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New training focuses on noble policing and respecting constitutional rights. PAGE 8

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Two small cities revitalize downtown with their “road diet” projects. PAGE 18

Fellowship Program Aims to Develop The Next Generation of City Leaders PAGE 12
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The Rewards of Mentoring Future City Leaders

BY DAVID UNMACHT

I focused on the ashes dripping from his cigarette, which were missing the ashtray and falling onto the papers and desk, as I nervously listened to the city administrator welcome me to City Hall for my first internship. On a bitter cold day in early January 1981, I drove one mile from my college dorm to Waverly (Iowa) City Hall to—little did I know then—launch a career in local government.

My impressions of that first meeting are all that remain: City Hall abuzz with voices, smoking (still generally accepted and prominent), and commotion from the excitement of the new year. Typewriters and adding machines endlessly banged away creating noise that signaled activity, energy, and the public’s business at work.

I was simultaneously thawing out, lost, in awe, anxious, overwhelmed, curious, and interested. The city administrator was Michael Schneider, and he could sense all these emotions and more in this college student. To his credit, he put me at ease and allowed me to breathe (despite the cigarette smoke).

Over the course of three months, Mike guided me through city tours, meetings with department directors, City Council meetings, research projects on who-remembers-what, and meeting the mayor. Yes, the mayor! In April, I completed the experience with a $300 stipend in my pocket and a burning desire for more.

A few months later, I was deep into another internship in the City of Pleasant Hill, Iowa, a suburb of Des Moines. I was a graduate student at Drake University. This internship lasted eight months and allowed me an opportunity to make a real difference. My contributions included writing personnel policies, making council presentations, and assisting office staff with various duties. The city administrator was Mark Miller (now retired) and we occasionally stay in contact, often reminiscing.

Without Waverly and Pleasant Hill, there would be no jobs for me later in Belle Plaine or Prior Lake. The indelible memories of mentors and internships created a foundation for my public service, personal priorities, and professional goals. Internships, field work, and fellowships are experience seeds planted by today’s leaders to help grow and develop future leaders.

Recently, as part of my performance review with the League of Minnesota Cities Board, I outlined five overriding legacy goals for my tenure: maintain the outstanding relationship with the League of Minnesota Cities Insurance Trust (LMCIT), ensure the League’s member services are excellent, continue to develop the League’s culture, achieve personal and professional fulfillment, and implement mentoring as a core function of our mission and work.

Serving as a mentor is one of my most fulfilling and personally rewarding experiences. Through a combination of luck, skill, and hard work, I have been blessed with so much in my career, I feel an intense obligation and burning desire to give back to the future generation of city leaders. When either students or people looking to change jobs in mid-career ask for help and advice, it’s a privilege and honor. Mentoring is not hard work; it’s fun. It’s not draining; it’s stimulating. It’s not time-consuming; it’s investing in your future.

My adjunct faculty work provides me a direct pipeline to students, and I’m very optimistic about the future. Still, the recruitment challenges for cities are great, the most pressing being the competition for limited workers and working to ensure that the best and brightest choose local government. Serving as a mentor is one small way each of us can do our individual part to seek and find replacements that are even better than we are.

With strong support from our Board of Directors, a high priority for League staff is our mentorship program. We hire interns, fellows, and externs, depending on how the position is created and funded and what type of work is performed.

We are currently piloting a prototype model fellowship program in partnership with the cities of Delano and Minnetonka, simultaneously employing interns that rotate among the three organizations. (Read more about this program on page 12.) Our goal is to allocate time, talent, and resources to ensure the future of local government is in good hands.

Thanks, Michael and Mark. I think you would be proud of me, not for what I’ve done in local government, but for doing for others what you did for me.

David Unmacht is executive director of the League of Minnesota Cities. Contact: dunmacht@lmc.org or (651) 281-1205.

Internships, field work, and fellowships are experience seeds planted by today’s leaders to help grow and develop future leaders.

On the web
Share comments about this topic at www.mncities.org. Click on “St. Paul to City Hall,” and post your comments below the story.
50+ Voters and Local Government

The 2019 AARP 50+ Voter Local Issues Survey reveals several interesting tidbits about what these residents really think about local government and civic engagement. The national survey asks questions related to news consumption, views on government, voting, and what qualities respondents most want to see in elected officials. Here are a few highlights from the report:

- **65%** had a favorable view of local government, which ranked higher than state and federal government.
- **73%** said it’s extremely important for a mayor to care about the needs of everyone, no matter their age, race, or income.
- **71%** said they’d think more favorably of a mayor whose top priority was supporting local businesses and helping create jobs.

You can see more results from the survey at AARP.org/LocalVoters.

Fun Fundraiser: Donated Art at Garage Sale Prices

Looking for a creative community event or fundraiser idea? The Friends of the Hopkins Center for the Arts (HCA) hosts an “Art From the Attic” event to raise money, draw traffic to the center’s exhibits, and give visitors a unique shopping experience. The popular event, now in its fifth year, also makes buying art less intimidating. “You don’t have to be an art collector, you don’t have to be wealthy, and you don’t have to know anything about art to find something you like,” says Aaron Wulff, director of development at HCA. “It’s a perfect fit for our mission.”

Here’s how it works: Businesses and residents can donate their underappreciated or unneeded art for the sale. The donated pieces are marked at garage sale prices and sold at the event. Proceeds go to the center. Tips for success? Wulff says have a clear plan about what you’ll accept for the sale, consult with a pro for pricing, and know what you’re going to do with items that don’t sell. Learn more at www.hopkinsartscenter.com/251/Art-From-the-Attic.

Smart Salting

Salting away the miseries of winter comes with a price—the impact that sand, chlorides, and other chemicals have on water quality. An advisory committee in Edina tackled this particular slippery slope and developed a model contract for snow and ice management. The contract embraces best practices to minimize environmental impacts while also maintaining safety and addressing liability. The advisory committee included service providers and property managers, i.e., the folks tasked with keeping our parking lots, entries, and walkways navigable year-round. The model is available for anyone to review when contracting for ice and snow management services. Find the model contract, cover letter, and explanatory memo online at www.edinamn.gov/422/Pollution-Prevention. And view Edina’s Salt Use Public Service Announcement, “More Isn’t Always Better,” at www.youtube.com/watch?v=pYm1aTn_AgE.

Motivate Residents With a ‘Yard Flip’ Contest

Best yard contests are a popular way to recognize property owners that invest in the aesthetics of their lot. But if you’ve found that the competition only motivates the green thumbs who already have prize-worthy flower-beds, maybe it’s time to make like your favorite reality show and host a “Biggest Yard Flip Contest.” That’s what the City of Clinton did last year. Along with community sponsors and a local greenhouse, the city—located in western Minnesota in Big Stone County—encouraged the weedy, the overgrown, and the bland to kick it up a notch for a chance to win “Clinton bucks,” which can be redeemed at area businesses. City Clerk Karianna Wiegman said the contest was a fun motivator and reminded residents that a little sprucing up can make a big difference.
Celebrate Women’s Suffrage Centennial

Sept. 8, 1919: That’s the day Minnesota ratified the 19th Amendment to give women the right to vote. The threshold of 36 states needed to make it official was met in August of the following year, and the official declaration of ratification to the U.S. Constitution happened on Aug. 26, 1920.

Feel like celebrating? Look for centennial celebrations in communities across the country in the coming year. One place to find recognition ideas for your own community is the website of the Women’s Suffrage Centennial Commission, created by Congress. Check out the commission’s toolkits at www.womensvote100.org/toolkits.

Looking to go deeper? Consider how more than 40 years later the Voting Rights Act of 1965 prohibited barriers like tests and poll taxes so that black voters—men and women—could reliably exercise their voting rights. Learn more from a Washington Post editorial at https://wapo.st/2X3uhUK.

Catering Policy Serves Up More Memorable Events

The City of Brooklyn Park adopted an “open catering model” last spring to allow for residents renting their Community Activity Center to contract with any licensed caterer for their event. Previously, residents using the popular destination for events like weddings, family reunions, and graduations could choose from four exclusive caterers. And a batch of your Nana’s famous recipe? That was a no. But now the policy allows certain private events to bring in non-commercially prepared foods potluck-style.

The effort was led by Councilmember Susan Pha, who organized a group of community members representing different cultures to help shape a new policy. By allowing a broader spectrum of food choices and price points, the new policy creates more opportunities for local caterers to secure business, and more ways that city facilities can serve up memorable events regardless of a resident’s preferred cuisine or dietary needs. View the policy at www.brooklynpark.org/special-events.

Have You Heard the League’s New Podcast?

The League of Minnesota Cities’ new podcast, The City Speak, has surpassed 1,000 total downloads for its first 10 episodes! Not a listener yet? Hit play on an episode for short takes on city issues, featuring city officials from across the state. The podcast has covered a variety of topics, including city finance, council collaboration, and inspiring the next generation of city leaders. To learn more and listen to episodes, visit www.lmc.org/CitySpeak.

LMC TRAINING & EVENTS

2019 LMC Regional Meetings
Sept. 25—Thief River Falls
Sept. 26—Perham
Oct. 3—Chisholm
Oct. 9—Benson
Oct. 10—Sleepy Eye
Oct. 16—Waite Park
Oct. 30—Spring Valley
Nov. 14—Minnetonka

Newly Elected Officials: 2020 Leadership Conference
Jan. 24-25—Plymouth

Experienced Officials: 2020 Leadership Conference
Jan. 24-25—Plymouth
Feb. 28-29—Baxter

2020 Legislative Conference for Cities
March 18-19—St. Paul

On the web

Learn more about these and other events at www.lmc.org/events.
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Has Your City Made Improvements to Its Municipal Airport?

JAMES DOERING
PUBLIC WORKS PROJECT COORDINATOR
REDWOOD FALLS (POPULATION 5,203)

In the City of Redwood Falls, we developed an Airport Layout Plan in 2012 and identified a need for expanded public hangars, parking, and private hangar areas to increase airport operations. We had a waiting list for some hangars.

Setting the stage for construction
Between 2014 and 2016, the city completed land acquisition and obstruction removals to acquire control over runway protection zones and obtain clear approaches to each runway. This paved the way for the city to proceed with construction of hangars and allowed for use of federal funds.

In early 2017, after hosting numerous discussions with the targeted local businesses, the Airport Commission, and prospective tenants on the hangar waiting list, the city finalized its plan for construction of two corporate bay hangars, one turboprop bay hangar, and four general aviation hangars.

Project cost and funding
The bids and project costs came in at about $1.38 million. The city had saved $613,628 in Federal Aviation Administration Non-Primary Entitlement funds, which are funds allocated to the airport each year for maintenance and upkeep.

We were able to borrow $625,773 in Entitlement Fund transfers from other airports. The city provided $69,000 to meet the 5% local cost share required by the Entitlement Fund loan. And Minnesota Department of Transportation Aeronautics matched the remaining 5%.

The original plan was to let the project for bids in May 2018; however, the city moved that up to March 1 so contractors could obtain quotes before new tariffs were imposed that would increase the price of steel.

Construction began on May 14, 2018. We had some delays because of rain, but construction was completed in November. All seven new hangars began their lease occupancy with the city on Jan. 1, 2019.

Mission accomplished
The new hangars have attracted new tenants and three new aviation-based businesses to the airport. The hangars are projected to pay off the city’s cost in five years, the same amount of time the airport will take to repay the borrowed Entitlement Funds. The additional operations, fuel sales, and lease revenue will allow the Redwood Falls Municipal Airport to plan for the next expansion.

JOE KOHLGRAF
PUBLIC WORKS DIRECTOR/AIRPORT MANAGER
MORA (POPULATION 3,507)

The Mora Municipal Airport is an intermediate general aviation airport that serves east central Minnesota. Way back in 2001, the city began working toward adding a new runway to the airport.

Long process
The airport’s primary runway is 4,794 feet long and 75 feet wide. The Federal Aviation Administration (FAA), Minnesota Department of Transportation (MnDOT) Aeronautics, and the City of Mora recognized the need to construct a new turf crosswind runway, after the closure of the former crosswind runway. This type of runway is safer for small aircraft—which are common at our airport—because it provides more protection from the wind.

The process from project inception to construction was very lengthy, with a complex environmental analysis and project justification. The environmental analysis began in 2001 and was completed in 2016. After multiple design iterations, the final design was completed in May 2016, and the project was bid in June 2016. Construction began in October 2016 with substantial completion in July 2017.

Challenges along the way
The greatest challenges for this project were the environmental process and the necessary land acquisition, which met with opposition from residents adjacent to the airport. An environmental assessment was completed in 2004, and the city began the process of acquiring 60 acres of land from multiple land owners.

By the time the land was acquired and runway construction was ready to begin, additional environmental impacts were identified. Another environmental evaluation was done, and, through that process, the FAA determined in September 2016 that the environmental concerns had been addressed and the city should go ahead with the project to improve safety.

The total project cost was about $2.5 million, most of which was paid by the FAA. MnDOT also provided some funding toward the project. The city paid $125,000, or 5% of the total cost.

New runway is an asset
The construction was accomplished in an environmentally friendly, sustainable manner, and the new turf crosswind runway is an asset to the airport. It has improved safety for small aircraft, and the investment increased the quality and level of service provided by the airport. The runway infrastructure is now updated to serve the region’s aviation needs for another 20 years.
For police officers who do a hard job day after day, pressure and a desire for results can blur the line between ethical and improper actions.

Does a search warrant really matter that much when you know a bad guy should be off the streets? What’s the harm in taking a shortcut if it keeps the community safe?

Reminding police that their jobs require them to respect the constitutional rights of all people is the basis of the new True North Constitutional Policing educational course. The free online training, which can be used by Minnesota police officers to fulfill required continuing education credits, reflects increased state attention to law enforcement after high-profile cases involving controversial police conduct.

True North deals with issues like implicit bias, cultural competency, and the respect for citizen rights anchored in the document law enforcement officers swear allegiance to—the U.S. Constitution.

“The big goal is to refocus officers on why they do what they do,” says Lora Setter, executive director of True North. “It focuses on the nobility of the work, the history, and yes, that we’re here to bring order but also to protect liberties that people continue to fight for.”

Belle Plaine Police Chief Tom Stolee and the 16 officers in his department took the course last year. He calls it “a great reminder of what we are really modeled after,” and says that’s important in a time when policing is more stressful than ever.

“This is a complaint-based job,” he says. “Nobody is happy to get a citation. Nobody is happy to go to jail. We see the hurt, we see the sadness, sometimes we have to tell people their family isn’t coming home. It’s protecting and serving that makes the job special. We need something to keep us on track in a spinning world.”

**Noble vs. Noble Cause**

The online training was developed partly because it’s hard to get officers off the street and into classrooms, Setter says. Everyone around the state can access an online class. Officers can even sit in their squad car and take it.

True North takes pains not to be preachy. A recurring theme of the roughly five-hour training is “noble policing”—holding the ideals of individual rights and other constitutional principles high as officers do their job—versus “noble-cause policing,” where officers bend rules and take shortcuts to reach their desired end.

While noble-cause policing may seem altruistic because it is often done to protect the public, it may violate the
New Minnesota rules on property forfeiture are also explained, and the course gives examples of police departments that were corrupted when officers made a habit of going around rules they thought were standing in the way of their jobs.

Law enforcement is noble work, the narrator says. Police need to think of their legacy and how people will remember them. What stories do they want people to tell about them once they’ve left the field?

Unlike many online courses, True North is highly interactive. Parts of it are funny. Each segment is punctuated by quizzes and ends with a test that users have to pass before moving on to the next section.

Each course segment features an exercise with storyboards that walk participants through situations like executing a warrant or responding to a resident who called police because he saw someone he doesn’t think should be in the neighborhood. Depending on the choices the True North participant makes, the story evolves, and the program diplomatically suggests better ways to handle the situation.

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**GOOD REVIEWS SO FAR**

Fourteen law enforcement agencies were involved in developing the True North training. As of this spring, about 400 law enforcement personnel had taken the course.
everyone was doing cartwheels having to spend time in front of a computer screen,” he says, no one questioned the objectives behind the material and some officers really appreciated the course and what they learned from it. The younger officers were especially comfortable with the online format.

One of the Plymouth officers who took the course was Sgt. Curtis Smith, who has been on the force for 32 years. True North’s interactivity kept him from being bored, he says, and with more mandated training for law enforcement, he thinks an online class is a good way to get the education without having to sit in a classroom. True North provides worthwhile reminders for even veteran officers, he says.

“When we get irritated at the hoops we have to jump through, we have to look back at the reasons those rules are important,” he says.

A great refresher

Chief Stolee of Belle Plaine believes every law enforcement officer should take training like that offered through True North. It was a great refresher on some of the constitutional requirements he learned about in school, he says, and he liked that it dealt with soft skills like diplomatically interacting with people.

“You have to listen,” he says. “Communication is the deciding factor.”

Officer Brian Vycital is one of the Belle Plaine officers who took the training. Stolee gave officers time at work to complete the True North course, and Vycital says he enjoyed it.

“We didn’t get anything like this in school,” the 15-year officer says. “That was more practical. This is more about how we connect with the community.”

Vycital says most police are people-oriented. But the work has become harder, and he feels like he’s dealing more with the fallout of social issues. He liked being reminded by True North that his job is a higher calling.

“Most officers never have to deal with being accused of any wrongdoing, but this and the national issues force you to confront it,” he says. “It makes you take a look at yourself. It makes you feel like you’re involved with something bigger than yourself. This is a training that [all law enforcement officers] will learn from.”

Mary Jane Smetanka is a Minneapolis-based freelance writer.
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A two-year fellowship program conceived by the League of Minnesota Cities, in conjunction with the cities of Minnetonka and Delano, is giving two local graduate students experience that is shaping their future careers in the public sector.

Madison Hagenau, from Hamline University, and Ada Moreno, from the University of Minnesota’s Humphrey School of Public Affairs, were the first students selected for the Minnesota Cities Fellowship Program, which aims to help build the next generation of public-sector employees. They both started their work in the program in June 2018.

As fellows, they are spending eight months working in each city and then another eight months working at the League. The fellowship is designed to provide a well-rounded experience that will prepare them for their first full-time jobs.

One of the goals of the program is to help ensure that there are qualified young workers ready to step in as Baby Boomers continue retiring. It also adds young perspectives on issues cities face.

“It has been a priority for us because we know young people have great ideas and can contribute to what cities do in a meaningful way,” says League Deputy Director Luke Fischer.

**Evolution of an internship program**

The fellowship, which is currently considered a pilot project, is an expansion of an existing internship program the League has long had in place. While that internship offers tremendous hands-on experience, it doesn’t give students direct city experience.

“There are a lot of interesting things happening in small cities; there are a lot of interesting things happening in large cities,” Fischer says. “We figured if we could help our interns get those experiences before they come to the League, their experiences would be much richer. And when they leave, we’d be able to hopefully help them get networked into that first job.”

The City of Delano (population 6,058) also has a decade-long history of having interns work as part of city staff, says City Administrator Phil Kern. The city has had conversations in the past with other communities about collaborating on a program like this one, where interns would gain experience in the smaller city of Delano and a nearby larger city.

“When the opportunity presented itself to work with the League and the City of Minnetonka, we were very excited,” Kern says. “So far, it’s been great.”

One of the benefits of the program is that the fellows start getting their hands dirty in real work right from the start. Hagenau, who is pursuing a master’s degree in public administration, worked in Delano from June 2018 to January 2019. Moreno, whose focus is on land use and urban design, worked at the League during that time, and then the two switched places.

**A mix of experiences**

They are enjoying the variety of their work. One day they might be working with the Public Works Department and the next they could be working in planning.

“One day one, interns are thrust into the everyday matters of the city,” Kern says. “It’s a wide variety of things. There isn’t a part of city business they are not involved with. They are involved with every level of services we provide and every level of business we conduct.”

Both fellows say they are grateful for the hands-on nature of the job. Moreno’s currently engaged in helping strategize ways the City of Delano could increase the availability of affordable housing.
She’s also working on communications, particularly around the production of a quarterly newsletter.

Moreno says she’s still deciding whether she wants to pursue a career working directly for a city or with a consulting firm, but either way, the experience she’s getting through the fellowship will be very valuable.

Coursework at school is interesting and useful, but theoretical, Moreno says. “This gives me the immersion I needed,” she says, adding that when she saw the application, “I was appreciative of the variety of experiences I was going to get. I really wanted to get that hands-on practical approach to planning.”

Hagenau agrees. She wants to stay in local government, though she’s not sure in what capacity. She worked in Delano with city building officials and the fire chief to overhaul its emergency management plan. She also helped set up a youth liaison program through which high school students are collaborating with the City Council.

Networking opportunities
She also appreciates the opportunity to network among many city officials at different meetings involving the League. “I feel like I’ve had so many opportunities,” Hagenau says. “That’s something I’m super grateful for.”

It’s a program that benefits both the fellows and the professionals, Kern says. “They will leave their fellowship having done a lot of different things in three different organizations,” he says. “For us, we get someone who is passionate about local government, who is interested in making an impact, who is willing to roll up their sleeves and take on pretty much any project that comes their way, from research to problem solving to presentation and policy development.”

Ready to participate
The City of Minnetonka is eager to start playing its role in a few weeks.

As a suburban community with a population just over 50,000 located minutes from the Twin Cities that operates a city manager form of government, Minnetonka provides a different perspective for incoming fellows, says Assistant City Manager Perry Vetter.

Vetter says he agrees with the idea that this program gives back to the profession by helping ensure there will be strong candidates for city government positions as retiring Baby Boomers leave openings. “It’s in our best interest to ensure that we have a well-trained, well-educated workforce,” he says. “Experience matters. The more experience we can give to people at various stages of their career will not only help our profession but will also help our region.”

Building for the future
The program will help Hagenau and Moreno figure out their future paths and, city and League officials hope, will eventually deepen the pool of people looking to work in local government.

Part of the reason Delano got involved in the program, Kern says, is “to help make sure we are doing our part to build well-trained, productive local government employees for the future, not just for ourselves, but for other communities in Minnesota.”

One of the League’s priorities is to develop the next generation of public-sector leaders. This fellowship was tailored specifically for students working on a master’s degree in public administration. The League reached out to about a half-dozen schools with such programs.

“That helps us get really good candidates that are focused on learning,” Fischer says.

In the long term, Fischer adds, the hope is that this program creates a model that other organizations can use in partnership with large and small cities across other parts of the state.

“We’re hoping to take out some of the hurdles to creating a shared internship like this,” he says. “We already have a sample agreement, job descriptions, and tools for other agencies to use to create similar programs.”

The organization is too early in the program to have a specific plan, but Fischer says the League would be willing to help reach out to some of those larger organizations about participating.

Seeing the possibilities
Fischer envisions scenarios where, for example, various regional planning agencies or an extension office through the University of Minnesota might head up a program with other cities. This would give up-and-coming people in this public-sector track a way to have different experiences with different agencies,” he says.

Ultimately, he says he hopes this program will lead others to provide opportunities similar to those Hagenau and Moreno are currently experiencing.

“The big thing is these internships can really give the participant a wonderful experience and prepare them for their first job,” Fischer adds. “The agencies also can benefit so much if they are willing to invest time and energy into developing the next generation.”

Andrew Tellijohn is a freelance writer based in Richfield, Minnesota.
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Using GIS Tools to Enhance Public Engagement

BY DAVID SANDBERG AND ASHLEY HUDSON

When your city embarks on a large project, public engagement and feedback are crucial for success. With the internet at our fingertips, a wider audience can be reached, and public input can be collected and analyzed more efficiently and accurately.

Geographic information system (GIS) engagement tools can give city leaders more opportunities to gain access to new information and gauge how projects are affecting their communities. These user-friendly GIS engagement tools are easily shared through a city’s project website, social media, and email.

Why GIS as an engagement tool? In our tech-savvy world, community-based projects need to have an online presence to effectively reach all demographics. GIS-based tools go one step further by enabling location-focused discussions.

These engagement tools allow community members opportunities to interact and get involved with the project. The more people use these tools, the more data can be gathered to fully understand the community.

Having the data in GIS format makes it easier to create graphics and maps quickly, allowing project leaders to make informed decisions. GIS engagement tools also provide a method to export, allowing you to retain the public input for required records retention and data practices purposes.

The tools needed to succeed
Using the right tool for the right project is critical, not only for the city’s time and money, but for its credibility. It gives city leaders the ability to stand behind their developed communication plans.

The community experts are the residents, workforce, and others who have an interest in your project. The right communication approach encourages their involvement in identifying issues and developing appropriate solutions.

The following tools are effective at collecting, analyzing, and distributing public input:

- **Esri GeoForm** is an application used to gather input on existing conditions within a community or project area. The customizable interface and tools allow users to add comments specific to a location and view previous comments, providing the ability to track trends.

- **INPUTiD™** is a GIS-based application that allows the public to provide comments specific to a location regarding design and construction staging alternatives. Users can like, dislike, and respond to previous comments, allowing trends to be tracked. The difference between INPUTiD™ and GeoForm is that INPUTiD™ offers the ability to upload improvement concepts and construction staging plans for residents to comment on.

- **Esri Story Map** is an interactive, online collection of supporting information that helps tell a community’s story. This technology allows embedding of multimedia resources and interactive input opportunities into an intuitive, scrollable, online interface. This can be customized with text, photos, videos, interactive maps, surveys, and other elements to suit the project and community needs.

- **Survey 123** is a customizable survey template hosted on the project website and emailed out to collect project-specific input. Survey results are then visually summarized in charts, infographics, and maps.

Technology enhancements have increased capabilities and efficiency, not only for collecting data but for putting it to use and summarizing it for public consumption. GIS engagement tools provide a critical voice for the public and others interested in your project, allowing them to have a hand in shaping their community’s future.

David Sandberg is a GIS specialist and Ashley Hudson is a planner/public engagement specialist with Bolton & Menk (www.bolton-menk.com). Bolton & Menk is a member of the League’s Business Leadership Council (www.lmc.org/sponsors).

Tools in action
The Dakota County-led Highway 70 project in Lakeville is expanding a two-lane divided highway into a four-lane divided highway providing connections to residential neighborhoods, industrial parks, businesses, and future high-growth areas. GIS engagement tools have been critical in collecting data through a wide range of demographics, while maintaining the data specific to the corridor’s location and summarizing it for public consumption.

The project team used INPUTiD™ to discuss issues and concerns with the public at the beginning of the project. In previous projects, the first public input received would be at an open house held months into the planning process.

Understanding issues prior to the open house equipped the team to facilitate a meeting prepared with potential solutions and information that addressed those issues.

When the City of Hopkins began working on its 2040 Comprehensive Plan, the project team developed a GeoForm to gather ideas from community members of what they wanted their city to look like in the future. The form and a corresponding map were used to identify redevelopment sites, community assets, transportation concerns, and places that needed improvements.

This was an effective way to gather a lot of input in an easy-to-manage format. The information was displayed in an interactive map.

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Liquidated Damages and City Construction Contracts

BY JAMES M. STROMMEN

Should your city include liquidated damages (LDs) in its construction contracts? It depends on the answers to these two questions: What purposes do the liquidated damages serve? And what harm would be brought to the city or its residents if the construction project is delayed?

LDs can be an effective contract term to protect the city if you take the time to evaluate these issues with your design professional before the bidding process begins. However, LDs are vulnerable to legal challenges if they are simply thrown into the contract without consideration of need and amount.

What are liquidated damages?

LDs are defined in the law as difficult-to-determine, estimated contract damages incurred because of a contractor delay in the project completion. They become an agreed-upon, pre-determined “liquidated” sum in the construction contract.

If the contractor fails to meet the substantial completion date—without an excused delay—then the contractor pays LDs to the owner. These LDs are a daily charge (that cannot be a penalty) that the contractor must pay for every day the project is delayed after the substantial completion date required by the contract. LDs must be included in the contract for the project at the time of bidding.

Sometimes LDs are imposed for delays in final completion—after the substantial completion date has been met. In other words, after the owner has use of the project but punch list items—such as adding another coat of paint or replacing broken lights—remain. For those situations, LDs are less supported in the law and often require a reduced per-day amount.

The use of LDs should be decided in advance of the advertisement for bids. The city manager/administrator and public works director should talk with the engineer or architect and decide whether to include LDs, and if so, the amount of the daily charge.

There are two common types of costs a city may incur when a construction project is delayed. One is quantifiable in estimated dollars. The other is unquantifiable and intangible public harm.

Quantifiable damages

Additional service charges by the engineer or architect are often necessary when the contractor is delayed. That is a common type of quantifiable damage, although other types of quantifiable damages can also be incurred by cities.

Those estimated costs can be a court-recognized basis for the LDs, provided the total LDs accumulated are not “greatly disproportionate” to the added cost of delay actually incurred by the owner (as stated in the 1959 Minnesota case Gorco Constr. Co. v. Stein, affirming earlier Minnesota case law). The reasonably required site supervision and troubleshooting needed when the project is delayed are valid costs that can form the basis for the daily rate.

LDs that continue to accumulate long after the site supervision has been discontinued may not be considered valid. Courts will look closely at the disparity and potentially void the LDs as “greatly disproportionate.”

This is particularly true when LDs are charged for a post-substantial completion delay. At that point, the city has use of the facility, but the contractor has punch list items necessary to finally complete the project. These city costs, and thus the LDs rate, should be lower than the pre-substantial completion LDs.

Unquantifiable, intangible damages

The second distinct form of damages caused by delays are intangible and truly unquantifiable public harm. For example, if the project is a repair or construction of a bridge, a delay in substantial completion carries a heavy toll of inconvenience to the public, loss of business in the city, and possible safety concerns.

These damages are recognized in the law as valid grounds for LDs and often carry a much higher LDs rate. The Minnesota Department of Transportation regularly carries this kind of public inconvenience component in its LDs.

Not all city projects create a public inconvenience or safety concern, or a threat of state agency penalties when completion is delayed. LDs cannot be based on a non-existent intangible cost. This issue must be evaluated at the time that you decide to include LDs in the contract, prior to advertising for bids.

Both the first and second types of damages may be combined in the LDs rate. If neither is present, LDs should not be used. LDs should be used only in proportion to what can be predicted as a cost.

For the post-substantial completion LDs, the same test should apply. If punch list items are not numerous or do not require supervision, or the public no longer has an inconvenience or safety risk from delayed final completion, LDs are questionable. LDs are appropriate and fairly compensate the city when they are carefully established and are not “greatly disproportionate” to the actual costs incurred.

James M. Strommen is an attorney with the law firm of Kennedy & Graven, Chartered (www.kennedy-graven.com). Kennedy & Graven is a member of the League’s Business Leadership Council (www.lmc.org/sponsors).
Focus on Small Cities

MnDOT Road Projects Help Two Small Cities Revitalize Downtown

BY TAD SIMONS

A decade ago, Parkers Prairie and Battle Lake were the sort of sleepy, side-of-the-highway towns that people tend to drive through and immediately forget. Located in Otter Tail County in west-central Minnesota, both cities had a state trunk highway running through town that also served as the main street, and both were hit hard by the recession.

Today, Parkers Prairie and Battle Lake are still small (population 1,011 and 931, respectively), but passers-by stop more often, new businesses have opened, residents regularly walk and bike into town, and everyone feels a little safer crossing the street.

One key factor contributing to these rebounds is a decision by both cities several years ago to use the Minnesota Department of Transportation’s (MnDOT) scheduled highway repairs as a catalyst for a wide range of community improvements. These upgrades included new bike paths, storefront renovations, professional landscaping, decorative light posts, public art, and many other new infrastructure developments.

“It depends on the community, but these projects often present a one-time opportunity to address several infrastructure needs at once,” says Brian Bausman, the MnDOT project manager behind the Parkers Prairie project. “We do lots of outreach. Starting five to six years out, we bring all the players together to talk about the possibilities, to let them know that there are grants and other funds available, and to help them coordinate a design plan.”

Reclaiming highway real estate

One important feature implemented in both Parkers Prairie and Battle Lake is what MnDOT calls a “road diet” for those state trunk highways going through town.

Highway engineers spent the 1950s and 1960s expanding the nation’s highway system to accommodate the growing number of cars on the road. Road diets are a way to reclaim some of that real estate by reducing or narrowing the number of lanes on a road, opening up more space for pedestrians and cyclists.

The most common form of road diet—the one used in Battle Lake—turns a four-lane road into a two-lane road with a left turn lane in the middle. Other forms, such as the one used in Parkers Prairie, narrow existing lanes to slow traffic and add more space for wider sidewalks, bike lanes, curb bump-outs, and other traffic-calming features.

Restriping roads in this way may not seem like a big deal, but it can have a dramatic impact on how motorists, cyclists, and pedestrians use the road, particularly when such projects are combined with a civic push to upgrade other local amenities.

More people stopping for lunch or gas means more money for local businesses. More residents walking and biking into town means more community interaction. Add artfully designed benches, eye-catching public sculptures, and planter boxes full of flowers—as Battle Lake has done—and suddenly “downtown” isn’t just a humble row of storefronts; it’s a “destination,” a place people want to go and visit.

Road diets also make roads—particularly the sort of four-lane trunk highway that cuts through Parkers Prairie and Battle Lake—considerably safer. Narrowing or eliminating lanes reduces both average vehicle speed and the number of variables that contribute to accidents, such as vehicles going at different speeds, changing lanes, and rear-end collisions while trying to turn.

These types of projects also often include sidewalk bump-outs to improve pedestrian sightlines, bike lanes to separate cyclists from motorists, clearer crosswalk striping, better lighting, and other safety features.

“It’s much easier to see pedestrians now, and more people are riding bikes, so we’re watching out for them too,” says Battle Lake City Clerk Val Martin. “You can really tell the difference.”

And in Parkers Prairie, where school kids and residents of the local senior home cross the highway every day, the safety improvements have been “wonderful,” says City Clerk Beth Wussow.

Catalyst for change

To make all of this happen, both Parkers Prairie and Battle Lake used MnDOT’s scheduled repaving of their main street to galvanize local residents in a community-wide effort to improve and beautify their towns. But they didn’t do it alone.

Both communities worked with MnDOT planners and PartnerSHIP 4 Health, a state-funded organization comprised of the combined public health departments of Becker, Clay, Otter Tail, and Wilken counties. As it happens, MnDOT
Focus on Small Cities

Downtown Battle Lake’s four-lane main street was reduced to two lanes plus a center turn lane.

road reconstruction projects offer cities an opportunity to maximize their development potential at minimal cost.

“Lots of Minnesota towns are located along these trunk highways, and the highway is the main drag,” says Patrick Hollister, a PartnerSHIP 4 Health advocate who worked on both the Parkers Prairie and Battle Lake projects. “MnDOT has these road improvement projects scheduled 10 years out, but I try to get involved at least four or five years out, because these things take a lot of planning,” says Hollister, who is currently working with citizens of Pelican Rapids to prepare for 2024 road reconstruction.

The Parkers Prairie/Battle Lake road projects were originally scheduled for a standard mill and overlay, for example, but both city councils petitioned MnDOT to upgrade their projects to a full reconstruction. In addition to road improvements and restriping, a full reconstruction opens the door for financial assistance to include such upgrades as new sidewalks, landscaping, and lighting fixtures, all of which are much cheaper if done in conjunction with a full reconstruction.

“When one of these projects comes up, and the timing is right, we talk to the cities and tell them that if they’re interested, they have a chance to make a real difference, to bring the community together, and to improve their town’s quality of life,” says Hollister.

Creating opportunities for economic development is also part of the appeal. “One point I like to emphasize is tourism. If they can make walking and biking more pleasant and safe, it helps tourism, which helps economic development,” he says.

Battle Lake’s economic revival

Battle Lake’s road reconstruction project coincided with a community vision and plan already in process that included a new 12-mile bike trail from Battle Lake to nearby Glendalough State Park.

Improved storefronts, planter boxes, and contributions from local artisans extended the vision. One local group decorated benches with colorful mosaic tiles. And Elk River sculptor Sue Seeger built a 14-foot-tall fish sculpture that resides at the end of a public alley now called the “Art Stream.” The alley includes outlines of sea life on the pavement, which children can color with chalk.

Combined, all of these efforts have resulted in a remarkable economic revival for Battle Lake.

(continued on page 20)
Focus on Small Cities

“Back in 2008, the town was in a panic,” says Dan Malmstrom, a local citizen and consultant who was instrumental in creating Battle Lake’s vision plan and led the grant-writing/fundraising effort necessary to get the Glendalough trail built. “The town was struggling economically, the schools were in decline, storefronts and businesses were in disrepair or closed,” Malmstrom says. “People were exhausted, and there didn’t seem to be any solutions.”

Battle Lake had a vision for itself, but no way to realize it. “Then the highway 78 overlay project came along, and it was a eureka moment,” he says. “Everything started to fall into place.”

MnDOT’s road diet reconstruction project and the Glendalough trail were finished in 2014. Since then, 22 new businesses have opened in Battle Lake, including several restaurants and a hotel. Tourism in winter has even improved.

“There used to be only one restaurant in town that stayed open all winter, and now there are four or five,” says City Clerk Martin.

Building on its success, Battle Lake’s next big project is its Hatchery Road development, which will transform an entire block into a public gathering place and the site of a new apartment complex downtown.

**A prettier Parkers Prairie**

In Parkers Prairie, safety and beautification were the main priorities. Pedestrian safety was improved through wider sidewalks and bump-outs compliant with the Americans with Disabilities Act, as well as a flashing crossing beacon where children regularly cross the highway on their way to and from school.

Working with MnDOT Landscape Architect Todd Carroll, city planners also redesigned the sidewalks to include brickwork patterns that reflect the façade of the historic town hall building. And a $10,000 grant through MnDOT’s Community Roadside Landscape Partnership Program allowed City Clerk Wussow to purchase 1,000 plants—prairie grasses, perennials, and several trees—which now line the town’s main boulevard.

“Because of our name, we wanted it to feel like a walk through the prairie, so there are lots of prairie grasses and wildflowers and lilies,” says Wussow. “We get a lot of compliments on how pretty it is now, and the brick pattern on the sidewalk ties it all together.”

Tad Simons is a freelance writer from St. Paul.

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Guiding Employees Through the Medicare Maze

BY LAURA KUSHNER

Given the “silver tsunami” of Baby Boomer retirements and the ever-changing health care market, cities may be getting an increasing number of complex questions from employees about post-retirement health care benefits such as Medicare.

Employers should avoid giving direct advice about benefit decisions; however, providing some guidance on post-retirement benefits is something employees often expect from their employers.

A few basic facts
Medicare is available to most people age 65 and over. Medicare Part A is hospital insurance, and Part B is medical insurance. These two types of Medicare are provided by the federal government.

Parts C and D can be purchased from an insurance company. Part C is known as Medicare Advantage. If you enroll in this plan, it transfers responsibility for administering Part A and B benefits to the insurance carrier and usually provides additional coverage.

Part D is a voluntary benefit that helps cover outpatient prescription costs. It can be included in a Medicare Advantage plan program or purchased on a standalone basis.

Enrollment decisions and HSAs
As benefit-eligible employees approach age 65, their decision to enroll in Part A and Part B depends on whether they are currently contributing to a health savings account (HSA) under a high deductible health plan (HDHP).

Employees who are not contributing to an HSA should enroll in Part A three months prior to their 65th birthday month. They can delay Part B until they stop working and lose employer coverage, allowing them to delay the cost of the Part B premium. They can also postpone their one-time “Medigap open enrollment period” until a later time, when they may want to purchase this type of coverage.

They will not pay a penalty for delaying Medicare beyond age 65 if actively employed and covered under a group health plan. When active coverage ends, they will have an eight-month special enrollment period window to enroll in Medicare without penalty. Ideally, they’ll want to plan ahead and enroll in Part B at least a month before their employer coverage ends, so they don’t have a gap in coverage.

Employees who do have an HDHP and are contributing to an HSA won’t be able to contribute to their HSA if they enroll in Medicare Part A and/or Part B. If they would like to continue making contributions to their HSA, they can delay both Part A and Part B until they stop working and lose that employer coverage. (However, claiming social security benefits automatically triggers Part A enrollment without exception). They will not pay a penalty for delaying Medicare, as long as they enroll within eight months of losing their active coverage.

Delaying Medicare
Employees who qualify for premium-free Part A and choose to delay Medicare Part A beyond their Initial Enrollment Period (age 65 for most), their Part A coverage will go back (retroactively) up to six months from their sign-up. So, they should stop making contributions to their HSA six months before enrolling in Part A and Part B (or apply for Social Security benefits to collect retirement benefits while still working).

An employee delaying Medicare Part A and/or B in order to stay enrolled on a group health plan should also make sure their group health plan’s prescription drug coverage is considered “creditable,” meaning the plan meets minimum Part D requirements. If not, they could face a penalty in the future.

Deciding what coverage is needed
Experts generally recommend that an employee make a list of medical benefits important to them, and then request information packets from a variety of Medicare health plans. It also may be helpful to ask family and friends about their coverage.

The employee’s level of risk tolerance and overall assets may also play into the decisions. Can the employee cover his or her own prescription costs, deductibles, and copays? How much are the premiums for various types of coverage? Does the employee prefer a “safety net” of more insurance and less out-of-pocket cost?

Medicare options are not a “one-size-fits-all” solution; it requires an analysis of the employee’s overall financial and health situation. The employer should strive to provide helpful, factual information to employees, along with informative resources to enhance the city’s reputation as an employer of choice in today’s competitive job market.

On the web
The League of Minnesota Cities has partnered with Arthur J. Gallagher & Co. to provide more details on Medicare benefits and enrollment at www.lmc.org/medicareFAQs.

Laura Kushner is human resources director with the League of Minnesota Cities. Contact: lkushner@lmc.org or (651) 281-1203.
Court: State Law Does Not Preempt City’s Minimum Wage Ordinance

**MUNICIPAL LAW**

**Preemption of local authority**

Graco, Inc. sought a declaratory judgment in district court that the City of Minneapolis’ Minimum Wage Ordinance, which generally mandates that employers pay minimum wages higher than those state law requires, is invalid because state law preempts it, under both a conflict and implied-preemption analysis. Graco also sought a permanent injunction prohibiting the city from enforcing the ordinance. The district court issued two orders favorable to the city. The first denied the request for a temporary injunction. The second denied the request for a permanent injunction and dismissed the claim. The Minnesota Court of Appeals affirmed the district court’s decision and held that a municipal ordinance that sets a higher minimum wage than that required by state law does not conflict with and is not impliedly preempted by the Minnesota Fair Labor Standards Act. Graco, Inc. v. City of Minneapolis, N.W.2d (Minn. Ct. App. 2019). Note: The League of Minnesota Cities filed an amicus curiae brief in the city’s support. Graco, Inc. has filed a Petition for Review with the Minnesota Supreme Court.

**LAND USE**

Nonconforming uses

AIM Development, LLC specializes in the demolition of structures and metal recycling. AIM currently owns a landfill in the City of Sartell that previously operated as a landfill for a paper mill and that was operating as a nonconforming use when AIM purchased the property in January 2013. The property’s previous owner had received a permit in 1984 from the Minnesota Pollution Control Agency (MPCA) to construct and operate an industrial solid waste land disposal facility on the property. The 1984 permit provided for a 70-acre site, and only authorized the deposit of nonhazardous industrial waste. In 1989, the city amended its zoning ordinance, making nonhazardous landfills a nonpermitted use of the land where the landfill was located. The landfill continued to operate as a legal nonconforming use, collecting waste generated exclusively in conjunction with the paper mill’s operation.

When AIM purchased the property in 2013, the MPCA transferred the property’s permit to AIM, providing that the facility could only accept certain types of waste, and that no waste from any location other than the paper mill could be deposited in the landfill. In January 2014, AIM applied to the MPCA, seeking authority to deposit waste generated from operations outside the site. The city objected to AIM’s application, and a dispute arose between AIM and the city regarding whether AIM could accept waste from outside sources. The district court granted summary judgment in the city’s favor. The Minnesota Court of Appeals affirmed the district court’s decision and held that “AIM’s proposed expansion of the landfill constitutes an impermissible expansion of the prior nonconforming use.” The Court of Appeals reasoned that a landowner’s right to continue the prior nonconforming use is determined by the uses allowed under the terms of the permit transferred to the landowner at the time the property is purchased. AIM Development (USA), LLC v. City of Sartell, N.W.2d (Minn. Ct. App. 2019). Note: The League of Minnesota Cities Insurance Trust represented the city. AIM has filed a Petition for Review with the Minnesota Supreme Court.

**LAND USE**

Annexation

In January 2013, the City of Duluth and Midway Township executed an orderly annexation agreement, as authorized under state law. The agreement designated certain land in Midway Township as the orderly annexation area and adopted conditions regarding Duluth’s annexation of land in this area. Midway Township abuts both the cities of Duluth and Proctor. In August 2014, Proctor adopted an ordinance seeking to annex property within the orderly annexation area, based on the property owners’ petition. Proctor adopted an ordinance seeking to annex property within the orderly annexation area, based on the property owners’ petition.
annexation agreement. In October 2016, the chief administrative law judge for the Office of Administrative Hearings issued an order that approved Proctor’s annexation by ordinance. Duluth and Midway Township appealed.

The district court vacated the order, concluding that once property is subject to an orderly annexation agreement, it cannot subsequently be annexed by ordinance. The Minnesota Court of Appeals reversed the district court’s decision and held that a nonparty to an orderly annexation agreement may annex real property within a designated orderly annexation area through an annexation-by-ordinance proceeding. The Minnesota Supreme Court affirmed the Court of Appeals’ decision and held that an orderly annexation agreement does not preclude an otherwise lawful annexation by ordinance by nonparties to the agreement. In re the Matter of the Annexation of Certain Real Property to the City of Proctor from Midway Twp., N.W.2d (Minn. 2019).

**CIVIL FORFEITURE**

Procedural due process
Megan Olson was arrested for driving while impaired (DWI) on Aug. 16, 2015. Because of past convictions, she was charged with first-degree DWI, which is a “designated offense” under Minnesota Statutes, section 169A.63, a statute authorizing the civil forfeiture of vehicles used in certain criminal offenses. Forfeiture laws generally give the state the right to seize property associated with crimes and assume its ownership. Police seized the vehicle Megan was driving. Megan was the vehicle’s primary driver, but her mother, Helen Olson, is its registered owner. The state notified both Megan and Helen of its intent to forfeit the vehicle.

On Oct. 7, 2015, the Olsons filed a timely demand for a judicial determination of the proposed forfeiture. The forfeiture trial date was rescheduled six times, pending the outcome of Megan’s related criminal matter. The forfeiture statute provides that a judicial determination must be held “at the earliest practicable date, and in any event no later than 180 days following the filing of the demand by the claimant.” But it also provides that, if “a related criminal proceeding is pending, the hearing shall not be held until the conclusion of the criminal proceedings.”

On Oct. 12, 2016, Megan pleaded guilty to first-degree DWI. On Oct. 14, 2016, the Olsons made a motion for summary judgment in the forfeiture action, claiming a violation of their constitutional right to procedural due process under the U.S. constitution.
and Minnesota Constitutions. A forfeiture hearing took place on Feb. 23, 2017. The district court granted summary judgment in favor of the Olsons, concluding that the statute did not provide for meaningful review after a prehearing vehicle seizure, and, therefore, was unconstitutional on its face (unconstitutional in every application). The Minnesota Court of Appeals affirmed, ruling that the statute was not unconstitutional on its face, but was unconstitutional as applied in this situation because Megan and Helen were denied prompt, post-deprivation judicial review of the forfeiture for over 18 months.

The Minnesota Supreme Court affirmed the Court of Appeals’ decision in part and reversed it in part. The Supreme Court held that the statute is not unconstitutional on its face because it could provide adequate due process in some cases. The Supreme Court also concluded that the statute, as applied here, provided adequate due process to Megan Olson, as the nonowner driver of the vehicle, but did not provide adequate due process to Helen Olson, as the vehicle’s alleged innocent owner. Finally, the Supreme Court concluded that the vehicle should be returned to Helen Olson. *Olson v. One 1999 Lexus*, 924 N.W.2d 594 (Minn. 2019).

**WORKERS’ COMPENSATION LAW**

**Minnesota Human Rights Act claim**

Keith Daniel worked as a firefighter for the City of Minneapolis for 14 years and had several work-related injuries, including injuries to his right ankle and to his shoulders. Daniel sued the city under the Minnesota Human Rights Act (MHRA), even though he had received workers’ compensation benefits for his injuries. In the suit, he alleged that while he was working for the Fire Department, the city had discriminated against him by failing to accommodate his disability and by retaliating against him for seeking an accommodation. Daniel’s requested accommodation was to wear doctor-prescribed flat footwear that was different from the department-required station shoes with heels.

The city moved for summary judgment, arguing that Daniel’s claims were barred by the exclusivity provision in the Workers’ Compensation Act. The district court denied the city’s request for summary judgment. The Minnesota Supreme Court reversed the Court of Appeals’ decision and held that an employee can pursue claims under both the Workers’ Compensation Act and the MHRA, reasoning that each act provides a distinct cause of action for a different type of injury. *Daniel v. City of Minneapolis*, 923 N.W.2d 637 (Minn. 2019).

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 Process for Changing City Council Salaries?

**Council Salaries**

Q Our city council is interested in changing the pay for councilmembers. How can they do this?

LMC Cities of the second, third, and fourth class (cities under 100,000 in population) must set council salaries by ordinance, pursuant to Minnesota Statutes, section 415.11. However, a change in council pay will not be effective until after the next municipal election, regardless of when the ordinance is adopted. The council may choose to adopt an ordinance reducing the pay of councilmembers to be effective prior to the next municipal election. To reduce pay prior to the next municipal election, the council will need to adopt a temporary salary reduction ordinance. The temporary salary reduction ordinance will be effective for 12 months, unless the council provides for another time in the ordinance. For more information about council salaries, see the LMC Handbook for Minnesota Cities, Chapter 6, page 23 at www.lmc.org/council.

Answered by Research Attorney Quinn O’Reilly: qoreilly@lmc.org

**Employee Computer Use**

Q Can the city electronically monitor how employees are using their work computers, such as website browsing history, email, and document folders?

LMC Several privacy laws could come into play when a city wishes to monitor employee computer use. A best practice is to develop a written policy informing employees that computers and related equipment used by city employees are the property of the city. The policy should also reserve the city’s right to inspect, without notice, all data, emails, files, settings, or any other aspect of a city-owned computer or related system, including personal information created or maintained by an employee on the city’s computers or related systems. Finally, the policy should provide the names of individual(s) within the city who can authorize and conduct inspections of employee computer use.

It’s important the policy is completed prior to the monitoring taking place. Proper security is also important; usage logs are not helpful if you can’t prove who is using a computer when a policy violation occurred. Two final cautions—using system logs to hold an employee accountable is difficult; good supervision and oversight are generally better methods. Even with a well-written policy, it’s a good idea to check with your city attorney prior to monitoring. For help with creating a computer use policy, see the LMC model policy at www.lmc.org/computerusepolicy.

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

**Land Use**

Q We have an application for a variance, but the applicants’ two neighbors are strongly opposed to the variance. How much weight should we give neighborhood concerns when considering the variance?

LMC Neighborhood opinion alone is not a valid basis for granting or denying a variance request. While city officials may feel their decision should reflect the overall will of the residents, the task in considering a variance request is limited to evaluating whether enforcing the zoning ordinance would cause “practical difficulties” for the landowner. For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties. Residents can often provide important facts that may help the city in addressing these factors, but unsubstantiated opinions and reactions to a request do not form a legitimate basis for a variance decision. If neighborhood opinion is a significant basis for the variance decision, the decision could be overturned by a court. Learn more about variances from the LMC memo at www.lmc.org/variances.

Answered by Loss Control Manager Rachel Carlson: rcarlson@lmc.org

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Do Data Retention Requirements Apply to Social Media?

BY KYLE HARTNETT

Social media platforms have become a very popular way for cities to communicate and interact with residents. They are great tools for increasing community engagement, but how should cities deal with the data that is created on social media?

Ultimately, data created on social media is government data and—just like any other government data—it must be classified and maintained in a way that is consistent with your city’s data retention schedule.

**Government data vs. government records**

There is a difference between government data and government records under Minnesota law.

Government data is defined by Minnesota Statutes, section 13.02 as any “data collected, created, received, maintained, or disseminated [by a city], regardless of physical form, storage media, or conditions of use.” Under this definition, all posts and information produced on a city-run social media platform are considered public data, and the city must provide access to the data if requested under the Minnesota Government Data Practices Act (MGDPA).

For example, if someone requests social media posts on a particular topic, the city would need to provide that information, just like it would for any other public data request.

Government records, on the other hand, are broadly defined as all data, regardless of physical form, made or received pursuant to state law or in connection with the transaction of public business. Under this definition, most social media posts would not be considered government records.

**Retention of data and records**

Cities must preserve government records based upon their administrative, legal, fiscal, and historical value. The specific length of time any record must be maintained depends on the information contained and the records retention schedule adopted.

Most Minnesota cities have adopted the General Records Retention Schedule for Minnesota Cities (often referred to as the City Retention Schedule), which was adopted by the Minnesota Clerks and Finance Officers Association and approved by the Minnesota Records Disposition Panel. This retention schedule classifies how long data and government records must be maintained—and it applies to social media data.

When classifying social media data, cities must determine if a specific post or interaction is a government record. If it is indeed a government record, then it must be maintained in accordance with the city’s records retention schedule.

Cities are required under the Minnesota Records Management Act (Minnesota Statutes, section 138.17) to adopt a schedule establishing the time frames for retention and disposal of public records. As noted above, most cities have adopted the General Records Retention Schedule for Minnesota Cities, but they can choose to adopt a different schedule. If they adopt a different schedule, it must be approved by the Records Disposition Panel prior to disposing of any records.

If a city has not adopted a schedule, it must maintain its records indefinitely. A city should notify the Minnesota Historical Society if it makes changes to its current retention schedule or is adopting one for the first time.

**So, what does this mean for social media?**

Most posts and messages on a social media platform are of short-term interest, which means they are considered incidental and non-vital correspondence under the City Retention Schedule. As such, these posts need to be maintained only until they are read.

If a city, however, transacts business through a social media platform, data related to the transaction would be considered a government record and would need to be maintained in accordance with the applicable retention schedule. For example, if a city allows residents to submit applications for a city committee or to pay utility bills through a social media platform, that data would be deemed a government record and must be maintained.

Keep in mind that the data retention rules only apply to a city’s official record copy of any document. Duplicate copies of government records placed on social media do not have to be retained pursuant to the City Retention Schedule.

Likewise, a government record created on a social media platform can be retained on another platform such as a city database or in paper files. If the record in its new form is considered the official record, the duplicate copy located on the social media platform may be deleted. Cities should analyze how their social media sites are being used and determine if they are creating government records.

Kyle Hartnett is a research attorney with the League of Minnesota Cities. Contact: khartnett@lmc.org or (651) 215-4084.
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Cottage Grove Program Increases Employee Morale

BY MARY JANE SMETANKA

Jim Fohrman has enjoyed his 20-plus years working for the Parks Department in the City of Cottage Grove, but he admits to occasional restlessness. Would it be more challenging or interesting or lucrative to work in the private sector?

Each time he explored his options, the variety he liked so much in his city job as a parks field supervisor trumped outside choices. More recently, professional development offered by the city cemented his decision to stay put, and he was promoted earlier this year to parks working foreman.

“Because the training was offered through my employer, as a professional and as a person, it [told me I’m] not just a number,” Fohrman says. “They want to give you opportunity for growth, and that’s part of the reason I’m still here.”

Improving employee morale

Concerned that the city could lose talented employees who feel they have limited chances for advancement in government, Cottage Grove in 2017 started in-house training programs for mid-level managers and for newer employees and those who dealt directly with the public. The city also changed its staff recognition program to make it more personal and to build connections between those who work for the city.

“We want them to see public service as a career aspiration, that they can build a career here and don’t have to go to the private sector,” says City Administrator Jennifer Levitt. “We got to the point where we felt we were exporting a lot of our talent.”

The programs were formed after the City Council in 2016 made training and development for city employees a strategic goal. Levitt says that resolution followed concerns that the city’s internal culture needed to change, that employees needed to work more collaboratively, and that they needed to know they were valued.

“We wanted increased morale,” Levitt says. “When you’re trying to recruit new talent, the city’s reputation matters. We wanted employees to be valued and grow and try new things, and we wanted people to want to work for us.”

Training program structure

The programs were developed in-house, with city management staff doing most of the teaching, which helped keep costs down. The Management and Leadership Academy, which provided monthly 90-minute sessions for nine months, was aimed at middle managers.

Levitt says the 16 participants were a diverse group, including people like fire department staff aspiring to be captains and police officers who wanted to advance to sergeant.

City department heads gave presentations and assigned readings and homework. Topics included strength-based leadership, ethics, policies related to human resources, accountability, the city budget, presentation skills, and how good leaders can make everyone smarter.

Discussion was a key element in classes.

Broadening employee skills

Christine Costello, who came to Cottage Grove three years ago as economic development director, was one of the students in the first leadership academy. A 15-year veteran of government work, her duties in Cottage Grove have recently expanded and she is now acting community and economic development director.

The class helped broaden her skills, she says. While college gave her the basic knowledge to start work in her field, “it’s on the job where you learn your strengths and even weaknesses, and how to improve on those.”

Training about how the city develops and deals with budgets, how to give a performance evaluation, and how to improve supervisory skills was extremely useful, Costello says.

“For the city to take time to give you that is so appreciated,” she says. “It taught me what I’m good at, and what I need to work on. That city and management is willing to invest in me is huge.”

Fohrman was also in the leadership class. With his promotion, his duties will become more managerial. He says the classes helped him prepare for that and made him think about how he interacts with people.

One session that stayed with him centered on personality and individual
strengths. After reading a book on the subject and taking a test that told participants more about their own characteristics, including strong and weak points, the group talked among themselves to get a sense of where they fell on the personality spectrum.

"Some were the opposite of me," Fohrman says. "I’m not going to be perfect, but there is a way I can work with them and do that better. It’s given me the ability to deal with situations better and look at something from multiple perspectives.”

**Students become teachers**

Fohrman, Costello, and other veterans of the management class then taught the Learning to Lead program, which is for more junior employees and those who work directly with the public. Among the 16 students were secretaries, technicians who work with permitting, firefighters, and staff who work at front desks.

The classes gave participants basic information about city functions, including how budgets work, and discussed personal skills like communicating, working in customer service, dealing with different types of people, and playing to personal strengths.

Specific exercises included how to manage something like a conversion to new software and, for a firefighter, how to build the case for purchase of a specialty piece of equipment and make that proposal to the City Council.

Fohrman presented on the topic of project management in a Learning to Lead session. With the city engineer, he taught a session that centered on planning and building a fitness playground. The class talked about timelines, goals, and practical considerations, and extended the discussion to software system replacement to make it more pertinent to office staff.

Fohrman was a bit uncomfortable at first with the idea of teaching, but to his surprise, he enjoyed it. "It was interacting with people on a different level," he says. "We shared expertise, and it was nice to [get to know people] you’ve worked with at a distance.”

Costello taught newer and front-line employees about communication skills, focusing on the reality that while some members of the public come to City Hall in a good mood, others may be testy. Often city employees have to give people an answer they may not want.

"I talked about how you explain a situation and the reasoning for it,” Costello says. "You’re not taught those personal soft skills [in college]. People appreciated it.”

As for herself, she says she felt "kind of privileged that they put the trust in me" to teach the class. "I had no idea I’d end up in public service, but it’s been exciting and challenging. Sometimes government jobs have a certain reputation, and I’m happy to say most of that’s not true. We are friendly, and we want to help people.”

**Employee appreciation**

With about 135 full-time employees, not everyone working for Cottage Grove will take those classes. To broaden recognition for employee service, the city started an annual appreciation breakfast or dinner (depending on work schedule) for all city employees. Managers dish out the food, pour drinks, and clear tables.

To further build unity and understanding about everything that Cottage Grove does, the city runs hour-long “pop-up events” where individual departments host other city employees and show what they do. The Parks Department offered tours of the Ice Arena with free popcorn and a chance to drive a Zamboni.

Community development had ice cream sundaes and a preview of construction and development projects.

On the web

For more city news, visit www.lmc.org/citynews.

The two training classes will be offered again this fall, and Levitt thinks they will continue “until employees don’t find benefit in it.”

“Our employees matter. We provide better service to the community and residents when we increase morale in the organization,” Levitt says. “That ripples down to everything we do and how we do it. It matters.”

Mary Jane Smetanka is a Minneapolis-based freelance writer.

Employees work on a written exercise during a Learning to Lead training session.

Police had two officers talk about how they cracked a murder case. About 50 people attended the police session, where doughnuts were served.

The department show-and-tells have been popular. “We haven’t run out of material yet,” Levitt says. “I think we have a better sense of camaraderie when we see what other people are doing and the jobs they perform and how everyone is bringing value to the community.”

She says feedback on all the programs has been overwhelmingly positive. While she has no firm numbers on whether the programs have improved employee retention, Levitt says her impression is that gifted people are staying with the city once they see how they can grow in the organization.
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