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Cybersecurity Support

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Inclusive Actions

Cities share what they're doing to support existing residents and attract new ones. PAGE 13

LEAGUE RECOGNIZES

LEADERS







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OCT. 10 **SLEEPY EYE**

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EDITORIAL

Rachel Kats | Editor | rkats@lmc.org Erica Norris Perlman | Freelance Editor

DESIGN

Kathryn Forss | DaisyMaeDesign

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An Ode to Local Leaders and All the Work That You Do

BY LUKE FISCHER

here's an old saying: If you want to get something done, ask a busy person. I've always thought that was true — particularly when you consider the people that serve communities across our state.

The first mayor I worked for was active in his church, I knew a snowplow driver who was an excellent wrestling coach, and there was the city administrator who helped found a charter school in her community. People that step up to serve on city council or find a career working in local government are people of action, who believe in where they live, and have realized all too often if something needs to be done, they've got to do it.

Society is better for it. Just think about some of the challenges cities have solved over the past few years through the pandemic. Faced with unimaginable uncertainty, public servants at the local level kept things moving. Police and fire departments responded to calls, buildings were still inspected, and clean drinking water was about the only thing that didn't experience a supply chain shortage. Work didn't stop even though it got more complicated and complex. But that's no surprise — the people leading local government across our state were too busy to spend time admiring the problem — they just got to work.

That's because the folks that serve cities across Minnesota believe deeply in community — they know their "why" and have a clear sense of purpose. There's this universal understanding that we're in a people business and that our efforts at the local level shape the quality of life for those that call our communities home. I think that's probably why we see so many people involved in local government engaged in other parts of community life.

The environment we operate in hasn't necessarily gotten less complicated as the pandemic-related restrictions have eased. Instead, cities have been dealt a tough hand coming out of the most recent legislative session. As the Legisla-



ture passed bills that admittedly needed refinement, that could be sorted out the next time it convenes, it left a lot of uncertainty for someone else to figure out. Enter the busy people.

As local leaders, you've grabbed the reins to ensure that the places we call home aren't adversely impacted by work left incomplete at the Capitol. Instead, you've leaned in and developed knowledge and understanding of issues you didn't ask to be experts in.

Take the recent legalization of cannabis, for example. Regardless of what you think about the merits of legalized marijuana, legislation passed this session left local leaders with a lot to work through. I haven't met a council member who was inspired to run for office to sort out land use regulation related to cannabis or a municipal liquor store manager who ever dreamed of answering questions about municipal dispensaries. But you're doing it.

And that's all been while you're working through your budgets, trying to hire someone to replace the long tenured employee who's retiring, and wrapping up summer construction projects before it gets cold. A lot of you probably balanced all this with planning a community festival with the Lions Club, hustling kids to practice, and fundraising for a community play.

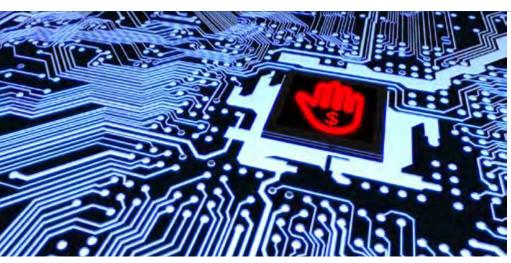
I think one of the things that keeps so many people going is the understanding

that all this work matters. You know the people who are impacted most by inaction — it's your neighbors! Former League President and Minnetonka Mayor Brad Wiersum is well known for reminding just about anyone who will listen that our work is "closest to the customer." That proximity means you've got to do your best to get it right every time. If you don't, you're going to hear about it. You can't be active at church, coach, or volunteer at your kid's school and draw a line of distinction from your duties as mayor, snowplow driver, or city administrator, after all.

It can maybe feel a little thankless when you're hearing critical feedback about a problem you're sorting through during a public comment at a meeting or hearing about the garbage can that is overflowing at the park while you're buying groceries. But the world needs busy people like you to keep momentum. So, with all that you're doing, all that you're balancing, all that new expertise you're developing, we want you to know that you're doing a great job and that it's worth it. 🚾



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



Minnesota to Receive Federal Funds for Cybersecurity

Many Minnesota cities struggle to keep their computer systems safe from cyberattacks. Starting this fall, federal funds will be available to help cities with their security initiatives.

Minnesota's application was approved for federal funding through the State

and Local Cybersecurity Grant Program managed by the U.S. Department of Homeland Security and authorized in the Infrastructure Investment and Jobs Act (IIJA).

Minnesota's share of the grant is \$23 million to be distributed over four years. The program requires that 80% of the allocation must passthrough to local entities with 25% of the total allocation passed to rural communities.

Projects that receive the federal funds must help local government put policies in place to guide the use of technology, assist with planning, conduct assessments on their current state of security, and provide solutions to lower their risk of a cyberattack. In addition, there is funding to promote workforce development in the cybersecurity field.

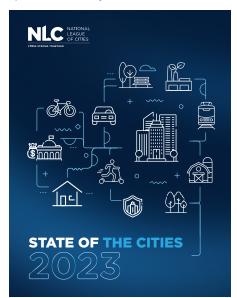
Minnesota IT Services (MNIT) will provide grants to qualified political subdivisions. A task force representing local government sectors has been created to assist in the process. For more information. contact LMC Chief Information Officer Melissa Reeder at mreeder@lmc.org.

Report Explores the 'Disappearing Rural Newspaper'

A 2023 report from the Center for Rural Policy & Development (CRPD) delves into the challenges and opportunities facing the newspaper industry in Minnesota. In "The Disappearing Rural Newspaper," CRPD researchers note that between 2000 and 2021, about one-fourth of newspapers in the state closed - 60% in Greater Minnesota and 40% in the metro area — and the number of people working at newspapers dropped 70%. As a result, thousands of Minnesotans currently lack access to a reliable news source for information about local issues like city council meetings, schools, and area events. Despite these struggles, the report found there is still hope for small-town newspapers, noting that demand and need remains for "hyperlocal" news and people are willing to pay for quality content. The full report is available at ruralmn.org/the-disappearing-ruralnewspaper.

National State of the Cities Report

The 2023 National State of the Cities report is available. It provides valuable insight into the challenges and opportunities facing America's cities, towns, and villages, and their visions and plans for the future. By analyzing a wide range of data, including the annual speeches of mayors from different sizes of municipal



governments and regions, this year's report reveals the common themes and priorities that local leaders share, and the unique perspectives and solutions they bring to challenges. Download the full report at nlc.org/ resource/ state-ofthe-cities.

LMC Human Resources Director Laura Kushner Enters Retirement

League of Minnesota Cities (LMC) Human Resources Director Laura Kushner retired in July after 25 years with the organization.

At Kushner's last LMC Board of Directors meeting on July 20, League leadership staff reflected on Laura's time serving LMC and Minnesota cities across the state.

"What do you say about someone like Laura Kushner? She's played such an enormous role in shap-



ing the League. She's been instrumental in creating the culture here for staff," said League of Minnesota Cities Insurance Trust Administrator Dan Greensweig.

In addition to her role internally with LMC, Kushner was also a resource for Minnesota cities, providing trainings and materials.

City of Maple Grove Brings Awareness to Domestic Violence

The City of Maple Grove has been raising awareness of domestic violence for over a decade through the Purple Lights Initiative, Purple Patch Initiative, and partnerships with local organizations, including Cornerstone, Maria's Voice, and Saint Joseph the Worker Catholic Church.





Each October, as part of Domestic Violence Awareness Month, the city lights the Government Center and the Town Green (park and bandshell) purple. Numerous businesses, residents, and faith communities also participate. In addition, the Maple Grove Police Department shows support by wearing a purple patch and raising funds for the cause. Efforts were stepped up in 2020 when the city experienced seven homicides, six of them related to domestic violence.

This was a significant anomaly for Maple Grove, which generally experiences one or no homicides annually.

"This experience, along with the leadership of Maria's Voice, urged the city to further elevate our domestic violence work in the community," said City Administrator Heidi Nelson. Maria's Voice was created by the family of Maria Pew who was murdered by her husband in May 2020.

The city continues its awareness and education efforts throughout the year with a workplace wellness program. The Maple Grove Police Department has a domestic violence response team, along with a domestic violence advocate and a social worker embedded in the department, to help connect victims to resources. And, information is posted within city facilities about the common signs of domestic violence and where to get help. Learn more about Maple Grove's domestic violence resources at **bit.ly/MGDVresources**.

On her official last day of work, her team threw her a retirement party attended by staff throughout the organization.

Pat Beety, general counsel for the League, summed up everyone's hope for Kushner in retirement. "You're going to work hard at retirement, but working hard on what you want to do. We've talked about dogs and yoga and walking — work hard at that!"

Congratulations, Laura!

LMC LEARNING & EVENTS

Safety & Loss Control Workshops: Peer Support Training

Sept. 26-27 — Duluth Nov. 1-2 — Brainerd Nov. 29-30 — New Ulm

Mediation Training for Cities and Counties

Oct. 3-6 — St. Paul

Introduction to Race Equity

Oct. 4 — Online

Safety & Loss Control Workshops: Cybersecurity Essentials

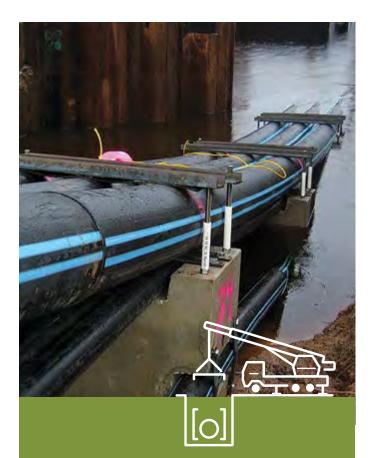
Oct. 10 — Sleepy Eye Oct. 11 — Spicer Oct. 31 — Fergus Falls

Safety & Loss Control Workshops: Fire-Focused Training Safety Officer Program

Oct. 10 — Sleepy Eye Oct. 11 — Spicer

ON THE WEB

Learn more about these and other events at **Imc.org/events**.



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What Strategies Has Your City Used to Recruit and Retain Police Officers?



BOOKER T. HODGES

POLICE CHIEF

BLOOMINGTON (POPULATION 89.298)

The City of Bloomington has a long history of having a trusting relationship with our community, a supportive governing body, and a positive internal work culture among city staff. Despite this history, the Bloomington Police Department (BPD) had approximately 10% of our sworn

peace officers leave the department in late 2021 and early 2022. In addition, we were unable to fully fill existing vacancies in both our sworn and civilian ranks.

When I was sworn in as chief of police in April 2022, the first thing I did was meet with the superintendent of the public school district and conduct 30-minute, one-on-one meetings with every BPD employee. The second thing I did was temporarily change the department's mission, vision, and value statements to simply one word: respect.

The individual meetings led to the implementation of several significant organizational changes based on staff feedback. Some of the changes included updating the department's fitness center, purchasing equipment staff said they needed to do their jobs more effectively, and updating our policy and procedure manual, including allowing facial hair and tattoos.

The most significant changes we made were done by conducting a project with our community and department that developed a set of shared core values to increase and maintain our mutual trust and our increased communication efforts.

Those two changes have paid dividends as far as our recruiting and retention have gone.

Effectively communicating our core value of respect, both internally and externally, has given our employees a sense of purpose and focus, which has led to them being some of our biggest recruiters. Externally, it has brought people to our department who are value driven and are looking to serve their community.

We are currently fully staffed and if I were to offer any tips to those looking to recruit or retain officers, I would offer the following:

- Meet with your staff and be willing to implement some changes you may not agree with.
- Establish a clear set of core values, as this will become your brand and, if effectively communicated, will draw purpose-driven individuals to your organization.
- Be willing to go into places you would normally not consider to recruit police officers. Most communities have a local store, gas station, or warehouse where people are just waiting to become police officers, they just have to be asked.

TARIQ AL-RIFAI

CITY ADMINISTRATOR AND ECONOMIC DEVELOPMENT DIRECTOR PAYNESVILLE (POPULATION 2,449)

It has been a challenging environment to recruit officers over the past few years. We were fully staffed when I joined the city in 2020. However, normal rates of turnover over the course of 2020 and 2021 led to the police department being understaffed, and

the pool of applicants was just not there anymore.

Paynesville is not unique in facing this issue. If you look at the number of open positions in police departments today, they are at a record high. The last time I checked, 161 agencies were hiring across the state. To my knowledge, it has never been this high.



There are two main reasons: First, there has been an increasing number of officers retiring and leaving the profession. Second, there are fewer students entering the schools, leading to a smaller pool of new applicants.

What has your city done to try to attract and recruit officers?

With 161 agencies hiring, we needed to be creative in how we attract new officers. Many other cities were coming up with creative ways to do this as well.

For starters, we got together with the Law Enforcement Labor Services (LELS), the police union, and discussed the need to increase our pay scale following a wage study. This, however, would not be enough to attract the type of applicants we were looking for. As a city of 2,500 residents, we cannot compete on pay with larger cities.

In addition to raising wages, which put us in a more competitive position with the surrounding communities, we established a sabbatical program (the first in the state). Officers who have been with the city for three years will take a one-month paid sabbatical during their fourth year.

Changes were also made to paid time off, allowing new officers to take time off after completing their field training, typically three months, instead of waiting until they complete their one-year probation.

And finally, we've been paying more attention to promoting our community and the lifestyle opportunities in the area, such as the great school system and recreational activities.



LEAGUE RECOGNIZES CITY LEADERS

BY ANDREW TELLIJOHN

The C.C. Ludwig Award for elected city officials, James F. Miller Leadership Award for appointed officials, and the Emerging Leader Award for city officials with less than eight years of experience were presented by the League of Minnesota Cities (LMC) at the 2023 Annual Conference.

These awards honor individuals who have consistently done outstanding work to improve the quality of their own cities as well as cities throughout the state. The 2023 winners are Marshall Mayor Bob Byrnes, Chatfield City Administrator Joel Young, and **Wayzata Community Development Director Emily Goellner**

To learn more about these award winners, watch the videos at Imc.org/awards23.



BOB BYRNES, Marshall mayor **C.C. LUDWIG AWARD WINNER**

ob Byrnes retired from the University of Minnesota Extension in 2019 after 40 years of service, but when it's all said and done, that job may not be his longest tenured role.

Byrnes has served as mayor of Marshall since 1992 after having been a City Council member for six years.

In 1986, Byrnes says, there was a neighborhood concern about a conditional use permit. Learning about that sparked an interest in how the city works, so he ran for office.

When his predecessor decided not to run for mayor again in 1992, several members of the business community asked him to step up to be a candidate for mayor. He's had the role, largely unopposed, ever since.

"It's a testament to the community support he has," says City Administrator Sharon Hanson. "I think it's pretty rare and an indication that there's trust between him and the residents that he serves."

Diving in with floods

Immediately after Byrnes became mayor, Marshall suffered significant flooding on Mother's Day, Father's Day, and the Fourth of July.

"I had to learn fast," he says. "That was an important learning experience and it really drove home for me the importance of planning and strong infrastructure, so the community is not at risk."

Byrnes took several steps, including testifying before Congress, to secure funding for infrastructure improvements.

"You can never say it will never happen again, but we have had three storm events where the velocity in the river going through Marshall exceeded anytime previous in history," he says. "We haven't had a flood since 1993."

Hanson wasn't yet in Marshall during this time, but she's gotten a sense for how Byrnes' temperament helped keep the city together as it was dealing with those improvements.

"No matter what the situation could be, it could be flooding, or COVID, or some other emergency event, he provides a calming presence," she says.

Other issues of importance

Those early days were stressful, but they gave Byrnes perspective for dealing with other issues.

"A lot of times what we think are big problems, in the scope of things, are not," he says.

That said, he's overseen a lot since joining the Council. City and civic leaders say Byrnes' leadership was crucial in convincing Turkey Valley Farms to relocate there in 2004.

He championed the construction of a new YMCA facility in 2002 and argued for the implementation of a local option sales tax in 2013 that made possible the construction of the Red Baron Arena and Expo, which has allowed the city to host larger events.

He spearheaded the construction of the Marshall-Lyon County Library, led discussions on where to locate a new City Hall, helped establish the 9/11 Memorial Park, and he's a proponent of the area's many bicycle trails in and around Marshall.

"You have to pay attention to all of the things that impact the quality of life and why families choose to live in your community and work in the community," he says. "That's a lot of things. It's important to work strategically."

Part of that, Hanson says, comes in pulling for others to succeed.

"He's an ardent supporter of staff and encouraging personal development and flexibility," she says. "I have seen him, on a number of occasions, really encouraging people to get involved with outside groups locally and across the state."

Regional focus

Over the years Byrnes has gotten involved outside Marshall, as well, taking a leadership role on numerous regional issues such as transportation.

He serves on the board of directors for the Southwest Regional Development Commission, is past chair of the

Prairieland Economic Development Corporation, chair of the Minnesota Department of Transportation's Area Transportation Partnerships board, leads the Highway 23 Coalition board, and serves on the board for Habitat for Humanity of Redwood River.

He's been on the Highway 23 Coalition for several years, including a stint as its coordinator. That group advocates for expansion of the highway and for safety projects, and it would like to see the road expanded to four lanes in the Marshall area.

In recent years, Byrnes helped formalize the Southwest Minnesota Council of Mayors, a growing group of mayors who had met informally for years but decided to create an official organization to present a unified voice on tuition forgiveness to students from South Dakota.

"Bob organized and contacted mayors of every town that hosts a postsecondary institution or technical college and, of course, [Southwest Minnesota State University] in Marshall," says Granite Falls Mayor Dave Smiglewski. "As a group we spoke as one voice advocating for tuition forgiveness. Coming together, you realize how many things we have in common."

While the proposal didn't pass, the group will remain united in pursuing additional issues in the future.

"Our voices individually maybe aren't heard as much as our voices if we work together," Byrnes says. "That's how it started. We're all dealing with the same issues."

The organization's growth is largely due to Byrnes' vision.

"He's got a very farsighted vision of what we are doing today and how that will affect those who come after us," Smiglewski says. "It is so refreshing to work with people like that and a great example of really productive and thoughtful leadership."

Servant leadership

While he's three decades into this job, Byrnes isn't ready to announce any slowdowns. He attributes any success to a strong team and taking the long view.

"It's not about the individual, it's about the citizens you serve," he says. "It's really about the strategic goals that the community has agreed on and how are we going to accomplish that?"



JOEL YOUNG, Chatfield city administrator
JAMES F. MILLER LEADERSHIP AWARD WINNER

hen Joel Young moved to Chatfield with his wife in 1983, he thought they would be there a few years and then move on. He and his wife were talking about starting a family and he was looking for a quieter lifestyle with less travel.

So, he established a financial planning business, got involved in several civic and business organizations to meet potential clients, and, when his predecessor left for another city, took a new job as city clerk in 1991.

He never left.

"I loved doing all those different community activities," he says. "I had an interest in politics that allowed me to talk to people and had written a small cities development program grant, so I got to know the city well."

Now, after more than 30 years of service and recently becoming Chatfield's first city administrator, he's decided to retire, though many in the community aren't ready to see him leave.

"When they asked me what I wanted in his replacement, I said 'I want a clone of Joel," says City Councilor Pam Bluhm, who also owns the Chatfield News.

Chatfield Center for the Arts

The highest profile project Young helped complete during his years with the city is the renovation of the old elementary school into the Chatfield Center for the Arts.

The city's first referendum for a new elementary school failed in the late 1990s, but that effort did start community discussion on what would become of the older building, if it was replaced.

New iterations had come along in 1916 and 1936; the property had housed some sort of school building since the 1860s.

When a referendum did pass years later, a group of community members convened to discuss the building's future and determined it should leverage the community's history with music, theater, and the arts.

Young, along with Chatfield Center for the Arts board member Michael Martin, met with legislators, testified in front of committees, and worked countless hours to bring in funds totaling more than \$14 million across two separate state bonding bills enabling the project to move forward.

The building first began hosting local, state, and national arts events in 2010, operating through the first phase of renovation from 2014-16. It closed briefly during the second phase, between 2020 and 2022. Upon completion, the grand reopening was held in late 2022.

"We, as a community, are really happy and proud of that space and what it will mean to the region and the community," Young says. "It's a highly visible project."

Less visible work

Many of Young's additional contributions to Chatfield have been lower profile, but no less important. He helped put together personnel policies and compensation systems that formalized a lot of processes the city had never before put on paper.

More recently, he helped amend the city charter, which added the city administrator role he now holds.

"Our city didn't have a lot of that stuff in place, so I got to develop a lot of policy and things of that nature," he says. "No one is going to care about that stuff except the organization, but those are some things I look back on and think 'I was glad to be part of that."

He's also contributed to the development of a new swimming pool, a wastewater treatment facility, renovations and additions to the Thurber Municipal Building, and a new water tower. He's big on transparency, collaboration, and cooperation, as evidenced by the com-

pletion of the infrastructure related to building the new elementary school.

Outside the city

Young also has taken on a number of leadership roles outside the city—working with the League, Rochester Area Economic Development Inc., Arc Southeastern Minnesota, and many more organizations. One, in particular, owes its very existence to Young, says Brenda Johnson, executive director of the Southeastern Minnesota League of Municipalities.

Her organization was on the brink of shutting down due to lack of participation and new membership when Young attended an event with Johnson, who was a new Chatfield City Council member at the time.

By the time they left, Johnson says Young had spoken to members about the value he saw in the organization and its need to keep representing area counties. And he had talked Johnson into becoming its next board vice president. It has since grown its representation from three counties to 11 and built a strong voice representing its issues of importance.

"He is a master of recruitment," Johnson says. "Nobody else was really stepping forward with an idea of what to do. If it had not been for Joel trying to find that vision, the inertia would have just continued."

Taking time off

For all the projects that Young has overseen, the speeches he's given, and the networking he's spread, Bluhm says she's simply going to miss his presence.

"He is so organized," she says. "I've never seen him lose his temper. Everything is even keel. He can sweet talk a bee into not biting you."

But after 30 years of largely nonstop work, Young says he's ready for the next step. He has some ideas about where he may end up contributing, but nothing set in stone. Of his plans, he says: "I don't have any. I'm going to take a little break and see where life leads me."



EMILY GOELLNER Wayzata community development director **EMERGING LEADER AWARD**

ince joining the city of Wayzata as its first female community development director in 2019, Emily Goellner has increased the size of her department from three to five.

She's led the establishment of arguably the state's most complex tax increment financing district, which will generate more than \$29 million for redevelopment, infrastructure, and other improvements.

She's taken a leadership role in a significant lakefront improvement project, worked with city residents to remove discriminatory covenants from their properties, and worked with several organizations from the Urban Land Institute (ULI) to the Minnesota Planning Association to step up diversity, equity, and inclusion.

And she's the mother of two young children. It's all about staying a few steps ahead.

"I have a lot of energy. I just channel that energy appropriately toward my goals," she says. "I tend to have a strategic eye on things. I'm always thinking about what six months ahead looks like and what a year ahead looks like. I'm very future oriented."

Panoway on Wayzata Bay

When Goellner arrived in Wayzata, City Manager Jeffrey Dahl wasted no time putting her to work on the significant lakefront improvement project called Panoway on Wayzata Bay.

The project will add a 1,500-foot linear park in the middle of its destination downtown while restoring lakeshore ecology, creating multi-modal regional connections, preserving the history of

the railroad, and ensuring that "you don't have to own a \$2 million property to enjoy Lake Minnetonka," Dahl says.

"I was really interested in working on a legacy project where I could bring my kids to see the project in many years to come and say, 'I helped this community get this done," she says. "It was their idea and I helped them make it real. I love that feeling."

Motivates others

While she is highly self-motivated, Dahl has been impressed with Goellner's ability to motivate others. Early on, as she began conducting icebreakers with her team so they would get to know each other better, he saw she was ahead of other young leaders.

"Being intentional about that is usually not something a young or newer leader can hit the ground running on," he says. "Knowing that she understands fostering those relationships really was the foundation of everything that she can accomplish as director, that was where I said, 'she's going to be very successful.""

She does a tremendous job of empowering colleagues, turning mistakes into learning opportunities, and assembling a diverse workforce whose strengths and personalities complement one another. "She realizes it's good to not have five other people exactly like yourself," Dahl says.

Tackling equity

Goellner maintains a strong commitment to diversity, even when it means the city and its residents must take a close look at their own behaviors.

She has worked with local homeowners, through the Just Deeds Project, to nullify decades-old discriminatory covenants on their properties. Goellner wants to do the right thing in correcting them going forward.

"It was a way of excluding people of color from living in thriving, beautiful suburban communities and in urban communities," she says of those past practices. "We, as a collective, have the responsibility of, when we get information about past wrongs, we need to accept that and do better."

She tries to make it a teaching experience, educating those who were unaware of the practice and how racial diversity

was an issue in earlier Wayzata days. She wants to level the playing field for people of color who have been denied equal opportunities to establish generational wealth for their families.

"I've always been an advocate for the underdog," she says. "I tend to carry that advocacy through to professional organizations. I'm really interested in seeing more women in leadership roles and more people of color in planning roles and municipal government."

That advocacy has carried over into her work with the ULI, says Lynette Dumalag, the organization's chair and a St. Louis Park City Council member.

"She's prioritized getting underrepresented groups into our industry," Dumalag says. "Emily was vital in the creation of a task force to see how we could work on getting a new pipeline of leaders who are of diverse backgrounds within the organization and help members if they are under resourced."

Planning for the future

Goellner has also been an active and eager volunteer when needed on other ULI issues, Dumalag adds. "I've always found her super engaging, a great contributor," she says.

While entirely engaged by her work in Wayzata, Goellner's future-oriented nature has her constantly refining goals for down the line, as well.

She wants to pursue a Ph.D. related to leadership in the public sector, city planning, diversity, equity, and inclusion.

She also wants to add public speaking to her toolkit, and to testify on behalf of bills she believes in at the Legislature. Additionally, she'd like to become a professor, teaching young people about the industry. "I want to be that communicator," she says.

Dahl says he'll encourage her to explore opportunities beyond Wayzata, but will keep her busy with important city-based projects as well.

"What's clear with Emily is the more challenges I give her, the more motivated she is," he says. "She's driven by impact and having that sense of purpose. As long as I give her that chance to have a positive impact on people's lives, I think she'll be pretty satisfied with what she's doing."

Andrew Tellijohn is a freelance writer.

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City Leaders Serve Existing Residents and Attract New Ones Through **Inclusive Actions**

BY DEBORAH LYNN BLUMBERG

hether it's making city facilities more accommodating for an aging population or ensuring English as a second language (ESL) speakers can understand city alerts, inclusion efforts can help build a stronger and more cohesive community.

Over the last few years, more cities have focused on inclusion, or the idea that all residents should be able to join in the same activities, use the same facilities, and have the same opportunities.

Initiatives to make cities more inclusive are important because they help city staff and officials learn about the ways in which residents are different and how they can make sure each is being served in a way that benefits all. Implementing inclusion strategies can help a city to serve their existing population while attracting new residents.

A focus on inclusion brings benefits. One study by the Urban Institute looking at 274 U.S. cities found that, with few exceptions, cities that are more inclusive end up with better economic health

Inclusion is one part of a larger effort known as diversity, equity, and inclusion (DEI), which is sometimes used in organizations to describe efforts by leaders to make their organization more accepting and accommodating.

"DEI is a very large umbrella term," says Arianna Bloom, who started as DEI coordinator at the League of Minnesota Cities last year. "This work is done on a continuum, and it can fit into cities of all sizes and geographies."

The League, for its part, helps guide a wide range of cities on the work - from those needing resources when responding to a community incident, to ones interested in learning how inclusion efforts can fit into their mission, to cities with already established efforts looking for new ideas.

"We're here to support all of our cities," Bloom says. "Our goal with this work is not to define it for cities, but to help guide them to define it for themselves."

This could mean a city is looking to reach a wider recruitment pool for firefighters, think about accessibility in playground design, or focus on supporting residents of all income levels to attain home ownership.

The League spoke with staff and officials from four Minnesota communities to learn about actions they're taking to make their communities more inclusive for all.

Biwabik supports aging residents while attracting new ones

For Jim Weikum, mayor of Biwabik, better accommodating the city's aging population while working to attract new businesses and residents are top priorities.

"Northern Minnesota in general, and our particular neck of the woods, are aging faster than the rest of the state," he says. "Our focus has been to make a very conscious effort to reach out to community members in whatever ways we can."

This work is especially important, Weikum adds, after the demise of local media outlets, which means fewer venues for residents to keep up with local news. Biwabik's weekly newspaper shut down years ago, while a regional paper is low-staffed, he says.

"There's a dearth of traditional media outlets we can utilize to reach out to our communities and focus on local activities," Weikum says.

Biwabik has compensated for that, in part, by upping its social media presence. One City Council member does community outreach online. Posts help engage younger residents, especially, says Weikum. "We want to get the younger generation involved in city activities because they are the future City Council members."

But social media posts are often lost on older residents who may not be as digitally savvy. That's why the city must get creative with outreach efforts, he says. Part of the work also involves digital equity and the distribution of broadband. "It's hard to engage residents if you can't reach them," says Weikum.

To help guide the city's dual goals, it's formed four strategic direction groups. The first is enhancing and promoting amenities, which includes identifying facilities needing upgrades or maintenance and getting the word out once improvements are made. The group determined the city's community center needed work and replaced kitchen appliances, repainted the building, and put in new floors.

The second group, which encourages and facilitates economic development, focuses on how Biwabik can make itself attractive as a community. Biwabik is one of a few cities working with the East Range Joint Powers Board and consultants to conduct business retention

interviews with local business owners about what they need to thrive.

Group three looks at creating a sense of community through engagement. Currently city meetings are recorded and broadcast on cable. The group's plan is to offer livestreaming so people can engage more quickly. The group is also working to update the city website and has developed a written communication on city updates to accompany the weekly shopper, grocery coupons, and realty ads sent out to residents.

The fourth group is about reconnecting with community. Using funds from a grant the regional tourist board received, Biwabik hosted a newcomers' dinner where they promoted the strategic plan. "Newcomers was self-identified," says Weikum. You could have moved in seven years ago, never really engaged in the community, but got curious."

Another key piece is growing participation. Weikum asks each strategic group member to invite a friend or family member to meetings. "It does have some impact," he says.

Listening to residents in Marshall

Several years ago, the City of Marshall participated in a cohort as part of an initiative between the League and the Government Alliance on Race and Equity (GARE) to ensure the city is providing services equitably among its residents. Officials met regularly with counterparts from across the state to reflect on barriers in their community, establish goals, and define their vision.

"That got us started in the direction of looking at our mission, and how do we become more inclusive and break down barriers," says Amanda Beckler, who at the time was Marshall's community education coordinator. "That was just the beginning for us."

Marshall's new Diversity, Equity, and Inclusion Commission is comprised of at-large members appointed through the City Council plus standing members from the community. Standing members include local business leaders such as a doctor, refugee resettlement staff, education professionals, as well as community members that are passionate about DEI work, some who are refugees themselves.

"It's been great to have so many voices at the table, with different backgrounds and lived experiences," Beckler says.

LMC Is **Here to Help**

If your city is looking for ideas and resources to help your residents feel more included, one place to start is the League's new online course in MemberLearn. The course is an introduction to DEI, which officials and staff can take on-demand to learn how DEI fits into their city's work.

The course shows how the benefits of inclusion initiatives can be magnified. For example, one city created a Listserv where residents could volunteer to help the elderly shovel their sidewalks. The cleared sidewalks also helped kids walking to school in winter and people with mobility needs better navigate city streets.

LMC Diversity, Equity, and Inclusion Coordinator Arianna Bloom offers the following tips for cities interested in exploring DEI.

- Be curious Ask thoughtful questions about others' experiences. Make space for all to have a voice and learn from those voices
- Have an open mind DEI work can include uncomfortable conversations. With an open mind you can be comfortable with the uncomfortable.
- Be open and honest Mistakes will happen, so know that going in and be OK with it when they occur.
- Look for partners Seek those who can help you in setting and assessing goals and strategies such as other local government officials, consultants, or community groups.

LMC is here to help — Arianna Bloom is the DEI coordinator at the League of Minnesota Cities, and is available to help cities in this work. She can be reached at abloom@lmc.org.

The commission meets monthly and the public is invited. Already, it's partnered with "It Begins With Us," which was formerly known as "Cultures on the Prairie," a virtual conference organized by Southwest Minnesota State University highlighting the many cultures in workplaces, schools, and communities of southwest Minnesota. Marshall set up a world café at the event to get feedback on a variety of topics.

The speed-dating-like event involved attendees rotating tables — each had a paper with a different set of questions. Notetakers — in this case commission members — listened to attendees talk about a topic. This time, the discussion focused on community barriers from an accessibility and language standpoint. The YMCA Minneapolis helped facilitate.

The commission organized a similar world café for nonnative English-speaking families at Marshall's ice arena in partnership with the school district. While parents participated, children ice skated. Interpreters ensured parents understood the questions.

Marshall is still sifting through the gathered data. "We want next steps to be inclusive and people to have a voice as we determine what those steps are," Beckler says. Having conversations with community members will be key.

This year, communications for nonnative English-speaking families and new-comers are a priority. To ensure information is shared equitably, the commission is looking into sharing videos, brochures, and city signage in multiple languages.

Her advice: "Don't be afraid to move forward out of fear of making a mis-

take. Instead, look at it as an opportunity to learn and grow."

A place for all to play in Bemidji

Bemidji's waterfront is a fixture for residents and a first stop for many visitors. As part of a larger renovation of the area, the city — in partnership with the Bemidji Rotary Club — decided to enhance the area with a playground experience for all to enjoy.

"People drive from good distances to enjoy the playground as it provides an opportunity for all children to play together, rather than having children sit on the sidelines watching," said Marcia Larson, the city's parks and recreation director.

The inclusive playground project started when city staff heard from residents that there was a desire and a need for a universally accessible playground. Larson conducted research, and Bemidji eventually partnered with Shane's Inspiration, a California-based organization that helps plan and develop inclusive playgrounds. Area families, adults, and children provided input during the design phase, and once it was determined, a small committee of dedicated parents began fundraising.

"The best thing we did was ask families and children what features they would like," Larson said. "Kids drew their ideal playground; parents spoke about what they wanted to see."

The fully completed Paul Bunyan Inclusive Playground has a northwoods theme and includes components that offer a tactile-rich setting, with a roller slide and a sensory wall that features animals of the area, Larson said.

There are also walkways to all areas and heights of the playground, as well as poured-in-place surfacing. This gives everyone, including kids with mobility restrictions as well as caregivers, access to all parts of the playground and encourages inclusive play.

"This was such an amazing project to be a part of and the impact is difficult to measure," Larson said.

Organizing inclusive events and workshops in New Brighton

The City of New Brighton has also undertaken several inclusion and equity-related projects and initiatives. Since Hue Schlieu started as DEI coordinator in New Brighton this year, the city has



Bemidji's Paul Bunyan Inclusive Playground

advanced the equity strategic action plan that its new equity commission and internal equity strategic action team are shepherding. Schlieu leads the latter and is the staff liaison to the commission.

"We started with level setting because you can't really give input without knowing," Schlieu says.

Among its many efforts, New Brighton has worked to develop more inclusive hiring practices and updated city job descriptions to reflect cultural competency as a core competency. It was important to use language broad enough to apply to all jobs, performance measures, and personal goals. "We wanted to make sure that one of the core competencies on every job description was to advance equity," Schlieu says.

Another initiative has been to promote the Metropolitan Consortium of Community Developers' Open to Business program to underrepresented groups including residents who are women, Black, Indigenous, and people of color. The city used social media to spread the word and set up monthly office hours in City Hall with its consortium liaison.

Additionally, in an effort to uplift historically excluded communities, the city has been hosting community events to celebrate diverse residents. Over 100 residents, city officials, commissioners, and staff attended its first community iftar in April, which included speakers and a meal catered by a local Muslim family's restaurant. Iftar is the evening meal that breaks fast for those who observe Ramadan.

The city has also worked to ensure its neighborhoods are, and remain, more inclusive by correcting past exclusionary housing practices. In March, the City Council approved Resolution 23-029, allowing New Brighton to join the Just Deeds Coalition, which provides free legal and title services to help property owners discover discriminatory covenants and remove them from property titles. These types of covenants have been used to keep people of color from purchasing homes.

"Removing this language prevents it from ever being enforceable in the future," Schlieu says. "This is an opportunity for the community to heal through learning and action."

The city hosted an information session for residents to learn more about the issue and made yard signs to spread awareness. Residents who want to remove covenants can get help from city attorneys and county fees for the changes are waived.

As work continues, communication is paramount, Schlieu says. "It's about figuring out which people to lean on in order to connect with even more residents. When we respond to our community, we do our best work." CE

Deborah Lynn Blumberg is a freelance writer.



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Minnesota's Municipal Airports

Assets for Economic Growth

BY DILLON PETROWITZ

innesota's extensive network of 133 public airports serves the needs of its residents and visitors and enables significant economic activity across the state.

Of the 133 public airports, seven of those are operated by the Metropolitan Airports Commission (MAC). The other 126 are owned and operated by cities, counties, and/or standalone airport authorities. These airports provide access to Greater Minnesota communities for recreational, business, emergency medical transport, and other needs.

A look at the economic impacts

Minnesota Department of Transportation (MnDOT) Office of Aeronautics conducted a study in 2019 to estimate the annual economic impact of the 126 non-MAC airports. The study identifies annual economic impact as it is related to activities associated with airport management, business tenants, capital investment, and spending by visitors who arrive on general aviation flights and commercial airline flights.

Airport management encompasses full time, part time, or seasonal employment activities associated with managing or operating Minnesota's airports. In total, 388 employees are responsible for airport management and contribute over \$58 million in annual economic activity.

Business tenants provide aviation-related services at airports that include flight instruction, corporate flight departments, aerial applicators, air ambulance, air cargo, airlines, Transportation Security Administration, and terminal concessionaires at eight commercial airports in Greater Minnesota. Total employment for business tenants is more than 9,000, with over \$1.1 billion in annual economic activity.

Capital investment relates to the time and money spent to maintain, rehabilitate, and expand airports. Airports implement capital improvement plans

with dollars earmarked for improvements for a set planning period. There are 843 employees tied directly or indirectly to capital investment at airports. Over \$121 million in annual economic activity is the result of capital investment at the 126 Minnesota airports studied.

Visitor spending economic impacts are those associated with both leisure and business-related travel needs. These typically include expenses such as lodging, meals, ground transportation, retail, and entertainment. The study concluded that almost 80,000 general aviation aircraft bring an estimated 240,000 visitors to the 126 study airports.

Additionally, study surveys show that the average visitor spends between \$50 to \$270 per trip. General aviation visitor spending economic impacts are directly and indirectly connected to 1,366 employees and over \$100 million in annual economic activity. Commercial visitor spending economic impacts at eight commercial study airports were higher than general aviation, with 1,438 employees and over \$164 million in annual economic activity.

Morris Municipal Airport: A local economic driver

The City of Morris views its municipal airport as a major asset to the local economy.

One of the city's largest employers, Superior Industries, relies on the local airport to meet the needs of its engineering and manufacturing of bulk material handling equipment. When Superior Industries and other local businesses expressed the need to make improvements to the Morris Municipal Airport, the community and airport management understood how vital the airport is to maintaining a healthy local economy.

The airport underwent a rigorous planning effort to document existing users and their current operations (landings and takeoffs), and ultimately determined



The reconstructed and extended runway at Morris Municipal Airport allows for business aircraft to operate.

there was a need to extend the primary runway. This allowed for corporate flight departments like that at Superior to continue using the Morris Municipal Airport and not have to relocate to another community with a larger airport. Today, business users of the airport like Superior are continuing to see their businesses flourish as they serve their other locations across the country and outside the United States.

Results from the 2019 Statewide Airport Economic Impact Study show that the Morris Municipal Airport's local economic activity is almost \$2.2 million. This consists of almost \$1.6 million in spending and more than \$622,000 in payroll.

The airport sees more than 400 visitors annually and is responsible for 16 full-time jobs related to airport activity. Businesses located in Morris, like Superior Industries, routinely use the airport for business and commerce activities. In addition, the airport serves the need for agricultural spray operations and medical support for air ambulance operators like Life Link.

Morris Municipal Airport is an example of one of Minnesota's 126 non-MAC airports that are critical to our local and state economies, contributing almost \$18.2 billion annually. Furthermore, combined annual sales tax and state income tax revenues from the study airports are estimated at \$66.3 million. The complete 2019 Minnesota Statewide Airport Economic Impact Study technical report can be found online on the MnDOT Aeronautics site at bit.ly/airportstudy. Individual airport reports and legislative reports (by legislative district) are also available for download. CES

Dillon Petrowitz is an aviation planner with TKDA (**tkda.com/our_work/aviation**). TKDA is a member of the League's Business Leadership Council (**Imc.org/sponsors**).



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The 2023 Tax Bill and Tax Increment Financing

What Minnesota Cities Need to Know

BY SCHANE RUDLANG

ut simply, the 2023 Minnesota legislative session was consequential. Beyond the headlines relative to funding available for housing and other projects, there were a number of important clarifications and changes pertaining to both tax increment financing (TIF) and the 4d tax classification for affordable apartments.

Small cities TIF

Cities with a population of 5,000 or less can create TIF districts if they are more than five miles from a city with a population of 10,000. The previous threshold was 10 miles.

Office of the State Auditor working group: Technical fixes to TIF law

The 2023 tax bill included changes recommended by a working group convened by the Office of the Minnesota State Auditor (OSA). The statutory changes aligned with and clarified how practitioners have historically implemented TIF law, and also made a few meaningful adjustments.

The definition of "administrative costs" was clarified to include a specific list of allowable expenditures necessary to create and manage a district. While TIF practitioners typically incorporated many of these costs prior to the new legislation, there is now certainty relative to what can (and cannot) be legally included. Insurance and maintenance of property purchased with TIF are specifically allowed, as are legal and fiscal consulting expenses. The law now definitively excludes property taxes and other costs related to a future project, such as demolition, soil correction, and public improvements. In addition, the 10% limitation on "admin" costs was clarified to exclude any increment returned to the county auditor as excess increment.



The tax bill also clarified what TIF revenue can be used to calculate the pooling percentage of a district. Specifically excluded are any amounts returned to the county auditor as excess increment, increment received after obligations have been paid in full, or increment received in violation of the TIF Act. This provision applies only to districts decertified after Dec. 31, 2023.

Additionally, the Six-Year Rule, which requires municipalities to decertify a TIF district when sufficient revenue exists to retire all obligations, was largely rewritten to prescribe the calculation methodology. It also requires that parcels not pledged to a pay-as-you-go (PAYGO) note, bonds, or interfund loan:

- ▶ Be decertified from the district by the end of the year; or
- Use the applicable in-district revenue from those parcels to prepay obligations; or
- Accumulate revenue if a city has elected to retain an additional 10% for affordable housing.

Cities are required to remove parcels via a modification to the TIF plan prior to the end of the calendar year in which the above conditions have been satisfied. The modification does not require a public hearing. If TIF was pledged to bonds financing projects outside of the district prior to Aug. 1, 2023, the requirement to remove parcels does not apply.

Finally, if the decertification happens after the county has calculated the TIF

for the following year, it allows the county auditor to redistribute the TIF in the same manner as excess TIF. This means the city will only receive their proportionate share of the TIF, which can then be placed in the city's general fund. Overall, these changes only impact large redevelopment districts with multiple parcels since small or single parcel districts typically pledge more than 75% of TIF to projects.

Affordable multifamily housing tax rate change "4d"

A revision that bears discussion relative to TIF is the change to the property tax rate for affordable multifamily housing projects, also known as Class 4d. The new law uses a single-tier class rate of 0.25% for the entire property value, whereas the tax rate was previously split into two tiers (the class rate for the first \$100,000 in unit value was 0.75%, with the remaining unit value above \$100,000 at 0.25%).

Prior to this change, a property classified as 100% 4d typically paid 50% of what a market rate project paid in taxes and will now pay closer to only 25%. The new rate shifts the tax burden in a community to the other property types and reduces the potential TIF generated by the project. With lower operating costs, developers should be able to increase their mortgage proceeds to help alleviate all or a portion of an identified financing gap.

Cities will need to assess whether it makes sense to create a TIF district for such projects or leverage other financing tools to fill any remaining gaps. Another option to assist with gap financing for metro-area cities is the new housing sales tax allocation approved by the Legislature this year. This tool could eliminate the need for creating TIF districts for some projects, but the amount available depends on the size of the municipality and will vary greatly.

As with any new legislation, it's always prudent for cities to consult with legal counsel, and municipal and economic development advisors to thoroughly assess your options, limitations, and opportunities.

Schane Rudlang is a municipal advisor with Ehlers.
Contact: srudlang@ehlers-inc.com. Stacie Kvilvang,
senior municipal advisor with Ehlers, participated in the
OSA working group referenced in this article. Contact:
skvilvang@ehlers-inc.com. Ehlers is a member of the
League's Business Leadership Council (Imc.org/sponsors).

Spring Grove Advances 2023 Plan With Help From Rural Design Cohort Program

BY HEATHER RULE

esidents of Spring Grove discussed the need for more space five years ago, especially in regards to the school district's K-12 building and finding enough space for all the youth sports and arts activities.

Courtney Bergey Swanson grew up in the area and works for the nonprofit Community and Economic Development Associates, contracted by the City of Spring Grove.

"We really were trying to figure out, 'what would our community look like in 2030, if we could wave a magic wand and do what we felt we needed?" Bergey Swanson said. "How do we make our educational amenities better for our students so that ultimately they want to choose to come back and raise their own families in Spring Grove?"

She is an adviser on the Spring Grove 2030 committee made up of volunteer representatives from the school district,

city, faith communities, local businesses, and nonprofits. The Spring Grove 2030 initiative was aided by a grant and cohort with the Citizen's Institute on Rural Design (CIRD) in 2022. The plans developed into the idea of creating a new community space in Spring Grove.

Spring Grove 2030 committee gets to work

Through local fundraising, Spring Grove 2030 first raised \$30,000 to hire planning and design firm RSP Architects to





Spring Grove 2030 aims to increase the vibrancy of downtown Spring Grove. While large, long-term investments in new built community amenities are still being determined, there have been several small-scale placemaking projects in the downtown corridor, such as this transformation of a defunct

conduct a comprehensive city planning process, which consisted of nine public workshops, focus groups, and surveys in 2021. Community members were asked what they felt they needed to make Spring Grove "a better place to live, work, raise a family, bring visitors," Bergey Swanson said. Every student in grades 7-12 was also asked what they wanted to see in the community.

The results pointed to a need for space where people could connect with others whether via school activities, recreation, or a spot to enjoy a cup of coffee with a neighbor.

From there, Spring Grove was one of four communities in the nation selected for the CIRD grant and cohort. CIRD focuses on communities of fewer than 50,000 people and looks to enhance the area's quality of life through planning and design.

CIRD helps move the plan forward

Spring Grove welcomed the CIRD designers and strategists to town in 2022 for a site visit and later a series of public events and workshops, which provided technical assistance from the designers and strategists. Going off Spring Grove 2030's previous community engagement work, CIRD designers created potential renderings for a community center. They also talked with people at the local farmers market, seeking their input on what they care about for the area and getting feedback for the potential public space.

Focus on Small Cities

Working with CIRD goes beyond receiving grant money, Bergey Swanson said, because it gave Spring Grove the benefit of professional expertise to help guide its vision for the city. In talking with so many people in town, CIRD investigated logistical aspects of the project — for instance, removable chairs or acoustics in a large space to make way for various events like dances, career fairs, or performing arts — and helped turn them into feasible designs.

CIRD also helped residents visualize what this new development might look like.

"It was really kind of an intensive process where they learned as much as they could about the community," Bergey Swanson said. "They talked with as many people as they could."

Being part of the CIRD cohort was beneficial because it accelerated the process toward the Spring Grove 2030 vision, making the city feel more equipped with information to go forward, Bergey Swanson said. They

needed that third-party perspective from the architects and designers to give their expertise with a fresh set of eyes.



As part of the Citizen's Institute on Rural Design workshop, Spring Grove 2030 set up at the farmers market to get community feedback on building needs

"Their creative brains were helpful for us to reimagine how to potentially use what we have for different space needs," Bergey Swanson said.

The CIRD process resulted in some beautiful design books for Spring Grove 2030 to reference. A site and programming for the new community space are still to be determined. This summer, the school district conducted a feasibility study to determine what could be built to serve both the school and community, along with seeing what the community might support in terms of a referendum, according to Bergey Swanson.

One of the mindsets Bergey Swanson sees in rural communities is a feeling that they don't deserve nice things or well-designed spaces.

"This is something that I hope other communities would want to take advantage of in the process of really just sitting down and taking the time to ask their citizens what they want to see in the future, and then figuring out how to make that happen," Bergey Swanson said. 🗺

Heather Rule is a freelance writer.



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How Minnesota's Data Practices Law Relates to Cybersecurity

BY CHRISTIAN TORKELSON AND KARA COUSTRY

ctober is Cybersecurity Awareness Month, and it's a good reminder for cities to develop or evaluate their cybersecurity plans.

Where to start? The Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes 13, is a state law that controls how government data are collected, created, stored, used, and released. By complying with the MGDPA, your city will be on its way to building a cybersecurity response plan.

The MGDPA requires that:

- Government data must be kept in a condition that is easily accessible for convenient use.
- Cities must implement appropriate security safeguards protecting records containing data on individuals.
- Cities must restrict access to nonpublic data only to those whose job role requires access.
- Cities must implement a policy that documents security requirements and access procedures.

The MGDPA also requires that cities take the following actions in the event of a cybersecurity breach:

- Investigate and expediently notify data subjects of data breaches containing unencrypted (or usable) private or confidential data.
- Report to consumer reporting agencies private or confidential data breaches affecting greater than 1,000 individuals.

Conduct a data inventory to meet MGDPA compliance

The MGDPA says that each city is the responsible authority for ensuring data practices requirements are met, and part of that requirement involves conducting a data inventory. A typical list of data-related items in an inventory might include:

- ▶ Payroll information.
- Social Security numbers.
- ▶ Training records.

- ► The names of children who signed up for activities.
- ▶ The identity of persons reporting code enforcement issues.
- Certain law enforcement data.
- Credit card numbers.
- Bank account numbers.

A thorough data inventory will indicate who, what, and where — who has access, what is stored, and where it is

stored. This is vital information to know, should your city experience a cybersecurity incident.



While creating a data inventory is a requirement of the MGDPA, that inventory is also a fundamental first step to creating your city's cybersecurity incident response plan — or a "game plan" for responding to a cyberbreach.

Following is an example of how a data inventory can play a key role in your city's cybersecurity response. Let's say a city employee receives a phishing email and is tricked into providing remote access to his computer. Several hours later when his computer goes black with a ransomware notice, the employee realizes his mistake. That's when the city activates its cybersecurity incident response plan.

Step one: Reference the data inventory to determine what, if any, nonpublic data was compromised from the breach of the city employee's computer. Because the data inventory is updated annually (a requirement of MGDPA), it is a great resource to identify sensitive data that may have been accessed without authorization. Thankfully, the city in this example was prepared with an updated



data inventory, which allowed the city to quickly determine the scope of the data breach and facilitate an appropriate and timely response plan. If you believe your city has already experienced a data breach or other cybersecurity loss, contact the League of Minnesota Cities Insurance Trust (LMCIT) claims staff immediately at (800) 925-1122.

For more information

Following the requirements of the MGDPA serves as a baseline for your city's cybersecurity response plan. Read more about your city's responsibilities under the MGDPA in the LMC information memo at Imc.org/data-practices. LMCIT provides members with free access to the eRisk Hub, a web-based portal containing information and technical resources that can help with prevention of network, cyber, or privacy losses. Learn more at Imc.org/eriskhub and find other guidance and support available for your city at Imc.org/cybersecurity. CIE

Christian Torkelson is cybersecurity loss control consultant for the League of Minnesota Cities Insurance Trust. Contact: ctorkelson@lmc.org or (651) 281-1296. Kara Coustry is data compliance specialist/paralegal for the League of Minnesota Cities. Contact: kcoustry@lmc.org or (651) 215-4046.

U.S. Supreme Court Holds County Violated Takings Clause

CONSTITUTIONAL LAW

Eminent domain

Geraldine Tyler owned a condominium in Hennepin County that accumulated about \$15,000 in unpaid real estate taxes along with interest and penalties. Hennepin County seized the condo, selling it for \$40,000 and retaining the \$25,000 surplus. Tyler filed suit, alleging the county had unconstitu-



tionally retained the excess value of her home above her tax debt in violation of the takings clause of the Fifth Amendment and the excessive fines clause of the Eighth Amendment. The district court dismissed the suit for failure to state a claim, and the

Eighth Circuit affirmed. The U.S. Supreme Court unanimously reversed the Eighth Circuit's decision, finding Tyler plausibly alleged a taking under the Fifth Amendment, and ruling a taxpayer is entitled to the surplus in excess of a debt owed. The Supreme Court cited both historical and current principles, and noted Minnesota law also recognizes this principle in the context of collecting other debts and taxes. The Court rejected the county's claim Tyler had no interest in the surplus because she constructively abandoned her home by failing to pay her taxes, noting Minnesota's forfeiture scheme is not about abandonment and gives no weight to a taxpayer's use of the property.

Tyler v. Hennepin County, Minnesota, 22-166, 2023 WL 3632754 (2023).

MARKETABLE TITLE ACT

Public easements

Timothy D. Moratzka, trustee of the Nancy L. Mayen Residual Trust, sought to register title to land (clarify its ownership and any restrictions on its use) that included an undeveloped road dedicated to public use by plat over 100 years ago. The county claimed the public could use this strip of land, which is essentially a beach, because a former owner of the property had dedicated it to public use forever through a recorded plat as authorized under state law. Moratzka argued any public interest in the disputed land had been abandoned under the provisions of the state Marketable Title Act (MTA). The act generally provides that no property interest can "be asserted"

against a claim of title based on a source of title unless the interest is preserved by filing a notice within 40 years of the creation of the interest."

The district court ruled in Moratzka's favor, concluding the public easement was abandoned under the MTA because the interest was not recorded within 40 years after its dedication. The Minnesota Court of Appeals affirmed the district court's decision, and ruled the MTA applies to land dedicated by plat to public use and extinguishes any public interest not properly recorded under the MTA.

The Minnesota Supreme Court reversed the Court of Appeals' decision, finding the MTA does not operate to extinguish public interests properly dedicated by plat. The Supreme Court found the concern over burdensome title searches that prompted the creation of the MTA is simply not implicated by recorded, publicly available plats. The Supreme Court also noted the public interest was also particularly strong in this case, considering the consequences of upsetting well-settled expectations of local government that would result by holding the MTA can extinguish the public's right to platted accesses.

In the Matter of Moratzka, Tr. of Nancy L. Mayen Residual Tr., 988 N.W.2d 42 (Minn. 2023). Note: The League filed an amicus brief in support of Itasca County and the Department of Natural Resources.

ELECTION LAW

Ballot question language

The City of Bloomington is a home-rule charter city organized under the Minnesota Constitution. The city's charter allows residents to propose charter amendments by petition. In the spring of 2022, city residents started the petition process to amend the charter to repeal the use of ranked choice voting in the city. After the petition was submitted to the city clerk, the City Council unanimously rejected the entire proposed amendment, reasoning that one section was unconstitutional.

The district court, finding the provision at issue was integral to the purposes of the proposed charter amendment, denied the petition. The Minnesota Supreme Court affirmed the district court's decision, concluding that an unconstitutional provision in a proposed charter amendment is not severable after signature collection but before presentation to voters, when severing the unconstitutional provision would deprive the amendment of its efficacy or strength, and it could not be ascertained whether signers of the petition would have wanted the remainder to proceed without the unconstitutional portion.

Kranz v. City of Bloomington, A22-1190, 2023 WL 3606470 (*Minn.* 2023). Note: The League filed an amicus brief in Bloomington's support.

LAND USE LAW

Abatement

Thomas and Timothy Pawliks own property in Circle Pines that was at a site of a former bar. The Pawliks approached the City of Circle Pines in 2011 regarding redevelopment and in 2018 demolished the existing building on the property. They covered the remaining basement with plywood and erected snow fencing around the property. In July 2022, the city sent a nuisance abatement letter to only one of the Pawliks listed as the sole owner of the property. The letter directed him to "obtain a demolition permit and ensure the property is cleared of all remnants of the structure that previously was located on the premises," including "demolition of the basement, removal of all concrete, rebar, wood, brick, block steel, beams, and any other structural elements along with the snow fencing." The letter also stated the site must be restored with vegetation and a manner free from debris and weeds until the Pawliks move forward with redevelopment plans. The Pawliks had until July 2022 to correct the violation. The city sent the letter by U.S. mail and posted a copy on the property. The following week it sent a copy of the letter to the Pawlik's attorney. The City Council met three different times on this matter. First, to consider whether to declare the property a nuisance. Neither the Pawliks nor their attorney were present, but the measure passed. The Council met again to conduct a public hearing to address whether to order abatement of the nuisance at the

property. The Council then met to order the abatement and direct staff to "take all actions necessary to enter onto the

property for purposes of abating the public nuisance." The Pawliks challenged the City Council's resolution to abate a nuisance on their property, arguing (1) the city denied them due process, (2) the city's decision

"The Minnesota Court of Appeals reversed, ruling the city lacked substantial evidence to support an order for abatement of nuisance because it failed to provide evidence of a risk."

was not supported by substantial evidence, and (3) the city's decision was arbitrary and capricious.

The Minnesota Court of Appeals reversed, ruling the city lacked substantial evidence to support an order for abatement of nuisance because it failed to provide evidence of a risk. The city determined the property constituted a public nuisance based on city code and primarily resting on safety concerns for the public. However, photo submissions from the Pawliks at the third hearing showed they restored and bolted down the plywood coverings over basement openings. The Pawliks surrounded the entire basement with concrete barriers topped (continued on page 26)

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by chain-link fencing. Under these conditions, the Court of Appeals found a covered and completely enclosed basement did not pose a risk to any member of the public unless they disregarded the "No Trespassing" sign, climbed over the fence, and removed the plywood. Such a risk is beyond the scope of the city's nuisance ordinance.

ADR Ordering Abatement on Prop. Located at 10100 Lake Drive, Circle Pines, No. A22-1230 (Minn. Ct. App. Mar. 6, 2023) (non-precedential opinion).

GOVERNMENTAL IMMUNITIES

Qualified immunity

Derek Westwater was stopped by officer Zeth Baum while driving a motorcycle and refused directions to stay by his motorcycle. Westwater approached him, Baum drew his taser, and Westwater fled into the woods. Upon exit from the woods, Westwater was handcuffed and placed in the back of Captain Kevin Church's squad car and driven to the police station. Church was aware Westwater assaulted another officer in the past. When Church arrived at the police station, he ordered Westwater to get out of the squad car, but he delayed obeying the order for 40-45 seconds. Church punched Westwater in the back of his neck after he got out of the squad car. There are disagreements on what occurred during the altercation, after, and how much force was used.

Westwater brought suit against the officer for excessive force under 42 U.S.C., section 1983 and asserted tortious assault

and battery under Iowa state law. The district court granted summary judgment (court-ordered judgment without a trial), dismissing both claims on the grounds that the force used was objectively reasonable. Westwater appealed and the U.S. Court of Appeals for the Eighth Circuit reversed, finding Westwater did not threaten Church as they drove to the police station, did not threaten to head-butt Church as he exited the squad car

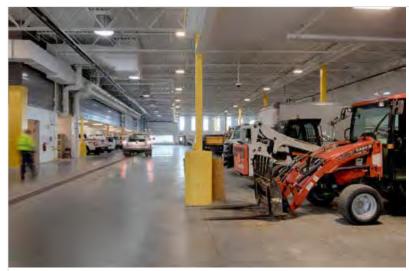
after passively resisting a command to exit, and could not flee. While the court recognized qualified immunity should be determined prior to trial when feasible, the court ultimately held that



issue of law in this case cannot be determined without findings on genuine issues of disputed facts.

Westwater v. Church, 60 F.4th 1124 (8th Cir. 2023).

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









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Can the City Give Gift Cards as a Thank You or Incentive?

Gift Giving



Can the city provide gift cards to individuals participating in city programs as a thank you or incentive to participate?

LMC No, a city cannot give gift cards to residents who participate in city programs. While showing thanks for their participation may be a goal for the city, there are factors to consider when using public funds. The city must have legal authority to use funds in a proposed way and the funds



must be used to further a public purpose.

There is no Minnesota statute or other implied authority that allows cities to give funds using gift cards, or to make

payments with gift cards, to residents for participation in city programs. Cities have several explicit payment options and most commonly use checks or electronic transfers. Providing gift cards to residents who participate in city programs also does not satisfy the public purpose expenditure test because for an activity to further or promote a public purpose, it should benefit the community in a way that directly relates to government functions. The Minnesota attorney general has issued opinions finding that gifts from a public entity lack consideration and therefore lack public purpose.

The Minnesota Office of the State Auditor is a great resource for questions regarding cities' use of gift cards. You can find additional information on the State Auditor's website at bit.ly/giftcardpolicy.

Answered by Staff Attorney Lexi Wentworth: lwentworth@lmc.org.

Risk Management

Are liability waivers valid?

LMC A liability waiver can help protect the city from liability if someone is injured as a result of the city's negligence. A waiver can also help the city establish an assumption of risk defense.

There is never a guarantee that a court will uphold a liability waiver, but a properly drafted waiver is generally valid. Waivers should be written in clear and unambiguous language ensuring the parties are aware of the risks they are assuming and the rights they are waiving. Waivers cannot be overly broad, i.e., a waiver cannot waive liability for injuries resulting from the willful, wanton, or intentional misconduct of the city.

In 2022, the Minnesota Supreme Court in Justice vs. Marvel, LLC, ruled that an exculpatory clause in a waiver is subject to strict construction. A waiver that releases a city from "any and all claims" is not enforceable against a claim for negligence. Rather, the waiver must specifically provide that it releases the city from liability for the city's "negligent" acts. Cities should consult with their attorney when using waivers. Waivers can also be submitted for review to the League's Contract Review Service; learn more at lmc. org/contractreview.

Answered by Risk Management Attorney Chris Smith: csmith@lmc.org.

Employee Compensation



I hear people refer to exempt and nonexempt employees, but what does that mean?

These references are important under both the federal and Minnesota Fair Labor Standards Acts (FLSA), because they help employers define employees who are "exempt" from the overtime provisions of those laws. Nonexempt employees who work more than 40 hours in one work week must be paid overtime for all additional hours.

To be exempt, employees must meet both of two separate tests: a duties test determining whether an employee's primary duty meets the definition of the particular exemption, and a salary basis test. The League offers overview information on both the duties test and the salary basis test in the FLSA: Determining Exempt v. Nonexempt Status memo at lmc.org/ flsaexemptions.

In 2019, the U.S. Department of Labor (DOL) raised the salary threshold effective Jan. 1, 2020, for what is often referred to as the "white collar" exemption, from \$455 per week to \$684 per week (equivalent to \$35,568 annually). The DOL has proposed raising this salary threshold again to \$900-\$1,000 per week, which would be equivalent to \$46,800-\$52,000 per year. It also proposed possible adjustments to the exempt duties test. The proposed rule may be released fall 2023, but has been delayed several times already in 2023, so League staff will continue to monitor this for cities.

While an effective date and what the actual amendments might look like remains to be determined, cities may find it prudent to have a listing of exempt employees at the ready to determine what salary and/or duties changes would need to be made to meet any DOL salary or duties changes. We

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

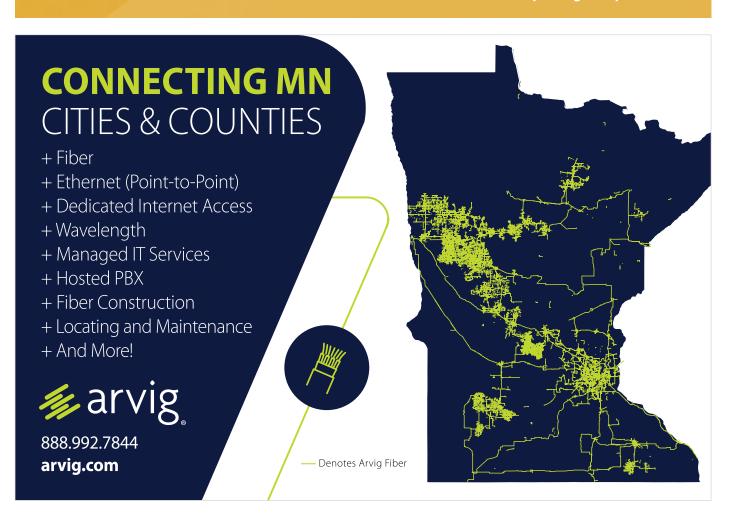
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Choosing Effective Visuals

BY KAT SIKORSKI

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

n today's visually driven world, we are constantly bombarded with images that convey information, emotions, and ideas. In part one of this series published in the Jul-Aug issue of Minnesota Cities magazine, I shared the importance of visuals in communication. In part two, I'll cover how to choose the right visuals that speak to both your messaging and your target audience.

The art of image selection

Images have a profound ability to convey messages, emotions, and ideas with incredible efficiency. How? Through a complex interplay between visual elements and symbolism that shapes the impact these visuals have on the audience.

Denotation: The literal elements

Denotation is the literal and physical elements in an image. It's not subjective or symbolic, but is a straightforward and objective description of the subject. It is the basic, tangible characteristics of the image that anyone can see and understand.

Imagine a photograph of an apple. The denotative description of the image might read: a type of fruit, round in shape, with a stem and seeds.

Connotation: The subtle associations

Connotation, on the other hand, is subjective and symbolic. It refers to the secondary meanings, emotions, and cultural

associations of an image. Connotation is deeply influenced by personal experiences, cultural background, and societal influences.

Take "apple" again as an example. The connotations associated with an image of an apple might include ideas of health and freshness, e.g., "An apple a day keeps the doctor away." Some may think of biblical references to the Garden of Eden. Or it might connect to a specific cultural myth, like "American as apple pie" and Johnny Appleseed. In contrast, some people may have a negative connotation of apples. After all, one was used to poison Snow White.

Connotations vary from person to person. They are



based on the unique experiences and the individual web of symbols, cultural myths, and ideologies of the viewer.

Decoding the language of visuals

By understanding the connotations associated with various visual elements, you can strategically use imagery to convey specific emotions and ideas.

Practice identifying the connotations you want your target audience to take away from your visuals, and how those connotations support or undermine your messaging. Once you know the connotations you want to communicate, you can target specific denotative elements in an image that symbolize those ideas and support those meanings.

Choosing effective visuals: The magic formula

Just like learning to read written language, understanding visuals requires practice and knowledge of key elements. Use denotative and connotative analysis to identify or create visuals that will support your messaging and resonate with your target audience.

A few final tips for choosing images that convey the message you want to your target audience:

- **Practice visual literacy**. Match the objective (denotative) elements of an image with the desired subjective (connotative) meanings.
- ▶ Connotation is the magic key. Brainstorm what you want your visual(s) to symbolize and communicate to your audience. Then, determine what denotative elements should be included in an image to convey that connotative meaning.
- ▶ **Identify keywords**. Use that denotative and connotative analysis to develop keywords that convey the message you want. Use these keywords to search stock image websites for images or to share with a designer to help them create an effective visual.
- ▶ **Know your audience**. Identify the target audience, and research how they view and represent themselves visually.
- Seek feedback. Gathering feedback from the target audience provides invaluable insights into how they perceive and interpret images. Whenever possible, seek out feedback, and run focus groups to fine-tune your visual communication strategy.
- ▶ **Use connotation strategically**. Be wary of getting too creative. Strike a balance between clarity in denotation and creativity in connotation to ensure that the message isn't too abstract.

Selecting the right imagery is an art, not a science. Through continuous learning and refinement, you can develop the skill of image selection and create visual narratives that leave a lasting impact on your viewers. CO

Kat Sikorski is the strategic communications coordinator for the City of Minneapolis. Contact: kat.sikorski@minneapolismn.gov.

Harnessing Roseville Residents' Zest for Sustainability Pays Off

BY SUZY FRISCH

hen Roseville powered on a solar array on its City Hall roof in 2019 and invested in a community solar garden, it introduced green energy to municipal operations and started reducing its energy costs. At the same time, it ignited a deeper interest in championing more sustainability initiatives across the city.

Residents were already passionate about protecting Roseville's natural resources, but they got even more fired up about environmental work after seeing solar panels installed on three city buildings.

"The solar work was the kick-off to Roseville putting sustainability topics on the forefront," says Environmental Manager Ryan Johnson. "Roseville has always been a pretty environmentally focused community. People are looking to make an impact in whatever way they can and share their love for the community to make Roseville a better place."

Their enthusiasm and advocacy propelled Roseville to engage even more in sustainability, bringing new energy to the city's efforts, Johnson says. It already had a decade of work under its belt and more projects on the table, including electrifying its vehicle fleet and working on sustainability objectives through Minnesota GreenStep Cities — a voluntary challenge, assistance, and recognition program to help cities achieve their sustainability and quality-of-life goals. Then Roseville was accepted into Xcel Energy's Partners in Energy program in 2020, and its sustainability work really soared.

Energy action plan partnership

Partners in Energy brings together leaders from Xcel Energy and the nonprofit Center for Energy and Environment (CEE) to help cities develop energy action plans. The two-year program, offered to cities across Minnesota, typically focuses on solidifying strategies for achieving sustainability goals, reducing



As part of its sustainability efforts, the City of Roseville installed solar panels on three city buildings.

greenhouse gas emissions, and incorporating carbon-free energy, says Tami Gunderzik, Partners in Energy program

Through the program, Roseville developed a broad platform of ways to engage with residents and businesses about sustainability. It also marshaled resources to further support efforts to reach its environmental goals, like its 2040 Comprehensive Plan to reduce greenhouse gas emissions. For its achievements, Roseville won the League of Minnesota Cities 2023 Sustainable City Award.

The award highlights the work of a GreenStep municipality that made progress on its sustainability goals and accomplished other objectives. Such aims could include significantly involving residents or developing an effective or innovative way to solve a common challenge.

Partners in Energy primed Roseville to create a 14-person team of residents, including a youth representative, city staff, and other local stakeholders. It facilitated workshops that informed how Roseville would approach its more robust sustainability work. Then the team implemented its action plan over an 18-month period.

"Roseville was a great partner for us. They have some genuine commitment

there," Gunderzik says. "There are a lot of competing interests in a city and it's easy to lose sight of the ball, but Roseville stayed focused and kept things moving forward."

Areas of focus

The team developed four main goals for Roseville's energy action plan. It sought to increase residential energy efficiency, especially in older homes, and energy efficiency at small- and medium-sized businesses. The city also would identify high energy-burden households and provide outreach and education about energy assistance and weatherization programs. And it would promote and increase adoption of renewable energy by residents and businesses.

The Partners in Energy process was helpful in steering Roseville to develop a vision and plan for meeting its sustainability goals, Johnson says. It also was critical to have total support for these efforts from city leaders, City Council members, commission members, and staff.

"Partners in Energy solidified our sustainability program in Roseville and lined up what we are going to do during the next five years," Johnson says. "It helped us focus where our attention was going to go. It's been a nice springboard

for the work, and it's exciting how fast everything is ramping up."

Community outreach efforts

The city brought on a Minnesota Green-Corps member and an intern to help, eventually hiring intern Noelle Bakken in 2023 as its sustainability specialist. Her work focused on doing outreach to inform residents about existing sustainability programs, engaging residents and businesses in the work, and expanding efforts when possible.

To that end, Bakken led several initiatives to build deeper connections with residents. That meant creating a bimonthly sustainability newsletter, developing new logos and marketing materials, and increasing community education and outreach via mailings, utility bill inserts, the city newsletter, and social media. The new sustainability newsletter highlights programs, provides tips, and promotes news and upcoming events to keep residents engaged.

With Bakken's role being new, she needed to determine the most effective ways to connect with residents. She found that being at events and engaging in person was key.

"We had to figure out the best avenues to get out in the community and build connections and trust with the diverse groups in our area," Bakken says. "Residents were really interested, and we have a lot of residents who are already engaged in the work."

Between these efforts and numerous community events, Roseville reached nearly all of the city's 15,000 households and 40,000 followers of its social media channels. The heart of Roseville's work was publicizing opportunities for residents to take advantage of Home Energy Squad visits.

Provided by Xcel, CenterPoint Energy, and CEE, the Home Energy Squads conduct energy audits of homes and educate residents about how to save on their home energy costs. They often install basic energy-saving measures for free, Gunderzik says. Roseville's Economic Development Authority provides a 50% discount off the \$100 visit and free visits for income-qualified residents. The squads did similar work at small businesses in town, too.

To promote the audits, Roseville contacted 3,000 households and 100 businesses, and staff visited 60 companies. They distributed more than 500 flyers about energy assistance programs to local food shelves and food distribution events, and partnered with community organizations to reach residents from underrepresented groups, including those who are Black, Indigenous, or people of color. Some of that outreach involved translating materials into seven languages. In 2022, Roseville led 26 other cities in the Intercity Home Energy Squad challenge by providing the most Home Energy Squad visits per capita.

In addition, Roseville offers home improvement loans through CEE with low rates to finance exterior or interior energy-efficiency projects. It also encourages residents to participate in community solar and wind energy programs that expand renewable energy.

Awarding good green work

Bakken also focused on revamping the city's existing environmental awards program. Designed initially to honor residents' positive sustainability efforts, the Green Award program hadn't sparked much engagement for seven years. The city renamed it the Roseville Sustainable Steward Award program, expanding its recognition to include local businesses, and started spreading the word.

Roseville got creative by identifying potential nominees through building permit requests. Staff reached out to 49 businesses and residents to encourage them to apply for honors for their work in energy efficiency, water conservation, indoor environmental quality, site and community impact, or renewable energy.

In 2022, Roseville received 18 applications, and it recognized two residential properties and one business with awards and cash prizes.

"We were looking for ways to celebrate what

residents and businesses were already doing — not just telling them what they need to improve," Bakken says. "Even if they are small-scale efforts like doing an energy audit or replacing lightbulbs, we want to recognize people for their hard work. There is a lot of doom and gloom in sustainability, and it can be overwhelming. We wanted to focus on small,

"We were looking for ways to celebrate what residents and businesses were already doing — not just telling them what they need to improve.

Even if they are smallscale efforts like doing an energy audit or replacing lightbulbs, we want to recognize people for their hard work."

- NOELLE BAKKEN, SUSTAINABILITY **SPECIALIST**

positive things people can do to move forward in the right direction."

The work continues

Though its stint in Partners in Energy is over, Roseville's work to implement its energy action plan will continue. The city will emphasize reducing energy usage, incorporating more renewable energy sources, and targeting even more best practices in sustainability through GreenStep Cities. Next up, Johnson says, Roseville will develop a broader climate action plan, pulling together components like energy efficiency, protecting natural resources, reducing waste, and enhancing the city's walkability and bikeability.

Roseville's leadership, residents, businesses, and nonprofits share an enthusiasm for protecting the environment. Now the word is getting out, generating even more participation in sustainability efforts.

> "One thing I learned when I first started is that the city was doing a lot of great things with sustainability, but residents didn't really know what the city was doing," Bakken says.

"In addition to doing outreach about the importance of energy efficiency, we did outreach to say, 'Here is what the city is doing and here is what we aim to do and what residents can do.' It's a nice roadmap to figure out how we can continue this work and even do a little more." W

Suzy Frisch is a freelance writer.

ON THE WEB

about this Roseville initiative at **Imc.org/**

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Roseville.





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