

Nowthen City Office  
8188 199<sup>th</sup> Ave. NW  
Nowthen MN, 55330  
(763)-441-1347



Council Meeting Location:  
Historic Townhall  
19800 Nowthen Blvd NW  
Nowthen MN, 55330

Nowthen City Council  
**March 12, 2024**  
**7:00pm – Regular Council Meeting**

Mary Rainville will be located at 5601 Highway A1A, #200, Indian River Shores, FL 32963  
Anyone wishing to participate from this location please call 612-964-5228

Presentation

Regular Council Meeting

1. Call to Order

- Pledge of Allegiance
- Roll Call
- Approve Agenda

2. Public Forum

*The public forum is intended to afford the public an opportunity to address concerns to the City Council. The public forum will be no longer than 30 minutes in length and each presenter will have no more than three (3) minutes to speak. Topics of discussion are restricted to City governmental topics rather than private or political agendas. Topics may be addressed at the public forum that are on the agenda. However, topics that are the subject of a public hearing are best addressed at the public hearing, not at public forum. Therefore, topics may not be addressed at public forum if: (i) the topic has been the subject of a public hearing before the City Council or any City Advisory Committee and/or Commission and the Council has not acted on the topic; or (ii) if the topic is the subject of a public hearing for which notice has been published in the City's official newspaper, or a continued public hearing or public information hearing before the City Council or any City Advisory Committee and/or Commission. The City Council may discuss but will not take formal action on public forum presentations. Matters that are the subject of pending litigation are not appropriate for the forum.*

3. Consent Agenda

*Those items on the Council Agenda which are considered routine or non-controversial are included as part of the consent agenda. Unless the Mayor or a council member specifically requests that an item on the Consent Agenda be removed and considered separately, items on the Consent Agenda are considered under one motion, second and vote. Any item removed from the consent agenda shall be placed on the council agenda under Items Removed Consent Agenda Items.*

- a. Approval of City Council Work Session Meeting Minutes February 13, 2024, and Special Session February 28, 2024.
- b. Approval of Claims February 10, 2024 – March 9<sup>th</sup>, 2024, and Treasurer's Report for February.
- c. Approval of 2024 Contract with Nowthen Knights Lawn Contract.
- d. Approval of Resolution 2024-XX 2024 Farmers Market Request.
- e. Approval of Phase I updates to the Personnel Policy.

4. Engineering

5. Fire Department

- a. Monthly Report

6. Sheriff's Department
  - a. Monthly Report
7. Planning and Zoning
  - a. Monthly Report
8. Administrator Update
  - a. Status of open Fire Chief position.
  - b. Presidential Nominating Primary – Update how the election went at the new location.
  - c. Update on the transition from MnSpect to RRC.
  - d. Recycling Center Update.
  - e. ACTION ITEM FROM 2/13/24 - Administrator Lehner to coordinate a time for Public Works to meet with Brady Kreger about grading.
  - f. ACTION ITEM FROM 2/13/24 - Administrator Lehner to send a couple of dates to the city council for work session to start working on Phase 2 Personnel Policy. Will March 18<sup>th</sup> 6:00 work with council?
  - g. ACTION ITEM FROM 2/13/24 – Staff to update rental form to include there are now sprinklers on the baseball fields and any damage caused is the responsibility of the person renting the fields. COMPLETED. The rental form has been updated.
  - h. ACTION ITEM FROM 2/13/24 – Administrator Lehner to provide council with classes Deputy Clerk Johnson will be attending at the MCFOA. COMPLETED. The class list was emailed to council on February 15, 2024.
  - i. ACTION ITEM FROM 2/13/24 – Staff to get quotes for printing the Newsletter and keep track of time working on the Newsletter. COMPLETED. Staff asked for a quote from another company as suggested by Council Member Breyen. After comparison, Rogers Printing is still the best value for the city newsletter.
  - j. Update on Public Works Truck and Fire Department Truck with regards to the bond and anticipated arrival of the vehicles.
  - k. Update on the population signs.
  - l. City Council Goals for 2024.
  - m. Update of Storage Facilities steps to decrease theft and burglaries.
9. City Council
  - a) **OLD BUSINESS and ACTION ITEMS**
    1. Attorney Glaser Process for Uncompliant Properties – Attorney Ruppe has contacted him. Still no response.
    2. ATV Ordinance Update.

3. ACTION ITEM FROM 2/13/24 – Council Member Breyen to get schematic drawing after sprinklers installed at Memorial Park.
4. ACTION ITEM FROM 2/13/24 – Council Member Breyen to notify Jamie at URRWMO that the budget is ratified.

**b) NEW BUSINESS**

1. Options for the Project Manager
2. Add Bicycles to the recycling center

**c) ITEMS MOVED FROM CONSENT AGENDA (IF NEEDED)**

10. Adjourn



# Nowthen City Council

February 13, 2024

6:00 p.m. Presentation by ACEIT

7:00 p.m. Regular Council Meeting Minutes

6:00 p.m. Anoka County Election Integrity Team (ACEIT) Presentation

## 1. CALL TO ORDER

Mayor Pilon called the work session to order at 7:10 p.m.

Council Member Rainville is attending via Zoom from 5601 Highway A1A, #200, Indian River Shores, FL 32963. Anyone wishing to participate from this location should call 612-964-5228 for assistance.

Roll Call by Administrator Lehner.

Present: Mayor Pilon, Council Members Fladebo, Rainville, Breyen and CM Alders is running late.

Also Present: Chief Deputy Jacobson, Deputy Clerk Johnson, Project Manager Hirschboeck and Administrator Lehner.

## 2. AGENDA

Mayor Pilon would like to pull 3G – Approval of Resolution 2024-XX Approving Service Agreement with Safeassure Consultants and make it 9C1.

**MOTION BY COUNCIL MEMBER BREYEN, SECOND BY FLADEBO TO APPROVE THE AGENDA AS AMENDED. 4 AYES VIA ROLL CALL.**

## 3. PUBLIC FORUM

Senator Eric Lucero presented his brief Legislative Preview. He has been serving in the house for 8 years. Minnesota started the 2023 with an 18-million-dollar surplus, the \$2000 refund to all residents turned into \$260.00 and a 40% growth with a 74 Billion dollar Budget, a call to be carbon free by 2040, State Flag, and Driver's License for illegal immigrants. The Majority party has shown its hand, to allow Senior Assisted Suicide, erasing distinction between legal and illegal citizens, making Minnesota the 13<sup>th</sup> Sanctuary State which will continue to affect inflation, housing, and groceries. They have pulled the School Resource Officers from the schools and this needs to be fixed. Housing continues to be an issue, lack of housing and the cost to purchase and/or rent. There seems to be, in his opinion, a lack of interest in getting to the root of the problem, they keep throwing money at programs. H.O.A.'s have a lack of transparency and need some accountability. And the AI/Deep fake has vulnerabilities to everyone, not just high profile. The Elkins bill is back and if it passes, it will affect this area, our lifestyle, and our large lots. Questions can be directed to [Sen.Eric.Lucero@mnsentate.gov](mailto:Sen.Eric.Lucero@mnsentate.gov).

Brady Kreger – 6933 207<sup>th</sup> Ave NW, Elk River, MN 55330

Mr. Kreger addressed the council to ask them to request some training to the public works staff running the grader. Mr. Kreger stated his father had the contract for many years with Burns Township, he felt he needs



approximately 4 hours to meet with the staff around a table to explain to them how, when, why, etc. to grade a gravel road.

**ACTION ITEM: Administrator Lehner is directed by Mayor Pilon to coordinate a time in the spring for staff to meet with Mr. Kreger. [Brady.Kreger@yahoo.com](mailto:Brady.Kreger@yahoo.com)**

**4. CONSENT AGENDA**

**MOTION BY COUNCIL MEMBER BREYEN, SECOND BY FLADEBO TO APPROVE THE CONSENT AGENDA AS AMENDED. 5 AYES VIA ROLL CALL.**

**5. ENGINEERING**

None

**6. FIRE DEPARTMENT**

Mayor Pilon presented the Fire Department monthly report from Chief Schmidt. The mayor noted that the new RMS reporting is working, adding more detail to calls. This report is in the council packet.

For the month of January 2024, NFD responded to 19 incidents (7 more than the previous month) with an average response time of 12 minutes and 6 seconds (46 second improvement from December). The average number of firefighters attending calls for service was 3.4. The fire department reports no dollar loss from fires during the month of January.

Notable calls

On January 8, 2024, the fire department along with ACSO Deputies and Allina EMS responded to the 9200 Block of 203<sup>rd</sup> Ave for a report of a person not breathing. Upon arrival, crews found an unresponsive patient who had appeared to have been deceased prior to responder's arrival.

On January 9<sup>th</sup>, 2024, the fire department along with ACSO Deputies responded to a vehicle accident on the 7000 block of Hillendale Road. The driver of the vehicle slid off the roadway and was very fortunate to rest the vehicle against a tree, which prevented the vehicle from falling over 50 feet down a steep embankment. The fire department assisted the driver and her dog out of the vehicle. No injuries were reported with incident.

On January 23<sup>rd</sup>, 2024, the fire department along with multiple law enforcement agencies and EMS agencies responded to a head on vehicle crash on the 22700 block of Jarvis St. NW. One patient was seriously injured and transported emergently to an area hospital for treatment.

The Chief indicated in his report that the NFD has now implemented the new First Due records management system. The transition seems to be going well up to this point.

As required, all the NFD incident data has been reported to the State Fire Marshall for the year 2023.

**SHERIFF' REPORT**

Presented by Chief Deputy Jacobson.

### **Calls for Service**

Sheriff's deputies responded to 104 calls for service.

January 2024 calls for service included:

2 to Bar None

4 Alarms

14 Medicals

8 Animal Complaints

### **Bar None**

On 01/02/2024 at 11:25 PM, ACSO responded to the campus on a report of a juvenile female committing self-harm. Upon arrival, deputies made contact with the juvenile and found no serious injuries. She was transported from the location for crisis care.

On 01/05/2024 at 9:36 AM, ACSO responded to the campus on a report of a juvenile male with a warrant. The information was from a neighboring county. The juvenile was located, arrested, and transported to the regional treatment center.

### **Noteworthy Incidents**

On 01/03/2024 at 3:43 PM, ACSO responded to a report of a burglary at a storage unit in the 8300 block of Viking Blvd. NW. Missing items included furniture and exercise equipment. The incident occurred between 07/28/2022 and 01/03/2024.

On 01/05/2024 at 4:43 PM, ACSO responded to the 20400 block of St. Francis Blvd. NW on a report of a school bus stop arm violation. The responding deputy learned that a marked school bus with flashing red lights and stop arm activated was passed by a vehicle at the location. The incident was captured by the camera system on the school bus. The suspect was identified via the license plate on the vehicle and the driver was issued a citation.

Chief Deputy Jacobson reminded the city residents to obey the Bus Stop Arms.

On 01/09/2024 at 12:16 PM, ACSO responded to the 7000 block of Hillendale Rd. NW on a report of a single vehicle crash. The arriving deputy found a Cadillac XT5 had left the roadway and was in the north ditch on a steep incline. Nowthen FD arrive to assist with extricating the victim from the vehicle. The driver, an adult female, was not injured. Roads were covered in ice and snow at the time of the crash.

On 01/23/2024 at 12:39 P.M., ACSO responded to a report of a motor vehicle crash near the 22700 block of Jarvis St NW in the City of Nowthen. Indications show that a van driven by an adult female, and her passenger, also an adult female, were traveling southbound on Jarvis St. NW when they noticed a SUV traveling northbound cross into their lane. To avoid a crash, the driver of the van moved into the oncoming lane, however the SUV driven by an adult male, then veered back into its correct lane resulting in a head on crash. All three occupants in the vehicles were transported to a local hospital. The occupants of the van sustained minor injuries and the driver of the SUV is in stable condition. Assisting agencies included the St. Francis Police Department, Minnesota State Patrol, Elk River Police Department, Nowthen Fire Department, St. Francis Fire Department, Elk River Fire Department, and Allina EMS. This incident is under investigation by the Anoka County Sheriff's Office.



On 01/26/2024 at 7:47 AM, ACSO responded to the 18000 block of Peridot St. NW on a report of a suspected drug overdose. Arriving deputies encountered the victim, an adult male, and observed he was breathing very poorly. Emergency care was provided by ACSO, Nowthen FD, and Allina EMS, including multiple doses of Narcan. The victim's condition improved, and he was transported to the hospital for additional care.

Chief Deputy reminded the community there is a statute that protects you if you call in an overdose. You will not be charged for helping save someone from an overdose. Please call.

Sheriff Brad Wise addressed the city council stating Anoka County Sheriff's Office has had a great year and appreciates the great relationship between the city of Nowthen and ACSO. Sheriff Wise stated that Chief Deputy Jacobson is his right-hand man and by tradition, he should step away from being the liaison, but at his request, he will be staying with Nowthen. The mayor stated he is happy about that and the council loves having Chief Deputy Jacobson as our liaison. Sheriff Wise stated to council that ACSO has done a great job staffing in 2023 by picking up experienced officers that are supported in their current work areas. Sheriff Wise said it is the support of the City Councils, Residents, and the county that have made this staffing issue better by supporting the ACSO. The Sheriff feels they will be fully staffed soon adding a few more officers in 2024.

ACSO intends to replace the Anoka County Jail. The building is in rough shape and needs to be rebuilt. In 1893 the state required the Anoka County Jail to be in the county seat, therefore, it needs to be rebuilt in the city of Anoka. This has been a topic of some tough discussions with the city of Anoka and the county.

### **Meet the Deputies**

Deputy Matt Hoefs is the city of Nowthen's newest Deputy. 2024 will be his first year with the city. He grew up in Anoka County. His father is a juvenile probation officer helping him become interested in law enforcement. In 2017 he was a Community Service Officer and was made a Full Time Deputy in 2019. He is part of the mobile field team and an advisor for the Explorer's program mentoring young people interested in law enforcement. He is most excited about all the animal and chicken complaint calls in Nowthen! Administrator Lehner formally welcomed Deputy Hoefs into the city and stated he is welcome to stop in the city offices anytime and let the staff know if he needs anything. The council, staff and residents appreciate your service to the city of Nowthen.

Deputy Chris Fjeld – Back for year 2! Deputy Fjeld states “what a year!” and he is glad to back. He enjoys Nowthen, its residents and city staff. He had served in all communities of Anoka County, He is on the rescue dive team, and the team that flies the drones.

### **Recognizing Deputy Fjeld**

At this time, Mayor Pilon and Administrator Lehner invited Deputy Fjeld to the front of the building by the American Flag to present him with a framed certificate to recognize him for his Heroic response to a water rescue on December 3, 2023, during which he risked his own safety to effectively rescue two fisherman and a dog, who had fallen through the ice and were suffering from hypothermia. The city is proud to have Deputy Fjeld working in our community. Again, a huge thank you to the ACSO for serving the community of Nowthen.



## 7. PLANNING AND ZONING

New City Planner Cindy Nash of Collaborative Planning was introduced and welcomed to the city of Nowthen. This is her first official meeting with the City of Nowthen and she is glad to be here.

Planner Nash presented her Monthly Memorandum:

Please accept the following as a general update on the status of various projects and/or developments during the month of January. It is anticipated that as I become more familiar with other ongoing items or as new items expand from initial conversations that future versions of this memo will contain additional information.

### **Development Applications in Review**

IUP for 8150 Viking (Sota Solar)

Application is scheduled for public hearing on February 22nd Planning Commission agenda.

IUP for 19345 Rhinestone (Northern Crane)

Application was submitted but was incomplete (had not paid fees). A 15.99 incomplete letter was sent to them. It is not anticipated that this will be resubmitted.

Pinnaker Road Subdivision (Babinski)

Application was submitted in December 2023. Upon review, it was determined that based on how the subdivision was arranged and the existing status of Pinnaker Road that it would require a plat rather than a minor subdivision, and that they would also need a CUP for a shared access easement. After discussions with the applicant's representative, the application was withdrawn. It was indicated that they will be trying to sell the property without subdividing it first.

### **Other Items**

MacKenzie Hills

Preliminary discussions regarding this proposed subdivision.

Escrow Agreement and Ordinance Re: Consultant Expenses

Preliminary discussion with Administrator Lehner regarding potential updates

Zoning Ordinance

Recent adopted ordinance amendments are not all included within the Zoning Ordinance.

Gathering information needed to include these adopted amendments within the ordinance.

The Mayor responded that he is tight with other peoples money and is there anything staff can do to help with this process to update Ordinances after Planner Nash stated many of these need to be updated and posted on the website. The Mayor thanked Planner Nash for coming on to Nowthen, the council is happy to have you here. Administrator Lehner stated people are coming out the woodwork to work with the new planner. There is quite a backlog of items to work through.

The Mayor asked if Planner Nash was familiar with some of the housing bills being introduced?

**ACTION ITEM: Mayor Pilon to pass the three (3) Legislative Bills being introduced this session that will affect Nowthen. Administrator Lehner will forward to Planner Nash and the rest of the city council.**

## **8. ADMINISTRATOR'S UPDATE**

Administrator Lehner told the city council that the process has started for a new fire chief for the NFD. Administrator Lehner, Chief Schmidt and the mayor have set up a meeting with John Ehret to dialogue with him to see what a chief position would look like in Nowthen. He will help reach out to contacts that may be interested in the position and help advise the city what the leadership should look like with the loss of one captain earlier this year, and a second one retiring in April.

Also, after watching the last meeting, Administrator Lehner wanted to verify that his words were accurate. Council members may have access to staff, however, it must go through the city administrator. If council members have idea's, request staff at meetings, (such as recycling meetings), or have a requested project or need for information, please be sure to run it past the administrator first. All work direction and prioritizing work comes from the City Administrator. Not all members of council have come in and discussed things with staff, but most have. Administrator Lehner wanted to be sure he didn't speak out of turn at the last meeting.

Thank you to Council Member Breyen for sending an email with questions prior to this meeting, coming in and getting clarification from Deputy Clerk Johnson after going through the Administrator instead of waiting for the meeting when the information may not have been readily available. This shows that the process can work. It was greatly appreciated.

If the council has input or wants to direct staff, it needs to be the majority opinion to move forward, not one individual.

## **9. CITY COUNCIL**

### **A. OLD BUSINESS**

1. Attorney Glaser process for uncompliant properties. Still no response and no billing. Administrator Lehner to follow up, if still no response, ask Attorney Ruppe to send him a letter to see if he still wants to work for the City of Nowthen.
2. ATV Ordinance Update – Still in process, need to schedule a work session to discuss and update.
3. Approve and enter into contract with the staff's recommendation for the City of Nowthen's Official Building Official, Code Enforcement and Septic Compliance Contractor.

**MOTION BY COUNCIL MEMBER RAINVILLE, SECONDED BY DAN, TO APPROVE RESOLUTION 2024-XX AUTHORIZING THE MAYOR AND ADMINISTRATOR LEHNER TO EXECUTE A CONTRACT WITH RUM RIVER CONSULTANTS TO BE THE CITY BUILDING OFFICIAL EFFECTIVE 3-1-24. Voting via Roll Call. 5 AYES. MOTION CARRIED.**



Council Member Rainville thanked staff for all the work put into the comparison of the two companies, and thanked RRC for the wonderful presentation at the last meeting.

Both Andy and Carri from RRC were present in case there were any questions. Administrator Lehner thanked RRC for coming to the meeting, they didn't need to. RRC has done an amazing job helping staff with streamline questions. Administrator Lehner told RRC that your reputation is that you have not outgrown yourselves and we look forward to working with you.

4. Fee Schedule Changes – In process, in addition to the permitting fees, this will be presented as an Ordinance Amendment at a special meeting on February 28<sup>th</sup>, at 6:00 p.m.

5. Approve COLA and Merit Increases as recommended by Administrator Lehner. Discussion as to when the increases would become effective, it was decided COLA January 1, 2024 and Merit February 1, 2024.

**MOTION BY COUNCIL MEMBER ALDERS, SECONDED BY RAINVILLE TO APPROVE THE DISTRIBUTION OF COLA INCREASE EFFECTIVE JANUARY 1, 2024 AND MERIT INCREASES EFFECTIVE 2-1-24 AS RECOMMENDED BY ADMINISTRATOR LEHNER AND INCLUDED IN THE 2024 BUDGET. Voting via Roll Call. 5 AYES. MOTION CARRIED.**

6. Personnel Policy Phase 1 – Final Decisions

1) PTO Payout if an employee leaves in good standing, what amount of PTO will be paid out.

**MOTION BY MAYOR PILON, SECONDED BY FLADEBO TO GO WITH ALL ACCRUED, UNUSED HOURS WILL BE PAID OUT TO AN EMPLOYEE IN GOOD STANDING. Voting via Roll Call. 5 AYES. MOTION CARRIED.**

2) PTO Deficit – How many hours can an employee be negative in PTO hours.

**MOTION BY MAYOR PILON, SECONDED BY ALDERS TO CAP PTO DEFICIET AT 40 HOURS. Voting via Roll Call. 5 AYES. MOTION CARRIED.**

3) Hire Date for new PTO Accrual rate.

**MOTION BY MAYOR ALDERS, SECONDED BY BREYEN TO STATE THE NEW PTO ACCRUAL EFFECTIVE FOR EMPLOYEES HIRED AFTER NOVEMBER 1, 2024. Voting via Roll Call. 4 AYES. 1 NAY (FLADEBO) MOTION CARRIED.**

4) PTO Accrual

**MOTION BY MAYOR BREYEN, SECONDED BY FLADEBO TO USE OPTION A: ADMINISTRATOR'S RECOMMENDATION FOR NEW EMPLOYEES CAPING THE MAX PTO DAYS AT 33. Voting via Roll Call. 5 AYES. MOTION CARRIED.**



It was clarified that only new hires after November 1, 2023 will use option A. Existing staff will stay on the current plan until the new plan is a benefit to them.

Genevieve will make the necessary changes, will be completed in the next few days and will start on Phase 2 of the policy update. She feels that two (2) work sessions will be needed. One day for all the state / federal guidelines or laws to change that really cannot have discussion, they must be changed. And another work session to go through council decisions/changes.

**ACTION ITEM: ADMINISTRATOR LEHNER TO SEND A COUPLE OF DATES TO COUNCIL TO SCHEDULE TWO WORK SESSIONS FOR PHASE 2 UPDATE OF THE PERSONNEL POLICY.**

Administrator Lehner stated he does have all the staff annual reviews completed and with him as requested, however, the Mayor stated it was getting late, so if any council member wanted to review them, please make an appointment with Administrator Lehner to do so instead of taking up the council meeting time tonight.

#### **B. NEW BUSINESS**

- 1) Approve Resolution 2024-XX Regarding Ball Field Improvements.

**MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY ALDERS TO APPROVE RESOLUTION 2024-XX ACCEPTING AN ANYONYMOUS DONATION OF A SPRINKLER SYSTEM AND FIELD WORK FOR THE BASEBALL FIELD AT NOWTHEN MEMORIAL PARK.**

Discussion: Mayor Pilon asked if Council Member Breyen knows if the well will work and where will the controls be? Council Member Breyen stated, yes, the well will work, and the controls will be placed in the garage. The sprinklers will be installed in the new infield and the city will be responsible for maintaining the system after it is installed. Another question regarding the sprinkler heads and lines, can a map be drawn up to give to the fireworks display company so they know where the lines are running? Yes. The Knights will still maintain the field, the donation will not affect current agreements with them. Administrator Lehner stated that the city will fertilize the field sooner than in past years.

**ACTION ITEM: COUNCIL MEMBER BREYEN TO GET SKEMATIC DRAWING AFTER INSTALLED.**

**ACTION ITEM: STAFF TO UPDATE RENTAL FORM TO STATE ANY DAMAGE TO THE SPRINKLER SYSTEM IS THE RESPONSIBILITY OF THE RENTER.**

**VOTING ENSUED VIA ROLL CALL. 5 AYES. MOTION CARRIED.**

- 2) Approve Resolution 2024-XX Upper Rum River Watershed 2025 Budget.

**MOTION BY COUNCIL MEMBER FLADEBO, SECONDED BY BREYEN TO APPROVE RESOLUTION 2024-XX UPPER RUM RIVER WATERSHED 2025 BUDGET. Voting via Roll Call. 5 AYES. MOTION CARRIED.**

Discussion Question: There is a note in the budget that states it is 25% lower in the Comp Plan for 2025. Overall budget increased by \$4,000, the City of Nowthen's went up \$900.

**ACTION ITEM: COUNCIL MEMBER BREYEN TO CONTACT JAMIE TO LET URRWMO BUDGET HAS BEEN RATIFIED.**

3) Approve Resolution 2024-XX Authorizing Deputy Clerk Johnson to attend the MCFOA.

**MOTION BY COUNCIL MEMBER RAINVILLE, SECONDED BY BREYEN TO APPROVE RESOLUTION 2024-XX APPROVING DEPUTY CLERK JOHNSON TO REGISTER AND ATTEND THE MCFOA CONFERENCE IN ST. CLOUD, MARCH 19-22, 2024 NOT TO EXCEED \$1,200.**

Discussion: Mayor Pilon asked what classes will be attended?

**ACTION ITEM: ADMINISTRATOR LEHNER AND DEPUTY CLERK JOHNSON TO REVIEW AND CHOOSE CLASSES FOR DEPUTY CLERK JOHNSON TO ATTEND AND FORWARD THE CLASS LIST TO THE CITY COUNCIL.**

**VOTING ENSUED VIA ROLL CALL. 5 AYES. MOTION CARRIED.**

4) Approval of Resolution 2024-XX Authorizing an increase in firefighter compensation rates as authorized by the Nowthen City Council in the NFD Policy.

**MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY RAINVILLE TO APPROVE RESOLUTION 2024-XX AUTHORIZING AN INCREASE IN FIRE FIGHTER COMPENSATION RATES AS AUTHORIZED BY THE NOWTHEN CITY COUNCIL IN THE NFD POLICY.**

Discussion: The city council wishes to thank all the fire fighters for their service to the city of Nowthen and surrounding areas.

**VOTING ENSUED VIA ROLL CALL. 5 AYES. MOTION CARRIED.**

5) Approval of Resolution 2024-XX Approving Administrator Lehner, Mayor Pilon and any council member to attend City Day on the Hill, Thursday March 7<sup>th</sup> 2024 at a cost of \$125 plus mileage and stipend pay per attendee.

**MOTION BY COUNCIL MEMBER RAINVILLE, SECONDED BY BREYEN TO APPROVE RESOLUTION 2024-XX APPROVING ADMINISTRATOR LEHNER, MAYOR PILON AND COUNCIL MEMBERS TO ATTEND CITY DAY ON THE HILL, THURSDAY, MARCH 7<sup>TH</sup>, 2024 AT A COST OF \$125, PLUS MILEAGE AND STIPEND PER ATTENDEE. Voting via Roll Call. 5 AYES. MOTION CARRIED.**

6) Approval of Resolution 2024-XX Approving Further Education for Council Member Fladebo through the LMC to attend the Alexandria Cohort February 23-24, 2024 with a fee of \$350, mileage and hotel accommodations.



Discussion: Council Member Fladeo was signed up for the Plymouth Cohort, but due to illness, she will attend the Alexandria Cohort instead.

**VOTING ENSUED VIA ROLL CALL. 5 AYES. MOTION CARRIED.**

7) Motion to Approve \$25 increase in each of the advertising categories in the city newsletter.

**MOTION BY COUNCIL MEMBER RAINVILLE, SECONDED BY FLADEBO TO APPROVE A \$25 INCREASE IN EACH ADVERTISING CATEGORIES IN THE CITY NEWLETTER. THE NEW RATES WILL BE: 1/8 PAGE, \$100, ¼ PAGE \$175, ½ PAGE \$250 AND FULL PAGE \$375.**

Discussion: The city spent about \$8000 on newsletters last year and \$4,100 revenue. With the increases suggested, the increase will be approximately \$500 per year. The publishing of the newsletter will still be running at a deficit.

Much of the cost is reformatting and the staff has not been aggressively recruiting new advertisers as well. Council member Alders asked if breaking even was the goal or is this a communication to our residents. Biggest expense for the newsletter is the printing and the postage that is included in the 2024 budget – Staff will keep track of the time they put into it as well. If pages are limited, that will help control the costs. The city's contractors are encouraged to put an ad at no charge and the city asks they do not charge for their time to put in an article. Nor does the city charge for any non-profits. Since the city has not gone out to bid on the printing in a few years, direct staff to get some bids.

**ACTION ITEM. STAFF TO GET QUOTES FOR PRINTING AND MAILING & KEEP TRACK OF TIME WORKING ON THE NEWSLETTER.**

**VOTING ENSUED VIA ROLL CALL. 5 AYES.**

### **C. ITEMS MOVED FROM CONSENT AGENDA**

3g Pulled from the consent agenda for discussion. Approval of Resolution 2024-XX Approving the Service Agreement with Safeassure Consultants.

Discussion: page 1 of 7 states the DOLI require employers have documented proof of employee training and written procedures along with other requirements on page 7 & 8 plans, many things that require written procedures. Classes for Public Works, MSDS online, Blood Bourne pathogens, confined spaces. What about the fire fighters? Does the NFD get this training somewhere else?

**ACTION ITEM: ADMINISTRATOR LEHNER TO SEE EXACTLY WHAT IS INVOLVED IN THE TRAINING, SEE PAGE 3 REGARDING WRITTEN POLICY, IS SAFE ASSURE PROVIDING THE CITY THESE WRITTEN PROCEDURES AND RECORDS FOR EMPLOYEE TRAINING FOR THE MAJOR PARTS AND SUB PARTS? CONFIRM WITH CHIEF SCHMIDT IF FIRE FIGHTERS ARE ALSO GETTING THIS TRAINING? CAN THEY RECEIVE IT THROUGH SAFE ASSURE AS WELL? VERIFY WITH LMC IF THEY HAVE SPECIFIC TRAINING**



**FOR SOME OF THESE ITEMS ALREADY ESTABLISHED? FIND OUT HOW THE CITY NEEDS TO DOCUMENT AND CAPTURE THIS INFORMATION.**

**MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY FLADEBO TO APPROVE RESOLUTION 2024-XX APPROVING THE AGREEMENT WITH SAFE ASSURE CONSULTANTS BEGINNING MARCH 1, 2024 FOR 12 MONTHS. Voting via Roll Call. 5 AYES. MOTION CARRIED.**

Back to Action Item not answered. What is the process for the COLA and Merit increases with respect to year end evaluations? This needs to be clarified as it changed from 2023 and 2024. Mayor Pilon asked for this item to be tabled until budget discussions.

**ACTION ITEM – DETERMINE THE PROCESS AND EXPECTATIONS OF THE COUNCIL FOR YEAR END REVIEWS, COLA AND MERIT INCREASES.**

**MOTION TO ADJOURN BY COUNCIL MEMBER FLADEBO.**

Meeting Adjourned at 9:37 p.m.

Respectfully submitted,

---

Scott Lehner, City Administrator

---

Jeffrey M. Pilon, Mayor



## SIGN - IN SHEET

Meeting: Regular Council Mtg Date: 2/13/24

PLEASE PRINT

	NAME	ADDRESS
1.	BRADY KREGER	6933 207 <sup>TH</sup> AVE. N.W. ELK RIVER, MN 55330
2.	Sue Schmitt	6232 191 <sup>ST</sup> Lane NW - Nowthen
3.	Steve Schmitt	" " "
4.	Andy Schirosa	RUM RIVER CONSULTANTS
5.		
6.		
7.		
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Achieving Home-Grown Elections in Anoka County

Presented by

**Anoka County  
Election Integrity Team (ACEIT)**

To

**City of Nowthen  
February 13, 2024**





More than 20 highly dedicated individuals meeting weekly since August 2022; researching and identifying election reform strategies for Anoka County

## PRESENTERS PROFILES

- Derek Lind—Ramsey, financial analyst
- Brenda Miller—Columbus, election judge, occ. therapist, homeschooler
- Davin Tormanen—Vadnais Heights, 25 yrs. electronics technology
- Pam Weber—Andover, election judge, physical therapist
- Robert Kirchner—Coon Rapids, 40 yrs., local gov't. admin.
- Lori Mahowald—Coon Rapids, election judge, operations/project mgmt.

## Other Contributors

- Paul Berndt—Coon Rapids, manufacturing engineering
- Lisa Henrickson—Linwood Twp., election judge, 37 yrs. state of MN
- Gary Kemmetmueller—Coon Rapids, electronics technology
- Richard Klabecek—Oak Grove, applied math/manufacturing engineer
- Jonathan Liebsch—Ham Lake, election judge, software developer
- Joe Richardson—Andover, election judge, power/energy industry
- Sue Peterson—Ham Lake, election judge
- Channing Stowell—East Bethel, M.I.T. Sloan School trained data scientist
- Jeannie Erickson—Coon Rapids, election judge, 30 yrs. admin assistant
- Troy Cooper—Ramsey, financial services IT mgt & small business owner



## ELECTION INTEGRITY GOALS

1. Small Voting Precincts
2. Secured Election Judge Data
- 3. Verified Registered Voters**
- 4. Validated Paper Ballots**
- 5. Paper Poll Books**
- 6. Hand-Counted Paper Ballots**



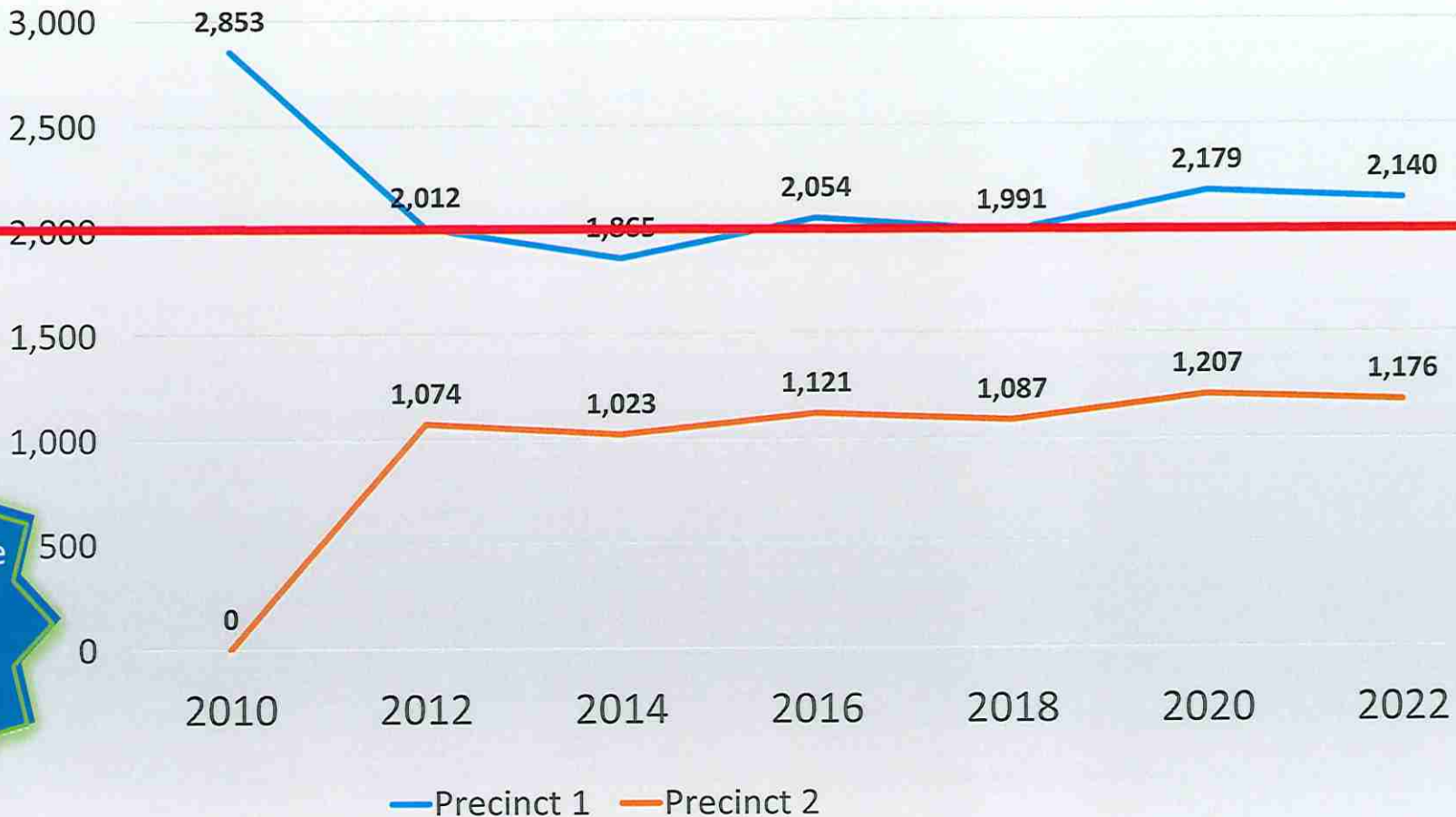
# ELECTION INTEGRITY GOAL #1

## Small Voting Precincts

- Through Local Management

# CITY OF NOWTHEN, REGISTERED VOTERS PER PRECINCT: 2010-2022

MN SOS  
Suggested  
Maximum of  
2,000  
Registered  
Voters Per  
Precinct



Note: It might be time to divide Precinct 1 into two precincts



# Summary | Recommendations

- Cities are authorized to determine precinct size
- Precincts with <2,000 registered voters are more manageable



- ADOPT A RESOLUTION to limit voting districts to 2,000 registered voters or less

## ELECTION INTEGRITY GOAL #2

### Secured Election Judge Data

- Through Local Management & Storage



# Data Security Risks in Outsourcing

## Outsourcing = Sharing = Loss of Control

### **Unlimited Risk**

- Data shared with Modus/InTech, an NGO (Non-Governmental Organization), and/or beyond
- Data transferred electronically (online) to others is **hackable**
- Data shared/stored in the Cloud and/or on others' PCs or on devices is **hackable**
- Encryption doesn't eliminate risk; it is **hacked** every day
- 3<sup>rd</sup> Party/Contractors that transfer data know the data is **hackable** and, thus, infuse language in their contracts that hold them harmless because they know this truth
- Data sent/shared cannot be controlled and therefore poses a **security threat** to the Election Judge

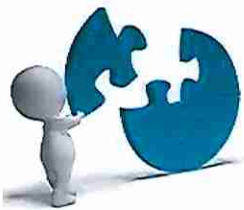
## Inhouse on Local PC

### **Zero to Limited Risk**

- Save/store file(s) only on a dedicated local PC, not in the AC files in the Cloud
- Remove any ability to access the Internet through this dedicated PC
- Prevent data from capability to send anywhere – not even within the office
- Lock the PC whenever not in use

# Summary | Recommendations

- There are data security risks in outsourcing
- Government has an obligation to protect personal information
- Many questions with InTech contract
- Good News: Internal management is a viable solution



- **ADOPT A RESOLUTION**  
requesting Anoka County secure election  
judge personal data by ending the contract  
with InTech Software Solutions, Inc. and  
returning to local management and storage



## ELECTION INTEGRITY GOAL #3

Verified Registered Voters

- Through Local Management

# Registered Voter List Accountability

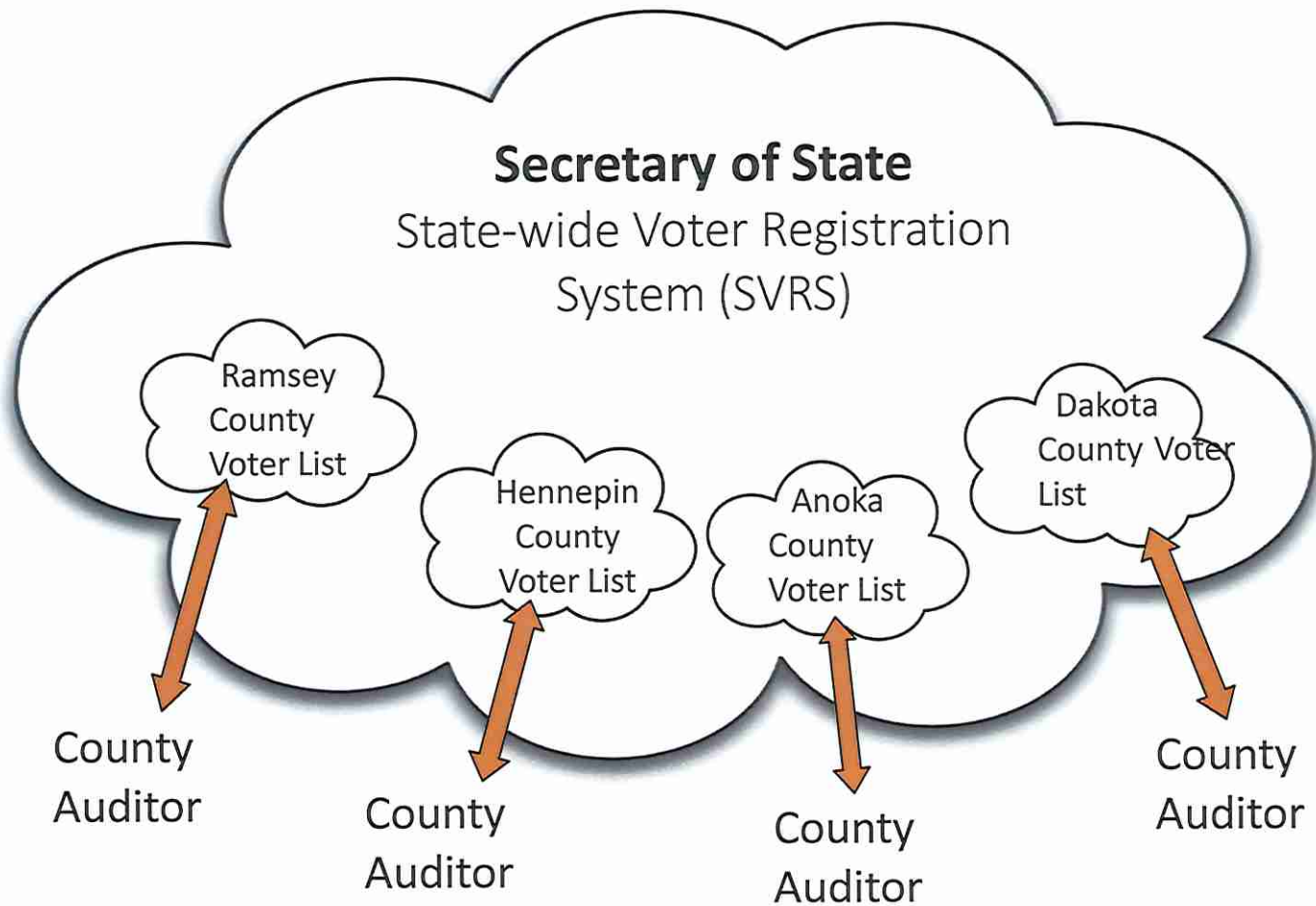
## **MN Statute 201.091**

### **REGISTERED VOTER LISTS; REPORTS; REGISTRATION PLACES**

#### **§Subdivision 1. Master list.**

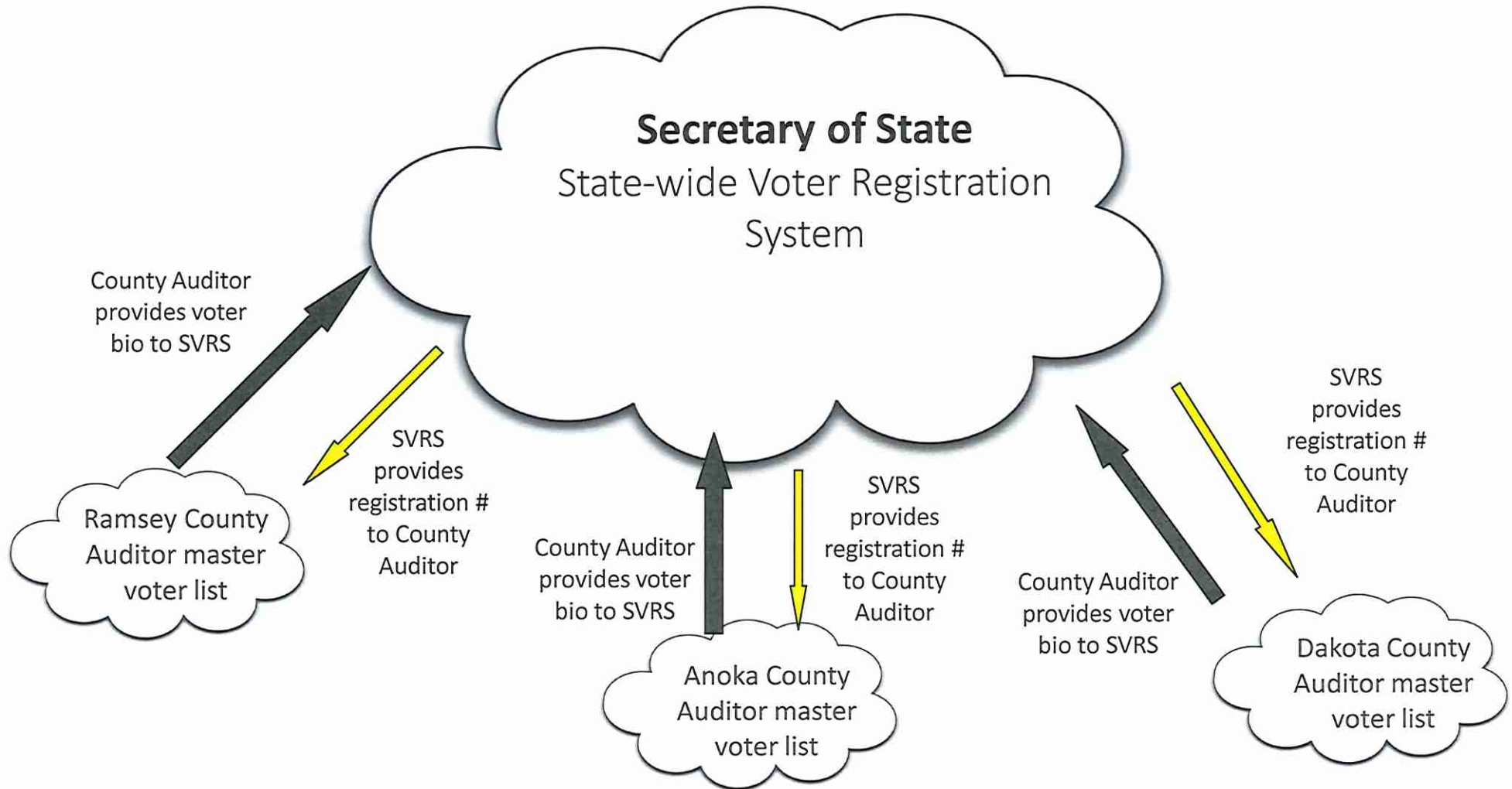
Each county auditor shall prepare and maintain a current list of registered voters in each precinct in the county which is known as **the master list**. The master list must be created by entering each completed voter registration application received by the county.

# Architecture of Current Registered Voter List





# Architecture of County Auditor Master Voter List



# Summary | Recommendations

- City election clerks must encourage the County Auditor to take an active leading role in maintaining a county master voter list administered by the county
- City election personnel must double-check the county's list of registered voters in their city to validate the list is correct
- County Auditors must properly validate all new voter registrations
- County Auditors shall use forensic database cross-referencing tools such as Omega4America while validating voters and maintaining master voter list
- City ballot boards checking mail-in ballots must use a registered voter list that has no outside influence and they're confident it's accurate



- **ADOPT A RESOLUTION** for City and County to work together to secure registered voter list

## ELECTION INTEGRITY GOAL #4

Validated Paper Ballots

- Through Local Management



# Municipalities Can Administer Absentee Ballots

## **MN Statute 203B.05**

### **DESIGNATION OF MUNICIPAL CLERKS TO ADMINISTER ABSENTEE VOTING LAWS**

#### **§Subdivision 1. Generally.**

The full-time clerk of any city or town shall administer the provisions of sections [203B.04](#) to [203B.15](#) and [203B.30](#) if:

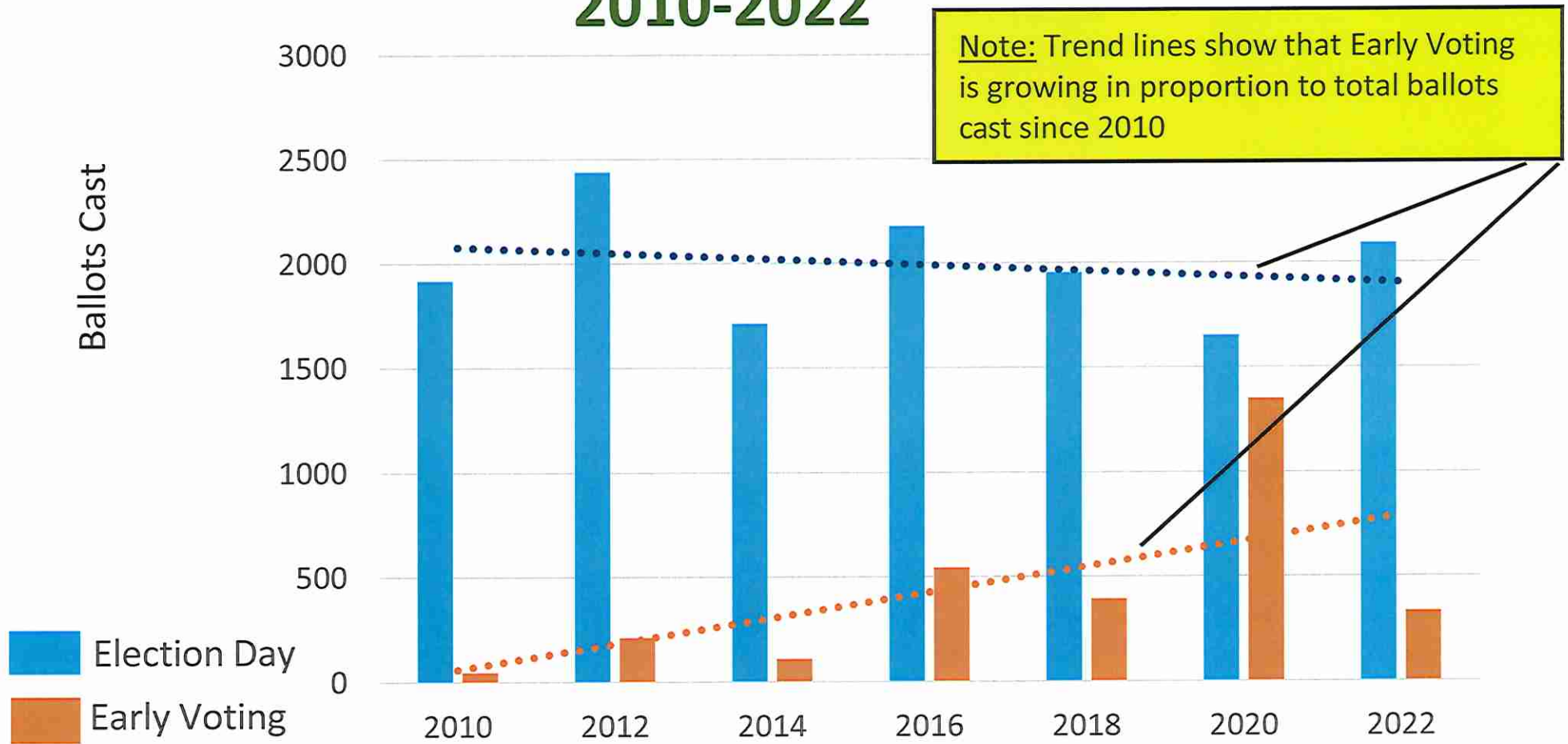
- (1) the county auditor of that county has designated the clerk to administer them; or
- (2) the clerk has given the county auditor of that county notice of intention to administer them

# Absentee Ballot Administration

		Current County Admin		Proposed City Admin	
<u>Goal</u>	<u>Activity</u>	<u>Admin</u>	<u>Cooperate</u>	<u>Admin</u>	<u>Cooperate</u>
Counterfeit Resistant	Ballot Design	County	City	County	City
Counterfeit Resistant	Ballot Printing	County	City	County	City
Tracking	Storage Before Use	County	City	County	City
Tracking	Storage During Use	County	City	City	County
Tracking	46-Day Voting	County	City	City	County
Tracking	Tabulation	County	City	City	County



# CITY OF NOWTHEN\_ BALLOTS CAST BY YEAR: 2010-2022

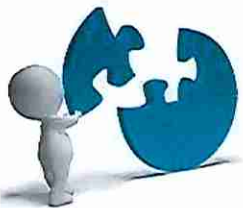




# Summary | Recommendations

- Counterfeit resistant ballots are available
- Public tracking is possible
- The proportion of absentee ballots is growing
- Absentee ballots have risk of fraud
- Cities can administer absentee ballots
- *MN 2022 Absentee Voting Administration Guide*

- ❑ **ADOPT A RESOLUTION** to administer absentee ballots
- ❑ **ADOPT A RESOLUTION** to create a Ballot Board and appoint judges



# ELECTION INTEGRITY GOAL #5

## Paper Poll Books

- Through Local Management

# Online Security Risk Points in Poll Pads

## Electronic

- KNOWiNK/BPro/ePulse Cloud INTEGRATED data management
- 129 Verizon SA2100 hot spot devices
- 5 Cisco Meraki MR42 routers
- 22 iSync Cloud drives
- Anoka County's data on Amazon Aurora in Amazon's GovCloud

## Paper

- None



# Electronic Poll Pads Don't Just Check You In...

- Customizable real-time reporting
- Election night reporting
- Ballot tracking
- Inventory tracking
- Issue tracking
- Update voter rolls minutes before an election in near real-time
- Poll worker time-tracking
- Runs concurrent elections
- Video and text messaging communications from Poll Pads to ePulse

# You Have a Choice

## **201.225 ELECTRONIC ROSTER AUTHORIZATION.**

### **Subdivision 1. Authority.**

A county, municipality, or school district **may** use electronic rosters for any election. In a county, municipality, or school district that uses electronic rosters, the head elections official **may** designate that some or all of the precincts use electronic rosters. An electronic roster must comply with all of the requirements of this section. An electronic roster must include information required in section [201.221](#), subdivision 3, and any rules adopted pursuant to that section.

...

### **Subd. 5. Election day.**

(a) Precincts **may** use electronic rosters for election day registration, to process preregistered voters, or both. The printed election day registration applications must be reviewed when electronic records are processed in the statewide voter registration system. The election judges shall determine the number of ballots to be counted by counting the number of original voter signature certificates or the number of voter receipts.

(b) Each precinct using electronic rosters **shall** have a paper backup system approved by the secretary of state present at the polling place to use in the event that the election judges are unable to use the electronic roster.

## Paper Works!

- All of Anoka County precincts used paper poll books until 2018
- Nearby Isanti County still uses paper poll books in 17 of 19 precincts
- 29 (1/3<sup>rd</sup> of) MN counties still use paper poll books today
- MN Statute 201.225 Subdivision 5.b. mandates paper poll books at every precinct for every election
  - They must be available as backup
  - They are printed the night before the election for every precinct
  - Each precinct maintains their copy onsite on election day



# Paper is More Cost-Effective

## Electronic

• Original capital, license, maintenance cost in 2018		\$602,033
• Average annual expenses		\$69,930
• Software license, maintenance fees	\$63,125/yr.	
• Software connectivity license	\$1,000/yr.	
• Verizon Wireless Data Plan (hotspots)	\$3870-\$7740/yr.	
• \$3,870 in odd years		
• \$7,740 in even years		
• Total Anoka County cost for 2018-2023		\$1,029,353
<hr/>		
• NOTE: Need for capital upgrade between 2024-2026		\$218,413

## Paper

- Paper and ink  
*(Same as today – as required in MN Statute 201.225)*

# Summary | Recommendations

- Electronic poll pads are not worth the risk
- Returning to using ONLY paper poll books is the safe way to check voters in
- Paper works and it is cheaper
- Many precincts in Minnesota use paper ONLY



- ADOPT A RESOLUTION to return to paper poll books

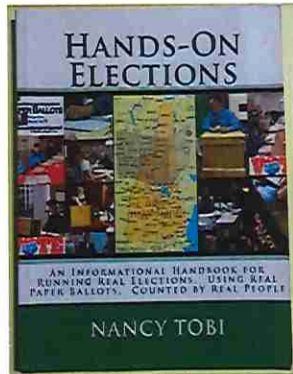
# ELECTION INTEGRITY GOAL #6

## Hand-Counted Paper Ballots

- Through Local Management



# MN Statute: Piling System



**“It takes approximately 6 seconds to hand count a contest on a ballot;...Experienced towns average 4-5 seconds to count each contest on a ballot, including training time, sorting, stacking and counting.”**  
(*Hands-On Elections* by Nancy Tobi, 2010, pp. 92-93).

**Hand  
Counting is a  
Global  
Standard**

-----  
**The Piling  
System  
is a Proven  
Method**



On November 15, 2023, Anoka County conducted a re-count of an Anoka-Hennepin School District election involving 4,393 ballots. Overall, **it took just over 5 seconds to process each ballot** for a single office.

The Piling System of hand counting paper ballots has been in Minnesota Statutes since 1959

# A Feasible Strategy



## Anoka County Says:



## Hand Counting

- MN Statute 206.58
  - Once a municipality has adopted the use of an electronic voting system in one or more precincts, the municipality must continue to use an electronic voting system for state elections in those precincts.
- Cannot be done in tandem with the use of machines
- Expensive
- Time Consuming
- Inaccurate

Source: Public Officials Meeting, November 29, 2023

## ACEIT Says:

- MN Statute 206.58 does not prohibit hand counting.
- There is no statute saying tandem counting can not be done.
- There is no published Anoka County Attorney opinion on this.
- There is a city attorney opinion saying hand counting can be done.
- There is a county attorney opinion in MN saying it can not be done.

### Hand Count Comparison Anoka County vs ACEIT Proposal

<u>Factor</u>	<u>County</u>	<u>ACEIT</u>
1. Scope	All Offices (30+)	Competitive Only (8-12)
2. Place	Central	Precincts
3. Judges	Same as daytime	New Judges for pm
4. # Judges	1 Team of 2	Several Teams of 2
5. Run Time	Many Hours	2-4 Hours
6. Cost	Higher	Lower



# CITY OF NOWTHEN HAND COUNT PLAN 2024

## 1. Number of Offices and Choices to be Counted as Per Piling System

Primary/General Office	Primary 3/5 Hand Count	Primary 8/13 Hand Count	General 11/5 Hand Count	General 11/5 Machine	If Competitive Count Need?
US President	1		1	1	Yes
US Senator		1	1	1	Yes
US Representative		1	1	1	Yes
MN Senator		0	0	0	None in 2024
MN Representative		1	1	1	Yes
Anoka Co. Board		1	0	0	Special Election
County SWCD		1	1	1	0-1; 0 is typical
Mayor		0	1	1	0-1 at large
Council (2)		0	4	2	0, 3-4 at large
School Board		0	7	4	0, 5-8 at large
Questions/Referenda		0	0	0	TBD
Supreme Court		0	0	4	0 is typical
Court of Appeals		0	0	6	0 is typical
10th District Court		0	0	12	0 is typical
<b>Total Choices Per Ballot</b>	<b>1</b>	<b>5</b>	<b>17.0</b>	<b>34</b>	





**Notes:**

- The Piling System of hand counting consists of sort, pile and count as per MS 204C.21
- Shaded cells denote hand counting at federal, state, local and school board levels.
- Local includes county, soil&water district, city, township, school district & questions.



## ★ 2. Estimate of Time to Hand Count

	A	B	C	D	E	F
26		Primary 3/5	Primary 8/5	General 11/5		
27	<b>Factor</b>	<b>Number</b>	<b>Number</b>	<b>Number</b>	<b>Notes</b>	<b>Sources</b>
28	<b>Total Ballots (estimated)</b>	<b>463</b>	<b>481</b>	<b>3,288</b>	<b>2020 x 1.1</b>	Estimate
29	Number of Choices Per Ballot	1	5	17.0	B19, C19, D19	From Table 1
30	Total Choices to be Counted	463	2,404	55,894		Calculated
31	Seconds Per Choice	6	6	6	*See Below	Studies
32	# Hours to Count	0.8	4.0	93.2		Calculated
33	Number of Precincts	2	2	2		Known
34	Number of Teams/Precinct	1	2	12		Assigned
35	Number of Judges/Team	2	2	2		Assigned
36	Run Time (Hours)	0.39	1.00	3.88		Calculated
37	Total Number of Judges	4	8	48		Calculated
38						
39	<b>Estimate of Total Ballots</b>			<b>2020 Ballots</b>	<b>Projection</b>	<b>2024 Estimate</b>
40	<b>US President Totals</b>	<b># Ballots 2020 Primary</b>		<b>421</b>	<b>2020 x 1.1</b>	<b>463</b>
41	<b>US Senate Totals</b>	<b># Ballots 2020 Primary</b>		<b>437</b>	<b>2020 x 1.1</b>	<b>481</b>
42	<b>US President Totals</b>	<b># Ballots 2020 General</b>		<b>2,989</b>	<b>2020 x 1.1</b>	<b>3,288</b>
43	*Source: <i>Hands-On Elections</i> , Nancy Tobi, 2010, pp 92-93. This time includes judge training					
44	organizing work, sorting, stacking, counting and tallying of votes on all ballots.					

	A	B	C	D	E	F	G
	<b>3. Estimate of Cost to Hand Count</b>						
46	<b>Factor</b>	<b>Primary 3/5</b>	<b>Primary 8/13</b>	<b>General 11/5</b>	<b>Highest</b>	<b>Lowest</b>	<b>Sources</b>
	Run Time Rounded Up	1.00	1.00	4.00			B-D 36
48	Number of Judges	4	8	48			B-D 37
49	<u>Hourly Rate</u>	<u>\$12.00</u>	<u>\$12.00</u>	<u>\$12.00</u>			Estimate
	<b>Total Cost to Count</b>	<b>\$48</b>	<b>\$96</b>	<b>\$2,304</b>	<b>\$2,448</b>	<b>\$648</b>	Calculated
51	Federal & State	\$48	\$58	\$542	\$648	\$648	Calculated
52	County/City/SD	\$0	\$38	\$1,762	\$1,800	\$0	Calculated
53	Judicial Offices	\$0	\$0	\$0	\$0	\$0	Calculated
	<b>Cost Per Ballot</b>	<b>\$0.10</b>	<b>\$0.20</b>	<b>\$0.70</b>			
55	<b>Notes:</b>						
56	1. This estimate accounts for rounding up of election judge service time to full hours.						
57	2. This estimate does not include costs for supplies, equipment or administration.						



# Summary | Recommendations

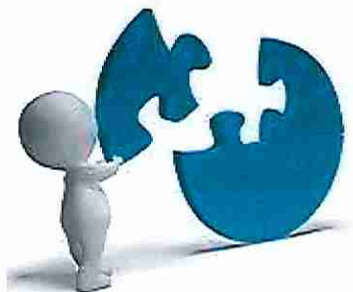
- Hand Count Scope-Time-Cost can be Measured and Controlled
- Cost can be reduced by unpaid volunteer election judges
- Cost can be off-set by tax-deductible contributions to Special Project Fund

## Three Options

At Polls on Election Day

Under County Post-Election Review (PER) 11-18 days after Election

Under delegated Municipal PER 11-18 days after Election

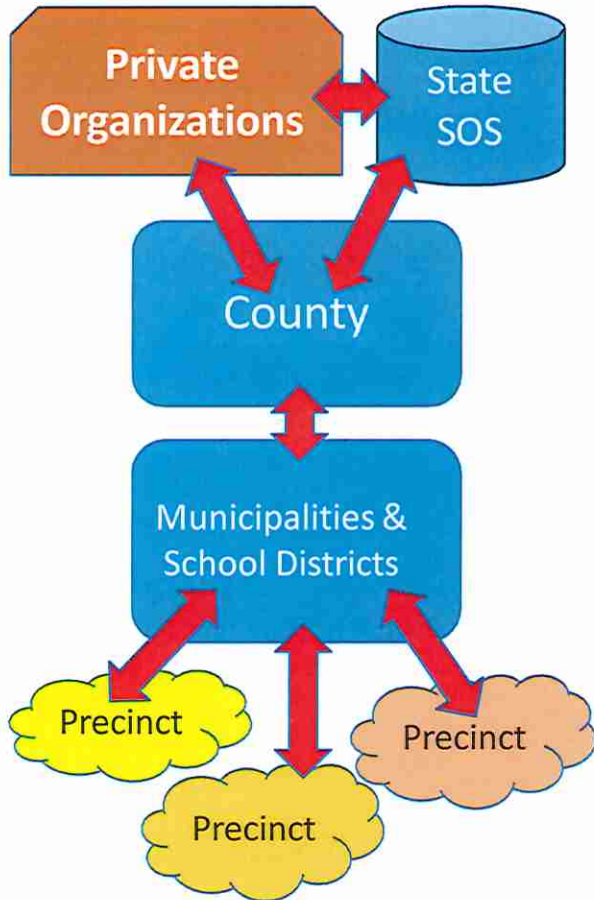


- ADOPT RESOLUTIONS to hand count paper ballots via these methods:
  - By City at precincts after polls close (M.S. 204C.19)
  - By County at Government Center under Post-Election Review (M.S. 206.89)
  - By City at City Center under Post-Election Review (M.S. 206.89)



# THE SOLUTION: **Locally Controlled Elections**

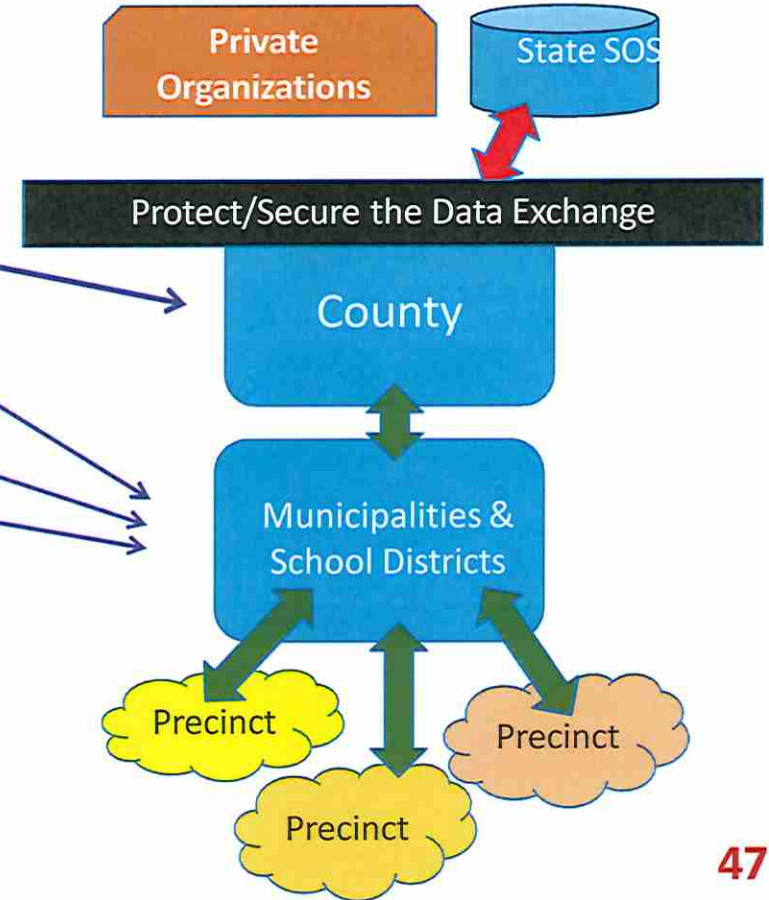
## Move From TODAY's Model



## Based on MN Statute



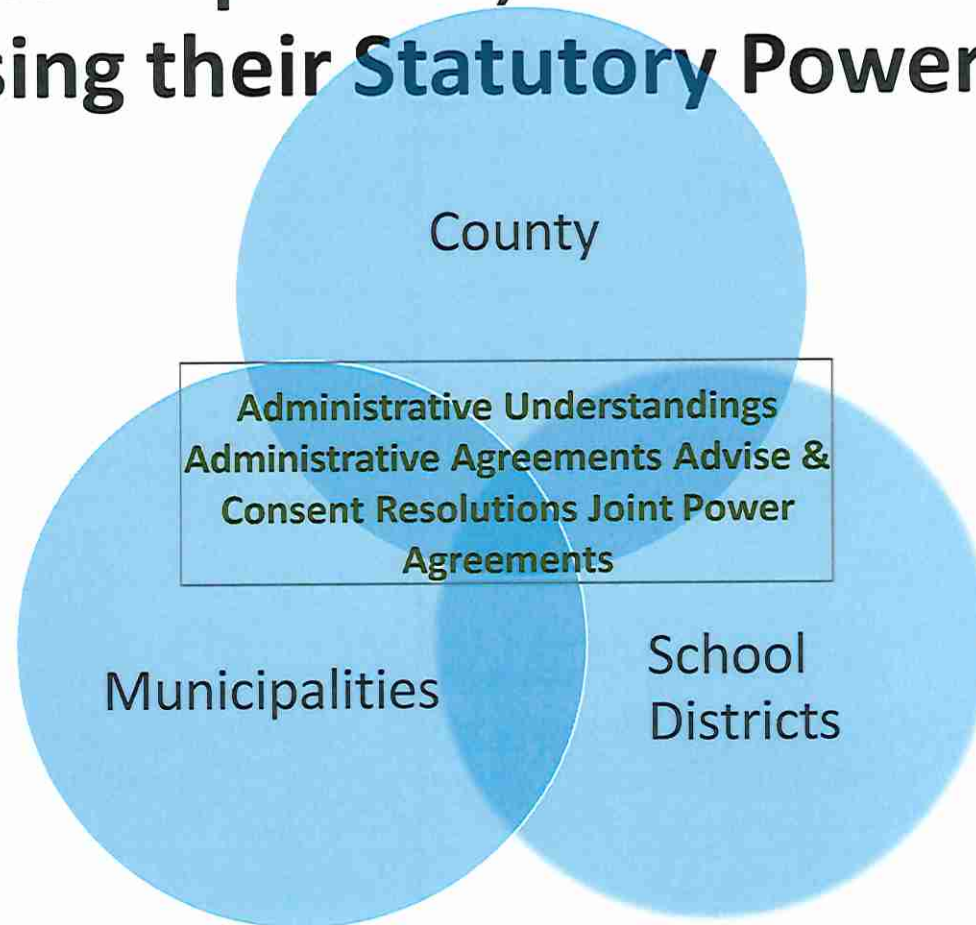
## To A SECURE Local Model



# THE STRATEGY:

## County, Municipalities, and School Districts Using their **Statutory Powers**

This strategy may involve independent actions or cooperative operations under administrative or formal joint powers agreements.



Our Country has been strongest when it is governed from the bottom up, not the top down.

# Action Items – Adopt Resolutions



## 1. Small Voting Precincts

- Establish voting precincts for each election year
- Define guiding principles for establishing voting precincts
- Request that the County create policy to maintain small voting precincts

## 2. Secured Election Judge Data

- Appoint election judges for each election
- Request that Anoka County secure election judge personal data

## 3. Verified Registered Voters

- Request that the County create policy to verify and allow only registered voters files

## 4. Validated Paper Ballots

- Request that the County create policy to validate paper ballots

## 5. Paper Poll Books

- Return to using only paper poll books (no electronic poll pads)

## 6. Hand-Counted Paper Ballots

- Pre-Resolution: Request Hand Count Feasibility Report, Hand Count Plan, Time & Cost Calculator
- Hand count ballots at the polls after closing for races involving > 1 candidate
- Request that Anoka County include city voting precincts in Post-Election Review (PER)
- Request that Anoka County delegate the Post-Election Review (PER) to the municipality
- Give notice to County of intent to establish Absentee Ballot Board and administer absentee ballots
- Establish Absentee Ballot Board



The background of the slide features a close-up of the American flag on the left side, with the stars and stripes clearly visible. The rest of the background is a soft-focus bokeh of blue and white lights, with a faint, glowing American flag pattern overlaid in the center.

# THANK YOU

The Anoka County Election Integrity Team (ACEIT) thanks you for this opportunity to present information in support of secure and transparent home-grown elections.

We stand ready to assist and support local officials in making decisions to further these goals.

# Nowthen City Council

February 28, 2024

## Special Session Meeting Minutes

### **1. Call to Order**

Mayor Pilon called the work session to order at 6:03 p.m.

Present: Mayor Pilon, Council Members Fladebo, Breyen. Council Member Alders was absent.

Council Member Rainville is attending via Zoom from 5601 Highway A1A, #200, Indian River Shores, FL 32963. Anyone wishing to participate from this location should call 612-964-5228 for assistance.

Also Present: Deputy Clerk Johnson and Administrator Lehner. Building Official Andy Schreder and Carri Levitski.

Administrator Lehner explained the reason for the special session. Due to the changing of the Building Official, the fee schedule needed to be updated to match Rum River Consultants fees to meet the effective date of March 1, 2024.

The second item on the agenda is the Business Subsidy Agreement with Arvig, this agreement is time sensitive as the work has begun. It has gone through the attorney's including Attorney Ruppe.

In front of each of the council members there is also a fee schedule labeled "Mary's Comments". It is the recommendation of the city administrator to table the topic of other fees that don't apply to the Building Official at this time so staff will have time to look at the balance of the fee schedule to determine if a change is necessary.

**MOTION BY MAYOR PILON, SECONDED BY COUNCIL MEMBER RAINVILLE TO DIRECT STAFF ALONG WITH PLANNER NASH, TO INVESTIGATE THE REST OF THE FEE SCHEDULE NOT PERTAINING TO THE BUILDING OFFICIAL TO BE SURE ALL COSTS ARE FULLY COVERED AND BRING BACK TO COUNCIL FOR REVIEW AND APPROVAL.**

Discussion: Council Member Breyen asked exactly what are we talking about tonight regarding the fee schedule? It is confusing with the Ordinance change and Council Member Rainville's notes. It was explained only the Building Official Fees will be addressed tonight along with reviewing and approving Ordinance 2024-02 repealing and replacing the Ordinance as amended. Administrator Lehner stated it may take a bit of time for staff to get to it with elections, audit, and clerks conference in March. The staff could work on pieces and bring them to the council in April and May for review and approval. In the future, it is requested to have page numbers on documents.

**VOTING ENSUED. VOTE VIA ROLL CALL. 4 AYES. MOTION CARRIED.**

The mayor explained that upon the recommendation of City Attorney Ruppe, the city put the fee schedule in the administrative part of Ordinances, therefore, publishing, noticing and a public hearing are not necessary. The council along with staff and the Building Officials will be going through the Ordinance and Building Official Fees tonight to approve in time for March 1, 2024, Contract change to Rum River Consultants.

### **2. Ordinance 2024-02 - Presentation by Carre Levitski from Rum River Consultants.**

Ms. Levitski stated that the Ordinance needed to be updated as some of the verbiage was no longer correct, that some areas referenced state statues that had changed. Rum River Consultants believe the fees should commensurate with the services provided. Several areas were updated as the council went through the ordinance line by line. These updates will be reflected on the Ordinance before signature.

Sub. 1 Discussion regarding the valuation chart

Sub. 2 Items not identified by the State of MN or the ICC will be determined by a model available via Statue 1300.0160 per square foot.

Sub. 3 No changes

Sub. 4 No changes

Sub. 5 Add "Business days"

Sub 6. Correct .0160.

Sub. 7 No changes

Sub. 8 Add "dwelling" unit and add "in conjunction with an active building permit."

Sub. 9 Add "dwelling" unit.

Sub. 10 Add "Required by State Building Code"

Rum River Consultants does not charge for a temporary certificate of occupancy.

Discussion who residents talk to about Zoning / Setbacks. Most zoning / setbacks Rum River Consultants can address. If necessary, Planner Nash will be contacted.

**MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY FLADEBO TO APPROVE ORDINANCE 2024-02 AS AMENDED. VOTE VIA ROLL CALL. 4 AYES. MORTION CARRIED.**

**3. Arvig Business Subsidy Agreement.**

This project has started and will bring internet access to 81 homes in the Twin Lakes area. Payment will be made to Arvig open completion of the project. This agreement is needed as the city is using public funds and has been approved by the city attorney.

**MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY FLADEBO TO APPROVE MAYOR PILON AND ADMINISTRATOR LEHNER TO SIGN THE BUSINESS SUBSIDY AGREEMENT WITH ARVIG. VOTE VIA ROLL CALL. 4 AYES. MORTION CARRIED.**

**MOTION TO ADJOURN BY COUNCIL MEMBER FLADEBO, SECONDED BY BREYEN.**

Motion to adjourn at 9:02 p.m.

Respectfully submitted,

---

Scott Lehner, City Administrator

---

Jeffrey M. Pilon, Mayor





## REQUEST FOR COUNCIL ACTION

Agenda Item: <b>3C</b>	Department: Administration	Requested Council Meeting Date: March 12, 2024	Submitted By: Councilmember Dan Breyen
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**TITLE OF ISSUE: APPROVAL OF LAWN SERVICES AGREEMENT WITH NOWTHEN KNIGHTS BASEBALL TEAM**

**BACKGROUND AND SUPPLEMENTAL INFORMATION:** The Nowthen Knights are the city's townball team. For many years now they have played their games at Memorial Park. For safety's sake and to facilitate a good image for the team, city and park, the Knights have assumed the responsibility for the maintenance of the baseball field using their own personnel and city tools.

Attached is the maintenance agreement proposed for this year. Mr. Terry Olson has reviewed and approved the agreement on behalf of the Knights. Some clarifying language has been made for work involved, as well as a stipulation that the contract would renew automatically unless it is cancelled per the contract.

**SOURCE OF FUNDING: N/A**

**REQUESTED COUNCIL ACTION:** Motion and second as part of the consent agenda to approve the 2024 Lawn Services Agreement with the Nowthen Knights Baseball Team.

**SUPPORTING DOCUMENTS ATTACHED:** Copy of proposed agreement.

Resolution	Ordinance	Contract	Minutes	Plan Map
X				

Other:

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**CITY OF NOWTHEN  
ANOKA COUNTY  
STATE OF MINNESOTA**

**LAWN MAINTENANCE SERVICES AGREEMENT**

**THIS AGREEMENT** is made this 13th day of March 2024 by and between the City of Nowthen, a municipal corporation under the laws of the State of Minnesota, Anoka County, Minnesota (hereinafter “City”) and the Nowthen Knights, (hereinafter “Knights”) both hereinafter collectively referred to as “the Parties”.

**WITNESSETH:**

**WHEREAS**, the Nowthen Knights have approached the City to request that in lieu of a Field Use Fee paid to the City for the use of its baseball field, the Nowthen Knights will provide maintain, mow, stripe, trim and keep the ball field including parking area, concession stand and bleachers in safe, usable, and playable condition.

**NOW, THEREFORE, IT IS HEREBY AND HEREIN MUTUALLY AGREED**, in consideration of each party's promises and considerations herein set forth, as follows:

1. **Term of Agreement.** This Agreement shall commence April 1, 2024, be in effect through Aug 31, 2024. It shall automatically renew annually from April thru August of the following calendar year unless either party cancels the contract per the contract terms.
2. **Services to be provided.** During the term of the Agreement the Knights agree to perform lawn care services for the City’s ball field by maintaining all areas inside the perimeter fence as follows:
  - a. Mowing heights shall not be shorter than 2.5 inches.
  - b. Trimming around inside of perimeter fence.
  - c. Batting and pitching cage to be mowed.
  - d. Keep grass and weeds out of the lime by spraying or pulling them.
  - e. Knights shall be responsible for dragging field after all their practices and games played.
  - f. Knights shall be responsible to chalk base lines and batter’s box for their games.

The City shall provide bases for the ball field which when not in use shall be stored by the Knights in the lockable steel storage bin provided.

3. **Performance and Specifications.** Knights shall perform all services directly or indirectly required under this Agreement in a good workmanlike manner consistent with industry standards and according to the specifications and performance standards established by the City, if any. The city agrees to allow the Nowthen Knights the use of its lawn mower to provide the services required by this Agreement. Mower shall remain stored inside the baseball field garage. All materials used or supplied under this Agreement shall be of first



quality and meet the specifications established by the City, if any. Gasoline for the City mower will be provided by the city. No chemicals may be used to control grass, brush, or other vegetation without prior approval of the City. Knights shall not perform any work under this Agreement outside of the areas designated under this Agreement. The City has the right to inspect and may reject any services provided by the Knights under this Agreement that, in the City's determination, were not completed in a good workman like manner or that otherwise failed to satisfy the established specifications or performance standards.

4. **Compensation.** The Parties agree that in lieu of a Field Use Fee to be paid to the City for the use of its baseball field by the Knights that the Knights shall maintain the ball field consistent with the terms of this Agreement.
5. **Independent Knights Status.** The Parties agree and intend to create an independent Knights relationship between the City and the Knights. The Nowthen Knights shall use the mower furnished to them by the City in accordance with industry and OSHA Safety Standards. City will also be responsible for furnishing fuel for the mower. The Nowthen Knights shall provide any additional materials and tools required to providing services to the City. Knights shall be liable for all other expenses it incurs in providing services to the City. Knights shall be responsible for implementing the City's policy regarding these services and may use any such reasonable methods as it sees fit in accomplishing that end. The Nowthen Knights are free to provide its services to any other entities and individuals. No employee related withholdings or deductions shall be made from payments due Knights. Knights shall not be entitled to receive any benefits from the City and shall not be eligible for workers compensation or unemployment benefits. Knights shall be free to exercise initiative, judgment, and discretion in how best to perform the services identified herein.
6. **Indemnification, Hold Harmless, and Defend.** Any and all claims that arise or may arise against Knights, its agents, servants, or employees as a consequence of any act or omission on the part of the Knights or its agents, servants, or employees while engaged in the performance of the Agreement shall in no way be the obligation or the responsibility of the City. Knights shall indemnify, hold harmless, and defend the City, its officers, agents and employees against any and all liability, loss, costs damages, expenses, claims or actions, including attorney fees which the City, its officers, agents, or employees may hereinafter sustain, incur, or be required to pay, arising out of or by reason of any act or omission of the Knights, its agents, servants or employees, in the execution, performance, or failure to adequately perform Knights' obligations pursuant to this Agreement. Nothing in this Agreement shall constitute a waiver by the City of any statutory limits on or immunities from liability.
7. **Third Parties.** Third parties shall have no recourse under this Agreement.
8. **Modifications.** Any alteration, variations, modifications, or waivers of the provisions of this agreement shall only be valid when they have been reduced to writing, incorporated in this agreement which is approved and executed by the city council and Knights.



9. **Cancellation of Contract.** Either Party may terminate this Contract upon sixty (60) days written notice to the other Party. Notice of Cancellation shall be deemed effective when deposited with the United States Post Office, properly addressed and postage prepaid.
10. **Merger Clause.** This Agreement represents the full and complete understanding of the Parties and both Parties represent that neither Party is relying on any prior agreements or understandings, whether oral or written. This Agreement shall be modified, if at all, with the signed, written consent of both Parties.
11. **Severability.** The provisions of this Agreement shall be deemed severable. If any part of this Agreement is rendered void, invalid or otherwise unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this agreement.

**CITY OF NOWTHEN**

**NOWTHEN KNIGHTS**

\_\_\_\_\_  
Jeffrey M. Pilon, Mayor

\_\_\_\_\_  
Terry Olson, Manager

\_\_\_\_\_  
Scott Lehner, City Administrator

Nowthen City Office  
8188 199<sup>th</sup> Ave. NW  
Nowthen MN, 55330  
(763)-441-1347



Council Meeting Location:  
Historic Townhall  
19800 Nowthen Blvd NW  
Nowthen MN, 55330

## RESOLUTION No. 2024-XX

### A RESOLUTION APPROVING/AUTHORIZING NOWTHEN KNIGHTS TO PROVIDE MAINTENANCE OF NOWTHEN MEMORIAL PARK BASEBALL FIELD

**WHEREAS**, the Nowthen Knights consider the City of Nowthen their hometown and;

**WHEREAS**, they have taken good care of the Nowthen Memorial Park Baseball Field for years and in lieu of a Field Use Fee paid to the city they will continue to maintain, mow, stripe, trim and keep the ball field including parking area, concession stand and bleachers in safe, usable, and playable condition for the 2024 ball season.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NOWTHEN** as follows:

1. The recitals set forth above are incorporated herein.
2. Approves the attached Lawn Services Agreement with the Nowthen Knights Baseball Team.

The motion for the adoption of the foregoing resolution was proposed by Council Member \_\_\_\_\_ and was duly seconded by Council Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor:

And the following voted against the same:

Passed and adopted by the Nowthen City Council this 12th day of March 2024.

CITY OF NOWTHEN

\_\_\_\_\_  
By: JEFFREY M. PILON  
Its Mayor

ATTEST \_\_\_\_\_  
By: SCOTT LEHNER  
Its City Administrator



## REQUEST FOR COUNCIL ACTION

Agenda Item: 3D	Department: Administration	Requested Council Meeting Date: March 12, 2024	Submitted By: Council Member Mary Rainville, Farmers Market Council Liaison
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**TITLE OF ISSUE:** Appointment of the 2024 Nowthen Farmers Market Coordinator and Manager, authorizing their stipends and approval of administrative and public works staff support for the Market.

**BACKGROUND AND SUPPLEMENTAL INFORMATION:** The Nowthen Farmers Market is a volunteer run community event designed to provide an opportunity for our residents to purchase freshly grown products and handmade items from local vendors. Season 14 will be June 13 – September 26, 2024. To ensure the Market is run efficiently and professionally the following positions have been created:

**MARKET COORDINATOR:** Mary Lieser

The Market Coordinator is the person(s) appointed by the Nowthen City Council to administer and oversee the Market and enforce the rules. The Market Coordinator is the primary contact for the following:

- Assist with vendor eligibility.
- Assist vendors in complying with health and sanitation requirements.
- Receive and assist with appeals of rules and regulations.
- Assist with enforcement of Market rules.
- Assist volunteer assignments.
- Be available to assist vendors with set up and dismantle.
- Promotion of the Market.
- Initiate ideas for improvements to the Market.

**MARKET MANGER:** Jade Warran

The Market Manager is the person(s) appointed by the Nowthen City Council to assist the Market Coordinator(s) with the administration of the market as needed. The Market Manager also has authority over the following:

- Determine vendor eligibility.
- Assign vendor designated areas and direct vendors to their areas on Market day.
- Rule on vendor appeals of rules and regulations.
- Revoke a vendor's permit for violation of Market rules.
- Coordinate vendor absences.
- Determine weather related Market closings.
- Coordinate with volunteer assignments.
- Initiate ideas for improvements to the Market.



**SOURCE OF FUNDING:** Vendor Fees and Farmers Market Budget

**REQUESTED COUNCIL ACTION:** City Council appoints Mary Lieser, Market Coordinator and Jade Warren, Market Manager and approves stipends of \$500.00 for Ms. Lieser and \$250.00 for Mr. Warren. Payment shall be made upon Council approval.

The City Council approves Administrative and Public Works Staff assistance to the Farmers Market as needed. Examples: Market documents updates, printing, website updates, set up/tear down of the Market and trailer transport.

**SUPPORTING DOCUMENTS ATTACHED:**

<b>Resolution</b>	<b>Ordinance</b>	<b>Contract</b>	<b>Minutes</b>	<b>OTHER</b>
X				

Nowthen City Office  
8188 199<sup>th</sup> Ave. NW  
Nowthen MN, 55330  
(763)-441-1347



Council Meeting Location:  
Historic Townhall  
19800 Nowthen Blvd NW  
Nowthen MN, 55330

## RESOLUTION No. 2024-XX

### **A RESOLUTION APPROVING/AUTHORIZING THE APPOINTMENT OF MARY LIESER, MARKET COORDINATOR, JADE WARREN, MARKET MANAGER. CITY STAFF TO SUPPORT THE NOWTHEN FARMERS MARKET THROUGH CONTRIBUTIONS OF FUNDS AND STAFF ASSISTANCE.**

**WHEREAS**, the City Council approves the appointment of Mary Lieser as Market Coordinator and Jade Warren as Market Manager, and;

**WHEREAS**, the Farmers Market is primarily funded using vendor rental fees and organized and staffed by volunteers, and;

**WHEREAS**, the City of Nowthen fully supports the Nowthen Farmers Market and the volunteers and vendors who make the Market possible, and;

**WHEREAS**, the City of Nowthen, when needed, wishes to continue to support the Nowthen Farmers Market through the contribution of funds and staff assistance.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NOWTHEN** as follows:

1. The recitals set forth above are incorporated herein.
2. City Council authorizes the expenditure of \$750.00 stipends for the 2024 Farmers Market Management positions and will provide Administrative and Public Works staff assistance as needed.

The motion for the adoption of the foregoing resolution was proposed by Council Member \_\_\_\_\_ and was duly seconded by Council Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor:

And the following voted against the same:

Passed and adopted by the Nowthen City Council this 12<sup>th</sup> day of March, 2024.

CITY OF NOWTHEN

\_\_\_\_\_  
By: JEFFREY M. PILON  
Its Mayor

\_\_\_\_\_  
By: SCOTT LEHNER  
Its City Administrator



## REQUEST FOR COUNCIL ACTION

<b>Agenda Item:</b> 3E	<b>Department:</b> Administration	<b>Requested Council Meeting Date:</b> 3/12/2024	<b>Submitted By:</b> Scott Lehner, City Administrator
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**TITLE OF ISSUE:** Approval of Personnel Policy Changes Phase 1

**BACKGROUND AND SUPPLEMENTAL INFORMATION:**  
 The City Council has met numerous times to discuss, review and approve a select number of changes to Nowthen's Personnel Policy. We are looking for the city council to approve the final version of phase 1 of the personnel policy. Then this part will be completed, and we will move on to phase 2.

Attached is the list of items that were included in phase 1 for reference.

**SOURCE OF FUNDING:** N/A

**REQUESTED COUNCIL ACTION:** Approve Phase 1 of the Personnel Policy.

**SUPPORTING DOCUMENTS ATTACHED:**

Resolution	Ordinance	Contract	Minutes	OTHER
X				X

Copy of Phase 1 of the Personnel Policy





# 2024 Personnel Policy Proposed Updates Phase 1

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### 1. EMB vs Short Term Disability (Page 24)

City will adopt Short Term and Long Term Disability. EMB has been removed.

## 2. ESST accrual (Page 22)

ESST will accrue for non benefit eligible employees 1 hour for every 30 hours worked. 40 hours per year cap. Hours rollover to 80 hour max, not paid out. Once hours drop below 80, hours begin to accrue again.

## 3. Insurance Benefits (Page 27)

The City chooses to offer City paid STD, LTD, and \$20,000 Life Insurance with the option for the employee to pay for additional life insurance coverage. Vision Eyewear will not be offered. If employees require prescription safety glasses, the city will subsidize with City Administrator's approval.

## 4. Training/Probationary Reviews (Page 10)

During the training/probationary period, informal performance meetings should occur frequently between the supervisor and the employee. Conducting these informal performance meetings provides both the supervisor and the employee the opportunity to discuss what is expected, what is going well and what needs improvement. A formal review with documentation will take place at three months. If at three months improvement is needed, all reviews going forward will be documented and added to the employee's file.

## 5. Compensatory Time –

Nowthen will no longer offer Compensatory Time. All 19 references to Compensatory Time have been removed.

## 6. Purpose (Page 5)

**Added:** "City of Nowthen," and "City," are synonymous terms. The "Employer" referenced or implied in this policy is "The City Council."

## 7. Amendments (Page 6)

**Changed:** The City Council will approve all new or revised policies **and/or benefits** before they become effective. The City Administrator may direct the preparation of new or revised policies **and/or benefits and present to City Council**. When a new or revised policy **and/or benefits** is approved by the City Council, the City Administrator will file the amendment, and it will become part of **this policy**.

## 8. Definitions from LMC not in Nowthen Policy - (Pages 6-8)

**Removed:** Duplicate Employee Removed

### **Added:**

- a. **Authorized Hours:** The number of hours an employee was hired to work. Actual hours worked during any given pay period may be different than authorized hours, depending on workload demands or other factors, and upon approval of the employee's supervisor.
- b. **Classification System** – A system intended to rank employee positions based upon job responsibilities and hours worked to assure uniform and fair job duties and benefits.
- c. **Core Hours:** *{Add additional verbiage}* Police, fire, and public works employees do not have core hours and work the schedules established by their supervisors.
- d. **Direct Deposit:** As permitted by state law, all city employees are required to participate in direct deposit.
- e. **FICA (Federal Insurance Contributions Act):** FICA is the federal requirement that a certain amount be automatically withheld from employees' earnings. Specifically, FICA requires an employee contribution of 6.2 percent for Social Security and 1.45 percent for Medicare. The city contributes a matching 7.65 percent on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., those covered under a section 218 agreement.)\_These amounts may change if required by law.
- f. **Job Description** – A narrative description of the work responsibilities of the position which forms the basis of the classification plan.
- g. **Pay Period:** A fourteen (14) day period beginning at 12 a.m. (midnight) on Saturday through 11:59 p.m. on Friday, fourteen (14) days later. City Council and On-Call Firefighters are paid monthly.
- h. **Regular Employee** – An employee who has successfully completed the training (probationary) period and



has been granted regular status by the city council.

- i. **Training/Probationary Period:** *{Replaced current verbiage}* A six-month period at the start of employment with the city (or at the beginning of a promotion, reassignment, or transfer) designated as a period within which to learn the job, unless covered by a collective bargaining agreement stating a different time frame. The training period is an integral extension of the city's selection process and is used by supervisors for closely observing an employee's work.

An employee serving the initial probationary period may be disciplined at the sole discretion of the city, up to and including dismissal. An employee so disciplined, including dismissal, will not have any grievance rights. Nothing in this policy handbook shall be construed to imply after completion of the probationary period, an employee has any vested interest or property right to continued city employment.

- l. **Training Employee** – An employee who is in the training (probationary) period of employment.

## 9. Direct Deposit - (Page 15)

**Added:** As provided for in Minnesota law, all employees are required to participate in direct deposit. Employees are responsible for notifying the city administrator of any change in status, including changes in address, phone number, names of beneficiaries, marital status, etc.

## 10. Improper Deduction and Overpayment Policy (Page 15)

**Added:** In cases of improper overpayments, employees are required to promptly repay the city in the amount of the overpayment. The employee can write a personal check or authorize a reduction in pay to cover the repayment. The city will not reduce an employee's pay without written authorization by the employee. Once the overpayment has been recovered in full, the employee's year to date earnings and taxes will be adjusted (so that the year's Form W-2 is correct) and the paying department will receive the corresponding credit. When an overpayment occurs, the repayment must be made within the same tax year as it is identified. The City has three years to identify an overpayment.

## 11. Holidays - (Page 20)

**Added:** Juneteenth – June 19

**Updated: Other than Christmas Eve,** a Holiday that falls on a Saturday will be observed on the preceding Friday. A Holiday other than Christmas Eve, that falls on a Sunday will be observed on the following Monday.

**Updated:** Non-exempt Employees that are eligible for paid Holidays, who are not regularly scheduled to work on an **actual OR observed** Holiday but are authorized to do so by their Supervisor due to a City emergency, shall receive pay at one and one-half times (1½) times their regular hourly rate of pay in addition to their Holiday pay.

## 12. PTO - (Page 20-22)

- j. **Added:** Full-time employees who are discharged due to misconduct, gross inefficiency, incompetence, or violation of work rules or employees who leave employment who are not in good standing pursuant to Section 2-8-8 will not be paid out any accrued, unused PTO earned through the last date of active employment.
- k. **Added:** To leave in good standing, employees must return all city keys, credit cards, property, equipment, etc, have a satisfactory performance review, not be on an action plan and give proper notice (10 workdays for non-exempt employees, 20 workdays for exempt employees.) Failure to comply with these procedures may be cause for denying benefits.
- l. **Removed:** All benefit eligible employees are required to take a minimum of five (5) consecutive days of PTO per calendar year.



- m. **Removed:** All PTO will be accrued and used consistently with the Family Medical Leave Act.
- n. **Replaced with:** PTO can be used for any reason an employee needs to be away from work.
- o. **Added: PTO Payout upon termination**– Full-time employees in good standing pursuant to Section 2-8-8 will be paid all accrued, unused PTO, earned through the last date of active employment (and applicable taxes withheld) following termination of employment. The rate of pay will be the employee’s base rate of pay at the employee’s termination date. In the event of the employee’s death, earned, unused PTO will be paid to the employee’s surviving spouse directly, (if there is not personal representative of the estate appointed) up to statutory limits.

Full-time employees who are discharged due to misconduct, gross inefficiency, incompetence, or violation of work rules or employees who leave employment who are not in good standing pursuant to Section 2-8-8 will not be paid out any accrued, unused PTO earned through the last date of active employment.

- p. **Added: PTO Deficit**- After completing their first year of employment, employees can use PTO that has not been accrued in the maximum amount of 40 hours subject to the approval of the City Administrator.
- q. **Added: Hire Date for New PTO Accrual** – November 1, 2023
- r. **Added: New PTO Accrual Chart**

2. Completed Years of Employment	Days Accrued Per Year	Weeks Accrued per year	Hours Accrued per Year	Hours Accrued per Pay Period
Hire date to 1 <sup>st</sup> Anniversary	10	2	80	3.08
Years 1 to 2	15	3	120	4.62
Years 3 to 5	20	4	160	6.16
Years 6 to 7	25	5	200	7.7
Years 8 to 9	27	5.4	216	8.31
Years 10 to 14	30	6	240	9.23
14 <sup>th</sup> Anniversary +	33	6.6	264	10.15

13. **Funeral Leave:**

**Removed:** All full-time Employees are entitled to three (3) work days of paid funeral leave upon the death of an immediate family member (father, mother, sister, brother, spouse, child, grandparent, grandchild or spouse’s parents or grandparents).

14. **School Conference Leave:** (Page 26)

**Added:** Effective July 1, 2023, any employee may take unpaid leave for up to a total of sixteen hours during any 12-month period to attend school conferences or classroom activities related to the employee’s child (under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the city. Employees may choose to use PTO hours for this absence but are not required to do so.

15. **Reasonable Work Time for Nursing Mothers** (Page 26)

**Added:** Nursing mothers and lactating employees will be provided reasonable paid break times (which may run

concurrently with already provided break times) to express milk.

The city will provide a clean, private and secure room (other than a bathroom) as close as possible to the employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting nursing rights or remedies.

16. **Smoking Verbiage** (Pages 13, 37)

**Changed:** The city of Nowthen observes and supports the Minnesota Clean Indoor Air Act.

Employees under age 21 are prohibited from smoking of any kind, including pipes, cigars, cigarettes, vaping with e-cigarettes, and the use of chewing tobacco while on duty.

Furthermore, all City buildings and vehicles or equipment\*, in their entirety, shall be designated as tobacco free, meaning that no person will smoke tobacco or other substances or use smokeless tobacco while in a City facility or vehicle or equipment\*. Employees 21 and over are allowed to smoke outdoors on City property, but only in areas designated for that purpose.

\*Employees hired prior to 1/1/23 are grandfathered in for smoking in vehicles purchased prior to 1/1/23 provided there is only one person in the vehicle and windows are rolled down. No smoking is allowed by anyone in a city vehicle or equipment purchased after 1/1/23.

17. **Safety Shoes** (Page 38)

**Changed:** from City providing a new pair "every year" to "as needed as determined by City Administrator"

18. **Reprimands** (Page 40)

Per the LMC, a reprimand policy should include very specific requirements. LMC model verbiage is below:

- a. **Added: Oral/verbal:** This measure will be used where informal discussions with the employee's supervisor have not resolved the matter. All supervisors have the ability to issue oral reprimands without prior approval.

Oral reprimands are normally given for first infractions on minor offenses to clarify expectations and put the employee on notice the performance or behavior needs to change, and what the change must be. The supervisor will document the oral reprimand including date(s) and a summary of discussion and corrective action needed.

- b. **Written:** A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected, or the behavior has not consistently improved in a reasonable period of time. Written reprimands are issued by the supervisor with prior approval from the city administrator.

A written reprimand will: (1) state what happened; (2) state what should have happened; (3) identify the policy, directive or performance expectation that was not followed; (4) provide history, if any, on the issue; (5) state goals, including timetables, and expectations for the future; and (6) indicate consequences of recurrence.

Employees will be given a copy of the reprimand to sign acknowledging its receipt. An employee's signature does not mean the employee agrees with the reprimand. Written reprimands will be placed in the employee's personnel file.

Serious infractions may require skipping either the oral or written reprimand, or both. The City Council may move to Suspension without pay or Discharge steps.

19. **Veteran's Preference in Discipline, Discharge or Job Elimination** (Page 18, 41)



- c. **Added:** Qualified veterans, who have completed their initial probationary period, will not be suspended without pay in conjunction with a termination.
- d. **Added:** If the disciplinary action involves the removal of a qualified veteran, who has completed their initial probationary period, the appropriate hearing notice will be provided, and all rights will be afforded the veteran in accordance with Minnesota law.

## 20. Open Door Policy (Page 42)

### **Added:**

#### 1. Commitment to open communication

The City of Nowthen's Open Door policy provides for a work environment where:

- open, honest communication between managers and employees is a day-to-day business practice
- employees may seek counsel, provide or solicit feedback, or raise concerns within the City
- the City Administrator holds the responsibility for creating a work environment where employees' input is welcome, advice is freely given, and issues are surfaced early and are candidly shared without the fear of retaliation when this input is shared in good faith

The Open Door Policy means that City Administrator is available when their office door is open or by setting up a meeting. Employees should feel comfortable speaking with them about any questions/concerns they have. In most cases, talking with the City Administrator is the most effective and efficient way to resolve issues. The City Administrator is typically the most direct source of information regarding an employee's job, policies and procedures. If the City Administrator is unable to provide assistance, or if the issue is regarding the City Administrator then the employee may discuss problems or suggestions with the City Council instead of, or in addition to, the City Administrator. Issues are usually resolved through this informal communication. If a satisfactory resolution is not reached at this level then complaints may be brought forward through the City's Grievance Policy.

#### 2. Responsibilities

Employees are encouraged to meet and discuss suggestions, problems or concerns with the City Administrator. The City Administrator is expected to have an open door policy that is designed to encourage employees to bring forward any concerns or questions to them so that issues can be resolved constructively together. It is a violation of this policy to retaliate against anyone who brings a good-faith concern to the City Administrator's attention.

## 21. Grievances (Page 42)

**New Verbiage:** If an employee has a question or wishes to discuss a possible violation, they should first follow the Open Door Policy. If they are not comfortable with that approach for any reason, or if no action is taken, they can follow the Grievance Policy. This policy seeks to support the achievement of this goal by providing a transparent and consistent process for resolving grievances that cannot be resolved directly with the manager.

**Changed:** Step 1: The employee must present the grievance in writing, stating the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated, and the remedy requested, to the proper supervisor within twenty-one days after the alleged violation or dispute has occurred.

Step 2: If the grievance has not been settled in accordance with Step 1, it must be presented in writing, stating the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the Personnel Policies allegedly violated, and the remedy requested, by the employee to the city administrator within seven days after the supervisor's response is due. The city administrator or their designee will respond to the employee in writing within seven calendar days. The decision of the city



administrator is final for all disputes with exception of those specific components in a performance evaluation subject to a challenge through the Minnesota Department of Administration.

Waiver: If a grievance is not presented within the time limits set forth above, it will be considered "waived." If a grievance is not appealed to the next step in the specified time limit or any agreed extension thereof, it will be considered settled on the basis of the city's last answer. If the city does not answer a grievance or an appeal within the specified time limits, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the city and the employee without prejudice to either party.

The following actions are not grievable:

- While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable, other performance evaluation data, including subjective assessments, are not.
- Pay increases or lack thereof; and
- Merit pay awards.

The above list is not meant to be all inclusive or exhaustive.

22. [City Administrator](#) - Updated all references to City Clerk/Treasurer to City Administrator

23. [Scope](#): The personnel policy will not apply to independent contractors (Page 5)



# CITY OF NOWTHEN EMPLOYMENT AND PERSONNEL POLICIES Updated February 13, 2024

## CHAPTER 2

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# CHAPTER 2

## SECTION 1

### PURPOSE, ADOPTION, AMENDMENT, AND SCOPE

- Section 2-1-1 Purpose
- Section 2-1-2 Scope
- Section 2-1-3 Amendments
- Section 2-1-4 Interpretation
- Section 2-1-5 Data Practices Advisory
- Section 2-1-6 Disclaimer

**2-1-1 PURPOSE:** The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Nowthen. They should not be construed as contract terms. The policies are not intended to cover every situation that might arise and can be amended at any time at the sole and exclusive discretion of the City Council. These policies dated **February 13, 2024** supersede all previous personnel policies.

Except as otherwise prohibited by law, the City of Nowthen has the right to terminate any employee at any time for any or no reason. Employees may similarly terminate their employment at any time for any reason.

Throughout these employment and personnel policies, "City of Nowthen," and "City," are synonymous terms. The "Employer" referenced or implied in this policy is "The City Council."

**2-1-2 SCOPE:** The Employment and Personnel Policies applies to all Employees of the City of Nowthen. Department Heads may implement more specific guidelines and procedures than outlined in this Handbook for their individual Departments, provided they are not in conflict with these policies and have been approved by the City Administrator. Such Departmental procedures shall be approved by the City Council prior to implementation.

These Policies do not apply to the following:

- Elected Officials
- Members of Commissions, Boards, and Committees; and
- Consultants, independent contractors, and others rendering temporary professional services for the City of Nowthen

No provision of these policies is intended to violate, supersede or conflict with any Federal or State law or regulation. In the event that a provision in these policies are in conflict with State or Federal law, the applicable law shall apply. Any Employees covered by a collective bargaining agreement entered into in accordance with the MN Public Employers Labor Relations Act shall be exempt only from any provisions in these policies that directly conflict with language in the bargaining agreement.

Any provisions contained in contracts between the City Council and an individual Employee shall be exempt from any of the provisions in these policies that are in direct conflict.



**2-1-3 AMENDMENTS:** The City Council will approve all new or revised policies and/or benefits before they become effective. The City Administrator may direct the preparation of new or revised policies and/or benefits and present to the City Council. When a new or revised policy and/or benefits is approved by the City Council, the City Administrator will file the amendment, and it will become part of this policy. Deletions to the policies will be approved by the City Council with filing handled by the City Administrator.

**2-1-4 INTERPRETATION:** Legal Council is responsible for the interpretation of these policies. The City Administrator assisted by department heads is responsible for the implementation.

**2-1-5 DATA PRACTICES ADVISORY:** Numerous types of data are categorized as private, non-public, or confidential under the MN Government Data Practices Act. In many circumstances, data may not be disclosed except with authorization of the subject of the data or pursuant to court order. To ensure that the MN Government Data Practices Act is not violated, Employees are strictly prohibited from disclosing to a third party, within or outside the City, the following without the express authorization of the City's Responsible Authority:

- personnel data;
- data relating to pending civil legal actions;
- any other data that might be classified as private, non-public, or confidential

Pursuant to the MN Government Data Practices Act, the City Council shall appoint a Responsible Authority to administer the requirements for the collection, storage, use and dissemination of data on individuals within the City.

**2-1-6 DISCLAIMER:** Nothing contained in these policies or in any other City document, and nothing said or done by a City Employee, is intended as an employment contract between the City and an Employee or as a guarantee of continued employment, property right or liberty interest. Employment for all City Employees is at-will and both the City and the Employee have the right to terminate the employment relationship at any time.

The City Council reserves the right to modify, revoke, suspend, terminate, or change the language and contents of these policies, in whole or in part, at any time, with or without notice.

Employment with the City is at-will, except as otherwise provided by law or contract. Employment may be terminated, with or without cause, at any time at the option of either the Employee or the City Council. No representative of the City has authority to enter into any agreement to the contrary, unless approved by the City Council.

## SECTION 2

### DEFINITIONS

**Authorized Hours:** The number of hours an employee was hired to work. Actual hours worked during any given pay period may be different than authorized hours, depending on workload demands or other factors, and upon approval of the employee's supervisor.

**Benefits** - Privileges granted to qualified employees in the form of paid leave and/or insurance coverage.

**Benefit Earning Employees** - Employees who are eligible for City provided benefits. Such employees must be year-round employees who work at least forty (40) hours per week on a regular basis.

**Classification System** – A system intended to rank employee positions based upon job responsibilities and hours worked to assure uniform and fair job duties and benefits.

**Core Hours** - The core hours are those hours that all employees (exempt and non-exempt) are expected to work. Police, fire, and public works employees do not have core hours and work the schedules established by their supervisors.

**Direct Deposit:** As permitted by state law, all city employees are required to participate in direct deposit.

**Exempt Employee** - Employees who are not covered by the overtime provisions of the federal or state Fair Labor Standards Act.

**FICA (Federal Insurance Contributions Act):** FICA is the federal requirement that a certain amount be automatically withheld from employees' earnings. Specifically, FICA requires an employee contribution of 6.2 percent for Social Security and 1.45 percent for Medicare. The city contributes a matching 7.65 percent on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., those covered under a Section 218 agreement). These amounts may change if required by law.

**Fiscal Year** - The period from January 1 to December 31

**Full-time Employee** – Employees who are required to work forty (40) or more hours per week year-round in an ongoing position.

**Hours of Operation** – The hours the city is open for business.

**Job Description** – A narrative description of the work responsibilities of the position which forms the basis of the classification plan.

**Management Employee**– An employee who is responsible for managing a department or division of the City.

**Non-exempt Employee** - Employees who are covered by the federal or state Fair Labor Standards Act. Such employees are normally eligible for overtime at 1.5 times their regular hourly wage for all hours worked over forty (40) in any given workweek.

**Part-Time Employee** - Employees who are required to work less than forty (40) hours per week year-round in an ongoing position.

**Pay Period:** A fourteen (14) day period beginning at 12 a.m. (midnight) on Saturday through 11:59 p.m. on Friday, fourteen (14) days later.



**PERA (Public Employees Retirement Association)** - Statewide pension program in which all City Employees meeting program requirements must participate in accordance with Minnesota law. The City and the employee each contribute to the employee's retirement account.

**Reclassify** – Movement of an employee from one job classification to another classification because of a significant change in the position's duties and responsibilities.

**Regular Employee** – An employee who has successfully completed the training (probationary) period and has been granted regular status by the city council.

**Seasonal Employee** - Employees who work only part of the year (185 days or less) to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule. Seasonal employees do not earn benefits or credit for seniority.

**Temporary Employee** - Employees who work in temporary positions. Temporary jobs might have a defined start and end date or may be for the duration of a specific project. Temporary employees may be assigned to work a full-time or part-time schedule. Temporary employees do not earn benefits or credit for seniority.

**Training (Probationary) Period** – A six-month period at the start of employment with the city (or at the beginning of a promotion, reassignment, or transfer) designated as a period within which to learn the job, unless covered by a collective bargaining agreement stating a different time frame. The training period is an integral extension of the city's selection process and is used by supervisors for closely observing an employee's work. With the approval of the city council the Training (Probationary) period may be extended. City Administrator to provide extenuating circumstances to extend.

**Training Employee** – An employee who is in the training (probationary) period of employment.

## SECTION 3

### RECRUITMENT AND SELECTION

Section 2-3-1 General Statement

Section 2-3-2 Equal Employment Opportunity

Section 2-3-3 Recruitment and Selection Process

Section 2-3-4 False Information

Section 2-3-5 Residency Requirement

Section 2-3-6 Relatives: Appointment and Placement

**2-3-1 GENERAL STATEMENT:** Appointment and promotion to positions in the City shall be based upon merit. Selection methods will be based solely on job-related factors.

Regardless of the number of applicants, selection methods shall be deemed competitive when:

- The qualifications required are based on job relevant factors established by the City;
- A reasonable opportunity is afforded for qualified persons to apply; and
- All persons being considered compete against the same standards.



**2-3-2 EQUAL EMPLOYMENT OPPORTUNITY:** The City of Nowthen is an equal opportunity employer. No individual shall be discriminated against because of race, color, creed, sex, religion, age, national origin, sexual orientation, marital status, physical or mental disability, veterans status, source of income, or any other group or class which discrimination is prohibited by State or Federal law.

Employees who participate in discrimination of any kind are subject to discipline, up to and including termination.

Any person who feels that he or she has been discriminated against should contact their Supervisor, or the City Administrator. If the perpetrator is the City Administrator, the discrimination should be reported to The City Council. Employees and applicants are protected from coercion, intimidation, interference, and discrimination for filing complaints or assisting in investigations.

**2-3-3 RECRUITMENT AND SELECTION PROCESS:** The City shall take whatever measures necessary to seek out and encourage properly qualified individuals to apply for positions.

### **1. Position Vacancy Announcement**

The City, at its sole discretion, will determine how a vacant position is posted.

- a. Internal-only postings are those vacancies that are limited to current City of Nowthen employees.
- b. External postings are those vacancies that are open to current City of Nowthen Employees and outside applicants.

With City Council approval Part-time, Temporary and Seasonal positions may be filled by re-hiring Employees who have previously worked for the City in the same capacity during the past twelve (12) months, have received satisfactory evaluations and resigned or released in good standing.

### **2. Selection of Candidates**

The City may use written, oral or performance tests, an evaluation of training and experience, or any combination of these.

Appointment to a position in the City shall not be construed to be a property right of the Employee. All Employees are appointed by and serve at the sole discretion of the City Council.

Excluding any election Judges, an Employee may not hold both a full-time and part-time position within the City simultaneously.

### **3. Selection Process**

The selection process will be a cooperative effort between the City Administrator and the Hiring Committee or City Council Designee with the City Council making the final decision.

The process for hiring seasonal and temporary employees may be delegated to the appropriate supervisor with each hire subject to final City Council approval.

Except where prohibited by law seasonal and temporary employees may be terminated by the supervisor at any time, subject to City Council approval.

#### **4. Pre-employment Checks**

Reference Check - The City reserves the right to conduct reference checks for all Employees before making an offer of employment. Reference checks may be conducted during the selection and/or interview process.

Background Check – All finalists for employment with the City will be subject to a background check to confirm information submitted as part of application materials and to assist in determining the candidate’s suitability for the position. Except where already defined by state law, the City Administrator or City Council will determine the level of background check to be conducted based on the position being filled. The City reserves the right to conduct background checks at the finalist stage or after a conditional offer of employment has been made. A finalist is an applicant who has been selected to have an interview with the City, City Administrator or City Council.

Credit Check - Certain positions, due to the nature of their responsibilities, may require the City conduct a credit check. If a position warrants a credit check, the City will obtain the necessary authorizations and comply with the Fair Credit Reporting Act (FCRA).

Fit-for-Duty Exam - Certain positions may require candidates to undergo a pre-employment fit-for-duty or psychological testing. These exams will only be conducted after a conditional offer of employment has been extended.

Drug and Alcohol Testing – All candidates, after a conditional offer of employment has been extended, shall have a pre-employment drug and alcohol test in accordance with the City’s Drug and Alcohol Testing Policy or the Federal Department of Transportation (DOT) Regulation 49 CR § 40.25.

If something in the applicant’s pre-employment checks makes them ineligible for employment, the City will withdraw the offer of employment at that time.

#### Training (Probationary) Period –

A six-month period at the start of employment with the city (or at the beginning of a promotion, reassignment, or transfer) designated as a period within which to learn the job, unless covered by a collective bargaining agreement stating a different time frame. The training period is an integral extension of the city’s selection process and is used by supervisors for closely observing an employee’s work. With the approval of the city council the Training (Probationary) period may be extended. City Administrator to provide extenuating circumstances to extend.

During the training/probationary period, informal performance meetings should occur frequently between the supervisor and the employee. Conducting these informal performance meetings provides both the supervisor and the employee the opportunity to discuss what is expected, what is going well and what needs improvement. A formal review with documentation will take place at three months. If at three months improvement is needed, all reviews going forward will be documents and added to the employee’s file.



An employee serving the initial probationary period may be disciplined at the sole discretion of the city, up to and including dismissal. An employee so disciplined, including dismissal, will not have any grievance rights.

Nothing in this policy handbook shall be construed to imply after completion of the probationary period, an employee has any vested interest or property right to continued city employment.

**2-3-4 FALSE INFORMATION:** Any applicant who gives false or misleading information, cheats on an examination, or falsifies a statement, certificate, or evaluation will not be considered for employment.

Should the City discover false information was provided by the applicant after starting employment with the City, the Employee may be subject to immediate termination.

**2-3-5 RESIDENCY REQUIREMENT:** Employees are not required to maintain residency within City limits. However, Employees in designated positions must comply with response time provisions established by the City.

**2-3-6 RELATIVES: APPOINTMENT AND PLACEMENT:** For the purposes of Section 2-3-6, the terms “family member or relative” shall mean the employee or spouse of the employee, parent, child (by birth, adoption or legal guardian), brother, sister, grandparent, parent-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew and niece.

The City of Nowthen does not restrict employment of more than one member of a family or persons related by blood or marriage. However, to avoid conflict of interest, for Employees hired/rehired on or after January 1, 2021, the following shall apply:

- A. No City Employee may be appointed to the same Department as a spouse, family member or relative.
- B. No City Employee shall take part in decisions to hire, retain, promote or determine the salary of his/her family member or relative.
- C. No City Employee is to be assigned responsibility for supervising, directing or auditing the work or performance of his/her family member or relative.

## SECTION 4

### RECORDS AND REPORTS

Section 2-4-1 Employment Records

Section 2-4-2 Performance Evaluations



**2-4-1 EMPLOYMENT RECORDS:** The City Administrator or designee maintains employment records for all Employees in accordance with the MN Government Data Practices Act. It is important that Employees' permanent personnel records are kept accurate and up to date.

It is the Employee's responsibility to promptly notify the City Administrator or designee when there is a change in any of the following:

- Name (through marriage or otherwise)
- Mailing Address
- Life Events (marriage, divorce, birth/adoption of child, etc.)
- Beneficiaries for life insurance, pension benefits, etc.
- Telephone Numbers
- Emergency Contact Information

Most of the data is considered private information and is not revealed without the Employee's permission.

Employees may view their employment records, upon written request, by making an appointment with the City, the City Administrator or designee. The City Administrator or their designee will observe the review and make copies of any information requested by the employee.

**2-4-2 PERFORMANCE EVALUATIONS:** Performance evaluations are an opportunity for the Employee, Supervisor, and the City to assess an individual's job performance. All full-time and part-time employees are required to receive annual evaluations. Seasonal and temporary employees are required to have periodic evaluations. The performance evaluation is designed to:

- A. Ensure that quality services are provided to the public at the least possible cost;
- B. Motivate and develop Employees to their fullest potential;
- C. Clarify roles and mutual expectations of Supervisors and Employees; and
- D. Ensure open and on-going communication between Employees at all levels, including feedback from subordinates to Supervisors.
- E. Determine goals and objectives for the upcoming evaluation period.

The City Administrator in consultation with the immediate Supervisor shall conduct a detailed performance evaluation on an annual basis or more frequently if needed.

The performance evaluation will be used for reviewing areas in an Employee's performance (such as: problem areas, further training and development, future goals, etc.). All performance evaluations will be discussed with the Employee.

The performance evaluation shall be in writing and signed by both the Employee and Supervisor, and submitted to the City Administrator to be retained in the Employee's Personnel File.

During the training/probationary period, informal performance meetings should occur frequently between the supervisor and the employee. Conducting these informal performance meetings provides both the supervisor and the employee the opportunity to discuss what is expected, what is going well and what needs improvement. A formal review with documentation will take place at three months.

If at three months improvement is needed, all reviews going forward will be documented and added to the employee's file.

## SECTION 5

### WORK SCHEDULE

Section 2-5-1 Work Schedule

Section 2-5-2 Breaks

**2-5-1 WORK SCHEDULE:** The core hours of work shall be those established by the City Council for the efficient conduct of City business. The normal workweek for Full-time Employees shall consist of forty (40) hours, Monday – Friday, except Holidays. The regular workweek starts 12:00 a.m. Saturday and ends 11:59 p.m. Friday, seven consecutive 24-hour periods.

These hours are to be observed by Full-time Employees. However, work hours may vary based on the needs of the City.

All Employees are subject to being called back to work in the event of a declaration of an emergency by the Mayor. The City Administrator or Supervisor are the only authorities that may grant an excuse from call back.

City facilities will generally be open during adverse weather. Due to individual circumstances, each employee will have to evaluate the weather and road conditions in deciding to report to work (or leave early). Employees will be allowed to use accrued PTO or with supervisor approval may modify the work schedule or make other reasonable schedule adjustments.

Public works maintenance employees will generally be required to report to work regardless of conditions.

**2-5-2 BREAKS:** Employees granted two (2) fifteen (15) minute rest breaks per eight-hour shift approximately in the middle of each 4 hours worked and at times that do not materially interfere in the rendering of services. Employees will be also granted a ½ hour unpaid meal break approximately mid shift at the location of the employees choosing, providing that the entire break doesn't take more than 30 minutes.

Employees who choose to smoke must do so on their regularly scheduled breaks or lunch periods. No additional time will be allowed for smoking. Smoking is only allowed in the designated smoking area located by each City Building. The city of Nowthen observes and supports the Minnesota Clean Indoor Air Act.

Employees under age 21 are prohibited from smoking of any kind, including pipes, cigars, cigarettes, vaping with e-cigarettes, and the use of chewing tobacco while on duty.

Service to the public may require the establishment of regular shifts for some Employees on a daily, weekly, seasonal or annual basis other than the normal work schedule. Employees will be given as much notice as practicable for any changes in shifts.



## SECTION 6

### OUTSIDE EMPLOYMENT

#### Section 2-6-1 Outside Employment

**2-6-1 OUTSIDE EMPLOYMENT:** The City of Nowthen does not generally restrict Employees from engaging in outside employment. However, the City expects Full-time and Benefits Eligible Employees to consider the City their primary employer. The City will not condone outside employment that interferes with the performance of an Employee's duties with the City or which represents a conflict of interest. The City will not change an Employee's work hours to facilitate the scheduling of any outside employment.

City time, facilities, equipment, or supplies shall not be used for the purposes of outside employment. Any violation may include discipline up to and including dismissal.

Full-time and Benefits Eligible Employees must receive prior, written approval from the City Administrator prior to engaging in any outside employment. The City Administrator shall confer with the City Council if appropriate.

## SECTION 7

### COMPENSATION

#### Section 2-7-1 FLSA Status

#### Section 2-7-2 Administration of Pay

#### Section 2-7-3 Promotion

#### Section 2-7-4 Demotion

#### Section 2-7-5 Pay Periods, Paydays and Pay Distribution

#### Section 2-7-6 Overtime Pay

#### Section 2-7-7 Time Sheets

**2-7-1 FLSA STATUS:** All positions shall be designated as either overtime exempt or non-exempt according to the Fair Labor Standards Act (FLSA).

**2-7-2 ADMINISTRATION OF PAY:** Employees of the City will be compensated according to classification schedules adopted by the City Council. Unless approved by the City Council, employees will not receive any amount from the City in addition to the pay authorized for the positions to which they have been appointed. Expense reimbursement, appropriate expense reimbursement for phone and travel expenses may be authorized by the City Administrator, in addition to regular pay.



Compensation for seasonal and temporary employees will be set by the City Council at the time of hire, and on an annual basis.

**2-7-3 PROMOTION:** An Employee promoted to a higher job class could be compensated with an increase in pay. If the increase is not equivalent to a step, the increase shall be to the higher step closest to the increase.

**2-7-4 DEMOTION:** An Employee demoted to a lower job class could have their wage rate unchanged “frozen,” until such time the pay schedule for the lower job class reaches the wage rate at which the Employee was frozen.

**2-7-5 PAY PERIODS, PAYDAYS AND PAY DISTRIBUTION:** The City shall establish pay periods and paydays in accordance with State and Federal law.

As provided for in Minnesota law, all employees are required to participate in direct deposit. Employees are responsible for notifying the city administrator of any change in status, including changes in address, phone number, names of beneficiaries, marital status, etc.

In cases of improper overpayments, employees are required to promptly repay the city in the amount of the overpayment. The employee can write a personal check or authorize a reduction in pay to cover the repayment. The city will not reduce an employee’s pay without written authorization by the employee. Once the overpayment has been recovered in full, the employee’s year to date earnings and taxes will be adjusted (so that the year’s Form W-2 is correct) and the paying department will receive the corresponding credit. When an overpayment occurs, the repayment must be made within the same tax year. The City has three years to identify an overpayment.

**2-7-6 OVERTIME PAY:** The City’s overtime policy complies with applicable State and Federal laws governing accrual and use of overtime. The City Council determines whether each Employee is designated as “exempt” or “non-exempt” from earning overtime. In general, Employees in executive, administrative, and professional job classes, as defined by the Fair Labor Standards Act (FLSA), are exempt and all others are non-exempt.

All Employees, in all departments, may be required to work overtime as requested by their Supervisor. Refusal to work overtime may result in disciplinary action. Supervisors will make reasonable efforts to distribute overtime work fairly and balance the personal needs of Employees when assigning overtime work.

The City Administrator and Supervisors are encouraged to adjust Employees schedules to limit the amount of overtime earned.

### **1. Non-exempt (overtime eligible) Employees**

Only Employees to whom the overtime provisions of the FLSA apply are required to be compensated for overtime worked.

All overtime must be authorized in advance by the Employee’s supervisor or designated representative. An Employee who works overtime without prior approval may be subject to disciplinary action, up to and including termination, except in emergency situation.

All non-exempt Employees will be compensated at the rate of one and one-half times their base hourly rate for any hours worked over 40 hours in one workweek.

Personal Time Off (PTO) and Holidays, are not allowed to be counted as hours worked in calculating overtime but are considered regular work hours.

For the purposes of computing overtime compensation, overtime hours worked shall not be pyramided, compounded or paid twice for the same hours worked.

Overtime earned will be paid on the next regularly scheduled payroll date.

For the purposes of computing overtime compensation for any employee that holds a position with the City in multiple departments and at different pay rates, the overtime pay shall be calculated by using the blended pay rate of the positions, based on the standards as set forth in the FLSA.

## **2. Exempt (non-overtime eligible) Employees**

Exempt Employees are exempt from the overtime requirements of the FLSA and are expected to work whatever hours are necessary in order to meet the performance expectations outlined by their Supervisor. Generally, to meet these expectations, an exempt Employee may need to work more than an average of 40 hours in a week. Exempt Employees do not receive additional pay for hours worked over 40 in one work week.

**2-7-7 TIMESHEETS:** It is the Employee's responsibility to ensure that their timesheet is completed accurately, signed and submitted in a timely manner to their Supervisor immediately after the end of the designated pay period or after the last shift worked in a pay period. To comply with the provisions of the federal and state Fair Labor Standards Acts, hours worked, and any leave time used by non-exempt employees are to be recorded daily and submitted to payroll on a biweekly basis. Each time report form must include the signature of the employee and immediate supervisor. Reporting false information on a time sheet shall be cause for disciplinary action up to and including immediate termination.

Supervisors shall be responsible for verifying Employee timesheets and submitting properly authorized timesheets to the Finance Department in accordance with the payroll schedule. Failure to submit a timesheet in a timely manner, by either the Employee or Supervisor, will result in a delay in pay for the Employee until the next regularly scheduled payday. The City will not process a payroll outside of the regular payroll cycle to accommodate late timesheets.

## **SECTION 8**

### **EMPLOYEE STATUS**

Section 2-8-1 Personnel Covered

Section 2-8-2 Motor Vehicle Record/Driver's License Check

Section 2-8-3 Drug Tests

Section 2-8-4 Resignation



- Section 2-8-5 Lay-Off
- Section 2-8-6 Retirement
- Section 2-8-7 Discharge
- Section 2-8-8 Good Standing

**2-8-1 PERSONNEL COVERED:** Any person employed by the City.

**2-8-2 MOTOR VEHICLE RECORD/DRIVER'S LICENSE CHECK:** Once employed, every employee at the City who drives City vehicles or equipment or who drives personal vehicles for City business will be subject to annual Motor Vehicle Record/Driver's License Check. The City Administrator will review each February the Motor Vehicle Record/Driver's License Check, and will bring any concerns to the City Council, at which point the City Council may take appropriate action.

All employees must inform the City as soon as that employee becomes aware that the employee's driver's license has been suspended or revoked.

**2-8-3 DRUG TESTS:** Once employed, any City employee shall be subject to drug/alcohol tests, either randomly or due to reasonable suspicion. The City Administrator will review the results of the drug/alcohol tests and bring any concerns to the City Council, at which point the City Council may take appropriate action. Any employee who is: involved in an accident while at work for the City; involved in an accident while on City property; or involved in an accident that involves the use of City vehicles or equipment may be required by the City Administrator to submit to a drug test following the accident. The City Administrator will review the results of any such drug tests and will bring any concerns to the City Council, at which point the City Council will take appropriate action.

**2-8-4 RESIGNATION:** Non-exempt, Employees wishing to leave employment shall submit a written resignation to their Supervisor ten (10) workdays prior to their anticipated separation date, as part of the terms to leave employment in good standing.

Exempt Employees, wishing to leave employment shall submit a written resignation to their Supervisor a minimum of twenty (20) workdays prior to their anticipated separation date, as part of the terms to leave employment in in good standing. Employment contract language supersedes this verbiage.

Employees may not use PTO during the ten (10) or twenty (20) workdays prior to separation, unless prior authorization is granted by the City Administrator or City Council for appointed employees.

Employees who leave employment in good standing shall be paid accrued, unused PTO, following termination of employment. The rate of pay will be the Employee's normal base rate of pay, at straight time, in effect on the Employee's date of separation. Employees who leave employment and are not in good standing will not be paid out accrued, unused PTO.

The City Administrator is authorized to accept all resignations on behalf of the City after which the City Council will vote to accept. The City Administrator or City Council may conduct exit interviews with departing Employees.

Employees leaving employment in good standing and with a satisfactory evaluation are eligible for re-hire within a twelve (12) month period with approval of the City Council.



**2-8-5 LAY-OFF:** The City Council, in its sole discretion, shall have the authority to lay-off any Employee when such action becomes necessary based on budgetary reasons, lack of work, or any other reason as determined by the City Council. Employees subject to lay-off shall receive such notice in writing. Employees laid off by the City for reasons other than misconduct shall be paid accrued, unused PTO, following termination of employment, provided all City property (equipment, supplies, keys, etc.) has been returned. The rate of pay will be the Employee's normal base rate of pay, at straight time, in effect on the Employee's date of separation.

**2-8-6 RETIREMENT:** For most Employees, the Public Employees Retirement Association (PERA) is a mandatory program authorized by MN State Statutes.

A retiring Employee is one that resigns and meets the PERA eligibility requirements for determining retirement.

**2-8-7 DISCHARGE:** Discharge of an Employee is City-initiated termination of employment for reasons other than a lay-off. The City may discharge any Employee at any time for misconduct, inefficiency, incompetence, violation of work rules, or for any other reasons not prohibited by law.

Employees who are involuntarily terminated will be paid through their termination date, provided all City property (equipment, supplies, keys, etc.) have been returned. The rate of pay will be the Employee's normal base rate of pay, at straight time. Full-time employees who are discharged due to misconduct, gross inefficiency, incompetence, or violation of work rules or employees who leave employment who are not in good standing pursuant to Section 2-8-8 will not be paid out any accrued, unused PTO earned through the last date of active employment.

If the disciplinary action involves the removal of a qualified veteran, who has completed their initial probationary period, the appropriate hearing notice will be provided, and all rights will be afforded the veteran in accordance with Minnesota law.

1. **VETERANS PREFERENCE:** In the event that a discharged Employee is a veteran, the City will follow applicable State and Federal laws.

**2-8-8 GOOD STANDING:** To leave in good standing, employees must return all city keys, credit cards, property, equipment, etc, have a satisfactory performance review, not be on an action plan and give proper notice (10 workdays for non-exempt employees, 20 workdays for exempt employees.) Failure to comply with these procedures may be cause for denying benefits.

Employees leaving employment with the City in good standing are eligible to receive payout of all accrued, unused PTO hours earned through the last date of employment (and applicable taxes withheld), and are eligible for re-hire within a twelve (12) month period with City Council approval.

PTO will be paid out at the Employee's normal base rate of pay, at straight time, in effect on the Employee's separation date.

## SECTION 9

### ATTENDANCE, PAID TIME OFF AND LEAVES

- Section 2-9-1 Attendance
- Section 2-9-2 Severe Weather Conditions
- Section 2-9-3 Holidays
- Section 2-9-4 Personal Time Off (PTO)
- Section 2-9-5 Use of Personal Time Off (PTO)
- Section 2-9-6 Extended Medical Benefit (EMB)
- Section 2-9-7 Use of Extended Medical Benefit (EMB)
- Section 2-9-8 Injury on Duty Pay
- Section 2-9-9 Military Leave
- Section 2-9-10 Jury and Witness Duty
- Section 2-9-11 Unauthorized Leave
- Section 2-9-12 Regular Leave Without Pay
- Section 2-9-13 Voting Leave
- Section 2-9-14 Family Medical Leave Act (FMLA)
- Section 2-9-15 Return to Work from Medical Leave
- Section 2-9-16 Funeral Leave

**2-9-1 ATTENDANCE:** Regular attendance and punctuality is an essential component of Employee performance and will be considered when making recommendations for promotions, professional development, and outside training and conference participation.

If an Employee cannot report for work due to illness or an emergency, the Employee should contact their Supervisor as early as possible, before the start of the scheduled workday. Supervisors should always be informed of an Employee's expected date of return to work.

All Employees are hired to do a job that is important to the operations of the City of Nowthen. Therefore, it is critical to the City's success that Employees strive for the best attendance possible. An absence of two (2) consecutive workdays without notifying the Supervisor may be considered as job abandonment and may result in disciplinary action, up to and including termination.

Tardiness, unauthorized absences, abuse of breaks and lunches may result in disciplinary action, up to and including termination.

All Employees are required to correctly report time worked and absences and see that the distribution of hours worked is charged to the proper activity. Supervisors are responsible for verifying the accuracy of timesheet entries for their Employees.

**2-9-2 SEVERE WEATHER CONDITIONS:** When severe weather conditions prohibit an Employee from reporting for the Employee's normal work shift or require an Employee to depart early, a non-exempt Employee will be paid for only those hours actually worked.

Absences due to weather conditions may be charged to the Employee's PTO. Only if the Employee does not have any PTO will the Employee be allowed to take the time as unpaid.

**2-9-3 HOLIDAYS:** Full-time and Benefits Eligible Employees will receive the following Holidays off with pay.

- New Year's Day - January 1
- Martin Luther King, Jr. Day - 3rd Monday in January
- President's Day - 3rd Monday in February



Memorial Day - last Monday in May  
Juneteenth – June 19  
Independence Day - July 4  
Labor Day - 1st Monday in September  
Veteran’s Day - November 11  
Thanksgiving Day - 4th Thursday in November  
Day after Thanksgiving – 4<sup>th</sup> Friday in November  
Christmas Eve Day - December 24 ½ day if the 24<sup>th</sup> falls on a regular scheduled workday.  
Christmas Day - December 25

Employees on an unpaid leave immediately preceding or following a Holiday will receive no Holiday pay.

Employees who call in sick the day before or after a holiday will not be paid for the holiday.

Other than Christmas Eve, a Holiday that falls on a Saturday will be observed on the preceding Friday. A Holiday other than Christmas Eve, that falls on a Sunday will be observed on the following Monday.

Non-exempt Employees that are eligible for paid Holidays, who are not regularly scheduled to work on an actual OR observed Holiday but are authorized to do so by their Supervisor due to a City emergency, shall receive pay at one and one-half times (1½) times their regular hourly rate of pay in addition to their Holiday pay.

Employees who work more than an eight-hour shift must take the appropriate number of additional PTO time to cover hours over eight.

**2-9-4 PERSONAL TIME OFF (PTO):** All full-time employees are eligible for the PTO plan. Employees working part time, seasonal or temporary employees are not eligible. PTO can be used for any reason an employee needs to be away from work.

All eligible employees accrue time based on length of service and hours worked, regardless of pay grade, or position.

Time off for official holidays and court or military duty leave are not included in the PTO plan, and employees will continue to receive this in addition to their PTO.

PTO accrual is based on hire (service) date and hours will accrue each per pay period. From the date of hire until their first anniversary, employees may only use PTO that has been accrued. After completing their first year of employment, employees can use PTO that has not been accrued in the maximum amount of 40 hours subject to the approval of the City Administrator. An employee who is approved and uses unaccrued PTO shall not accrue new PTO until the negative PTO is repaid from accruals. If PTO is used before it’s accrued and the employee leaves employment with the City for any reason before the unaccrued hours are repaid, the unaccrued hours will be deducted from the final paycheck.

Full-time employees in good standing pursuant to Section 2-8-8 will be paid all accrued, unused PTO, earned through the last date of active employment (and applicable taxes withheld) following termination of employment. The rate of pay will be the employee’s base rate of pay at the employee’s termination date. In the event of the employee’s death, earned, unused PTO will be paid



to the employee's surviving spouse directly, (if there is not personal representative of the estate appointed) up to statutory limits.

Full-time employees who are discharged due to misconduct, gross inefficiency, incompetence, or violation of work rules or employees who leave employment who are not in good standing pursuant to Section 2-8-8 will not be paid out any accrued, unused PTO earned through the last date of active employment.

The City Council reserves the right to mandate PTO days. As an example: a Holiday falls on a Tuesday and Council chooses to close the Office / Maintenance Department on the preceding Monday.

**Schedule**

PTO Accrual for employees hired **Before Nov 1<sup>st</sup>, 2023**

Completed Years of Employment	Days Accrued Per Year	Weeks Accrued per year	Hours Accrued per Year	Hours Accrued per Pay Period
Hire date to 5 <sup>th</sup> Anniversary	24	4.8	192	7.38
Years 5 to 10	27	5.4	216	8.31
Years 11 to 14	30	6	240	9.23
15 <sup>th</sup> Anniversary +	33	6.6	264	10.15

PTO Accrual for employees hired **After Nov 1<sup>st</sup>, 2023**

Completed Years of Employment	Days Accrued Per Year	Weeks Accrued per year	Hours Accrued per Year	Hours Accrued per Pay Period
Hire date to 1 <sup>st</sup> Anniversary	10	2	80	3.08
Years 1 to 2	15	3	120	4.62
Years 3 to 5	20	4	160	6.16
Years 6 to 7	25	5	200	7.7
Years 8 to 9	27	5.4	216	8.31
Years 10 to 14	30	6	240	9.23
14 <sup>th</sup> Anniversary +	33	6.6	264	10.15

At end of fiscal year (Dec. 31st) employees may rollover up to 200 hours (25 days). Any additional unused hours are lost.

PTO shall not accrue during a period of unpaid leave of absence.

The City's payroll system is the official record of PTO accruals.

**2-9-5 USE OF PERSONAL TIME OFF:** All PTO requests are subject to the approval of the Employee's Supervisor. PTO must be used in minimum increments of 60 minutes.

To the extent possible, all PTO requests must be submitted to the Employee's Supervisor a minimum of 5 days prior to the expected use of PTO. Supervisors are responsible for scheduling PTO in a manner that reasonably balances the operational and service needs of the department with the request of the Employees for time off.

The City will make a reasonable effort within the operational needs of the City to schedule PTO as requested by the Employee. However, the City reserves the right to deny PTO requests which may have an adverse effect on the City's operations or cancel previously approved PTO requests if unexpected circumstances arise, which require an Employee's attendance at work.

The City will not permit the excessive use of PTO in anticipation of an Employee's separation from employment with the City, either by resignation, layoff or discharge. In particular, use of PTO will not be permitted during the 10 or 20 workdays prior to the effective date of an Employee's resignation unless prior authorization is granted by the City Council.

In the event of illness or emergency that prevents an Employee from requesting PTO in advance, the Employee shall notify the Supervisor no later than the start of the workday. Employees who fail to notify their Supervisor may be subject to discipline, up to and including termination, at the sole discretion of the Supervisor and/or City.

Paid holiday leave shall not be counted as PTO.

## **2-9-6 EARNED SICK AND SAFE TIME (ESST):**

### **a) Earned Sick and Safe Time Accrual:**

Full time employees do not accrue ESST as the PTO plan is more generous than the ESST requirements.

Part Time and Seasonal employees will accrue 1 hour of ESST for every 30 hours worked up to a 48 hours per calendar year. The hourly rate of Earned Sick and Safe Time is the same hourly rate an employee earns from employment with the city. This specific leave applies to all Part Time and Seasonal employees performing work for at least 80 hours in a year for the city.

### **b) Earned Sick and Safe Time Use**

The leave may be used as it is accrued in one-hour increments for the following circumstances:

#### **An employee's own:**

- Mental or physical illness, injury, or other health condition
- Need for medical diagnosis, care, or treatment, of a mental or physical illness
- injury or health condition
- Need for preventive care
- Closure of the employee's place of business due to weather or other public emergency
- The employee's inability to work or telework because the employee is prohibited from working by the city due to health concerns related to the potential transmission of a communicable illness related to a public emergency, or seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and the employee has been exposed to a communicable disease or the city has requested a test or diagnosis.



- Absence due to domestic abuse, sexual assault, or stalking of the employee provided the absence is to:
  - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
  - Obtain services from a victim services organization
  - Obtain psychological or other counseling
  - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
  - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking

**Care of a family member:**

- With mental or physical illness, injury or other health condition Who needs medical diagnosis, care or treatment of a mental or physical illness, injury or other health condition Who needs preventative medical or health care Whose school or place of care has been closed due to weather or other public emergency When it has been determined by health authority or a health care professional that the presence of the family member of the employee in the community would jeopardize the health of others because of the exposure of the family member of the employee to a communicable disease, whether or not the family member has actually contracted the communicable disease
- Absence due to domestic abuse, sexual assault or stalking of the employee’s family member provided the absence is to:
  - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
  - Obtain services from a victim services organization
  - Obtain psychological or other counseling
  - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
  - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking

**For Earned Sick and Safe Time purposes, family member includes an employee’s:**

- Spouse or registered domestic partner
- Child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis
- Sibling, step sibling or foster sibling
- Biological, adoptive or foster parent, stepparent or a person who stood in loco parentis when the employee was a minor child
- Grandchild, foster grandchild or step grandchild
- Grandparent or step grandparent
- A child of a sibling of the employee
- A sibling of the parent of the employee or
- A child-in-law or sibling-in-law
- Any of the above family members of a spouse or registered domestic partner
- Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship
- Up to one individual annually designated by the employee



**(c) Advance Notice for use of Earned Sick and Safe Time:**

If the need for Sick and Safe Time is foreseeable, the city requires seven days' advance notice. However, if the need is unforeseeable, employees must provide notice of the need for Earned Sick and Safe Time as soon as practicable. When an employee uses Earned Sick and Safe Time for more than three consecutive days, the city may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records or related documentation to support safety leave). However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using, or used, Earned Sick and Safe Time for a qualifying purpose. The city will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition. In accordance with state law, the city will not require an employee using Earned Sick and Safe Time to find a replacement worker to cover the hours the employee will be absent.

Employers must maintain the confidentiality of Earned Sick and Safe records, medical certifications, histories, and documents information pertaining to domestic abuse, sexual assault or stalking, and any statement from the employee about the need for leave. Medical records should be maintained confidentially and apart from personnel files.

Per the statute, employees may request the city to destroy or return records under Earned Sick and Safe Time that are older than three years prior to the current calendar year.

**(d) Carry Over of Earned Sick and Safe Time**

Employees are eligible for carry over accrued but unused Earned Sick and Safe Time into the following year, but the total of Earned Sick and Safe Time carry over hours shall not exceed 80 hours.

**2-9-8 INJURY ON DUTY PAY:** An Employee who is temporarily unable to work due to an injury or illness sustained in the performance of the Employee's work with the City may be eligible for Workers' Compensation benefits, subject to the provisions of the State of MN Workers' Compensation Law.

An Employee who becomes eligible to receive Workers' Compensation benefits will receive the total amount of the Workers' Compensation check and may receive the difference between their Workers' Compensation payment and the Employee's regular gross salary through the use of accrued paid leaves, if eligible. The total of Workers' Compensation benefits and paid leave compensation may not exceed the Employee's gross pay.

**2-9-9 MILITARY LEAVE:** State and federal laws provide protections and benefits to City employees who are called to military service, whether in the reserves or on active duty. Such Employees are entitled to a leave of absence without loss of pay, seniority status, and efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding a total of 15 days in any calendar year.

The leave of absence is only in the event the employee returns to employment with the City as

required upon being relieved from service, or is prevented from returning by physical or mental disability or other cause not the fault of the employee, or is required by the proper authority to continue in military or naval service beyond the fifteen (15) day paid leave of absence. Employees on extended unpaid military leave will receive fifteen (15) days paid leave of absence in each calendar year, not to exceed five years. Where possible, notice is to be provided to the City at least ten (10) working days in advance of the requested leave. If an employee has not yet used his/her fifteen (15) days of paid leave when called to active duty, any unused paid time will be allowed for the active-duty time, prior to the unpaid leave of absence.

Employees returning from military service will be reemployed in the job that they would have attained had they not been absent for military service and with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Unpaid military leave will be considered hours worked for the purpose of vacation leave and sick leave accruals. Eligibility for continuation of insurance coverage for employees on military leave beyond fifteen (15) days will follow the same procedures as for any employee on an unpaid leave of absence.

**2-9-10 JURY AND WITNESS DUTY:** Benefit Eligible Employees will be granted a paid leave of absence for jury duty. Benefits Eligible Employees paid leave will be pro-rated for the hours they would regularly be scheduled to work.

In order to receive pay for the time served on jury duty, Employees must submit their jury duty pay to the Finance Department. Employees are authorized to keep reimbursable mileage, parking, or eligible day care expenses received during jury duty.

When an Employee is subpoenaed as a witness in a court case relating to City business or serves voluntarily in a case relating to City business, the Employee will receive pay at their regular pay rate at straight time.

Employees subpoenaed as a witness in a case which is not related to City business must use accrued PTO if eligible or take unpaid leave (if the Employee has no eligible paid leave accruals) for the time spent participating in the case.

Temporary and seasonal employees are not eligible for compensation for absences due to jury duty, but can take a leave without pay subject to City Administrator approval. However, if a temporary or seasonal employee is classified as exempt, he/she will receive compensation for the jury duty time.

**2-9-11 UNAUTHORIZED LEAVE:** Any Employee who is absent without authorization for two (2) consecutive work days may be deemed to have abandoned their job and voluntarily resigned their employment with the City, having not left in good standing.

**2-9-12 REGULAR LEAVE WITHOUT PAY:** All requests for unpaid leave must be submitted in writing to the City Administrator. The written request by the Employee should state the length of time and reason for the request for unpaid leave.

An unpaid leave of absence, not to exceed a maximum of one calendar month, may be granted at the discretion of the City Council based on consideration of, but not limited to, the following factors:

- City's staffing needs;
- Employee's performance record and length of service;



- Reason for the request;
- Any other relevant information.

All eligible paid leaves must be exhausted before any unpaid leave is taken.

Benefits, including but not limited to: PTO, Holiday Leave or any other forms of indirect compensation shall not accrue during a period of unpaid leave.

Employees may continue on the City's group insurance coverages during the period of unpaid leave, but shall be responsible for paying one hundred percent (100%) of the premium costs. Premium costs shall be pro-rated hourly for any unpaid leave that is less than a full calendar month.

**2-9-13 VOTING LEAVE:** In accordance with MN Statutes, every Employee who is eligible to vote in an election has the right to be absent from work for a reasonable time for the purpose of voting.

Elections covered by this section include a regularly scheduled state primary or general election, an election to fill a vacancy for a U.S. senator or representative, or an election to fill a vacancy for a State senator or representative.

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off without pay for purposes of serving as an election judge, provided that employee gives the City at least ten (10) days written notice.

**2-9-15 RETURN TO WORK FROM MEDICAL LEAVE:** When an Employee requests to return to work after an illness or injury, pregnancy, delivery, or postpartum recuperation, including a Workers' Compensation injury or any other medical leave of absence, the City shall require a return to work statement from the Employee's physician. The statement will contain any limitations and/or restrictions that may apply to the Employee performing the normal work duties of the Employee's job.

The City may require the Employee to be examined by the City's designated physician, at City expense, prior to the Employee returning to work.

**2-9-16 SCHOOL CONFERENCE LEAVE:** Effective July 1, 2023, any employee may take unpaid leave for up to a total of sixteen hours during any 12-month period to attend school conferences or classroom activities related to the employee's child (under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the city. Employees may choose to use PTO hours for this absence but are not required to do so.

**2-9-17 REASONABLE WORK TIME FOR NURSING MOTHERS:** Nursing mothers and lactating employees will be provided reasonable paid break times (which may run concurrently with already provided break times) to express milk.

The city will provide a clean, private and secure room (other than a bathroom) as close as possible to the employee's work area, that is shielded from view and free from intrusion from coworkers and the



public and includes access to an electrical outlet, where the nursing mother can express milk in private.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting nursing rights or remedies.

## SECTION 10

### INSURANCE BENEFITS

Section 2-10-1 Insurance Benefits

Section 2-10-2 Health Savings Account (HSA)

Section 2-10-3 Voluntary Benefits

Section 2-10-4 Insurance Continuation (COBRA)

Section 2-10-5 Benefits of City Retirees

**2-10-1 INSURANCE BENEFITS:** The City has a medical and hospitalization insurance plan for eligible Employees. The City will contribute a monthly amount toward group health benefits for each eligible employee and his/her dependents. The amount to be contributed and the type of coverage will be determined annually by the City Council.

**2-10-2 SHORT-TERM DISABILITY AND LONG-TERM DISABILITY INSURANCE:** The City has a short-term disability and long-term disability insurance plan for eligible Employees. The City will pay the premiums on this benefit.

**2-10-3 LIFE INSURANCE:** The City has a life insurance plan for eligible employees. The City will pay a set coverage amount for each eligible employee.

**2-10-4 HEALTH SAVINGS ACCOUNT (HSA):** The City has established Health Savings Accounts (“HSA”) for its employees. The City will pay all administrative costs and fees for the plan. The City may make an additional contribution to the accounts if the City Council so decides.

**2-10-5 VOLUNTARY BENEFITS:** The City, at its sole discretion, may offer voluntary benefits to its Employees. 100% of voluntary benefit premiums are paid by the Employee.

**2-10-6 INSURANCE CONTINUATION (COBRA):** The City will administer insurance continuation benefits in accordance with the Federal Consolidated Omnibus Reconciliation Act (COBRA). COBRA gives Employees and their qualified beneficiaries the opportunity to continue health insurance coverage under any of the City’s group plans when a “qualifying event” would normally result in the loss of eligibility.

Under COBRA, the Employee (or beneficiary) pays the full cost of premium charge at the City’s group insurance rate, plus a 2% administrative charge. Insurance coverage extended by COBRA will be discontinued for non-payment of premiums.

When a participating Employee ceases employment with the City, all insurance coverages will be discontinued at midnight of the first of the month following the date of termination.

Human Resources will provide Employees that participate in benefits, where COBRA continuation applies, a written notice describing their rights and obligations under COBRA.

**2-10-7 BENEFITS OF CITY RETIREES:** The City will administer insurance continuation benefits in accordance with MN Statute 471.61, and as amended, which provides for the continuation of group health to former Employees who are:

- receiving disability or pension benefit from PERA; OR
- have met the age and service requirements necessary to receive a pension from PERA;

All insurance continuation provisions listed in Section 2-10-4 are applicable.

## SECTION 11

### MISCELLANEOUS BENEFITS

Section 2-11-1 Professional Organizations

Section 2-11-2 Professional Development

Section 2-11-3 Job Related Licensing, Certification and Coursework

Section 2-11-4 Travel Expenses

**2-11-1 PROFESSIONAL ORGANIZATIONS:** The City Administrator may approve an Employee's membership and dues to professional organizations and City community organizations be paid by the City, provided that the purpose is to promote, advertise, improve, or develop the City's resources and advantages and not for personal interest or gain.

**2-11-2 PROFESSIONAL DEVELOPMENT:** The City encourages Employees to attend job-related conferences, workshops, seminars, training, etc. to stay up to date with changes in their field and enhance their professional development.

Employees are allowed to attend National, Regional (multi-state) or local professional development opportunities with prior approval from the City Council.

Approval for attendance at professional development opportunities shall be based on, but not limited to:

- Availability of budgeted funds
- Relevance to the Employee's position
- Degree of benefit, to the City, of the knowledge to be obtained
- Content of the conference, workshop, seminar, etc.
- Employee presents lessons learned to the City Council
- Past performance of the Employee
- and any other criteria.

In the event that attendance at a professional development opportunity would generate overtime, the Employee and their Supervisor, prior to the Employee's attendance at such event, shall arrange the Employee's schedule so that no overtime is generated as a result of attendance.

Unless approved by the City Council voluntary attendance at a conference, training or other event outside of normally scheduled hours is not compensable, even if the event is directly related to the Employee's job or paid by the City. If the Employee chooses not to attend some portion of the event or leave early, the Employee shall use PTO for that time.

**2-11-3 JOB RELATED LICENSING, CERTIFICATION AND COURSEWORK:** Certain positions in the City require that the Employee be licensed or certified in order to legally perform the duties of that position. When licenses or certifications are required for a position, the City will pay the cost or reimburse the Employee for the cost of maintaining the license or certification.

The City may also pay for other job-related professional licenses, certifications and coursework that provide job enrichment to the Employee. These opportunities are subject to Department Head approval and budget availability.

**2-11-4 TRAVEL EXPENSES:** Employees will be reimbursed for all reasonable expenses incurred when traveling on City business, upon authorization by the Department Head and approval of such expenses by the City Council. Reasonable expenses include:

Mileage: When an Employee uses their personal vehicle, mileage is reimbursed at the IRS annually established rate per mile. An Employee's routine commute to and from work shall not be included in the determination of mileage for reimbursement.

Parking: Parking fees will be reimbursed for the actual amount.

Airfare, Train fare: Coach airline and train ticket costs will be reimbursed when it is more economical to fly or rail than drive.

Any travel credits or benefits earned from City paid or reimbursed travel must be accrued to the benefit of the City. The City shall not reimburse Employees for tickets purchased with personal travel credits or benefits.

Travel insurance is not reimbursable.

Rental Car: A car may be rented for City business, if warranted (i.e. if not driving to the event). The Employee will waive the rental company's loss/damage supplemental liability and/or personal accident insurance. Rental cars shall be mid-size or less, unless the City Council pre-approves something else.

Lodging: Hotel expenses, at a non-luxury hotel (unless it is the location of the event), will be reimbursed for the actual cost, not to exceed the single occupancy rate. Lodging expenses will not be reimbursed for activities held within the Twin Cities Metropolitan Area or within a 75-mile radius of the City of Nowthen, unless it is determined to be financially feasible and approved by the City Council, prior to travel.



Meals: Meal expenditures, including tax and tip, will be reimbursed according to Federal Reimbursement rates for Employees who travel on City business. Liquor is not an allowable expense.

Meals included as part of a conference registration are not reimbursable.

Miscellaneous: Reimbursement of miscellaneous expenses (i.e., taxis, subways, bus fares, hotel phone calls, etc.) will be reimbursed, provided they are directly connected to carrying out official City business.

In order to receive reimbursement, the Employee must complete the appropriate claim form, attach original receipts, and submit it to the Finance Department for consideration and approval.

## SECTION 12

### CONDUCT

Section 2-12-1 Conduct  
Section 2-12-2 Basic Employee Responsibilities  
Section 2-12-3 Ethics in Public Employment  
Section 2-12-4 Political Activity  
Section 2-12-5 Code of Ethics  
Section 2-12-6 Respectful Workplace  
Section 2-12-7 Harassment Prevention  
Section 2-12-8 Technology Policy  
Section 2-12-9 Drug, Alcohol and Offence Policy  
Section 2-12-10 Personal Appearance  
Section 2-12-11 Discipline  
Section 2-12-12 Whistleblowers  
Section 2-12-13 Grievances

**2-12-1 CONDUCT:** In accepting employment for the City Council, Employees become representatives of the City Council and are responsible for assisting and serving the citizens.

Employees should exhibit conduct that is professional, ethical, responsive and of standards becoming of a City Employee. To achieve this goal, Employees must adhere to established policies, rules, and procedures and follow the instructions of their Supervisor and Department Head.

**2-12-2 BASIC EMPLOYEE RESPONSIBILITIES:** City Employees are required to:

- perform their assigned duties to the best of their ability at all times and to continually strive to improve their performance;
- render prompt and courteous service to the public at all times;
- read, understand, and comply with the rules and regulations as set forth in this policy as well as those of their department;
- conduct themselves in a respectful manner towards both the residents and other Employees and respond to inquiries and information requests with patience and every possible courtesy;

- report all unsafe conditions to their immediate supervisor;
- maintain good attendance; and
- exhibit respect of one another, the City Clerk, Department Heads, Mayor and Council Members, Committee, Commission Members, Consultants, vendors hired by the City and residents.

The foregoing is not intended as an exhaustive list of any Employee's responsibilities, but rather a general description of the most basic performance expected by the City.

**2-12-3 ETHICS IN PUBLIC EMPLOYMENT:** In order to best serve the public interest and general welfare of the City of Nowthen and its citizens, this statement of ethics is established for all Employees of the City.

Employees shall not use their position for personal gain, engage in any business or transaction or have a financial interest, direct or indirect, which is in conflict with the proper performance of their official duties.

### **1. Applicability**

For the purposes of Sections 2-12-3 and 2-12-4, the term "Employee" shall include any individual employed by the City in any capacity.

### **2. Conflict of Interest**

The credibility of local government rests heavily upon the confidence which citizens have in their Employees to render fair and impartial services to all citizens without regard to personal interest or political influence. Thus, Employees must scrupulously avoid any activity, which suggest a conflict of interest between their private interests and City responsibilities.

Employees of the City must not engage or have financial interest in any business or other activity, which could reasonably lead to a conflict of interest with the Employee's primary City responsibilities. Examples of activities which are not in accordance with this Policy include, but are not limited to, the following:

- Taking part in a zoning or permit decision that violates the City Code;
- Entering into any sale, lease or contract in violation of MN Statutes, Section 471.87 – 471.89;
- Employee shall not participate in any election administration duties as part of their work assignment if they are the spouse; parent, stepparent; child (by birth, adoption or legal guardian); stepchild; sibling-including stepsibling; grandparent; parent-in-law; daughter-in-law; son-in-law; brother-in-law; sister-in-law; uncle; aunt; nephew; niece; is domiciled either permanently or temporarily, with any candidate on the ballot at that election or is a candidate on the ballot at that election;
- Acceptance of any gift from an interested person in violation of MN Statutes, Section 471.895;
- Activities which require the Employee to interpret City codes, ordinances, or regulations when the activity involves matters with which the official or Employee has business and/or family ties;

- Consulting activities carried out within the City if the consulting involves any conflict of interest with the Employee's City work responsibilities;
- Using an Employee's authority, influence, or City position for the purpose of private or personal financial gain;
- The use of City time, facilities, equipment, or supplies for the purpose of private or personal gain;
- Employees shall not breach the provisions of the state or federal law by the release of the info learned by the course of employment;
- Conducting personal business while working for the City;
- Accepting rebates or procuring any financial gain through the bidding process or employment of outside personnel;
- Representing persons or associations in dealings with the City for the purposes of private or personal gain;
- Giving special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen;
- Using the City's name, logo or any other City symbol for something other than City business without approval; and
- Attempting to influence other officials or other Employees in any way with money, services, or other remuneration.
- Accepting a gift, reward, gratuity, favor, service or promise of future employment, or other future benefit from any source (except the City) for any activity related to duties of the office, agent, or Employee, unless otherwise provided by Minnesota Law. However, the acceptance of any of the following shall not be a violation of this policy:
  1. Gifts of nominal value, except in the circumstances described below under "Financial Interest of Agents." For the purposes of this policy, "nominal value" is defined as \$5.00 per donor per year per officer, agent, or employee.
  2. Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause or for public service.
  3. Payment or reimbursement of expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the City and which have been approved in advance by the City Council as part of the work assignment.
  4. Honoraria or expenses paid for papers, talks, demonstrations, or appearances made by officers, agents, or employees on their own time for which they are not compensated by the City.



Any Employee engaging in any activity involving either an actual or potential conflict of interest or having knowledge of such activity by another Employee shall promptly report the activity to the City Administrator, or if such activity be by the City Administrator, to the Mayor.

The matter shall be investigated and a determination shall be made as to whether or not an actual or potential conflict exists. If the investigation determines a conflict exists, it shall be presumed that the continuation of the practice would be injurious to the effectiveness of the Employee in carrying out his/her duties and responsibilities. In such cases Employee shall immediately terminate the conflicting activity or be subject to termination of employment.

#### **2-12-4 POLITICAL ACTIVITY:**

Employees shall not use City time, resources, or their position with the City in promoting or advocating the election of any individual.

No Employee shall use their authority or official influence to compel someone to apply for membership or become a member of any political organization.

No Employee may pay or promise to pay any assessment subscription or contribution for political purposes for someone to take part in any political activity.

**2-12-5 CODE OF ETHICS:** Employees are expected to abide by the Code of Ethics listed below:

- treat elected and appointed officials, other Employees, and the public with respect and dignity;
- be courteous in their dealings with elected and appointed officials, other Employees, and the public;
- maintain the highest standards of honesty and integrity in public and private dealings;
- recognize the interdependency of elected and appointed officials and City staff;
- respect the decisions of elected officials and supervisors;
- do not undermine or sabotage implementation of ordinances, policies and rules that are passed;
- do not communicate personal views on City business matters to the public; and
- set a good example for others to follow.

**2-12-6 RESPECTFUL WORKPLACE:** The City of Nowthen seeks to provide a workplace free of threats and acts of violence for its Employees, volunteers, vendors, citizens, and visitors. Violence or the threat of violence has no place in any City facility.

All Employees are expected to:

- refrain from acts of violence;
- promote safe workplace practices, including this policy;
- promptly report any dangerous, harassing, threatening or violent situations that occur in the workplace;
- refrain from any type of retaliation against a person for making a complaint, reporting violence in the workplace, or participating in an investigation of violence in the workplace or on city property.

The City does not tolerate any type of workplace violence committed by or against Employees.

Employees are prohibited from making threats or engaging in violent activities. Acts of violence include, but are not limited to:

- Use of physical force and/or threat of physical force;
- Causing physical injury to oneself or another person;
- Written or verbal communications, which are of a threatening, intimidating or coercive nature;
- Vandalism or intentional destruction of City property or the property of another Employee or member of the public;
- Committing acts motivated by, or related to, discrimination and harassment;
- Deliberate or careless conduct endangering the safety of other Employees or the public;

Acts of violence on City property or facilities, or while on City business, will not be tolerated or ignored. Employees found to be in violation of this policy will be subject to disciplinary action up to and including termination. Any unlawful act of violence committed by Employees or members of the public while on City property or while using City facilities or property, will be prosecuted as appropriate.

The City intends to use reasonable legal, managerial, administrative and disciplinary procedures to secure the workplace from violence and to reasonably protect Employees and members of the public.

The City reserves the right to search and inspect any and all City property.

### 1. Dangerous Weapons

A dangerous weapon is any instrument capable of producing bodily harm, and the use of which manifests intent to harm or intimidate another person or that warrants alarm for the safety of another person.

This includes City tools, instruments, or other implements which if used improperly and/or for anything other than their intended use could result in bodily harm, intent to harm, intimidate another person or threaten the safety of the Employee and/or another person.

The Employee's Supervisor or Department Head shall have the authority to approve whether it is necessary for an Employee to be in possession of any tools or instruments to properly perform the duties of their job and whether certain tools will be provided by the City to complete work-related tasks.

### 2. Reporting

Employees shall be responsible for promptly reporting incidents of violence in the workplace or potentially dangerous situations to their Supervisor or Department Heads, and if appropriate to law enforcement authorities. A Supervisor or Department Head receiving a report of an incident from an Employee should promptly notify the City Clerk who will notify the City Council.

### 3. Investigation

A prompt and confidential investigation will be conducted by the City and fair consideration will be given to all facts presented. Any Employee found, after appropriate investigation, to have threatened or committed an act of violence against another Employee shall be subject to disciplinary action, up to and including termination.



#### 4. Retaliation

Retaliation against a person for having made a complaint or report of violence in the workplace, or participating in or assisting in an investigation of violence in the workplace is prohibited. Any person who believes that he or she has been subject to such retaliation/harassment should report it promptly to their Supervisor or Department Head.

#### 5. Confidentiality

Personal information obtained in the course of an investigation under this policy shall be considered confidential and not subject to public disclosure, except as may be necessary as part of the disciplinary process or as otherwise provided by law.

#### 6. Orders for Protection

Employees must notify their Supervisor or Department Head when an order for protection has been obtained naming City facilities

**2-12-7 HARASSMENT PREVENTION:** The City of Nowthen seeks to provide a workplace free of offensive conduct or harassment based on race, national origin, gender, religion, disability, age, marital status, status with regard to public assistance or sexual orientation.

All Employees are expected to:

- refrain from acts of harassment;
- promote harassment free workplace practices, including this policy;
- promptly report any harassment or harassing behavior, or situations that occur in the workplace;
- refrain from any type of retaliation against a person for making a complaint, reporting harassment in the workplace, or participating in an investigation of harassment in the workplace.

The City does not tolerate any type of harassment committed by or against Employees.

Offensive conduct or harassment occurs when:

- submission to conduct or communication of a derogatory, harassing or biased nature is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or obtaining or retaining public services/accommodations.
- submission to or rejection of conduct or communication of a derogatory, harassing or biased nature by an individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or
- the conduct or communication of a derogatory, harassing or biased nature has the purpose or effect of substantially or unreasonably interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile or offensive employment, public service/accommodation environment.

Examples of sexual/gender harassment may include, but are not limited to:

- unwelcome verbal remarks, jokes or innuendoes of a sexual nature or based upon gender;
- unwelcome pressure for sexual favors;



- unwelcome or unwanted sexual advances such as, but not limited to, patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact considered unacceptable by another individual;
- unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or access to public services or public accommodations;
- unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises or preferential treatment with regard to an individual's employment or access to public services or public accommodations;
- distribution or display of written materials, pictures or other graphics of a sexual or gender biased nature;
- other unwelcome behavior or words directed at an individual because of gender.

### 1. Reporting

Employees shall be responsible for promptly reporting incidents of harassment or harassing behavior to their Supervisor or Department Head. A Supervisor or Department Head receiving a report of an incident from an Employee should promptly notify the City Administrator who will notify the City Council.

### 2. Investigation

A prompt and confidential investigation will be conducted by the City and fair consideration will be given to all facts presented. Any Employee found, after appropriate investigation, to have harassed another Employee shall be subject to disciplinary action, up to and including termination.

### 3. Confidentiality

Personal information obtained in the course of an investigation under this policy shall be considered confidential and not subject to public disclosure, except as may be necessary as part of the disciplinary process or as otherwise provided by law.

### 4. Retaliation

Retaliation against a person for having made a complaint or report of harassment, or participating in or assisting in an investigation of harassment is prohibited. Any person who believes that he or she has been subject to such retaliation should report it promptly to their Supervisor or Department Head.

It is a violation of the law for any Supervisor or Employee to retaliate against someone who files a harassment complaint.

**2-12-8 TECHNOLOGY POLICY** as amended from time to time is hereby incorporated by reference: The City enforces a separate "Technology Policy," which includes the use of computers (internet and email), handheld personal devices, mobile phones, radios, etc.

### **2-12-9 DRUG, ALCOHOL AND CRIMINAL OFFENCE POLICY:**

A. Off-duty Driving. The City has determined that a City employee's driving activity off-duty is a strong indicator of that individual's on-duty driving conduct. Employees may face disciplinary action if the City finds that their off-duty driving conduct is putting the City at risk. In making such determination the City shall consider the following type of behavior to be cause for concern; however, the City shall consider also the individual's performance history:

1. Conviction of Driving Under the Influence (DUI).
2. Conviction of death by vehicle, hit and run, fleeing or trying to elude a law enforcement officer, driving while suspended or revoked, or similar major driving offenses.
3. Suspension or revocation of driving license.
4. An overall driving history that reveals a pattern of convictions of traffic offenses; particularly with three or more moving violations.

B. Alcohol or Drugs. The City strictly prohibits the use, possession, manufacture or sale of alcohol and illegal drugs by employees anywhere on City property (including parking lots and grounds), City vehicles or while on City time. Any employee who has been determined to be in violation of this policy may be subject to disciplinary action up to and including termination of employment.

The city of Nowthen observes and supports the Minnesota Clean Indoor Air Act. Employees under age 21 are prohibited from smoking of any kind, including pipes, cigars, cigarettes, vaping with e-cigarettes, and the use of chewing tobacco while on duty.

Furthermore, all City buildings and vehicles\*, in their entirety, shall be designated as tobacco free, meaning that no person will smoke tobacco or other substances or use smokeless tobacco while in a City facility or vehicle\*. Employees **21** and over are allowed to smoke outdoors on City property, but only in areas designated for that purpose.

\*Employees hired prior to 1/1/23 are grandfathered in and may smoke in vehicles purchased prior to 1/1/23 provided there is only one person in the vehicle and windows are rolled down. No smoking is allowed by anyone in a city vehicle purchased after 1/1/23.

C. Criminal Offenses.

All employees are expected to remain law abiding. Recognizing the many potential adverse impacts, any employee that is charged with any of the following criminal activities (referred to herein) must immediately report the incident to the City Administrator who will notify the City Council.

1. All felonies.
2. All gross misdemeanors.
3. Any misdemeanors involving theft, fraud or dishonesty.

A criminal conviction may not automatically result in disciplinary action against the employee. A determination by the City Council will be made regarding the direct relationship between the conviction and the employment position. The City may take disciplinary action against the employee, up to and including dismissal, for criminal offenses which relate to the employee's ability to perform their job, or which has or may create a present or future danger or risk to the City or public. By way of example, and not as an exclusive list, the following offenses will be considered as having a direct relationship to the employment position of an employee:

1. Crimes involving the use of alcohol and/or controlled or illegal substances;
2. Assault and other violent crimes;
3. Crimes involving dishonesty (i.e. theft, fraud, forgery);
4. Crimes involving illegally entering onto property owned by others (i.e. burglary, trespass, vandalism);



5. Crimes involving tampering (i.e. tampering of public records or information, false reports to law enforcement, tampering with or fabricating of physical evidence).

In determining whether disciplinary action is taken, the City may consider the individual's performance history and any competent evidence of sufficient rehabilitation.

**2-12-10 PERSONAL APPEARANCE:** The dress and appearance of City Employees is a direct reflection of the professionalism of the City's services. City Employees are usually in direct contact with the public every day as part of their regular workday. A neat, clean, well-groomed Employee will present a positive image of the City.

Employees should dress in a reasonable manner and use good judgment when choosing attire. Dress needs vary by job function. Employees in certain departments must wear uniforms or casual types of clothing due to job specific duties and conditions of the position, including safety, excessive wear and tear on clothing, and appropriateness for job performance.

Clothes are expected to be clean free of rips, tears, patches (unless decorative) and offensive logos and wording.

Employees reporting to work in attire that, at the discretion of management, is not in compliance with this policy, and may be sent home to change clothes. The Employee will not receive pay during this time.

#### 1. Uniforms

Employees that are provided uniforms by the City are required to wear them during paid work time. While in uniform, whether or not on paid time, Employees must be professional and conduct themselves in a manner becoming of a City Employee.

#### 2. Public Works Employees

The wearing of safety shoes meeting ANSI Z41.1 standards is compulsory for all maintenance department workers. Safety shoes must be worn at all times unless specifically authorized by the employee's immediate supervisor for specific assigned tasks, i.e., installing buoys in lake. Employees required to wear safety shoes must:

1. Wear shoes that fit properly;
2. Inspect shoes regularly for damage such as: dampness or embedded metal that might impair electrical protection; cuts; cracks; etc., which might expose feet to danger;
3. Never wear defective footwear on the job; and
4. Never repair their own safety shoes, i.e., never repair non-sparking footwear with metal nails.
5. The City will purchase one (1) approved pair of safety shoes as needed as determined by the City Administrator for an amount not to exceed \$140.00 and anything over that amount will be the employee's responsibility.



Public Works Employees must wear a shirt/t-shirt and long pants at all times. The clothing must be clean, neat, in good repair and afford adequate safety protection for their job.

**2-12-11 DISCIPLINE:** Employees are subject to discipline when they fail to fulfill their duties and responsibilities at the level required, or when they violate City policies or work rules.

The type of discipline imposed will be based upon the nature and severity of the infraction and the conditions surrounding the incident. Disciplinary action does not have to be progressive. The City may take disciplinary action while seeking criminal or civil prosecution against an Employee.

The City retains the sole discretion to determine what behavior warrants disciplinary action and what type of disciplinary action will be imposed. Reasons for disciplinary action may be a single serious infraction or an accumulation or pattern of less serious offenses, whether related or unrelated to each other.

The following are examples of types of offenses that may warrant disciplinary action, but are not limited to:

1. Violation of any of the provisions in the City policies, departmental work rules, or safety rules;
2. Incompetence, inefficiency, ineffectiveness, or misconduct in the performance of duties;
3. Inability or unwillingness to perform the essential functions of a position, with or without reasonable accommodation;
4. Conviction of a crime directly related to the Employee's position with the City;
5. Intoxication or being under the influence of a controlled substance while on duty;
6. Failure to enroll or successfully complete a substance abuse treatment program if directed by the City;
7. Inducing or attempting to induce an Employee to commit an unlawful act or to act in violation of a policy, regulation, or order;
8. Making false or misleading statements while conducting City business; or falsifying any reports, records, or documents;
9. Offensive conduct toward the public, City Council, City Employees, Committee or Commission Members or Consultants;
10. Dishonesty in the performance of duties;
11. Theft;
12. Falsification of time sheets;
13. Careless, destructive, negligent, or inappropriate handling, control, or use of City property or vehicle;

14. Use of any City vehicle or property for personal use or gain;
15. Excessive tardiness or absenteeism, or abuse of leave;
16. Unauthorized absence from work for a period of two work days;
17. Insubordination;
18. Sexual or other harassment based upon race, creed, color, religion, sex, national origin, age, marital status, sexual orientation, political affiliation, status with regard to public assistance, or disability;
19. Acts or threats of physical violence or endangering the health or safety of others;
20. Violating the data privacy rights of any Employee or citizen;
21. Discrimination.

### **1. Types of Discipline:**

Disciplinary action may be in one or more of the following forms:

**Oral/verbal reprimand:** This measure will be used where informal discussions with the employee's supervisor have not resolved the matter. All supervisors have the ability to issue oral reprimands without prior approval.

Oral reprimands are normally given for first infractions on minor offenses to clarify expectations and put the employee on notice the performance or behavior needs to change, and what the change must be. The supervisor will document the oral reprimand including date(s) and a summary of discussion and corrective action needed.

**Written Reprimand:** A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected, or the behavior has not consistently improved in a reasonable period of time. Written reprimands are issued by the supervisor with prior approval from the city administrator.

A written reprimand will: (1) state what happened; (2) state what should have happened; (3) identify the policy, directive or performance expectation that was not followed; (4) provide history, if any, on the issue; (5) state goals, including timetables, and expectations for the future; and (6) indicate consequences of recurrence.

Employees will be given a copy of the reprimand to sign acknowledging its receipt. An employees' signature does not mean the employee agrees with the reprimand. Written reprimands will be placed in the employee's personnel file.

Serious infractions may require skipping either the oral or written reprimand, or both. The City Council may move to Suspension without pay or Discharge steps.



**Suspension without pay:** With prior approval of the City Council the City Administrator may suspend, without pay, an Employee for up to 30 work days in a calendar year, except in the case of veterans. Qualified veterans, who have completed their initial probationary period, will not be suspended without pay in conjunction with a termination. The City Administrator will provide the Employee with written notification specifying reason(s) for the suspension, the effective date(s) and duration of the suspension, previous letters of expectation, oral or written warnings, unacceptable performance appraisals, discussions, or reprimands, if any, and the corrective action necessary to avoid further disciplinary action. Suspensions without pay are documented and made a permanent record in the Employee's personnel file.

Benefits, including but not limited to: PTO, Holiday Leave or any other forms of indirect compensation shall not accrue during a period of suspension without pay.

Employees may continue on the City's group insurance coverages during the period of suspension without pay, but shall be responsible for paying one hundred percent (100%) of the premium costs incurred by the City during the suspension. Premium costs shall be prorated hourly for any suspension without pay that is less than a full calendar month.

**Demotion/Reduction in Pay:** With prior approval of the City Council, the City Administrator may reduce the pay of an Employee within the pay range provided for in the City's compensation plan or demote the Employee by specifying reason(s) for the reduction of pay or demotion, previous letters of expectations, verbal or written warnings, unacceptable performance appraisals, discussion or reprimands, if any, and the effective date of the pay reduction or demotion. Demotions and reductions in pay are documented and made a permanent record in the Employee's personnel file.

**Discharge:** The City Council may dismiss any Employee at any time for misconduct, inefficiency, incompetence, violation of work rules, insubordination or for any other reasons not prohibited by law.

If the disciplinary action involves the removal of a qualified veteran, who has completed their initial probationary period, the appropriate hearing notice will be provided, and all rights will be afforded the veteran in accordance with Minnesota law.

## 2. Rights of the Employee

In the event the City Administrator recommends that disciplinary action be taken against an employee, they shall provide written notification to the employee specifying the reason(s) for the disciplinary action. An employee may appeal the imposition of the recommended disciplinary action by filing a grievance with the City Administrator within five (5) work days of the date of the written notification. If a written appeal is not filed within the prescribed time the recommended disciplinary action shall be imposed. If an appeal of the disciplinary action is taken, grievance shall be handled as outlined in Section 2-12-13 of this Policy starting at Step 2.

If disciplinary action is imposed on an employee, the City Administrator shall make a notation in the employee's personal file specifying the disciplinary action taken and the reason(s) for the disciplinary action.



**2-12-12 WHISTLEBLOWERS:** Pursuant to Minn. Stat. 181.932, the City of Nowthen will not discharge, discipline, threaten or otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because an employee, or person acting on behalf of an employee, in good faith, reports to the City (or any other official) a violation or suspected violation of any federal or state law or rule adopted pursuant to law. No City Official or law enforcement official will disclose, or cause to disclose, the identity of any employee making a report or providing information under Whistleblower provision without the employee's consent unless the investigator determines that disclosure is necessary for prosecution. If the disclosure is necessary for prosecution, the employee will be informed prior to the disclosure.

## **2-12-13 OPEN DOOR POLICY**

### **1. Commitment to Open Communication**

The City of Nowthen's Open Door policy provides for a work environment where:

- open, honest communication between managers and employees is a day-to-day business practice.
- employees may seek counsel, provide or solicit feedback, or raise concerns within the City.
- the City Administrator holds the responsibility for creating a work environment where employees' input is welcome, advice is freely given, and issues are surfaced early and are candidly shared without the fear of retaliation when this input is shared in good faith.

The Open Door Policy means that City Administrator is available when their office door is open or by setting up a meeting. Employees should feel comfortable speaking with them about any questions/concerns they have. In most cases, talking with the City Administrator is the most effective and efficient way to resolve issues. The City Administrator is typically the most direct source of information regarding an employee's job, policies, and procedures. If the City Administrator is unable to provide assistance, or if the issue is regarding the City Administrator then the employee may discuss problems or suggestions with the City Council instead of, or in addition to, the City Administrator. Issues are usually resolved through this informal communication. If a satisfactory resolution is not reached at this level then complaints may be brought forward through the City's Grievance Policy.

### **2. Responsibilities**

Employees are encouraged to meet and discuss suggestions, problems, or concerns with the City Administrator. The City Administrator is expected to have an open door policy that is designed to encourage employees to bring forward any concerns or questions to them so that issues can be resolved constructively together. It is a violation of this policy to retaliate against anyone who brings a good-faith concern to the City Administrator's attention.

## **2-12-14 GRIEVANCES:**

The City aims to provide a fair, equitable and productive work environment for all employees. If an employee has a question or wishes to discuss a possible violation, they should first follow the Open Door Policy. If they are not comfortable with that approach for any reason, or if no action is taken, they can follow the Grievance Policy. As such, this grievance procedure is established for the purpose of resolving disputes or disagreements raised by an Employee. An Employee is required to utilize the following procedure should they have a grievance.

It is the policy of the City of Nowthen to allow Employees a process through which they can aggrieve perceived unfair treatment or decisions. A grievance is a dispute or disagreement raised by an employee or group of employees against the City because of an interpretation of City policies.

**Step 1:** The Employee must present the grievance in writing, stating the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated, and the remedy requested, to the proper supervisor within twenty-one days after the alleged violation or dispute has occurred.

**Step 2:** If the grievance has not been settled in accordance with Step 1, it must be presented in writing, stating the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the Personnel Policies allegedly violated, and the remedy requested, by the employee to the city administrator within seven days after the supervisor's response is due. The City Administrator or their designee will respond to the employee in writing within seven calendar days. The decision of the city administrator is final for all disputes with exception of those specific components in a performance evaluation subject to a challenge through the Minnesota Department of Administration.

**2-12-15 WAIVER:**

If the grievance is not presented in the time periods set forth above, it shall be considered waived. If a grievance is not appealed to the next step within the specified time limit, it shall be considered settled on the basis of the prior answer. If the proper authority does not answer a grievance or appeal; thereof within the specified time limits, the employee may elect to treat the grievance as denied and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the employee and the authority involved in the Step or to meet public meeting notice laws.

The following actions are not grievable:

- While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable, other performance evaluation data, including subjective assessments, are not.
- Pay increases or lack thereof; and
- Merit pay awards.

The above list is not meant to be all inclusive or exhaustive.

## **SECTION 13**

### **PURCHASE OF GOODS AND SERVICES**

As stated in MN Statute 471.382, the City of Nowthen Council may authorize the use of a credit card by any City Employee otherwise authorized to make a purchase on behalf of the City. All purchases by credit card must otherwise comply with all statutes, rules and policies applicable to City purchases. A City employee who makes or directs a purchase by credit card that is not in compliance with statutes, rules and policies, is personally liable for the amount of the purchase.

Bills from credit card companies do not contain the detail necessary to satisfy the requirement that claims presented to the City for payment must be in writing and itemized. Therefore, invoices and receipts for all items charged must be retained. A list of all credit cards charges will be included with



monthly expenditures for Council review and approval. (*MN Stat 412.271 subd. 2, MN Stat 471.38 subd 1*)

Credit card use must also comply with laws concerning borrowing. Credit cards will not be used for carrying debt. The entire card balance shall be paid in full each month. (*MN Stat Ch 475*)

1. Employees who are Department Heads are authorized to use or direct use of the City of Nowthen's credit card.

For the purpose of this policy statement, 'spend' means:

- a) Utilization of one's own funds or credit for which the city will need to reimburse the individuals; or,
  - b) Utilization of petty cash; or,
  - c) Incurring a charge or credit obligation in the name of the city.
2. Credit cards will carry a card limit of no more than \$7,500.00
  3. City credit cards will be issued through the City Administrators' office. All cards must be returned to the City Administrator when renewed or upon leaving the employment of the City. A lost or stolen credit card must be reported immediately.
  4. No employee will intentionally use a City of Nowthen credit card for personal purchases. Unauthorized use or abuse of a city credit card will result in disciplinary action, up to and including termination of employment.
  5. Supporting documents and/or invoices will be submitted to the City Administrator's office immediately after purchasing an item(s). Supervisors will stipulate on the Documents and/or invoices a description of what the purchase is for. For example: Maintenance supplies for Community Center; repair parts for loader. Documents/invoices will be coded by the City Administrator upon receipt.
  6. Authorized persons will receive and sign an acknowledgement form regarding credit card use.

## **SECTION 14**

### **EMPLOYEE COMPLAINT POLICY**

- Section 2-14-1 Purpose
- Section 2-14-2 Definitions
- Section 2-14-3 Procedures For Filing a Complaint
- Section 2-14-4 Complaint Category
- Section 2-14-5 Investigation Process
- Section 2-14-6 Investigation Results
- Section 2-14-7 Appeal Process
- Section 2-14-8 Minnesota Data Practices Act



### **2-14-1 Purpose:**

To respond promptly and professionally to complaints about the behavior of City employees in the performance of their official duties, while also protecting the rights and reputation of the employee and the City.

### **2-14-2 Definitions:**

**Complaint** - A written complaint filed on the City's official complaint form regarding the conduct of a City employee generated by anyone other than another City employee.

**Criminal** - Any action which would constitute a violation of a Federal, State or municipal law.

**Employee** - Any regular, temporary or seasonal employee of the City of Nowthen or any volunteer of the City.

**Minor Violation** - A violation of City standards which, if proven, could result in an oral or written reprimand for a first offense.

**Major Violation** - A violation of City standards which, if proven, could result in the employee's suspension, demotion, or discharge for a first offense. (This determination will be made in consultation with the City Administrator, City Council and City Attorney).

### **2-14-3 Procedures for Addressing Employees Complaints:**

- A. The City Administrator will review all complaints regarding city employees and forward them to the appropriate party, including Council if applicable. Complaints against Supervisors will be forwarded to the City Council. Complaints that have already been addressed or are determined by the City Administrator to be duplicative will not be forwarded. The City Administrator will contact the complainant to inform them of whether or not the Complaint will be investigated. Once a Complaint has been addressed, the City Administrator will inform the complainant of the resolution of the complaint as allowed by Data Privacy laws.
- B. Complaints against an elected official shall not be addressed by city staff or the city attorney. The election process shall be the deciding factor in this area.
- C. Complaints may not be filed by a 3<sup>rd</sup> party, the person filing the Complaint must have been involved in the situation.
- D. Complaints that are based on hearsay will not be accepted.
- E. Complaints that are incoherent will not be accepted.

### **2-14-4 Complaint Category:**

- A. Complaints regarding Employee behavior investigated under this policy fall into the following categories:

1. Behavior which was consistent with City policy and procedures, therefore no discipline would result, even if the behavior was substantiated.
2. Behavior which, if substantiated, could result in a Minor Violation of the employee for a first offense (oral or written reprimand).
3. Behavior which, if substantiated, could result in a Major Violation for a first offense, up to and including discharge.
4. Behavior which, if proven, would constitute a criminal act.

The City Council in the case of the Supervisors or the City Administrator in the case of all other employees will make the determination as to what type of behavior has been alleged. Based upon this determination, the appropriate process identified in this policy will be used to conduct the investigation and respond to the Complaint.

- B. Notwithstanding this policy, the City shall comply with all applicable state statutes related to Data Privacy and public discussion of or release of data to the public, as well as the City's adopted Personnel Policy.

**2-14-5 Investigation Process:**

- A. Action Based on Complaint Category:

1. If the Complaint is regarding behavior which was consistent with City policy and procedures, therefore no discipline would result, even if the behavior was substantiated, the Complaint will be dismissed.
2. If the Complaint could result in a Minor Violation, a Major Violation, or Criminal Action it will be investigated by the City Council in the case of the Supervisors or by the City Administrator in all other cases.

- B. Investigation:

1. The investigation will consist of at least interviewing the complainant, the respondent employee, the employee's supervisor, and any witnesses to the alleged behavior.
2. As soon as possible following the filing of the Complaint and the identification of the subject employee, the Supervisor will notify any involved employees of the allegation(s).
3. No one involved in the investigation should discuss the matter under investigation outside of the investigation until it is complete. Violation of this provision may result in disciplinary action.

**2-14-6 Investigation Results:**

- A. The resolution of the Complaint will be defined as one of the following:
1. UNFOUNDED - The investigation demonstrated that the alleged actions did not occur or did not involve a City employee.



2. UNSUBSTANTIATED - The investigation did not present sufficient evidence to clearly prove or disprove the allegations.
  3. EXONERATED - The investigation confirmed that the alleged behavior did occur, but it was consistent with City policy.
  4. SUSTAINED - The investigation does disclose sufficient evidence to clearly prove the allegations.
- B. If the resolution of the Complaint is defined as UNFOUNDED, UNSUBSTANTIATED or EXONERATED, the City Administrator will inform the complainant of the determination and no further action shall be taken by the City.
- C. If the Complaint was SUSTAINED and the result is a Minor Violation (verbal or written reprimand) the City Administrator will inform the complainant of the result. If a written reprimand is issued and if requested by the complainant the City Administrator will provide the complainant with a copy of the written reprimand, unless prohibited by Minnesota Data Practices Act or other applicable law.
- D. If the Complaint was SUSTAINED and the result is a Major Violation (suspension, demotion or discharge), the results of the investigation shall be documented including a summary of the alleged behavior and results of the investigation. The documentation will be presented to the City Council and the City Council will determine what action shall be taken. After the action has been taken the employee will be informed of the action taken and provided with all documentation from the Complaint, investigation, and City Council Action. The City Administrator will inform the complainant of the result of the City Council's decision and if the complainant requests the City Administrator will provide a copy of the documentation unless prohibited by the Minnesota Data Practices Act or other applicable law, and after providing any required due process to the employee.

**2-14-7 Appeal Process:**

- A. If the Complaint falls under the category of a Minor Violation the decision of the Supervisor is final.
- B. If the Complaint falls under the category of a Major Violation the employee may appeal the decision pursuant to the City's Personnel Policy.

**2-14-8 Minnesota Data Practices Act:**

- A. Any data obtained by the City in connection with a Complaint will be governed by the Minnesota Data Practices Act and all other applicable statutes and rules.

## SECTION 15

### MISCELLANEOUS



Section 2-15-1 Property Damage Reporting  
Section 2-15-2 Personal Use of City Property  
Section 2-15-3 Use of City Vehicles  
Section 2-15-4 Telecommunications  
Section 2-15-5 Keys and Security  
Section 2-15-6 Unauthorized Expenditures

**2-15-1 Property Damage Reporting:** An Employee involved in an incident that results in damage to City property or any other property during the course of conducting City business, must notify their supervisor and the City Administrator immediately and submit a written report of the incident to their Supervisor and City Administrator within two (2) hours of the occurrence unless physically unable to do so.

Vehicle accidents also require a copy of the MN Motor Vehicle Accident Report.

**2-16-2 Personal Use of City Property:** Employees shall not use City time, City-owned supplies, equipment, property, facilities for personal use or any other use that is not in the interest of the City, unless the Employee has the prior approval of the City Council for such use. The City Administrator shall only approve the use, if such use complies with City policies, does not pose a conflict of interest, and is of minimal value.

Personal commercial business activity conducted on City time or with City-owned supplies, equipment, property, or facilities is strictly prohibited.

Unauthorized removal of City property or its conversion to personal use may be cause for discipline up to and including termination.

The City also enforces a separate “Technology Policy.”

**2-15-3 Use of City Vehicles:** City-owned vehicles are to be used only by authorized City Employees for official City business. Employees that drive or may be required to drive City vehicles and equipment are responsible for maintaining a safe driving record and for observing all traffic laws. Seat belts must be properly used at all times. Drivers must have a current, valid driver’s license that is adequate for the type of vehicle being driven. Any Employee who operates a City vehicle without a valid driver’s license will be subject to disciplinary action up to and including dismissal and possible criminal prosecution.

Smoking is not allowed in city vehicles.

Employees with authorization to drive City vehicles will be subject to an annual driver’s license check by the City.

#### **2-15-4 Telecommunications**

Local personal calls should be made only when necessary and preferably during the Employee’s scheduled breaks and lunch periods.

##### 1. Email and Voicemail

Employees are required to check their email and voicemail messages on a daily basis on regular workdays, preferably several times throughout the day. Email use is limited to official city business.

Voicemail greetings and email responses must indicate if an Employee is not available to respond in a timely manner and when a response can be expected.

2. Mobile Telecommunications Use

Mobile technology, including phones, pagers and other wireless devices shall be administered in accordance with the City’s “Technology Policy.”

Employee’s with personal mobile telecommunications devices should use them only when necessary and preferably during the Employee’s scheduled breaks.

**2-15-5 Keys and Security:** Employees are responsible for securing their work area at the end of each day and ensuring the building, confidential files, etc., are properly secured. Employees entrusted with keys are required to maintain their safekeeping and to return them before receiving their last paycheck when employment with the City is terminated. Lost or stolen keys are to be reported immediately.

**2-15-6 Unauthorized expenditures:** Any spending on unbudgeted items must have prior approval of the City Council. In an emergency the City Administrator or Maintenance Supervisor may spend on unbudgeted items with the written approval of two City Council members.

## SECTION 16

### POSITION DESCRIPTIONS

Section 2-16-1 City Administrator

Section 2-16-2 Deputy Clerk

Section 2-16-3 Office Assistant

Section 2-16-4 Maintenance Supervisor

Section 2-16-5 Maintenance Worker

Assignment of job titles, establishment of minimum qualifications, and the maintenance of job descriptions and related records is the responsibility of the City Administrator.

Nowthen City Office  
8188 199<sup>th</sup> Ave. NW  
Nowthen MN, 55330  
(763)-441-1347



Council Meeting Location:  
Historic Townhall  
19800 Nowthen Blvd NW  
Nowthen MN, 55330

## RESOLUTION No. 2024-XX

### A RESOLUTION APPROVING PERSONNEL POLICY CHANGE PHASE 1.

**WHEREAS**, the City Council and staff, along with Project Manager, Genevieve Hirshenboeck have met multiple times to discuss, review and approve a select number of changes to the personnel policy phase 1; and;

**WHEREAS**, the meetings took place November 9, 2023, December 14, 2023, January 9, 2024, February 1, 2024 and February 13, 2024, and;

**WHEREAS**, additional changes are still required to the personnel policy and meetings will be held in the future to review phase 2, to discuss, and approve additional changes.

**WHEREAS**, the changes that have been approved are hereby incorporated into the personnel policy attached and dated 3-12-24 to this resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NOWTHEN** as follows:

1. The recitals set forth above are incorporated herein.
2. The changes to the personnel policy (phase 1) that have been approved in the 2023 and early 2024 meetings are hereby incorporated into the personnel policy attached and dated 3-12-24 to this resolution.
3. The City Council and staff recognize this is not the final updated draft of the personnel policy and phase 2 of the updating has begun and additional work sessions will be needed to complete this task.
4. Approval of phase 1 of the personnel policy dated 3-12-2024.

The motion for the adoption of the foregoing resolution was proposed by Council Member \_\_\_\_\_ and was duly seconded by Council Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor:

And the following voted against the same:

Passed and adopted by the Nowthen City Council this 12<sup>th</sup> day of March, 2024.

CITY OF NOWTHEN

\_\_\_\_\_  
By: JEFFREY M. PILON  
Its Mayor

ATTEST \_\_\_\_\_  
By: SCOTT LEHNER  
Its City Administrator

Recordings of Nowthen City Council Meetings are available on City of Nowthen Youtube channel.



## Nowthen Council Meeting – March 12<sup>th</sup>, 2024

### Opening

Mr. Mayor, members of the City Council, City Staff, and Citizens of Nowthen: The following is the Sheriff's Office report for the Month of February 2024:

### Calls for Service

Sheriff's deputies responded to 125 calls for service.

February 2024 calls for service included:

- 6 to Bar None
- 2 Alarms
- 14 Medicals
- 8 Animal Complaints

### Bar None

On 02/09/2024 at 9:42 PM, ACSO responded to the campus on a report of a juvenile female that fled twice. She was located both times and ultimately agreed to stay on campus.

On 02/15/2024 at 1:59 PM, ACSO responded to the campus on an assault report. The investigating deputy learned that the suspect, a juvenile male, had assaulted a staff member after the staff member attempted to correct his poor behavior. The staff member suffered minor injuries. Charges were recommended against the male for 5<sup>th</sup> degree assault.

On 02/19/2024 at 1:49 PM, ACSO responded to the campus on a report of a juvenile male who had damaged a vehicle in the parking lot. A deputy arrived and found two vehicles in the parking lot with damaged windshields. The suspect was reportedly upset with staff prior to damaging the vehicles. Charges were recommended for damage to property.

On 02/21/2024 at 6:02 PM, ACSO responded to the campus after a juvenile male fled on foot after assaulting staff. He was located and transported back to the campus. No charges were recommended at the request of the staff members.

On 02/29/2024 at 4:33 PM, ACSO responded to the campus to assist with the non-criminal behavior of a juvenile male.

### Noteworthy Incidents

On 02/03/2024 at 11:25 AM, ACSO responded to assist the St. Francis Police Department after SFPD pursued a vehicle into Nowthen. The vehicle was disabled by a pursuit intervention maneuver by SFPD. ACSO assisted with taking the driver into custody at the termination point of the pursuit near 199<sup>th</sup> Ave NW and Iguana St. NW. The driver had multiple warrants and controlled substances were found in the vehicle. A passenger was also arrested for a controlled substance crime.

On 02/16/2024 at 11:07 AM, ACSO responded to the area of Old Viking Blvd. NW and West Ford Brook Dr. NW on a report of a male dancing in the street and blocking a driveway. The deputy arrived in the area and located the male, who appeared to be under the influence of a controlled substance. The deputy determined the male

had a warrant for his arrest for 5<sup>th</sup> degree felony drugs out of Anoka County. The male was arrested, medically cleared, and then booked at the Anoka County Jail.

On 02/18/2024 at 11:12 AM, ACSO responded to the 19700 block of Nowthen Blvd. NW on a report of a suspicious vehicle. The vehicle was reported to be occupied. A deputy arrived and ran the license plate on the vehicle and learned the owner of the vehicle, an adult male, had an outstanding warrant for his arrest. The warrant was for malicious punishment of a child out of Hennepin County. The driver of the vehicle was determined to be the owner. He was arrested on his warrant and booked at the Anoka County Jail.

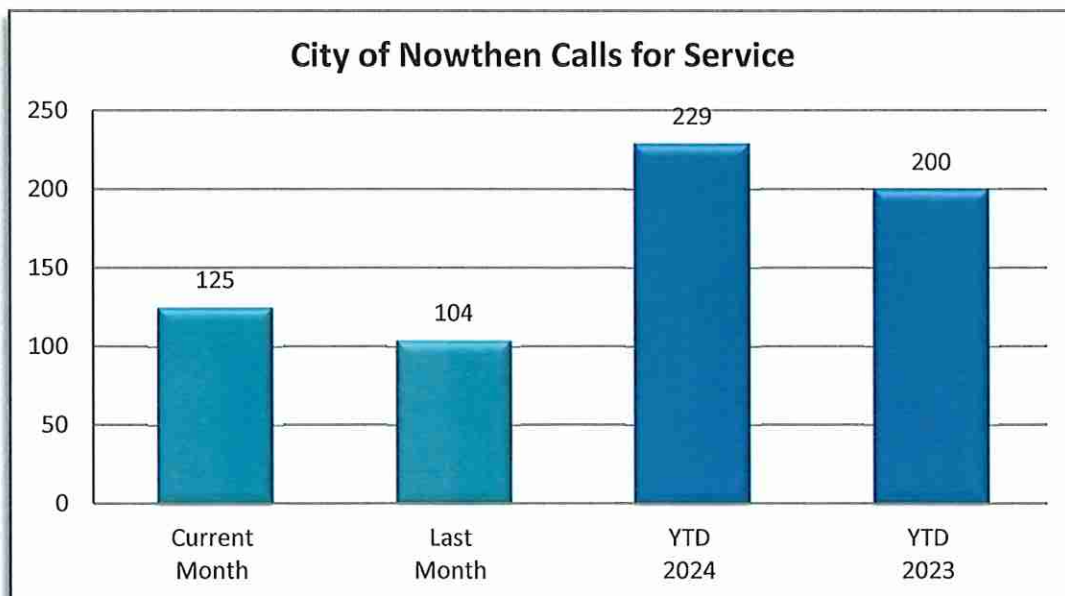
**Closing**

Time for the mayor and members of the council to ask questions.

**PATROL DIVISION**

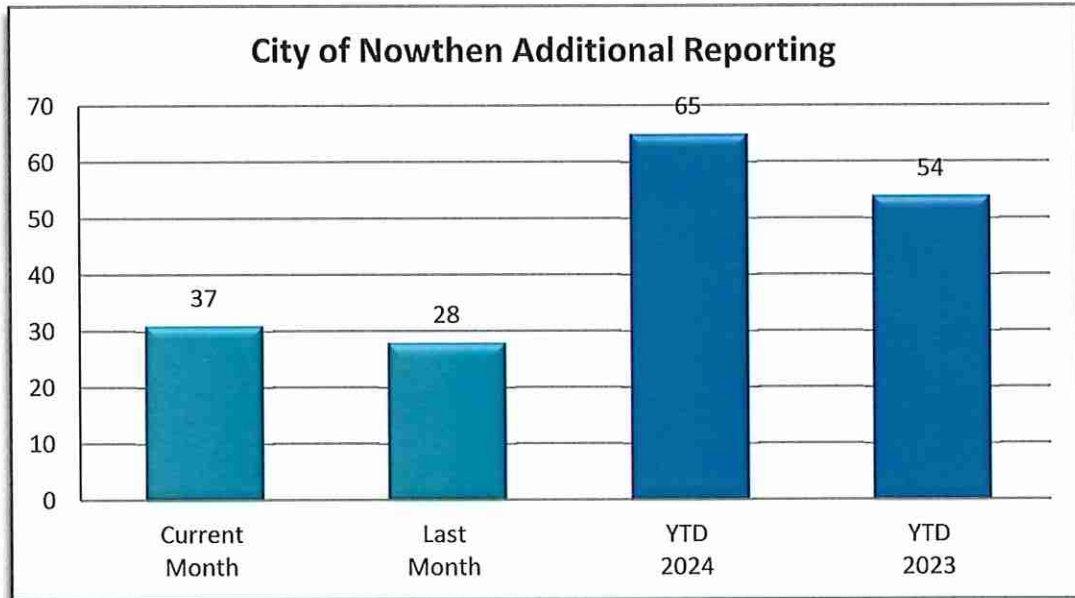
**CITY OF NOWTHEN - JANUARY - FEBRUARY 2024**

OFFENSE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD 2024	YTD 2023
Call for Service	104	125											229	200
Burglaries	0	0											0	1
Thefts	6	0											6	3
Crim Sex Conduct	0	0											0	0
Assault	1	2											3	0
Dam to Property	1	1											2	0
Harass Comm	0	0											0	0
PI Accidents	2	0											2	5
PD Accidents	10	3											13	11
Felony Arrests	1	0											1	3
Gross Misd Arrests	0	0											0	1
Misd Arrests	0	1											1	1
DUI Arrests	0	0											0	1
Drug Arrests	0	0											0	0
Domestic Arrests	1	0											1	0
Warrant Arrests	1	3											4	2
Traffic Stop	63	50											113	78
Traffic Arrests	6	3											9	18





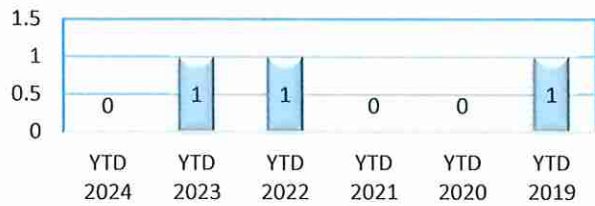
OFFENSE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD 2024	YTD 2023
Bar None Facility	2	6											8	4
Alarms	4	2											6	9
Animal Complaints	8	8											16	17
Fire	0	5											5	1
MV Complaints	0	1											1	0
Medicals	14	14											28	22
Ordinance	0	1											1	1
<b>2024 TOTALS</b>	<b>28</b>	<b>37</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>65</b>	<b>54</b>



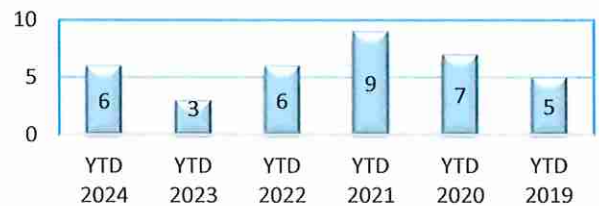
**CITY OF NOWTHEN**

**YEAR TO DATE - FEBRUARY 2019-2024**

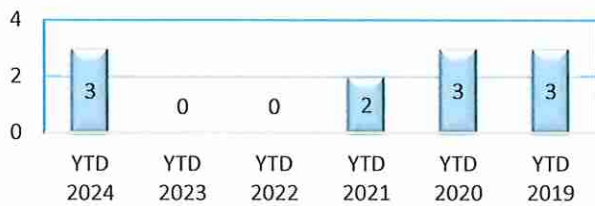
**BURGLARIES**



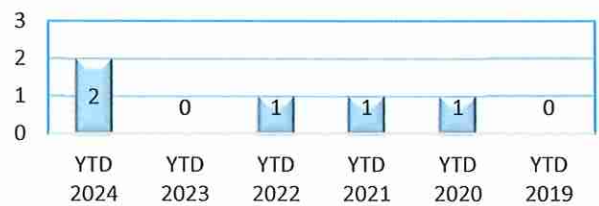
**THEFTS**



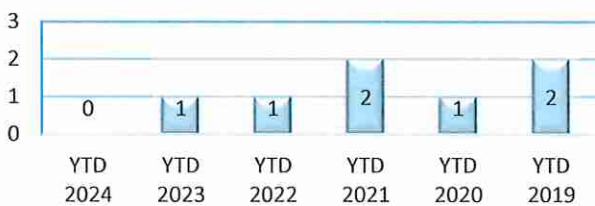
**ASSAULTS**



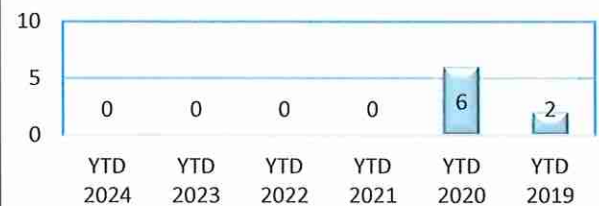
**DAMAGE TO PROPERTY**



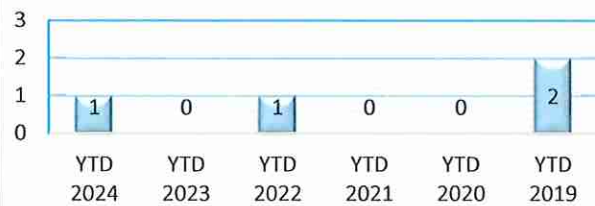
**DUI ARRESTS**



**DRUG ARRESTS**



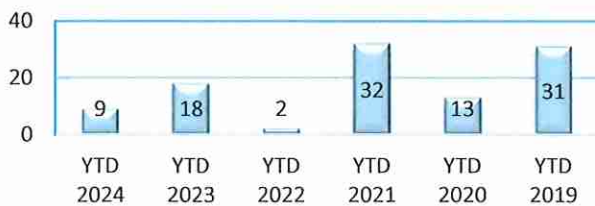
**DOMESTIC ARRESTS**



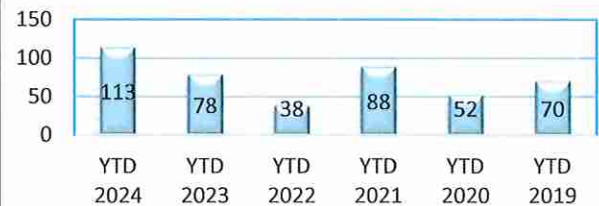
**WARRANT ARRESTS**



**TRAFFIC ARRESTS**



**TRAFFIC STOPS**

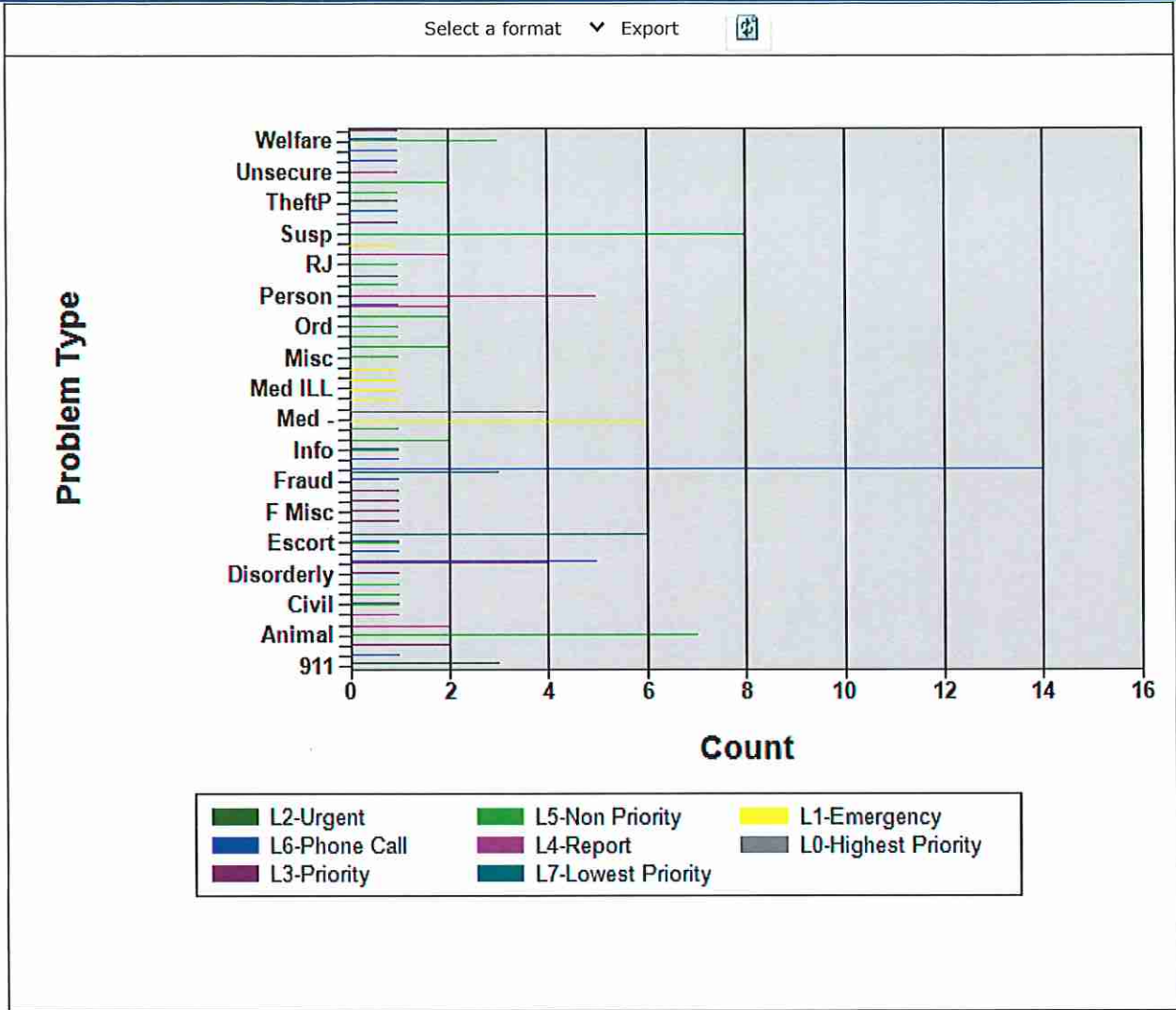


## Problem Type Summary

10:28 AM 03/04/2024

Data Source: Data Warehouse

<b>Agency:</b>	LAW ENFORCEMENT
<b>Division:</b>	Nowthen Law
<b>Day Range:</b>	Date From 2/1/2024 To 2/29/2024
<b>Exclusion:</b>	<ul style="list-style-type: none"> <li>• Calls canceled before first unit assigned</li> </ul>



Priority	Description
0	L0-Highest Priority
1	L1-Emergency
2	L2-Urgent
3	L3-Priority
4	L4-Report
5	L5-Non Priority
6	L6-Phone Call
7	L7-Lowest Priority

Problem Type	Priority								Total
	0	1	2	3	4	5	6	7	
911	0	0	3	0	0	0	0	0	3
Abandon	0	0	0	0	0	0	0	0	0
Abuse	0	0	0	0	0	0	1	0	1
AbuseP	0	0	0	0	0	0	0	0	0
AlarmB	0	0	0	2	0	0	0	0	2





MA	0	0	0	0	0	1	0	0	1
MASS	0	0	0	0	0	0	0	0	0
Med -	0	6	0	0	0	0	0	0	6
Med Alarm	0	0	0	0	0	0	0	0	0
Med Allergic	0	0	0	0	0	0	0	0	0
Med Assault	0	0	0	0	0	0	0	0	0
Med Bleed	0	0	0	0	0	0	0	0	0
Med Breathing Diff	4	0	0	0	0	0	0	0	4
Med Breathing Not	0	0	0	0	0	0	0	0	0
Med Choking	0	0	0	0	0	0	0	0	0
Med Drown	0	0	0	0	0	0	0	0	0
Med Electro	0	0	0	0	0	0	0	0	0
Med Fall	0	0	0	0	0	0	0	0	0
Med Heart	0	1	0	0	0	0	0	0	1
Med Hold	0	0	0	0	0	0	0	0	0
Med ILL	0	1	0	0	0	0	0	0	1
Med Info	0	0	0	0	0	0	0	0	0
Med OB	0	0	0	0	0	0	0	0	0
Med Priority	0	0	0	0	0	0	0	0	0
Med Seizure	0	0	0	0	0	0	0	0	0
Med Stab-Gunshot	0	0	0	0	0	0	0	0	0
Med Stroke	0	1	0	0	0	0	0	0	1
Med Uncon	0	1	0	0	0	0	0	0	1
Medex	0	0	0	0	0	0	0	0	0
Misc	0	0	0	0	0	1	1	0	2
MiscO	0	0	0	0	0	2	0	0	2
Noise	0	0	0	0	0	1	0	0	1
NoTag	0	0	0	0	0	0	0	0	0
Ord	0	0	0	0	0	1	0	0	1
Other	0	0	0	0	0	0	0	0	0
Park	0	0	0	0	0	2	0	0	2
PD	0	0	0	0	2	0	1	0	3
Person	0	0	0	0	5	0	0	0	5
PI	0	0	0	0	0	0	0	0	0
POR	0	0	0	0	0	1	0	0	1
Property	0	0	0	0	0	0	0	0	0
PW	0	0	0	0	0	0	0	0	0
REPO-TOW	0	0	0	0	0	0	0	1	1
RJ	0	0	0	0	0	1	0	0	1
RoadClosure	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
RobberyP	0	0	0	0	0	0	0	0	0
Shots	0	0	0	0	0	0	0	0	0
Slumper	0	0	0	0	0	0	0	0	0
StolenProp	0	0	0	0	0	0	0	0	0
Suicide	0	0	0	0	2	0	0	0	2
SuicideP	0	1	0	0	0	0	0	0	1
Susp	0	0	0	0	0	8	0	0	8
SuspP	0	0	0	1	0	0	0	0	1
Theft	0	0	0	0	0	0	1	0	1
TheftP	0	0	1	0	0	0	0	0	1
Threat	0	0	0	0	0	1	0	0	1
ThreatP	0	0	0	0	0	0	0	0	0
Traf	0	0	0	0	0	2	0	0	2
Tres	0	0	0	0	0	0	0	0	0
UNK	0	0	0	0	0	0	0	0	0
Unsecure	0	0	0	0	1	0	0	0	1
Vand	0	0	0	0	0	0	1	0	1
VandP	0	0	0	0	0	0	0	0	0
VehTheft	0	0	0	0	0	0	1	0	1
VehTheftP	0	0	0	0	0	0	0	0	0
Weapon	0	0	0	0	0	0	0	0	0
Weather	0	0	0	0	0	0	0	0	0
Welfare	0	0	0	0	0	3	1	0	4
WelfareP	0	0	0	0	0	0	0	0	0
WT	0	0	0	1	0	0	0	0	1

Total

<b>4</b>	<b>11</b>	<b>4</b>	<b>13</b>	<b>13</b>	<b>38</b>	<b>32</b>	<b>10</b>	<b>125</b>
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[Go Back](#)

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**BAR NONE REPORTS**

Number	Case Number	Created On	Officer	Officer Involvement	Violation
24030072	24030072	Feb 12, 2024, 2:10:59 PM	FORREST, NOLAN ZPD00812	REPORT	RUNJUV JUVENILE - RUNAWAY
24037295	24037295	Feb 21, 2024, 1:59:08 PM	Hoefs, Matthew A ZPD00486	REPORT	609.595.1(4) Damage to Property - 1st Degree - Value Reduced Over \$1000
24034360	24034360	Feb 23, 2024, 7:36:19 AM	Fjeld, Chris E ZPD00070	REPORT	609.224.1(2) Assault-5th Deg-Inflict or Attempt Bodily Harm
24040098	24040098	Feb 26, 2024, 8:11:21 AM	FORREST, NOLAN ZPD00812	REPORT	DISCON DISORDERLY CONDUCT - NOT CHARGEABLE
24044087	24044087	Feb 29, 2024, 8:05:41 AM	Fjeld, Chris E ZPD00070	REPORT	MISCOFF MISCELLANEOUS OFFICER
24039105	24039105	Feb 29, 2024, 11:32:49 AM	Fjeld, Chris E ZPD00070	REPORT	609.224.1 Assault-5th Degree-Misdemeanor
24039105	24039105	Feb 29, 2024, 11:32:49 AM	Fjeld, Chris E ZPD00070	REPORT	609.72.1 Disorderly Conduct

**ASSAULTS**

Number	Case Number	Created On	Officer	Officer Involvement	Violation
24034360	24034360	Feb 23, 2024, 7:36:19 AM	Fjeld, Chris E ZPD00070	REPORT	609.224.1(2) Assault-5th Deg-Inflict or Attempt Bodily Harm
24039105	24039105	Feb 29, 2024, 11:32:49 AM	Fjeld, Chris E ZPD00070	REPORT	609.224.1 Assault-5th Degree-Misdemeanor

**DAMAGE TO PROPERTY**

Number	Case Number	Officer	Officer Involvement	Violation	IncidentEvent dateReported
24037295	24037295	Hoefs, Matthew A ZPD00486	REPORT	609.595.1(4) Damage to	Feb 19, 2024, 1:47:01 PM

**MISD ARRESTS**

Number	Case Number	Created On	Officer	Officer Involvement	Violation	ArrestChar	ArrestEven Template
ZPD2400105AR		Feb 15, 2024, 4:38:56 PM	Fjeld, Chris E ZPD00070	ARREST	609.224.1(2) Assault-5th Deg-Inflict or Attempt Bodily Harm	M	NOWTHEN ACSO Juvenile Custody

**WARRANTS**

ZPD24001:	24035001	Feb 16, 2024, 11:51:02 AM	Hoefs, Matthew A ZPD00486	ARREST	WARRADLT WARRANT ARREST (ADULT)		NOWTHEN ACSO Adult Arrest
ZPD24001:	24035699	Feb 17, 2024, 8:28:43 AM	Alderink, Justin L ZPD00004	ARREST	WARRADLT WARRANT ARREST (ADULT)		NOWTHEN ACSO Adult Arrest
ZPD24001:	24036558	Feb 18, 2024, 11:52:47 AM	Hoefs, Matthew A ZPD00486	ARREST	WARRADLT WARRANT ARREST (ADULT)		NOWTHEN ACSO Adult Arrest

**CITATIONS**

Number	Case Number	Created On	Officer	Officer Involvement	Violation	Type
2E+10	24043299	Feb 27, 2024, 12:07:32 PM	Hoefs, Matthew A ZPD00486	REPORT	171.24.2 Traffic-Drivers License-Driving After Revocation	
2E+10	24037255	Feb 19, 2024, 1:34:03 PM	Hoefs, Matthew A ZPD00486	REPORT	169.14.2(a) Traffic - Speeding - Exceed Limit	
2E+10	24029195	Feb 9, 2024, 6:33:48 AM	Torborg, Brian N ZPD00253	REPORT	169.14.2(a)(3) Traffic - Speeding - Exceed Limit 55 mph Where Appropriate	WARNING ONLY
2E+10	24026113	Feb 4, 2024, 5:45:07 PM	Hoefs, Matthew A ZPD00486	REPORT	169.14.2(a) Traffic - Speeding - Exceed Limit	

# Collaborative Planning, LLC

## Memorandum

To: City of Nowthen Mayor and Council  
From: Cindy Nash, AICP, EDFP  
Date: March 6, 2024  
Subject: Monthly Update – February 2024

Please accept the following as a general update on the status of various projects and/or developments during the month of February.

### Development Applications in Review

IUP for 8150 Viking (Sota Solar)

- Application was reviewed at the February 22<sup>nd</sup> Planning Commission agenda, and was continued to the March agenda

MacKenzie Hills

- Final Plat application was submitted and is in review. This will be on the March Planning Commission agenda.

Peterson Acres

- A preliminary plat application for Peterson Acres was submitted and is in review. This will have a public hearing at the March Planning Commission meeting.

### Other Items

Nowthen Acres

- Preliminary discussions regarding this proposed subdivision. An application for this is anticipated to be submitted for the April PC meeting.

A&B Welding Residential

- Preliminary discussions regarding a proposed subdivision on this property.

Zoning Ordinance

- Recent adopted ordinance amendments are not all included within the Zoning Ordinance. Gathering information needed to include these adopted amendments within the ordinance.
- Revisions are being prepared to the home occupation section and will be reviewed at the March Planning Commission meeting.

## Scott Lehner

---

**From:** Genevieve Hirschboeck  
**Sent:** Wednesday, March 6, 2024 1:33 PM  
**To:** Scott Lehner; Jeff Pilon  
**Subject:** FW: Nowthen Population Signs

Update on the Nowthen Signs!

### Genevieve Hirschboeck

Special Projects Manager  
City of Nowthen  
Main City Phone: 763-441-1347



**From:** Michael Murphy <Michael.Murphy@anokacountymn.gov>  
**Sent:** Wednesday, March 6, 2024 6:46 AM  
**To:** Genevieve Hirschboeck <Genevieve@nowthenmn.net>  
**Subject:** RE: Nowthen Population Signs

Good morning,

We will get this started, should be able to make all the signs and have them installed by mid-April.

Thanks

**From:** Genevieve Hirschboeck <[Genevieve@nowthenmn.net](mailto:Genevieve@nowthenmn.net)>  
**Sent:** Tuesday, March 5, 2024 4:48 PM  
**To:** Michael Murphy <[Michael.Murphy@anokacountymn.gov](mailto:Michael.Murphy@anokacountymn.gov)>  
**Cc:** Scott Lehner <[slehner@nowthenmn.net](mailto:slehner@nowthenmn.net)>; Jeff Pilon <[mayorpilon@gmail.com](mailto:mayorpilon@gmail.com)>  
**Subject:** Nowthen Population Signs

**EXTERNAL EMAIL ALERT:** This message originated from outside the Anoka County email system. **Use Caution** when clicking hyperlinks, downloading pictures or opening attachments.

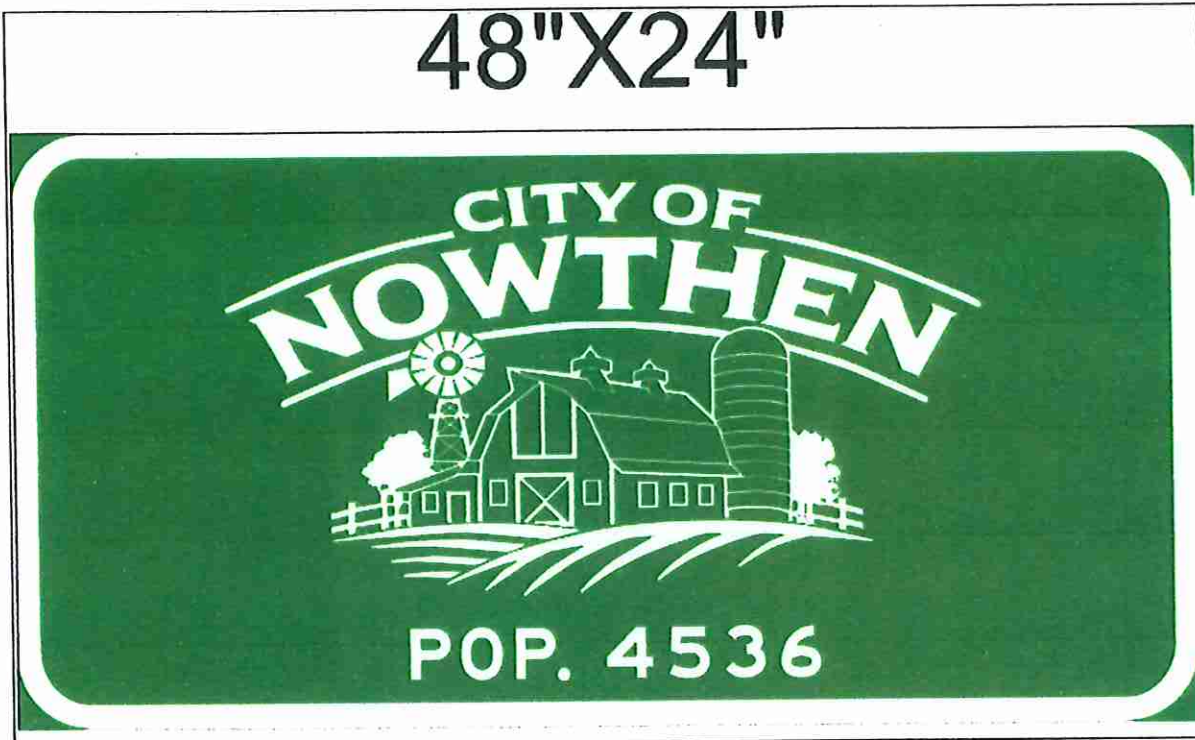
Hi Micheal- It's been great working with you and I'm excited to say, Nowthen is ready to get our new signs installed!

Nowthen would like the 48" x 24" sign with our logo (below and attached) installed to replace each of our non-county signs.



As the county signs need to be replaced, we would like our logo added to those signs.  
As discussed, this can be completed at no cost to Nowthen.

If you could let us know when you have an ETA on the installation, that would be great. Please let me know if you have any questions, Thank you again for all your help!



**Genevieve Hirschboeck**

Special Projects Manager  
City of Nowthen  
Main City Phone: 763-441-1347



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## Chris Riley

---

**From:** Scott Lehner  
**Sent:** Tuesday, March 5, 2024 1:16 PM  
**To:** Natalie Johnson; Chris Riley  
**Subject:** FW: Update - Storage Facilities

Can we add this to the administrator update for the next council meeting please.

Scott Lehner  
City Administrator  
City of Nowthen  
763-441-1347 Office  
(763) 270-6940 Direct Dial  
[slehner@nowthenmn.net](mailto:slehner@nowthenmn.net)



---

**From:** Bill Jacobson <Bill.Jacobson@anokacountymn.gov>  
**Sent:** Monday, March 4, 2024 7:34 PM  
**To:** Scott Lehner <slehner@nowthenmn.net>; Jeff Pilon <mayorpilon@gmail.com>  
**Subject:** Update - Storage Facilities

Good Evening –

I spoke with our investigators and here is what has been done so far w/the owner:

- Spoke with him a length about theft and burglary prevention measures he can take
- Pointed out current issues at the properties
- Referred him to the FLOCK safety system for him to explore adding them to his properties

Other steps:

- Increased patrol at the locations
- Increased patrol by non-sworn staff at the location including reserve officers and CSOs
- Obtained the gate code for both locations and passed it on to all deputies

That is all for now. We will continue to keep an eye on the problem.

Thanks,

**Bill Jacobson #333**  
Chief Deputy



**Anoka County Sheriff's Office**

Direct: 763-324-5002

[bill.jacobson@anokacountymn.gov](mailto:bill.jacobson@anokacountymn.gov)

13301 Hanson Blvd NW

Andover, MN 55304

*"To protect and serve the community in a manner  
that preserves the public trust."*

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## REQUEST FOR COUNCIL ACTION

Agenda Item: <b>9B1</b>	Department: Administration	Requested Council Meeting Date: March 12, 2024	Submitted By: Scott Lehner, City Administrator
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**TITLE OF ISSUE: Extending the Project Manager for another 6 months**

**BACKGROUND AND SUPPLEMENTAL INFORMATION:**  
 Genevieve Hirschboeck has been working for the city for almost 6 months. The term we can have her is 180 days, which will be up March 29<sup>th</sup>, 2024. Many projects have been completed, however, there are several projects still waiting to be completed including Phase 2 of the personnel policy. It is the recommendation of staff to give her the required 35 days off and bring her back to complete additional projects at the same rate of pay for another 180 days. If after the additional 180 days there are projects to complete, they will have to be completed by existing staff as extending another 180 days is not possible with the PERA rules.  
 Genevieve agrees with this plan but has spoken with me about possibly transitioning to a contractor later this year if we are still in need of a project manager, (which I believe we will be)  
 We will have to set aside funds during our 2024 budget discussions if we would like to consider moving to having our project manager as a contractor and not a city employee.

**SOURCE OF FUNDING:** 100-41420-101

**REQUESTED COUNCIL ACTION:** Approve Resolution 2024-XX to extend the Project Manager position for an additional 180 days. Discuss the option of possibly moving this position to a contracted position and add money to the 2024 budget to cover the cost of doing this.

**SUPPORTING DOCUMENTS ATTACHED:**

Resolution	Ordinance	Contract	Minutes	OTHER
X				



## Example of weekly report

### WEEKLY STATUS REPORT

**Employee:** Genevieve Hirschboeck **Date:** 3/1/2024 **Week of:** 2/26-3/1

#### GENEVIEVE'S PROJECTS FOR THIS WEEK

**1. Personnel Policy: Phase 2**

- a. Review all of the Personnel Policy to finalize items to research for Phase 2 **\*In Progress\***
- b. Create list of items for updates based on State, Federal and LMC guidelines **\*In Progress\***
- c. Create list of items for Council Review and Approval **\*In Progress\***

**2. City Code Compliance Action Plan: \*Added 1/31\***

- a. Finalize new Code Complaint proposed process **\*In Progress\***
- b. Review and finalize letter templates **\*In Progress\***
- c. Update Chapter 1 Section 5 of Nowthen's Policy
- d. Compile top trends from 2023 complaints received

**3. Website:**

- a. Update Nowthen Seniors information
- b. Research .gov<sup>1 2</sup> **\*In Process\***
- c. Add Search Functionality **\*In Process\***
- d. Change colors so text is ADA compatible **\*In Process\***
- e. Update fonts to Web Safe fonts **\*In Process\***

#### COMPLETED PROJECTS

<b>Personnel Policy</b>	<p><b>Personnel Policy Phase One</b></p> <ul style="list-style-type: none"><li>• Add and update electronic Personnel Policy based on hand-written notes from Frank and others</li><li>• Compare Definitions in Nowthen's Personnel policy and per the LMC model policy</li><li>• Finalize decisions needed and LMC comparison/recommendations for Administrator and mayor</li><li>• Update Personnel Policy findings based on meeting with Admin and Mayor</li><li>• Create draft proposed Red Lined Personnel Policy to present to council</li><li>• Add Short-Term, Long-Term and Life Insurance</li><li>• Compare other MN cities benefits and create grid for council</li></ul> <p><b>11/9 Phase 1 Presentation to Council</b></p> <ul style="list-style-type: none"><li>• Document meeting notes from Personnel Policy meeting</li></ul>
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<sup>1</sup> <https://get.gov/updates/2023/10/13/transition-update/>

<sup>2</sup> [https://www.cisa.gov/sites/default/files/2022-11/DOTGOV\\_Domain\\_Fact-Sheet\\_508\\_0.pdf](https://www.cisa.gov/sites/default/files/2022-11/DOTGOV_Domain_Fact-Sheet_508_0.pdf)



- Research and complete Take aways from personnel policy presentation 11/9
- Create agenda for 11/27 meeting

#### **11/27 Phase One Presentation to Council**

- Document council decisions and action items from 11/27 and combine with Natalie's notes
- Update Council Member Rainville's suggested changes on Personnel Policy based on 11/27 meeting
- Update original Proposed Personnel Policy changes document based on 11/27 meeting
- Update Redlined Personnel Policy with updates from 11/27 meeting
- Add all new verbiage requested at 11/27 meeting
- Add ESST summary and documentation
- Create EMB and STD comparison chart
- Create agenda for 12/14 meeting with all outstanding items

#### **12/14 Phase One Presentation to Council**

- Create Personnel Policy Acknowledgement e-sign form
- Add STD, LTD, Life Insurance and Vision information
- Create detailed PTO chart based on Council discussion
- Finalize notes from 12/14 meeting
- Update Agenda for 1/9 Council Work Session
- Update Redlined Personnel Policy to remove approved changes and only leave items to discuss on 1/9

#### **1/9 Phase One Presentation to Council**

- Update Personnel Policy with new verbiage on ESST and PTO Payout provided by LMC
- Complete all approved changes on Policy Phase 1 from Council Work Sessions
- Created list of items that need Attorney Confirmation for Scott and Natalie to review and pass on to Attorney
- Finalize new Red Line personnel policy based on all changes
- Create cover letter for Phase 2 Policy to explain work left to be completed
- Create cover letter for Phase 1 Personnel Policy for 2/1 council work session with outstanding PTO items

#### **2/1 Phase One Council Work session**

- Update Policy based on 2/1 decisions
- Created agenda for Phase 1 final decisions for 2/13 meeting
- Present final Personnel Policy decisions to Council at 2/13 meeting

#### **2/13 Phase One Presentation to Council**

- Update Phase 1 with decisions made at 2/13 meeting
- Update Phase 1 with Attorney comments
- Draft RCA for final approval of Phase One for 2/12 council meeting

#### **Personnel Policy Phase Two**

- Create draft of Phase 2 Personnel Policy with comments of items that will be reviewed and added to Phase 2 agenda as needed
- Create list of items for City Staff to review and provide responses
- Meet with City Staff to document responses
- Create list of items to update based on State, Federal and LMC Guidelines \*In Progress\*



	<ul style="list-style-type: none"> <li>• Create agenda for first council meeting *In Progress*</li> </ul>
<b>Website</b>	<b>Website:</b> Researching new Website vendor was on original list. Website updates and maintenance was added when Madeline left
Website One Time Changes	<ul style="list-style-type: none"> <li>• Met with Civic Plus to review Nowthen's Website's ADA Compliance</li> <li>• Added new quick links to main page: Burning Permits, Calendar, Building Permits</li> <li>• Added News and Events Rotating Banner to Home Page</li> <li>• Created template for Upcoming Events Calendar</li> <li>• Created new Burning Permit Page</li> <li>• Updated Pages: Home, Fire Dept, Sheriff, Elections, Parks and Facilities, Recycling, Snow Removal and Winter Parking, Current Job Openings, Upcoming Events, Anoka County News Blasts, Nowthen Farmer's Market, Nowthen Heritage Festival, Nowthen Knights, Nowthen Lions, Nowthen Spotlights and Contact</li> </ul>
Website Updates In Process	<ul style="list-style-type: none"> <li>• Create fillable, e-signable forms for all resident forms</li> <li>• Remove text from overlaying photo backgrounds</li> <li>• Update background colors</li> <li>• Update Text- Font, size, style, color</li> <li>• Review each page for broken links</li> <li>• Review each page for inaccurate information</li> <li>• Review and update Mobile View</li> </ul>
Website Regular Updates	<ul style="list-style-type: none"> <li>• Monthly calendars</li> <li>• Council Meeting dates, information, and agendas</li> <li>• P &amp; Z Meeting dates, information, and agendas</li> <li>• Office and Recycling Closures and updated hours</li> <li>• News and Events</li> <li>• Election Information</li> <li>• Nowthen Resident Highlights</li> </ul>
<b>Nowthen Population Signs</b>	<ul style="list-style-type: none"> <li>• Document current population sign type and location</li> <li>• Gather new logo population sign prices from County</li> <li>• 11/14 Create RCA for council decision on new logo population signs for Nov Council meeting</li> <li>• Create new Mock up based on council feedback, sent to Anoka County</li> <li>• 12/12 Confirm 2024 prices, timeframe, and next steps with Michael at Anoka County</li> <li>• 1/26 Call with Michael at Anoka County</li> <li>• New option of 48 x 24 sign at No Cost to city for all 7 non-county signs</li> <li>• Nowthen logo will be added to County signs as each is replaced</li> <li>•</li> </ul>
<b>Permits</b>	<ul style="list-style-type: none"> <li>• 11/16 meeting with Rum River to discuss Baseline online permitting system</li> <li>• Review all current information for MNSpect permits</li> <li>• Updated Building Department Webpage - Removed Inaccurate Permit Fee link, Removed inaccurate Electrical Inspection Link and replace with correct contact information for Electrical Inspections</li> <li>• 12/21 meeting with MNSpect on Permitting and Code Compliance services</li> <li>• Compare offerings from MNSpect and Rum River based on initial meetings</li> </ul>

	<ul style="list-style-type: none"> <li>• 1/5 Create initial vendor comparison chart for online Permitting services from MNSPECT and Rum River Consulting</li> <li>• 1/8 meeting Rum River to discuss Baseline and Code Compliance options</li> <li>• 1/10 meeting with Rum River to discuss Code Compliance</li> <li>• Add Code Compliance to MNSPECT and Rum River vendor comparison chart</li> <li>• Worked with MNSPECT and Rum River consulting to confirm information on vendor comparison chart is accurate</li> <li>• Created final Permitting Vendor Comparison Chart</li> <li>• Created final Code Compliance Vendor Comparison Chart</li> <li>• Updated Building Department Webpage - Removed all MNSpect information and existing forms. Worked with Rum River to add their information, created links to Rum River, Rum River's Nowthen page, and Baseline</li> </ul>
<b>Code Compliance</b>	<ul style="list-style-type: none"> <li>• Create interactive complaint log in Excel that prints to PDF</li> <li>• Create Paint by numbers for new complaint log</li> <li>• Create fillable resident complaint form for residents to complete online</li> <li>• Add all manually created code complaints from 2023 to new log</li> <li>• Work with Liz Stockman to get Code Compliance information</li> <li>• Review and update proposed Code Compliance process</li> <li>• Review and update Code Compliance letter templates</li> <li>• Researched Mediation option as part of City Code Complaints</li> <li>• Meeting with Carrie from RR to discuss Code Compliance in greater detail</li> <li>• Compile Nowthen action items for Code Compliance</li> </ul>
<b>ORG Chart</b>	<ul style="list-style-type: none"> <li>• Create Nowthen Org Chart based on current structure</li> <li>• Update ORG chart based on 1/16 meeting</li> <li>• Create 2nd version of Proposed Structure</li> </ul>
<b>ESST</b>	<ul style="list-style-type: none"> <li>• Watch recorded and attend live LMC and MN State recorded webinars</li> <li>• Compile all new information from November updates on who is eligible, payout and Rollover</li> <li>• Confirm PTO can fulfill all requirements provided it's listed on each paycheck</li> <li>• Confirm with Natalie the Banyon options for Nowthen paychecks</li> </ul>
<b>Planning and Zoning</b>	<ul style="list-style-type: none"> <li>• Review and Update Planning and Zoning Webpage</li> <li>• Review and Update Planning and Zoning Commission Page</li> <li>• Update 2024 Application Schedule</li> <li>• Replace all contact information from Liz to Cindy Nash</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>• Job Posting for Admin Assistant- Updated Current Openings page, created Now Hiring announcement for home page, created QR code and flyer to post around the city and in City Office</li> <li>• Update current Action register to be sortable and interactive</li> <li>• Research and gather City Employee Performance Evaluation Templates</li> <li>• Created Weekly Status Report Template</li> <li>• Provided Next Steps needed in response to Siren email from Val</li> <li>• Created Paint By Numbers template</li> <li>• Completed Paint by numbers for wirelessly connecting laptops to conference room TV</li> <li>• Completed set up and Paint by numbers for attending Zoom calls in conference room</li> </ul>



## FUTURE OR ONGOING PROJECTS

<p><b>City Policy Updates Phase Two</b></p>	<ul style="list-style-type: none"> <li>• Personnel Policy Phase Two             <ul style="list-style-type: none"> <li>○ State, Federal and LMC guidelines</li> <li>○ City changes</li> </ul> </li> <li>• Chapter 1</li> <li>• Chapter 3</li> <li>• Sub policies</li> <li>• Technology Policy</li> <li>• Data Retention Policy</li> <li>• Drug and Alcohol Policy</li> </ul>	
<p><b>Written Reprimands</b></p>	<p>Create template for Written Reprimands</p>	
<p><b>Code Compliance</b></p>	<ul style="list-style-type: none"> <li>• Compile all Code documents into one file</li> <li>• Ensure 2023 ordinances have been codified and add</li> <li>• Ensure Codified ordinances meet LMC and State requirements</li> <li>• Create FAQ for common code questions from residents</li> <li>• Create searchable code on the website</li> <li>• Create Code Compliance Action Plan             <ul style="list-style-type: none"> <li>○ Order and timeframe for each action</li> <li>○ Update fees for violations</li> <li>○ Determine cap for fee amount</li> <li>○ Determine abatement or legal action</li> </ul> </li> <li>• Update all Code Compliance letter templates             <ul style="list-style-type: none"> <li>○ Citation Notice</li> <li>○ Admin Notice</li> <li>○ Notice of potential code violation</li> <li>○ Action Plan</li> <li>○ Complainant response when no violation found</li> </ul> </li> <li>• Add Mediation</li> </ul>	
<p><b>Meeting Agenda cost comparison</b></p>	<p>Compare paper council notes to cost of tablet – <b>Chris and Sue to document process, time, and paper consumption for paper packets</b></p> <p>Research two tablet options</p> <p>Add 6 licenses for Council and Mayor Email addresses – <b>Natalie confirmed with RB</b></p>	
<p><b>City Ordinances</b></p>	<p>Review and make recommendations to meet current state and federal laws</p>	
<p><b>CUP and IUP</b></p>		



Nowthen City Office  
8188 199<sup>th</sup> Ave. NW  
Nowthen MN, 55330  
(763)-441-1347



Council Meeting Location:  
Historic Townhall  
19800 Nowthen Blvd NW  
Nowthen MN, 55330

## RESOLUTION No. 2024-XX

### A RESOLUTION APPROVING THE EXTENSION OF PROJECT MANAGER POSITION FOR ANOTHER 6 MONTHS.

**WHEREAS**, Genevieve Hirschboeck has been working for the city for almost 6 months. The term we can have her is 180 days, which will be up March 29<sup>th</sup>, 2024, and;

**WHEREAS**, Many projects have been completed, however, there are several projects still waiting to be completed including Phase 2 of the personnel policy and;

**WHEREAS**, It is the recommendation of staff to give her the required 35 days off and bring her back to complete additional projects at the same rate for another 180 days. If after the additional 180 days, there are projects still to complete, they will have to be completed by existing staff as extending another 180 days is not possible with the PERA rules.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NOWTHEN** as follows:

1. The recitals set forth above are incorporated herein.
2. The City Administrator is authorized to extend the Project Manager's employment for an additional 180 days. This would be May 3<sup>rd</sup>, 2024, to October 30<sup>th</sup>, 2024.

The motion for the adoption of the foregoing resolution was proposed by Council Member \_\_\_\_\_ and was duly seconded by Council Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor:

And the following voted against the same:

Passed and adopted by the Nowthen City Council this 12<sup>th</sup> day of March 2024.

CITY OF NOWTHEN

\_\_\_\_\_  
By: JEFFREY M. PILON  
Its Mayor

ATTEST \_\_\_\_\_  
By: SCOTT LEHNER  
Its City Administrator



## REQUEST FOR COUNCIL ACTION

Agenda Item: <b>9B2</b>	Department: Recycling	Requested Council Meeting Date: March 12, 2024,	Submitted By: Scott Lehner, City Administrator
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**TITLE OF ISSUE: APPROVE RESOLUTION 2024-XX TO ADD BICYCLES TO THE FREE ITEMS WE ACCEPT AT THE RECYCLING CENTER**

**BACKGROUND AND SUPPLEMENTAL INFORMATION:**

Staff are requesting that we add bicycles to the free items that we accept at the recycling center. Staff attended a tour of a local organization called Bikes4kids that accepts used bikes, repairs the ones that are repairable and donates them to local churches, shelters, social services, schools and other organizations and individuals that are in need of bikes. The ones they deem unrepairable are either shipped to Africa or sent to Recovery Bikes or Alter Metals. Bikes4kids is fully staffed by volunteers that donate their time to this worthy cause. At this time there is no charge for them to pick up the bikes from us when we accumulate 10 or more. There is room in the back of the recycling center for the temporary storage of the bikes between pickups. This will be a great service for the residents and an opportunity to give back and not just throw the bikes away. We will receive credit for this on the Anoka County SCORE Grant Application by adding points to our total available for accepted items.

**SOURCE OF FUNDING:** N/A at this time.

**REQUESTED COUNCIL ACTION:**

Approve Resolution 2024-XX to allow the recycling center to accept bicycles to be donated to Bikes4kids.

**SUPPORTING DOCUMENTS ATTACHED:**

Resolution	Ordinance	Contract	Minutes	OTHER
X				X



February 13, 2024

**Bikes4Kids Meet & Greet/Meeting/Tour**

**16501 Buchanan St NE**

**Ham Lake, Mn 55304**

Attendees: Director Julie, Board Chair Gary, Mgr Byron, Sue Dole (Anoka Cty), Ginger (Bethel), Dallas (E. Bethel), Sue & Steve (Nowthen), Also Rep from Andover (missed her name)

General Information:

Started 12 years ago as a Kiwanis project for donating bikes to Anoka Cty at Christmas

They take in approx.. 6000 bikes per year, 1300 can be used locally, 1500 are sent to Africa, some to Recovery Bikes (another helpful organization), and the remainder to Alter Metals (these numbers are averages)

Everyone that works there is a volunteer with the exception of Julie. They operate all year long 6 days per week. Today we met 9 volunteers.

They work with local churchs, shelters, social services, schools etc.

On the website they have a form that get filled out with the information about the person or persons in need of a bike. Gender, size, age etc. This ensures that the proper bike is given out. The general public cannot come for or apply for bikes as the organization has no way to know if there is real need.

They currently will pick up within a 20 mile radius if there are enough bikes for pickup. There is currently no charge but as the volunteers use their own vehicles and gas this might change to a very small fee. There is no fee to drop off.

When the bikes come in, they enter "triage" where it is determined if they will stay at Bikes4Kids and be repaired and given out or if they will go to Africa or in the Alter Rolloff. The bikes that are deemed to be salvageable, are then sorted by appropriate needs and states of repairs.

A lot of the bikes that go to Alter have been stripped of all usable parts to be used on repairable bikes. The organization gets financial donations to help with new parts and equipment and the money from the scrap going to Alter is used for the same purpose. They also have groups and organizations that donate new bikes.

I believe that the City of Nowthen should promote this organization and start taking bikes at the recycle center always and at the 2 major recycling events. This will help needy people and make the people donating the bikes feel good about what they are doing. It also helps to reduce what is thrown away. Promoting the cause of "Reduce,Reuse,Recycle".

At this time there will be no cost to have the bikes picked up from the recycling center if we have a min of ten to pick up. This may change in the future but this is something that can be reimbursed thru the SCORE Grant. Also the time of the staff. I would like to get a page in the newsletter to promote. Also add to website under what we take.

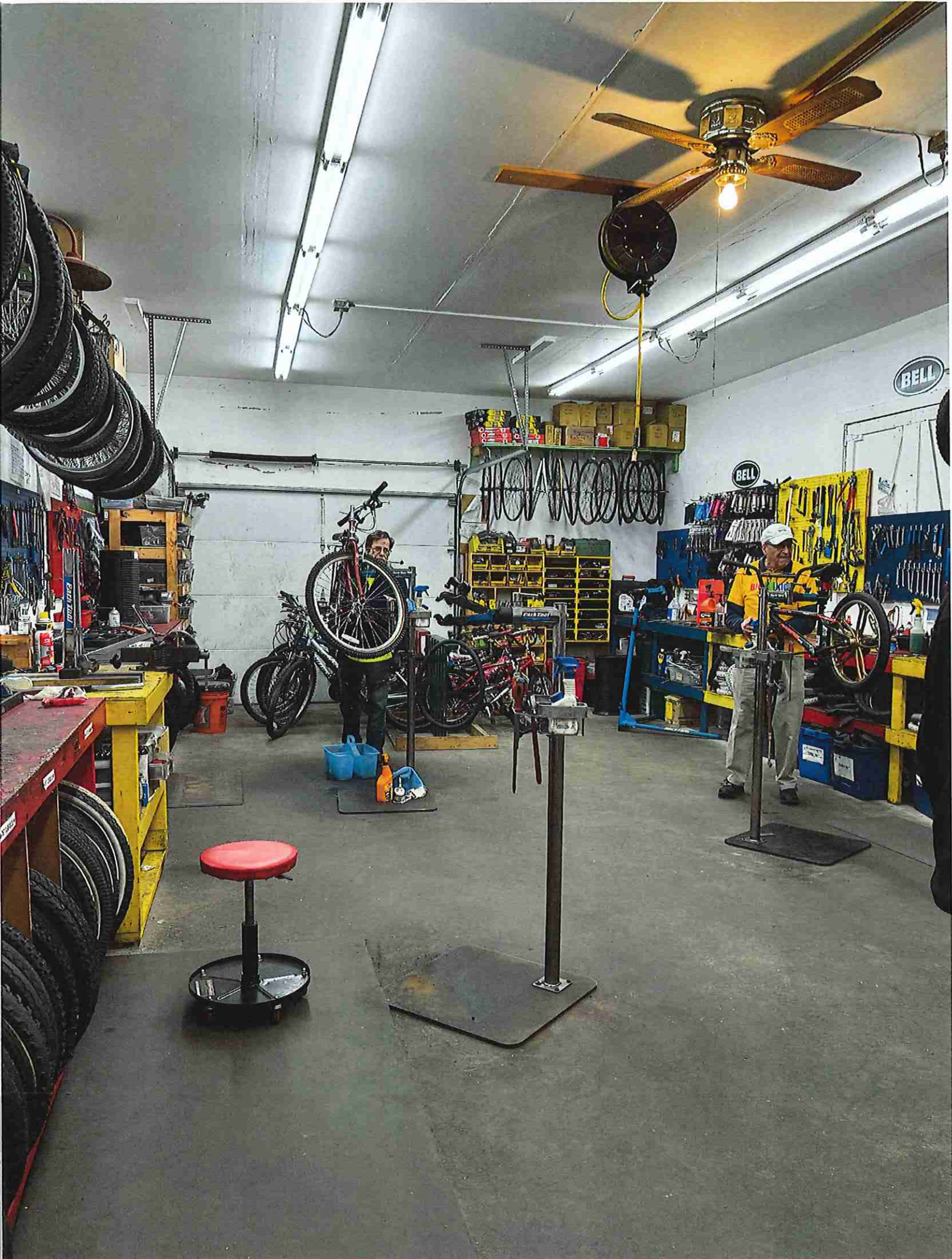
One huge takeaway is how hard they work to keep, fix and donate quality bikes that are in good shape and safe. This helps the receiver to know they are valued and getting something nice.



 **BIKES  
KIDS** and people in need [www.bikes4kidsmn.org](http://www.bikes4kidsmn.org)







BELL

BELL













Nowthen City Office  
8188 199<sup>th</sup> Ave. NW  
Nowthen MN, 55330  
(763)-441-1347



Council Meeting Location:  
Historic Townhall  
19800 Nowthen Blvd NW  
Nowthen MN, 55330

## RESOLUTION No. 2024-XX

### A RESOLUTION APPROVING/AUTHORIZING THE ACCEPTANCE OF BICYCLES AT THE RECYCLING CENTER

**WHEREAS**, the City of Nowthen residents would benefit from the recycling center accepting bicycles at no charge, and;  
**WHEREAS**, Bikes4Kids will pick up the bikes from the recycling center at no charge to the City of Nowthen, and;  
**WHEREAS**, accepting bicycles will give the City of Nowthen additional points on the SCORE Grant thru Anoka County.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NOWTHEN** as follows:

1. The recitals set forth above are incorporated herein.
2. The City Administrator and staff are authorized to begin accepting bicycles at the recycling center at no charge.

The motion for the adoption of the foregoing resolution was proposed by Council Member \_\_\_\_\_ and was duly seconded by Council Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor:

And the following voted against the same:

Passed and adopted by the Nowthen City Council this 12<sup>th</sup> day of March, 2024.

CITY OF NOWTHEN

\_\_\_\_\_  
By: JEFFREY M. PILON  
Its Mayor

ATTEST \_\_\_\_\_  
By: SCOTT LEHNER  
Its City Administrator