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C I T I E S
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Making Our Mark on Washington

BY DAVID UNMACHT

I remember my first organized (non-family vacation) visit to Washington, D.C. I was a junior in college on a trip with my political science classmates and a professor who served as our driver and tour guide. The year was 1980, and I was an awe-struck kid fascinated by the mystique of the majestic buildings and marble halls of Congress. Little did I know that this trip to the nation’s capital was the first of many I would take as my career progressed.

I took my first business trip to Washington when I was the city manager of Prior Lake. I went with city, county, and transportation colleagues to lobby for money for the construction of a new U.S. Highway 169 Bloomington Ferry Bridge.

Through the years, my trips to D.C. have varied in length, purpose, and policy objectives. Yet all but one recent baseball-related trip with my sons were for business and centered on meetings with federal administration officials and elected representatives. Treks through the halls of the Capitol Building have become more commonplace and the mystique has been replaced by a healthy dose of reality.

I frequently talk about how important the National League of Cities (NLC) is to state municipal leagues across the country. NLC CEO/Executive Director Clarence Anthony routinely reminds us that NLC is to state leagues as state leagues are to cities. NLC is the voice of cities in Washington, just as LMC is the voice of Minnesota cities in St. Paul.

Yet, as our members know, we do not work alone; the League’s success is a direct result of many city officials participating in and leading advocacy efforts with League staff and other city-based groups and coalitions. The same is true in Washington. NLC is only as effective as its members’ investment, involvement, and engagement at the federal level. Our federal and state representatives truly enjoy hearing from mayors, city council members, and city staff.

To pronounce that there is a lot going on in Washington may be a massive understatement. There is always a lot going on in Washington (and St. Paul). Yet, this time around it feels different, and my peers and colleagues agree. The push for pre-emption and the negative political discourse manifested by very divided political parties are distinct in my lifetime.

That’s why the LMC Board of Directors adopted its first formal federal advocacy work plan in February 2017. Several months ago, that plan was updated and adopted by the Board for a second consecutive year. To be fair, the League has been active with NLC and engaged at the federal level for many years. We have had city officials serve on policy committees and boards, and attend and participate in many Washington, D.C. events. In fact, former St. Paul Mayor Chris Coleman was recently president of NLC. The distinction—and it’s important—is that now we are more deliberate and intentional with an adopted set of policy objectives within a more defined strategy.

The League’s federal policy priorities are pertinent to nearly all Minnesota cities, and we recognize and understand what effect one voice among thousands can have in the overall federal rule-making and legislative process. The policy priorities we have chosen for this year might be familiar to you: local decision-making authority; transportation; broadband; water and wastewater; and sales tax on online purchases. It is not a coincidence that these essentially mirror state legislative priorities.

Our goal in 2018 is to increase LMC influence on federal issues that impact Minnesota cities. With LMC Intergovernmental Relations Representative Ann Lindstrom as our point person, and with strong support from Board members, administration, and other departments, we have three primary strategies guiding our work: (1) Inform member cities of federal issues impacting Minnesota cities; (2) Create and strengthen relationships with congressional delegation and staff; and (3) Coordinate federal advocacy efforts with NLC policy committees and NLC staff.

For more than 104 years, the League has made a difference at the Capitol in St. Paul. We’ve now opened the door to the marble halls of the U.S. Congress a bit wider. On behalf of the League Board, I invite you to join with other city officials to walk through them, and help us advocate for Minnesota cities at the federal level.

Note: To learn more about the League’s federal advocacy efforts, see page 8.

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.
Become an AIS Detector

Aquatic invasive species (AIS) attack Minnesota’s waterways and all that these beloved resources have to offer. To fight the spread, the University of Minnesota Extension and the Minnesota Aquatic Invasive Species Research Center are developing a network of trained “AIS Detectors” who will help with education and reporting efforts in their own communities. Find out more about training to become an AIS Detector at www.maisrc.umn.edu/ais-detector.

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It’s time to order your 2018 Directory of Minnesota City Officials! Get the only resource that includes the information you need on all 853 Minnesota cities, including names of elected officials, key staff members, and department heads; city hall address, phone number, email, and website; council meeting times; election year; and population. Plus, this handy desk reference includes listings of League staff, counties, legislative and congressional members, and more! Get your copy now for only $69. For more information and an order form, visit www.lmc.org/directory.

Duluth Encourages Residents to Preserve Historic Housing

The City of Duluth is testing a pilot project to encourage more residents to restore and maintain the architectural character of historic housing stock. Historic and architecturally significant properties can sometimes be seen as a burden by homeowners who may not have the financial resources or expertise needed to bring obscured cornices, tired towers, and loose floorboards back to life. By waiving a portion of city building permit fees and seeking state funding for matching grants, the city will see if it can shift attitudes and convince property owners to transform creaky old-timers into the healthy housing stock of the future.

Virtual Hike of the Appalachian Trail

Minnesotans who are patrons of the City of Dodge Center Public Library took a virtual adventure this spring along the Appalachian National Scenic Trail—a trail spanning 2,200 miles that connects the Chattahoochee National Forest in Georgia to Mount Katahdin in Maine. Library Assistant Wendy Kenworthy launched the project after studying data about the region’s biggest health concerns, which are related to obesity. To encourage the community to get moving and have some fun, patrons were encouraged to submit their own step counts being walked right here at home (remember those New Year’s resolutions?).

Library staff took the submissions and cumulatively tracked the library’s progress along the trail. The library also hosted events featuring books and movies about the trail. Kenworthy said they have had more than double the number of hikers as anticipated, and even reached the end of the trail and decided to “turn around” only two months into what was to be a year-long project. Now a summer challenge is in the works. Check out Dodge Center’s progress at https://dodgecenter.lib.mn.us/virtual-hike.
Women in Municipal Government (WIMG), a constituency group of the National League of Cities (NLC), is hosting its Summer Conference May 30–June 2 in Atlanta, Georgia. The theme of this year’s gathering is “Women Empowering Change.” Attendees will have the opportunity to develop governance and leadership skills, and participate in discussions about local government trends as well as current events such as the “Me Too” movement. Mary McComber, mayor of Oak Park Heights, Minnesota, is immediate past president of WIMG. For more information, visit www.nlc.org/event/2018-wimg-summer-conference.

Detroit’s Chief Storyteller

The City of Detroit, Michigan, recently appointed a chief storyteller. The task of the chief storyteller, Aaron Foley, and his team of writers is to tell the stories of residents in a way that captures the character and nuance of the city’s many neighborhoods that is sometimes missing from local and national narratives. Stories are posted on a website and distributed on the city’s social media and cable channels. See stories at www.theneighborhoods.org/stories. Learn more about the position, and why the city created it, on The Guardian website at http://bit.ly/2gCG84j.

Connecting Small Businesses and the Web

Local businesses now have a chance to establish a page on the City of Winthrop’s website as part of a business directory. An overhaul of the city’s website, www.winthropminnesota.com, now features not only the city, but also the economic development authority and the chamber of commerce in a cohesive branding effort. To help business owners add a logo, pictures, a location map, and basic information, the city held events at the RS Fiber Innovation Center.

The directory gives businesses a chance to have a web presence if they don’t already, said City Administrator Jenny Hazelton, and businesses that do have a site can still be represented on the city directory and link to their own site. “When people look up Winthrop, they want to know what we have here,” said Hazelton. “This is updating our web presence to the world.” Check out the business directory at https://bd.winthropminnesota.com.

On the web

Learn more about these and other events at www.lmc.org/events.

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Does Your City Have Summer Hours?

**CALVIN PORTNER**

**CITY ADMINISTRATOR**

**ELK RIVER (POPULATION 24,368)**

Judging by the amount of traffic passing through Elk River on a typical Friday afternoon in summer, it is obvious Minnesotans value their cabin country weekends.

In fact, many of our residents have indicated they chose to live in Elk River to better beat the traffic as they head out of town for the weekend.

**Considering alternative hours**

In 2012, the Elk River City Council identified a goal to complete an evaluation of alternative office hours for City Hall office staff. The intent was to save building operation costs and enhance customer service with more resident-friendly hours.

Our City Hall employees shared an interest in considering a change to summer work hours, as our public works employees have had a summer schedule for a number of years coinciding with daylight saving time.

**Trial started in 2013**

Our summer office hours are in effect from Memorial Day to Labor Day. During this period, our office hours are 7:30 a.m. to 5 p.m. Monday through Thursday. On Friday, City Hall is open 7:30 a.m. to noon, with staggered employee schedules to ensure all customer service windows are open without overtime costs. The rest of the year, City Hall is open 8 a.m. to 4:30 p.m.

The City Council adopted the policy on a trial basis in 2013, with staff directed to seek resident and visitor feedback throughout that summer. We generally don’t have a lot of resident City Hall traffic. However, those who do need to come in said they like the opportunity to stop in before or at the end of their own workday during the summer.

**Positive feedback**

In 2014, the Council was satisfied with the survey results and feedback received, so they continued the summer hours program, which is still in effect today.

Employee feedback about summer hours has been very positive. Work tends to be slow on Fridays in the summer, so employees like being able to take off early and have a little more time to enjoy the weekend. In addition, employees said they don’t mind working later Monday through Thursday because summer days provide enough daylight for weeknight activities.

Overall, both residents and employees seem to appreciate the summer schedule. It has worked well for Elk River, and we plan to continue it.

---

**ERIC HOVERSTEN**

**CITY MANAGER**

**MOUND (POPULATION 9,371)**

The City of Mound has exercised a summer schedule at City Hall for as long as anyone on the administrative staff can remember. Our city sits on the western side of beautiful Lake Minnetonka, so you might think this seasonal adjustment is all about letting employees enjoy our amazing lake. While that is a perk, the change is really more about customer service.

Our schedule change actually happens more in line with when we change our clocks for daylight saving time. From May to October, City Hall is open 7:30 a.m. to 5 p.m. Monday through Thursday, and 7:30 a.m. to 11:30 a.m. on Friday. The rest of the year, it is open 8 a.m. to 4:30 p.m. Monday through Friday.

**Schedule aligns with customer needs**

Much of the summertime customer service we provide is related to the various forms of outside activity and work that are unique to the summer season. With the warmer temperatures and longer daylight hours, contractors often start work at 7 a.m., and work as late into the day as possible.

As the week goes on, contractors begin to hit their overtime thresholds, and we have a slowdown in client interactions come Friday afternoon. We complete our 40-hour week about the time on Friday that most of our clients are shifting into weekend mode.

**Nice for employees, too**

Our administrative staff is too small to break into offset shifts to cover more of the clock, so we find that the swing into a summer-hour schedule is a very efficient way to meet the community needs.

And many of the employees find this to be an enjoyable feature of our summer workload as well. It gives them a chance to get a head start on the weekend.

**Possible extension to public works**

Our public works bargaining unit has recently asked to somewhat mirror this, except using a “4-10s” schedule, with Friday or Monday off, spread across individual team members. We are seriously considering it since it extends our ability to address public works issues to 50 hours per week, without any overtime. It does not increase the total labor hours worked by the team, but spreads them further across the week.

This would be another win-win situation. While keeping service to the community our top priority, it also gives employees an opportunity to enjoy an extended weekend.
In the hubbub that is the nation’s capital, the League of Minnesota Cities (LMC) is trying to make sure the concerns of our state’s municipalities are heard at the federal level.

The timing is right for that, says LMC Executive Director David Unmacht. Many of the most pressing issues that Minnesota cities face at the state Legislature, like how to improve transportation and water infrastructure, are affected by decisions in Washington. And it’s inefficient for all cities to try to lobby for themselves when the League has the knowledge and resources to provide leadership and support for issues common to municipalities across the state.

“We have the opportunity to do more at the federal level without it being a costly or overreaching program,” Unmacht says.

“It takes time, and it takes effort, and the size of the federal government is so large and complex, but the League has the ability to coordinate resources, facilitate conversations, and advocate for our members’ interests,” he adds. “The League can speak really well for cities as a group. Since we are early in our efforts, our immediate focus is on building relationships, communications, and awareness.”

Federal legislative priorities
When the League surveyed member cities last year on their priorities at the federal level, about 80 cities responded. The top areas of interest were infrastructure and transportation funding, and opportunities for grants and federal aid.

The League is focusing on five areas that affect most Minnesota cities:

- Securing adequate and reliable transportation funding to cities for local projects.
- Reinforcing the importance of local decision-making authority.
- Closing the online sales tax loophole and allowing state and local governments to collect those taxes.
- Preserving the rights of cities to manage rights of way and siting of wireless facilities.
- Increasing support and funding for wastewater and drinking water infrastructure.

Gathering in Washington
In March, Unmacht, other LMC staff, and about 60 representatives of Minnesota cities attended the National League of Cities (NLC) Congressional Conference in Washington. On the meeting’s
final day, they set out to strengthen Minnesota cities’ ties to their congressional delegation.

In a whirlwind day, groups of LMC staff and Minnesota city officials from across the state met individually with Sens. Amy Klobuchar and Tina Smith; Reps. Rick Nolan, Keith Ellison, and Betty McCollum; and staff for Reps. Jason Lewis, Tom Emmer, and Erik Paulsen.

LMC President Jo Emerson, the mayor of White Bear Lake, was on the trip and said the visits went well. “They need to hear our stories; it puts a face on issues. It reminds them that they are working for us. That’s why I think this is a good move,” she says. “The issues that we stressed are those that basically help all cities. I think they understand that Greater Minnesota and the metro are intertwined.”

Loss of local control, or pre-emption, is a particular concern for city officials. In the Minnesota Legislature last year, more than 30 bills proposed to remove or limit city control over issues like worker benefits, garbage collection, and procedures used to determine local taxes. While just two of those bills passed, some have returned this year along with new pre-emption proposals. This trend toward overruling cities at the state and federal level is frustrating and scary for city officials, Emerson says.

“I’ve told both state and federal representatives that we balance our budgets, we get our projects done, and we need the authority to do and complete them,” she says. “If you start chipping away at our authority, why do you need a city?”

Early plans for the League’s federal advocacy

The League’s action plan for this year is to keep cities and LMC staff informed about federal issues that affect Minnesota cities, build and strengthen relationships with the congressional delegation and its staff, and coordinate federal lobbying efforts with the National League of Cities.

LMC staff hope to regularly meet with congressional representatives, including during the coming summer, and talk with the National League of Cities about playing a bigger role in NLC efforts. Members of the Minnesota congressional delegation will be invited to attend or send their staff to LMC meetings and events.

As of now, the same staff that promote city interests at the Minnesota Legislature will work on federal priorities as well, says Ann Lindstrom, an LMC intergovernmental relations representative who coordinates federal relations and advocacy.

“We almost always have a seat at the table in Minnesota on issues impacting cities, and with our congressional representatives, we want to have a seat at their table, too,” Lindstrom says. “The political winds are constantly changing, so we’re trying to establish a long-game approach.”

Member cities have indicated they want the League to advocate more at the federal (continued on page 10)
level, Lindstrom says. Some have been trying to lobby their congressional representatives themselves. Other cities report that congressional representatives or independent groups have asked them to take a position on bigger issues that they’re not always familiar with. They end up calling the League for more information.

“They can check with us. We can help assess issues, and I can tell them what we’re doing,” Lindstrom says. “Coordination is big, and will make working at the federal level easier.”

Key messages to Congress
One of the messages the League wants to convey in Washington, she says, is that cities have a finite amount of money. The trend of pushing responsibilities down to cities without new funding simply doesn’t work. That’s another reason why establishing LMC as the voice of Minnesota cities in Washington is so important, Lindstrom says.

“In the long term, we want to raise our level of importance and our value to those who represent us in D.C.,” she says. “The gauge of our success is when congressional representatives say, ‘I want to know what your state League thinks of this bill.’”

Another key idea that the LMC groups conveyed during the March meetings was that, as the government that is nearest to the people, cities often have more impact on citizens’ lives than the federal government does. So, federal decisions about cities affect the lives of Minnesotans more than many other decisions made at the federal level, Lindstrom says.

That’s what makes the LMC effort important, Mayor Emerson says. “The mindset of people in general is that we can’t do anything about what they do in Washington. But it’s apparent that [members of Minnesota’s congressional delegation] do listen. So, we have to have a presence. All cities can’t do this, but the League can, and the League’s efforts can help all of us.”

On the web
Get more details about the League’s federal priorities at www.lmc.org/federal.

Seeing people face-to-face really does make a difference.”

Mary Jane Smetanka is a Minneapolis-based freelance writer.
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“Black family in Delano moving after new home burglarized, scarred by racist graffiti,” read the Star Tribune headline, dated March 16, 2017. A multiracial family came home one Sunday—just three months after moving to the community of nearly 6,000 people—to find slurs, racist symbols, ruined belongings, and a threat.

While the spray paint could be removed, the damage to the family’s relationship with their new community was permanent. Despite personal outreach and messages from the mayor, a downtown vigil held three days later, and widespread community condemnation of the act, the family moved to a more diverse city.


Hate crimes, unfortunately, don’t always happen “somewhere else.” As the demographics of Minnesota change, more communities will grapple with what it means for predominantly white populations to transition to a more diverse makeup—including people of color, people of non-Christian religions, and new immigrants. Key findings from 2015 U.S. Census Bureau Population Estimates indicate that “All race groups have grown recently in Minnesota, but between 2010 and 2015, the state has added four times as many people of color as non-Hispanic white residents.”

But the City of Delano, whose slogan is “A Spirit of Community,” has not taken the hate crime and loss of the family lightly. It is one of many communities across Minnesota that is taking action to create a more welcoming and inclusive environment, not only as a response to acts of cruelty, but as an investment in the future vitality of their city and the values they wish to carry forward.

**Organized response**

In addition to the vigil and outreach, a resident-led organization called Delano United was quickly formed, and is hosting engagement and educational events. One highlight was a Kindness in Chalk Day last year. Over 2,000 people scrawled messages of positivity and kindness on sidewalks across the city. City officials, including Mayor Dale Graunke, are active in the organization.

The city also created the Spirit of Community Commission, an official advisory committee to the City Council. The commission “is the city’s approach to helping create that welcoming environment,” says Senior and Community Services Coordinator Nick Neaton.

The commission is forming plans to strengthen ties and outreach to neighborhoods, Neaton says. They are partnering with the local newspaper, which has for years sent out welcome kits to new residents with coupons and information. The commission is working to boost the city’s presence in the kit and expand delivery to include renters as well as homebuyers.

The commission is also in the process of developing a hate crime response plan, and will eventually be able to create policy recommendations designed to ensure that “welcome” is part of the city’s institutional fabric.

**Nothing to fear**

For Dr. Ayaz Virji, moving to Greater Minnesota seemed like the fulfillment of a lifelong dream. Virji moved his family to Dawson (population 1,467) from a successful practice in Harrisburg, Pennsylvania, to answer the call to practice family medicine in a small community.

At first, he thought he and his family had smoothly transitioned into life there. His neighbors and patients warmly welcomed them. But during the 2016 presidential election, Virji, who is Muslim, says the polarizing dialogue around treatment of Muslim people in the U.S. started to peel away at that warm, fuzzy feeling. Knowing that new neighbors and friends had voted for someone who wanted to put him on a registry for his faith became too disturbing to bear.
“I thought many times of just leaving, because we went through 10 rounds of Islamophobia after 9/11. My wife was chased with a baseball bat once, and I have to worry about safety,” Virji says. “But we decided that we would stay and try to make a dent and try to do the right thing.”

Pastor Mandy France, who at the time was an intern at Grace Lutheran Church in Dawson, reached out to Virji and, with his permission, organized a series of three interfaith dialogue events where he could speak about his faith and family. The talks had highs and lows. Virji was called the anti-Christ. Someone smeared bacon on France’s car. But the vast majority of attendees were receptive, respectful, and appreciative of the educational experience—and Virji says that support and enthusiasm is what keeps him going. Ultimately, the talks drew attention from the press, including a feature in The Washington Post.

“There’s nothing to fear here; we’re all the same,” says Virji. “The principles and the values that unite us all are the same. The outer covering is diverse, and that’s wonderful because we can learn from one another, but we all want the same things: we want love, we want respect, we want compassion and generosity and charity and dignity and hope, and we want to raise our families and be able to pay our taxes. We all bleed.”

Virji sees the adoption of inclusionary mindsets and training as critical to the future of rural communities. “You’re going to see talent in all shapes and colors and sizes, and if you don’t do outreach, if you don’t do inclusionary training, you could lose those minorities that otherwise could have provided such a benefit to a small community,” he says.

**Inclusive community resolutions**

Several cities, including Robbinsdale, Willmar, and Moorhead, have decided to set the tone for their cities through passage of resolutions that center on inclusive values. For Moorhead, new residents bring economic benefit as well as cultural enrichment, says Moorhead City Councilmember Mari Dailey.

Dailey was the original author of a welcoming resolution that has been adopted by Moorhead and several communities on both sides of the North Dakota-Minnesota border. “The impetus actually came from the labor movement, concerned about discrimination against workers,” she says.

Dailey was asked to draft the resolution when two area residents started planning a white supremacist rally in Fargo-Moorhead. The rally was ultimately postponed and has yet to be rescheduled.

“The underlying message is we will not tolerate hate,” says Dailey. “It zaps everyone’s energy, and the hate becomes the focus, not what is best for the community members—not what is best for the future of the community.”

In Moorhead, Dailey says, they see value in new immigrants who may have limited English language skills and are able to take entry-level positions that would otherwise be vacant. In addition, because of the universities in the area, there is also a pool of immigrant workers with valuable professional skills.

“We’re in a part of Minnesota, as many in outstate are, where we need the workers to keep this economy strong,” says Dailey.

**Economic importance of diversity**

Moorhead isn’t alone in recognizing the promise of additional workforce members. In a commentary published last February, Minnesota Chamber of Commerce Senior Vice President for Advocacy Laura Bordelon said, “New Americans are significant and substantial contributors to the development and growth of Minnesota’s economy. They play critical roles as workers, entrepreneurs, consumers, and linking Minnesota to the world economy.”

Minnesota Compass, an organization that gathers data about population and social indicators, recently released its 2018 Compass Points report. The report indicates that regions outside the metro are projected to see a decline in the number of working age people between 2016 and 2030. While a few counties outside the metro are projected to see growth of 2 to 9.9 percent, other counties are projected to see declines of 10 percent or more.

Beyond the numbers, what values will be passed on in local government institutions to more diverse future generations? That is a critical question for some city leaders. For Delano’s Kern, preserving the connections that create that sense of belonging—while welcoming others to become a part of that spirit—is key.

“Our community is a close-knit community that takes care of each other. For communities like ours, where people know each other, there are a lot of benefits to that,” Kern says.

“With that comes the onus that we need to intentionally make sure that we’re seeking out and being open to others when they get here.”

Danielle Cabot is communications coordinator with the League of Minnesota Cities. Contact: dcabot@lmc.org or (651) 281-1233.
Mayors Across the State
Team Up to Build
CONNECTIONS

The metro-based Regional Council of Mayors decided last year that there was a need to build relationships and interact with their colleagues in Greater Minnesota. The initiative, called Minnesota Mayors Together, is aimed at breaking down the so-called urban-rural divide by bringing Minnesota mayors together in conversations to build trust.

So far, the mayors group has had two meetings—one in Bemidji last October, and in Duluth in February. Mayor Rita Albrecht of Bemidji and Mayor Molly Cummings of Hopkins participated in both meetings. Minnesota Cities recently talked to the two mayors about the initiative.

Q: What prompted the Regional Council of Mayors to launch Minnesota Mayors Together?

MOLLY CUMMINGS: Last year, we decided the political gridlock resulting from the urban-rural divide is holding the entire state back. The Regional Council of Mayors is non-partisan and focused on building civic trust through relationships, partnerships, and action across the metro. We thought we could use the same principles by reaching out to Greater Minnesota mayors, not to build a structure, but to build relationships and shift the negative culture.

Each of our cities is unique, but we're all facing many of the same issues—affordable housing, transportation, transit, workforce shortage, growing senior population, affordable day care. If we start by understanding one another’s needs, establishing relationships, and building trust, we'll see how we can support one another to address the concerns collaboratively.

Q: Mayor Albrecht, you were asked to host the first dialogue in Bemidji. Why did you agree and what did you hope might come out of the meeting?

RITA ALBRECHT: I never miss an opportunity to bring folks to Bemidji because I want people to experience the beauty and natural resources we have here. More importantly, though, I thought that mayors working together could make a difference. Mayors get things done and, obviously, our Legislature has a little trouble with that. I also saw it as an opportunity to learn more about the issues mayors across the state are dealing with.

Q: There is a growing narrative in Minnesota and across America about the so-called urban-rural divide. Some have suggested the urban-rural divide is real and is about both economics and values. Others have suggested that the concept is overblown and exploited by the media and by politicians at the state and federal levels.

Speaking not just for yourself, but based on what you’re hearing in your community, what do you think?

CUMMINGS: The state and federal governments have become so polarized and partisan, and that harms all of us. The “divide” is often used to advance a political agenda. The media also has a role; division makes for a much more interesting read than efforts to work
together. I don’t really hear that people think we have different values, but I think sometimes the context is different and can be misunderstood.

**ALBRECHT:** I do think legislators exploit this issue. They use it to motivate their constituents, or to support or oppose legislation. On the question of values, I think if people are unfamiliar with the metro and the issues that folks in the metro face, they may have misconceptions about the values there. But at the end of the day, it’s really about people wanting the best for their children and families: a good education; good, affordable day care; a job they can get to every day and earn a fair wage; a decent place to live. That’s no different in Greater Minnesota than it is in the metro.

**Q:** Mayor Albrecht, there seems to be frustration and even resentment in northern Minnesota about one-size-fits-all regulations being adopted in St. Paul that burden and inhibit economic growth in northern Minnesota. What are your observations about that?

**ALBRECHT:** As elected officials, we need to look at what the regulations are. Sometimes, there are unfunded mandates and proposals for local pre-emption, so by creating Minnesota Mayors Together, it’s a great way to share the concerns we all have about that. For example, in 2017 and 2018, the Legislature has introduced more than 50 local pre-emption bills. Mayors Together can stand up and say, “Wait a minute, we’re the people who get stuff done at the local level. Why are you taking that local control away from us? That’s not right.”

Also, it’s important to understand that Greater Minnesota is part of the engine that drives our state’s economy. So, meeting our needs for workforce training, housing, transportation, etc., is just as important for the health of our state as meeting those needs in the metro. Yet, we might require different approaches. It takes the entire state to make Minnesota great, and I think the mayors agree on that.

**Q:** Mayor Cummings, another flash-point issue seems to be the Southwest Light Rail Transit, which will run from Downtown Minneapolis to Eden Prairie. It will go through Hopkins and, presumably, benefit your city. Yet, in other parts of the state, there may be skepticism toward light rail. What would you say to Greater Minnesota mayors about that?

**CUMMINGS:** There was virtually no negative conversation about light rail at the Mayors Together meetings. Yes, it will benefit Hopkins. We have a very large low- to moderate-income population, and light rail can help minimize the expense of a car. It may help ease our worker shortage by bringing more workers to our businesses. The light rail is not taking away money for Greater Minnesota roads; they’re entirely different funding pots. But I do understand our roads and highways throughout the state need more funding.

(continued on page 16)
In addition, many people from Greater Minnesota visit the metro, and I’ve heard over and over how they’d love to have a light rail stop to avoid driving downtown and the expense of parking. So, I think this issue is being politically exploited. Our goal is to change the narrative from the negative and recognize that we need to have a strong metro to support Greater Minnesota, and vice versa.

Q: Mayor Albrecht, at the Mayors Together meetings, the idea of being a playground—one area for the other—got thrown around a lot. People from Greater Minnesota come to the metro for activities like cultural events and shopping; and people from the metro go north or south to enjoy the trails, state parks, etc. Any thoughts about being a playground for the metro?

ALBRECHT: We are happy to have everyone come into our playground. Tourism drives the economy in a lot of Greater Minnesota cities. Where the rub comes in is when legislators suggest that Greater Minnesota is getting too much of the transportation dollars. Yet people want to load up the boat and drive up to the campground—and they want to have great roads to do it on.

Q: One major concern mayors across the state share is workforce readiness and availability. What are some of the issues cities everywhere need to address to start making a difference?

ALBRECHT: Citizens, especially in low-income communities, need our help. Maybe they have a job, but they want a better job and they need training. Well, it’s difficult to get training when you’re already working full-time and you’ve got bills to pay. So, how can we help them? Maybe it’s a partnership where they’re paid training wages. We also need to think about what needs our businesses have—they have a shortage of workers for a particular skill. Training has to be a solution that involves not just educational and governmental entities, but businesses as well.

CUMMINGS: I totally agree. The business community has a big responsibility in addressing these needs and helping us find some solutions. We need every person involved to come up with ideas for education, transportation, housing, day care, and all the other pieces of this, and use whatever leverage we can to educate the Legislature about the need for support.

Q: What’s next for Minnesota Mayors Together?

CUMMINGS: I hope we can come up with some strategies to really start putting pressure on our Legislature to understand that we need their assistance and support. Mayors Together will make sure that happens; we will become very vocal and very loud.

ALBRECHT: This is a tremendous opportunity for mayors to take a leadership role in helping our Legislature understand the issues of communities across the state. It’s our chance to share information about our opportunities and challenges, our similarities and our differences. Mayors Together is diverse in gender, age, political persuasion, size of community, and all of that, and when you have a coalition like that coming together with one voice, that says a lot to the Legislature.
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EMPLOYEE WELL-BEING
IT'S MORE THAN JUST KALE AND CROSSFIT

BY TERI ERHARDT

The concept of “wellness” in the workplace is more popular than ever, with about three-quarters of workplaces now implementing some type of program in an effort to improve employee health and create organizations full of happy, productive, engaged employees. But are these programs making a difference?

Employees spend nearly one-third of their day in the workplace. This captive audience, so to speak, provides a tremendous opportunity for employers and leaders to make work a positive experience and to help employees be their best. The more resources and support that are provided in the workplace and the easier it is to access those resources, the more engaged and happy employees will be.

The traditional employee wellness program offers a few lunch-and-learn sessions and challenges—usually focused around fitness and food. These can be effective elements of an overall strategy, but as stand-alones, they don’t do much and result in low participation, attracting mostly those who already care for themselves. Wellness efforts aren’t reaching those that need them most.

A NEW APPROACH
Well-being is more than just food and fitness. Consider instead a holistic approach that integrates the many aspects of a person’s well-being: career, social, physical, emotional, and financial.

By widening the lens, we can reach more employees in a more meaningful way. And because all of these elements are interconnected, you can gain momentum by simply starting somewhere.

According to the consulting and research firm Gallup, career well-being may be the biggest determinant of overall health—and the most essential piece of the engagement puzzle. Social well-being comes in a strong second. A positive experience in the workplace can impact nearly every other aspect of overall well-being.

AN EASY FIRST STEP FOR EMPLOYEE WELL-BEING
One way to focus on career well-being is to show employees that they matter. Many employees go to work every day not knowing whether their contribution is recognized or if it matters. While “bad” news seems socially pervasive and leads to stress and anxiety, an organization that highlights and celebrates goodness and shows people that their work is important can elevate the physical and emotional health of employees—and make the workplace feel safe and supportive.

According to Globoforce, a leading social recognition provider, what’s lacking in many workplaces is the simple act of recognition. Here are a few practical measures you can implement—quickly and inexpensively—to help transform employee attitudes and even the nature of an organization:

1 Express appreciation and gratitude immediately and often. Nearly 90 percent of recognition is focused on acknowledging employees’ years of service. Studies show these types of rewards have no positive impact on engagement or performance. Recognizing employees regularly creates a culture of caring that goes a long way toward employee engagement.

2 Express appreciation and gratitude privately. Write short, heartfelt thank-you notes to the individuals who positively impact your work or that of your team. Encourage others to do the same. Even provide people with inexpensive cards to make it easy. Douglas Conant, former CEO of Campbell’s Soup, wrote—by hand—30,000 notes to his employees over a 10-year period, resulting in a community of “raving fans.” Try it for the next month and see how it feels and what kind of reaction you get.

3 Express appreciation and gratitude publicly.
- Recognize contributors in company newsletters.
- Implement a moment during team or organizational meetings to acknowledge those who’ve made a contribution to a project or initiative.
- Set up a peer-to-peer recognition platform in your organization.

Appreciation and gratitude—both expressed and received—impact employees on nearly every level. They lift emotional well-being, boost self-esteem, and help employees feel more connected to a purpose and to others. They also lower the risk of depression, boost the immune system, decrease stress hormones, and reduce blood pressure.

Gratitude can also improve a company’s culture, according to Globoforce. Both giving and receiving are beneficial and vital to a high-functioning organization.

There are many ways to support employees in living well, but showing employees that you care and that they matter can boost engagement and create a new dynamic in your workplace where employees want to show up and are excited to give their best.

Teri Erhardt, CWWS, is a well-being and engagement consultant with NFP (www.nfp.com). NFP is a member of the League’s Business Leadership Council (www.lmc.org/sponsors).
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Turning History Into Housing in Eagle Bend

BY CORBIN MCCALL

The community of Eagle Bend has watched a slow population decline since at least 2010, from 602 residents to only 535 in 2017. In a small Minnesota community, 67 people makes a huge economic difference. That’s one of the reasons community leaders are looking into giving their former school building a new life as housing.

Through the past 10 years, the community has been seeking options for affordable senior housing and ways to provide homes for young families that the area wants to attract. Low-income families already in the area also need safe, decent, affordable housing opportunities as they strive to achieve self-sufficiency.

The Housing and Redevelopment Authority (HRA) of Todd County is working with Todd County Health and Human Services, Todd County Council on Aging, Staples HRA, Long Prairie HRA, Minnesota Housing Partnership, and others on this community project for senior affordable housing.

It starts with seniors

Population projections suggest that Todd County will be 30 percent senior citizens by the year 2030. The HRA of Todd County identified the need for senior housing in Eagle Bend. Todd County community leaders such as HRA Director Kim Wallace, Aging Coordinator Verna Toenyan, and Eagle Bend City Councilmembers John Rachuy and Virginia Heldt recognize that the area lacks affordable housing for the senior population. Additionally, many seniors live in housing that does not meet their needs as they grow older and frailer.

“As a senior myself, I daily encounter the frustrations of aging in rural Minnesota,” says Toenyan. “It is frustrating enough to grow old; however, when you are unable to find a new home which is adapted to your needs and safer, it becomes a negative not only for the senior, but for the entire community. Young families need the larger homes seniors inhabit, but until a senior can move, the whole process stalls. Employers find it difficult to hire, and communities begin to become stagnant.”

Solution in a vacant building

It was this concern that led Toenyan and her fellow community leaders to turn to the former Eagle Bend High School, a huge building that was built in the 1930s and closed in 2012. It has just been sitting vacant for more than five years.

Organizers started small. First, they worked on the smaller industrial arts classroom building adjacent to the main building. They found funding and support to renovate the smaller structure into Hilltop Regional Kitchen and meeting space. Approximately 200 meals are now served daily out of that building through Meals on Wheels, Congregate Dining, and related programs.

Next, the group took on the big issue of saving the main school building and addressing the housing issue. They approached Cheryl Wickersham, of United Church Homes Senior Housing, who immediately expressed interest in exploring the project further.

Research is key

The project organizers realized they needed more information. So, they went to the Center for Small Towns at the University of Minnesota, Morris, for assistance in developing and implementing a community survey to get a better sense of the area housing needs. That survey is currently in the process of being conducted.

The survey is an early step in a market study being coordinated with United Church Homes Senior Housing, which will incorporate housing needs, income details, and housing scenarios. It will help provide data on Todd County’s senior housing situation.

This market study is useful evidence for the next steps in repurposing Eagle Bend High School into the senior housing complex that the Todd County HRA and other project members envision. The HRA staff have already developed an initial community committee reporting to the school district regarding options to develop the vacant Eagle Bend High School building.

Early estimates suggest that the school could provide as many as 30 housing units. Community leaders have not yet done a full analysis of the potential economic benefits. But they have no doubt that the benefits will be many, not the least of which is protecting an important part of their history.

Corbin McCall is a biology major at the University of Minnesota, Morris. He worked through the university’s Center for Small Towns to assist the City of Eagle Bend and Todd County with the research portion of this project.
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SLOW DOWN:
How Cities Change Speed Limits
BY AMBER EISENCSCHENK

With warmer weather in sight, more people will be out and about, and concerns about traffic may increase. Residents sometimes ask the city council to reduce speed limits in an effort to create a safer community.

The first step in seeking a change is to find out what entity maintains ownership over the street. It's not uncommon to find interstates, state highways, county roads, city streets, and private association streets all within the same community. The authority that owns the particular roadway can make changes if necessary.

The most common speed limits regulated by state law where no special hazard exists are: 10 mph in alleys, 30 mph on streets in urban districts, 70 mph on rural interstate highways, 65 mph on urban interstate highways, 65 mph on expressways, and 55 mph on other roads. State law also has other suggested speed limits, but requires the controlling jurisdiction to affirmatively adopt them. A common example of this is a 25 mph speed limit on a residential street.

Process for change
To change a speed limit on a city street, the city council usually needs to pass an ordinance. But since city speed limits tend to be pretty low, they aren’t typically the streets most residents are concerned about.

Authority to change the speed limits on county roads or state highways is vested with the counties and the state. The city can make a request to the county department supervising the roads. For concerns about state roads, including the trunk highway system, contact the district traffic engineer at your Minnesota Department of Transportation (MnDOT) district office.

Considerations before changing
If a city requests a reduced speed on a state highway, MnDOT considers the following factors: road type and condition; location and type of access points (intersections, entrances, etc.); sufficient length of roadway (quarter-mile minimum); existing traffic control devices (signs, signals, etc.); crash history; traffic volume; sight distances (curve, hill, etc.); test drive results; and a speed study.

Cities and counties should also consider these factors when changing the speed of roadways in their control.

During a traffic investigation by MnDOT, the speed study is a crucial step because it finds the speed that most drivers consider to be a reasonable speed during ideal road conditions. Traffic engineers perform radar checks of the roadway at selected locations, and this is the type of data collected in this study.

Traffic engineers then use the data results to determine the 85th percentile. The 85th percentile is the value indicating the speed at which 85 percent of drivers are traveling. MnDOT suggests that the posted speed limit should be near the 85th percentile as that is the maximum safe and reasonable speed for the roadway. This value, along with considerations of the other roadway factors, is how the traffic engineer reaches a recommended speed limit for the roadway.

Change may not equal desired results
Whether or not an analysis suggests that the roadway’s speed should be reduced, MnDOT warns that reducing speed limits often does not have the desired effect of reducing speeders. Studies show that roadway conditions have a greater impact on speed than the posted signs.

Lowering speed limits also has not been proven to lower the frequency of crashes as most are due to driver inattention. A posted speed limit that is too low can also cause crashes. This is because some drivers will follow the speed limits and others will not, which will cause a speed variation among drivers. That makes it difficult for drivers to respond appropriately to other vehicles. For example, it can be difficult for drivers to know when it is safe to pull out onto a roadway in front of other vehicles.

Other options
If speed limits cannot be changed, there are other tactics a city can use to make roads safer. “Traffic calming” is a term used to describe engineering approaches designed to slow drivers down.

The options usually involve changes to the city’s infrastructure of streets, sidewalks, curbs, signs, and traffic signals. Specific traffic calming techniques include the installation of speed bumps, raised intersections, roadway narrowing, and neighborhood traffic circles.

Amber Eisenschenk is a research attorney with the League of Minnesota Cities. Contact: aeisenschenk@lmc.org or (651) 281-1227.
Court Upholds City Authority to Enforce Codes in Manufactured Home Park

PRE-EMPTION

Manufactured home parks
Kathryn Eich and some other residents of the Rambush Estates Manufactured Home Park challenged the City of Burnsville’s authority to enforce the State Building Code and its local city code in Rambush Estates, claiming that federal and state law pre-empt such local regulatory authority in manufactured home parks.

The district court agreed with the residents and issued two orders prohibiting the city from any code enforcement in Rambush Estates, holding that the federal National Manufactured Housing Construction and Safety Standards Act of 1974 completely pre-empts cities’ local regulatory authority.

The city appealed, claiming that federal and state law only prohibit cities from enforcing local regulations that address construction or safety standards for manufactured housing. The Minnesota Court of Appeals agreed with the city and reversed the district court, holding that neither state nor federal law pre-empts a city from enforcing its local zoning, subdivision, architectural, or aesthetic codes applicable to manufactured home parks, provided that the local requirements do not involve construction or safety standards for manufactured housing. The Court of Appeals also held that cities are authorized to enforce the State Building Code in manufactured home parks, if that enforcement is related to a structure other than a manufactured home or its “accessory structures.”

Eich v. City of Burnsville, 905 N.W.2d ___ (Minn. Ct. App. 2018). Note: The League of Minnesota Cities Insurance Trust represented the city, and the League of Minnesota Cities filed an amicus brief in the city’s support.

SPECIAL ASSESSMENTS

Appeal requirements
The City of Vadnais Heights imposed a special assessment of $158,211.46 against McCullough and Sons, Inc.’s property to help pay for street improvements. At the assessment hearing, Jim McCullough, the company’s vice president, testified that the assessment was high, the company’s property “is a headache,” and he is “stuck with it” because the company has been unable to sell or even “give it away” due to the high cost of development. The company later appealed the assessment in district court. The city moved for summary judgment, arguing that the company did not comply with the appeal requirements by failing to file or present a written and signed objection either before or at the assessment hearing, as required under Minnesota Statutes, section 429.061.

The company claimed in response that Section 429.081 of the Minnesota Statutes is the exclusive state statute governing special assessment appeals, and it does not require a property owner to file or present a written and signed objection to preserve its right to appeal. The company also argued that Section 429.061 is unconstitutional.

The district court ruled in the city’s favor. The Minnesota Court of Appeals affirmed in part and reversed in part, ruling that when Section 429.081 is read in conjunction with Section 429.061, the unambiguous statutory language provides that a property owner is prohibited from appealing the assessment in district court if the owner, without reasonable cause, fails to sign a written objection to an assessment and to either: (1) file the objection with the city clerk before the assessment hearing, or (2) present the objection to the presiding officer at the assessment hearing. The Court of Appeals remanded the constitutional claim, however, noting that the district court had failed to rule on it. McCullough and Sons, Inc. v. City of Vadnais Heights, 905 N.W.2d 878 (Minn. Ct. App. 2017).

LAND USE

Orderly annexation
The City of Carver and Dahlgren Township entered into an orderly annexation agreement setting out the conditions for the city to annex township land. The agreement provides that the city will not annex any parcel of property within a designated area “until such time as the township has received reimbursement for the loss of such taxable property in the amount of $500 for each acre described in the city resolution to be annexed to the city.” The agreement does not specify who must pay the reimbursement. Diedrich and Jeanette Lenzen submitted a petition asking the city to annex their property. The city told the Lenzens that a fee of $500 per acre must be paid to the township to process the petition. As a result, the Community Asset Development Group, a company seeking to develop...
the Lenzens’ property, gave the township a check for $2,165. The city then passed an annexation resolution, and submitted it to the Minnesota Office of Administrative Hearings (OAH), seeking an annexation order.

The OAH ultimately issued orders that did two things: (1) limited the amount of tax reimbursement to which the parties could agree, and (2) assessed the OAH’s costs in processing the annexation to the city and the township. The city and township appealed, and the district court reversed the OAH on both issues. The OAH appealed, and the Minnesota Court of Appeals affirmed the district court decision, ruling that, when parties to an orderly annexation agreement agree to a tax-reimbursement payment, state statute does not restrict its amount. The Court of Appeals also ruled that the OAH did not have statutory authority to assess its costs to the city and the township, reasoning that state statute provides authority for such assessment when the OAH conducts arbitrations, mediations, and hearings, and that none of those proceedings had occurred here. In re the Matter of Dahlgren Township, ___ N.W.2d ___ (Minn. Ct. App. 2017).

GOVERNMENTAL IMMUNITIES

Qualified immunity
Theodore Wesby attended a party in Washington, D.C. Neighbors called the police to complain about loud music and illegal activities, and said that the house where the party was taking place should have been vacant. When police entered the house, which was in a disorganized state, they observed strippers in the living room, alcohol being consumed, and individuals engaging in sexual activity upstairs. After failing to find “Peaches,” the alleged party host, the police arrested the partygoers for trespassing, and charged them with disorderly conduct. Those charges were later dropped, but Wesby and 15 other partygoers filed their own lawsuit for false arrest, claiming that the police had lacked probable cause to arrest them because the officers didn’t have any reason to believe that the partygoers knew they weren’t supposed to be at the house.

The lower courts agreed with the partygoers, holding that the police had violated their Fourth Amendment rights to be free from unreasonable seizures, and ordered the police officers to pay the partygoers nearly $1 million in damages and attorney’s fees. The U.S. Supreme Court reversed, holding that, when all the facts were viewed as a whole, the officers had probable cause to arrest the partygoers and that, even if probable cause did not exist, the officers were entitled to qualified immunity because there is no well-established law to support the partygoers.

(continued on page 26)
ers’ claim that they have a right to be present at a house if they have a good-faith belief that the homeowner has granted them permission to be there. District of Columbia v. Wesby, 138 S. Ct. 577 (2018).

**CONSTITUTIONAL LAW**

**Free speech rights**

After Donald Morgan ran unsuccessfully in a primary election against his boss, Michael Robinson, who was the incumbent sheriff, Robinson terminated Morgan's employment as a deputy with the Washington County, Nebraska, Sheriff’s Office for statements Morgan made during the campaign. Robinson claimed that Morgan's statements violated the department’s rules of conduct. The statements at issue concerned the operations of the Sheriff’s Department and Morgan’s plans to improve them. Morgan sued, claiming he was retaliated against in violation of his First Amendment free speech rights. Robinson moved for summary judgment, claiming he was entitled to qualified immunity.

The federal district court denied summary judgment, and the 8th U.S. Circuit Court of Appeals affirmed. The Court of Appeals noted that Morgan's speech was protected by the First Amendment under the two-part test that applies to a public employee's exercise of his First Amendment free speech rights because: (1) Morgan's speech was made as a citizen on matters of public concern, and (2) Robinson did not show an adequate justification for the termination because he had not provided any concrete evidence demonstrating that Morgan's speech had caused an actual or potential for disruption in the Sheriff’s Office. In denying Robinson’s claim of qualified immunity, the Court of Appeals held that public officials have been on notice since 1968 “that a public employee cannot be terminated for making protected statements during a campaign for public office where that speech has no demonstrated impact on the efficiency of office operations.” Morgan v. Robinson, 881 F.3d 646 (8th Cir. 2018).

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

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City Spending

Q Summer is coming, and our city wants to host an event where residents meet our police officers. Can we spend money to do that?

LMC Yes. The Legislature passed a law last year that allows any city to spend money on an event that the council determines will foster positive relationships between law enforcement and the community. This bill specifically mentions National Night Out, but also allows spending money on other similar events where the purpose is to bring together law enforcement and the community. For example, some cities host a “Coffee with Cops” event. The law also authorizes fundraising for these events if the council clearly gives that direction by resolution.

If the city wants to raise money through fundraising activities for National Night Out or a similar event, before doing so, the city council must adopt a resolution authorizing officials and staff to solicit contributions for that purpose. If a city plans to spend money for such an event without fundraising, then the city doesn’t need to pass a resolution or do anything else before hosting the event. To access the League’s model resolution, “Authorizing Solicitation of Contributions,” visit www.lmc.org/fundraising.

Answered by Research Attorney Pamela Whitmore: pwhitmore@lmc.org

Employee Benefits

Q We want to allow our employees to cash out unused vacation once per year. We’ve heard there may be income tax issues for employees who don’t take the cash-out. Can you explain?

LMC Employees who do not choose the cash-out option may be subject to income taxes because they could have chosen to receive the income. The IRS calls this “constructive receipt.” The employee is taxed on the income at the earliest date he or she could have received it. If the employee does not have control (for example, the payment is automatic under the employer’s policy), then there is no constructive receipt. When constructive receipt occurs, the employer must report and withhold on that amount in the year the cash could have been paid. Failure to do so generally results in the need to file amended returns and additional taxes and penalties.

Learn more starting on page 48 of the LMC HR Reference Manual, Chapter 1, at www.lmc.org/employmentbasics. It includes alternatives to avoid constructive receipt, a flow chart for analyzing constructive receipt, and a model employee election form to help with compliance efforts.

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

Cybersecurity (Part 3 of 4)

Q I work in a small city and do not have technical support staff. What are some things I can do to keep our computer systems more secure?

LMC There are three low-cost actions all cities should take. They involve passwords, updates, and backups. We’ll cover backups now.

When is the last time you checked your data backup? Backups are one of the most important aspects of technology. The city should back up all data to protect itself from natural disasters, failed hardware, viruses, and hacker attacks. It is good practice to restore a small file from your backups once a month to ensure backups are working and to practice the restore process itself.

Keep in mind that copying files to another folder on your hard drive or a network drive is not a backup! If a computer at your city hall is compromised by a virus, all files are at risk. Backups should be stored in a secure location. Be sure to keep multiple versions so you can find data based on the day of the week or month if you need to restore something. If you are operating solo at your city hall, consider a simple backup unit that connects to your PC directly and can be stored in a secure location, preferably offsite when not in use. To learn more, see the LMC information memo at www.lmc.org/cybersecurity.

Answered by Research Attorney Pamela Whitmore: pwhitmore@lmc.org

Mutual Aid Agreements

Q Why should my city have a written mutual aid agreement if it can rely on Minnesota Statutes, section 12.331?

LMC Section 12.331 does provide a framework to request and provide mutual aid when there is no written agreement. However, Section 12.331 requires an “emergency” before a city can request assistance. An emergency is defined as “an unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring.” A written mutual aid agreement may allow the city to request assistance in non-emergencies. Section 12.331 also says that the entity providing assistance is entitled to reimbursement for all assistance. A written agreement may provide for a grace period where the requesting party is not required to pay for the assistance received. To learn more, see the LMC information memo at www.lmc.org/emergencyassistance.

Answered by Risk Management Attorney Chris Smith: csmith@lmc.org

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Oregon Referendum Provides Case Study on Plain Language

BY JON SIESS

Oregon’s attorney general faced a challenging assignment. It was late October, and the state’s Supreme Court had just ruled unanimously that the proposed language for an upcoming referendum on health care financing was too confusing to put before voters.

Oregon law says ballot measures must “plainly phrase the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure.” The proposed language, the court ruled, failed that test. The court directed the attorney general to rewrite it in time for a special election set for January.

Make complex ideas more understandable

I don’t know what process the attorney general applied to that task. But if the agency had a plain language team, she might have convened it.

Perhaps she would have reminded the team that the intention of the Federal Plain Writing Act of 2010 was to make it easier for citizens to find what they need, understand what they find, and use what they learn to improve their lives. It is not about “dumbing down” the language. She might have directed them to use the tools available to make more understandable the complex ideas behind Oregon Measure 101, Healthcare Insurance Tax for Medicaid.

Breaking down the ballot question

Ballot measures in Oregon must include a name or title and an impartial statement of not more than 175 words summarizing the measure and its major effect.

The court considered the entire text. They found parts of it acceptable and parts of it confusing. The task force would certainly need to read and understand the arguments in the 18-page opinion. Here, we’ll focus on the ballot title—the initial summary statement of the law that voters were being asked to accept or reject. It said Oregon Measure 101:

Approves temporary assessments to fund health care for low-income individuals and families, and to stabilize health insurance premiums. Temporary assessments on insurance companies, some hospitals, and other providers of insurance or health coverage. Insurers may not increase rates on health insurance premiums by more than 1.5 percent as a result of these assessments.

Could it be even better?

Could this statement be further improved by using bullets? It’s a technique worth trying. They signal important points for the reader. Using parallel construction—beginning each item with a verb, or each item with a noun—also aids understanding. Let’s try developing a bulleted list for the ballot question:

Should we adopt a new law that:

- Imposes a 1.5 percent tax for two years on insurance companies, some hospitals, and other providers of health care insurance;
- Helps people with low incomes get health care;
- Stops health insurers from raising rates by more than 1.5 percent?

Tools are available to help

Microsoft Word makes it easy to generate various measures on any piece of text: word count, Flesch-Kincaid Grade Level and Flesch Reading Ease (0 to 100 scale, with 0 being very difficult and 100 very easy to read). That data is usually helpful. (For instructions on how to find these stats in Word, search Google for “readability statistics” in your version of Word. It varies depending on the version of Word you’re using.) Here are those numbers for our ballot wording examples:

<table>
<thead>
<tr>
<th>ITERATION</th>
<th>WORD COUNT</th>
<th>FLESCH-KINCAID GRADE LEVEL</th>
<th>FLESCH READING EASE</th>
</tr>
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<td>2</td>
<td>53</td>
<td>14.2</td>
<td>24.4</td>
</tr>
<tr>
<td>3</td>
<td>46</td>
<td>6.9</td>
<td>64.9</td>
</tr>
</tbody>
</table>

There’s no computer program with the artificial intelligence (yet) to take complex ideas and distill them plainly. However, a careful writer can use these plain language techniques to make complex ideas easier to understand.

Another plain language tactic is to look for the main topic of the sentence. What is this sentence about? It’s about temporary assessments, but voters don’t learn that until halfway through this long sentence. That doesn’t make it wrong. It just makes it difficult to understand.

The attorney general’s rewrite—the language that was on the ballot measure approved by voters—addressed both issues. One sentence was broken up into three (though the second is a fragment), and the term “temporary assessments” was moved to the front. It said Measure 101:

Approves temporary assessments to fund health care for low-income individuals and families, and to stabilize health insurance premiums. Temporary assessments on insurance companies, some hospitals, and other providers of health insurance or health care coverage. Insurers may not increase rates on health insurance premiums by more than 1.5 percent as a result of these assessments.

Contact: jon.m.siess@state.mn.us or (651) 431-3827.

Jon Siess is an information officer with the Minnesota Department of Human Services.
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When 2013 water quality tests on Northwood Lake revealed phosphorous levels four times higher than state standards allow, New Hope city officials teamed up with the Bassett Creek Watershed Management Commission to fix the situation.

Their response was a $1.9 million solution that included an underground water reuse system and stormwater treatment structure along the northeast corner of Northwood Park, and a water treatment pond along Jordan Avenue.

Together, the projects are expected to remove 22 pounds of pollutants from the water each year while the underground tank will provide irrigation for nearby ballfields, saving $10,000 worth of treated city water. New Hope received the 2017 Sustainable City Award for this initiative from the League of Minnesota Cities and Minnesota GreenStep Cities.

City officials said the timing of the project worked out well. “There were all these grant opportunities, so the funding was there,” says Jeff Alger, community development coordinator/management analyst. “New Hope is always looking to do its part to be sustainable and solve problems.”

The city completed the project in 2016, but it did not come together without some challenges. The treatment pond by Jordan Avenue was non-controversial, but the underwater tank was significantly more expensive than a competing proposal that would have constructed a water treatment pond at the expense of a significant portion of the city’s popular Northwood Park.

Northwood history
Northwood Lake, bordered by New Hope and Plymouth, has had water quality challenges for years. It was dredged decades ago out of a wetland by a developer who thought it would be nice to build homes around a small lake. It receives a lot of urban runoff from multiple directions, and that doesn’t help its water quality.

It has been high in nutrients for some time, having gone through some less invasive treatment strategies in the past, says Laura Jester, administrator of the Bassett Creek Watershed Management Commission.

“The City of New Hope and the Bassett Creek Watershed Management Commission have been working to improve the water quality there for a long time,” she adds.

Gathering community input
The city and the commission held two meetings during the summer of 2014 to get feedback from the community. Initial concepts were discussed at the first meeting. Potential improvements with updated concepts based on feedback were discussed at the second. The city also worked with the Friends of Northwood Lake Association to determine the best course of action.

The less expensive pretreatment pond had been in some old plans for potentially treating the problem, says Chris Long, city engineer. But residents and members of the association took umbrage at the idea of losing a park while adding another potential breeding ground for green algae.

“It was quite the process,” Long says. “This was controversial. They wanted to save that valuable park space. It started with the residents and staff saying, ‘This park space is important; we’d rather not have another pretreatment pond in a park space.’”

Very different options
The Bassett Creek Watershed Management Commission often fully funds projects like this out of a capital projects budget. But this was not their typical project.

“Usually, when we have a feasibility study, we’re looking at options or alternatives that are relatively similar in dollar figures and the amount of pollution that it would take care of,” says Jester. “The alternatives that were developed for this situation were vastly different.”

Community stakeholders lobbied loudly in favor of maintaining the valuable parkland located in the heart of the city. The commission reviewed pros and
cons from various angles and ultimately scored the underground tank project higher.

“That made commissioners feel a lot more comfortable with choosing this more extensive project,” Jester says. “It was not confrontational or adversarial. It was really trying to work through the pros and cons and figure out if it was worth the huge price tag.”

State funding sources helped. Ultimately, the commission received grants totaling $700,000 from the Minnesota Pollution Control Agency and the Minnesota Board of Water and Soil Resources. The Bassett Creek commission kicked in $750,000 and the City of New Hope spent about $450,000. The project was completed in 2016.

How the new system works
With the new system, workers redirected a 100-acre-plus drainage area away from Northwood Lake and into a new pipe that directs it to the 160,000-gallon underground tank, Long says. Before it gets to the tank, it goes through pretreatment structures that collect leaves and remove sediment.

Once the tank fills up, water can overflow into rain gardens for more treatment before it goes into the lake. New Hope Public Works staff clean out the tanks twice a year or so, Long says.

The stormwater system ships water from the tank under the street over to irrigate the ballfields, Alger adds. Previously, treated city water was being used for those purposes, a projected savings of $10,000 annually.

“That’s a significant number. We can definitely say we are saving money as a result of these improvements,” Alger says.

While city water remains the backup plan if irrigating the fields drains the underground tank, Long says that has not happened since the project was completed.

“The tank holds enough water where we could have a dry period for two weeks and we could irrigate the city ballfields on the east side of Boone Avenue for two weeks or so,” he says. “So far we haven’t had to use the city water.”

Sustainability is a key goal
The project, Alger says, was in keeping with the city’s efforts to be sustainable and environmentally friendly. New Hope joined Minnesota GreenStep Cities in 2015. The city has reached Step 3, having completed 18 of 29 best practices and 76 of 175 best practice actions.

The city factors in the program’s recommendations when considering policy, development, and purchasing, and the stormwater project aligned with that commitment.

“We’re proud of that,” Alger says. “We’ve made a huge dent in terms of implementing these best practice actions.”

Impact not yet determined
While all appears to be on track so far, it’s going to be a while before the city and watershed commission have concrete evidence of the underground tank’s impact on Northwood Lake. The work in New Hope only solved a portion of the lake’s water quality issues; additional stormwater treatment features are planned for the other side of the lake as part of the redevelopment of the old Four Seasons Mall in Plymouth, Jester says.

The shallow lake captures run-off from almost 1,300 acres of urban area, which is a lot for a small body of water, Jester says, adding that it has led to considerable buildup of phosphorous over time.

“It will take a lot of time to see the results on the water quality,” she says. “This project is a great start, but there is so much phosphorous built up in the lake that even if we turn off all the phosphorus entering the lake now, it may take years to see significant changes in water quality due to internal phosphorus sources.”

Getting attention
Aside from its use with the lake, the underground tank is providing some educational value, Jester adds. It’s an unusual system, one that has gotten the attention from student groups as well as environmentalists wondering if this might be an option in other places.

“Water reuse tanks are getting more and more popular because they solve two problems,” Jester says. “They capture the stormwater, and they reduce the need for pumping groundwater for irrigating ballfields. But there are more expenses and there is more maintenance. It was a new kind of project for us, but it seems to be working great.”

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

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