Signature] Date 2-1-22

As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project.

The meeting can be scheduled only after a complete application is received

Application # D-22-001 OFFICE USE ONLY Date Application Received 1/27/22
Date Complete Application Received 2/4/22 120 Days 6/4/22 By: [Signature]
Fee \$200.00 + Escrow \$1,000.00 Date Paid 2/4/22 Check # _____
Official

SUNRISE RIVERBANK

KNOW ALL PERSONS BY THESE PRESENTS: That Northern Tier Development, LLC, a Minnesota limited liability company, owner of the following described property:

That part of the Southwest Quarter of the Southeast Quarter of Section 18, Township 33, Range 21, Chisago County, Minnesota lying westerly of the westerly right-of-way of Kettle River Boulevard and Southwesterly of the following described line: Said line being drawn from the northwest corner of said Southwest Quarter of the Southeast Quarter; thence South 56 degrees 16 minutes 55 seconds East to a point on the westerly right-of-way line of Kettle River Boulevard and said line there terminating. (For the purposes of this description, the westerly line of said Southwest Quarter of the Southeast Quarter has an assumed bearing of North 02 degrees 44 minutes 24 seconds West.)

AND

The East 660 feet of the Southeast Quarter of the Northwest Quarter of Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota.

AND

That part of the Southwest Quarter of Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota, lying North of East Viking Boulevard, excepting therefrom the following parcels:

- 1) The North 475 feet of the East 917 feet of the Northeast Quarter of the Southwest Quarter of Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota.
- 2) Beginning at the Southwest corner of Section 18; thence north 0 degrees 00 minutes along the west line 787.5 feet to point of beginning; thence continuing north 0 degrees 00 minutes along the west line 315 feet; thence east 0 degrees 00 minutes 296.9 feet; thence south 14 degrees 35 minutes west 379.6 feet to center line of County Road Number 22; thence north 75 degrees 25 minutes west along said road center line 208 feet to point of beginning.
- 3) That part of the Southwest Quarter of Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota, described as follows: Commencing at the southwest corner of said Section 18; thence North, assumed bearing, along the west line of said Section 18, a distance of 1268 feet; thence East, at a right angle to said west line, 1010 feet; thence South 67 degrees 00 minutes East, 495 feet to the point of beginning; thence North, 500 feet; thence North 20 degrees 00 minutes East, 350 feet; thence South 45 degrees 00 minutes East, 950 feet, more or less, to the west line of the East 450 feet of said Southwest Quarter; thence northerly, along said west line, 900 feet, more or less, to the south line of the North 650 feet of said Southwest Quarter; thence easterly, along said south line, 450 feet, more or less, to the east line of said Southwest Quarter; thence southerly, along said east line, 1900 feet, more or less, to the south line of said Southwest Quarter; thence westerly, along said south line, 1300 feet, more or less, to the center line of East Viking Boulevard (also known as County State Aid Highway No. 22); thence northwesterly, 500 feet, more or less, along said center line to its intersection with a line that bears South 33 degrees 30 minutes West from the point of beginning; thence North 33 degrees 30 minutes East, 735 feet, more or less, to the point of beginning.
- 4) That part of the Southwest Quarter of Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota, described as follows: Commencing at the southwest corner of said Section 18; thence North, assumed bearing along the west line of said Section 18, a distance of 1268 feet; thence East at a right angle to said west line, a distance of 500 feet to the point of beginning of the parcel to be described; thence continuing East, a distance of 510 feet; thence South 67 degrees 00 minutes East, a distance of 495 feet; thence North, a distance of 500 feet; thence North 20 degrees 00 minutes East, a distance of 350 feet; thence northeasterly, to the southwest corner of the North 475 feet of the East 917 feet of said Southwest Quarter; thence northerly, along the west line of said East 917 feet, to the north line of said Southwest Quarter; thence westerly, along said north line, to a point 400 feet easterly of the northwest corner of said Southwest Quarter; thence southerly to the point of beginning.

AND

The North 475 feet of the East 917 feet of the Northeast Quarter of the Southwest Quarter of Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota.

AND

That part of the Southwest Quarter of Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota, described as follows: Commencing at the southwest corner of said Section 18; thence North, assumed bearing, along the west line of said Section 18, a distance of 1268 feet; thence East, at a right angle to said west line, 1010 feet; thence South 67 degrees 00 minutes East, 495 feet to the point of beginning; thence North, 500 feet; thence North 20 degrees 00 minutes East, 350 feet; thence South 45 degrees 00 minutes East, 950 feet, more or less, to the west line of the East 450 feet of said Southwest Quarter; thence northerly, along said west line, 900 feet, more or less, to the south line of the North 650 feet of said Southwest Quarter; thence easterly, along said south line, 450 feet, more or less, to the east line of said Southwest Quarter; thence southerly, along said east line, 1900 feet, more or less, to the south line of said Southwest Quarter; thence westerly, along said south line, 1300 feet, more or less, to the center line of East Viking Boulevard (also known as County State Aid Highway No. 22); thence northwesterly, 500 feet, more or less, along said center line to its intersection with a line that bears South 33 degrees 30 minutes West from the point of beginning; thence North 33 degrees 30 minutes East, 735 feet, more or less, to the point of beginning.

AND

That part of the Southwest Quarter of Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota, described as follows: Commencing at the southwest corner of said Section 18; thence North, assumed bearing along the west line of said Section 18, a distance of 1268 feet; thence East at a right angle to said west line, a distance of 500 feet to the point of beginning of the parcel to be described; thence continuing East, a distance of 510 feet; thence South 67 degrees 00 minutes East, a distance of 495 feet; thence North, a distance of 500 feet; thence North 20 degrees 00 minutes East, a distance of 350 feet; thence northeasterly, to the southwest corner of the North 475 feet of the East 917 feet of said Southwest Quarter; thence northerly, along the west line of said East 917 feet, to the north line of said Southwest Quarter; thence westerly, along said north line, to a point 400 feet easterly of the northwest corner of said Southwest Quarter; thence southerly, to the point of beginning.

AND

That part of the Northwest Quarter of the Northeast Quarter of Section 19, Township 33 North, Range 21 West, Chisago County, Minnesota, described as follows: Commencing at the North Quarter corner of said Section 19; thence North 85 degrees 38 minutes 14 seconds East, assumed bearing along the North line of the Northwest Quarter of the Northeast Quarter, a distance of 650.00 feet; thence South 4 degrees 21 minutes 46 seconds East, a distance of 200.00 feet to the point of beginning of the parcel to be described; thence North 4 degrees 21 minutes 46 seconds West, retracing the last line, a distance of 200.00 feet to the North line of the Northwest Quarter of the Northeast Quarter; thence South 85 degrees 38 minutes 14 seconds West, along said North line a distance of 650.00 feet to the North Quarter corner of said Section 19; thence South 2 degrees 14 minutes 23 seconds East, along the West line of the Northwest Quarter of the Northeast Quarter, a distance of 1185 feet, more or less, to the Northerly right-of-way line of East Viking Boulevard (also known as County State Aid Highway No. 22); thence Easterly, along said Northerly right-of-way line, a distance of 173 feet, more or less, to its intersection with a line that bears South 2 degrees 14 minutes 23 seconds East from "Point A"; thence North 2 degrees 14 minutes 23 seconds West, a distance of 50 feet, more or less, to "Point A"; thence North 2 degrees 14 minutes 23 seconds West, a distance of 290 feet; thence North 85 degrees 38 minutes 14 seconds East, a distance of 244.85 feet; thence North 34 degrees 52 minutes East, a distance of 95.00 feet; thence North 17 degrees 28 minutes 13 seconds East, a distance of 408.00 feet; thence South 72 degrees 31 minutes 47 seconds East, a distance of 219 feet, more or less, to the Westerly right-of-way line of Interstate Highway No. 35; thence Northerly, along said Westerly right-of-way line, a distance of 285 feet, more or less, to its intersection with a line that bears North 85 degrees 38 minutes 14 seconds East from the point of beginning; thence South 85 degrees 38 minutes 14 seconds West, a distance of 202 feet more or less, to the point of beginning, excepting therefrom Parcel No. 4 of Chisago County Right-of-Way Plat No. 19, filed July 2, 1999 as Document No. 328159 in the Office of the Chisago County Recorder.

"Point A" is described as follows: Commencing at the North Quarter corner of Section 19; thence South 2 degrees 14 minutes 23 seconds East, assumed bearing, along the North-South Quarter line of Section 19, a distance of 925.08 feet; thence North 87 degrees 45 minutes 37 seconds East, a distance of 353.82 feet; thence North 34 degrees 52 minutes East, a distance of 105 feet; thence South 85 degrees 38 minutes 14 seconds West, a distance of 244.85 feet; thence South 2 degrees 14 minutes 23 seconds East, a distance of 290 feet to the hereinafter referred to "Point A".

AND

The West 660 feet of the Southeast Quarter of the Northwest Quarter, Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota.

Has caused the same to be surveyed and platted as SUNRISE RIVERBANK and does hereby donate and dedicate to the public for public use forever the public ways and also easements as shown on this plat for drainage and utility purposes.

In witness whereof said Northern Tier Development, LLC, a Minnesota limited liability company, has caused these presents to be signed by its Chief Manager this _____ day of _____, 20____.

Northern Tier Development, LLC

Richard Morris, Chief Manager



STATE OF MINNESOTA
COUNTY OF _____

This foregoing instrument by Richard Morris, Chief Manager of Northern Tier Development, LLC, a Minnesota limited liability company, on behalf of the company was acknowledged before me this _____ day of _____, 20____.

Notary Public, _____ County, Minnesota
My Commission Expires _____

I Jason E. Rud do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

Jason E. Rud, Licensed Land Surveyor
Minnesota License No. 41578

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 20____ by Jason E. Rud.

Notary Public, _____ County, Minnesota
My Commission Expires _____

Approved by the City Council of the City of Wyoming, Minnesota, this _____ day of _____, 20____, and is in compliance with the provisions of Chapter 505.03, Subdivision 2, Minnesota Statutes.

Signed _____ Mayor

Signed _____ Clerk

This plat was approved as to form and execution this _____ day of _____, 20____.

City of Wyoming Attorney

Pursuant to Chisago County Subdivision Ordinance Number 99-2, I hereby certify that this plat has been checked and approved as to compliance with Chapter 505, Minnesota Statues this _____ day of _____, 20____.

Chisago County Surveyor

No delinquent taxes and transfer entered this _____ day of _____, 20____.

Chisago County Auditor

I hereby certify that the taxes for the year _____ on the property described herein are paid this _____ day of _____, 20____.

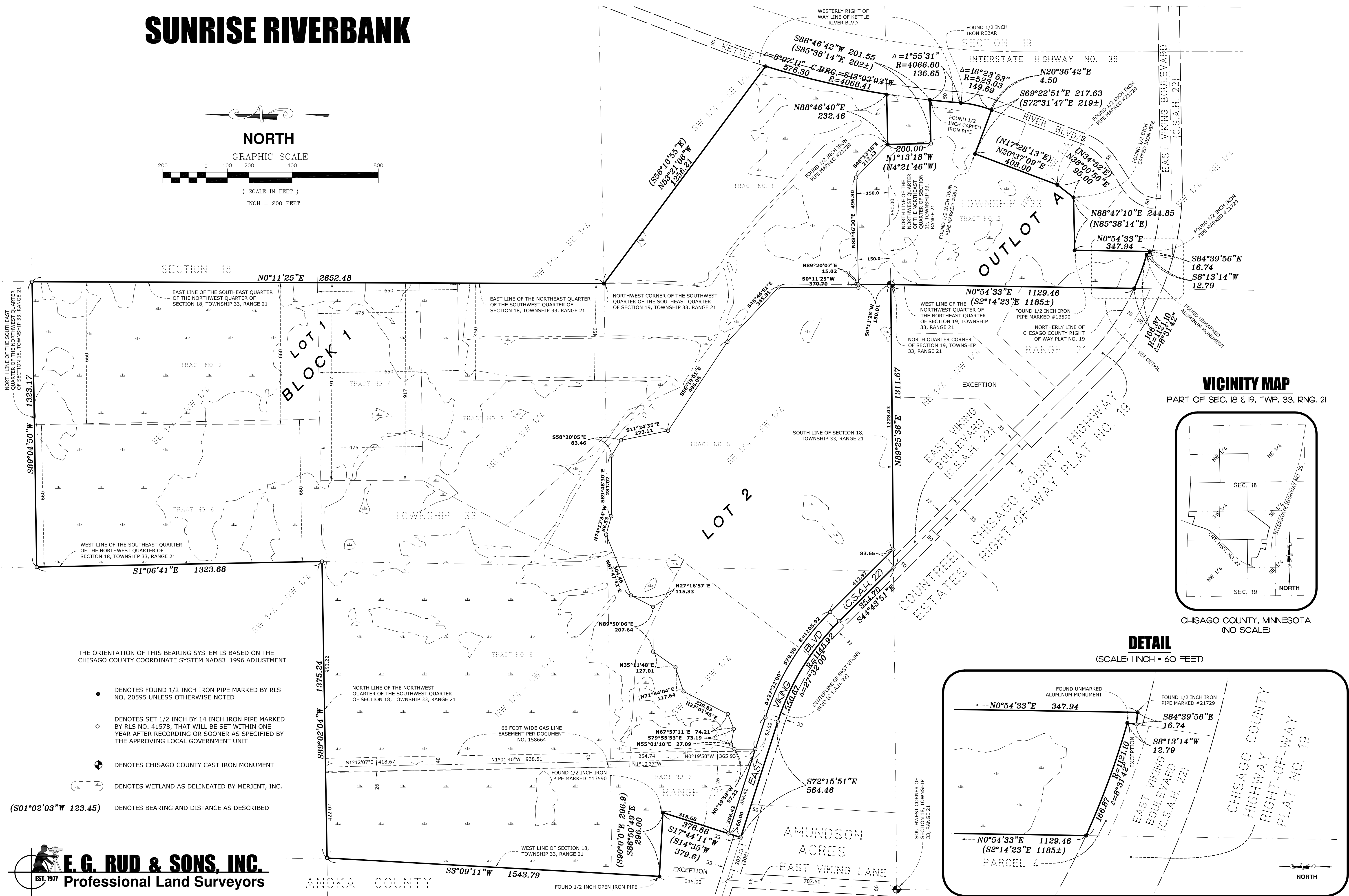
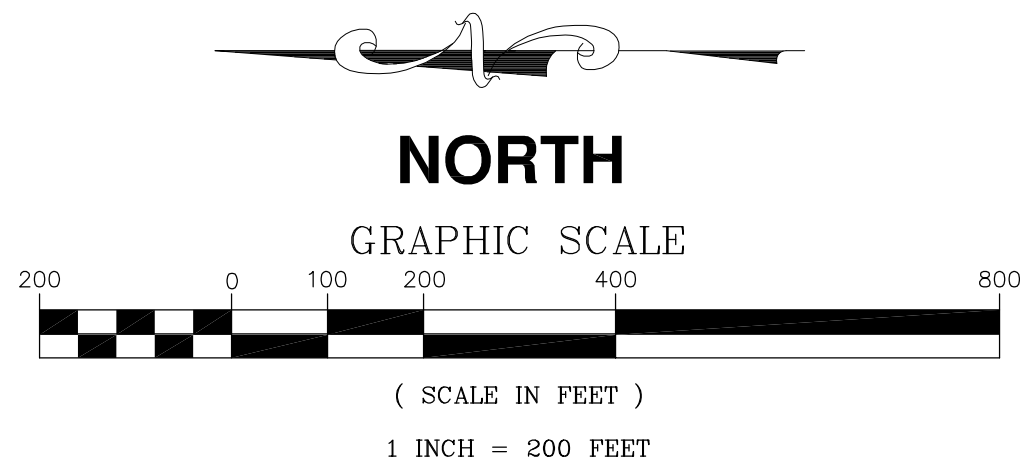
Chisago County Treasurer

Document No. _____

I hereby certify that this instrument was filed in the office of the County Recorder for record on this _____ day of _____, 20____, at ____ o'clock .M. and was duly recorded in Chisago County Records.

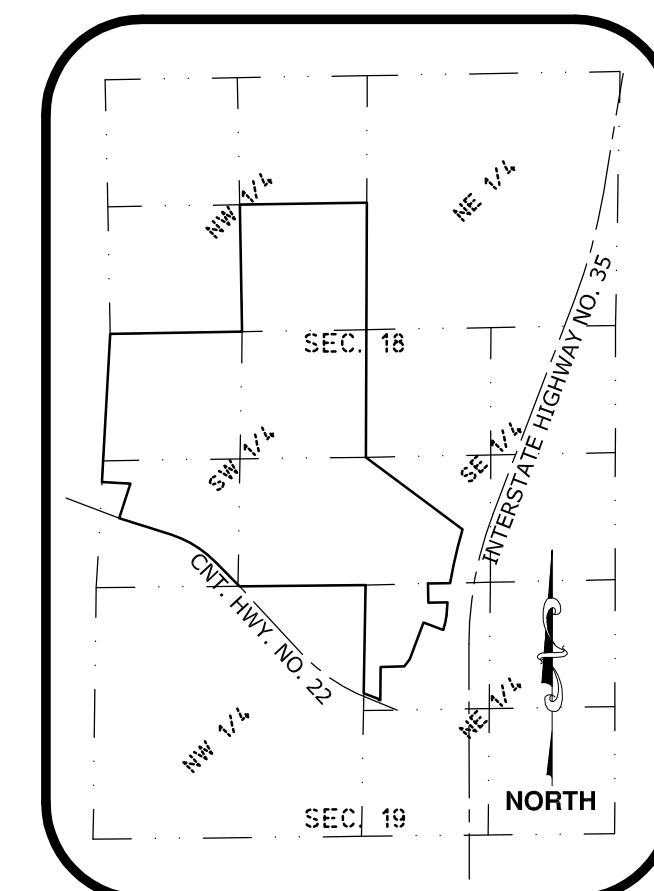
Chisago County Recorder

SUNRISE RIVERBANK



VICINITY MAP

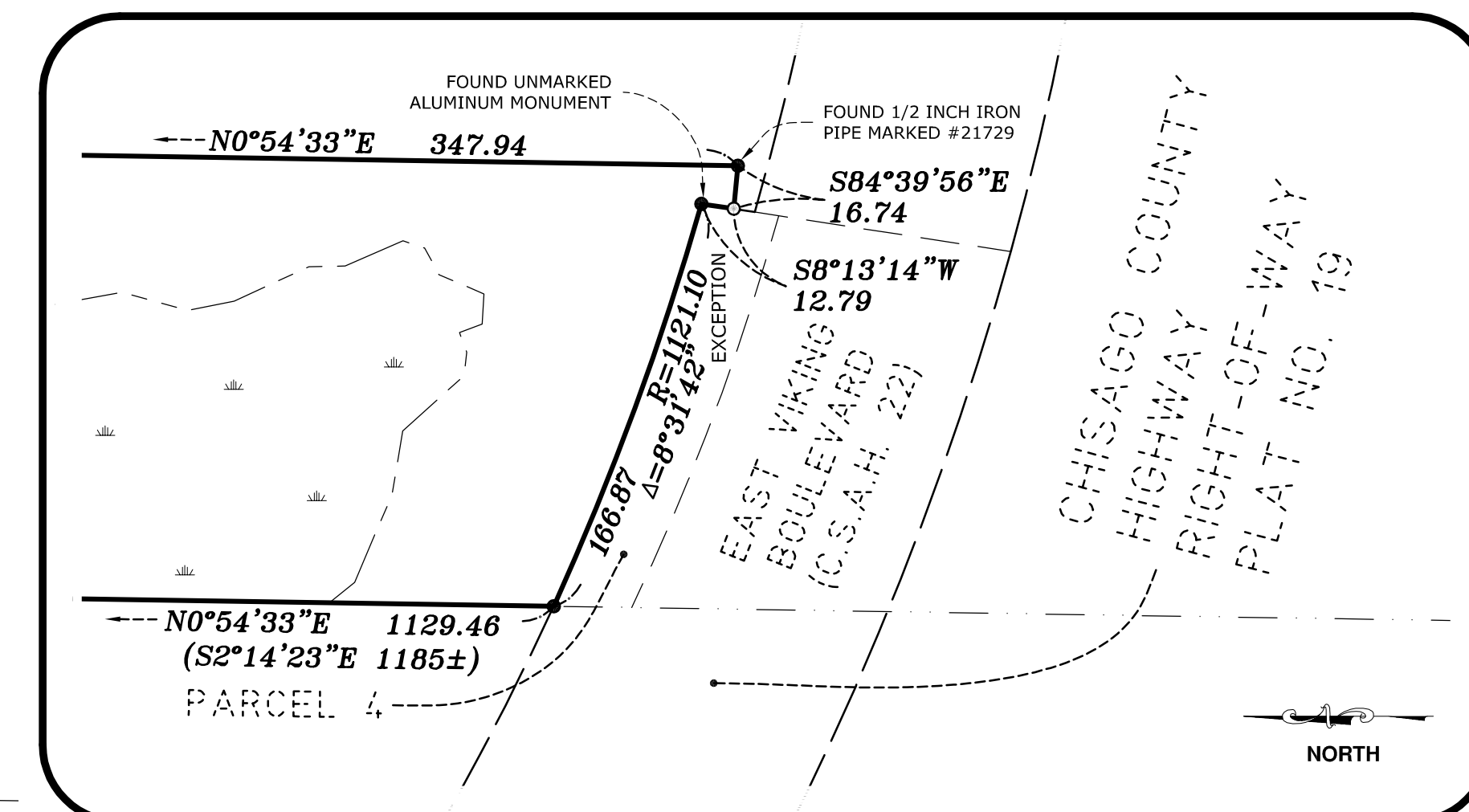
PART OF SEC. 18 & 19, TWP. 33, RNG. 21



CHISAGO COUNTY, MINNESOTA
(NO SCALE)

DETAIL

(SCALE: 1 INCH = 60 FEET)



THE ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE
CHISAGO COUNTY COORDINATE SYSTEM NAD83_1996 ADJUSTMENT

- DENOTES FOUND 1/2 INCH IRON PIPE MARKED BY RLS NO. 20595 UNLESS OTHERWISE NOTED
- DENOTES SET 1/2 INCH BY 14 INCH IRON PIPE MARKED BY RLS NO. 41578, THAT WILL BE SET WITHIN ONE YEAR AFTER RECORDING OR SOONER AS SPECIFIED BY THE APPROVING LOCAL GOVERNMENT UNIT

⊕ DENOTES CHISAGO COUNTY CAST IRON MONUMENT

WETLAND DENOTES WETLAND AS DELINEATED BY MERJENT, INC.

(S01°02'03"W 123.45) DENOTES BEARING AND DISTANCE AS DESCRIBED

E. G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors

RESERVED FOR RECORDING DATA

RESOLUTION NO. 22-03-26

**RESOLUTION APPROVING THE FINAL PLAT OF
"SUNRISE RIVERBANK"**

AT

**PROPERTY IDENTIFICATION NUMBERS 21.00012.00, 21.10009.30, 21.10302.00,
21.10302.10, 21.10302.20, 21.10302.30, 21.10298.30, & 21.10298.40**

WHEREAS, the City of Wyoming is a political subdivision, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of Wyoming has adopted zoning and subdivision regulations, per Ordinances 2009-4 and 2010-08, including subsequent amendments, to promote the orderly, economic and safe development and utilization of land within the City; and,

WHEREAS, Richard Morris of Northern Tier Development LLC has applied for approval of the Final Plat of Subdivision for the property legally described in Exhibit A; and,

WHEREAS, on March 9, 2022 the Planning Commission held a public meeting in accordance with the Ordinance and laws of the State of Minnesota; and,

WHEREAS, the City Council and Planning Commission have reviewed the application, as submitted, and have made the following findings of fact:

1. The requirements of Article III, Division 3, "The Final Plat", as contained in the City of Wyoming Subdivision Ordinance have been complied with.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Wyoming hereby **GRANTS** the Final Plat as requested by the applicant with the following conditions:

1. That the City Attorney shall state whether fee simple title to the platted property is in the names of the subdividers.
2. All required local, state and/or federal permitting must be obtained.
3. An approved Wetland Bank Plan is obtained in compliance with WCA Rules 8420.0700 to 8420.0755.
4. Per Sec. 40 – 113, CUPs become null and void should the work to establish the CUP not have been completed within one year. Recognizing that the process to establish a wetland mitigation bank can exceed one year, the applicant has two years to complete this task, beyond which this CUP will become null and void.
5. The Applicant shall remove existing buildings, debris, and any other remaining infrastructure on Block 1, Lot 1 as part of their restoration efforts.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF WYOMING THIS 15th DAY OF MARCH, 2022.

Lisa Iverson, Mayor

ATTEST:

This Document Drafted by:
The City of Wyoming
26885 Forest Boulevard
Wyoming, Minnesota 55092

Robb Linwood, City Administrator

Exhibit A

TRACT NO. 1:

That part of the Southwest Quarter of the Southeast Quarter of Section 18, Township 33, Range 21, Chisago County, Minnesota lying westerly of the westerly right-of-way of Kettle River Boulevard and Southwesterly of the following described line: Said line being drawn from the northwest corner of said Southwest Quarter of the Southeast Quarter; thence South 56 degrees 16 minutes 55 seconds East to a point on the westerly right-of-way line of Kettle River Boulevard and said line there terminating. (For the purposes of this description, the westerly line of said Southwest Quarter of the Southeast Quarter has an assumed bearing of North 02 degrees 44 minutes 24 seconds West.)

TRACT NO. 2:

The East 660 feet of the Southeast Quarter of the Northwest Quarter of Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota.

TRACT NO. 3:

That part of the Southwest Quarter of Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota, lying North of East Viking Boulevard, excepting therefrom the following parcels:

- 1) The North 475 feet of the East 917 feet of the Northeast Quarter of the Southwest Quarter of Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota.
- 2) Beginning at the Southwest corner of Section 18; thence north 0 degrees 00 minutes along the west line 787.5 feet to point of beginning; thence continuing north 0 degrees 00 minutes along the west line 315 feet; thence east 0 degrees 00 minutes 296.9 feet; thence south 14 degrees 35 minutes west 379.6 feet to center line of County Road Number 22; thence north 75 degrees 25 minutes west along said road center line 208 feet to point of beginning.
- 3) That part of the Southwest Quarter of Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota, described as follows: Commencing at the southwest corner of said Section 18; thence North, assumed bearing, along the west line of said Section 18, a distance of 1268 feet; thence East, at a right angle to said west line, 1010 feet; thence South 67 degrees 00 minutes East, 495 feet to the point of beginning; thence North, 500 feet; thence North 20 degrees 00 minutes East, 350 feet; thence South 45 degrees 00 minutes East, 950 feet, more or less, to the west line of the East 450 feet of said Southwest Quarter; thence northerly, along said west line, 900 feet, more or less, to the south line of the North 650 feet of said Southwest Quarter; thence easterly, along said south line, 450 feet, more or less, to the east line of said Southwest Quarter; thence southerly, along said east line, 1900 feet, more or less, to the south line of said Southwest

Quarter; thence westerly, along said south line, 1300 feet, more or less, to the center line of East Viking Boulevard (also known as County State Aid Highway No. 22); thence northwesterly, 500 feet, more or less, along said center line to its intersection with a line that bears South 33 degrees 30 minutes West from the point of beginning; thence North 33 degrees 30 minutes East, 735 feet, more or less, to the point of beginning.

4) That part of the Southwest Quarter of Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota, described as follows: Commencing at the southwest corner of said Section 18; thence North, assumed bearing along the west line of said Section 18, a distance of 1268 feet; thence East at a right angle to said west line, a distance of 500 feet to the point of beginning of the parcel to be described; thence continuing East, a distance of 510 feet; thence South 67 degrees 00 minutes East, a distance of 495 feet; thence North, a distance of 500 feet; thence North 20 degrees 00 minutes East, a distance of 350 feet; thence northeasterly, to the southwest corner of the North 475 feet of the East 917 feet of said Southwest Quarter; thence northerly, along the west line of said East 917 feet, to the north line of said Southwest Quarter; thence westerly, along said north line, to a point 400 feet easterly of the northwest corner of said Southwest Quarter; thence southerly to the point of beginning.

TRACT NO. 4:

The North 475 feet of the East 917 feet of the Northeast Quarter of the Southwest Quarter of Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota.

TRACT NO. 5:

That part of the Southwest Quarter of Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota, described as follows: Commencing at the southwest corner of said Section 18; thence North, assumed bearing, along the west line of said Section 18, a distance of 1268 feet; thence East, at a right angle to said west line, 1010 feet; thence South 67 degrees 00 minutes East, 495 feet to the point of beginning; thence North, 500 feet; thence North 20 degrees 00 minutes East, 350 feet; thence South 4S degrees 00 minutes East, 950 feet, more or less, to the west line of the East 450 feet of said Southwest Quarter; thence northerly, along said west line, 900 feet, more or less, to the south line of the North 650 feet of said Southwest Quarter; thence easterly, along said south line, 450 feet, more or less, to the east line of said Southwest Quarter; thence southerly, along said east line, 1900 feet, more or less, to the south line of said Southwest Quarter; thence westerly, along said south line, 1300 feet, more or less, to the center line of East Viking Boulevard (also known as County State Aid Highway No. 22); thence northwesterly, 500 feet, more or less, along said center line to its intersection with a line that bears South 33 degrees 30 minutes West from the point of beginning; thence North 33 degrees 30 minutes East, 735 feet, more or less, to the point of beginning.

TRACT NO. 6:

That part of the Southwest Quarter of Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota, described as follows: Commencing at the southwest corner of said Section 18; thence North, assumed bearing along the west line of said Section 18, a distance of 1268 feet; thence East at a right angle to said west line, a distance of 500 feet to the point of beginning of the parcel to be described; thence continuing East, a distance of 510 feet; thence South 67 degrees 00 minutes East, a distance of 495 feet; thence North, a distance of 500 feet; thence North 20 degrees 00 minutes East, a distance of 350 feet; thence northeasterly, to the southwest corner of the North 475 feet of the East 917 feet of said Southwest Quarter; thence northerly, along the west line of said East 917 feet, to the north line of said Southwest Quarter; thence westerly, along said north line, to a point 400 feet easterly of the northwest corner of said Southwest Quarter; thence southerly, to the point of beginning.

TRACT NO. 7:

That part of the Northwest Quarter of the Northeast Quarter of Section 19, Township 33 North, Range 21 West, Chisago County, Minnesota, described as follows: Commencing at the North Quarter corner of said Section 19; thence North 85 degrees 38 minutes 14 seconds East, assumed bearing along the North line of the Northwest Quarter of the Northeast Quarter, a distance of 650.00 feet; thence South 4 degrees 21 minutes 46 seconds East, a distance of 200.00 feet to the point of beginning of the parcel to be described; thence North 4 degrees 21 minutes 46 seconds West, retracing the last line, a distance of 200.00 feet to the North line of the Northwest Quarter of the Northeast Quarter; thence South 85 degrees 38 minutes 14 seconds West, along said North line a distance of

650.00 feet to the North Quarter corner of said Section 19; thence South 2 degrees 14 minutes 23 seconds East, along the West line of the Northwest Quarter of the Northeast Quarter, a distance of 1185 feet, more or less, to the Northerly right-of-way line of East Viking Boulevard (also known as County State Aid Highway No. 22); thence Easterly, along said Northerly right-of-way line, a distance of 173 feet, more or less, to its intersection with a line that bears South 2 degrees 14 minutes 23 seconds East from "Point A"; thence North 2 degrees 14 minutes 23 seconds West, a distance of 50 feet, more or less, to "Point A"; thence North 2 degrees 14 minutes 23 seconds West, a distance of 290 feet; thence North 85 degrees 38 minutes 14 seconds East, a distance of 244.85 feet; thence North 34 degrees 52 minutes East, a distance of 95.00 feet; thence North 17 degrees 28 minutes 13 seconds East, a distance of 408.00 feet; thence South 72 degrees 31 minutes 47 seconds East, a distance of 219 feet, more or less, to the Westerly right-of-way line of Interstate Highway No. 35; thence Northerly, along said Westerly right-of-way line, a distance of 285 feet, more or less, to its intersection with a

line that bears North 85 degrees 38 minutes 14 seconds East from the point of beginning; thence South 85 degrees 38 minutes 14 seconds West, a distance of 202 feet more or less, to the point of beginning, excepting therefrom Parcel No. 4 of Chisago County Right-of-Way Plat No. 19, filed July 2, 1999 as Document No. 328159 in the Office of the Chisago County Recorder.

“Point A” is described as follows: Commencing at the North Quarter corner of Section 19; thence South 2 degrees 14 minutes 23 seconds East, assumed bearing, along the North-South Quarter line of Section 19, a distance of 925.08 feet; thence North 87 degrees 45 minutes 37 seconds East, a distance of 353.82 feet; thence North 34 degrees 52 minutes East, a distance of 105 feet; thence South 85 degrees 38 minutes 14 seconds West, a distance of 244.85 feet; thence South 2 degrees 14 minutes 23 seconds East, a distance of 290 feet to the hereinafter referred to “Point A”.

TRACT NO. 8:

The West 660 feet of the Southeast Quarter of the Northwest Quarter, Section 18, Township 33 North, Range 21 West, Chisago County, Minnesota.

Request for Council Action

Date: March 4, 2022

To: Wyoming City Council, Mayor Lisa Iverson, Councilmembers Claire Luger, Linda Nanko/Yeager, Brett Ohnstad, and Dennis Schilling

Cc: Robb Linwood; File

From: City Engineer, Mark Erichson, PE

RE: EAW - Negative Declaration of Need For An Environmental Impact Statement For the Sunrise Riverbank Development

Overview / Background

Northern Tier Development, LLC is proposing a mixed residential and commercial development, Sunrise Riverbank Development, on approximately 53 acres in the City of Wyoming. The project includes a housing development (45 single family homes, 34 twin homes, 54 townhomes, and two 85-unit apartment buildings) and commercial development (one 85-unit hotel). The project also includes structured parking along with complimentary interior and exterior amenity spaces and grading and installation of municipal sewer and water, streets, and stormwater systems. Pursuant to Minnesota Rule 4410.4300, the City of Wyoming has prepared an Environmental Assessment Worksheet (EAW) for the proposed development. The Record of Decision addresses the State of Minnesota environmental review requirements as established in Minnesota Rule 4410.1700. The purpose of the EAW is to identify potential environmental impacts associated with the project and determine whether an Environmental Impact Statement (EIS) is needed. The EAW does not confer approval of a project. Comments through the EAW process can inform the permitting process and future steps for projects like this one.

The EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated to the required EAW distribution list for review and comments. The public comment period ended February 10, 2022. Comments were received from the Minnesota Pollution Control Agency (MPCA), Minnesota Department of Transportation (MnDOT), Office of the State Archeologist (OSA), and Minnesota Department of Natural Resources (DNR). Comments were received and the City of Wyoming responses to the comments are provided in Appendix A of the attached Response to Comments, Findings of Fact, and Record of Decision document. All comments were considered in determining the potential for significant environmental impacts.

Based on the review of the project and reasonably expected environmental impacts, the project does not have the potential for significant environmental effects and an Environmental Impact Statement (EIS) is not required. The project does not rise to the level of impact that would typically require an EIS. The EAW has identified areas where the potential for environmental effects exist, but appropriate mitigation measures can be incorporated into the project plans and the required approvals and permits to mitigate these effects will be obtained.

Supporting Documentation

- Environmental Assessment Worksheet Record of Decision
- Resolution 22-03-27

Staff Recommendation

Approve the Decision on the Negative Need for an EIS for the Sunrise Riverbank Development

Recommended City Council Action

- Approve Resolution 22-03-27 for the Decision on the Negative Need for an EIS for the Sunrise Riverbank Development.

Response to Comments, Findings of Fact, and Record of Decision

Sunrise Riverbank Development Environmental Assessment Worksheet



March 2022

RGU

City of Wyoming

Fred Weck
Zoning Administrator
26885 Forest Blvd. Box 188
Wyoming, Minnesota 55092
Phone: (651) 462-4947
fweck@wyomingmn.org

PROPOSER

Northern Tier Development, LLC
Richard Morris
President
7380 France Avenue., Suite 250
Edina, Minnesota 55435
Phone: (952) 832-2000
rlm@morrislawmn.com

CITY OF WYOMING

**Response to Comments, Findings of Fact,
and Record of Decision**

**Sunrise Riverbank Development
Environmental Assessment Worksheet**

March 2022

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TABLES

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APPENDICES

- A. Comments and Responses
- B. Resolution No. 22-03-27

INTRODUCTION

The Sunrise Riverbank Development is proposed on approximately 53 acres of land currently used as agricultural fields and pastureland in the City of Wyoming, Chisago County, Minnesota. A portion of the project area was also formerly used as a golf course but reverted to agricultural uses sometime between 2002 and 2010. The project is located southeast of the Carlos Avery State Wildlife Management Area. The proposed project would include a total of 303 residential housing units and one commercial development (85-unit hotel) and structured parking along with complimentary interior and exterior amenity spaces. Site development will include grading and installation of municipal sewer and water, streets, and stormwater systems. Approximately 4.36 acres of the 53 acres total is planned as open space, which will include wetlands and woodlands, and stormwater ponds.

An Environmental Assessment Worksheet (EAW) was prepared pursuant to Minnesota Rules 4410.4300, Subp. 19C. (Residential Development). The EAW and the respective comments have been reviewed in accordance with Minnesota Rules 4410.1700 to determine if the project has potential for significant environmental effects. This document includes responses to comments received by the City of Wyoming the Findings of Fact supporting the decision, and the Record of Decision indicating an Environmental Impact Statement (EIS) is not necessary for this project.

EAW Notification, Distribution, and Comment Period

In accordance with Minnesota Rules 4410.1500, the EAW was completed and distributed to persons and agencies on the official Environmental Quality Board (EQB) distribution list. The notification was published in the EQB *Monitor* on January 11, 2022, initiating the 30-day public comment period. A public notice was published in the *Forest Lake Times* on January 13, 2022. No public hearings were held.

The public comment period ended February 10, 2022. Comments were received from the following agencies:

1. Office of the State Archaeologist (OSA, February 1, 2022)
2. Minnesota Pollution Control Agency (MPCA, February 8, 2022)
3. Minnesota Department of Natural Resources (MNDNR February 10, 2022)
4. Minnesota Department of Transportation (MNDOT February 16, 2022)

All comments were considered in determining the potential for significant environmental impacts. None of the comments recommended the need for an Environmental Impact Statement (EIS). The City of Wyoming did not receive comments from residents or individual members of the public. Comments received and the City of Wyoming responses to those comments are provided in **Appendix A**.

FINDINGS OF FACT AND CONCLUSIONS

As to the need for an EIS on this project and based on the record in this matter, including the EAW and comments received, the City of Wyoming makes the following Findings of Fact and Conclusions:

Project Description

Proposed Project

The Sunrise Riverbank Development project is a proposed housing development (45 single family homes, 34 twin homes, 54 townhomes, and two 85-unit apartment buildings) and commercial development (one 85-unit hotel) on approximately 53 acres of land currently used as agricultural fields and pastureland in the City of Wyoming, Chisago County, Minnesota. Project development will involve grading for construction of the proposed housing, apartments, and hotel, interior roadways, utilities, and stormwater ponds. Upon development approximately 4.36 of the 53 acres is planned as open space, which will include wetlands, woodlands, and stormwater ponds.

Site Description and Existing Conditions

The existing site includes a combination cropland, wetland, grassland and wooded areas. A portion of the project area was also formerly used as a golf course but reverted to agricultural uses sometime between 2002 and 2010. There are several small private ditches located north of the project area, one of which crosses the project area near Kettle River Boulevard, within a proposed stormwater management area. Approximately 56 percent of the project area is wetland, grassland, or wooded areas.

Decision Regarding the Potential for Significant Environmental Effects

Minnesota Rules 4410.1700, Subp. 7 lists four criteria that shall be considered in deciding whether a project has the potential for significant environmental effects. Those criteria and the City's findings are presented below.

A. Type, Extent, and Reversibility of Environmental Effects

Minnesota Rules 4410.1700 Subp. 7(A) indicates the first factor that the City must consider is the "type, extent, and reversibility of environmental effects." The City's findings are set forth below.

1. **Cover Types.** The project will convert approximately 29 acres of upland/grassland, wetlands and woodland to impervious surface (buildings, parking, streets, sidewalks, and trails). The balance of the site will preserve about 0.31 acres of woodland and 0.25 acres of wetland. The project will also create 17.64 acres of landscaped areas.
2. **Shorelands and Floodplains.** The project area is within a Federal Emergency Management Agency (FEMA) Special Hazard Area (SFHA) zone floodplain. The project will result in a modification to the hydrology of the area to reduce the potential for onsite flooding. A Letter of Map Revision (LOMR) must be applied for per FEMA requirements if the development intends to change the floodplain boundary to remove a portion of the development area from the floodplain or if the Base Floodplain Elevation will be changed.
3. **Land Use.** The planned land use for the project area consists of Mixed Use and Wetland per the City's Land Use Plan – Comprehensive Plan 2030. The proposed project area is currently zoned as R3–Single Family Residential, R1–Rural Residential I, C–Commercial, and A–Agriculture and will require rezoning for consistency with the Comprehensive Plan. The Applicant will submit a request to the City Wyoming to rezone the project area to Mixed Use, request a Planned

Use Development, and will apply for a Conditional Use Permit for the apartment buildings and hotel. The project is also within the City's Solar Energy Systems Overlay District, though no solar facilities are proposed at this time.

4. **Geology and Soils.** Initial grading is expected to disturb nearly all 53 acres of the site to construct streets, buildings, interior roadways, utilities and stormwater features. The project will require a National Pollution Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit and Sanitary Sewer Extension Permit from the MPCA and an Erosion and Sediment Control permit from the City of Wyoming. If over 50 acres is disturbed at one time, the project proposer will need to submit a Stormwater Pollution Prevention Plan (SWPPP) to the MPCA for review at least 30 days prior to NPDES application. Erosion control best management practices (BMPs), such as silt fence and erosion control blanket (natural netting) will be implemented during the project, including those found in items 23.9 and 23.10 of the NPDES permit.
5. **Water Quality.** Compliance with multiple stormwater requirements will minimize and mitigate potential adverse effects on receiving waters. Project construction will add about 27 acres of new impervious surface to the site. Stormwater rate and volume controls will limit increases in runoff volume and associated pollutant transport. Approximately 3.1 acres of stormwater management facilities will be constructed on site to infiltrate the required abstraction volume and provide rate control for the project. Acceptable pretreatment BMPs will be implemented upstream of all volume control BMPs. The proposed stormwater and erosion control BMPs are expected to mitigate potential adverse effects on water quality. A SWPPP will be required in accordance with the NPDES Construction General Permit guidelines and the City of Wyoming's stormwater and erosion control criteria.
6. **Wetlands and Surface Waters.** The project area contains approximately 5 acres of wetlands. Development of the site is expected to impact up to 4.25 acres of wetland for the grading and construction of streets, utilities, and stormwater management areas. Proposed impacts to wetlands will be reviewed by the Wetland Conservation Act (WCA) Local Government Unit (City of Wyoming), WCA Technical Evaluation Panel, and US Army Corps of Engineers. Through that process, wetland impacts will be minimized to greatest extent possible to construct the project and all impacts will be replaced at a minimum ratio of 2:1.
7. **Wastewater.** The wastewater to be generated by the project is expected to be of domestic strength, so pretreatment measures will not be required. Gravity sanitary sewer will be constructed and will convey wastewater from the project to the existing Kettle River Blvd Lift Station. The proposed development will not trigger the need for additional treatment capacity allowance at the Chisago Lakes Joint Sanitary Treatment Commission (CLJSTC) collection system and Wastewater Treatment Plant (WWTP) located northeast of the City. A MPCA sanitary sewer extension permit will be obtained prior to construction.
8. **Hazardous Materials.** A Phase I Environmental Site Assessment was completed for the project area. Because of the past use of the project area as a golf course, there is a potential for the presence of hazardous substances. Consequently, the developer will be required to perform soil sampling and remove any contaminated soils from the property in accordance with MPCA regulations and the Department of Agriculture guidance. The City anticipates that this will primarily involve soil sampling of the former greens. In the event that environmentally hazardous conditions are identified during site construction, measures will be taken to ensure that project development and operation does not exacerbate contamination or generate new environmental

hazards. The proposed project will not generate, or require storage of, significant amounts of wastes that would be considered hazardous aside from typical household cleaners, paints, lubricants, and fuel storage for small power equipment.

9. **Ecological Resources.** Project development is expected to convert approximately 47 acres of grassland, cropland, and forest to buildings, lawns and roads which will likely result in local declines of wildlife species richness and abundance. Approximately 4.36 acres within the project area will be dedicated to open space (i.e., wetland, wetland and grassland buffer, forest, and stormwater pond), which may minimize adverse effects to some wildlife species. As most of the species expected to use the project area are common and ubiquitous, the Project is not anticipated to result in population-level declines or be regionally significant. The potential for some rare species has been identified, and the project proposer will coordinate with the DNR to determine potential for impacts. The following avoidance and mitigation measures will be implemented to minimize impacts to ecological resources:

- The removal of mature trees will occur outside of the NLEB pup-rearing season (June 1 to July 31) and peak nesting season for birds protected by the Migratory Bird Treaty Act (April 1 to June 15), when possible.
- Surveys for potentially suitable NLEB roost trees and active bird nests will be conducted if tree removal occurs during the NLEB pup-rearing season or during the peak nesting period for birds. Potentially suitable NLEB roost trees will be flagged and will be removed from August 1 to May 31. If an active bird nest is observed, the tree will be flagged, and an appropriate no disturbance buffer will be established surrounding the nest until the young have fledged or the nest is abandoned.
- A BMP plan will be established to minimize or avoid adverse impacts to Blanding's turtles following the MNDNR guidelines. BMPs include:
 - avoidance of Type 2 and Type 3 wetlands,
 - avoidance of wetland disturbances during the Blanding's turtle overwintering period (i.e., November to March),
 - use of wildlife-friendly erosion control mesh (bio-netting),
 - monitoring for turtles during construction (remove any turtles in immediate danger to a safe point by hand, and report all sightings to the MNDNR),
 - use of surmountable curbs on all streets, and
 - completion of stormwater pond drawdowns prior to September 15th.
- The project proposer will coordinate with the DNR regarding the potential to impact threatened or endangered species, including Cross-leaved Milkwort (*Polygala cruciata*).

10. **Historic Resources.** A Phase Ia Cultural Resource Assessment was completed by Blondo Consulting in September 2021 and did not identify any previously recorded archaeological or architectural sites within the project area. However, given the potential for unrecorded sites and lack of previous surveys within the area a Phase I Reconnaissance Survey is recommended. The Office of the State Archeologist concurred with this recommendation, therefore the developer will complete a Phase I reconnaissance survey prior to construction. In the event that a possible

resource is encountered during project construction, all activities will cease, and proper authorities will be contacted.

11. **Visual Resources.** There are no scenic views or vistas on or adjacent to the project area. Substantial effects on visual resources are not anticipated in conjunction with project development. Measures to soften visual transitions between the project development and surrounding land uses include providing buffers of landscaped areas and trees, preservation of tree and wetland cover, and constructing a stormwater pond and open space areas.
12. **Air.** The Project will likely have air emissions that are common to nearly all mixed-use developments that could include sources such as natural gas and oil powered equipment, fertilizer and product use, carbon storage in housing materials, heating and cooling systems, and air conditioner and refrigerator leakage. These sources generally fall under Conditionally Insignificant Activities and Conditionally Exempt Stationary Sources according to Minn. R. 7007.1300 and Minn. R. 7008.0050 – 7008.4110.

While increased vehicular greenhouse gas emissions from both the construction and operational phases of the Project are expected, they do not pose a risk for significant environmental effects, and therefore no measures to mitigate or monitor air quality impacts have been considered at this time.

Noise. A residential development noise assessment was not completed for the project. Existing sources include Interstate 35 and other surrounding local roadways. Sensitive receptors include existing residential homes and various commercial establishments (gas station, restaurants, retail, and veterinary clinic). The project is expected to minimize disturbances caused by construction noise and conform to state and local noise rules and standards. Noise during the project operational phase will be similar to that observed from other residential areas of similar occupancy levels. The project will be classified as NAC 1 and the city will recommend that the developer incorporate noise attenuating features, such as berms, buffer vegetation, privacy fencing, and noise-attenuating windows (such as dual or triple-pane windows) into the project design to further reduce noise from Interstate 35.

13. **Transportation.** The project will generate traffic during construction and upon development. The Traffic Impact Study recommended measures to minimize or reduce project-related transportation effects. A northbound right turn lane is recommended on Viking Lane even before development traffic is added to the network. With the west residential development lot site addition, a northbound right turn lane on Viking Boulevard at Viking Lane into the site was recommended for safety. Chisago County and the City of Wyoming are working together on a developing a comprehensive traffic study to develop recommendations for improvements to the Viking Boulevard & I-35 interchange and surrounding network. These improvements include short- and long-term solutions that will be reviewed with and approved by Chisago County, the City of Wyoming, and MnDOT. The study will address the existing traffic volumes, the proposed Sunrise Riverbank development related traffic, and additional background growth by year from 2022 to 2044.

B. Cumulative Potential Effects

Minnesota Rules 4410.1700 Subp. 7 (B) indicates the second factor the City must consider is “whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to

which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project.” The City’s findings are set forth below.

Projects typically combine to produce cumulative effects on natural resources and municipal resources like traffic, public water supply, and wastewater treatment. The City of Wyoming has planned for growth and increased capacity to address these cumulative effects. The proposed project will implement approved mitigation measures and be consistent with land use policies for areas served by municipal infrastructure.

Cumulative effects of urban development on natural resources may include the loss and fragmentation of wildlife habitat. The project will dedicate approximately 4.36 acres of the project area to open space. Surface water runoff from the project area will infiltrate or discharge into the proposed stormwater management facilities prior to discharge to downstream waters. Stormwater regulations administered by multiple agencies and BMPs for water quality protection are expected to minimize cumulative effects of post-development runoff on downstream waters.

C. Extent to Which the Environmental Effects are Subject to Mitigation

Minnesota Rules 4410.1700 Subp. 7(C) indicates the third factor the City must consider is the “extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.” The City’s findings are set forth below.

Environmental effects on cover types, water quality, and traffic are subject to additional review, approvals and/or mitigation through requirements of local, state, and federal regulations, ordinances, management plans, and permitting processes. The following permits and approvals are required for the project addressed under the EAW. These permitting and approval processes will provide additional opportunity to require mitigation.

Potential environmental effects associated with this project will be mitigated in accordance with applicable rules and regulations. The City of Wyoming therefore finds that potential environmental effects of the project are less than significant and “subject to mitigation by ongoing public regulatory authority.”

Table 1. Permits and Approvals

Unit of Government	Type of Application	Status
Federal		
US Army Corps of Engineers	Section 404 Permit	To be applied for, if needed
US Fish and Wildlife Service	Endangered Species Review	To be applied for, if needed
Federal Emergency Management Agency	Letter of Map Revision (LOMR)	To be applied for, if needed
State		
MN Pollution Control Agency	Sanitary Sewer Extension Permit	To be applied for
	NPDES Construction Stormwater Permit	To be applied for
	Section 401 Permit	To be applied for, if needed
MN Department of Natural Resources	Water Appropriations Permit for Construction Dewatering	To be applied for

	Water Appropriations Permit amendment	To be applied for
MN Department of Transportation	Right of Way Permit	To be applied for
Local		
City of Wyoming	Building permit(s)	To be applied for
	Planned Use Development approval	To be applied for
	Landscape Plan	To be applied for
	Erosion and Sedimentation Control Permit	To be applied for
	Stormwater Management Plan Approval	To be applied for
	Certificate of Occupancy	To be applied for
Wetland Conservation Act	Wetland Replacement Plan	To be applied for

D. Extent to Which Environmental Effects can be Anticipated and Controlled

Minnesota Rules 4410.1700 Subp. 7 (D) indicates the final factor the City must consider is the “extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, including other EISs.” The City’s findings are set forth below.

1. The proposed project design, plans, EAW, related studies, and mitigation measures apply knowledge, approaches, standards, and best management practices gained from previous experience and projects that have, in general, successfully mitigated potential offsite environmental effects.
2. The EAW, in conjunction with this document, contains or references the known studies that provide information or guidance regarding environmental effects that can be anticipated and controlled.
3. Other projects studied under environmental reviews in Minnesota have included studies and mitigation measures comparable to those included in this EAW.
4. There are no elements of the project that pose the potential for significant environmental effects that cannot be addressed by the project design, assessment, permitting and development processes and by ensuring conformance with regional and local plans.
5. The environmental effects of this development can be anticipated and controlled by the City’s development application process and other regulatory processes.
6. Considering the results of environmental review and permitting processes for similar projects, the City of Wyoming finds that the environmental effects of the project can be adequately anticipated and controlled.

Based on the EAW, comments received, responses to comments, and criteria above, the City of Wyoming finds that the Sunrise Riverbank Development does not have the potential for significant environmental effects and does not require the preparation of an EIS.

RECORD OF DECISION

Based on the EAW, the response to comments, and the Findings of Fact, the City of Wyoming, the RGU for this environmental review, concludes the following:

1. The EAW was prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700;
2. The EAW satisfactorily addressed the issues for which existing information could have been reasonably obtained;
3. Based on the criteria established in Minnesota Rules 4410.1700, the project does not have the potential for significant environmental effects;
4. The City makes a “Negative Declaration;” and
5. **An EIS is not required.**

A resolution documenting the Negative Declaration was approved by the Wyoming City Council on March 15, 2022 (**Appendix B**).

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Appendix A

Comments and Responses

**Record of Decision
Sunrise Riverbank EAW**

Agency Comment	City's Response				
Office of the State Archaeologist (OSA)  328 West Kellogg Blvd St Paul, MN 55102 OSA.Project.Reviews.adm@state.mn.us Date: 02/01/2022 Fred Weck City of Wyoming 651-462-4947 fweck@wyomingmn.org Project Name: Sunrise Riverbank Development <table><tr><th>Notes/Comments</th></tr><tr><td>I appreciate being given the opportunity to comment on the above listed project. Although no archaeological site is currently recorded within the proposed project area, the project area has a moderate to high potential for containing unrecorded archaeological sites. I concur with the recommendation put forth in the phase Ia archaeological assessment conducted by Blondo Consulting LLC., which recommends a qualified archaeologist conduct a phase I reconnaissance survey to determine if the project could damage unrecorded archaeological sites.</td></tr><tr><th>Recommendations</th></tr><tr><td> ☐ Not Applicable ☐ No Concerns ☐ Monitoring ☐ Phase Ia – Literature Review ☒ Phase I – Reconnaissance survey ☐ Phase II – Evaluation ☐ Phase III – Data Recovery </td></tr></table> If you require additional information or have questions, comments, or concerns please contact our office. Letter 1	Notes/Comments	I appreciate being given the opportunity to comment on the above listed project. Although no archaeological site is currently recorded within the proposed project area, the project area has a moderate to high potential for containing unrecorded archaeological sites. I concur with the recommendation put forth in the phase Ia archaeological assessment conducted by Blondo Consulting LLC., which recommends a qualified archaeologist conduct a phase I reconnaissance survey to determine if the project could damage unrecorded archaeological sites.	Recommendations	☐ Not Applicable ☐ No Concerns ☐ Monitoring ☐ Phase Ia – Literature Review ☒ Phase I – Reconnaissance survey ☐ Phase II – Evaluation ☐ Phase III – Data Recovery	The developer will complete a Phase I cultural resources reconnaissance survey prior to construction.
Notes/Comments					
I appreciate being given the opportunity to comment on the above listed project. Although no archaeological site is currently recorded within the proposed project area, the project area has a moderate to high potential for containing unrecorded archaeological sites. I concur with the recommendation put forth in the phase Ia archaeological assessment conducted by Blondo Consulting LLC., which recommends a qualified archaeologist conduct a phase I reconnaissance survey to determine if the project could damage unrecorded archaeological sites.					
Recommendations					
☐ Not Applicable ☐ No Concerns ☐ Monitoring ☐ Phase Ia – Literature Review ☒ Phase I – Reconnaissance survey ☐ Phase II – Evaluation ☐ Phase III – Data Recovery					

Minnesota Pollution Control Agency (MPCA)	
 520 Lafayette Road North St. Paul, Minnesota 55155-4194 651-296-6300 800-657-3864 Use your preferred relay service info.mPCA@state.mn.us Equal Opportunity Employer February 8, 2022 Fred Weck Zoning Administrator City of Wyoming 26885 Forest Blvd, Box 188 Wyoming, MN 55092 Re: Sunrise Riverbank Development Environmental Assessment Worksheet Dear Fred Weck: Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Sunrise Riverbank Development project (Project) in the city of Wyoming, Chisago County, Minnesota. The Project consists of a new housing and commercial development. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration. <u>Cover Types (Item 7)</u> This section of the EAW indicates the Project proposes 15 acres of tree removal. As you may be aware, trees store carbon and transform it into biomass, making them an excellent source of climate change mitigation. Leaving the forested area intact and planning the development around the forested area would help to reduce the Project's greenhouse gas footprint, as well as make the Project site aesthetically more pleasing. In addition, trees can reduce urban heat island effects, energy usage of nearby buildings, noise impacts and flooding. Trees can also improve air quality. The MPCA encourages the city of Wyoming and the Project proposer to rethink how to complete this development in a manner that is more environmentally beneficial.	The City recognizes the value of trees and woodlands for absorbing air pollutants, reducing noise, providing shade, providing wildlife habitat, providing visual amenity, and preventing soil erosion and siltation. Upon submittal, the developer's Woodland Preservation Plan will be reviewed for compliance with the City's Woodland Preservation code, which require replacement for tree removal completed above what is allowable within the code.
The MPCA encourages the development of pollinator friendly plantings or habitat whenever possible in the new development.	Comment noted. The City's landscape standards require developers of residential subdivisions to plant buffer zones with native species. The City will encourage the developer to incorporate pollinator species into those plantings.

<u>Permits and Approvals (Item 8)</u> The US Army Corps of Engineers (USACE) Wetland Conservation Act (WCA) Section 404 Permit is listed in the table in this section. Please be aware that if a USACE Section 404 Individual Permit is required for any Project activity, then an MPCA Clean Water Act (CWA) Section 401 Water Quality Certification must also be obtained as part of the permitting process and becomes an enforceable component of the associated federal license or permit. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a federally licensed or permitted activity will comply with water quality requirements. Along with an Antidegradation Assessment, the 401 program recommends that the applicant meet with the MPCA in advance of requesting a 401 Water Quality Certification. The MPCA is the 401 certifying authority in the State of Minnesota. Fred Weck Page 2 February 8, 2022 In addition, in accordance with Minnesota Statutes, the Project should include the MPCA as a regulator of all surface waters as defined by Minn. Stat. § 115.01 subd. 22. Waters of the state. Even though there may be surface waters that are determined to be USACE non-jurisdictional, or exempt from the WCA, all surface waters are regulated by the MPCA and any surface water impact needs to be described in the application and may require mitigation. For further information about the 401 Water Quality Certification process, please contact Bill Wilde at 651-757-2825 or william.wilde@state.mn.us.	The project will obtain a Clean Water Act (CWA) Section 401 Water Quality Certification from the MPCA if a USACE Section 404 permit is needed. The Permit Table has been updated.
<u>Water Resources (Item 11)</u> The Project will disturb approximately 53 acres and discharges to the South Branch Sunrise River, which has a construction-related impairment. Projects disturbing 50 or more acres and discharging to an impaired water will require submittal of the Stormwater Pollution Prevention Plan (SWPPP) to the MPCA for review and approval prior to obtaining National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit).	The project will submit a SWPPP to the MPCA for review prior to obtaining a NPDES/CSW permit.
The EAW states that a homebuilder already purchased 45 residential lots within the Project site. The owner of the entire Common Plan of Development will need to ensure that owners of subdivided portions of the site obtain separate permit coverage via the Subdivision Registration process and a SWPPP from the original owner describing CSW Permit requirements for their portion of the site.	Comment noted.

The EAW does not describe additional stormwater Best Management Practices (BMPs) required due to the water impairment. Additional BMPs will include immediately stabilizing soils that will not be worked for 7 days and providing temporary sediment ponds for 5 acres draining to a common location.	Additional stormwater BMPs found in items 23.9 and 23.10 of the NPDES permit will be required for this project.
This EAW indicated infiltration will be utilized to manage stormwater unless not feasible. Even if ponds must be utilized, the Project proposer is strongly encouraged to implement infiltration practices in upgradient locations through use of pervious pavements, tree trenches and small raingardens or bioswales and maximize use of tree cover. Also consider reducing impervious areas by constructing narrower streets and sidewalks. These practices can also help mitigate flooding potential in the adjacent floodplain, especially with increasing rainfall in Minnesota. Please direct questions regarding CSW Permit requirements to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us.	The developer will be required to comply with the City's stormwater management standards. BMPs addressing the potential water resource impacts associated with the proposed activity shall be incorporated to limit creation of impervious surface, maintain, or enhance on-site infiltration, control peak flow rates, and limit pollutant generation on and discharge from the site. BMPs may include site design and structural and nonstructural practices.
<u>Contamination/Hazardous Materials/Wastes (Item 12)</u> As noted in the EAW, golf courses have the potential for contamination from past pesticide use (including mercury) and from past storage and handling of pesticides and fertilizers. Information regarding soil sampling is available on the Minnesota Department of Agriculture website at: Guidance Document 30 - Soil Sampling at Golf Courses for Contamination Minnesota Department of Agriculture.	The developer will be required to perform soil sampling and remove any contaminated soils from the property in accordance with MPCA regulations and the Department of Agriculture guidance. The City anticipates that this will primarily involve soil sampling of the former greens.

Other Potential Environmental Effects (Item 20)

Chloride use creates significant impacts to surface water, ground water, and soils. It is often fatal to wildlife. Chlorides are used to some extent in almost all developments, especially in northern climates. They are added for dust control, de-icing of driving and walking surfaces, and softening water among other uses.

Pervious surfaces for parking lots and sidewalks can reduce the need for chloride use and reduce stormwater runoff. Centralized water softening systems can reduce chloride use and reduce the quantity of chlorides that enter surface waters via wastewater plants. These are important considerations when proposing any type of development that includes an increase in water use or hard surfaces. Please provide some discussion as to ways that chloride will be used during the life of the

Fred Weck
Page 3
February 8, 2022

Project, and ways that its use will be minimized or eliminated to protect soils, surface and ground water, and wildlife.

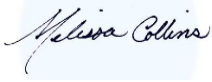
The MPCA recommends smart salting practices for de-icing streets and driveways during the winter weather months and water softening best practices be used year-round. Additional resources are available at <https://www.nca.state.mn.us/water/statewide-chloride-resources>.

The city appreciates the MPCA's feedback on chloride. The City recognizes the risks for chloride pollution and has been a proponent of provide educational opportunities to residents to discuss this concern. The City developed a snow and ice management policy in 2018 that outlines considerations such as the environment when determining salt application.

Minnesota Department of Natural Resources (MNDNR)	
 Division of Ecological and Water Resources Region 3 Headquarters 1200 Warner Road Saint Paul, MN 55106 February 10, 2022 Fred Weck, Zoning Administrator City of Wyoming 26885 Forest Blvd. Box 188 Wyoming, MN 55092 Dear Fred Weck, Thank you for the opportunity to review the Sunrise Riverbank Development EAW in Chisago County. The DNR respectfully submits the following comments for your consideration: Transmitted by Email Page 3, Project Description; Page 15, Surface Waters. The total wetland impacts described under Project Description and Cover Types states that 4.75 acres of wetlands will be impacted while the Surface Waters section states that 4.25 acres of wetlands will be impacted. The proposed 4.75 acres of wetland impacts is unusually high, and the proposer should demonstrate that there is sufficient need to impact previously undisturbed wetlands in addition to farmed wetlands after attempts at minimization and avoidance have been made. It would be helpful if the wetland delineation report was included with EAW documents in order to understand the condition of the wetlands being impacted. In particular, the wetland furthest south in the eastern portion of the project does not appear to have been previously impacted to the same extent as the farmed wetlands. Due to high quality plant communities and occurrence of state listed threatened and endangered species in the vicinity of the project area, it is possible that these species could persist in the project area.	The City of Wyoming will review the wetland replacement plan once submitted and engage the DNR as part of the TEP review. Appropriate sequencing, including avoidance and minimization, will be required.
Page 12, Stormwater. Stormwater features may also be colonized by Blanding's turtles (state-listed as threatened) in the area, therefore we recommend incorporating avoidance into stormwater management. In years when the stormwater features will be dredged to remove excess sediment, please draw down water levels by September 15th in order to allow turtles to find overwintering habitat elsewhere.	The City will require this to be addressed as part of the stormwater maintenance agreement.

3. Page 12, Stormwater. The planned increase in impervious surfaces to 31 acres will also increase the amount of road salt used in the project area. Chloride released into local lakes and streams does not break down, and instead accumulates in the environment, potentially reaching levels that are toxic to aquatic wildlife and plants. Consider promoting local business and city participation in the Smart Salting Training offered through the Minnesota Pollution Control Agency. There are a variety of classes available for road applicators, sidewalk 1 applicators, and property managers. More information and resources can be found at this website. Many winter maintenance staff who have attended the Smart Salting training — both from cities and counties and from private companies — have used their knowledge to reduce salt use and save money for their organizations. We also encourage cities and counties to consider how they may participate in the Statewide Chloride Management Plan and provide public outreach to reduce the overuse of chloride. Here are some educational resources for residents as well as a sample ordinance regarding chloride use.	The city appreciates the DNR’s feedback on chloride. The City recognizes the risks for chloride pollution and has been a proponent of provide educational opportunities to residents to discuss this concern. The City developed a snow and ice management policy in 2018 that outlines considerations such as the environment when determining salt application. The City also appreciates the recommendation of the MPCA Smart Salt Training and will consider that for maintenance staff.
4. Page 12, Stormwater. Due to the presence of the state-listed threatened Blanding’s turtle in the project area, we require that the use of erosion control blankets be limited to ‘bio-netting’ or ‘natural netting’ types in order to avoid entanglement issues with small animals, and specifically not products containing plastic mesh netting or other plastic components. These are Category 3N or 4N in the 2016 & 2018 MnDOT Standards Specifications for Construction. Also be aware that hydro-mulch products may contain small synthetic (plastic) fibers to aid in its matrix strength. These loose fibers could potentially re-suspend and make their way into Public Waters. As such, please review mulch products and do not allow any materials with synthetic (plastic) fiber additives in areas that drain to Public Waters.	The developer will be required to utilize bio-netting on the project.
5. Page 12, Stormwater. We recommend that BWSR-approved, weed-free, native seed mixes be used to the greatest degree possible in stormwater features in order to provide pollinator habitat.	The City’s landscape standards require developers of residential subdivisions to plant buffer zones with native species. The City will encourage the developer to incorporate pollinator species into those plantings.
6. Page 13, Water Appropriation. If it is necessary to dewater during construction or the installation of utilities in volumes that exceed 10,000 gallons per day, or one million gallons per year, then a DNR Water Appropriation Permit will be required.	The project will obtain a DNR Water Appropriation permit if dewatering is necessary and exceeds 10,000 gallons per day or one million gallons per year.
7. Page 28, Rare Features. The project proposes to remove 14.69 acres of forest and trees, 4.75 acres of wetlands, and 10 acres of grassland. Considering the proximity to a Minnesota Audubon’s Carlos Avery Important Bird Area, and the known occurrence of rare bird species in the area, this degree of tree removal is a significant impact. We encourage the developer to consider minimizing the amount of tree removal to the greatest degree possible.	The City recognizes the value of trees and woodlands for absorbing air pollutants, reducing noise, providing shade, providing wildlife habitat, providing visual amenity, and preventing soil erosion and siltation. Upon submittal, the developer’s Woodland Preservation Plan will be reviewed for compliance with the City’s Woodland Preservation code,

	which require replacement for tree removal completed above what is allowable within the code.
8. Page 19, State Listed Species. It appears that the proposer used a license to query the Natural Heritage Information System, but no mention is made as to whether or not the proposer requested a concurrence from Lisa Joyal, Endangered Species Review Coordinator (lisa.joyal@state.mn.us, 651-259-5109). Please note that if rare features are identified within a mile of the project area, DNR determines if suitable habitat for rare species is present and identifies potential impacts to those species. Minnesota's endangered species law (<i>Minnesota Statutes</i>, section 84.0895) and associated rules (<i>Minnesota Rules</i>, part 6212.1800 to 6212.2300 and 6134) prohibit the taking of threatened or endangered species without a permit. Therefore, the proposer will need to coordinate further with DNR on avoidance and mitigation measures for this project.	This project area was previously reviewed by the DNR as part of a past development for which an EAW was prepared (ERBD #20190040). Information from that review was used to inform this review for the, now smaller, project area. The project proposer will coordinate with the DNR regarding the potential to impact threatened or endangered species.
9. Page 21, State Listed Species. The EAW notes that the state-listed as threatened, Blanding's turtle, has been documented in the project area. This project is located within the Carlos Avery Blanding's Priority Area, and an avoidance plan for this species may be required. 2 - Without more information on wetlands in the project area, it is not possible to say that these wetlands don't provide habitat. The southern wetland in the eastern portion of the project area does appear to contain standing water and could provide habitat for the threatened Blanding's turtle. In order to avoid potential impacts, these wetlands should not be dredged, deepened, filled, or converted. Avoid working in these wetlands during the winter because of their potential as overwintering habitat for the Blanding's turtle. - Only wildlife-friendly erosion control (as described above and in the attachment) should be used within the project area. - Distribute the attached flyer to all contractors, and monitor for turtles during construction. Report any sightings to the DNR. - Surmountable curbs should be used whenever new curbs are to be installed. New roads should not be installed where they bisect wetlands or between closely spaced wetland features if possible. MN DNR and partner Data has shown these are the areas with the greatest concentration of road mortality for wildlife species including turtles. Please coordinate further with DNR Nongame Wildlife Specialist, Erica Hoaglund (Erica.hoaglund@state.mn.us, 651-259-5772) regarding required avoidance measures and BMP's for this species.	Comment noted. The City of Wyoming will review the wetland replacement plan once submitted and engage the DNR as part of the TEP review. If a Blanding's turtle avoidance plan is determined to be necessary, the City will request one from the developer at that time.

10. Page 21, State Listed Species. Impacts to the gopher snake (<i>Pituophis catenifer</i>), a state-listed species of special concern, could occur through road collisions due to an increase in local traffic to the area. Please see the attached examples of wildlife-friendly curb design that can reduce impacts to small animals. Please contact DNR Regional Nongame Specialist, Erica Hoaglund, for more information on how to avoid impacts to this species.	The project will incorporate surmountable curbs.
11. Page 21, State Listed Species. Cross-leaved Milkwort (<i>Polygala cruciata</i>), a state-listed endangered species, has been documented in the vicinity of the project. DNR must ultimately determine if habitat for this species occurs in the project area. Please contact Lisa Joyal for further direction.	The City will request that the developer contact Lisa Joyal for further direction.
12. Page 24, Dust and Odors. We recommend avoiding the use of products that contain chloride for dust control. Thank you again for the opportunity to review this document. Please let me know if you have any questions. Sincerely,  Melissa Collins Regional Environmental Assessment Ecologist Ecological and Water Resources Minnesota Department of Natural Resources	Comment noted.

Minnesota Department of Transportation  Metropolitan District Waters Edge Building 1500 County Road B2 West Roseville, MN 55113 February 16, 2022 Fred Weck Zoning Administrator City of Wyoming 2688S Forest Blvd. Box 188 Wyoming, MN 55092 SUBJECT: MnDOT Review #EAW22-001 Sunrise Riverbank EAW NW Quad I-35 & Chisago CR 22 (Viking Blvd NE) Wyoming, Chisago County Dear Mr. Weck: Thank you for the opportunity to review the plans for the Sunrise Riverbank EAW. MnDOT has reviewed the documents and has the following comments: Noise: The EAW does not include a discussion of existing noise levels or sources in the area, including I-35. It also does not include information about conformance to state noise standards or documentation of a residential development noise assessment. MnDOT's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities having the authority to regulate land use shall take all reasonable measures to prevent the establishment of land use activities, listed in the MPCA's Noise Area Classification (NAC), anywhere that the establishment of the land use would result in immediate violations of established State noise standards. MnDOT policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such developed areas. The project proposer is required to assess the existing noise situation and take the action deemed necessary to minimize the impact to the proposed development from any highway noise. If you have any questions regarding MnDOT's noise policy please contact Natalie Ries in Metro District's Noise and Air Quality Unit at 651-234-7681 or Natalie.Ries@state.mn.us.	A residential development noise assessment was not completed for the project. Existing sources include Interstate 35 and other surrounding local roadways. Sensitive receptors include existing residential homes and various commercial establishments (gas station, restaurants, retail, and veterinary clinic). Carlos Avery WMA is also located approximately 0.35 miles northwest of the project. Traffic volumes on Kettle River Blvd. and Viking Blvd have traffic volumes low enough that noise impacts are not significant. The project will be classified as NAC 1 and the city will recommend that the developer incorporate noise attenuating features, such as berms, buffer vegetation, privacy fencing, and noise-attenuating windows (such as dual or triple-pane windows) into the project design to further reduce noise from Interstate 35.
Area Improvements: The Traffic Study mentions that <i>“Major improvements are planned for the Viking Boulevard and I-35 interchange and surrounding roadway network to improve operations along the corridor.”</i> This statement should be edited in the report. MnDOT does not have any project programmed in the four-year State-wide Transportation Improvement Program (STIP) or the ten-year Capital Highway Investment Plan (CHIP). Chisago County will be leading a study for Viking Boulevard and I-35 interchange and surrounding roadway network to improve operations along the corridor but we have no information on any planned improvement at this time. Please direct questions regarding this comment to Dmitry Tomasevich, MnDOT's East Area Engineer 651-234-7715 or dmitry.tomasevich@state.mn.us.	The traffic study has been revised to state “Chisago County and the City of Wyoming are working together on a developing a comprehensive traffic study to develop recommendations for improvements to the Viking Boulevard & I-35 interchange and surrounding network. These improvements include short- and long-term solutions that will be reviewed with and approved by Chisago County, the City of Wyoming, and MnDOT. The study will address the existing traffic volumes, the proposed Sunrise Riverbank development related traffic, and additional background growth by year from 2022 to 2044.”

Traffic: There are only 2024 future projections or mitigations in the Traffic Impact Study (TIS). The only mitigation shown in the report is a lane addition on Northbound Viking Boulevard at Viking Lane and another at Kettle River Boulevard and Viking Boulevard. A TIS should include Build Year as well as Build Year +20 to determine long-term impacts of the development. MnDOT does not consider this to be a complete TIS. Questions regarding these comments should be directed to Kaare Festvog, MnDOT Metro District Traffic at kaare.festvog@state.mn.us or 651-234-7814.	Chisago County and the City of Wyoming are working together on a developing a comprehensive traffic study to develop recommendations for improvements to the Viking Boulevard & I-35 interchange and surrounding network. These improvements include short- and long-term solutions that will be reviewed with and approved by Chisago County, the City of Wyoming, and MnDOT. The study will address the existing traffic volumes, the proposed Sunrise Riverbank development related traffic, and additional background growth by year from 2022 to 2044.
Multi-Modal: MnDOT encourages the applicant to consider integrating options for all modes of transportation located within the planned development. There is an existing crosswalk that crosses Viking Blvd and leads to a sidepath along the south side of Viking Blvd. This sidepath is accommodated on the bridge over I-35, which links to destinations within the City of Wyoming. For questions regarding these comments, contact Jesse Thorsen, Metro Multimodal, at Jesse.Thorsen@state.mn.us or 651-234-7788.	The city requires sidewalks along streets; city also developing a master plan for trails throughout the city.
Permits: Any use of, or work within or affecting, MnDOT right of way will require a permit. Permits can be applied for at this site: https://olpa.dot.state.mn.us/OLPA/. Please upload a copy of this letter when applying for any permits. Please direct questions regarding permit requirements to Buck Craig of MnDOT's Metro Permits Section at 651-775-0405 or Buck.Craig@state.mn.us.	A MnDOT right of way permit will be obtained, if needed.

Review Submittal Options

MnDOT's goal is to complete reviews within 30 calendar days. Review materials received electronically can be processed more rapidly. Do not submit files via a cloud service or SharePoint link. In order of preference, review materials may be submitted as:

MnDOT Metropolitan District, Waters Edge Building, 1500 County Road B2 West, Roseville, MN 55113

1. Email documents and plans in PDF format to metrodevreviews.dot@state.mn.us. Attachments may not exceed 20 megabytes per email. Documents can be zipped as well. If multiple emails are necessary, number each message.

2. PDF file(s) uploaded to MnDOT's external shared internet workspace site at: <https://mft.dot.state.mn.us/metrodevreviews.dot@state.mn.us>. Contact MnDOT Planning development review staff at for uploading instructions, and send an email listing the file name(s) after the document(s) has/have been uploaded.

If you have any questions concerning this review, please contact me at (651) 234-7797.

Sincerely,



Cameron Muhic
Senior Planner

Copy sent via E-Mail:

Buck Craig, Permits
Jason Swenson, Water Resources
Adam Josephson, Area Manager
Michael Lynch, Right-of-Way
Michael Samuelson, Multimodal
Russell Owen, Metropolitan Council

Lance Schowalter, Design
Kaare Festvog, Traffic
Dmitry Tomasevich, Area Engineer
Jason Junge, Transit
Jesse Thorsen, Multimodal

Comment noted.

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Appendix B
Resolution No. 22-03-27

Record of Decision
Sunrise Riverbank Development EAW

RESOLUTION 22-03-27

**RESOLUTION OF THE CITY OF WYOMING,
CHISAGO COUNTY, MINNESOTA**

**NEGATIVE DECLARATION OF NEED FOR AN ENVIRONMENTAL
IMPACT STATEMENT FOR SUNRISE RIVERBANK DEVELOPMENT**

WHEREAS, pursuant to Minnesota Environmental Quality Board (EQB) Rules, Chapter 4410, part 4410.1000, Subpart 3, the City of Wyoming as the responsible governmental unit completed an Environmental Assessment Worksheet (EAW) for the parcels as identified in the Sunrise Riverbank Development EAW; and

WHEREAS, pursuant to Minnesota EQB Rules, Chapter 4410, and as a result of common ownership and connected actions, the project meets the thresholds for an EAW for residential development that is not in compliance with the Comprehensive Plan; and

WHEREAS, copies of the EAW were distributed to all persons and agencies on the official EQB mailing list prior to January 11, 2022; and

WHEREAS, notice of availability of the EAW for public review for a 30-day public comment period was published in the EQB *Monitor* on January 11, 2022 and *Forest Lake Times* on January 13, 2022; and

WHEREAS, the preparation of the Sunrise Riverbank Development EAW and comments received on the EAW have generated information adequate to determine whether the proposed project has the potential for significant environmental impacts; and

WHEREAS, the Sunrise Riverbank development is expected to comply with all the City of Wyoming and review agency standards; and

WHEREAS, based on the criteria established in Minnesota Rules 4410.1700, the project does not have the potential for significant environmental effects; and

WHEREAS, based on the Findings of Fact and Conclusions, the project does not have the potential for significant environmental impacts.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Wyoming, Chisago County, Minnesota, as follows:

That it should and hereby does make a negative declaration on the need for an Environmental Impact Statement for the Sunrise Riverbank Development.

Adopted in regular session of the City Council of the City of Wyoming, Minnesota held this 15th day of March, 2022.

Lisa Iverson, Mayor

ATTEST:

Robb Linwood, City Clerk

(SEAL)

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**CITY OF WYOMING
PLANNING AND ZONING**

TO: City Council
DATE: March 15, 2022
FROM: Tom Ramler-Olson, City Planner
Fred Weck
RE: Sketch Plan Review (Commercial Parcels)
APPLICANT/OWNER: Northern Tier Development, LLC
Richard Morris
PROPERTY: R21.00012.00
FILE NO.: D-22-004

OVERVIEW

AEC Engineering (“Applicant”), on behalf of Northern Tier Development LLC (“Owner”) is requesting a sketch plan review of a section of the property located northwest of the intersection of Interstate 35 and East Viking Boulevard as part of the Sunrise Riverbank development (the “subject property”). The proposal would subdivide the Outlot A of the development into two blocks that would be developed with three proposed buildings and a public road running throughout the proposed development.

The project area is currently composed of a singular parcel, described below:

PID	Zoning Designation	Planned Land Use (2009 Comprehensive Plan)
21.00012.00	C - Commercial	Mixed Use

The sketch plan shows that the applicant proposes to split the parcel into 2 blocks separated by a public road. Both blocks would be zoned for commercial development.

The following table shows planned land uses surrounding the project area:

Direction	Planned Land Use
North	Light Industrial and General Business
West	Rural Residential / Open Space (Linwood Township)
South	Low Density Suburban Neighborhoods / Commercial
East	City Center / Light Industrial and General Business

GENERAL STAFF REVIEW

General Comprehensive Plan and Zoning Ordinance Review

Because the applicant is proposing the creation of two new blocks, this proposal would require a future preliminary plat application for the Planning Commission to review the plans in conformance with the requirements of the Subdivision Ordinance. The applicant will need to follow the code requirements listed in the Subdivision Code as it pertains to the Preliminary Plat review.

Article III of the City of Wyoming Subdivision Ordinance sets forth the platting procedure with the first requirement being the sketch plan. The purpose of the sketch plan is to ensure that the applicants for subdivision are informed of the procedures and requirements of all adopted ordinances. The plan does not need to be to scale but does need to show the proposed subdivision of the property, significant topographical and physical features, and adjacent land use.

Outlot A of the subject property is currently zoned for C – Commercial uses. Per the City’s Zoning Code, the Commercial district is designed and intended to promote the development of retail and service business that require volumes of automobile traffic.

The City’s Comprehensive Plan designates the area as Mixed Use in the land use plan. Development in a location planned Mixed Use must include two or more types of land use, which may include retail businesses or service businesses, office buildings, single-family housing, and multiple-family housing. Developers will be required to negotiate with the City a unified and comprehensively design plan of high quality. Any development in this category should be required to obtain a conditional use permit or go through the planned-unit development process.

If a proposed development in a location planned Mixed Use abuts an area either planned or developed as housing, the design for the Mixed Use site must be compatible with the nearby residential site.

The property will need to be rezoned to the Mixed Use District with the Preliminary Plat designed as a PUD. Each of the proposed uses will need its own Conditional Use Permit approval based specifically on what will be proposed on that lot.

Park Dedication

Whenever land is being developed in Wyoming under the provisions of this Subdivision Ordinance, the developer shall be required to dedicate a portion of the land in the proposed subdivision for park, playground, trail, public open space, or cash in lieu of land. The percentage of the land agreed to by the developer and the City Council may be dedicated to the city as a public space or a park.

Article IV of the Subdivision Ordinance sets forth the park dedication requirements. Based on the evaluation of the proposed subdivision, staff concludes that the applicant will need to meet with the City of Wyoming Joint Park Planning Board to determine Park Dedication Requirements. The Joint Park Planning Board will meet at 6:00 pm on March 22 to discuss the park dedication requirements. This review is to establish findings and prepare a recommendation to the City Council based on park dedication requirements in the Code.

The amount of land dedicated for residential development is based on the gross area of the subdivision. The amount of cash in lieu of land dedication to be contributed by a subdivider for

residential development is based upon the fair market value of the raw undeveloped land or based upon the number of building lots or the number of dwelling units.

Subdividers of commercial land, including commercial portions of Planned Unit Developments, are required to dedicate to the City for park, playground, and public open space purposes, five percent (5%) of the gross land area, or 5% of the value of the raw undeveloped land in lieu of land or a prorated combination of land and cash. The fair market value of the land is listed as \$753,900 in the Chisago County Recorder's Office, but staff notes that Chisago County's estimation of the value of the land is inaccurate because it does not account for an area to north including in the subject property that will accommodate a future public road.

Block 1 encompasses 4.83 acres, Block 2 encompasses 5.74 acres, and the commercial portion of the lot encompasses 3.03 acres. The remainder of the subject property is allotted for the public road to be built in between the two blocks.

The Joint Park Planning Board will have to determine the appropriate land dedication and/or fee for the project at their March 22nd meeting, however, planning staff have determined the buildable area and fair market value of the property to approximate what fees or land dedication may be required. The fair market value of the subject property is likely to be higher than the Chisago County's estimate because the area within the subject property is larger than what Chisago County indicates. Staff notes that the chart below offers a conservative estimate of what the dedications and fees may entail:

Block	Units per Acre	Buildable Land for Dedication	Dedication fee based on Sec. 32 - 63	Fee based on Fair Market Value of the Land
Block 1	85 units / 4.83 acres = 0.58 acres	4.83 acres / 13.8 acres = 0.35	12%	$\$753,900 * 0.35 * 0.12 = \$31,664$
Block 2	85 units / 5.74 acres = 0.69 acres	5.74 acres / 13.8 acres = 0.42	12%	$\$753,900 * 0.42 * 0.12 = \$37,997$

WSB would recommend a mix of land and cash contribution to fulfill the park dedication requirements for this proposed commercial portion of Sunrise Riverbank. Parkland could be centrally located between the two blocks of Sunrise Riverbank to have the most impact for future residents, but that may result in repurposing some proposed residential lots for that park use.

Development Access

Access to the property from Viking Boulevard will need to be coordinated with Chisago County to ensure spacing and safety requirements are met. It is likely that turn lanes on Viking Boulevard will be required to be constructed to access the property.

Street Design will have to be planned to meet the minimum standards in Sec. 32 - 85.

Chisago County is currently studying this corridor and evaluating short term improvements related to access for this development, along with long term improvements that will address traffic congestion and access management along this corridor. The proposed access for Outlot A is shown

aligning across from McDonalds. The roadway through the commercial site will need to meet 30 mph design speeds and accommodate a potential realignment of Kettle River Boulevard through this site. Allowing for this to occur in the future will keep many long-term corridor improvement options viable.

Utilities

The proposed property is located within municipal urban services area. The proposed development must connect to the City of Wyoming's existing sanitary sewer system. The existing system is extended to the northwest corner of the intersection of I-35 and East Viking Boulevard, and this extension is served by the Lift Station #8. Capacity in the gravity sanitary sewer pipe leading from the lift station to the site can accommodate full buildout of the proposed improvements in both the commercial and residential concepts plans that have been submitted. Careful consideration should be given to the proposed alignment of both sanitary sewer and watermain through the commercial phase as the residential phase is planned to occur first, yet utilities will extend through the commercial area (Outlot A) to provide service to the residential area.

Based on the traffic study that Chisago County is currently performing, it is anticipated Kettle River Boulevard may need to be realigned through the commercial at some point in the future. Accommodations will be necessary for this to occur as to not limit options to correct traffic concerns identified in the EAW in this general area. This may or may not affect the utility layout for the site. The Kettle River Blvd LS (#8) is projected to have enough capacity for the Sunrise Riverbank single family, twin homes, and townhomes. However, at a minimum the pumps in the Kettle River Boulevard Lift Station (LS # 8) need to be upsized once they add in the hotel and apartments. The existing 6' wet well is feasible at ultimate flows. We are currently completing a hydraulic analysis to determine if the existing 4" forcemain under the freeway will be required to be upsized to upsized to 6".

12" watermain will be required to be extended from the stub on 273rd Street near the water tower, under I35 and to the site. The applicant has requested City cost participation to extend the utilities to the site. The residential and commercial areas will need to have the watermain looped and not served from a single watermain line.

Staff has received a preliminary utility layout in addition to the concept plan and we have provided preliminary comments.

The proposed development must connect to the city's existing water distribution system. The existing system is supplied by three (3) production wells. Groundwater pumped by the production wells is treated by chemical addition at each well house. The system has two (2) elevated storage tanks with a total storage capacity of 1.05 million gallons.

Drainage

The following is a summary of drainage requirements:

- The site is outside of the Comfort Lake Forest Lake Watershed District however will be required to follow the City of Wyoming's stormwater management requirements which mimic CLFLWD requirements.
- A NPDES permit will be required and compliance with all NPDES permit requirements will need to be confirmed.
- Peak discharge rates from each point of site discharge may not increase from the pre-development condition for the 2-, 10-, and 100-year storm events.

- The discharge volume may not increase from the pre-development condition for the 2-year storm event.
 - The volume standard must be met with a volume reduction practice (infiltration/water reuse) if feasible onsite.
 - If volume reduction practices are not feasible onsite, the applicant may use a different stormwater BMP however the volume conversion factors listed in Table 2.3.2 of the CLFLWD Stormwater Management rules must be applied to calculate the total required volume.
 - In order to show compliance with CLFLWD's water quality requirements, the applicant must demonstrate the BMP is destined to capture the stormwater runoff volume of the 2-year storm event.
 - See CLFLWD's Stormwater Management rules for order of preference in BMP selection.
- The lowest building floor elevation must be 2 feet above the 100-year HWL.
 - Lowest building opening shall be 2 feet above the EOF of any BMP.
- Storm sewer should be designed for a 10-year rainfall event. Rational method storm sewer calculations should be provided for reference.
- It is unclear if the development is proposing work within the 100-year floodplain. If work is proposed within the 100-year floodplain, additional floodplain standards may be required.

Next Steps

The applicant is advised to pay careful attention to the Subdivision Ordinance requirements. Prior to formal acceptance of an application for preliminary plat consideration, all requirements contained in Articles III, IV, V, and VI of the Subdivision Ordinance, as well as applicable zoning regulations, must be complied with, included on the plans, and addressed.

The area of the Subdivision will need to be rezoned to Mixed Use for the Subdivision to comply with the zoning ordinance. The City will need to process the PUD as a conditional use, which can be done concurrently with review of the preliminary plat and rezoning request.



City Of Wyoming
26885 Forest Blvd., PO Box 188
Wyoming, MN 55092
Phone (651) 462-4947 Fax (651) 462-3938

Commercial

SKETCH PLAN SUBDIVISION APPLICATION

A Sketch Plan Application initiates the procedure for developing and subdividing property. The Sketch Plan is reviewed by individuals of the City Plat Review Committee and then is placed on the Planning Commission agenda.

Applicant(s): Name(s) Matt Appel, P.E.
Address 1360 International Dr. Suite #1
City EAU CLARE State WI Zip 54701
Work and home phone numbers 715-552-0330 / 715-895-8203 Email mappel@aec-engineering.com
Owner(s): (if other than Applicant(s)) WORK DIRECT
Name(s) Northern Tier Development LLC - Attn: RICHARD MORRIS
Address 7241 OHMS LANE, SUITE 275
City EDINA State MN Zip 55439
Work and home phone numbers 912-965-6640 Email nm@mornislawmn.com
Signature of owner(s) [Signature] Date 2-11-22

Legal description of property: THAT PT OF NW 1/4 OF NE 1/4 DES AS FOL: COMM AT THE N 1/4 COR OF SATO
SEC 19, TH N 85 D 38' 14" E, ASSUMED BEAR ALONG THE
N LINE OF NW 1/4 OF NE 1/4 650.0 FT Property Identification Number R.21.00012.00

Present use of property: Agricultural, Woodland
Proposed use of property: 3 LOT Commercial Development
Present zoning of property: C-Commercial

This application and the following attachments must be submitted to be considered a complete application:

Total size of property: 15.87 ACRES Total acreage in wetlands or floodplain: 5.016 ACRES
Number of proposed lots: 3 (Wetlands)
Three full size copies of the Sketch Plan 2 reduced copies (no larger than 11 X 17).
Eleven

N/A Septic Site Evaluation Report(s) if available.

 The application fee and escrow must be paid at the time of application.

Signature of Applicant(s) [Signature] Date 2-11-2022
As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project.

The meeting can be scheduled only after a complete application is received

Applicants that submit Sketch plans with four or more proposed lots will meet with the Joint Park Planning Board in order to determine the developments Park and Trail Dedication. The Joint Park Planning Board meets on the 2nd Tuesday of each month at 6:00 pm. Developments creating three or fewer lots will dedicate the minimum Park and Trail Dedication (\$1500.00 Park + \$300.00 Trail, per lot) without needing to meet with the Joint Park Planning Board. Park and Trail Dedications are submitted to the City with the Final Plat application.

Application # D-22-004 OFFICE USE ONLY Date Application Received 2/14/22
Date Complete Application Received 2/14/22 120 Days 6/14/22 By: [Signature] Official [Signature]
Fee \$100.00 + Escrow \$500.00 Date Paid 2/14/22 Check # ✓

~for~ NORTHERN TIER DEVELOPMENT

Outlot A, SUNRISE RIVERBANK, Chisago
County, Minnesota.

(PLAT IS NOT OF RECORD AS OF THIS DATE.)



DRAWN BY: CMB		JOB NO: 201335PP	DATE: 02/14/22
CHECK BY: JER		FIELD CREW: BH / CB / JR	
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

CITY OF WYOMING PLANNING AND ZONING

TO: City Council
FROM: Tom Ramler-Olson, City Planner
MEETING DATE: March 8, 2022
RE: Sketch Plan Review (Residential Parcels)
APPLICANT: AEC Engineering - Matt Appel
OWNER: Northern Tier Development LLC - Richard Morris
PROPERTY: PIDs R21.10302.00, R21.10302.20, & R21.10302.30
FILE NO.: D-22-003

OVERVIEW

AEC Engineering (“Applicant”), on behalf of Northern Tier Development LLC (“Owner”), has submitted a sketch plan for review which proposes a residential subdivision within the area identified as Lot 2 Block 1 (“Subdivision”) on the final plat for the larger Sunrise Riverbank development. That plat is being considered concurrently with this sketch plan application. The preliminary plat for Sunrise Riverbank was approved in May 2021.

The Subdivision, located along East Viking Boulevard west of its intersection with Interstate 35W, has an area of approximately 34 acres. Current uses are agriculture and woodland. There is also a vacant home on far west side of the project area. The sketch plan shows its removal with development of the Subdivision.

The sketch plan shows 133 residential lots, featuring a mix of detached and attached single-family housing types, the latter of which includes duplexes and rowhomes. The breakdown of units by housing type is the following:

- 45 detached, single-family homes
- 34 duplex units
- 54 rowhome units

Several public roads are proposed within the Subdivision, each with 60 feet of right-of-way. One road loops through the development with its end points coming off East Viking Blvd. Another road branches from that looping road and proceeds east to connect to the commercial portion of Sunrise Riverbank.

GENERAL STAFF REVIEW

Comprehensive Plan and Zoning Ordinance Review

Article III of the City of Wyoming Subdivision Ordinance sets forth the platting procedure with the first requirement being the sketch plan. The purpose of the sketch plan is to ensure that the applicants for subdivision are informed of the procedures and requirements of all adopted

ordinances. The plan does not need to be to scale but does need to show the proposed subdivision of the property, significant topographical and physical features, and adjacent land use.

The Comprehensive Plan guides the area for Mixed Use, a land use category that features a mix of two or more types of land use, which may include retail businesses or service businesses, office buildings, single-family housing and multiple-family housing. Areas guided for Mixed Use are also expected to be served by municipal water and sewer, which the Comprehensive Plan shows for the project area. The Subdivision and its housing mix would meet the definition of the Mixed Use category.

Surrounding land uses are shown in the table below.

Direction	Planned Land Use
North	Light Industrial and General Business
West	Rural Residential / Open Space (Linwood Township)
South	Low Density Suburban Neighborhoods / Commercial
East	City Center / Light Industrial and General Business

The property is currently zoned R-1 Rural Residential I. The City's Zoning Code describes the purpose of the R-1 Zoning District thusly:

“The Rural Residential I District is intended to provide an area for very low density housing with on-site wastewater systems in locations that are already predominately developed in a pattern similar to that described in this zoning district.”

The Subdivision conflicts with this district as it will establish a medium density development with municipally delivered water and sewer in line with the Comprehensive Plan. The R-1 District also requires a minimum lot area of 1 acre. The largest lot in the proposal is just over 30,000 square feet. And finally, permitted uses within the R-1 District do not include multifamily structures such as the duplex and rowhomes found in the proposal.

The Subdivision appears to conform to standards for the R-6 Medium- and High-Density Housing District. However, a more appropriate zoning for the Lot is Mixed Use, which would allow the subdivision to proceed as a Planned Unit Development (PUD) to creatively manage unique challenges posed by the property and its land use guidance. PUDs are processed as a conditional use, which would occur concurrently with the rezoning to Mixed Use and preliminary plat review.

Per Section 32-84 of the Subdivision Ordinance, the frontage for lots located along cul-de-sacs shall not be less than 60 feet. Eight lots along the proposed cul-de-sacs are shown on the sketch plan to have frontage that measure less than 60 feet.

Section 32-95 of the Subdivision Ordinance indicates that a five (5) foot wide side, or rear yard utility easement will be required, and on residential streets a fifteen (15) foot wide front yard utility easement will be required. Drainage easements shall be provided for drainage where necessary as determined by the City Engineer. Proposed drainage and utility easements were shown on the sketch plan submission as fifteen (15) foot wide front (north) and corner side (east) along with five

(5) foot wide on the interior side and rear. Structures are not permitted to be located within easements.

Park Dedication

Article IV of the Subdivision Ordinance sets forth the park dedication requirements. The Joint Park Planning Board will meet at 6:00 pm on March 22 to discuss the park dedication requirements.

City Code requires the minimum amount of cash contribution in lieu of land dedication to be accepted by the City shall be the park fee per dwelling unit or building lot. The maximum amount of the cash contribution shall be greater of these two amounts:

- a) Eight percent (8%) to twelve (12%) of the fair market value of the undeveloped land before Final Plat as determined by the Density/Rate Schedule. As presented, the proposed development of 133 units over the 33.49 acres above the OHWL would qualify at the 9 percent threshold as the density is 3.97 lots per acre. If purely a land dedication, a 9 percent dedication equals 3.01 acres. If the dedication requires any cash contribution, the fair market value will be needed. The fair market value may be determined by obtaining the most recent property tax statement(s) for the property. However, this method of determining the fair market value is complicated by the condition that parts of the Subdivision are within three different parcels. The value of each portion could be prorated from the value of its parent parcel, but this assumes that all regions of the parcel are equal in value, which may not be the case. Section 32-63(2) offers three alternate means of determining market value.
 - a. The Joint Park Planning Board and the Subdivider may agree upon a recommendation to the City Council as to the fair market value.
 - b. The subdivider may present to the Joint Park Planning Board acceptable purchase agreements, transaction records, or other pertinent documents to assist in establishing the Fair Market Value.
 - c. A land appraisal may be undertaken by a firm acceptable to both the developer and the City Council, with said appraisal of the property may be accepted by the City Council at their discretion.
- b) A cash contribution determined by multiplying the park fee by the number of proposed building lots or dwelling units. The established flat rate for park and trail dedication is a total of \$1,800.00 (\$1,500.00 for park and \$300.00 for trail) per lot. The sketch plan shows a total of 133 lots, which would amount to a park/trail dedication of \$239,400.00.

WSB would recommend a mix of land and cash contribution to fulfill the park dedication requirements for this subdivision and the proposed commercial portion of Sunrise Riverbank that is being reviewed concurrently with this application. That commercial area is proposing two 85-unit apartment buildings. Parkland could be centrally located between these two areas of Sunrise Riverbank to have the most impact for future residents, but that may result in repurposing some proposed residential lots for that park use.

Access

Several public roads are proposed within the Subdivision. One road would loop through the development, its endpoints originating from Viking Blvd. All roads are shown to comply with minimum right-of-way width of 60 feet required for local streets, per the table in Section 32-85.

Chisago County is currently studying this corridor and evaluating short-term improvements related to access for this development, along with long-term improvements that will address traffic congestion and access management along this corridor. It is anticipated that these two proposed access locations as shown on this concept would require left and right run lanes at a minimum. Roadway horizontal alignment should accommodate 30mph design speeds. This will need to include the access coming from the commercial area.

The sketch plan does not show any sidewalks within the development. Those need to be shown as they compose the right-of-way width of the roads within the subdivision. The cost to put in the sidewalks is credited to the developer per Section 32-67.

Utilities

Sanitary sewer and watermain will be necessary to develop Lot 2, Block 1. Sanitary Sewer and watermain are currently located near the northwest intersection of CR 22 and Kettle River Boulevard. Capacity in the gravity sanitary sewer pipe leading to the site can accommodate full buildout of the proposed improvements in both the commercial and residential concepts plans that have been submitted that correlate to Outlot A and Lot 2, Block 1, respectively. Careful consideration should be given to the proposed alignment of both sanitary sewer and watermain as the residential phase is planned to occur first, yet they extend through the commercial area (Outlot A) to provide service to the residential area. Based on the traffic study that Chisago County is currently performing, it is anticipated Kettle River Boulevard may need to be realigned through the commercial at some point in the future. Accommodations will be necessary for this to occur as to not limit options to correct traffic concerns identified in the EAW in this general area. The Kettle River Blvd LS (#8) is projected to have enough capacity for the Sunrise Riverbank single family, twin homes, and townhomes. However, at a minimum the pumps in the Kettle River Boulevard Lift Station (LS # 8) need to be upsized once they add in the hotel and apartments. The existing 6' wet well is feasible at ultimate flows. We are currently completing a hydraulic analysis to determine if the existing 4" forcemain under the freeway will be required to be upsized to 6".

12" watermain will be required to be extended from the stub on 273rd Street near the water tower, under I35 and to the site. The applicant has requested City cost participation to extend the utilities to the site. The residential and commercial areas will need to have the watermain looped and not served from a single watermain line.

Staff has received a preliminary utility layout in addition to the concept plan and we have provided preliminary comments.

Drainage

The following is a summary of drainage requirements:

- The site is outside of the Comfort Lake Forest Lake Watershed District however will be required to follow the City of Wyoming's stormwater management requirements which mimic CLFLWD requirements.
- A NPDES permit will be required and compliance with all NPDES permit requirements will need to be confirmed.
- Peak discharge rates from each point of site discharge may not increase from the pre-development condition for the 2-, 10-, and 100-year storm events.

- The discharge volume may not increase from the pre-development condition for the 2-year storm event.
 - The volume standard must be met with a volume reduction practice (infiltration/water reuse) if feasible onsite.
 - If volume reduction practices are not feasible onsite, the applicant may use a different stormwater BMP however the volume conversion factors listed in Table 2.3.2 of the CLFLWD Stormwater Management rules must be applied to calculate the total required volume.
 - In order to show compliance with CLFLWD's water quality requirements, the applicant must demonstrate the BMP is destined to capture the stormwater runoff volume of the 2-year storm event.
 - See CLFLWD's Stormwater Management rules for order of preference in BMP selection.
- The lowest building floor elevation must be 2 feet above the 100-year HWL.
 - Lowest building opening shall be 2 feet above the EOF of any BMP.
- Storm sewer should be designed for a 10-year rainfall event. Rational method storm sewer calculations should be provided for reference.
- It is unclear if the development is proposing work within the 100-year floodplain. If work is proposed within the 100-year floodplain, additional floodplain standards may be required.

Next Steps

In the preparation of the preliminary and final plats, the applicant and their consultants are required to pay careful attention to the Subdivision Ordinance requirements. Prior to formal acceptance of an application for preliminary plat consideration, all requirements contained in Article III, Division 2, and Articles V and VI of the Subdivision Ordinance, as well as applicable zoning regulations, must be complied with, included on the plans, and addressed.

In preparation of the preliminary plat, the form and the amount park dedication must be determined. The Joint Park Planning Board will meet at 6:00 pm on March 22 to discuss the park dedication requirements.

The area of the Subdivision will need to be rezoned to Mixed Use for the Subdivision to comply with the zoning ordinance. The City will need to process the PUD as a conditional use, which can be done concurrently with review of the preliminary plat and rezoning request.



City Of Wyoming
26885 Forest Blvd., PO Box 188
Wyoming, MN 55092
Phone (651) 462-4947 Fax (651) 462-3938

Residential

**SKETCH PLAN
SUBDIVISION APPLICATION**

A Sketch Plan Application initiates the procedure for developing and subdividing property. The Sketch Plan is reviewed by individuals of the City Plat Review Committee and then is placed on the Planning Commission agenda.

Applicant(s): Name(s) Matt Appel, P.E.

Address 1360 INTERNATIONAL DR. SUITE #1

City EAGLE CLARE

State WI

Zip 54702

Work and home phone numbers 715-552-0330 / 715-895-8223 Email mappel@acc.engineering
WORK DIRECT

Owner(s): (if other than Applicant(s))

Name(s) Northern Tier Development LLC - ATTN: RICHARD MORRIS

Address 7241 OHMS LANE, SUITE 275

City EDINA

State MN

Zip 55439

Work and home phone numbers 912-965-6640 Email rlm@morrislawmn.com

Signature of owner(s) Richard Morris - President Date 2-11-22

Legal description of property: LOT 2 BLOCK 1, SUNRISE RIVERBANK

Property Identification Number R.21.10302.20

Present use of property: Agricultural, Vacant Home, Woodland

Proposed use of property: 133 Lot Residential Subdivision

Present zoning of property: R1 - Rural Residential 1

This application and the following attachments must be submitted to be considered a complete application:

Total size of property: 34.07 ACRES

Total acreage in wetlands or floodplain: 0.577 Ac
(wetlands)

Number of proposed lots: 133

Three
Eleven full size copies of the Sketch Plan

2 reduced copies (no larger than 11 X 17).

N/A Septic Site Evaluation Report(s) if available.

 The application fee and escrow must be paid at the time of application.

Signature of Applicant(s) [Signature] Date 2-11-2022

As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project.

The meeting can be scheduled only after a complete application is received

Applicants that submit Sketch plans with four or more proposed lots will meet with the Joint Park Planning Board in order to determine the developments Park and Trail Dedication. The Joint Park Planning Board meets on the 2nd Tuesday of each month at 6:00 pm. Developments creating three or fewer lots will dedicate the minimum Park and Trail Dedication (\$1500.00 Park + \$300.00 Trail, per lot) without needing to meet with the Joint Park Planning Board. Park and Trail Dedications are submitted to the City with the Final Plat application.

Application # D-22-003 OFFICE USE ONLY Date Application Received 2/14/22

Date Complete Application Received 2/14/22 120 Days 6/14/22 By: [Signature]
Official

Fee \$100.00 + Escrow \$500.00

Date Paid 2/14/22

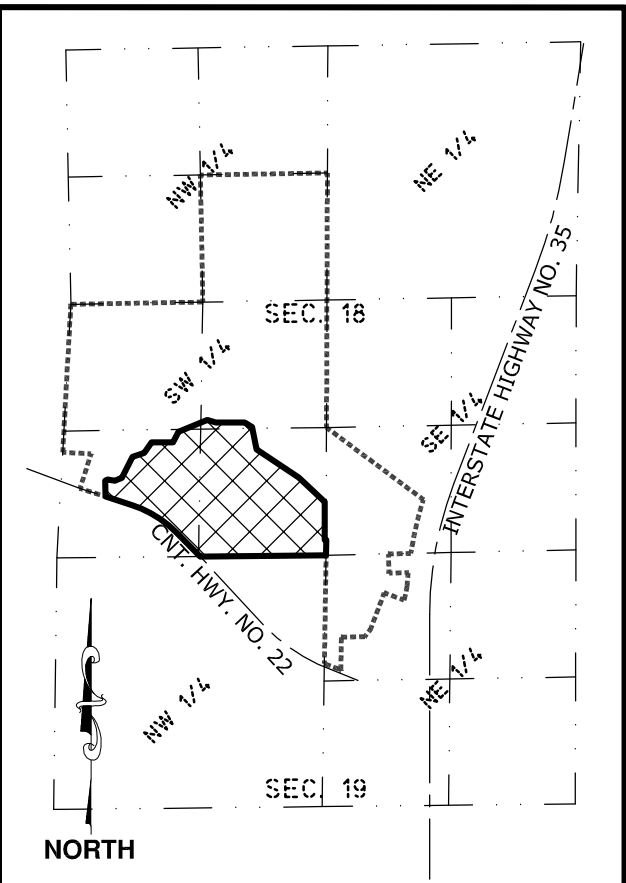
Check # ✓

RESIDENTIAL SKETCH PLAN

~for~ NORTHERN TIER DEVELOPMENT

VICINITY MAP

PART OF SEC. 18 & 19, TWP. 33, RNG. 21



CHISAGO COUNTY, MINNESOTA
(NO SCALE)

GRAPHIC SCALE

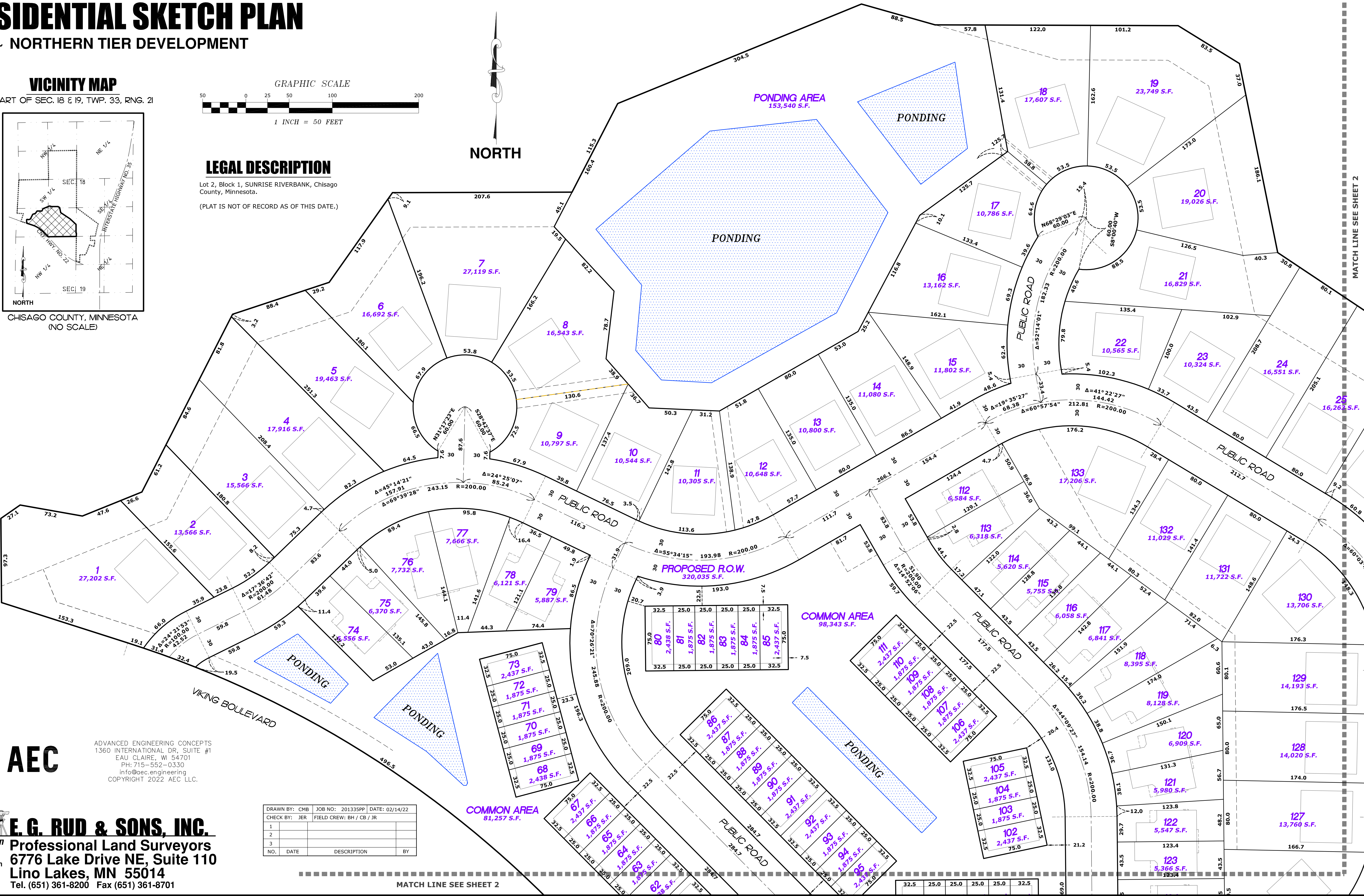


LEGAL DESCRIPTION

Lot 2, Block 1, SUNRISE RIVERBANK, Chisago County, Minnesota.

(PLAT IS NOT OF RECORD AS OF THIS DATE.)

NORTH



ADVANCED ENGINEERING CONCEPTS
1360 INTERNATIONAL DR, SUITE #1
EAU CLAIRE, WI 54701
PH: 715-552-0330
info@aec.engineering
COPYRIGHT 2022 AEC LLC.



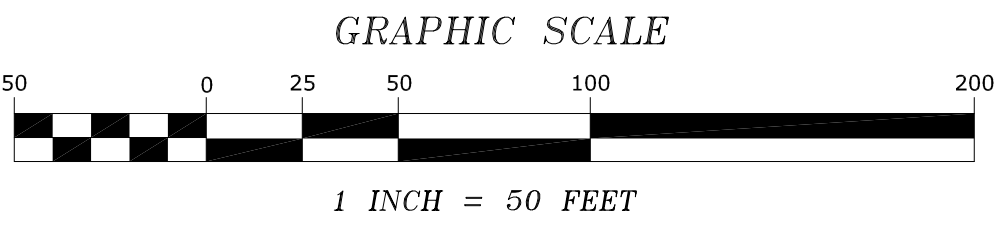
E. G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

DRAWN BY:	CMB	JOB NO:	201335PP	DATE:	02/14/22
CHECK BY:	JER	FIELD CREW:	BH / CB / JR		
1					
2					
3					
NO.	DATE	DESCRIPTION	BY		

MATCH LINE SEE SHEET 2

RESIDENTIAL SKETCH PLAN

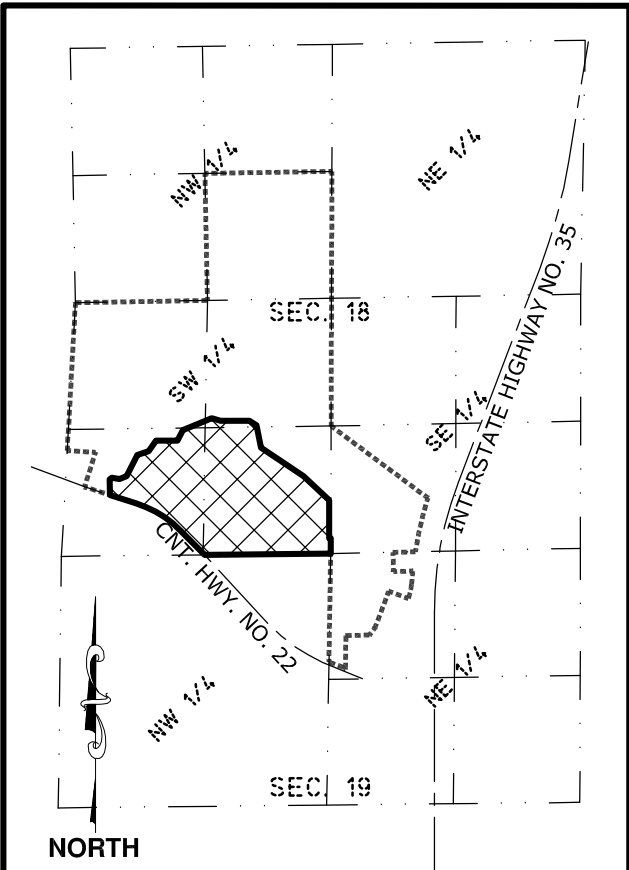
~for~ NORTHERN TIER DEVELOPMENT



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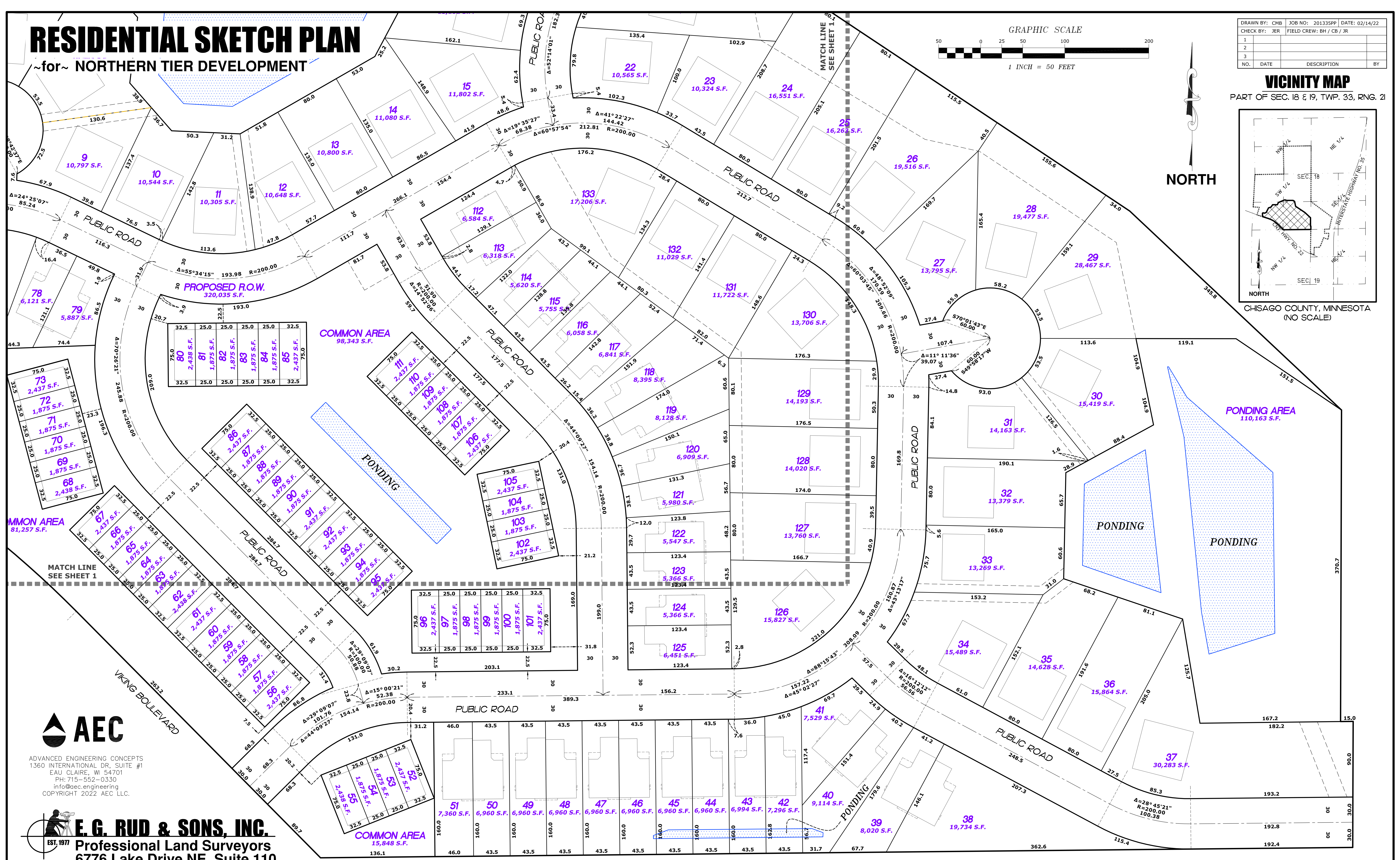
VICINITY MAP

PART OF SEC. 18 & 19, TWP. 33, RNG. 21



CHISAGO COUNTY, MINNESOTA
(NO SCALE)

NORTH

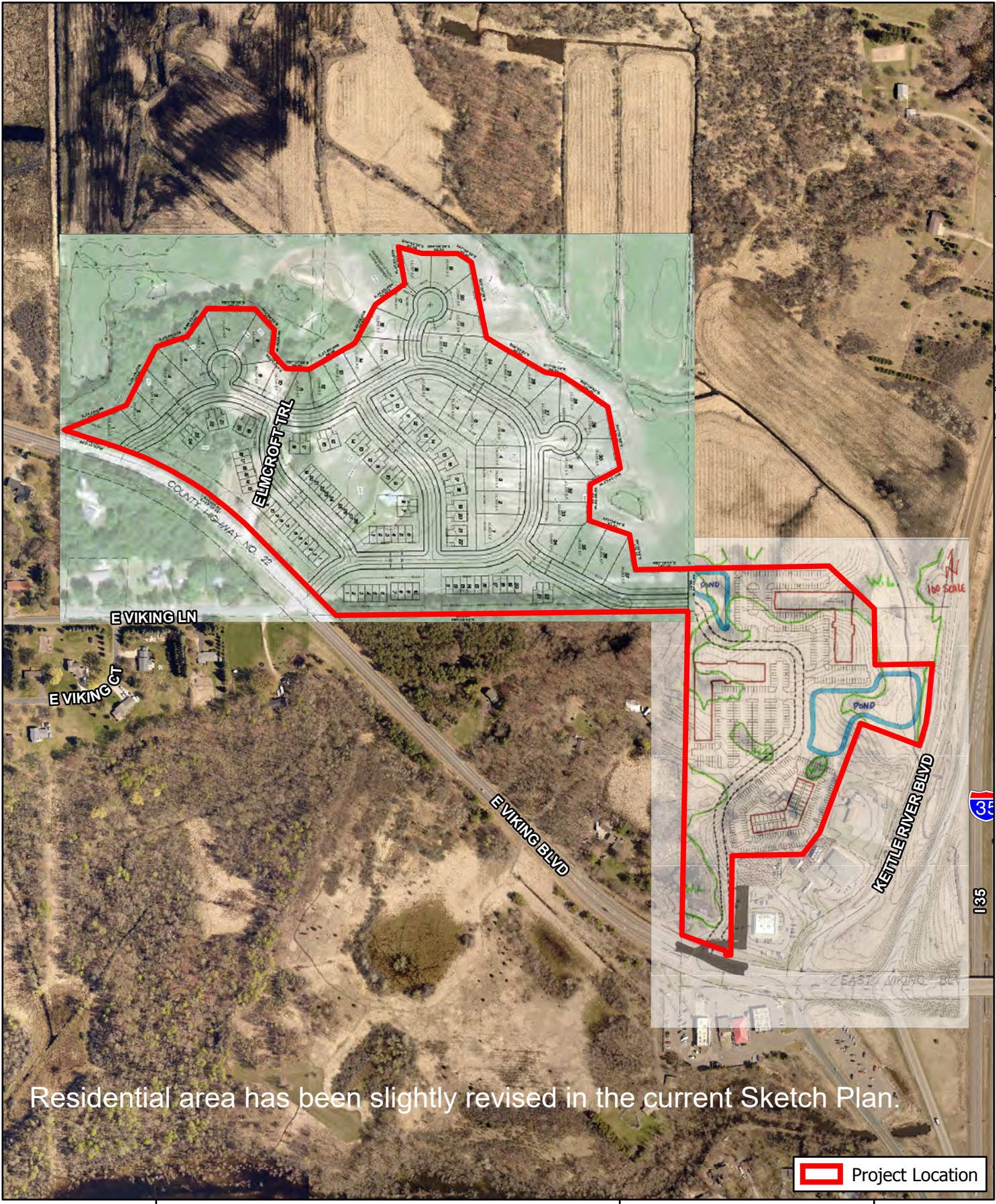


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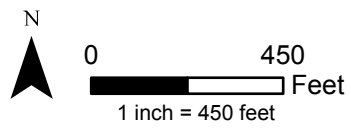
Professional Land Surveyors
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Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701



Residential area has been slightly revised in the current Sketch Plan.



Figure 4 - Proposed Conditions
Sunrise Riverbank EAW
Wyoming, MN





Request for Council Action

Date: March 11, 2022

Presented to: Mayor Iverson and City Council Members

Presented by: Alex Saxe, Assistant City Administrator

Department: Administration

Reference: Ordinance 2022-07, amending Ch. 24 Peddlers and Solicitors

Method: New Business

Background Information:

At the February 15, 2022 City Council meeting, Council directed staff to amend the solicitor ordinance to include the hours allowed for solicitation to be 10am-7pm. In the process of doing this, staff discovered there were several State law changes and the ordinance was not meeting those requirements.

Staff overhauled the ordinance by adding several new sections to comply with State law. Including definitions and redefined the application process for a solicitation permit. These updates were important to make sure there is knowledge of who is in our community, the reason they are here, and a background check for public safety.

Request: To approve Ordinance 2022-07, amending the City of Wyoming code of ordinances, Chapter 24, Peddlers and Solicitors.



CITY OF WYOMING

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092
Phone: 651-462-0575 Fax: 651-462-0576

Chapter 24 PEDDLERS AND SOLICITORS*

*Cross references: Businesses, ch. 12; streets, sidewalks and other public places, ch. 30.

State law references: ~~Hawkers, Peddlers, and Transient Merchants~~, Minnesota Statutes § 329.0952 et seq.; municipal authority to regulate, Minnesota Statutes § 329.1506.

- Sec. 24-1. ~~Purpose. License required.~~
- Sec. 24-2. ~~Definitions. Application for license.~~
- Sec. 24-3. ~~Application for License. License issuance fee.~~
- Sec. 24-4. ~~License Ineligibility. Consumer fraud.~~
- Sec. 24-5. Transient Merchant License.
- Sec. 24-6. Peddler and Solicitor Licenses.
- Sec. 24-7. Standards of Conduct-Prohibited Activity.
- Sec. 24-8. Suspension-Revocation.
- Sec. 24-9. Exclusion by Placard.
- Sec. 24-10. Penalty-Enforcement.
- Sec. 24-11. Severability.

Sec. 24 – 1. ~~Purpose. License required.~~

~~The City Council finds that peddlers, solicitors, and transient merchants, by virtue of the temporary nature of their business and the lack of permanent location for their operations, present unique consumer protection problems. In order to protect the health, safety, and welfare of the community and pursuant to the authority granted by Minn. Stat. § 329.15, the City of Wyoming herein licenses and regulates all peddlers, solicitors and transient merchants operating within the city, as described herein. The purpose of this chapter of the city code is to prevent fraud and criminal activity, such as burglary, theft, and assault and to protect the privacy of residents in their homes by requiring peddlers, solicitors and transient merchants to be licensed, and to impose restrictions on their operations within the city that are narrowly tailored to address the risks these operations pose to the public health, safety and welfare. It is not the purpose of this ordinance to burden interstate commerce or interfere with constitutionally protected rights under the First Amendment of the United States Constitution or Art. I, Section 3 of the Minnesota Constitution. No solicitor, peddler, hawker or a transient vendor of merchandise shall, without having been requested or invited to do so by the owner or occupant of such private residence, go upon any private residence of the city for the purpose of soliciting orders for the sale of goods, wares or merchandise, or for the purpose of disposing of or peddling or hawking, without first obtaining a license.~~

Sec. 24 – 2. ~~Definitions. Application for license.~~

~~Unless the context clearly indicates otherwise, the words below are defined for the purpose of this section as follows:~~

~~A. **Licensee** means an individual, partnership, corporation or association licensed within the city under this section and also includes a person who is or will be conducting the regulated activity on behalf of the licensee.~~

~~B. **Non-Commercial Door to Door Advocate** means a person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For purpose of this ordinance, the term door-to-door advocate shall fall under the term solicitor and include door-to-door canvassing and pamphleteering intended for non-commercial purposes.~~

~~C. **Non-profit** means an organization that currently has tax-exempt status from either the state or federal government and provides written evidence of that status.~~

~~D. **Occupant** means a person living, staying, or working at a residence, including a guest.~~

~~E. **Peddler** means a person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying for exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personnel property that the person is carrying or otherwise transporting. For purpose of this ordinance, the term peddler shall have the same common meaning as the term hawker.~~

~~F. **Person** means any natural individual, group, organization, corporation, partnership or association. As applied to groups, organizations, corporations, partnerships and associations, the term shall include each member, officer, partner, associate, agent or employee.~~

G. **Regular Business Day** means any day during which the city hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be considered regular business days.

H. **Regulated activity** means the activity of a peddler, solicitor, or transient merchant as defined in this section.

I. **Solicitor** means a person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. For purposes of this ordinance, the term solicitor shall have the same meaning as the term canvasser.

J. **Transient merchant** means a person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain in any one location for more than ninety (90) consecutive days.

Before any license shall be issued to any person to vend, sell, hawk or peddle goods, the person desiring such license shall file a written application with the city clerk-administrator. The application shall show:

- (1) The name of the applicant and the persons associated with them in their business;
- (2) The type of business for which the license is desired;
- (3) The length of time for which the license is to be desired;
- (4) A general description of the things to be sold; and
- (5) The present place of business of the applicant.

Sec. 24 – 3. Application for license. License issuance fee.

A person engaging in a regulated activity within the city, as defined herein, must comply with the provisions of this section. A person engaging in a regulated activity within the city must first obtain a license, and an identification card from the City Clerk. The person must also comply with any applicable zoning and health regulations.

A. Exceptions. A person engaging in any of the following activities is not required to obtain a license or an identification card from the city:

1. Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.
2. Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.
3. Any person selling products of the farm or garden grown or raised by the seller, including meat, provided such activities comply with applicable health regulations.
4. Any person selling antiques, collectibles, art work or other similar products in a show or festival which lasts for five days or less and which involves two or more sellers or exhibitors.
5. Any person calling upon residents in connection with establishing or servicing a regular route service for the sale and delivery of perishable daily necessities of life such as bakery products and dairy products.
6. Any person conducting the type of sale commonly known as garage sales, estate sales, or rummage sales.
7. School children, age 17 or younger, soliciting for school-sponsored activities or for other charitable youth-oriented fundraisers.
8. Any person doing business by appointment.
9. Any person participating in an organized multi-person bazaar or flea market.
10. Any person conducting an auction as a properly licensed auctioneer.
11. Any officer of the court conducting a court-ordered sale.
12. Any non-commercial door-to-door advocate exercising that person's state or federal constitutional rights such as freedom of speech, freedom of press, freedom of religion, and the like. Nothing within this ordinance shall be interpreted to prohibit or restrict non-commercial door-to-door advocates. A person engaging in non-commercial door-to-door advocacy shall not be required to register as a solicitor under this section. This exception will not apply if the person's exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity.

Exceptions under this section, shall not, for the scope of this chapter, excuse any person from complying with any other applicable statutory provision or requirement provided by any other city ordinance or county requirement.

B. Application. Application for a license must be made at least ten (10) business days before the regulated activity is proposed to begin and must include an accurate, sworn statement in writing, on a form furnished by the city, that gives the required information listed below and includes any required supporting documentation:

- 1.The applicant's full legal name.
- 2.Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to.
- 3.A physical description of the applicant (hair color, eye color, height, weight, any distinguishing marks or features, and the like).
- 4.Full address of applicant's permanent residence.
- 5.Telephone number of applicant's permanent residence.
- 6.Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or an agent.
- 7.Full address of applicant's regular place of business, if any exists.
- 8.Any and all business-related telephone numbers of the applicant, including cellular phones and facsimile (fax) machines.
- 9.The type of business for which the applicant is applying for a license.
- 10.The duration of the license for which the applicant is applying.
- 11.The dates during which the applicant intends to conduct business. If the applicant is applying for a daily license, the number of days he or she will be conducting business within the city.
- 12.Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up his or her business.
- 13.A statement as to whether or not the applicant has been convicted with the last five (5) years of any felony, gross misdemeanor or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.
- 14.A list of the three (3) most recent locations where the applicant has conducted business as a peddler, solicitor or transient merchant.
- 15.Proof of any required county license.
- 16.Written permission of the property owner or the property owner's agent for any location to be used by a transient merchant.
- 17.A general description of the items to be sold or services to be provided.
- 18.Any and all additional information as may be deemed necessary by the City Council.
- 19.The applicant's driver's license number or other acceptable form of identification.
- 20.The license plate number, registration information, vehicle identification number (VIN) and physical description for any vehicle to be used in conjunction with the licensed business operation.

C. Fees. The application must be accompanied by the required license and identification card fees specified in the City's Fee Schedule.

D. County License Required. No person shall conduct business as a peddler, solicitor, or transient merchant within the city limits without having first obtained the appropriate license from the county if applicable.

E. Procedure for License Issuance or Denial. Upon receipt of the application and payment of the license fee, the city clerk will, within two (2) regular business days, determine if the application is complete. An application will be considered complete if all required information is provided. If the city clerk determines that the application is incomplete, the city clerk must inform the applicant of the required, necessary information that is missing. If the application is complete, the city clerk must order any investigation, including background checks, necessary to verify the information provided within the application. Once the background check is complete, the city clerk shall forward the application to City Council for consideration at its next regularly scheduled council meeting. If the City Council denies the license application, the applicant must be notified in writing of the decision, the reason for denial and the applicant's right to appeal the denial by requesting, within twenty (20) days of receiving notice of rejection, a public hearing before the City Council.

The City Council shall hear the appeal with twenty (20) days of the date of the request for a hearing. The decision of the City Council following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for a writ of certiorari.

Every application for a license under this chapter shall bear the written approval of the chief of police after an investigation of the moral character of the applicant. When the applicant presents to the city clerk-administrator an application in proper form for any business not prohibited by law, they shall annually pay the currently required fee as set out in appendix A to cover the cost of the application. The city clerk-administrator may issue to the applicant a license to conduct, pursue, or carry on the business for which the license was required for the period requested if, in their opinion, the public health, safety or peace will not suffer and the public will not be defrauded.

Sec. 24 – 4. License ineligibility. ~~Consumer fraud.~~

The following shall be considered grounds for denying a license under this Chapter:

A. The failure of the applicant to obtain and show proof of having obtained any required county license.

B. The failure of the applicant to fully or truthfully provide any of the information requested by the city as a part of the application, or the failure to sign the application, or the failure to pay the required fee at the time of the application.

C. The conviction of the applicant within the past five (5) years from the date of the application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner. Those violations shall include, but not be limited to, burglary, theft, larceny, drug, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person; unless the individual can show sufficient evidence of rehabilitation as defined in Minn. Stat. § 364.03, subd. 3.

D. The denial or revocation within the past five (5) years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.

E. The applicant is found to have a history of poor business practices. Evidence of a history of poor business practices shall include, but not be limited to, the existence of more than three complaints against the applicant with the Better Business Bureau, the Office of the Minnesota Attorney General or other state attorney general's office or other similar business or consumer rights office or agency, within the preceding 12 months, or three (3) complaints within the City within the preceding five (5) years.

F. A person who produces documentation of identification that is torn, pasted, peeled, or otherwise damaged or altered.

~~Any peddler who is found guilty of referral selling as defined in Minnesota Statutes § 38.04(6), or of any other consumer fraud regulation, shall have their license revoked.~~

Sec. 24- 5. Transient merchant license.

Transient merchants shall first obtain a transient merchant license pursuant to Section 24-3 of this Chapter and as set forth herein. Unless otherwise granted by the City Council, all transient merchant licenses are subject to the following:

A. Transient merchant licenses are valid for a period of up to one year.

B. No transient merchant activities shall take place on property which is zoned for residential uses.

C. No license shall be issued unless the application is accompanied by a written consent to the activities signed by the owner of the property upon which the transient merchant activity is to be conducted.

D. Applications shall be accompanied by a site plan of the proposed transient merchant location and surrounding premises.

Sec. 24-6. Peddler and solicitor licenses.

Peddler and solicitor license shall be issued for a period as applied for an approved according to the City Fee Schedule.

Sec. 24-7. Standards of conduct-Prohibited activity.

A. Except for those people specified in section 24-3(A), a person may conduct regulated activity in the city only if a valid city identification card identifying the person has been issued, is prominently displayed by attaching it to the front of the outermost clothing between the waist and neck, and has not been revoked, suspended, or impounded.

B. A licensee must not transfer its license or identification card to another person.

C. A person must not use a city identification card issued to someone other than that person.

D. A city identification card must be displayed only while conducting regulated activity in the city and may not be used for other purposes or other than approved locations.

E. A person conducting regulated activity must not go onto private property for that purpose when there are signs prominently posted indicating that trespassing, solicitation, or peddling are unwelcome or prohibited.

F. A person must not be on a street, highway, or adjacent boulevard and direct regulated activity toward the occupants of any motor vehicle in transit and must not obstruct the free flow of vehicular or pedestrian traffic on any public street, sidewalk, or other public right-of-way.

G. A person must not conduct regulated activity in a manner that creates a health or safety hazard.

H. A person must conduct regulated activity in a reasonably courteous manner at all times, must not engage in offensive, obscene, or abusive language, must not push open a door not opened by an occupant, must not place any portion of the person's body through an opened doorway without the invitation of an occupant, and must not physically attempt to stop an occupant from closing a door.

I. A licensee must immediately leave private property when requested to do so by an owner or occupant and must leave immediately upon completion of a transaction or an unsuccessful attempt to contact an occupant.

J. A licensee entering onto residential property must go directly to a front door of the residence, unless there is an adult present outside of the residence or in an open garage. At no time may a licensee go to a window or to the back yard, unless invited to do so by the occupant.

K. A person conducting regulated activity must not make untrue statements to the people contacted regarding the purpose of the contact, orders placed by the neighbors, or the goods and services offered.

L. A licensee must not make statements to the people contacted indicating or implying that the city identification card constitutes an endorsement of their activities or products by the city.

M. No person may call attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.

N. No person under this ordinance shall conduct business before 10:00 a.m or after 7:00 p.m.

Sec. 24-8. Suspension-Revocation

A. Generally. Any license issued under this section may be suspended or revoked at the discretion of the City Council for violation of any of the following:

- 1.Subsequent knowledge by the city of fraud, misrepresentation or incorrect statements provided by an applicant on the application form.
- 2.Fraud, misrepresentation or false statements made during the course of the licensed activity.
- 3.Subsequent conviction of any offense to which the granting of the license could have been denied under Section 24-4.
- 4.Engaging in any prohibited activity as provided under Section 24-7 of this ordinance.
- 5.Violation of any other provision of this ordinance.

B. Multiple persons under one license. The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler, solicitor or transient merchant on behalf of the licensee whose license is suspended or revoked.

C. Notice. Prior to revoking or suspending any license issued under this chapter, the city shall provide a license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.

D. Public Hearing. Upon receiving the notice provided in part (C) of this section, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the city clerk within ten (10) days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of a mailed notice, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated time frame, a hearing shall be scheduled within twenty (20) days from the date of the request for the public hearing. Within three (3) regular business days of the hearing, the City Council shall notify the licensee of its decision.

E. Emergency. If, in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a peddler, solicitor or transient merchant licensed under this ordinance, the City Council may

immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in part (C) of this section.

F. Appeal. Any person whose license is suspended or revoked under this section shall have the right to appeal that decision in court.

Sec. 24-9. Exclusion by placard.

A. Unless specifically invited by the property owner or tenant, no peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall enter onto the property of another for the purpose of conducting business as a peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or similar activity when the property is marked with a sign or placard:

1. At least four inches long.

2. At least four inches wide.

3. With print of at least 48 point in size.

4. Stating "No Peddlers, Solicitors or Transient Merchants," "Peddlers, Solicitors, and Transient Merchants Prohibited," or other comparable statement.

No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section.

Sec. 24-10. Penalty-Enforcement.

A. A violation of a provision of this section is subject to the penalties established in Section 24-8 of this Chapter.

B. The City Clerk, the Chief of Police, and their designees are authorized to enforce this ordinance. They may impound an identification card, and license, when a person has been found violating a provision of this section, when cause exists for suspending or revoking the identification card, or license, or when the identification card or license has been suspended or revoked. When impounding a card or license, the official must send a notice to the licensee and the subject of the card at the address on the application form, giving the parties ten (10) days to submit a written request for a hearing before the city council. Failure to timely request an appeal, constitutes a waiver of that appeal and results in an automatic suspension of the license or card for three years.

Sec. 24-11. Severability.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

ORDINANCE NO. 2022-07

AN ORDINANCE AMENDING THE CITY OF WYOMING CODE OF ORDINANCES, CHAPTER 24, PEDDLERS AND SOLICITORS

NOW THEREFORE, it is hereby ordained by the City Council of the City of Wyoming, Chisago County, Minnesota, that the following Sections of Chapter 24, Peddlers and Solicitors, are amended as follows:

Chapter 24 PEDDLERS AND SOLICITORS*

***Cross references:** Businesses, ch. 12; streets, sidewalks and other public places, ch. 30.

State law references: Peddlers, Transient Merchants, Minnesota Statutes § 329.095 et seq.; municipal authority to regulate, Minnesota Statutes § 329.15.

- Sec. 24-1. Purpose.
- Sec. 24-2. Definitions.
- Sec. 24-3. Application for License.
- Sec. 24-4. License Ineligibility.
- Sec. 24-5. Transient Merchant License.
- Sec. 24-6. Peddler and Solicitor Licenses.
- Sec. 24-7. Standards of Conduct-Prohibited Activity.
- Sec. 24-8. Suspension-Revocation.
- Sec. 24-9. Exclusion by Placard.
- Sec. 24-10. Penalty-Enforcement.
- Sec. 24-11. Severability.

Sec. 24 – 1. Purpose.

The City Council finds that peddlers, solicitors, and transient merchants, by virtue of the temporary nature of their business and the lack of permanent location for their operations, present unique consumer protection problems. In order to protect the health, safety, and welfare of the community and pursuant to the authority granted by Minn. Stat. § 329.15, the City of Wyoming herein licenses and regulates all peddlers, solicitors and transient merchants operating within the city, as described herein. The purpose of this chapter of the city code is to prevent fraud and criminal activity, such as burglary, theft, and assault and to protect the privacy of residents in their homes by requiring peddlers, solicitors and transient merchants to be licensed, and to impose restrictions on their operations within the city that are narrowly tailored to address the risks these operations pose to the public health, safety and welfare. It is not the purpose of this ordinance to burden interstate commerce or interfere with constitutionally protected rights under the First Amendment of the United States Constitution or Art. I, Section 3 of the Minnesota Constitution.

Sec. 24 – 2. Definitions.

Unless the context clearly indicates otherwise, the words below are defined for the purpose of this section as follows:

- A. **Licensee** means an individual, partnership, corporation or association licensed within the city under this section and also includes a person who is or will be conducting the regulated activity on behalf of the licensee.
- B. **Non-Commercial Door to Door Advocate** means a person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For purpose of this ordinance, the term door-to-door advocate shall fall under the term solicitor and include door-to-door canvassing and pamphleteering intended for non-commercial purposes.
- C. **Non-profit** means an organization that currently has tax-exempt status from either the state or federal government and provides written evidence of that status.
- D. **Occupant** means a person living, staying, or working at a residence, including a guest.

E. **Peddler** means a person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying for exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personnel property that the person is carrying or otherwise transporting. For purpose of this ordinance, the term peddler shall have the same common meaning as the term hawker.

F. **Person** means any natural individual, group, organization, corporation, partnership or association. As applied to groups, organizations, corporations, partnerships and associations, the term shall include each member, officer, partner, associate, agent or employee.

G. **Regular Business Day** means any day during which the city hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be considered regular business days.

H. **Regulated activity** means the activity of a peddler, solicitor, or transient merchant as defined in this section.

I. **Solicitor** means a person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. For purposes of this ordinance, the term solicitor shall have the same meaning as the term canvasser.

J. **Transient merchant** means a person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain in any one location for more than ninety (90) consecutive days.

Sec. 24 – 3. Application for license.

A person engaging in a regulated activity within the city, as defined herein, must comply with the provisions of this section. A person engaging in a regulated activity within the city must first obtain a license, and an identification card from the City Clerk. The person must also comply with any applicable zoning and health regulations.

A. Exceptions. A person engaging in any of the following activities is not required to obtain a license or an identification card from the city:

1. Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.
2. Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.
3. Any person selling products of the farm or garden grown or raised by the seller, including meat, provided such activities comply with applicable health regulations.
4. Any person selling antiques, collectibles, art work or other similar products in a show or festival which lasts for five days or less and which involves two or more sellers or exhibitors.
5. Any person calling upon residents in connection with establishing or servicing a regular route service for the sale and delivery of perishable daily necessities of life such as bakery products and dairy products.
6. Any person conducting the type of sale commonly known as garage sales, estate sales, or rummage sales.
7. School children, age 17 or younger, soliciting for school-sponsored activities or for other charitable youth-oriented fundraisers.
8. Any person doing business by appointment.
9. Any person participating in an organized multi-person bazaar or flea market.
10. Any person conducting an auction as a properly licensed auctioneer.
11. Any officer of the court conducting a court-ordered sale.
12. Any non-commercial door-to-door advocate exercising that person's state or federal constitutional rights such as freedom of speech, freedom of press, freedom of religion, and the like. Nothing within this ordinance shall be interpreted to prohibit or restrict non-commercial door-to-door advocates. A person engaging in non-commercial door-to-door advocacy shall not be required to register as a solicitor under this section. This exception will not apply if the person's exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity.

Exceptions under this section, shall not, for the scope of this chapter, excuse any person from complying with any other applicable statutory provision or requirement provided by any other city ordinance or county requirement.

B. Application. Application for a license must be made at least ten (10) business days before the regulated activity is proposed to begin and must include an accurate, sworn statement in writing, on a form furnished by the city, that gives the required information listed below and includes any required supporting documentation:

1. The applicant's full legal name.
2. Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to.
3. A physical description of the applicant (hair color, eye color, height, weight, any distinguishing marks or features, and the like).
4. Full address of applicant's permanent residence.
5. Telephone number of applicant's permanent residence.
6. Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or an agent.
7. Full address of applicant's regular place of business, if any exists.
8. Any and all business-related telephone numbers of the applicant, including cellular phones and facsimile (fax) machines.
9. The type of business for which the applicant is applying for a license.
10. The duration of the license for which the applicant is applying.
11. The dates during which the applicant intends to conduct business. If the applicant is applying for a daily license, the number of days he or she will be conducting business within the city.
12. Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up his or her business.
13. A statement as to whether or not the applicant has been convicted with the last five (5) years of any felony, gross misdemeanor or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.
14. A list of the three (3) most recent locations where the applicant has conducted business as a peddler, solicitor or transient merchant.
15. Proof of any required county license.
16. Written permission of the property owner or the property owner's agent for any location to be used by a transient merchant.
17. A general description of the items to be sold or services to be provided.
18. Any and all additional information as may be deemed necessary by the City Council.
19. The applicant's driver's license number or other acceptable form of identification.
20. The license plate number, registration information, vehicle identification number (VIN) and physical description for any vehicle to be used in conjunction with the licensed business operation.

C. Fees. The application must be accompanied by the required license and identification card fees specified in the City's Fee Schedule.

D. County License Required. No person shall conduct business as a peddler, solicitor, or transient merchant within the city limits without having first obtained the appropriate license from the county if applicable.

E. Procedure for License Issuance or Denial. Upon receipt of the application and payment of the license fee, the city clerk will, within two (2) regular business days, determine if the application is complete. An application will be considered complete if all required information is provided. If the city clerk determines that the application is incomplete, the city clerk must inform the applicant of the required, necessary information that is missing. If the application is complete, the city clerk must order any investigation, including background checks, necessary to verify the information provided within the application. Once the background check is complete, the city clerk shall forward the application to City Council for consideration at its next regularly scheduled council meeting. If the City Council denies the license application, the applicant must be notified in writing of the decision, the reason for denial and the applicant's right to appeal the denial by requesting, within twenty (20) days of receiving notice of rejection, a public hearing before the City Council.

The City Council shall hear the appeal with twenty (20) days of the date of the request for a hearing. The decision of the City Council following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for a writ of certiorari.

Sec. 24 – 4. License ineligibility.

The following shall be considered grounds for denying a license under this Chapter:

- A. The failure of the applicant to obtain and show proof of having obtained any required county license.
- B. The failure of the applicant to fully or truthfully provide any of the information requested by the city as a part of the application, or the failure to sign the application, or the failure to pay the required fee at the time of the application.
- C. The conviction of the applicant within the past five (5) years from the date of the application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner. Those violations shall include, but not be limited to, burglary, theft, larceny, drug, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person; unless the individual can show sufficient evidence of rehabilitation as defined in Minn. Stat. § 364.03, subd. 3.
- D. The denial or revocation within the past five (5) years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.
- E. The applicant is found to have a history of poor business practices. Evidence of a history of poor business practices shall include, but not be limited to, the existence of more than three complaints against the applicant with the Better Business Bureau, the Office of the Minnesota Attorney General or other state attorney general's office or other similar business or consumer rights office or agency, within the preceding 12 months, or three (3) complaints within the City within the preceding five (5) years.
- F. A person who produces documentation of identification that is torn, pasted, peeled, or otherwise damaged or altered.

Sec. 24- 5. Transient merchant license.

Transient merchants shall first obtain a transient merchant license pursuant to Section 24-3 of this Chapter and as set forth herein. Unless otherwise granted by the City Council, all transient merchant licenses are subject to the following:

- A. Transient merchant licenses are valid for a period of up to one year.
- B. No transient merchant activities shall take place on property which is zoned for residential uses.
- C. No license shall be issued unless the application is accompanied by a written consent to the activities signed by the owner of the property upon which the transient merchant activity is to be conducted.
- D. Applications shall be accompanied by a site plan of the proposed transient merchant location and surrounding premises.

Sec. 24-6. Peddler and solicitor licenses.

Peddler and solicitor license shall be issued for a period as applied for an approved according to the City Fee Schedule.

Sec. 24-7. Standards of conduct-Prohibited activity.

- A. Except for those people specified in section 24-3(A), a person may conduct regulated activity in the city only if a valid city identification card identifying the person has been issued, is prominently displayed by attaching it to the front of the outermost clothing between the waist and neck, and has not been revoked, suspended, or impounded.
- B. A licensee must not transfer its license or identification card to another person.
- C. A person must not use a city identification card issued to someone other than that person.
- D. A city identification card must be displayed only while conducting regulated activity in the city and may not be used for other purposes or other than approved locations.
- E. A person conducting regulated activity must not go onto private property for that purpose when there are signs prominently posted indicating that trespassing, solicitation, or peddling are unwelcome or prohibited.
- F. A person must not be on a street, highway, or adjacent boulevard and direct regulated activity toward the occupants of any motor vehicle in transit and must not obstruct the free flow of vehicular or pedestrian traffic on any public street, sidewalk, or other public right-of-way.

G. A person must not conduct regulated activity in a manner that creates a health or safety hazard.

H. A person must conduct regulated activity in a reasonably courteous manner at all times, must not engage in offensive, obscene, or abusive language, must not push open a door not opened by an occupant, must not place any portion of the person's body through an opened doorway without the invitation of an occupant, and must not physically attempt to stop an occupant from closing a door.

I. A licensee must immediately leave private property when requested to do so by an owner or occupant and must leave immediately upon completion of a transaction or an unsuccessful attempt to contact an occupant.

J. A licensee entering onto residential property must go directly to a front door of the residence, unless there is an adult present outside of the residence or in an open garage. At no time may a licensee go to a window or to the back yard, unless invited to do so by the occupant.

K. A person conducting regulated activity must not make untrue statements to the people contacted regarding the purpose of the contact, orders placed by the neighbors, or the goods and services offered.

L. A licensee must not make statements to the people contacted indicating or implying that the city identification card constitutes an endorsement of their activities or products by the city.

M. No person may call attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.

N. No person under this ordinance shall conduct business before 10:00 a.m or after 7:00 p.m.

Sec. 24-8. Suspension-Revocation

A. Generally. Any license issued under this section may be suspended or revoked at the discretion of the City Council for violation of any of the following:

1. Subsequent knowledge by the city of fraud, misrepresentation or incorrect statements provided by an applicant on the application form.
2. Fraud, misrepresentation or false statements made during the course of the licensed activity.
3. Subsequent conviction of any offense to which the granting of the license could have been denied under Section 24-4.
4. Engaging in any prohibited activity as provided under Section 24-7 of this ordinance.
5. Violation of any other provision of this ordinance.

B. Multiple persons under one license. The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler, solicitor or transient merchant on behalf of the licensee whose license is suspended or revoked.

C. Notice. Prior to revoking or suspending any license issued under this chapter, the city shall provide a license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.

D. Public Hearing. Upon receiving the notice provided in part (C) of this section, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the city clerk within ten (10) days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of a mailed notice, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated time frame, a hearing shall be scheduled within twenty (20) days from the date of the request for the public hearing. Within three (3) regular business days of the hearing, the City Council shall notify the licensee of its decision.

E. Emergency. If, in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a peddler, solicitor or transient merchant licensed under this ordinance, the City Council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in part (C) of this section.

F. Appeal. Any person whose license is suspended or revoked under this section shall have the right to appeal that decision in court.

Sec. 24-9. Exclusion by placard.

A. Unless specifically invited by the property owner or tenant, no peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall enter onto the property of another for the purpose of conducting business as a peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or similar activity when the property is marked with a sign or placard:

1. At least four inches long.
2. At least four inches wide.
3. With print of at least 48 point in size.
4. Stating "No Peddlers, Solicitors or Transient Merchants," "Peddlers, Solicitors, and Transient Merchants Prohibited," or other comparable statement.

No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section.

Sec. 24-10. Penalty-Enforcement.

A. A violation of a provision of this section is subject to the penalties established in Section 24-8 of this Chapter.

B. The City Clerk, the Chief of Police, and their designees are authorized to enforce this ordinance. They may impound an identification card, and license, when a person has been found violating a provision of this section, when cause exists for suspending or revoking the identification card, or license, or when the identification card or license has been suspended or revoked. When impounding a card or license, the official must send a notice to the licensee and the subject of the card at the address on the application form, giving the parties ten (10) days to submit a written request for a hearing before the city council. Failure to timely request an appeal, constitutes a waiver of that appeal and results in an automatic suspension of the license or card for three years.

Sec. 24-11. Severability.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Passed by the City Council of the City of Wyoming this 15 day of March 2022.

Lisa Iverson, Mayor

Attest:

Robb Linwood, City Administrator/Clerk

Date Published: _____

RESOLUTION NO. 22-03-28

**RESOLUTION ADOPTING AND APPROVING A SUMMARY PUBLICATION FOR
ORDINANCE 2022-07, AN ORDINANCE AMENDING THE CITY OF WYOMING
CODE OF ORDINANCES, CHAPTER 24, PEDDLERS AND SOLICITORS.**

WHEREAS, the City of Wyoming is a political subdivision, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City has adopted the City of Wyoming Ordinance, No. 2022-07, an ordinance amending Chapter 24 of the City Code; and

WHEREAS, the City Council has determined that publication of the title of the ordinance and a summary of the ordinance would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Wyoming hereby directs the City Clerk to cause to be published in the Forest Lake Times the following notice:

**NOTICE OF ADOPTION OF THE CITY OF WYOMING ORDINANCE NO. 2022-07 AN
ORDINANCE AMENDING THE CITY OF WYOMING CODE OF ORDINANCES,
CHAPTER 24, PEDDLERS AND SOLICITORS.**

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 15 day of March 2022, the City Council of the City of Wyoming adopted an Ordinance amending Chapter 24 of the City Code. The new Ordinance is entitled:

**ORDINANCE NO. 2022-07
AN ORDINANCE AMENDING THE CITY OF WYOMING CODE OF ORDINANCES,
CHAPTER 24, PEDDLERS AND SOLICITORS.**

NOTICE IS FURTHER GIVEN that the ordinances complies with changes to State Statutes and ensures compliance with those laws,

NOTICE IS FURTHER GIVEN that a printed copy of the entire ordinance is available for inspection by any person during the City Clerk's regular office hours in the City Hall located at 26885 Forest Boulevard, Wyoming, Minnesota. Furthermore, proof of publication of the title and summary shall be recorded in the ordinance book of the City Wyoming within 10 days of publication of the title and summary.

Hereupon said Resolution was declared duly passed and adopted this 15th day of March 2022.

Lisa Iverson, Mayor

ATTEST:

This Document Drafted by:
The City of Wyoming
26885 Forest Boulevard
Wyoming, Minnesota 55092

Robb Linwood, City Clerk



Request for Council Action

Date: March 11, 2022

Presented to: Mayor Iverson and City Council Members

Presented by: Alex Saxe, Assistant City Administrator

Department: Administration

Reference: Ordinance 2022-08, amending the Cigarettes/Tobacco Ordinance

Method: New Business

Background Information:

On August 1, 2020 the Minnesota Tobacco 21 law went into effect that increased the legal age to purchase tobacco from 18 to 21. To comply with State law, the city's ordinance needed to be updated to reflect the law change. City staff collaborated with the Public Health Law Center to update the language in the ordinance, check for irrelevant or redundant language, and comply with the legal age of 21.

Request: To approve Ordinance 2022-08, amending the City of Wyoming code of ordinances, Chapter 12, Businesses; Article III, Cigarettes/Tobacco Products.



CITY OF WYOMING

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092
Phone: 651-462-0575 Fax: 651-462-0576

ARTICLE III. CIGARETTES/TOBACCO PRODUCTS

DIVISION 1. GENERALLY

Sec. 12-101. ~~Purpose of article.~~Findings of Fact and Purpose

~~Because the city recognizes that many persons under the age of 18 purchase or otherwise obtain, possess and use tobacco, tobacco products and tobacco related devices, and because studies have shown that most smokers begin smoking before they have reached the age of 18 and that those persons who reach the age of 18 without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; the city council adopts this article to regulate the sale, possession and use of tobacco, tobacco products and tobacco related devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products and tobacco related devices and to further the official public policy of the state in regard to preventing young people from starting to smoke, as provided in Minnesota Statutes § 144.391.~~

Because the city recognizes that the sale of commercial tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products to persons under the age of 21 violates both state and federal law; and because studies, which the county accepts and adopts, have shown that high school use of any commercial tobacco product has increased to 27.6% in Minnesota; and because nearly 90% of people who smoke begin smoking before they have reached the age of 18 years, and that almost no one starts smoking after age 25; and because studies show that youth and young adults are especially susceptible to commercial tobacco product availability, advertising, and price promotions at tobacco retail environments; and because commercial tobacco use has been shown to be the cause of many serious health problems which subsequently place a financial burden on all levels of government, this ordinance is intended to regulate the sale of commercial tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products for the purpose of enforcing and furthering existing laws, to protect youth and young adults against the serious health effects associated with use and initiation, and to further the official public policy of the state to prevent young people from starting to smoke, as stated in Minn. Stat. § 144.391, as it may be amended from time to time.

In making these findings, the County Board accepts the conclusions and recommendations of: the U.S. Surgeon General reports, *E-cigarette Use Among Youth and Young Adults* (2016), *The Health Consequences of Smoking—50 Years of Progress* (2014) and *Preventing Tobacco Use Among Youth and Young Adults* (2012); the Centers for Disease Control and Prevention in their studies, *Tobacco Use Among Middle and High School Students—United States, 2011–2015* (2016), and *Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States, 1997* (1998); and of the following scholars in these scientific journals: Chen, J., & Millar, W. J. (1998). Age of smoking initiation: implications for quitting. *Health Reports*, 9(4), 39-46; D'Avanzo, B., La Vecchia, C., & Negri, E. (1994). Age at starting smoking and number of cigarettes smoked. *Annals of Epidemiology*, 4(6), 455–459; Everett, S. A., Warren, C. W., Sharp, D., Kann, L., Husten, C. G., & Grossett, L. S. (1999). Initiation of cigarette smoking and subsequent smoking behavior among U.S. high school students. *Preventive Medicine*, 29(5), 327–333; Giovino, G. A. (2002). Epidemiology of tobacco use in the United States. *Oncogene*, 21(48), 7326–7340; Khuder, S. A., Dayal, H. H., & Mutgi, A. B. (1999). Age at smoking onset and its effect on smoking cessation. *Addictive Behaviors*, 24(5), 673–677; Luke, D. A., Hammond, R. A., Combs, T., Sorg, A., Kasman, M., Mack-Crane, A., Henriksen, L. (2017). Tobacco Town: Computational Modeling of Policy Options to Reduce Tobacco Retailer Density. *American Journal of Public Health*, 107(5), 740–746; Minnesota Department of Health. (2020). *Data Highlights from the 2019 Minnesota Youth Tobacco Survey*. Saint Paul, MN; Tobacco Control Legal Consortium. (2006). *The Verdict Is In: Findings from United States v. Philip Morris, The Hazards of Smoking*. University of California San Francisco. Truth Tobacco Industry Documents. <https://www.industrydocumentslibrary.ucsf.edu/tobacco>; Xu, X., Bishop, E. E., Kennedy, S. M., Simpson, S. A., & Pechacek, T. F. (2015) Annual healthcare spending attributable to cigarette smoking: an update. *American Journal of Preventive Medicine*, 48(3), 326–333, copies of which are adopted by reference.

Sec. 12-102. Definitions and interpretations.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter and vice- versa. The term "shall" means mandatory and the term "may" means permissive. For the purposes of this Article, tThe following terms shall have the definitions given to them:

Applicant means any person, entity, or organization that applies for a license to ~~sell~~ sell licensed products ~~tobacco or tobacco products~~. If the applicant is a business organization such as a corporation, limited liability company, or partnership, the term "applicant" includes all persons who are officers, partners, shareholders, and/or partners of such organization.

Child-resistant packaging means packaging that meets the definition set forth in the Code of Federal Regulations, title 16, section 17000.15(b), as in effect on January 1, 2015, and was tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.

Cigar means any roll of tobacco that is wrapped in tobacco leaf or in any other substance containing tobacco, with or without a tip or mouthpiece, which is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3, as it may be amended from time to time.

Compliance checks means the system the city uses to investigate and ensure that those authorized to sell licensed products ~~tobacco, tobacco products and tobacco-related devices~~ are following and complying with the requirements of this article. *Compliance checks* may involve the use of persons under the age of 21 who purchase or attempt to purchase licensed products. The term "compliance checks" shall also mean a system approved by the city council used by an educational or research institution to study the sale of tobacco in retail establishments.

Electronic delivery device means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. *Electronic delivery device* includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. *Electronic delivery device* includes any component part of a product, whether or not marketed or sold separately. *Electronic delivery device* does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as "drugs," "devices," or "combination products," as defined in the Federal Food, Drug, and Cosmetic Act.

Licensed products means the term that collectively refers to any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product.

~~*Individually packaged* means the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single cigars, single bags, or cans of loose tobacco in any form and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this definition shall not be considered individually packaged.~~

Loosies means the common term used to refer to single cigarettes, cigars, and any other licensed products that have been removed from their original retail packaging and offered for sale. *Loosies* does not include premium cigars that are hand-constructed, have a wrapper made entirely from whole tobacco leaf, and have a filler and binder made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor. ~~a single or individually packaged cigarette.~~

~~*Minor* means any natural person who has not yet reached the age of 18 years.~~

Moveable place of business means any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address ~~store front~~ or other permanent type of structure licensed ~~authorized~~ for sales transactions.

Nicotine or Lobelia Delivery Product means any product containing or delivering nicotine or lobelia, whether natural or synthetic, intended for human consumption, or any part of such a product, that is not tobacco or an electronic delivery device as defined in this section. *Nicotine or lobelia delivery product* does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as "drugs," "devices," or "combination products," as defined in the Federal Food, Drug, and Cosmetic Act.

Retail establishment means any place of business where licensed products ~~tobacco, tobacco products and tobacco-related devices~~ are available for sale to the general public. *Retail establishments* shall include, but ~~not~~ beis not limited to, grocery stores, tobacco products shops, convenience stores, liquor stores, gasoline service stations, bars, and restaurants, ~~and similar establishments.~~

Sale means any transfer of goods for money, trade, barter or other consideration.

Self-service ~~displaymerchandising~~ means the open displays of licensed products tobacco, tobacco products or tobacco-related devices in any retail establishment in any manner way where any person shall have access to the licensed products without the assistance or intervention of the licensee or the licensee's ~~an~~ employee and where a physical exchange of the licensed product from the licensee or the licensee's employee to the customer is not required in order to access the licensed products. ~~of the premise maintaining the self-service merchandising. Self-service merchandising shall not include vending machines.~~

~~Tobacco or tobacco products~~ means any substance or itemproduct containing, made, or derived from tobacco that is intended for human consumption, whether chewed smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component part, or accessory of a tobacco product ~~tobacco leaf~~, including, but not limited to: cigarettes; cigars; pipe tobacco; ~~snuff~~; fine cut or other chewing tobacco; cheroot; stogies; perique, granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; ~~snuff~~; snuff ~~flowersflour~~; cavendish; shorts, plug and twist tobaccos; dipping tobaccos; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco ~~leaf prepared in such manner as to be suitable for chewing, sniffing or smoking.~~ Tobacco does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as "drugs," "devices," or "combination products," as defined in the Federal Food, Drug, and Cosmetic Act.

~~Tobacco Tobacco-related devices~~ means any ~~tobacco product as well as a pipes~~, rolling papers, ~~wraps~~, or other device to be used with in a manner which enables the chewing, sniffing or smoking of tobacco or tobacco products. Tobacco-related device includes components of tobacco-related devices or tobacco products, which may be marketed or sold separately. Tobacco-related devices may or may not contain tobacco.

Vending machine means any mechanical, electric or electronic or other type of device which dispenses licensed products tobacco, tobacco products or tobacco-related devices upon the insertion of money, tokens or other form of payment directly into or onto the machine-device by the person seeking to purchase the ~~tobacco, tobacco product or tobacco-related device~~licensed product.

Sec. 12-103. Prohibited sales and transactions.

(A) In general. ~~It shall be a violation of this article for anyNo person to shall sell or ,offer to sell, give away, or deliver any tobacco product or tobacco-related device as follows~~licensed product:

~~(A)-~~

~~The retailer or their employee must so verify the age of any person they believe to be 26 years of age or younger unless the exact age of such person is known to the retailer or their employee as a result of a previous verification of the age of such person as required hereunder.~~

~~(12) Vending machine.~~ By means of any type of vending machine.

~~(23) Self-service merchandising.~~ By means of self-service ~~merchandising display.~~ All licensed products must be stored behind the sales counter, in a locked case, in a storage unit, or in another area not freely accessible to the general public. Any retailer selling licensed products at the time this ordinance is adopted must comply with this section within 90 days of the effective date of this ordinance. ~~as defined in section 12-102 whereby the customer is not required to make a verbal or written request to an employee of the licensed premises in order to receive the tobacco, tobacco product or tobacco-related device.~~

~~(4) Loosies.~~ By means of loosies ~~or kiddie packs.~~

~~(5) Prohibited contents.~~ Containing opium, morphine, jimson weed, belladonna, strychnos, cocaine, marijuana, or other type of deleterious, hallucinogenic, or toxic or controlled substances except nicotine and other substances found not naturally found in tobacco or ~~tobacco products~~added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other products subject to this ordinance.

~~(6) Free samples.~~ By distributing free samples of tobacco or tobacco products to any person.

~~(67) Other.~~ By any other means, ~~or to any other person, or in any other manner or form~~ prohibited by federal, state or other local law, ordinance, provision, or other regulation.

(B) Legal age. No person shall sell any licensed product to any person under the age of 21.

(1) Age verification. Licensees must verify by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection. ~~The licensee or the licensee's employee must verify the age of any person they believe to be 30 years of age or younger unless the exact age of such person is known to the licensee or the licensee's employee as a result of a previous verification of the age of such person as required.~~ Retailers must verify that purchasers are 21 years or older by requiring proof of age of the purchaser by checking:

a. A valid driver's license or identification card issued by Minnesota, another state, or a province of Canada;

b. A valid military identification card issued by the United States Department of Defense; or

c. In the case of a foreign national, from a nation other than Canada, by a valid passport.

(2) Signage. Notice of the legal sales age, age verification requirement, and possible penalties for underage sales must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the city, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

~~(B)(C)~~ Samples prohibited. No person shall distribute samples of any licensed product free of charge or at a nominal cost. The distribution of licensed products as a free donation is prohibited.

(D) Liquid packaging. No person shall sell or offer to sell any liquid, whether or not such liquid contains nicotine, which is intended for human consumption and use in an electronic delivery device, in packaging that is not child-resistant. Upon request by the city, a licensee must provide a copy of the certificate of compliance or full laboratory testing report for the package used.

~~(C)(E)~~ Coupon and price promotion. No person shall accept or redeem any coupon, price promotion, or other instrument or mechanism, whether in paper, digital, electronic, mobile, or any other form, that provides any licensed products to a consumer at no cost or at a price that is less than the non-discounted, standard price listed by a retailer on the item or on any related shelving, posting, advertising, or display at the location where the item is sold or offered for sale, including all applicable taxes.

Sec. 12-104. Vending machines.

~~It shall be unlawful for any person licensed under this article to allow the sale of tobacco, tobacco products or tobacco-related devices by means of a vending machine.~~

Sec. 12-105. Tobacco display and storage.

~~All tobacco products and tobacco-related devices shall be stored behind a counter or other area not freely accessible to customers or in a case or other storage unit not left open and accessible to the general public.~~

Sec. 12-~~106~~104. Licensee responsibility for actions of employees.

All licensees ~~under this article shall be~~ responsible for the actions of their employees ~~in regard to~~ regarding the sale, offer to sell, and furnishing of ~~of tobacco, tobacco products or tobacco-related devices licensed products~~ on the licensed premises. ~~The and the sale, offer to sell, or furnishing of licensed product of such an item by~~ an employee shall ~~be~~ considered an sale act by the licensee ~~holder~~. Nothing in this article shall be construed as prohibiting the city from also subjecting the employee to whatever penalties are appropriate under this article, state law or other applicable law or regulation.

Sec. 12-~~107~~105. Compliance checks and inspections.

The city council may authorize or delegate to the city police department, other city officials, and

educational or research organizations to conduct compliance checks and inspections. All licensed premises ~~shall~~ must be open to inspection during regular business hours. Such compliance checks shall be made during regular business hours. From time to time, but at least once per year, the city ~~shall will~~ conduct compliance checks. In accordance with State law, the city will conduct a compliance check that involves the participation of a person at least 17 years of age, but under the age of 21s by engaging minor's to enter the licensed premises to attempt to purchase ~~tobacco, tobacco products or tobacco related devices~~ licensed products. Prior written consent from a parent or guardian is required for any person under the age of 18 to participate in a compliance check. ~~Minors used for the purpose of~~ Persons used for the purpose of compliance checks will be supervised by law enforcement or other designated personnel. ~~compliance checks shall be not less than 15 nor more~~ Persons engaged to assist in compliance checks shall not be guilty of unlawful possession of licensed products ~~than 17 years of age and shall not be guilty of unlawful possession of tobacco, tobacco products or tobacco related devices~~ when such items are obtained as part of the compliance check. ~~No minor used~~ Persons engaged in assisting in compliance checks shall ~~attempt to not~~ use a false identification misrepresenting ~~the minor's age~~ their age and all ~~minors persons~~ persons lawfully engaged in a compliance check shall answer all questions about their ~~minors~~ age asked by the licensee or their employee and shall produce any identification for which the ~~minor person~~ person is asked.

Sec. 12-~~108~~106. ~~Illegal~~ Prohibited acts.

Unless otherwise provided, the following acts shall be a violation of this article:

~~(1) Possession by minor. It shall be a violation of this article for any minor to have in the minor's possession any tobacco, tobacco product or tobacco related device. This subsection shall not apply to minors lawfully involved in a compliance check on behalf of the city or an educational or research organization or who have only temporary possession during a legal sales transaction.~~

~~(2) Use by minor. It shall be a violation of this article for any minor to smoke, chew, sniff or otherwise use any tobacco, tobacco product or tobacco related device.~~

~~(13) Prohibited furnishing or procurement Procurement for or by a minor. It shall be is a violation of this article for any minor person 21 years of age or older to purchase or otherwise obtain any licensed product on behalf of a person under the age of 21. It is also a violation for any person 21 years of age and older to coerce or attempt to coerce a person under the age of 21 to purchase or attempt to purchase any licensed product. to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product or tobacco related device. It shall be a violation of this article for any person to purchase or otherwise obtain such items on behalf of a minor. It shall be a violation of this article for any person to sell or otherwise provide any tobacco, tobacco product or tobacco related device to any minor or to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product or tobacco related device. This subsection shall not apply to minors lawfully involved in a compliance check on behalf of the city.~~

~~(24) Use of false identification. It shall be is a violation of this article for any minor person to attempt to disguise the minor's true age by the use any of a false form of false identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with altered, to represent an age older than the actual age of the person using that identification.~~

~~(5) Redemption of coupons. It shall be a violation of this article for any retail establishment to redeem coupons for any minor for free or discounted tobacco products. It shall be a violation of this article for any retail establishment to redeem coupons for any person by mail order.~~

~~(36) Tobacco advertising. It shall be a violation of this article for any person to permit or place outdoor tobacco advertisements or billboards within 1,000 feet of elementary and secondary schools and public playgrounds or to permit or place outdoor tobacco advertisements or billboards beyond 1,000 feet of elementary and secondary schools and public playgrounds unless said advertisement or billboard consists of black text on a white background. It shall be a violation of this article for any retail establishment that permits persons under the age of 18-21 to be present in or enter its premises at any time to permit or place any tobacco advertisement inside its establishment unless said advertisement consists of black text on a white background.~~

~~(74) Sale and distribution of nontobacco items promoting licensed products and services. It shall be a violation of this article for any person to disseminate or give away any nontobacco~~

~~item~~promotional material or service that identifies it with ~~tobacco products~~licensed products, including, but not limited to, the following items: tee shirts, caps, and sporting goods.

(85) *Mandatory compliance with all federal and state statutes, rules and regulations.* It shall be a violation of this article for any person to violate any federal or state statute or regulations regarding the sale of ~~tobacco-licensed~~ products.

Sec. 12-~~109~~107. Violations and Administrative fines~~Penalties~~.

(A) Violations.

(1) Notice. A person violating this ordinance may be issued, either personally or by mail, a citation from the city that sets forth the alleged violation, including date and time of violation as well as the name of the office issuing the notice and the amount of the scheduled penalty. This notice will also inform the alleged violator of their right to a hearing on the matter and how and where a hearing may be requested, including a contact address and phone number.

(2) Hearings.

(a) Upon issuance of a citation, a person accused of violating this ordinance may request in writing a hearing on the matter. Hearing requests must be made within 20 days of the issuance of the citation and delivered to the City Clerk Administrator's Office or other designated city officer. Failure to properly request a hearing within 20 business days of the issuance of the citation will terminate the person's right to a hearing.

(b) The City Clerk-Administrator or other designated city officer will notify the hearing examiner, who will set the time and place for the hearing. The hearing examiner will notify the licensee or employee of the licensee or other individual of the date, time, place, and nature of the hearing. The hearing shall be conducted no more than 20 days after the hearing examiner receives notice of the request, unless a later date is mutually agreed to by the hearing examiner, the respondent named in the citation, and the city.

(3) Hearing Officer. The position of hearing examiner is hereby created and shall be an individual trained in the law but does not have to be currently licensed to practice law in the state. The hearing examiner will be an impartial employee of the City or an impartial person retained by the city to conduct the hearing. The city clerk-administrator may, at their discretion, and with the approval of the city council, contract with third parties for the furnishing of all services of the hearing examiner as contained in this ordinance and set the rate of compensation.

(4) Decision. A decision will be issued by the hearing officer within 10 business days of the hearing. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty imposed, will be recorded in writing, a copy of which will be provided to the city and the accused violator by in-person delivery or mail as soon as practicable. If the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings will be recorded and a copy will be provided to the city and the acquitted accused violator by in-person delivery or mail as soon as practicable. The decision of the hearing officer is final, subject to an appeal as described in Sec. 12-107, paragraph (A)(6) of this section.

(5) Costs. If the citation is upheld by the hearing officer, the city's actual expenses in holding the hearing up to a maximum of \$1,000 must be paid by the person requesting the hearing.

(6) Appeals. Appeals of any decision made by the hearing officer must be filed with the city clerk-administrator within 20 days of receiving notice of the hearing examiner's decision. At its next regular scheduled meeting following the filing of the notice of appeal, the council shall review the decision and findings of fact of the hearing examiner and shall affirm, repeal, or modify that decision.

(7) Continued violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

(B) Administrative penalties.

~~(a1) Licenses. Any violation of the restrictions attached to a tobacco product license shall be cause for a licensee cited for violating this ordinance, or whose employee has violated this ordinance, will be charged an administrative fine of fine, suspension or revocation of such license or any combination thereof. Separate fines may be assessed against both the licensee and an employee of the licensee for each violation. Without limiting the possible suspension or revocation of licenses under this article, if the violator is both a licensee and an employee/clerk, they shall be fined as a licensee. The first violation for a licensee shall result in an administrative fine of \$3100.00 for a first violation, payable to the city. The first violation for an employee shall result in an administrative fine of \$50.00 payable to the city. Failure of the licensee or employee to pay the fine for a first violation within 30 days from the date of invoice shall result in a two- day license suspension. A second offense at the same licensed premises within a 36-month period will be charged an administrative fine of \$600 violation for a licensee within 12 months shall result in a fine of \$250.00 payable to the city and a five-day license suspension. A second violation for an employee shall result in a fine of \$100.00 and a five-day license suspension. Upon the third violation, the licensed will be suspended for a period of not less than 30 consecutive days and may be revoked. A third violation by either a licensee or an employee within any 12-month period or any violation or sale during a license suspension, shall result in a license revocation and prosecution as a misdemeanor.~~

~~(2) Employees of licensees and other individuals. Individuals, other than persons under the age of 21, who sell licensed products to a person under the age of 21 may be charged with an administrative penalty of \$50 for a first offense, payable to the city. Upon a second violation, the person may be charged with an administrative penalty of \$100.~~

~~(b3) Time restrictions imposed upon revocation. Licensees whose licenses have been revoked shall not be eligible for another tobacco product license for one year from the date of revocation. The city council may attach reasonable conditions to the reinstatement of a suspended or revoked license.~~

~~(4) Persons under the age of 21. Persons under the age of 21 who use a false identification to purchase or attempt to purchase licensed products may only be subject to non-criminal, non-monetary civil penalties or remedies such as tobacco-related education classes, diversion programs, community services, or another non-monetary, civil penalty that the city determines to be appropriate. The city council will consult with educators, parents, guardians, persons under the age of 21, public health officials, court personnel, and other interested parties to determine an appropriate remedy for persons under the age of 21 in the city in the best interest of the underage person. The remedies for persons under 21 who use a false identification to purchase or attempt to purchase licensed products may be established by ordinance and amended from time to time.~~

(A)-(C) Misdemeanor prosecution.

~~(c) The accused violator whether a licensee or employee, may at any time withdraw from the administrative penalty process and elect to have the case heard in court under a misdemeanor prosecution with the applicable penalty for such misdemeanor violation to be determined by the court and not governed by this article ordinance, exception being the suspension or revocation of license provided by in this ordinance, except for the suspension or revocation of licenses allowed hereunder. Upon discovery of a suspected violation, the violator may be issued a citation by the city police and given notice of the violator's right to be heard on the accusations. Such notice shall set forth the nature, date and time of violation, the name of the officer issuing the notice and the amount of the scheduled penalty. Nothing in this section prohibits the city from seeking prosecution as a misdemeanor for an alleged second violation of this ordinance by a person 21 years of age or older within five years of a previous conviction under the ordinance.~~

~~**Sec. 12-110. Administrative revocation hearing.**~~

~~Any person, occupant, property owner or owners, firm, partnership or corporation found to be in violation of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished according to law. Each~~

~~day that a violation is permitted to exist constitutes a separate offense. If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force without the invalidated section or provis~~

Sec. 12-108912. Exceptions and defenses to violations of this article.

Nothing in this article shall prevent the providing of tobacco, tobacco products or tobacco-related devices to an underage person ~~minor~~ as part of a lawfully recognized religious, spiritual or cultural ceremony. It shall be an affirmative defense to the violation of this article for a person to have reasonably relied on proof of age as described by state law.

Secs. 12-113--12-140. Reserved.

DIVISION 2. LICENSE

Sec. 12-141. License rRequired.

No person shall sell or offer to sell any ~~tobacco, tobacco products or tobacco related devices~~licensed product without first having obtained a license to do so from the city.

Sec. 12-142. Application.

An application for a license to sell ~~tobacco, tobacco products or tobacco related devices~~licensed products ~~shall~~must be made in writing on a form provided by the city and executed by the applicant. The application ~~shall~~must contain the full name of the applicant, the applicant's residential and business addresses, date of birth, ~~and~~ telephone numbers, the name of the business for which the license is sought and any additional information the city deems necessary. If the applicant is a corporation, limited liability company, association, or partnership, the application shall contain the names, residential addresses, dates of birth, and telephone numbers of all officers, directors, and partners of the organization. Upon receipt of a completed application, the city clerk-administrator shall forward the application to the city council for action at its next regularly scheduled council meeting. If the city clerk-administrator shall determine that an application is incomplete, the application shall be returned to the applicant with notice of the information necessary to make the application complete.

Sec. 12-143. Approval or denial.

The city council may either approve or deny the application for a license, or it may delay action for such a reasonable period of time ~~as necessary~~ to complete any investigation of the application or the applicant ~~is~~deemed necessary. If the city council approves the license, the city clerk-administrator ~~shall~~will issue the license to the applicant. If the city council denies the application for license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the ~~city council's~~ decision.

Sec. 12-144. Term.

All licenses issued under this article shall be valid for the current calendar year in which the license is issued.

Sec. 12-145. Revocation or suspension.

Any license issued under this article may be revoked or suspended as provided in section 12-~~111~~107, pertaining to violations and penalties.

Sec. 12-146. Moveable place of business.

No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this article.

Sec. 12-147. Display.

All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

Sec. 12-148. Renewals.

The renewal of a license issued under this article shall be processed in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license.

Sec. 12-149. Restrictions.

A license shall be issued subject to the following restrictions:

(1) *Applicant's place of business.* No license shall be issued to any applicant for the sale of ~~tobacco, tobacco products or tobacco related devices~~licensed products at any place other than the applicant's established place of business.

~~(2) *Moveable place of business.* No license shall be issued for the sale of tobacco, tobacco products or tobacco related devices at a moveable place of business.~~

~~(3)~~ *Number of locations.* No license shall be issued for the sale of ~~tobacco, tobacco products or~~

~~tobacco-related devices~~licensed products at more than one place of business.

~~(4) Vending machines. No person shall sell or dispense any tobacco, tobacco products or tobacco-related devices through the use of a vending machine except as provided in section 12-104.~~

~~(5) Self-service merchandising. No individually packaged tobacco product shall be offered for sale by means of self-service merchandising.~~

~~(6) Responsibility for employees; employee responsibility. Every licensee shall be responsible for the conduct of its employees while on the licensed premises and any sale or other disposition of tobacco products in violation of this article by an employee to a person under 18 years of age shall be considered an act of the licensee for purposes of imposing an administrative fine, license suspension or revocation. Notwithstanding this provision, an employee of the licensee may also be fined as an individual for selling or disposing tobacco products to a person under 18 years of age.~~

Sec. 12-150. Fees.

No license shall be issued under this article until the appropriate license fee shall be paid in full. Fees shall be set from time to time by the city council by resolution and may be amended from time to time. The annual license shall be effective for up to one year by approval of the city council, expiring on December 31 of each year, upon which time it will be available for renewal. Application for renewal of such license shall be submitted on an annual basis prior to the expiration of such license.

Sec. 12-151. Basis for denial.

~~(A) The following shall be grounds~~Grounds for denying the issuance or renewal of a license ~~under this article~~include, but are not limited to, the following:

~~_____~~ (1) *Age restriction.* The applicant is under ~~21 years of age~~the age of
~~18 years.~~

(2) *Conviction.* The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to ~~tobacco, tobacco products or tobacco-related devices~~licensed products.

(3) *Revocation of provisional license.* The applicant has had a license to sell ~~tobacco, tobacco products or tobacco-related devices~~licensed products ~~suspended or~~ revoked within the preceding 12 months of the date of the application.

(4) *Failure to provide information.* The applicant fails to provide any information required on the licensing application, or provides false or misleading information.

(5) *Other.* The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding such a license.

~~(6) *Moveable Place of Business.*~~

~~The business for which the license is requested is a moveable place of business. Only fixed-location retail establishments are eligible to be licensed.~~

~~(B) If a license is mistakenly issued or renewed to a person, the city will revoke the license upon the discovery that the person was ineligible for the license under this ordinance. The city will provide the license holder with notice of the revocation, along with information on the right to appeal.~~

~~Except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license. If a license is mistakenly issued or renewed it shall be revoked upon the discovery that the licensee was ineligible for the license under this article.~~

Sec. 12-152. Severability. If any section or provision of this article is held invalid, such invalidity will not affect other sections or provisions that can be given force without the invalidated section or provision.

ORDINANCE NO. 2022-08

AN ORDINANCE AMENDING THE CITY OF WYOMING CODE OF ORDINANCES; CHAPTER 12, BUSINESSES; ARTICLE III, CIGARETTES/TOBACCO PRODUCTS

NOW THEREFORE, it is hereby ordained by the City Council of the City of Wyoming, Chisago County, Minnesota, that the following Sections of Chapter 12, Businesses; Article III, Cigarettes/Tobacco Products, are amended as follows:

ARTICLE III. CIGARETTES/TOBACCO PRODUCTS

DIVISION 1. GENERALLY

Sec. 12-101. Findings of Fact and Purpose

Because the city recognizes that the sale of commercial tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products to persons under the age of 21 violates both state and federal law; and because studies, which the county accepts and adopts, have shown that high school use of any commercial tobacco product has increased to 27.6% in Minnesota; and because nearly 90% of people who smoke begin smoking before they have reached the age of 18 years, and that almost no one starts smoking after age 25; and because studies show that youth and young adults are especially susceptible to commercial tobacco product availability, advertising, and price promotions at tobacco retail environments; and because commercial tobacco use has been shown to be the cause of many serious health problems which subsequently place a financial burden on all levels of government, this ordinance is intended to regulate the sale of commercial tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products for the purpose of enforcing and furthering existing laws, to protect youth and young adults against the serious health effects associated with use and initiation, and to further the official public policy of the state to prevent young people from starting to smoke, as stated in Minn. Stat. § 144.391, as it may be amended from time to time.

Sec. 12-102. Definitions and interpretations.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter and vice- versa. The term "shall" means mandatory and the term "may" means permissive. For the purposes of this Article, the following terms shall have the definitions given to them:

Applicant means any person, entity, or organization that applies for a license to sell licensed products. If the applicant is a business organization such as a corporation, limited liability company, or partnership, the term "applicant" includes all persons who are officers, partners, shareholders, and/or partners of such organization.

Child-resistant packaging means packaging that meets the definition set forth in the [Code of Federal Regulations, title 16, section 17000.15\(b\)](#), as in effect on January 1, 2015, and was tested in accordance with the method described in [Code of Federal Regulations, title 16, section 1700.20](#), as in effect on January 1, 2015.

Cigar means any roll of tobacco that is wrapped in tobacco leaf or in any other substance containing tobacco, with or without a tip or mouthpiece, which is not a cigarette as defined in [Minn. Stat. § 297F.01, subd. 3](#), as it may be amended from time to time.

Compliance checks means the system the city uses to investigate and ensure that those authorized to sell licensed products are following and complying with the requirements of this article. *Compliance checks* may involve the use of persons under the age of 21 who purchase or attempt to purchase licensed products. The term "compliance checks" shall also mean a system approved by the city council used by an educational or research institution to study the sale of tobacco in retail establishments.

Electronic delivery device means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or

vapor from the product. *Electronic delivery device* includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. *Electronic delivery device* includes any component part of a product, whether or not marketed or sold separately. *Electronic delivery device* does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.

Licensed products means the term that collectively refers to any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product.

Loosies means the common term used to refer to single cigarettes, cigars, and any other licensed products that have been removed from their original retail packaging and offered for sale. Loosies does not include premium cigars that are hand-constructed, have a wrapper made entirely from whole tobacco leaf, and have a filler and binder made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor.

Moveable place of business means any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address or other permanent type of structure licensed for sales transactions.

Nicotine or Lobelia Delivery Product means any product containing or delivering nicotine or lobelia, whether natural or synthetic, intended for human consumption, or any part of such a product, that is not tobacco or an electronic delivery device as defined in this section. Nicotine or lobelia delivery product does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.

Retail establishment means any place of business where licensed products are available for sale to the general public. *Retail establishment* shall include, but is not limited to, grocery stores, tobacco products shops, convenience stores, liquor stores, gasoline service stations, bars, and restaurants.

Sale means any transfer of goods for money, trade, barter or other consideration.

Self-service display means the open display of licensed products in a retail establishment in any manner where any person shall have access to the licensed products without the assistance or intervention of the licensee or the licensee’s employee and where a physical exchange of the licensed product from the licensee or the licensee’s employee to the customer is not required in order to access the licensed products.

Tobacco means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component part, or accessory of a tobacco product including, but not limited to cigarettes; cigars; pipe tobacco; fine cut or other chewing tobacco; cheroot; stogies; perique, granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; shorts, plug and twist tobacco; dipping tobacco; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. *Tobacco* does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.

Tobacco-related device means any pipes, rolling papers, wraps, or other device to be used with tobacco products. *Tobacco-related device* includes components of tobacco-related devices or tobacco products, which may be marketed or sold separately. *Tobacco-related devices* may or may not contain tobacco.

Vending machine means any mechanical, electric or electronic or other type of device which dispenses licensed products upon the insertion of money, tokens or other form of payment into or onto the device by the person seeking to purchase the licensed product.

Sec. 12-103. Prohibited sales and transactions.

(A) **In general.** No person shall sell or offer to sell any licensed product:

(1) By means of any type of vending machine.

(2) By means of self-service display. All licensed products must be stored behind the sales counter, in a locked case, in a storage unit, or in another area not freely accessible to the general public. Any retailer selling licensed products at the time this ordinance is adopted must comply with this section within 90 days of the effective date of this ordinance.

(4) By means of loosies.

(5) Containing opium, morphine, jimson weed, belladonna, strychnos, cocaine, marijuana, or other type of deleterious, hallucinogenic, or toxic or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other products subject to this ordinance.

(6) By any other means, to any other person, or in any other manner or form prohibited by federal, state or other local law, ordinance provision, or other regulation.

(B) **Legal age.** No person shall sell any licensed product to any person under the age of 21.

(1) *Age verification.* Licensees must verify by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection. Retailers must verify that purchasers are 21 years or older by requiring proof of age of the purchaser by checking:

- a. A valid driver's license or identification card issued by Minnesota, another state, or a province of Canada;
- b. A valid military identification card issued by the United States Department of Defense; or
- c. In the case of a foreign national, from a nation other than Canada, by a valid passport.

(2) *Signage.* Notice of the legal sales age, age verification requirement, and possible penalties for underage sales must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the city, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

(C) **Samples prohibited.** No person shall distribute samples of any licensed product free of charge or at a nominal cost. The distribution of licensed products as a free donation is prohibited.

(D) **Liquid packaging.** No person shall sell or offer to sell any liquid, whether or not such liquid contains nicotine, which is intended for human consumption and use in an electronic delivery device, in packaging that is not child-resistant. Upon request by the city, a licensee must provide a copy of the certificate of compliance or full laboratory testing report for the package used.

Sec. 12-104. Licensee responsibility for actions of employees.

All licensees are responsible for the actions of their employees regarding the sale, offer to sell, and furnishing of licensed products on the licensed premises. The sale, offer to sell, or furnishing of licensed product by an employee shall be considered an act by the licensee. Nothing in this article shall be construed as prohibiting the city from also subjecting the employee to whatever penalties are appropriate under this article, state law or other applicable law or regulation.

Sec. 12-105. Compliance checks and inspections.

The city council may authorize or delegate to the city police department, other city officials, and educational or research organizations to conduct compliance checks and inspections. All licensed premises must be open to inspection during regular business hours. Such compliance checks shall be made during regular business hours. From time to time, but at least once per year, the city will conduct compliance checks. In accordance with State law, the city will conduct a compliance check that involves the participation of a person at least 17 years of age, but under the age of 21 to enter the licensed premises to attempt to purchase licensed products. Prior written consent from a parent or guardian is required for any person under the age of 18 to participate in a compliance check. Persons used for the purpose of compliance checks will be supervised by law enforcement or other designated personnel. Persons engaged to assist in compliance checks shall not be guilty of unlawful possession of licensed products when such items are obtained as part of the compliance check. Persons engaged in assisting in compliance checks shall not use false identification misrepresenting their age and all persons lawfully engaged in a compliance check shall answer all questions about their age asked by the

licensee or their employee and shall produce any identification for which the person is asked.

Sec. 12-106. Prohibited acts.

Unless otherwise provided, the following acts shall be a violation of this article:

- (1) *Prohibited furnishing or procurement.* It is a violation of this article for any person 21 years of age or older to purchase or otherwise obtain any licensed product on behalf of a person under the age of 21. It is also a violation for any person 21 years of age and older to coerce or attempt to coerce a person under the age of 21 to purchase or attempt to purchase any licensed product.
- (2) *Use of false identification.* It is a violation of this article for any person to use any form of false identification, whether the identification is that of another person or has been modified or tampered with to represent an age older than the actual age of the person using that identification.
- (3) *Tobacco advertising.* It shall be a violation of this article for any person to permit or place outdoor tobacco advertisements or billboards within 1,000 feet of elementary and secondary schools and public playgrounds or to permit or place outdoor tobacco advertisements or billboards beyond 1,000 feet of elementary and secondary schools and public playgrounds unless said advertisement or billboard consists of black text on a white background. It shall be a violation of this article for any retail establishment that permits persons under the age of 21 to be present in or enter its premises at any time to permit or place any tobacco advertisement inside its establishment unless said advertisement consists of black text on a white background.
- (4) *Sale and distribution of items promoting licensed products and services.* It shall be a violation of this article for any person to disseminate or give away any promotional material or service that identifies it with licensed products, including, but not limited to, the following items: tee shirts, caps, and sporting goods.
- (5) *Mandatory compliance with all federal and state statutes, rules and regulations.* It shall be a violation of this article for any person to violate any federal or state statute or regulations regarding the sale of licensed products.

Sec. 12-107. Violations and Administrative Penalties.

(A) Violations.

- (1) *Notice.* A person violating this ordinance may be issued, either personally or by mail, a citation from the city that sets forth the alleged violation, including date and time of violation as well as the name of the office issuing the notice and the amount of the scheduled penalty. This notice will also inform the alleged violator of their right to a hearing on the matter and how and where a hearing may be requested, including a contact address and phone number.
- (2) *Hearings.*
 - (a) Upon issuance of a citation, a person accused of violating this ordinance may request in writing a hearing on the matter. Hearing requests must be made within 20 days of the issuance of the citation and delivered to the City Clerk Administrator's Office or other designated city officer. Failure to properly request a hearing within 20 business days of the issuance of the citation will terminate the person's right to a hearing.
 - (b) The City Clerk-Administrator or other designated city officer will notify the hearing examiner, who will set the time and place for the hearing. The hearing examiner will notify the licensee or employee of the licensee or other individual of the date, time, place, and nature of the hearing. The hearing shall be conducted no more than 20 days after the hearing examiner receives notice of the request, unless a later date is mutually agreed to by the hearing examiner, the respondent named in the citation, and the city.
- (3) *Hearing Officer.* The position of hearing examiner is hereby created and shall be an individual trained in the law but does not have to be currently licensed to practice law in the state. The hearing

examiner will be an impartial employee of the City or an impartial person retained by the city to conduct the hearing. The city clerk-administrator may, at their discretion, and with the approval of the city council, contract with third parties for the furnishing of all services of the hearing examiner as contained in this ordinance and set the rate of compensation.

(4) *Decision.* A decision will be issued by the hearing officer within 10 business days of the hearing. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty imposed, will be recorded in writing, a copy of which will be provided to the city and the accused violator by in-person delivery or mail as soon as practicable. If the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings will be recorded and a copy will be provided to the city and the acquitted accused violator by in-person delivery or mail as soon as practicable. The decision of the hearing officer is final, subject to an appeal as described in Sec. 12-107, paragraph (A)(6) of this section.

(5) *Costs.* If the citation is upheld by the hearing officer, the city's actual expenses in holding the hearing up to a maximum of \$1,000 must be paid by the person requesting the hearing.

(6) *Appeals.* Appeals of any decision made by the hearing officer must be filed with the city clerk-administrator within 20 days of receiving notice of the hearing examiner's decision. At its next regular scheduled meeting following the filing of the notice of appeal, the council shall review the decision and findings of fact of the hearing examiner and shall affirm, repeal, or modify that decision.

(7) *Continued violation.* Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

(B) Administrative penalties.

(1) *Licenses.* Any licensee cited for violating this ordinance, or whose employee has violated this ordinance, will be charged an administrative fine of \$300.00 for a first violation, payable to the city. Failure of the licensee to pay the fine for a first violation within 30 days from the date of invoice shall result in a two-day license suspension. A second offense at the same licensed premises within a 36-month period will be charged an administrative fine of \$600 and a five-day license suspension. Upon the third violation, the licensee will be suspended for a period of not less than 30 consecutive days and may be revoked. A third violation by either a licensee or an employee within any 12-month period or any violation or sale during a license suspension, shall result in a license revocation and prosecution as a misdemeanor.

(2) *Employees of licensees and other individuals.* Individuals, other than persons under the age of 21, who sell licensed products to a person under the age of 21 may be charged with an administrative penalty of \$50 for a first offense, payable to the city.

(3) *Time restrictions imposed upon revocation.* Licensees whose licenses have been revoked shall not be eligible for another license for one year from the date of revocation. The city council may attach reasonable conditions to the reinstatement of a suspended or revoked license.

(4) *Persons under the age of 21.* Persons under the age of 21 who use a false identification to purchase or attempt to purchase licensed products may only be subject to non-criminal, non-monetary civil penalties or remedies such as tobacco-related education classes, diversion programs, community services, or another non-monetary, civil penalty that the city determines to be appropriate. The city council will consult with educators, parents, guardians, persons under the age of 21, public health officials, court personnel, and other interested parties to determine an appropriate remedy for persons under the age of 21 in the city in the best interest of the underage person. The remedies for persons under 21 who use a false identification to purchase or attempt to purchase licensed products may be established by ordinance and amended from time to time.

(C) Misdemeanor prosecution. . Nothing in this section prohibits the city from seeking prosecution as a misdemeanor for an alleged second violation of this ordinance by a person 21 years of age or older within

five years of a previous conviction under the ordinance.

Sec. 12-108. Exceptions and defenses to violations of this article.

Nothing in this article shall prevent the providing of tobacco, tobacco products or tobacco-related devices to an underage person as part of a lawfully recognized religious, spiritual or cultural ceremony. It shall be an affirmative defense to the violation of this article for a person to have reasonably relied on proof of age as described by state law.

Secs. 12-113--12-140. Reserved.

DIVISION 2. LICENSE

Sec. 12-141. License required.

No person shall sell or offer to sell any licensed product without first having obtained a license to do so from the city.

Sec. 12-142. Application.

An application for a license to sell licensed products must be made in writing on a form provided by the city and executed by the applicant. The application must contain the full name of the applicant, the applicant's residential and business addresses, date of birth, telephone numbers, the name of the business for which the license is sought and any additional information the city deems necessary. If the applicant is a corporation, limited liability company, association, or partnership, the application shall contain the names, residential addresses, dates of birth, and telephone numbers of all officers, directors, and partners of the organization. Upon receipt of a completed application, the city clerk-administrator shall forward the application to the city council for action at its next regularly scheduled council meeting. If the city clerk-administrator shall determine that an application is incomplete, the application shall be returned to the applicant with notice of the information necessary to make the application complete.

Sec. 12-143. Approval or denial.

The city council may either approve or deny the application for a license, or it may delay action for such a reasonable period of time to complete any investigation of the application or the applicant deemed necessary. If the city council approves the license, the city clerk-administrator will issue the license to the applicant. If the city council denies the application for license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the decision.

Sec. 12-144. Term.

All licenses issued under this article shall be valid for the current calendar year in which the license is issued.

Sec. 12-145. Revocation or suspension.

Any license issued under this article may be revoked or suspended as provided in section 12-107, pertaining to violations and penalties.

Sec. 12-146. Moveable place of business.

No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this article.

Sec. 12-147. Display.

All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

Sec. 12-148. Renewals.

The renewal of a license issued under this article shall be processed in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license.

Sec. 12-149. Restrictions.

A license shall be issued subject to the following restrictions:

(1) *Applicant's place of business.* No license shall be issued to any applicant for the sale of licensed products at any place other than the applicant's established place of business.

(2) *Number of locations.* No license shall be issued for the sale of licensed products at more than one place of business.

Sec. 12-150. Fees.

No license shall be issued under this article until the appropriate license fee shall be paid in full. Fees shall be set from time to time by the city council by resolution and may be amended from time to time. The annual license shall be effective for up to one year by approval of the city council, expiring on December 31 of each year, upon which time it will be available for renewal. Application for renewal of such license shall be submitted on an annual basis prior to the expiration of such license.

Sec. 12-151. Basis for denial.

(A) Grounds for denying the issuance or renewal of a license include, but are not limited to, the following:

- (1) *Age restriction.* The applicant is under 21 years of age.
- (2) *Conviction.* The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to licensed products.
- (3) *Revocation of provisional license.* The applicant has had a license to sell licensed products suspended or revoked within the preceding 12 months of the date of the application.
- (4) *Failure to provide information.* The applicant fails to provide any information required on the licensing application or provides false or misleading information.
- (5) *Other.* The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding such a license.

(B) If a license is mistakenly issued or renewed to a person, the city will revoke the license upon the discovery that the person was ineligible for the license under this ordinance. The city will provide the license holder with notice of the revocation, along with information on the right to appeal.

Sec. 12-152. Severability. If any section or provision of this article is held invalid, such invalidity will not affect other sections or provisions that can be given force without the invalidated section or provision.

This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Passed by the City Council of the City of Wyoming this 15 day of March 2022.

Lisa Iverson, Mayor

Attest:

Robb Linwood, City Administrator/Clerk

Date Published: _____

RESOLUTION NO. 22-03-29

**RESOLUTION ADOPTING AND APPROVING A SUMMARY PUBLICATION FOR
ORDINANCE 2022-08, AN ORDINANCE AMENDING THE CITY OF WYOMING
CODE OF ORDINANCES, CHAPTER 12, BUSINESSES; ARTICLE III,
CIGARETTES/TOBACCO PRODUCTS.**

WHEREAS, the City of Wyoming is a political subdivision, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City has adopted the City of Wyoming Ordinance, No. 2022-08, an ordinance amending Chapter 12 of the City Code; and

WHEREAS, the City Council has determined that publication of the title of the ordinance and a summary of the ordinance would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Wyoming hereby directs the City Clerk to cause to be published in the Forest Lake Times the following notice:

**NOTICE OF ADOPTION OF THE CITY OF WYOMING ORDINANCE NO. 2022-08 AN
ORDINANCE AMENDING THE CITY OF WYOMING CODE OF ORDINANCES,
CHAPTER 12, BUSINESSES; ARTICLE III, CIGARETTES/TOBACCO PRODUCTS.**

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 15 day of March 2022, the City Council of the City of Wyoming adopted an Ordinance amending Chapter 12 of the City Code. The new Ordinance is entitled:

**ORDINANCE NO. 2022-08
AN ORDINANCE AMENDING THE CITY OF WYOMING CODE OF ORDINANCES,
CHAPTER 12, BUSINESSES; ARTICLE III, CIGARETTES/TOBACCO PRODUCTS.**

NOTICE IS FURTHER GIVEN that on August 1, 2020 the Minnesota Tobacco 21 law went into effect that increased the legal age to purchase tobacco from 18 to 21. To comply with State law, the city's ordinance needed to be updated to reflect the law change. Changes were made to update the language in the ordinance, check for irrelevant or redundant language, and comply with the legal age of 21.

NOTICE IS FURTHER GIVEN that a printed copy of the entire ordinance is available for inspection by any person during the City Clerk's regular office hours in the City Hall located at 26885 Forest Boulevard, Wyoming, Minnesota. Furthermore, proof of publication of the title and summary shall be recorded in the ordinance book of the City Wyoming within 10 days of publication of the title and summary.

Hereupon said Resolution was declared duly passed and adopted this 15th day of March 2022.

Lisa Iverson, Mayor

ATTEST:

This Document Drafted by:
The City of Wyoming
26885 Forest Boulevard
Wyoming, Minnesota 55092

Robb Linwood, City Clerk



Request for Council Action

Date: March 11, 2022

Presented to: Mayor Iverson and City Council Members

Presented by: Robb Linwood, City Administrator

Department: Administration

Reference: Reestablishing Precincts and Polling Places

Method: New Business

Background Information:

City governments must re-establish all precincts after state redistricting. This could be a routine process of verifying that existing precinct boundaries meet legal requirements and then reconfirming those boundaries. The city could also determine that existing precincts do not meet the requirements in law, particularly if new legislative or congressional districts have split existing precincts. Cities may also find this to be a good time to realign precincts to eliminate precincts split by school districts, adjust, add, or remove precincts to accommodate population changes, or to change polling places.

Precincts are the basic geographical areas for organizing and administering elections. For example, separate ballot styles are created for each precinct, separate voting rosters are created for each precinct, and votes are tallied by precinct. Precinct boundaries are established by the governing body of each municipality, and the county board in unorganized territories. City councils and township boards establish precinct boundaries as the result of various requirements in state statutes and also to suit the needs of the community. At a minimum, each municipality must be at least one precinct; additional precincts are necessary if the municipality is divided by a county, county commissioner, legislative or congressional district boundary. Within these broad requirements, municipalities may create as many or as few precincts as suits the community.

Precincts are not tied to population size. However, precincts with large numbers of registered voters can become difficult to manage. While there is no specific threshold that covers all situations statewide, a small percentage of precincts have over 2,000 registered voters.

All precincts in the state—whether in a city, township or unorganized territory—must be established (or reestablished) within 60 days of the adoption of the state redistricting plan, or by March 29, 2022, whichever comes first. These established precinct boundaries become effective on the date of the 2022 primary. (M.S. 204B.14, subd. 3). After completion of the redistricting process, the following notifications must be made by the governing jurisdiction. If there are any changes in the precinct boundaries after the boundaries have been drawn, similar notices must be



CITY OF WYOMING

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092
Phone: 651-462-0575 Fax: 651-462-0576

provided by the municipal clerk or county auditor before the changes can take effect. (M.S. 204B.14).

With the recent completion of the census and redistricting efforts going on around the county and state it was a good time to do an analysis of the city's single precinct and if needed to separate it into multiple since we will not be able to do so for another ten years if we do not do it now.

The City of Wyoming precinct located at Maranatha church is one of the largest precincts in the state at this time. Staff has been working with the Chisago County Auditor to determine a separation of the city that would allow for two precincts. After several attempts to separate the city that would allow for a close populous of precinct size and a fairly simple geographic line. A map has been supplied to the council for review along with the current approximate populous for each precinct. Staff believes that the current and upcoming development of the west side of the city should have these precincts be closer in populous over the next few years.

At this time staff would recommend that we continue to use Maranatha for both Precinct 1 and 2 for the 2022 elections as identified in the resolution for this item. We would look to the addition of another polling place in the future to break up the populous and allow for more efficient and less busy polling places.

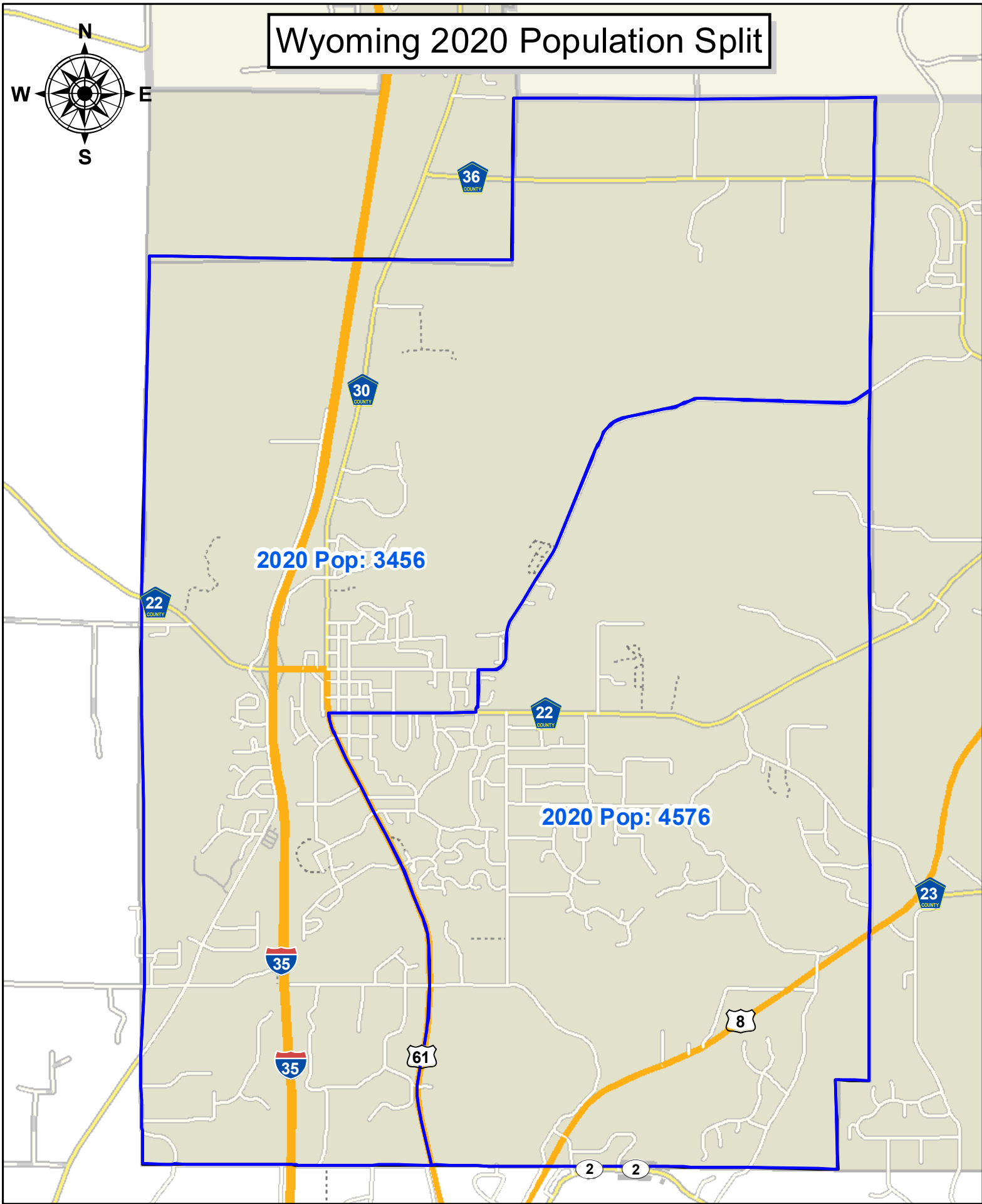
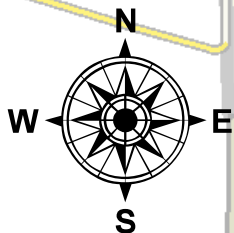
Request: To consider approving **Resolution 22-03-30** a resolution reestablishing precincts and polling places for the City of Wyoming, Minnesota



PUBLIC SAFETY

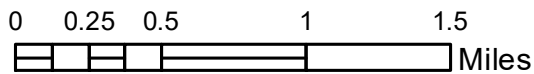
P.O. Box 188, 7665 Wyoming Trl., Wyoming, MN 55092
Phone: 651-462-0577 Fax: 651-462-0506

Wyoming 2020 Population Split



2020 Pop: 3456

2020 Pop: 4576



Option 2

Wyoming 2020 Population: 8032

RESOLUTION NO. 22-03-30

**CITY OF WYOMING
CHISAGO COUNTY, MINNESOTA**

**A RESOLUTION REESTABLISHING PRECINCTS AND POLLING PLACES FOR
THE CITY OF WYOMING, MINNESOTA**

WHEREAS, the legislature of the State of Minnesota has been redistricted; and

WHEREAS, Minnesota Statute section 204B.14, subd. 3 (d) requires that precinct boundaries must be reestablished within 60 days of when the legislature has been redistricted or at least 19 weeks before the state primary election, whichever comes first;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Wyoming, County of Chisago, State of Minnesota hereby reestablishes the boundaries of the voting precincts and polling places as follows: Precinct 1 (Maranatha Assembly of God, 24799 Forest Boulevard) That part of the city lying West of Highway 61, North of Wyoming Trail, West of Glen Oak Drive and North of East Viking Boulevard. Precinct 2 (Maranatha Assembly of God, 24799 Forest Boulevard) That part of the city lying East of Highway 61, South of Wyoming Trail, East of Glen Oak Drive and South of East Viking Boulevard.

Hereupon said resolution was declared passed and adopted by the city council of the city of Wyoming this 15th day of March, 2022.

CITY OF WYOMING

By: _____
Lisa Iverson, Mayor

ATTEST:

Robb Linwood, City Administrator/Clerk



Request for Council Action

Date: March 10, 2022

Presented to: Mayor Iverson and City Council Members

Presented by: Robb Linwood, City Administrator

Department: Administration

Reference: Labor negotiations strategies for bargaining unit of Law Enforcement Labor Services (LELS).

Method: New Business

Background Information:

City staff is requesting the council enter a closed session under MN state statute 13d.03 to discuss labor negotiation strategies for a contract with the bargaining units of Law Enforcement Labor Services (LELS).

Recommendation: To enter a closed session under MN state statute 13d.03 to discuss labor negotiation strategies for a contract with the bargaining unit of Law Enforcement Labor Services (LELS).



CITY OF WYOMING

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092
Phone: 651-462-0575 Fax: 651-462-0576