

# PLANNING MINNESOTA



American Planning Association  
Minnesota Chapter

*Making Great Communities Happen*

A Publication of the Minnesota Chapter of the American Planning Association

January-March 2020





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Volume 39, Number 1

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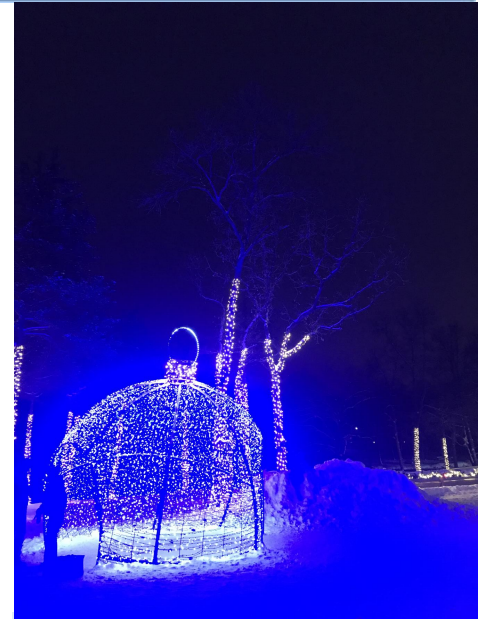
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Published by: The Minnesota Chapter of the American Planning Association (APA MN) publishes this newsletter on a quarterly basis.

Submissions: We welcome articles, letters to the editor, photos, calendar items, project profiles, planners on the move items, and other news. Send all submissions via e-mail to: [apamnnewsletter@gmail.com](mailto:apamnnewsletter@gmail.com).

Kathy Aro is the Chapter administrator. She can be reached at: [kathy.aro@planningmn.org](mailto:kathy.aro@planningmn.org)  
PO Box 433, Osseo, MN 55369

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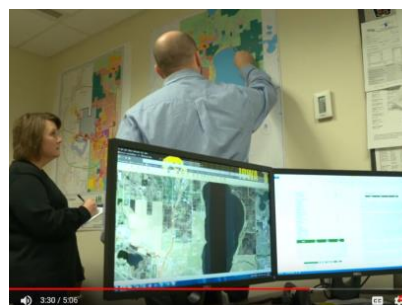
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# CHAPTER UPDATES

## President's Desk



### From the President

#### **Mentor. Coach. Inspire.**

As I look to the final year of my term after 9 amazing years on the Board in a number of capacities, I've been looking for ways to make a big splash and last legacy. As I reflect on what that might look like, I am reminded of how I arrived here in the first place. It started as thoughts of "no way, I'm not ready and I can't do this" and ended up with encouragement of key leaders encouraging and supporting me in taking the first step forward to try something small. Perhaps I was 'volun-told.' In any event, those simple words of encouragement have opened so many doors. My call to you is simple. Look for one future leader needing the encouragement to step up in a leadership role either in our Chapter or other leadership opportunities. The importance of mentoring, coaching and inspiring our future leaders is so important (and super easy). This spring, there will be a call for nominations for our Executive Committee (President, Vice-President, Secretary and Treasurer). Our organization is at a critical juncture and needs strong, forward thinking leaders to keep things moving forward. Who do you know that would be a great Planning leader?

#### **Focal Points for 2020**

Each year, the APA Minnesota Board of Directors provides strategic direction for the year. For the past several years, the Board has acknowledged our limited resources and the need to focus on a smaller number of strategies to make a bigger impact. These 'Mega Issues' are a signal from the Board as to where it desires to focus its resources and energy on. Certainly, the Board will do a lot of great work outside of these top priorities, but the Board will define its success for the year.

For 2020, the Board will be focusing on three key priorities.

- Diversity, Equity, and Inclusion
- Board and Member Recruitment and Retention
- Student Experience

The Board has created a Diversity and Equity Committee to help guide this strategic vision. This group has made great strides in their first year of existence. The Board desires to continue to support this committee in new and exciting ways. APA National has approved a new Social Equity Policy Guide as a resource to all members. In addition, APA National has completed a Social Equity Task Force Report to help local Chapters and Board of Directors to help further support our members on this important endeavor.

Many professional, volunteer and civic organizations are declining in participation. While attendance at our key events is strong, the Board is looking towards the future to ensure continuity and continue to elevate the value of planning in creating great communities. From communication to nomination processes, the Board is looking for new and easy ways for you as members to be part of our future.

While free student membership is a great start, retaining student members after their academic career is a top priority for the Board. From networking and social events to education, retaining a safe and welcoming experience for the future leaders of our organization is high on the Board's mind.

The Board looks forward to completing an Annual Work Plan later this winter to help guide the organization for the next several years. If you have ideas, please let us know. Our strategies are not created in a vacuum and need input from members like you. With that in mind, look for a Membership Survey set to be sent out later this year.

A handwritten signature in blue ink that reads "Tim Kishill".

## APA MN Vice President

### Looking Forward to a New Decade

*By Raya Esmaeili, AICP*

A new decade has officially begun, and I am sure that many of you are eager to embark on new adventures and make fresh memories. I want to thank you all for your support of APA MN and for being such valuable assets in shaping our collective future.

In the past decade, many areas of the planning field have experienced major changes and advancements. We are now integrating planning strategies for a changing climate and considering the long-term impact of technological advancements in transportation (such as AVs) on planning policies. We are part of a more connected society, thanks to technology and social media, and have used that to develop better engagement strategies with community stakeholders. At the same time, we are faced with increasing racial disparities in the state. We are now working to address inequities and discrimination in all levels of planning. Our continued work must reflect the ongoing need to ensure equitable outcomes for all residents.

Looking forward, 2020 will be an exciting start of the new decade. The chapter will continue to support the work of its various subcommittees, provide professional development opportunities, and better convene planning resources on a variety of current topics including equity, climate change, health, technology, and nuanced strategies such as form-based codes.

As part of our professional organization responsibilities and to provide relevant professional development opportunities, we have two subcommittees of Diversity and Equity, as well as Women and Planning. These subcommittees continue to refine their work plans and implement new strategies to involve more members. Since their work started, they have planned several networking events and organized well-attended sessions at the annual conference. They will have more events to look forward to in 2020. Look for opportunities to participate in these activities!

As the Chapter Vice-President, what I am most excited about in the upcoming months is the launch of a new membership survey and communications plan for the chapter. I am hoping that these efforts help us more effectively engage with our members and better represent the planning field.

As you look for opportunities to get involved in APA MN this year, please connect with us through the subcommittees, attend a board meeting, email the chapter ([kathy.aro@planningmn.org](mailto:kathy.aro@planningmn.org)), submit a proposal for the 2020 state conference in Duluth, and more importantly, make sure to fill out the survey when you receive the link!



## APA MN Upcoming Events

### Fall Conference, Elections, and Holiday Party

#### APA MN 2020 Conference

##### Mark Your Calendar!

Minnesota Planning Conference 2020

September 16 – 18, 2020

Duluth Entertainment and Convention Center

<https://planningmn.org/mpc20>

##### Call for Presentations

The Call for Presentations will be issued late February or early March. Plan ahead!

##### Volunteer

If you would like to volunteer for the conference, contact the appropriate committee chairs listed below. Volunteering is a terrific way to network with peers from around the state!

We are also in need of onsite volunteers to help with registration and room monitoring. A Call for Onsite Volunteers will be issued after registration opens in July.

- Awards: [Stephanie Falkers](#)
- Program Committee: [Hally Turner](#), [Dan Edgerton](#),
- Mobile Tours: [Alec Henderson](#), [Russell Habermann](#)
- Sponsorships: [Rita Trapp](#)
- Fundraiser: [Alec Henderson](#), [Russell Habermann](#), [Alex Conzemius](#)

##### Hotels

APA Minnesota has blocks of rooms at the following hotels. Make reservations by **August 16, 2020**. Our blocks will be released after that date.

##### Holiday Inn & Suites Duluth Downtown

200 West First Street

Duluth, MN 55802

[www.hiduluth.com](http://www.hiduluth.com)

Reservations: (218) 722-1202

Rates: \$139 + tax (single or double)

##### The Inn on Lake Superior

350 Canal Park Drive, Duluth, MN 55802

[www.innonlakesuperior.com](http://www.innonlakesuperior.com)

Reservations: (218) 726-1111 or (888) 668-4352

Rates: \$179 Standard Poolside

\$189.99 City View

\$199.99 Standard Lake View

\$219.99 Lake View Suites

#### APA MN 2020 Elections

APA Minnesota holds elections for its leadership positions yearly. District Directors are elected in odd years and Officers are elected in even years. In 2020, APA Minnesota Officers will be elected. These include the President, Vice President, Secretary, Treasurer. The election process is managed by the national office of APA. The nomination portal is scheduled to go live on March 3.

If you would like to shape the future of your professional society, please consider running for these important positions! To learn more about the responsibilities for each, visit <https://planningmn.org/boardpositions>.

#### APA MN Holiday Party 2020

Thursday, January 30

5:30 - 9:00 p.m.

Fee: \$15 which includes light appetizers and a free drink ticket. Proceeds support the Gunnar C. Isberg Scholarship Fund.

Pryes Brewing

1401 West River Rd N

Minneapolis, MN 55411

<https://www.pryesbrewing.com/>

[Click here](#) to register



# APA MN Professional Development Officers

## Chapter Update

*By Jane Kansier, AICP; Melissa Poehlman, AICP; and Elise Durbin, AICP*

The APA Minnesota Chapter is dedicated to providing ongoing professional development opportunities for its members. This effort is overseen by three Professional Development Officers (PDOs) whose responsibility it is to promote and support members in their continuing education efforts. Not only do the PDOs oversee workshops/seminars, but they are also responsible for the review and submission of Certification Maintenance (CM) credits, assisting members interested in AICP accreditation, and helping members to find and access training opportunities.

### Thank You, Melissa!

Melissa Poehlman will be stepping down from her duties as PDO in early 2020. She has been instrumental in the review and submission of events for CM credits making sure that these continuing education activities meet APA's requirements. Thank you Melissa for all of your work as a PDO!

### 2019 Accomplishments

2019 was another busy year! The APA Minnesota chapter offered over 90 CM credits throughout the year. More than 400 APA Minnesota members took advantage of these continuing education opportunities at the Spring Seminar, annual fall conference, and other events. PDOs put on two AICP prep events this year, including an expanded version at the fall conference that offered out-state planners an opportunity to attend.

### 2020 Conferences, Seminars, and Continuing Education

The Professional Development Committee is in the process of arranging continuing education opportunities for 2020. Some of these opportunities include:

Brown Bag Lunch Seminar, Assistance programs from DEED, January 21, 2020 from 12-1 p.m. at Maplewood City Hall

Brown Bag Lunch Seminar, Inclusionary Housing Policies and Ordinances, February 11, 2020 from 12-1 p.m. at Bloomington City Hall

Annual Spring Mobile Workshop/Seminar, Spring 2020 (date to be determined)

Planner's Day at the Capitol, Spring 2020 (date to be determined)

Fall Conference in Duluth, September 16-18, 2020



### APA Learn

If you are looking for more continuing education opportunities, turn to APA Learn, an online platform for continuing education. The catalog includes 375 online courses in a variety of formats. The cost varies from free to about \$20 per CM credit. This is a great and affordable resource for CM credits, including Law and Ethics, or to just learn more about planning trends and issues. For more information, go to <https://www.planning.org/apalearn/>.



# APA MN Professional Development Officers

## Chapter Update (*continued*)

### Calling All Planners

Do you have an exciting new project or development you would like to share with other planners in your area or in the state? Why not volunteer to be a speaker at a Brown Bag session? This is a great way to present your ideas, projects and successes to others. Presenters earn extra CM credits! Contact any of the PDOs with your ideas.

APA Minnesota will also submit up to 4 single events or one multi-part event per year for CM credits for outside organizations. If you are interested in this program, please contact the Professional Development Officers at least 45 days prior to your event. The PDOs will help you determine if your event is eligible and provide you with the necessary application forms.

### Congratulations!

Congratulations to the following APA Minnesota members on their successful completion of the AICP exam in November. They join 380 other APA Minnesota members who have achieved the AICP designation.



David Sweeney, AICP  
Kathy Wilson, AICP  
Amy Henry, AICP  
Jonathan Noerenberg, AICP  
Michael Thompson, AICP  
Shawn James, AICP  
Ryan Bechel, AICP

The following also passed the AICP exam as part of the AICP Candidate Program:

Amy Morgan, AICP  
Austin Hauf, AICP  
Nick Kieser, AICP  
Haley Sevensing, AICP  
Daniel McNiel, AICP  
PeggySue Imihy, AICP  
Benjamin Picone, AICP  
Matthew Lupini, AICP  
Olivia Boerschinger, AICP  
Kristin Moen, AICP



### AICP Exam Information

Now is the time to think about earning your AICP designation! The deadline has passed to apply for the May 2020 exam; however, application registration for the November 2020 exam will open in June.

Whether you plan to take the exam in May or November or maybe not until 2021 (or even later), we will be offering an AICP Exam Review Panel early in 2020 for those interested in learning more about the exam. If you have already applied for the exam, you will hear helpful tips for studying and taking the exam from planners who successfully completed the exam in 2019. Even if you haven't applied to take the exam, but are interested in getting a head start in preparing and what to expect, you are welcome to attend. This session is planned for Wednesday, March 4th from 4:00-5:30pm at Ridgedale Library Room 174, 12601 Ridgedale Drive, Minnetonka.

The AICP Candidate Pilot Program continues. The pilot program was developed to accelerate the AICP exam process for students and graduates of PAB-accredited programs who have not yet reached the standard threshold for taking the test based on obtaining a minimum number of years of qualified professional experience after graduation. You can take the test first, then earn your AICP later, after you have gained the required experience. For more information visit the [AICP Candidate](#) page.

And finally, APA Minnesota has one scholarship to offer assistance to those individuals who may defer taking or are unable to take the AICP exam because of the high cost. If chosen, scholarship recipients pay the \$70 appli-

# APA MN Professional Development Officers

## Chapter Update (*continued*)

cation fee, but the exam fee is only \$75. Anyone interested in applying for this assistance to take the test in 2020 must submit a resume with references and a one to two page essay identifying when they would like to take the exam and explaining their passion and commitment for the field of planning, why certification is important, and an explanation of financial hardship. The chapter will accept applications for the scholarship until Friday, February 28, 2020. Applications should be submitted by e-mail to Elise Durbin at [elised@carvercda.org](mailto:elised@carvercda.org). The scholarship recipients will be chosen by the Professional Development Officers and the Chapter President. All selections are final.

### CM REPORTING

The CM reporting period for some of you ended on December 31, 2019. If you have met your CM requirements for the reporting period, you must review and sign off on your CM log before you can begin logging credits for the new reporting period. Closing your log takes just three easy steps:

- Review the final tally of CM credits for the reporting period that appears in your log. If it is correct, click Continue to Close the appropriate reporting period.
- Read the review confirmation statement and click the adjacent box.
- Click Close (Option to close log will appear in your log on January 1 of every new reporting period).

For more information go to: <https://www.planning.org/cm/endreportingperiod/>.

### APA MN Brown Bag Series

APA will be continuing its brown bag lunch series into 2020. Upcoming events include:

#### Minnesota DEED Resources

The next [APA MN Brown Bag Seminar](#) will be held 1/21/20 from 12-1 PM at the Maplewood City Hall. Tim O'Neill, a regional analyst for the Minnesota Department of Employment and Economic Development (DEED), will describe programs that are available to help cities.. **CM**1

#### Inclusionary Housing

This [APA MN Brown Bag Seminar](#) will be held 2/11/20 from 12-1 PM at the Bloomington City Hall. Michele Schnitker, Deputy Director of Community Development and Housing Supervisor for the City of St. Louis Park, and Cherie Shoquist, Housing Analyst with the City of Bloomington will review the process of creating a municipal inclusionary housing policy, its requirements and the results. CM credits have been applied for.



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Michael Lamb, AICP  
612 . 766 . 2830  
[mike.lamb@LHBcorp.com](mailto:mike.lamb@LHBcorp.com)



# Legislative & Law Committee

## 2020 Capitol Update

Tom Jensen, **TITLE?**

### Overview

The Minnesota Legislature will begin meeting at noon on Tuesday, February 11, 2020, which is second year in the legislative biennium.

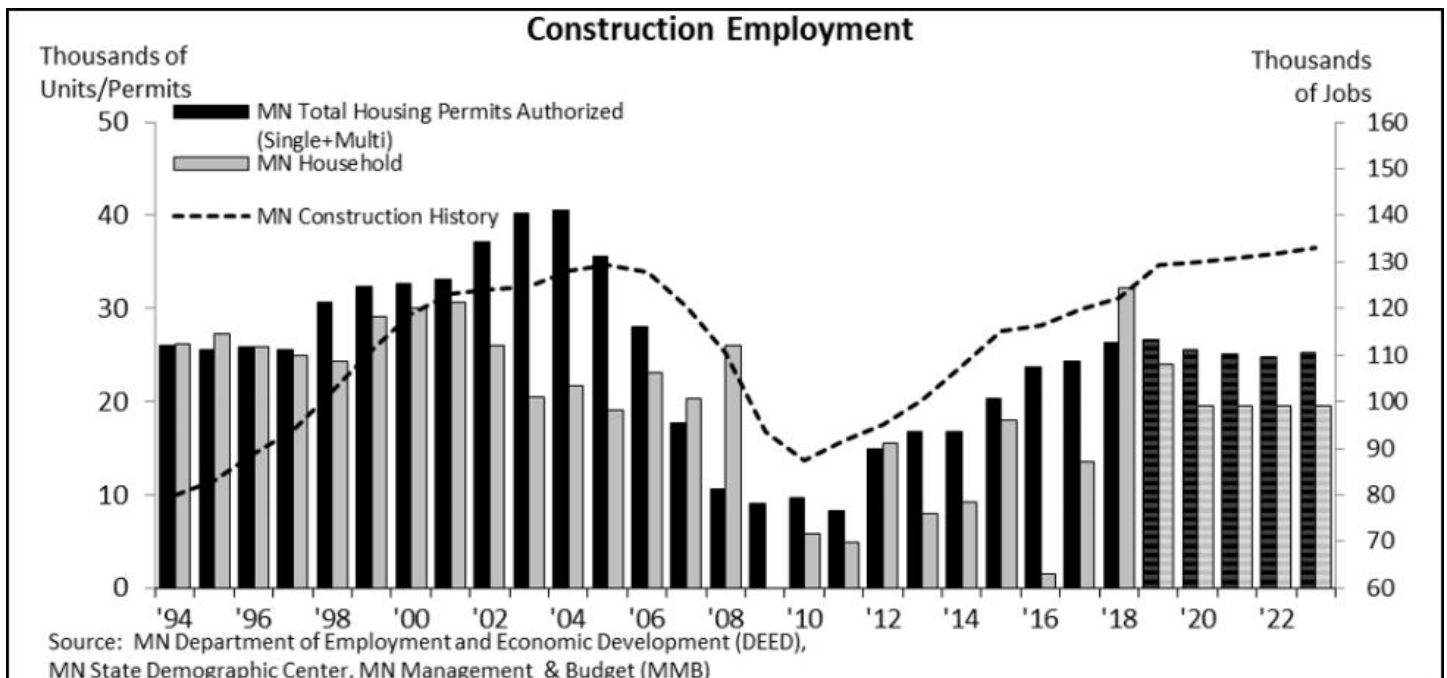
After the 2018 House election, Minnesota became the only state with a divided legislature in the 2019-2020 biennium. According to the [National Council of State Legislatures](#) (NCSL), the last time there was only one divided state legislature in the United States was in [1914](#).

The Minnesota Legislature operates under the “flexible session” provision in the state’s constitution. The flexible session amendment to the constitution was adopted in 1972. As of the 1973 session, the restriction that limited regular sessions to odd-numbered years was removed and, the May adjournment deadline was added. Since the passage of the constitutional amendment, the legis-

lature has met in a single regular session that extends the 120 legislative days over each biennium. This system is unique to Minnesota.

On December 5<sup>th</sup>, Minnesota Management and Budget (MMB) released its [budget forecast](#) and noted that “Minnesota’s budget and economic outlook has improved since the end of the 2019 legislative special session.” As of now, the “stable budget outlook allows for an automatic allocation to the budget reserve account, bringing the reserve balance to its statutory target level of \$2.359 billion.” The illustration below is from the MMB forecast and represents historical household formations and housing building permits and forecast activity through 2022. MMB’s next forecast is scheduled for February.

As with previous legislative sessions, the governor may use the shorter session to propose revisions to the budget or changes to programs. In 2019, a bonding bill



*Following the 2008-09 recession, household formations averaged about 10,000 new households per year from 2010-17, much lower than the pre-recession ten-year average of 24,500. However, 2018 saw a spike in Minnesota household formation, with 32,000 new households, coinciding with two years of positive net-in migration. Positive domestic migration combined with sustained net positive international migration resulted in 2017 being the largest year for net in-migration (24,000 new net residents from migration) on record in nearly three decades.*

## Legislative & Law Committee

### 2020 Capitol Update (*continued*)

was passed for housing programs. If agreements are reached between the House, Senate, and the governor, a broader bonding bill may surface. The next MMB forecast will help set any supplemental budget requests and bonding targets.

Housing issues have spawned a [series of executive and legislative policy initiatives](#) and will continue to be a focus of the session. Governor Mark Dayton created a task force on housing in 2018. In 2019, the Senate passed Senate Resolution 101, which establishes the [Select Committee on Home Ownership Affordability and Availability](#). The committee is authorized to meet until the adjournment sine die of the 2020 Senate, 91st Session. The most recent meeting took place on [December 10<sup>th</sup>](#). [The Legislative Commission on Housing Affordability](#) was established during the 2019 Special Session and is authorized to continue until June 30, 2023 and [meeting schedules will be announced](#).

In the meantime, on December 19<sup>th</sup>, Governor Tim Walz and Lieutenant Governor Peggy Flanagan announced the launch of the Minnesota Winter Homeless Initiative. In response, the Saint Paul & Minnesota Foundation created the [Minnesota Homeless Fund](#) “to assemble resources from philanthropy, corporate donors and public entities.” The fund will be used for crisis response, shelter and low-barrier affordable housing across the state.

As of December 23<sup>rd</sup>, nine members of the legislature have announced they will not seek re-election. In November, one member of the House resigned for health related reasons and another member died. Special elections for these vacancies in House Districts [30A](#) and [60A](#) are scheduled for February 4<sup>th</sup>. The Legislative Reference Library maintains a [list](#) of legislators who are not seeking re-election or where vacancies that have occurred.

Minnesota House and Senate seats are up for election in 2020. Minnesota will elect one member to the U.S. Senate. All congressional seats are elected this year. The short session will also occur during party precinct caucuses, which are scheduled for Tuesday, February 25<sup>th</sup>.

When the legislature meets, there will be two new agency leadership appointments. Jodi Harpstead was appointed in August as the new commissioner of the Minnesota Department of Human Services (DHS). Former Minnesota

Department of Transportation Commissioner Charlie Zelle has been selected as the next Metropolitan Council chairman. Zelle’s tenure begins on January 6<sup>th</sup>.

### Litigation Watch

Three cases of interest that pertain to annexations, non-conforming uses, and subdivision procedures and ordinances are before the Minnesota Judicial Branch.

On December 2<sup>nd</sup>, the Minnesota Supreme Court heard arguments relating to a nonconforming use case involving the City of Sartell. On October 29<sup>th</sup>, Bemidji Township appealed a district court annexation decision involving the City of Bemidji. On August 9<sup>th</sup>, the Builders Association of the Twin Cities filed a lawsuit against the City of Dayton, challenging the City’s revised (and post-*Harstad v. City of Woodbury*) Development Review Policy and Procedure and subdivision ordinance.

#### Minnesota Judicial Branch: Minnesota Supreme Court

##### *AIM Development (USA), LLC, Appellant vs. City of Sartell, Respondent*

##### **Case Number: A18-0443**

December 2, 2019: Oral Argument, Minnesota Supreme Court

Summary prepared by the Supreme Court Commissioner’s Office

Appellant AIM Development (USA), LLC, purchased a former paper mill site and landfill in respondent City of Sartell in 2013. AIM’s predecessors-in-title had received permits from the Minnesota Pollution Control Agency (MPCA) to operate an industrial solid waste land disposal facility. The City amended its zoning ordinance in 1989, which rendered industrial, non-hazardous landfills a non-permitted use of the land. However, the landfill continued to operate as a legal nonconforming use between 1989 and 2012, collecting waste generated by the paper mill operation.

In 2014, AIM submitted an application to the MPCA, seeking authority to deposit waste generated from operations other than the paper mill into the landfill. After

## Legislative & Law Committee

### 2020 Capitol Update (*continued*)

the City objected, AIM initiated a declaratory judgment action. The district court found that the “use of the landfill is limited to waste generated by the paper mill operation” and “the disposal of other wastes and wastes from other generators is an unpermitted expansion of the use.” The court of appeals affirmed, holding that “[a] landowner seeking to continue a prior permitted nonconforming use of property is bound by the uses allowed under the terms of the land-use permit in effect at the time of the property transfer.”

On appeal to the supreme court, the issues presented are (1) whether the court of appeals erred when it held that AIM’s nonconforming use rights are defined by the terms of the MPCA permit in effect when AIM purchased the landfill in 2013, rather than the zoning ordinances and circumstances when the use became nonconforming in 1989; and (2) whether the court of appeals erred when it concluded that “AIM’s proposal to accept waste from other waste sources constitutes an impermissible expansion of the prior nonconforming use.”

#### **Minnesota Judicial Branch: Court of Appeals** ***In re the Matter of the Annexation of Real Property to City of Bemidji from Bemidji Township*** (MBAU Docket A-8144)

Case Number: A19-1740

Notice of Appeal: October 29, 2019

#### **Appellant’s Statement of Case (Brief description of claims, defenses, issues litigated and result)**

In early 2018, the Property’s owner sought Bemidji Township’s commitment to rezone the Property as commercial. The owner also told Bemidji Township that he had a commitment from the City to rezone the Property. In turn, Bemidji Township correctly informed the owner to follow the normal, established application process for rezoning.

Instead, the owner submitted a petition to the City for annexation. The City purported to annex the Property by ordinance in June 2018.

Bemidji Township timely objected to the annexation and sought review before OAH. Specifically, Bemidji

Township sought review of the annexation under the statutory criteria set forth in Minn. Stat. § 414.031, subd. 4(a). However, OAH held that it lacked jurisdiction to conduct any substantive review, since the City annexed the Property by ordinance.

Bemidji Township timely appealed the order to district court and sought, *inter alia*, remand to OAH to develop an evidentiary record. However, the district court held that OAH properly determined that it had no jurisdiction to develop a record, consider the best interests of the affected territory, or apply the statutory criteria for annexations.

Consequently, this appeal addresses whether an annexation by ordinance is subject to any level of judicial review pursuant to Minn. Stat. § 414.01, *et seq.*

#### **Respondent’s Statement of Case (Brief description of claims, defenses, issues litigated and result)**

Prior to April 18, 2018, Hard Rock Investments, LLC (“Hard Rock”), the owner of a 14-acre parcel of property (“Property”) formerly located in Bemidji Township (“Township”), filed a petition for annexation (“Petition”) with the City for the purpose of receiving City services to facilitate development of the Property. On April 18, 2018, the City served a Notice of Public Hearing pursuant to Minn. Stat. § 414.033, subd. 2b. On May 11, 2018, the City published a Notice of Public Hearing scheduling a May 21, 2018 public hearing at which the Petition would be heard. After providing the required notice, the City held a public hearing on the Petition on May 21, 2018, at which time the Township’s objection to the annexation was noted. On June 4, 2018, the City adopted Ordinance No. 149, 3rd Series, annexing the Property pursuant to Hard Rock’s Petition and Minn. Stat. § 414.033, subd. 2(3).

The Township opposed the annexation and requested an evidentiary hearing with the Office of Administrative Hearings pursuant to Minn. Stat. § 414.031, subd. 3 & 9. After November 12, 2019 2 622337v1BE155-40 receiving briefing from the City and the Township, Chief Administrative Law Judge Tammy L Pust (“ALJ”) issued an Order Approving the Annexation (“Order”), finding that the Township had no statutory authority under Minn. Stat. §



## Legislative & Law Committee

### 2020 Capitol Update (*continued*)

414.033, subd. 2 to object to the annexation or to request an evidentiary hearing on the matter. The Township filed an application for review with the district court on August 30, 2018, pursuant to the appeal provision in Minn. Stat. § 414.07.

The district court upheld the ALJ's Order. The district court further found that in an appeal of an OAH order pursuant to Minn. Stat. § 414.07, the district court is limited to reviewing the order on the statutorily defined grounds, and the Township's claims and defenses that required more than reviewing the Order were not properly before the court.

#### **Minnesota Judicial Branch: Hennepin County District Court**

##### ***Builders Association of the Twin Cities d/b/a Housing First Minnesota, a non-profit trade association v. City of Dayton***

Case Number: 27-CV-19-13521

Court Trial scheduled for August 17, 2020 at 9:00 a.m. (Judge Susan M. Robiner)

#### **From the August 9, 2019 complaint:**

In response to the 2018 *Harstad v. City of Woodbury* decision, the City of Dayton used a moratorium to study the effects of the *Harstad* decision on development reviews. In its complaint, *Housing First Minnesota* filed a complaint against the City of Dayton, contending that the City's review resulted in the creation of an illegal and unenforceable Development Review Policy and Procedure ("New Policy and Procedure") and then amended its Subdivision Ordinance.

Housing First Minnesota argues "The City, pursuant to its New Policy and Procedure and amended Subdivision Ordinance, has resurrected its transportation fee or charge, and accordingly, is again in violation of established law in the State of Minnesota." and requires developers "to pay one of two forms of an illegal transportation fee—either a 'Project Specific Transportation Charge' or a 'General Transportation Fee.'"

Housing First MN requests relief from the Court as follows:

- a. Declaring and adjudging that the Off-Site Transportation Charge, as well as the New Policy and Procedure and the amendments to the Subdivision Ordinance, are illegal, null and void, unenforceable, contrary to and unauthorized by Minnesota law;
- b. Granting and ordering a temporary and permanent injunction declaring and adjudging that the Off-Site Transportation Charge, as well as the New Policy and Procedure and the amendments to the Subdivision Ordinance, are illegal, null and void, unenforceable, contrary to and unauthorized by Minnesota law;
- c. Granting and awarding Housing First MN its costs, disbursements, and attorneys' fees incurred in bringing this action to the extent recoverable by law; and
- d. Granting and awarding such other and further relief as the Court deems just and equitable

### **Additional Notable Items**

#### **In the Matter of Midway Pro Bowl Relocation Benefits Claim Case No. A19-0237**

Regarding denial of claim for relocation benefits

#### **White Bear Lake Restoration Association vs. MN Department of Natural Resources, et al**

Case No. A18-0750

Regarding permitting for groundwater extraction

#### **APA and ASFPM Statement on NEPA Regulation Changes**

[Joint Statement of the American Planning Association and the Association of State Floodplain Managers on Proposed Changes to Federal NEPA Regulations](#)

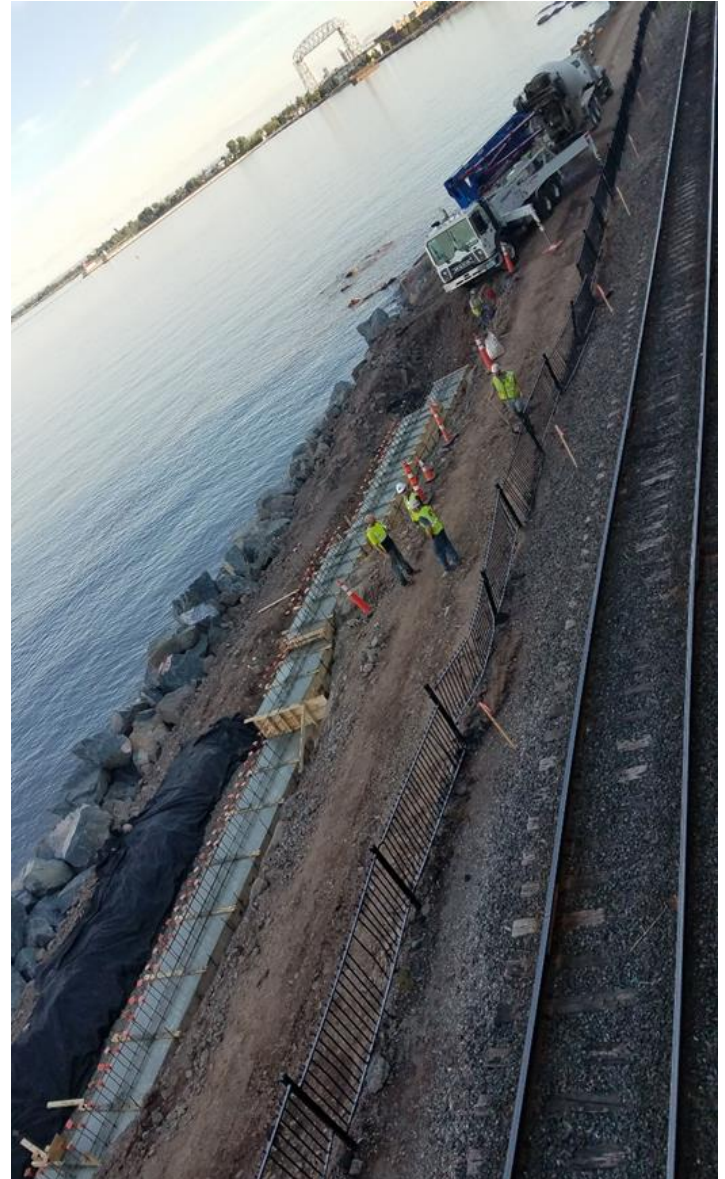
# DISTRICT NEWS: FOCUS ON NORTHEAST

## Lakewalk Reconstruction and Two Harbors Transportation Plan

*By Justin Otsea, AICP*

### Lakewalk Reconstruction

Over the past 3 years, the City of Duluth's popular Lakewalk waterfront trail has been inundated by storms and large waves off Lake Superior. Confounding the situation, the Lake is at record high levels, creating conditions that with each storm, significant erosion of the waterfront and underwater storm barriers is taking place, leaving the Lakewalk in a more and more vulnerable position. This situation has therefore lead to extensive damage to the Lakewalk with each subsequent storm event. The City of Duluth, with the help of disaster assistance funding, is reconstructing the Lakewalk in a more sustainable way with the anticipation of stronger and more frequent storm events. New retaining walls and more solid design of the Lakewalk trail itself are under construction to hold up and be better protected from future storms. The first reconstructed Lakewalk segment was completed in 2019, with the next segment near the hotels in Canal Park to be reconstructed in 2020.



### Two Harbors Transportation Plan

In 2018-19 the City of Two Harbors and Arrowhead Regional Development Commission (ARDC) undertook a Comprehensive Transportation Planning Process that focused on all thing's transportation, ranging from bicycle routes, pedestrian connections, to road design. One of the most significant components of the process was incorporating public input into a design process led by Consultant Aune-Fernandez Landscape Architects to develop a new road design for the entire length of Highway 61, along with a connection down to the waterfront in downtown Two Harbors. The new design work is expected to inform a reconstruction project of the City's entire highway segment slated for fiscal year 2025. Design elements include a multi-use bike trail, public green space pull offs, reducing parking, stormwater considerations, public art opportunities, waterfront plaza. among others. Additional focus group and public input meetings are expected to continue as the City finalizes design plans and pursues supplemental federal funding to support the project. The plan and design work can be found at [www.ardc.org/TwoHarborsTransportationPlan](http://www.ardc.org/TwoHarborsTransportationPlan)





# DISTRICT NEWS: FOCUS ON NORTHWEST

## GBAJPB Receives Local Government Innovation Award

*By Rita Albrecht, AICP*

In the northern lakes and forested area of northern Minnesota, Bemidji, the First City on the Mississippi, and adjacent Northern Township have been cooperating on comprehensive joint planning, zoning, and administration for 12 years. They have been able to turn aside natural barriers and competition between municipalities and townships resulting in enhanced economic vitality and natural resources protection for the region.

In December the Greater Bemidji Area Joint Powers Board (City of Bemidji and Northern Township) received the Local Government Innovation Award (and \$5,000). This award is jointly sponsored by the Humphrey School of Public Affairs at the University of Minnesota, the League of Minnesota Cities, Minnesota Association of Townships, the Bush Foundation and the Minnesota School Boards Association.

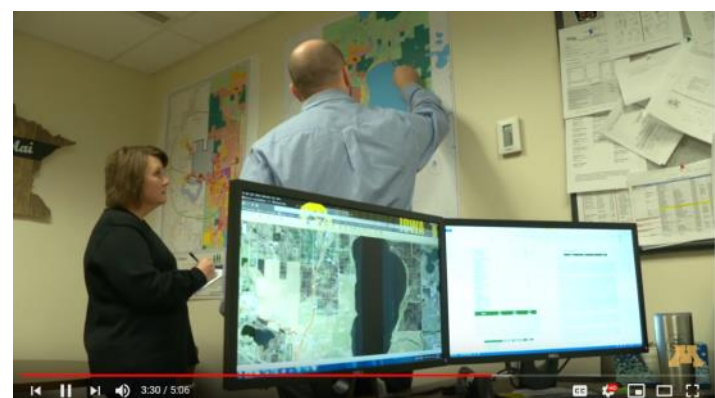
JPB staff members Casey Mai and Jamin Carlson accepted the award at the December 12, 2019 ceremony at the Humphrey School of Public Affairs.

"It is a surprise and an honor to receive this award," said Mai.

The award recognized projects in up to five different categories: cities, counties, schools, townships, and Native nations, and one entry in each category was named Leading Innovator. The Leading Innovator in the Township Category was the Greater Bemidji Area Joint Planning Board (City of Bemidji and Northern Township).

"This is tremendous recognition for the hard work that has gone into cooperation on comprehensive joint planning, zoning, and administration," said Steve Jones, Community Development Director for the City of Bemidji. "It is a unique situation and can be very challenging but has shown to be a positive partnership for our community."

Each Leading Innovators award winner is featured in a video courtesy of the LGIA partners. The GBAJPB video can be found online at [https://www.youtube.com/playlist?list=PLNooLxLOo\\_odi\\_cG9cgl22Yhy8LriBc4C](https://www.youtube.com/playlist?list=PLNooLxLOo_odi_cG9cgl22Yhy8LriBc4C)





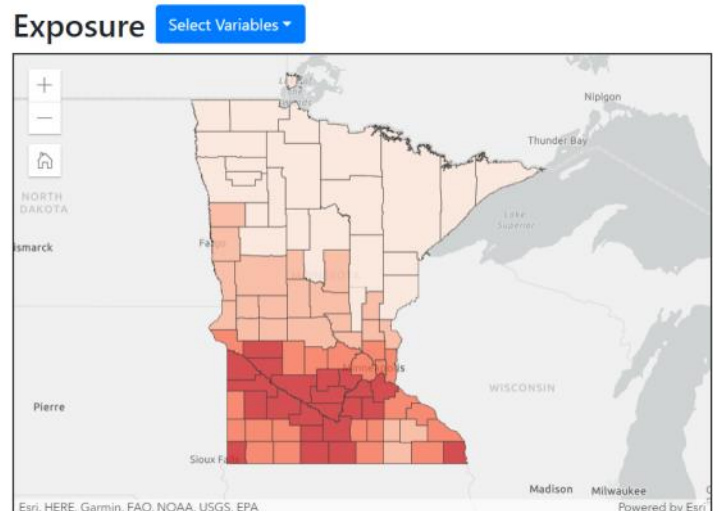
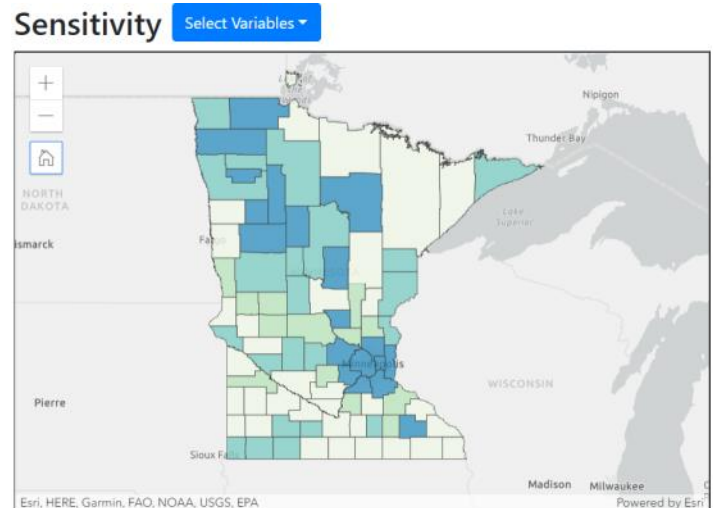
# RESOURCES AND REPORTS

## Minnesota Heat and Health Planning Tool Now Available

Extreme heat events in Minnesota are already occurring and are expected to become more common, more severe, and longer lasting as our climate changes. Understanding local vulnerabilities and taking appropriate environmental and community measures to ensure that people can stay cool and hydrated during an extreme heat event are instrumental to preventing heat-related health impacts.

To support this process, the Minnesota Climate & Health Program in collaboration with the University of Minnesota U-Spatial just released an online [Heat Vulnerability in Minnesota Assessment Tool](#). The Tool helps visualize datasets that can contribute to a community's vulnerability and serves as a launching point for streamlining local solutions to protect health and increase climate resilience.

The Minnesota Climate & Health Program also partnered with St. Paul – Ramsey County Public Health to utilize the Tool and create a model heat vulnerability assessment for Ramsey County. The model assessment serves as an example of how to utilize data from the Tool to understand the people and places that are more susceptible to negative health impacts of extreme heat.



## Resources and Reports (continued)

### Climate Change Resources



#### Reducing Climate-Vulnerable Populations Risk

The [U.S. Climate Resilience Toolkit Great Lakes](#) is a webpage designed to help people find and use tools, information, and subject matter expertise to build climate resilience for the Great Lakes region. The broader Toolkit offers information from across the U.S. Federal government in one easy-to-use location. The goal of the site is to improve people's ability to understand and manage their climate-related risks and opportunities, and to help them make their communities more resilient to extreme events.

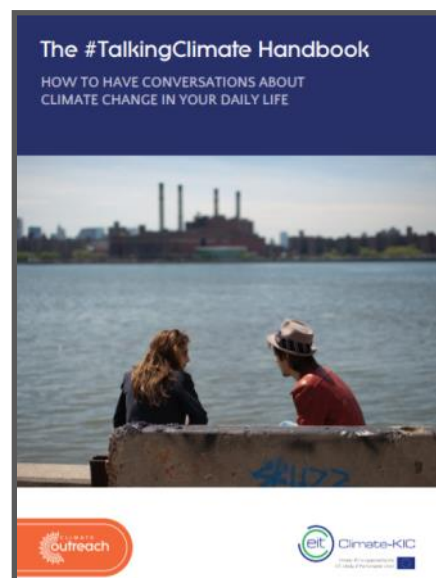
#### EPA Heat Islands and Equity Webpage

Heat islands impact some people more than others. As cities face higher temperatures, longer and more intense heat waves, and a stronger heat island effect, local governments are increasingly focused on protecting the people who are most vulnerable to extreme heat. The new U.S. Environmental Protection Agency (EPA) [Heat Islands and Equity webpage](#) describes the connection between urban heat and equity, steps for

local governments to address heat equity and support at-risk residents, and examples of how some cities are actively working to meet the needs of residents.

#### New Talk Climate Handbook

Climate change conversations need to be taking place across all of society - every community matters. But talking climate change can be hard. A new Talking Climate Handbook, created by Climate Outreach, provides evidence-based, practical guidance to make it easier to have constructive climate conversations in our daily lives.



Content for the Handbook was developed by combining social science expertise with a citizen science pilot project that involved over 550 people from more than 50 countries. Read more and download the Handbook at the [Climate Outreach website](#).



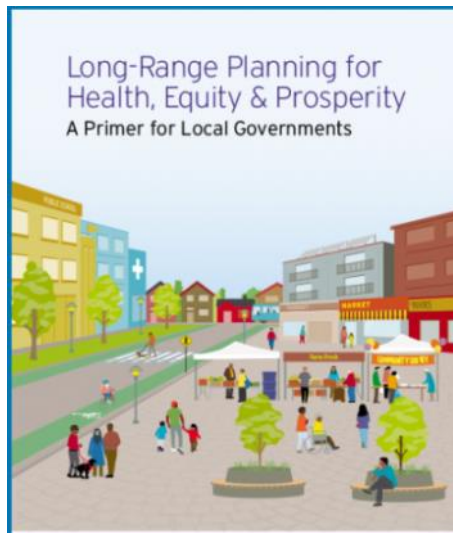


## Resources and Reports (continued)

### Equity Resources

#### Health Equity Primer for Local Governments

To help planners advance health equity, ChangeLab Solutions has created [Long Range-Planning for Health, Equity & Prosperity: A Primer for Local Governments](#). The primer poses a series of questions to provoke thoughts on how planners can prioritize health and equity in their work.



Readers will also gain an understanding of the ways that planning can support or impede health equity, as well as insight into how to integrate health and equity into everyday planning practice and decision making. The Primer is for planners, local leaders, advocates, researchers, and consultants who want to advance health and equity in their communities through long-range planning.

Read more at the ChangeLab Solutions website.

#### Transportation and Health Equity Report

[The State of Transportation and Health Equity](#), a field scan from Smart Growth America looks at the intersection of transportation and health equity in the U.S. today. Informed by 92 experts working across disciplines at the local, state, and federal level across the country, the report identifies the biggest challenges to health equity facing our transportation system and the strategies we should use to address them.



Organized into 6 critical areas; each section outlines challenges, corresponding strategies, as well as success stories from around the country. This field scan shows is that we have the solutions, but creating an equitable transportation system will require stakeholders from across levels and disciplines to improve the system both from within and from outside.



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## Resources and Reports (continued)

### Other Reports



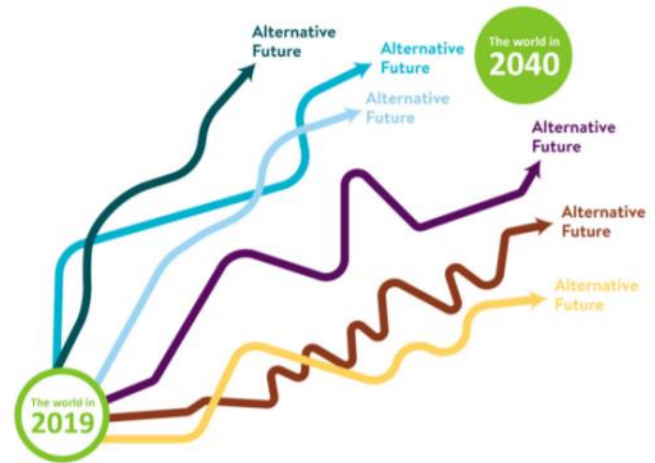
#### Water Systems Council Introduces Infrastructure Planning Resource for Rural Communities

The Water Systems Council (WSC), the only national nonprofit organization solely focused on household wells and water well systems, has launched a comprehensive online guide to financial and planning resources for rural community drinking water infrastructure projects – [waterprojectfunds.com](https://waterprojectfunds.com).

The new website follows the recent WSC-championed Water Supply Cost Savings Act, which requires that alternative drinking water supplies such as individual, shared and community wells be considered in applications for federal funding for drinking water systems serving 500 or fewer people.

In the United States, 41,801 of 52,000 community drinking water systems are small systems, and 27,500 serve communities of 500 or fewer. WSC's new [waterprojectfunds.com](https://waterprojectfunds.com) website is designed to support underserved small rural communities and provide financial and planning resources needed to begin infrastructure renewal.

The website is meant to assist small communities with identifying cost-effective solutions in the face of unique rural water challenges where connecting to a larger system is neither cost-effective nor feasible.



#### MnDOT Releases CAV Scenario Planning Report

Beginning in 2018, MnDOT undertook a scenario planning process to determine how our plans and programs can address upcoming Connected and Automated Vehicle (CAV) technologies. This effort also helped to share information with local partners and stakeholders while giving MnDOT staff new perspectives on the promises and potential problems with various possible future scenarios.

The report (viewable [here](#)) encapsulates what MnDOT heard in this planning process. It describes both opportunities and challenges in each scenario and identifies next steps.

MnDOT is excited to share this report with you. We hope that it serves as a reminder of the various ways in which CAV may come to impact our collective work, and as an inspiration to continue to be proactive in planning for CAV.



# JOB OPENINGS AND RFPS

Job openings and requests for proposals are available on the APA MN website:

[https://www.planningmn.org/view\\_job\\_postings](https://www.planningmn.org/view_job_postings)

[https://www.planningmn.org/view\\_rfp\\_postings](https://www.planningmn.org/view_rfp_postings)

Current Job Listings:

- St. Croix County: Parks Administrator (1/26/20)
- City of Woodbury: Community Development Director (2/10/20)
- City of Hudson, WI: Associate Planner/GIS Coordinator (2/14/20)
- City of Rochester: Transit Operations Manager, Transit Operations Specialist, and Transit Grant Specialist (until filled)
- Dodge County: Zoning Administrator (until filled)
- TKDA: Planner and Senior Planner (until filled)
- Zan Associates: Project Manager (until filled)
- Northwest Associated Consultants, Inc.: Planner (until filled)
- Olmsted County: Planner/Senior Planner (until filled)
- City of Brooklyn Center: Economic Development Coordinator (until filled)
- City of De Pere: Development Services Director (until filled)
- Landform Professional Services: Designer—Municipal Engineer (until filled)


Current RFP Listings:


- Washington County: TH 36 Transit Feasibility Study (1/24/20)
- The Iron Range Communities of Laurentian, East Range, and Tower area: Broadband (1/31/20)

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