

PLANNING MINNESOTA



American Planning Association
Minnesota Chapter
Making Great Communities Happen

A Publication of the Minnesota Chapter of the American Planning Association

July-August 2018



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Inside this issue

From the President	Page 3
Owatonna's Downtown Revitalization	Page 4
Can Planners and Engineers Do More Than Coexist?	Page 8
Cultivating Health Through Intentional Micro-Communities	Page 9
Fall Conference Mobile Tours Preview	Page 11
New Community Comparison Tools	Page 13
Summer 2018 Legislative & Law Update	Page 14
Events and info	Page 17
Job Openings and RFPs	Page 20
Congratulations to New AICP Members	Page 24
2018 Session Laws Matrix	Page 26



Owatonna's Downtown Revitalization

[Page 4](#)



Mobile Tour Preview

[Page 8](#)



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PO Box 433, Osseo, MN 55369

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Realizing the Benefits of Accreditation – It's Not Too Late; It's Not Too Early



From the President

It's never too late!

I began my career as a Planner at the height of the recession. Training dollars were tight, and becoming a certified planner was not a priority at the time. As time passed, I got further from the academic world, and increasingly fearful of taking another test. Ten years passed from when I graduated college and began my career as a planner. Last year, I finally got the courage to take the time to apply for the test and finish the exam. I'm grateful that I did, and am proud to announce that I am now an AICP member. I hope that many of my colleagues mid-career with similar experience will consider the same if they haven't done so already.

The benefits of AICP are more than just four letters at the end of the name. The theory and best practices you are taught will help frame important policy analysis for planners, maximize public input, and make good use of limited resources. AICP is an amazing way to supplement your education and on the job experience. AICP is also a great way to take credit for the amazing work you do every day to make communities a better place to live and work.

Now, it's not too early to begin your career as an AICP professional. This past round of tests was the first with the pilot AICP Candidate Program. This program let's recently graduated students from an accredited school take the exam soon after graduation, then gain the necessary experience before becoming fully certified, rather than waiting several years to have to take the test. This allows the test to be taken while fundamentals are fresh on your mind after graduation.

Celebrate your success as a Planner! Whether you are new to the profession or a seasoned veteran, AICP is a wonderful way to continue to sharpen your skills!



Tim Gladhill

President, APA-MN

Owatona's Downtown Revitalization

By Greg Kruschke, AICP
Community Development Manager
City of Owatonna

Owatonna is experiencing a revitalization of its Downtown as we speak. Multiple efforts have occurred in the past few years that have led to today as well the future efforts. Led by a strong partnership between the City of Owatonna, MainStreet Owatonna, and Owatonna Public Utilities, Owatonna has begun to shape its future downtown, while still recognizing its history.

During the City Council's strategic planning session three years ago, they decided that they wanted to change the direction of downtown. They made Downtown Revitalization one of their top four priorities and agreed to allocate resources to help shape the future of downtown. Further stated, they wanted to occupy the empty buildings, redevelop properties, and increase the foot traffic and add to the night life downtown.

Downtown had a few very visible and highly dilapidated buildings. A former bar building was the first building purchased by the City. The building had went into tax forfeiture and needed a new roof. The City saw the building as a key location to the future and could not let this building deteriorate further. The City has fixed the building and is now in discussions to bring the first brew pub to Owatonna in this building.

In 2016 MainStreet Owatonna was looking for a way to add new retail businesses in Downtown Owatonna. Working with the Owatonna Partners for Economic Development they decided to attempt a Retail Challenge. With almost \$30,000 in prize money and in kind gifts in hand they started the process. The application period saw a dozen applications submitted. The winner of the first Retail Challenge was Straight River Rug Hooking and Fiber Arts. This was a new retail outlet that brings in large groups of customers that tend to spend more time frequenting other businesses. As part of their prize package, the City's EDA provided a \$20,000 forgivable loan, and sign companies, banks, contractors and many others provided materials and in kind services. Although there were 11 business that did not win, 3 new businesses opened and two more expanded that participated. This was a start to the positive energy downtown.

Located along a main entrance to the center of downtown was the abandoned Arnold House. The Arnold House was an aban-



doned hotel that has seen numerous law enforcement issues, minor fires and had every door and window plywooded over for the past decade. The City was able to work out a deal to purchase the property in order to demolish it. At the same time we were able to work out a deal with a neighboring business that was looking to expand. Through a lot of creative thinking and a redevelopment TIF, this property is now home to an expanded Arrow Ace Hardware store. Following this relocation, the City was able to work with Torey's, a local restaurant, to expand in Ace's former space. They are currently in the process of a \$2M renovation that will open the bar / restaurant on the main floor and an event space on the upper floor that can accommodate 350 people.

The City also identified an area of Pearl Street that had 5 houses in need of work. These houses had multiple rental units, continued issues with law enforcement, and numerous complaints. The City was able to work with the landlords to purchase these properties and demolish them. The City is now under a development agreement with a developer to construct a 33 unit, market rate apartment building with underground



parking. This \$5M project will bring new housing options and clientele in one of the most needed housing segments in Owatonna.

In 2017 the Planning Commission had the foresight to look into addressing the building heights within Downtown Owatonna. They amended the ordinance from permitting three story buildings to permitting six story buildings within the Downtown Zoning district. They desired to be flexible realizing development costs were rising and developers were going to need to go higher in order to make the projects cash flow. This has shown immediate dividends with the potential for taller buildings.

Owatonna also had a need for a higher end market rate apartment building within walking distance of a couple of the City’s major employer’s downtown. In January of 2018, a developer approached the City about addressing these items but was going to need some assistance with the vast redevelopment costs.

This project is located just off of Cedar Avenue on Vine Street. Next month, with the help of a redevelopment TIF, construction will commence on a 5 story, 55 unit building that will meet the demands of the markets and many employers in Owatonna.

As of two weeks ago, the City Council commissioned WSB to perform a streetscape study for Downtown. MainStreet Owatonna, The Owatonna Chamber of Commerce & Tourism as well as the City are contributing to this study. The goal is to make the downtown more pedestrian friendly and inviting.

Numerous discussions continue in Downtown Owatonna. Projects ranging from hotels, restaurants, and event center, as well as retail and residential spaces are all occurring. The proactive approach by the City and its partners have led to a renaissance of sorts in Downtown Owatonna. Discussions are occurring on every vacant space in Downtown Owatonna and the current



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Scenes from Southeastern Minnesota



Scenes from Southeastern Minnesota



Can Planners and Engineers Do More Than Coexist?

By Jane Kansier, AICP

Planners and engineers often see the world through different lenses. While planners typically look for the “when” and “who,” engineers seek the “how” and “what,” which can lead to conflicts.

They each may feel like the other is speaking a different language. However, more and more we are seeing planners and engineers working side by side. Finding balance and understanding when it feels like you’re from two different worlds can be both challenging and rewarding.

The same goal

Planning is more naturally a creative pursuit with the ability to encourage unique solutions. Engineering tends to be more textbook, using quantitative engineering practices. But both planners and engineers have the same goal: to deliver high-quality, effective projects for their communities.

Over the past two decades, the two professions have been pushed to not just get along, but to collaborate. This trend is most evident in transportation.

Since the adoption of the federal Intermodal Surface Transportation Efficiency Act (commonly known as ISTEA) and subsequent transportation bills, engineers have been required to consider traditional planning elements, like land use and density and multimodal options, when designing transportation systems. Planners, at the same time, must now give more thought to engineering-focused items, such as road design and function.

So what does this mean as planners and engineers go about their daily work?

Steps to collaboration

First, it requires them to learn, or at least try to understand each other’s language. Often, planners find themselves at the front of public meetings without the presence of an engineer. This means planners must learn engineering terminology to be able to present and explain information to the public.

It also means planners no longer have the luxury of drawing a concept plan on an aerial photo and sending it off to the engineers to make it work. Planners have to be aware of multiple engineering factors; if not the “how,” at least the “what.”

On the flip side, engineers are taking a page from the planners’ playbook and incorporating more public engagement opportunities into engineering projects. These projects are important and often quite expensive, so public involvement has become a critical component to gathering ideas and gaining support.

The days when the location of infrastructure was determined by the easiest engineering solution are gone. Engineers need to be just as aware of the “who” as they are of the “how” in the project.

Planners and engineers must also communicate, early and often. As engineers begin designing complex infrastructure projects, planners should be included in the process from the beginning. They can help design public engagement, identify long-range land use plans, and incorporate the necessary planning approvals into the process.

And engineers should be included in planning projects, from small area plans to overall comprehensive plans. They can provide technical expertise on infrastructure capacity and environmental issues and solutions to ensure plans are realistic and implementable.

Good things happen

A lot of good happens when planners and engineers combine forces. Engineers gain a broader sense of the context of the specific improvement and understand how the project can be shaped to fit the community’s vision and goals.

For instance, a road project is often more than just about the road. The look and feel of it can create a sense of place, spur redevelopment and economic growth, provide multimodal transportation options, and achieve other community goals.

If we focused only on the number of lanes, intersection control, and pavement type, we would miss the opportunity to achieve these things. Planners bring the community’s goals to the forefront to complement and shape the road design.

On the other hand, by bringing engineers into plan development early on, planners are able to produce plans and studies that are easily implemented. Engineers can speak to the physical and financial aspects of the plan. The result is not just a great idea that may sit on a shelf, but something that is feasible to build.

Learning from each other

Working together introduces multiple opportunities for planners and engineers to learn from each other. They can begin by informally talking over issues and sharing insights. They can invite one another to their respective professional trainings and conferences. And they can start listening.

Planners and engineers ultimately want the same thing: to build the best communities they can. Working together, they can do just that.

Jane Kansier, AICP, is a senior urban planner with Bolton & Menk, Inc. Reprinted from the Mar-Apr 2018 issue of Minnesota Cities magazine.

28

Cultivating Health Through Intentional Micro-Communities

Cultivating Health Through Intentional Micro-Communities

Friday, July 27 • 2:30 - 4:00 p.m.
Upstream Health Innovations, Minneapolis



Join us for a presentation that introduces Envision Community: a place of intentional living, learning, and growing together. Envision houses a dignified and diverse community of people from across the housing stability spectrum including people who have experienced homelessness and severe health problems.

During the presentation, AICP members will learn:

- How the Envision Community Collaborative has co-created housing designs and intentional community with people experiencing homelessness
- How strong social networks contribute to health — especially for people experiencing homelessness — and how to design intentional community into housing developments
- How much money does an average person experiencing homelessness reliably have to spend on housing
- How much can the healthcare system reasonably invest in housing
- Learn the price-point for healthcare financed housing and strategies to build at that price point
- Give feedback on proposed plans for a local pilot of Envision Community

Attendees will also participate in a facilitated discussion of specific barriers to microhousing with intentional community and co-create zoning and building solutions to address these barriers.

Presenters

William E. Walsh, MD – Deputy Chief Innovation Officer at Upstream Health Innovations (UHI), the innovation team for the Hennepin County Medical Center (HCMC)

Joseph Hang – Design and Research Fellow with the Minnesota Design Center

Austin David Young – Master's of Architecture candidate at the U of MN

Location

Upstream Health Innovations
810 S 7th St
Minneapolis, MN 55415
(within First Covenant Church, right across the street from HCMC)

Parking

There is a paid parking lot on the First Covenant Church Block and there is metered street parking on the streets surrounding the Church (the parking situation could change due to construction on the block). LIGHT RAIL We are one block south of the US Bank Stadium stop on the Metro Transit Light Rail Green Line.

Fees and Registration

This is a free event, but pre-registration is required. Please help us plan and register by Wednesday, July 25. [Click here for link to registration.](#)



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Fall Conference Mobile Tours

Plan ahead for our fall conference by reviewing the descriptions of upcoming mobile tours. Prices will vary. We are working on getting CM credits for all tours.

Be prepared: we expect that many of these will fill up quickly once registration opens!

WEDNESDAY

Art4Trails - Public Art on Trails for a Healthy Community; 1:15 - 2:15 (Barbara Beck)

The Art4Trails initiative in Rochester shows how a group of committed community members has created a program that brings together the local arts community, the cycling community, the city Parks and Recreation department, and several other community organizations to commission the creation and display of public art in locations on the trails easily accessible to all by foot or bike.

Rochester Trolley Tour (BYOB); 2:30 - 5:15 (Daniel Butterfass)

See the City of Rochester in a new and historical light. Visit downtown Rochester and learn about the Mayo Clinic Campus, see the oldest church in Rochester, and see historic limestone bridges. You'll be relaxed as you travel from downtown the the Blufflands. By the end of this tour, you will know the inside story of Rochester's amazing growth and transformation from a humble Midwestern farm town to world-famous mecca for the medical arts. We guarantee you will be surprised and delighted by the charm of Rochester's many hidden scenic and cultural gems, as we focus on Rochester's past, exciting present, and much-anticipated future Destination Medical Center (DMC) growth. Bring your own food, drinks, and alcoholic beverages as you learn about Rochester!

THURSDAY

Kayaking the Zumbro River; 8:00 - 10:15 (Terry Lee)

We will meet at Silver Lake Boat Rentals about .7 miles (a 13 minute walk) north along Civic Center Dr. from the Mayo Civic Center. Attendees can choose between solo kayaks or tandem canoes. The group will be led on a 1-2 hour tour of Silver Lake and the South Fork of the Zumbro River past the Civic Center and into downtown Rochester. Along the way our guides will discuss issues facing the river and plans and projects related to this important local natural resource.



We Bike Rochester Biking Tour; 10:15 – noon (Tara Freimund)

Ride the local Rochester Trails with We Bike Rochester! Local bike group, We Bike Rochester, will explain the local trail system, discuss the basics of street riding and group riding, and provide a networking opportunity at a local brewery. They will discuss what it is like to be a biking advocate and inform attendees of recent updates to the trail system. You will learn about the ins-and-outs of the local trail system from the consultant's perspective. This ride is open to bikers of all levels.

Let's Walk Rochester - A Walk Audit Training; 1:45 - 2:45 (Kelly Corbin)

Take a stroll through one of Rochester's core neighborhoods and the transition into the downtown core and DMC District. Participants will explore the built environment and context of key destinations for community members including schools, healthy food, parks and places for employment. Stops will occur along the route to discuss infrastructure and planning. Walk Audits are a strategy identified in MN Walks: a Framework for Walking adopted by MNDOT and MDH. This mobile workshop is intended to provide a "train-the-trainer" opportunity for participants to lead future walk audits for their planning and community engagement work as well as provide a small tour of the community.

Mobile Tours (cont.)

YEP! Youth Engagement in Planning Tour; 2:00 - 5:00 (Corrin Wendell)

YEP! Youth Engagement Planning, a non-profit organization will host and facilitate this workshop/mobile tour. This mobile tour will focus on teaching planners how to involve youth in the planning process and be an advocate for teaching young people about the planning profession. This highly energized, interactive, enhanced participatory opportunity will be a dynamic, one-of-a-kind mobile tour featuring a comprehensive in-depth youth engagement presentation to set the foundation, a collaborative workshop to incorporate hands-on learning to the participants, followed by using what they have learned to interact with students of the Boys & Girls Club of Rochester providing planning education and focused activities.

Walk the City Loop Trail to Forager Brewing; 4:30 - 6:30 (Joni Giese)

Join Joni Giese to walk portions of the future City Loop – a world class bicycle and pedestrian trail in Rochester. The trail was developed to meet the needs to residents and visitors of DMC The City Loop will create a safe, enjoyable, healthy way to move about the DMC Development District, experience the sights, visit local shops, and dine in local restaurants and eateries. The City Loop will provide pedestrian and bicycle connections to each DMC sub-district, linking visitors, residents, and workers to nature, culture, and entertainment—serving users of all ages, interests, and abilities. The City Loop is one of the defining iconic investments that will prove its value long after DMC funding is fully expended. It will catalyze development along its alignment, offer visitors an attractive recreational and mobility option, and extend the City's existing trail and open space systems into the downtown core. When people travel along the City Loop it will feel different from other streets in Rochester. Unique textured pavement

materials, landscaping, branding/wayfinding, and intersection treatments will all contribute to an exceptional walking and biking experience. This is an experience that has been established in some of the world's great urban trails. The tour will end at Forager Brewing, a local business with bicycle initiatives for employees. We will talk to the staff about the initiative.

FRIDAY

Women in Planning Morning Walk and Breakfast; 8:00 - 9:30 (Corrin Wendell and Breanne Rothstein)

Join the APA - Minnesota Women in Planning Committee for an exciting and inspiring professional development event, aimed at connecting women in the planning field all across our state, from seasoned, mid-career, to emerging professionals and students alike. This engaging event will provide an opportunity for planning professionals to learn more about the fundamentals of becoming an effective leader, strategies for advancement within your career and how to create a culture of supporting and empowering other leaders. The discussion will focus on a wide range of important topics including career growth and development, how to gain a valuable planning network, and sharing your own experiences and stories. This event is sponsored by the Women in Planning Committee and will feature a short walk to a destination in Rochester for breakfast. All are welcome to attend for some great discussion!

Destination Medical Center (DMC) Walking Tour; 9:45 - 11:15 (Lisa Clarke)

Join the DMC Economic Development Agency on a tour of the DMC Development District. The tour will highlight the DMC sub-districts, private development activity, and public realm and infrastructure improvements.



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New Community Comparison Tools

A couple of new tools are now available that will make it easier to make comparisons across cities and counties, across a range of indicators.

The National Association of Counties (NACo) **County Explorer** is a visualization tool providing key county-level information on a wide variety of topics. This includes data on demographics, the economy, education, healthcare, and public safety. An interactive map allows users to explore a variety of indicators, such as population trends, housing costs, and infrastructure expenditures. County profiles are provided to highlight information related to a variety of key policy areas.

This site contains information on all counties located within Minnesota.

You can visit the site here: <http://explorer.naco.org/>

The RCLCO **Neighborhood Atlas** is a new, interactive visualization of suburban and urban neighborhoods in the U.S. It classifies neighborhoods in major metropolitan areas based on key factors that define their housing markets. This complements the research found in *Housing in the Evolving American Suburb* and *The New Geography of Urban Neighborhoods*, published by the ULI Terwilliger Center for Housing.

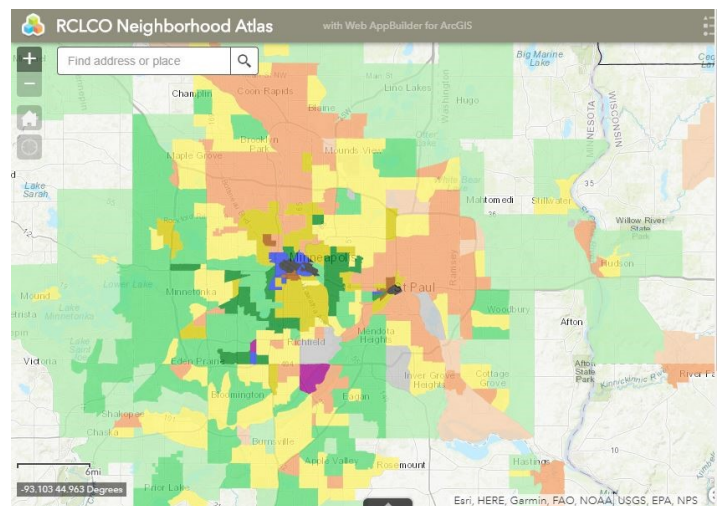
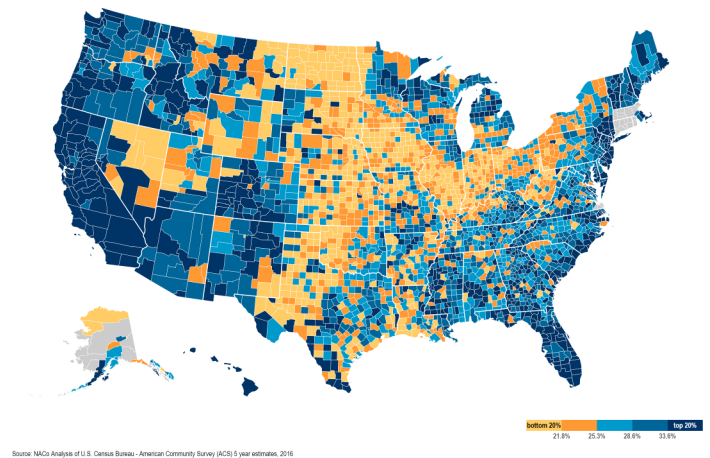
This site contains information for communities and neighborhoods within the Twin Cities metropolitan area.

You can visit the site here:

<http://www.rclco.com/neighborhood-atlas>

2016 Housing Costs

Percent Mortgaged Housing Above Affordability Threshold



Summer 2018 Legislative & Law Update

Andrew Mack, AICP

Paul Mogush, AICP

Tom Jensen, AICP

The overview of the 2018 Minnesota Legislative Session is the main part of this newsletter update from your chapter Legislative & Law Committee. A presentation of this information will be made this fall in Rochester.

This was another interesting year at the Minnesota Capitol to say the least. Now that the end of this biennium is in the books, we look forward to next year's session. We will consider, as an organization, putting forth an initiative to define required elements of a comprehensive plan when adopted throughout Greater Minnesota. Planning efforts to kick this Initiative off will occur at the committee annual retreat in August 2018 in Minneapolis. At the retreat, components of the committee's program for this year's Upper Midwest Regional Planning Conference in Rochester will be discussed. Objectives are to review related policy platform policies, put forth key definition elements of comprehensive plan definitions, and identify critical new process tactics to initiate the introduction of a bill for next year. Stay tuned for future updates on this initiative and the summer retreat program Midtown Greenway bike tour open to all chapter members.

Minnesota Legislature

Minnesota Legislature Ends

The Minnesota Legislature adjourned its 2018 Regular Session, passing several omnibus and individual pieces of legislation and without reaching agreements with the governor and minority caucuses of both houses. As a result, a total of 16 bills were vetoed. All but one was vetoed in full. For example:

- The governor vetoed [SF2809](#), (Chapter [196](#)), which modified the governance of the [Metropolitan Council](#) by including local elected officials. The legislation also eliminated the [Transportation Advisory Board](#) (TAB) and established a transportation technical advisory committee. In the [2017 Regular Session](#), the governor also [vetoed HF861](#), the omnibus transportation bill, which contained similar changes to the Council's governance structure, along with the elimination of the TAB.
- The governor vetoed the omnibus tax bill [HF4385](#) (Chapter [172](#)).
- With the exception of line items that were vetoed, the bonding bill, (Chapter [214](#)) was enacted.
- The governor vetoed the omnibus supplemental budget bill [SF3656](#) (Chapter: [201](#)). As outlined in the [Senate Counsel & Research Summary](#), [SF3656](#) included:
 - ◇ a provision from SF2567, a bill which delays adoption of state agency rules that have financial

impacts on residential construction until after the next legislative session.

- ◇ permission for subscribers to a community solar garden to be located in a different or non-contiguous county than the solar generation facility of a community solar garden as long as the facility has a minimum setback of 100 feet from the nearest residential property.
- ◇ a prohibition on the Metropolitan Council and the state of Minnesota from constructing a light rail transit line in a shared use rail corridor that would be shared by both freight rail and light rail transit.
- ◇ a requirement that at least 49 percent of the Corridors of Commerce's funding be spent on projects inside the metropolitan area and 49 percent outside of the metropolitan area.
- ◇ the airport zoning bill ([HF1933/SF2314](#)) that was supported by APA MN. The language in the airport zoning provisions in the bill has several substantive provisions relating to municipal and county comprehensive planning, zoning, land use, and airport area safety that, among other things:
 - ◇ defines "comprehensive plan" by cross-reference to county and municipal planning and zoning statutes
 - ◇ requires a municipality that has adopted a comprehensive plan to include in the plan any airport zoning regulations that apply to an area in the plan.
 - ◇ requires county boards and municipalities to consider the location and dimension of airport safety zones, as well as improvements identified in the airport's most recent approved airport layout plan (ALP).
 - ◇ requires county and municipal zoning maps to include airport safety zones
 - ◇ provides that the operation and maintenance of airports is an essential public service.
 - ◇ allows the commissioner of transportation to fund airport safety projects that maintain an existing infrastructure, regardless of a zoning authority's effort to complete zoning and provides that the commissioner may withhold funding from an airport that is subject to a proposed zoning ordinance.
- requirements that Pollution Control Agency (PCA) permits for saltwater aquatic farms must be classified as permits for agricultural operations and define "saltwater aquaculture," "saltwater aquatic farm," and "saltwater aquatic life" for the purposes of regulation by DNR and the PCA.
- language that transportation and importation of

saltwater aquatic life into the state that is in lieu of the general transportation and importation of aquatic life under the aquaculture statutes, since saltwater aquatic life will be unable to live in waters of the state.

- language that the exemption to the prohibition on taking endangered plant species on roadways extends to the full public right-of-way.
- the expansion of the eligibility for assistance under the local water resources restoration, protection, and management program to include all local governments as opposed to just counties.
- a provision for the Board of Water and Soil Resources (BWSR) with greater flexibility to determine eligibility criteria for the Local Water Resources Restoration, Protection, and Management Program.
- the establishment of the Red River Basin Commission in statute.
- a clarification that plans developed as part of the one watershed, one plan program sometimes also serve purposes under the Clean Water Legacy Act (Chapter 114D).
- a provision that BWSR may not amend the plan more frequently than once every two years.
- a clarification that all zoning authorities are subject to the Mississippi Headwaters Board certification requirement for certain land use actions undertaken in the area covered by the board's comprehensive land use plan.
- certain soil erosion provisions inapplicable unless a county or other local government unit affirmatively adopts them via an ordinance.
- a provision that the statutory wetland replacement priority order does not apply to project-specific replacement sites intended to bank credits for single-user banks before January 1, 2009.
- that wetland banking credits are an acceptable mitigation measure for adverse effects on rare natural communities and authorizes DNR to approve wetland replacement plans that include restoration or credits from rare natural communities of substantially comparable character and public value as mitigation for any rare natural community adversely affected by a project.
- a requirement that wetland banking fees are to be based on the actual cost to BWSR of implementing the activities for which fees are charged.
- definitions related to local water planning to the Clean Water Legacy Act (chapter 114D) and makes changes to other definitions in that Act, which will facilitate the use of local plans for Clear Water Legacy Act purposes.
- language that the commissioner of the Pollution Control Agency (PCA), in consultation with the Clean Water Council, must coordinate with the commissioners of natural resources, health, and

agriculture, and with BWSR, to establish priorities for scheduling and preparing WRAPs and TMDLs.

- removal of the requirement that the Clean Water Council's recommendations be designed to improve the quality of surface waters that are listed as impaired but do not have a TMDL.
- authorization for the commissioner of the PCA to submit certain local plans to the EPA as part of the TMDL approval process as opposed to developing a new TMDL proposal.
- authorization for water quality measures taken under a local water plan to be considered as contributing to the requirements of a storm water pollution prevention plan for municipal separate storm sewer system (MS4) permit purposes.
- various refinements to the statute that addresses the contents of WRAPs and to other sections of the Clean Water Legacy Act.
- establishment of an exemption from the PCA's National Pollutant Discharge and Elimination System (NPDES) permit requirement for water transfers that do not introduce pollutants to the waters transferred. This exemption mirrors a similar federal exemption.
- a requirement that the PCA to have peer review conducted on all new and revised numeric water quality standards and stipulates the process for conducting the peer review and the development of technical support documents for the water quality standards.
- a requirement that to the extent allowed by federal law, a municipal or industrial NPDES or state disposal system permit holder that constructs a treatment work facility to comply with modified standards, may not be required to expend additional capital investment on the treatment works for 16 years.
- changes to state air quality law to comport with federal law.
- an extension by one year, to July 1, 2019, the conditional compliance waiver for public water riparian protection requirements for those who filed a compliance plan by November 1, 2017. Provides that filing a compliance plan for public drainage system riparian protection by November 1, 2018, will likewise confer a conditional compliance waiver until July 1, 2019.
- a temporary prohibition on the DNR from spending funds to enforce water appropriation permit terms that were added solely as a result of a court order issued in 2017. (*White Bear Lake*)
- temporary provision that public water suppliers in the metro area are not required to take certain measures related to groundwater appropriation.
- language that states when an MS4 stormwater permit is required for partially organized cities or townships, it is only required for the urbanized

Legislative & Law Update (cont.)

- portion of the city or township.
- a requirement for BWSR to convene a workgroup to review the biennial nonpoint priority funding plan.

Attached to this newsletter is a table with the complete list and status of all 2018 Session Laws with highlights and comments relating to the bills that were of primary interest to the Legislative and Law Committee.

Minnesota Judicial Branch Update

Minnesota Supreme Court

Oral Arguments - Video Available

[Harstad, et al. v. City of Woodbury](#) (Link to Oral Argument Video)

Case Number: A16-1937

Argument Date: May 8, 2018

Link to Decision Appealed

<http://macsnc.courts.state.mn.us/ctrack/document.do?docu-ment=ce4f90bd4b3d11667a6f9916e116522d57d4e83073c8bb09fbb5c474f0bc5f64>

Link to Petition - Further Review

<http://macsnc.courts.state.mn.us/ctrack/document.do?docu-ment=91d29e6ed070ebdecc2781749ced7fd771ffdd82b5119f2ac0b8f19d4dffe9d2>

Link to Response to the Petition for Further Review

<http://macsnc.courts.state.mn.us/ctrack/document.do?docu-ment=a9f64984dce949337e508a0439f682f637193790fcea51163472501422b0559b>

Corey John Ouradnik, Respondent, vs. Robert John Ouradnik, Appellant.

Case Number: A16-1516, Supreme Court

Decision: June 6, 2018

On appeal to the Supreme Court, the following issue is presented: whether the recreational land-use statutes protect only landowners who offer their land for use by the general public.

The Court of Appeals determined that the District Court erred and reversed and remanded. The Court held that recreational land-use statutes apply only when private land is made available for use by the general public for recreational purposes without charge.

Minnesota Court of Appeals

Decision: May 7, 2018

Published Opinion

State of Minnesota ex rel., Neighbors for East Bank Livability, et al., Appellants, vs. City of Minneapolis, Respondent, Alatus, LLC, Respondent.

Case Number: [A17-1480](#)

Hennepin County District Court File: 27-CV-16-17020

Affirmed the district court's that an adopted small area plan that is incorporated into a city's comprehensive plan is subject to the comprehensive plan's subsequent amendments, unless stated otherwise.

Decision

"When Marcy-Holmes's small area plan was adopted, it became a part of Minneapolis's comprehensive plan, helping to serve as specific guidance for the Marcy-Holmes neighborhood. This did not change when the residential density limits were amended for the comprehensive plan. The small area plan still serves as guidance on where the increased residential density can occur within Marcy-Holmes. What the small area plan does not do, however, is prevent the amendment from applying within its borders merely because it already has a residential density limitation. To hold otherwise would render a city's chief planning tool a confederation of neighborhood plans, rather than the title the legislature bestowed upon it: a comprehensive plan. As a result, the city's determination that the proposed project is consistent with the comprehensive plan is not arbitrary, capricious, or unreasonable. Additionally, because there are unique circumstances—not attributable to the property owner—justifying the variance, the city's decision to grant it is not improper. Accordingly, the district court did not err when it granted summary judgment against Neighbors for East Bank Livability."

Court of Appeals

Pending

Case Number: A18-0090

Minnesota Sands, LLC, Appellant, vs. County of Winona, Minnesota was heard by the Minnesota Court of Appeals on May 10th.

Unpublished Opinions Issued

Gregory Mailand, et al., Relators, vs. City of West St. Paul, Respondent.

Case Number: A17-1598

Unpublished June 4, 2018

In the Matter of the Determination of the Need for an Environmental Impact Statement for the Lower Pool 2 Channel Management Study: Boulanger Bend to Lock and Dam 2 Maintenance Project in Washington and Dakota Counties, Minnesota

Case Number: A17-1629

Unpublished June 4, 2018

Upcoming Events

APA MN Elections

APA MN elections will be opening in early August. Stay tuned for additional information as the date approaches.

Flood Risk Webinar

[Flood Risk Reduction: Putting Planning Into Practice](#)

July 18, 2018 | 1:00–2:30 p.m. CT

CM | 1.5

Moving toward plan implementation is often a difficult step for communities, especially with regard to flood hazard mitigation. However, ensuring that plans are well-integrated, policies are mutually supportive, and codes and ordinances align with community goals all play a major role in a community's aspirations of resilience.

Shannon Burke, manager of APA's Hazards Planning Center will moderate as Tanya M. Stern, deputy director for planning, engagement, and design with the District of Columbia Office of Planning, and Seth Jensen, principal planner with the Lamoille County (Vermont) Planning Commission, discuss how their communities have used tools such as plan-making, zoning and subdivision ordinances, and locally integrated policies to actualize flood disaster resilience in a land use context.

Participants will learn:

- How to adapt plans for on the ground realities
- Specific land use policies that promote flood resilience,
- How to coordinate within regions and local governments to realize long-term community resilience



Green Infrastructure Webinar

[Integrating Green Infrastructure into Pittsburgh's Urban Fabric](#)

Jul 13, 2018 12:00 PM - 1:30 PM CDT

CM | 1.5

Pittsburgh Water and Sewer Authority recently completed a comprehensive Sewershed Urban Design Study to integrate high performing green infrastructure into the city's urban design and planning efforts. The sewershed plans identify key elements in creating networked GI systems and demonstrates how these infrastructure improvements leverage additional neighborhood benefits. The presentation on focuses on how networked or shed-based systems for rainwater management marry engineering, data-driven decision-making tools to create landscapes, urban places, and projects in a replicable way. Hosted by APA's Pennsylvania Chapter.

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Upcoming Events (cont).



Hazard Mitigation and Historic Preservation: How to Both Preserve and Protect

Smart Growth Online has produced a [free webinar](#), available to watch on demand, on hazard mitigation and historic preservation. CM credits are not available for this recorded version.

How do we protect historic properties that cannot be moved or modified, from the next disaster that strikes? This is a critical question faced by many owners of properties listed on the National Register of Historic Places and state registers or those located in local historic districts. Changing their original materials, locations or character-defining features can put these properties at risk of losing their historic designation. How, then, do we protect these resources? Are mitigation and preservation both possible? Is there a compromise that allows for preserving and protecting? Is it better to alter a building's character-defining features and protect it than to risk losing it entirely? What are the best options that cause the least harm or alteration?

In this webinar, we will explore answers to some of these questions with Deepa Srinivasan, AICP, CFM, President and mitigation specialists of Vision Planning and Consulting who share their process, challenges, and lessons learned from their work on disaster planning for historic and cultural resources in communities in two Mid-Atlantic states.



Housing Program Marketing Survey

The Minnesota Housing Partnership is conducting a brief survey of organizations like those represented by MN-APA's membership to understand which media and publications, associations, conferences, and platforms inform their work.

Survey results will be used to inform a report to the U.S. Department of Housing and Urban Development (HUD) on effective marketing strategies for tools and products such as manuals and how-to guides.

[Here is where one can access the survey](#), which takes 5-10 minutes to complete. Responses must be submitted by Friday, July 20. We greatly appreciate the time taken and insight provided in completing the survey!

This survey is also being distributed to:

- HUD Community Planning and Development (CPD) field offices
- HOME Investments Partnerships Program and Community Development Block Grant recipients, subgrantees, and partners;
- and other organizations that interact with homebuyers on the demand side of the market.

Also, if you know of organizations or networks who fall into these categories and may be interested in completing the survey, please feel free to forward this information to the appropriate contacts.

With questions, contact Laura Proescholdt, Communications Associate at MHP, at laura.proescholdt@mhponline.org / 651.925.5552.

Thanks again for your time!

Walkability Webinar

[Opportunities for Walkability in Rural Communities and Small Towns](#)

Jul 11, 2018 1:00 PM - 2:00 PM CDT

At America Walks, we believe that all communities of all shapes and sizes have the potential to be walkable communities. We have seen inspiring work being done across the US to promote physical activity and improve walkability in small towns and rural communities. This webinar will explore some of that work and the trends of walkability in rural communities. Attendees of this webinar will:

- * Learn about programs, policies, and projects that support walkability in rural communities and small towns
- * Hear inspiring stories of communities on the walking path
- * Explore resources that can help you in your work to create walkable communities

Transportation Planning Webinar

[Publication Spotlight: The 2018 State of Transportation Planning](#)

Jul 20, 2018 12:00 PM - 1:30 PM CDT

This webinar will highlight The APA Transportation Planning Division's most-recent publication: The 2018 State of Transportation Planning. The State of Transportation Planning is a bi-annual report that focuses on current topics in the transportation planning field; the 2018 report focuses on subjects such as: uncertainty in the future of transportation planning, autonomous vehicles and emerging technology, innovation in data collection and analysis, and urban mobility and livability. In this webinar, a select group of contributing authors will share their articles and discuss major takeaways as well as any updates since the publication. Articles to be covered: "Planning for Autonomous Vehicles: Distilling Reality from Fantasy"; "How LA is Using Technology to Deliver Urban Mobility"; "Transportation Agencies Adopt a Scenario Planning Approach for the Uncertain Road Ahead"; and "Advances in Automated Bicycle and Pedestrian Counting". Hosted by APA's Transportation Planning Division.



Women in Planning Webinar

[Women in Planning: Emerging Leaders from Academia to Planning Practice](#)

Jul 27, 2018 12:00 PM - 1:30 PM CDT

New planners at the beginning of their careers can have a significant impact to the way we think about tough and intriguing issues in the planning field. Join the APA Women & Planning Division for an exciting and inspiring discussion focused on highlighting Division student members from planning programs from across the country and internationally! A panel of recent graduate and early career planners will discuss their research and project work, focused on equity, infrastructure and mobility constraints, environmental issues, and transportation barriers, and will share their own experiences and stories. See how each has found interesting ways to make their mark on the planning profession, and learn about the topics of most concern and interest to the next generation of planners. This moderated panel will allow the audience to participate through live polling and interactive questions. Hosted by APA's Women and Planning Division.

Job Openings and RFPs

Job Title: Seasonal Code Enforcement/Zoning Internship

Hiring Agency: City of Forest Lake

Deadline for Application: Until Filled

Salary Range: \$11-\$15/hour depending on experience

Web Site for Hiring Organization: www.cityofforestlake.com/employment

Job Description:

The position is designed to assist with the peak season for zoning and nuisance code enforcement, support City staff, and assist with research on planning issues. Primary responsibilities are to conduct site visits, document zoning code violations, and generate enforcement letters. Additional responsibilities include providing staff support and assistance with planning inquiries. The position will also perform research into present and potential urban planning issues encountered at the municipal level.

Application Instructions:

Apply online at www.cityofforestlake.com/employment. All applicants will need to include/attach a cover letter and resume. Questions? Please contact Donovan at 651-209-9734 or donovan.hart@ci.forestlake.mn.us

Posting date: 6/27/2018

Job Title: Community Development Director

Hiring Agency: City of Horace, ND

Deadline for Application: July 29, 2018

Salary Range: \$60,000+DOE

Web Site for Hiring Organization: <http://www.cityofhorace.com/>

Job Description: The City of Horace, ND is currently seeking a talented professional to fill the role of Community Development Director. This is a rewarding opportunity to make a difference in a dynamic, well-managed city with a hometown feeling.

The Community Development Director will manage and

oversee major activities and special projects related to long-range and sustainability planning efforts. They will plan, direct, manage, and oversee city planning, economic development, code enforcement and building inspection activities. The Community Development Director will coordinate with and represent the city planning department to other departments, elected officials, and outside agencies.

Summary of Responsibilities

- Process and analyze proposals for zoning and map amendments, land development, Conditional use Permits, subdivision plats and regulation amendments, and provide and present recommendations related to long-range planning goals, objective, projects, and the Comprehensive Plan.
- Prepare and illustrate long-range planning studies, census information, and special projects from compiled field studies, reports, graphs, and/or maps.
- Present and assist in the facilitation of planning commission meetings.
- Enforce zoning and subdivision regulations.
- Prepare City Council legislations, such as ordinances and resolutions, related to both planning and economic development matters; develop and revise applicable City codes, policies, procedures and projects as assigned.

Summary of Qualifications

- Bachelor's degree in Urban and Regional Planning, Architecture, Public Administration, Geography, Community Development, Sustainability or related field; Master's degree preferred.
- 3-5 years of experience in city planning, economic and community development or related experience required; appropriate combination of related education and work experience may be considered.
- Experience interpreting and applying laws, statutes and/or ordinances governing planning, zoning, building and economic development.
- Success in applying principles, practices, and techniques of planning and development, zoning, urban design, and sustainability.
- Experience in preparing and presenting written and oral reports, documents, design plans, sections, elevations and perspectives.

Application Instructions: A full job description can be reviewed online at www.cityofhorace.com. Qualified applicants can send a letter of intent and resume via email to jobs@cityofhorace.com. Deadline to apply is July 29, 2018

Email: jobs@cityofhorace.com

Website: <http://www.cityofhorace.com>

Job Title: Business Developer & Planner

Hiring Agency: City of Princeton

Deadline for Application: Open

Salary Range: 45,542 - 65,429

Web Site for Hiring Organization: www.princetonmn.org

Job Description: The Business Developer & Planner will implement community economic development goals established by the City of Princeton Planning Commission, Economic Development Authority and City Council. The Business Developer & Planner will work to create jobs, increase tax base and build community through activities designed to expand existing businesses, develop new businesses and improve community building through communication and planning.

Duties shall include but are not limited to:

- Administer, manage, and implement Economic Development Strategies and Planning Programs through policies, procedures, and objectives that attract private investment for the public infrastructure system and support growth for new and existing businesses.
- Coordinate the collaborative efforts to prepare applications, administer programs and establish economic development efforts to obtain funds, grants, and loans in a manner which obtains growth objectives of City.
- Provide technical development assistance for projects that require capital investment structures to fund public infrastructure, private infrastructure, equipment and building purchases meeting the objective of increasing valuation & quality/quantity of local jobs.
- Evaluate business and public sector market and match available resources with needs.
- Provide Community Planning assistance and information to enhance the lives of the general public, citizens, businesses, civic organizations, and others living, working or visit-ing Princeton.
- Coordinate reviews of applications for development to ensure an understanding of the principle issues and understanding of the process is balanced to coordinate progressive city growth.
- Prepare reports with analysis of proposed developments, site plans, subdivisions and permit requests for Planning Commission, EDA, and City Council action.
- Collaborates with fellow team members on issues of development and ordinance enforcement adopting positive progressive change.
- Responds as assigned to complaints related to zoning, general code enforcement, and other nuisances. Works in conjunction with building inspector, police department, city engineer, city attorney and City Administrator on ordinance enforcement.
- Coordinate and develop marketing methods, materials and tools including verbiage, maps and graphics to present Princeton in progressive manner.
- Ability to develop, maintain and utilize a working knowledge of state and federal pro-grams related to development initiatives. Ability to work with agencies on planning, zoning, annexation and economic development issues.
- Reviews development regulations, provides recommendations, and draft ordinances to ensure relevant ordinances are kept up to date.
- Develops a positive business climate for the city and promote housing and economic development growth.
- Retain and expand current businesses, as well as attracting new businesses while working effectively with coworkers, City Attorney, City Council, Committee Members and external partners. Focuses on four categories: 1. Business Retention and Expansion 2. Business financing 3. Real Estate 4. Marketing and Business Recruitment.
- Provides assistance to others with various planning projects and issues. Provides guidance to others as needed on planning related issues. Work is performed both in office and field settings.
- Skill with writing, designing and using software applications for articles, newsletters and promotional layouts. Website management, social media use, television, print, and or other advertising/media. May

Job Openings and RFPs (cont.)

be called on to create video segments. Experience with Microsoft Office and Adobe Design Suite.

- Performs other duties as assigned or as apparent.

MINIMUM REQUIREMENTS

- Bachelor's degree in Planning, Economics, Public Administration, Finance, Business Administration, or related field and 2 years of related professional experience; OR a Two-year degree in Business Administration or job related field and 4 years of related professional experience.
- MN Driver's license.
- Ability to clearly read, write, and speak English.
- Working knowledge of standard office machines, including computers, telephone, fax, and copy machine.
- Ability to conduct on-site inspections.
- Knowledge of computers, Microsoft Office and ability to learn or use GIS, publishing software and social media tools.

RESPONSIBILITY FOR THE WORK OF OTHERS

- Ability to lead and follow others.

Application Instructions: Job description and Application at www.princetonmn.org, or you can email sjenkins@princetonmn.org

Job Title: Economic Development Intern

Hiring Agency: City of Plymouth

Deadline for Application: July 13, 2018

Salary Range: \$15.65 - \$16.67 Hourly

Web Site for Hiring Organization: <http://www.plymouthmn.gov/departments/human-resources/employment/employment-application>

Job Description: The purpose of this position is to provide relevant on the job training and mentoring while working on projects that directly impact stakeholders, and are designed to enhance and support the on-going efforts to maintain a vital business community in the City of Plym-

outh. The term of this internship intended to be 1 year minimum with the potential to extend.

This posting is open until filled with the first review of applications on Wednesday, June 20, 2018.

Assists With:

*Business Retention and Expansion Program *Updating and Monitoring Business Inventory List *Initiate and provide constant contact with targeted businesses and/or key industry sectors *Implementing the Economic Development Work Plan *Planning, promoting, and coordinating City-hosted or partnership events *Development and refinement of marketing materials *Populate property database through coordination with Brokers on local commercial/industrial property listings related to available space

Minimum Qualifications

Have completed at least one semester of undergraduate or graduate school in economic development, urban planning, land use planning, housing, public administration, real estate, or closely related field Have a valid driver's license Able to work 10 -15 hrs/week during the school year; 30 - 40 hrs/week during the summer; or an average of 25 hours a week throughout the year if not in school. Term of internship intended to be 1 year minimum with the potential to extend or evolve into a full time position as needed

Desired Qualifications

Juniors/Seniors, graduate students and recent graduates of an accredited university with a concentration in economic development, urban planning, land use planning, housing, public administration, real estate, or closely related field Application Instructions: Submit your application and resume online with the City of Plymouth at <http://www.plymouthmn.gov/departments/human-resources/employment/employment-application>

Job Title: City Planner

Hiring Agency: City of Excelsior

Deadline for Application: July 9, 2018

Salary Range: \$60,000 - \$85,000

Web Site for Hiring Organization: www.excelsiormn.org

Job Description: The City of Excelsior is seeking a dynamic, well-rounded, community minded leader to be their next City Planner. Excelsior is a vibrant community with a historic downtown located on beautiful Lake Min-

netonka. The City Planner is responsible for all planning and historic preservation activities for the City. The person sought will have exceptional communication skills and be citizen focused.

Candidates for the City Planner position will possess a Bachelor's degree in urban planning, urban studies, or a closely related field and a minimum of two years planning experience or the equivalent combination of education and experience. Preferred candidates will have a Master's degree and municipal government experience.

Application Instructions: City Hall is open Monday-Thursday from 7:30 am to 5:30 pm and closed on Fridays; attendance at some evening meetings is required.

Salary range is \$55,000- \$70,000 DOQ with a competitive benefit package.

For a complete application packet, e-mail Ann at aorlofsky@excelsiormn.org or call her at 952-653-3675 or visit our website at www.excelsiormn.org.

Completed application packets and resumes must be received by 5:30 pm CST on Monday, July 9th.

Job Title: Senior Municipal Planner

Hiring Agency: TKDA

Salary Range: TBD

Web Site for Hiring Organization: <https://www.tkda.com/careers/current-openings/>

Job Description: If you are an experienced Municipal Planner who is looking for an opportunity that will leverage and enhance your knowledge and skills as a Planner, Project Manager, and Business Developer, then consider joining our team in downtown Saint Paul!

As a member of our team, you will work independently with the support of a multi-disciplined team of professionals to provide planning services to cities and townships within the Twin Cities metro area. You will lead the development of comprehensive plans, master plans, and other local plans and oversee the implementation of those plans through the preparation and amendment of zoning ordinances and the review of zoning and development applications. You may also manage environmental review documents and other special reports. On behalf of the cities and townships we represent, you will also prepare staff reports, facilitate community engagement meetings, and lead planning presentations to the appropriate board / commission / council.

In addition to serving as the Planner for client communities, you will serve as a Project Manager for planning projects and be responsible for reviewing and negotiating contracts, and monitoring project expenditures and budget parameters to ensure successful project execution from application through implementation.

Under our "Seller-Doer" approach to business development, you will collaborate with Municipal Services team members as well as Group Managers and Project Managers from other Divisions to advance our planning services with current and prospective clients within the public and private sectors. You will contribute to and lead the development and implementation of marketing plans, track prospective business opportunities, make strategic decisions for pursuits, facilitate proposal development efforts, and represent TKDA at project interviews. You will also attend local and regional conferences and networking events to cultivate and maintain relations with key decision makers and representatives of current and prospective clients to increase awareness of our planning services and capabilities.

Required Qualifications.

- Bachelor Degree in Planning, Public Administration, or Urban Design.
- AICP Certification.
- Minimum of ten years of experience with an emphasis on municipal planning; experience in community development is a plus.
- Minimum of two years of project management experience with a reputation for providing superior customer service and a successful record of effectively managing projects, client expectations, project scope, fee estimates, budgets, and schedules.
- Minimum of two years of business development experience demonstrated by a track record of cultivating, nurturing, and deepening client relations and an ability to identify and capitalize on new contract opportunities.
- Proficiency in interpreting and developing comprehensive plans, zoning regulations, municipal codes, planning laws and statutes, design guidelines, architectural / engineering plans and specifications, and environmental regulations and documents.
- Effective verbal and written communication skills and experience in leading and facilitating a variety of community meetings, explaining planning concepts to clients and residents, and communicating with public agencies, developers and businesses.

Job Openings and RFPs (cont.)

- Strong interpersonal skills demonstrated by an ability to participate in discussions with public officials / representatives and facilitate public engagement presentations.
 - Comprehensive experience in the preparation of proposals and contract documentation.
 - Proficiency with MS Office Suite applications (Word, Excel, Outlook, etc.).
 - Proficiency with ArcGIS and working knowledge of AutoCAD.
 - Ability to frequently work extended hours and evenings and travel throughout the Twin Cities metro area for client meetings, Council and Board meetings, and Commission meetings.
 - Ability to work in an open office environment.
- Preferred Qualifications.
- Master Degree in Planning, Public Administration, or Urban Design.
 - Working knowledge of Adobe Creative Suite.

Application Instructions: If this sounds like the Senior Municipal Planner opportunity you have been looking for, then submit your resume for consideration by applying on-line today!

<https://www.tkda.com/careers/current-openings/>

Job Posting Date: 5/14/2018

Congratulations to Our New AICP Members!



Congratulations to those who earned their AICP certification in May!

Regine Kennedy

Tim Gladhill

Hilary Lovelace

Eric Wojchik

Caroline Miller

Emily Kettell

Jason Zimmerman

Eric Maass

Rebecca Ramsey

Jacob Knight

Brett Angell

Kristen O'Toole

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

Wesley Durham

Todd Bagby

Joe Lampe

Olivia Dorow Hovland

Sarah Strain

Kory Andersen

The application window for the November 2018 AICP exam has passed. The application window for the May 2019 AICP exam opens December 1.



Leadership Directory

Tim Gladhill
President

City of Ramsey
7550 Sunwood Dr NW
Ramsey MN 55303-5137
Phone: **763-238-7946**
E-mail: tgladhill@planningmn.org

Eric Weiss, AICP

Vice-President
129 Holmes Street S
Shakopee MN 55379
Phone: 952-233-9347
E-mail: eweiss@shakopeemn.gov

Tina Goodroad, AICP

Secretary
City of Dayton
12260 S. Diamond Lake Road
Dayton MN 55327
Phone: **763-421-0384**
E-mail: tgoodroad@cityofdaytonmn.com

Jason Zimmerman

Treasurer
City of Golden Valley
7800 Golden Valley Rd
Golden Valley MN 55427
Phone: **763-593-8000**
E-mail: treasurer@planningmn.org

Erin Perdu, AICP

Metro District Director,
Senior Planner
WSB & Associates
701 Xenia Ave. S., Suite 300
Minneapolis MN 55416
Phone: **763-287-8316**
E-mail: eperdu@wsbeng.com

Patrick Boylan, AICP

Metro District Director
Metro Council
Local Planning Assistance
Phone: **651-602-1438**
E-mail: patrick.boylan@metc.state.mn.us

Stephanie Rouse, AICP

Metro District Director
Conference Co-Chair, 2018
2311 Cleveland NE
Minneapolis MN 55418
Phone: **402-641-3289**
E-mail: Stephrouse21@gmail.com

Wayne Hurley, AICP

Northwest District Director
Planning Director
West Central Initiative
PO Box 318
Fergus Falls, MN 56538-0318
Phone: **218-739-2239** Fax: 218-739-5381
E-Mail: wayne@wcif.org

Low Overhaug

Southeast District Director
Winona County
177 Main Street
Winona MN 55987

Phone: **507-457-6336**

E-mail: loverhaug@co.winona.mn.us

Joe Janish

Central District Director
City of Andover
1685 Crosstown Blvd. NW
Andover MN 55304
Phone: **763-767-5140**
Email: janish-joe@hotmail.com

Angie Bersaw, AICP

Southwest District Director
Bolton & Menk
Phone: **507-625-4171, ext. 2880**
E-mail: angiebe@bolton-menk.com

Jenn Reed Moses, AICP

Northeast District Director
City of Duluth
Phone: **218-730-5328** Cell: **612-670-1300**
E-mail: jmoses@duluthmn.gov

Myles Campbell

Student Director
2104 22nd Ave S., #1
Minneapolis MN 55404
Phone: **603-831-2118**
E-mail: camp0924@umn.edu

Austin Hauf

Student Representative, ex-officio
2300 Bryant Ave. S. Apt. 202
Minneapolis MN 55405
Phone: **701-446-7202**
Email: haufx006@umn.edu

Citizen Planner Director

Phone:
E-mail:

Paul Mogush, AICP

Legislative and Law Committee Co-chair, ex-officio
Principal Project Coordinator
City of Minneapolis
105 Fifth Ave S., Suite 200
Minneapolis, MN 55401
Office: **612-673-2074**
E-mail:
Paul.Mogush@minneapolismn.gov

Andrew Mack, AICP

Legislative and Law Committee, ex-officio
Rural & Urban Planning Services
24 Banks Blvd.
Silver Bay MN 56614
Phone: **218-766-8993**
E-mail: andrewmack@hotmail.com

Stephanie Falkers

Awards Committee Chair, ex-officio
SRF Consulting Group
One Carlson Parkway N
Minneapolis MN 55427
Phone: **763-249-6790**
E-mail: sfalkers@srfconsulting.com

Carissa Schively Slotterback, PhD, AICP
Faculty Liaison, and FAICP Committee chair, ex-officio
Humphrey School
U of Minnesota
Rm. 130, HHH Ctr.
301 19th Ave. S.
Minneapolis MN 55455
Phone: **612-625-0640** Fax: **612-625-3513**
E-mail: schiv005@umn.edu

Minnesota Design Team Liaison, ex-officio
Pending
Phone:
E-mail:

Jonathan Maze and

Haila Maze, AICP
Communications Director, ex-officio
1395 Kari Lane
New Brighton MN 55112
Phone: Haila, **651-434-5743**
Jonathan, **651-493-3724**
E-mail: apamnnewsletter@gmail.com

Chloe McGuire Brigl

Conference Co-chair 2018, ex-officio
City of Ramsey
7550 Sunwood Drive NW
Ramsey MN 55303
Phone: **319-573-5448**
E-mail: chloeplans@gmail.com

Jane Kansier, AICP

Professional Development Officer, ex-officio
Bolton & Menk
12224 Nicollet
Burnsville MN 55337
Phone: **952-358-0604** Cell: **612-483-4788**
E-mail: janeka@bolton-menk.com

Elise Durbin, AICP

Professional Development Officer, ex-officio
Hennepin County
Phone: **612-348-4191** Cell: **612-306-7803**
E-mail: elise.durbin@hennepin.us

Melissa Poehlman, AICP

Professional Development Officer, ex-officio
Assistant Community Development Director
City of Richfield
Phone: **612-861-9766**
E-mail: mpoehlman@cityofrichfield.org

Emily Goellner, LEED Green Associate
Co-chair Young Planners Group, ex-

officio

Associate Planner
City of Golden Valley
Phone: **763-593-3979**
E-mail: egoellner@goldenvalleymn.gov

Breanne Rothstein, AICP

Co-chair, Young Planners Group, ex-officio
WSB & Associates
Planner
Phone: **612-423-5476**
E-mail: brothstein@wsbeng.com

Planners Emeriti Liaison, ex-officio

Phone:
E-mail:

Thomas Jensen, AICP

Legislative Education Coordinator, ex-officio
98-D South Drive
Circle Pines MN 55014
Phone: **763-780-4839**
E-mail: thomashjensen@aol.com

Eric Schmid

Web Designer, ex officio
Bufflehead Internet Technology
3345 Pilgrim Lane
Plymouth MN 55411
Phone: **612-605-1520**
E-mail: eric@buffleheadweb.net

Ben Carlisle, AICP, LEED AP

Region IV Representative, AICP Commission
Carlisle/Wartman Associates
Phone: **734-662-2200**
Email: BCarlisle@cwaplan.com

Chapter Contact Information

Kathy Aro, Executive Director
APA Minnesota
PO Box 433
Osseo, MN 55369
888-882-5369
kathy.aro@planningmn.org



