

MAY/JUN 2024

MINNESOTA CITIES

A PUBLICATION OF THE **LEAGUE** of MINNESOTA CITIES

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city. PAGE 12

Council Actions
Factors to keep in mind when
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Finding Greater **PURPOSE** in Community Leadership

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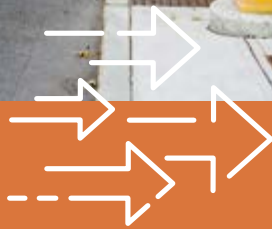
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Minnesota's Early Connection and Continued Collaboration With NLC

BY LUKE FISCHER

One hundred years ago, representatives from 10 state municipal leagues gathered at the University of Kansas in Lawrence and set into motion the formation of what would become the National League of Cities (NLC).

According to the NLC website, "The call to found an umbrella organization for state municipal organizations came out of the late 19th century drive to reform and empower local officials, as cities and towns expanded rapidly following the Industrial Revolution. Over the following 100 years, the new organization would also expand both in size and impact, coming to represent nearly 3,000 cities and becoming the top resource and advocate for local governments across America."

At NLC's founding in 1924, Minnesota local government values were significantly represented at the table. One of my early predecessors, Morris Lambie, executive secretary of our state league at that time, was in the room that hosted a national conversation and movement that:

- ▶ Aimed to build-up city officials.
- ▶ Believed in the importance of local decision making.
- ▶ Knew the power of bringing people together.

These values and ideals are still relevant today and serve as guideposts to the work we get to do serving the places we call home.

Building-up city officials

As many of you know, local government in Minnesota is collaborative. We stand on a rich tradition of helping our neighbors in their time of need. Today, we need not look further than the unspeakable tragedy in Burnsville where police officers Paul Elmstand and Matthew Ruge and fire paramedic Adam Finseth made the ultimate sacrifice in service to the community.

Neighboring police departments shared services to ensure the community



Morris Lambie was the Minnesota league's executive secretary from 1921-1925. In 1924 he was named the very first president of NLC.

was safe while first responders grieved. Neighboring elected officials stood shoulder to shoulder with the Burnsville Council — lending support. Neighboring staff jumped in to help in a multitude of other ways — many of which will probably never be publicly known. That's how we all work together.

Local decision making

Our work at the local level is often described as "closest to the customer." The decisions made in council chambers have a direct impact on community roads, parks, and land use — and city officials are laser focused on the nuance of how these decisions specifically affect their own residents. This past state legislative session brought this value to the forefront as some at the Capitol have sought to preempt local decision making — instead favoring one-size-fits-all mandated solutions.

City officials have banded together to share unique local stories about the special care they bring when solving questions about housing, spending on local projects, and right-sizing solutions to the challenges they face. Just like in 1924, we know today that city officials can and will lead in a way that puts their residents first.

Bringing people together


The cornerstone of local service in Minnesota has always been engagement and input from the residents we serve. City councils have strived to invite the public in and listen carefully to their needs and concerns. Today, as

cities wrestle with public engagement, councils seek new and creative ways to get feedback and bring people along with needed change.

Cities are taking steps to better understand the needs of new residents as well, by engaging emerging faith communities, hosting virtual town halls, and holding on-site public meetings at proposed project locations. At the core, elected and appointed folks here have always believed that more engagement and more listening results in better solutions.

Special relevance today

In 1924, could the NLC founders have imagined that cities across the country would someday come together to form a new federal-city partnership that stemmed from a global pandemic? Would they have expected cities to band together to push back attempts by state legislatures to erode local control? Did they anticipate questions about virtual town halls and resident feedback on social media?

Reflectively, it's no surprise to think that there was someone from Minnesota in Lawrence representing the values and ideals that our local officials have led with for well over a century. I like to think that Morris Lambie made the trek to Kansas to ensure our National League could benefit from the Minnesota experience — and that we could look for ways to ensure our traditions of building up and supporting local government, our core value of local decision making, and the recognition that strength comes from bringing people together should be part of the national model. 



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

The League Receives NLC Centennial Federal Advocacy Award

The League of Minnesota Cities was awarded with the National League of Cities (NLC) Centennial Federal Advocacy Award during the organization's 2024 Congressional City Conference in Washington, D.C., March 11-13.

The award honors and recognizes the League as one of the 10 state municipal organizations that came together in 1924 for the first meeting of the group initially called the Association of State Municipal Organizations, which became the American Municipal Association, and ultimately, the NLC.

LMC Executive Director Luke Fischer accepted the award on behalf of the League.

PHOTO COURTESY OF ACCELERATE INDIANA MUNICIPALITIES



A group of Minnesota city leaders and LMC Board members attended the National League of Cities 2024 Congressional City Conference. During the event, League Executive Director Luke Fischer accepted the NLC Centennial Federal Advocacy Award on behalf of the LMC.

"I am proud of our legacy as one of NLC's founding members," he said. "We continue to work closely with NLC on an array of issues that impact our members

at the national, state, and local levels. It was exciting to join the state directors of the other founding members for this centennial celebration."



Updated PTSD Toolkit Provides Resources for Public Safety Officers and Staff

Mental Health Awareness Month has been observed since 1949, according to the National Alliance on Mental Health (NAMI). Every May, organizations including NAMI raise awareness about mental health stigma, resources, and advocate for supportive policies.

The League of Minnesota Cities also works to support employee mental wellness, in May and year-round, with a particular focus on offering public safety staff various resources, including the recently updated PTSD Toolkit. The updated resource includes new information about family programs, chaplain programs, and retirement planning. It also includes Behind the Badge: Mental Wellness in Law Enforcement, a powerful video testimonial about the importance of mental wellness for police officers and staff. Excellence in public safety requires a workforce with good mental health practices and departments that support mental health as a priority. To view the updated PTSD Toolkit, visit lmc.org/ptsd.



Environmental Courses Offer Chance to Educate, Connect With Residents

With summer around the corner, people are ready to get outdoors. A great way to do that can be through city-organized educational opportunities.

Plymouth is one of many cities in Minnesota that offer residents the chance to learn more about the area's ecology and sustainability efforts. Started in 2021, the annual Plymouth Environmental Academy is held from August through November. Meetings take place in or around various city facilities, based on the topic at hand, and include Plymouth City Hall, the maintenance facility, the community center, and the water treatment plant.

These types of learning opportunities often align with GreenStep Cities' best practice Action 24.4: Public Education for Action. This best practice encourages cities to conduct or support a broad sustainability education and action campaign, building on existing community relationships, networks, and events.

If your city is interested in offering sustainability education or events, or partnering with other organizations that already do, learn more at bit.ly/GreenStepAction4.

EXPERIENCE ROCHESTER

Sign Up for a Mobile Tour!

Heading to the League of Minnesota Cities 2024 Annual Conference in Rochester this June? Be sure to register for one of these three Mobile Tours at lmc.org/AC24. Space is limited — save your spot!

The Infrastructure of Leisure: Rochester's Planning & Implementation for Parks and Recreation

Visit some of the city's cutting-edge parks and recreation facilities. We will tour a new aquatic center, multi-use trails, natural play areas, and a senior center while we talk through planning, funding, and community engagement efforts for each project.

Rochester Wastewater Utility Innovation

See the city's extensive water reclamation plant, which treats an average of 13 million gallons of wastewater daily. From manhole cutters to sustainability initiatives, we will



explore Rochester's wastewater system and other award-winning public works projects.

Downtown Rochester: A Collaborative Structure for Equitable Design of Shared Space

Ready to improve your city through community engagement? See how co-design is shaping Rochester's physical landscape. Experts will share tested community co-design methods and showcase several projects made possible by co-design.

Participants must preregister to attend each tour. Additional registration fees apply.

Grand Rapids Kicks Off New City Government Academy

The City of Grand Rapids kicked off its first City Government Academy in April. The nine-week program offers residents an opportunity to learn about different aspects of their city's government. Meeting once a week, participants will visit various locations in Grand Rapids including public works, the police and fire departments, elections and licensing division, and more. The final meeting will take place during a City Council meeting where participants will be recognized for taking part in the academy.

The purpose for starting the program is simple, according to Kim Gibeau, Grand Rapids city clerk and program organizer — it's about promoting community engagement.

The goals of the program are to educate residents on the day-to-day operations that run the city and on efforts being made to build a healthier, sustainable community, Gibeau said, as well as to encourage residents to become more involved with their local government.

The first academy accepted up to 25 participants. Since it's new, Gibeau anticipates it may start small, "But we're hoping that it will be a success and attendees will encourage others to enroll for the next session." The plan is to host an annual academy.

Gibeau said that when she was developing the program, she turned to other city clerks and staff from communities around Minnesota who offered great information and resources. Learn more about Grand Rapids' new City Government Academy at bit.ly/GR_academy.



LMC LEARNING & EVENTS

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Does Your City Grow a Summer Community Garden?



ADAM BELL

CITY MANAGER
CRYSTAL (22,711)

The City of Crystal has two different projects that highlight the city's commitment to local food access and community health. The Crystal Edible Courtyard is maintained in collaboration between the city, volunteers, and the nonprofit A Backyard Farm. The

Southbrook Community Garden is a traditional community garden that has plots available for rent by community members. These rented plots are planned, gardened, and harvested by the renter.

Prompted by a TED Talk and discussions with Hennepin County Public Health Promotion staff, Crystal Recreation Services Manager Scott Berggren spearheaded the initiative to establish the Edible Courtyard. The city, along with volunteers and A Backyard Farm, transformed an underutilized space outside the Crystal Community Center into a flourishing garden. This strategic move aimed to address one of Hennepin County's lowest fruit and vegetable intake areas, as indicated by Public Health SHAPE data, which is used to understand the health needs of the community.

Before the Edible Courtyard's inception in 2018, discussions about community gardens had been ongoing since around 2010. The subsequent establishment of the Southbrook Community Garden in 2012, in partnership with Brooklyn Park, marked an important milestone in Crystal's efforts to promote local food production.

Both projects have faced challenges and unexpected pain points. Theft and unauthorized pesticide use have marred the Southbrook Community Garden experience, whereas educating the public on proper harvesting techniques has been crucial for the Edible Courtyard's success. Despite these challenges, participation in both initiatives has been robust, with a long waitlist for plots at the Southbrook Community Garden and positive feedback from residents benefiting from the Edible Courtyard's harvest.

Planning and management have been key to the success of these projects. A Backyard Farm has provided valuable expertise, while regular assessments and adaptations ensure optimal plantings and yields. If done again, Crystal would address the high demand for garden plots by potentially limiting plot allocations and prioritizing residents for access.

For other city leaders considering similar projects, Crystal's experience offers valuable insights. Prioritizing health and wellness initiatives, fostering community engagement, and leveraging partnerships are essential for success.

LAURIE ELLIOTT

MAYOR
NEWPORT (4,328)


The Newport Community Garden was started by a group of residents in 2011. Their vision was to create garden space for residents and a "giving garden" to provide the local food shelf with fresh produce. They split the space in half to support both visions. The hope was to develop greater community through gardening. Volunteers manage the giving garden, and we have a community garden volunteer manager.

The startup effort was the largest contribution from the city. It included picking up donated materials, building a fence, hauling compost from the city site, and tilling the compost into the soil. Staff borrowed a tiller from a neighboring community to save on costs. This work took a couple employees about two weeks. Now that the garden is up and running, the most common staff tasks are trash and recycling pickup, compostable material pickup, and mowing around the garden.

We have 5-by-10-foot plots for \$10 per season, and 10-by-13-foot plots for \$20 per season. This covers watering costs and some staff time. Administration staff handles the plot rentals. We also collect a \$20 refundable deposit, which is forfeited if the plot is abandoned or is not cleaned up by the fall deadline. Generally, all spots are rented each year.

At first the garden had no fence and gardeners lost produce to deer, rabbits, and human poachers. We recommend a 6-foot fence with chicken wire along the bottom to deter rabbits. We'd also recommend a lockable gate with a changeable code from year to year. Some other tips include:

- ▶ Choose a sunny site with access to water, which is especially important in drought years.
- ▶ Have a soil test done to determine soil amendment needs. Also test for adequate drainage and soil compaction.
- ▶ Have gardeners sign a copy of a "Garden Policy" that includes consequences for not properly maintaining their plot and follow up with city enforcement as needed. (Nip problems in the bud!)
- ▶ Support the volunteers maintaining the garden and cultivate good relationships with the neighborhoods around the garden.

Our Community Garden Policy, space agreement, and general information can be found at bit.ly/NewportCommunityGarden. 



Finding Greater PURPOSE in Community Leadership

BY DEBORAH LYNN BLUMBERG

When we have purpose on the job, it's easier to meaningfully connect to with our work, co-workers, residents, and our city's mission and goals.

Purpose can go a long way toward enhancing well-being and serving our communities. But since the COVID-19 pandemic, there's been a post-pandemic "purpose slump," according to branding expert and public speaker Amanda Brinkman. People are reevaluating the meaning in their work and life. They're asking themselves: How does what I'm doing matter? What is my true purpose?

Part of the problem in discovering one's purpose is that it can be easy to get bogged down by daily tasks that sometimes make work feel like a day-to-day grind — activities like endless meetings and emails, preparing regular reports, or performing other repetitive tasks. Another issue, Brinkman said, is that for many people, the concept of purpose feels too vague, esoteric, or "macro."

"Sometimes we make purpose so ominous that it's almost intimidating," said Brinkman, who grew up in Minnesota. "It's almost too big, and it feels like it's really far out there."

People then run the risk of sinking into "purpose paralysis" if they're not careful, she said, or getting stuck and not even knowing where to start when it comes to finding and identifying their purpose. City leaders and public employees are not immune to this potential pitfall.

Doing well by doing good

To avoid purpose paralysis and instead find purpose in their job and in their communities, city leaders and public employees should start by shifting their thinking. Purpose needs to be less of a macro concept and more of a micro one, Brinkman said.

"It's about how are we showing up in every interaction that we have," she said.

Brinkman is the keynote speaker at this year's League of Minnesota Cities Annual Conference in June. Her "Do Well By Doing Good" philosophy has been a common thread throughout her diverse career. It's the idea that companies can support and make a real positive

difference in their communities while also growing their bottom line.

Currently, Brinkman is the CEO of production studio and consultancy Sunshine Studios, which tells brands' stories. She started her career in the creative agency space and has worked on campaigns for brands like BMW and Sony. As the chief brand officer of Deluxe, to reach small businesses, she created an Emmy-nominated series "Small Business Revolution," which streamed on Hulu — notably, Season Six took place in St. Paul.

While the bulk of Brinkman's work has focused on big brands and small businesses, the lessons she imparts apply seamlessly to cities, civic communities and leaders, and workers, too. Brinkman shares tips on ways in which city leaders and employees can find the purpose in their work.

Know that cities can improve residents' quality of life

After the isolation that many people experienced during the pandemic,



LEARN MORE

Amanda Brinkman will present the keynote session titled "Common Traits of Thriving Communities," during the 2024 LMC Annual Conference, happening June 26-28 in Rochester.

In this keynote session, Amanda will share stories of working with small businesses, governments, and people across the country. As a creator, she brings actionable advice on supporting communities of all sizes. As a Minnesotan, she brings great love and passion for our state and its economy. And as a storyteller, she brings vivid examples of the five common traits of thriving communities.

Register at lmc.org/AC24.



there's a pent-up want for in-person connections, experiences, and community. "The pandemic showed us what a human need we have," Brinkman said. "We're designed to be collaborative and connected and to feel like we're a part of something bigger than ourselves."

Cities play a pivotal role in helping to make these connections a reality by creating safe spaces where people feel like they're at home and like they truly belong. "What greater purpose could there be than helping to create this sense of community, which everyone is so hungry for right now?" Brinkman said.

She recommends a few approaches to create safe, welcoming spaces:

1 Make sure all voices get heard.

Community leaders must be very intentional about including everyone in their community in programs and spaces. It's often not enough to say everyone is welcome. To truly diversify the table, she said, we often need to specifically reach out to certain groups that have historically been left out of the conversation.

2 Lean into what makes neighborhoods great. People want to gather

and feel like they know their neighbors, Brinkman said. It's that small-town quintessential feel you want to replicate to the extent that you can — when you recognize your local coffee shop owner at the school play or run into your kid's soccer coach at the gym. Even if you're in a suburb of a larger metropolitan area, she said, ask yourself, how are you creating these environments in which people feel they're connected to each other?

3 Support small businesses however you can. When we tell people why we live where we live, we don't cite the big box stores or national chains in the area, Brinkman said. We talk about the third-generation pizza shop or bowling alley you frequented as a kid, places that are locally owned. City leaders can encourage small business ownership, whether it's through zoning or easier licensing. It's also about supporting businesses long term with the right infrastructure and resources. "Maybe

you do a shopping bingo card over the holidays, or it's a small business scavenger hunt," she said.

Understand your purpose is not your job or daily tasks

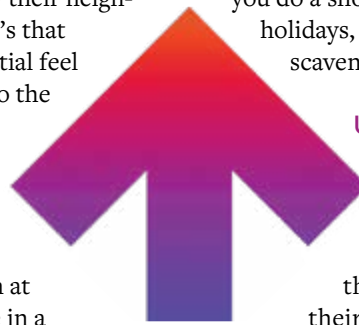
For people who are having trouble finding their purpose and believe their job may be to blame, Brinkman said it's probably not.

Our purpose is us, it's within us, she adds.

"We can keep moving around, but the uncertainty will follow us," she said. Instead, how we *are* is our purpose. "All we can focus on is how we show up. For ourselves, for others, in the world. Our purpose is how we help others best in our daily lives," Brinkman said.

For example, while meetings or making copies may sometimes seem mundane, it's about how those tasks fit into the bigger picture and purpose. As a municipal worker, "you're creating that sense of community for people, and that's so needed right now." No matter your role,

(continued on page 10)



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she adds, ask yourself, how does my work ladder up to something bigger?

"It all makes a difference," Brinkman said. "It's part of this ripple effect toward a greater outcome and every step is necessary."

Small actions during your day can help to fuel and further your purpose

Finding one's purpose isn't an introspective intellectual exercise, Brinkman said. Instead, it's about action. Doing. As we go about our daily work, it's the little choices we make as we interact with other people that's our day-to-day purpose in action.

For example, when we help a frustrated resident resolve an issue, do we put on a grumpy face or do we look the resident in the eye, smile, say hello, and add that we're happy to help them?

"We will affect everyone we encounter every day," she said. "Do we tear them down or do we choose to build them up?"

Other examples might include complimenting a co-worker or sending them a note simply to tell them something you respect about how they work.

"We've all been to a coffee shop and had two different people taking our order,"

Brinkman said. "One is loving life, adding to your day, and helping you feel joy in the very simple task of ordering coffee. The other acts like you're inconveniencing them. This shows that how we approach our job and work is paramount to experience."

Positivity is an active choice, she adds, and we have to train our brains to look for the good things in life.

Realize that nothing great has been done alone


No one person is going to cure cancer, Brinkman said. Instead, it will be a combination of the family who raised the researcher, the research up until that point, philanthropy and grants to build the lab, and people to organize the rollout of the new treatment.

The same logic applies to cities, she said. No one person is going to make a community a place where people want

to live, it takes a village and a group of diverse individuals working toward a shared, higher purpose.

"Everything that's done is done by a team," she said. "It's never just one person. We all bring our own skills to projects that help us work together as a team and over time hopefully move society forward."

City leaders can nurture this by structuring teams and job functions so employees are best equipped to use what they're naturally good at in their work. Leaders also serve a crucial role in helping staff members to clearly see how their specific talents and skill sets fit into the bigger picture and how they add up to a greater purpose.

"People in park maintenance are just as much a part of making that community great as the mayor is," Brinkman said. "In both towns and cities, everyone plays a role in creating a place that people truly feel at home in." 

Deborah Lynn Blumberg is a freelance writer.



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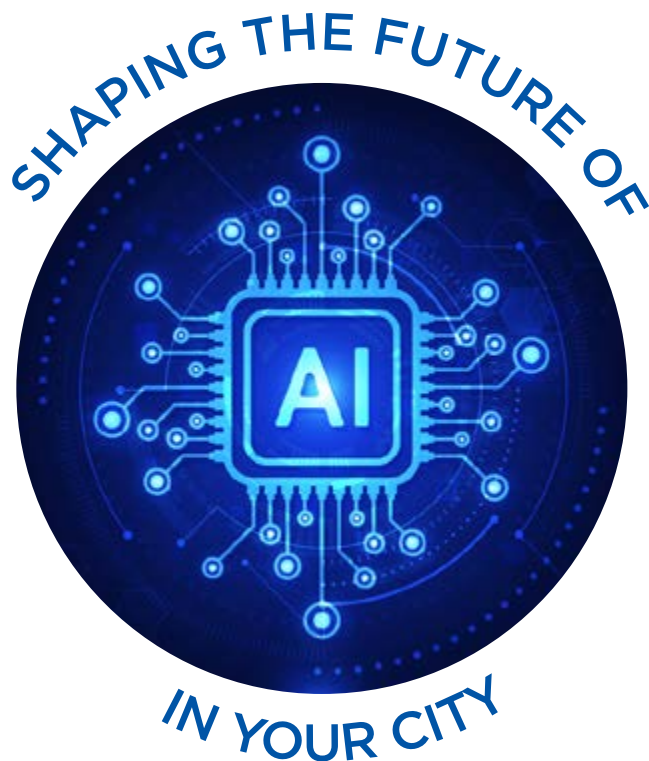
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BY SUZY FRISCH

There is powerful promise in using artificial intelligence (AI) in municipal government operations. AI can help to complete a task like writing frequently asked questions in five instead of 50 minutes, though revising is required. Or start a proposal for a municipal swimming pool with a draft generated by AI, then fine-tune from there. But cities have many details to work out to determine the best and safest ways to use AI — and many are unsure where or how to start.

AI tools already are embedded in our work and personal lives. There's a high likelihood that employees engage with it at home (Hey, Alexa!) or work, like when text auto-populates in an email. Given this reality, cities should be initiating short-term policy discussions about artificial intelligence as it exists now, as well as future-oriented conversations about how the tools might affect communities in 10 to 20 years.

At the League of Minnesota Cities 2024 Annual Conference in June, futurist Hauson Le will present a pre-conference workshop about artificial intelligence. Le, strategic foresight manager at Strategic Government Resources (SGR), will engage participants in discussions, debates, and strategy development about AI. The intention is to reveal insights about AI, its risks and ethical implications, and best practices for effective usage.

"We will be learning about the basics of artificial intelligence and holding space to have conversations about big issues like data privacy or the environmental implications of AI," Le said.

The workshop is rooted in efforts to help municipalities build capacity in innovation and foresight — an approach that emphasizes proactivity and anticipatory government. Such work helps cities understand what is changing and emerging in society and getting ahead of those changes, said Heather Benoit, executive vice president of strategic foresight at SGR.

Starting the conversation

When thinking about artificial intelligence, Melissa Reeder, chief information officer for the League of Minnesota Cities, sees everyday potential with generative AI tools. By using generative AI tools like Copilot or ChatGPT, city workers can jumpstart the draft of a presentation or query risk mitigation strategies for an upcoming municipal project.

"That's in a nutshell what I call augmenting the city worker," Reeder said. "AI is not about replacing city workers at all. Instead, it augments them so that they can focus on other value-added activities to serve the public. Generative AI tools do not understand reasoning, emotions, or current events. The output of generative AI is a representation of the massive amounts of data it was given, therefore human interaction is necessary."

For cities and elected officials that want to consider AI, there are some initial steps to take. Le refers to recommendations from the National Association of State Chief Information Officers (NASCIO) for governments that want to start implementing AI, including:

- ▶ Start the conversation about potential pros, cons, and opportunities.
- ▶ Establish governance and oversight processes.
- ▶ Explore and evaluate what other cities are doing, while considering their city's community and context.
- ▶ Consult with people working on the front lines about potential uses.

There are many evolving factors that will determine how AI and its capabilities develop in the coming years. Significant unknowns include how much computer power, electricity, and water are needed to use AI at a high level.

"Can we get the costs down to make it economically feasible? Outside of that, the sky is the limit," Benoit said. "It's up to each local government to choose what flavor of AI they want to implement."

Local government can focus on employing AI to take advantage of automation or efficiency, or it can use the tools to augment their operations. Benoit points to the possibility of using AI to automate segments of permit review. Instead of attempting to solely speed up the process, cities could explore entirely new ways to approach and redesign permit review to better serve all parties. Other promising areas

LEARN MORE

Hauson Le will present a pre-conference workshop about artificial intelligence during the LMC 2024 Annual Conference, June 26-28 in Rochester.

In this session, Hauson aims to empower attendees to anticipate and act from an informed stance as they shape the future of AI in their communities. He will raise 10 issues for participants to discuss, including the pros and cons of using AI in a community context, and how city leaders might enhance or mitigate its impacts.

Learn more and register for the Annual Conference at lmc.org/AC24.

include using AI for property assessments, enhancing 311 services, and improving search functions to make city information more accessible.

“We have this tendency to think about AI as this cool new tool that can help us get today’s work done faster, cheaper, more efficiently. That’s the wrong way to think about it,” Benoit said. “It really represents the opportunity to completely revolutionize the processes you’re doing and redefine the work you’re doing and do them in a completely different way that is more beneficial or a better experience.”

A holistic review

Many cities are playing policy catch-up because AI is already in use. One resource to consult is the League’s website, where you’ll find information about artificial intelligence and details about what cities should know when using AI at lmc.org/

AI considerations.

“The genie is out of the bottle, and cities are backpedaling to get policies in place to protect their information,” Reeder said. “Rather than a policy to ban AI, cities should consider a ‘yes, and’ policy. Yes, you can use it, and here are the best ways to use it. It’s already here, and it’s important get a policy in place.”

There are some legal and ethical considerations for cities and elected officials to monitor. It’s essential to view AI as a tool, with humans still needing to augment and review its output. That’s integral to avoid bias in data or to prevent nonpublic data getting integrated into AI models, which then can be accessed by other AI systems, Reeder said.

Bias can occur when the data isn’t complete, often because there is missing information about marginalized communities.

“If you’re using a free model on the internet, you might not have a clear vision or accurate results because it doesn’t represent all of the communities you’re trying to represent,” Reeder said. “It’s only as good as the data you collect.”

Other AI concerns include potential breaches of data privacy and workforce displacement as organizations become more efficient. That freed-up time raises additional questions — and potential for significant change.

“At a high level, AI promises to create more capacity, save time, become more efficient, and solve problems,” Le said. “I find myself wondering, if it saves time, does that change where people apply the time they saved?”

Using a foresight planning approach enables cities to think anew about their organizations’ operations. Perhaps new models would remove silos and allow the workforce to rethink how to best use this extra time in new ways, on behalf of all stakeholders, Le said.

“The metaphor is that technology is our savior, but I would say that’s not the whole solution. You still need to have a culture where people are willing to use it,” he adds. “I recently read a study that said removing obstacles to progress is more effective than adding pressure,” Le said. “We’re trying to remove obstacles to progress. Having these conversations can do that.”

Suzy Frisch is a freelance writer.

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Mingling HSA and VEBA to Maximize Tax Benefits and Keep Health Insurance Costs Lower

BY MARLO PETERSON

When managing employee benefits, a common challenge is striking a balance between the annual increase in medical insurance premiums and the city's capacity to absorb and pass on additional costs to employees. Employers often acknowledge the inevitability of annual renewal cost hikes for medical insurance benefits. To address this, employers can provide options and tools encouraging behavior change and supporting medical consumerism among employees, ultimately mitigating the impact of cost increases during plan renewals.

Promoting cost-effective care

Medical consumerism attempts to get consumers actively engaged and accountable for their health care decisions by showing them the true costs of care and giving them individual tools to reduce costs.

For instance, some employees may misuse emergency rooms for minor issues, driven by the belief that insurance covers any cost. Deductibles and coinsurance might not be sufficient incentives for behavior change. However, promoting the right care at the right price and time can help employees reduce out-of-pocket expenses. Encouraging the use of medical spending accounts can drive medical consumerism and behavior change.

Employees need to understand the importance of being informed medical consumers, seeking cost-effective care, and avoiding unnecessary expenses. Using generic prescriptions when appropriate and shopping for medical value are crucial strategies. For emergencies, cost reduction should not compromise necessary care. Utilizing nurse hotlines, online care, or consulting physicians can address many cases that would otherwise result in expensive emergency room visits. Empowering employees to communicate their deductible responsibilities with health care providers can lead to more cost-effective treatment plans.

Promoting wellness options and incentives provided by the medical carrier or the city can raise awareness about the importance of preventive care. Every effort, regardless of size, contributes to the overall reduction in employer health care costs.

HSA benefits

To foster medical consumerism and address out-of-pocket expenses, employers often offer high deductible health plans (HDHP). Typically, high deductible health plans are offered with either a health reimbursement arrangement (HRA) or a health savings account (HSA). While not a new concept, the key lies in aggressively promoting and supporting tax-advantaged accounts like health savings accounts that encourage employees to take an active role in their health care costs. HSAs allow employees to get \$1 of care for 70 cents and provide tax benefits not available with regular savings accounts.

Employee communication is key — before, during, and after the HDHP is implemented. Employees aren't likely to embrace a new plan option if they don't know anything about it or how to use it effectively. Communicating with employees (and unions) is key to successfully offering a HDHP.

Employers and employees can contribute to HSAs, and the money is not use-it-or-lose-it — providing little risk to participants. Voluntary contributions through payroll deductions come with tax savings, allowing employees to purchase health care at a discounted rate. The triple tax advantages of HSAs — tax-free deposits, tax-free interest growth, and tax-free withdrawals for qualified expenses — make them an effective tool for reducing health care costs.

By having ownership in the HSA balance, employees are incentivized to find ways to reduce their care costs — benefiting both the employee and employer. Models comparing HDHPs to traditional plans show that even the least healthy employee

in a city would spend less out-of-pocket by electing an HDHP. Factors like maximum out-of-pocket exposure, reduced insurance premiums, 30% tax savings, and potential employer contributions contribute to lower annual costs for employees.

VEBA benefits

In addition to HSAs, public employers often provide voluntary employee beneficiary association (VEBA) trust accounts. Unlike HSAs, VEBAs do not require an HDHP, and employees cannot make voluntary payroll contributions. VEBA balances are held in a trust, providing assurance to employees that their funds will not be returned to the employer, even after termination. A significant advantage of VEBAs is the ability to use funds post-employment to cover out-of-pocket medical insurance premiums.

While VEBAs provide indirect tax benefits, they promote consumerism by encouraging employees to preserve their balance by reducing care costs effectively. Some employers make both HSA and VEBA accounts available, promoting a hybrid approach. Employees can use HSAs for immediate tax savings and flexibility, while preserving VEBA balances for post-employment (pre-Medicare) medical insurance premiums.

Combining the tools

Managing employee benefits effectively involves promoting medical consumerism and providing tools like HSAs and VEBAs. Encouraging employees to be informed consumers, seek cost-effective care, and utilize tax-advantaged accounts can result in a win-win situation for both employees and employers. A hybrid approach, offering both HSA and VEBA options, can cater to diverse employee needs, fostering financial responsibility, and reducing overall health care costs. **MC**

Marlo Peterson is a consumer directed benefits consultant for the Minnesota Healthcare Consortium (mnhc.gov). The Minnesota Healthcare Consortium is a member of the League's Business Leadership Council (img.org/sponsors).





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What Is Driving the Demand for Bike and Pedestrian Park Space?

BY JORDAN GEDROSE

In recent years, there has been an increase in demand for bike and pedestrian park spaces across the nation, which has also become prevalent in cities across Minnesota. The trend reflects a shift in societal values. There are several factors we are seeing connected to this trend, including public engagement influencing demand, recognition of bicycle and pedestrian park space benefits, and the effects these types of park spaces have on city infrastructure.

Public engagement

Public engagement is increasingly encouraging communities to prioritize investments in bicycle and pedestrian park space, reflecting a growing interest in recreational spaces and active transportation corridors. As community members and stakeholders become more vocal about their desire for healthier, safer, and more sustainable communities, decision makers are responding by allocating resources to expand and enhance infrastructure for cyclists and pedestrians.

Advancements in technology, such as social media, have provided new methods to collect citizens' feedback and has led to an increase in community engagement participation. These methods allow cities to notify community members about opportunities through a variety of channels, which reach a high percentage of the people in each area. Online interactive maps, comment boards, and virtual meetings — methods spurred by the COVID-19 pandemic — allow for greater participation and input than only hosting in-person events.

The pandemic also underscored the importance of outdoor spaces for recreation and social distancing, while also emphasizing park spaces and trails that cater to diverse user groups. By engaging the community, cities and counties can clearly understand needs and are better prepared to provide meaningful bike and pedestrian experiences.

Health benefits

Bicycle and pedestrian park spaces offer a multitude of benefits that contribute to the health, activity, and environment of a city. Regarding health: bike and pedestrian park spaces promote physical activity and healthier lifestyles by providing safe and accessible trails for walking, jogging, and cycling, which can lead to a reduction in the risk of chronic diseases such

as obesity and heart disease. These spaces are designed to be accessible to all age groups and abilities. Research provided by City Parks Alliance found that walking loops increase park use by 80%.

Connectivity

Infrastructure that allows bicycle and pedestrian park spaces fosters connectivity between neighborhoods, business districts, and recreational areas — enhancing overall mobility and accessibility for residents and visitors alike.

Communities, big and small, are experiencing improved connectivity, heightened accessibility to amenities, and a revitalization of public spaces spurred on by bike and pedestrian focused infrastructure. Properties located near parks and trail corridors typically attract investment, as parks and trails are often viewed as desirable amenities that enhance quality of life and contribute to a higher standard of living. According to City Parks Alliance, houses near parks or trails have 8-10% higher property values than those in the surrounding community.

Bike and pedestrian park spaces contribute to the creation of vibrant and inclusive communities by providing opportunities for social interaction and recreation — fostering a sense of belonging and connection among residents. These spaces provide opportunities for people to connect with nature, even in urban environments, which has shown positive effects on mental well-being and reducing stress.

Environmental factors

In regard to the environment, prioritizing bike and pedestrian infrastructure promotes active transportation and encourages residents to opt for emission-free modes of transportation, reducing traffic congestion and greenhouse gas emissions. By promoting active transportation and reducing reliance on cars, bicycle and pedestrian park spaces contribute to more sustainable and resilient cities, with improved mobility, accessibility, and environmental stewardship. Bicycle and pedestrian corridors also provide habitat corridors for wildlife, contributing to the biodiversity within a community.

Notable challenges

While these spaces offer many benefits, a few challenges of incorporating bicycle and pedestrian infrastructure may include funding, maintenance, site constraints, and community opposition. The expansion of bicycle and pedestrian park space significantly impacts city infrastructure, ushering in a wave of changes to communities.

Cities across Minnesota are seeing an increase in demand for bicycle and pedestrian park space attributed to an increase in community engagement participation and acknowledgement of the health, recreational, and environmental benefits. Cities have continued to adapt to this evolving infrastructure demand through comprehensive planning efforts and investment in park and trail infrastructure. By implementing these improvements, communities can enhance their quality of life for residents and position themselves as an attractive destination for tourists. 🌳

Jordan Gedrose is a landscape architect at WSB (wsbeng.com). WSB is a member of the League's Business Leadership Council (lmc.org/sponsors).



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Lonsdale's New Skate Park Exceeds Expectations in Its First Year

BY HEATHER RULE

PHOTO COURTESY OF THE CITY OF LONSDALE

Lonsdale's skate park hasn't even been up and running for a full spring-summer season yet, but it's already a popular spot.

"The skate park has been used way more than I think anyone anticipated," said Lonsdale City Administrator Joel Erickson. "Certainly me. It's the word 'skate park,' so you immediately focus on skateboards, right? Well, that couldn't be further from the truth."

Lonsdale's first skate park is located within the already established Sticha Park and sees plenty of activity from users with bikes, scooters, and skateboards. Kids of various ages — and their families — use the park, Erickson said.

The city officially welcomed the skate park to Lonsdale with a ribbon cutting ceremony on Aug. 8, 2023. Since its opening, Erickson has been pleased with how much enthusiasm it has generated and the positive impacts it's having on the community.

"My wife works at the middle school here, and she tells me she hears her kids all the time talking about it," Erickson said. "It's definitely been ... a huge success."

The benefits of the skate park have proved to more than outweigh any concerns residents had before its development, Erickson said. To help be proactive, the park has a list of rules and regulations, and can only be used until dusk since the city is not planning to light the skate park.

A long time coming

This project was a long time coming, especially for generations of preteens and teenage residents. Different groups of kids cycled multiple petitions at various points during the past decade, getting resident signatures that they then brought to either City Hall or park board meetings to see if a skate park could happen in Lonsdale.

But the cost of the park wasn't always feasible for the project to move forward. Until the summer of 2022, when Shakopee put its skate park equipment up for auction. Lonsdale was the successful bidder, getting the equipment for less than \$1,000. Lonsdale's Public Works Department used their vehicles to disassemble and transport the equipment to Lonsdale, storing it in a vacant lot.

Lonsdale Public Works Director Joe Dornfeld and his team of seven inspected and evaluated each skate park piece and then rebuilt all of the park's obstacles in late winter and early spring 2023. They worked on one piece at a time, getting some work done during the few down days of a busy snow season.

"We'd bring it in here, and if there was rotten lumber or if the skate surface or rails or whatever needed to be replaced, we would fix up these pieces one by one," Dornfeld said.



The skate park is located within Sticha Park and sees plenty of activity from users with bikes, scooters, and skateboards.

That spring, the city moved forward with bids for the dirt work and concrete pad for the skate park; the concrete pad was constructed in early summer 2023. Once the concrete was ready, public works crews transported all the skate park obstacles to the area and set them up, laying it out in a similar way to what Shakopee had done, Dornfeld said.

The skate park is about 1,000 feet to the west of the public works shop, and Dornfeld and his crew "were blown away" at the skate park's popularity.


"We thought it would get used but had no idea ... there's 20 kids there every night," Dornfeld said. "It's exceeded expectations as far as usage."

Project costs, savings incurred

Getting the skate park equipment through auction helped Lonsdale save a lot of money on the project. The cost was around \$220,000, with about \$160,000 of that going toward the 90-by-130-foot concrete pad (11,700 total square feet), and around \$53,000 spent on the obstacles and their repairs. According to Erickson's online research, the average skate park costs about \$55,000 per square foot. So, a skate park with even a 10,000-square-foot pad would bring the cost for that skate park to \$550,000.

"So, we're into it for less than half," Erickson said. "Which I think is awesome. At half the cost, this is nothing less than a home run."

Getting the equipment via auction paid off. To cover the rest of the project costs, Lonsdale used some funds from its municipal liquor store, along with some city-budgeted money, and some American Rescue Plan Act funds. There wasn't a lot of interaction between Lonsdale and Shakopee for this project, with the equipment coming through the auction. But Erickson said the Shakopee staff was great to work with and was always willing to provide information or answer questions about the skate park equipment.

"It was really kind of copy, cut, and paste for us," Dornfeld said. "Shakopee had it all set up ... It was pretty straight forward." 

Heather Rule is a freelance writer.



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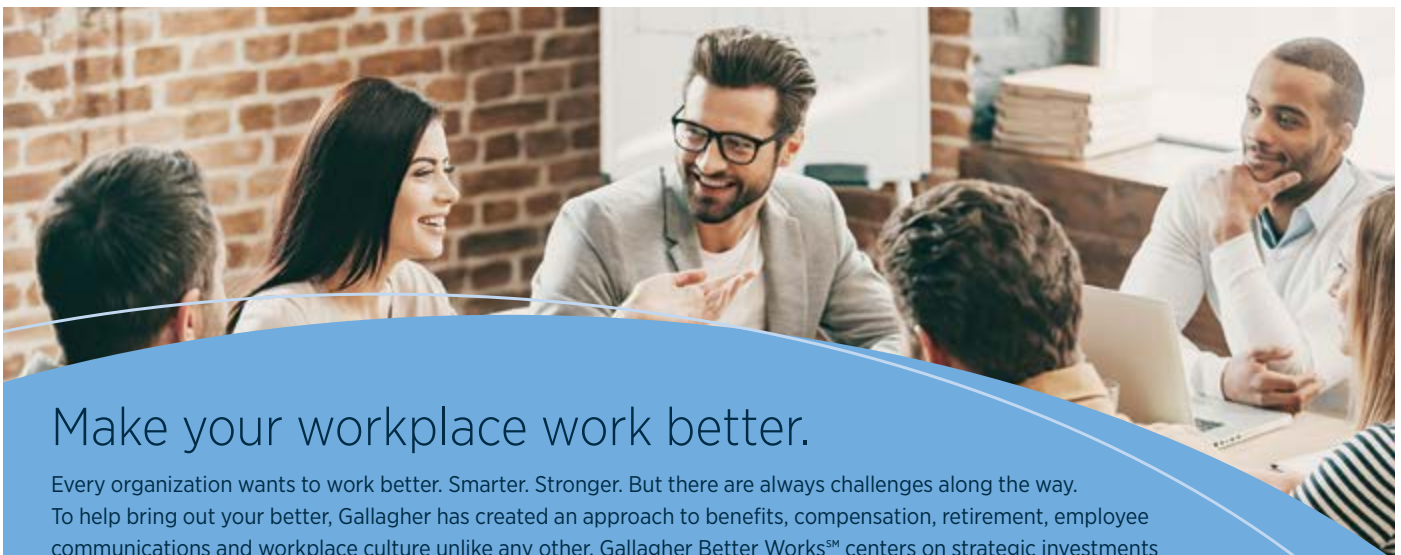
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Counting the Votes on Council Actions

UPDATED BY ANGIE STORLIE

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

There are two factors to keep in mind when counting votes on city council actions: first, carefully note the wording of the relevant statute; and second, be aware of your form of city government. The following is a list of council actions and corresponding vote-counting requirements, but keep in mind that charter cities, and some forms of statutory cities, may have different requirements.

Motions and resolutions. In a statutory city, there must be a quorum of the council present to hold a meeting. Three members of a five-member council constitute a quorum. A majority of those members present must vote “yes” to pass an action. If three members of a five-member council are present and a simple majority (or two members) vote in favor of a motion or resolution, the action passes. Charter cities must look to their charters for quorum and voting requirements.

Ordinances. In a statutory city, the law requires a majority vote of all members of the council to pass an ordinance. For example, on a five-member council, at least three affirmative votes are needed to pass an ordinance, regardless of how many council members are present. Charter provisions must not conflict with state law in this regard.

Summary publication of ordinances. Statutory cities may publish a summary of an adopted ordinance rather than the entire text. It takes a four-fifths vote of all members of the council (at least four votes on a five-member council) to direct that only the title and summary be published. However, approval of the actual text of the summary requires only a simple majority.

Zoning. State law requires a two-thirds vote of all members of the council (at least four votes on a five-member

council) when a statutory or charter city rezones all or part of a district from residential to commercial or industrial.

Other zoning amendments, including the adoption of a new zoning ordinance, require a simple majority vote of all members of the council (at least three votes on a five-member council). According to the Minnesota attorney general, charter cities may not require a greater number of votes than a simple majority for typical zoning decisions.

Comprehensive plans. Adopting or amending a comprehensive plan requires a two-thirds vote of all members of the council. If a city has a comprehensive plan, the planning agency has 45 days to review proposed capital improvements (public buildings or roads) or a proposed sale of city land. The council can override this review if it finds by a two-thirds vote of those members present that the proposed action has no relation to the comprehensive plan.

Budget modifications. In a Plan B statutory city, after a budget resolution has been adopted, it takes a four-fifths vote of all members of the council to adopt a resolution reducing appropriations or transferring funds. All other cities may modify the budget by a simple majority.

Local improvements. Unless property owners petition for a proposed improvement, it requires a four-fifths vote of all members of the council to order an improvement paid for by special assessments.

Official interest in contracts. Generally, a council member may not have a financial interest in a city contract. However, the law allows certain exceptions to this rule. In those specific situations, the



contract must receive a unanimous vote of approval from the remaining council members.

Streets. Under certain circumstances, a city can sell bonds for street reconstruction without holding an election. It takes a two-thirds vote of all members of the council to approve this type of bond sale.

Unless there has been a petition from a majority of the abutting landowners, it takes a four-fifths vote of all members of the council to vacate a street in a statutory city.

Accepting gifts. A city may accept gifts or donations by resolution, approved by a two-thirds vote of all members of the council.

Park boards. A statutory city can create a park board by ordinance. But once it exists, it takes a unanimous vote of all members of the council to abolish it.

Storm sewer improvement tax district. It takes a two-thirds vote of all members of the council to adopt an ordinance establishing a storm sewer improvement tax district.

Part Two in this series will appear in the Jul-Aug Letter of the Law column, and will focus on how vacancies, absences, abstentions, and disqualifications affect the number of votes required for council action. [MCE](#)

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

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

Supreme Court Redefines Liability Test for Social Media Postings

GOVERNMENT LIABILITY

Social media use by government official

James Freed is the city administrator for Port Huron, Michigan. Several years before becoming city administrator, Freed set up a personal Facebook page. On that page, he posted about both



personal and city matters. Freed occasionally responded to citizen inquiries and deleted comments he found derogatory or foolish. Kevin Lindke sued Freed after Freed deleted Lindke's comments regarding the city's COVID-19 response and eventually

blocked Lindke from accessing his Facebook page. Lindke filed a Section 1983 lawsuit against Freed, arguing he had a First Amendment right to comment on Freed's page because it was a public forum.

The Sixth Circuit Court of Appeals ruled for Freed, saying a city official's social media activities can only be considered state action if a law requires an official to maintain a social media account or has government staff run the account. Lindke petitioned the United States Supreme Court to hear the case. The Supreme Court held the Sixth Circuit had applied an incorrect test and announced a new two-part test to determine whether a public official who posts on a social media page is engaging in official or personal speech.

The Supreme Court held that social media postings, even on a personal page, would be considered speech on behalf of the state if the official:

- ▶ Possessed authority to speak on the state's behalf.
- ▶ Exercised that authority when making his social media post.

The Supreme Court did not rule on whether Freed had violated Lindke's free speech rights, instead sending the matter back down to the Sixth Circuit to apply the new test. The Court also cautioned against the use of "mixed-use" social media accounts, where government officials use a personal page for public pronouncements.

The Supreme Court's test is different from one recently applied in the Eighth Circuit Court of Appeals. In *Felts v. Green*, 91 F.4th 938 (8th Cir. 2024), that court held that government bodies are only liable in Section 1983 actions about social media postings if the lawmakers set the policy or the action was taken by someone whose actions represented official policy.

Lindke v. Freed, ____ U.S. ____ (2024) (citation pending)

EMPLOYMENT LAW

Unemployment compensation

Tyler Leibfried, a police officer for the City of Duluth, responded to a domestic abuse call. When Leibfried and his partner arrived, the woman did not want to press charges but wanted to get her belongings from the apartment occupied by her boyfriend. The officers went to the apartment, but before Leibfried could knock, heard two loud bangs they believed were gunshots. Leibfried drew his gun and heard what he thought was a gun being racked. He fired four shots through the door but then heard someone inside yelling "Stop" and "Ow." Leibfried did not announce he was a police officer or take cover. The apartment door remained closed and there were no other loud bangs. Two seconds after the man inside stopped yelling, Leibfried fired two more shots through the door. The person inside cried out again, saying he was shot. The man sustained a shot-gun wound to the shoulder. No guns were found.



The city terminated Leibfried, and he applied for unemployment benefits. An unemployment law judge (ULJ) ruled Leibfried's final two shots were not consistent with the city's use-of-force policy and constituted employee misconduct. The city's policy required Leibfried to reassess the threat level before using additional deadly force. The ULJ determined it was not credible Leibfried believed there was an imminent deadly threat after his first four shots given the cries of pain and lack of return fire.

The Minnesota Court of Appeals upheld the decision, saying there was substantial evidence supporting the ULJ's ruling. The court agreed Leibfried's intentional firing of the last two shots contradicted his knowledge of the use-of-force policy.

Leibfried requested the case be remanded, or returned to the lower court for reconsideration, because the Duluth Police Department had not convened a use-of-force review board before firing him. The court declined, saying the ULJ's role was only to determine whether Leibfried's behavior was employee misconduct disqualifying him from unemployment benefits.

Leibfried v. Duluth, No. A22-1724 (Minn. Ct. App. Jan. 16, 2024) (nonprecedential opinion)

RENTAL HOUSING ORDINANCE**State preemption of local laws**

In 2017, a group of landlords sued the City of Minneapolis over adoption of an ordinance prohibiting discrimination against tenants based on receipt of public assistance like Section 8

vouchers. Hennepin County District Court originally ruled in favor of the landlords, blocking the ordinance. The city appealed and prevailed at the Minnesota Court of Appeals and the Minnesota Supreme Court.

The case was remanded to the lower court, which then upheld the ordinance. A second appeal followed. The appellate court affirmed the lower court's decision.

On appeal, the landlords argued the ordinance was an unconstitutional physical taking because it required them to rent to tenants they wished to exclude. A physical taking occurs when the government appropriates or physically invades private property. The court rejected this, stating the landlords had already chosen to rent their property and the ordinance only

imposed restrictions on how they could, which was not an appropriation.

Next, the landlords asserted the Minneapolis ordinance was preempted by the Minnesota Human Rights Act (MHRA). Ordinances are preempted when state law "occupies the field," meaning that a state law thoroughly covers an issue, so the city ordinance is overridden because the state law takes full control of the matter. The appellate court stated there was nothing in the MHRA showing the Legislature intended it to completely cover housing discrimination.

Finally, the landlords contended the state's populace would be harmed if there were different definitions of discrimination at a municipal level. The court noted the landlords had not shown a local regulation would adversely affect the state at large, and it was not enough to show a business must follow different regulations in different cities.

Fletcher Properties, Inc. v. City of Minneapolis, No. A23-0191 (Minn. Ct. App. Jan. 16, 2024) (precedential opinion).

CONSTITUTIONAL LAW**Fourth Amendment**

Katie Whitworth was visiting Mark Kling, a Bryant, Arkansas police officer. Kling and his K9, Dutch, were in the backyard when Whitworth exited the house. Kling ordered Dutch to his kennel. The dog initially obeyed, but after hearing laughter, charged Whitworth. Kling commanded Dutch to disengage, but

(continued on page 26)

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he did not and bit Whitworth's arm. Kling pried Dutch away from Whitworth and secured him in the kennel.

Whitworth sued the city and Kling for excessive force, arguing the dog bite was a "seizure" under the Fourth Amendment. The lower federal court in Arkansas ruled against Whitworth, and she appealed.

The Eighth Circuit ruled that using physical force to restrain someone can be a seizure, but only if there is an intent to restrain. Accidental force does not qualify, and the court said this incident was accidental force. Kling did not command the dog to bite or apprehend Whitworth. Rather, the dog had a spontaneous response to laughter and ignored Kling's commands. Kling secured Dutch as soon as possible. Kling therefore did not seize Whitworth, so the appellate court upheld the decision of the lower court. The court also affirmed the dismissal of Whitworth's claim against the city; since Kling's actions did not violate the Fourth Amendment, there was no issue of municipal liability.

Whitworth v. Kling, 90 F.4th 1215 (8th Cir. 2024)

shortly after. In summer 2020, Aldean took another job and stopped paying his share of the premium. He was dropped off the city's plan, but in October 2021 Aldean requested his health insurance through the city be restarted. The city refused and Aldean sued, saying Minnesota Statutes, section 299A.465, which requires a city to "continue to provide health coverage" to a duty disabled officer meant the city had to reinstate him. The lower court ruled for Aldean, and the city appealed. The Minnesota Court of Appeals upheld the decision.

The city argued it did not have to provide insurance to Aldean once he voluntarily let it lapse because once the insurance terminated, there was no insurance to "continue." The court disagreed, saying the statutory requirement to "provide" health coverage meant the Legislature intended the city make health insurance available to a duty disabled officer or firefighter until age 65 even if the former employee let that coverage lapse and later wanted to restart coverage.

Aldean v. City of Woodbury, No. A23-0359 (Minn. Ct. App. Feb. 5, 2024) (precedential opinion). Note: The League filed an amicus brief in support of the City of Woodbury. [📄](#)

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



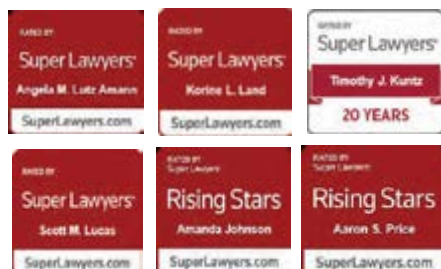
EMPLOYMENT LAW

Continuation of health care benefits

Charles Aldean was a police officer for the City of Woodbury and was enrolled in the city's health care plan. Aldean had job-related health problems and applied for disability benefits. In April 2020, the Public Employees Retirement Association (PERA) said Aldean was entitled to duty disability benefits and health insurance coverage from the city until he turned 65. Aldean resigned



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What Should Cities Know About the State's Lawns to Legumes Program?

City Ordinances

Q What should cities know about the state's Lawns to Legumes program?

LMC As spring and summer approach, cities should be aware of the Lawns to Legumes program and requirements surrounding native landscapes and noxious weeds. Through the Lawns to Legumes program, the Minnesota Board of Water and Soil Resources (BWSR) helps communities transform ordinary lawns into native landscapes via workshops, coaching, planting guides, grants, and collaboration with others — including local agencies. The goal of the program is to protect pollinators, but additional benefits include water protection, carbon removal, and landscape and climate resiliency.

A new state law effective July 1, 2023, states that cities must allow natural landscapes, which can include native and non-native plants that can grow over 8 inches tall and go to seed. Native landscapes cannot include turf or noxious weeds. If there are weeds or other plants that aren't part of a natural landscape, they cannot be more than 8 inches tall or go to seed.

City ordinances may need changes to be consistent with these requirements. There are many approaches cities can use to allow and promote natural landscapes. For example, cities can add to or change existing ordinances and permitting processes; many cities already have ordinances limiting plant height or prohibiting weeds, and some cities have permitting processes to allow natural landscapes on residential lots. Cities should consult with their city attorney to amend ordinances to be consistent with the law changes. Cities should also keep in mind the resources available, like state grants, to manage noxious weeds and invasive plants. More information about the Lawns to Legumes program is available on the BWSR website at bit.ly/LawnstoLegumes.

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

Employing Minors

Q The city is hiring part-time seasonal help, including 17-year-olds who are licensed to drive. Can they drive city vehicles and operate riding lawn mowers?

LMC The Fair Labor Standards Act and its Minnesota counterpart, the Minnesota Fair Labor Standards Act, include restrictions about when minors can work and what they can and cannot do on the job. For more information, see chapter 2, section XIII of the League's HR Reference Manual at lmc.org/hiring.

Minors at least 16 years of age can operate many push and ride-on mowers for cities on golf courses, resort grounds, or municipal grounds, provided:

- Prior to operating lawn care equipment, the employee is trained in the safe operation of the specific lawn care equipment.
- The employee wears personal protective equipment including, but not limited to, safety glasses, hearing protection, gloves, safety vest, and work boots, as necessary, at all times during equipment operation.
- The city ensures all safety rules and instructions provided in the equipment's operator manual are followed.
- The city ensures required safety equipment is in place and operational on all lawn care equipment, including roll-over protection, seat belts, operator presence control systems, interlocks, guards, and shields.

Minors are generally not allowed to operate vehicles or motorized equipment on streets or highways during working hours as part of their normal job. There is an exception under federal law for 17-year-olds for occasional and incidental driving on public roads. For more details, refer to Minnesota Administrative Rules 5200.0910 at bit.ly/employingminors.

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

Public Trash Collection

Q What options are there for reducing employee injuries related to park trash collection?

LMC There are a variety of options when it comes to park trash collection, and several cities have changed the way they operate to improve employee safety. Many cities have shelters for parties, fields for recreation, playgrounds, or walking paths. Most of these parks have trash cans, and the responsibility typically falls on public works staff to collect and dump these receptacles. Additionally, more and more cities are adding trash cans to their downtown areas.

Trash collection can become problematic over time, as these containers can get heavy, awkward to maneuver, and have caused employee injuries due to repetitive motion. There are a variety of options to consider when looking for ways to reduce injuries or update your current operations:

- Schedule more frequent trash pickup to reduce the likelihood that receptacles will be full.
- Modify dumpsters to be pulled to trash receptacles, versus carrying the trash to the dumpster.
- Use trucks with lift gates.
- Use specialty equipment designed for trash collection.
- Consider contracting with your local trash collection company to dump all the cans using their trucks and automatic dump systems.

Each city handles its trash collection differently, and there are many options for modifying your operations that could help reduce employee injuries, and even save time and money. ☑

Answered by Public Works and Public Safety Specialist Troy Walsh: twalsh@lmc.org.

There's a Time and a Place for Effective Storytelling

BY MICHAEL SCANLON

Data is great — if you understand how it was collected and what it means. But so often in the local government world, we use data as a hammer to prove a point. A point tied to data is often forgotten within a week or even a few short hours.

Unlike data, stories are built for our minds to remember. Stories allow for:

- ▶ **Emotional engagement.** Emotionally charged stories are remembered more because they engage more of your brain.
- ▶ **Relatability and context.** Stories provide context and relatability, which help us understand the data and information with which we are presented.
- ▶ **Cognitive engagement.** Stories often require the listener or reader to think, imagine, and predict — engaging multiple cognitive processes.

Yes, data play a role in the choices we recommend as local government leaders and the decisions our elected officials make. But the stories carry the day. Storytelling is used in education, marketing, and leadership to convey messages more effectively and ensure they are remembered.

Here are a couple of quick stories that illustrate that point and will set you on your own storytelling journey.

The opossum on the roof

“There’s an opossum on my roof. What are you going to do about it?”

Yes, that was the first constituent call I received as a newly minted city council member. I tried everything to calm the constituent down and tell her that in time the opossum would leave, but it didn’t matter. There was an opossum, it was on her roof, and, as her city council member, I needed to take care of it.

I finally got her to agree to give it time to leave — and leave it did. Except this opossum loved my constituent’s maple tree that hung over her roof. So, it kept returning. And about every two weeks, I would get the opossum call: “The opossum is back on my roof. What are you going to do about it?”

Eventually, she grew tired of my answer.

So, one night under the Citizens’ Comments period of a city council meeting, she relayed her opossum story to the full city council. With a bit of embellishment included in her story, she convinced the city council to act. No data. No input from city staff. Action was required.

Now what can a city council do to stop a branch-jumping opossum?

Well, as you can imagine, the answers ranged from shooting the critter, which the property owner didn’t want, to trapping and moving it to the park, which the parks and recreation director didn’t want. After 45 minutes of discussion, someone suggested the city council should write an ordinance that allowed the animal control officer to capture and euthanize wild animals that were becoming nuisances.

Then the worst thing of all occurred: The city council decided it was time to start writing the ordinance during the meeting. If you want to watch a train wreck in slow motion, it’s the city council writing an ordinance on the fly. After another hour, we got to the end of the ordinance writing. A motion was made and quickly seconded, only to land at a tie vote. The mayor broke the tie for the great Opossum Ordinance of 1997. It was repealed within the year.

That’s the power of stories. My constituent convinced the city council through her experiences that the opossum was a problem that not only bothered her but others, although no other opossum roof sightings could be found (relatability). She was able to tap into council members’ emotions about how the opossum made her feel at night when she could hear it walking across her roof. She said the “pitter patter” made it feel like someone was breaking into her home (emotional engagement). And she ended with: “Would you like an opossum on your roof?” (cognitive engagement).

Stop and think about it for a moment. How many times have compelling stories from citizens turned into action by city councils? Probably more times than we would like to admit.

Time and place

Now let’s counter that story with one I’ve used hundreds of times. I call it the Time and Place story.

Prior to, and following, my experience as a city council member, I spent decades as a city administrator. When I was just getting into the profession, I had lunch on Fridays with a city manager who was mentoring me. He shared his thoughts on what made a good city manager, and he always reminded me that everything boiled down to time and place.

Too often, he said, city managers get crosswise with their city council or community because they forget time and place. He noted that we can all come up with policies, ordinances, and ideas that might be very good. But, if introduced at the wrong time but in the right place, it will fail. If introduced at the right time and the wrong place, it will also fail. And if you want to get





Stop and think about it for a moment. How many times have compelling stories from citizens turned into action by city councils? **Probably more times than we would like to admit.**

fired as a city manager, introduce something at the wrong time in the wrong place.

“You must match time and place if you want a policy to stick or an ordinance to matter. The right time and right place matters,” he counseled.

Let’s return to the story of the opossum. Fast forward: It’s now the summer of 1998 and the Opossum Ordinance has proven ineffective. The city council is mad and wants answers from the staff. The staff does a great job pointing out that there’s only one house with an opossum problem, which is likely being caused by the compost pile with food scraps just 50 feet from the house. The staff asked what they should do if

the homeowner refused to help with the opossum problem.


Staff was right, but how do you get a city council to pivot? Well, time and place work well. Being “junior” on the city council, it was finally my turn to speak after other council members weighed in.

I began, “I want to commend the city council for taking this issue to heart and wanting to help my constituent (emotional engagement). I tried and failed to solve her problem, and I appreciate the city council taking this issue on and being creative problem solvers when writing the ordinance (relatability). But I think this might be an instance where time and place matter.”

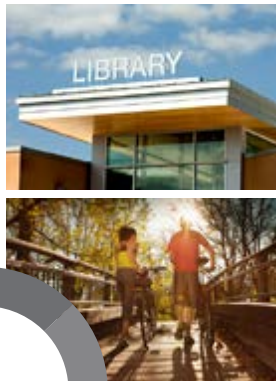
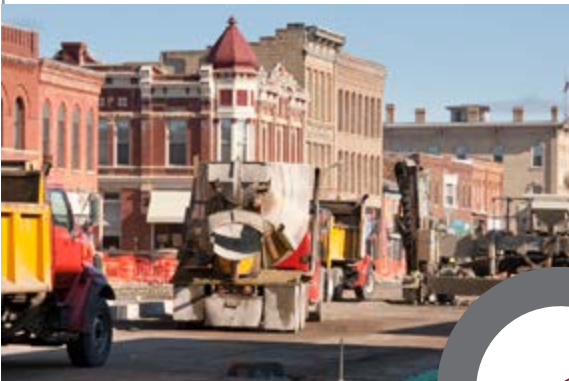
Then I relayed what my mentor had told me when I was getting into the profession, “This was a case where it was the right time to try to solve our constituent’s problem, but it was probably the wrong place. Had we known about the compost pile, our actions would have probably been different (cognitive engagement). But sometimes we all miss. May I suggest we repeal the ordinance that we’re having a hard time enforcing and see if we can convince the homeowner to get a compost bin? I don’t think this ordinance will ever work — it fails the time and place test.”

Within seconds, there was a motion to repeal from the author of the ordinance, followed by a quick second, and a unanimous vote to repeal.

The moral of these two stories is that time and place do matter.

So, the next time you feel like creating a 50-slide PowerPoint presentation filled with bullet points and stats, step back and put your presentation into a story. Good stories carry the day. 

Michael Scanlon is a recently retired city manager from Kansas and Colorado communities and the principal at Our City Planning LLC.



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Bloomington Program Recycles Bulk Items, Increases City Savings

BY ANDREW TELLIJOHN

The City of Bloomington has provided residents with opportunities to get rid of large unwanted items every spring since 1964.

It's an extremely popular program with many of the city's residents, and one that many people have strong feelings about, said Deanna White, chair of the Bloomington Sustainability Commission.

But the city has also increased its sustainability efforts in recent years with a focus on decreasing its carbon footprint. As part of that commitment, the commission learned through a 2019 audit that more than one-third of the items trashed during curbside cleanups could have been recycled or reused.

So, when the neighboring City of Burnsville started looking for ways to reduce stress on its landfill, Bloomington officials also started looking for an alternative.

"It's not a sustainable program," White said. "It's not a program that promotes sustainability. The City Council recognized that, and they asked us to tackle finding a solution."

Bring on BIMP

The solution came in the form of a multifaceted program that combined the previous and popular curbside pickup program with a series of new initiatives aimed at reusing items previously thrown in the landfill.

The city created the new Bulk Item Management Program (BIMP), which includes:

- ▶ Every other year curbside cleanup.
- ▶ Monthly, scheduled collection of reusable and recyclable bulky items.
- ▶ Annual recycling drop-off events open to all residents.
- ▶ Annual community swap events that, due to popularity, might become more frequent.

The remaining curbside pickup events are marketed as ways to dispose of items that are truly garbage, said Laura Horner, solid waste program coordinator.

"So, the couch that's not in good condition to be donated anymore, those materials that can't get reused and recycled, we still have that," Horner said.

The new monthly pickups are conducted through a partnership with the nonprofit Better Futures Minnesota, which partners with Bridging, an organization that provides furniture for people in need. Items such as tables or couches must be in good shape so they can be recycled. Other items, like mattresses, can be either disbursed to those in need or recycled.

"We like to let people know that Bridging is always desperately in need of mattresses," Horner said. "So, they'll take mattresses that are still in good condition and those are then recycled."

The swap events, which have been held annually but have been so popular they may become more frequent, have focused on particular categories of reusable items, such as baby gear or gardening tools.

"That's open to all residents in Bloomington to either bring items they don't want any longer or shop for items they need," Horner said. "That's another way we're trying to increase the community connections."

Rough start

The City of Bloomington was awarded a 2023 Sustainable City Award by the League of Minnesota Cities for its Bulk Item Management Program.

While feedback on BIMP is now positive, earlier versions of the program

PHOTO COURTESY OF THE CITY OF BLOOMINGTON



Bloomington residents swap gardening tools at the 2022 Garden Tool Swap.

were met with significant resistance from residents.

The commission subcommittee held several community meetings and its first recommendation was to scrap the program altogether. That proposal would have given residents two vouchers for collecting the curbside items that could have been used throughout the year.

"The residents of Bloomington did not like that," White said.

"We did not receive great feedback on that proposal," adds Horner. "There's lots of cultural value in the curbside cleanup that residents in Bloomington really love. We heard from residents that they wanted that part of the program to continue."

So, back to the drawing board. "We respect that," White said. "You put it out there, see what happens. It was a suggestion. The city leadership is committed to community engagement. So, they went out and asked, 'So, what do you think we should do?'"



After more community meetings, online surveys, and utilizing an interactive “Let’s Talk Bloomington” feature on its website, city officials floated the new bulk item program. It started rolling out in 2022 and was citywide by mid-2023.

White credited city staff for its outreach efforts.

“They did a really robust community engagement process,” she said. “They came back to us and we took what we learned from that, what people thought was important, what people really wanted. We put our heads together.”

Council Member Dwayne Lowman has long been an advocate for sustainable practices in Bloomington, and he said the collaborative process significantly helped satisfy residents who were opposed to eliminating the original program.

“I think it’s important that folks understand the political history behind this, that this was something we were going to get rid of,” he said. “And since we got opposition, the Council said, ‘Let’s stop and think about this.’ And we did a lot of engagement, really listening to what people wanted.”

Part of larger commitment

The Bulk Item Management Program, Bloomington officials say, is part of an ongoing effort to be positive stewards of the Earth. The city has a goal of recycling or composting 75% of the waste generated in the city by 2030.

In 2022, the modified curbside cleanup resulted in 584 fewer tons of waste land-filled, 61 tons of material was recycled or reused, and the first swap event diverted 0.65 tons of gardening tools for reuse.

“BIMP is creating pathways for people to do the right thing to keep these items

out of the waste stream,” White said.

Because less waste went to the landfill, the city’s costs went down, from \$1.1 million to \$700,000 in 2022, which saved residents money, as well.

“We wanted to bring down the cost of the program overall because that curbside cleanup can be pretty expensive,” Horner said.

Bloomington’s new program incorporates several Minnesota GreenStep Cities’ best practices including Sustainable Consumption and Waste, and Benchmarks and Community Engagement.

The League’s Sustainable City Award is presented annually to recognize sustainability efforts by a city among those participating in the GreenStep Cities program — a free, voluntary program designed to help cities meet environmental sustainability goals through the implementation of 29 best practices.

Bloomington Mayor Tim Busse said he thinks such efforts are becoming a deciding factor when people think about where to live in the future.

“This isn’t just about picking up litter and recycling more and putting things in the right bin,” Busse said. “This is about our entire environment, about our planet. We’re working hard on a number of different goals to try to achieve things that will ensure that future generations that come behind us will have a planet to live in.”

Lowman, a lifelong Bloomington resident, said the city has long been committed to environmental sustainability in general. It’s had a successful organics program and has partnered with Xcel Energy to find ways to better utilize waste and create energy efficiency for residents and businesses.

PHOTO COURTESY OF THE CITY OF BLOOMINGTON



Kids check out toys that are available to take home at the 2023 Baby Gear Swap.

“Whether it be energy, water — our sustainability staff, they’re second to none in terms of the work they’re doing on those items,” he said.

For more information

City officials acknowledge BIMP represents a significant change. They’ve been marketing the events in the Bloomington Briefing monthly newsletter.

The city also sends an annual solid waste services guide to residents with information about all the programs available to residents. And, particularly when each event is coming up, the city has sent direct postcards, Horner said, adding that city staff also regularly attend community events, utilize social media, and update the city’s website.

“We’ve gotten pretty good feedback,” she said.

Andrew Tellijohn is a freelance writer.

PHOTO COURTESY OF THE CITY OF BLOOMINGTON



A Bloomington resident drops off electronics at the 2023 Citywide Recycling Drop-Off Event.

ON THE WEB

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

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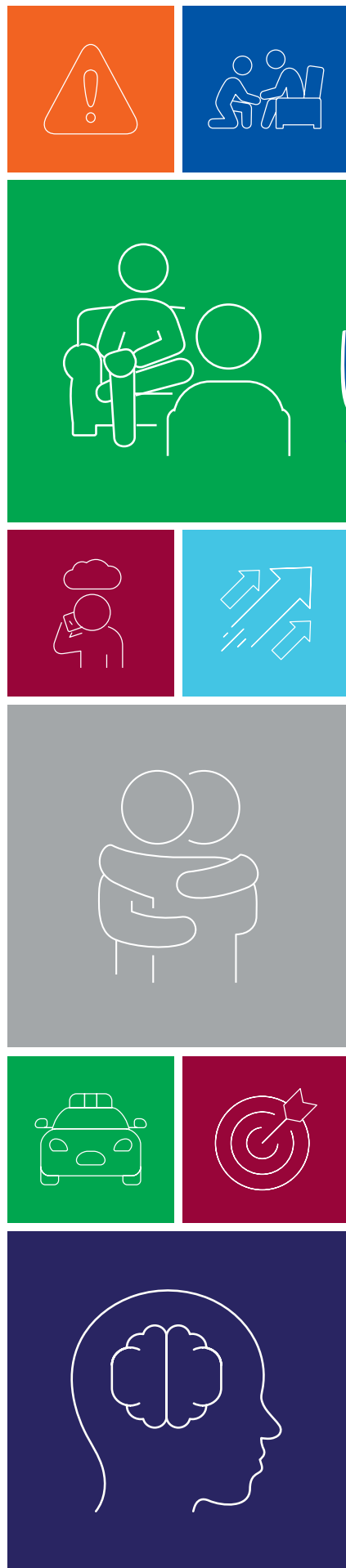
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