**Mental Health**
Giving first responders the mental health support they need should be a top priority.  **PAGE 10**

**City Branding**
Is your city’s visual identity in need of an overhaul?  **PAGE 29**
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Check out Minnesota Cities online, where you can add to the discussion by posting your comments! Visit www.mncities.org.
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LMCIT Services: Evolving With the Times

BY DAVID UNMACHT

The article on page 10 explores the mental health needs of first responders and the importance of providing support for these public servants. The impact of mental health on our cities has exploded upon the scene in many ways: addiction, post-traumatic stress disorder, depression, and in some cases, suicide. The systems used in our society to combat mental health are numerous, including the vital work of our peers in community service agencies, schools, and county government.

What is the League of Minnesota Cities’ (LMC) role within this system? It is largely through the work of our insurance trust. The article explains: “For many years, the League of Minnesota Cities Insurance Trust (LMCIT) has been involved in efforts to address the issue of first responder mental health through workshops, online training programs, and face-to-face outreach.”

Our goal is to work diligently toward prevention, while responding to the immediate needs and expectations of our cities.

The evolving responsibility of LMCIT in mental health is a great barometer for how the role of the Trust has evolved. LMCIT was created in 1980 as a self-insurance municipal pool for cities, by cities, at a time when local government was largely unable to find broad, affordable coverage.

Today, the unique partnership of LMCIT and LMC results in a holistic, one-stop shop of services for members. In addition to workers’ compensation and property/casualty coverage, services provided range from loss control and legal guidance to advocacy, conflict mediation, and media relations assistance.

Former LMC Executive Director Jim Miller said it best in his March-April 2011 Minnesota Cities magazine column: “The factor perhaps most distinguishing the League’s insurance program from private-sector offerings is our emphasis on helping cities manage risk.”

Member-owned LMCIT’s fundamental purpose is to cover city risks, mitigate hazards, and partner with cities to identify and prevent losses and claims.

This “risk management” priority remains the bedrock of LMCIT to this day, but we are also responsive to how cities’ needs have changed. Here are three examples.

Within the past year, LMCIT has created the one-of-a-kind Collaboration Services, which works with members (elected and appointed officials) free of charge to help them function as a team, understand roles, be transparent, and avoid unproductive conflict. LMCIT Collaboration and Mediation Manager Pam Whitmore, a qualified neutral and experienced facilitator, offers personalized workshops to help keep cities on track and avoid lawsuits and claims.

Another more recent service is media relations assistance. With the onset of social media and 24-hour news coverage, we now live in the constant motion of news, noise, and real-time information. Most cities don’t have the staff to effectively respond to the pressure of media requests, especially in a crisis. The Trust offers, at no charge to members, access to media relations experts, including our Assistant Communications Director Don Reeder, to help cities in times of need.

I’m quite confident that Pete Tritz, one of the founders of the Trust, was not thinking about cybersecurity in 1980. However, today, this is one of our cities’ greatest risks. Members of LMCIT have access to a private, web-based portal containing information and technical resources that can assist them in the prevention of network, computer, and privacy losses, and provide support in the timely reporting and recovery of losses if an incident occurs.

As discussed in the cover story of this issue, cybersecurity and the risks cities have with their data, networks, and personal devices will only become more common, so it’s important to know what to do if a breach occurs (see page 8).

LMCIT covers timely issues such as these at its annual Safety & Loss Control Workshops, which are happening in March and April in nine locations. Register for a workshop at www.lmc.org/safety19.

As the LMC executive director, I see firsthand the work of our LMCIT staff and the feedback from our members. I’m proud to report that cities see exceptional value in LMCIT membership. Over the past 10 years, member retention rate is nearly 100 percent. This outcome is not luck, but effective, responsive service. More than 820 cities in Minnesota (96 percent) get coverage through LMCIT. In addition, there are hundreds of other entities, such as joint powers districts, that are also covered by LMCIT.

For more information, visit www.lmc.org/lmcit or contact LMCIT Administrator Dan Greensweig at (651) 281-1291 or dggreensweig@lmc.org. He loves to engage with members and, for an insurance guy, is easy to talk to.

This “risk management” priority remains the bedrock of LMCIT to this day, but we are also responsive to how cities’ needs have changed.
Introducing The City Speak Podcast

The League of Minnesota Cities is now offering a new podcast, The City Speak. Featuring interviews with city officials and topic gurus, episodes offer up relevant info, tales from the dais, and entertaining treks into the issues that city officials care most about. Each episode is about 15-20 minutes—perfect for listening on your drive to work, on a walk, or during your lunch break. To learn more and access episodes, visit www.lmc.org/CitySpeak.

New App Alerts First Responders to People With Disabilities

A new app called Vitals can alert police officers and other first responders when they come within 80 feet of a person with a condition such as schizophrenia or autism. Think of it as a digital medical alert bracelet for emotional, intellectual, or developmental disabilities. Residents enrolled in the program carry a card, button, or phone equipped with a beacon that can transmit information such as behavioral descriptions, effective calming techniques, and emergency contacts. The information, provided by the user or a family member, is available to first responders via an app, and can guide a better response to the situation. Over two dozen police departments in Minnesota now use the app, according to a report by KARE 11. The app’s developer, Aware Services, is based in Minnesota and created Vitals in partnership with the Autism Society of Minnesota. For more information, visit www.ausm.org/resources/vitals-app.html.

Cottage Grove Mayor Myron Bailey (far right) supports young entrepreneurs during the city’s first Lemonade Day.

Cottage Grove Mayor Myron Bailey visited a dozen lemonade stands last summer to support young residents exploring entrepreneurship. Cottage Grove was the first city in the state to host an official Lemonade Day through a national program that educates children on what it takes to own and operate a business. Local business owners organized the August event with help from the city to get the word out.

In total, about 60 children ran a dozen lemonade stands, and learned basic business fundamentals through program materials. Kids also decided how to divvy up their profits into categories of spend, share, and save. Mayor Bailey says he wants to involve the Cottage Grove Chamber of Commerce next year, so children can set up stands outside of businesses and improve their visibility. For more information on the Lemonade Day program, visit www.lemonadeday.org.

Protecting Urban Bird Populations

Bird-friendly communities can earn their wings protecting and conserving urban bird populations through both the Audubon Society of Minnesota and the Minnesota GreenStep Cities program. The Audubon Society is using a number of GreenStep actions as criteria to designate a Bird City. That means cities working for Bird City designation can also get credit for their corresponding sustainability efforts in the GreenStep program. To earn the designation, cities must engage in conservation efforts that center around habitat improvement, threat reduction, and citizen engagement. The Audubon program is modeled after Bird City programs in Pennsylvania and Wisconsin. Hastings was designated Minnesota’s first Bird City in 2016. Two other GreenStep Cities—St. Paul and Bemidji—are also Bird Cities. Learn more at http://mn.audubon.org/conservation/bird-city-minnesota.

Lemonade Day: Training the Entrepreneurs of Tomorrow

Training the Entrepreneurs of Tomorrow

Cottage Grove Mayor Myron Bailey (far right) supports young entrepreneurs during the city’s first Lemonade Day.
**Let’s Celebrate Cities**

LMC NOW ACCEPTING AWARD ENTRIES

Do you know a city leader or project that deserves a round of applause? Nominate them for a League of Minnesota Cities (LMC) award! The LMC awards program is dedicated to recognizing excellent work and outstanding leaders who are taking city service to the next level. For the City of Excellence Awards, cities can submit projects in three different population categories as well as this year’s topical category, “Creative Programs and Services in Public Works.” Nominations are also open for the C.C. Ludwig Award for elected officials and the James F. Miller Leadership Award for appointed officials. And Minnesota GreenStep Cities participants are eligible for the Sustainable City Award. The deadline to submit entries for all awards is May 6. For entry forms and more information, visit www.lmc.org/awards.

**Power Association Has a Little Fun With Squirrels**

The American Public Power Association (APPA) recently displayed some collaborative spirit when it reached out publicly to its archnemesis: squirrels. On Squirrel Appreciation Day, Jan. 21, rather than berate the furry fiend, APPA wrote a blog post recommending a variety of power-grid approved tips for staying safe. The blog also linked to the association’s eReliability Tracker, which reveals that in 2016, utilities reported 3,456 outages caused by squirrels. Read the acorn-in-cheek post at www.publicpower.org/blog/open-letter-squirrels.

**A Break on Buckthorn Removal**

A program in the City of Eagan encourages residents to remove invasive buckthorn from private property in exchange for city pickup of the offending brush. The Buckthorn Removal Program has been around for upwards of 20 years, according to Gregg Hove, supervisor of forestry, and is as popular as ever—there is a waiting list for pickup during the busy spring and fall months. To qualify for city disposal, a resident must schedule a site visit with a city tree inspector prior to removing the buckthorn. Then the resident can schedule a time for the pickup. The site visit gives the property owner a chance to learn about identification, says Hove, as well as recommended removal and long-term treatment techniques. Learn more at www.cityofeagan.com/buckthorn.

**On the web**

Learn more about these and other events at www.lmc.org/events.
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Has Your City Used a Community Development Block Grant?

ADAM KIENBERGER
COMMUNITY DEVELOPMENT DIRECTOR
FARMINGTON (POPULATION 22,421)
Farmington is a growing city in Dakota County that has land available for greenfield development and a historic downtown primed for reinvestment. A major challenge in preserving older areas of the community is identifying funding for building preservation.

Community Development Block Grant (CDBG) dollars play a key role in our preservation efforts. We use the CDBG program for commercial rehabilitation, senior programming, and strategic planning initiatives.

The county’s role
Our strong partnership with the Dakota County Community Development Agency (CDA) is also critical. The CDA works with cities to provide CDBG funding via the U.S. Department of Housing and Urban Development (HUD). The CDA holds an annual training to help communities understand CDBG requirements.

Projects using CDBG funds
The city’s Economic Development Authority (EDA) recently used CDBG funds to award a matching grant to a downtown building owner to make improvements to their 1890 building’s failing roof. We worked closely with our building official and CDA staff to certify project eligibility and compliance.

The city also completed a downtown redevelopment plan funded jointly with CDBG dollars. This plan led to an EDA companion program for downtown businesses making improvements that don’t qualify for CDBG funds.

Lessons learned
Some key takeaways after working with the CDBG program for almost 14 years include:

Communicate with the experts. Work closely with your partners who work with HUD. Provide them reports to show compliance.

Learn how to “right-size” your projects based on the amount of available funding. Not all preservation projects are a good fit for CDBG due to federal wage requirements under the Davis-Bacon Wage Act, scope of work, or an inexperienced contractor.

Phone a friend. Have a question on what has been successful or what problems you might run into? Use your network of peers to identify challenges early on before crafting a CDBG program or grant application.

ANNE JACKSON
CITY CLERK
WINTON (POPULATION 165)
The year 2017 was extra special for the residents of the City of Winton. Located on the edge of the Boundary Waters Canoe Area, this historic community had gone without a public city hall and meeting space for many years.

Finally, in 2017 all the planning came together to build a new community center complete with a kitchen and office. Financing for the project was a combination of a loan and grants from the Iron Range Resource and Rehabilitation Board and a Community Development Block Grant (CDBG).

Working with the county
The CDBG program is run by the U.S. Department of Housing and Urban Development (HUD). Funds are released to and administered by our county’s Planning and Development Department. Earlier in the year, St. Louis County issued notices of pre-application meetings.

County Senior Planner Steve Nelson helped Winton with the pre-application process. Nelson was assisted by Mike Vidmar, who visited the city and reviewed the project application for completeness. The final review is done by a volunteer citizen panel, which decides the distribution of the grant funding based on the needs of the community.

Winton was awarded a $16,000 grant for safety and accessibility improvements to the building project. The city used this grant for parking lot surfacing, curb stops, and an entrance that is accessible to people with disabilities.

Competitive, sometimes uncertain process
CDBG grants are a valuable financial resource in packaging a project for your city. The grant process can be highly competitive because there are always more requests than funding available. Applications must show real need.

The grant is also subject to the federal government passing a HUD budget in a timely manner. Otherwise, there can be a delay in the release of the grant funds. The Winton CDBG grant was delayed by about three months. Fortunately, the contractor was willing to wait for the city’s payment.

Funds result in community asset
We are very appreciative of the CDBG program. The new Winton Community Center has become an asset to the entire area. Not only is it used for Winton meetings, precinct polling, and the clerk’s office, but it is also rented to others for weekly meetings and one-time events.
On Dec. 19, 2018, Bigfork City Clerk Angie Storlie started her work day as usual by sitting down at her office laptop to read her emails. She spotted one from another city clerk with the subject line “In reply to November 30 meeting” and a Word document attachment named “Arvig.”

Bigfork, located in Itasca County, has 450 residents and a K-12 school, lumber mill, 20-bed hospital, and rural electric company that serves the region. The primary internet provider there is Arvig.

Storlie thought it was a bit weird that the clerk was forwarding an email about an old meeting but went ahead and clicked on the attachment. And then all heck broke loose on her computer.

“The document opened to a blue Word screen and, before my eyes, it shut down and so did every other Microsoft app,” Storlie says. “Then my background screen turned solid black with orange text that said they had seized all my data and that I had to wire $2,400 to a Syrian bank before they’d restore it.

“My heart sank,” she adds. “The email made sense, but yet it didn’t make sense, and that I had to wire $2,400 to a Syrian bank before they’d restore it.”

Classic ransomware example
This is a classic example of ransomware, a form of malware that encrypts computer files and programs, so you can’t access them until you pay a ransom.

Storlie immediately contacted a computer service and repair business in Grand Rapids. The city has a $300 annual contract with Caverly Computing for remote monitoring and virus updating. A technician there accessed her computer and saw right away that her files and programs were seized.

Storlie didn’t pay the ransom. The city’s most important documents, as well as its accounting and billing software, are backed up on the cloud. Also, she was able to restore other files without a problem because she backs up everything on the computer regularly.

After dropping off her computer at Caverly for a week, she used the city’s public works laptop and got back to work.

“All I can say is, if there’s something not right about the email, don’t open it and check with the sender,” Storlie says. “And do a backup of your computer every time you work.”

Using cloud-based services to store important information is a great idea for cities, says Greg Van Wormer, assistant technology services director with the League of Minnesota Cities (LMC). But don’t jump into using one, as you might do with your personal computer.

“Have your city attorney review the terms of service of the cloud agreement to make sure it works with the Minnesota Government Data Practices Act,” recommends Van Wormer, who will be presenting a session on computer security at the League’s 2019 Safety & Loss Control Workshops in March and April. Make sure the terms state how the cloud service will keep your nonpublic data secure.

Watch out for phishing, too
Another common computer security problem is phishing. Hackers use clever ways to “fish” for important data like social security or credit card numbers. This, too, can start with an email from a familiar sender or what seems to be an official government or business representative, similar to Storlie’s situation.

The City of Albert Lea (population 18,000), located on the southern border of Minnesota, dealt with a phishing scam last summer. The city attorney was notified by the FBI that someone at the city had responded to a phishing email, and the scammer gained access to 330 W-2 forms with social security numbers of past and present employees.

“These hackers are so sophisticated and the emails so believable that it makes you wonder what they could accomplish if they applied themselves to the greater good,” says City Attorney Kelly Martinez.

Response to the breach
The first thing Martinez did was verify that the FBI agent really works for the FBI. Then she called the city’s information technology employee and pulled the managers together.

“We determined exactly what happened, who was impacted, and if anything else on our computers was affected,” she says. “I never did find out how the FBI knew about it, but we’re glad they notified us.”

Martinez also reviewed Minnesota Statutes, section 13.055, the law on disclosing security breaches, to make sure the city complied with notification and reporting requirements. The statute defines a breach of the security of data as “unauthorized acquisition of data maintained by a government entity that compromises the security and classification of the data.” The statute is a great starting point for writing a city policy about cybersecurity.

Another resource that Martinez tapped into during the crisis was the League, where she got advice about engaging with a cybersecurity firm. The city hired a firm to conduct an independent review and write a report (fulfilling a requirement of the state statute). The firm managed a call center, so affected city employees could get clear answers about their social security numbers.

The city sent a letter to employees to tell them about the breach and inform them about credit monitoring and credit freezes. There were mixed reactions from employees.
“Part of the letter described how to keep your identity safe and other things you should do to protect your identity and credit account,” says Martinez. “We also held informational sessions to answer questions and assist employees through the process.”

This particular W-2 scam was not unique to Albert Lea last year. The Minnesota Department of Revenue posted a notice on its website warning employers about it.

**Contact your insurer**

Another important step Martinez took was to contact the League of Minnesota Cities Insurance Trust (LMCIT) right away. LMCIT Claims Manager Darin Richardson says it’s always a good idea to contact the Trust as soon as possible if you suspect a computer security breach.

“We can quickly assign claims staff, advise on our coverages that apply, and explain the claim process,” Richardson says. “From there, we will evaluate what resources to recommend.”

The League partners with Net-Diligence, a resource that provides breach-prevention and consulting services. It offers LMCIT members one hour of free consulting to discuss a specific incident.

Contacting the League immediately helps secure a NetDiligence breach coach sooner. Among other things, the breach coach provides initial thoughts on whether an incident rises to the level of a breach, and makes recommendations on what to do next.

“Once the one free hour has been exhausted, the member has the option to continue to work with the breach coach to assist them throughout the rest of the data breach incident process,” Richardson says. “The expense is covered under our data security breach expenses coverage.”

**Communicating about the breach**

Whenever a data breach happens, chances are good your city will need to communicate with the public about it in some way. In Albert Lea, for example, a local newspaper reporter called about the phishing incident. Martinez answered the reporter’s questions carefully, providing only the information the city was certain of.

That was the right thing to do, according to Jennifer Hellman, chief operating officer with the public relations consulting firm of Goff Public.

“The important thing is to come out quickly with base level information about what happened and what you know at that time,” Hellman says. “Be transparent and tell people you’ll keep them informed with regular updates,” especially if the breach affects residents.

“Transparency isn’t telling every tiny detail, but people need to understand that you have plans in place to protect them,” Hellman adds.

She suggests that cities talk through how they’ll handle communications crises, like a computer breach, before anything happens. Identify red flags to watch for and what news should be shared publicly.

“Know when to elevate an internal computer security issue and who to bring it to inside the city so you can address things before the problem gets bigger,” Hellman says. “In the end, the most important thing is to maintain the trust of the residents and businesses in your city.”

**Educate employees**

LMC’s Van Wormer says what happened in Albert Lea and Bigfork can happen anywhere. He emphasizes the need to educate employees about phishing and computer security. The key is to create an environment where they feel safe to tell someone they did something wrong.

“There are so many times when somebody makes a mistake or they’re pretty sure they made a mistake, and they hide it,” says Van Wormer. “The problem with doing that is that malware and viruses can propagate quickly, and they’re opening the city to bigger risks.”

Renee McGivern is a freelance writer based in Woodbury, Minnesota.

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Need help?
The League of Minnesota Cities can help member cities improve computer security.

To learn more, contact:
Melissa Reeder
Chief Information Officer
mreeder@lmc.org

These are all situations that first responders—police officers, firefighters, emergency medical technicians, and other emergency medical services (EMS) personnel—are trained to handle. But for some, the daily encounter with human suffering and violence can take a serious psychological toll that, left unattended, sometimes leads to mental health problems like depression, addiction, and post-traumatic stress disorder (PTSD).

These are conditions that can be debilitating and, in some cases, even fatal. Several studies have found that rates of suicide and attempted suicide are higher among first responders when compared to the general population.

THE NEED FOR SUPPORT
But many mental illnesses could be prevented—and lives could be saved—if the individuals involved could get the help they need, when they need it. There is a growing consensus among EMS support groups, mental health professionals, public policy specialists—and even first responders themselves—that supporting and maintaining the mental health of those called upon to clean up society’s messes needs to be a much higher priority.

“It is in no one’s best interest to have cops [and other emergency personnel] on duty whose unresolved emotional issues may be preventing them from performing their duties to the best of their ability,” says Sgt. Brian Casey, director of the St. Paul Police Department’s Employee Assistance Program. “And it is in everyone’s best interest to make sure that when an officer needs help, they get the support and assistance they need.”

Casey is a veteran police officer who started his public safety career as a paramedic, and now helps colleagues grapple with the stresses and pressures of police work. In his new book, *Good Cop, Good Cop: A Get Healthy, Stay Healthy Guide for Law Enforcement*, Casey explores many of the obstacles that prevent police officers from seeking help—from the social stigma of having a mental health problem, to male stereotypes about strength and toughness, to fears that if officers seek help for a mental health issue, they might lose their job.

“Many cops are afraid that if they are honest about their distress, they will lose their badge,” says Casey. “The truth is, what can put them at risk for getting fired is failing to work out their personal problems.”

Still, it’s not easy for those who spend their working lives helping people to admit that they might need help themselves. One of the great paradoxes of police work, says Casey, is that the very qualities that make for a good police officer—vigilance, alertness to danger, calmness in the face of enormous stress, etc.—are precisely the qualities that can cause problems in relationships and family life when an officer’s shift is over.

“Cops eagerly and willingly put themselves in unnatural and dangerous situations,” says Casey. “But in order to survive, law enforcement personnel learn how to turn their alarm systems down. They need to be able to hide their stress. But some of the things that are necessary to be a good cop are the same things that can be harmful if they are carried too far into other parts of their life.”

EMOTIONAL RESILIENCE IN THE FACE OF TRAGEDY
What Casey and many health professionals advocate is teaching first responders—through workshops, peer support groups, therapy, and even better friendships—to strengthen their “emotional resilience,” and find healthier ways to manage the...
Emotional problems and their consequences—marital strife, compromised job performance, social withdrawal, and even divorce—tend to accrue over time. Casey calls this the “slow burn of psychological trauma,” and many first responders feel it’s their job to “suck it up” rather than admit to anyone that they are having difficulties. Feelings of loneliness, isolation, and despair can snowball into full-blown depression or worse, but they don’t have to, Casey says.

Sometimes, simply talking to a colleague can help. So can participating in group discussions, or talking to a trained counselor or professional therapist. Toughing it out alone is rarely the answer, however. What police officers and other first responders need to understand, says Casey, is that it is actually a first responder’s responsibility to seek help if they feel their job performance is being compromised by unresolved emotional issues.

Even worst-case scenarios are not hopeless. For example, many first responders fear that a diagnosis of PTSD will end their career. But according to Dr. John Sutherland, director of addiction services at Allina Health, “PTSD is treatable in most people.”

Sutherland specializes in a treatment for PTSD called “prolonged exposure,” in which patients revisit their feared memories and confront situations they are trying to avoid. Many people who suffer from PTSD get better within the protocol’s 10 to 12 sessions, says Sutherland.

One of the trickiest things about trauma, however, is that individuals respond to tragic events in different ways. The scene of a horrible car accident might haunt one first responder for years, but may be experienced as just another day at work for others at the scene. Those who are traumatized may not show symptoms for months or years, during which time they may be performing well on the job but suffering personally, coping the best way they know.

All first responders need to develop healthy coping skills, says Sutherland, but the goal should be to provide EMS personnel with “more tools to deal with the psychological realities of their profession,” and to de-stigmatize mental health services to the point where those who can benefit from treatment are willing and able to get the help they need.

“In my experience, first responders tend to be reluctant to seek treatment,” says Sutherland, “but once they are in treatment, they respond quite well, because they are motivated to get back on the job.”

**TOWARD A HEALTHIER MODEL**

Creating a mentally healthy work environment for first responders involves more than just talking and therapy, however. It starts at the top with leadership that sets a tone of support and encouragement, along with effective procedures for managing personnel who may be struggling. It’s also important to have a culture of peer support based on awareness that there are healthy—and unhealthy—ways to deal with emotional strain.

Another factor is educating family members about how to support first responders, as well as what to do if their loved ones are having trouble sleeping or are engaging in what psychologists refer to as “avoidance” behaviors—such as alcohol and substance abuse, risky sexual encounters, emotionally distancing oneself from spouses and family members—that are ultimately self-destructive.

For many years, the League of Minnesota Cities Insurance Trust (LMCIT) has been involved in efforts to address the issue of first responder mental health through workshops, online training programs, and face-to-face outreach.

Two years ago, Casey conducted a mental health session at the nine LMCIT Safety and Loss Control Workshops held around the state. In addition, LMCIT has co-sponsored 15 Mental Health First Aid Workshops, which have also been offered at locations throughout the state.

LMCIT Public Safety Coordinator Rob Boe, a former police officer himself, says, “Public safety personnel should be aware that even if they don’t have full-blown PTSD—if they are struggling with depression, anxiety, alcoholism, or some other issue—there is a whole range of services available through their personal health plan, employee assistance, and other community support services.”

Since 2013, PTSD has been a compensable workers’ compensation claim for many EMS professionals under state law and LMCIT’s workers’ compensation coverage. Ultimately, however, the goal of leadership in public safety should be to help people avoid PTSD when possible and help them recover when it does occur.

Because lives depend on it.

Tad Simons is a freelance writer from St. Paul.
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Transition. It’s something city officials and staff experience virtually every time there is an election. And with that transition often comes conflict.

As the city clerk, manager, or administrator, you can work to prevent conflict before it begins. How? By creating a city hall culture where communication and listening are the norm, and relationships are built on trust.

An important first step is to maintain an air of confident calmness. The leadership team has the responsibility during stressful times to handle conflict and shield the rest of the staff from difficulties that can occur during election and transition periods.

**Take action during election season**

A significant amount of conflict can be avoided initially by contacting candidates before the election. Have a general conversation about the election process and make sure that you are open to any concerns or problems the candidate may be experiencing.

The time to establish critical relationships is before a transition, not after. If you have the opportunity to meet with candidates, the priority is to listen, listen, and listen some more to learn more about the candidates, what makes them tick, and what can be anticipated if they end up winning the election.

It is also useful to designate one person to help manage the difficult politics that surface during an election. This should be an individual who can aggressively manage all the controversies, yard sign problems, general questions, accusations, and other situations immediately as they crop up. Fast action and response during this period can negate future transition problems.

**After the election**

Once the election is over and the transition is truly commencing, again, you need to continue to facilitate an air of calm and confidence. At this point it is critical for the new councilmembers, current members, and the leadership team, to sit down and review past policy and future policy considerations, and subsequently, agree on the way forward.

It is the agreeing part that might be the most challenging. No matter how well the leadership team manages the challenges of elections and transitions, there is likely to be some conflict. But the conflict doesn’t have to be destabilizing or destructive. In fact, sometimes conflict handled in a healthy manner can lead to innovation, new insights, and better working relationships.

**If conflict arises**

There are lots of sources that provide help in dealing with conflict and having difficult conversations, but the key is to start from a culture based on trust built early in the relationship.

Other key steps include:

- Find what’s at the heart of the conflict. Is it personality, position, process, or policy?
- Manage your emotions and actively listen to other perspectives.
- Look at the issue in context of the larger organization.
- Plan your message when possible.
- Find areas of agreement.
- When necessary, apologize and repair relationships.

Working in a political environment can make this difficult at times, but having this kind of strong and healthy process for dealing with conflict can make all the difference. This is much easier when respectful relationships are established early on. Over time, while the manager sets the culture, it’s everybody’s responsibility to maintain a high level of trust and respect.

In summary, this is the formula to manage the stress of transition:

\[
\text{Relationships} = \text{Trust} \\
\text{Trust} = \text{Minimal Transitional Conflict}
\]

Change is often stressful and can lead to conflict, but well-managed transitions and healthy conflict resolution can help your city maintain its commitment to work efficiently and effectively for the common good.

Craig Waldron is adjunct faculty and Kris Norman-Major is professor and director of Public Administration Programs at Hamline University School of Business (www.hamline.edu/business). The Hamline School of Business is a member of the LMC Business Leadership Council (www.lmc.org/sponsors).

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**More Information**

Want more ideas for dealing with conflict? Here are some resources you might find helpful:

- *HBR Guide to Dealing With Conflict*, by Amy Gallo
- *Crucial Conversations: Tools for Talking When Stakes Are High*, by Kerry Patterson, Joseph Grenny, Ron McMillan, and Al Switzler
- *Humble Inquiry: The Gentle Art of Asking Instead of Telling*, by Edgar Schein
- League of Minnesota Cities Insurance Trust Collaboration Services: [www.lmc.org/collaborationservices](http://www.lmc.org/collaborationservices)
Our workforces are facing a very real threat: “working zombies” and “vampires.”

Working zombies are those employees who are physically present but mentally absent. And vampires are employees who suck the life out of your operation by constantly complaining about their work, criticizing co-workers, gossiping, blaming others, or engaging in misconduct.

These types of behaviors can infect other employees, rapidly creating an epidemic of dissatisfaction, which can culminate in a dysfunctional work environment. While this may seem like a true-life horror story, there is no need for panic. Tackling this epidemic doesn’t require a full-blown purge, but it does require devoted energy and time for a healthy department to survive and combat the threat.

**USE OF SOCIAL MEDIA FOR HIRING**

The best way to tackle the epidemic is to avoid hiring zombies and vampires in the first place. The internet—in particular, social media—can be a valuable tool for identifying zombies and vampires.

Social media can give you insight into applicants that you can’t get from resumes and interviews. Examples of red flags to look for include posts in which the applicant made disparaging comments about an employer or co-worker, or made discriminatory remarks regarding race, gender, religion, etc.

Although there are ample business reasons for the use of social media in pre-employment screening, potential pitfalls also exist.

**PITFALLS OF USING SOCIAL MEDIA**

How can social media searches get the city in trouble? One way is by obtaining information that is unlawful to consider in any employment decision, such as the applicant’s race, religion, national origin, age, pregnancy status, marital status, disability, sexual orientation, gender expression or identity, or genetic information.

Because this information is often prominently displayed on social networking profiles, it can create the environment for a big pitfall. Other legal issues might include laws prohibiting discrimination or retaliation in the areas of credit reporting, data privacy, workers’ compensation, family and medical leave, and possibly even the First Amendment.

Additionally, an internet or social media search is only as worthwhile as the information that it produces. One of the difficulties is in the sheer volume of information that can be retrieved.

It may be difficult to conduct a search effectively on someone with a relatively common name. You may not be able to determine whether the information retrieved in a search is actually information about the applicant and not another individual.

Even in cases where you can narrow the information retrieved to a specific applicant, you must then determine whether the information found is accurate and reliable. The website or social networking profile found could be genuine or it could be fake, set up as a joke or by someone trying to cause difficulties for the applicant.

Additionally, not all applicants will have an internet presence. Accordingly, you will need to decide how to weigh the lack of information found.

**BEST PRACTICES FOR USING SOCIAL MEDIA**

How can you use social media effectively to avoid hiring vampires and zombies, while also avoiding the pitfalls? Some of the best practices include assigning a person not involved in the hiring decision to review social media sites and filter out any information about membership in a protected class. This person would forward only the information that may be lawfully considered in the hiring process.

As always, good records and consistent practices keep the city safe. This means
keeping good records of any social media information reviewed and being consistent about how and when social media checks are conducted.

Other best practices include finding another source to verify the information obtained via social media, double-checking the context to make sure it was valid and accurate, and consulting with legal counsel whenever in doubt about whether the information can legally be used.

**A SIMPLE TECHNIQUE FOR CURRENT EMPLOYEES**

Another important weapon in the fight against zombies and vampires is to ensure your work environment is not inadvertently turning good employees into scary creatures. This can happen when you ignore negative attitudes and look the other way on employee misconduct. Good employees get an infusion of bad blood when they see their co-workers not being held accountable.

How do you hold people accountable? Management consultant Torben Rick recommends this SIMPLE approach to hold employees accountable and create a high-performance organization:

- **S** = Set expectations
- **I** = Invite commitment
- **M** = Measure progress
- **P** = Provide feedback
- **L** = Link to consequences
- **E** = Evaluate effectiveness

Let’s explore each of these concepts further.

**SET EXPECTATIONS**

Employees need to know what is expected of them, and the more clarity you can offer, the better. The more clearly you lay out expectations and set the goals up front, the less time will be wasted later clarifying what was really expected, Rick says. Clarity in your message means being clear about the outcome you’re looking for and how you will measure success.

An excellent approach to clarifying expectations is to ask employees to summarize the important pieces—the outcome they’re working toward, how they are going to achieve it, and how they’ll know whether they’re successful. This will help ensure that everyone is on the same page.

As a supervisor, you will want to answer the following questions: What skills does the person need to meet the expectations? What resources will they need? If the person does not have what’s necessary, can he or she acquire what’s missing? If so, what’s the plan?

The good news is that all the great ideas about how to achieve employee outcomes do not have to come solely from you as the supervisor. Undoubtedly, you have some great talent on your team, so tap into their great ideas by having a conversation about how to achieve the goals.

**INVITE COMMITMENT**

After goals and expectations are set, employees need to commit to achieving them. That can be a far easier process if a supervisor is aware of how the employee’s own career goals tie into the objectives you just laid out.

According to Rick, employees are more likely to be successful when they understand two things: how the goals will benefit them personally, and how the goals will help move the organization forward.

During your conversations about expectations and commitment, it’s best to agree on weekly milestones with clear, measurable, objective targets.

(continued on page 16)
MEASURE PROGRESS
You need information to be able to hold your employees accountable, Rick says. Measure employees’ ongoing performance and gauge whether they met the goals and expectations to which they have committed.

If any of these targets slip, address it immediately. Brainstorm a solution, identify a fix, redesign the schedule, or respond in some other way that helps the employee get back on track.

PROVIDE FEEDBACK
Honest, open, ongoing feedback is critical. If you have clear expectations, capability, and measurement, the feedback can be fact-based and easy to deliver. Give feedback often and, remember, it’s more important to be helpful than to be “Minnesota nice.”

“Feedback won’t solve problems by itself,” Rick says, “but it will open the door for problem-solving discussions and follow-up actions.”

Consider these questions when preparing your feedback: Is the person delivering on his or her commitments? Is he or she working well with the other staff and the public? If the person needs to increase his or her capability, what tools or assistance are needed?

And keep in mind that the feedback can go both ways. Is there something you can be doing, as a supervisor, to be more helpful?

EVALUATE EFFECTIVENESS
The final step is to review how the process has been handled, Rick says. What in the process needs to be looked at and modified?

By using these effective hiring and management techniques, you can minimize the impact of working zombies and vampires on your workplace.

LINK TO CONSEQUENCES
If you’ve taken all the previously discussed steps, you can be reasonably sure you did what’s necessary to support an employee’s performance. If there is a lack of goal achievement, you likely have the following choices: repeat, reward, or some version of release.

Repeat the previously discussed steps if you think there is still a lack of clarity in the system. If the person succeeded, reward them appropriately (acknowledgement, promotion if possible, etc.).

If they have not proven accountable, then that employee may not be a good fit for the role, and you should consider releasing them from it. That might include changing roles, taking disciplinary action, etc. Remember, it’s always important to work with your city attorney on any employee disciplinary process.

LEARN MORE
This topic will be covered at LMCIT’s 2019 Safety & Loss Control Workshops specifically for police departments during the “Police HR Boot Camp.”

Get details and register: www.lmc.org/safety19

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CONNECTING MINNESOTA TO THE REST OF THE WORLD
Employee Wellness

IT’S GOOD FOR BUSINESS!

BY TERI ERHARDT

The idea of an employee wellness program in the workplace is not new. Many organizations have been providing wellness for decades in various forms, such as biometric screenings, lunch-and-learn sessions, and even on-site fitness centers.

Yet, for the most part, wellness has largely resided in a silo: separate from discussions on organizational success, organized by a small group of volunteers, and offered as a “nice-to-have” employee benefit. Wellness has generally been disconnected from the greater picture of overall organizational health.

Recently, however, more organizations are shifting the way they think about wellness and acknowledging that employee well-being has a direct impact on organizational performance and, ultimately, the bottom line. As this happens, many are integrating wellness into their overall business strategy. A workplace that’s full of healthier, more balanced people is simply good for business, making wellness a “need-to-have” benefit.

A costly, vicious cycle

On average, people spend about 90,000 hours at work over their lifetime. That’s about one-third of their life! If that part of their life is unhealthy, filled with anxiety and stress, or not supportive of healthy behaviors, it’s likely that the other parts of their life are going to be unhealthy—producing a costly, vicious cycle.

One of the biggest health issues facing workplaces today is stress. Stress alone is costing U.S. businesses roughly $300 billion a year through accidents; absenteeism; turnover; diminished productivity; direct medical, legal, and insurance costs; and workers’ compensation insurance. Chronically stressed employees are costly.

Stress and other unhealthy lifestyle choices (such as smoking, a poor diet, and lack of physical activity) can be directly or indirectly linked to nearly every chronic disease, including obesity, diabetes, and heart disease. Chronic diseases now account for nearly 80 percent of all health care costs, yet nearly all those chronic diseases are considered preventable.

The good news is that healthy lifestyles can be supported in the workplace to help employees reduce the risk of these costly diseases and, moreover, to thrive. When employees thrive, business succeeds. That’s where a good wellness program comes in.

Richard Branson, the founder of the Virgin Group, said this best: “Take care of your employees and they’ll take care of your business.” It’s hard to argue with a mogul who has played a role in producing hundreds of successful companies!

The value of wellness

Research shows that organizations that invest in their employees through strategically designed employee wellness programs create more vital employees and benefit beyond health care cost savings. Top benefits include:

- Reduced absenteeism.
- Increased productivity.
- Reduced worker’s comp claims.
- Improved employee morale.
- Reduced turnover.
- Increased employee engagement.
- Greater ability to attract and retain top talent.

A recent study by Willis Towers Watson found that organizations that encourage and improve workforce well-being are likely to be among the best-performing organizations. Approaches to well-being vary, but include aligning the work environment and well-being programs with the company culture, offering experiences that address various aspects of well-being, leveraging social networks, and adapting to new health care delivery systems such as telemedicine.

The best-performing organizations have a competitive advantage in the workplace and, according to the Willis Towers Watson research, also save more than $2,000 per employee per year in health care costs.

Program benchmarks

Regardless of an organization’s size, a business strategy that aligns organizational objectives with the health and well-being of employees can be designed to benefit everyone. Wondering where to begin?

The Seven Benchmarks by the Wellness Council of America can provide a good start. They are:

- Committed and aligned leadership. Without leaders on board at every level, including mid-management, efforts to create organizational impact are diluted and short-lived.
- Collaborative teams dedicated to building, supporting, and sustaining wellness initiatives.
- Collection and use of meaningful data to guide the process and measure success.
- Implementation of a plan to guide the investment in well-being.
- Initiatives chosen based on the organization’s objectives and its employees’ needs.
- Supportive, health-promoting environments, policies, and practices.
- Regular evaluations of the program to determine success and guide future efforts.

No longer is a wellness program a nice-to-have, extra benefit. Instead, a carefully designed and integrated wellness strategy is considered essential to long-term organizational success and can be accomplished with thoughtful planning and top-down support. With wellness, everyone wins! 🌟

Teri Erhardt, CWWS, is a well-being and engagement consultant with NFP (www.nfp.com). NFP is a member of the League’s Business Leadership Council (www.lmc.org/sponsors).
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City Clerks Agree to Back Each Other Up

BY MARY JANE SMETANKA

Even the smallest Minnesota cities are required to have a city clerk. But in tiny cities with only one or two office employees, who keeps the books and records city council proceedings if a clerk gets seriously ill or has a family emergency?

On the shores of Lake Mille Lacs, clerks in the adjacent cities of Isle and Wahkon have long had an informal agreement to back each other up. This year, they’re working to codify that arrangement with a mutual aid agreement.

With a written agreement, “you can make sure the person providing service has insurance, and create provisions that indemnify the city if something damaging happens,” he says.

**Avoiding chaos**

Isle (population 771) and Wahkon (population 213) have had a mutual aid agreement covering utility personnel and equipment since 2013. But Isle City Clerk-Treasurer Jamie Hubbell says city officials haven’t forgotten what happened in 2010 when the then-city clerk became ill and died. With the office empty for a couple of weeks, “controlled chaos” ensued, she says. “Nobody knew what to do or where to go,” Hubbell says. “We wanted to create a situation where we were more prepared.”

Though Isle now has a deputy city clerk, she doesn’t have treasurer authority to report payroll, sign checks, and report to the Office of the State Auditor, Hubbell says. Wahkon City Clerk-Treasurer Karrie Roeschlein can handle those tasks. Plus, the two cities use the same accounting software, which makes moving between municipalities easier.

“Karrie can come over here and collect bills, collect mail, post payments, check emails if necessary, and keep everything going,” Hubbell says. “Fortunately, we’ve both been healthy and haven’t used [each other’s] clerk services to any extent. But it’s nice to know it’s there if anything happens.”

**What’s included**

The cities used the League’s model mutual aid agreement to shape their own, which is reviewed every two years. The new draft agreement, which will go through both city councils in April, covers sewer department operators, sewer pond control, water department emergencies for Isle, and utility billing/clerk services.

It includes sections on liability and pay. If one of the clerks gets hurt while working in the other city, it would fall under the workers’ compensation plan of her home city. If action by the visiting clerk created a financial liability, it would be the responsibility of the city where the clerk was working.

Up to three hours of help during a 30-day period would be provided for free. After that, the cities would bill each other.

**Prepared for the unexpected**

Though Roeschlein has never missed a meeting in her 25 years as Wahkon’s city clerk-treasurer, she says it’s good to be prepared for the unexpected.

“You just never know what’s going to happen, and then what do you do?” Roeschlein says. “This arrangement could ease the transition and keep the doors open and keep things running.”

Hubbell thinks a formal agreement is a good idea for the state’s other small cities to explore.

“It’s like having a safety net,” she says. “Even if you never use it, it’s nice to know it’s there, especially in offices [staffed by only a city clerk], which is common in rural Minnesota. It gives you peace of mind. If you have a family emergency or something that takes you away from the city, you have someone who knows how to fill in.”

Since the first agreement was signed in 2013, Isle has sent help to Wahkon when someone was on vacation, and Wahkon has twice helped with water main breaks in Isle.

Mary Jane Smetanka is a Minneapolis-based freelance writer.
For over twenty years, Galliard has established a legacy of building client-focused fixed income investment solutions for institutions nationwide.

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²as of September 30th, 2018
Strategies for Successful City Council Meetings

BY PAMELA WHITMORE

Meetings are part of the regular routine of a city council. However, councilmembers sometimes struggle with advocating for their personal positions on city issues while respecting the council’s mandatory group decision-making process.

Adding to this struggle, Minnesota’s Open Meeting Law generally requires city councils to have this dialogue in public meetings, giving the public a right to attend and observe. The dynamic between comfortably engaging in the give and take of decision-making, but doing so within the public eye, can lead to disruptive meetings and conflict. But conflict can be avoided by adopting and following sound meeting strategies.

Meeting procedures
One of the best practices a council can follow is to adopt clear meeting procedures. Well-managed meetings can dilute and even prevent debilitating conflict from derailing meetings.

Many city councils and members of the public assume that councils must follow Robert’s Rules of Order. However, under Minnesota law, councils can adopt their own rules of procedure—whether that is Robert’s Rules, Sturgis Rules, Rosenberg Rules, or the council’s own simplified rules.

Once adopted, the entire council—not just the person running the meeting—should learn the rules of procedure, since the chair is subject to the will of the council as a whole. The chair is the leader of the meeting, but not the boss.

Agenda-setting policy
In addition to adopting rules to better manage the pace and tone of the meeting, clearing up confusion about other fundamental parts of meetings can decrease distrust and lead to more efficient meetings. Agenda-setting represents one of the most common catalysts for distrust.

Having a standard agenda format and a clear agenda-setting policy avoids confusion about how to get things on the agenda and, more importantly, assures individual councilmembers of the opportunity to get things heard. It also lets participants know what will be discussed at the meeting and how the meeting will be run.

Meeting agendas that include a time for “reports of mayor and/or councilmembers” strengthen council relations and increase trust. This agenda item allows councilmembers to keep each other, staff, and the public informed about non-agenda items and about action items from previous meetings.

Public comment policy
Managing public comment can also increase efficiencies and lead to better decisions. By allowing time for residents to comment at meetings, councilmembers have a chance to hear new perspectives and information.

However, residents often mistakenly think they have a right to actively participate in council meetings without any restrictions. By adopting a clear public comment policy, councils can manage the expectations of residents and their role.

Key components of a public comment policy include a sign-in sheet, a time limit on comments, and rules of decorum for commenting. The policy should also make it clear that councilmembers will only listen, not engage, during the comment time. If questions arise because of information learned from public comments, the council can direct staff or a specific councilmember to look into the issue and report back to the council as a whole.

How councilmembers can help
Lastly, councilmembers themselves can help meetings run more smoothly by following these basic tips:

- Read the packet before the meeting and share any possible questions or concerns with staff ahead of time.
- Realize that staff work for the city and act on the direction of the council as a whole, not at the discretion of individual councilmembers or the mayor.
- Arrive to meetings on time.
- Approach every agenda item with the belief that everyone has something to contribute and likely has information that you do not have.
- Avoid making assumptions and listen with a true curiosity.
- Focus on the policy, not the person, and leave personal feelings at the door.
- Acknowledge others’ reasoning and explain your own.
- Keep cell phones and other distractors off the dais.
- Focus on progress toward the overall goals of the city, not individual positions.

A key element of a city council meeting is to allow the council to engage in debate, when necessary, to reach the best decision for the city. How councilmembers behave in those meetings matters a great deal. With the right mindset of councilmembers and clear policies in place, public meetings can result in efficient decision-making.

Pamela Whitmore is collaboration and mediation manager with the League of Minnesota Cities. Contact: pw whitmore@lmc.org or (651) 281-1224.
All Public Employers Subject to Age Discrimination Law

**Public Employment Law**

**Age discrimination**

Faced with a budget shortfall, Mount Lemmon Fire District, a political subdivision in Arizona, laid off its two oldest full-time firefighters, John Guido and Dennis Rankin. Guido and Rankin sued, claiming their terminations violated the federal Age Discrimination in Employment Act (ADEA). The district sought dismissal of the lawsuit, claiming that, because the district has fewer than 20 employees, it does not qualify as an “employer” under the ADEA. The ADEA defines an employer as “a person engaged in an industry affecting commerce who has 20 or more employees. … The term also means (1) any agent of such a person, and (2) a state or political subdivision of a state.” The 9th U.S. Circuit Court of Appeals ruled in the firefighters’ favor and refused to dismiss the lawsuit. The U.S. Supreme Court unanimously affirmed the Court of Appeals’ decision, holding that the ADEA applies to all public employers, regardless of the number of employees. *Mount Lemmon Fire Dist. v. Guido*, 139 S. Ct. 22 (2018).

**Qualified Immunity**

**Excessive force**

Brittany Karels sued Gabriel Storz, a City of Big Lake police officer, claiming he violated her Fourth Amendment rights by using excessive force when he arrested her. Karels rented a room in the basement of Jennifer and Robert Owens’ home. One night after drinking, Karels returned to the home sometime after 2:30 a.m. and began arguing loudly with Jennifer Owens. Robert Owens called 911. The Owens told the responding officers that they did not feel threatened by Karels, but they wanted her to go to her room because she had been drinking and was being argumentative.

Storz asked Karels for her identification, and she testified that when she handed him her driver’s license, he poked her in the collarbone repeatedly and yelled, “calm down” or “back off.” Karels then demanded to speak to the supervising officer. She called 911 twice to complain about the responding officers, yelling and cursing at the dispatcher during the 911 calls. After Karels left the house to smoke a cigarette, Storz informed her that she was under arrest and instructed her to put her hands behind her back. According to Karels, Storz quickly grabbed her left wrist and brought it behind her back. As Karels pulled away to put out the lit cigarette in a coffee can, Storz twisted her left arm behind her and body-slammed her onto the concrete steps, breaking her arm.

The city made a motion for summary judgment, claiming Storz was entitled to qualified immunity. The district court denied summary judgment, concluding that there were fact issues regarding whether Karels was resisting arrest and, if so, whether the use of force was reasonable. The 8th U.S. Circuit Court of Appeals affirmed, concluding that a jury could find that a reasonable officer in Storz’s position would not have interpreted these actions as resisting arrest, and would have known that Karels did not pose an immediate threat to anyone’s safety and was not a flight risk. The Court of Appeals noted that, under clearly established law, an officer cannot forcefully take down an arrestee, who is a nonviolent, nonthreatening misdemeanor that is not actively resisting arrest or attempting to flee. *Karels v. Storz*, 906 F.3d 740 (8th Cir. 2018). Note: The League of Minnesota Cities Insurance Trust (LMCIT) represented the city.

**Waste Management Act**

**Organized collection**

In 2014, the City of Bloomington began following the process outlined in Section 115A.94 of the Minnesota Waste Management Act (WMA) for moving from an open system of waste collection, in which residents are free to contract with any licensed collector, to organized collection. The WMA defines organized collection as a “system for collecting solid waste in which a specified collector, or a member of an organization of collectors, is authorized to collect from a defined geographic service area or areas some or all of the solid waste that is released by generators for collection.” In December 2015, after complying with Section 115A.94, the City Council adopted an organized collection ordinance and approved a five-year contract for organized collection with Bloomington Haulers, LLC.

In May 2016, a group of resident voters sought to invalidate the organized collection ordinance through a charter amendment petition, seeking to require voter approval for organized collection. A group of resident voters sought to invalidate the organized collection ordinance through a charter amendment petition.
collection. The City Council rejected the petition, and the resident voters appealed. The district court and the Minnesota Court of Appeals affirmed the City Council’s decision, holding that Section 115A.94 establishes the “exclusive process” that cities must follow to implement organized collection of solid waste and, therefore, the WMA preempts the proposed charter amendment. The Minnesota Supreme Court reversed and ruled that the WMA does not preempt the process for organizing the collection of solid waste. The Supreme Court reasoned that the WMA simply establishes the minimum procedural requirements for adopting organized collection. The Supreme Court remanded the case so the Court of Appeals could address the city’s additional legal arguments regarding why the charter amendment petition was not legally valid.

On remand, the Court of Appeals ultimately ruled in the city’s favor, holding that the charter amendment was invalid. The Court of Appeals concluded that the proposed charter amendment, which was seeking to invalidate the organized collection ordinance, was an improper exercise of referendum power because it did not comply with the city’s referendum requirements, including the requirement that a referendum petition must be submitted within 15 days after an ordinance takes effect. Jennissen v. City of Bloomington, No. A17-0221 (Minn. Ct. App. Oct. 29, 2018) (unpublished opinion). Note: LMCIT represented the city.

**CRIMINAL LAW**

**Traffic stop**

City of Cambridge Police Officer Mathew Giese stopped a car that James Poehler was driving, after observing the car had a cracked windshield and the driver was not wearing a seat belt. The traffic stop set in motion criminal proceedings that resulted in Poehler’s convictions for driving while impaired and violating a driver’s license restriction. Poehler appealed, claiming Giese lacked reasonable suspicion (within the meaning of the Fourth Amendment of the U.S. Constitution) to justify stopping his car and, as a result, the district court should have granted Poehler’s motion to suppress any evidence arising from the stop. Poehler argued that Giese’s observation (continued on page 26)
of the cracked windshield was insufficient to create reasonable suspicion that Poehler was violating any motor vehicle law. The Minnesota Court of Appeals agreed with Poehler in part, holding that an officer may stop a car based on a cracked windshield only when the circumstances would lead a reasonable officer to suspect that, because of the crack’s characteristics, it is limiting or obstructing the driver’s view in violation of the obstructed view statute. Therefore, Giese’s bare observation that Poehler’s windshield was cracked was an insufficient ground for the stop. But the Court of Appeals upheld Poehler’s convictions, reasoning that there was reasonable suspicion to stop Poehler for not wearing a seat belt. *State v. Poehler*, ___ N.W.2d ___ (Minn. Ct. App. 2018).

**IMPLIED CONSENT HEARINGS**

**Procedural due process**

After a person is arrested for the crime of driving while impaired (DWI), a civil proceeding will generally also begin with a notice and order of driver’s license revocation. This document provides individuals with notice that the state intends to revoke their driver’s license. Steven Chadwick Gray received a notice and order of revocation following a failed sobriety breath test at the Dodge County Sheriff’s Office. But the notice was left behind when Gray was transferred to a detox facility. A few days later, the county mailed the notice and order of revocation to Gray by certified mail. Gray requested an implied consent hearing to challenge his license revocation, claiming in part that his procedural due-process rights were violated because he did not receive the revocation notice.

The district court refused to consider this claim, concluding that the state statute that governs implied consent hearings does not expressly permit individuals to raise a procedural due-process claim. The Minnesota Court of Appeals reversed, holding that individuals have the constitutional right to raise procedural due-process arguments at implied consent hearings. The Court of Appeals reasoned that the Minnesota Legislature may not legislate away the constitutional right to due process, a right which provides a guarantee of fundamental fairness. But the Court of Appeals also concluded that Gray’s procedural due-process rights were not violated, noting that the county provided him with the notice and order of revocation in an adequate manner. *Gray v. Comm’r of Public Safety*, 918 N.W.2d 220 (Minn. Ct. App. 2018). MC

Written by Susan Naughton, research attorney with the League of Minnesota Cities. Contact: snaughto@lmc.org or (651) 281-1232.
Can the City Require a Driver’s License for Certain Special Vehicles?

**Special Vehicles**

**Q** Our city permits golf carts, all-terrain vehicles, and other utility vehicles on city roads. May we require permit holders to have a valid driver’s license?

**LMC** Minnesota Statutes, section 169.045 provides that a city may adopt an ordinance permitting the operation of golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks on designated city roads. Driver’s license requirements apply to permitted operators of mini-trucks, but not to permitted operators of golf carts, all-terrain vehicles, or utility task vehicles.

The city may, however, require permit applicants to submit a certificate from a physician stating that the applicant is able to safely operate the special vehicle on city streets. In addition, the special vehicle must be insured, and the permit applicant must provide evidence of insurance before a permit is granted.

The statute has other mandatory provisions, including specific operating requirements and a requirement that the city designate the roads where special vehicles are allowed. The city may place other conditions on permits if they are not inconsistent with state law. More information, including links to two model ordinances, is available in the LMC information memo at www.lmc.org/spclvehicles.

Answered by Research Attorney Kevin Toskey: ktoskey@lmc.org

**Land Use**

**Q** Why are regulations and fees for developers so different from city to city?

**LMC** Subdivision regulations vary from city to city because each city has different development and planning goals, which are tailored to the unique attributes of their community. For example, one city may value preservation of agricultural space, while another city values the creation of affordable housing. Some fees are required to be based on the appraised value of the land, which is an additional reason why they can be different from city to city and even from neighborhood to neighborhood.

Cities can require a written contract known as a “development agreement.” Development agreements are negotiated between the city and developer and detail the fees and specifications of the project. This give and take can ultimately reflect the unique characteristics of the project and can provide flexibility in fees and requirements. Regardless, statutory cities are not allowed to require a cash fee for the construction of future road improvements as part of a development agreement. For more information, visit www.lmc.org/development.

Answered by Loss Control Attorney Jed Burkett: jburkett@lmc.org

**Human Resources**

**Q** Medical marijuana has been legal in Minnesota since 2014. What if one of our employees holding a commercial driver’s license (CDL) tests positive and is able to show that he or she is using the drug legally under Minnesota law?

**LMC** The federal agency responsible for enforcing drug testing of CDL holders, the Department of Transportation (DOT), has stated on record that it remains unacceptable for any safety-sensitive employee subject to drug testing under DOT regulations to use marijuana, whether or not the usage is legal under state law.

Minnesota’s medical cannabis law prohibits discrimination against employees using medical cannabis legally; however, there is an exception when the usage would violate federal law or regulations. Keep in mind, though, that testing positive for medical cannabis under Minnesota’s drug testing law for non-CDL holders may be covered by the law’s employment protections, depending on the circumstances.

Whether testing under federal DOT regulations or Minnesota state law, the use of medical cannabis remains an emerging area of the law, and cities are strongly advised to work with their city attorney on any employment situations in this area. Learn more from the LMC information memo at www.lmc.org/drugtest.

Answered by Human Resources Director Laura Kushner: lkushner@lmc.org

**Got questions for LMC?**

Send your questions to choffacker@lmc.org
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Questions? Call Chris White at (651) 215-4069 or (800) 925-1122, or email cwhite@lmc.org

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First, and often lasting, impressions are almost always visual in nature. Imagine walking into a room full of strangers. Before you have a chance to talk to anyone, you will make assessments and assumptions about individuals based on their physical appearance. It’s only human nature.

It’s no different for a city. Your city’s visual identity tells your citizens about the city, and it is often your first introduction to citizens. What kind of first impression will it make?

At the City of Oakdale, we realized in 2017 that we had an identity crisis on our hands. We had more than five different versions of our logo, which were all being used differently in various applications. There was no consistency in our visual representation or how we were branding ourselves.

The importance of your visual identity

A strong, clean visual identity presents a professional image. Consistency is key when it comes to visual identity. Combined with clarity, consistency communicates stability, competence, and credibility. These are traits that will build trust and cultivate confidence in the city among your constituents.

Though consistency is crucial, it is also one of the most challenging things to achieve when you have multiple departments and individuals communicating without a well-articulated, common vision or set of guidelines surrounding your visual identity.

Perhaps your city is facing a similar crisis, and you’re wondering what you can do about it. It doesn’t necessarily need to be expensive or complicated to get your visual identity in order. The City of Oakdale engaged in a simple process to tighten up our visual identity that is easy to implement in-house. The result was a professional, consistent brand, and it even received an award from the Minnesota Association of Government Communicators.

Step 1: Conduct a branding and identity audit.

This is an important first step to gain an accurate picture of what your current visual identity looks like.

Our audit included taking account of our digital files, assessing our visual representation on the web and social channels, and collecting branded materials from all departments. These materials included forms, applications, brochures, letterhead, business cards, and signage. We identified and documented instances of duplication and inconsistencies in terms of color, font, style, and logo usage.

Step 2: Identify the elements of your visual identity.

As mentioned previously, Oakdale had no consistency in its visual identity. We had to identify and clarify the elements we wanted to make up our visual identity moving forward.

The most important visual element is the logo, which is the heart of your visual identity. Since Oakdale was using several different logo styles, we took the opportunity to create a new, updated logo, and we removed all the old versions from the system (see the new logo at left).

We also designated a color palette and font family that coordinated with the logo and were to be used on all city-branded materials.

Step 3: Create a visual identity manual.

The visual identity manual should identify all the visual elements of your identity, and demonstrate how to use and apply them.

Our manual includes examples of correct and incorrect usage of the logo, the formulas for our designated brand colors, and a sample of the brand font family. It also includes samples of layout for commonly used resources like letterhead, business cards, and email signatures.

We provided the manual to all staff members to use as a guide to ensure our visual identity was being presented consistently.

Step 4: Develop a logo and template repository.

You want to ensure that your visual identity is being represented consistently by everyone in the organization.

To make this happen, we created branded templates for commonly used files and documents. Then we stored them in a common location that all staff members can access.

Step 5: Update existing materials.

The final step in our process was to revisit the inconsistencies that we identified in the branding and identity audit. Then we updated existing materials to incorporate the newly identified elements of our visual identity.

By following these simple steps, you will be well on your way to averting—or solving—an identity crisis!

Alyssa MacLeod is communications specialist with the City of Oakdale. Contact: alyssa.macleod@ci.oakdale.mn.us or (651) 730-2722.
John Luse and Jeff Potts, the police chiefs of St. Louis Park and Bloomington, sat down over coffee a few years ago to discuss problems they were having with recruitment. Their communities were becoming more diverse, but their police cadet applicants weren’t.

That conversation was the beginning of a program called Pathways to Policing. Luse retired soon after that meeting, but his successor, Mike Harcey, liked the concept.

Harcey and Potts continued working together to create the Pathways to Policing program, which allows anyone in any career with a two- or four-year degree from an accredited college or university to apply to become a police officer.

“We wanted to come up with a program where we cast a wide net,” Potts says. “The traditional hiring process delivers high-quality candidates, but not a lot of diversity.”

The program was the winner of a League of Minnesota Cities 2018 City of Excellence Award in the topical category of Promoting Leadership and Career Opportunities in City Government.

Creating and launching
The Human Resources departments in Bloomington and St. Louis Park worked closely on creating the recruiting, hiring, marketing, and training portions of the program, which is modeled after a similar program used by the Minnesota State Patrol. The cities worked out a partnership with Hennepin Technical College for the training. The college requires 12 to 14 officers to assemble a training class, so the two cities opened the program to other metro-area police forces.

The program launched in 2017 with six participating departments. It drew nearly 500 applicants and resulted in 12 hires. Bloomington hired three; St. Louis Park, Eagan, Maplewood, and the Metropolitan Airports Commission each hired two; and Hastings hired one new officer. The recruits come from several different professions and two-thirds of those new officers are racially diverse.

“They’re bringing different life experiences to the police department,” says Harcey, whose Pathways hires have accounting, mechanic, and tiling backgrounds. “They bring business experiences to policing. Really it helps bring a broad spectrum of diversity into the organization.”

Two hiring rounds completed
As part of Pathways to Policing, police departments pick from the pool of applicants, who go through a multi-step interview process. Once hired, the officers-to-be enter a 22-week training program at Hennepin Technical College at the expense of the police department.

Tuition for the college program costs approximately $9,000 per cadet. Thus far, that has been offset by a $400,000 appropriation in 2017 from the Minnesota Legislature. Departments can apply for grants to cover the costs. That program is overseen by the Minnesota Department of Public Safety’s Office of Justice Programs.

The departments conducted a second Pathways hiring process last year, when 14 new officers were hired from among 325 applicants. Those officers will finish their training and, upon passing their certification exams, will join their departments likely by April. (Read about one new officer on page 31.)

The program could expand into additional cities in the future, but not every city participates for the same reason. Benefits of the program differ, depending on the individual needs of a community, Potts says. In Bloomington and St. Louis Park, the motivation stems mainly from changing demographics and finding recruits representative of those new residents.

In other cities, he says, it might allow the police department to hire a local person who wants to stay there and work, rather than gain experience for a couple years, then move to a larger city.

In St. Louis Park, Harcey adds, the candidate pool in general has shrunk the last decade, especially with respect to people from different ethnic or non-traditional backgrounds.

“It also allows us to hire people who have been interested in law enforcement for a long time,” Potts says. “Maybe they grew up wanting to be a police officer, but they went to college
for something else and they got into a different career and they don’t have the money to go back to school and cross over.”

“We pay them about 70 percent of the starting salary for a police officer and we send them to school,” Harcey adds. “It takes away the financial burden of making a career change.”

Rising to the demands
Tom Draper, professional peace officer education program coordinator at Hennepin Tech, says the students who come through the Pathways program often are a bit more enthusiastic and have more life experience than the standard police trainee, but also occasionally lack skills in some basic areas, such as defensive tactics or firearms training.

That means there may be times when instructors have to spend a little more time concentrating on a given subject. But the recruits, he adds, are glad to be there and willing to learn.

Although there may be differences between traditional recruits and those coming through the Pathways program, they all face the same scrutiny and the same curriculum. That’s necessary for their preparation for the Police Officers Standards and Training Board exam.

“We don’t change the program to meet the student,” Draper says.

Cautious optimism
One potential advantage of the program is that the new police officers come to the job with a variety of life experiences, some of which may be applicable to police work in the future. A one-time social worker might do well in a juvenile division. A former accountant might help in a white color crime investigation.

Potts says it doesn’t happen right away—you don’t necessarily hire with that in mind and you have to wait to make sure the transition to law enforcement goes as hoped. But those previous careers could be a long-term benefit.

Getting a Second Chance at a Policing Career
Callie Anderson has always known her career would involve public service of some kind. When she took personality tests in high school her best options always came up security, law enforcement, or firefighter.

So, despite her mother’s insistence that those career choices would be too dangerous, Anderson applied for a corrections job at the Shakopee Women’s Prison. After four or five months there, her military unit deployed to Guantanamo Bay in Cuba and, before she got back in late 2017, she quit the prison job.

“I was miserable,” she says.

While looking around to figure out what to do next, she heard from a friend about the Pathways to Policing program, where she could apply, get hired by a department, then get paid while taking the classes necessary to become licensed. She says she probably would have bitten the bullet and applied through the traditional means had she not learned about Pathways, but the program significantly reduced her financial burden.

“I am so fortunate to have gotten into the Pathways program,” she says. “You can’t ask for a better program.”

Anderson and her 13 colleagues are closing in on completion of their training programs. Cramming a ton of coursework and skills training into a few months, rather than the usual year or two, can get tiring—it’s an 8-to-5 job, plus studying at night, she says. But she’s gotten close to the 10 men and three women she’s trained with. And she’s convinced she’s on the right career path.

“What attracts me the most about law enforcement is being able to be the person to help someone when they can’t help themselves,” Anderson says. “I’m the first one there to respond to someone in a crisis.”

She expects that she’ll be certified and on the job by April.

“I wouldn’t change anything for the world,” she says. “I feel very fortunate St. Louis Park chose me. I’m studying very hard and hope I come on to the job full-strength and show everybody what I’ve learned.”

Andrew Tellijohn is a freelance writer based in Richfield, Minnesota.
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