

A Fond Farewell

LMC Executive Director Jim Miller is retiring after 22 years. [PAGE 16](#)

Close the Generation Gap

Generational expert Hannah Ubl discusses generational dynamics in the workplace. [PAGE 30](#)

MINNESOTA

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COMPLETE STREETS:

A More
BALANCED
APPROACH
for Cities

[PAGE 8](#)





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When Good Policies Have Undesirable Outcomes

BY JIM MILLER

Alaska Airlines kicks woman with cancer off plane.” This was the headline in one newspaper recently when a woman with cancer was removed from her flight home from Hawaii to California.

The woman had said she was feeling weak and might need additional time to board the plane. She did board the airplane with her family, but was then approached by another airline representative, who apologized and said it was the airline’s policy that she could not fly without a doctor’s statement clearing her to do so.

The woman made a video of the encounter on the plane and, of course, it went viral. Making the experience even more unfortunate was that the delay apparently caused her to miss her next scheduled chemotherapy treatment. That heightened the newsworthiness of the story and, undoubtedly, brought even more unfavorable attention to the airline.

Closer to home, the Minnesota and even national media reported recently on the City of Lindstrom’s attempts to recognize the community’s Swedish heritage by having an umlaut placed over the “o” on the green road signs bearing the city’s name.

That seemed like a reasonable request, but state Department of Transportation officials told the city it would not be possible because umlauts and other similar markings are not permitted by the Standard Alphabets for Traffic Control Devices, a federally promoted standard that prohibits all such punctuation marks. While seemingly a trivial matter, it nevertheless captured the media’s attention and received prominent coverage, including several letters to the editor. Then Gov. Dayton intervened, declaring that umlauts would be allowed.

Certainly the first incident was more of a public relations nightmare for the

airline than was the sign kerfuffle for the state. Yet, neither was the type of publicity any organization, public or private, welcomes. As an outsider looking in, it’s easy to be critical of such decisions that seem to be too insensitive or the result of mindlessly following rules.

We all likely can recall our own similar experiences. As Ralph Waldo Emerson once said: “A foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines.”

Imagine, however, what the news reports might have looked like if the woman had been permitted to fly in spite of the policy, and she had become violently ill or worse on the flight. Policies such as the one leading to the woman’s removal from the plane are designed to give those who must sometimes make very quick decisions guidance that will ensure the intended results. Of course, policies are usually developed in the abstract. It’s when they are applied to sometimes very different circumstances in the real world that seemingly irrational outcomes occur. While a policy can bring uniformity, it may not always make the most sense, as many could argue in the airline or umlaut examples.

Certainly, all governments have an inherent responsibility to ensure *equality*, i.e., that all are treated similarly. This is usually the basic purpose of most policies. It’s what underlies the myriad laws and regulations we encounter every day such as zoning ordinances or traffic sign manuals.

But governments have an equally important responsibility to ensure *equity*, which means taking into account individual circumstances or needs. This is more difficult and requires judgement to decide

whether the rules should be uniformly followed or a different standard should be applied to achieve the underlying intent or desired outcome. Deciding whether equality or equity should prevail when

Deciding whether equality or equity should prevail when administering rules or regulations is not always easy, but it is a big part of what determines the credibility and effectiveness of all government institutions.

administering rules or regulations is not always easy, but it is a big part of what determines the credibility and effectiveness of all government institutions.

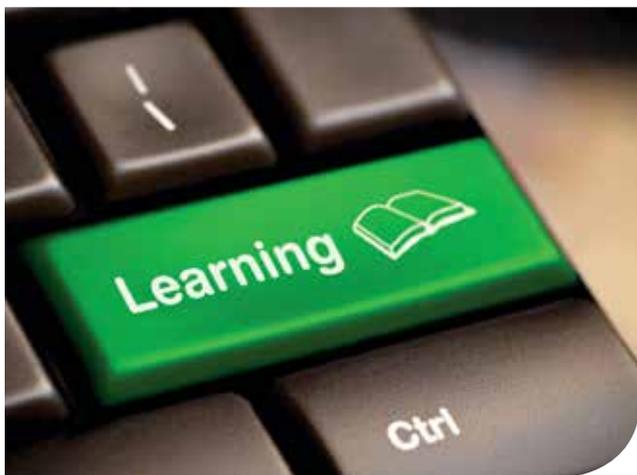
There is no assurance that a city will never find itself criticized because of its decisions or the application of its policies. But those cities where the council and staff work in partnership—not competition—most often do the best job of discerning what initially makes the most sense, and making necessary changes over time. That only happens when council and staff trust and respect each other, recognizing that good public policy is a team product. There’s really no other way. 



Jim Miller is executive director of the League of Minnesota Cities. Contact: jmiller@lmc.org or (651) 281-1205.

On the web

Share comments about this topic at www.mncities.org. Click on “As I See It,” and post your comments below the story.



FirstNet for the First Time

The FirstNet Safety Training program effectively delivers web-based safety training without the headache of juggling schedules, shift changes, and absences. Endorsed by the National Safety Council, this training option is available to all League of Minnesota Cities Insurance Trust members for the first time. Now city staff can complete their Occupational Safety and Health Administration (OSHA) training requirements, as well as recommended safety training and more advanced refreshers, all in the same place—wherever they are. (OK, web access is required.) FirstNet is designed to be friendly to the technology-averse and those with minimal computer experience, so your staff can get in, get out, and stay safe. A series of webinar introductions to FirstNet were held this spring. Learn more about how your city can benefit from FirstNet at www.lmc.org/firstnetsafety.

Fishing for bike thieves

Several law enforcement agencies in cities and on university campuses are testing “bait bikes” to cut down on bicycle theft. In San Francisco, bait bikes equipped with GPS trackers are used in tandem with a public education campaign, according to OutsideOnline.com. In addition, bright yellow stickers printed with “Is this a bait bike?” have been distributed to the public to discourage would-be thieves. In Brookline, Massachusetts, just one bait bike is used—despite always being locked up, it was stolen four times in a two-month period in 2013,



according to an article posted on Boston.com. San Francisco attributes the idea to the Canadian Royal Mounted Police, who put a similar program in place to deter snowmobile theft.

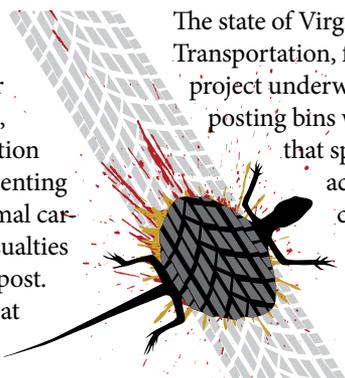


Closing the Equality Gap

Thirteen percent of chief administrative officers in cities nationwide are women, according to a survey of International City/County Management Association (ICMA) members by the National Research Center. That’s a statistic that has held steady for more than 30 years and was recently the focus of a feature story in ICMA’s *Public Management* magazine. In response, the Emerging Local Government Leaders (ELGL) network has launched a campaign to encourage a variety of voices from local government across the country to share their experiences regarding gender and racial disparities in local government, their opinions on the many causes of these gaps, and, most importantly, the solutions they are implementing to move the dial toward greater equality. The conversation is planned to continue through the rest of the year, featuring an inclusive series of guest bloggers from the local government community, and ongoing conversation on Twitter using the “#13percent” hashtag. See a collection of content dedicated to #13percent and sign up to be a guest blogger at <http://elgl.org/category/exclusives/13-percent>.

Roadkill Reuse

Removal of roadkill is an expensive (and yucky) process that usually ends at a landfill or incinerator. But cities, counties, and departments of transportation across the country are experimenting with processes to compost animal carcasses, redirecting roadside casualties into a source of beneficial compost. The compost can then be used at construction sites for plantings and erosion control.



The state of Virginia’s Department of Transportation, for example, has a pilot project underway using concrete composting bins with a forced air system that speeds decomposition, according to PilotOnline.com. Sawdust applications are used to eliminate odors. Learn more at <http://bit.ly/1Asdvdq>.

Cities Helping Little Learners

Communities are bringing together parents, early childhood providers, and school districts to create a better transition into kindergarten for children. Because childcare providers are often unassociated with school districts, and parents may be first-timers themselves, bringing these stakeholders together can create important connections that in turn benefit student preparation for the traditional classroom. In the City of St. Paul, the “Blast Off to Kindergarten” program provides parent training, activities like a visit to a classroom, and supplies in the year prior to kindergarten that will help prepare students and families for the transition. This program and others around the country are highlighted in the National League of Cities’ Institute for Youth, Education, and Families report, “Promoting Transitions from Early Care and Education to Kindergarten.” Learn more at <http://bit.ly/1wDX28c>.

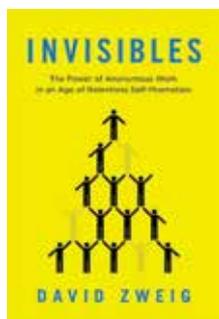


A Greener Parking Garage is Possible

The Green Parking Council (GPC) wants you to know that the lowly parking garage is not a lost cause as far as sustainability goes. A new certification program in collaboration with the U.S. Green Building Council is designed to recognize and promote design and other elements that can turn your city’s parking structure into another asset of your overall sustainability strategy. Building management, technology, parking, and engineering professionals were included in the program’s design. The GPC also has independent “Green Garage Assessors” available to provide assistance to your city in navigating certification. Now that’s better than a valet. Learn more at www.greenparkingcouncil.org/.

A Page-Turner for the Underappreciated

The irony of public service is that a pothole will always gain more attention than



a well-maintained stretch of road, rendering the best public servants sometimes invisible to those that benefit from their toil. Sound familiar? Well, take comfort in knowing you’re not alone. In his latest book, *Invisibles—The Power*

of Anonymous Work in an Age of Relentless Self-Promotion, David Zweig counts among the “Invisibles” in our society professionals such as anesthesiologists, fact-checkers, and guitar techs. While invisibles may not find a cheering audience waiting for them after a job well done, Zweig finds that many of these behind-the-scenes rock stars find deep satisfaction in their work anyway, and may have something to teach us about the limited virtue of fame and celebrity. Learn more at www.invisiblesbook.com.

Correction

A photo of the incorrect person was included with the article, “Sleepy Eye Attorney Retires After 47



Years,” on page 4 of the March-April 2015 issue of *Minnesota Cities*. Pictured here is the subject of the story, Errol “Nip” Hauser. We apologize for the error and congratulate Mr. Hauser on his 47-year law career—35 of those years as Sleepy Eye city attorney.

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Does Your City Issue Administrative Traffic Citations?



ADAM P. CHRISTOPHER

CHIEF OF POLICE
MONTEVIDEO

The City of Montevideo has been using administrative citations for over 15 years. Before regulation by the state, administrative fines were \$40 and were used for minor traffic violations and ordinance violations.

Despite warnings from the state, it was the opinion of the city that we had the authority to issue administrative fines, and we resisted efforts by the state to curtail their use. Since the state officially authorized administrative citations for certain offenses, we have followed their guidelines.

State requirements

The state prescribes a specific fine (\$60) and designates how those fine amounts must be used. The state gets one-third of the money, and the city gets two-thirds. Of the city's portion, half must be used to supplement law enforcement purposes.

The administrative fines statute also requires a unit of government to have an administrative hearing officer to hear and rule on any contested violations. Our city contracts with an attorney for those services. The fines are rarely contested.

Benefits of administrative fines

We have found that the use of these citations are looked at favorably by both the police officers and the violators. The state administrative fine amount of \$60 is substantial, but not overwhelming like other state citations. We view them as a warning with a consequence.

Our police officers still issue more state citations than administrative citations, but it is an additional tool for our police officers to use when a person has a good driving record, but some action is desired. Violators appreciate that these citations do not go on their record or jeopardize their insurance rating.

An added benefit of administrative fines is the ability to pay the fine locally at our City Hall. A staff person is available to answer questions and help with payment plans if necessary. We firmly believe in providing quality customer service, and this process allows us to do that.

Money not a factor

We do not see administrative fines as a revenue generator for our city. In 2014, only \$6,300 was generated in administrative fines. State fines generated much more than that. But we like the option of issuing administrative fines because of the benefits mentioned above.

We are very supportive of administrative fines and are in favor of an expansion of violations allowed under statute.

JUSTIN HELDT

CHIEF OF POLICE
WINSTED

The City of Winsted implemented the use of administrative citations for traffic violations in 2009, per Minnesota Statutes, section 169.999.

With the passing of this city ordinance, licensed police officers with the Winsted Police Department can issue administrative citations specifically for speeding when the violation is for less than 10 miles per hour over the posted speed limit. Officers may also issue administrative citations for hitching behind a vehicle; muffler violations; and violations of flares, flags, or reflectors requirements.



A new tool

Our Police Department strives to educate the public and prevent traffic accidents. The city's decision to implement administrative citations has added a significant tool to our belts to help us meet these goals.

Administrative citations are beneficial to both the Police Department and to the driver receiving a citation. The use of administrative citations aids us in traffic enforcement through a citation, but at the same time, lessens the financial impact on the driver. The fee for an administrative citation is \$60, which is approximately half of a state citation.

One example of when administrative citations are helpful is when an officer stops an inexperienced driver for a qualifying offense. If the officer chooses to issue a state traffic citation, the fine will be higher, and the citation can affect the driver's insurance rates and driving record. The officer can use an administrative citation as an educational tool to teach inexperienced drivers to operate their vehicles in a safe manner.

Process after a citation

When someone receives an administrative citation, he or she has seven days to schedule a hearing with the city to contest the citation. The City Council may appoint a neutral third party to review contested administrative citations.

If the citation is not contested, the person is required to pay the citation within 30 days of issuance. The signed citation and fee must be submitted to City Hall by mail, by phone, or in person.

Small percentage of tickets

In 2014, only 4 percent of the traffic citations issued by the Winsted Police Department were administrative citations. Our police officers issue a significantly larger number of state traffic citations, but the ability to issue administrative citations is another tool we can use to help educate our drivers and reduce the number of traffic accidents. 

COMPLETE STREETS:

A More BALANCED APPROACH for Cities

BY MARY JANE SMETANKA

PHOTO COURTESY OF CITY OF MAPLEWOOD



For Maplewood's Bartelmy-Meyer project, streets were narrowed, making room for new sidewalks and rain gardens that help manage stormwater.

When it comes to street repair, Minnesota cities are thinking beyond asphalt and curbs.

In Maplewood, a "Living Streets" policy means adding rain gardens and trees to help the environment, building new sidewalks that connect to area trails, and narrowing streets to slow traffic.

In Duluth, replacement of the city's main street downtown will do more than make it easier for bicyclists and pedestrians to move around. It is also expected to improve water quality in Lake Superior.

And in both cases, those street projects should save their cities money.

The two cities are among dozens in Minnesota that have abandoned the car-centric policies of the past and opted instead for "Complete Streets," a philosophy that looks at the needs of pedestrians, bicyclists, transit, and neighborhoods when designing or overhauling roads. Some, like Maplewood, have expanded the Complete Streets

philosophy to include environmental considerations in street designs.

Tailor to your own needs

While Complete Streets are best known for adding sidewalks and bike lanes to neighborhoods, its use is as individual as the location.

"At the core of Complete Streets is an understanding of balance," says Philip Schaffner, policy planning director for the Minnesota Department of Transportation (MnDOT). "It might make sense to have sidewalks in one area, [while] maybe in a more rural area with no businesses or homes, there's no sense to have sidewalks. Even within individual projects, things can change."

MnDOT doesn't track local use of Complete Streets, but examples from five counties and more than 40 cities

are listed on its website (www.dot.state.mn.us/planning/completestreets/examples.html). While use of Complete Streets is not required for cities, a 2010 law directed MnDOT to make Complete Streets the policy for state road projects, considering the needs of pedestrians, bicyclists, freight carriers, and transit as well as regular motor vehicles when redoing or designing a road. That means involving more groups in planning projects, which takes more time. But MnDOT officials say there are fewer bumps when construction actually begins.

Chris Roy, MnDOT state design engineer, points to the massive State Highway 62/Interstate 35W project as one of the last big state projects that did not involve extensive public planning. The outcry over road closures tied to the redesign was so great that the state had to go back and redo the plan.

“That cost us a couple of years,” Roy says. The Complete Streets philosophy “has resulted in better projects that fit the needs of the public better and that are designed better.”

Living Streets in Maplewood

Maplewood (population 39,000) adopted its “Living Streets” policy in 2013. The policy aims to create safe, livable neighborhoods with roads that accommodate walkers, bikers, and traffic, along with “green” goals that include improved handling of stormwater, an enhanced urban forest, better aesthetics, and reduced maintenance costs.

The city has done two projects under the new policy. The first, in the Bartelmy-Meyer neighborhood, was a \$3.9 million project that involved replacing about two miles of failing asphalt roads in a residential area with a church, school, playground, and nature center.

There were no sidewalks in the area. Old storm sewers weren’t big enough to handle runoff. Water mains needed replacement. And people were driving too fast on residential roads.

Partnering with the Ramsey-Washington Metro Watershed District, which contributed about \$1 million, the city removed and replaced the road, adding sidewalks. New water mains, storm sewers, and underground filtration systems for stormwater were added. The new sidewalks connected to existing trails, and rain gardens were installed to hold and infiltrate stormwater from roads. In addition, the city planted trees on the new boulevards.

The city narrowed the streets from 32 to 24 feet wide—a traffic-calming technique that slows drivers—and allowed parking on just one side of the street. The narrower roads created room for sidewalks and plants and reduced run-off by reducing the amount of asphalt.

Less pavement meant the city saved \$100,000 in construction costs. And the narrower street will keep saving money, says Steven Love, Maplewood’s assistant city engineer.

“Cost savings multiply because there is less material to maintain,” Love says. “Our Living Streets plan is allowing us to meet high-level goals and encouraging people to use alternate forms of transportation, like walking and biking, even as it reduces stormwater, improves water quality, adds to our urban forest, and cuts back on the urban heat island.”

Neighborhood involvement

All those considerations mean street projects are now neighborhood projects, Love says, requiring more coordination among city departments as well as neighborhood meetings. During meetings for the Bartelmy-Meyer project, for example, residents mentioned that their neighborhood playground was bad, so the city was able to “streamline and combine things” and fix that, too, says Love.

“You always look for logical tie-ins,” he says.

And when the city faces resident opposition to sidewalks, using the Living Streets policy as a guide aids community discussion, says Shann Finwall, the city’s environmental planner.

“Before, public works would go to a

PHOTO BY KATHRYN FORSS



Environmental Planner Shann Finwall (left) and Assistant City Engineer Steven Love say Maplewood’s Bartelmy-Meyer neighborhood (shown here) is a good example of the benefits of the city’s Living Streets policy.

neighborhood and ask, ‘What would you like to see?’ and they’d get a lot of push-back on sidewalks,” she says. Now, they use the two Living Streets projects they’ve done to help people see the benefits that sidewalks can bring.

Duluth makes room for walkers, bikers

In Duluth (population 86,000), which adopted Complete Streets in 2010, the policy has been used to add bike lanes and multi-use paths in a city where college students and tourists as well as residents want to do more than drive cars. Some of the city’s old roads “looked like

(continued on page 10)

Learn more about this topic at the League’s 2015 Annual Conference, June 24-26 in Duluth. Register at www.lmc.org/ac15mncities.

runways” before the city began restriping them to add bike lanes and narrow areas used for driving, says David Montgomery, Duluth’s chief administrative officer.

“Every time we do a project now, we ask what’s appropriate. Should we put bike lanes in and connect with pedestrian or multi-use paths? We tie them to Safe Routes to Schools. It’s just part of our process now,” Montgomery says.

The city’s latest and most ambitious project is on Superior Street, Duluth’s main downtown street. The city plans to tear up and replace about 10 blocks of road with water lines that date from the 1880s and pavement that was last resurfaced in the 1980s. The wide street now features angled and parallel parking, businesses in turn-of-the-century brick buildings, a cluster of banks, and hotel and shopping areas. Sidewalks run from building to street, with just a few spaces for trees and planters.

Maplewood’s Bartelmy-Meyer neighborhood was able to add park improvements to its Complete Streets project.



PHOTO BY KATHRYN FORSS

“This gives us a real opportunity to address the full range of Complete Streets concerns here,” Montgomery says. “What should the streetscape be up here? How should traffic and parking flow? But it’s also a site for mass transit. All roads lead to Superior Street in downtown.”

Meetings on the issue have been held for two years. Bike and pedestrian access, bike parking, and coordinating on-street parking with ramp parking are among the debated issues.

“Those are the major constituent questions we’re faced with, and these are impassioned groups,” Montgomery says. “It’s a bit of a Gordian knot. It is *the* street for downtown. That’s why it’s so important—you get one opportunity every 50 years to do this. And you don’t want to get locked into this year’s thinking.”

Make it a combo

But the most unusual part of the Superior Street renovation—which is slated to begin in 2017 and estimated to cost \$15 million to \$20 million for street improvements alone—is the planned conversion of a 1930s steam-heating system that serves about 200 downtown buildings. The system will be converted to hot water district heating.

Pairing that conversion with street work should reduce the cost of the hot water project by almost 40 percent, Montgomery says. It is still expected to cost around \$25 million, and the city is seeking state bonding aid for the hot water project as well as federal energy and foundation dollars.

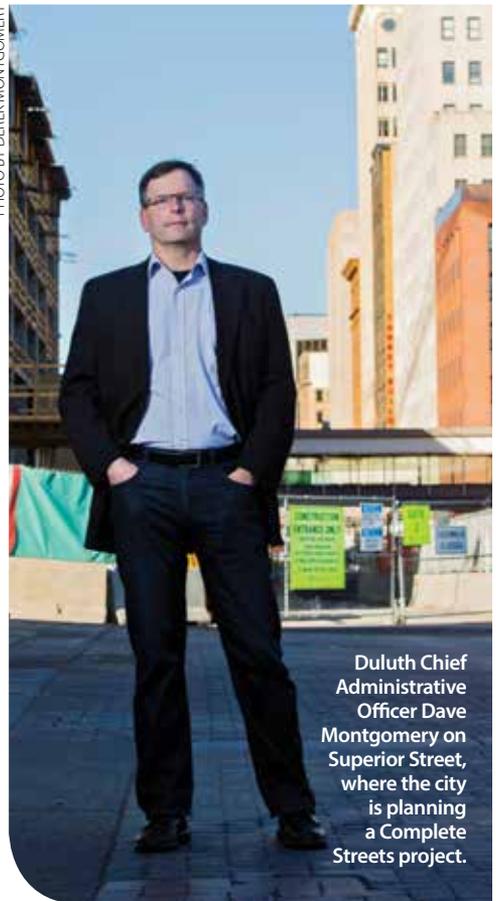
“We are really combining Complete Streets infrastructure improvements with a unique opportunity to address energy sustainability and energy independence with this conversion,” Montgomery says. “And all of that ties into significant environmental enhancement at the head of Lake Superior.”

The city-owned heating system, which is managed by Ever-Green Energy, takes water from Lake Superior and boils it to produce high-pressure steam that is piped to heat buildings. Each year 90 million gallons is sucked out of the lake and dumped back into the lake as warm water.

Increased energy efficiency

Converting to a hot-water system means moving to a closed system that reheats the same water over and over again, using much less lake water. Montgomery says that with hot water heating, solar or waste heat from manufacturing processes and data centers could be used to aug-

PHOTO BY DEREK MONTGOMERY



Duluth Chief Administrative Officer Dave Montgomery on Superior Street, where the city is planning a Complete Streets project.

ment the heating of water, reducing the need for fuel for the heating plant.

Duluth has already applied for a state permit to convert fuel plant boilers to burn 25 percent biomass, which would cut back on the 54,000 tons of coal the plant burns each year.

“All this is possible because we’re tearing up Superior Street,” Montgomery says. “If this were just a street project alone, it would be exciting. But when you couple it with the opportunity to make such a fundamental transformation in the district heating system, it just creates a fantastic opportunity.”

He says that when it comes to Complete Streets, cities must make sure that issues like disagreements over adding sidewalks or bike lanes don’t overwhelm the big picture.

“People come and go ... but the street remains,” Montgomery says. “From a city perspective, we’re talking about a 20- to 50-year investment. We want to make sure it is attractive to the broadest spectrum of people possible.” 

Mary Jane Smetanka is a Minneapolis-based freelance writer.

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A FEW GOOD EMPLOYEES

Why It Makes Sense to Consider Hiring Veterans

BY ANDREW TELLIJOHN



John Gunyou had a distinguished 40-year career in local and state government when he retired in 2012 from his position as Minnetonka city manager. But his career actually started in the U.S. Air Force.

Gunyou says his military experience was invaluable, but he knows it's not always easy for veterans to get hired after their service—even though they often have developed skills that make them excellent employees in both private- and public-sector jobs.

Although cities must comply with strict state laws governing employment of veterans, the extra work to do that could pay off, says League of Minnesota Cities Human Resources Director Laura Kushner. She encourages cities to look at the benefits of such hires—the discipline, leadership, and maturity that come with experience in the military.

“It’s worth the effort to try to see where that experience might fit in,” she says. “They want to learn, they want to follow instructions, they want to achieve. I think those might be some of the things they learned in the military.”

Gunyou agrees, saying that veterans have a lot to offer city governments beyond just the law enforcement positions they are often able to land. Their breadth of experience often means they are capable of doing things—or learning

to—that might not come as easily to those without the military background.

“That’s one thing that I think is not understood very well by the general public,” says Gunyou. “You have responsibility and experience in a lot of things. It’s not the movies where you develop just a skill to shoot. That’s part of it, obviously, but the responsibilities you are given are much broader.”



John Gunyou feels fortunate that he was able to have a successful career in city government after serving in the military.

Characteristics of a veteran

While the broad experience is helpful, it’s just one reason veterans can make good city employees, Gunyou says. Other reasons are that they are interested in serving others and they value teamwork. In the military, members work in groups to solve problems and accomplish goals, so this can make them great team members.

In addition, they are used to working in structured, rule-driven environments, which is similar to a public-sector work environment.

At the same time, service members are required to assess situations and make quick decisions—often with heavy consequences on the line, Gunyou adds. War and other military experiences help create strong leaders with different skill sets that can often be helpful and translatable to a job outside the military.

Nick Swaggert, director of the veterans program with recruiting firm Genesis 10, agrees that service members, in general, have some attributes that could greatly enhance a city. Most military members do their four years of service and then leave for civilian life, meaning they are young and hungry to make a difference.

“It’s an untapped talent pool,” he says.

One veteran’s experience

Before taking his job with Genesis 10, Swaggert himself intended to work in the public sector. He joined a combat unit in the U.S. Marine Corps after graduating from college and served two tours in Iraq.

During the first, his job was to help build a local city government by working with stakeholders, including the Iraqi mayor, city council, and local leaders. He had to balance a budget and work to keep minority tribes happy.

He found that experience rewarding. And upon his return home, Swaggert got his master’s degree from the Humphrey School of Public Affairs at the University of Minnesota. He applied for several jobs, but was frequently rejected because he had not worked in city government in Minnesota. While he thinks the private sector is more open-minded about hiring veterans than government entities, neither consistently considers military service anything more than a hole in a person’s resume.

After some soul searching, Swaggert transitioned into a role advocating for veterans attempting to find work when their military careers end. With Genesis 10, he works with Fortune 500 companies to educate them on the benefits those with service backgrounds can bring to an organization.

“You’ve got smart kids that are out there who are not given a second or third look because their background, frankly, is unfamiliar to the person looking at them,” he says. “I think there is a real huge gulf between understanding what we’ve experienced [in the military], what we’ve accomplished, what we can accomplish, and what people think.”

Job search challenges

Swaggert and Gunyou both say it would be helpful for government employers to alter their traditional thinking when it comes to hiring veterans. The experiences a service member has overseas, Swaggert

says, often do not fit into the standard checklist of qualifications one finds when applying for a public-sector job.

And, he adds, some of the characteristics that make veterans good military members often make them less attractive during the interview process. For instance, when discussing accomplishments in the military, members are taught to talk in terms of “we” and “us” rather than “I” or “me.”

“That really hurts people in an interview,” Swaggert says.

Also, after spending several years being told what their next jobs are going to be without having to interview, returning military personnel often lack a resume. They aren’t used to networking in the traditional sense, and talking about themselves and their accomplishments is a foreign concept.

“Veterans do not network,” Swaggert says. “It doesn’t happen in the military. You do not go outside your chain of command. You don’t stroll into the office of someone in a higher rank and make conversation.”

Gunyou says city officials may be able to get past a veteran’s interviewing defi-

ciencies by opening up a dialogue. Begin the interview with more conversational questions aimed at putting the person at ease.

Then explain the city’s needs with detailed examples, and ask the veteran how his or her experiences might meet those needs.

“Providing questions and information to the vet before the interview can also help allow the vet time to think about how to explain those relationships,” he says.

Swaggert emphasizes that he’s not asking employers to just hand veterans jobs. Returning service members must do all the work necessary to earn positions, he says. At the same time, employers could benefit from opening their minds about how military experience could help their organization.

“They just want a fair shake,” Swaggert says. “The skills to finding a job never are developed, or they completely atrophy.



Nick Swaggert, left, meets with veteran Peter Marinello, who was hired by Xcel Energy after working with the veterans program at Genesis 10 recruiting firm.

PHOTO BY TERRY GYDSESEN

They get frustrated very quickly with the whole job search process. It’s a downhill spiral from there.”

That’s reflected in recent unemployment numbers. The Bureau of Labor Statistics in November 2014 indicated that for retired veterans under 30, the unemployment rate is nearly 10 percent compared with 6.7 percent for the general population.

But, Swaggert contends, if employers and government agencies can get past the
(continued on page 14)



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traditional checklists and take a broader look at how a soldier's experience in the military might translate to various public administration jobs, there can be significant rewards.



Nick Swaggert, right, in Anah, Iraq, with a member of the Iraqi police, while serving with the U.S. Marines.

Veterans Preference Law

Once a city makes the decision to consider hiring a veteran, it needs to make sure it's complying with the Minnesota Veterans Preference Law, which dictates that veterans applying for a job in the public sector receive limited preference when interviewing for many competitive

positions. The statutes also eliminate probationary periods after hires, and protect veterans against unpaid suspensions and terminations without specific procedures.

Kushner says, despite those additional protections, she does not believe the law deters cities from hiring veterans. She acknowledges that the close scrutiny public-sector hiring decisions receive may lead cities to construe what constitutes relevant experience more narrowly than the private sector, and thus possibly overlook a military background unless it is directly relevant to the position.

"There are a lot of reasons why it might make sense for cities to become more open with their criteria. The job market is changing with the Boomers retiring, and employers need to be creative with hiring processes and on-the-job training to get the employees they need," says Kushner, who has had good experiences with ex-military hires, both at the League and in city human resources positions.

Swaggert says he's worked with a number of employers who have had low expectations upon hiring a veteran only to be pleasantly surprised. The veterans are

often promoted far faster than expected to jobs with more responsibilities.

"And they will be loyal employees for having been given a chance," he adds. "I hear it and I see it time and again." **MC**

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



For More Information

Get detailed information about the Veterans Preference Law from these two LMC information memos:

- » *Veterans Preference in Hiring*—download at www.lmc.org/veteranhiring
- » *Veterans Preference in Discipline, Discharge, or Job Elimination*—download at www.lmc.org/veterandiscipline

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JIM MILLER

22 YEARS OF LEADING THE LEAGUE

BY MARISA HELMS

Though Jim Miller's corner office at the League of Minnesota Cities (LMC) offers enviable views of the state Capitol and the Cathedral of St. Paul, one gets the feeling he doesn't spend much time looking out the window.

For Miller, who will retire on July 31 after 22 years as the League's executive director, work has always been about serving the membership, bringing out the best in his staff and peers, and transforming the organization into one of the most trusted and well-respected municipal leagues in the country.



Miller in 1993 after he was named the new LMC executive director.

A LOOK BACK

When Miller became the League's director in 1993, due to various personnel matters, the organization's leadership was in profound disarray. Its former executive director had just resigned, staff morale was low, and the League's reputation was on the line.

Stepping into what many people still refer to as "a mess," Miller took on what has been perhaps the biggest challenge of his career.

"It was really a very difficult, tumultuous time for the League," recalls Miller. "I knew some of what was going on, indirectly, and I had an expectation of what I had to deal with. But it was still even more of a difficult situation, especially for the good, dedicated people who remained."

Thinking back, Miller says he probably had a sleepless night or two in those early days. But he says he was so sold on the organization that he never had any second thoughts about the job and what needed to be done.

From the beginning, Miller's management skills and collaborative leadership style set the right tone, and over time, Miller built a team of employees who trusted him and believed in the League's mission and values.

Miller is quick to credit outstanding staff for ensuring the League's transformation into the highly respected, ethical, and effective organization it is today. But many of Miller's long-time associates say the League's turnaround and current stability couldn't have happened without Miller's leadership.

"Jim sets high expectations," says Pete Tritz, administrator of the League of Minnesota Cities Insurance Trust (LMCIT) and 40-year League employee. "If you're going to make a recommendation [to Miller], it better be pretty well thought out. But Jim is also a very humane manager. If people have issues, Jim will bend over backwards to accommodate them. That has something to do with why people like working with Jim. He asks a lot of us, but he's willing to give a lot too."



PHOTO BY JEFF KORTE

STABILITY AND VISION

At this point, Miller says, his role as executive director is to provide strategic guidance for the staff and the organization. One way Miller stays connected to the daily priorities of the organization is through weekly meetings with League department managers.

"He tees up an issue and lets each of us approach it and mull it over from our professional perspectives," says LMC Intergovernmental Relations Director Gary Carlson, who has been with the League for over 20 years. "He wants to understand an issue from as many angles as possible before proceeding. That's a skill not many people have. They don't



Miller, as an LMC Board member, participates in a planning session with fellow Board members Chuck Hazama, former Rochester mayor, and Connie Morrison, former Burnsville mayor, circa 1986.

have the patience to mull over issues for an extended period of time. But Jim finds value in our perspectives and what we bring to those discussions.”

Carlson says Miller’s deliberative style translates well with state lawmakers, who genuinely respect Miller for his integrity and deep understanding of municipal issues.

Former Willmar Mayor Les Heitke, who served as LMC president in 2001-2002, affirms Miller’s status at the Capitol.

“[Miller] is at the top in terms of personal ethics and professional responsibility to cities and elected officials,” says Heitke. “Even bombastic politicians will stop and listen to Jim Miller. Once, we went over to the Capitol to see [then-Gov.] Jesse Ventura. Jesse and I knew each other, and he would slap me on the back and want to know how things were in rural Minnesota. But, when Jim had something to say, Jesse shut up. He knew that Jim is deep and wise and knows his positions very well.”

WHAT JIM MILLER BUILT

Among Miller’s early accomplishments as director was overseeing the construction and relocation of the League’s offices into the current headquarters at Rice Street and University Avenue in St. Paul.

“It gave us some permanency, and also symbolically, moving into a new structure helped us move forward,” says Miller.

Another priority for Miller—early on and throughout his tenure—has been to continually assess League services to ensure they are responsive to members’ ever-changing needs.

A big part of that has been the decision to more fully integrate the LMCIT programs and services with the rest of the organization.

“We realized that our members didn’t really care whether they were talking with someone in the Insurance Trust or the League; they simply wanted help with information or problem solving,” says Miller. “That led us to refocus both the content and funding for a number of our services, the result of which has been much more valuable service to League members.”



League IGR Director Gary Carlson (left) and Miller pose with former Twins player Kirby Puckett at the Ramsey Foundation Dinner and Auction in 1997.

A DISTINGUISHED CAREER

Miller’s long career in public service began 1966. While completing a high school civics class assignment about his hometown of Eau Claire, Wisconsin, Miller’s curiosity and interest won him an invitation to intern with the city manager.

Since then, Miller has worked for a variety of cities around the country, gaining valuable experience before coming to Minnesota to take the city manager job in Minnetonka in 1980, and then becoming the League’s director in 1993.

“I wanted to commit my career to try and help enhance the image of local government as being competent, professional, and ethical,” explains Miller. “That has driven me over the years.”

Miller’s management experience is enhanced by a distinguished academic career. He earned master’s and doctorate degrees in public administration from Nova Southeastern University in Florida, as well as a master’s degree from the University of Pittsburgh.

A MENTOR AND A FRIEND

Before Miller became the League’s executive director, he was very involved in League business and governance. Miller served on the LMC Board of Directors from 1983 to 1988 (including being president in 1986-1987) while he was city manager of Minnetonka.

Former Minnetonka Mayor and 1995-1996 LMC President Karen Anderson says she thought the League made the right choice when Miller was hired to become its executive director in 1993.

“The League needed someone of Jim’s caliber and esteem, someone with his

strong sense of ethics,” says Anderson, who calls Miller a mentor and a friend. He encouraged her to run for City Council, and then later, for mayor of Minnetonka.

“I have such respect for Jim and the way he carries out his responsibilities,” says Anderson. “He’s a star in my eyes. And to know he had confidence in me was awesome. He helped point me in the right direction and was always willing to offer support, encouragement, and the information I needed to move ahead.”

Anderson isn’t the only person to praise Miller’s kindness, integrity, and great sense of humor. As former Willmar Mayor Heitke puts it, Jim Miller is “a gem.”

A LEGACY OF TRUST

When Miller entered the League offices 22 years ago as its director, member cities and legislators were questioning the League’s relevancy.

But now, as the quiet, self-effacing Miller bids farewell to the League, he



Miller mingles with members at the LMC 2015 Joint Legislative Conference in St. Paul in March.

leaves with the surety that the organization is in the best shape in its history, and ready to meet the future with integrity, credibility, and a commitment to service.

“When I look at our core values, the one that stands out for me is trust,” says Miller. “It’s internal—we trust each other. But our members also trust what we do, not only in terms of honesty, but trust in terms of competency. The League’s goal [is] to be the best partner we can to enhance the quality of local government in Minnesota.” 

Marisa Helms is a Minneapolis-based freelance writer.

The League will host a retirement party for Jim Miller in July.

Stay tuned for more details!

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Boost Safety WITH A Road Diet

BY BRYAN NEMETH, PE, PTOE



Does your city have roads that need to go on a diet? If you have areas with too much speeding and too many car accidents, then the answer is probably yes!

So, what is a road diet? It's restriping a roadway to convert it from a four-lane undivided road to a three-lane road. The three-lane road provides for one through lane in each direction and a shared left-turn lane for both directions. The space that was used by the additional lane is repurposed for shoulders, bike lanes, pedestrian facilities, and/or parking.

Increased safety

The purpose of the conversion is to increase safety with little to no reduction in capacity. The typical capacity of a four-lane undivided roadway is 18,000 to 22,000 vehicles per day while a three-lane roadway can carry 15,000 to 18,000 vehicles per day. The three-lane road handles close to the same volume of traffic, especially when there is close access spacing.

This type of road is safer because left-turning vehicles move into their own lane, reducing the chance for rear-end crashes and abrupt maneuvers into the adjacent lane by cars wanting to go around the left-turning vehicle. Additionally, traffic is reduced to one through lane in each direction, ensuring that traffic is only able to move as fast as the front vehicle. Pedestrians also benefit due to the potential for shorter crossing distances and the need to maneuver across only one through lane of traffic in each direction.

Meet MnDOT requirements

While these conversions have been shown to be positive in most situations, a three-lane road would not necessarily meet the Minnesota Department of Transportation (MnDOT) State Aid Minimum Design Standard. This is important for any roadway that is a state aid route.

The MnDOT design standard requires that at least four through-traffic lanes be provided for a roadway that has a projected daily traffic volume greater than 15,000, unless a

capacity analysis is completed showing that a different lane configuration achieves level of service D or better, as defined in the national *Highway Capacity Manual*. As such, a corridor-level traffic capacity analysis is necessary to verify that a three-lane configuration would meet the level of service D threshold.

Ultimately, a corridor conversion option depends on the potential safety implications and operations that can be achieved at the intersections. The capacity pinch points are the intersections with all-way stop signs and traffic lights, since traffic now lines up in only one lane. Intersection departures also take longer, potentially creating unacceptable delays, but this can be partially alleviated by the center left-turn lane.

Successful conversion

A road diet study was conducted in 2010 for 36th Avenue North, which goes through the cities of Crystal, Robbinsdale, and New Hope. This is an east-west major collector roadway connecting State Highway 100 to U.S. Highway 169 through these cities. The purpose of the study was to evaluate the potential road diet for this municipal state aid street between France Avenue and Winnetka Avenue, a distance of 2.5 miles.

Traffic volumes on the corridor ranged from 9,000 to 18,000 vehicles per day, and it has a width of 44 feet from curb to curb. The study identified the potential safety and mobility improvements that could be achieved through the changes in roadway section, going from four 11-foot lanes to two 11-foot lanes with a 12-foot center turn lane, and 5-foot shoulders adjacent to the curb.

The three-lane conversion was recommended for most of the 36th Avenue North corridor, maintaining the four-lane undivided section on the roadway segment that carried a traffic volume of 18,000 vehicles per day. Since making the changes in 2010, the traffic volume on the eastern segment of the three-lane section has actually increased to over 18,000 vehicles per day.

Traffic speeds in this section have also decreased, more closely matching the speed limit. In addition, the roadway segment experienced a 40 percent reduction in crashes.

This analysis shows that road diets can be a positive change that can increase safety while actually allowing for an increase in traffic volume, and they should be applied in higher-volume situations when possible. Critical intersections and segments should be closely reviewed to determine if acceptable operations can be maintained with an altered roadway section. 

Bryan Nemeth, PE, PTOE, is traffic and transportation project manager with Bolton & Menk, Inc. (www.bolton-menk.com). Bolton & Menk is a member of the LMC Business Leadership Council (www.lmc.org/sponsors).

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Train Wreck Ahead: Are You Prepared?

BY JEANETTE BEHR

If there's a railroad running through or near your city, those trains could be transporting oil—and lots of it.

The Minnesota Department of Transportation (MnDOT) estimates that seven oil-carrying trains pass through Minnesota each day, with each train carrying 3.3 million gallons of oil.

What if one of those trains derails? If this happens in or near your city, even the railroads say local fire and police should be the first to respond.

Crude oil from the Bakken Shale formation may be more flammable than other types of unrefined crude. The thing is, one tank car carries about 30,000 gallons of crude. If even one car ignites, it's just too much fuel to put out and far too dangerous to attack with foam or water. Instead, first responders need to know about the correct public safety response: clear the area, consider defensive and mitigation actions, and evacuate the area if necessary.

For more information, see the Department of Public Safety's (DPS) report, *Minnesota's Preparedness for an Oil Transportation Incident*, at <http://bit.ly/1BLk6gy>.

Some basics on emergency response

There are some basic steps you should take if there is a railroad emergency involving oil or other hazardous materials in your city. If there is an immediate threat to life or property, call 911 first. Keep people safe, including first responders.

Next, first responders should call the Minnesota Duty Officer at (651) 649-5451 or (800) 422-0798. This line is answered 24 hours a day, seven days a week.

This is the one call you need to make to request state-level assistance for emergencies and for reporting hazardous materials and oil spills. Make sure you have that number in or near your phone. Be ready to report the location of the spill, the name of the railroad company, a description of spilled material, where it spilled (e.g., into a ditch, street, or waterway), and any information on the initial response to the spill.

Know the location of a train incident—in railroad terms. This is not a street name. You need to find the "DOT Crossing Location Numbers" and mile posts in your city and the number to call. This information can be found on a sign near the railroad tracks (like the one in the picture above). Call the number and provide that information so the railroad can stop other rail traffic in the area.



Look for a sign like this for information on reporting a train incident.

It's important to get the railroad involved as fast as you can, so get the phone numbers for the trains operating in your city and put those in or near your phone too. State law now requires a response from railroads within one hour of confirmation of a spill (see Minnesota Statutes, section 115E.042, subdivision 4).

Get training

Getting proper education is the first step to being prepared. Here are two accredited trainings for local fire and police personnel:

- Pipeline Safety and Railroad Awareness Training.** The Minnesota DPS Division of Homeland Security and Emergency Management provides these classes at no charge and even reimburses police and fire personnel for attending. Classes can be scheduled in or near your city on weekdays or weekends. To schedule a class, contact Robert Berg at (651)

201-7444 or robert.m.berg@state.mn.us.

- Spill Response and Containment Training.**

The Minnesota Pollution Control Agency Emergency Response Team offers free classes for local fire and police personnel. To schedule a training, contact Craig Schafer at (507) 476-4269 or craig.schafer@state.mn.us, or Jim Stockinger at (651) 757-2164 or jim.stockinger@state.mn.us. These trainings can also be scheduled to take place during the week or on a weekend.

Educate others in the city too

It's not only police and fire personnel who need to be aware and ready. Elected officials and other city staff also need to learn about emergency preparedness. That will help your city in case of any kind of emergency, from pipeline incidents to natural disasters.

For information on new safety laws governing unit train railroads, see page 6 of the League of Minnesota Cities information memo, *Railroads and Cities* at www.lmc.org/railroads. And for much more information on emergency management, see Chapter 13 of the *Handbook for Minnesota Cities* at www.lmc.org/handbook. 

Jeanette Behr is a staff attorney and research manager with the League of Minnesota Cities. Contact: jbehr@lmc.org or (651) 281-1228.

Court: Cell Phone Tower Denial Violates Telecommunications Act

TELECOMMUNICATIONS ACT

Cell phone tower

The city held a public hearing to consider an application by T-Mobile South, LLC (T-Mobile) to build a cell phone tower on residential property. During the hearing, several councilmem-



bers expressed concerns about the tower's impact on the area. The hearing ended with the Council unanimously passing a motion to deny the application. Two days later, the city's planning and zoning division informed T-Mobile by letter that the application had been denied

and that minutes from the hearing would be made available. The detailed minutes were published 26 days later.

T-Mobile sued, claiming the city's denial was not "in writing and supported by substantial evidence contained in a written record," as required by the federal Telecommunications Act of 1996. The federal district court agreed, concluding that the city had violated the law by failing to issue a written decision stating its reasons for denying the application. The 11th U.S. Circuit Court of Appeals reversed and held that the Telecommunications Act's requirements were satisfied because T-Mobile had received a denial letter and possessed a transcript of the hearing that it had arranged to have recorded.

The U.S. Supreme Court reversed the Court of Appeals' decision and held that a city must provide or make available its reasons for denying a request, but that those reasons need not appear in the written denial letter or notice provided by the city. Instead, a city's reasons may appear in some other written record, such as meeting minutes, so long as the reasons are sufficiently clear and are provided or made accessible to the applicant essentially contemporaneously with the written denial letter or notice. The Supreme Court concluded that the city failed to comply with its statutory obligations under the Telecommunications Act because, although it issued its reasons in writing and did so in an acceptable form, it did not provide its written reasons essentially contemporaneously with its written denial when it issued detailed minutes 26 days after the date of the written denial and four days before the end of T-Mobile's time to appeal. *T-Mobile South, LLC v. City of Roswell, GA*, 135 S.Ct. 808 (2015).

SPECIAL ASSESSMENTS

Vacant buildings

The city, by ordinance, requires owners of vacant buildings to pay an annual fee under its registration program. The fee is designed "to recover all costs incurred by the city for monitoring and regulating vacant buildings, including nuisance abatement, enforcement, and administrative costs." DRB failed to pay the fee, and the city levied a special assessment against its property in the amount of the unpaid fee. DRB did not appeal the levy of the special assessment.

Instead, it brought a separate lawsuit—on behalf of itself and similarly situated landowners—challenging the fee's legal validity.

The district court granted summary judgment in the city's favor, holding that the city had given DRB proper notice of its

intent to levy the fee as a special assessment, and that DRB had waived any objections to the fee because it did not appeal the special assessment within 30 days after it was levied, as state statute requires. The 8th U.S. Circuit Court of Appeals affirmed, reasoning that all objections to a special assessment shall be deemed waived unless the special assessment is appealed within 30 days. *DRB No. 24, LLC v. City of Minneapolis*, 774 F.3d 1185 (8th Cir. 2014).

DRB failed to pay the fee, and the city levied a special assessment against its property in the amount of the unpaid fee.

CONSTITUTIONAL LAW

First Amendment

Skalsky, a former school custodian, sued the school district and its officials, claiming he was retaliated against in violation of the First Amendment and the prohibition against marital discrimination in the Minnesota Human Rights Act. When Skalsky's wife spoke at a public meeting held to receive community input about budgetary issues facing the school district, she suggested that the school board should consider sharing a superintendent and eliminating a principal. Six days after the meeting, Skalsky was informed that he was being reassigned to the afternoon shift and would be assigned to both indoor and outdoor duties during summer months. Skalsky objected to the reassignment because of his severe allergy to bee stings and because the schedule change would conflict with his coaching schedule for his son's baseball team. Skalsky contacted his union representative, but never filed a grievance. Skalsky ultimately resigned,

claiming his working conditions were intolerable. The federal district court granted summary judgment in favor of the school district and its officials. The 8th U.S. Circuit Court of Appeals affirmed, reasoning that there was no evidence the speech by Skalsky's wife was a substantial or motivating factor in his reassignment. The Court of Appeals also concluded that the reassignment was for budgetary reasons and was not a pretext for marital discrimination, and that Skalsky's supervisors did not act with malice in reassigning him. *Skalsky v. Indep. Sch. Dist.* No. 743, 772 F.3d 1126 (8th Cir. 2014).

LAND USE

Watershed district decision

A landowner sued, challenging the watershed district's approval of another landowner's application for a drainage permit. The district court remanded the case to the watershed district's board of managers for a determination of whether the proposed drainage system would be a "reasonable use" under Minnesota law. The watershed district determined that it was a reasonable use and approved the permit. The district court affirmed the watershed district's decision, and the landowner appealed, claiming that the district court erred in remanding the reasonable-use issue to the watershed district board and that the drainage system should not be allowed. The Minnesota Court of Appeals affirmed the district court's decision and held that when a watershed district makes a permitting decision without

considering a material issue, the district court must remand the issue to the watershed district's board of managers for its consideration. The Court of Appeals also concluded that the scope of review that applies to an administrative agency's decision also applies to a watershed district's permitting decision. *Goerke Family P'ship v. Lac qui Parle-Yellow Bank Watershed Dist.*, 857 N.W.2d 50 (Minn. Ct. App. 2014).

EMPLOYMENT LAW

Whistleblower claim

Ford worked for the school district. During the summer of 2007, she reported financial improprieties and budget discrepancies to the school's superintendent and a staff person. On April 22, 2008, Ford's supervisor informed her that her job was going to be eliminated for the next school year. Ford's last day of work was June 30, 2008. Ford

Ford sued the school district, claiming in part that she was terminated in violation of Minnesota's Whistleblower Law.

sued the school district on June 29, 2010, claiming in part that she was terminated in violation of Minnesota's Whistleblower

(continued on page 26)

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Law. The district court granted summary judgment in the school district's favor, holding that Ford's lawsuit was untimely because a two-year statute of limitations applies to a whistleblower claim. The Minnesota Court of Appeals reversed, concluding that a six-year statute of limitations applies to a whistleblower claim because it is an action "upon a liability created by statute." *Ford v. Minneapolis Public Schools*, 857 N.W.2d 725 (Minn. Ct. App. 2014).

CONSTITUTIONAL LAW

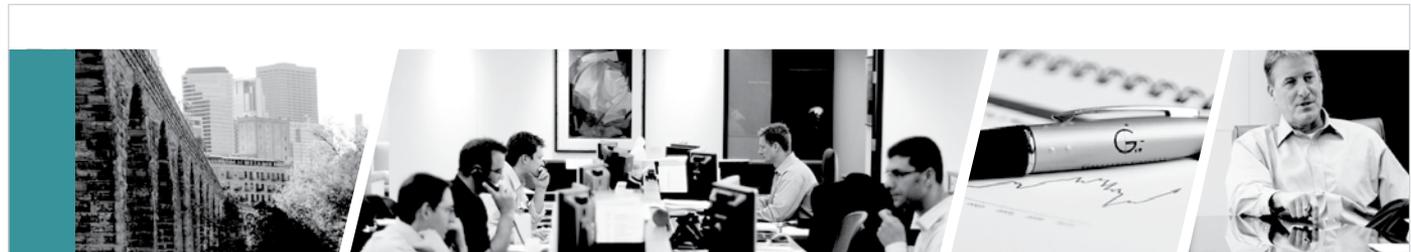
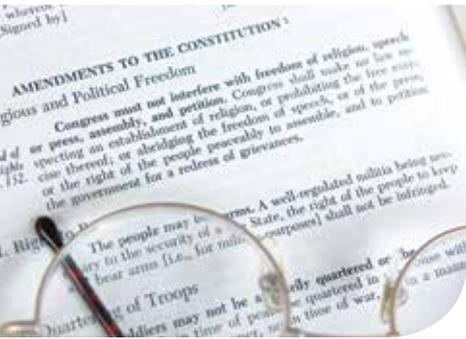
First Amendment

The city adopted an ordinance prohibiting pedestrians from standing in or entering upon a roadway to solicit from or distribute anything to the occupant of any vehicle. The Ku Klux Klan and its Imperial Wizard sued, seeking to enjoin the city from enforcing the ordinance. The federal district court granted an injunction, concluding that some ordinance provisions violated the First Amendment because they were not narrowly tailored. The 8th U.S. Circuit Court of Appeals reversed the district court's decision and held that

the ordinance was a valid time, place, and manner restriction of speech under the First Amendment. The Court of Appeals reasoned that the ordinance was content-neutral and was therefore subject to intermediate scrutiny under which the ordinance must be narrowly tailored to the city's governmental interest in promoting pedestrian and traffic safety. To be narrowly tailored, a regulation must not "burden substantially more speech than is necessary to further the government's legitimate interests." Also, a city is required to make a threshold showing that the factual situation demonstrated a real need for it to act to protect its interest. The Court of Appeals concluded that the city had made such a showing and that the city's "means to accomplish its end is entitled to deference," and that the ordinance need not be the least restrictive or least intrusive means of serving the city's governmental interest. *Traditionalist American Knights of the Ku Klux Klan v. City of Desloge, MO*, 775 F.3d 969 (8th Cir. 2014). 

The Ku Klux Klan and its Imperial Wizard sued, seeking to enjoin the city from enforcing the ordinance.

Written by Susan Naughton, research attorney with the League of Minnesota Cities. Contact: snaughto@lmc.org or (651) 281-1232.



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What Is the New ‘Responsible Contractor’ Law?

Construction Contracts

Q I heard about a new “responsible contractor” law. Can you explain what that is?

LMC The law applies to all municipal construction contracts entered into based on solicitation documents issued

on or after Jan. 1, 2015.

For projects exceeding \$50,000 and awarded pursuant to a lowest responsible bidder or a best value selection method, a city must include certain

information in its solicitation documents as described in Minnesota Statutes, section 16C.285. Contractors must submit a signed statement verifying they meet the minimum criteria to be eligible for a construction contract. A city may not be held liable for awarding a contract in “reasonable reliance” on the contractor’s sworn statement. Also, a city cannot be held liable for declining to award a contract or terminating a contract based on a “reasonable determination” that the contractor failed to verify compliance with the minimum criteria, or falsely stated that it meets the minimum criteria.

Meetings

Q Can we have a council meeting or workshop on the evening of precinct caucuses?

LMC No. A city council may not conduct a meeting after 6 p.m. on the day of a major political party precinct caucus. Other special taxing districts, the

University of Minnesota, and Minnesota State Colleges and Universities are also restricted from meeting on this night. Elementary and secondary public schools are also prohibited from scheduling school-sponsored events after 6 p.m. on caucus night. The next precinct caucuses are scheduled for March 1, 2016, to start

the 2016 presidential election nomination process. Minnesota will once again be part of “Super Tuesday”—where the largest number of states select their party’s presidential candidate on the same day.

Population Numbers

Q The official population number for our city is different from

what we show in our own records. Is there anything I can do to get the official number changed?

LMC Each year that is not a census year, the state demographer and Metropolitan Council release population estimates for all local governments in Minnesota. The estimates are mailed to all cities by June 1. There is a built-in time lag in these estimates to allow for data collection and cleaning. For example, the most recent figures available now are for 2013. The population estimates are the official population figures used in a wide variety of programs affecting cities, including local government aid. When census data is available (every 10 years), that data is used instead. If the official estimate is different from what your city has in its own records, you can file a challenge to the estimate by June 24.

Cities can also contract with the Census Bureau for a special census. A special census can be done at any time, and the results will be incorporated into the next round of estimates. The Census Bureau generally

suspends special censuses for a period of time before and after the decennial census. Learn more about doing a special census at <http://1.usa.gov/19D4RRj>.

Employee Benefits

Q The League told us in December that cities that do not offer a group health care plan can no longer reimburse employees for their individual health care plans or pay the premiums on behalf of the employee. Why can’t we do this anymore?

LMC When an employer pays for or reimburses an employee for individual coverage, the IRS has stated that this form of employer payment plan is considered to be group health coverage and is subject to the same rules as other group health coverage under the Affordable Care Act (ACA). If your city doesn’t offer other group health coverage that meets the rules under ACA, then your “group coverage” is considered by the IRS to be the employer payment plan or dollar amount you pay for the individual employee’s health plan. The ACA no longer allows group health plans to have annual dollar limits. Therefore, if your “coverage” is what you contribute in dollars and it is limited to a certain amount, then the city is out of compliance with the ACA. At this time, the safest approach for a city to take is to enter into a group health plan via the state’s exchange (MNsure), Minnesota small group market, or a private exchange. If your city offers true group health coverage, which complies with the ACA, then the city can limit the dollar amount paid toward the premiums, and the issue described above is not a problem. In addition, if employees

choose to waive coverage under your true group coverage, you can still give them cash in lieu of benefits. 

Got questions for LMC?

Send your questions to choffacker@lmc.org.



Building Understanding Among the Generations

A DISCUSSION WITH **HANNAH UBL**, GENERATIONAL EXPERT WITH BRIDGEWORKS, LLC



Hannah Ubl

More than ever, cities and other employers are managing multigenerational workplaces. To create a positive and productive culture for employees of all ages, we need to try to understand each other. *Minnesota Cities* talked with generational expert Hannah Ubl to shed some light on this topic.

Minnesota Cities What are the similarities and differences between Generation X and Millennials (sometimes called Generation Y)?

Hannah Ubl Gen Xers (born 1965-1979) and Millennials (born 1980-1995) are actually quite different when it comes to communication and working styles. For example, Gen Xers are fiercely independent. This generation of latchkey kids grew up with the message of, "If you want something done right, do it yourself!" Conversely, the hyper-collaborative Millennials grew up with a poster in every classroom that read, "There is no 'I' in team." They bring their collaborative and independent natures with them into the workplace. What unites them is that they both came of age in rapidly changing decades—both generations are adaptable to change and consistently pursue innovative ways to complete projects efficiently.

MC We seem to hear so much about Baby Boomers (born 1946-1964) and Millennials that we almost forget about Xers. But Gen Xers are the ones who are at the point in their careers where they should be seen as candidates for mid- and upper-level management positions. What are Gen Xers bringing to the generational mix?

HU That could not be more true! It's unfortunate that Gen Xers are often ignored—in fact, Pew Research calls them the "forgotten middle child generation." Gen Xers provide a necessary glue to the generational mix—they are realistic, honest, and transparent in everything they do. They are the generation that pokes holes and asks multiple questions so they leave no stone unturned. They are a generation that champions work-life balance while simultaneously excelling in careers by using their pristine time management skills, streamlining processes, and managing teams honestly.

MC What are some of the most popular, but perhaps inaccurate, stereotypes about the generations?

HU Here's a common myth about each of these three generations:

- "Boomers are SO averse to change."—Boomers are actually the ones who want to be on the cutting edge. They're excited about change.
- "Gen Xers are cynical slackers who don't want to be team players."—Gen Xers are actually truth-seekers. Too often, this is seen as them being negative or cynical.
- "Millennials are entitled and want a trophy for every single thing they do."—The truth is, this generation wants to make an impact on the world. They just may need some guidance on how they can do that.

Account for each generation's voice when big changes are being made in an organization.

MC What do members of the different generations expect from work?

HU Every generation wants to do great work and be rewarded for it. The difference is what rewards look like and what people value from a work environment. Here are some general observations.

Boomers want to continue contributing to the big picture in companies, even if that means reinventing their next career stage. Boomers are a generation that has always reinvented each career stage and they are looking for a work environment that taps into their optimistic and idealistic spirit, whether that means involving them in new projects, getting them involved in mentorship programs, or asking for their advice during times of change.

Gen Xers are squeezed and strapped for time, so time off may be the ultimate reward. They want to do great work in the time that they are in the office—this is the generation that pushed for work-life balance, after all—but when they go home, they log out and there's a clear line between their personal and professional lives. They are fiercely independent (around half of this generation were latchkey kids), so they value a work environment that allows for them to work independently and free of micro-managing. Additionally, members of this generation tend to be skeptical. In the office, they look for a transparent and honest work environment. As employees and managers, they champion this!

Millennials are looking to contribute big ideas and make a difference, so they value the opportunity to have a seat at the table, at least as an observer if nothing else. Members of this generation are strong collaborators who greatly value work relationships with their peers and colleagues of other generations. Any environment that allows an informal, authentic working relationship is highly valued. In a manager, they are looking for someone to be their coach and mentor. More feedback is better for this generation, but constructive is best.

MC What are some things employers can do to help people of different generations see the value that other generations bring to the table and to work well together?

HU The message really needs to come from the top down that every generation matters. Get every level and generation involved and provide clear guidance on what you expect from working relationships. If leadership sets an example of how important inclusion of generational diversity is, employees will follow suit. Another idea is to account for each generation's voice when big changes are being made in an organization. For example,

leaders can hold forums or send out surveys to all levels to get their opinions and start conversations.

MC How can cities encourage the next generation to contribute their time and energy to the community—as employees, residents, and future leaders?

HU Get them involved in innovative ways. Too often, outreach programs either stick to the tried and true methods without adapting for other generations or they swing entirely too far the other direction. To get the next generation involved, ask them. Get a decision maker of that generation on your team. For example, at conferences I often see or hear about a panel of experts on the “next generation,” but a member of that generation isn't on stage because they're in the audience! This is a mistake. Have the next generation's voice represented on the panel, along with others, to have a multi-generational conversation.

(continued on page 32)

Meet Hannah Ubl at the 2015 LMC ANNUAL CONFERENCE

Hannah Ubl will be the luncheon keynote speaker on Friday, June 26, at the 2015 LMC Annual Conference. Learn more and register at www.lmc.org/ac15mncities.



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MC It has been conventional wisdom that members of the Gen X and Millennial generations aren't very attracted to government work—they see it as slow and stodgy. Is this really true? How can cities attract these generations?

HU I actually believe that younger generations are driven to work in government. Unfortunately, though, Gen Xers and Millennials may be disheartened about what they can accomplish in that setting. But an industry's success can be tied directly to great PR and marketing! Think about how “sexy” careers in computer science and engineering are now. Was that the case 20 years ago? Not so much. Government can reach Xers and Millennials now by giving the opportunity to innovate, make a difference, and lead.

As far as recruiting people of these generations, for Gen Xers, it's all about the opportunity to lead. If Gen Xers feel stalled underneath the “gray ceiling” (sea of Boomers in leadership positions who aren't retiring), then the question is how can Xers' skills be used? Maybe it's a new project or a position that hasn't been invented yet.

For Millennials, it's about the contributions that they can make early in their careers. Government jobs make a huge difference in communities and the state of Minnesota! But Millennials need to see that difference they can make from day one.

MC Many Minnesota cities are small and have very few staff available to mentor the next generation of workers. What would you suggest for these cities?

HU I would suggest creating a cross-city, cross-generational mentorship network. Minnesota has so many experienced people across different locations and, while offices might be small, there are a multitude of resources to tap into. Using tools like videoconferencing and email can go a long way in relationship building.

MC Often cities hire and train employees of the next generation, and then they move on to a bigger city or a different employer. What tips can you give cities to retain these employees?

HU It's natural for people to switch careers more often now than in the past. That's not a bad thing! They're spreading knowledge and enthusiasm with each place they go and, chances are, if they had a great experience with you, they'll return. So, start an alumni network—let those skilled employees know that there is still opportunity even when they leave. **MC**

Government can reach Xers and Millennials now by giving the opportunity to innovate, make a difference, and lead.

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Learn more at www.lmc.org/clerks.





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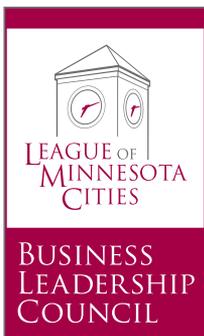
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Royalton: Small City, Big Sustainability Efforts

BY MARISA HELMS

Every city in Minnesota, no matter its size or budget, can take steps toward environmental sustainability.

Whether it's a seemingly simple act—like replacing old light bulbs with more energy-efficient ones—or as complicated as writing an alternative energy ordinance, cities around the state can and are taking active steps to establish sustainability goals.

Take a look at the City of Royalton, for example, a small bedroom community of 1,242 residents situated along U.S. Highway 10 between St. Cloud and Brainerd. When Royalton was looking for ways to reduce its energy costs in 2009, the city undertook a number of measures, starting with replacing all the incandescent bulbs in city traffic lights with more energy-efficient LED bulbs.

Around the same time, Royalton also participated in an energy audit of city property, and relamped all city-owned buildings as a result.

“For us, it’s all about taking a look at what we can do to reduce our overall energy consumption,” explains Royalton Mayor Andrea Lauer. “It’s also something that has to be good for our budget. For instance, when we switched out the traffic lights, that cut one [electricity] meter’s cost in half.”

Royalton has taken about two dozen other steps toward sustainability in the past five years. These benchmarks include establishing community rain gardens; going paperless at city hall; creating a master sidewalk and trail plan; and conducting two community engagement campaigns promoting energy conservation.

And there’s more. Upcoming Royalton projects slated for 2015 include providing better drinking water for residents with a new well and water treatment plant, and replacing city street lights with LED bulbs.

“LEDs provide better lighting and use less energy,” says Lauer. “Have you seen the difference between streets lit by



PHOTO BY BRE MCGEE

One of Mayor Lauer’s favorite sustainability projects was adding these solar panels to the roof of Royalton City Hall.

high-pressure sodium versus LED? It’s major. We’re a rural community, and it’s going to be nice to see the stars.”

GreenStep Cities

Many of the environmentally sustainable steps Royalton is implementing are informed by the city’s participation in a free and voluntary program called Minnesota GreenStep Cities, an outgrowth of 2007 state legislation that set clean air and energy conservation goals.

GreenStep Cities is a joint program of eight partner organizations, including the League of Minnesota Cities (LMC), the Minnesota Pollution Control Agency, Minnesota Department of Commerce, and others.

In addition to being an active member of the program’s steering committee, the League also supports GreenStep Cities by hosting monthly workshops and a recognition ceremony for participating cities during the LMC Annual Conference.

Program Co-Director Amir Nadav, of the Great Plains Institute, says GreenStep Cities is designed for small and mid-sized Minnesota cities that are looking for ways to systematically address sustainability in their communities.

“Our program is focused on concrete action steps,” says Nadav. “We provide cities with actionable steps they can take that are vetted, cost-effective, and are being done by other cities across the state.”

Best practices framework

At the core of the GreenStep Cities approach are 28 best practices for cities to implement in their own communities. These best practices are distributed among five categories: buildings and lighting, land use, transportation, environmental management, and economic and community development.

Participating cities post completed activities to their own GreenStep Cities web page. Nadav says by virtue of all the cities reporting on their actions, the GreenStep

Learn more about sustainability and the Minnesota GreenStep Cities program at the LMC 2015 Annual Conference, June 24-26 in Duluth. Register at www.lmc.org/ac15mncities.

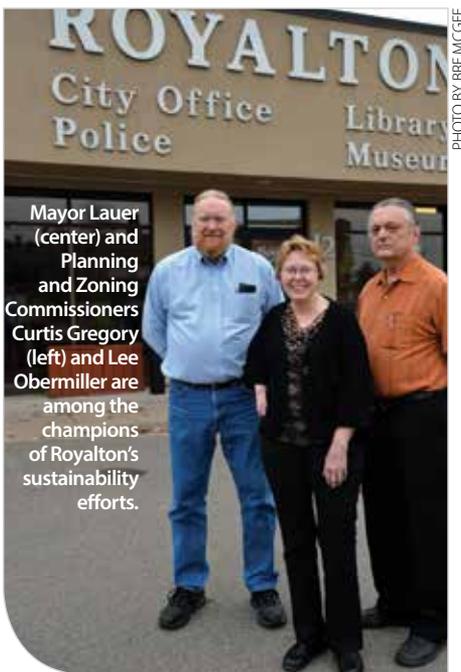


PHOTO BY BRE MCGEE

Mayor Lauer (center) and Planning and Zoning Commissioners Curtis Gregory (left) and Lee Obermiller are among the champions of Royalton's sustainability efforts.

Cities website has essentially become a library, and a robust and growing resource of best practice examples.

Mayor Lauer says the GreenStep Cities website also serves as a helpful internal tool for benchmarking progress and monitoring utility costs. "By watching what we're doing, I can tell there is a payoff," says Lauer. "If we weren't part of GreenStep Cities, we wouldn't be able to tell."

GreenStep Cities launched in 2010. Today, over 80 cities around the state and one tribal nation participate in the program.

Royalton was one of the first municipalities to sign up for GreenStep Cities. Nadav says it's exciting to see a city the size of Royalton tackle and achieve success with so many ambitious community projects.

"Even though Royalton is a city with a population under 2,000 people, it has accomplished a lot of best practices spread across a number of areas," says Nadav. "Royalton is an inspiring example of what cities of any size can accomplish with the right local champions and right partners."

Leading the community by example

Royalton's sustainability efforts seem to have no shortage of local champions, starting with Mayor Lauer.

"It's really a lot of fun," says Lauer, adding that she truly enjoys taking on the GreenStep Cities best practices projects, which can be very technical, involve many partners, and can take several months, if not years, to complete.

"Every time one of these projects comes along—relamping the city buildings, or the LED light replacement, or changing our purchasing policy from paper to digital—every one of them is an exciting project to see come together and have a positive impact on the city," she says.

One of Lauer's favorite projects to come out of Royalton's participation in GreenStep Cities is the installation of solar panels on the roof of City Hall a few years ago.

The \$83,000 project was funded through a variety of sources including an ARRA grant (American Recovery and Reinvestment Act of 2009), a rebate from the power company, and a federal tax credit that allowed the city to partner with private companies with expertise in solar energy installation and generation.

The solar panels went online in 2011. Lauer says by 2017, the project will become budget neutral, saving the city a minimum of \$1,600 a year in energy costs.

Royalton's sustainable future

Royalton is also incorporating GreenStep Cities' best practices framework through the adoption of ordinances. These new sustainability laws are not just about good environmental stewardship. They are also designed to maintain Royalton's quality of life and to guide future development in sustainable ways.

Royalton's outdoor lighting ordinance, adopted by the City Council in September 2014, focuses on conservation and energy efficiency, but it's also geared toward enhancing the natural beauty of the rural landscape and protecting every Royalton residents' ability to view the night sky.

Planning and Zoning Commissioner Lee Obermiller, who researched the lighting ordinance and was its chief author, says the new law is forward thinking, with a provision giving future city councils the ability to regulate the maximum wattage allowed in order to maintain a reasonable lighting environment within the city limits.

"As the city grows more, there's going to be more light in our city," says Obermiller. "I want my children and grandchildren to see the stars. That's what motivated me."

Supporting sustainable technologies

The intent of another Royalton sustainability law, the alternative energy ordinance adopted in 2013, is to encourage developers and homeowners to incorporate sustainable technologies in new construction through the installation of ground source heat pump systems that help heat and cool buildings.

The ordinance also supports the inclusion of wind energy, and clarifies the city's certification process and wind turbine setback and height requirements. Solar energy guidelines in the ordinance encourage the use of all solar options, including building-integrated solar technology or the installation of photovoltaic panels.

"We're looking to the future," says Planning and Zoning Commissioner Curtis Gregory about the city's outdoor lighting and alternative energy ordinances. "We want to get ahead of the ball to have something in place in case a citizen wants to put in a ground source heat system, for example."

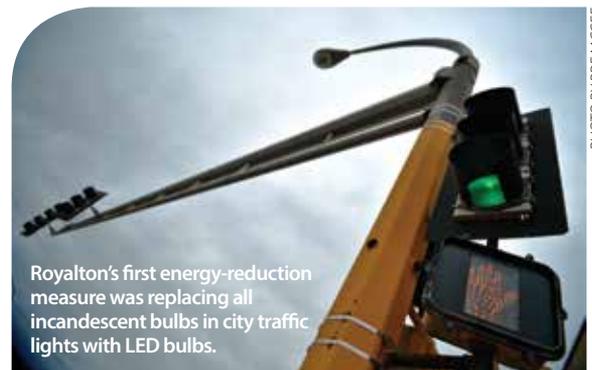


PHOTO BY BRE MCGEE

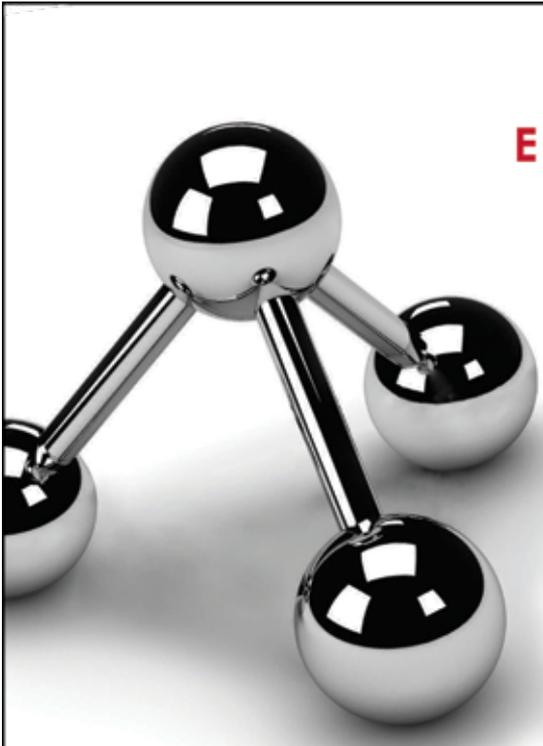
Royalton's first energy-reduction measure was replacing all incandescent bulbs in city traffic lights with LED bulbs.

Gregory, who is largely responsible for researching and drafting Royalton's alternative energy ordinance, says he became more aware of environmental issues while working on the ordinance and now understands how sustainability measures work hand-in-hand with preserving Royalton's small-town charm for future generations.

"The best way to look at it is this: Royalton is a little bitty town that's growing and is going to continue to grow," says Gregory. "We're really trying to make sure we don't incur problems that will come back to haunt us." 

Marisa Helms is a Minneapolis-based freelance writer.

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