

JUL/AUG 2024

MINNESOTA CITIES

A PUBLICATION OF THE LEAGUE OF MINNESOTA CITIES

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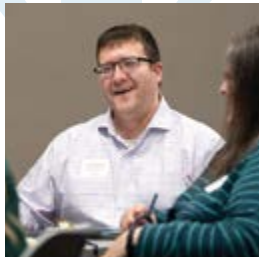
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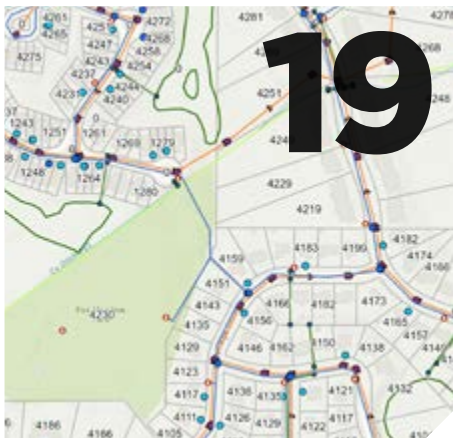
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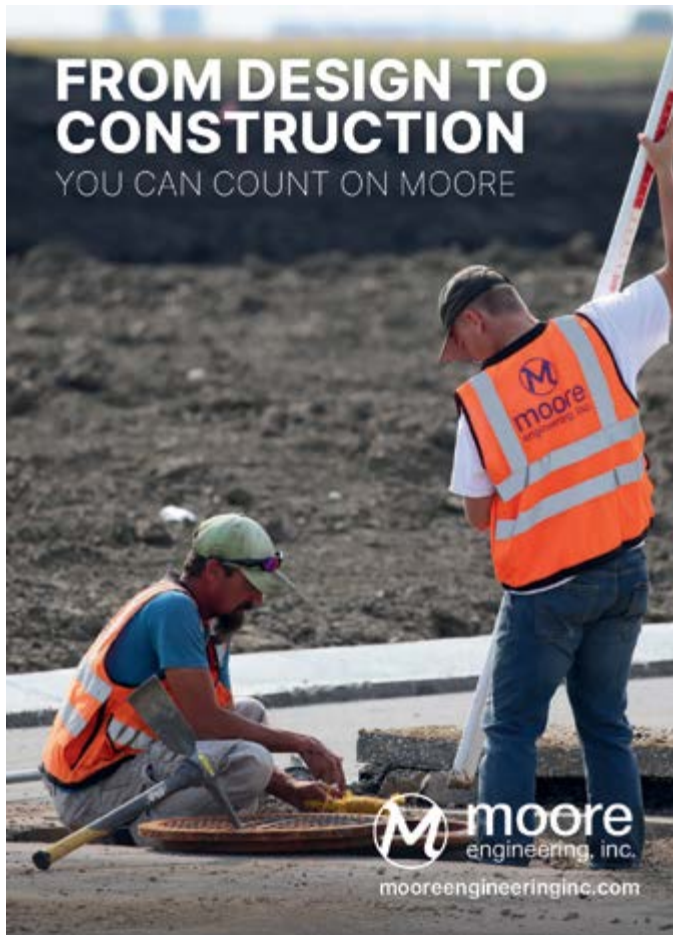
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As Newspapers Close, City Leaders Grapple With Keeping Residents Informed

BY LUKE FISCHER

I'll never forget my first professional interaction with local newspapers. It was 2010 and I had been named the new city administrator in Watertown. I was excited and nervous to talk with the reporters. Two newspapers — my hometown paper, the *Delano Herald Journal*, and the *Carver County News* — each covered the move I was making from intern in Delano to city administrator in Watertown, and both stories were published on the front pages.

Looking back, the coverage was a little milquetoast. Something along the lines of, "local guy makes a predictable move," with a little background on who I was. But on my first day in my new gig, the local Chamber of Commerce president showed up at City Hall and said, "I read about you in the paper and I'm here to welcome you to Watertown!" I wonder if that kind of greeting would happen today.

Maybe you've heard the news — or maybe you haven't. That's because there are fewer local newspapers in communities across the country than ever before. A recent report by Axios tells a bleak story. Perhaps as many as one-third of local papers existing 20 years ago will be gone by the end of this year. That's a problem for cities across the state.

At a recent meeting with city leaders in the Brainerd lakes area, one city council member took on the issue directly. With the myriad of bad bills focused on limiting local decision making at the Legislature this past session, the councilor lamented that the public had little awareness of how this legislation would impact decades-long work in the community. He talked about losing the local newspaper a couple of years ago, and how much harder it was to keep people informed and engaged.

Beyond keeping the public informed about important decisions made at city

hall, local newspapers helped connect us to one another on a personal level. Papers conveyed a certain amount of humanity that brought folks closer together. Alongside a story about replacing a bridge, you'd maybe find something about an Eagle Scout project in the works or a story about someone celebrating their 100th birthday.

It's likely that local newspapers will continue to close, and few will be revived. So, what can we do to keep the public informed and hold our communities together?


Meet your residents where they are. Chances are good you know where to go in your community when you want the scoop on something that's happening. If you're not sure where people are getting their information, it is OK to ask residents where they're hearing things. As you identify those venues, look for opportunities to share information about what's impacting the community.

Socialize decision-making processes. As mundane as it may have seemed at the time, one of the things newspapers did well was describe the local government decision-making process. It gave people insight into the who, what, where, and why of city council business. If someone had an opinion, they knew who to talk to, when the meeting was going to happen, and where to show up. For a decision to hold up to scrutiny, it's essential that people know how it was made — and their role as members of the public.

Make it personal. Just like newspapers covered the human-interest pieces that connected us, it is key for local leaders to humanize the work they're doing.



Talk about the big job the park maintenance crew has in keeping the ballfields in prime condition for the tournament, share a little about the retiring firefighter and the number of calls she made, and connect the watermain break to the workers that jumped in the hole to fix it in the middle of the night. Those stories help people understand all it takes to make a city happen.

When I think about the *Delano Herald Journal* and *Carver County News*, I now realize how lucky I was in my early career to have weekly newspapers covering every city council meeting, chamber gathering, and school event. It made it easier for the community to have shared stories about who we were and what was going on. I think we've lost that sense of connection in a lot of places, but it's something we all yearn for. When it comes to city business, there is a void in many communities — and it's one that we can help to fill. 



Luke Fischer is executive director of the League of Minnesota Cities. Contact: lfischer@lmc.org or (651) 281-1279.

Cities of Fairmont and St. James Compete for a Good Cause

This year marked the first food shelf fundraising challenge between the cities of St. James and Fairmont. Led by current mayors and longtime friends, Jon Wilson and Lee Baarts, the competition came about as a way to engage the community in a friendly rivalry while supporting their respective county's food shelves.

The challenge coincided with the Minnesota FoodShare March Campaign, with the Greater Minneapolis Council of Churches providing matching funds for contributions. It was promoted on social media, in local newspapers, and by TV station KEYC.

As a result, it saw widespread participation from city leaders, residents, nonprofits, schools, and businesses. The challenge also leveraged existing food drives and encouraged extra effort from these groups. The winning city was determined by the count of donated money and pounds of food, adjusted per capita.

According to Stevie Ciske, the Watonwan County Food Shelf coordinator, the St. James community raised 12,084 pounds of



PHOTO BY TAMMY STEVENS


St. James and Watonwan County won the March food drive competition against Fairmont and Martin County. From left to right, Erika Rodriguez, St. James Mayor Jon Wilson, and Watonwan County Food Shelf Coordinator Stevie Ciske pose with the trophy that will be displayed at the food shelf for the next year.

food and \$25,102, and Martin County raised more than 14,000 pounds of food and \$15,383. While St. James won the challenge, the true victory was the support provided to those in need.

"Simply, it was just a fun way to help those in need," Wilson said. "Everyone won in this challenge, that was the best part."

The challenge also inspired the Health and Human Services of Faribault and Martin Counties to do their own friendly competition, creating a positive ripple effect.

4M Fund



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Revamped 4M Fund Website Boasts User-Friendly Features

The Minnesota Municipal Money Market Fund (4M Fund), a League of Minnesota Cities sponsored investment program for cities and public entities, recently unveiled a fresh website design to enhance user experience for current and prospective fund participants. The revamped site boasts user-friendly features like streamlined navigation, easy-to-find account access, and daily fund rates displayed prominently on the homepage. Visitors can also find the latest information about the 4M Fund's strong AAAM Standard & Poor's rating, along with clear contact details, and a transparent data practices section. Visit the 4M Fund website at 4mfund.com.

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NLC City Summit Slated for Tampa in November

The National League of Cities (NLC) 2024 City Summit is happening Nov. 13-16 in Tampa, Fla. This is an event where city staff and elected officials learn about the issues affecting local government and expand their professional network.

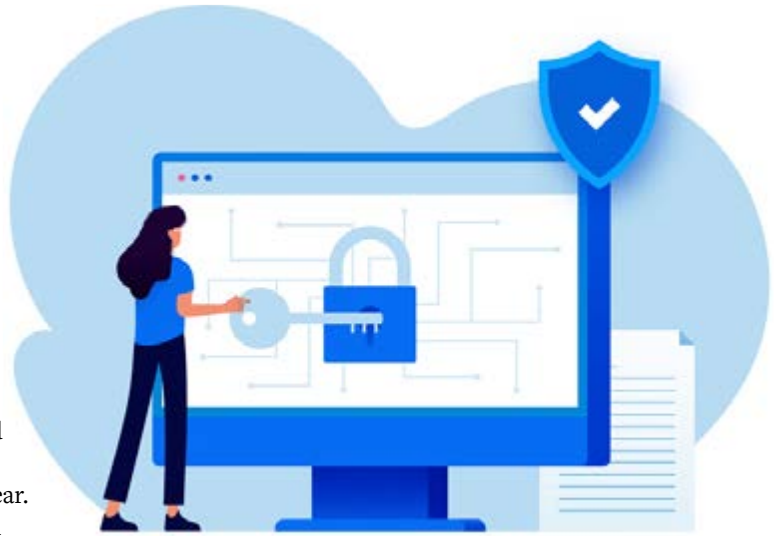
At City Summit 2024, NLC will feature workshops that cover trending and emerging topics that impact local governments, share timely resources that can help your community thrive, and provide executive education to build your leadership skills. During this national event, you'll connect with experts as well as your peers from across the country, and network with thought leaders from the public and private sectors. Learn more and register at citysummit.nlc.org.

City Websites Will Be Required to Meet ADA Accessibility Standards

The Americans with Disabilities Act (ADA) has been around about as long as the internet. But until recently, the rules surrounding the ADA and access to technology were less clear. A new rule, signed by the United States Attorney General in April, adopts a technical standard for web and mobile accessibility to ensure that people with disabilities can better access important public services.

For most cities, this will require significant upgrades to websites and web applications, including those you may use with third parties for credit card processing, reservations, or other online service features.

Cities with populations less than 50,000, as well as special district governments, will have to comply beginning on April 26, 2027. Cities with populations of 50,000 or more will have to follow the rule's requirements beginning on April 24, 2026. In the meantime, cities must provide people with disabilities



equal access to their services, programs, and activities offered via the web and mobile apps in accordance with existing ADA Title II obligations.

Because of the significant amount of work most entities will have to do to adhere to the new standards, cities are encouraged to start making plans now for implementation.

The League of Minnesota Cities is working with federal, state, and business partners to ensure cities have the information, training, and resources to make the changes necessary to follow ADA rules. We will share resources as they become available. To learn more about the ADA, visit bit.ly/ADA-rule-change_2024.

What Do We Do When a Local Newspaper Closes?

Recently, headlines announced more local newspapers closing shop across Minnesota. Providing information to residents and posting legal notices are still necessary functions of government that are tied to newspapers. When a city is faced with a local newspaper closing, there are factors to consider.

Cities with populations over 1,000 must publish meeting minutes, or a summary of the minutes, in their official newspaper. The publication of the minutes must occur within 30 days of the meeting date, or, if the council does not meet more than once every 30 days, by 10 days after the minutes are formally approved. As an alternative to publishing, a city may choose to mail a copy of the minutes upon request. The city bears the mailing cost. Statutory cities under 1,000 in population are not

required to publish their council meeting minutes.

When choosing an official publication, Minnesota statutes outline what is considered a qualified newspaper, which includes requirements around circulation area and size, publishing frequency, and space devoted to news of local interest.

When there is more than one qualified newspaper to choose from, statutes indicate an order of priority. When choosing a newspaper, cities can enter into contracts for up to three years. If no qualified newspaper exists, publication is not required.

For more information, visit lmc.org/newspaper-publication.

LMC LEARNING & EVENTS

Clerks Academy

Sept. 5-6 — St. Paul
Sept. 12-13 — Staples

Fall Forums

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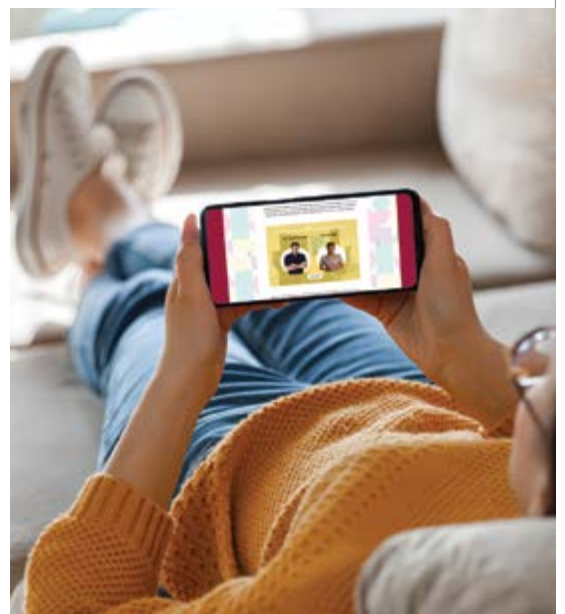
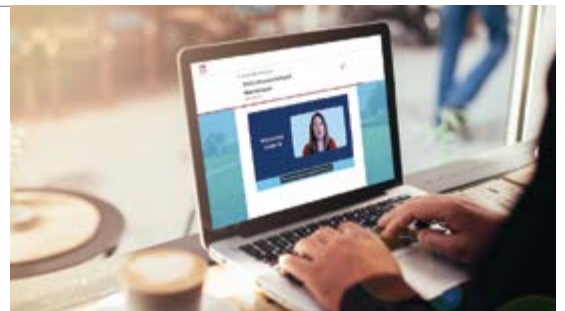
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How Does Your City Regulate Food Trucks and Vendors?



AMY OEHLERS

ASSISTANT CITY MANAGER
ANOKA (POPULATION 17,990)

Currently, the City of Anoka only allows food trucks to operate in residential districts, with a few exceptions. This regulation was put in place to allow ice cream trucks to operate in residential neighborhoods, but not allow them to operate in our downtown area, due to the number of

restaurants downtown.

In the past, the City Council has backed local restaurants that have raised concerns over allowing food trucks to operate in our downtown area. Many of these businesses expressed concern that having food trucks outside of their establishment would have a negative economic impact on them. Our City Council agreed with this concern and felt it was the city's responsibility to support our brick-and-mortar businesses that pay taxes to the city.

There are some exceptions to this regulation. We do allow our brewery/taproom to operate a food truck directly outside its business on a limited basis (two times per week, with limited hours), which is common throughout the state. We first tested this out in 2019 and it has been successful, and the city has not received any complaints or concerns from the public or other downtown businesses. Our brewery also supports the downtown restaurants by allowing patrons to order food for delivery, which they are allowed to consume within the brewery.

Another exception is that we allow food trucks if they are part of city licensed special events, or city sponsored events. The event sponsors are responsible for regulating and choosing what food trucks participate in their event. The food trucks may only operate in the specified special event area. Food trucks are required to obtain a license from Anoka County.

The city does have an annual Food Truck Festival in the summer held in our downtown. The sponsor of this event is the Minnesota Food Truck Association. This has been a very successful event for the sponsor, the city, and the public. It is very well attended and people look forward to it occurring each year. Our downtown restaurants support this Food Truck Festival because of the amount of people that it draws to our city.

Food trucks are becoming very popular, so a future discussion is slated with the City Council on whether our current regulations should be amended.

CLINTON ROGERS

CITY ADMINISTRATOR
JANESVILLE (POPULATION 2,502)

The City of Janesville began looking into what other cities were doing regarding the regulation of food trucks after receiving inquiries and hearing interest from the community. As a result, the city has been issuing licenses for food trucks and mobile food vendors for the past four years.


A license is required for all vendors selling their product in a public right-of-way or other public property. Vendors on private property taking part in a private event are not required to obtain a city license. We are glad we created this licensing process and have found that food trucks are very popular with residents of all age groups.

The application process is pretty simple. It is a four-page document asking for vendor and vehicle information, proof of applicable Minnesota Department of Health and county health certificates, and proof of insurance. It also asks for the dates and locations with a "checklist" of regulations for the applicant to sign-off on. Our ordinance does not specify any certain hours, so they can go into the evening if they choose.

Our police chief conducts a background check on all those involved with the business. The background check fee is \$15 and lasts for one year. In addition to the background check, the cost for the license is \$25 a day. Vendors can also pay \$300 for an annual license if they plan to regularly conduct their business in Janesville.

We do not charge a daily fee during our town celebration, Hay Daze. Food trucks and vendors are very popular during that weekend as they are scattered along Main Street near the carnival rides and midway entertainment. People are lined up at the food vendors throughout the weekend.

We also offer food trucks during special events at the city-owned golf course, which has been well received. And some churches take advantage of them during their annual celebrations.

We plan to offer something new in 2024. We have scheduled six music events with local bands at Veterans Memorial Park. Food vendors are encouraged to take part in these events as well. 





PHOTOS COURTESY OF MINNESOTA RURAL WATER ASSOCIATION

Water treatment infrastructure at the recently built water treatment plant in Elbow Lake.

Plan Now to Secure Funding for Water Infrastructure Upgrades and Replacement

BY DEBORAH LYNN BLUMBERG

In South Haven, the issue of aging infrastructure had come to a head, impacting water quality for its 189 residents.

The city needed updates like a new water main and equipment for its water treatment plant. But an obstacle stood in the way of repairs. “We didn’t have money just sitting around to put toward the project,” said Melissa Stenson, South Haven city clerk.

South Haven is far from alone. Funding aging infrastructure repairs is a major problem in the U.S., with some \$625 billion over the next 20 years needed just for drinking water pipe replacement, treatment plant upgrades, storage tanks, and other key assets, according to the Environmental Protection Agency’s (EPA) 7th Drinking Water Infrastructure Needs Survey and Assessment. Minnesota will need around \$7 billion to fund its drinking water system improvements and over \$4 billion for wastewater and stormwater fixes.

In addition to crumbling infrastructure, cities also face increasing regulations around water contaminants like PFAS, or per- and polyfluoroalkyl substances, so-called forever chemicals found in products like carpets, clothing, and cosmetics. According to the Minnesota Department of Health, 22 Minnesota water systems have PFAS above new federal limits.

“Communities are having to put in new facilities that can handle the treatment of emerging contaminants,” said Lori Blair, executive director of the Minnesota Rural Water Association.

The EPA’s proposed rule to accelerate the move away from lead pipes would also require most water systems in the U.S. to replace lead service lines within 10 years. For now, communities have until Oct. 16, 2024, to submit an inventory of service line materials to the state. “Getting rid of lead service lines is a big project,” Blair said.

Replacing aging infrastructure

The good news is that there is funding to help Minnesota cities finance these critical large-scale projects.

In South Haven, Stenson secured a mix of bonding dollars, a short-term loan, and grants to fund its projects. The engineering firm the city works with was essential in alerting her to opportunities and in helping the city apply.

South Haven received \$3.5 million from the state bonding bill after Stenson testified before the Minnesota House and Senate about the city’s needs. Other pieces of funding came in the form of a \$600,000 grant from the Small Cities Development Program for a new water tower and a \$584,303 Local Road Improvement Program or LRIP grant to make roads and sidewalks Americans with Disabilities Act (ADA) compliant after they were torn up as part of the updates. The city also received a \$6,832 grant from Wright County for improving the stormwater infrastructure.

“We got really lucky with our grants,” Stenson said. “The most important thing is to work with your engineering firm and have them help you find the funding.”

One of the first places for cities to look for funding help is the Minnesota Public Facilities Authority (PFA). It plays a major role in funding distribution, whether it’s through grants or low-interest loans.

“We fund most types of basic municipal wastewater and drinking water infrastructure projects,” said PFA Executive Director Jeff Freeman.

Most PFA-funded projects involve replacement of aging infrastructure, aging pipes or treatment plants, and improvements for better service and efficiency, he adds. Upgrades to meet more stringent treatment requirements also fall within funding eligibilities purview, he said, though sewer extensions for new development do not.

The first step for cities looking for infrastructure funding assistance from PFA is to submit a project proposal to either the Minnesota Pollution Control Agency for wastewater projects, or the Minnesota Department of Health for drinking water system projects. Projects are then ranked on a priority list. Rankings are driven by how critical the projects are deemed to public health and water quality.

“It’s key where a project ranks on that list because it determines if it’s likely that PFA will be able to fund a project or not,” Freeman said. “We can’t fund everything. There’s more demand than we have funding capacity.”

Typically, PFA is able to offer low-interest loans to the majority of projects on the priority list. PFA extends around \$200 million a year in low-interest loans. Currently, rates are between 1% to 2%, significantly better than rates available in the private bond market. “There’s a lot of interest savings there,” Freeman said.

Applying for PFA grants

Grants are harder to get. PFA has two grant programs, each with a distinct purpose. The Water Infrastructure Fund, or WIF grants, are based on affordability needs.

“With every applicant, we start by looking at the costs to cover basic operation and maintenance of the system and ensuring the city is generating sufficient revenues within their enterprise fund



The Elbow Lake water treatment plant was completed in 2023.

and user base to cover those expenses.” Freeman said.

Then, PFA looks at how much the city can put toward debt service on a new project. WIF grants typically go to smaller communities, he said, because they often lack the user base to share the costs to affordably complete the infrastructure projects they need.

Cities are asked to provide an analysis of their water or sewer rates and revenues to determine their ability to make annual debt service payments and their potential eligibility for WIF grants. An engineer or a financial adviser can help complete this type of rate analysis, which the PFA can then review.

The second type of grants are Point Source Implementation Grants. These are designed to help cities upgrade their wastewater treatment plants to improve water quality by meeting more stringent limits for the discharge of pollutants like phosphorus discharges, said Freeman.

PFA’s intended use plan

Once cities have their infrastructure project scheduled for construction, the

next step is to get placed on PFA’s annual intended use plan. It has one plan for wastewater projects and another for drinking water. The intended use plan identifies projects on the project priority list that are eligible each year to apply for PFA loans and grants.

“It’s an annual process,” said Freeman. “Once you’re on the intended use plan in fundable range, your project is typically ready for funding in the next one to two years.”

For 2024, 101 projects in the fundable range based on the priority list are on PFA’s clean water intended use plan, representing total requested low-interest loans of over \$500 million. Its drinking water intended use plan for 2024 has 156 projects for \$600 million. “The overall message is that low-interest loans are widely available for most projects and cities of all sizes throughout the state,” he said.

Lead service line replacements represent a new category of projects on PFA’s drinking water intended use plan, and there’s a separate list of those requests, which all rank very high

on the priority list, Freeman said. The federal Infrastructure Investment and Jobs Act appropriated a large amount of federal funding to replace lead service lines, and last year, the Minnesota Legislature appropriated \$240 million for lead service line replacement, and set a goal of 2033 to replace all lead service lines.

PFA's program combines the federal and state funding. "With the combination of federal and state funding, we expect to be able to replace all of the lead service lines at no cost to homeowners or cities," Freeman said.

The first set of lead-related projects on the current intended use plan — 64 projects for a total of \$102 million between public and private costs — began in spring and summer 2024.

Funding for rural communities

Blair said the need for state and federal funding is especially critical for rural communities with smaller populations. "There's a big burden on smaller, and often distressed and disadvantaged communities, because the cost of building a

treatment plant is the same for a smaller community as larger ones with more resources," she said.

Rural communities have additional resources available to them, Blair said. The U.S. Department of Agriculture's (USDA) Water and Environmental Programs, or WEP, offer loan and grant funding to rural areas at favorable rates.

For example, officials in the City of Bagley, population 1,300, secured \$12 million in financing through USDA Rural Development for the city's recent water and sewer project, Blair said. Infrastructure grant money is also sometimes available through the Small Cities Development Program, adds Blair. South Haven received one of those grants.

The Minnesota Rural Water Association offers in-person financing information sessions several times a year, Blair said, during which agency representatives and consultants explain various funding options.

On Nov. 13, 2024, it will hold a one-day "financing your community project" training in St. Cloud.

A critical step: A capital improvement plan

Josh Stier, principal engineer at Bolton & Menk, which provides public infrastructure planning and approaches, said the communities his firm works with on their water infrastructure may seek help for a sewer back-up or water quality issue, but often addressing the initial problem exposes a larger systemic need.

"Usually, the community hasn't moved the needle in a long time if their infrastructure is failing," he said. Stier's first step is to work with communities to develop or fine-tune a capital improvement plan.

"Staff know their communities better than anyone," he said. "One of the first questions I ask is, 'when you lay in bed at night worrying about your system, what's something you lose sleep over?' That really opens the door to a more in-depth conversation."

While some communities may balk at the upfront cost of putting together a capital improvement plan, it will pay off in the long run, Stier said. It's an important exercise because the plan

PHOTO COURTESY OF MINNESOTA RURAL WATER ASSOCIATION



prioritizes needs and creates a strategic approach based on engineering to improve systems. It includes cost estimates and a timeline.

“Most bigger communities do have a plan,” he said, “but for smaller ones, it’s very rare to have a current plan. It’s important to take a holistic approach to get the most return on their investment, and this helps.”

Most communities can’t write a check for a million dollars, he adds, so careful planning for funding is critical. For cities that work with a financial adviser, Stier will share the capital improvement plan with them, then work hand-in-hand on the finances.

“There is a lot of funding out there,” Stier said. “But funding is more competitive than it’s ever been because the need has never been higher.” Gone, he said, are the days when a need is enough to get funding.

“Planning has become a vital part of the process,” he said. “And the stronger your plan, the more your need shows, and then the better your chance at getting funding.” The bottom line is that

State, federal, foundation, and nonprofit grant opportunities help make city projects more affordable and obtainable. However, many cities often find the grant search and application process overwhelming or lack the staff to research, prepare, and submit successful applications. The League of Minnesota Cities’ Grant Navigator aims to ease these concerns by providing funding in the form of small grants to help members assess government grant programs and local needs. Learn more at lmc.org/grant-navigator.


doing your homework up front makes it easier to get funding on the back-end, said Stier.

When applying for grants, in particular, be aggressive, Stier said, and don’t be dissuaded by a failed application. With the current level of competition, rejection is bound to happen. Learn from it, he said.

“Ask how you can improve your grant application. Most of the time, administrators are open to talking about how to make an application better.”

Freeman said a critical takeaway is that communities must constantly plan for the future when it comes to infrastructure finance. “We really want cities to be planning ahead and doing asset management plans for their

systems, so they recognize the useful life for all the components of their system and have a specific schedule for when things need to be replaced and improved,” he said. “The funding programs are there to help, but the process takes time and it’s important for cities to plan ahead.”

With cities’ central role in providing safe drinking water to residents and preserving critical natural resources like lakes, rivers, and wetlands, this type of proactive planning, solid partnerships, and thoughtful approaches to infrastructure projects will help to benefit future generations. 

Deborah Lynn Blumberg is a freelance writer.

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for its improved local circulation and connectivity, reduced traffic crashes, and pedestrian accommodations.



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Filled With Gratitude for the Connections and Support of Fellow City Leaders

BY JENNY MAX

I am not quite sure how I ended up here — and when I say “here” I’m referring to the end of my yearlong term as the League of Minnesota Cities president. Many past presidents forewarned me to enjoy every moment because it would be over in the blink of an eye. They were right!

Thinking back on this past year, I am in awe of the many opportunities I had to represent the League and connect with city officials across both the state and the country.

The first few months of my term included jumping into work as part of the state’s Local Taxes Advisory Task Force. Along the way I engaged with many city officials to learn how the outcome of the task force’s work could potentially impact their communities. I was grateful to represent cities in this capacity.

In September, the League Board held its annual retreat in Nisswa. It was a fun-filled two days of learning, connecting, and goal setting for the upcoming year. The League Board is an exceptional group of individuals who care deeply about all Minnesota cities, and it’s been wonderful to get to know each of them throughout this year.

The month of November included some travel, where First Vice President Justin Miller, Second Vice President Wendy Berry, and Past President Ron Johnson, and I traveled to Atlanta for the National League of Cities (NLC) City Summit Conference. This conference kicked off NLC’s 100th Anniversary Centennial Celebration. If you didn’t know, Minnesota is proud to be one of NLC’s founding members.

Shortly after the NLC conference, I joined League staff to visit cities across

the state in what is referred to as “mini meetings.” My visit included stops in Cambridge, Barnum, Virginia, Hill City, Crosby, and Rice. These mini meetings are one of my favorite activities. I love visiting your community centers and city halls to hear all about what challenges you are facing, successes you have achieved, and the passion you have as city officials. Your stories are fun and inspiring, and are what make each city distinct and unique.

The new year brought the League’s Elected Leaders Institutes to Plymouth and Alexandria. I enjoyed being able to give opening remarks at both conferences, as well as being part of a panel discussion to help newly elected city officials navigate the many nuances of their new roles.

In late January, LMC Executive Director Luke Fischer and I traveled to Washington, D.C., for a quick visit to NLC, along with other state league presidents and executive directors. I had a wonderful time getting to know other state leagues. Fun fact — Minnesota, Wisconsin, Iowa, and Nebraska all have women currently serving as their league’s presidents.

On March 7, the League held its annual City Day on the Hill. We had another strong turnout for this event. The day was memorable for me. I had the opportunity to say a few remarks to kick off the event, and as I looked out into the crowd, I noticed that the people looking back at me were smiling. As I looked more closely at one person, then another, then another, I realized that they were smiling because they were my friends. Throughout the year

PHOTO BY MATT WALES



I have had many opportunities to meet city officials, and while perhaps the title or position may be important at times, truly at the end of the day it’s about people connecting and finding ways to support each other. This day was so meaningful to me, to realize just how much support I had from all of you.

Shortly thereafter, the NLC Congressional City Conference was upon us back in Washington, D.C. Minnesota had a strong attendance at this conference, and it’s a great opportunity for our officials to network and learn from others. We also held our first joint reception with the Iowa and Wisconsin leagues; it was a fun evening getting to know our Midwest neighbors. The conference wrapped up by spending a day on Capitol Hill, meeting with our delegation, and sharing more stories with them.

I am extremely grateful to have had the opportunity to serve as League president, and especially to be able to represent small cities in Greater Minnesota. Thank you for sharing your stories, and for your support. It has been a memorable experience that I will cherish forever! 🏡

Jenny Max is LMC past president and Nisswa city administrator.

A photograph of two construction workers in safety gear (hard hats, safety vests) standing on an orange aerial lift platform. They are positioned next to a large, vertical concrete structure, possibly a bridge pier or wall, which is being worked on. A yellow pulley system with black cables is visible on the right side of the frame, attached to the concrete structure. The background is a clear, light blue sky.

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PHOTO BY MATT WALES

RON JOHNSON SIGNING OFF

Bemidji Council Member Leaves LMC Board After More Than Eight Years

BY ANDREW TELLIJOHNN

He's served on the League of Minnesota Cities Board with three different executive directors. He's championed improving the LMC's communication with members and affiliate organizations. He leads through collaboration. And he's not afraid to occasionally laugh at himself.

Bemidji City Council member Ron Johnson's eight-and-a-half years on the LMC Board of Directors, which were spread across 12 years, ended in June. His tenure helped him become a better public servant and he hopes it has also helped others.

"I've always strived to be the best elected official that I could possibly be, and I realized early on in my Council career that getting involved with the League of Minnesota Cities could help me achieve that," he said. "Serving on the LMC Board was a way I could share my public service experience with others and help to make the organization even stronger."

Mission accomplished, his colleagues say. Johnson got involved in Bemidji politics in 2000 when the City Council was struggling to determine the need and feasibility for an event and conference center. He thought he could help and, in 2010, the Sanford Center opened.

"That's been very important to the growth of Bemidji," he said, adding that he enjoyed being involved and has stuck with it ever since. "A lot of people run because they have an issue. The ones that last are the ones that get caught up in liking it and realizing there are other things they can weigh-in on."

Champion communicator

Johnson's first tenure as an LMC Board member ran from June 2012 through June 2015. Given his busy schedule, he thought that may be the end of his work on the Board. However, he ended up returning and serving as an affiliate

member representing the Coalition of Greater Minnesota Cities twice before being elected to the Executive Committee of LMC's Board; he was named second vice president in 2020, advancing the ranks to past president during his 2023-2024 term.

Before he ran for local office, Johnson was well into a broadcasting career with Lakeland PBS. Once on the LMC Executive Committee, he instinctively considered ways the League could hone its communications efforts and relay information to its 839 member cities.

When the pandemic forced people and organizations to change how they interacted and communicated, Johnson supported the League's efforts to be more strategic in how it used its staff, programs, and resources to communicate effectively with members and maintained a strong emphasis on this during his 2022-2023 presidential term.

Luke Fischer, the current executive director, said the League and its affiliates, which include Coalition of Greater Minnesota Cities, the Metro Cities/Association of Metropolitan Municipalities, and the Minnesota Association of Small Cities, don't always agree on every detail of the issues on which they work, but he credits Johnson for finding common ground.

"Ron has always focused on the big picture of bringing folks together and continuing the conversation and maintaining relationships," he said, adding that Johnson also has advocated for a lot of in-person time. "Ron has also been a champion of us getting out and meeting with our members one-on-one in communities across our state. Ron has a ton of miles and hours out on the road with us listening to our members."

Thoughtful approach

While he was instrumental in overseeing the process that led to Fischer's promo-

tion, Johnson's split term makes him the sole Board member to serve with three LMC executive directors, Fischer and predecessors Dave Unmacht and Jim Miller.

"What makes that special is Ron has this perspective, this long arc of our organization," Fischer said. "Ron has really taken a deep sense of responsibility around that perspective that he has and in his role on the Board. He's seen us change."

While his contributions are many, colleagues say they'll remember him as much for his thoughtful feedback and good humor.

Centerville Mayor D. Love, who preceded Johnson as Board president, credited Johnson for his caring approach to the role.

"From my chair, Ron is one of the most caring and thoughtful leaders I know," Love said. "He was so incredibly supportive of me during my time as president. He consistently provided encouragement and thoughtful advice."

Staying involved

Johnson said above all he hopes he's remembered for his commitment to good government. He'll stay involved with the League by attending annual conferences and being available to share his knowledge.

He also intends to run for another term on the Bemidji City Council, though redistricting has moved him to a different ward. He's also recently retired from PBS Lakeland but has found plenty of ways to keep busy.

But he'll miss the camaraderie and the opportunity to learn from other smart leaders.

"It's been eye opening and has provided me a chance to grow," he said. "It's quite an honor." 📺

Andrew Tellijohn is a freelance writer.



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THE LEAGUE THANKS OUTGOING BOARD MEMBERS

The following members of the League of Minnesota Cities (LMC) Board of Directors recently completed their Board terms. The League thanks them for their service!

PHOTO BY MATT WALES



Mary Gaasch
MAYOR, CITY OF
LAUDERDALE
What a joy
it has been
to serve on
the League
of Minnesota
Cities Board
of Directors!
Hard work,

tough conversations, new challenges, much laughter. I love how the League sifts through all the turbulence in our rapidly changing world, listening deeply and engaging with cities. Not just in policy committees or through surveys, but in real relationships and face-to-face conversations and visits.

I am honored to be part of LMC's story, and I will continue to support the League's commitment to promoting excellence in local government. Serving on the League Board has made me a better mayor and nonprofit leader. Thank you, LMC, for your great work for cities. We couldn't do it without you!



Chris Volkers
CITY ADMINIS-
TRATOR, CITY OF
OAKDALE
Being a
member of
the League
of Minnesota
Cities Board
of Directors
over the

past three years has been a true honor. Although it was something I strived for and now am proud to have accomplished, more importantly, being part of the Board with colleagues who really want to contribute has been an amazing experience. The Minnesota League is one of the best in the U.S. and it shows its support and dedication in many ways to Minnesota cities. This experience has taught me about the inner workings of the League and having that direct exposure to its staff and their great work is something to behold. I am grateful for the opportunity and sorry to see it end!



Jay Stroebel
CITY MANAGER, CITY
OF BROOKLYN PARK
METRO CITIES
It has been a
tremendous
experience
serving on
the League
of Minnesota
Cities Board

for the past year. I've really cherished the collegiality among the Board members, professionalism of the League staff, and opportunity to work more closely with the Board President Jenny Max and Executive Director Luke Fischer. As the Board representative from Metro Cities, I've appreciated the opportunity to represent the interests of cities in the Twin Cities area, while also learning about the similar challenges and opportunities for cities in Greater Minnesota. Whether cities are large or small, located to the north, south, east, or west, the League staff and the Board work tirelessly on how it can best serve cities throughout the state, and I've really grown to value that as a member of the Board. 

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IMAGE COURTESY OF TKDA



planning. Here are some strategies that both organizations recommend adopting to make the task less daunting.

What do we have, what is it worth, and what condition is it in?

Creating an inventory of what your community owns can be done on a spreadsheet or using geographic information systems (GIS), which combines a mapping tool with the database. It is helpful to document when the infrastructure was built, if there have been any renewal projects, what condition the asset is in, and an estimate of its remaining useful life. This task requires input from city staff representing parks, public works, finance, and the city clerk's office.

What do we need to do?

The next step is to have discussions about level of service. These discussions are foundational to the asset management plan because the level of service will document expectations from the community and regulators. During these discussions, talk about where the city might be achieving the level of service and where it might be falling short.

When do we need to do it and how much will it cost?

Once the level of service is articulated, it's important to discuss business risks. These discussions include identifying assets that are most important to the city from a public health and safety perspective and thinking about what would happen if there was asset failure. How does the community recover from asset failure? City staff and elected officials should work together in developing a level of service and having business risk discussions.

When It Comes to Asset Management, What Should Small Communities Be Doing?

BY JEANNINE CLANCY AND DOUG FISCHER

In 2022, the American Society of Civil Engineers (ASCE) released a report card for Minnesota's infrastructure, in which Minnesota received an overall grade of "C." Of particular interest to Minnesota cities are the ratings for assets typically owned by local government, which received the following scores:

- ▶ Drinking water: C-
- ▶ Roads: D+
- ▶ Bridges: C
- ▶ Wastewater: C
- ▶ Public parks: B-

Missing from the report card was an evaluation of our stormwater systems, which have been put to the test by extreme weather events that are occurring more frequently.



PHOTO COURTESY OF TKDA

Do you know what the scores are for your community?


Minnesota's small communities are responsible for operating and maintaining infrastructure that is key to public health and the protection of the environment. To ensure infrastructure is properly maintained, effective asset management planning is essential. At its core, asset management is a process for maintaining a desired level of customer service at the best cost.

While the commitment to set aside the time and resources may seem intimidating and difficult, it does not have to be overly expensive or time intensive. You do not need to buy special or expensive software either. The American Waterworks Association (AWWA) and the American Public Works Association (APWA) are professional associations that have developed guidance for how agencies can conduct asset management

Information is the catalyst for change

When provided with inadequate information, decision makers may do nothing. However, with an inventory of assets, a level of service defined, and the risks identified, they can develop a capital improvement investment strategy that works for the community. Defining a strategy will help prioritize the community's needs so critical work gets done first. It will also help to identify any funding gaps looming for major infrastructure investments. There are numerous funding programs available, and small communities can dramatically increase their odds of maximizing grant and low-interest loan opportunities if they plan.

Additionally, it is common for funding applications to require documentation for the need of a project. An asset management program can fulfill this requirement.

Bridges, roads, parks, and water and wastewater systems are commonly taken for granted, but it will be immediately noticed if they are not working to the levels that have come to be expected. These infrastructure assets affect our quality of life regardless of whether those assets are managed at the municipal, county, state, or federal levels. Leaders have a duty to operate and maintain these systems effectively and cost efficiently. Having an effective asset management system is one tool to help fulfill this critical role. 

Jeannine Clancy and Doug Fischer work at TKDA and serve cities (www.tkda.com). TKDA is a member of the League's Business Leadership Council (lmc.org/sponsors).

Silver Bay Sees Multiple Redevelopment Projects Happening All at Once

BY HEATHER RULE

The City of Silver Bay in northern Minnesota is surrounded by beauty — from Black Beach along Lake Superior to Tettegouche State Park — so it should come as no surprise that it's a travel destination for many. This was particularly true during the COVID-19 pandemic when it saw an influx of visitors.

Visitors to the city during that time found that, “Silver Bay is a great, quiet small town and had a lot to offer for recreational opportunities in the area,” said Lana Fralich, Silver Bay city administrator.

Now the city of just under 1,900 people is in the process of a variety of redevelopment projects to help make the area even better.

Increased housing development

Many redevelopment projects, including housing, were in the works before 2020, but as visitors and interested home buyers flocked to the area during the pandemic, it amplified the need for more. The current redevelopment efforts aim to maintain the city's history while also preparing it for the future.

“It's almost like people came to the North Shore and found out how great it is,” Fralich said. “Our housing became much more urgent. We're trying to preserve our history and yet bring a modern twist to this next generation.”

The new development started with the city's comprehensive plan for a 2040 vision, adopted through strategic involvement with residents, businesses, and other community stakeholders, according to Fralich.

Housing is a key piece in the redevelopment. Silver Bay worked with an economic developer to help focus the vision. Plus, the city and a private developer collaborated on Boathouse Bay, which includes townhomes, rental units, storage, and an event center.

Besides Boathouse Bay, the city-owned golf course is surrounded by properties with about 40 lots available. The city is in the platting stages with hopes of getting some lots ready to sell later in the year, according to Fralich.



To accommodate increased traffic, the City of Silver Bay is redoing the road to Black Beach, a popular North Shore destination for visitors.

City leaders are also focused on ensuring there are enough housing options for the area's workforce, and are collaborating with the Lake County Housing Redevelopment Authority to develop apartments. The city also continues to “think outside the box” to incentivize the development of housing, Fralich said.

Creating more recreational opportunities

Known for recreation, Silver Bay plans to revitalize a new section of town with a trailhead center that will have nonmotorized and motorized access, lighted parking, and 24-hour shower facilities. The amenities will allow people to directly reach the trail system along the North Shore.

Residents also wanted a campground and public beach area, so the city is redoing the road to Black Beach — the East Lakeview Drive project — to accommodate higher traffic volume as the beach gains more popularity and visitors.

Upgrading streets and infrastructure

The area's infrastructure will also see some upgrades. Silver Bay is redoing its city-wide street program over phases across a 10-year period, and there's an improvement project for the water treatment facility, including adding a booster station. A city

library addition will be constructed and completed this year, and the Lake Superior School District has a renovation project under construction that is scheduled to be completed in 2025.

"I think everybody here loves the community and wants to see the community succeed and wants to do everything we can to make sure it succeeds in the future," Fralich said. "This little town has a lot to offer. We hope people find that this is the place they want to live and stay."

Development planning, funding, and buy in

Funding for the various projects takes time, and the process includes everything from writing grants and lobbying to researching new ways to financially support the projects, according to Fralich. What's resulted is a lot of projects that have been at different stages or in the works for years, and they're now coming to fruition simultaneously.

Silver Bay is in the process of redoing its city codes, ordinances, and permits, since "things go a little smoother" when those are all current with the vision, Fralich said.

One other piece that's been helpful for Silver Bay's planning is to have a good team of people for these projects. That's people who have skillsets, good experience, and understand pieces of the development to complement city officials, according to Fralich. Keeping realistic timeframes in mind for projects is a key piece, she added.


With so much going on in Silver Bay, Fralich said that "all facets that make a great community great are being touched," with these various projects.

"From your schools to your roads, to your housing to your workforce. We're trying to touch it all. And recreation.

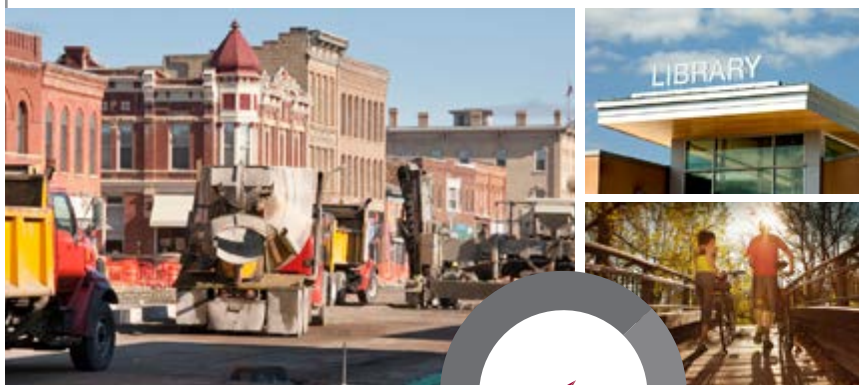
Every part of what makes our little community great, we're paying attention to and we're trying to accommodate for our future."

Lana Fralich
City Administrator
Silver Bay

"From your schools to your roads, to your housing to your workforce," Fralich said. "We're trying to touch it all. And recreation. Every part of what makes our little community great, we're paying attention to and we're trying to accommodate for our future."

Fralich said they are a little overwhelmed with all these projects happening at the same time, but she added that it's also good because "if you do nothing, you get nothing." 

Heather Rule is a freelance journalist.



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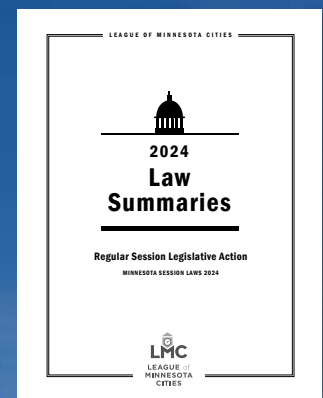
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Counting the Votes on Council Actions (Part 2)

UPDATED BY ANGIE STORLIE

NOTE: This is Part Two in a two-part series.

As described in the Letter of the Law column in the May-June 2024 issue of *Minnesota Cities* magazine, keeping track of how many votes are required for various kinds of council actions can be confusing enough. But what if there is a vacancy, an absent council member, an abstention, or a council member who is disqualified due to a conflict of interest?

Remember, when counting votes, you must carefully review the exact wording of the statute. Some statutes require a proportion of the council members who are present at a meeting, like two-thirds or four-fifths. Other statutes require a specific number of votes regardless of how many members are actually present. You must also consider your city's form of government.

Vacancies and quorum. According to the Minnesota attorney general, a vacancy temporarily reduces the size of the council. In statutory cities, and frequently in charter cities, a quorum is a majority of all the members of the council. On a five-member statutory city council, a quorum is three members. With one vacancy, a quorum is still three because a majority of four is three. In the unlikely event that there are two vacancies, the number needed for a quorum drops to two. In some charter cities, the charter sets a specific number of members necessary for a quorum and determines whether a vacancy changes that requirement.

Vacancies and voting. Because a vacancy temporarily reduces the size of the council, the number of votes needed to pass an action must be closely examined when there is a vacancy. By way of illustration, it takes a two-thirds vote



of all members of the council to change a zoning classification from residential to either commercial or industrial. With a five-member council, this means four votes ($2/3 \times 5 = 3.3$ rounded up to four). If there is a vacancy, however, the required number of votes drops to three ($2/3 \times 4 = 2.6$ rounded up to three). In most cases, charter cities also follow this general rule.


Absences. Unlike a vacancy on the council, the absence of a council member from a meeting does not affect the number of votes needed. For example, state law requires a two-thirds vote of all members of the council to pass a resolution adopting or amending a comprehensive plan. In a statutory city with a five-member council, that is four votes. If one member is absent and only four are present, it still takes four affirmative votes to adopt or amend a comprehensive plan.

Absences may, however, affect the number of votes required, where the statutes or charter do not require a particular number or portion of votes. The general rule is that if a quorum is present, and no law requires otherwise, a majority of the quorum can pass any action. For example, consider a statutory city with a five-member council and no vacancies. If two members are absent from a meeting, the remaining three constitute a quorum. Two “yes” votes are sufficient to pass an ordinary motion. By contrast, if all five members are present, it would take at least three “yes” votes to pass that same motion.

Abstentions. Sometimes a council member will choose not to vote, or abstain, on a matter before the council. (Abstaining because of a personal interest in an issue will be discussed subsequently.) An abstention does not

reduce the number of votes needed if the statutes require the affirmative votes of a specific number or proportion of the council. For instance, in a statutory city with a five-member council, the law requires a majority vote of all members of the council to pass an ordinance, which is three votes. Two “yes” votes and three abstentions are not enough because that is not a majority of all members of the five-member council. However, if the law requires only a simple majority vote, a motion is passed if a majority of those voting on it vote in favor. For example, two “yes” votes and one “no” vote plus two abstentions would be enough to pass an ordinary motion or resolution before a five-member statutory city council.

Disqualification from voting. Under certain circumstances, a council member who has a personal interest in a matter before the council is disqualified from voting on that matter and probably should not take part in any way in the proceedings. According to the Minnesota attorney general, when a council member is disqualified from voting, the effect is the same as if there were a vacancy on the council. The rationale for this general rule is that if a person can neither vote nor participate in the discussions or other proceedings, then that person really cannot function as part of the council for that particular issue.

Vacancies, absences, abstentions, and disqualifications present complications when counting votes on city council actions. Cities should consult their city attorney for legal advice on specific questions related to counting votes on council actions. 

Angie Storlie is research analyst with the League of Minnesota Cities. Contact: astorlie@lmc.org or (651) 215-4176.

Correction: The May-June Letter of the Law column “Counting the Votes on Council Actions Part One,” indicated that under certain circumstances a city can sell bonds for street reconstruction without holding an election if approved by a unanimous council vote. Instead, it takes a two-thirds vote of all members of the council to approve this type of bond sale.

This article originally appeared in the February 1990 and May 2006 issues of Minnesota Cities magazine.

Court Rules Ongoing Nuisance Can Be Impetus for Ordinance Change

ZONING

Constitutional challenges to odor and zoning ordinances

Sanimax USA, LLC v. City of S. St. Paul, 95 F.4th 551 (8th Cir. 2024)

The facts: Sanimax operates a rendering plant in South St. Paul that processes animal carcasses and organic byproducts. The city was long the center of the livestock trade but shifted to light industrial uses in recent years. The city adopted a comprehensive plan that set forth future land use policies and worked to address odor issues from “holdover” companies like Sanimax. The city issued its first odor pollution ordinance in 2014, amending it in 2017. In 2019, the city passed a zoning ordinance placing Sanimax in a light industrial district. That ordinance made Sanimax a legal nonconforming use, meaning Sanimax could continue to operate, but not expand. A 2020 ordinance was enacted to address significant resident frustration, which resulted in Sanimax receiving administrative citations and fines.

The type of case: Sanimax filed Section 1983 lawsuits alleging first that the city violated its First Amendment rights by retaliating against it for contesting earlier ordinances. Next, it alleged the zoning ordinance violated the equal protection clause of the Fourteenth Amendment because other similarly situated businesses were excluded from the light industrial district. Third, it alleged that the 2020 odor ordinance was unconstitutionally vague, which is a violation of the due process clause of the Fourteenth Amendment. The city prevailed on all issues at the lower court.

The issues: On appeal, Sanimax argued the lower court erred in disregarding evidence showing the city enacted ordinances specifically to target the company. One email showed the city planner commenting that the city’s previous odor ordinance was not strong enough. A second discussed a wish to enact the 2020 ordinance to impose fines rather than simply require Sanimax to develop odor management plans. And a third explained the city intended to use the ordinance to punish noncooperative businesses like Sanimax to the extent the code allowed.

The court’s ruling: The U.S. Court of Appeals for the Eighth Circuit held that the emails did not show the city had a retaliatory or bad faith motive. Rather, the communications showed the city was faced with frustrated residents and an acute odor problem and altered its response to increase enforcement. The court also rejected the assertion Sanimax was treated differently than other similar businesses. The two businesses offered by Sanimax as comparators, or similar organizations, tanned hides rather than rendering animal products. Additionally, during a time the city received 79 odor complaints about Sanimax, it received seven total from the other two businesses. Finally, the court held the language of the ordinance was similar enough to traditional nuisance statutes it was not too vague for Sanimax to know what was prohibited.

What this means for cities: In addressing holdover nuisances after a significant shift in industry or zoning, the city must show that any ongoing nuisance behavior is the impetus for an ordinance adoption or change, versus retaliation for past pushback by a company.

EMPLOYMENT LAW

Minnesota’s Veteran’s Preference Act

Zepeda v. Saint Paul, No. A23-1210 (Minn. Ct. App. Mar. 11, 2024) (nonprecedential opinion)

The facts: Kenneth Zepeda is an honorably discharged veteran who worked for the City of Saint Paul as a fire engine operator. Zepeda and five other responders answered a medical call for a combative patient. After responders got the patient inside the ambulance, he continued to resist by kicking and spitting. Zepeda eventually manipulated a pressure point on the patient, causing him to submit. Zepeda and the other responders were placed on paid leave while another county investigated. Results were presented to the Minneapolis city attorney’s office for consideration of criminal charges, but that office declined to press charges. St. Paul informed Zepeda it intended to terminate his employment based on his use of verbal aggression and physical force, including applying pressure to the neck of the patient. At an arbitration hearing, Zepeda testified he was relying on a use-of-force continuum he learned as a military police officer, and he used the minimum amount of force necessary to gain compliance. He admitted he had never been trained on use of pressure points by the city.

The type of case: Under the Minnesota Veteran’s Preference Act, honorably discharged veterans cannot be terminated from public-sector employment except for when incompetency or



misconduct are proven at a hearing. Here, the arbitrator found the city had grounds to terminate. Zepeda appealed to the district court, which affirmed the arbitrator's decision, and then to the Minnesota Court of Appeals.

The issues: Zepeda contended the arbitrator applied the wrong standard of proof in determining his misconduct because the conduct underlying his discharge was treated as potentially criminal. Criminal cases have higher burdens of proof. Zepeda also argued the arbitrator's findings were factually inconsistent, particularly regarding whether Zepeda's misconduct was from lack of training.

The court's ruling: The Minnesota Court of Appeals upheld the arbitrator's decision, saying if there is no standard of proof specified in the Veteran's Preference Act, the Legislature intended the preponderance-of-the-evidence standard to apply. This standard requires the city to prove something is more likely than not, versus a higher criminal standard like beyond a reasonable doubt. The court also found there were no inconsistencies in the arbitrator's findings and that even if there had not been a specific policy to follow, the remainder of Zepeda's crew, having received the same training, knew not to taunt or abuse a patient.

What this means for cities: Cities do not need to prove employee misconduct beyond a reasonable doubt when seeking to terminate a veteran, even if the behavior that gave rise to the termination formed the basis for a separate criminal investigation. Additionally, cities may be able to

show that certain behaviors are prohibited even absent a specific policy.

REAL PROPERTY

Petitions for detachment

Ossawinnamakee Rd. Homeowners v. Comm'r of City of Breezy Point, No. A23-1186 (Minn. Ct. App. Mar. 25, 2024) (nonprecedential opinion)

The facts: A group of 135 property owners, consisting of 51 single family homes, four townhome buildings, and 62 garage or storage units, filed a petition for detachment from the City

(continued on page 26)

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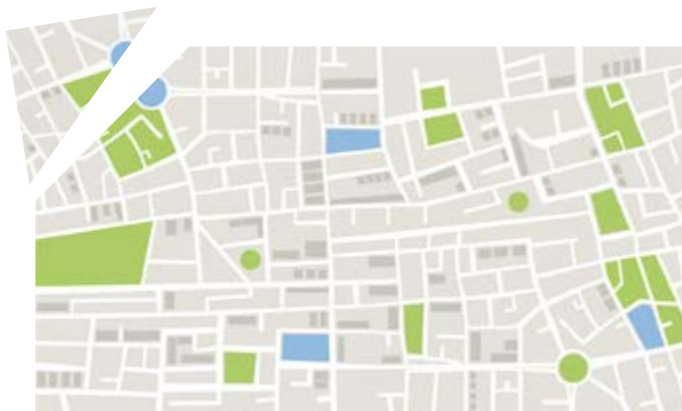
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of Breezy Point. All parcels were zoned R-2, or medium density residential. Breezy Point provides police and public works services, including road maintenance and snow plowing, and contracts with Pequot Lakes Fire Department for firefighting services. The parcels do not receive city sewer or water service.


The type of case: Petitions for detachment are filed with the Office of Administrative Hearings (OAH). Property that is rural in character can be detached from the city when certain conditions are met. Following a hearing before an administrative law judge (ALJ), the petition was denied. The homeowners applied for review in the district court, which affirmed the OAH's denial, and then this appeal followed.

The issues: While the parties stipulated to several of the requirements for detachment, they disagreed about whether the parcels were rural in character and whether, if the parcels were detached, the city could carry on the functions of government without undue hardship.

The court's ruling: In upholding the decision of the OAH and the district court, the Minnesota Court of Appeals found the ALJ's determination that the parcels were not rural was supported by substantial evidence. Almost all the lots were developed with residential structures, one included multifamily housing units and all were zoned medium-density residential. There were 135 property owners in less than 85 acres, and the city provided several services. The court of appeals rejected the homeowners' assertion that the parcels' lack of streetlights, sidewalks, gutters, or fire hydrants necessarily rendered them rural.



The appellate court also agreed the city would suffer an undue hardship if the parcels were detached. The ALJ had found the city receives \$110,845.40 in property taxes from the parcels, or 4% of the city's property tax levy. The ALJ also found the lost revenue would equal the loss of two public works employees or one full-time police officer.

What this means for cities: To effectively withstand a petition for detachment, cities should detail both the amount of property tax revenue lost and what the lost revenue represents in terms of the city's ability to carry out municipal functions. Cities should be mindful there is no statutory definition of "rural" in this context and be able to detail the characteristics of the disputed parcels by referring to factors like zoning and services provided. 

Written by Lisa Needham, research attorney with the League of Minnesota Cities.
Contact: lneedham@lmc.org or (651) 281-1271.

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What Should Cities Consider When Projecting Personnel Costs?

Budgeting

Q What factors should cities consider when budgeting for personnel costs?

LMC Summer is budget preparation time for many cities. With preliminary budgets due to the county by Sept. 30, many city departments spend the summer months working on pulling together budget information. Here are three factors cities may want to consider when projecting personnel costs:

- ▶ **Market trends.** Benchmarking average wage increases in other cities can be helpful to compare your city's pay program with the market. The Local Government Salary & Benefits Survey is a valuable tool to compare the salaries and benefits of your staff to those of other city and county organizations throughout Minnesota. For more information about the survey, visit lmc.org/salariesurvey.
- ▶ **Minnesota Local Government Pay Equity Act.** The law requires cities to maintain a classification and compensation system that achieves and maintains internal pay equity compliance. As a city models various pay scenarios, a best-practice approach is to request access from Minnesota Management and Budget to run a mock report to ensure any proposed wage increases maintain compliance. For more information about the state's pay equity act, visit bit.ly/MNpayequity.
- ▶ **Fair Labor Standards Act (FLSA) exemptions.** Earlier in 2024, the U.S. Department of Labor published its final rule effective July 1, 2024, to increase the minimum annual salary threshold required for a position to be considered exempt from \$35,568 to \$43,888. To maintain FLSA compliance, cities should ensure all exempt positions are classified correctly, including paying at least the new minimum salary. A second increase to the salary threshold to \$58,656 per year will be effective Jan. 1, 2025. For additional information, see the LMC information memo at lmc.org/flsaexemptions.

Answered by Assistant HR Director Joyce Hottinger: jhottinger@lmc.org.

Public Meetings

Q What should cities know about public meetings and "Zoom bombing?"

LMC City councils often hold meetings via interactive technology (Zoom, Microsoft Teams, Webex) and strive to ensure the public can monitor the meeting remotely. Unfortunately, several Minnesota cities have had disruptive remote attendees this year.

Zoom bombing is defined as an unwanted and disruptive intrusion during a video meeting. In a typical Zoom-bombing incident, a meeting is hijacked by the insertion of material that is lewd, obscene, or racist in nature, typically resulting in the shutdown of the meeting or the removal of the disruptor.

Although cities can allow for open forums and public comment virtually, it is not required. Some tips to avoid Zoom bombing and general disruption include:

- ▶ Working with your city's technology staff to prohibit comments made remotely.
- ▶ Using applications in webinar format rather than a virtual meeting format.
- ▶ Muting all participants during the meeting.
- ▶ Not publicly posting the meeting link and only providing it upon request to interested individuals.
- ▶ Requiring comments be submitted prior to the meeting via sign up.

Public comment at council meetings, whether in person or virtual, serves to connect city officials with their residents. When cities allow public comment, disruption can occur, but it can be minimized through preparation. City councils and mayors have authority to preserve order at meetings. If the audience becomes so disorderly that it is impossible to continue, the mayor can declare the meeting adjourned and council members can also move for adjournment.

Answered by Staff Attorney Josie Rosene: jrosene@lmc.org.

Employee Safety

Q Is the city required to pay for personal protective equipment?

LMC The Federal Occupational Safety and Health Administration (OSHA) mandates a standard for personal protective equipment (PPE). This rule requires employers to evaluate the workplace to identify existing or potential hazards that would require the use of PPE.

If it is determined that PPE is needed, the employer must select and ensure each affected employee uses the type(s) of PPE that will protect against the identified hazards. Additionally:

- ▶ This selection must be communicated to the employee.
- ▶ PPE must fit each employee properly.
- ▶ Employees must not use damaged or defective PPE.
- ▶ Comprehensive training on the PPE must be provided.
- ▶ The employer must certify in writing that the employee has received and understands the training.

Minnesota Statutes, section 182.655, subdivision 10(a) requires employers to provide and pay for all PPE needed for employees to perform their job safely. MNOSHA currently interprets this to mean that the employer must pay for the entire cost of the PPE that is adequate to protect the employee, but does not necessarily have to pay the entire cost of the most expensive piece of PPE on the market. [mn.gov](https://www.mn.gov)

Answered by Loss Control Field Manager Kate Connell: kconnell@lmc.org.



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'Mayor's Minute' Radio Segment Keeps Community Informed

BY RACHEL KATS

In Benson, a time-tested tool has reemerged to bridge a communication gap between local government and its residents: radio.

Spearheaded by Mayor Jack Evenson, the regular radio segment called Mayor's Minute serves to share City Council activities and local happenings with regional listeners.

The segment traces its roots back to the city's former manager, Robert Wolfington, who would swing by the hometown radio station, 93.5 KSCR-FM, the morning after Council meetings to provide brief updates. Eventually, when this practice lapsed due to changes in leadership, Evenson recognized an opportunity to step in. With the support of John Jennings, station owner and segment host, the Mayor's Minute began in January 2024.

"I think it's a neat deal for the public and gets them information that they might not always hear, or it can provide a better explanation for different things happening in the city," Evenson said.



Promoting public engagement and government transparency

During the segment, which airs every other Thursday during morning and midday programming, Evenson and Jennings have a free-flowing conversation in which Evenson provides insights into Council processes, agendas, and upcoming city projects. The goals of the program are to bridge the gap between the Council chamber and the community, to invite residents into the decision-making process, and to foster a better understanding of civic affairs.

"At the end of each Mayor's Minute, I invite the public to come to the Council meetings. They can see how the Council works and hear the discussions," Evenson said. By inviting residents to attend meetings, he's not only encouraging more public participation, but also working to promote government transparency and dispel misconceptions.

"We've had issues at Council meetings, and I've talked about them during my Mayor's Minute, I don't want to cover up anything," Evenson said. "Just as long as you go in there with a positive outlook on your community and talk about the positive things more than the hiccups and the bumps in the road."

The response to the Mayor's Minute has been positive according to Evenson and Jennings. "The feedback has been good, and Jack is so very knowledgeable," Jennings said. "He's good on air and I think he and I have a back and forth where it just works, and the listeners love it."

Local media aims to reflect community

The success of Mayor's Minute underscores that local radio is still a relevant platform for community engagement. In an age of media saturation, radio can be a trusted source of information, particularly in small towns where local news outlets may be scarce, according to Jennings.

"I think radio can have a nice renaissance of just providing content people want to hear and I think if we brought it back to local, I think there would be a lot more people interested in it again," he said.

Jennings, who owns four radio stations including the one in Benson, understands the importance of serving local interests and needs. Even before taking ownership in April 2014, he prioritized community input, ensuring the station's programming reflects the desires of its listeners. In addition to playing a wide variety of music, the station provides local and regional news coverage, including interviews with law enforcement and community groups, like area Future Farmers of America (FFA) students.

"It is truly a unique station," Jennings said. "We gave them what the majority told us they want and as a reward we got their ears. We're on, I would say, in the vast majority of the businesses."

Broadcasting city activities in your area

For other city leaders who have access to local radio stations and are considering a similar initiative, Evenson offers practical advice.

First, it's important to build a strong relationship with local radio station ownership and hosts. Second, maintain impartiality and transparency in communication to ensure that residents receive accurate and balanced information about city affairs.

"You need to have a good relationship with whoever you're working with at the radio station, I think that's key," Evenson said. "And then don't be biased about what you're talking about. You don't want it to be all one-sided."

Jennings encourages other city leaders to consider the option and other stations to bring on more local programming, not only to meet their Federal Communications Commission obligation to inform, but because it's good for the station and it can help build and support the community.

"Radio needs to stay local, and in my opinion even metro radio, somebody, some group, some outfit needs to keep it as local as they can; it's a lifeline," he said. "There are a lot of ways for people to get audio and it's important to be different than those other avenues, and I think by providing quality local content you can be different from them." 📻

Rachel Kats is publications and web editor with the League of Minnesota Cities. Contact: rkats@lmc.org or (651) 215-4032.

Rosemount Police Wellness Program Changing Behaviors, Sending Message of Support



BY ANDREW TELLIJOHN

Police Sergeant Jim O’Leary grew up in Rosemount, serving on his hometown police force for 29 years before retiring in 2009. His colleague Sergeant Bryan Burkhalter served 28 years with the department before retiring in 2015.

Each would tragically pass away from heart attacks before they had been retired for five years.

It’s widely known that police work can be stressful and dangerous. And research shows the impact of that stress can last long past the end of an incident and through the entirety of a law enforcement career.

“I think we’ve realized that in order to take care of the people who take care of people, **your public safety-first responders, you need to make sure that they are taking care of themselves first.**”

Mikael Dahlstrom
Police Chief
Rosemount

So, the City of Rosemount and the Rosemount Police Department took action — motivated by the loss of two respected former colleagues in less than 10 years — creating a wellness program aimed at helping officers take better care of their physical and mental health so they can live longer, healthier lives.

“I think we’ve realized that in order to take care of the people who take care of people, your public safety-first responders, you need to make sure that they are taking care of themselves first,” Police Chief Mikael Dahlstrom said. “That’s

my job as a leader and as an overall city administration — to provide resources to deal with the reality of this job.”

Rosemount received a League of Minnesota Cities 2023 City of Excellence Award for its groundbreaking police wellness program.

The details

Dahlstrom is among the biggest champions of Rosemount’s Police Officer Wellness by Enhancing Resiliency (POWER) program. It focuses on both physical and mental health and has many components that include:

- ▶ A Sigma heart health evaluation for each officer every three years.
- ▶ Six free, confidential therapy sessions with a trauma-informed and licensed clinical therapist.
- ▶ A Family Academy program for new hires. Along with close family members, officers go through a program with licensed therapists and trained staff to learn about expectations and dealing with trauma.
- ▶ A nutritionist plan incorporating dietary guidance aimed at reducing cortisol, a steroid hormone produced by the body during stressful situations.
- ▶ A peer support program, where staff members are trained to help colleagues deal with stressful situations.
- ▶ Critical incident stress debriefs conducted by an outside organization’s licensed therapists during and after an occurrence.
- ▶ A wellness phone app called Lighthouse.
- ▶ A care fund, into which all staff voluntarily donate to support internal staff and their families or others in the law enforcement profession.

Participation in all of these programs remains confidential, Dahlstrom adds.

“Generationally, police officers have been afraid to show weakness, or what they

perceived as weakness,” he said. “They were afraid of losing their job, of someone taking their gun away. I have no idea who goes to these therapy sessions. All I do is I get a bill in the mail that has a random identifying number and I pay the bill.”

The program’s early days

In 2021, former Community Resource Officer Cassie Witt was part of the team assembled citywide to begin looking into police officer health issues and what could be done to reverse course.

She quickly discovered that cardiovascular disease is the number one killer of police officers and that officers have a life expectancy 15 or 20 years shorter than those working in other careers.

Some of that, she said, is due to poor diets and coping habits along with the often-sedentary nature of the job. Those issues are exacerbated by the long-term lingering effects of dealing with the physiological responses that build up whenever someone goes through an adrenaline-fueled experience. Lack of sleep brought on by stress adds another layer.

“Police officers and first responders are experiencing that sometimes multiple times throughout their shifts,” she said. “Heart health was definitely something we really wanted as part of a program.”

She found a few different companies offering heart-related programs, including Sigma Tactical Wellness. The Sigma program stuck out because it offered services for officers on site rather than requiring a bunch of different clinic stops.

“Officers don’t have a lot of time to do those types of things,” she said. “Between shift work and working a really different schedule, that’s something that is just so convenient, to have them come straight to you.”

The program also included a metabolic component and provided diet and exercise recommendations. Since adding the program, Sigma has added a consultation and six-month access with a dietitian.

“The fact they were not just screening for heart disease or identifying those early stages of heart disease, but also providing a metabolic component to it and providing tools to live a healthier lifestyle, that was just taking it a step further,” Witt said.

Significant changes

Participation was voluntary and it was significant, Witt said.

“They really wanted this information,” she said.

And the results were initially alarming, as well, with:

- ▶ 32% of those officers who were screened having inflammation issues.
- ▶ 43% having preclinical metabolic issues.
- ▶ 17% exhibiting concerning calcium scores at a young age.
- ▶ 13% showing markers indicating a 40% chance of a coronary issue in the next four years.
- ▶ 40% with evidence of uncontrolled hypertension.

Officer Paul Larson, a school resource and patrol officer who joined the Rosemount Police Department in 2021, said the program is making a difference. He said anecdotally, it’s clear that the wellness program has significantly changed police officer behaviors.

When someone dropped off a box of doughnuts at headquarters, they used to be gone in a day. Now, the box might not be empty when it’s tossed.

“The mentality was, if I walked by those doughnuts and thought, ‘I want a doughnut, I have to get one because if I come back in four hours, there might not be doughnuts left,’” he said.

Instead, fruit boxes are in higher demand.

“I walk in and there are bananas and oranges and apples, those are gone in a day,” Larson said.

That’s one anecdote indicating that officers are utilizing the wellness program and, as a result, being more proactive about their health. Another positive sign, he said, is you will hear officers openly discussing their mental health with each other, checking in after

difficult incidents — not just right away, but several days and weeks later — to ensure their colleagues are doing alright.

It’s clear, Larson said, that the younger generation of officers replacing recent retirees are much more proactive about protecting their health and looking out for each other.

When Rosemount assisted the Burnsville Police Department in February following the shooting of three first responders, officers checked on each other regularly.

“We’re openly talking among other officers about how I’m going to go see the therapist later this week,” he said. “One’s mental health is increasing in priority.”

What’s next?

Larson has worked on four different forces since becoming a police officer in 2011. He said this program is unlike any he’s seen before, and it’s only getting better.

While the program was in its early stages, Dahlstrom found a community partner, Hope Fieldhouse, to help provide fitness memberships for staff.

That was a great partnership, he said, but adds the city will soon open a new police headquarters building that will include fitness facilities, space for napping, and other on-site amenities, which are easier to use while on or just getting off the job than going to other facilities in the community.

“When you’re carrying a duty belt and a gun and you’re on duty like that, you can’t go to a public space,” he said. “And you also need to be ready to respond to a call in case of an emergency. I can’t go to Life Time Fitness and have my gun belt in the locker.”

In the meantime, the department has been able to use the wellness program as a recruiting tool.

“From a recruitment standpoint, we promote the presence of these programs heavily as we talk with potential applicants and they are universally well



The City of Rosemount will soon open a new police headquarters building that will include fitness facilities and other on-site amenities.


“From a recruitment standpoint, we promote the presence of these programs heavily as we talk with potential applicants and they are universally well received.

The program sets us apart in a highly competitive world of police officer recruitment.”

Logan Martin
City Administrator
Rosemount

received,” said Logan Martin, city administrator. “The program sets us apart in a highly competitive world of police officer recruitment.”

The impacts of the program are noticeable, and officers are already benefiting from it. Leaders from Rosemount hope other agencies find value in taking a similar approach.

“The overall view or approach to officer wellness,” Dahlstrom said, “has shifted 180 degrees in the right direction.” 

Andrew Tellijohn is a freelance writer.

ON THE WEB

Access a video of this Rosemount initiative at lmc.org/Rosemount.



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