



CITIES BULLETIN



Issue 29

Sept. 16, 2019

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Cities Demonstrate Their Investment in Housing Development to Senate Committee



Data shows that, in the last decade, taxpayers paid \$244 million statewide to cover development-related expenses, contrary to builder claims.

The Senate Select Committee on Home Ownership and Availability met on Sept. 10 to discuss an industry report on building permit fees. This was the committee's second meeting, but the first time that cities were allowed to testify and present their perspective.

The select committee, established by the 2019 Senate, is charged with making findings and recommendations to the Senate regarding issues affecting the availability of affordable owner-occupied housing. The select committee has no authority to consider bills, and bills cannot be referred to the select committee.

—**Watch a video of the Sept. 10 meeting** (*Link to: http://mnsenate.granicus.com/player/clip/4469?view_id=1*)

Cities in the red

League staff explained to the committee that data from the Minnesota Department of Labor and Industry shows that cities are in the red over \$244 million in development-related expenses. This deficit is from the last decade (accounting for the highs and lows of the economy) and includes all development-related fees (building permits, city administrative, engineering, planning, and zoning, etc.).

—**See charts showing city development and building permit fees less city expenses statewide for 2009-2018 (pdf)** (*Link to:*

<https://www.lmc.org/media/document/1/developmentcityfeesexpenses09to18.pdf>)

This data is in direct contradiction with the claim of builders and developers that cities are overcharging developers by \$78 million, as stated in a report released Aug. 20 by the Housing Affordability Institute. However, the report only looks at a five-year timespan when the economy was booming, and it only looks at building permit fees. This is an incomplete picture, leaving out information that is known to builders. **(Read previous related Cities Bulletin article.** (*Link to:*

<http://www.lmc.org/page/1/PermitFeeReport.jsp>)

City testifiers

In addition to the League, Metro Cities, Lakeville City Administrator Justin Miller, and Cambridge City Administrator Lynda Woulfe testified at the hearing.

Miller and Woulfe provided helpful city-specific information about cities' relationships with builders and developers. They also shared data that countered claims of cities being responsible for up to a third of housing costs. When Lakeville and Cambridge looked at one year of data, it showed that city fees made up only 4% to 6% of the selling price of homes.

- **View a Lakeville document on housing fees (pdf)** (*Link to: <https://www.lmc.org/media/document/1/developmentlakeville.pdf>*)
- **View a Cambridge document on housing fees (pdf)** (*Link to: <https://www.lmc.org/media/document/1/developmentcambridge.pdf>*)

More meetings to come

The Senate Select Committee will continue to meet, but dates have not yet been set. The League will continue to work with this committee.

Read the current issue of the Cities Bulletin (*Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>*)

Office of the Secretary of State Seeks City Input on Rulemaking



The OSS is currently seeking comments on two different sets of rulemaking regarding the presidential primary and elections administration. (Published Sep 16, 2019)

The Office of the Secretary of State (OSS) is seeking comments and input from elections administrators for two different sets of rulemaking—one regarding reimbursable items for the presidential nomination primary and one about general elections administration.

Presidential primary reimbursement to cities

The OSS is requesting comments on possible rules governing the categories of expenses eligible for local reimbursement for the presidential nomination primary. While not part of the official rulemaking record, comments and suggestions will be considered as the OSS decides what to include in any proposed rules or amendments to the rules.

This is an opportunity to send the OSS any ideas cities have about what should be reimbursable when administering the presidential primary. This does not guarantee all items will be included, but ideas and suggestions from those who will be administering the presidential primary are extremely valuable in this process.

The deadline to submit comments is 4:30 p.m. on **Oct. 4**.

—**Learn more about the rulemaking and how to comment** *(Link to:*

<https://www.sos.state.mn.us/about-the-office/rulemaking-data-practice/presidential-primary-local-reimbursement-rulemaking-2019/>)

Elections administration

The OSS is requesting comments on possible rules governing election administration, voter registration, petitions, absentee ballots, presidential nomination primary, voting system testing, optical scan voting systems, recounts, election judge training program, ballot preparation, and redistricting.

While not part of the official rulemaking record, comments and suggestions will be considered as the OSS decides what to include in any proposed rules or amendments to the rules.

The deadline to submit comments is 4:30 p.m. on **Oct. 18**.

—**Learn more about the rulemaking and how to comment** *(Link to:*

https://www.sos.state.mn.us/about-the-office/rulemaking-data-practice/elections-rulemaking-2019/)

For more information, contact OSS Government Relations Director Samm Bonawitz at **samm.bonawitz@state.mn.us** *(Link to: mailto:samm.bonawitz@state.mn.us)* or (651) 201-1334.

Read the current issue of the Cities Bulletin *(Link to: http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp)*

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Focus on New Laws: Drinking Water Service Connection Fee Increase



City water utilities are required to collect the fee from customers and send it to the state to finance drinking water testing and other support services. (Published Sep 16, 2019)

The 2019 budget bill for the Minnesota Department of Health (MDH) included an increase in the drinking water service connection fee from \$6.36 to \$9.72 annually per connection.

City water utilities collect this fee from their customers, and then send the money to the state to finance water testing, technical support, and regulatory assistance provided by MDH. It was last increased in 2005.

The new language is found in the health and human service omnibus budget bill **(2019 First Special Session, Chapter 9, Article 11, Section 21** (*Link to:*

[https://www.revisor.mn.gov/laws/2019/1/9/%5E\(%3FPlaws.11.21.0%5B0-9%5C.a-zA-Z%5C/%5C/%5D+\)\\$#laws.11.21.0](https://www.revisor.mn.gov/laws/2019/1/9/%5E(%3FPlaws.11.21.0%5B0-9%5C.a-zA-Z%5C/%5C/%5D+)$#laws.11.21.0)).

It amends **Minnesota Statutes, section 144.3831** (*Link to:*

<https://www.revisor.mn.gov/statutes/cite/144.3831>), which describes the fee collection and submission requirements that have been in place since 1992.

League supports the change

The League supported the increase in the fee, as the services provided through it are highly valued by city water utilities, especially by smaller cities and rural water systems.

The increase also ends the use of state revolving loan funds to finance the drinking water services done by MDH. This means more money is available for state low-interest loans for city water infrastructure.

Delayed effective date

Although budget items normally go into effect on July 1 following legislative adoption, the effective date of the fee increase was delayed until Jan. 1 to allow utilities time to change their billing systems to reflect the new amount.

Service connection fee collections and submissions, whether collected monthly, quarterly, or annually, should reflect the new rate beginning on that date.

—**Learn more about the water service connection fee from the MDH website**

(*Link to:* <https://www.health.state.mn.us/communities/environment/water/com/scf.html>)

Read the current issue of the Cities Bulletin (*Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>*)

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Data Practices Legislative Group Continues to Discuss Drones



The Subcommittee on Data Practices discussed compromised bill language regarding drones, which are sometimes used by cities for law enforcement and other purposes.

(Published Sep 16, 2019)

The **Legislative Coordinating Commission Subcommittee on Data Practices** (*Link to: <https://www.lcc.leg.mn/sdp/>*) met for the second time on Sept. 5 to continue its discussion of a proposed drones bill.

Since the 2019 legislative session, stakeholders—including the ACLU and law enforcement—have been working on a compromise. The subcommittee reviewed a version of the bill that reflects their negotiations thus far.

—**See a side-by-side comparison of the bill before and after negotiations (pdf)**

(*Link to: <https://www.lcc.leg.mn/sdp/meetings/20190905/Aerial%20vehicles%20comparison.pdf>*)

Contents of the drone bill

The proposed bill generally would require a search warrant before a law enforcement agency used a drone. However, there are currently nine proposed exceptions to this general rule, including emergency situations, heightened risk for safety at a public event, countering terrorist attacks, non-law enforcement purposes, etc.

While much of the proposed bill is about law enforcement use of drones, there is one provision addressing other uses of drones.

The bill does not require a search warrant if drones are used for non-law enforcement purposes. However, if a government entity wanted to use a drone that law enforcement had, it would need to provide a written request to the law enforcement agency, including the reason for using it and the proposed period of use.

Much of the legislative discussion was about what remedies would be available to an aggrieved person under the proposed legislation. Some law enforcement entities were concerned it was too broad.

The subcommittee did not vote on a recommendation of the drone bill. It will continue talking about this proposed legislation at its next meeting, the date of which has not yet been set.

Cloud-based data

The subcommittee also heard from a representative of the **Minnesota Coalition on Government Information** ([Link to: http://www.mncogi.org/](http://www.mncogi.org/)), who presented concerns on how government entities are treating cloud-based data. The presentation highlighted the difficulty with getting data from the Minnesota Department of Employment and Economic Development related to the state's bid to bring Amazon here. There has been litigation regarding this issue.

—**View information presented by the Minnesota Coalition on Government Information (pdf)** ([Link to: https://www.lcc.leg.mn/sdp/meetings/20190905/MNCOGI%20LCC%20cloud%20data.pdf](https://www.lcc.leg.mn/sdp/meetings/20190905/MNCOGI%20LCC%20cloud%20data.pdf))

For more background information about this topic, read a **previous Cities Bulletin article** ([Link to: http://www.lmc.org/page/1/DPSubcommitteeDrones.jsp](http://www.lmc.org/page/1/DPSubcommitteeDrones.jsp)).

Read the current issue of the Cities Bulletin ([Link to: http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp](http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp))

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Minnesota Housing Program Allows Cities to Help First-Time Homebuyers



Minnesota Housing is starting a new program year for the Minnesota City Participation Program.
(Published Sep 16, 2019)

A new program year is beginning for **Minnesota Housing's** *(Link to:*

<http://www.mnhousing.gov/sites/Satellite?c=Page&cid=1358904711497&pagename=External%2FPage%2FEXTHomeLayout>)

Minnesota City Participation Program (MCP), which helps cities provide first-time homebuyer loans in the community. Cities can learn more about the program during a webinar on Oct. 22.

—**Participate in the MCP informational webinar** *(Link to:*

<https://register.gotowebinar.com/register/2156500043593925123>)

How the program works

By partnering with Minnesota Housing, eligible first-time buyers in participating cities will have access to an affordable start-up loan program and down payment and closing cost loans up to \$15,000. Minnesota Housing can connect cities to approved lenders and help cities market this opportunity to homebuyers.

Minnesota Housing accepts new applications each year from Jan. 2 to Jan. 15. Each participant can apply as a city, county, or multi-county. First-time homebuyers access the program through local **approved lenders** *(Link to:*

<http://www.mnhousing.gov/sites/np/findalender>) . Minnesota Housing provides monthly updates on how many buyers in your community are being served by the program.

—**Find out if your city participated in MCP in 2019 (pdf)** *(Link to:*

http://www.mnhousing.gov/get/MHFA_219206)

Learn more

For more information, contact Nicola Viana, Minnesota Housing, at (651) 297-9510 or nicola.viana@state.mn.us *(Link to: mailto:nicola.viana@state.mn.us)* .

Read the current issue of the Cities Bulletin *(Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>)*

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Check Your Inbox for Your LMC Membership Dues Notice

LMC membership dues invoices for fiscal year (FY) 2020 have been mailed. Invoices and an accompanying letter from League Executive Director David Unmacht were sent via email on Aug. 29 to the dues email address on file with the League.

For members who do not have a dues email address on file with the League, the invoice and letter were sent via regular mail on Aug. 30. Also included in the mailing was the FY 2020 Minnesota Mayors Association dues invoice.

Access to affordable training opportunities, consulting services, legislative advocacy, risk management, and the League of Minnesota Cities Insurance Trust's comprehensive city-specific coverages for workers' compensation and property/casualty are just a few of the benefits available to League members.

If you have not yet received your LMC membership dues invoice, a copy can be obtained by contacting the League at billing@lmc.org (*Link to: <mailto:billing@lmc.org>*) or (651) 215-4024.

Read the current issue of the Cities Bulletin (*Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>*)

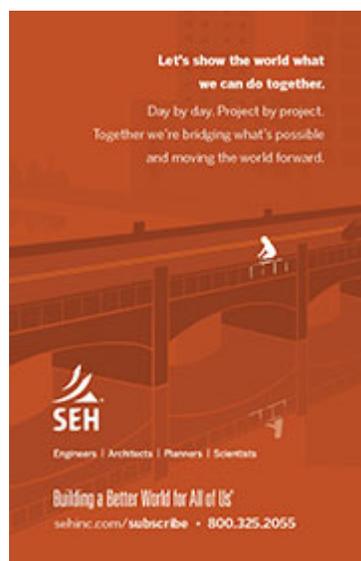
Your LMC Resource

Contact LMC Finance Department

(651) 215-4024 or (800) 925-1122

billing@lmc.org (*Link to: <mailto:billing@lmc.org>*)

Meet our city vendors!



(*Link to: <http://www.lmc.org/ads/102407>*)

Current Grant Opportunities

2020 Census Complete Count Committee Grants

The state of Minnesota, in partnership with the Minnesota Census Mobilization Partnership, Minnesota Council on Foundations, and The Minneapolis Foundation, is administering state-funded grants to support Minnesota's Complete Count Committees, working to achieve a complete and accurate count of Minnesota residents during the 2020 Census. The grant process is not competitive and is available on a first come, first serve basis for up to 400 Complete Count Committees. The State of Minnesota funds grants of \$750 and they are available to cities and other organizations with Complete Count Committees that meet certain eligibility requirements. Applications will be accepted until the state funds are spent. For more information, contact Nancy Cerkenik at grantsadministration@mplsfoundation.org (*Link to: <mailto:grantsadministration@mplsfoundation.org> or (612) 672-8665.*

Find out how to register your Complete Count Committee if you haven't already done so (*Link to: <https://mn.gov/admin/2020-census/involved/ccc/get-started/>*)

Learn more and apply for this grant (*Link to: <https://www.minneapolisfoundation.org/census/>*)

CERTs Seed Grants

Clean Energy Resource Teams (CERTs) is now accepting applications for CERTs Seed Grants. These grants provide limited financial assistance for energy efficiency and renewable energy projects requiring technical assistance. The funding can be used only for labor costs, such as for a consultant, design professional, installer, or student labor. Applications are due **Oct. 11**.

—Learn more and apply for this grant (*Link to: https://www.cleanenergyresourceteams.org/seedgrants?mc_cid=4b0703af1f&mc_eid=9765d81fbd*)

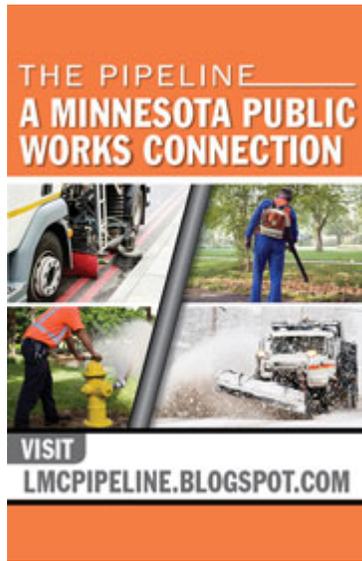
Minnesota Department of Labor & Industry Safety Grant Program

The Safety Grant Program awards funds up to \$10,000 to qualifying employers for projects designed to reduce the risk of injury and illness to their workers. Applications are accepted continuously and reviewed every two months.

—Learn more and apply for the grant (*Link to: <http://dli.mn.gov/business/workplace-safety-and-health/mnosh-wsc-safety-grant-program>*)

Read the current issue of the Cities Bulletin (*Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>*)

New LMC Blog - The Pipeline



(Link to: <http://www.lmc.org/ads/103201>)

New Sample Permit Gives Cities a Way to Support At-Risk Pollinators

There is increasing interest among residents in cities across Minnesota to establish lawns and gardens that support pollinators. However, such plantings can run afoul of a city's "weed" or vegetation maintenance ordinances.

The Minnesota Board of Water and Soil Resources has developed a sample Pollinator and Perennial Garden Permit as part of the new Lawns to Legumes program developed to support at-risk pollinators such as the rusty patched bumble bee.

—Access the Sample Pollinator and Perennial Garden Permit (*Link to: <https://bwsr.state.mn.us/lawns-legumes-program-your-yard-can-bee-change>*)

Using the permit

This permit, inspired by the City of St. Louis Park, includes requirements for a site plan, a list of primary plants, and a site preparation and maintenance checklist. It can be used by cities to supplement their current ordinances to accommodate plantings planned to provide pollinator protection, water quality, and other benefits.

To begin issuing permits, cities will need to amend their vegetation maintenance, lawn, weed, nuisance, and/or related ordinances in a manner that authorizes the permit and dictates the terms and conditions required to grant a permit. In addition, a city's ordinance should note that land covered by a Pollinator and Perennial Garden Permit is an exception to the terms in a city's vegetation maintenance, lawn, weed, nuisance, and/or related ordinances.

Permit already in use in some cities

The cities of Burnsville (*Link to: <https://www.burnsville.org/1694/Begin-a-Native-Planting>*), Austin (*Link to: <http://www.ci.austin.mn.us/faq-items/did-you-know-that-the-city-of-austin-has-a-weed-ordinance>*), and Rochester (*Link to: <https://lf.rochestermn.gov/Documents/0/doc/3419/Electronic.aspx>*) are among those that have adopted ordinances authorizing such permits and these can be used as a starting point for cities looking to implement a program. Cities should work with their city attorney when drafting their ordinance amendments.

Read the current issue of the Cities Bulletin (*Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>*)

* By posting you are agreeing to the LMC Comment Policy (*Link to: <http://www.lmc.org/page/1/comment-policy.jsp>*).

LMC Staff News

New employees

Molly Fleming started on Sept. 16 as the new fellow for the Minnesota Cities Fellowship program. This two-year program places fellows with the City of Delano, the City of Minnetonka, and the League of Minnesota Cities for eight-month terms with each organization. The program is designed to provide participants with a wide range of experiences and opportunities to learn about municipal operations, policy, and governance. Fleming will begin her fellowship at the City of Delano, then she'll move to the City of Minnetonka, and finally complete her fellowship at the League.

Fleming graduated from the University of Minnesota with a bachelor's degree in history, and she is now pursuing a master's degree in advocacy and political leadership at Metropolitan State University. Her experience includes working as a coordinator and farmers market manager for the East Isles Residents Association, an inclusion facilitator for youth with developmental disabilities for the Minneapolis Parks and Recreation Board, and a seasonal park service assistant for the Three Rivers Park Service. She also previously worked in Washington, D.C., as an event and development assistant at Barracks Row Main Street and as a community assistant fellow for the National Parks Service.

Chelsea Vilchis joined the League of Minnesota Cities Insurance Trust as a law clerk on Sept. 9. Vilchis previously worked for the League for nearly a year before assuming a summer associates position with the law firm of Nilan Johnson Lewis. She also previously worked as an agricultural educator and FFA advisor for the Agricultural Department at Morris Area Schools. She also has experience as a mutuels supervisor and coordinator with Canterbury Park, where she worked for more than six years. Vilchis earned a bachelor's degree in agricultural education from the University of Minnesota, and she has a teaching license. She is currently in her third year at Mitchell Hamline School of Law.

Read the current issue of the Cities Bulletin (*Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>*)

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