

**APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
SEPTEMBER 6, 2022
7:00PM**

CALL TO ORDER:

Mayor Lisa Iverson called the Regular Meeting of the Wyoming City Council for September 6, 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, Dennis Schilling, and Claire Luger

ABSENT: Councilmember Brett Ohnstad

Also Present: Tom Loonan, Eckberg Lammers, Robb Linwood, City Administrator, Alex Saxe, Assistant City Administrator, Neil Bauer, Public Safety Director and Chuck Almhjeld, Public Works Superintendent

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

Michael Johnson, 27011 Forli Avenue – Explained that on August 20, 2022 he found a corn filled plastic baggy in his driveway with a printed flyer inside. He presented a copy of the flyer to the Council and explained that some of the terminology used was white supremacist/neo-Nazi related. He stated that these flyers were dropped throughout the City. He stated that he hopes the Council finds this unacceptable and feels that anyone who pushes this extremist ideology is not welcome in the City. He stated that the group that was responsible for the flyer is based in South Dakota but there had been evidence of other 'hate' groups operating in the County and the State that have had similar instances of this type of activity. He stated that he would like the community to have no doubt on where the City and the Council stands on this issue, so everyone can feel safe in their own homes. He stated that he is asking the Council and the Wyoming Police Department to denounce this hateful ideology and send a clear message that it will not be tolerated.

Mayor Iverson – Explained that she had not received a flyer at her home but heard that it happened during the Stomp Out Suicide event.

Mr. Johnson - Confirmed that it happened on the same day as the Stomp Out Suicide event, sometime in the early morning hours.

Mayor Iverson – Asked Public Safety Director Bauer to review what the City was doing about these activities.

Public Safety Director Bauer – Confirmed that this activity is something that had been happening across the Twin Cities metro area within the same short period of time and explained that is one of the reasons that they do not believe it is being driven by local area residents. He noted that he believes the fact that it happened at the same time as the Stomp Out Suicide event may have been coincidental and cautioned against talking about this on social media.

Mayor Iverson – Suggested that the Council have a deeper discussion on this issue at a separate meeting. She stated that she wants to make it clear that hate has no place in the City but wants

to make sure that the correct language is used.

Councilmember Luger – Noted that her daughter and nephews found scores of this kind of literature as they went through the Stomp Out Suicide 5K and disposed what they could. She stated that she wonders if it was purposefully done that morning to coincide with that event, which, in her opinion, makes it even more reprehensible. She explained that she was in support of denouncing this message either individually or as a full Council.

Councilmember Schilling – Stated that this activity is not who Wyoming is or who they represent and he would also support denouncing it because it was disgusting.

Mayor Iverson – Thanked Mr. Johnson and the other residents for coming to present this information to the Council.

APPROVAL OF MINUTES:

1. **Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for August 16, 2022**

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR AUGUST 16, 2022 AS SUBMITTED.

Voting Aye: Schilling, Nanko Yeager, Luger, Iverson

Voting Nay: None

Abstain: None

Absent: Ohnstad

2. **Consider approving the minutes of the “Budget Work Session Meeting” of the Wyoming, Minnesota City Council for August 24, 2022**

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE THE MINUTES OF THE “BUDGET WORK SESSION MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR AUGUST 24, 2022 AS SUBMITTED.

Voting Aye: Schilling, Nanko Yeager, Luger, Iverson

Voting Nay: None

Abstain: None

Absent: Ohnstad

SCHEDULED BID LETTINGS: NONE

SCHEDULED PUBLIC HEARINGS:

3. To consider **Resolution 22-09-73** a resolution to vacate the public right-of-way at 5690 277th Street

Assistant City Administrator Saxe – Explained that the southeast portion of the parcel is located in the right-of-way and explained that it had been used in the past for a temporary turnaround and the applicant is now asking for that to be vacated. Staff is recommending approval.

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

Voting Aye: Schilling, Nanko Yeager, Luger, Iverson

Voting Nay: None

Abstain: None
Absent: Ohnstad

There were no comments.

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

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

Councilmember Nanko Yeager – Asked for details of the history surrounding this right-of-way and noted that it seems to be an odd location.

City Administrator Linwood – Explained that essentially there was a turn-around, in this location, for the end of the development and when the development continued on, the road was continued, so the temporary turn-around location no longer existed or was needed.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 22-09-73 A RESOLUTION TO VACATE THE PUBLIC RIGHT-OF-WAY PROPERTY LOCATED AT 5690 277TH STREET.

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

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 August 17, 2022 to September 6, 2022
5. To consider authorizing payment of annual dues to the League of Minnesota Cities in the amount of \$8,730 for September 1, 2022 to August 31, 2023 and Membership in the Minnesota Mayors Association for the same fiscal year in the amount of \$30.00
6. To consider Resolution 22-09-74 a resolution declaring certain vehicles as surplus property for disposal and authorizing the Police Department to dispose of the vehicles through online auction

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE #4, #5, and #6 OF THE WYOMING CITY COUNCIL CONSENT AGENDA

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

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

7. Report of the Public Safety Director, Neil Bauer for September 1, 2022
8. Report of City Building Official, Fred Weck, IV for August 30, 2022
9. Report of City Attorney Tom Loonan for August 31, 2022

10. Report of City Engineer Mark Erichson, WSB for September 2, 2022
11. Report of Public Works Superintendent Chuck Almhjeld for September 6, 2022
12. Report of Abdo Financial Solutions for the 2022 2nd Quarter City of Wyoming Financials

COMMUNICATIONS:

OLD BUSINESS:

13. To consider the donation and design of a sign for the City of Wyoming

Assistant City Administrator Saxe – Noted that following discussion at the August 16, 2022 City Council meeting, Pat Rylander worked on other options for the sign donation. He explained that Wyoming Drug has offered to place the sign on their building, so this is now a private matter and no formal action is needed by the Council.

Mayor Iverson – Expressed her appreciation to both Ms. Rylander and Mr. Garrison. She stated that she is happy that the sign will be able to be seen because she thought it was a really great design. She noted that she felt it would have looked really nice on the library building and is sad that it will not be displayed there and was disappointed that the County would have had the final approval on something that is within the City.

14. To consider **Resolution 22-09-75** a resolution approving a site plan review application to demolish the existing and construct a new Dairy Queen restaurant at 5111 East Viking Boulevard, Property ID Number: 21.00020

City Administrator Linwood – Reminded the Council that they had discussed and had acted at the August 3, 2022 Council meeting. He explained that the applicant had asked for additional Council review and were asking them to reconsider their decision due to their desire to be consistent with their brand standards.

Justin Kraus, Fourteen Foods, LLC – Explained the changes that they had made since their last appearance before the Council.

Mayor Iverson – Noted that she had recently traveled to Hilton Head and everything there looked exactly the same. She asked what Dairy Queen/Fourteen Foods would do in that type of situation where there were strict architectural standards that had to be met.

Mr. Kraus – Stated that they would not proceed with the project and would just wait until the standards had been relaxed. He noted that they would not move forward with the plans if the additional brick requested by Wyoming was required. He stated that if their proposal was not approved, they would most likely just remodel the existing building and would potentially lease or sell a portion of the building.

Mayor Iverson – Explained that she is in favor of what the applicant has presented and noted that coming from the marketing world, she understands that 'brand standards' are a huge thing and noted that the applicant has made some revisions to their original plan.

Councilmember Luger – Stated that she understands the purpose of having codes and standards, but also understands branding. She stated that she thinks the most recent proposal is a nice compromise and she would support it.

Councilmember Schilling – Stated that he can see both sides of the argument on this issue and noted that sometimes he feels that when there are certain restrictions on things, it can overcomplicate branding and discourage growth. He stated that there is a discrepancy of 13%

and if this moves forward, it will set a precedent that the City is not technically following its own code or guidelines. He stated that he feels the City should revisit these requirements because this is the third time the Council has run into this type of issue since he has been on the Council. He explained that he feels there should be an easier way for the City to decide what façade should be on a building. He stated that he will support this being approved, but would recommend that the City revisit this portion of the code.

City Administrator Linwood – Explained that part of the Planning Commission’s 2022 goals was to review the architectural standards in the ordinance but noted that they have been pretty focused on revisions to the Comprehensive Plan.

Councilmember Nanko Yeager – Asked if the City’s architectural standards were more restrictive than other cities that have the next generation version of the Dairy Queen buildings.

City Administrator Linwood – Stated that he thinks the last time the City redid their architectural standards he thinks they worked hard not to be completely out of bounds with other similar cities.

Mr. Kraus – Stated that the standards really vary by city and gave the example of a recent building that they put up on Waconia that had no restrictions and another that they did not build in Tennessee because of that city’s restrictions.

Councilmember Nanko Yeager – Stated that she is in favor of directing the Planning Commission to revisit the City’s architectural standards, but in this case, if the City takes such a visible building and does not require them to meet the City’s standards, she would question how can the City look the other area businesses in the eye who did have to meet the standards and simply did not have the kind of money that a corporation like Dairy Queen has behind them. She stated that she shares Councilmember Schilling’s concern about this decision setting a precedent.

The Council discussed building materials and the different classifications they fell under.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 22-09-75 A A RESOLUTION APPROVING A SITE PLAN REVIEW APPLICATION TO DEMOLISH THE EXISTING AND CONSTRUCT A NEW DAIRY QUEEN RESTAURANT AT 5111 EAST VIKING BOULEVARD, PROPERTY ID NUMBER 21.00020, AS PRESENTED.

Voting Aye: Schilling, Luger, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: Ohnstad

- 15.** To consider Resolution 22-09-76 A, a resolution approving a Conditional Use Permit for increased impervious surface area in a shoreland district at 5111 East Viking Boulevard, Property ID Number 21.00020

A MOTION WAS MADE BY COUNCILMEMBER IVERSON SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE RESOLUTION 22-09-76 A, A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR INCREASED IMPERVIOUS SURFACE AREA IN A SHORELAND DISTRICT AT 5111 EAST VIKING BOULEVARD, PROPERTY ID NUMBER 21.00020.

Voting Aye: Schilling, Luger, Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: Ohnstad

Mayor Iverson – Asked when demolition for this project would begin.

Mr. Krause – Stated that they still need to get permits and if they can get everything mobilized by October 1, 2022, they will go ahead and do it this year, but if not, they will plan for demolition in early September of 2023. He stated that the restaurant is still open.

There was consensus of the Council to direct the Planning Commission to take a look at the architectural standards ordinance and consider revisions and modernization.

NEW BUSINESS

16. To consider **Resolution 22-09-77** a resolution approving a Preliminary Tax Levy for 2023 and setting a public hearing for Truth and Taxation at the December 6, 2022 Wyoming City Council meeting

City Administrator Linwood – Introduced Jessie Sturtz and Kari Thorson, from Abdo Financial Solutions to review the Preliminary Tax Levy information.

Jessie Sturtz – Gave a brief presentation regarding the Preliminary Tax Levy for 2023 and explained that they are proposing an overall Tax Levy of 9.71% which is an increase of \$466,238. She reviewed the impact to taxes on different market values of residential properties and noted that the County is seeing an increase in market values and reviewed the estimated property taxes with this market value increase. She gave the example of a \$200,000 home having property taxes that would increase by \$68. She reviewed the different levies, as proposed, the tax capacity impact on the tax rate, details from the proposed Preliminary Tax Levy, and key changes in expenditures and the General Fund budget.

Mayor Iverson – Stated that she wants to make sure that it is clear to people when they get their tax bill that it was not the City raising everything, but, the County increasing their property valuations. She stated that is hoping that the residents can understand that the valuation of their home is not because of actions taken by the City. She asked about the Community Service Officer and asked if staff had taken a look at what the levy would be without that position.

Ms. Sturtz – Stated that they did look at that and without the Community Service Office position, the levy would be 8.93%.

Mayor Iverson – Stated that she understands the efforts for retention and recruitment and asked questions related to the part-time Community Service Officer position.

Public Safety Director Bauer – Gave an overview of some of the duties for the part-time Community Service office including shuttling vehicles for service. He stated that because this position would not have a vehicle, they would have to get creative with their fleet and gave examples of how the City may be able to extend the life of some of the existing vehicles.

Mayor Iverson – Stated that she felt having a full-time position with a car would be easier and would help with retention. She stated that to her having a part-time person will require a lot more juggling and asked if Public Safety Director Bauer actually had people interested in working part-time.

Public Safety Director Bauer – Explained that he had initially requested a full-time position and this was a compromise because they have to get creative on how they can get people onto the pathway of becoming police officers in the City.

Councilmember Nanko Yeager – Stated that she feels the levy increase is just a little too high and is afraid people will not be able to afford it.

Councilmember Luger – Asked if the City would meet again on this issue prior to the Truth and Taxation meeting in December.

City Administrator Linwood – Stated that the Council will have other opportunities to discuss this levy.

Councilmember Luger – Clarified that all this approval does is say that the Preliminary Tax Levy amount will not be any more than this amount, but they can still bring it down further.

City Administrator Linwood – Stated that was correct and reminded the Council that by State Statute, the City needs to send a 'do not exceed' levy to the County auditor by September 30, 2022. He noted that meant that once this is approved, the City cannot exceed it, but can make revisions that may decrease it. He stated that there will be a Council Work Session on November 9, 2022 where the budget will be discussed and noted that they can always schedule additional meetings if the Council feels they are necessary.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 22-09-77 A RESOLUTION APPROVING A PRELIMINARY TAX LEVY FOR 2023 AND SETTING A PUBLIC HEARING FOR TRUTH AND TAXATION AT THE DECEMBER 6, 2022 WYOMING CITY COUNCIL MEETING.

Voting Aye: Schilling and Luger

Voting Nay: Nanko Yeager and Iverson

Abstain: None

Absent: Ohnstad

City Administrator Linwood – Noted that since there were only 4 Councilmembers present tonight, they will bring this back to the September 20, 2022 meeting for a vote with full Council.

Mayor Iverson – Suggested that she was willing to change her vote on this item, if necessary.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 22-09-77 A RESOLUTION APPROVING A PRELIMINARY TAX LEVY FOR 2023 AND SETTING A PUBLIC HEARING FOR TRUTH AND TAXATION AT THE DECEMBER 6, 2022 WYOMING CITY COUNCIL MEETING.

Voting Aye: Schilling, Luger, and Iverson

Voting Nay: Nanko Yeager

Abstain: None

Absent: Ohnstad

Mayor Iverson – Stated that even though she changed her vote, she wants to ensure that this issue is back on an agenda for further Council discussion.

17. To consider Resolution 22-09-78 a resolution approving the purchase and installation of Water Meters from Ferguson Waterworks in the amount of \$443,905.00

Public Works Superintendent Almhjeld – Gave an overview of the request for purchase and installation of water meters.

Mayor Iverson – Asked what would happen with the old meters.

Public Works Superintendent Almhjeld – Explained that they would be broken down and recycled. He stated that believes the last time they did this they were able to put \$7,000 back in the General Fund.

Councilmember Schilling – Asked if the City had discussed moving to monthly billing rather than quarterly and asked if the new meters would make that easier.

Public Works Superintendent Almhjeld – Stated that monthly billing could be done, but with the administrative time to send out the bills, there would not end up being a great value to making that change unless the City chose to go to paperless billing.

City Administrator Linwood – Explained that staff had done some initial analysis on this issue and can share some of those numbers with the Council at a future meeting. He explained that the cost of postage and administrative time would outweigh the benefits.

Mayor Iverson – Noted that most younger families prefer monthly and on-line billing.

City Administrator Linwood – Explained that there is still a significant portion of the metered population that receives their billing via mail.

Mayor Iverson – Recommended that the City take a look at ways to do a push to encourage online and paperless systems rather than having to send out the bills.

Councilmember Schilling – Noted that this had just been an issue that he has had a lot of people ask him about.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE RESOLUTION 22-09-78 A RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF WATER METERS FROM FERGUSON WATERWORKS IN THE AMOUNT OF \$443,905.00

Voting Aye: Schilling, Nanko Yeager, Luger, Iverson

Voting Nay: None

Abstain: None

Absent: Ohnstad

18. To consider Resolution 22-09-79 a resolution urging the governor of Minnesota and State lawmakers to hold a special session to pass a bonding bill and tax bill

City Administrator Linwood – Explained this is a resolution that has been going around the League of Minnesota Cities and the Greater Coalition of Minnesota Cities. He stated that Wyoming would be one of the cities that is significantly impacted by the Governor and the lawmakers not holding a special session because of the loss of a portion of the LGA funds due to their inaction. He stated that the City also had a funding request in for construction of a Public Safety building and without the adoption of the bonding bill, they have no chance of receiving any funds for that project. He explained that this resolution just urged the governor and the lawmakers to move forward with a bipartisan way of passing a bonding and tax bill for 2022.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE RESOLUTION 22-09-79 A RESOLUTION URGING THE GOVERNOR OR MINNESOTA AND STATE LAWMAKERS TO HOLD A SPECIAL SESSION TO PASS A BONDING BILL AND TAX BILL.

Voting Aye: Schilling, Nanko Yeager, Luger, Iverson

Voting Nay: None

Abstain: None

Absent: Ohnstad

19. To consider entering a closed session under MN State Statute 13D.05, Subd 3(a) for an annual performance evaluation of City Administrator Robb Linwood

City Attorney Loonan – Explained that in reviewing the minute from the last meeting, the Council had tabled this item to a future meeting when ‘all’ Councilmembers could be present. He stated that Councilmember Ohnstad is not present at tonight’s meeting and explained that the Council could still proceed, but he would ask that the Council make a motion to take that action or they

could also table it again until all Councilmembers can be present.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE MOVING FORWARD WITH THE CLOSED SESSION MEETING TONIGHT IN ORDER TO CONDUCT THE ANNUAL PERFORMANCE REVIEW FOR CITY ADMINISTRATOR ROBB LINWOOD.

Voting Aye: Schilling, Nanko Yeager, Luger, Iverson

Voting Nay: None

Abstain: None

Absent: Ohnstad

City Attorney Loonan – Suggested that Council review their Council reports and other information before moving into the closed session.

COMMUNICATIONS:

COUNCIL REPORTS:

Council Member Nanko Yeager – Attended the budget work session, the All Boards meeting, and toured the new County jail.

Council Member Luger – Attended the budget meeting, All Boards meeting, and the Stomp Out Suicide event.

Council Member Schilling – No report.

Mayor Iverson – Attended the All Boards meeting, the budget meeting, and participated in the Stomp Out Suicide event. She noted that Stomp Out Suicide had about 1,500 participants and was able to raise almost \$100,000. She stated that Stagecoach Days is coming up and asked for volunteers from the Council to walk in the parade. She stated that in order for them to be registered and noticed properly, she will need to know as soon as possible if they can participate.

Mayor Iverson – Recessed the meeting at 8:22 PM and reconvened at 8:27 PM

City Attorney Loonan He stated that at this time the Council will be entering a closed session under MN State Statute 13D.05, Subd 3(a) to discuss the annual the review of City Administrator Robb Linwood. He noted that City Administrator Linwood has consented to the closed session for this purpose.

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE GOING INTO A CLOSED SESSION UNDER MN STATE STATUTE 13D.05, SUBD. 3(A) FOR AN ANNUAL PERFORMANCE EVALUATION OF CITY ADMINISTRATOR ROBB LINWOOD AT 8:28 P.M.

Voting Aye: Schilling, Nanko Yeager, Luger, Iverson

Voting Nay: None

Abstain: None

Absent: Ohnstad

A MOTION WAS MADE BY COUNCILMEMBER SCHILLING, SECONDED BY COUNCILMEMBER LUGER, TO EXIT THE CLOSED SESSION AND GO BACK INTO AN OPEN MEETING AT 8:48 P.M.

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

Voting Nay: None

Abstain: None

Absent: Ohnstad

City Attorney Loonan – Stated that the Council was in a Closed Session under MN State Statute 13D.05, Subd. 3(a) regarding City Administrator Linwood's annual performance review. The Closed Session was attended by Mayor Iverson, Councilmembers Schilling, Nanko Yeager and Luger as well as City Administrator Linwood and himself. He explained that no formal motions were offered or passed at the Closed Session.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER IVERSON, TO ADJOURN THE SEPTEMBER 6, 2022 "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 8:50P.M.

Voting Aye: Schilling, Nanko Yeager, Luger, Iverson

Voting Nay: None

Abstain: None

Absent: Ohnstad

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:
SEPTEMBER 20, 2022
7:00PM