League of Minnesota Cities
Board of Directors Meeting
November 7, 2019

MINUTES

Members Present: Mike Mornson (Hopkins), Brad Wiersum (Minnetonka), Rita Albrecht (Bemidji), Amy Brendmoen (St. Paul), Curt Boganey (Brooklyn Center), Andrew Johnson (Minneapolis), D. Love (Centerville), Maggie McCallum (Mayer), Josh Malchow (Slayton), Justin Miller (Lakeville), Candy Petersen (N. St. Paul), Jeff Pilon (Nowthen), Donna Schmitt (Columbia Heights), Jim Weikum (BURNS), Heidi Omerza (Ely), Ron Johnson (Bemidji) and Mary McComber (Oak Park Heights)

Members Absent: Jeff Lunde (Brooklyn Park) and Mark McNeill (Mendota Heights)

Staff Present: Dave Unmacht, Pat Beety, Luke Fischer, Kellie Sundheim, Ann Lindstrom, Laura Kushner, Marky Engler, Laura Zenz, Anne Finn, Craig Johnson, Ted Bengtson, Danielle Cabot, Madison Hagenau, Gary Carlson, Daniel Lightfoot and Mel Reeder

1. Call to Order & Pledge of Allegiance
   President Mornson called the meeting to order and led the Pledge of Allegiance. Introductions were made.

2. Presentations/General Communications
   2.1 Veteran’s Day Recognition – The following employees who have served our country in the military were recognized: Patrick Arneson, Robert Bernier, Dan Greensweig, Matt Hanley and Ryan Zipf. A special Veteran’s Day video created by Eric Haugen was shown to the board and staff.

   Zipf thanked the League for their continued support and Omerza also recognized Pat Beety for the work she does with ESGR.

   2.2 Presentation by Danielle Cabot, Communications Coordinator on “Leadership Skills on Social Media”
   Danielle gave a presentation on social media and provided the group with some best practices and practical directions on using social mediums as a public official.

   Wiersum commented that this type of course should be provided as part of the Newly Elected Training the League provides.
Johnson talked about the city of Minneapolis’s new social media policy and will email it out to the board members.

3. Approval of Consent Items
Petersen moved approval of the consent items, seconded by D. Love. Motion carried.

4. Action Items
4.1 Draft 2020 Legislative Policies
4.1A Adoption of the 2020 City Policies
Under LMC’s process, policy committees are formed. Officials and employees of member cities make up the committees and meet to make recommendations. The board’s role is to finalize the adoption of the policies which will be brought to the legislature in the upcoming session. This is the step that we are undertaking today. Finn discussed the timeline and protocol for the process.

Once the policies are adopted they will be assembled into a book to be given to legislators. It is also housed on our website.

The board can adopt an interim policy in case an unanticipated issue comes up. The executive committee also has the authority to convene and provide direction if a policy needs an immediate action.

Finn mentioned that if there are typographical or spelling errors a motion will be taken at the end of today’s meeting to allow staff to make corrections.

IGR staff is available to answer questions if needed.

Beety noted the policy process “5-step cheat sheet” available to all members and went on to explain the process for offering amendments and how the policy adoption process would take place during the meeting. She also suggested that if a situation calls for drafting complicated language, that we not do it at this meeting. She mentioned that there may be a December meeting so if a policy needs more work we can defer final approval until then.

Mornson began the policy adoption process by identifying the Improving Service Delivery policies that might be amended and asked whether any board member had any other specific policy that they would like removed for individual consideration. Policy SD-59 Smoking Ban Ordinances was identified for individual consideration. Based on input from the Board and staff, Wiersum moved approval of the SD policies except for SD-59, seconded by Albrecht. Motion carried.

Wiersum moved adoption of SD-59 as written, seconded by Albrecht. Mornson asked Malchow to introduce his amendment. Malchow would like to delete the amendment because it was taken care of during the last legislative session.
Malchow moved the deletion of the amendment, seconded by Boganey.

Mornson asked for a vote on the deletion of the amendment to SD-59. Motion carried.

Mornson moved to the Improving Local Economies policies. He asked staff and members whether they wanted any LE policies removed for individual consideration. Policy LE-37 Funding for Non-Municipal State Aid City Streets was identified for individual consideration. Wiersum moved approval of the LE policies except for LE-37, seconded by Albrecht. Motion carried.

Wiersum moved adoption of LE-37, seconded by Albrecht. Mornson asked McComber to speak and move her proposed amendment, seconded by Omerza. McComber suggested making an amendment to policy LE-37 lines 14-17 to strike “was” and add “has”; strike “for only one year” and add “three times”; add “Because Small Cities Assistance funding has been provided so inconsistently, small cities have had difficulty using the revenue stream as a tool to maximize pavement management and street improvement planning.”

Mornson called for a vote on the amendment to LE-37. Motion carried. The vote on the amended policy carried.

Mornson then moved on to the Human Resources and Data Practices policies. He asked staff and members if they wanted to set aside any policies for individual consideration. Hearing none, Wiersum moved approval of all HR & DP policies, seconded by Albrecht. Motion carried.

Mornson asked staff and members if they had any Improving Fiscal Futures Policies to set aside for individual consideration. Hearing none, Wiersum moved approval of all Fiscal Futures polices, seconded by Albrecht. Motion carried.

Wiersum made a motion to refer policy comments, amendments and policies not approved to the respective policy committees for discussion and consideration during the 2020 policy adoption process, seconded by Albrecht. Motion carried.

Wiersum made a motion to direct staff to correct typographical and grammatical errors and to re-order policies and to group policies by topic, seconded by Albrecht. Motion carried.

Before the policy adoption discussion ended Miller made a comment that SD-54 Lawful Gambling and Local Control is old and needs to be updated. He is not requesting any amendments to the policy at this time but would like it revisited by the policy committee in 2020.
4.1B Adoption of the 2020 Legislative Priorities
Finn mentioned that these policies will serve as the basis for the next year’s legislative session discussions. These priorities also incorporate input from the policy committees about what they would like IGR to devote additional attention and time in 2020.

Mornson asked why we have so many policies. Carlson mentioned that most are necessary so the League can make sure to have a defense when local control issues are brought up by the legislature.

Boganey commented about the number of policies as well and wants to be sure that we have enough IGR staff to cover them. Carlson noted that an intern will be coming on board soon and that IGR is well placed to handle this upcoming session.

Albrecht thanked the IGR team for their list of priorities and feels that the list represents her community well.

Omerza made a motion to approve the 2020 legislative priorities, seconded by D. Love. Motion carried.

Schmitt made a motion to add SD-44 Cybersecurity to the list of priorities, seconded by Boganey.

Albrecht asked if any other groups have brought this issue forward. Lightfoot noted that some state agencies have had conversations about making more money available for this issue, similar to the requests of the National League of Cities.

Pilon stated that setting the groundwork in 2020 might be advantageous.

After further discussion a vote to approve the motion adding SD-44 Cybersecurity to the list of priorities failed.

Schmitt made a motion to add SD-53 Regulation of Massage Therapists, seconded by Pilon.

Lindstrom commented that this has been a long-standing policy and has become burdensome to the cities to regulate. The insurance industry has also become involved in this issue in the last couple of years. The bill is alive, and she feels that there will be some upcoming legislation on the issue.

After further discussion a vote to add SD-53 Regulation of Massage Therapists to the list of priorities failed.

4.2 LMC FY2020-2022 Race Equity Strategic Plan
Unmacht gave some background on the topic and noted that Kevin Frazell up until his retirement had been leading the League’s efforts on race equity. Frazell’s retirement required
staff to rethink how the League’s member services and internal race equity efforts could be accomplished. It also provided the opportunity to evaluate what had been done so far.

Unmacht turned the discussion over to Kushner who has been leading the efforts to update the strategic plan on own race equity work since Frazell retired. She noted that in order to develop the plan, League staff interviewed 12 cities in both the metro and greater Minnesota area. Some of the cities are GARE (Government Alliance on Race Equity) participants and some were not.

She commented that the League’s internal race equity team and department directors along with participants in two focus groups were also interviewed.

Kushner stated that several themes came out of the interviews.
- Cities want us to do the work
- There is a need to convene cities and talk about best practices
- GARE was too complex for some cities in some respects

The plan calls for a group of League staff (a new Race Equity Council) to spend the first 4-6 months of 2020 meeting with organizations and consultants who do race equity work and determine the best mix of partnerships to continue to provide race equity services to our members.

Kushner also noted that the plan includes a focus on continuing our internal work as well and continuing to involve our current members of our internal race equity team.

Omerza made a motion to accept the LMC FY2020-2022 Race Equity Strategic Plan, seconded by McComber. Motion carried.

5. Verbal Updates

5.1 LMCIT
Greensweig commented that the Insurance Trust met last night and talked about Work Comp rates and PTSD.

Staff had recommended an 11% increase in WC rates, with the board approving a 9% increase overall. The increase will be spread across all job classifications and it is likely that rates will also increase for 2021.

He also noted that they will be hiring a new staff person whose work will focus mainly on PTSD. PTSD claims are at $9.5 million for the year and this works out to be 20% of all total losses.
5.2 Legal
Being reported that on October 31, the Minnesota Supreme Court issued an order scheduling oral argument in a case that raises an issue regarding the proper interpretation of the nonconforming use statute which authorizes a land use that is existing at the time of a zoning change to continue. After a zoning change in 1989 by the City of Sartell, the property at issue became a nonconforming use but continued to operate legally a landfill that collected waste generated exclusively in conjunction with an on-site paper mill’s operation. The paper mill was demolished in 2012, and AIM purchased the property. In 2013, the Minnesota Pollution Control Agency (MPCA) transferred the property’s landfill permit to AIM, providing that the facility only could accept certain types waste generated on-site. In January 2014, AIM applied to the MPCA for a permit renewal, seeking authority to deposit waste generated by sources located outside the site. The City objected to AIM’s application, and a dispute arose regarding whether AIM could accept waste from off-site sources. The district court granted summary judgment in the City’s favor. The court of appeals affirmed the district court’s decision and held that “AIM’s proposal to accept waste from other waste sources constitutes an impermissible expansion of the prior nonconforming use.” Supreme Court will now have opportunity to set clearer guidance on the expansion exception to the doctrine of nonconforming use. The supreme court hears the case on December 2nd.

6. Affiliate Organizations Update
   6.1 Coalition of Greater Minnesota Cities
   Johnson mentioned that their fall conference is next week and that their board retreat will be held the Wednesday before. The group will be adopting their 2020 legislative policies.

   6.2 Minnesota Association of Small Cities
   McComber shared that the group is busy discussing legislative priorities. Their new executive director is getting out to visit cities and that all should be quiet until January.

   6.3 Metro Cities
   McNeill was not present, but Mornson noted that the Metro Regional Meeting next week in Minnetonka is at 140 registrants.

7. President’s Message
   Mornson thanked Omerza for bringing the cupcakes and thanked the board members for a great turnout today.

   He also talked about negative campaigning this year and how detrimental it can be to a candidate and cities.

8. Executive Director Update, Announcements and Adjournments
   Unmacht talked about our rebrand/refresh and handed out some cards that give advice on how to communicate the value of the League. He talked about the upcoming NLC City Summit
and is impressed with the number of MN constituents attending. Jake Spano is running for a board seat this year and it will be great to get to the conference and support him.

There will be a board meeting on Thursday, December 12th. The Big 4 meeting will immediately follow as well as the LGIA reception.

Dave Unmacht, Executive Director