Project Funding
Rural cities looking for money may find it in the federal Rural Development Community Programs. PAGE 21

Federal Advocacy
City leaders recently took the message of Minnesota cities to Capitol Hill. PAGE 14
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Check out Minnesota Cities online, where you can add to the discussion by posting your comments! Visit www.mncities.org.
Thanks to Our Friends in Public Works

BY DAVID UNMACHT

My neighbor Derek and I are early risers. It’s not uncommon for us to extend a greeting sometime between 5 and 5:30 a.m., when we both leave our houses for the day.

One early morning this winter, he was standing outside his truck, which was at the end of his driveway. I thought something might be wrong, so I went to find out. I almost fell immediately upon touching my driveway. It was the morning of an ice storm.

I stopped and yelled, “What’s up?” Derek said, “I can’t get up the hill. The ice is too bad.” I delicately walked out to the street to talk with Derek, and we both agreed that if his truck couldn’t make the hill, my sedan had no chance.

Within minutes and with good luck, a City of Eagan snowplow drove right by us and, to our surprise, it could not make it up the hill either. But the driver was very clever, well trained, or both.

After realizing his truck was stalled by the icy hill, the driver slowly backed down. But he was not done. He put the plow in reverse and then backed up the hill with the salt and sand mixture dropping ahead of his wheels. With amazement, we watched the truck, in reverse, methodically ascend the hill. Our path was now cleared, and the ice was defeated.

Weeks later, it’s early spring and I’m looking outside my front window with only a few pieces of dirty snow remaining on the ground. The ice is now water running into storm drains and soaking the grass and farm fields. A perfect time for me to reflect on the rough winter we shared.

One of my favorite experiences as an administrator in Belle Plaine and Prior Lake was going out with our city’s public works staff, not only in the winter, but also the summer. Riding shotgun in the cab of the snowplow, there was little conversation as the driver was highly engaged and very focused on his or her work. The noise of the plow and the snow being forcefully pushed was intense and almost mesmerizing.

Summertime was different, and the conversations were more free-flowing. I always felt welcome in the cab of a truck. The crew was proud of their work and enjoyed talking about it. My interest was genuine and my learning curve steep. I was not afraid to ask dumb questions. I was also a captive audience—no way was I jumping out of the moving vehicle.

When I worked for Scott County, I would occasionally go out on a hot summer day with Public Works Director Lezlie Vermillian (who is now the county administrator) and deliver a cooler of cold beverages to the crew during a break in the construction and paving season. It was hot, dirty work, and the crew’s appreciation for an ice-cold drink was worth the ride. I’d do that again in a minute if given the opportunity.

Streets, roads, sewers, waterlines, stormwater systems, salt, sand, gravel, rock, pipes, and noise, yes noise: these are all among the elements that are part of a city’s infrastructure. That infrastructure takes a beating in the winter, and the care and feeding of our systems is done marvelously by the public works staff. While well established as non-glamorous work, that does not diminish the pride the team takes in building, maintaining, and fixing our systems.

From long hours to short nights, from frozen clothes to sweat-soaked shirts, the public works team adjusts and adapts to each season with a sense of heightened expectation and then, finally, relief. And then they do it all over again.

As the plows are being taken off the trucks, cleaned, maintained, and then stored for the summer, reach out to each member of your crew and extend a special thank you for their winter efforts. A record snowfall is now a memory, and we owe a deep thanks to our drivers, the staff and mechanics that maintain the fleet, and the office staff that receive complaints and compliments.

Derek and I are certainly grateful to that driver. By the time you read this column, I will have called Eagan Public Works Director Russ Matthys to express our thanks and to applaud the driver who faced and overcame that ice challenge. This extra effort may be long forgotten by the driver, but it will never be forgotten by two residents.

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

Share comments about this topic at www.mncities.org. Click on “St. Paul to City Hall,” and post your comments below the story.
A Capital Idea for Civic Success

All the money in the world won’t create a healthy, democratic community without the additional input of “civic capital,” says research done by the National Civic League (NCL). The NCL defines civic capital—which is an umbrella term for things like engagement, collaboration, and leadership—as the “primary explanation for long-term community success.” So where does your community rate on civic capital? The Civic Index, a self-assessment tool from the NCL, can help you find out. The tool uses a series of questions to provide a framework for discussing and measuring a community’s civic capital. From there, a community will have a better benchmark of its strengths and where it might have gaps. Find the Civic Index and more information on civic capital at www.nationalcivicleague.org/resources/civicindex.

Minnesota Cities From A to Z, and Then Some

The 2019 Directory of Minnesota City Officials is fresh off the presses and ready to become your handy reference for Minnesota cities! 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. In addition, the back of the book includes info like how to contact League staff as well as legislative and congressional offices. Get your copy now for only $69. For more information and an order form, visit www.lmc.org/directory.

Shakopee Ice Arena was also host to the NHL Alumni Parkinson’s Foundation Minnesota exhibition game in April, which included food trucks, games, and a silent auction. Money from the event benefited the Parkinson’s Foundation Minnesota. Shakopee Director of Parks and Recreation Jay Tobin says the city would like to make it an annual event.

Shakopee Raises Parkinson’s Awareness Through Parks and Rec

The Shakopee Parks and Recreation Department held a series of exercise classes designed for residents living with Parkinson’s disease or other movement disorders as part of Parkinson’s Awareness Month in April. The classes were first developed in the fall of 2018. “We saw a need for supporting this population with exercise,” says Fitness Coordinator Kelsey Theis. “Research shows that regular physical exercise helps people with Parkinson’s disease to reduce stiffness, regain mobility, improve gait, improve balance, improve posture, strengthen muscles, and manage other symptoms.” City staff plan to continue offering the class series at additional times throughout the year.

The Peace Officer Accredited Training Online (PATROL) program is sporting a fresh new look this spring to accompany its always-current continuing education. The new logo is designed to be instantly recognizable—like a shiny new squad car—while reflecting the work of peace officers at the city, county, and state level. In addition, the website has been updated to help you find and register for trainings, many of which are accredited by the Minnesota Board of Peace Officer Standards and Training and approved by the Occupational Safety and Health Administration. See what courses are available and access the updated portal at www.lmc.org/PATROL. PATROL is developed by the League of Minnesota Cities Insurance Trust in partnership with the Minnesota Counties Intergovernmental Trust, Minnesota Chiefs of Police Association, and Minnesota Sheriffs’ Association.

PATROL Program Gets Polished Up

The Peace officer Accredited TRaining OnLine (PATROL) program is sporting a fresh new look this spring to accompany its always-current continuing education. The new logo is designed to be instantly recognizable—like a shiny new squad car—while reflecting the work of peace officers at the city, county, and state level. In addition, the website has been updated to help you find and register for trainings, many of which are accredited by the Minnesota Board of Peace Officer Standards and Training and approved by the Occupational Safety and Health Administration. See what courses are available and access the updated portal at www.lmc.org/PATROL. PATROL is developed by the League of Minnesota Cities Insurance Trust in partnership with the Minnesota Counties Intergovernmental Trust, Minnesota Chiefs of Police Association, and Minnesota Sheriffs’ Association.
**Treasured Places in Print**

Retired National League of Cities Director Don Borut and former Abilene, Texas, Mayor Gary McCaleb combined their knowledge and love of communities across the nation to write *Treasured Places: Celebrating the Richness of America’s Cities and Towns*, now available in paperback. The book is a compilation of short narratives about the value of cities and the special ingredients that help create a sense of place. It takes readers on a journey that covers 44 states and every region of America, while offering insights on why communities matter. More than 60 communities are featured in the book, including Duluth and Rochester.

**Bits & Briefs**

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**On the web**

Learn more about these and other events at [www.lmc.org/events](http://www.lmc.org/events).

**Lanes of Commerce and Community**

Small town grocery stores can face a world of challenges, while still being the center of your community’s world. Many of them struggle with competition from larger chain stores, a shrinking customer base, and changing customer demands for a greater variety of fresh produce. The University of Minnesota Extension Regional Sustainable Development Partnerships (RSDP) offer a toolkit—including checklists and sample policies, training, and information on grants—to help your community work together to sustain these important businesses. Get connected with the RSDP’s rural grocery store initiative at [z.umn.edu/ruralgrocery](http://z.umn.edu/ruralgrocery).

**NLC City Summit Slated for San Antonio in November**

City Summit is the National League of Cities’ (NLC) annual conference for all local officials—elected and staff—to learn about the issues affecting local governments and expand their professional network. The conference provides education for leadership development, meaningful discussions on common local-level problems, and new best practices to address the trends affecting cities. This year, the conference will be held Nov. 20-23 in San Antonio. In addition to conference workshops, general sessions, and NLC University seminars, attendees will get a chance to see successful projects during mobile workshops around the host city. Register by June 30 to get the early-bird rate! Learn more and register at [https://citysummit.nlc.org](https://citysummit.nlc.org).

**#S4SCON Social for Safety Conference**

The Government Social Media Organization (GSMO) has announced a new event designed specifically for staffers who manage public safety agency social media accounts or are part of a virtual operations support team. The inaugural event is set for Oct. 1-3 in Reno, Nevada. Learn more at [www.gsmo.org](http://www.gsmo.org).

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ApexEngGroup.com
Does Your City Have a Short-Term Rental Ordinance?

JUSTIN OTSEA
CITY PLANNER
TWO HARBORS (POPULATION 3,637)

Two Harbors is situated along Lake Superior just down the road from Duluth, and we get a lot of visitors. The city was getting a lot of calls from individuals looking to buy properties strictly for short-term rental purposes. This—combined with a recently completed housing study identifying a shortage in both housing and rental stocks in the community—made permitting the use a priority.

**Developing the program**

We worked with the Planning Commission, first reviewing other Minnesota cities’ short-term rental programs, and developed something we thought would work for our community. We got input on the drafted ordinance from the head of the Chamber of Commerce, who both represents the hotel industry and owns multiple rental properties. We looked at the issue over the course of six to seven months from research to ordinance adoption in 2018.

The overall goal of the program was three-fold. First, given the limited housing/rental stock in the community, the city wanted to keep a record of the amount of short-term rental activity. Second, the hotels in Two Harbors are subject to a tourism tax, and regularly see no-vacancy signs in the high-pressure season. To even the playing field, given the similar uses, the city decided to tax the short-term rental use accordingly. Third, the ordinance gives the city a way to deal with any problems related to short-term rentals. We had received a handful of complaints regarding short-term renters, and we had little to no mechanism for enforcement if a significant issue were to arise.

**Early enforcement efforts**

Enforcement has just started over the last couple of months. We sent written notice of the new ordinance to the short-term rental property owners we know of. We’ve started to receive compliance and are continuing to monitor existing and new properties.

We’ve also reached out to Airbnb. We’re seeking the company’s assistance with the taxing/permitting process, but a meaningful partnership has not yet been formed.

**Starting small**

We started with limited regulations, so we could easily enforce them and evaluate the effectiveness and workload of administering the program. Starting a small program that can be expanded if needed has been the best approach for our community.

DALE STEFANISKO
CODE ENFORCEMENT OFFICER
PRIOR LAKE (POPULATION 25,735)

Like so many ordinances, the short-term rental ordinance adopted by the City of Prior Lake in 2015 was born out of nuisance-related complaints. After a handful of complaints were received about a couple rental properties in Prior Lake, the City Council wanted to consider its options.

**Weighing options**

The Council considered prohibiting short-term rental properties altogether. However, recognizing that Scott County is a tourist area, the City Council decided to allow them with certain regulations.

The process to create the short-term rental ordinance started with staff researching other communities and included talking to short-term rental property owners, residents, the police, and other city staff.

**Striking a balance**

The city’s primary goal was to create an ordinance that would allow short-term rentals while also ensuring that they do not become a nuisance or blight to the neighborhood.

To achieve that goal, the ordinance identifies specific short-term rental conditions and requires a common nuisance violation notice to be posted. This required posting, including local code requirements and contact information of the property owner or agent, must be displayed at the rental property. The permitting process also includes a requirement that the applicant acknowledge they have read the short-term rental code.

Since its adoption, the ordinance has been adjusted to address parking requirements for properties on private streets or properties on an island in Prior Lake.

**Involve key stakeholders**

For other communities considering the adoption of a short-term rental ordinance, we would recommend involving key stakeholders potentially affected by an ordinance. These stakeholders would include potential rental property owners or their agents, neighboring property owners, neighborhood associations, and city staff members that would be involved with the permitting process or enforcement of the ordinance.

The ordinance and required permitting have worked well for Prior Lake. The few complaints received in recent years have been related to renting properties without a short-term rental permit. But since the adoption of the ordinance, the city has received few complaints about short-term rental properties, so we consider it a success.
Four gallons of semi-gloss paint. Fifteen brushes. Twelve hours. That's all it took for me, my neighbors, and our kids to create a 500-square-foot mural on Springmount Avenue, a twisting midtown Toronto street lined with century-old homes and large trees whose branches reach out from both sides of the road, touching in the middle. Unlike traditional murals painted on walls or under bridges, the Springmount mural was painted flat on the road, stretching gloriously from curb to curb. Designed by a local artist and carefully outlined by steady-handed adults, our horizontal masterpiece was mostly painted by dozens of pint-sized Picassos of all ages. It was colorful and gorgeous. Unfortunately, as it turns out, our art project was also a violation of our local bylaws, which didn't allow road murals—even though programs in other cities had successfully encouraged residents to realize the artistic potential of their pavement.

Councilmember takes notice
But our artistic endeavor did put pressure on the city to do away with the unnecessarily restrictive bylaws, and to legalize and regulate community-driven road murals. Our project quickly attracted media attention, and full color photos appeared in multiple newspapers. I was even invited to speak on radio shows. The icing on the cake, though, was when our local city councilmember agreed to put forward a motion asking City Hall staff to create a proper permit process. Our painting was transforming policy!

I encouraged my neighbors to send letters of support to the City Council, and I invited Melissa Frew, the local artist who designed our mural, to come to City Hall and speak at an important committee meeting where the Council would be voting on our proposal.

As a familiar face at City Hall, I'm too easily dismissed as an “activist,” so I felt that Melissa's voice would show we had support in the community. She'd never been to a meeting at City Hall and said she was nervous, but she hesitantly agreed to attend. This was participatory democracy in action!

Discouraged by a closed door
At the meeting the following week, Melissa didn't show up. I sent her a text message to find out where she was, and she wrote back immediately to explain that she'd arrived at City Hall but had trouble finding the committee room the meeting was being held in. And when she did find the right door, it was closed. Councilors, City Hall staff, lobbyists, political insiders, and activists (like me) know that the committee room doors are always closed, and that everyone is welcome to open them and walk in. But to someone attending a committee meeting for the first time, a closed door sends a strong message: Keep out.

So, when Melissa encountered that closed door, she wasn't sure if she was allowed in. She did crack the door open slightly to listen, but when she couldn't determine if she'd missed the item or not, she decided to go home. “I didn't feel that I could walk in,” she later told me. “I thought I would be interrupting.”

Here's a challenge for you: Go to any indoor shopping mall and find a store with its doors closed. You can search for the rest of your life, but you’ll never find one. Retail managers know that the smallest details can encourage shoppers to come in or walk past.

The mechanics of exclusion
Our democratic institutions, too, can feel inviting, alienating, or even invisible, depending on how they’re designed. When we talk about democratic reform, we tend to focus on the biggest and most obvious design flaws, such as our voting system or the influence of “big money.” But during my 20 years as a community organizer, I've seen how small, overlooked flaws can collectively serve as a significant obstacle to participation.

Just as a city's billion-dollar sewer system can get blocked by wet wipes and dental floss, a democracy can be clogged when the smallest details coalesce into layers of obstruction. If something as
simple as a single closed door can deter a grown adult from participating, try to imagine the cumulative impact of these layers and how they reinforce the idea of politics as an insider’s game. These are the often-overlooked mechanics of exclusion, and this is what makes our system rigged against ordinary people.

The way that governments design public notices to communicate with citizens offers us a perfect example of what I’m talking about. When I presented a TEDx Talk back in 2010, I showed the audience what a public notice looks like in Toronto (dull, monotone, no images, tiny font, etc.), and then I showed how ridiculous a Nike ad would look if the company used the same approach.

The ensuing laughter was expected. We all know that companies like Nike produce fun, sexy, effective advertisements, while governments have cornered the market on dull, useless communication.

Nike has effective ads because the company wants you to buy its products. But the message we get from bland public notices is that governments are completely uninterested in having regular people involved in community planning. In other words, these government notices are rigged. Rigged to keep you uninterested and uninvolved.

**Another obstacle: ‘Municipal Gobbledegook’**

Of course, good graphic design is just the beginning. The effective use of colors, images, fonts, and layout is great, but if the words themselves don’t make any sense, you’ve still got a useless leaflet, webpage, or sign.

A report called “Municipal Gobbledegook,” written by the Toronto Bureau of Municipal Research, explains the problem: “Public notices, rather than clearly informing people of decisions that are pending, may only confuse or perhaps frustrate or even antagonize them. It is too easy to view the notices as mere legal formalities. But they are much more. These notices not only convey specific information to particular individuals, but also are an important mechanism through which citizen participation may be encouraged and informed or discouraged and possibly nipped in the bud.”

Wise words. Sadly, that report was written in 1972—before I was born. It’s almost as if someone has come up with a list of all the things that would make it more comfortable and convenient for citizens to engage politically, and then implemented the opposite.

For example, our governments hold their most important public meetings during regular work hours, presenting an enormous obstacle to those who want to speak at a meeting or witness a crucial vote but can’t take time off work or school. (Timing is everything. That’s why “Dancing With the Stars” doesn’t air at noon, and restaurants don’t send their staff home at 5 p.m.)

Very few city halls offer free snacks during meetings, and some even ban all food entirely from their chambers. Even fewer municipalities offer childcare for public meetings, even though IKEA has been doing it since 1958.

All these barriers or inconveniences create an imbalance at city hall, because lobbyists and special interests will always find their way through the legislative labyrinth. But ordinary people will not.

**Think about the user experience**

Almost every topic I’ve discussed here can be summed up with two words: user experience. In the world of technology, user experience (or UX, for short) is about maximizing the simplicity and comfort of a device or application—especially for first-time users. But UX doesn’t apply only to laptops or smartphones.

Anything can be designed with UX in mind: a store, a car, or even a pen. All the commercial products and places we interact with daily tend to have incredible UX design. Companies invest effort, attention, and money into making you feel as comfortable as possible. Governments do not. In fact, they seem committed to creating uncomfortable environments.

A healthy democracy must be accessible, comfortable, understandable, and convenient. Every aspect of the system needs to be dissected and assessed based on how it impacts these four necessities.

If we want to create a culture that invites people in rather than pushing them away, the first step is to open the doors—both physical and metaphorical. Once these doors are open, I believe we can create a participatory democracy unlike anything we’ve ever seen before.

Dave Meslin is a Toronto-based community organizer and author of the book, *Teardown: Rebuilding Democracy from the Ground Up* ([www.teardown.build](http://www.teardown.build)).
Editor’s Note: In today’s diverse communities, it’s important to be able to understand and communicate with people from various backgrounds and cultures. It’s especially important when you’re a leader in your city. Paul Robinson, consultant and facilitator at the James P. Shannon Leadership Institute at the Amherst H. Wilder Foundation, will lead a pre-conference workshop at the League of Minnesota Cities’ 2019 Annual Conference called “Intercultural Development & Communication.” In this session, Robinson will focus on increasing cultural self-awareness, deepening cross-cultural understanding, and adapting your communication approach to be more effective or responsive. Participants will learn a useful framework for effective leadership. The following article discusses the essential elements of effective leadership, and the important role that cross-cultural communication plays.

As a leader in your city, you’re always looking for ways to be more effective, but it can be a challenge—especially as most cities’ populations are rapidly changing and becoming more diverse. In this environment, effective leadership requires self-discovery, meaningful relationships, and self-care.

Self-discovery
Self-discovery comes from taking time to reflect on who we are, where we’re from, and who and what matters most to us. Life experiences (positive, neutral, negative) help shape and inform who we become. Sometimes, it can be uncomfortable for people to talk or think about themselves. At times, it’s easier to focus on projects, climbing the organizational ladder, or leading a team than exploring our inner selves. This internal journey can help you rediscover many positive things. As we get older, we often forget hobbies, relationships, and pastimes that once brought joy. Exploring the contours of our inner selves may lead to reclaiming and renewing these parts of ourselves.

Meaningful relationships
Effective leadership also requires meaningful relationships or, as some call them, nutritious relationships. The phrase “nutritious relationships” is intriguing. I’m not sure where the phrase comes from. Like many things, I heard it from someone who heard it from someone else.

When it comes to nutrition, you may think of healthy foods. Nutritious relationships are those that feed us, and we reciprocate. These relationships catalyze new ideas, possibilities, and risk-taking. Nutritious relationships challenge us to pursue the best version of ourselves even when we’re in the midst of figuring out what that is.

Leading effectively includes surrounding ourselves with these kinds of relationships. However, not all relationships are nutritious. No one has the luxury of being surrounded by only nutritious relationships. Some relationships, such as with co-workers, family members, and longtime friends, may be less nutritious but necessary. In this case, the effective leader must develop a strategy to limit exposure to potentially unhealthy interactions. Constant exposure to non-nutritious relationships can drain energy and joy.

Nutritious relationships are important especially in seasons of unhealthiness. If a support network includes healthy relationships, those individuals can hold you accountable to maintain health. It helps to know yourself well, have nutritious relationships, and be committed to service as an effective leader.

Taking time for self-care
James P. Shannon, co-founder of the Institute for Renewing Community Leadership (now called the James P. Shannon Leadership Institute), once said that his desire was to “be a weight-bearing member of society.” I believe Jim got it right! Effective leaders discover the power of “and.” Being a weight-bearer means that the effective leader understands that investing in oneself is not selfish. It is an investment in ourselves and others.
Too many leaders miss the “and” of leadership. They are either overly self-focused or other-focused. Either extreme can lead to unhealthy dynamics. A leader with laser focus on him- or herself can be seen as arrogant, selfish, and lacking emotional intelligence. A leader who is a martyr, on the other hand, is praised by others for his or her dedication to the team, project, or mission. However, there is also the danger of becoming burnt out, which can lead one to lack authenticity.

Service without self-care is unsustainable. This kind of service, while it makes us feel good to be praised by others, tends to create conditions where gifts, talents, and contributions of others are underdeveloped and untapped. Team members of “leaders as martyrs” know, whether consciously or subconsciously, that the martyr will take care of everything.

Parker Palmer, founder of the Center for Courage and Renewal, says it best: “Self-care is never a selfish act—it is simply good stewardship of the only gift I have, the gift I was put on earth to offer others. Anytime we can listen to our true self and give the care it requires, we do it not only for ourselves, but for the many others whose lives we touch.”

**Relating to those who are different**

Effective leadership also requires learning to understand and communicate with those who are different from ourselves. We are living in an increasingly multi-ethnic, multi-racial, and intergenerational community. Those who learn to navigate these new realities will provide the most effective leadership in their organizations.

As humans, we tend to have an easier time establishing relationships with those similar to us. Moreover, without significant exposure to different cultures, we assume the way we do things is the same way others who are different do things. We tend to attach values to different ways of doing things as better or worse instead of just different.

Taking a journey of self-discovery around important elements of one’s cultural story takes intention and attention. All human beings have culture! The development of culture happens both implicitly and explicitly over the course of our lives as we grow and develop.

There are many different definitions of culture, but I prefer this one: “Culture is a way of life of a group of people—the behaviors, beliefs, values, and symbols that they accept, generally without thinking about them, and that are passed along by communication and imitation from one generation to the next.”

Our families play a central role in forming our own cultural norms, but friends, influencers, and the places where we live and work also contribute. Most of us are familiar with the culture at play on our work team or within our organization. The contours of organizational culture may not be something you can find in an employee manual or handbook, but it is prominent in most organizations, including cities. It doesn’t take long for new employees to figure out the “way we do things around here.” Those who align their behavior with or are at least (continued on page 12)
neutral to the dominant culture tend to enjoy work more than those who resist organizational culture. There are rewards for those who "fit the culture" and disincentives for those who don’t. The meaning is invariably unclear when they say you’re a “fit” or you’re not. Often it is not related to a person’s ability to do the job.

**Self-discovery is the first step**

And this brings us back to self-discovery. A first step to healthy cross-cultural communication and, by extension, relationships, requires self-discovery around our own cultural identities. Without this knowledge, it is difficult to embrace cultural differences as a “different way” as opposed to a “better or worse way.” I believe that, as leaders, we have a great opportunity.

It’s easy to lament the rise in partisan rhetoric and tension, but these fractures and cracks are waiting to be filled with “and” leaders. Leaders who know the power of “and” recognize that we can celebrate our own culture and the cultures of others, and know that diversity is not a threat but a strength. In fact, many studies show that diverse work teams with managers committed to diversity and inclusion outperform homogenous ones.

But we don’t really need empirical research to convince us of this. Look at the complexity and diversity of the natural world. We have different trees, shrubs, animals, and insects. All these coexist in a complimentary ecosystem but are not all the same. Think about the diversity of cells in the human body and organ systems that work together to keep us running!

Effective leaders today and tomorrow will know themselves and be committed to nutritious relationships—including cross-cultural relationships—and service to the greater good. I am hopeful that a cadre of bold and courageous leaders are rising up to meet the challenges of today. Our families, organizations, institutions, and communities need this kind of courageous leadership. Ultimately, we are required to be great stewards of our season of life to leave the world better for those who will follow us.

Paul Robinson is a consultant and facilitator at the James P. Shannon Leadership Institute at the Amherst H. Wilder Foundation.

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Infrastructure funding and relationship building were the top priorities of about 25 Minnesota city officials and League of Minnesota Cities (LMC) staff who met with members of the Minnesota congressional delegation on March 13.

As part of the National League of Cities Congressional City Conference, city officials from across the country met with members of Congress to ask them to “Rebuild With Us”—which is NLC’s campaign for federal infrastructure funding.

LMC staff and Minnesota city officials had a busy day of productive meetings with nearly all the members or staff of our state’s congressional delegation. The day began with meeting Sens. Amy Klobuchar and Tina Smith. Members also met with Reps. Ilhan Omar, Betty McCollum, Angie Craig, Dean Phillips, and Pete Stauber, as well as staff for Reps. Collin Peterson and Tom Emmer.

Ely Councilmember and LMC President Heidi Omerza led the conversations by thanking the lawmakers for their work on behalf of Minnesotans, and asked them to think of the League and city officials as their partners. “Cities are not a special interest group; we have a shared constituency,” Omerza told them.
City officials visiting with U.S. Rep. Betty McCollum (front, third from right) take time out for a group photo.

PHOTO BY LMC STAFF


L to R: Minnetonka Mayor Brad Wiersum, Hopkins City Manager Mike Mornson, Nisswa City Administrator Jenny Max, Crosby City Administrator Lisa Sova, Ely Councilmember Heidi Omerza, and Rep. Pete Stauber.

PHOTO BY GLENN COOK


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U.S. Rep. Angie Craig, left, chats with LMC President and Ely Councilmember Heidi Omerza.

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As the 2019 Minnesota legislative session is about to end, it’s hard to believe that planning for the next legislative session begins soon. To increase your likelihood of future success at the state Capitol, take a look at the following tips and pick two or three that will likely assist your city.

1. **Thank your allies.**
After the legislative session adjourns, take time to thank the people who helped you. This is important and worth the effort. Identify the people who were most instrumental in your efforts. It could be legislators, legislative staff, a person in the governor’s office, or members of coalitions who helped further the cause. Send them thank you emails or handwritten notes or place a quick phone call if that works better for you.

2. **Decompress, then analyze.**
After the legislative session comes to an end, understand that everyone who works at the Capitol is exhausted. Legislators, legislative staff, state agencies, the governor’s staff, local elected officials, city staff, association staff, and government relations professionals need to take a break and decompress from the long days and longer nights at the Capitol.

After taking a break, think critically about what advocacy efforts worked for you and your city and what did not. Mayors, councilmembers, and city staff should take the time to think through what they learned, and where they saw strengths and weaknesses. A 15-minute agenda item during a city council study meeting or work session will be time well spent to provide direction for the city staff as they plan for the next year.

3. **Meet with those who have opposing positions.**
As difficult as it can be, talking to those who opposed your legislation can be extremely helpful to your future success at the Capitol. Sometimes when you understand why opponents hold the position they do, you can find a way to address it and thereby remove opposition.

At a minimum, understanding the viewpoint and rationale of the people or groups who oppose your legislation will prepare you for future committee hearings and meetings with legislators.

4. **Make time for conversations.**
Schedule a city council study meeting or work session with your legislators. As much as possible, have a relaxed conversation with them rather than a long presentation. Ask them how they prefer to work with you.

Invite League of Minnesota Cities (LMC) staff to join you, particularly if you want to discuss an issue that affects most cities. If you are working with government relations professionals at the Capitol, invite them to these meetings as well.

5. **Clean your inbox.**
Choose a system that works for you to organize or discard items after the Minnesota Legislature adjourns for 2019. Save key documents and purge the rest. Almost everything that happens at the Capitol is online. You can read all bills and amendments, and watch archived committee hearings, Senate floor sessions, House floor sessions, and press conferences held by the governor and legislators.

Organizing can be as simple as creating a 2019 legislative session folder and moving all related emails there. You may be surprised how rarely you look for any of that information, but it is there if you need it.

6. **Review and refresh your legislative priorities.**
Revisit your city’s goals and determine whether priorities have changed. Develop new goals and begin to think through what tools and strategies you might need to achieve those goals.

Determine if you need to educate yourself about the issues you face. If you need help to achieve your goals, take steps to get that help.

7. **Participate in League of Minnesota Cities events.**
Attend as many League events as possible that work for your schedule. Ask League staff for assistance in meeting your city’s policy goals. The League is the “gold standard” at the state Capitol. Legislators across the state and across the political spectrum respect LMC staff as nonpartisan subject matter experts who effectively advocate for the needs of all Minnesota cities at the Capitol. Get to know them and participate in their events and their policy-development process.

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Ann Lenczewski is a local government relations consultant with the law firm of Lockridge Grindal Nauen (www.locklaw.com). Lockridge Grindal Nauen is a member of the League’s Business Leadership Council (www.lmc.org/sponsors).
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Water Theft: Leaks Aren’t the Only Way to Lose

BY ASHLEY SHIWARSKI

Providing clean, potable water to your residents isn’t an inexpensive or simple proposition, but many residents don’t understand the process—they turn on the tap, and they have water. Perhaps it’s this lack of knowledge about the process that makes water theft plausible.

A story in the Spring 2018 edition of Breeze, the publication of the Minnesota Section of the American Water Works Association, illustrates how pervasive water theft can be. Rick Wahlen, Eden Prairie manager of utility operations, describes a situation where a family had its backyard pool re-lined, and the pool installer asked the children of the house to hook his hose up to a nearby hydrant to fill the pool.

An attentive neighbor called the police, and they notified the city. When confronting the homeowner, it became apparent that he was not aware that this was illegal or detrimental to the community.

THE DAMAGE CAUSED BY THEFT

Theft can do a lot of damage—for one, there is a cost associated with producing that water and, when a utility doesn’t recoup the costs for stolen water, that cost must be spread out across those customers who are paying, increasing their bills. Frequently, when businesses or contractors access water without authorization, they open a fire hydrant or tap into a sprinkler system—something that could damage those life-saving systems. Of course, during a drought, when supplies are low, water theft is especially egregious.

Stealing water can also do damage to the meter, while costing quite a lot in lost revenue. A Waynesboro, Virginia, man stole more than 96,000 gallons of water, at a cost of $10,000, The News Virginian reported. Much of it was wasted because he had stolen a water valve from an empty home and installed it in his own meter box poorly, allowing an untold amount of water to simply spill onto the ground.

THEFT METHODS

Residential customers who are stealing water usually employ a meter jumper—a piece of pipe or hose that replaces a meter. It is usually removed between meter readings and the meter replaced for the reading, resulting in artificially low billing.

This can be prevented by locking meter housings or using meter yokes. Or it can be easily discovered by varying the schedule for meter readings. Running a usage audit can show if a homeowner has a steep drop in gallons used.

Those who can’t afford their bills aren’t the only ones committing water theft. Actor Tom Selleck settled with a California water district for $21,000 in 2015 after a water tanker allegedly filled up at a Calleguas district fire hydrant, then trucked the water to Selleck’s ranch in Westlake, outside the district, according to The Guardian news website.

This happened more than a dozen times over two years, despite a cease-and-desist order. The settlement covered the cost for the private investigator the district hired to produce proof of the theft.

EFFORTS TO STOP THEFT

Across the pond, Thames Water, facing unprecedented water losses, has hired detectives to seek out water theft.

In a similar vein, West Virginia American Water announced a crackdown last year on those stealing water—particularly those who have damaged water meters and meter housings, are repeat offenders, or threaten employees. The utility announced plans to press charges with local law enforcement officers for stealing utility service.

While some utilities are employing stringent measures to stop theft, some communities have seen success with amnesty—allowing residents to admit their theft and pay for the water but avoid fines. Others have turned to using more modern, tamper-proof meters and hiring regulators to enforce compliance.

Advanced meter infrastructures use real-time data, which can tip utility employees off to sudden changes in usage. And meters that include an accelerometer can alert employees when the meters are removed as it is happening.

Your best and most cost-efficient allies in the fight against water theft are your customers. When water is stolen, they subsidize that cost, and you can be sure they’re not happy about it. Tucking a notice about your water theft policy, the cost to ordinary rate payers, and an encouragement to report water theft into their monthly bill is a preemptive measure to fight water theft.

Ashley Shiwarski is senior manager with the NLC Service Line Warranty Program, administered by Utility Service Partners (www.utilitysp.net). The NLC Service Line Warranty Program is a member of the LMC Business Leadership Council (www.lmc.org/sponsors).
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Need Project Funding? Check Out USDA Rural Development Programs

BY BRAD FINSTAD

A small city expanded its fire emergency services to several neighboring townships after purchasing a new rescue vehicle with up-to-date equipment and constructing a new fire hall. Drinking water is more affordable for another small city because its leaders replaced aging infrastructure. Still another small city now has a community center to provide a safe place and services for children, teens, and adults.

These are all examples of projects that can be—and have been—financed for small rural cities across Minnesota through the U.S. Department of Agriculture (USDA) Rural Development’s Community Programs.

Other examples of projects that have been made possible by these programs include upgrading water and wastewater systems to decrease the cost of regular maintenance and improve residents’ quality of life; purchasing new police vehicles and corresponding equipment to help address the public safety needs of the community; and building a new city hall with enough office space to house current and future employees and better serve the needs of the area.

**Community Facilities Programs**

Essential community infrastructure is key in ensuring that rural areas enjoy the same basic quality of life and services enjoyed by those in urban areas. Rural Development’s Community Facilities Programs offer direct loans, loan guarantees, and grants to develop or improve essential public services and facilities in rural communities. These amenities help increase the competitiveness of rural communities in attracting and retaining businesses that provide employment and services for their residents. (Learn more about Community Facilities Programs at [http://bit.ly/2Oy9XU6](http://bit.ly/2Oy9XU6).)

Cities and other public organizations, as well as nonprofit organizations and federally recognized American Indian Tribes can use the funds to construct, expand, or improve facilities that provide health care, education, public safety, and public services.

Projects include fire and rescue stations, city halls, health care clinics, hospitals, adult and child care centers, assisted living facilities, rehabilitation centers, public buildings, schools, libraries, and many other community-based initiatives. Financing may also cover the costs for land acquisition, professional fees, and purchase of equipment.

**New toolkit to navigate the process**

Community facilities help improve the basic quality of life and assist in the development and sustainability of rural areas. With several programs available, including the highly popular Community Facilities Direct Loan and Grant Program, Rural Development has affordable options to help ensure economic vitality in rural areas.

Rural Development recently created the Community Facilities Infrastructure Toolkit to help community leaders with the complex process that is required to successfully develop and construct a new facility. It outlines the major capacity, credit, and logistical challenges that particularly confront small cities and rural areas.

**Funding for water and environmental projects**

Through the Water and Environmental Programs (WEP), rural communities obtain the technical assistance and financing necessary to develop drinking water and waste disposal systems. Safe drinking water and sanitary waste disposal systems are vital not only to public health, but also to the economic vitality of rural areas. (Learn more about WEP at [http://bit.ly/2WwpQ03](http://bit.ly/2WwpQ03).)

WEP provides loan guarantees, direct loans, and grants for the construction of water and waste facilities in rural communities with populations of 10,000 or less. The most popular water and environmental program is the Water & Waste Disposal Loans & Grants program, which provides funding for clean and reliable drinking water systems, sanitary sewage disposal, sanitary solid waste disposal, and stormwater drainage to households and businesses in eligible rural areas.

WEP also provides funding to organizations that provide technical assistance and training to rural communities in relation to their water and waste activities. For example, the Emergency Community Water Assistance Grant helps eligible communities prepare, or recover from, an emergency that threatens the availability of safe, reliable drinking water.

In addition, the SEARCH Grant helps very small, financially distressed rural communities with predevelopment feasibility studies, design, and technical assistance on proposed water and waste disposal projects.

**Individual help is available**

With nine Community Programs Specialists located throughout the state, Rural Development can help walk your city through the entire process, from your first inquiry on eligibility to final ribbon cutting. To learn more about how Rural Development could help your community achieve its project goals affordably, visit [www.rd.usda.gov/mn](http://www.rd.usda.gov/mn).

Brad Finstad is Minnesota state director with U.S. Department of Agriculture Rural Development.
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Understanding Tribal Sovereign Rights

BY JACOB GLASS

Tribes and sovereign rights have been in the news a lot over the past few years. Whether it is regarding pipelines crossing American Indian land or tribal netting on area lakes, the sovereignty of American Indians and tribes continues to be challenged and sometimes forgotten about completely.

But tribal sovereignty is real, and cities need to be aware of it. If you have any tribes/reservations within your city limits, it’s important to understand that city ordinances do not apply to reservation lands. However, by being a good neighbor and keeping a dialogue open with the tribal government, your city can live in harmony with the tribe.

History of sovereignty
Tribal sovereign rights, just like the rights currently enjoyed by most railroads, were established and are protected by treaties that were signed by the United States government between 1778 and 1871, as well as by executive orders and acts of Congress. Under the Supremacy Clause of the U.S. Constitution, treaties are the supreme law of the land.

By entering these treaties, American Indians agreed to cede millions of acres of their land to the United States in exchange for money and protection while simultaneously retaining hunting, gathering, and fishing rights.

Court decisions are mixed
The federal government characterizes these treaties as “Contracts Between Nations,” but court decisions are mixed on whether they are enforceable. For example, in 1999, the U.S. Supreme Court ruled that the Mille Lacs Band of Ojibwe “retain the hunting and fishing rights guaranteed to them under the 1837 Treaty.” (Learn more about this case from the Minnesota Legislature website at http://bit.ly/2WayKQP.)

This was a monumental case for Indian sovereign rights and will have lasting implications. However, a 2018 tribal netting case from Minnesota put limitations on these rights. In this 2018 case, a Minnesota district court judge convicted an American Indian for illegal netting on Gull Lake in Northern Minnesota.

The judge in this case ruled the individual in question did not have the right to net on Gull Lake as the individual’s tribe, the Fond du Lac Band of Ojibwe, was not a signatory to the 1855 treaty, which ceded the land in question and retained the hunting, gathering, and fishing rights. (Learn more about this case from a Minnesota Lawyer article at http://bit.ly/2TygTQZ.)

The concept of state courts interpreting federal issues is not unique to Minnesota. This will continue to be problematic as inconsistent or contradictory case law can be the result, which ultimately leads to high litigation costs for states, tribes, and the country.

Federal and state authority
Under the U.S. Constitution, the relationship between federally recognized tribes and the federal government is one between sovereigns. What this means is that the United States deals with tribes on a government-to-government basis, just like the U.S. deals with Canada, Mexico, etc.

Because tribes are sovereign nations and the Constitution provides the legislative branch with plenary power over Indian affairs, state and local governments have no authority over tribal governments or tribal members on Indian land unless expressly authorized by Congress.

One such authorization by Congress is Public Law 280, which grants specific states—including Minnesota—criminal and civil jurisdiction over Indians on reservation lands, with some exceptions. Essentially what Public Law 280 did was limit federal criminal jurisdiction and greatly expand state jurisdiction.

Local ordinances do not apply
Because Public Law 280 requires a state law to be of statewide application to apply on reservation land, no local ordinance would apply.

Additionally, federally recognized tribes possess both the right and the authority to regulate activities on their lands independent from state government control. They can enact and enforce stricter or more lenient laws and regulations than those of surrounding or neighboring states.

However, tribes frequently collaborate with state and local government through compacts or other agreements on matters of mutual concern such as environmental protection and law enforcement. For example, tribal police may assist county and federal law enforcement officers in apprehending a drug suspect on the reservation. Another example is a tribal lands training program that was jointly developed between the Minnesota Department of Transportation and the tribes. It teaches state employees, with the help of tribal members, the importance of respecting tribal sovereignty.

Ultimately, local government’s ability to regulate and/or work with American Indian tribes and tribal members is very complicated and limited. Therefore, cities need to consult with their city attorney when making decisions or dealing with issues that involve tribal members and land.

Jacob Glass is a research attorney with the League of Minnesota Cities. Contact: jglass@lmc.org or (651) 215-4176.
Resident Petition Fails Due to Invalid Signatures

**ELECTION LAW**

**Charter amendment petition**

Peter Butler and other residents of the City of St. Paul gathered signatures in support of a petition to amend the city charter to require city elections to occur in even-numbered years. To place the proposed charter amendment on the ballot, state law requires a “petition of voters equal in number to 5% of the total votes cast at the last previous state general election in the city.” To meet the 5% statutory threshold, Butler needed 7,011 valid signatures. Butler submitted a petition with 7,656 signatures to the Ramsey County Elections Office, the city’s appointed agent for reviewing and verifying such petitions. The elections office inspected the petition and determined that it was insufficient because it only contained 5,866 valid signatures, based on data from the Statewide Voter Registration System (SVRS).

Additional signatures were not submitted during the 10-day period allowed to amend the petition to cure the insufficiency. Instead, Butler filed a petition in district court under Minnesota Statutes, section 204B.44, alleging that the election officials had committed an error, omission, or wrongful act. Butler claimed that the city’s notice of insufficiency failed to comply with state law because it did not set forth any details regarding the petition’s defects and because the city erred in relying on SVRS records.

The district court granted summary judgment in the city’s favor, dismissing Butler’s petition. The Minnesota Court of Appeals affirmed and held that election officials of a home rule charter city do not err in relying on SVRS records to determine whether a petition to amend the charter contains the required number of signatures of registered city voters. The Court of Appeals also held that, when a petition is filed under Minnesota Statutes, section 204B.44, alleging that election officials committed an error, omission, or wrongful act, the petitioner has the burden of proof, which must be met by the presentation of admissible evidence contrary to the relied-on record. **Butler v. City of Saint Paul**, N.W.2d (Minn. Ct. App. 2019).

**PUBLIC EMPLOYMENT LAW**

**Response-time requirement**

The City of Sauk Rapids employed Matthew Heinen as an on-call firefighter. The Fire Department has a policy that requires its members to live within a five-minute response-time zone. In December 2017, the fire chief learned that Heinen intended to move outside the response-time zone. He met with Heinen, who confirmed that he was moving and who proposed that he list his mother’s address to maintain his eligibility as a firefighter. The fire chief informed Heinen that such action would not be permissible. In January 2018, Heinen requested a leave of absence. Heinen later submitted an additional request for a variance to live outside the response-time zone. In February 2018, the city denied both of Heinen’s requests. The city then terminated Heinen’s employment. Heinen appealed his termination, arguing in part that the city’s application of its response-time policy violates state law. The Minnesota Court of Appeals upheld the city’s decision, concluding that the response-time policy complies with state law, and noting that Heinen did not have any contract rights to his employment because he was an “at-will” employee. **Heinen v. City of Sauk Rapids**, No. A18-0867 (Minn. Ct. App. Jan. 28, 2019) (unpublished opinion). Note: The League of Minnesota Cities Insurance Trust (LMCIT) represented the city.

**ARBITRATION LAW**

**Public policy exception**

The City of Richfield sought to vacate (void) an arbitration award that overturned its decision to terminate Police Officer Nathan Kinsey after he was involved in an incident with some young Somali males at a city park. During the incident, Kinsey threatened, shoved, and slapped 19-year-old Kamal Gelle in the head after citing him for careless driving, and then failed to report his use of force, even though the city had repeatedly counseled, disciplined, and trained Kinsey on use of force and report writing. The incident was captured in a video that went “viral.”

The district court upheld the arbitration award, ordering Kinsey’s unconditional reinstatement, subject only to a three-day unpaid suspension. Generally, an arbitration award will be upheld if the award provided was within the arbitrator’s powers. But there is a narrow exception that authorizes a court to vacate an arbitration award if it is contrary to public policy. This exception must involve a public policy that is well-defined and dominant, and that is discovered by reference to laws and legal precedents, not from general consideration of supposed public interests.
The Minnesota Court of Appeals held that the arbitration award reinstating Kinsey violates the clear public policy requiring transparency and proper reporting of the use of police force. The Minnesota Supreme Court reversed the Court of Appeals’ decision and held that an arbitration award reinstating a police officer who was discharged for failure to report his use of force does not violate public policy when the arbitrator found that: (1) the officer did not use excessive force; (2) the city’s reporting policies were unclear; (3) the collective bargaining agreement gave the arbitrator authority to determine “just cause” for discipline; and (4) the arbitrator found that the employee’s conduct “warrants disciplinary action” in the form of an unpaid suspension. City of Richfield v. Law Enforcement Labor Services, Inc., N.W.2d (Minn. 2019). Note: The League of Minnesota Cities filed an amicus curiae brief in the city’s support.

**Civil Forfeiture Law**

**Excessive fines**

In 2015, Tyson Timbs sold heroin to an undercover police officer in Indiana. He pleaded guilty to drug charges and was sentenced to one year of home detention followed by five years of probation. In addition, a state court that presided over a civil forfeiture action ordered Timbs to forfeit his 2012 Land Rover, which he had purchased for approximately $42,000 with the proceeds of his father’s life insurance policy, because he had used the car to transport drugs. Timbs challenged the forfeiture as a violation of the U.S. Constitution’s ban on excessive fines.

A state trial court ruled in Timbs’ favor, reasoning that because the automobile was worth four times more than the maximum criminal fine the state could impose, requiring Timbs to forfeit it would be “grossly disproportional to the gravity” of his crime. An intermediate appeals court upheld that decision, but the Indiana Supreme Court reversed and (continued on page 26)
reinstated the forfeiture. The U.S. Supreme Court unanimously reversed the Indiana Supreme Court decision and held that the ban on excessive fines in the Eighth Amendment to the U.S. Constitution applies to the states through the 14th Amendment, which bars states from depriving anyone “of life, liberty, or property, without due process of law.” *Timbs v. Indiana*, S. Ct (2019).

**LAND USE**

**Minimum lot size**

Ellis and Nancy Olkon live on an approximately 21-acre parcel located in a rural residential zoning district in the City of Medina. The Olkons sued the city after it denied their request for both a variance and approval to subdivide their property. The city denied their request in part because the proposed lots did not meet the requirements in the city’s zoning ordinance for minimum lot size. The city’s zoning ordinance requires that lots in the rural residential zoning district must have five contiguous acres of suitable septic soil. The city adopted this requirement because it furthers its goal of obtaining maximum average density in the rural residential district of one unit per 10 acres. The city’s comprehensive plan also provides for a goal of protecting the city’s rural character and natural development, as it has a large network of wetlands and lakes that affect its developable areas.

On appeal, the Olkons argued in part that the city exceeded its police powers by establishing a minimum lot size based on an arbitrary septic-soil requirement that lacks any substantial relationship to public health, safety, or welfare. The Minnesota Court of Appeals ruled in the city’s favor, holding that its legislative decision to adopt a minimum lot-size requirement in its rural residential zoning district is reasonably related to the public health, safety, or welfare because it helps the city achieve its average density goal, preserves open areas, prevents deterioration of wetlands and lakes, and maintains the city’s rural character. The Court of Appeals also rejected the Olkons’ claim that the ordinance violates their equal-protection rights, reasoning that the landowners failed to meet their burden of proof on this claim. *Olkon v. City of Medina*, No. A18-0564 (Minn. Ct. App. Dec. 10, 2018) (unpublished opinion). Note: LMCIT represented the city.

Written by Susan Naughton, research attorney with the League of Minnesota Cities.

Contact: snaughto@lmc.org or (651) 281-1232.
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**How Deep Should Our Playground Surface Material Be?**

### Safety

**Q** Our playgrounds are getting a lot of use, and the wood chips under the equipment are getting thin. How deep should the wood chips be?

**LMC** According to the National Safety Council, nearly 80% of playground injuries are caused by falls. A good rule of thumb is that fall surfaces should be at least 12 inches deep. However, taller play equipment may need a deeper fall surface. The required depth of loose-fill surfacing depends on both the surface material used and the potential fall height of installed equipment. The Consumer Product Safety Commission’s (CPSC) Handbook for Public Playground Safety offers several guidelines based on material and fall height. (See page 11 of the handbook for more details.) “Fall height” is defined as the vertical distance between the highest designated play surface on a piece of equipment and the protective surfacing beneath it. The CPSC handbook is available at www.cpsc.gov/s3fs-public/325.pdf.

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

### Data Practices

**Q** Our city is working on updating our data policies. Do we need a written policy documenting the procedures for requesting data?

**LMC** Under the Minnesota Government Data Practices Act (MGDPA), a city must establish a public data access policy and a public data subject rights and access policy. These policies are needed to ensure that requests for government data are received and responded to promptly and appropriately, as well as to explain the rights of data subjects. Both policies need to be updated by Aug. 1 of each year to reflect changes in personnel or other circumstances that might affect public access to government data. Failure to establish these procedures is a violation of the MGDPA. The Minnesota Department of Administration maintains sample policies and other resources to help cities adopt the required policy. Learn more and access these resources on the Department of Administration’s website at http://bit.ly/2GC8KsL.

Answered by Research Attorney Kyle Hartnett: khartnett@lmc.org

### Hiring

**Q** Our city is in the process of interviewing people for an open position. What do we need to consider when we eliminate a job applicant because of a criminal history?

**LMC** There are several state and federal laws that your city should consider if you eliminate a job applicant due to a criminal history. In 2012, the Equal Employment Opportunity Commission (EEOC) updated its enforcement guidance on the consideration of arrest and conviction records in employment decisions. The guidance states that the EEOC expects employers to first apply the “Green Factors” from a 1975 8th U.S. Circuit Court of Appeals decision in Green vs. Missouri Pacific Railroad before basing a decision on the criminal history of a job applicant. These factors include:

- The nature and seriousness of the offense.
- The time that has passed since the offense and/or completion of the sentence.
- The nature of the job sought.

In addition, Minnesota has a criminal offenders rehabilitation law that requires the city to consider whether the crime is related to the job for which the applicant is applying (for example, embezzlement is related to finance positions). It also requires the city to give the applicant an opportunity to show that he or she has been rehabilitated. For more complete information on these requirements, consult Chapter 2 of the League’s HR Reference Manual at www.lmc.org/hiring.

Answered by Human Resources Director Laura Kushner: lkushner@lmc.org
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One of the City of Burnsville’s defining characteristics is the vast number of parks for a community its size. Burnsville is home to 76 parks spanning more than 1,750 acres. With a population of around 61,000, nearly every resident is within short walking distance of a park.

Unfortunately, not everyone knows this! For those who do, they may not be fully aware of the many amenities offered at each park.

New way to promote parks
As part of a campaign to promote city parks, staff from Burnsville’s Communications and Recreation departments created a “Pocket Parks Map” to help residents and visitors become more familiar with park locations and their offerings.

While of course, all of this information is available in an easy-to-peruse format on the city’s website (www.burnsvillemn.gov), the idea was for this piece to be kept in a pocket, glove box, cycling bag, or running pouch for those who are out exploring the park system. The map folds down to 3.5 by 4.5 inches, and opens to 12 by 18 inches to give a large view of the city’s park system.

Once unfolded, the map itself is found on the front side. In addition to identifying all 76 city parks, it also highlights schools and playground areas, walking and hiking trails, preservation and natural areas, and major roadways and connections throughout Burnsville. On the back of the map, a chart indicates which amenities can be found at each city park—ranging from fields, rinks, and courts to picnic shelters, trails, and even Wi-Fi.

Good reviews
The map was introduced in 2017 at the grand opening ceremony for Burnsville’s newest park and trail—Minnesota Riverrfront Park and the Minnesota River Greenway. That particular park features a regional greenway trail, and the event was heavily attended by bicyclists and trail enthusiasts. Many people commented that they liked the map’s size—and that the paper was flexible enough to refold but thick enough so that it doesn’t rip easily.

Since its launch, the city has distributed nearly 3,000 pocket maps to residents and visitors. At a printing cost of only 55 cents per map, it’s extremely affordable to reproduce. People often come into Burnsville City Hall seeking a parks map, and are happy to find something professionally printed rather than something straight off the office printer.

Engaging and tangible
In an environment in which it is easy to become oversaturated with online information and marketing, the city has found that print still has a purpose. In addition to being engaging and tangible—something you can actually hold in your hands—a printed piece can also help reach a specific target market when used strategically.

In this case, the city was trying to build awareness of Burnsville’s park and trail system, starting with those who are already prone to explore the outdoors. By providing them with a printed map that is both useful and efficient—the hope is that they’ll explore even more of the parks and amenities offered throughout Burnsville and, of course, tell their friends.

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St. Cloud Saves Energy and Money With Green Efforts

BY TAD SIMONS

In 2014, when the City of St. Cloud began its Renewable Energy and Efficiency Initiative, the primary goal—to generate 80% of the city’s electricity from renewable sources by 2018—was considered bold but attainable.

At the time, only 5% of the city’s electricity came from renewable sources. Getting to 80% would require a twin-pronged approach aimed at improving efficiency at both ends of the energy equation: production and consumption.

Now, that 80% goal seems almost humble. In 2018, the city reported that it had not only reached its 80% renewable goal, it had surpassed it—reaching 83% for the year. During the summer, when the city’s expanding acreage of solar panels is working at full capacity, the city’s renewable efficiency has climbed as high as 94%.

In 2017 alone, city officials say their efficiency initiatives reduced St. Cloud’s overall energy consumption by 66 million kilowatt hours—enough electricity to power 7,400 homes for an entire year, or the energy equivalent of 27,000 tons of coal. St. Cloud received the 2018 Sustainable City Award for this initiative from Minnesota GreenStep Cities and the League of Minnesota Cities.

Impressive results

“What St. Cloud has achieved with its energy-efficiency efforts is impressive,” says Diana McKeown, Metro CERTs (Clean Energy Resource Teams) director at the Great Plains Institute (GPI). “It really is a case study in what can be done, and that cities are the place to do it.”

GPI works with organizations and communities throughout the nation to develop nonpartisan, pragmatic solutions to transform the energy system in ways that benefit both the economy and the environment. But one of the remarkable things about St. Cloud’s success is how little help they needed, says McKeown.

“St. Cloud has been doing great things with sustainability for years. They did much of this on their own,” she says. “When the City Council and mayor set aggressive goals, and provide the leadership and support to get there, results like these can happen. It’s exciting, because the things they are doing are definitely replicable in other cities.”

Over the next 25 years, St. Cloud city officials estimate that their investment in renewable energy will save the city more than $35 million. And according to St. Cloud Mayor Dave Kleis, while conservation is important to him, budget concerns have been the primary catalyst behind these initiatives.

“The recession was a significant motivator for us,” Kleis explains. “We are very tax-conscious and very rate-conscious, so we want to make sure that as a community we are not creating a burden for our residents. That’s priority No. 1. So, from my perspective, reducing—and in some cases eliminating—energy costs just makes good financial sense. And the combination of improved technologies, available vendors, and state and federal energy policy made it the right time to take this on.”

Improvements the city made

In the past five years, the city has:

- Upgraded its wastewater treatment plant so it now generates most of its own energy.

An aerial view of St. Cloud’s upgraded wastewater treatment facility.

Minnesota Pollution Control Agency employees take a tour of St. Cloud’s biofuel storage “bubble,” part of the new system that converts organic waste into biogas, providing heat and energy.

PHOTO COURTESY CITY OF ST. CLOUD

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Ideas in Action

Replaced its old sodium streetlights (along with traffic lights and lighting for public buildings) with low-wattage LED lights.

Installed more than 20 solar “gardens” on rooftops and in other locations.

Installed a state-of-the-art biofuel capturing system and generator (attached to the wastewater facility) that converts organic waste into biogas, providing heat and energy.

The city has also done comprehensive energy audits on all public buildings, developed policies to encourage sustainable green architecture, and continuously conducts public outreach and community education events to encourage broader citizen participation in the city’s overall energy-conservation efforts.

None of this happened overnight, though. Back in 2008, in the middle of the recession, the St. Cloud Area Joint Planning District formed a Sustainability Committee to explore local opportunities to heighten awareness of issues related to sustainability, energy efficiency, and climate change.

The committee included representatives from both the public and private sectors. After more than a year of research and public meetings, the committee produced what’s known as the St. Cloud Sustainability Framework Plan. The plan identified 17 different sustainable “best practice areas”—including land use, transportation, clean water, food supply, and recycling—and established a vision and goals for creating a more sustainable, efficient, cost-effective future for St. Cloud.

Deciding what to tackle

Energy efficiency was one of those goals, and also the most promising in terms of return on investment. But first, the city needed more data to help guide its decision-making.

“It’s a cliché, but you can’t improve what you don’t measure,” says Patrick Shea, St. Cloud director of public services. Using the state of Minnesota’s B3 benchmarking software (Building, Benchmarks, and Beyond), a tool that allows cities to track and compare local meter readings and other public data with state and national averages, Shea and his staff identified numerous areas where improvement and efficiency could lead to significant cost savings.

“The first step was to get a handle on energy billing for the city,” Shea says. “In 2013, the city had 400 individual bills from various power providers. It was confusing. Through the B3 process, we found accounts that were incorrectly billed and categorized, and were able to do things like locate malfunctioning meters where natural gas consumption was too high.”

As expected, the energy analysis also confirmed what the city already knew—that reengineering their wastewater treatment facility would get them almost halfway to their stated efficiency goal of 80%.

“In any given municipality in the U.S., drinking water and wastewater treatment accounts for about 40% of energy costs,” says Shea. “The biofuel system we installed was a guaranteed energy saver, and it ended up being 10-fold more efficient than we thought it would be, which was a nice bonus.”

Converting all the streetlights and public buildings to LED was another obvious money saver, along with an aggressive push to install solar panels on public buildings and create several solar gardens through partnerships with local solar providers. Solar alone is expected to save St. Cloud more than $25 million over the next 25 years, and perhaps more as the technology continues to improve.

The biofuel/wastewater facility was financed through a $4.6 million energy bond, and the streetlight improvement project through a $7.1 million tax abatement bond. But the overall financial risk was minimal, says Kleis, because the return on investment was basically guaranteed.

To mitigate risk on the solar projects, St. Cloud partnered with four local service providers to build six solar arrays, and the city and its citizens purchase the resulting energy through subscriptions. One such project is located on 60 acres north of St. Joseph and contains a whopping 19,440 solar panels. According to the provider, IPS Solar, this “garden” will generate enough electricity to power more than 1,000 homes, at an estimated cost savings of $8 million over the next 25 years.

The future is even greener

St. Cloud isn’t stopping there. In 2019 and beyond, the city plans to optimize waste-feed sources for its biofuel generator, continue exploring opportunities for wind and solar, and expand its involvement of the larger community in conservation efforts.

This latter effort is important because electricity only accounts for about 38% of St. Cloud’s energy usage; the rest is natural gas. Teaching homeowners how they can save money through greater energy efficiency is another way of pulling the whole community together to ensure a more sustainable future.

Toward that end, Kleis himself hosts all-are-welcome community dinners at his house several times a year, so he can tell residents about the changes he’s made—and savings accrued—after fixing issues identified in a free Xcel energy audit.

“We as community leaders have to walk the talk,” says Kleis. “Just as the best way to prevent crime for neighbors is to know each other, the same is true of energy. If neighbors can get together and share these best practices, everybody wins. It’s leading by example.”

Environmental advocates hope that St. Cloud’s energy achievements will encourage other cities to accelerate their energy-conservation efforts. And according to Metro CERTS’ Diana McKeown, that may already be happening. “With the metro comprehensive plans that were due at the end of 2018, we are seeing many more clean energy goals and climate action plans than we’ve seen in the past,” she says.

As St. Cloud is proving, smart energy conservation can produce more than one kind of green. [MC]

Tad Simons is a freelance writer from St. Paul.
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