

**APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
JULY 18, 2023
7:00PM**

CALL TO ORDER:

Mayor Lisa Iverson called the Regular Meeting of the Wyoming City Council for July 18, 2023 to order at 7:00 PM

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming City Council were present: Councilmembers Lisa Iverson, Linda Nanko Yeager, Dennis Schilling, Brett Ohnstad, and Claire Luger

ABSENT: None

Also Present: Tom Loonan, Eckberg Lammers, Robb Linwood, City Administrator, Mark Erichson-WSB, Neil Bauer - Public Safety Director, Fred Weck, Zoning Administrator/Building Official and Joe Keding, Acting Public Works Superintendent

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

1. To consider a Community Life-Saving award for Wyoming residents Robert and Mary Bjoraker

Mayor Iverson – Explained that the Fire Department and the mutual aid departments train extensively for this type of event but most residents do not train or think about how to respond when they see this type of situation. She stated that the City would like to thank Robert and Mary Bjoraker for their courage and bravery in helping the family in the home and explained that they were calm enough to call 911, but also had the courage and selflessness to work in order to save the lives of the people that were inside the burning house.

Public Safety Director Bauer – Asked Rob and Mary Bjoraker and Jeff and Tracy Twa to join him before the Council He read aloud a statement describing the event that occurred on July 2, 2023 just before 6:30 a.m. He explained that the Bjorakers were out delivering newspapers and noticed flames coming from a home. They recognized the urgency of the situation and jumped into action by calling 911 and relaying detailed information which allowed police and fire resources to be dispatched to the home occupied by Jeff and Tracy Twa. He stated that the fire was spreading quickly and Mr. Bjoraker began banging on the doors and windows at the home with the hope that the home was unoccupied over the holiday weekend. He stated that the residents had returned from a long road trip the night before and were sleeping inside the home. He explained that Mr. Bjoraker did not give up and continued using every means possible to try to contact the occupants of the home, including yelling for them to wake up. He stated that the fire had not yet spread to the interior of the home, so the smoke detectors were not sounding, but explained that the fire was spreading rapidly on the exterior of the home. He stated that after several minutes, the occupants woke up and the 3 adults, 1 child, and dog were able to evacuate the residence and the Fire Department was able to rescue the 2 cats that were in the home. He explained that within 9 minutes of the 911 call, the structure was fully engulfed in flames and it was clear that the efforts of the Bjorakers saved the lives of the occupants of the home. He presented the Community Life-Saving Award to Rob and Mary Bjoraker.

There was a round of applause for the Bjorakers.

Mayor Iverson recessed the meeting at 7:07 p.m. and reconvened at 7:15 p.m.

OPEN FORUM:

Scott and Gloria Norton, 21547 Volga Street NE – Stated that they have called Wyoming ‘home’ for the last 47 years. He stated that they raised 7 children and by the end of 2023 will have 21 grandchildren. He stated that they wanted to applaud the Council and the City for the past Christmas celebrations with lights and festive activities in Railroad Park and express their appreciation for the development of Railroad Park being done in a way to honor the Veteran’s as well as improve the community. He stated that in addition to the use of the evergreen for tree lighting, they would ask that the City consider incorporating a nativity of Jesus Christ birth as a significant, visible part of the holiday lights display during the upcoming Christmas seasons

Mayor Iverson – Noted that they will ask City staff to look into this issue and see what can be done.

Councilmember Schilling – Stated that the biggest reason that it is not there is because it invites everything else and noted that there is a group in the United States that watches for this type of activity and when the City puts up the nativity, they will come and put up their Satanic stuff which makes it a hard thing for cities to do. He stated that separation of church and state makes this tough but noted that if the City did this, they would have to be open to things from all religions and explained that doing this will ‘invite the ugly’ to come along with it.

Mr. Norton – Noted that the Supreme Court ruled that it was okay for cities to go ahead and put back things such as crosses and nativities in public spaces.

Councilmember Schilling – Understands that the City ‘can’ put it back, but cautioned that also means that everyone else can also request to put things on display as well.

Mr. Norton – Stated that Christmas is a Christian holiday, so it makes sense, to have Christian symbols on display.

Mayor Iverson – Suggested that City Attorney Loonan take a closer look into this issue and explained that she would get back to Mr. Norton once they have made a decision.

City Attorney Loonan – Noted that the Supreme Court decision referenced by Mr. Norton changed the standard, but there is still a test that is applied and considerations that need to be followed if the City were to sponsor any sort of religious symbol on City property.

APPROVAL OF MINUTES:

- 2. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for July 5, 2023**

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR JULY 5, 2023 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. Consider authorizing the payment of recommended bills, payroll and journal entries for the period of July 6, 2023 to July 18, 2023
4. To consider **Resolution 23-07-67** a resolution authorizing a transfer from the 2020 GO bond debt service fund to the Street Replacement Fund in the amount of \$143,957.90
5. To consider **Resolution 07-68** a resolution approving payment for pay voucher #2 to Dresel Contracting for the 2023 East Viking Boulevard improvement project (WSB project 018553-000) in the amount of \$671,296.56
6. To consider **Resolution 23-07-69** a resolution approving payment for pay voucher #1 to Olson's Sewer Service, Inc. for the Helium Court and Feriday Avenue Storm Sewer project in the amount of \$78,326.11
7. To consider **Resolution 23-07-70** a resolution appointing Wyoming Paid On-Call Firefighters to probationary status
8. To consider **Resolution 23-07-71** a resolution approving payment for Pay Voucher #1 to Ferguson Waterworks for the 2023 Water Meter Change out project in the amount of \$10,150.00
9. To consider the resignation of Lauren Studer from the Wyoming Police Department effective August 2, 2023 and authorizing the posting of the Public Safety Administrative Assistant Position

A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE #3, #4, #5, #6, #7 and #8 and #9 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:

10. Report of the Public Safety Director, Neil Bauer for July 14, 2023
11. Report of City Building Official, Fred Weck, IV for July 14, 2023
12. Report of City Attorney Tom Loonan for July 14, 2023
13. Report of City Engineer Mark Erichson, WSB for July 13, 2023
14. Report of Acting Public Works Superintendent Joe Keding for July 14, 2023

COMMUNICATIONS:

OLD BUSINESS:

NEW BUSINESS

15. To consider **Ordinance 2023-02** an ordinance of the City of Wyoming, Chisago County, Minnesota, adding Chapter 20; Article V; Division I; use of cannabis flower, cannabis products, lower-potency hemp edibles or hemp-derived consumer products in public places

City Administrator Linwood – Gave an overview of the guidance the City has sought with regarding to the new legislation that legalizes adult use cannabis and reviewed the rules and

regulations. He read aloud the recommendations that they are bringing before the Council related to: Public Use Prohibition; Hemp and Cannabis Moratorium; and Cannabis and Hemp Moratorium.

City Attorney Loonan – Explained that this is the ordinance that would outlaw public use of cannabis products.

Councilmember Schilling – Asked if his understanding was correct that Native American reservations would be allowed to dispense this product as of August 1, 2023.

City Administrator Linwood – Stated that was correct.

City Attorney Loonan – Noted that citizens can also grow this plant as well.

Councilmember Nanko Yeager – Stated that she has noticed that people do smoke while walking down the streets or when they are in the parks. She asked if cannabis would be treated equally to that or if cannabis be targeted, even though that is not what they have done with tobacco.

City Attorney Loonan – Stated that if people are smoking or drinking in the parks, they are violating the law and this will be the same. He stated that if the officers are aware of it, they can respond to it.

Councilmember Nanko Yeager – Explained that she was concerned about possible legal liabilities if they do not treat cannabis and tobacco/alcohol the same way. She asked if this would apply in a yard or a garage.

City Administrator Linwood – Stated that the yard or garage space would be considered private.

Councilmember Nanko Yeager – Asked why a public hearing was not needed for this ordinance.

City Attorney Loonan – Explained that the City was only required to have a public hearing on ordinance changes that are related to zoning.

Mayor Iverson – Stated that she believes the City's officers are well trained/educated on new ordinances and noted that she assumes that education of the public will come first if someone violates the ordinance.

Public Safety Director Bauer – Noted that it would be up to the officer's discretion on how they handle it but agreed that the usual approach would be to inform the resident about the parameters of the violation. He noted that this legislation has brought a huge change so there will be a lot of learning that needs to take place along the way.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE ORDINANCE 2023-02 AN ORDINANCE OF THE CITY OF WYOMING, CHISAGO COUNTY, MINNESOTA, ADDING CHAPTER 20; ARTICLE V; DIVISION I; USE OF CANNABIS FLOWER, CANNABIS PRODUCTS, LOWER-POTENCY HEMP EDIBLES OR HEMP-DERIVED CONSUMER PRODUCTS IN PUBLIC PLACES

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

Voting Nay: None

Abstain: None

Absent: None

16. To consider **Ordinance 2023-03** an interim ordinance of the City of Wyoming, Chisago County, Minnesota, prohibiting the establishment of new uses related to the operation of

cannabis businesses and hemp businesses for one year under Minnesota Statute 462.355 Subdivision 4

City Administrator Linwood – Explained that this interim ordinance would prohibit the operation of hemp businesses for one year. He noted that the legislation did not give the cities the option to prohibit this type of business so they can only adopt this interim ordinance for one year in order to adopt or amend their controls for this type of business.

Council Member Nanko Yeager – Asked if this interim ordinance would disappear after one year.

City Attorney Loonan – Stated that was correct and explained that **Ordinance 2023-03** and the next agenda item can be thought of as ‘belt and suspenders’. He noted that he is recommending that the Council wait to hold the public hearing for the next item because you cannot enact a moratorium under the new law until it is in effect and the new law goes into effect August 1, 2023. He stated that for this item, the City has the authority under MN Stat. 462.355, Subdivision 4, in order for them not to be caught in limbo. He reiterated that this will expire in July of 2024.

Council Member Nanko Yeager – Asked about the statement in the staff report that the Office of Cannabis Management would not be up and running and able to issue licenses for at least a year or more.

City Attorney Loonan – Noted that was speculation based on experience and explained that most people believe that they will be up and running with processes in place by the first quarter of 2025. He noted that if things are put into place more quickly than that, the City has the right to revoke the moratoriums earlier.

Council Member Ohnstad – Stated that he sees this as a housekeeping item that closes any open doors.

City Attorney Loonan – Stated that was correct and noted that it gives the City some additional protection to ensure that they will not be caught off guard on August 1, 2023.

Council Member Luger – Asked how the City would ensure that their controls are in sync with the OCM standards. She asked how much flexibility cities would have to develop their own controls.

City Administrator Linwood – Noted that there will be example ordinances put out by the League of Minnesota Cities and believes that there will be some ability for them to determine who to regulate some of these things.

City Attorney Loonan – Stated that local control was the subject of heavy debate at the legislature. He noted that the municipal community would like to have been allowed to have more control and explained that their rights are really zoning related.

Mayor Iverson – Stated that she believes there is another session coming up beginning in February where some of this could change again. She stated that she thinks having a year-long moratorium in place and having time to see what happens in the next session is a good idea. She asked if liquid products would be included and explained that she has been hearing a lot about beer that has been infused with cannabis.

City Attorney Loonan - Stated that THC beverages are treated differently and noted that he assumes liquor stores may already be selling them and noted that this moratorium would not stop them from doing that.

City Attorney Loonan – Clarified that the reason they were suggesting this moratorium was to allow the City time to have this kind of discussion related to how they want to regulate

A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE ORDINANCE 2023-03 AN INTERIM ORDINANCE OF THE CITY OF WYOMING, CHISAGO COUNTY, MINNESOTA, PROHIBITING THE ESTABLISHMENT OF NEW USES RELATED TO THE OPERATION OF CANNABIS BUSINESSES AND HEMP BUSINESSES FOR ONE YEAR UNDER MINNESOTA STATUTE 462.355 SUBDIVISION 4

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

Voting Nay: None

Abstain: None

Absent: None

17. To consider a Public Hearing on August 15, 2023 for an interim ordinance of the City of Wyoming, Chisago County, Minnesota, prohibiting the operation of Cannabis Businesses in the City under Statute 342.13 (e)

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE A PUBLIC HEARING ON AUGUST 15, 2023 FOR AN INTERIM ORDINANCE OF THE CITY OF WYOMING, CHISAGO COUNTY, MINNESOTA, PROHIBITING THE OPERATION OF CANNABIS BUSINESSES IN THE CITY UNDER STATUTE 342.13 (E)

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

Voting Nay: None

Abstain: None

Absent: None

18. To discuss the easterly section of the East Viking Boulevard Street Project

City Engineer Erichson – Explained that the initial plan for this portion of the roadway was to simply patch the potholes and complete an overlay which would not be an assessable project. He stated that there have been a number of conversations with Polaris and Chisago City about this project and the possibility of a more permanent fix with reclamation and a layer of asphalt. He stated that the estimated cost for this approach would be about \$70,000 and noted that Polaris has indicated that they are interested, but do not have the budget to fund it up front but have expressed an interest in having it assessed to them in 2024. He stated that staff is recommending that this move forward and that an assessment agreement be prepared and authorization be given to Mayor Iverson to sign on behalf of the City.

Council Member Schilling – Noted that he likes this idea and feels it solves a problem that the City was facing.

Council Member Nanko Yeager – Asked if the City had the money to be able to float this additional cost.

City Administrator Linwood – Stated that they have money in the Street Fund that could be used for this purpose.

A MOTION WAS MADE BY COUNCILMEMBER NANKO YEAGER, SECONDED BY COUNCILMEMBER IVERSON, TO MOVE FORWARD WITH AN ASSESSMENT AGREEMENT BETWEEN THE CITY OF WYOMING AND POLARIS FOR ASSESSMENT OF THE COSTS OF THE RECLAMATION PROJECT THAT WILL BE PAYABLE, IN FULL, IN 2024, AND AUTHORIZE MAYOR IVERSON TO SIGN.

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

COUNCIL REPORTS:

Council Member Ohnstad – No report.

Council Member Nanko Yeager – No report.

Council Member Luger – Attended the Sewer Budget meeting and the regular Sewer Commission meeting.

Council Member Schilling – Attended the EDA meeting.

Mayor Iverson – Attended the EDA, the joint Sewer budget meeting, and the regular Sewer Commission meeting. She congratulated City Attorney Loonan for being recognized as being in the top 100 of attorneys in the State.

A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER OHNSTAD, TO ADJOURN THE JULY 18, 2022 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 8:06 PM

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

A portion of this public meeting may be closed to discuss “Labor Negotiation Strategies”; “Misconduct allegations or charges”; “Attorney-client privilege”; or “Performance evaluations” as per MN State Statute 13D.01-.05.

NEXT REGULAR MEETING:
AUGUST 2, 2023
7:00PM