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ON THE WEB
Check out Minnesota Cities
online at www.mncities.org.
Let’s Make the Most of This Opportunity for Change

BY DAVID UNMACHT

How many societal watershed moments do individuals get to experience in a lifetime? History books select events according to the writers’ wishes and then offer generations of readers perspective and viewpoints. We also see books with titles like Photos of the Century.

Much time, research, and reflection are put into such publications. On the other hand, individuals, families, and organizations react and adapt in a much narrower window of both time and response. In my family and job, there is little time to think about history, a short time for reflection, and the immediate pressure for action.

Two recent events define our times and can be recognized as possible watershed moments. One is a certainty; the second remains to be determined.

First, the certainty: a pandemic and the ensuing public health crisis and economic fallout. Now four months into the pandemic, our systems and society are opening, although we are clearly not yet “out of the woods.” We are adapting and acting in correlation to our personal, family, and organizational risk tolerance. There are words and phrases we will forever attach to this event, including Zoom, virtual meetings, flattening the curve, masks, COVID-19, executive orders, etc.

Without a playbook to guide us, the League and our member cities stood tall and responded in kind. The financial challenges cities face will be around for months or years, and how the crisis ultimately impacts the League and our members won’t be fully understood for some time.

Second, we have a crisis in confidence as long-simmering prejudices among some members of the Minneapolis Police Department have been widely exposed in the aftermath of the tragic death of George Floyd at the hands of four police officers. The protests and demands for systemic change have stretched across our state and country, and all throughout the world.

Protests are common in our democracy. But the images, photos, and words now feel different, as people of all colors, ages, and backgrounds are involved. There is no urban-rural distinction; both young and old participate. And the passion, personal impact, and emotion ring deeper than I’ve ever witnessed.

Is this a watershed moment for our society? Are there lessons we can learn from the past and recent protests that can teach us how to avoid repeating past errors? Unlike the pandemic, which can be categorized instantly, the killing of a Black man by white police officers has happened before, and little to nothing has changed. So, how do we ensure this is our watershed moment?

Three words define the first steps to permanent change: understanding, leadership, and trust.

We know and understand that the vast majority of protesters are peaceful. My daughter and her boyfriend have participated in peaceful protests; I am proud of them for standing up for what they believe. We also must understand that most police officers are good people who signed up to serve and protect. The distinction matters, and let’s not do a disservice to individual protesters and officers.

But there are clearly systemic issues that affect people of color. There are thousands upon thousands of law enforcement agencies in our country. How can systematic change happen societally on such a large scale? New legislation and laws, structural change, and other macro attempts are going to occur. Disagreements, disputes, and differences of opinion are commonplace.

Yet, there is an equally important question each of you, as a city official, must ask yourself: Where do I start? How can one city, one mayor, a council, administrator, or police chief make a difference? This is where leadership comes in. To effect change, gaining or earning trust is everything. What is the level of trust between the citizens and the police department or sheriff’s department that serves your community? Don’t be afraid of the answer; it might surprise you and it will guide your next steps.

In learning about your law enforcement department, consider how it hires and trains its staff, how it determines operational policies, what its disciplinary standards are, and what the condition of labor-management relations are. Education and understanding can lead to new awareness, better decisions, ownership, and positive reforms.

Law enforcement operates in a command and control culture. It’s time to open the window to that world, to better learn and understand the inner workings of departments. I am confident that together, if we all do our part, we will make change to ensure that George Floyd — and all the other men and women who have been unjustly killed — did not die in vain.
NLC City Summit set for November

Anything could happen (literally, at this point, anything could happen!) but, as we go to print, the National League of Cities’ City Summit is on for Nov. 18-21 in the balmy sea breezes of Tampa, Florida. City Summit is an opportunity for all local officials — elected and staff — to learn about the issues affecting local governments and expand their professional network. The conference offers mobile workshops, professional development opportunities, and chances to connect with city officials from across the country about common challenges and solutions. For more information, visit the event website at citysummit.nlc.org.

Library Gets Creative With Social Distancing

From hosting photo scavenger hunts on their Facebook page to doing virtual programming, New York Mills Public Library is showing off the creative thinking that libraries have to offer, even under public health-related restrictions. Library Director Julie Adams says directors in the Viking Library System, which New York Mills is in, are connecting weekly during the pandemic to get updates and exchange ideas. One winning idea that is sure to stay long after the pandemic is over? Drive-in movie nights! Residents can cue up some nostalgia by pulling into the parking lot and watching movies projected onto a large outdoor screen. The drive-in movies and purchase of the projection equipment are sponsored by New York Mills Public Library and Viking Library System, and funding was provided by the Minnesota’s Arts and Cultural Heritage Fund.

Race, Mental Health, and Community Trauma Resources

Many communities right now are immersed in unprecedented levels of stress related to high-profile cases of institutional racism and violence. If your city leaders are looking for ways to help residents heal, the Minnesota Department of Health has compiled resources that can be used to address trauma in a community following violence or tragedy. This roundup includes information about race and mental health as well as resources for children and families, community and organization leaders, those coping with grief and anger, and more. Access the resources at https://bit.ly/mdh-mentalhealth.
Hotline? More like PUNCHLINE

Parks & Recreation Department staff in Juneau, Alaska, launched a hotline for jokes last April to bring a smile to the faces of residents. A city hiking program was suspended due to COVID-19, so a hotline number for the program was repurposed for the task. Three volunteers work to record a new joke each morning, and callers can hear it by dialing (907) 586-0428. According to the Anchorage Daily News, the hotline went down on the second day due to high call volumes — but it was quickly restored.

“We thought, this is a perfect time to do this. People just need a laugh,” Dawn Welch, a recreation planner, told the Daily News, adding that “good, clean, corny jokes,” can be emailed to the city at Parks.Rec@juneau.org.

Utility Savings and Energy Use Education for Residents

Take steps to banish utility bill frustrations for good in your community! You can help residents get informed about utility savings and energy use with classes and resources from the Citizens Utility Board of Minnesota (CUB). CUB is a statewide nonprofit dedicated to helping utility consumers find good information so they can make smart choices. CUB staff can partner with your city to offer customized webinars that make sense for your community’s needs and the programs available to them locally.

“It’s especially a nice fit for communities that might have specific climate or environmental goals,” said CUB Outreach Director Carmen Carruthers. Options include sessions dedicated to multifamily or single-family households, reducing energy usage and saving money, electric cars, renewable energy, or even energy policy. Residents can also sign up for utility bill clinics and remodeling consultations. For more information, contact Carruthers at carmenc@cubminnesota.org or visit https://cubminnesota.org/.

If your city operates an active Facebook page, it’s time to get familiar with the Local Alerts tool. Local alerts allow local government, public health agencies, and first responder pages to communicate time-sensitive, urgent, local, and actionable information to your page followers on Facebook.

The alert types available include local alert, missing person alert, public safety alert, service interruption alert, transit alert, and weather alert. The feature was officially made available across the U.S. in March. Check out the best practices for posting alerts and request access at https://bit.ly/cityfbalerts.
Where do you begin as your organization starts to transition into the future?

Our Gallagher experts approach this by first looking at your organization holistically, using data and insight to understand the total wellbeing of not only the organization, but the individuals who are a part of it. Identifying the urgencies plaguing public sector organizations today and partnering with our Gallagher team to create a strategy will not only help you reach your goals, but also provide better engagement, productivity, recruiting and culture during these uncertain times.

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Does Your City Have a Volunteer Adopt-A-Park Program?

BRAD DUSHAW
PARKS SUPERINTENDENT
WASECA (POPULATION 9,027)

The Waseca city park and trail system provides an aesthetically pleasing first impression to visitors, prospective citizens, and businesses. Clean parks and trails portray an image of a caring community. The City of Waseca implemented an Adopt-a-Park program more than 10 years ago.

Residents take ownership
The Adopt-a-Park program is a fun and educational way to assist the city in keeping our parks, trails, lakes, and open spaces clean and safe. The program also gives volunteers a feeling of ownership and community pride.

The Adopt-a-Park program is available to community groups, businesses, organizations, church groups, schools, families, and individuals. Participation has grown over the last few years, and this year, 17 of our 25 available sites have been adopted.

How the program works
Adopt-a-Park participants can sign up for a one- or two-year commitment. Parks, trails, and other sites are adopted on a first-come, first-served basis. Current participants have priority on their areas when it is time to renew their adoption.

The city Park Department asks the volunteer groups to pick up litter and debris, such as fallen tree branches, in and around their adopted area twice per month. We also ask that they let us know about any vandalism or graffiti, and report any equipment in need of repair. The city will provide trash bags if requested, as well as coordinate pickups for trash, debris, and tree limbs.

Additional projects
Adopt-a-Park participants can also request to undertake other beautification efforts in their adopted areas. The city will provide the materials for any approved improvements.

Those efforts may consist of planting trees and flowers, helping with a playground community build, or doing a small landscaping project. For example, in 2019, the Waseca Garden Club volunteered to assist with planting a native and pollinator garden within our new Musical Garden. The Musical Garden, a collaboration of the city and the Waseca Public Library, has musical equipment, a reading area, patio seating, and an area for kids to learn to grow vegetables.

We are very grateful for the volunteers that help keep our parks beautiful. The Adopt-a-Park volunteer efforts have allowed Waseca Park Department staff to focus on other maintenance project needs.

JOHN NERGE
IT-GIS COORDINATOR
BROOKLYN PARK (POPULATION 81,679)

An Adopt-a-Park program is a great way to promote civic responsibility, generate community pride, and build partnerships with residents and local businesses. In Brooklyn Park, we've had our program for nearly 20 years.

However, as recently as 2016, our application for the Adopt-a-Park program was a PDF form on the city's website. We had low participation because the form needed to be printed, filled out, and either mailed or brought to our community activity center. Quantifying park volunteer work was difficult since there was no way to visualize where that work was being done. Enter geographic information systems, or GIS.

Building on top of others’ work
After seeing the success of a recently built Adopt-a-Hydrant GIS app, our Parks and Recreation team asked GIS staff to build an app for our Adopt-a-Park program that would be easy to use on any device. The app also needed to collect contact information for the volunteers, advertise basic data about the groups doing volunteer work, and prevent more than two groups from adopting the same park.

How the app works
We built the application on a GIS platform called Geocortex Essentials using map services published through ArcGIS Enterprise. It was launched in September 2016.

When using the app, visitors are asked to enter their address or location to search for parks near their house or business. They can then select a park. Once submitted, the application automatically notifies us that we received a new submission, which we can approve or reject in an administrative version of the app.

The proof is in the pudding
Since launching the app, we’ve received and approved over 50 new applications. We got nearly half of these applications recently in an overwhelming show of environmental volunteer work for Earth Day 2020.

The app also helps our parks maintenance staff. With 60 parks in our system, it may be several days before garbage from a park cleanup event is collected on a regular weekly route. But with the app, staff know about cleanup events, allowing them to collect garbage sooner.

This program is a great asset to our city because when we’re all invested in preserving our natural resources, everyone benefits. Check out our app at www.brooklynpark.org/volunteer/adopt-a-park.
The killing of a Black man, George Floyd, by Minneapolis police officers on May 25, 2020, moved the people of Minnesota, the country, and the world to demand justice and an end to systemic racism. How should cities respond? Minnesota Cities talked to National League of Cities CEO Clarence Anthony and League of Minnesota Cities President Brad Wiersum, mayor of Minnetonka, about the tragedy and the role of cities in eliminating systemic racism and advancing racial equity.

Q: What did you think or feel when you saw what happened to George Floyd?

**Clarence Anthony:** My first thoughts were, “Oh no, not again,” and that our nation must take action on racism now. The events of the of the last several weeks serve as a horrific reminder of how important it is for cities to acknowledge and take meaningful action on racial injustice. The protests are not just about George Floyd. They are about Breonna Taylor in Louisville, Ahmaud Arbery in Brunswick, Georgia, and so many other tragic moments that have gained national attention, as well as the many others that have not, in the last five years.

**Brad Wiersum:** I was horrified and saddened. The inhumanity of that action and the video evidence are appalling and conclusive. This is an example of the brutal abuse of power of a white
police officer toward an unarmed Black man. It was embarrassing to see that this happened in the Twin Cities metro area where I live. I felt ashamed.

Q We’ve seen unjustified police killings and excessive use of force in the past, and they continue to happen disproportionately to people of color. What can cities do to prevent this from happening again?

CA: Municipal leaders have a unique opportunity to engage with their communities on racial equity issues to make smart policy decisions to reduce racial inequities in policing and restore police-community trust. Local leaders must step up and take the lead with their police departments and community members to address racial inequities. Local leaders have a greater capacity to create real, tangible changes in policing. However, the responsibility does not lie solely on the backs of local leaders. It will take corporations, community organizations, and state and federal governments’ partnership to successfully eliminate systemic racism in all communities.

BW: City leaders should talk about the issue and own the problem; take responsibility. In our city, the police chief gave a report about policing practices to the City Council on June 8. Three things stood out to me from his presentation: our hiring, training, and culture. Our city employs a community policing model. We have a community engagement officer who has a degree in social work, and our Police Department works to build relationships across racial, cultural, and religious lines. The department has an accountability culture in which officers are expected to report actions that go against our policies and culture. The culture we foster in our Police Department includes values like high ethical standards, fairness, respect, honesty, empathy, and dedication. We recruit individuals we think will respect and adhere to our values. We hire individuals thoughtfully and use tools, like our probationary period and other policies and procedures, to make sure we hold all officers accountable for contributing to our culture.

I think that there are many best practices baked into how our city hires and trains police officers. These include investing time into getting to know candidates; building the right culture that clearly lays out expectations and accountabilities; providing support and resources for the stresses of the job; and being clear that city leadership supports our police, so long as our officers understand that they are accountable. Mistakes are opportunities to learn and improve. Dishonesty and brutality are never acceptable and are grounds for dismissal. Like every human endeavor, our Police Department is not perfect. We can improve and we need to continue to do so. We need to hire more officers of color and more women. In our region, competition is fierce for those candidates.

Q Dismantling systemic racism and advancing racial equity are not just policing issues. What types of policies and structures do cities need to make sure they are providing all city services in an equitable way?

CA: The legacy of racist policies is playing out in front of our eyes. Advancing racial equity is a national effort, though the work will look different in individual cities. This is not a one-time fix, but a sustained investment in the work of achieving equity.

Every leader needs to commit to their individual communities’ needs. The solution includes a comprehensive approach that looks across practices, policies, and procedures. Centering equity is a commitment across agencies and systems. These include criminal justice, public safety, employment, and access to housing. Across the country, cities need a plan to address inequities and commit to ensuring policy and system changes are sustained. NLC is dedicated to working alongside our municipal leaders as they begin to right the wrongs of America’s long history of structural and institutional racism.

BW: There is no easy answer to this. The first step is to talk about race and equity in a purposeful and consistent way. Having the conversations about uncomfortable topics like racism, police brutality, bias, and privilege requires people to be vulnerable. For many, those topics are controversial. Tackling controversial topics is part of the role of leaders, and we need to be willing to do it. Turning words into action is the next step, and it too is uncomfortable. Building a strong culture and being very clear on expectations of all employees is important. We also need to listen to people of color and get their thoughts on where bias and prejudice exist in city policies and practices.

We must examine city practices purposefully and in detail to ascertain where bias exists, and then change the policies that need to be changed. In addition, we must demonstrate a consistent commitment to ensuring that everything the city does is going to be examined in terms of how the action contributes to the pursuit of equity and fairness.

“Local leaders must step up and take the lead with their police departments and community members to address racial inequities.” –CLARENCE ANTHONY

Q How important are a city’s policies and structures in keeping or gaining the trust of all its residents, and particularly, of its communities of color?

CA: Racial tension is not born solely from crisis-level events. These events surface long-standing issues that cultivated racial tension. Our country’s historical interaction with communities of color through government policy and practice created a fractured and tense relationship. It is critical to understand this historical context when considering how and why communities of color respond to these incidents. Racial equity requires understanding of justice and fairness. The first step is to hold ourselves accountable for past decisions and recognize that local, state, and federal leaders have historically authorized

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actions that disproportionately negatively impacted Black, Indigenous, and people of color. Local leaders have the responsibility for ensuring the health and safety of their residents in the development of new, more equitable policies and practices.

BW: The city’s policies and structures are essential to gaining the trust of residents. Building a culture of respect for everyone is important. When people feel that they are respected and heard, trust is built. City policies need to be perceived as being fair, responsive, and responsible. Actions of city employees need to be consistent with policies, which need to be fairly and consistently applied to everyone. All residents need to feel safe and to feel that safety is available to everyone equally.

“*We must demonstrate a consistent commitment to ensuring that everything the city does is going to be examined in terms of how the action contributes to the pursuit of equity and fairness.*” — BRAD WIERSUM

Q How should city leaders communicate with city employees and residents about racial tensions and racial equity?

CA: It is critical to approach racial tensions head on. In NLC’s conversations with several municipal leaders who experienced these situations firsthand, five common values stand out: empathy, transparency, authenticity, collaboration, and consistency. City leaders are encouraged to embed these values in their response to crisis. Leadership sets the tone, but these values should be carried by everyone in the city who has any role in the response.

BW: City leaders should communicate in a clear, honest, and consistent way. The message needs to be that commitment to equity and justice is not a sometime thing. It is fundamental to how a city serves its residents. To help ensure that the message is clearly communicated, cities should welcome feedback on how the city is performing on race and equity issues.

Q What would you say to city leaders whose communities aren’t as racially diverse and who don’t believe race equity needs to be addressed in their community?

CA: Understanding the history of why your communities are not racially diverse is just as important. Committing to advancing racial equity in your community is not just the right thing to do; research shows that equity is a superior growth model. Racial equity is good governance. Cities are more prosperous, safer, and healthier, and government is more accountable.

BW: Every human being is biased. Understanding that we all are biased is the first step in dealing with the difficulties that bias creates. No community is immune from issues of race. Indigenous, Latinx, Black, and immigrant populations are dispersed throughout Minnesota. Individuals from those groups also travel throughout our state. Everyone in the state of Minnesota can benefit from awareness and consciousness of the impact of racial bias on residents of and visitors to our cities.

This may be an overwhelming situation for some cities. What steps would you advise them to start with as they seek community healing after this devastating time of unrest?

CA: As local leaders, you play a unique role in setting the tone of local governments and institutions. Mayors and councilmembers should set an example and commit themselves to prioritizing racial equity by participating in equity leadership trainings or starting a community conversation to engage unique voices throughout the community. Your residents need to hear your commitment to racial equity. A public declaration is a bold message that builds connection between communities of color and governing bodies.

After declaring your commitment to racial equity, your community needs to dedicate new or align existing resources to create a system capable of change. Building a team and developing staff skills to address the impacts of racism throughout local government are necessary steps toward achieving real progress.

BW: Call the League of Minnesota Cities. The League has personnel, resources, and ideas on how cities can navigate these challenging and turbulent waters. Another important avenue is to collaborate and communicate with neighboring cities. Rely on the other city organizations to which your city belongs. Use the resources available from the National League of Cities. City leaders can and should make a commitment to personally read and become more knowledgeable about race and bias. It is an issue for everyone.

Any final words?

CA: More than five years ago, NLC created its Race, Equity And Leadership department (REAL) to provide resources, technical assistance, toolkits, and information to local leaders on how to create more equitable and safe cities for ALL Americans. REAL has been deeply enveloped in this space, and the COVID-19 pandemic and international uprisings have caused us to take a critical look at the work we have achieved and where we have fallen short.

BW: Race and bias are hard issues. They clearly take us out of our comfort zones. To effectively take action, leaders need to become comfortable with being uncomfortable. This is a journey. By keeping an eye on the destination, we become closer to achieving “Liberty and justice for ALL” than when we first started this journey.
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This spring, when city officials all over Minnesota confronted the emergency of COVID-19, they were facing something that was new for all of them. That included Brooklyn Center City Manager Curt Boganey, who’s worked in government for more than four decades.

“It’s been stressful, it’s been energizing, it’s been challenging,” Boganey says.

While Brooklyn Center is one of Minnesota’s bigger cities, many of the issues Boganey confronted with the pandemic weren’t that different from questions faced by smaller cities like Mayer, Slayton, and Biwabik. LMC Board of Directors members from these cities shared their experiences and, though every place is different — Slayton had to figure out what to do about its city library, and Biwabik suspended grave digging at the cemetery — the city officials said they all had to adapt to keep their cities running while protecting employees and the public.

In each case, solutions old and new kept things operating. Simple conveniences, like drop boxes outside public buildings, gave residents who usually go to city hall to pay utility bills a way to keep doing that, and do it safely. City council meetings became virtual, using streaming technology that allows members to socially distance from home while preserving public access.

Springing into action
Officials in the four cities say they were aware that a pandemic was coming, and that their connections with other cities, counties, and the state helped them prepare. Still, when Gov. Tim Walz declared a peacetime state of emergency on March 13, they needed to quickly turn knowledge into action.

Brooklyn Center, with over 32,000 residents, already had an emergency pandemic plan adapted from a model created as a response to the 2009 H1N1 flu. City Hall, the Community Center, and the city’s Earle Brown Heritage Center were closed to the public, and the city asked employees who could work from home to do so.

Roughly 120 of the city’s 300 full-time employees were furloughed; some later returned to work. About half of the remaining 180 employees work from home all or much of the time. The city quickly got computers to those who needed them.

“It took a lot of work for our IT staff to move as many people to work online as they did,” Boganey says. “We had been expanding those capabilities for the last 10 years or so and were relatively well-prepared.”

Schedules for police, fire, and public works employees were adjusted to
maximize coverage with minimum staffing. With summer programs canceled and public buildings and the city liquor store closed, about five full-time employees and 116 part-time employees were laid off.

The liquor store later reopened for curbside pickup, and the city is planning to reopen the store once adequate protections are in place.

Brooklyn Center bought a fogger to sanitize the insides of city vehicles, trained public works staff on how to stay safe, and “strongly advised” that they wear city-provided masks and gloves, Boganey says. In parks, the city added signs asking users to stay off playground equipment and to practice social distancing. He says compliance has not been a problem.

Most public meetings were canceled, but the City Council has held virtual meetings via Webex and, though there were a few glitches, for the most part it’s gone well, Boganey says.

Brooklyn Center also stepped up use of technology, expanding its ability to accept building permits and other forms online. City inspectors wear protective gear and are doing some inspections virtually by examining videos and photos sent to City Hall.

Services that traditionally were available by phone were preserved. “Anything you could do on the phone you can still do on the phone; there’s a person to answer,” Boganey says.

City hall is closed

Mayer, Slayton, and Biwabik also closed their city halls. Biwabik Mayor Jim Weikum says that was complicated because city offices occupy the second floor of a building that has a grocery store on the first floor and businesses on the third.

The grocery store stayed open but the other two floors closed, as did a city pavilion that was used for weddings, graduation parties, and other events. Signs on the City Hall door direct people with questions to use the phone or email. A city collection box in the grocery store is available for utility payments.

Though some people probably miss regular contact with city staff, “I’ve not heard a lot of complaints,” Weikum says.

The virtual meeting tool Zoom has worked well for City Council meetings, but the mayor says that in a city of 1,000 people with a tradition of public involvement, virtual meetings come up short. The city has widely advertised the times and links for meetings, but Weikum says not everyone has access to computers.

“We have a history of being fairly open with public participation, and it’s a lot more complicated now,” he says.

Biwabik’s seven city employees have kept working, though the four public works employees are split up so that two work one day and two work the next. They have been encouraged to work alone and stick to one vehicle.

Cutting the time those employees work meant that the city had to postpone grave digging for a cemetery. Weikum says that will resume when restrictions loosen.

Collaborating with other community entities

In Mayer, City Administrator Margaret McCallum says that in the first few days of the state of emergency, daily conference calls with county, township, and school officials were an invaluable source of information about issues like meals for needy people, financial support for businesses, and access to health resources. Later, those talks occurred once a week.

“It has been really helpful to get updates and bounce ideas off each other,” McCallum says.

The Community Center closed, and City Hall was open by appointment only. The city canceled non-essential meetings; encouraged residents to use email, phone, or mail for city services; and pledged to clean high-use public areas. Water shutoffs were suspended for six weeks. The City Council has been meeting via Zoom, and things have gone relatively well.

McCallum and her deputy clerk socially distance in City Hall and work behind a glass shield if a resident comes in. Visitors are directed to a table with hand sanitizer and asked to use it. Residents are asked to pay water bills online or use a drop box outside.

“We’ve pushed for people to use online utility billing, but there’s always a handful of people who feel they need to come in,” she says. “Now they use the drop box — and sometimes call to make sure we got [their payment].”

The city’s two public works employees, who usually work as a team, went solo with one concentrating on water and wastewater issues and the other on parks and streets. Two-person jobs, like installing playground equipment, were postponed.

For a small city like Mayer (population 2,295), the Community Center closing cut to the heart of the community. People normally use it as a wedding venue, home-schoolers and others use the gym, and a group of senior men

(continued on page 14)
Even rural areas hit

For Slayton (population 2,100), what seemed a distant crisis to many in rural Minnesota soon took a different turn. The city is not far from Nobles County, where one of the state’s biggest COVID-19 outbreaks occurred in Worthington.

“If employees feel sick at all, they have to go home immediately,” says City Clerk-Administrator Josh Malchow.

Slayton has 14 full-time employees, including public works staff, police, and two full-time librarians. The library, the city institution with the most public contact, shut down for two weeks and then reopened with one librarian at a time doing curbside delivery.

Malchow and the deputy clerk keep their distance in City Hall, and the five-officer Police Department schedules one patrol officer at a time. Public works staff don’t take breaks together and have a designated vehicle that they keep sanitized.

To reduce public contact, city police who routinely help with emergency medical services stopped doing that unless their aid was requested, Malchow says. He credits group email discussions and Zoom sessions with nearby cities for aiding strategy development and offering a little therapy, too.

He says the City Council has been meeting via GoToMeeting software, and it’s been going well. Citizens can watch and call in with questions, but no one has.

While the technology is impressive, Malchow says it can be alienating. “We know that nationwide there is a distrust of government no matter what your political leanings are,” he says. “I’ve really tried to flood people with information and be as transparent as possible — here’s the agenda, here’s the City Council meeting link. Communication and transparency are key through this crisis.”

What long-term lessons will we learn?

Weikum says he’s been reminded of the value of face-to-face conversations and having people physically present in Council chambers interacting with government. Cities will be financially challenged coming out of the pandemic, he says, and he wonders if new management models regarding reserves and other policies will emerge.

“We’re all getting a very powerful economic lesson right now,” he says.

Boganey shares those financial concerns, as well as worrying about continued stress on employees. But he says one lesson coming out of the pandemic is that it’s amazing how much can be done virtually. He expects more city processes to move online.

In Mayer, where the city’s deputy clerk worked with other city clerks in the region to develop a possible preparedness plan for the City Council, McCallum says she expects social distancing and other cautions to continue for a while.

“The amazing thing I’ve experienced is that everyone’s come together to try to figure this out,” she says. “I’m impressed at how at the local level we’re all working with each other to navigate this.”

Mary Jane Smetanka is a freelance writer.
During the pandemic, we’re pre-paying for takeout, avoiding crowds, and skipping visits with at-risk loved ones. Many of us are practicing social distancing, but if your residents have a pressing repair issue, they may not be able to wait to address it.

Having repair technicians in your home goes against the advice we’re receiving from health officials, but some repairs can’t wait because they address safety, health, or sanitation issues. However, there are measures your residents can take to maintain their safety during a necessary repair.

Here are some easy-to-share tips for your residents:

- Avoid problems and fix smaller ones yourself if you can. Most homeowners can address small projects like installing a thermostat, and one of the best ways to avoid plumbing problems is not treating the toilet as a trash can – only human waste and toilet paper should be flushed. Grease, wipes, paper towels, and cigarette butts should never be flushed.
- Communicate by phone or text. Discuss the repair in advance, and, if you need to follow up, do so by text, even if the technician is in your yard or home. It may seem silly, but your technician will appreciate it.
- Before a technician enters your home, ask what his or her social distancing protocol is and what personal protective equipment is being used. Let them know if someone in your home is at high risk for COVID-19. Agree to keep your distance from one another and forgo any handshaking.
- Allow the technician to wash his or her hands at your sink. The skilled trades can be a dirty job. They ordinarily would hesitate to wash their hands at a client’s home, so take away the uncertainty and allow them to practice recommended hygiene.
- Ask about a digital payment. Money carries germs at the best of times, and we should all be keeping six feet apart.

What technicians should be doing:

- If the job isn’t urgent or impacting your quality of life, they may ask you to wait. Not only are we dealing with a pandemic, but many supply manufacturers are overseas, and some parts are difficult to come by. If this will impact your repair, they should let you know.
- They should let you know that they are healthy when they arrive at your home. This may seem awkward, but these are unusual times. Most contractors are monitoring employees’ health and telling those who show symptoms to stay home and communicate this to customers.
- Technicians should be wearing personal protective equipment, including an N95 mask and nitrile gloves, even under their work gloves.
- They should avoid touching surfaces as much as possible and wipe down those surfaces they must touch. In addition, they should avoid touching their face, eyes, or nose.
- Technicians should wipe down their vans or tools. The coronavirus can live for hours on hard surfaces, and this helps keep them and their co-workers safe.
- They should wash their hands or use hand sanitizer. The International Association of Plumbing and Mechanical Officials is recommending even more frequent hand-washing than usual.

With a few tweaks and some distance, your residents can take steps to protect their health in the event of a necessary emergency home repair.

Brianna Govoni is senior manager of business development with the NLC Service Line Warranty Program by HomeServe (www.servicelinepartner.com). The NLC Service Line Warranty Program is a member of the League’s Business Leadership Council (www.lmc.org/sponsors).
Reflections on My Year as League President
BY MIKE MORNSON

My term as the League of Minnesota Cities (LMC) president came to an end in June, but it seems like it was just yesterday that 2019-2020 LMC President Heidi Omerza was handing the presidency over to me. Heidi told me to enjoy the year because it goes by fast. Boy, how right she was.

I began my tenure last summer with new member orientation in July, a Board retreat in September, and various regional meetings toward the end of the year and, before I knew it, it was 2020.

In January, League staff, Board members, and I met with newly elected city officials at the Elected Leaders Institute, planned the LMC Legislative Conference, and made two trips to Washington, D.C. I remember joking with Board members at the January meeting that soon Dave Unmacht (LMC executive director) will get his wish: The Mornson Presidency will come to an end in just six short months.

Then, on March 12, time seemed to stall due to the coronavirus pandemic. The weeks of my presidency that were once flying by came to a screeching halt. It felt like the movie “Groundhog Day.” “We got this,” became the League motto for dealing with the pandemic. We had this, and so did all of you.

So, what do I want to reflect on? Not on COVID-19, but my favorite part of being president: Driving the entire state and attending the League’s 2019 Regional Meetings.

News Flash! We have a cool state with some great people serving as local officials. We drove through many great cities on the way to Regional Meetings.

The first meeting was in Thief River Falls. That was a long drive. Mayor Brian Holmer told some stories about the history of his city. Not only is Brian the mayor, he is also a Thief River Falls business owner. I loved the downtown!

Next, we went to Perham, the “Turtle Race Capital.” I love turtles, by the way, so I just had to get a picture of myself with the turtle statue there (shown below). I remember listening to City Manager Jonathon Smith talk about all the great things that are occurring in Perham. I was also impressed to learn that Jonathon is quite the bowler. He made it all the way to the state championships in an adult bowling league — way to go! And Perham showed us another great downtown!

In the City of Benson, we started our meeting with Mayor Terri Collins and City Clerk Glen Pederson at one of their fine dining establishments. (There are some great restaurants throughout Minnesota!) The mayor is a special education teacher at Benson Schools. All I can say is, “Wow!” Mayor Collins also designed T-shirts with the slogan, “Life is better in a small town.” It sure is. The T-shirts are currently sold out, but they were highlighted at the meeting. I am hoping the mayor brings them back into fashion!

When all was said and done, we had eight meetings, and all the cities we visited were great hosts. In Chisholm, we heard from an area mayor on the importance of mining for their area. In Waite Park, the mayor and council cracked me up with one-liners.

In Spring Valley, a very beautiful city in the southeastern part of Minnesota, we went to the Four Daughters Vineyard & Winery for lunch. I highly recommend it! And in our last Greater Minnesota stop, Sleepy Eye, we met in their new, first-class facility, the Sleepy Eye Event Center. It was truly outstanding!

The best part of being president is really all of you — meeting you in your cities, where you do your great work every day and make a difference and impact on your corner of the world.

Though the last few months of my presidency did not quite go the way I had planned, I am grateful for the time I spent serving the League as president. I am thankful I was able to travel this great state and spend time with many of you local officials. Thank you for your commitment of service to your cities. We are better together and, together, “We got this.”

Mike Mornson is the city manager of Hopkins. He has served on the League Board of Directors since 2013.
The League Thanks
Outgoing Board Members

The following members of the League of Minnesota Cities (LMC) Board of Directors completed their Board terms in June. The League thanks them for their service!

Mark McNeill
CITY ADMINISTRATOR
MENDOTA HEIGHTS
As part of my duties as president of Metro Cities, I had the privilege of serving on the LMC Board. I've spent the Minnesota portion of my career in three metropolitan-area cities, and my time on the Board gave me the opportunity to meet and work with appointed and elected officials from all over the state. Having been raised in a smaller farming community in Iowa, I can relate to many of the unique challenges that our partners face in Greater Minnesota.

In my more than four decades of public service, being a member of the League Board was one of my most enjoyable experiences. I was reminded that the League has terrific people serving us, the member cities.

Curt Boganey
CITY MANAGER
BROOKLYN CENTER
As a Board member, I confirmed my expectation that the League is an elite advocacy, educational, and service organization. The focus on customer needs is paramount, and each staff member seems to be “all in” on their commitment to the mission.

I will miss the comradery on the Board and sharing ideas and perspectives with such smart public officials. I have enjoyed meeting officials from across the state.

I am most proud that the League works hard to balance the interests of large, small, rural, and urban communities. I am proud that the League is a national leader in so many areas and especially in promoting equity and inclusion. Recent events demonstrate how critically important the continuation of this work is. Thank you to everyone who provided me with the great opportunity to serve.

Mary McComber
MAYOR
OAK PARK HEIGHTS
As president of the Minnesota Association of Small Cities, I had the honor of serving on the League Board. What a wonderful experience! I have gotten to know many knowledgeable and dedicated city officials who work for the benefit of all Minnesota cities.

I previously served on the LMC Board from 2007 to 2010, and I have enjoyed the opportunities that have been given the Board, whether it be through strategic planning, training, or participating in the vision for the future of LMC. Being on the Board has been one of the best experiences of my life, and I have often encouraged others to be involved in the League in some way. Learning from and sharing with others has truly been a rewarding gift.

Justin Miller
CITY ADMINISTRATOR
LAKEVILLE
During my time on the League Board, I most enjoyed getting to better know the excellent LMC staff and my fellow Board members. The relationships I developed over the past three years will do nothing but help me both personally and professionally.

While I have been fortunate to work in several different types of cities, learning about the experiences of cities statewide has been very beneficial to my understanding of what other city officials deal with on a daily basis. Their strategies and approaches to dealing with issues and delivering services to their residents and businesses were enlightening, and I will forever be thankful for having the chance to learn from them.
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Focus groups, pop-up events, and other catchy communication tools have become the standard for inclusive engagement, but what happens when a global pandemic keeps everyone at home? The challenges of COVID-19 are reaching far and wide, and there isn’t a corner of the world that hasn’t been affected.

Public engagement is an essential part of project success, and the importance of all voices being heard is unchanging, no matter the circumstances. But how do you continue to engage the public from the safety of their homes in the 11th hour of a critical infrastructure project?

In the case of “Moving Forward 13-21,” a project in Prior Lake to improve the intersection of Trunk Highway 13 and County Highway 21, the key to a successful COVID-19 transition did not start when Gov. Tim Walz announced the stay-at-home order — it started back in 2017.

Get input early
From the beginning of the Moving Forward 13-21 project, intentional, pointed community engagement was executed to create a publicly accepted design and overall project. The first step in this project, and any engagement process, was research — finding out how the community lives, works, and plays.

Through data and speaking with community leaders, the project team was able to learn the story of who Prior Lake is, what avenues of communication are already in use, what’s going to be the most effective way of reaching them, and what populations traditionally have not had a voice.

For Prior Lake and Scott County, this meant reaching locals at heavily attended farmers markets, a family rib fest, parades, and a fall community fest. The project team took this opportunity to point people to direct communication lines, like a project website, hotline, and email to help them easily voice their concerns, suggestions, and questions.

Online communication opportunities
The project website allowed those who were unable to attend physical workshops to ask questions, express concerns, and join the discussion in forums and videos by using comment and chat features.

Over time, as themes start to develop, you learn what the community thinks of the project and what more they hope to see. This helps the project team recognize why it’s important to them, or why it is not.

This understanding opens the door to either incorporate that idea into your project or to say this isn’t technically feasible. Then you have the opportunity to educate, so that even when they don’t agree, they can at least understand why.

Reacting, adapting, and transparently addressing points of conflict eases the uncertainty of expensive, time-consuming projects. The improvements and updates are going to be with residents for 20-plus years, so it’s essential to listen to them, as the community experts, so the project team can get it right.

Transition to a COVID-19 world
COVID-19 hit when the Moving Forward 13-21 project was moving into the final year of construction. With in-person avenues no longer available, the team adjusted its approach as if it were another changed condition in the project.

The front-end work of getting to know the community led to a smooth transition to well-known digital methods that had been used to communicate with the public over the past four years, including the website, Facebook page, and email blast system with over 2,000 subscribers.

The community liaison created a voice-over presentation to explain to all stakeholders what to expect during the final year of construction, and was available to answer any questions about the project day and night through a project hotline.

Building trust is key to success
The benefits of focused community engagement go far beyond getting public approval for a project or a smooth construction process. Inclusive engagement will begin the larger, often labor-intensive task of building trust between the community and the agency.

Trust is built by learning what the community values, how they communicate, and where they feel the most comfortable sharing and receiving information. Establishing these baseline values and consistently providing transparent communication to the public will build trust, which often gives agencies the benefit of the doubt when projects hit snags — even snags as big as COVID-19!

Trust is never a final destination; it’s a fluid process that requires agencies to be flexible as the community and its circumstances change. Recognizing this fluidity, project teams are ready to adapt their approaches, even under circumstances as life-changing as a pandemic.

Nicole Schmidt is project communication specialist with Bolton & Menk (www.bolton-menk.com). Bolton & Menk is a member of the League’s Business Leadership Council (www.lmc.org/sponsors).
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We all hope that the COVID-19 crisis brings us together. It would be a nice silver lining in a time when our country is so divided. However, the tenor of the debate over business restrictions, nationally and locally, is one example of how the stress of this crisis can tear us apart.

Right now, cities and the state are wresting with how to meet two very important needs — health and economic security. Many among us fear only one of these needs can be met. Either we can place restrictions on businesses and avert larger-scale loss of life but lose our livelihoods, or we can all go to work and restore the economy but increase the number of lives lost.

Conflict has a toxic impact on our brain, leading us to think in “either or” terms — but there is a better way to deal with the myriad economic, health, and other COVID-19 impacts that we will be addressing for years to come.

**Developing solutions**

Minnesota has invested in building government and community capacity to develop solutions that meet the diverse needs of its citizens. Using the science of human behavior, several dispute resolution organizations in Minnesota help elected and appointed public officials, as well as the community at large, work together. They find that they can solve problems by understanding each other’s point of view, identifying the needs of everyone involved, and developing solutions that address and integrate these needs, rather than taking an adversarial approach.

Today’s difficult public policy issues are complex — especially managing the response to COVID-19. People do and should have differing ideas about how to solve these issues. The trouble arises when we lose the belief that we have shared values and when we lack the trust and relationships to bridge the divides. Conflict itself isn’t a problem, but dealing with conflict effectively is key to a healthy democracy.

**Guiding principles to resolve differences**

Everyone can agree that our approach to managing COVID-19 should be one that integrates the important needs of health and economic security. That might seem obvious, but when we get down into the details about how to do that, it gets harder. So, as your team wrestles with how to best manage COVID-19, work to follow these guiding principles:

- **Recognize and focus on shared values.** While individuals hold different positions on controversial issues, they are generally motivated by the same core set of values such as fairness, responsibility, and compassion. Remind yourself that the other side isn’t without values but, in fact, shares many of your values.

- **Explore the other side’s perspective.** To identify mutually acceptable solutions, it is important to be able to generate options that address the interests of the other side. Ask open-ended questions and listen to learn about their point of view, rather than to prepare a rebuttal, to help identify their interests.

- **Commit to developing integrative solutions.** After listening long enough and well enough to understand the other side’s needs, work hard to develop creative solutions that address (or integrate) the most important needs of everyone involved. This kind of solution will not only be more acceptable to all parties but will be a better solution because it will resolve more aspects of the problem.

- **Find the good in everyone.** Very few people get up in the morning wondering, “How can I make the world a worse place today?” Most people, most of the time, do what they believe is best. In order to solve a problem with someone, it is essential to find and connect with the goodness in them. In the middle of extremely trying times, it’s important to see the value in having different ideas about how to address complex issues, and to recognize that we share values with people with whom we do not share ideas. We can foster relationships in spite of different ideas, and we can develop integrative solutions to our health and economic challenges together.

Several Minnesota organizations offer direct services, training, and other resources for assisting government and community in bridging divides over difficult issues. If your city needs support in working through a difficult issue related to COVID-19 or other public issues, contact the League of Minnesota Cities Collaboration Services (www.lmc.org/collaboration) or the Minnesota State Office of Collaboration and Dispute Resolution (www.mn.gov/admin/ocdr) to request assistance.

Mariah Levison is director of the State Office of Collaboration and Dispute Resolution. She wrote this article in collaboration with staff from the League of Minnesota Cities, Association of Minnesota Counties, Dispute Resolution Institute at Mitchell Hamline School of Law, Community Mediation Minnesota, and the nonprofit organization Braver Angels.

Adapted from an article that originally appeared in the Pioneer Press.
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How the COVID-19 Pandemic Affects Civil Rights Laws

BY LAURA KUSHNER

COVID-19 has changed a lot of things, but it hasn’t changed state or federal civil rights laws for protected classes of employees, at least not much. The Americans with Disabilities Act (ADA) is a good example.

The ADA rules continue to apply, but they do not interfere with or prevent employers from following the guidelines of the Centers for Disease Control and Prevention (CDC) about steps they should take regarding COVID-19.

In March of this year, the Equal Employment Opportunity Commission (EEOC) updated its pandemic guidance to respond to COVID-19. (See the EEOC guidance at https://bit.ly/eeoc-pandemic.)

The guidance covers three ways the ADA is relevant during a pandemic, including that the ADA:
- **Regulates** an employer’s disability-related inquiries and medical examinations for applicants and employees.
- **Prohibits** exclusion of individuals with disabilities from the workplace (unless they pose a “direct threat”).
- **Requires** reasonable accommodations for employees with disabilities.

**Medical inquiries**

Medical inquiries are a tricky issue under the ADA, but the EEOC guidance clarifies that an employer may ask employees if they are experiencing flu-like symptoms and may even measure body temperatures during the COVID-19 pandemic.

The guidance also provides an ADA-compliant sample questionnaire to identify which employees are likely to be unavailable for work during the pandemic.

Cities should be cautious and work with their city attorneys before asking asymptomatic employees about other underlying medical conditions, as the EEOC guidance differs depending on the nature of the pandemic (which changes over time).

**Reasonable accommodations**

If an employee volunteers information about underlying medical conditions, the employer must keep it confidential and also must engage in a discussion with the employee to determine whether there is a reasonable accommodation. Telework is likely a reasonable accommodation if the employee’s job duties can be performed remotely, and it does not create an undue hardship for the employer.

Modified or part-time schedules, job restructuring, and leave are also potential reasonable accommodations during a pandemic. However, such measures may not necessarily be reasonable on a long-term or permanent basis.

Teleworking employees must be accommodated in the same way they are at the worksite. For example, an employee who has been accommodated for low vision with a screen reader at the office should have one installed on computer equipment they are given to work from home.

**Employer-required safety measures**

An employer may require employees to wear personal protective equipment during a pandemic. However, if an employee with a disability needs a related reasonable accommodation under the ADA (e.g., non-latex gloves), the employer should provide these, absent undue hardship.

Once a vaccine becomes available, an employer may not compel all employees to get the vaccine, regardless of their medical conditions or religious beliefs. Once the employer has been told of such conditions or beliefs, it must provide a reasonable accommodation unless there is an undue hardship.

The guidance states that employers should encourage employees to get the vaccine, rather than requiring it. State laws also provide for exemptions.

If an employee does not report to work, the employer can ask why the employee was absent. The EEOC guidance specifically allows this, with or without a pandemic.

**COVID-19 and age discrimination**

Another federal law, the Age Discrimination in Employment Act (ADEA), protects employees 40 years old or older, and there are some COVID-19-related issues with that as well.

The EEOC has issued guidance that employers do not need to accommodate an employee who is afraid of coming into the workplace and contracting COVID-19 because he or she is older. But a best practice would be to work with the employee since age appears to be a major contributing factor to the fatality of the virus.

Of course, the employer cannot discriminate against an older employee in other ways. For example, allowing others to telework but prohibiting older employees with similar job duties could result in a charge of discrimination.

Some employers may react in other ways by trying to seemingly protect older workers, such as placing them on involuntary leave, mandating telework, or requiring older employees to undergo testing or engage in additional safety precautions. All of these are examples of actions that could result in charges of discrimination.

For more information on these and other employment laws relating to COVID-19, visit the League’s website at www.lmc.org/covid19.

Laura Kushner is human resources director with the League of Minnesota Cities. Contact: lkushner@lmc.org or (651) 281-1203.
Plaintiffs Seek Environmental Review of Comprehensive Plan

**LAND USE LAW**

**Comprehensive plan approval**

In December 2018, Smart Growth Minneapolis, the Audubon Chapter of Minneapolis, and the Minnesota Citizens for the Protection of Migratory Birds sued the City of Minneapolis, claiming that the scheduled approval of its 2040 Comprehensive Plan violates the Minnesota Environmental Rights Act (MERA), which provides citizens with a civil remedy to protect the air, water, land, and other natural resources within Minnesota. The district court granted the city’s motion to dismiss the lawsuit, concluding that the plaintiffs had not identified, as required under MERA, a discrete, identifiable “project” that is likely to cause pollution, impairment, or destruction of natural resources. The district court also concluded that state agency rules exempt the adoption and amendment of comprehensive plans from mandatory environmental review.

The Minnesota Court of Appeals affirmed the district court’s decision, concluding that the only relief that the plaintiffs had requested under MERA is environmental review of the Comprehensive Plan under the Minnesota Environmental Policy Act (MEPA), and that the city is exempt from conducting such review. The Court of Appeals also concluded that the plaintiffs had not demonstrated enough facts to show adoption of the Comprehensive Plan is likely to adversely affect the environment. The Court of Appeals noted that allowing a MERA challenge to force environmental review at the planning stage would “undermine the city’s planning function.” *State by Smart Growth Minneapolis v. City of Minneapolis*, N.W.2d (Minn. Ct. App. 2020). The plaintiffs have filed a petition asking the Minnesota Supreme Court to review the Court of Appeals’ decision.

**CONSTITUTIONAL LAW**

**Investigative traffic stop**

Douglas County Deputy Sheriff Mark Mehrer was on routine patrol when he saw a pickup truck and ran its plate number through the Kansas Department of Revenue database. The database revealed that the truck was registered to Charles Glover Jr., who had a revoked driver’s license. Mehrer did not observe any traffic violations, but stopped the truck based on his assumption that the registered owner was driving the truck. Glover was charged with a driving violation, but the Kansas Supreme Court ultimately ruled in his favor, concluding that the traffic stop violated Glover’s Fourth Amendment right to be free of unreasonable searches and seizures.

The U.S. Supreme Court stressed that the Fourth Amendment’s “reasonable suspicion” standard is far less strict than its “probable cause” standard.

**Regulatory taking claim**

Minnesota Sands, LLC, sued Winona County, challenging a zoning amendment that prohibits all industrial-mineral operations (including the mining of silica sand) but continues to allow (as a conditional use) construction-mineral operations for local purposes. Minnesota Sands claimed that the amendment is unconstitutional for two reasons: (1) it violates the Dormant Commerce Clause of the U.S. Constitution because it discriminates against interstate commerce, and (2) it is a regulatory taking of Minnesota Sands’ leasehold rights to mine for silica sand in violation of the Takings Clauses of both the U.S. and Minnesota Constitutions.

In a divided opinion, the Minnesota Court of Appeals ruled in the county’s favor on both issues. In a divided opinion, the Minnesota Supreme Court affirmed the Court of Appeals’ decision. The Supreme Court concluded that the amendment does not discriminate against interstate commerce on its face, in purpose, or in effect. The Supreme Court also concluded that Minnesota Sands did not raise a valid regulatory taking claim because the mineral leases, which granted it a speculative, contingent right to possess and use the land, did not create a compensable property interest (a property interest for which monetary compensation can legally be required). The Supreme Court noted that, under the lease terms, the mining rights were contingent on Minnesota Sands obtaining a conditional use permit and on successfully completing the state-required environmental review process, neither of which had occurred before the county adopted the zoning amendment. *Minnesota Sands, LLC v. County of Winona*, 940 N.W.2d 183 (Minn. 2020). Note: The League of Minnesota Cities filed an amicus curiae brief in the county’s support.
The U.S. Supreme Court reversed the Kansas Supreme Court’s decision, concluding that “the Fourth Amendment permits an officer to initiate a brief investigative traffic stop when he has a particularized and objective basis for suspecting the particular person stopped of criminal activity.” The U.S. Supreme Court stressed that the Fourth Amendment’s “reasonable suspicion” standard is far less strict than its “probable cause” standard, and that the reasonable suspicion standard permits officers to make “commonsense judgments” and does not require them to achieve “scientific certainty.” Deputy Mehrer knew that the registered owner of the truck had a revoked license and that the model of the truck appearing in the database matched the observed vehicle. The U.S. Supreme Court concluded that, based on these facts, Deputy Mehrer drew the commonsense inference that Glover was likely the driver of the vehicle, which provided reasonable suspicion to initiate the vehicle stop. Kansas v. Glover, 139 S. Ct. 1445 (2020).

Pregnancy accommodations
After Whitney Hinrichs-Cady was terminated from her position as a Hennepin County social worker, she sued the county, claiming in part that it had violated the Minnesota Pregnancy and Parental Leave Act (PPLA) by refusing to grant her accommodations while she was pregnant. Under Section 181.9414 of the PPLA, an employer “must provide reasonable accommoda-
(continued on page 26)

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The Court of Appeals ruled that “non-leave pregnancy accommodations under the PPLA do not require that the employee requesting accommodation must have worked for the employer for 12 months.” The Court of Appeals reasoned that, while the Legislature might have intended to require a person to have worked for an employer for 12 months before that person is entitled to leave, “it surely did not intend the same for a person requesting non-leave accommodations.” *Hinrichs-Cady v. Hennepin County*, N.W.2d (Minn. Ct. App. 2020).

**Defamation Law**

**Candidate for public office**

Attorney Michelle MacDonald and her law firm sued Michael Brodkorb and others associated with him for defamation based on several statements Brodkorb made referring to MacDonald’s arrest on suspicion of drunk driving and her involvement in a high-profile family law case. MacDonald was a candidate for a seat on the Minnesota Supreme Court in 2014, 2016, and 2018. Generally, a plaintiff claiming defamation must establish four elements: (1) that the defendant communicated a statement to a third party; (2) that the statement was false; (3) that the statement tends to cause reputational harm; and (4) that the recipient of the statement understands that it refers to a specific individual. Defamation claims against “public figures” must also satisfy an “actual malice” standard, where the plaintiff must prove that the defamatory statement was made with actual malice.

The district court granted summary judgment (court-ordered judgment without a trial) in Brodkorb’s favor, reasoning that MacDonald was a public figure because she was a “perennial” candidate for public office, and that she had failed to prove that Brodkorb made the challenged statements with actual malice. The Minnesota Court of Appeals affirmed the district court’s decision, ruling that a candidate for public office is a limited-purpose public figure whose claims for defamation require proof of actual malice. The Court of Appeals also ruled that a candidate for public office may remain a public figure even after an election loss by repeatedly seeking elective office. *MacDonald v. Brodkorb*, 939 N.W.2d 468 (Minn. Ct. App. 2020).

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

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Can Cities Help Restaurants Expand Their Outdoor Space?

**Right of Ways**

Q Because of state restrictions during the COVID-19 pandemic, many restaurants and bars want to expand their outdoor space. Can the city help by providing access to sidewalks, streets, and parking lots?

LMC The right of way includes the street, as well as the area on either side of the street that supports its use. Cities generally have substantial authority over right of ways within their jurisdictions and may close streets to vehicular traffic through an ordinance or resolution. However, some restrictions affecting state trunk highways will require further approval by the Minnesota Department of Transportation (MnDOT).

To allow restaurants, or any other businesses, to make use of city property, cities may need to make changes to current regulations. This can take the form of an ordinance, resolution, or through an existing permit process. Cities also need a written agreement with the business, and they need to make sure the city is named as an additional insured party on any liability policies. If the business is licensed to serve liquor, the city will want to ensure that the state’s compact-and-contiguous standard for the expanded outdoor space is met. Additionally, cities may want to consider noise and traffic concerns and any local zoning or building regulations. Learn more about businesses using city property at www.lmc.org/outdoor-service.

Answered by Law Clerk Joline Zepcevski: jzepcevski@lmc.org

**FLSA and COVID-19**

Q What should our city be thinking about with regard to the Fair Labor Standards Act and COVID-19?

LMC There are at least two major issues associated with COVID-19 and the Fair Labor Standards Act (FLSA). First, public-sector employers can put exempt employees on unpaid leave (i.e., a budget furlough) without fear of losing the employee’s exempt status. However, for any workweek in which the employee is furloughed, the employee must be treated as a non-exempt employee. Therefore, the city will need to be careful not to allow the employee to work more than 40 hours during that week or it will need to pay overtime. Typically, a public-sector employer will only furlough exempt employees for an entire week or more for these reasons.

Second, the city should be mindful that non-exempt employees working from home during the pandemic must record and be paid for all hours worked. During the pandemic, a best practice is to have a clear policy stating that the city expects all non-exempt workers to record their time accurately, and emphasizing that the city must approve all overtime in advance.

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

**Sanitizing**

Q What are some COVID-19 guidelines for maintaining city restrooms?

LMC As your city opens back up, there are several precautions you can take in your city restrooms to prevent the spread of COVID-19. Consider developing a cleaning schedule for employees so that the bathroom is constantly being disinfected throughout the day. Have the scheduled cleaning employee constantly replenish the toilet paper, soap, and paper towels. If you keep your supply in the bathroom, it could be taken due to the demand for these products right now. Try to avoid having people use a hand dryer after washing hands. Instead, either provide paper towels for them or encourage them to let their hands air dry.

It’s also a good idea to post signs on or near the restroom door with guidelines for social distancing while waiting, for washing hands, and for limiting the number of people in the restroom at one time (one person/family at a time). Learn more about cleaning and disinfecting from the Centers for Disease Control and Prevention at https://bit.ly/cdc-sanitize.

Answered by Loss Control Representative Michael Neff: mneff@lmc.org
In August 2018, the City of St. Paul transitioned from an “open hauler” garbage system to a new, coordinated citywide garbage program, which provided a designated hauler and collection day for specific areas throughout the city.

The city was excited about the change, but it created a challenge for the communications staff: How do we introduce 74,000 households to one of 15 St. Paul garbage companies?

‘St. Paul, meet your new garbage hauler!’

This was the primary message of a self-mailer that was sent to all participants, both property owners and their tenants, of the new program. The brochure was one of four direct-mail pieces built into our communications plan and budget, each of which had a specific purpose.

This brochure had to provide each St. Paul household with specific information unique to their new garbage service, including their:

- New garbage company and contact information.
- New garbage cart size being delivered to the property.
- New garbage collection day and pickup location.

We also needed to communicate a detailed timeline of how we would swap out nearly 150,000 garbage carts throughout the city in three months, introduce additional garbage services, and answer other questions that we were hearing from residents.

One option was to send a customized letter by doing a mail merge to provide each household with the information. Not only was this not in our budget, but we wanted to be sure the unique household-specific information was easy-to-
Simplifying the information

Instead, we got creative! We chose to design an oversized tri-fold brochure, which would stand out more than a traditional letter. All project management aspects of the piece — including overall strategy, writing, editing, and graphic design, were done in-house by the St. Paul Public Works staff.

The design was a challenge, as we needed to present a huge amount of complex information in a comprehensive, digestible, and visually appealing way. Similarly, we needed to make this important piece inclusive to all residents, including those who do not read English. We accomplished this in three ways.

First, we used plain language principles to turn essential information into “steps” for residents to understand the actions they would need to take. These were accompanied by graphic illustrations and organized into a timeline.

Second, we included our standard translation language inside the brochure in English, Spanish, Hmong, and Somali as a footer with a phone number residents could call for questions with an interpreter. The brochure directed all residents to learn more about the new garbage program on our website, which also provided full translations of all the content (and more) in Spanish, Hmong, and Somali.

Third, we wanted all residents to know who their garbage hauler was and what cart size they would be receiving. We were already planning to have the mailing address custom printed, so we decided to print the household-specific information on the mailing panel, too. This was an inexpensive way to provide the unique garbage hauler, cart sizes, and collection information for each property.

A little more direction

We knew that simply printing the information with the mailing address wasn’t enough. We needed to do everything possible to ensure residents would actually flip the mailer over and look. Using our program-branded arrows and colors, we included instructions in four languages with arrows directing the reader to check the back of the brochure to see their garbage service information.

On the back side of the piece, another bright blue arrow pointed to this information. Residents just had to let their eyes naturally follow the arrows to get the key information.

In the end, the form, function, content, and design came together for the “St. Paul — Meet Your New Garbage Hauler” self-mailer piece and accomplished the city’s goals: to provide a customized direct mail piece to each household, sharing the specific details of their new garbage hauler, cart sizes, and collection day, along with a detailed timeline. This innovative mailer also won a 2019 Northern Lights Award from the Minnesota Association of Government Communicators for best one-page communications piece.

Lisa Hiebert, APR, is public information officer and marketing manager for the City of St. Paul Public Works. Aubrey Fonfara is a freelance graphic designer and former recycling specialist with the City of St. Paul.

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Monticello Gets Residents Involved in Sprucing Up Downtown

BY DEBORAH LYNN BLUMBERG

In 2018, the banners hanging from the light posts dotting downtown Monticello had faded and ripped from more than a decade of use.

At the time, the Monticello City Council had just authorized a new city program to use art as a tool to foster downtown community and economic development. It hired a creative arts consultant, local artist Sue Seeger, to lead the effort.

Soon after, Monticello’s Community Development Department got the green light to replace the aging banners as part of its ongoing downtown revitalization project. “We definitely needed banners that would pop a little bit more,” says Communication Coordinator Rachel Leonard.

Seeger mulled over the banner project, and she came up with a novel idea. The city could source banner images through an art contest for residents, Seeger suggested. The contest would build enthusiasm, she thought, and rally the community behind beautifying downtown, especially the Walnut Street corridor, which extends from the heart of downtown Monticello out to the Mississippi River.

“Sue was a driving force behind the project, having us think outside the box a little bit,” says Leonard. “The idea for the contest developed organically. We wanted to bring more people downtown, to support our businesses, and to make our Walnut Street corridor feel more like a cohesive, exciting place to be.”

A grassroots effort
Monticello (population 13,553) opened the banner art contest at the end of May 2018 and accepted submissions from community members through July 10. The contest’s four categories included general, winter, Riverfest — Monticello’s big annual summer celebration — and downtown.

The plan was to select four winners from each category. Banners made from the winning pieces of artwork would hang on light posts positioned on downtown streets, along with a general Monticello town banner that was designed by an in-house graphic artist.

Community members were encouraged to submit artwork in a variety of mediums, including photography, painting, collage, mixed media, digital art, or illustration. Seeger helped get the message out about the contest through the city’s school district, where she has connections. Word also spread through social media, the city website, and Council meeting announcements.

“It was a ground-up, grassroots effort,” says Seeger, whose metal sculpture is displayed in local city parks. “I saw the banner project as a great way to get the community involved and as something for the creative community to coalesce around a bit.”

At first, Seeger and city administrators weren’t quite sure just how much participation they would get from Monticello residents. But then, submissions started to pour in. They came from both professional and amateur artists, adults, and also children as young as elementary school age. Some residents submitted multiple pieces of art, and they all gave the city permission to use their creations for future city initiatives as well.

Most pieces were oil paintings, and many were nature scenes, “but it really ran the gamut,” Leonard says. Submissions included paintings of the Mississippi River and wildflowers, of swans (Monticello is known for its swans), and of a colorful nighttime fireworks display. The city saw such a high level of participation in the contest, and at such a high quality, that Seeger and others recommended increasing the number of community-designed banners, and the City Council approved the idea.

“We wanted the banners to feel authentic to the community,” says Leon-
ard, “not just something you could pick up and place in any small city across the country. People were excited to see the different characteristics of Monticello come to life on the banners. We got truly phenomenal feedback on the project from the community.”

Building community excitement
Angela Schumann, Monticello’s community development director, also participated in the banners initiative, and she worked with Seeger to put together a creative committee of judges — made up of community members and local artists — to pick contest finalists.

The committee spread out residents’ artwork on tables in Monticello’s Community Center to choose the finalists for each category. “It was just really cool to see the whole array of submissions,” Seeger says.

Seeger came up with the idea to hold a Creative City Celebration one weekend to select the winners and honor all the artists who submitted their work. Community members who attended the afternoon event, held on a grassy spot downtown across from the Monticello Community Center, got to vote on the winners.

Local artists and food vendors set up booths, while musicians and dancers performed throughout the afternoon. Leonard says both the contest and the celebration went off without a hitch.

“Anytime you do something new and different, your mind goes to, what are the potential problems?” Leonard says. “But it was so smooth. We were so happy with the level of participation and the submissions we got.”

The key is to really listen to community members and let them help drive initiatives. Then you get real buy-in, Leonard says.

“Allow the community to tell you what they think is important and unique, and what makes their community home,” she says. “They’re going to come up with ideas that you never thought possible, and you’ll end up with a product that’s so unique to your place that it feels like it’s meant to be there.”

The new banners have been up along downtown streets for a little over a year now, with four or five designs hung at one time. The city rotates the banners seasonally.

“It’s been fantastic,” Leonard says. “The arts initiative has really exceeded our wildest expectations.”

At $13,575, the banners also ended up costing the city less money than the expected $15,000 budget, which included costs to professionally print the banners plus hardware to hang them. Leonard hopes the banners will last another 10 to 15 years.

A new citywide arts initiative
The banner contest lays the groundwork for Monticello’s new Monti Arts initiative, which Seeger was brought on to lead. The city will find innovative ways for community members to use their creativity to help change and shape Monticello for the better.

“The banner contest was the first sign of life in support of that plan,” Schumann says. “It was a chance for us to start connecting downtown with the community. We wanted residents to know that there’s something happening downtown, to create community and to really enliven our downtown.”

Also in 2018, Monticello kicked off a Music on the Mississippi project, which featured live concert events in the city’s Riverfront Park. The following year, the city put in curb extensions to make downtown safer for both pedestrians and cars.

“We recognized that to be successful downtown, we needed to find ways to bring people downtown,” says Schuman. Leonard says that after the banners project concluded, and before the coronavirus pandemic, it was exciting to see more and more residents strolling through downtown, with many stopping to admire the new banners designed by their friends and family members.

Next steps
The next step in the downtown revitalization project is a facade improvement program for downtown businesses. Monticello has a grant program for that purpose, and the infrastructure has been put in place. Before COVID-19, city officials had an initial meeting with downtown property owners to discuss improvements. But the pandemic has put everything on hold for now.

“We’re looking for an opportunity to reengage property owners,” Schumann says. “The facade improvements program really needs care and feeding to be successful.”

Even though everything is on hold now, Schumann says they’re confident they’ll be able to get back on track with downtown revitalization efforts at some point.

Schumann looks forward to continued partnership with Seeger, with the city’s artistic community, and above all, with local residents. It’s a crucial component to making sure downtown continues to grow and thrive, she says.

“Sue is making sure creativity and arts are a thread in our downtown,” says Schumann. “Arts can really help strengthen downtown.”

Downtowns, she adds, require both constant reinvestment and nurturing. “This isn’t a one and done,” says Schumann. “This is the first step of what should be many more initiatives. Getting your community involved in the reinvestment is really the key.”

Deborah Lynn Blumberg is a freelance writer.
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