City Finances
Develop a solid roadmap for your city with good financial planning. PAGE 13

Firefighter Recruitment
Learn how Minnetonka’s communications campaign attracted more badly needed firefighters. PAGE 27

LEAGUE CELEBRATES
City Champions

Steve Bot
JAMES F. MILLER LEADERSHIP AWARD WINNER

Jerry Faust
C.C. LUDWIG AWARD WINNER
Join League of Minnesota Cities staff and other local leaders at one of eight locations this fall!

- Discover how DEED is working to enhance the economic success of your region
- Learn ways your city and council can support mental health for first responders
- Hear the League’s draft 2020 legislative priorities and what action you can take

For more information, visit www.lmc.org/RM2019
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ON THE WEB
Check out Minnesota Cities online, where you can add to the discussion by posting your comments! Visit www.mncities.org.

INSERT: Annual Report 2018-2019
This Club Shares Ideas to Help Cities Thrive

BY DAVID UNMACHT

The United States Senate is routinely referred to as one of the most exclusive clubs in our nation due to the enormity of its work, the impact of its decisions, and the limited number of members involved. In my role as executive director, I too am humbled and privileged to serve as a member of an exclusive club.

Forty-nine states in the U.S. have municipal leagues—all but Hawaii. The executive directors of these leagues meet several times during the year to learn from each other, share stories about our member cities, and swap good ideas to improve the services we provide.

The two clubs and the participation of its members offer clear distinctions. But each is more similar than one might suspect at first blush. Let’s start with differences:

> The executive directors don’t make motions, vote, or issue press releases. Senators, on the other hand, use these actions as their bread and butter, their de facto form of serving.

> The executive directors have decentralized leadership, with a handful of directors serving on a steering committee. The Senate, under current practice, has centralized power largely in one person: the majority leader.

> Finally, executive directors serve at the pleasure of a governing group of city officials, called the board of directors. Senators serve at the pleasure of the general voting public.

Yet, it’s not the differences between the senators and executive directors that are relevant to our members—it’s the commonalities. This was apparent once again when about 40 directors recently convened in Montana (Minnesota hosted the group a few years ago) and realized that issues important to our cities are the issues of the Senate.

These issues include health care, infrastructure, violence prevention, mental health, housing, economic development, the economy, child care, and more. State league directors can’t solve these issues alone, but we are charged with leading our organizations to help our members address them.

Executive directors proudly share stories about how our leagues are helping our members address common issues. Just like the cities and states we represent, the 49 state leagues vary in form, scope, and size, so our approach and methods are unique.

It’s akin to a well-known axiom in our work: The issues facing the cities of Minneapolis, Oakdale, Luverne, and Virginia are often similar; it’s the scope, capacity, and ability to impact them that are different.

But no matter the size of the state league or the tenure and experience of the executive director, we exchange nuggets of ideas with each other. Here are a few good examples of topics important to our members that are worth considering, in some form, in our own state:

> The Michigan Municipal League uses non-municipal methods of funding, such as foundations and endowments, to bolster their member services.

> The Maryland Municipal League hosts a Young Municipal Leader Summit that encourages youth to engage in local government.

> The Vermont League and Massachusetts Municipal Association are actively working on programs that support and encourage women in local government.

At this summer’s meeting, the many conversations I had with colleagues and friends from Delaware, Wisconsin, Iowa, North Dakota, Arizona, and other states confirmed that our state league is doing good work and on the right track when it comes to how we conduct business and how we administer important services.

State league directors can’t solve these issues alone, but we are charged with leading our organizations to help our members address them.

Some of this work includes maintaining our partnership and connectivity with our Insurance Trust (LMCIT); rebranding and refreshing our logo, communications, and messaging tools; investing in strong member engagement and outreach; providing leadership in the area of race equity; and succession planning with a strong emphasis on professional development of our staff.

I tip my cap to my counterparts across the country for their unwavering commitment to serving members and their willingness to share ideas and stories. Thank you for helping to improve the work we do for Minnesota cities. As for comparisons with the U.S. Senate, I can speak with a high degree of confidence that the majority, if not all, of the executive directors strongly prefer membership in our club.

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

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.
**Bits & Briefs**

**Wow, That’s Refreshing!**

If this issue of *Minnesota Cities* magazine is looking particularly fresh to you, it’s probably because the League of Minnesota Cities’ brand refresh is making its debut. This updated visual identity includes a new clock tower logo, as well as some different colors and fonts. But, of course, nothing is changing about our commitment to helping city officials reach that next level of local government excellence.

If you were at the Annual Conference in Duluth last June, you got a sneak peek at the League’s updated brand. In fact, you might have even had a few premiere-style snapshots taken with the logo, like St. Peter City Administrator Todd Prafe and New Ulm City Administrator Chris Dalton did (see photo at right). If you couldn’t make it to Duluth, stop by the League building any time to do a coffee mug swap! Bring us a mug with your city logo, and we’ll trade you for one sporting the new LMC logo.

**A Hand With the Hands-Free Law**

The Inver Grove Heights Police Department embraced the state hands-free law that went into effect Aug. 1 by giving drivers phone clips and educational flyers during traffic stops. The new law makes it illegal to hold a cell phone while driving. The phone clips allow drivers to attach their cell phones to the car’s air conditioning vent. The department also produced a short video to educate the public about the law and invite residents to ask questions. The city worked with Townsquare Television to produce the video. Watch Inver Grove Heights Police Chief Melissa Chiodo and her team remind drivers about the new hands-free driving law at https://vimeo.com/351679598.

**National Preparedness Month**

September is National Preparedness Month, dedicated to promoting family and community disaster and emergency planning. This year’s theme is “Prepared, Not Scared. Be Ready for Disasters.” The Federal Emergency Management Agency has graphics and information for you to share with your residents at www.ready.gov/september.

Your county’s emergency management director and the Minnesota Department of Homeland Security and Emergency Management can help your city with trainings, education, and planning. It’s also a great time to check in with the League of Minnesota Cities Insurance Trust on any questions you have about disaster preparation or your coverage. Another resource that can help boost your readiness is Chapter 12 of the League’s *Handbook for Minnesota Cities*, available at www.lmc.org/emergency.

**Greening Your Fleet**

If you’re ready to have an honest talk about your city’s vehicle use and efficiency—backed up by data—a new resource is available to help. The Minnesota Pollution Control Agency’s new Mobile Source Specialist Mehjabeen Rahman can help you create a personalized plan for your fleet and provide you with resources that will help with the collection and tracking of data. Bonus: As a former GreenCorps member with the City of Edina, Rahman has a good understanding of cities. To get started, contact Rahman at Mehjabeen.Rahman@state.mn.us.

**PHOTO BY MARY CONNOR**

**PHOTO BY ERIC HAUGEN**
What’s Under My Street?

The complexity and cost of roadwork today means educating residents about city services and infrastructure investment is more important than ever. Engineering firm Bolton & Menk recently released an interactive application called “What’s Under My Street?” to help show the public what lies beneath their roadway and how interconnected everyday life is with things like stormwater, sanitary sewer, and utilities in the public right of way. The resource is available for cities to link to and share at www.bolton-menk.com/news/day-life. Bolton & Menk is a member of the League’s Business Leadership Council.

A FOND FAREWELL TO Kevin Frazell

League of Minnesota Cities (LMC) Member Services Director Kevin Frazell closed out his 42-year local government career at the end of August. Frazell worked in city administration in Coon Rapids, Mendota Heights, and Cottage Grove before coming to the League in 1997. He has worked with countless city officials as member services director and with affiliate organizations like the Minnesota City and County Managers Association and the Minnesota Mayors Association. In retirement, he says he’s looking forward to a more relaxed lifestyle.

Looking back over his 22 years at the League, Frazell says these are his top three fun memories:

- Holding the 2012 Annual Conference in Duluth, despite torrential rain and flooding that turned manholes into geysers and set a bear and a seal (temporarily) free from the Lake Superior Zoo.
- Enjoying the laughter of city officials as they watched the zany Mosquito Heights & Buzz Olson videos at LMC Regional Meetings.
- Being introduced to the best pies around the state by now-retired Field Representative Tom Thelen.

Kevin Frazell joins friends and co-workers for a retirement party. From left: LMC staffers Heather Corcoran, Jamie Oxley, Frazell, former Minnehaha Creek Watershed District Administrator Craig Dawson, and LMC staffer Emmanuel Emukah.

Giving Change, Making Change

The City of Phoenix, Arizona, recently unveiled four “giving meters,” parking meters painted by local artists that harness the community’s generosity while deterring panhandling. All change and card donations made to the giving meters go to the city’s outreach program providing services to end homelessness.
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If you set the bar at competence,

how do you reach excellence?

ApexEngGroup.com
How Does Your City Use the LMC Salary & Benefits Survey?

JOEL YOUNG
CITY CLERK
CHATFIELD (POPULATION 2,858)
The City of Chatfield uses the League’s Salary & Benefits Survey for Minnesota Local Governments on a routine basis and has found the data extremely helpful. I encourage all cities to participate in this survey, as the more data included, the more useful it is to all of us.

We use the survey data primarily to see how our city’s pay schedule compares to similar cities within the marketplace. This can be helpful when negotiating contracts and for monitoring changes in the market.

Sorting the data
We typically sort cities by population and region. We look for non-metro cities that have populations between 2,000 and 5,000 people.

When analyzing police officer pay, we further sort cities by the size of the police department, looking for departments with three to seven full-time officers. Once the sorting is completed, a simple spreadsheet is all that is needed to allow us to display the data in various ways.

Seeing where we stand
Our focus is on both the minimum and maximum pay that is offered by each city. We develop a spreadsheet that displays the minimum pay of each city in ascending order, with our city highlighted, so it is a quick and easy way to see how we stand relative to the other cities.

That same spreadsheet calculates minimum and maximum pay of all the cities, so we can easily see how we compare. The result is a quick display of how we measure up to the mean pay of all the cities.

After completing this analysis for a few years, a trend will develop that will indicate whether the city is maintaining its position in the marketplace or if it is necessary to change the method by which annual pay grid adjustments are determined in the future.

Benefits of the data
There are two main benefits we get from using the survey data. One is that we avoid the surprises and costs that can occur if the city’s pay scale is out of sync with the market.

The second benefit is that it helps build trust among everyone involved. The employees and union representatives can trust that the city takes an objective look at compensation. And the City Council can trust the information provided by staff, which allows them to confidently make decisions about pay.

JULIANNE BACON
ASSISTANT CITY MANAGER
COON RAPIDS (POPULATION 63,272)
In Coon Rapids, we have found the League’s Salary & Benefits Survey for Minnesota Local Governments to be a great tool to help ensure our compensation remains competitive. It also provides guidance with other staffing elements, such as reporting structure, trends in job titles, and deciding whether positions should be full-time or part-time.

Comparing to similar cities
When we create a new position, we start by assigning a pay grade based on the position requirements and then look at survey data to see if the grade assigned has similar pay to that in our peer cities. We are careful to look at cities of similar size to Coon Rapids if a position has a particularly large salary range or if the position requirements vary widely.

We also use the salary survey to look at potential rate adjustments if there are changes in the supply or demand for a position, or if employees feel their compensation is no longer in line with the market.

Comparing to private sector
In addition to comparing Coon Rapids to other cities, we look at private-sector salaries. While these salaries are outside the League’s salary survey, this data helps us get a better idea of what we’re competing with when we are recruiting talent.

Since unemployment is low right now, we know we’re either trying to attract talent away from the private sector or to keep talent in the public sector. We can’t do either if our salaries aren’t competitive.

Making salary decisions based on current data helps us to compete for talent while balancing fiscal stewardship.

Factors beyond salary
This analysis provides a good reminder that salary is not the only factor that potential employees consider. We also have to be competitive with other offerings, including benefits, employee culture, and professional development opportunities, as well as maintain pay equity compliance. Cities can’t always pay top dollar, but salary is just a part of the picture.

Using the survey data shows us where we fall on the spectrum, which allows us to find that balance of recruiting and retaining great employees while being mindful of taxpayer dollars. We want our residents to get the best employees at the best price, and the Salary & Benefits Survey data helps us do that.

Learn more about the League’s Salary & Benefits Survey at www.lmc.org/salarysurvey.
In recent years, when St. Anthony Village needed a steady hand at the tiller, Mayor Jerry Faust was there. The city was experiencing controversies over a proposed Islamic Center and the closing of the city’s only mobile home park. In an incident that shook the city to its core, Philando Castile died after being shot by a St. Anthony Village police officer. Some called for the mayor to resign.

But 15 years after he first won the seat, Faust is still mayor. City Councilmember Hal Gray says St. Anthony Village came through those ordeals stronger because of Faust’s leadership. “We didn’t collapse, we stayed together as a team, not only in the Council but with city staff as well,” Gray says. “With Jerry’s leadership, we were able to persevere.”

During the recession, the city took advantage of low interest rates to fund an aggressive street reconstruction program. When the city learned that a solvent from an old military site was contaminating the aquifer the city uses for drinking water, it began building a new water plant even before it had secured funding. Eventually, the U.S. Army paid the $10.5 million cost.

Jerry Faust
C.C. LUDWIG AWARD WINNER

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Putting residents first

Faust says a united City Council and a hard-working city staff share his priority of serving the city’s 9,200 residents. Under his leadership, the city has demonstrated this priority in many ways over the years. A few examples:

- During the recession, the city took advantage of low interest rates to fund an aggressive street reconstruction program.
- When the city learned that a solvent from an old military site was contaminating the aquifer the city uses for drinking water, it began building a new water plant even before it had secured funding. Eventually, the U.S. Army paid the $10.5 million cost.

(continued on top of page 9)
**Faust**  (continued from page 8)

- After intensive community discussion, St. Anthony was one of the first cities in the metro area to convert to organized garbage collection, which is better for the environment and easier on city streets and residents.
- “Jerry really tries to take the long view in decisions,” says City Manager Mark Casey. “He is passionate about good governance and cares very deeply for the city.”
  
  Faust, 73, moved to St. Anthony Village with his family in 1980 because the city was midway between his and his wife’s workplaces and because they could live on a lake. After 23 years in the military, he retired and joined the city Planning Commission because he wanted to be more involved in the community. He was elected to City Council in 1996, and he became mayor by special election in 2004 after the previous mayor died.

**Steady voice in difficult times**

Faust says that though he isn’t always patient, his military experience taught him to work with anyone and get the job done. He says he works to listen to others, a philosophy that was on display during the hard months after Castile died.

Casey describes that period as “horrific” for the city, but says Faust was “a steady voice” and offered stalwart support to a shaken staff and Police Department.

- “The trust he had was seismic,” Casey says. “It was treated as an opportunity for learning and for our Police Department to go from good to great. We continue to do race and equity work. It opened the door to change.”

Steady voice in difficult times

At crowded, rowdy meetings where people demanded to speak, Gray says Faust kept order, didn’t lose his cool, and

(See Faust, page 10)

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**Steve Bot**

**JAMES F. MILLER LEADERSHIP AWARD WINNER**

When Steve Bot became St. Michael city administrator in 2012, he was told that his top goal should be accomplishing something that the city had absolutely no control over: expanding the number of lanes on I-94.

For St. Michael, it was no exaggeration to say the highway was a lifeline to the future. Easier, faster commutes meant the city could attract residents who had jobs in the Twin Cities. Businesses wouldn’t prosper or come to the city if traffic delays cost them money.

**Making dreams come true**

Mayor Kevin Kasel admits that making the I-94 expansion the city’s priority seemed a stretch. “It was kind of a pipe dream,” he says. “We didn’t have anyone’s attention, but we figured if we made it the No. 1 goal, maybe something would happen.”

Something did happen. At the urging of the I-94 Coalition, which Bot led and helped found, Gov. Mark Dayton made the project a priority in 2013. The expansion from two to three lanes between Rogers and St. Michael—which hadn’t even been on the Minnesota Department of Transportation’s (MnDOT) 20-year plan—was completed in 2015.

Kasel says it was Bot’s tireless advocacy at the Legislature and his leadership of the coalition that kept things moving. “He dove in and said, ‘I will do everything I can.’ When he put his mind to it, it was amazing. People began to think it was a possibility.”

**Taking skills to next level**

Bot, 45, never trained to be a city administrator. A native of St. Louis Park, he got a civil engineering degree from the University of Minnesota, worked for an engineering consulting firm and later for the cities of Plymouth and Hopkins. He was hired as St. Michael’s city engineer in 2002, and soon was doing the job of public works director as well.

(See Bot, page 10)
Faust (continued from page 9)
dropped the usual time limits on public comment to let people vent.
“He knows when to be firm and when to back off and let people speak,” Gray says. “People needed to let off steam, and he understood that.”
Faust says nobody came away unscathed by the Castile tragedy. “You just have to rise above the animosity and anger out there, listen to what people are feeling, and then be able to say, I can’t undo it, but I can do everything in my power to not have it happen again.”

Willing to teach and listen
People often expect the mayor to be more rigid than he is, Gray says. But Faust values transparency and resident involvement, and he takes time to mentor new councilmembers and explain city procedures to the public.
St. Anthony has one of the highest outright home ownership rates in the state, Casey says, an indication of its older population. But that’s changing as younger families move to the city for its schools, and Faust says he and other city leaders are ready to listen to those younger residents.
In fact, he’s proud that St. Anthony Village is a place where all residents have a chance to be heard.
“Equity is a big issue now, not just race, but gender, pay, and access to resources and opportunities,” he says. “When you look at things through those lenses and you make sure you are delivering services that meet those demands, that never goes out of style.”

Bot (continued from page 9)

City leaders could see that he could do more, so when the top city spot opened in 2012, they offered it to Bot. And he willingly stepped into the role while continuing as city engineer and public works director.

Bot is also well- respected by local officials in neighboring cities and counties, as well as MnDOT officials and state legislators. He has collaborated with leaders outside St. Michael on many projects and, when it came to the I-94 expansion, he knew that would benefit many communities and enhance the quality of life for residents and commuters from the metro area up to St. Cloud and beyond.
“His efforts have always been focused on the greater good for the entire state,” Kasel says.

Energetic advocate
Recession meant city finances were tight, and the housing boom that had fueled development had faded. City officials knew the widening of I-94 was critical for the area to prosper.
“Our future really relied on our ability to move around,” Bot says.

Before the I-94 expansion, Bot says the congestion was so bad that people were fleeing the freeway to use smaller roads in the area, creating new traffic and safety problems and wear on county roads. The jammed highway also was unsafe, with above-average accident rates.
The project really brought out Bot’s skills in legislative advocacy. He made phone calls, visited the Capitol, and brought key legislators to town.
“I figured I’d try everything I could,” he says. “There’s a million doors that were knocked on and a lot of people who helped. I-94 is big enough that it hits on everyone’s interest, whether it’s your legislative representative, or the governor, or business.”

Kasel says that Bot was a skillful and energetic lobbyist, with all the facts at hand and a sense for how to make a powerful case to people without overstaying his welcome. His engineering background helped with the technical details.
“MnDOT-speak is different from any other language known to man,” the mayor jokes.

Beyond I-94
Though the highway expansion is a top achievement for Bot, Kasel says he has been an excellent administrator for St. Michael. He is a good judge of talent, he says, and moved people and duties around when finances required it.

City leaders credit him with creating 10-year-plans for capital budgets, retaining talented city staff, and increasing the city’s bond rating. He also collaborated with neighboring cities to develop staff-sharing agreements.
Recently St. Michael, which has almost 18,000 residents and is seeing healthy growth in new housing again, was able to hire a new city engineer, removing that duty from Bot’s portfolio.
“I just want to keep things rolling and progressing,” Bot says. “This is a new challenge for me, and I really feel that we folks at this level can make a difference for people. I also have a lot of good people behind me trying to deliver great services at low cost.”

Kasel says Bot is too modest. “I’ve known some darn good city administrators in my time, and Steve is one of the best. He exemplifies what a city administrator should be.”

Mary Jane Smetanka is a Minneapolis-based freelance writer.
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Do Business
FINANCIAL MANAGEMENT PLANNING: IT’S A MATTER OF DOLLARS AND SENSE

BY BRIAN REILLY, CFA, CIPMA

“I don’t know where you are going, you might wind up somewhere else!” When it comes to government finance, the late great Yogi Berra offers sage advice.

Financial management planning is a smart, comprehensive way for your city to set a sustainable course for fiscal stability over a five- to 10-year horizon. The scope of this planning can vary in breadth and complexity, but at a minimum should incorporate all tax-supported funds.

The most complete plans create a holistic, long-term profile of your community, including all major funds and accounts. They also take each material variable and potential “what if” into consideration.

Benefits of planning

Sure, annual budgeting is a necessity, but if your vision only extends to the next fiscal year, your city may end up making short-sighted decisions that render costly results down the road. There are many benefits of thoughtful financial planning, including that it:

- Provides an opportunity for staff and elected officials to work together to achieve your city’s goals and deliver optimal benefits to residents, businesses, and community organizations.
- Empowers elected officials to communicate policy priorities to the public and establish tangible targets for performance and accountability.
- Eliminates reactionary impulses and stressors from the annual budgeting process.
- Fosters fiscally responsible decisions when unforeseen challenges (and exciting opportunities) arise.

Getting started

So, where do you start? Let’s flip Yogi’s advice and instead ask, “How do you know where you’re going if you don’t know where you’ve been?”

To properly construct a forecasting model for your financial management plan, first develop a baseline profile of your city and gain an understanding of basic financial metrics, such as:

- How has your city performed on an ‘actual-to-budget’ basis over the last three years? What are the causes of material budget variances?
- What is the current level of your unrestricted fund balance and how much of it is cash? What are those numbers as a percent of your revenue budget?
- How much debt do you have outstanding and what are the annual payment requirements? How much is that debt on a per capita basis and as a percent of market value?
- How are your enterprise funds performing?
- If you have tax increment districts, are they cash flowing? When might they close?

Additionally, if your city has adopted formal financial policies (e.g., fund balance, debt management, investment, budget, etc.), be sure to assess your current financial condition against those policies. This self-examination isn’t meant to be exhaustive or academic; rather, it’s meant to generate meaningful dialogue focused on your community’s financial stability.

Crafting the plan

Once you become familiar with your city’s baseline financial condition and thoroughly review governing policies, it’s time to assemble the data and establish the assumptions needed to craft the plan. The most robust financial management plans combine operating and capital budgets for all departments and use trans-parent assumptions that decision-makers clearly understand.

Questions to consider when developing those assumptions include:

- Does your forecast rely heavily on tax base growth?
- Do you anticipate additional staffing?
- Should you use standard inflationary indices for revenues and expenses?

Regardless of the hypotheses you employ, make sure they’re consistent for the entire forecasting period, which typically begins at three years (minimum) and can run as long as 10.

Setting goals

While staff and financial consultants build data sets and financial models, your council can work on establishing goals and priorities. Adopt policy thresholds early, so you can use them as guideposts when evaluating the impact of projected operating and capital budgets on tax rates, user fees, and other charges.

This will give you an objective foundation to help avoid debates and competing interests. It allows you to focus on balancing capital spending ideas with realistic revenue expectations and financing strategies.

A well-structured plan gives the city an effective tool to build community consensus around budgets and major capital expenditures. It will provide a long-range financial road map that clearly shows where you’ve been, where you’re going, and the path to get there safely. If you follow it (and be sure to update each year), your city won’t—in Mr. Berra’s words—wind up somewhere else!
CONNECTING MINNESOTA TO THE REST OF THE WORLD

We take a personal interest in the work being done around us. And at the end of the day, we’re Real People offering Real Solutions.

Railroad Hazmat Training

BY PAT BRADY

Railroad companies safely transport everyday necessities we all use, including cars, furniture, and food. Some of these necessities are hazardous materials, such as crude oil and ethanol, fertilizer used by farmers, and even chemicals used in cleaning products.

According to federal studies, 99.9% of hazardous materials (hazmat) transported by rail reach their destination without incident. But accidents can happen. And when they do, local first responders need to be prepared. Training is available to help make sure they are.

Incident prevention strategies

A safe and secure rail network is essential to our nation’s future and important to communities across Minnesota. Transportation of hazmat by rail is subject to strict oversight by the Federal Railroad Administration (FRA), the Pipeline and Hazardous Materials Safety Administration, and the Department of Homeland Security.

Railroads work with these and other federal, state, and local agencies on hazmat-related issues, including train routing, safety, security, tank car design, emergency response, and more. Railroads also apply their own special operating procedures for trains carrying hazmat.

Preventing incidents is the best way to keep everyone safe. Yet, there is also a need to be ready to respond if something does happen. Strong emergency response can help minimize the scope and duration of any incident.

Training for local first responders

While railroads have hazmat responders strategically located along rail lines, local and tribal emergency responders are usually first on the scene and become incident commanders for the duration of a larger response. It’s critical that these local first responders have information on best response for rail incidents, so they stay safe while also protecting the public.

The railroad industry and the state of Minnesota provide hazmat training. Recognizing many fire departments are made up of all volunteers, the training is provided with mobile training units out in communities. Web-based training is also available at no cost.

Training courses teach responders about rail equipment, safe transportation of chemicals by rail, and hazard communication. The courses have been improved every year using feedback from first responders.

In hands-on exercises, responders learn how to identify hazardous materials, where they can quickly find information about the product involved in an incident, and how to shut down a locomotive.

Larger-scale training exercises allow for practicing placement of boom. Booms are used in water response to contain products like crude oil.

Learning how to use the equipment before it’s needed and connecting with railroad experts in a non-emergency situation takes the guesswork out of responding to an actual incident.

In addition to their own and contractor equipment, railroads often have agreements with larger fire departments to store response equipment. The equipment can be used for any incident on—or off—the railroad tracks.

Meeting responders on their own turf

Visions of training may bring to mind a dry-erase board or a projected presentation. Many railroad hazmat classes aren’t ordinary, though, and neither is the classroom.

In some cases, a mobile classroom made from a modified boxcar can be hauled into town. This is especially helpful when a fire department doesn’t have a training room, or if the training room is far from a rail yard.

A mobile classroom travels to locations throughout the year accompanied by a training tank car that has been fitted with the various valves used on different tank car types for more hands-on learning.

Thousands of Minnesota’s first responders from communities across the state have been trained through such a program.


Resources at your fingertips

The rail industry has developed several new resources in the last few years to help Minnesota communities access information. For example, an app called AskRail provides fire departments with information about commodities in every rail car, along with the best emergency response to an incident involving that commodity. It also provides individual railroad contact information.

In addition to the AskRail app, fire chiefs, emergency managers, and police departments can request free on-site and web-based training from railroads. They can also ask railroads for emergency response plans and for hazmat traffic flow reports that detail what hazmat commodities are shipped by rail through a town.

The safety record of rail transportation is strong. Minnesota responders have many avenues to access rail hazmat information and training resources to prepare just in case.

Pat Brady is general director of hazardous materials safety with BNSF Railway (www.bnsf.com). BNSF is a member of the League’s Business Leadership Council (www.lmc.org/sponsors).
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Bird Island Sees Brighter Future for Main Street

BY RENEE MCGIVERN

There is a new burst of enthusiasm among members of the Civic & Commerce Association (C&C) of Bird Island, Minnesota. They’ve signed up for a program that will help them revitalize their downtown and encourage residents to shop locally.

Minnesota Network Community is a new introductory membership of Minnesota Main Street, a program of the Preservation Alliance of Minnesota that helps communities maximize their people and built assets.

Bird Island, located in Renville County, has a population just under 1,000. As in many small cities, it’s challenging to maintain a vibrant downtown area.

“I always hoped that once I retired, I could build in a systematic way to expand our development efforts downtown,” says Mark Glesener, C&C president and former Bird Island business owner. “I like the robustness of the Network Community program.”

The C&C’s business development efforts were often piecemeal over the years. “We never really knew how to delve into the needs of individual businesses, nor connect residents to those businesses. We didn’t have any development principles to guide us,” Glesener says.

New tools and networking

The Minnesota Main Street program staff trains and supports members in using a revitalization framework and tools based on the successes of small communities across the country.

“We provide workshops, training, networking opportunities, and resources,” says Sarina Otaibi, Minnesota Main Street coordinator. “We know what each community is doing well, and we connect the cities, so they don’t reinvent the wheel.”

The program’s guidance was just what the Bird Island C&C was looking for.

“Right before the first Main Street training, we considered revisiting some ideas that stalled out,” says Rick Bonlender, president of Frandsen Bank & Trust in Bird Island. “But after that training, we set those aside because we learned the first step in engaging the community is to listen.”

For Glesener and Bonlender, the chairpersons of the Bird Island Network Community Program, the opportunity to network with other Main Street communities is particularly appealing.

“We’re looking at getting a group to visit some [Minnesota Main Street] member cities,” says Bonlender. “We’ll be able to talk to people we would not otherwise have known and who are as committed as we are to revitalizing our downtowns.”

Membership levels

Minnesota Main Street now has two membership options: Network Community or Designated Community. Network Communities like Bird Island pay $250 annually for the full array of training and services as they become fully accredited. They also hire someone to implement the program in their communities.

The cities of Olivia and Willmar are Designated Communities. “We now know who to reach out to in Olivia and Willmar so we can find out what they’re doing,” says Bonlender. “We’re not competing with each other. We’re learning from each other.”

City involvement

Minnesota Main Street members are usually business or civic groups. It’s also likely that the local economic development authority (EDA) or similar city agency is involved or at least aware of the local Main Street program.

“Our EDA assists local businesses, and its main focus is to keep the businesses we have,” says Bird Island City Administrator Olivia Lingl. “It’s important to do whatever it takes to help Main Street thrive, and we are very fortunate to have business leaders who are willing to do this.”

Community engagement

Since its first training last April, the Bird Island Main Street team has been engaging the community in conversations on such topics as the importance of shopping downtown.

Some Bird Island business owners and residents recently bought Maynard’s grocery story, which is now called Island Market. The Main Street team would like to see more initiatives like that to bring people downtown.

“There was a time when everyone in Bird Island would come downtown on a Friday night to shop and catch up with each other,” says Glesener, a life-long resident. “We really want to recreate that experience again.”

Renee McGivern is a freelance writer based in Woodbury, Minnesota.
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Website Photos: Is Your City Violating Copyright Laws?

BY QUINN O’REILLY

Do you search the internet for photos to use on your city’s website to make it more engaging and interesting? If so, do you think about the copyright implications of using these photos?

If you are not thinking about copyright, you probably should be. Posting a photo—or any other image—on the city’s website without obtaining the proper license or permission can result in expensive fines or settlement costs for the city. Luckily, there are ways for the city to find interesting and engaging content for the city website without running afoul of the federal Copyright Act of 1976.

What is copyright?
Copyright is an aspect of intellectual property law. It grants ownership of an original creative work to the creator of that work. Essentially, whenever someone makes something creative—such as a photo, a song, or a poem—the creator of the work has ownership rights to his or her creation.

The intent of copyright is to ensure the creators of an original work are able to control how the work is used. The protections of copyright apply to a work as soon as it is created—there is no requirement to register a work for it to be protected by copyright law. The Copyright Act provides the law for how copyright operates, including fines for violating copyrights.

Violating copyright
Because all original creative works, including photos, are protected by copyright, it is a good practice to assume that any photo found online is protected by copyright, even if there is no logo or copyright registration mark to suggest the work is registered or belongs to anyone. To enforce copyright ownership, some people have started using technology to search the internet to discover if their copyrighted work has been posted on a website without permission. If it is discovered the work is being used without permission, the owner of the website is contacted and is threatened with large fines for violating the Copyright Act.

Sometimes copyright holders will send a notice of a violation and request that the unlicensed work be removed. But a copyright holder does not need to request that the work be removed before seeking damages for violation of the copyright. Often, the website owner is able to settle with the copyright holder for less than what a fine under the Copyright Act would have been, but the settlements are often several thousand dollars.

Exceptions to copyright
While there are several exceptions to copyright, there is no absolute exception that would apply any time a city wants to post a photo, or other creative work, to its website without first obtaining a license or permission from the copyright holder.

A well-known exception is “fair use,” which allows the unlicensed use of copyrighted works in some circumstances. Fair use might apply sometimes, but it is not guaranteed in every situation. So, it is not completely safe to rely on fair use—especially if the copyright owner does not agree that fair use applies.

Ways to get website photos
There are many options for finding photos to make your website exciting and interesting—without violating copyright law. One option is to use original photos, taken by city staff, for use on the city website. Another option is to solicit photos for use on the city’s website by having a community photo contest or just asking residents to submit photos. If you are looking online for photos, there are great options as well. There are several websites, such as Pexels.com, that offer the use of photos for free. The owners of the photos have granted permission for this.

If you use a website with free photos, be sure to review the terms of service for the website. Some websites allow free use of photos for specific uses, but not all uses, so it is important to confirm your use is covered.

There are other websites that offer photos for a small fee or through a subscription. Google offers a feature with its Advanced Image Search that allows for searching for images that are categorized as being free to use, though it is important to confirm a specific image you locate is free to use before using it on the city’s website.

Finally, you can obtain a license from a copyright holder to use a specific photo. In some cases, it may be as simple as emailing a photographer to ask for permission to use the photo on the city’s website.

Copyright law can be intimidating, but there are easy ways to find great content without violating anyone’s copyright.

Quinn O’Reilly is a research attorney with the League of Minnesota Cities. Contact: qoreilly@lmc.org or (651) 281-1228.
What Minnesota Voter Data Is Considered Public?

**DATA PRACTICES ACT**

**Voter data**
Andre Cilek is the executive director of the Minnesota Voters Alliance (MVA), an organization with the goal of ensuring confidence in the integrity of Minnesota elections. In 2017, the MVA sent a letter to the Office of the Minnesota Secretary of State requesting access under the Minnesota Government Data Practices Act (MGDPA) to all “non-private government data” contained in the Statewide Voter Registration System (SVRS). The SVRS is the centralized voter registration database used to administer elections. The Secretary of State’s Office responded that the MVA was only entitled to the voter information listed as public under Minnesota Statutes, section 201.091, which provides that certain voter data is public, including: “voter name, voter address, year of birth of the voter, voting history, information on the voting districts in which the voter is eligible to vote, and the telephone number, if available.” The district court granted summary judgment in the MVA’s favor, ruling that it was entitled to additional voter data from SVRS records. The Minnesota Court of Appeals affirmed and held that SVRS data on (1) registered voter status (active, inactive, deleted, or challenged); (2) reason for a challenge (felon, address, etc.); and (3) voter history information are public data under the MGDPA’s general presumption that government data is public unless it is otherwise classified by federal law, state statute, or temporary classification. *Cilek v. Office of the Minn. Secretary of State*, 927 N.W.2d 327 (2019). Note: The Secretary of State’s Office has filed a petition for review with the Minnesota Supreme Court.

**PREEMPTION LAW**

**Sick and safe time ordinance**
The Minneapolis Sick and Safe Time Ordinance generally requires employers to provide a minimum level of paid sick days, including paid time for family care. The Minnesota Chamber of Commerce and some other affected employers sued, claiming that state law conflicts with and impliedly pre-empts the ordinance, and that the ordinance exceeds the city’s territorial authority. The ordinance applies to employees who perform work within the city’s geographic boundaries for at least 80 hours per year, even if their employers are not located within the city. The district court held that state law does not preempt the ordinance, but concluded that the ordinance has an impermissible extraterritorial effect. Therefore, the district court granted a permanent injunction, enjoining the ordinance’s enforcement against any employer located outside the city. The Minnesota Court of Appeals affirmed the district court’s decision in part and reversed it in part. The Court of Appeals held that state law does not preempt the ordinance and that the ordinance does not have an impermissible extraterritorial effect. *Minn. Chamber of Commerce, et al. v. City of Minneapolis*, N.W.2d (Minn. Ct. App. 2019). Note: the Chamber of Commerce has filed a petition for review with the Minnesota Supreme Court.

**CRIMINAL LAW**

**Sobriety tests**
A deputy stopped a vehicle Leland Otto was driving after observing it drive outside the traffic lane and fail to signal before turning. The deputy observed that Otto’s eyes were bloodshot and watery, his speech was slightly slurred, and he smelled of alcohol. Otto admitted he had drunk two or three beers. The deputy asked Otto to perform field sobriety tests. Otto told the deputy that he did not want to perform any tests that involved movement because of his back surgery. The deputy administered three tests that did not involve movement, which Otto failed. The deputy then gave Otto a preliminary breath test, which revealed an alcohol concentration of 0.096. The deputy arrested Otto for driving under the influence (DUI) and gave him a breath test that produced a result of 0.09. Otto’s license was subsequently revoked because of the DUI.

Otto appealed, claiming that the deputy had a duty to inform him that his participation in field sobriety tests was optional. The Minnesota Court of Appeals affirmed the district court’s decision and held that there is no constitutional or statutory requirement...
accommodation, whether McBee could perform the essential functions of her position with reasonable accommodation, and whether her continued employment posed a serious threat to her health.

The district court granted summary judgment in Team’s favor. The Minnesota Court of Appeals affirmed the district court’s decision. The Minnesota Supreme Court affirmed the Court of Appeals’ decision in part, reversed it in part, and remanded the case for trial. The Supreme Court held that the MHRA does not require an employer to engage in an interactive process, but it also concluded that there were genuine factual disputes regarding the position’s essential functions and regarding whether McBee’s continued employment would be a serious threat to her health. McBee v. Team Industries, Inc., 925 N.W.2d 222 (Minn. 2019). Note: Employers must engage in an interactive process to determine reasonable accommodations under the Americans with Disabilities Act.

EMPLOYMENT LAW

Minnesota Human Rights Act
Thaleaha McBee, who worked as a machine operator, sued her employer, Team Industries, Inc., claiming in part that it violated the Minnesota Human Rights Act (MHRA) by failing to engage in an interactive process to determine reasonable accommodations for her disability. In 2015, McBee’s doctor imposed a 10-pound lifting restriction due to disc narrowing, a bulged disc, and bone spurs in her vertebrae. The doctor also recommended that she “not bend her neck up.” Days after informing her supervisor of her medical restrictions, McBee was terminated due to concerns that she could not perform the essential functions of her position and because continuing her employment would pose a serious threat to her health. McBee claimed that Team could have reasonably accommodated her disability by assigning her to a different machine, allowing her to lift less than 10 pounds, or providing her with assistance when she needed to lift more than 10 pounds. McBee and Team disagreed whether the MHRA requires an employer to engage in an interactive process with an employee seeking an accommodation, whether McBee could perform the essential functions of her position with reasonable accommodation, and whether her continued employment posed a serious threat to her health.

Days after informing her supervisor of her medical restrictions, McBee was terminated due to concerns that she could not perform the essential functions of her position.

(continued on page 24)
CONSTITUTIONAL LAW

First Amendment
Acting Decatur County Sheriff Ben Boswell fired Tamela Muir shortly after her husband, Bert Muir, resigned as sheriff. In 1996, Tamela began working for the Sheriff’s Office as a jailor and dispatcher. Tamela had no contractual right to her employment; instead, she was an “at-will” employee. Bert was elected sheriff in 1998. Bert hired Boswell as deputy sheriff in 2001, and he married Tamela in 2008. Bert resigned as sheriff in 2016, when faced with a petition seeking his removal based on several complaints that he had sexually harassed county employees.

After Bert resigned, a county attorney advised Boswell to consider putting Tamela on administrative leave. The attorney was concerned that “problems” might arise if Tamela “was allowed to remain working around employees whom her husband had harassed, and who had signed affidavits in support of her husband’s removal from office.” Boswell placed Tamela on indefinite leave on March 4, 2016. On April 21, 2016, Boswell sent Tamela a letter confirming that he had officially terminated her employment based in part on his concern that employees would fear she would retaliate against them because of their testimony against her husband.

Tamela sued, claiming that Boswell fired her simply because she was married to Bert and that this action violated her First Amendment right to intimate association. Boswell and Decatur County moved for summary judgment, claiming that Boswell was entitled to qualified immunity and that the county was not subject to liability. The district court denied summary judgment. The 8th U.S. Circuit Court of Appeals reversed the district court’s decision, concluding that there was no constitutional violation. The Court of Appeals reasoned that, when reviewing an intimate-association claim, the key question is whether the government directly and substantially interfered with the right to enter or to maintain a marital relationship. The Court of Appeals noted that Boswell did not act with the goal of poisoning their marriage and concluded that, because Boswell did not commit an unconstitutional act, no municipal liability can attach to the county. *Muir v. Decatur, Iowa*, 917 F.3d 1050 (8th Cir. 2019).

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

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Hazardous Buildings: What Can the City Do About Them?

Hazardous Property

**Q** There is a dilapidated building in our city’s downtown area. Is there a process the city can use to get the building owner to fix the building’s problems?

**LMC** State law provides a process for a city council to declare a building as hazardous and order the property owner to correct the conditions constituting the hazard. A hazardous building is defined as a structure or part of a structure “which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment constitutes a fire hazard or a hazard to public safety or health.” A good first step for enforcement is to ask the property owner to voluntarily correct the hazardous condition. If the property owner is not responsive, the city may order the property owner to correct the hazardous condition and allow a reasonable time to do so. If the hazardous condition persists, the city may correct the hazardous condition by obtaining an enforcement order from the district court. Costs incurred by the city are charged to the property owner and may be collected as a special assessment. Courts have cautioned that hazardous buildings should be razed only in rare cases when the hazardous conditions cannot be corrected. Cities may adopt ordinances in this area as well, as long as they are not contrary to state law. For more information, see pages 22-30 of the LMC memo at [www.lmc.org/hazard](http://www.lmc.org/hazard).

Answered by Research Attorney Kevin Toskey: ktoskey@lmc.org

Human Resources

**Q** Does an employee have the right to a hearing before the city council prior to termination?

**LMC** An employee who is considered to have a “property interest” in his or her job will generally have the right to receive a notice of the allegations and an opportunity to respond prior to final action on the termination. But that doesn’t always mean there has to be a hearing before the city council. Employees may have a property interest due to protections like union membership or veteran status, or because of procedural or just-cause disciplinary requirements in the city’s employment policy.

When in doubt about whether an employee is entitled to a hearing, in most cases, it is a best practice to provide the hearing. The opportunity to respond can be met by having the decision-maker meet with the employee, listen to the employee’s response, and consider it before taking final action. Due process does not require that the employee have the opportunity to cross-examine witnesses.

Sometimes a city’s employment policy requires a meeting before the city council prior to termination. In Statutory Plan A cities, the council has authority to terminate employment, so due process can be handled at the same meeting.

The bottom line is that it’s critical for the city to follow its own policies regarding termination of employment. The city should also seek the help of its city attorney and the League before terminating an employee.

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

Safety

**Q** Our city is about to start working with a contractor on a project involving excavation. We know Gopher State One Call needs to be contacted before digging begins. Who should contact them—the city or the contractor?

**LMC** The contractor should do that. According to the Gopher State One Call (GSOC) Handbook, all Minnesota excavators are responsible for notifying GSOC of their proposed excavations. This allows facility operators with underground facilities near the excavation site to be informed of pending excavation. Anyone excavating in Minnesota must have a one-call ticket, which is generated when you call GSOC or submit a “locate” request online at [www.gopherstateonecall.org](http://www.gopherstateonecall.org). The general contractor’s ticket does not apply to subcontractors. Locate requests must be submitted at least 48 business hours before excavating. GSOC may be contacted up to 14 calendar days prior to beginning excavation to provide facility operators additional time to mark the area of proposed excavation. Access the GSOC Handbook at [www.gopherstateonecall.org/about-gsoc/resources](http://www.gopherstateonecall.org/about-gsoc/resources).

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

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Minnetonka is a suburban community of 50,000 located eight miles west of Minneapolis. While our city has many special qualities, one area where we’re not unique is in our challenge to recruit firefighters.

It’s a statewide concern. And for Minnetonka, it’s been a tough road made only tougher by a record number of firefighter retirements in 2018.

The challenge
The paid on-call model is a hard draw and can feel like a mere step removed from asking residents to risk their lives walking into flames on a completely volunteer basis. Couple that with an aging-in-place population and the requirement that all our firefighters live no more than 15 minutes from one of Minnetonka’s four fire stations, and it’s no wonder our recruitment barriers sometimes seem insurmountable.

In 2018, the Minnetonka Fire Department received only 18 applications for new recruits. The majority of those washed out during the physical testing phase. It was crucial for the 2019 recruitment class to be bigger and better.

In mid-2018, Minnetonka Fire Chief John Vance approached our three-person communications team with the idea to hire an outside marketing consultant specializing in firefighter recruitment.

The consulting firm in question wasn’t local; neither was it cheap ($20,000 for a campaign). But the real reason our communications team convinced Chief Vance to take an alternate and internal route toward beefing up his ranks was this: we were confident we could help and genuinely excited to collaborate with and serve our Fire Department.

We had five months to get it done.

Developing our strategy
Right from the start, we knew the heart of our recruitment strategy was our team of current firefighters. Over the course of several group meetings, we discussed the barriers to bringing on new fire staff. But those obstacles were not what we wanted to communicate to our residents in an earnest bid for them to apply to the department.

What we were most interested in discovering, and what we really dug for in those meetings, were the reasons our firefighters had chosen to pursue this work and the reasons they had stayed.

Service to our community. Deep and enduring camaraderie. The special motivation to remain physically fit. An antidote to sitting in front of a computer all day. An incomparable feeling of usefulness and gratitude.

Basing our recruitment strategy on those exact sentiments, we called our campaign: “Give More. Be More. Become a Minnetonka Firefighter.”

Reaching the audience
Our marketing plan engaged target audiences across several key platforms, including mass emails, social media, and dynamic billboards. Messaging also reached potential applicants through direct mail and printed handouts.

To put a face to Minnetonka Fire, we posted firefighter Q&As on the city’s website. We also hired a professional photographer and encouraged her to capture moments of connection and camaraderie during a fire training session.

Perhaps most importantly, we empowered current Minnetonka firefighters as effective recruiters and provided them with tools and talking points to connect with potential applicants. They personally delivered marketing collateral to the community, both on the job and at Fire Department open house events. These materials directed interested residents to Minnetonka’s website, where we had streamlined and reinvented the fire recruitment pages with bold visuals, an interest form, and a user-friendly application process.

Thrilling results
By Jan. 1, 2019—the application deadline for new recruits—Chief Vance informed us the city had received an unprecedented 53 firefighter applications, which marked a 194% increase from the previous year.

We were naturally beaming with pride at that news, because—except for a freelance photographer and graphic designer—the entire project had been accomplished in-house. The total cost was $1,500.

Chief Vance and his command staff were thrilled. We’re told the resulting 2019 class of Minnetonka firefighters is unusually strong.

And that makes us thrilled, too—for our Fire Department and our city—and grateful for the tremendous trust Chief Vance placed in our three-person communications team.

Justin Quinn Pelegano is senior communications coordinator with the City of Minnetonka. Contact: jpelegano@eminnetonka.com or (952) 939-8384.
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Don’t miss Mental Health First Aid for Fire & EMS—workshops designed to help first responders explore the experiences they and their families face.

During this two-day workshop, participants will:

+ Discuss first responder culture, stigma, and their relevance to mental health
+ Learn about specific risk factors first responders and their families can face
+ Review common mental health resources designed for you, your families, and those who support you
+ Find out how to support colleagues by learning the skills to safely address potential mental health or substance use challenges

Plus, you’ll learn how to identify the warning signs of mental health crises and ways to provide aid in an emergency.

Find out more and register: www.lmc.org/2019MHFA

This workshop meets the Minnesota Board of Firefighter Training and Education’s mental health criteria and is eligible for reimbursement.
Ideas in Action

Afton Project Reduces Flooding and Improves Downtown

BY ANDREW TELLIJOHN

It took a decade, $20 million from six different resources, several partnerships, and meetings with the Prairie Island Indian Community, but the Afton Downtown Village Improvement Project is almost complete.

The project netted Afton a new wastewater collection and treatment system, reconstruction of county and local roads, an improved levee that provides greater than 100-year flood protection, and other improvements. The project brought the 160-year-old river town into the 21st century while preserving its historic character.

It was a huge undertaking, especially for a small city of just under 3,000 people. But City Administrator Ron Moorse says the payoff for Afton in the long run will be immense. “The City Council dared to think big and then went out and found partners, particularly funding partners,” Moorse says.

The project was the winner of a League of Minnesota Cities 2019 City of Excellence Award.

Ten years in the making

Eroding streets and floods that overwhelmed the city’s existing levees made it clear that infrastructure work was in Afton’s future. But it became more urgent in 2008. That’s when the U.S. Army Corps of Engineers notified Afton staff that the levee protecting the Old Village was not up to the standards necessary to remain in the voluntary assistance program.

A year later, Afton hired an engineering consultant to develop a multidisciplinary approach to preserving the downtown area and rebuilding the levee. Then the city appointed a public task force to lead the development and project planning.

Everybody jumped on board the flood levee issue.

“We’ve had a number of flood events,” Moorse says. “They cause damage and they take a lot of work and money, and so we wanted to see how we could solve that.”

But the project grew when city officials discovered that the drain fields for several private septic systems in the flood plain of the St. Croix River were actually built into the levee. When locating those drain fields became an issue, the city turned its thoughts to a local wastewater treatment and collection system.

“That was the start,” Moorse says. “None of this came cheap for the city either. The City Council had to really think hard about [whether we were] willing to put a couple million dollars into this. Then there are going to have to be assessments to the property owners. All of that was discussed for a couple years before the Council gave the green light to at least move forward with some planning work.”

Variety of funding sources

As the projects became larger, Afton began getting grant commitments to help with costs. The Minnesota Department of Natural Resources (DNR) agreed to help fund the flood mitigation with a $3.9 million grant. The Minnesota Public Facilities Authority (PFA), the financing arm of the Minnesota Pollution Control Agency, kicked in $8.7 million in grants and loans for the wastewater treatment facility.

The city also secured a $50,000 grant from the Valley Branch Watershed District, and a $200,000 grant from the Minnesota Board of Water and Soil Resources.

As those projects were becoming reality, city staff began exploring some of its other challenges. Its local roads in the downtown area were in poor condition and were slated to be replaced in a few years. But when the sewer project required digging up those roads, PFA agreed to pay a portion of that cost.

Washington County also picked up a portion of the cost in the amount of $4.3 million because one of its county roads serves as Afton’s main street.

“It all started coming together,” Moorse says. “There were a ton of infrastructure needs that were met about as cost-effectively as you are ever going to be able to do it.”

Mayor Bill Palmquist—who served on the City Council as planning started and was elected mayor in 2018—preached patience. Lining up the partnerships was expensive, time consuming, and complicated. But it made sense.

“All these issues were intertwined,” Palmquist says. “In order to fix the levee, we had to get the septic systems out of the levee. The roads kept getting put off because we knew we had these problems to fix. They had fallen apart because of stormwater. So, you couldn’t do just one of them.”

It wasn’t without challenges. One popped up when staff realized some of the plans were in the path of the
900-year-old Native American burial site known as the Rattlesnake Effigy Mound, which was thought by some experts to no longer exist.

Afton officials met with the Prairie Island Indian Community to discuss the issue and, ultimately, rerouted some of its stormwater treatment infrastructure to avoid damaging the grounds.

All in all, five funding partners shared the cost with Afton, which also kicked in the $1 million it had previously set aside for the downtown road improvements and another $1 million through a 10-year levy.

Not only did the projects solve the city’s biggest infrastructure problems for decades to come, but they also helped make the city a more environmentally friendly place to live. The new stormwater system is removing 2,500 pounds of organic matter from the stormwater each year, keeping it out of the St. Croix River.

“Not having any stormwater controls, let alone treatment, isn’t very good stewardship,” Palmquist says. “Now we’re treating everything.”

True partnership
Washington County was on board early. Wayne Sandberg, the county’s deputy director of public works, says Afton is one of the most historic cities in the state. In addition to fixing up the county road, he’s thrilled to have participated in a project that rejuvenated downtown without ruining its look and feel.

“We were able to maintain that historic feel,” Sandberg says. “It doesn’t look like we turned it into suburbia.”

Found every possible dollar
Pat Lynch, the Flood Hazard Mitigation Grant Program manager for the DNR, credited the city for doing a great job of finding different funding resources.

The legislative appropriation of funds included language limiting Afton’s local match to $2 million. Not bad when replacing the existing levee was such an obvious need, Lynch says. It was constructed in 1969 as an emergency measure that was meant to be removed. But it was never moved, nor was it properly maintained.

Lynch adds that the project will pay dividends for local business owners who had been burdened by their location in an area at risk for flooding. They had to spend quite a bit of money on flood insurance.

The DNR still encourages property owners to consider flood insurance, Lynch says. But the new levee ensures their rates will decrease significantly with the lessened risk.

“As once this project is certified, it will provide some opportunities to make some improvements or expansions they otherwise couldn’t,” he says.

Early test last spring
As the record-breaking snows melted into basements everywhere last spring, the town’s new infrastructure got its first test. Afton residents, business owners, and city staff got more sleep than they have in past years. The new, higher levee was up to the task.

“It worked great,” Moorse says. “In the past, we had some temporary flood pumps we would bring to the levee to pump water from the land side back into the river. To do that, we have to get volunteers to sign up—that might be from 2 a.m. to 6 a.m.—and all day long because you have to monitor these pumps.”

With this year’s melting, Moorse speculates that process might have taken as long as two months. Instead, the city was able to sell one of its temporary pumps because the levee did such a great job of holding the water back.

“Plus, we have built into the levee a stormwater lift station, which has two pumps 10 times more powerful than the two pumps we used to use. When the water reaches a certain level, it just clicks on,” he says.

“We didn’t have to do anything this year. It just worked,” Moorse says. “We are very happy. It turned out great.”

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

ON THE WEB
Watch a video about this project at www.lmc.org/afton.
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Welcome to our 2018-2019 Annual Report! Inside you’ll find highlights of the past year that show the depth and breadth of the League’s work. The initiative I’d like to focus on in my message is member engagement.

In last year’s Annual Report, I told you that we were just embarking on a new member outreach and engagement effort. I’m happy to report that we have made tremendous progress in this area. And to ensure this initiative succeeds, we are striving to be thoughtful and, most importantly, to carefully listen to our members. We know we’re at our best when we do that.

Over the past year, we have met with members at many different community venues, from city halls to coffee shops. We will continue these visits through the coming year. You impress us with your character, passion, and sheer will to do your best in always challenging times. We’ve learned that you often encounter the same issues as other city leaders, you worry about the same problems, and you want to know that the League’s help is just an email or phone call away.

A few weeks after one of our member visits, I ran into Sharon Zelazny, mayor of the City of Cromwell (population 239), and she was gracious in her thanks for the lunch meeting we had with her and a handful of officials from neighboring small cities. Mayor Zelazny noted that she “contacts the League often” and told me it is heartwarming to know the League does not forget small cities.

A successful member engagement initiative benefits all our members. Here are a few examples of new services we are or will be providing because of what we’ve learned through our visits with you:

• A podcast, The City Speak, was launched in February to provide expanded learning opportunities.
• Collaboration Services—which gives customized assistance to help city officials work together more effectively—became a regular offering in September 2018.
• Opioid epidemic resources were provided this year, and we plan to offer more in the coming year to help our members deal with this serious issue.
• A new service related to municipal finance is in the works for the coming year. Members will be able to call the League to get answers to their tax, budgeting, and other financial questions.

Our plan is to continue reaching out to our members in a deliberate and thoughtful way. But remember—member engagement is a two-way street. We want you to know the League, see us as trusted friends, never hesitate to ask us questions, and inspire us to action by offering ideas and opinions. If you know us, you are more likely to let us know what we are doing right—and how we can improve.

Thanks to those of you who have taken the time to meet with League Board and staff members over the past year. We look forward to meeting with more of you in the coming year!
Nearly 5,400 Minnesota State Fair visitors stopped at the League’s booth and took our “Discover Your City Superpower” quiz. The booth promotes the value of city careers, and encourages the next generation to check out city jobs.

The League launched MemberLink—online communities where city officials can network and share ideas. Nearly 4,000 LMC members have signed up to participate in one or more of the 21 groups, which are similar to listservs but offer more features.

LMCIT’s Peace Officer Accredited Training Online (PATROL) launched several courses that meet new state requirements, including those on handling a mental illness crisis, managing conflict, and understanding implicit bias.

The League hired its first Education Manager, Adriana Temali-Smith. This position was created to better meet the needs of members by applying adult learning principles to conferences, webinars, and other educational offerings.

Legislative policies for 2019, developed by more than 100 city officials on four policy committees, were adopted by the LMC Board. The policies are the League’s comprehensive state legislative platform and advocacy agenda.

Cybersecurity is an increasing concern for cities. In response, League staff conducted 14 cybersecurity trainings around the state to help cities prevent and respond to security breaches.

The League partnered with Fairview Health Services to offer Mental Health First Aid workshops, where 128 individuals representing 67 local government entities learned to recognize a mental health crisis.

The Leadership Conferences welcomed more than 500 newly elected officials and more than 200 experienced officials. The training for newly elected officials was especially important this year, since about 25% of all elected city officials are serving for the first time.

The League kicked off its initiative of working with city officials on a new police fitness test. The test, which is expected to be available in early 2020, will help keep police officers safer and more productive, while saving cities money by reducing workers’ compensation claims.

More than 400 members attended the LMC Regional Meetings. Economic vitality topics, which were tailored to each location, included housing supply, child care access, and broadband.

Students from Crystal, Elk River, and Sartell were selected as winners from more than 450 essays submitted for LMC’s Mayor for a Day Essay Contest.

The League continued to partner with the Government Alliance on Race and Equity (GARE) to form its fourth cohort of member cities working on race equity strategies. This cohort focuses on small and Greater Minnesota cities, with eight cities participating.

The League launched its career fair booth—one of many activities geared toward promoting city careers. The League also added new job posting tools and a bus ad campaign to get more city job opportunities in front of talented candidates.

LMC HR Manager Donyelle Mikacevich and Richfield HR Manager Pam Dmytrenko staff the LMC career fair booth.
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The City IT Professionals group, or CITPro, open to LMC members with tech responsibilities, had its first quarterly meeting of the year at the safety center in Mankato to check out the latest technology for police cars. The group became more active this year and grew to 321 members.

The League launched its first podcast! The City Speak offers quick takes on city issues from city officials across the state. The podcast covers a variety of topics, including city finance, council collaboration, and citizen engagement. Check it out at www.lmc.org/CitySpeak.

More than 120 city officials gathered in St. Paul for the Legislative Conference for Cities. They heard updates on the legislative session and shared city needs with their legislators.

The League updated its visual identity! The Board approved a new clock tower logo in February, and members got a sneak peek at the Annual Conference in June. The logo was officially launched in September.

Opioid addiction is an enormous and frightening challenge for the entire country, and cities are seeking ways to deal with it. To help cities confront this epidemic, the League hosted a free opioid information session and launched a web page of resources. Look for more on this topic in the coming year.

Nearly 1,000 city officials braved snowy conditions to attend the LMCIT Safety & Loss Control Workshops in nine locations throughout the state. Topics included how to comply with the Americans with Disabilities Act for web content and for playgrounds.

The LMCIT Board of Trustees welcomed new member Lisa Sova, city administrator of Crosby.

City officials and League staff emphasized infrastructure funding and relationship building when they went to Washington, D.C., to engage in federal advocacy and meet with members of the Minnesota congressional delegation.

Nearly 1,000 city officials learned about using smart data to save on energy costs at a workshop presented by Minnesota GreenStep Cities.

The League is one of nine partners that operate the GreenStep program, which offers several workshops a year, along with many other resources, to help cities achieve their environmental goals. Nearly 130 cities now participate in the program.

City and county government staff gathered in several communities to learn from State Demographer Susan Brower about forming Complete Count Committees for the 2020 U.S. Census. These events, co-sponsored by the League, were one of several resources offered to assist cities with promoting accurate census counts.

The first recipient of the Thomas L. Grundhoefer Local Government Externship worked at the League for a semester. The externship was created in partnership with Mitchell Hamline School of Law, the City of Minnetonka, and the law firm of Kennedy & Graven to honor the memory of the late LMC general counsel and his legacy of public service.
The League launched the LEAD Academy, in partnership with Metropolitan State University and other partners. Through this program, city officials can invest in their professional development and earn the Public Sector Supervisor Certificate.

LMC received the Employer Support of the Guard and Reserve (ESGR) Pro Patria Award for demonstrating support of Guard and Reserve employees. It is the highest-level award from an ESGR State Committee.

At their final meeting, outgoing members of the League Board of Directors were thanked for their service as they finished their terms.

The 2019 legislative session ended with several city wins. Initiatives such as a permanent increase in local government aid, as well as funding for elections, housing, broadband, and environmental needs, were all enacted into law.

Nearly 600 city officials and more than 150 exhibitors headed to the lake for a “superior” LMC Annual Conference in Duluth. Highlights of the #MnCities @ the Lake conference included a workshop on intercultural development, an awards dinner, and 24 educational sessions.

At their final meeting, outgoing members of the League Board of Directors were thanked for their service as they finished their terms.

During his 22-year tenure, Kevin oversaw many Annual Conferences and made a wide variety of other important contributions to LMC and cities.

LMCIT continued to monitor claims for post-traumatic stress disorder (PTSD), and to work with the Minnesota Medical Service Review Board on development of treatment parameters. This month, LMCIT conducted a public information campaign in recognition of PTSD Awareness Month.

New members to the League Board of Directors were welcomed at their first meeting.

The League continues to provide city tips, information, and photos via Facebook and Twitter. Join the 1,700 other followers on Facebook and 12,400 on Twitter to make sure you’re not missing out!

Officials in more than 160 cities throughout the state received visits from LMC and LMCIT staff this year as part of our member engagement initiative. The visits were designed to help us better understand member needs, and to introduce our services to members.

The Building Company Board approved concept plans to renovate the LMC building, with goals of modernizing the space, increasing efficiency, and improving employee and member experience. Members may begin to see these enhancements sometime in 2020!
**LMC & LMCIT Financial Highlights**

Our financial base continues to be strong, which allowed us to deliver the many resources and services we offered to you, our members, over the past year. Here are a few details:

All LMC member cities renewed their membership in fiscal year 2018. Of the 853 cities in Minnesota, 98% were members of the League.

The LMC Board of Directors approved a 0% membership dues schedule increase.

LMC, including the Building Company, had a net position of $13.5 million and assets of $23.2 million. The League met its fiscal policy of maintaining a 25-35% reserve of the following year’s total budgeted expenditures and transfers.

LMCIT had a combined net position of $148.4 million and assets of $480.3 million.

In December 2018, LMCIT’s property/casualty program distributed dividends totaling $2.7 million.

Both LMC and LMCIT had clean audit opinion letters.

The Board adopted a new five-year financial planning operations model and updated the capital improvement plan to include major building remodeling and upgrades.

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**LMC General Fund**

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<th>Total: $10,005,904*</th>
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<td>Salaries &amp; Benefits</td>
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<td>Contractual Services</td>
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<td>Other</td>
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<td>Transfers to Capital Improvement Fund</td>
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**LMC General Fund Revenues**

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<td>LMCIT</td>
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**LMCIT Expenses**

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<td>Dividends</td>
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**LMCIT Revenues**

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<tr>
<td>Investments</td>
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<tr>
<td>Other</td>
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* LMC numbers are the most recent audited numbers from fiscal year 2018 (9/1/17-8/31/18).
** LMCIT numbers reflect property/casualty program financials as of 5/31/18 and workers’ compensation program financials as of 12/31/18, the most recent audited numbers.