

AGENDA  
Nowthen City Council  
March 9, 2021  
@ 7:00 PM

1. Call to Order
  - Pledge of Allegiance
  - Roll Call
  - Approve Agenda
2. Public Hearing – Carr's Tree Service/McCallum Property, 19477 St. Francis Blvd.  
Interim Use Permit – Outdoor storage/gravel surfacing. Variance-paving requirement/outdoor storage surfacing.
3. Consent Agenda:
  - a) Approve City Council Special Meeting Minutes of 02-09-2021
  - b) Financial Report: Approve Treasurer's Report, and Claims dated February 3, 2021 through March 9, 2021.
  - c) RCA Approving the 2021 Farmers Market Lease Agreement between Rademacher Family Partnership
  - d) RCA Appointing the Nowthen Farmers Market Council Liaison, Market Coordinator. Assistant Market Coordinator and Market Manager and Approving Staff Support for the Market
  - e) Resolution 2021-09 Approving Voluntary Cost Sharing Agreement for Anoka County Economic Development
4. Floor Items
5. Sheriff's Report
  - Meet the Deputies
6. Fire Department
  - a) Approval of Policies for the Nowthen Fire Department
  - b) Authorization to Hire Firefighters transitioning from Ramsey Fire
7. Planning & Zoning
  - a) Carr's - 19477 St. Francis Blvd, Public Hearing - Outdoor Storage and 20 foot Variance from Bufferyard Setback
  - b) Leistico - Preliminary and Final Plat, CUP for Street Paving Deferral
  - c) Ordinance 2020-04 Snow Removal
  - d) Self-Storage Facilities
  - e) Illegal Habitation - 19111 Cleary Road and 5270 189th Avenue
  - f) IUPs and CUPs
8. Fee Schedule
  - a) Discussion and Approval
9. Employee Personnel Policy  
RCA – Councilmember Rainville
10. For the Good of the Council
11. Adjourn



3601 Thurston Avenue  
Anoka, MN 55303  
763.231.5840  
TPC@PlanningCo.com

## MEMORANDUM

TO: Nowthen City Council

FROM: Elizabeth Stockman

DATE: 1 March 2021

RE: Nowthen - Carr's Tree Service/McCallum Property, 19477 St. Francis Blvd.  
Interim Use Permit – Outdoor Storage/gravel surfacing  
Variance – paving requirement/outdoor storage surfacing

TPC FILE: 122.02 -21.04

**Revised Site Plan & Variance.** Carr's Tree Service has submitted a revised site plan, in response to the recommendations made at the 23 February 2021 Planning and Zoning Commission (PZ) meeting, which addresses the highlighted items noted in the PZ Findings of Fact. The revised site plan shows the buffer along the south property line having been increased from 58 feet to 80 feet, resulting in a 20-foot Variance request to allow the required turning radius/maneuvering for tree trucks and trailers. The Variance was noticed in the February 26, 2021 edition of the Anoka County Union Herald.

**Emerald Ash Borer.** Regarding the question at the PZ meeting about Emerald Ash Borer (EAB), Mr. Amundson states that there are no laws or restrictions about bringing wood into a quarantine area, only out of it. Carr's Tree will not be taking wood out of the quarantine area. See the map on the following page showing quarantine boundaries.

The EAB is a serious invasive tree pest, and consequently a quarantine has been placed to help slow the spread of EAB to other areas in Minnesota. These are considered regulated articles by the MDA:

- Ash logs and lumber
- Ash tree waste
- Ash chips and mulch
- All hardwood firewood

No regulated articles are legally allowed to move outside of a quarantine (untreated or treated), unless they are accompanied by a MDA certificate. MDA Certificates are only available

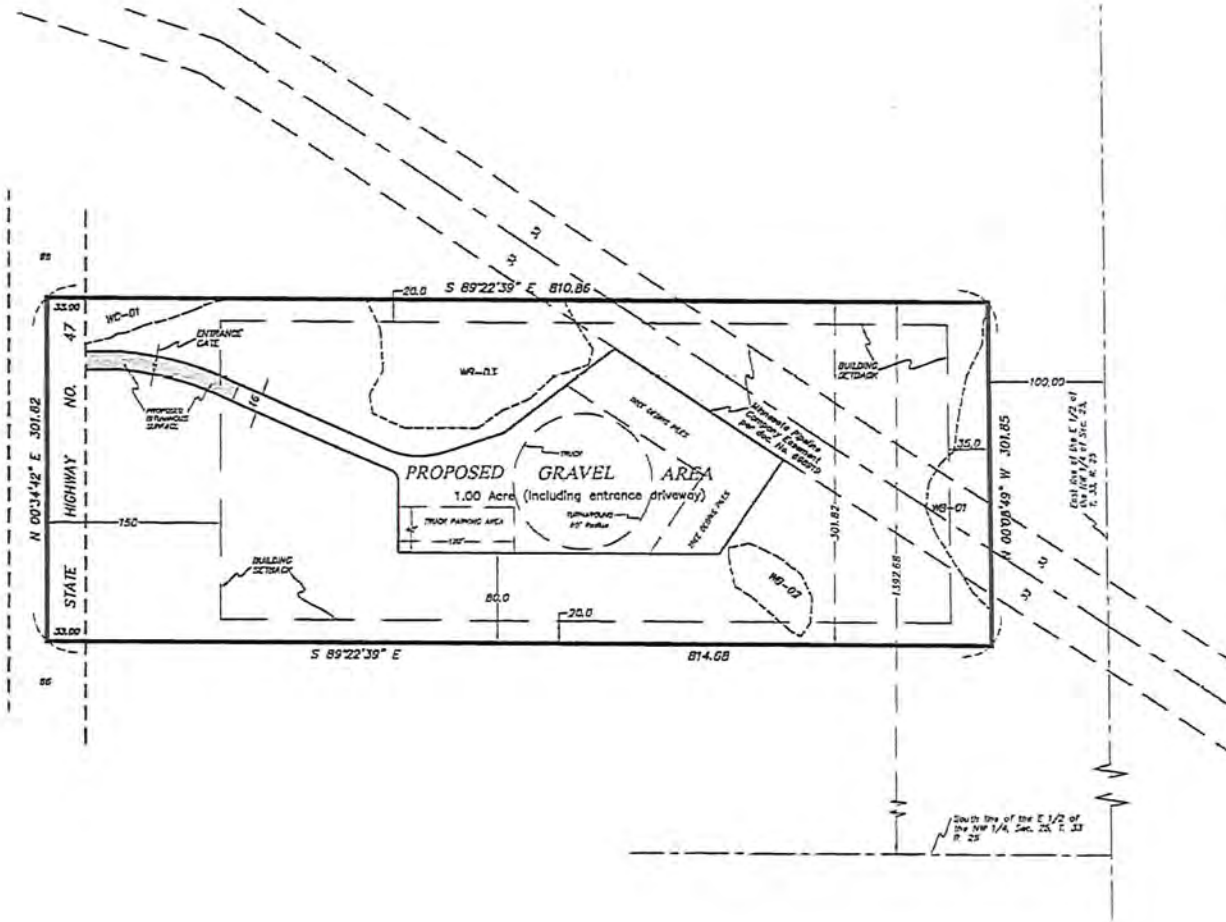
when a Compliance Agreement (CA) is signed between the Minnesota Department of Agriculture and a company, city, county, agency, or organization interested in moving the regulated article.

<b>Anoka County EAB Disposal Sites</b>		
<b>Facility</b>	<b>Contact #</b>	<b>Who can drop off</b>
<b>Bunker Hills Compost Site</b> 13285 Hanson Boulevard, Coon Rapids	763-767-7964	Commercial or Residential
<b>Chain of Lakes Wood Waste Site</b> 7701 Main Street, Lino Lakes	763-767-7964	Residential Only
<b>Rivard Companies, Inc. DBA Central Wood Products</b> 19801 Highway 65 NE, East Bethel	763-753-7888	Commercial or Residential

**Oak Wilt.** The MN DNR website states that diseased Oak logs and branches from infected red and bur oak may produce infectious spores in the summer, autumn, or spring following wilt. The spore production risk in bur oak is small, and it is almost zero in white oak. It also is unlikely in red oak with branches under 3 inches in diameter. For red oak branches larger than 3 inches in diameter, we recommend the following options:

1. Cut down infected oaks before April. Make sure you cut the stumps as close to the ground as possible. Burn, debark, or chip logs and larger branches before April. You may burn fresh oak wood in an outdoor boiler if you mix it with dry wood. Chips and bark will not spread infection so they can be left on site.
2. Process diseased logs into lumber or kiln-dry before April.
3. Tarp wood from April through August. You must completely bury the tarp's edges in the soil to prevent sap beetles from coming into contact with spores. Also, the tarp should be thick enough to prevent punctures. Diseased oak logs and branches will only produce spores once, so oak trees or logs seasoned over one year from tree death will not be infectious.

C: Lori Streich  
Ellen Lendt  
Marie McCallum  
Evan Amundson



**PROPERTY DESCRIPTION:**  
 That part of the north 301.62 feet of the South 132.50 feet of the East Half of the Northwest Quarter of Section 25, Township 33, Range 25, Anoka County, Minnesota, 19th East of the centerline of State Highway No. 47, Extending therefrom the East 100.00 feet of said East Half of the Northwest Quarter,  
 Containing 5.63 acres more or less

**PROPERTY ADDRESS:**  
 19477 Saint Francis Blvd.  
 Nowthen, MN 55353

**CURRENT ZONING:**  
 C1 - COMMERCIAL DISTRICT

**SURVEYORS NOTES:**  
 The property boundaries shown on this Site Plan are based on Anoka County section subdivision data and the Certificate of Survey prepared by L&L Survey Company, Inc. dated November 2, 1958. No field verification was undertaken in preparation of this Site Plan.  
 This Site Plan was prepared without the benefit of a title commitment. No search for assessments or restrictions, recorded or unrecorded, was made by the surveyor.  
 Easements shown are based on the Anoka County Coordinate System NAD 83 1985 adjustment.  
 Topography shown on this Site Plan was acquired from the Anoka County GIS data base. Accuracy is not field verified.

**WETLAND DELINEATION:**  
 Wetland boundaries and wetland delineation shown on this Site Plan are based on a Wetland Delineation Report prepared by Westwood Professional Services dated 2/11/2021.  
 WC Denotes delineated wetland boundary  
 WC Denotes conjectured watercourse



210-00504240  
 Date: 1/14/2021 Sheet: 2 of 2



Traverse points show this plan has been closed by traverse.  
 Aerial photography and field lines are used between L&L and GLS.  
 All work is based on the State Plane Coordinate System.  
 Date of Survey: 1/14/2021  
 Project No: 21002

Surveyor:	Client:
THOMAS van Lier	Carr's Tree Service
	P.O. Box 51
	Ortland, MN 56711

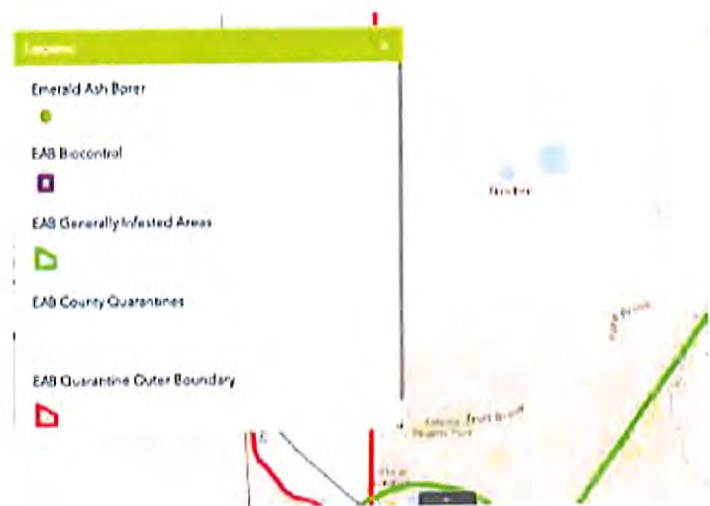
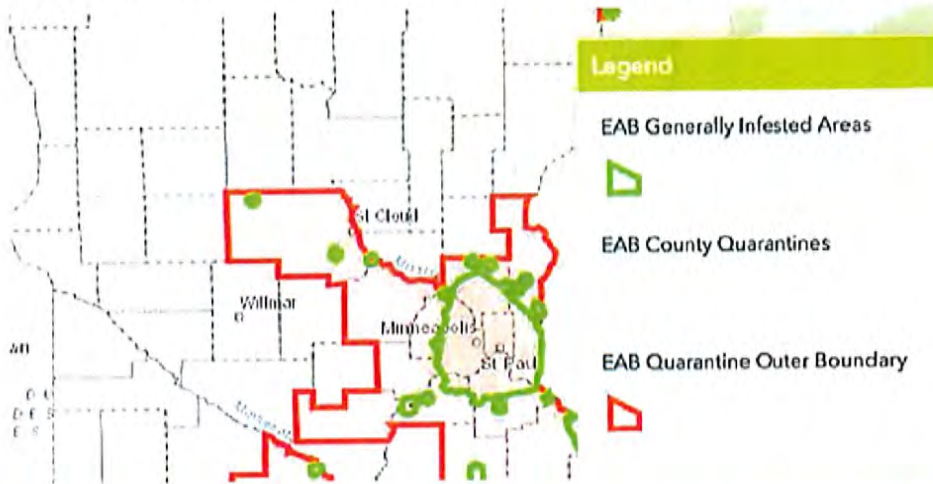
Prepared for:

**Carr's Tree Service**  
 P.O. Box 51  
 Ortland, MN 56711

**Carr's Tree  
 Nowthen Property**  
 Nowthen, Minnesota

Proposed Site Plan

Emerald Ash Borer has been in Anoka County dating back to 2015. At that time, Anoka County was entered into a state and federal quarantine. Wood is not to be moved out of the quarantine area.



Oak wilt was first discovered in Minnesota around 1950. Today oak wilt is widespread in the southern half of Minnesota

**What does oak wilt do?**

The **Oak Wilt** fungus is spread via two ways: above ground and below ground. The above ground movement is facilitated by a sap-feeding beetle that carries the fungal spores to new trees. The below ground movement occurs when the fungus travels from tree to tree through interconnected roots.



The pink area is the high-risk zone for oak wilt and shows the known range of oak wilt in Minnesota as of November 2020.

**CITY OF NOWTHEN  
ANOKA COUNTY, MINNESOTA**

**PLANNING & ZONING COMMISSION  
FINDINGS & RECOMMENDATION**  
Interim Use Permit, Variance, Site Plan  
Review in C-1, Commercial Zoning District

**APPLICANTS:** Carr's Tree Service Incorporated and Marie McCallum, Trustee  
19477 St. Francis Blvd.

**APPLICATION:** This utility and tree-trimming company wishes to purchase the property and use a portion of it as an auxillary site for vehicle and equipment storage as well for stockpiling of tree trimmings. The property is zoned C-1, Commercial, which permits landscaping and service-oriented businesses and involves the following applications:

An INTERIM USE PERMIT to allow outdoor storage of work vehicles, materials and equipment (City Code Section 11-3-8.D) associated with this tree trimming company, including piles of logs, brush and wood chips.

An INTERIM USE PERMIT to allow areas where heavy equipment is utilized to be surfaced with gravel in accordance with Section 11-6-2.K.2.c.

A VARIANCE from City Code Section 11-6-2.K requiring hard surfacing for driveways and parking areas for all commercial/industrial uses.

A VARIANCE from City Code Section 11-3-8.D.4 to allow the outdoor storage area to be surfaced with gravel.

**PLANNING AND ZONING COMMISSION MEETING:** February 23, 2021

**FINDINGS:** Based upon review of the application and evidence received, the Planning and Zoning Commission of the City of Nowthen now makes the following findings of fact:

Whereas, the legal description of the Subject Property is THAT PRT OF N 301.82 FT OF S 1392.68 FT OF E1/2 OF NW1/4 OF SEC 25-33-25 LYG E OF C/L OF T H NO 47, EX E 100 FT THEREOF, EX RD, SUBJ TO EASE OF RECORD;

Whereas, the Subject Property is located at 19477 St. Francis Blvd., encompasses 5.39 acres and is identified as PID 25-33-25-24-0011;

Whereas, the applicants (Carr's) intent is to purchase the Subject Property from the co-applicant(s) upon approval of the project by the Nowthen City Council;

Whereas, Section 11-3-5.C.4 of the Nowthen Zoning Ordinance allows landscaping and service-oriented businesses as permitted uses;

Whereas, the applicants wish to build a parking/outdoor storage area not to exceed one acre inclusive of the entrance drive;

Whereas, the outdoor storage will consist of parking of employee vehicles, tree trucks, trailers, chippers and other equipment in addition to the storage of tree debris, logs and brush;

Whereas, Section 11-10-3.A of the Nowthen Zoning Ordinance states that in granting a conditional use permit or interim use permit, the City Council shall consider the advice and recommendations of the Planning Commission on the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions, including parking facilities, and the effect on values of property in the surrounding area. The City Council shall also review the conditional use or interim use application against the goals and policies set forth in the Comprehensive Plan.

Whereas, Section 11-10-3.B of the Nowthen Zoning Ordinance states that in permitting a new conditional use or interim use permit or alteration of an existing conditional use or interim use permit, the Planning Commission and/or City Council may impose, in addition to these standards and requirements specified by this Chapter, additional conditions which they consider necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to, the following:

1. Limiting the height, size, or location of buildings.
2. Controlling the location and number of vehicle access points.
3. Providing for a sufficient number of off-street parking spaces.
4. Limiting the number, size, location, or lighting of signs.
5. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.

Whereas, Section 11-11-2 of the Nowthen Zoning Ordinance states that a variance request shall not be approved unless a finding is made by the City Council that failure to grant the variance will result in practical difficulties.

"Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by this Chapter and include, but are not limited to, inadequate access to direct sunlight for solar energy systems. The applicant for variance shall also demonstrate that the request satisfies the following criteria:

1. That the variance is consistent with the Comprehensive Plan.
2. That the variance is in harmony with the general purposes and intent of this Chapter.



3. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.
4. That the purpose of the variance is not exclusively economic consideration.
5. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.
6. That the requested variance is the minimum action required to eliminate the practical difficulty.

Whereas, in granting any variance, the City Council may impose conditions to ensure compliance and to protect adjacent and affected properties.

Whereas, the Planning Report dated February 15, 2021 prepared by the City Planner, The Planning Company LLC, is incorporated herein;

Whereas, the Nowthen Planning and Zoning Commission held a public hearing, preceded by a published and mailed notice, and considered the request at their regularly scheduled meeting on February 23, 2021.

**RECOMMENDATION:** Based on the foregoing information and applicable ordinances, the Planning and Zoning Commission hereby APPROVES the Carr's Tree Service Site Plan to allow the storage of vehicles, machinery, equipment, tree debris, logs and wood chips within the C-1, Commercial zoning district, subject to the following conditions:

1. A maximum of fifteen (15) pieces of equipment shall be stored on the site at any given time, which may include: utility bucket trucks, wood chippers, toolcat, skid loaders, trailers, stump grinders, and portable track utility bucket trucks.
2. A maximum of five (5) passenger vehicles/employee vehicles shall be parked on site at any time.
3. The driveway is constructed per MNDOT standards and the necessary ROW permits are obtained.
4. Hours of operation shall be limited to 6AM to 7PM Monday-Saturday and closed Sunday.
5. The storage of logs, trees, brush and woodchips shall only be permitted on the property upon the designated/approved gravel outdoor storage area.
6. Chipping or grinding of trees, stumps, logs, or brush shall only be permitted on site once per month to minimize noise concerns and shall be performed during the hours of 9AM and 6PM.

7. Any signs desired on the property shall be reviewed and approved by the City Planner.
8. The site shall be gated to prevent use of the property by unauthorized persons and the gate shall be located as shown on the approved site plan, dated February 26, 2021.
9. One address sign identifying the correct property numbers at least three (3) inches in height shall be displayed at the front of the site near the gate entrance.
10. If a portable toilet is to be located on site, it shall be enclosed behind a wood structure and placed as not to be visible from the public ROW or adjacent residential uses and must be maintained on a regular basis.
11. ~~Landscaping or screening required or is natural vegetation adequate?~~ The driveway is constructed to a minimum width of sixteen (16) feet as shown on the approved site plan, dated February 26, 2021. The first one hundred thirty (130) feet of the driveway is surfaced with asphalt as measured from the property line and shall connect to Highway 47 in the location and manner approved by MNDOT.
12. A public hearing is held at the City Council meeting on March 9, 2021 to consider approval of a ~~b~~ufferyard variance.?
- ~~12.13.~~ The site plan is redesigned to show truck/trailer turning radius, parking area, stockpile areas, removal of any encroachment into the pipeline easement, and maximization of the bufferyard along the south side of the property to the extent possible.
- ~~13.14.~~ Plans shall be submitted to MNDOT for review and approval of the driveway location, access permit and work within the ROW permit.
- ~~14.15.~~ If a trash enclosure is required or desired, it shall be screened and fenced. The site plan should be revised to show the location of trash receptacles.
- ~~15.16.~~ All exterior lighting will be subject to review and approval of the City Planner to ensure that lighting does not shine onto adjacent rights-of-way or residential properties.
- ~~16.17.~~ A grading and drainage plan shall be submitted for review and approval of the City Engineer which is required to address all stormwater, grading, drainage, and erosion control requirements.

~~17-18.~~ All development, construction, and use shall be in accordance with the approved plan and conditions required by the City Council. Any development or use not in accord with the approved plan and conditions shall constitute a violation of this IUP.

~~18-19.~~ All proposed uses and plans shall be in conformance with City, County and State laws at all times and any required licenses and approvals are acquired prior to beginning construction.

20. If at any time the use ceases or the property is sold, all logs, brush, wood chips, machinery, equipment, vehicles and debris shall be removed from the property.

~~19-21.~~ TheA Interim Use Permit shall remain in effect as long as the conditions agreed upon are observed, but nothing shall prevent the City Council from enacting or amending official controls to change the status of interim uses.

~~20-22.~~ Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the interim use permit issued shall require an amended interim use permit. Said permit will be processed in the same manner as a new application.

~~21-23.~~ The City Council may hold a public hearing to revoke an interim use upon the happening of any of the following events, whichever occurs first:

- a. Upon violation of conditions under which the permit was issued;
- b. The use or operation is discontinued for a period of one (1) year.

~~22-24.~~ If no other time is specified in the Interim Use Permit, an interim use approved by the City Council must be exercised or put into effect within one (1) year of the date of approval, by fulfilling each and every condition attached thereto, or the City Council may hold a public hearing to revoke the interim use unless a request is submitted to the City in writing no less than thirty (30) days prior to the deadline. The City Zoning Administration may approve an extension which shall not exceed ninety (90) days whereafter consideration by the City Council may require reapplication and subsequent approval of a interim use.

~~23-25.~~ All costs associated with the review of the submitted plans, surveys and other documents and any other costs generated by the City or its representatives relating to the application requirements are the responsibility of the applicants, including all legal, administrative, and professional services necessary for enforcement of the terms of the IUP.

**MOTION BY:** Kelly Pearo

**SECOND BY:** Rob Schiller

**ALL IN FAVOR:** 4

**THOSE OPPOSED:** 0 (3 vacant seats)

**ADOPTED by the Planning and Zoning Commission of the City of Nowthen this 23rd day of February 2021.**

**CITY OF NOWTHEN**

By: \_\_\_\_\_  
Chair Dale Ames

Attest: \_\_\_\_\_  
Lori Streich, City Clerk

CITY OF NOWTHEN  
ANOKA COUNTY, MINNESOTA

CITY COUNCIL  
FINDINGS & DECISION  
Interim Use Permit, Variance, Site Plan  
Review in C-1, Commercial Zoning District

**APPLICANTS:** Carr's Tree Service Incorporated and Marie McCallum, Trustee  
19477 St. Francis Blvd.

**APPLICATION:** This utility and tree-trimming company wishes to purchase the property and use a portion of it as an auxiliary site for vehicle and equipment storage as well for stockpiling of tree trimmings. The property is zoned C-1, Commercial, which permits landscaping and service-oriented businesses and involves the following applications:

An INTERIM USE PERMIT to allow outdoor storage of work vehicles, materials and equipment (City Code Section 11-3-8.D) associated with this tree trimming company, including piles of logs, brush and wood chips.

An INTERIM USE PERMIT to allow areas where heavy equipment is utilized to be surfaced with gravel in accordance with Section 11-6-2.K.2.c.

A VARIANCE from City Code Section 11-6-2.K requiring hard surfacing for driveways and parking areas for all commercial/industrial uses.

A VARIANCE from City Code Section 11-3-8.D.4 to allow the outdoor storage area to be surfaced with gravel.

A VARIANCE from City Code Section 11-4-17.M to allow the required 100 foot buffer yard to be reduced slightly, as approved by the City Council, to allow for additional turning radius for vehicles.

**CITY COUNCIL MEETING:** March 9, 2021

**FINDINGS:** Based upon review of the application and evidence received, the City Council of the City of Nowthen now makes the following findings of fact:

Whereas, the legal description of the Subject Property is THAT PRT OF N 301.82 FT OF S 1392.68 FT OF E1/2 OF NW1/4 OF SEC 25-33-25 LYG E OF C/L OF T H NO 47, EX E 100 FT THEREOF, EX RD, SUBJ TO EASE OF RECORD;

Whereas, the Subject Property is located at 19477 St. Francis Blvd., encompasses 5.39 acres and is identified as PID 25-33-25-24-0011;

Whereas, the applicants (Carr's) intent is to purchase the Subject Property from the co-applicant(s) upon approval of the project by the Nowthen City Council;

Whereas, Section 11-3-5.C.4 of the Nowthen Zoning Ordinance allows landscaping and service-oriented businesses as permitted uses;

Whereas, the applicants wish to build a parking/outdoor storage area not to exceed one acre inclusive of the entrance drive;

Whereas, the outdoor storage will consist of parking of employee vehicles, tree trucks, trailers, chippers and other equipment in addition to the storage of tree debris, logs and brush;

Whereas, Section 11-10-3.A of the Nowthen Zoning Ordinance states that in granting a conditional use permit or interim use permit, the City Council shall consider the advice and recommendations of the Planning Commission on the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions, including parking facilities, and the effect on values of property in the surrounding area. The City Council shall also review the conditional use or interim use application against the goals and policies set forth in the Comprehensive Plan.

Whereas, Section 11-10-3.B of the Nowthen Zoning Ordinance states that in permitting a new conditional use or interim use permit or alteration of an existing conditional use or interim use permit, the Planning Commission and/or City Council may impose, in addition to these standards and requirements specified by this Chapter, additional conditions which they consider necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to, the following:

1. Limiting the height, size, or location of buildings.
2. Controlling the location and number of vehicle access points.
3. Providing for a sufficient number of off-street parking spaces.
4. Limiting the number, size, location, or lighting of signs.
5. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.

Whereas, Section 11-11-2 of the Nowthen Zoning Ordinance states that a variance request shall not be approved unless a finding is made by the City Council that failure to grant the variance will result in practical difficulties.

"Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by this Chapter and include, but are not limited to,

inadequate access to direct sunlight for solar energy systems. The applicant for variance shall also demonstrate that the request satisfies the following criteria:

1. That the variance is consistent with the Comprehensive Plan.
2. That the variance is in harmony with the general purposes and intent of this Chapter.
3. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.
4. That the purpose of the variance is not exclusively economic consideration.
5. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.
6. That the requested variance is the minimum action required to eliminate the practical difficulty.

Whereas, in granting any variance, the City Council may impose conditions to ensure compliance and to protect adjacent and affected properties.

Whereas, the site is very unique in that the 300 foot width and 5 acre parcel size is severely restricted by the pipeline easement, several wetlands, a deep ditch, rolling topography and heavily wooded areas.

Whereas, the Planning Report dated February 15, 2021 prepared by the City Planner, The Planning Company LLC, is incorporated herein;

Whereas, the Nowthen Planning and Zoning Commission held a public hearing, preceded by a published and mailed notice, and considered the request at their regularly scheduled meeting on February 23, 2021. The Planning and Zoning Commission voted 4-0 in favor of the request (3 vacant seats).

Whereas, the Nowthen City Council held a public hearing, preceded by a published and mailed notice, and considered the request for a reduction in the 100-foot buffer yard at their regularly scheduled meeting on March 9, 2021.

**DECISION:** Based on the foregoing information and applicable ordinances, the City Council hereby APPROVES the Carr's Tree Service Site Plan to allow the storage of vehicles, machinery, equipment, tree debris, logs and wood chips within the C-1, Commercial zoning district, subject to the following conditions:

1. A maximum of fifteen (15) pieces of equipment shall be stored on the site at any given time, which may include: utility bucket trucks, wood chippers, toolcat, skid loaders, trailers, stump grinders, and portable track utility bucket trucks.

2. A maximum of five (5) passenger vehicles/employee vehicles shall be parked on site at any time.
3. The driveway is constructed per MNDOT standards and the necessary ROW permits are obtained.
4. Hours of operation shall be limited to 6AM to 7PM Monday-Saturday and closed Sunday.
5. The storage of logs, trees, brush and woodchips shall only be permitted on the property upon the designated/approved gravel outdoor storage area.
6. Chipping or grinding of trees, stumps, logs, or brush shall only be permitted on site once per month to minimize noise concerns and shall be performed during the hours of 9AM and 6PM.
7. Any signs desired on the property shall be reviewed and approved by the City Planner.
8. The site shall be gated to prevent use of the property by unauthorized persons and the gate shall be located as shown on the approved site plan, dated February 26, 2021.
9. One address sign identifying the correct property numbers at least three (3) inches in height shall be displayed at the front of the site near the gate entrance.
10. If a portable toilet is to be located on site, it shall be enclosed behind a wood structure and placed as not to be visible from the public ROW or adjacent residential uses and must be maintained on a regular basis.
11. The driveway is constructed to a minimum width of sixteen (16) feet as shown on the approved site plan, dated February 26, 2021. The first one hundred thirty (130) feet of the driveway is surfaced with asphalt as measured from the property line and shall connect to Highway 47 in the location and manner approved by MNDOT.
12. A twenty (20) foot bufferyard variance is approved to allow an eighty (80) foot buffer yard along the south property line due to limited space for vehicle turning movements.
- ~~12.13.~~ Plans shall be submitted to MNDOT for review and approval of the driveway location, access permit and work within the ROW permit.
- ~~13.14.~~ If a trash enclosure is required or desired, it shall be screened and fenced. The site plan should be revised to show the location of trash receptacles.



- ~~14-15.~~ All exterior lighting will be subject to review and approval of the City Planner to ensure that lighting does not shine onto adjacent rights-of-way or residential properties.
- ~~15-16.~~ A grading and drainage plan shall be submitted for review and approval of the City Engineer which is required to address all stormwater, grading, drainage, and erosion control requirements.
- ~~16-17.~~ All development, construction, and use shall be in accordance with the approved plan and conditions required by the City Council. Any development or use not in accord with the approved plan and conditions shall constitute a violation of this IUP.
- ~~17-18.~~ All proposed uses and plans shall be in conformance with City, County and State laws at all times and any required licenses and approvals are acquired prior to beginning construction.
- ~~18-19.~~ If at any time the use ceases or the property is sold, all logs, brush, wood chips, machinery, equipment, vehicles and debris shall be removed from the property.
- ~~19-20.~~ The Interim Use Permit shall remain in effect as long as the conditions agreed upon are observed, but nothing shall prevent the City Council from enacting or amending official controls to change the status of interim uses.
- ~~20-21.~~ Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the interim use permit issued shall require an amended interim use permit. Said permit will be processed in the same manner as a new application.
- ~~21-22.~~ The City Council may hold a public hearing to revoke an interim use upon the happening of any of the following events, whichever occurs first:
- a. Upon violation of conditions under which the permit was issued;
  - b. The use or operation is discontinued for a period of one (1) year.
- ~~22-23.~~ If no other time is specified in the Interim Use Permit, an interim use approved by the City Council must be exercised or put into effect within one (1) year of the date of approval, by fulfilling each and every condition attached thereto, or the City Council may hold a public hearing to revoke the interim use unless a request is submitted to the City in writing no less than thirty (30) days prior to the deadline. The City Zoning Administration may approve an extension which shall not exceed ninety (90) days whereafter consideration by the City Council may require reapplication and subsequent approval of a interim use.

23-24. All costs associated with the review of the submitted plans, surveys and other documents and any other costs generated by the City or its representatives relating to the application requirements are the responsibility of the applicants, including all legal, administrative, and professional services necessary for enforcement of the terms of the IUP.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

ADOPTED by the City Council of the City of Nowthen this 9th day of March 2021.

CITY OF NOWTHEN

By: \_\_\_\_\_  
Mayor Jeff Pilon

Attest: \_\_\_\_\_  
Lori Streich, City Clerk

Nowthen City Council  
MINUTES  
February 9, 2021

1. Meeting called to order at 7:04 pm.

Members attended: Mayor Pilon, Council Member Alders, Council Member Blake, Council Member Greenberg, Council Member Rainville (via telephone).

Also in attendance: City Clerk/Treasurer, Lori Streich; Lori Yager, RTY Consulting, and Sheriff's Commander Wayne Heath.

Councilmember Rainville amended the agenda to change a) Approve City Council Special Meeting Minutes should just say Approve City Council Meeting Minutes. Item c) and Item e) be pulled for discussion under #11.

**MOTION BY BLAKE TO APPROVE TONIGHT'S AGENDA AS AMENDED, SECONDED BY ALDERS. ROLL CALL VOTE – All in favor. MOTION CARRIED.**

2. Consent Agenda:

- a) Approve City Council Special Meeting Minutes of 01-12-2021.
- b) Financial Report: Approve Treasurer's Report, and Claims dated January 6, 2021 through February 2, 2021.
- c) Resolution 2021-07 Renewing the Contract with North Metro Animal Control
- d) RCA Requesting rescheduling of December Council direction regarding the development of policy for Ad-Hoc Committees to the March 9<sup>th</sup>, 2021 Council Meeting.
- e) RCA New City Website & City Facebook page
- f) RCA Authorizing the replacement of backup computer for the city office
- g) RCA Nowthen Heritage Festival Request for use of facilities & waiving of rental fees & deposits

**MOTION BY RAINVILLE TO APPROVE CONSENT AGENDA, SECONDED BY BLAKE. ROLL CALL VOTE – All in favor. MOTION CARRIED**

3. Floor Items  
No floor items

4. Sheriff's Report

Commander Heath provided an update on calls for service, explaining that they had a busier month with 136 calls for service in Nowthen. Six of the calls were at the Bar-None facility.

Commander Heath will initiate a meeting with the Volunteers of America staff at the Bar-None facility, along with the Department of Human Services, City staff, and the Sheriff's Office to see what steps they are taking to improve the situation.

Commander Heath asked what the appropriate venue would be to discuss the contract between the Anoka County Sheriff's Office and the City of Nowthen. It was decided that the April work session before the regular city council meeting is the date that this will be discussed.

5. Quarterly Financial Reports

Financial Consultant, Lori Yager, explained the quarterly financial reports ending December, 2020 that were presented to Council. These are un-audited reports.

We are currently over budget in the general fund, but that has everything to do with the CARES Act Grant. The professional services budget line item is down approximately \$67,000, primarily because we are no longer using AEM for our Financial Services. Another contributing factor is that we hired a

different Building Official, which brought those costs down.

There are less Engineering and Assessing charges in the general fund this year. The Fire Department budget is up \$30,000 over last year, and we were aware that this was going to happen this year. Part of the reason for the increase in the Fire Department budget is the change that the City of Ramsey made in assigning duty crews.

We are using some of the reserves in the road and bridge funds to pay for the 2020 improvement costs, and will be issuing debt in 2021 to cover those costs, plus any of the 2021 improvement costs.

Once we receive the costs from the Engineer, we can move forward with issuing the debt.

Overall, the city will have excess fund balance this year compared to last year.

In regards to the Recycle Center, you would be safe going for a few more years even because you don't have large losses in any given year.

6. Planning & Zoning

- a) 5259 Viking Blvd Minor Subdivision
- b) Ordinance No. 2020-04 Amending Chapter 5, relating to snow removal
- c) Ordinance 2021-01 Repealing Ordinance 2020-07

**MOTION TO APPROVE 5259 VIKING BLVD MINOR SUBDIVISION BY RAINVILLE, SECONDED BY BLAKE; ALL IN FAVOR, MOTION CARRIED.**

Councilmember Rainville stated that during the City Council Work Session, Ordinance 2020-04 Amending Chapter 5, relating to snow removal was sent back to staff and should be tabled.

**MOTION TO TABLE ITEM b) ORDINANCE NO. 2020-04 AMENDING CHAPTER 5, RELATING TO SNOW REMOVAL BY RAINVILLE, SECONDED BY BLAKE; ALL IN FAVOR, MOTION CARRIED.**

Item c) Ordinance 2021-01 Repealing Ordinance 2020-07 was voted on at the January meeting and is for information only to see the cleaned up document.

7. Planning & Zoning Commission

- a) Commission Members
- b) Draft Applications
- c) Clerk's Memo

Chairman Ames provided additional information to Council that was included in the packet.

Councilmember Alders asked who would interview the Planning & Zoning Commission members. And wanted to know why Council wouldn't delegate that authority to the Planning & Zoning Commission. They have always done it in the past and Council just approved the decision.

Councilmember Rainville explained that as part of her initial RCA, there is a draft Planning and Zoning Commission appointment policy in which she had recommended that the Council interview the members. This is something that will need to be discussed at the Council Planning Session on Thursday, February 18<sup>th</sup>.

Time was spent reviewing the draft application provided by Councilmember Rainville and Council made changes as they saw fit.

Council then moved on to review the changes proposed by Councilmember Rainville on the Planning & Zoning Commission Policy.

**MOTION BY RAINVILLE THAT COUNCIL DIRECTS STAFF TO POST THE PLANNING & ZONING COMMISSIONER OPENINGS ACCORDING TO THE DRAFT COMMISSION APPOINTMENT PROCEDURES THAT WAS E-MAILED ON 2/9/2021 AND INTERVIEWS WOULD NOT BE HELD UNTIL AFTER THE COUNCIL DISCUSSES AND AGREES UPON THE JOB DESCRIPTION, POSTING PROCEDURES, QUALIFICATIONS, AND INTERVIEW QUESTIONS AT THE FEBRUARY 18<sup>TH</sup> COUNCIL PLANNING SESSION, SECONDED BY ALDERS; ALL IN FAVOR, MOTION CARRIED.**

8. Fee Schedule – Continuation

Regarding a process standpoint, Councilmember Alders asked why Council is involved in the fee schedule. His thought is that Clerk Streich should gather the information and provide it to Council for approval and then Council would vote on Streich's recommendations.

**MOTION BY RAINVILLE TO TABLE THE FEE SCHEDULE UNTIL THE MARCH CITY COUNCIL MEETING SO COUNCIL CAN SEND INFORMATION TO CLERK STREICH, SECONDED BY PILON; ALL IN FAVOR, MOTION CARRIED.**

9. Recycle Center Discussion

a) Anoka County 2021 Spring Fall Muni Recycling Drop off Days

Clerk Streich explained the Recycling Contract that the city received from Anoka County and verified that the city is abiding by the terms of the contract.

**MOTION BY RAINVILLE TO APPROVE A MARCH 4, 2021 WORK SESSION TO DISCUSS THE RECYCLING CENTER HOURS, STAFFING, PROFIT/LOSS, AND IMPLEMENTATION OF RECOMMENDATIONS DISCUSSED DURING THE JULY 27, 2020 BUILDING TOUR. STAFF TO PROVIDE TOTAL LOADED LABOR COSTS ASSOCIATED TO STAFFING TO CENTER FOR THE CURRENT 21 HOURS THAT IS OPEN IN ADDITION TO AN OPTION FOR A 30 AND 35 HOUR COVERAGE BY MARCH 1<sup>ST</sup> TO COUNCIL. A BREAKDOWN OF WHETHER WE MAKE A PROFIT OR LOSS ON THE TYPES OF ITEMS WE ARE TAKING IN, SECONDED BY PILON;**

Clerk Streich will put together a Powerpoint presentation and propose an appropriate date to present it to Council.

10. Employment & Personnel Policies

a) RCA – Councilmember Rainville

**MOTION TO TABLE THE EMPLOYMENT & PERSONNEL POLICIES TO THE MARCH 9<sup>TH</sup> CITY COUNCIL MEET BY RAINVILLE, SECONDED BY PILON; ALL IN FAVOR, MOTION CARRIED.**

11. Upper Rum River Watershed Management Organization

**MOTION BY COUNCILMEMBER GREENBERG TO APPROVE THE UPPER RUM RIVER WATERSHED DISTRICT'S 2022 DRAFT BUDGET, SECONDED BY RAINVILLE; ALL IN FAVOR, MOTION CARRIED.**

12. For the Good of the Council

a) Planning Commission allowed to hold Public Hearing in person at Historic Town Hall

b) Council Planning Session- Thursday, February 18 at 6:00 pm

**MOTION BY PILON TO ALLOW THE PLANNING COMMISSION TO HOLD PUBLIC HEARINGS IN PERSON AT HISTORIC TOWN HALL, SECONDED BY BLAKE; ALL IN FAVOR, MOTION CARRIED.**

**MOTION BY PILON TO MEET FOR A COUNCIL PLANNING SESSION ON THURSDAY, FEBRUARY 18<sup>TH</sup>, AT 6:00 PM, SECONDED BY RAINVILLE; ALL IN FAVOR, MOTION CARRIED.**

Item c) Resolution 2021-07 Renewing the Contract with North Metro Animal Control

Councilmember Rainville asked the following questions:

1. Does the city want to sign the 1 year or 2 year contract?

Clerk Streich will ask North Metro if there is a cost savings by signing the 2 year contract, and she has no issues with doing that since we've had good luck with North Metro so far.

2. Does the city want to contract with North Metro for private and commercial kennel inspections?

Clerk Streich mentioned that the commercial kennels are required to have an IUP in order to operate their business. Those inspections would typically be done by the city's Code Enforcement officer, who would also inspect that the IUP is being adequately followed. North Metro could take on the private kennel inspections at \$15.00/hour. It may be the best option to contract with North Metro for both private and commercial kennel inspections for the first year so that our Code Enforcement Officer has time to get caught up on the IUP's and CUP's.

3. If the city would like to contract with North Metro for Dangerous Dog Registration, what is the charge, who pays it, and what's done with the list?

4. What further action would be taken by the city if a citation is not paid, what does voluntary compliance mean?

Clerk Streich has a message out to North Metro to get these questions answered.

**MOTION TO TABLE 2021-07 RENEWING THE CONTRACT WITH NORTH METRO ANIMAL CONTROL BY PILON, SECONDED BY ALDERS; ALL IN FAVOR, MOTION CARRIED.**

Item e) RCA New City Website & City Facebook page

Councilmember Rainville has questions on the social media policy and hasn't had a chance to submit those questions to Clerk Streich, so she would like to table this item until she gets that chance.

**MOTION BY RAINVILLE TO TABLE UNTIL SHE CAN SUBMIT HER QUESTIONS TO CLERK STREICH REGARDING THE SOCIAL MEDIA POLICY AND THE NEW WEBSITE, SECONDED BY PILON; MOTION RESCINDED DUE TO DISCUSSION.**

Clerk Streich explained that the social media policy is the policy that this Council approved in 2020.

Councilmember Alders asked if Councilmember Rainville could work with Clerk Streich to answer her questions, then have Clerk Streich present the website at the March Council meeting. Clerk Streich confirmed that this has already been done, and it was already approved.

Pilon said that a Facebook page was discussed, but not the specifics of who, what, when or how.

**MOTION TO LET THE NEW WEBSITE GO LIVE AND ALLOW STAFF TO COME BACK WITH A PROPOSAL ON WHAT FACEBOOK SHOULD LOOK LIKE BY ALDERS, SECONDED BY BLAKE; ALL IN FAVOR, MOTION CARRIED.**

13. Adjourn

**MOTION TO ADJOURN AT 10:00 PM BY ALDERS, SECONDED BY BLAKE; ALL IN FAVOR, MOTION CARRIED.**

**Respectfully Submitted,**

\_\_\_\_\_  
Lori Streich, City Clerk/Treasurer

\_\_\_\_\_  
Jeff Pilon, Mayor

UNOFFICIAL

<b>CITY OF NOWTHEN TREASURER'S REPORT</b>							February 28, 2021	
<b>CASH:</b>							<i>Submitted By: Lori Streich</i>	
<b>DATE</b>		<b>LOCATION</b>		<b>ACCT. TYPE</b>		<b>Interest Earned</b>	<b>BALANCE</b>	
2/28/2021		Pine River State Bank		Checking Acct.		\$11.38	\$ 189,532.51	
2/28/2021		Nowthen Economic Development Fund		PRSB Checking		NA	\$ 2,489.02	
2/28/2021		PMA Financial Network		CD's		\$3,910.28	\$1,489,500.00	
2/28/2021		4M, 4MP & GO Funds		Money Market Fund		\$6.21	\$379,320.90	
<b>Total of all Cash in ALL accounts:</b>							<b>\$ 2,060,842.43</b>	
<b>YTD Outstanding Chks as of 02/28/2021</b>							<b>\$ 826.16</b>	
Adjusted Bank Total							<b>\$ 2,060,016.27</b>	
Unreconciled							<b>\$ (243.00)</b>	
<b>Cash per BANYON</b>		<b>02/28/2021 SCHEDULE 1 Ending Balance:</b>					<b>\$ 2,060,259.27</b>	
<b>See attached CASH BALANCE SUMMARY for Accurate Fund Totals &amp; Details</b>								



CITY OF NOWTHEN  
\*Cash Balances

03/01/21 3:55 PM

Page 1

Current Period February 2021

Fund	2021 Begin Balance	Receipts	Disbursements	-----Transfers-----		JE Payroll	Balance	
				Rec/Disb	Journal Entries			
<b>10100 Checking</b>								
100 General Fund	\$661,050.57	\$143,804.16	\$291,414.01	\$0.00	\$0.00	(\$32,624.31)	\$480,816.41	In Bal
205 Farmers Market	\$0.00	\$0.00	\$270.00	\$0.00	\$0.00	\$0.00	(\$270.00)	In Bal
210 CARES Act Fund	\$85,265.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$85,265.54	In Bal
222 Economic Develop	\$2,489.02	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,489.02	In Bal
305 Basalt St Debt Serv	\$1,066.39	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,066.39	In Bal
306 Grader Debt Servic	\$2,941.89	\$1,206.45	\$434.00	\$0.00	\$0.00	\$0.00	\$3,714.34	In Bal
311 2012A Refunding B	\$99,008.70	\$3,642.10	\$82,425.00	\$0.00	\$0.00	\$0.00	\$20,225.80	In Bal
312 Fire Engine Debt S	\$23,899.24	\$956.04	\$20,729.00	\$0.00	\$0.00	\$0.00	\$4,126.28	In Bal
313 2021A GO Improve	\$0.00	\$0.00	\$117,800.00	\$0.00	\$0.00	\$0.00	(\$117,800.00)	In Bal
315 2019A Improvemen	\$393,303.88	\$4,574.66	\$0.00	\$0.00	\$0.00	\$0.00	\$397,878.54	In Bal
320 2021A GO Improve	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	In Bal
404 Park Capital & Dev	\$218,434.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$218,434.75	In Bal
406 Road & Bridge Equi	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	In Bal
407 Fire Equipment Fun	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	In Bal
408 Turn Out Gear Fun	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	In Bal
409 Burns Town Center	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	In Bal
410 Building Capital Imp	\$168,921.76	\$0.00	\$481.88	\$0.00	\$0.00	\$0.00	\$168,439.88	In Bal
414 Street Renewal Imp	\$1,311,840.79	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,311,840.79	In Bal
415 Pinnaker Lk Road P	(\$24,218.23)	\$209.17	\$0.00	\$0.00	\$0.00	\$0.00	(\$24,009.06)	In Bal
416 2019 Road Improve	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	In Bal
417 2020 Road Improve	(\$616,408.54)	\$0.00	\$208,541.12	\$0.00	\$0.00	\$0.00	(\$824,949.66)	In Bal
420 Tree Replacement	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	In Bal
603 Recycling Center	\$27,618.05	\$6,551.13	\$4,944.70	\$0.00	\$0.00	(\$1,987.21)	\$27,237.27	In Bal
701 Equipment Replace	\$257,107.22	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$257,107.22	In Bal
802 Minestone Ponds	\$839.99	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$839.99	In Bal
803 Quiet Meadows	\$3,865.04	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,865.04	In Bal
804 Barr Engineering C	\$1,440.73	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,440.73	In Bal
805 ROW Security Dep	\$2,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,500.00	In Bal
806 Breyens Bend	\$40,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40,000.00	In Bal
	\$2,660,966.79	\$160,943.71	\$727,039.71	\$0.00	\$0.00	(\$34,611.52)	\$2,060,259.27	

**Please Note:**  
THE FUND WILL BE CLOSED APRIL 2ND IN OBSERVANCE OF GOOD FRIDAY

**Activity Summary (35442-101) General**

2/1/2021 - 2/28/2021

<b>Investment Pool Summary</b>	<b>4M</b>	<b>4MP</b>
Beginning Balance	\$248,656.42	\$86,747.99
Dividends	\$2.85	\$3.36
Purchases	\$243,910.28	\$0.00
Redemptions	(\$200,000.00)	\$0.00
Ending Balance	\$292,569.55	\$86,751.35
Average Monthly Rate	0.02%	0.05%
<b>Total</b>	<b>\$292,569.55</b>	<b>\$86,751.35</b>
<b>Total Fixed Income</b>	<b>\$1,489,500.00</b>	
<b>Account Total</b>	<b>\$1,868,820.90</b>	

**Your PMA Representative**  
Laura Hamacher  
(612) 509-2563  
lhamacher@pmanetwork.com

**City of Nowthen**  
Lori Streich  
8188 199th Avenue NW  
Nowthen, MN 55330



**PMA Financial Network**  
2135 CityGate Lane, 7th Floor  
Naperville, IL 60563



## 4M Fund Monthly Statement

City of Nowthen

### Transaction Activity (35442-101) General

4M 2/1/2021 - 2/28/2021

Transaction	Trade Date	Settle Date	Description	Redemption	Purchase	Share Price	Shares this Transaction
10062051	02/11/2021	02/11/2021	Phone ACH Redemption	(\$200,000.00)	\$0.00	\$1.000	(200,000.000)
1771665	02/22/2021	02/22/2021	Fund Purchase from FRI Maturity CD-280617-1 WESTERN ALLIANCE BANK / TORREY PINES BANK, CA	\$0.00	\$240,000.00	\$1.000	240,000.000
1771667	02/22/2021	02/22/2021	Fund Purchase from FRI Interest CD-280617-1 WESTERN ALLIANCE BANK / TORREY PINES BANK, CA	\$0.00	\$3,910.28	\$1.000	3,910.280
10065230	02/28/2021	02/28/2021	Dividend Reinvest	\$0.00	\$2.85	\$1.000	2.850
				(\$200,000.00)	\$243,913.13		43,913.130

Beginning Balance: \$248,656.42 | Ending Balance: \$292,569.55



## 4M Fund Monthly Statement

City of Nowthen

### Transaction Activity (35442-101) General

4MP 2/1/2021 - 2/28/2021

Transaction	Trade Date	Settle Date	Description	Redemption	Purchase	Share Price	Shares this Transaction
10065266	02/28/2021	02/28/2021	Dividend Reinvest	\$0.00	\$3.36	\$1.000	3.360
				\$0.00	\$3.36		3.360

Beginning Balance: \$86,747.99 | Ending Balance: \$86,751.35



4M Fund Monthly Statement  
City of Nowthen

Fixed Income Investments

Maturities 2/1/2021 - 2/28/2021

Type	Holding Id	Trade Date	Settle Date	Maturity Date	Description	Cost	Rate	Face/Par
CD	280617-1	02/20/2020	02/20/2020	02/22/2021	CD-280617-1 WESTERN ALLIANCE BANK / TORREY PINES BANK, CA	\$240,000.00	1.62%	\$243,910.28
						\$240,000.00		\$243,910.28



# 4M Fund Monthly Statement

City of Nowthen

## Fixed Income Investments

Interest 2/1/2021 - 2/28/2021

Type	Holding Id	Trade date	Description	Interest
CD	280617-1	02/22/2021	CD-280617-1 WESTERN ALLIANCE BANK / TORREY PINES BANK, CA	\$3,910.28
				\$3,910.28



# 4M Fund Monthly Statement

City of Nowthen

## Current Portfolio

2/28/2021

Type	Code	Holding Id	Trade Date	Settle Date	Maturity Date	Description	Cost	Rate	Face/Par	Market Value
4M				02/28/2021		4M Account Balance	\$292,569.55	0.02%	\$292,569.55	\$292,569.55
4MP				02/28/2021		4MP Account Balance	\$86,751.35	0.05%	\$86,751.35	\$86,751.35
CD	N	284934-1	08/18/2020	08/18/2020	03/12/2021	CD-284934-1 BANK 7, OK	\$200,200.00	0.10%	\$200,315.25	\$200,200.00
CD	N	284933-1	08/18/2020	08/18/2020	04/15/2021	CD-284933-1 CIBC BANK USA / PRIVATE BANK - MI, MI	\$101,000.00	0.15%	\$101,101.92	\$101,000.00
CD	N	284932-1	08/18/2020	08/18/2020	05/14/2021	CD-284932-1 CIBC BANK USA / PRIVATE BANK - MI, MI	\$148,700.00	0.15%	\$148,868.20	\$148,700.00
CD	N	285380-1	09/11/2020	09/11/2020	06/08/2021	CD-285380-1 TEXAS CAPITAL BANK, TX	\$249,600.00	0.20%	\$249,969.27	\$249,600.00
CD	N	286661-1	11/30/2020	11/30/2020	08/10/2021	CD-286661-1 LANDMARK COMMUNITY BANK, TN	\$154,000.00	0.09%	\$154,098.65	\$154,000.00
CD	N	285379-1	09/11/2020	09/11/2020	09/14/2021	CD-285379-1 FIELDPOINT PRIVATE BANK & TRUST, CT	\$150,000.00	0.15%	\$150,226.85	\$150,000.00
CD	N	286660-1	11/30/2020	11/30/2020	10/12/2021	CD-286660-1 THIRD COAST BANK, SSB, TX	\$246,000.00	0.20%	\$246,434.35	\$246,000.00
CD	N	286744-1	12/07/2020	12/07/2020	01/11/2022	CD-286744-1 FINANCIAL FEDERAL BANK, TN	\$240,000.00	0.15%	\$240,394.52	\$240,000.00
							<b>\$1,868,820.90</b>		<b>\$1,870,729.91</b>	<b>\$1,868,820.90</b>

Time and Dollar Weighted Average Portfolio Yield: 0.16%

Weighted Average Portfolio Maturity: 154.17 Days

Note: Weighted Yield & Weighted Average Portfolio Maturity are calculated using "Market Value" and are only based on the fixed rate investments (excluding SDA investments).

## Portfolio Summary

Type	Allocation (%)	Allocation (\$)	Description
4M	15.66%	\$292,569.55	4M Account
4MP	4.64%	\$86,751.35	4MP Account
CD	79.70%	\$1,489,500.00	Certificate of Deposit

## Index

**Cost** is comprised of the total amount you paid for the investment including any fees and commissions.

**Rate** is the Net Yield to Maturity or Net Yield to Worst.

**Face/Par** is the amount received at maturity.

**Market Value** reflects the market value as reported by an independent third-party pricing service. Certificates of Deposit and other assets for which market pricing is not readily available from a third-party pricing service are listed at "Cost".

## Codes

N Single FEIN

## 4M MONTHLY STATEMENT DISCLAIMER

### 4M and 4M Plus Activity Summary

This section shows all of the activity in the 4M and 4M Plus shares. The Average Rate represents the average net interest rate over the previous month which is then annualized. Income Summary represents the interest earned for the Month and Fiscal Year to Date.

Information regarding the 4M Fund investment objectives, risks, charges and expenses can be found in the 4M Fund Information Statement, which can be obtained at [www.4MFund.com](http://www.4MFund.com) or by calling PMA at the phone number listed.

An investment in 4M and 4M Plus is not insured or guaranteed by the FDIC or any other governmental agency. Although the 4M and 4M Plus seek to maintain a stable value of \$1.00 per share, it is possible to lose money by investing in the 4M and 4M Plus.

Securities and municipal advisory brokerage services (investments purchased with proceeds from a municipal securities issuance), and investments cleared through our clearing firm, Pershing LLC, are offered through PMA Securities, LLC, a broker-dealer and municipal advisor registered with the SEC and MSRB, and a member of FINRA and SIPC. All other products and brokerage services are generally provided by PMA Financial Network, LLC. Thus, certificates of deposit ("CD"), savings deposit accounts ("SDA") and commercial paper ("CP") may be executed through either PMA entity, as applicable, depending on whether the investment was purchased with proceeds derived from municipal securities. PMA Securities, LLC and PMA Financial Network, LLC are operated under common ownership and are affiliated with PMA Asset Management, LLC.

### Fixed Rate Investment Activity

This section shows all of the fixed term investments purchased and sold, maturities, interest received, and activity. This will include all CD, SDA, CP, securities and money market funds purchased through PMA Financial Network, LLC or PMA Securities, LLC as applicable. It also shows the approximate market value of each security whose price is obtained from an independent source believed to be reliable. However, PMA cannot guarantee their accuracy. This data is provided for informational purposes only. Listed values should not be interpreted as an offer to buy or sell at a specific price. CD's and CP are listed at their original cost. Redemption of a CD prior to maturity may result in early withdrawal penalties. Market values are based on the last day of the month for which this report date range is ending. If the run date of this report is prior to the end of the current month, the market values are listed as equivalent to the cost values.

### Money Market Fund

The Rate shown for the money market fund represents the average net interest rate over the previous month which is then annualized. Information regarding the money market fund's investment objectives, risks, charges and expenses can be found in the money market fund's prospectus, which can be obtained by calling PMA at the phone numbers listed. The performance data featured represents past performance, which is no guarantee of future results. Investment returns will fluctuate. Current performance may be higher or lower than the performance data quoted. Please call PMA for the most recent performance figures.

The performance data featured represents past performance, which is no guarantee of future results. Investment returns will fluctuate. Current performance may be higher or lower than the performance data quoted. Please call PMA for the most recent performance figures.

### Additional Disclosures

All funds, and/or securities are located and safe kept in an account under the client's name at their custodial bank. Any certificates of deposit listed are located in the client's name at the respective bank. Any money market fund shares are held directly with the money market fund. It is recommended that any oral communications be re-confirmed in writing to further protect your rights, including rights under the Securities Investor Protection Act.

### Debt Securities

Some debt securities are subject to redemption prior to maturity. In the event of a partial or whole call of a security, the securities call will be automatically selected on a random basis as is customary in the securities industry. The probability that your securities will be selected is proportional to the amount of your holdings relative to the total holdings. Redemption prior to maturity could affect the yield represented. Additional information is available upon request.

A financial statement of PMA Securities, LLC is available for inspection at its office or a copy will be mailed to you upon written request.

PLEASE ADVISE PMA AND OUR CLEARING FIRM, PERSHING LLC, IMMEDIATELY OF ANY INACCURACY OR DISCREPANCY ON YOUR STATEMENT. FOR A CHANGE OF ADDRESS OR QUESTIONS REGARDING YOUR ACCOUNT, PLEASE NOTIFY YOUR PMA REPRESENTATIVE. ANY ORAL COMMUNICATIONS SHOULD BE RE-CONFIRMED IN WRITING.

### How to Contact PMA

Please call (630) 657-6400 or write to us at PMA, 2135 CityGate Lane, 7th Floor, Naperville, Illinois 60563.

### How to Contact Pershing, LLC

Please call (201) 413-3330 or write to Pershing, LLC, One Pershing Plaza, Jersey City, New Jersey, 07399

In accordance with FINRA Rule 2267, PMA Securities, LLC is providing the following information in the event you wish to contact FINRA. You may call (301) 590-6500 or write to FINRA at 1735 K Street NW, Washington, D.C. 20006-1500. In addition to the public disclosure number (800) 289-9999, FINRA provides an investor brochure which describes their Public Disclosure Program. Additional information is also available at [www.finra.org](http://www.finra.org).



This page intentionally left blank.



City of Nowthen

PMA Financial Network  
 2135 CityGate Lane  
 7th Floor  
 Naperville, IL 60563  
 Phone: 630-657-6400  
 Fax: 630-718-8701

Monthly Activity Summary

2/1/2021 - 2/28/2021

Class	Account	Beginning Balance	Contributions	Interest	Checks Paid	Other Withdrawals	Month End Balance
4M	35442 - 101 General	\$248,656.42	\$243,910.28	\$2.85	\$0.00	(\$200,000.00)	\$292,569.55
4MP	35442 - 101 General	\$86,747.99	\$0.00	\$3.36	\$0.00	\$0.00	\$86,751.35
		\$335,404.41	\$243,910.28	\$6.21	\$0.00	(\$200,000.00)	\$379,320.90

**CITY OF NOWTHEN**  
**Payments**

03/02/21 5:12 PM  
Page 1

Current Period: March 2021

**Payments Batch 21Mar09AP \$52,723.23**

Refer	2103011	<i>Cardmember Service</i>	-			
Cash Payment	E 100-41420-201	Office Supplies: Accesso	Office			\$23.11
Invoice	2107535	2/24/2021				
Cash Payment	E 100-41420-322	Communications: Postag	Postage			\$10.73
Invoice	72805	2/25/2021				
Cash Payment	E 100-41420-203	Office Supplies: Printed	Office			\$133.36
Invoice	2107535	2/24/2021				
Cash Payment	E 100-41420-217	Computer, Office Equipm	Office			\$374.93
Invoice	2107535	2/24/2021				
Cash Payment	E 100-41420-322	Communications: Postag	Postage			\$17.99
Invoice	2107535	2/24/2021				
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$560.12</b>
Refer	2103012	<i>Century Link</i>	-			
Cash Payment	E 100-41710-321	Communications: Teleph	763-274-2312 639			\$615.31
Invoice						
Cash Payment	E 100-42210-321	Communications: Teleph	763-441-2472 761			\$191.31
Invoice						
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$806.62</b>
Refer	2103013	<i>Cintas Corporation</i>	-			
Cash Payment	E 100-43110-415	Rentals	Public Works Dept			\$29.38
Invoice	4076610304	2/23/2021				
Cash Payment	E 100-42210-415	Rentals	Fire Dept			\$34.67
Invoice	4076610286	2/23/2021				
Cash Payment	E 100-43110-415	Rentals	Public Works Dept			\$33.13
Invoice	4076281722	2/18/2021				
Cash Payment	E 100-42210-415	Rentals	Fire Dept			\$34.67
Invoice	4075612914	2/11/2021				
Cash Payment	E 100-43110-415	Rentals	Public Works Dept			\$33.13
Invoice	4074951620	2/4/2021				
Cash Payment	E 100-43110-415	Rentals	Public Works Dept			\$33.13
Invoice	4075612938	2/11/2021				
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$198.11</b>
Refer	2103014	<i>City of Ramsey</i>	-			
Cash Payment	E 100-42210-103	Wages and Salaries: Par	Incidents/Training/Events/Officer Pay			\$3,693.73
Invoice	28313	2/11/2021				
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$3,693.73</b>
Refer	2103015	<i>Connexus Energy</i>	-			
Cash Payment	E 603-43220-381	Utility Services: Electric	Acct 303167 Recycle Street Light			\$3.59
Invoice						
Cash Payment	E 100-42210-381	Utility Services: Electric	Acct 303167 Fire Street Light			\$3.60
Invoice						
Cash Payment	E 100-45210-381	Utility Services: Electric	Acct 178679 Twin Lakes			\$44.30
Invoice						
Cash Payment	E 100-41710-381	Utility Services: Electric	Acct 179210 City Hall			\$103.07
Invoice						

**CITY OF NOWTHEN**  
**Payments**

03/02/21 5:12 PM  
Page 2

Current Period: March 2021

Cash Payment	E 100-42210-381 Utility Services: Electric	Acct 239560 Fire Hall				\$204.48
Invoice						
Cash Payment	E 100-41710-381 Utility Services: Electric	Acct 240364 Salt Barn				\$20.81
Invoice						
Cash Payment	E 603-43220-381 Utility Services: Electric	Acct 254434 Recycle Center				\$34.89
Invoice						
Cash Payment	E 100-41710-381 Utility Services: Electric	Acct 294586 Shop & Office				\$338.71
Invoice						
Cash Payment	E 100-42210-381 Utility Services: Electric	Acct 311409 Ice Rinks				\$22.95
Invoice						
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$776.40</b>
Refer	2103016	<i>CORNERSTONE AUTOMOTIVE</i>				
Cash Payment	E 100-43110-404 Repairs and Maintenan					\$300.22
Invoice	16317810	1/27/2021				
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$300.22</b>
Refer	2103017	<i>ECM Publishers, Inc.</i>				
Cash Payment	E 100-41710-351 Printing and Binding: Leg	Legal Notices - PH Leistico				\$48.38
Invoice	819917	2/12/2021				
Cash Payment	E 100-41710-351 Printing and Binding: Leg	Legal Notices - PH Carr's				\$53.75
Invoice	819916	2/12/2021				
Cash Payment	E 100-41710-351 Printing and Binding: Leg	Legal Notices - PH Peterson				\$43.00
Invoice	819915	2/12/2021				
Cash Payment	E 100-41710-351 Printing and Binding: Leg	Legal Notices - PH Cote				\$53.75
Invoice	819914	2/12/2021				
Cash Payment	E 100-41710-351 Printing and Binding: Leg	Legal Notices - PH Carr's				\$59.13
Invoice	822023	2/26/2021				
Cash Payment	E 100-41710-353 Printing and Binding: Ord	Ordinance 2020-03				\$419.25
Invoice	822025	2/26/2021				
Cash Payment	E 100-41710-353 Printing and Binding: Ord	Ordinance 2020-01				\$838.50
Invoice	822024	2/26/2021				
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$1,515.76</b>
Refer	2103018	<i>Finken Water Centers</i>				
Cash Payment	E 100-41710-415 Rentals	Gen; Customer #4411347				\$32.55
Invoice	31854TK	2/16/2021				
Cash Payment	E 100-42210-415 Rentals	Fire; Customer #0000347				\$10.71
Invoice		3/1/2021				
Cash Payment	E 100-41710-415 Rentals	Gen; Customer #4411347				\$13.50
Invoice		3/1/2021				
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$56.76</b>
Refer	2103019	<i>Hakanson Anderson Associates,</i>				
Cash Payment	E 100-41910-303 Professional Services: E	General Engineering				\$2,210.00
Invoice	45566	2/22/2021				
Cash Payment	E 100-41910-303 Professional Services: E	Misc Site Review				\$2,428.00
Invoice	45563	2/22/2021				
Cash Payment	E 417-41910-303 Professional Services: E	Rogers Lake Improvements				\$6,854.50
Invoice	45565	2/22/2021			Project 2021	
Cash Payment	E 417-41910-303 Professional Services: E	2020 Street Projects				\$82.50
Invoice	45564	2/22/2021			Project 2020	

**CITY OF NOWTHEN**  
**Payments**

03/02/21 5:12 PM  
Page 3

Current Period: March 2021

Cash Payment	E 100-41910-303 Professional Services: E	Breyens Bend				\$1,072.50
Invoice	45562	2/22/2021				
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$12,647.50</b>
Refer	2103020	HAUGO GEO TECHNICAL SERVIC	-			
Cash Payment	E 417-43121-403 Repairs and Maintenan	Rogers Lake Improvements			Project 2021	\$6,530.00
Invoice	9727	2/11/2021				
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$6,530.00</b>
Refer	2103021	HENRY SCHEIN INC	-			
Cash Payment	E 100-42210-221 Repair and Maintenance					\$443.30
Invoice	90339048	2/23/2021				
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$443.30</b>
Refer	2103022	JIMMYS JOHNNYS	-			
Cash Payment	E 603-43220-415 Rentals	Recycle Center				\$69.00
Invoice	1774896	2/4/2021				
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$69.00</b>
Refer	2103023	Lawson Products, Inc.	-			
Cash Payment	E 100-43110-215 Operating Supplies: Sho					\$102.92
Invoice	9308220399	2/12/2021				
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$102.92</b>
Refer	2103024	Little Falls Machine, Inc.	-			
Cash Payment	E 100-43110-221 Repair and Maintenance					\$120.97
Invoice	360704	2/4/2021				
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$120.97</b>
Refer	2103025	Menards	-			
Cash Payment	E 100-41710-201 Office Supplies: Accesso	Gen Govt Supplies				\$83.91
Invoice	26076	2/11/2021				
Cash Payment	E 100-43110-215 Operating Supplies: Sho	Public Works Supplies				\$19.32
Invoice	26076	2/11/2021				
Cash Payment	E 100-45210-218 Operating Supplies: Par	Parks Supplies				\$9.29
Invoice	26076	2/11/2021				
Cash Payment	E 100-41420-217 Computer, Office Equipm	Office Supplies				\$38.97
Invoice	26536	2/18/2021				
Cash Payment	E 603-43220-215 Operating Supplies: Sho	Recycle Center Supplies				\$76.98
Invoice	26536	2/18/2021				
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$228.47</b>
Refer	2103026	MNSPECT LLC	-			
Cash Payment	E 100-42410-310 Professional Services					\$1,898.43
Invoice	8561	2/9/2021				
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$1,898.43</b>
Refer	2103027	RBs Computer Service	-			
Cash Payment	E 100-41710-310 Professional Services	Monthly Contract				\$1,064.25
Invoice	38139	2/15/2021				
Cash Payment	E 100-41420-217 Computer, Office Equipm					\$4,876.50
Invoice	38128	2/28/2021				
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$5,940.75</b>
Refer	2103028	RTY Consulting	-			

**CITY OF NOWTHEN  
Payments**

03/02/21 5:12 PM

Page 4

Current Period: March 2021

Cash Payment	E 100-41550-302 Professional Services: A					\$1,106.25
Invoice 22	1/31/2021					
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$1,106.25</b>
Refer	2103029 SEWER WORKS II					
Cash Payment	E 100-42210-405 Repair/Maint-Contractual					\$250.00
Invoice	2/8/2021					
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$250.00</b>
Refer	2103030 SKOGQUIST, ERIK A.					
Cash Payment	E 100-41550-310 Professional Services	1st Quarter, 2021				\$2,885.25
Invoice	3/1/2021					
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$2,885.25</b>
Refer	2103031 Suburban Toners Plus					
Cash Payment	E 100-41420-201 Office Supplies: Accesso					\$186.54
Invoice 938383	2/10/2021					
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$186.54</b>
Refer	2103032 The Retrofit Companies Inc.					
Cash Payment	E 603-43220-441 Hauling	Bulb Recycling				\$380.50
Invoice 111071-IN	2/18/2021					
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$380.50</b>
Refer	2103033 WALTERS RECYCLING AND REFU					
Cash Payment	E 100-41710-384 Utility Services: Refuse D Office/Shop					\$144.72
Invoice 5162816	2/10/2021					
Cash Payment	E 603-43220-384 Utility Services: Refuse D Recycle Center					\$202.01
Invoice 5162816	2/10/2021					
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$346.73</b>
Refer	2103034 US Bank Equipment Finance					
Cash Payment	E 100-41710-405 Repair/Maint-Contractual	Ricoh Lease - Equip ID 127157				\$311.00
Invoice						
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$311.00</b>
Refer	2103035 WELLS, MARY L					
Cash Payment	E 100-41550-310 Professional Services					\$2,885.25
Invoice	3/1/2021					
Transaction Date	3/2/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$2,885.25</b>
Refer	2103036 Wright-Hennepin Cooperative El					
Cash Payment	E 100-41710-321 Communications: Teleph	Security Acct #150-1681-6611				\$80.35
Invoice	3/1/2021					
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$80.35</b>
Refer	2103037 CenterPoint Energy					
Cash Payment	E 100-42210-383 Utility Services: Gas Utilit	Fire 7618235-1				\$312.71
Invoice						
Cash Payment	E 100-41710-383 Utility Services: Gas Utilit	City Hall 7627764-9				\$207.52
Invoice						
Cash Payment	E 100-41710-383 Utility Services: Gas Utilit	Public Wks 7632820-2				\$656.93
Invoice						
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	<b>Total</b>	<b>\$1,177.16</b>

# CITY OF NOWTHEN

## Payments

03/02/21 5:12 PM

Page 5

Current Period: March 2021

Refer	2103038	<i>WEX Fleet Card</i>		-		
Cash Payment	E 100-42210-212	Operating Supplies: Moto Fire Admin Fuel				\$88.98
Invoice						
Cash Payment	E 100-43110-212	Operating Supplies: Moto Public Works Fuel				\$154.16
Invoice						
Cash Payment	E 100-45210-212	Operating Supplies: Moto Parks Fuel				\$100.00
Invoice						
Transaction Date	3/9/2021	Due 4/1/2021	Checking	10100	Total	\$343.14
Refer	2103039	<i>The Planning Company LLC</i>		-		
Cash Payment	E 100-41810-310	Professional Services	Zoning Fees - Applicants Billed			\$5,436.00
Invoice		3/2/2021				
Cash Payment	E 100-41810-310	Professional Services	Zoning Fees - Building Permits			\$642.00
Invoice		3/2/2021				
Cash Payment	E 100-41810-310	Professional Services	General, Meetings, Code Enforcement			\$804.00
Invoice		3/2/2021				
Transaction Date	3/2/2021	Due 4/1/2021	Checking	10100	Total	\$6,882.00

### Fund Summary

	10100 Checking
100 General Fund	\$38,489.26
417 2020 Road Improvements	\$13,467.00
603 Recycling Center	\$766.97
	\$52,723.23

Pre-Written Checks	\$0.00
Checks to be Generated by the Computer	\$52,723.23
Total	\$52,723.23

# CITY OF NOWTHEN

## REQUEST FOR COUNCIL ACTION



The City of  
**Nowthen**  
"Where it still feels like country"

Agenda Item #	Department: Council Items	Requested Council Meeting Date: March 4 and 9, 2021	Submitted By: Council Member Mary Rainville											
<b>TITLE OF ISSUE:</b>  Approval of the 2021 Farmers Market lease agreement between Rademacher Family Partnership, LLLP and the City of Nowthen.														
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION:</b>  The Rademacher Family Partnership, LLLP has again graciously agreed to allow their land at 8023 Viking Blvd. NW and 19726 Nowthen Blvd. NW, Nowthen, MN 55303 for the host sight of the 2021 Nowthen Farmers Market. The Market is open Thursday's, 3:00 p.m. – 7:00 p.m., June 17 – September 23, 2021 however the agreement covers the hours of 1:00 p.m. – 8:00 p.m. to allow for set up and teardown of the Market.														
<b>SOURCE OF FUNDING:</b> \$1.00 – to be deducted from the Nowthen Farmers Market Budget.														
<b>REQUESTED COUNCIL ACTION:</b>  I move that the City of Nowthen enter into agreement as presented with Rademacher Family Partnership, LLP for the sole purpose of leasing their land at 8023 Viking Blvd NW and 19726 Nowthen Blvd NW, Nowthen, MN 55303 for the 2021 Nowthen Farmers Market.														
<b>For Clerk's Use:</b>  Motion By: _____  Second By: _____  Vote Record:    Aye        Nay ____        ____ Pilon ____        ____ Alders ____        ____ Blake ____        ____ Greenberg ____        ____ Rainville		<b>SUPPORTED DOCUMENTS ATTACHED</b>  <table border="1"> <thead> <tr> <th data-bbox="753 1360 899 1415">Resolution</th> <th data-bbox="899 1360 1045 1415">Ordinance</th> <th data-bbox="1045 1360 1192 1415">Contract</th> <th data-bbox="1192 1360 1338 1415">Minutes</th> <th data-bbox="1338 1360 1484 1415">Plan Map</th> </tr> </thead> <tbody> <tr> <td data-bbox="753 1415 899 1478"> </td> <td data-bbox="899 1415 1045 1478"> </td> <td data-bbox="1045 1415 1192 1478"> </td> <td data-bbox="1192 1415 1338 1478"> </td> <td data-bbox="1338 1415 1484 1478"> </td> </tr> </tbody> </table> Other (specify) <u>2021 Lease Agreement</u>			Resolution	Ordinance	Contract	Minutes	Plan Map					
Resolution	Ordinance	Contract	Minutes	Plan Map										
<b>Administration Department Use:</b>  <table border="1"> <tr> <td data-bbox="131 1703 245 1757"> </td> <td data-bbox="289 1713 378 1745">Consent</td> </tr> <tr> <td data-bbox="131 1757 245 1812"> </td> <td data-bbox="289 1772 378 1803">Regular</td> </tr> </table>			Consent		Regular	<table border="1"> <tr> <td data-bbox="764 1677 854 1732"> </td> <td data-bbox="883 1688 1403 1719">Refer to: _____</td> </tr> <tr> <td data-bbox="764 1732 854 1787"> </td> <td data-bbox="883 1745 1403 1776">Tabled Until: _____</td> </tr> <tr> <td data-bbox="764 1787 854 1841"> </td> <td data-bbox="883 1803 1403 1835">Other: _____</td> </tr> </table>				Refer to: _____		Tabled Until: _____		Other: _____
	Consent													
	Regular													
	Refer to: _____													
	Tabled Until: _____													
	Other: _____													



**THIRD AMENDED  
NOWTHEN FARMERS MARKET LEASE AGREEMENT**

**THIS AGREEMENT** entered into this 19<sup>TH</sup> day of FEB., 2021 by and between the City of Nowthen, a municipal corporation under the laws of the State of Minnesota, the "City", and Rademacher Family Partnership, LLLP, the "Property Owner".

**WITNESSETH:**

**WHEREAS**, the City wishes to lease vacant land owned by Property Owner for use as a City sponsored farmers market and the property owner desires to lease said land for this event; and

**WHEREAS**, the City and the property Owner want to memorialize their agreement and understanding relating to the rental of the property for use as a farmers market on the property identified herein.

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

1. **Purpose.** The purpose of this Agreement permits the City non-exclusive use of the land owned by property owner located at 8023 Viking Blvd. NW, Nowthen, MN 55303 and 19726 Nowthen Blvd. NW, Nowthen, MN 55303 for the purpose of holding a farmers market on Thursdays from 1:00 p.m. to 8:00 p.m. during the months of June to September of each year during the term of this Agreement.
2. **Rent.** The land will be leased by property owner to the City at the rate of \$1 per year.
3. **Rental Period.** The rental period shall commence on the execution of this Agreement by the parties and extend until either party revokes this Agreement by presenting written notice to the other party. This Agreement shall be considered terminated effective thirty (30) business days after mailing of the written notice to the other party.
4. **Clean Up.** The City is responsible for cleaning the property after each farmers market and must return the property to at least the same condition it was in before the event.
5. **Authority to Enter into Agreement.** By their signature below, each party hereby acknowledges that they are authorized to enter into this Agreement and bind their respective entities to the terms and conditions herein. Additionally by its signature below, the property owner acknowledges that they have read this Agreement, fully understands the terms and conditions contained herein and voluntarily accepts the terms and conditions and expressly waives any claim that this Agreement is not fairly and knowingly made.
6. **Waivers and Insurance Certificate.** The City shall require that each participating farmers market vendor sign the waiver attached hereto as Exhibit A as a condition of participating in the event. Further, the City shall also require that each participating vendor provide the City with a certificate of insurance listing property owner as an additional insured on his or her policy.

7. **Removal of Sign Facing.** Within sixty (60) days of the termination of this Agreement, Property Owner shall cover, or cause to be removed from the sign on the subject property all references to the Farmer's Market and to the specific business names that sponsor the Farmer's Market by virtue of monetary support or other donations.
8. **General Provisions.** This Agreement shall have the following general provisions:
- a. **Entire Agreement.** This Agreement supersedes any prior or contemporaneous representations or agreements, whether written or oral, between the parties and contains the entire agreement.
  - b. **Amendments.** Any modification or amendment to this Agreement shall require a written agreement signed by all parties.
  - c. **Notice.** Any notice, statement or other written documents required to be given under this Agreement shall be considered served and received if delivered personally to the other party, or if deposited in the U.S. First Class mail, postage prepaid, as follows:  

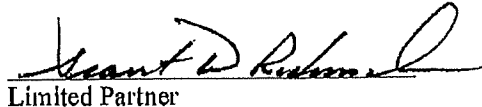
Rademacher Family Partnership, LLLP. Attn: Grant Rademacher 14021 Round Lake Blvd. Andover, MN 55304	City of Nowthen City Clerk 8188 199 <sup>th</sup> Avenue NW Nowthen, MN 55330
--	--
  - d. **Captions.** Captions or headings contained in this Agreement are included for convenience only and form no part of this Agreement between the parties.
  - e. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.
  - f. **Savings Clause.** If any court finds any portion of this Agreement to be contrary to law or invalid, the remainder of this Agreement will remain in full force and effect.
  - g. **Successors and Assigns.** Neither party shall have any right to assign, transfer, or sublet its interest or obligations hereunder without the written consent of the other party.
  - h. **Interpretation.** The laws of the State of Minnesota will govern as to the interpretation, validity, and effect of this Agreement.

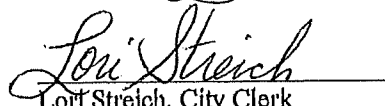
IN WITNESS, the parties hereto have executed this Agreement the day and year first above stated.

CITY OF NOWTHEN

RADEMACHER FAMILY PARTNERSHIP,  
LLLP

  
Jeff Pilon, Mayor

  
Grant Rademacher,  
Limited Partner

  
Lori Streich, City Clerk

# CITY OF NOWTHEN



The City of  
**Nowthen**  
"Where it still feels like country"

## REQUEST FOR COUNCIL ACTION

Agenda Item #	Department: Council Items	Requested Council Meeting Date: March 4 & 9, 2021	Submitted By: Council Member Mary Rainville
<b>TITLE OF ISSUE:</b>  <b>Appointing the Nowthen Farmers Market Council Liaison, Market Coordinator, Assistant Market Coordinator and Market Manager and approving staff support for the Market</b>			
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION:</b>  The Nowthen Farmers Market is a volunteer run community event designed to provide an opportunity for our residents to purchase fresh grown products and handmade items from local vendors. The 11 <sup>th</sup> Season will be held June 17 - September 23, 2021.  In order to assure the Market is run efficiently and professionally the following positions have been created:  <b>MARKET COORDINATOR</b> The Market Coordinator(s) is responsible to administer and oversee the Market and enforce the rule. The Market Coordinator(s) is the primary contact for the following <ol style="list-style-type: none"><li>Determine vendor eligibility</li><li>Direct vendors to comply with health and sanitation rules.</li><li>Receive vendor appeals of rules and regulations.</li><li>Promotion of the Market</li><li>Revoke a vendor's permit.</li></ol> <b>ASSISTANT MARKET COORDINATOR</b> The Assistant Market Coordinator(s) is responsible to assist the Market Coordinator(s): <ol style="list-style-type: none"><li>Assist the Market Coordinator in market operations.</li><li>Assist with a, b, c &amp; d under Market Coordinator.</li><li>Take over as Market Coordinator when designated Coordinator is absent.</li><li>Assist with enforcement of the rules.</li><li>Help coordinate volunteers with Market Manager.</li></ol> <b>MARKET MANAGER</b> The Market Manager(s) is responsible to assist the Market Coordinator(s) with the administration of the market as needed. The Market Manager(s) also has authority over the following: <ol style="list-style-type: none"><li>Assign display and selling areas to vendors.</li><li>Direct vendors to selling areas on market day.</li><li>Assist in weather related market closings.</li><li>Accept calls from vendors who are going to be absent from a planned market day.</li><li>Assist with vendor disputes if needed.</li><li>Assist with volunteer assignments.</li></ol>			
<b>SOURCE OF FUNDING: NA</b>			

**REQUESTED COUNCIL ACTION:**

**I move that the City Council appoints the following persons to the listed positions for the 2021 Farmers Market:**

**Farmers Market City Council Liaison: To be determined**

**Market Coordinator: Darlene King**

**Assistant Market Coordinator: Nick Stolp**

**Market Manager: Ginger Spiess**

**And that City Staff be directed to assist the Farmers Market with administrative functions and logistics of the Farmers Market Trailer.**

**For Clerk's Use:**

Motion By: \_\_\_\_\_

Second By: \_\_\_\_\_

Vote Record:    Aye        Nay  
                  \_\_\_\_        \_\_\_\_ Pilon  
                  \_\_\_\_        \_\_\_\_ Alders  
                  \_\_\_\_        \_\_\_\_ Blake  
                  \_\_\_\_        \_\_\_\_ Greenberg  
                  \_\_\_\_        \_\_\_\_ Rainville

**SUPPORTED DOCUMENTS ATTACHED**

Resolution    Ordinance    Contract    Minutes    Plan Map

--	--	--	--	--

Other (specify) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Administration Department Use:**


Consent

Regular


Refer to: \_\_\_\_\_

Tabled Until: \_\_\_\_\_

Other: \_\_\_\_\_

CITY OF NOWTHEN  
ANOKA COUNTY  
STATE OF MINNESOTA

RESOLUTION 2021-09

VOLUNTARY COST SHARING AGREEMENT  
FOR ANOKA COUNTY ECONOMIC DEVELOPMENT

THIS AGREEMENT is made between the County of Anoka, a political subdivision of the State of Minnesota ("County"), and the undersigned participating municipality ("City"), a municipal corporation organized under the laws of the State of Minnesota.

WITNESSETH

WHEREAS, the County and the City, along with other community partners, entered into a Memorandum of Agreement ("MOU") on January 1, 2019, to set goals, create an action plan, and implement shared objectives in promoting economic development within Anoka County;

WHEREAS, the MOU addresses the need for cost sharing between the County and municipalities of Anoka County to support continued services for website services, social media support, marketing assistance, and future services related to the county-wide economic development initiative;

WHEREAS, an annual budget for the above activities was developed, including a formula for participating municipalities to provide proportional cost sharing based upon its population;

NOW, THEREFORE, the parties understand and mutually agree as follows:

1. The budget for services related to website services, social media, marketing, and other supportive activities required for economic development, is currently set at \$20,000.00 for calendar year 2021.
2. For 2021, the City agrees to contribute the sum of \$0.057 per individual resident within its city limits, as a voluntary contribution to the economic development costs described above.
3. The City shall provide such payment annually, by the end of the first quarter in each calendar year, beginning in 2021.
4. Each calendar year, the County will provide an annual budget and proposed formula for the City's use in calculating its contributions under this Agreement.

- 5. The City may opt out or cancel this Agreement by providing 30 days' written notice to the County Administrator: Rhonda Sivarajah, 2100 Third Avenue, Ste. 700, Anoka, MN 55303.
- 6. This agreement shall terminate concurrently with the MOU, unless a City chooses to opt out or cancel this agreement prior to its expiration, as provided above.

IN WITNESS WHEREOF, the parties of this Agreement have hereunto set their hands on the dates written below:

**ANOKA COUNTY:**

**CITY: Nowthen**

By: \_\_\_\_\_  
Scott Schulte, Board Chair

By: \_\_\_\_\_  
Lori Streich, City Clerk

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Karen Skepper, Executive Director  
ACHRA

By: \_\_\_\_\_  
Jeff Pilon, Mayor

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Christine Carney  
Assistant County Attorney

By: \_\_\_\_\_

# CITY OF NOWTHEN



The City of  
**Nowthen**  
"Where it still feels like country"

## REQUEST FOR COUNCIL ACTION

<b>Agenda Item #</b>	<b>Department:</b> Fire	<b>Requested Council Meeting Date:</b> 3/9/2021	<b>Submitted By:</b> Fire Chief- Dave Schmidt
----------------------	----------------------------	--	--

**TITLE OF ISSUE:** Approval to hire firefighters transitioning from Ramsey.

**BACKGROUND AND SUPPLEMENTAL INFORMATION:**

As the City of Nowthen approaches implementing a standalone fire department the time has come for initial hiring of firefighters. This hiring process will be centrally focused on existing firefighters, currently serving the Ramsey Fire Department who are currently assigned to the Nowthen Station. This process will include an application period, criminal background checks, pre-employment medical and psychological evaluations which follows industry standards for hiring of firefighters. We anticipate most, if not all current firefighters will apply for employment with the City of Nowthen.

**SOURCE OF FUNDING:** Funding to come from existing fire department budget.

**REQUESTED COUNCIL ACTION:**

Approve the Fire Chief and Assistant Fire Chief to begin the hiring process for current firefighters serving on the Ramsey Fire Department who are assigned to the Nowthen Fire Station for employment with the City of Nowthen.

**For Clerk's Use:**

Motion By: \_\_\_\_\_

Second By: \_\_\_\_\_

Vote Record:

Aye	Nay	
_____	_____	Alders
_____	_____	Blake
_____	_____	Greenberg
_____	_____	Rainville
_____	_____	Pilon

**SUPPORTED DOCUMENTS ATTACHED**

Resolution	Ordinance	Contract	Minutes	Plan Map
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify) _____				
_____				
_____				

**Administration Department Use:**

<input type="checkbox"/>	Consent
<input type="checkbox"/>	Regular

<input type="checkbox"/>	Refer to: _____
<input type="checkbox"/>	Tabled Until: _____
<input type="checkbox"/>	Other: _____

# CITY OF NOWTHEN



The City of  
**Nowthen**  
"Where it still feels like country"

## REQUEST FOR COUNCIL ACTION

<b>Agenda Item #</b>	<b>Department:</b> Fire	<b>Requested Council Meeting Date:</b> 3/9/2021	<b>Submitted By:</b> Fire Chief- Dave Schmidt
----------------------	----------------------------	--	--

**TITLE OF ISSUE:**  
Approve Policies for the Nowthen Fire Department

**BACKGROUND AND SUPPLEMENTAL INFORMATION:**  
In order to hire, develop, retain, train, and manage the fire department, policies will need to be formally adopted for employee guidance and direction. All of the policies are in line with industry standards, best practices and account for the ability to enforce work rules and regulations. Contained within the policy documents you will find job/performance requirements, works rules and accountability, job descriptions and wage scale. Of importance with the wage scale, we anticipate that over the course of the near future we will see the possibility of a \$15.00 minimum wage. We have created a scalable wage program that puts the fire department ahead of any potential changes to the federal minimum wage.

**SOURCE OF FUNDING:** Wages and costs related to employment covered under existing fire department budget

**REQUESTED COUNCIL ACTION:**  
Approval of policies for the Nowthen Fire Department

**For Clerk's Use:**  
Motion By: \_\_\_\_\_  
Second By: \_\_\_\_\_  
Vote Record:    Aye        Nay  
                      \_\_\_\_        \_\_\_\_ Alders  
                      \_\_\_\_        \_\_\_\_ Blake  
                      \_\_\_\_        \_\_\_\_ Greenberg  
                      \_\_\_\_        \_\_\_\_ Rainville  
                      \_\_\_\_        \_\_\_\_ Pilon

SUPPORTED DOCUMENTS ATTACHED				
Resolution	Ordinance	Contract	Minutes	Plan Map
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify) _____				
_____				
_____				

**Administration Department Use:**

<input type="checkbox"/>	Consent
<input type="checkbox"/>	Regular

<input type="checkbox"/>	Refer to: _____
<input type="checkbox"/>	Tabled Until: _____
<input type="checkbox"/>	Other: _____



### **Organizational Structure**

The City of Nowthen, Minnesota has established a fire department using Twenty (20) paid part-time employees to conduct All-Hazard services within the city boundaries. A Fire Chief is being contracted to manage the department's administrative activities, training, hiring, leadership, management, and emergency response. The Fire Chief is defined as the department head for the department and reports directly to the Mayor and City Council. All employees within the fire department report to the Fire Chief. The Fire Chief also acts as the Emergency Manager for the city. To maintain an operational span of control within the organization, the Fire Chief delegates specific authority to departmental officers. These officers are described within the organizational chart as Assistant Fire Chief, Captain, Lieutenant, and firefighter.

#### **Core Values:**

##### ***Honor***

A feeling of high respect; esteem; a distinction earned.

##### ***Pride***

The quality or state of being proud for who you are: a feeling of happiness that you get when you\or someone you know does something good, difficult, etc.

##### ***Integrity***

The quality of being honest and having strong moral principles; moral uprightness. The state of being whole and undivided.

### **Organizational Training**

The Nowthen Fire Department provides training to its employees on a regular basis. The type of training provided to the fire department employee shall include but not be limited to: hands on training, class room training, in house training, local government led training, county fire academy and outreach training, statewide training, National Fire Academy courses, training led by outside vendors, out of state training and any other training approved that will enhance and support the fire departments mission.

To remain in good standing with the fire department, employees need to achieve and maintain state certification as a firefighter II. They also need to achieve and maintain certifications an Emergency Medical Technician (Emergency Medical Responder will accepted for those who transitioned from the Ramsey Fire Department.)

#### **Organizational Risks:**

The duties of a firefighter and medical responder often place them in areas that can cause both physical and emotional harm. The impacts can be immediate or accumulate over time. The City of Nowthen offers every employee worker compensation benefit in case of an injury.

## **SECTION 1: POLICY PURPOSE AND SCOPE**

### ***1.0 Purpose***

The purpose of these policies is to establish a uniform system of personnel administration for employees of the Nowthen Fire Department. 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 discretion of the Fire Chief. These policies supersede all previous personnel policies and apply to all employees of the fire department. Except as otherwise prohibited by law, the City of Nowthen has the right to terminate any employee "at-will", at any time, for any reason with cause. Employees may similarly terminate employment at any time, for any reason.

### **1.1 Scope**

These policies apply to all employees of the Nowthen Fire Department currently working for the City of Nowthen either full-time or part-time. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law. Each employee will be given a copy of such work rules by the department upon hire and such rules will be further explained and enforcement discussed with the employee by the immediate supervisor.

### **1.2 EEO Policy Statement**

The City of Nowthen is committed to providing equal opportunity in all areas of employment, including but not limited to hiring, demotion, transfer, recruitment, selection, lay-off, disciplinary action, termination, compensation, and selection for training. The City of Nowthen will not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, disability, age, marital status, status with regard to public assistance, or membership.

### **1.3 Data Practices Advisory /Confidentiality**

Employee records are maintained by the City Clerk. Personnel data is kept in personnel files, finance files, and benefit/medical files. Information is used to administer employee salary and benefit programs, process payroll, complete state and federal reports, and document employee performance. Employees have the right to know what data is retained, where it is kept, and how it is used according to state law. All employee data will be received, retained, and disseminated according to the Minnesota Government Data Practices Act.

## **B. Public Personnel Data**

The following personnel data are public: name, gross salary, salary range, gross pension, contract fee, benefits, expense reimbursements, job title, job description, education and training background, previous work experience, dates of employment, status of complaints or charges against employees, outcome of complaints or disciplinary actions, work location, work telephone number, badge number, city and county of residence.

### **C. Access to Personnel Files**

Other persons or entities that are authorized by law to receive information in the employee's personnel file are:

- Employees, agents and officials of the city who have a need to know about the information in the course of their duties or responsibilities;
- The person who is the subject of private data;
- People who have permission from the subject of the data;
- The Internal Revenue Service and Minnesota Department of Revenue;
- The Immigration and Naturalization Service;
- The Minnesota Department of Economic Security in any claim for reemployment benefits;
- The Worker's Compensation Court in any claim for worker's compensation benefits;
- Various insurance companies in any claim for insurance benefits;
- Individuals who have obtained a court order for the information;
- Participant in any litigation, mediation, veteran's preference hearing, grievance arbitration, or other administrative proceeding that involves the employee;
- Labor organizations and the Bureau of Mediation Services.

### **D. Private Data**

The following personnel data are considered private data on individuals and are not accessible to the public: social security number, age, sex, marital and family status, employee's home address and telephone number, criminal record, race and ethnic data, insurance status, references, college transcripts (except for name of institution, degrees, and years attended), reference checks, medical records, psychological examinations, workers' compensation reports, physical limitations related to job, sick leave forms, medical reports, data collected from disciplinary proceedings, opinion questionnaires, names of applicants for employment until finalists are announced, employee assistance programs and exit interview responses.

Private data is accessible to the subject employee, the employee's authorized representative, the immediate supervisor and department director, and other City staff persons or officials who have a legitimate need to know such data. No employee may disclose the home address, telephone number, or personal information about another employee to any third party without prior consent of the affected employee, as per section on "Informed Consent." Employment selection instruments and answer keys to such instruments are protected non-public data, except pursuant to a valid court order.

#### E. Access to Data

- **Public Data.** Access shall be provided to any person, without regard to the nature of the person's interest. Access must be provided by the City Clerk or other persons authorized by the Fire Chief. Access must be provided within a reasonable time. Interpretation shall be provided if requested. A fee may be charged for copying and mailing and for the time it takes to collect the information.
- **Private Data.** Access to private data is available only to: (1) the subject of the data; (2) City employees who need access to the data; (3) agencies authorized by state or federal law who need access to specific data; and (4) agencies or individuals with written consent from the subject of the data.
- Personnel files will be maintained by the City Clerk. The City Clerk shall assure that access is provided only to the parties listed above. The identity and authority of an individual who seeks to gain access to private data must be confirmed. The time that access is available is limited to city hall business hours. No fees shall be charged in cases where the data subject only wishes to view private data. Fees may be charged for providing copies.
- Employees are bound by confidentiality laws outlined in the Minnesota Health Insurance Portability and Accountability Act (HIPAA). Information about a patient's identity and information related to a person's physical or mental health cannot be shared with anyone outside of "business associates" on a need to know basis. All requests for information of this type should be referred to the Fire Chief.

## SECTION 2: DEFINITIONS

The following words and phrases will have the meaning as defined herein:

1. **Absent without Leave.** Any absence of an employee from duty, including any absence for a single day or part of a day, which is not authorized by a specific leave of absence or time off under the provisions of this policy.
2. **Administrative Leave.** Paid leave granted to an employee, who is the subject of an investigation, when the Fire Chief determines it is in the best interest of fire department employees and the public that the employee be removed from duty until the investigation is complete. In the event the employee is a part-time employee, the pay rate will be averaged out based the previous month's salary.
3. **Anniversary Date.** The month and day of initial hiring or promotion.
4. **Child.** A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. Child, for the purposes of Family Medical Leave, will be defined in accordance with 29 CFR 825.113.
5. **Compensation Plan.** A schedule of pay ranges for all job classifications within the fire department.
6. **Computers Equipment.** Includes desktops, laptops, tablets, notebooks, mobile devices, smartphones, servers, and other network equipment owned by the fire department.
7. **Domestic Partnerships.** Employees may register a domestic partner with the Fire Chief. Domestic partnerships apply only to sick leave and funeral leave.
8. **Emergency Response.** An incident or event that requires immediate intervention to protect the public safety, health, and/or environment.
9. **Exempt Employee.** Executive, administrative, and professional employees who are exempt from overtime pay as defined by the federal Fair Labor Standards Act.
10. **Good-Standing.** An employee in "good standing" is one who meets the requirements outlined for employment and follows the policies and standards of the fire department.
11. **Immediate Family Member.** An immediate family member shall be defined as spouse, parent, spouse's parent, child, brother, sister, brother-in-law, sister-in-law, niece, nephew, grandparent of the employee or employee's spouse, and grandchild.
12. **Job Classification.** Refers to the act of assigning a position to its appropriate pay range based on the duties performed and the responsibilities assumed.
13. **Job Reclassification.** A change in a class of an individual position based on revisions to job duties and responsibilities, which places the position in a higher or lower pay grade
14. **National Fire Protection Association (NFPA).** A trade association that creates and maintains private, copyrighted, standards and codes (best practices) for usage and adoption by local governments. This includes publications from model building codes to the many on equipment utilized by firefighters while engaging in hazmat response, rescue response, and some firefighting.

**15. Non-Emergency Response.** An incident or event that does not require immediate intervention to protect the public safety, health, and/or environment

**16. Non-Exempt Employee.** An employee who is not exempt from the provisions of the Fair Labor Standards Act and is subject to overtime pay.

**17. Occupational Safety and Health (OSHA).** A Minnesota government entity that works to improve workplace safety through education, inspections, and enforcement.

**18. Part time Employee.** An employee of the fire department who responds to emergency and non-emergency events when specifically called to do so. Employees of this type are paid per hour of service.

**19. Pay Range.** A schedule of minimum and maximum pay rates, which are established for each job classification.

## **SECTION 3: EMPLOYEE RECRUITMENT & SELECTION**

### **3.1 Scope**

It is imperative that the fire department hire only the best people to work within our community. We handle some of the most sensitive incidents and information and need to assure that we best represent the communities we serve and the traditions before us.

The Fire Chief will manage the hiring process for positions within the fire department. All hires will be made according to merit and fitness related to the position being filled. All positions approved for hire shall be approved by the majority of the Mayor and City Council prior to filling the position. All part time members can be hired, disciplined, and terminated according to these policies as seen necessary by the Fire Chief.

### **3.2 Features of the Recruitment System**

All part-time vacancies will be filled through an open recruitment process based off the need to maintain staffing levels. Application for employment will be made on application forms provided by the fire department. Supplemental questionnaires may be required. All candidates must complete and submit the required application materials by the posted deadline in order to be considered for the position. The deadline for application may be extended by the Fire Chief.

Internal recruitments will be open to any fire department employees who:

- (1) Has successfully completed the initial training period;
- (2) Meets the minimum qualifications for the vacant position; and
- (3) Currently is and for the past year has been in good standing with the fire department.

All pay rate increases shall be recommended by the Fire Chief and approved by the Mayor and City Council prior to the next budget year, all COLA adjustments for city employees will also apply to fire department staff. Promotions occur internally as deemed necessary by the Fire Chief.

### **3.3 Testing and Examinations**

Applicant qualifications will be evaluated in one or more of the following ways: proximity to the fire stations; training and experience rating; written test; oral test or interview; performance or demonstrative test; physical agility test, or other appropriate job-related exams.

### **3.4 Pre-Employment Medical Exams**

The Fire Chief or designee shall determine that a pre-employment medical examination, which shall include a psychological evaluation, is necessary to determine fitness to perform the essential functions of any fire department position. Where a medical examination is required, an offer of employment is contingent upon successful completion of the medical exam meeting NFPA 1582 Standard on Comprehensive Occupational Medical Program for Fire Departments. When a pre-employment medical exam is required, it will be required of all candidates who are finalists and/or who are offered employment for a given job class. Information obtained from the medical exam will be treated as confidential medical records and placed in the candidates personnel file.

All medical exams will be reviewed by a licensed physician designated by the fire department with the cost of the exam paid by the department. The physician will notify the Fire Chief or designee that a candidate either is or is not medically able to perform the essential functions of a firefighter/EMT with or without accommodations and whether the candidate passed a drug screen, if applicable. If the candidate requires accommodation to perform one or more of the essential functions of the job, the Fire Chief or designee will confer with the physician and candidate regarding reasonable and acceptable accommodations. If a candidate is rejected for employment based on the results of the medical exam, he/she will be notified of this determination.

### **3.5 Selection Process**

The selection process for employees is as follows:

- A. Review application and resume assuring the candidate meets the minimum qualifications.
- B. Interview selected candidates using a board determined by the Fire Chief or designee.
- C. The board will select the top candidates.
- D. The candidates will perform an employee evaluation and psychological review.
- E. The candidates will submit to a criminal background history.
- F. The candidates will be sent to have a medical evaluation screening done according to NFPA 1582. The evaluation will consist of an initial drug screening. Certain medical conditions outlined in NFPA 1582 could exempt employment for a position acting as a firefighter.

### **3.6 Background Checks**

All finalists for employment 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 Fire Chief will determine the level of background check to be conducted based on the position being filled. Due to the nature of our work the candidate's background will weigh heavily on their selection should they have a conviction record. The Fire Chief will have the final discretion on hiring individuals with a criminal background.

### **3.7 Probationary Period**

The probationary period is an integral part of the selection process and will be used for the purpose of observing the employee's work and for training the employee in work expectations. Probationary periods apply to new hires, transfers, promotions and rehires. Probation periods for part-time staff is one (1) years based off the department requirements. Firefighters will be evaluated on a regular basis to assure they are conforming to fire department policies and procedures.

### **3.8 Psychological Exam / Employee Assessment**

All finalists for employment will be subject to a psychological evaluation by a vendor selected by the Fire Chief. The exam results will become part of the employees personnel file and will be held as confidential to the Chief and those that are involved in the employment process.



#### **4.0 Work Schedule**

The Fire Chief defines the work schedule for all employees and can change it when deemed necessary to improve operational needs.

##### **Part-time Employee:**

The fire department utilizes paid on-call employees as emergency responders for the community we serve Sunday through Saturday 24 hours per day, 365 days per year. In most cases, the work schedule is not set. Firefighters respond to incident when a digital voice pager alerts them of a call. At that time, they respond to their respective stations and select the appropriate equipment for the incident they are called to. Employee of this type are part-time employees and can respond whenever they are available. It is the employees responsibility to update their availability with the Fire Chief should it change.

#### **4.1 Performance Evaluations**

Part-time employees shall receive an annual evaluation to measure their performance with the duties and responsibilities outlined within their job description. The review is documented on a performance evaluation worksheet and reviewed by the employee and supervisor together. It is intended through this process that employees and supervisors can communicate current and future expectations and discuss overall job performance. It is also the intent that this process can help to identify efficiencies, address any safety concerns, and deliver a clear picture of the mission and vision of the organization moving forward.

#### **4.2 Promotions**

The Fire Chief shall be responsible for determining staffing needs for the fire department. In all cases, the fire department will look within its organization for employees who meet the qualifications for promotions and staff openings. If it is determined there are no employees that meet the qualifications that are needed to effectively conduct the role and responsibility of the position, this policy does allow for the fire department to look outside of its organization for skilled personnel.

The Fire Chief does hold the right to conduct further testing on candidates for promotion from an outside firm or agency to determine they possess the needed schooling, experience and character. All promotions are subject to a six month probation period. If the employee who has been promoted is found unsuitable for the position to which promoted, such employee may be reinstated to his/her former position and rate of pay, or to another position in the same class if a vacancy exists.

#### **4.3 Veteran's Preference**

The fire department will follow state and federal law related to veteran's preference.

#### **4.4 Americans with Disabilities Act (ADA)**

The Americans with Disabilities Act (ADA) protects qualified individuals with a disability against employment discrimination. The term "disability" includes physical or mental impairments that substantially limit one or more major life activities, or where an individual has a record of impairment or is regarded as having impairment.

## **5.0 Discipline**

### **5.1 General Policy**

Fire Officers are responsible for maintaining compliance with fire department standards of employee conduct. The objective of this policy is to establish a standard disciplinary process for employees of the Nowthen Fire Department. Department employees will be subject to disciplinary action for failure to fulfill their duties and responsibilities at the level required, including observance of work rules and standards of conduct and applicable department policies. Discipline will be administered in a nondiscriminatory manner. An employee who believes that discipline applied was either unjust or disproportionate to the offense committed may pursue a remedy through the grievance procedures established in the Nowthen Fire Department's personnel policies. The supervisor and/or the Fire Chief will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

### **5.2 Process**

The Fire Chief may elect to use progressive discipline with any employee. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate, depending on the severity of the event. Nothing in these personnel policies implies that any fire department employee has a property right to the job he/she performs. Documentation of disciplinary action taken will be placed in the employee's personnel file with a copy provided to the employee.

**The following are descriptions of the types of disciplinary actions:**

#### **5.2.1 Coaching/Mentoring**

At times, supervisors of the fire department may have to explain the rules and regulations to department employee to assure they understand them and can implement them in their decision making and daily duties. Coaching can be used in order to immediately correct an infraction. If the same infraction persists, supervisors shall continue to the next step of progressive discipline.

Though coaching and mentoring is a good way to direct employees in a positive manner, continual infractions shall be documented and progressive discipline shall continue to move upward.

#### **5.2.2 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. Verbal reprimands are normally given for first infractions on minor offenses to clarify expectations and put the employee on notice that the performance or behavior needs to change, and what the change must be. The supervisor will document the verbal reprimand including date(s) and a summary of discussion and corrective action needed. The document will be placed within the employees personnel file.

### 5.2.3 Written Reprimand

A written reprimand is more serious and may follow a verbal reprimand when the problem is not corrected or the behavior has not consistently improved in a reasonable period of time. Serious infractions may require skipping either the verbal or written reprimand, or both. Written reprimands are issued by the Fire Chief or Assistant Fire Chief.

A written reprimand will: (1) state what did happen; (2) identify the policy, directive or performance expectation that was not followed; (3) provide history, if any, on the issue; (4) state corrective action, including timetables, and expectations for the future; and (5) indicate consequences of recurrence. Employees will be given a copy of the reprimand to sign acknowledging its receipt. Employees' signatures do not mean that they agree with the reprimand. Written reprimands will be placed in the employee's personnel file.

### 5.2.4 Suspension With or Without Pay

The Fire Chief may suspend an employee without pay for disciplinary reasons at their discretion. Suspension without pay may be followed with immediate dismissal as deemed appropriate by the Fire Chief. The employee will be notified in writing of the reason for the suspension either prior to the suspension or shortly thereafter. A copy of the letter of suspension will be placed in the employee's personnel file.

An employee may be suspended or placed on involuntary leave of absence pending an investigation of an allegation involving that employee. If the allegation is proven false after the investigation, the relevant written documents will be removed from the employee's personnel file and the employee will receive any compensation and benefits due had the suspension not taken place.

### 5.2.5 Dismissal

The Fire Chief may dismiss an employee for substandard work performance, serious misconduct, or behavior not in keeping with fire department standards. Employees of the fire department are "at-will" and can be dismissed at any time for any reason as outlined by state law. Employees may also quit at any time for any reason.

## 5.3 Grievance Procedure

Any dispute between an employee and the supervisor relative to the application, meaning or interpretation of these personnel policies will be settled in the following manner:

**Step 1:** The employee must present the grievance in writing, stating the nature of the grievance, 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 seven (7) days after the alleged violation or dispute has occurred. The supervisor will respond to the employee in writing within seven (7) calendar days.

**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 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 Fire Chief within seven (7) days after the supervisor's response is due. The Fire Chief or his/her designee will respond to the employee in writing within seven (7) calendar days. The decision of the Fire Chief is final.

#### 5.4 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 Chief's last answer. If the Chief 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 fire department and the employee without prejudice to either party.

The following actions are not grievable:

1. Performance evaluations;
2. Pay increases or lack thereof; and
3. Work schedule or hours.

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

## **6.0 Work Rules and Code of Conduct**

### **6.1 Conduct as a Fire Department Employee**

In accepting employment, employees become representatives of the City of Nowthen and are responsible for improving the mission and vision of the organization. An employee's primary responsibility is to serve those who live, work and visit the city of Nowthen. Employees should exhibit conduct that is ethical, professional, responsive, and of standards becoming of a Nowthen employee. To achieve this goal, employees must adhere to established policies, rules, and procedures and follow the instructions of their supervisors.

The following are job requirements for every position at the city of Nowthen. By following these rules you are described as being a member in "good standing". Each employee is expected to:

- Read, understand and comply with the rules and regulations as set forth in these Personnel Policies.
- Perform the assigned duties, skills, and tasks as outlined by the National Fire Protection Associations (NFPA) Standard 1001 known as "Firefighter Professional Qualifications" and NFPA 1582, Comprehensive Occupational Medical Programs for Fire Departments. Employees are also required to maintain current certification as a firefighter level I-II through the Minnesota Fire Service Certification Board as well as state certification as an Emergency Medical Technician through the Minnesota Emergency Medical Services Regulatory Board (EMSRB).
- Render prompt and courteous service to the public at all times.
- Conduct themselves with decorum toward residents, visitors, elected officials and staff and respond to inquiries and information requests with patience and every possible courtesy.
- Report any and all unsafe conditions as well as injuries to their immediate supervisor.
- Maintain good attendance and participate in a manner that reflects a positive image upon the fire department and the communities we serve.
- Obey the laws established by local, state, and federal ordinance and statutes both on and off duty.

## **6.2 Attendance & Absence**

All employees are responsible to the following attendance requirements:

### **Training:**

The regularly scheduled training sessions will be held on Wednesdays both AM and PM sessions. The day session will start at 9:00 AM and the evening session at 6:00 PM unless otherwise directed. Occasionally, a special drill may be scheduled. The time and date will be determined by the conditions relating to the drill.

Members will attend at least twelve hours (12) of training session each quarter. The first quarter starts January 1st of each year. Some training is mandatory and shall not be missed. If the firefighter misses a mandatory drill, it is their responsibility to make it up within one (1) month of the class. Failure to make up the training can lead to disciplinary action.

All members must attend the training required to maintain certification as a State Firefighter level II through the Minnesota Fire Service Certification Program. All members must attend the training required to maintain certification as a First Responder or an EMT through the Minnesota Emergency Services Regulatory Board

All members who were hired by the city of Nowthen after July 1, 2021 must maintain EMT certification. Any member not meeting these requirements will be placed on administrative leave for 4 months maximum in order to recertify. If the certification cannot be earned, the firefighter will be dismissed from the fire department.

### **Emergency and non-emergency incidents:**

Firefighters are required to respond to and be accounted for a minimum of 25% of the emergency calls per quarter. The Fire Chief and Assistant Fire Chief(s) are excused from call percentage requirements.

Members failing to meet the required percentage for the quarter will be subject to disciplinary action. Failure to meet requirements for two consecutive quarters may lead to discipline up to include termination.

- A timely response is required to emergency calls in order to get credit for the call. Anyone arriving to the station after the units have cleared the scene will not be given credit for the call.

### **Officers Meetings:**

Officers meetings will be held monthly unless otherwise directed by the Fire Chief or Assistant Fire Chief (s). Officers meetings will typically be closed to the membership unless specifically identified otherwise by the Fire Chief or Assistant Fire Chief (s).

## **7.0 Access to and use of Fire Department Property**

Any employee who has authorized possession of keys, tools, cell phones, pagers, or other department owned equipment must register his/her name and the serial number (if applicable) or identifying information about the equipment with the administration office. All such equipment must be turned in and accounted for by any employee leaving employment with the department in order to resign in good standing. Employees are responsible for the safekeeping and care of all such equipment. The duplication of keys owned by the fire department is prohibited unless authorized by the Fire Chief. Any employee found having an unauthorized duplicate key will be subject to disciplinary action. Equipment owned by the fire department or in its care shall not be used for personal use or gain unless approved by the Fire Chief.

### **7.1 Vehicles**

No employee shall use fire department vehicles for any purpose other than for official business. Fire department vehicles shall only be operated by those licensed by the State of Minnesota Department of Transportation for its use, and through permission of the Fire Chief or designee. When operating such equipment, the operator shall abide by all state and local traffic laws and fire department standing operating policies and guidelines. All employees of the fire department shall be trained to effectively and safely operate the equipment they are operating prior to use.

### **7.2 Appearance**

Personal appearance should be appropriate to the nature of the work and contacts with other people and should present a positive image and reflect positively upon the fire department. Clothing, jewelry or other items that could present a safety hazard are not acceptable in the workplace. Uniforms are provided to each employee upon the completion of their initial training. Unless otherwise advised, uniforms shall be worn at all fire department meetings and public service activities with the exception of equipment maintenance. All uniform items are owned by the fire department and shall be maintained in good condition. Only garments approved by the Fire Chief may be worn as part of our official uniform. The use of fire department apparel shall not be worn as separates while off duty. Any item that has the Nowthen Fire Department or city logo on it is subject to discredit by your actions. It would not be considered appropriate to wear fire department uniform to a bar or a concert. It would also not be appropriate to wear NFD apparel while on duty with your full-time employer unless it is with the fire department.

### **7.3 Conflict of Interest**

Nowthen Fire Department employees are to remove themselves from situations in which they would have to take action or make a decision where that action or decision could be a perceived or actual conflict of interest including communication with elected officials regarding their employment or fire department operations, social media interactions, and public comments or statements. If an employee has any question about whether such a conflict exists he/she should consult with the Fire Chief.

#### **7.4 Falsification of Records**

Any employee who makes false statements or commits, or attempts to commit, fraud in an effort to prevent the impartial application of these policies will be subject to immediate disciplinary action up to and including termination and potential criminal prosecution.

#### **7.5 Technology**

The use of technology that is owned by the fire department or by an employee of the fire department is governed by the following rules. Employees should have no expectation of privacy or confidentiality when using city resources. The Chief reserves the right to monitor and log all activity including e-mail and internet use, with or without notice.

#### **7.6 Personal Telephone Calls / Internet Use**

Phones lines owned by the Fire Department shall not be used to make long distance and/or harassing or threatening phone calls. The use of the internet is for professional use only. At no time shall an employee upload, download, manipulate or modify fire department computers, camera, video, and the like without permission from the Fire Chief. Employees should not expect their use of fire department equipment to be "private".

#### **7.7 Cell phone usage**

The use of cellular phones (to include data) while on duty is permitted within the fire department. The following exceptions apply.

- a. While at training or during a public presentation.
- b. While driving a NFD vehicle of any kind.
- c. While in or near a hazardous area that could cause an explosion or fire.
- d. While treating a patient unless it is in line with patient care.

#### **7.8 Camera usage**

- a. Under no circumstances shall any personnel be permitted to use the camera function of a personal cellular telephone, portable cameras, or any type of equipment that records live media while on duty unless given direction by a fire officer for official business.
- b. All on-scene photography shall be for clinical and/or documentation purposes only and conducted only at the direction of the fire officer in charge at the scene.
- c. Any photographs or video containing identifiable information of a person are covered by the HIPPA privacy rule and must be protected in the same manner as patient reports and other such documentation. These include address numbers, plate numbers, business names, etc.
- d. Any photographs or video taken by NFD employees while working on its behalf, become the property of the fire department. This includes photographs taken while using personal devices.
- e. No images or video can be used by an employee without the permission of the fire chief.
- f. Portable cameras such as ones placed on helmets and vehicles are not allowed without the authorization of the fire chief.



### **7.9 Social Media**

Social media is the use of web-based and mobile technologies used to turn communication into interactive dialogue. Common sites that allow this include: Facebook, Twitter, Friendster, MySpace, Bebo, LinkedIn, YouTube, Wikipedia, blogs, and the like.

It is the intent of this policy to protect the interests of the employer and the employee as interactions within each of these interactive dialogues could raise liability concerns and defamation upon the organization. It is recognized that employees within the fire department use social media after hours and on their own time. It is also recognized that each employee has the right to freedom of speech under the first amendment of the U.S. Constitution. There are however, rules that apply to the use of such social media "after hours" even if the employee believes they are "off-duty". Due to the makeup of the staffing model within the fire department, employees are considered "on duty" all the time. Therefore, posting items on the organizations site or a personal site that goes against this policy can lead to discipline measures to include termination.

The following rules apply to the use of social media for all employees of the fire department.

1. No employee shall create a social media site, email address, contact list, password, and the like, that would misconstrue that it represents the Nowthen Fire Department.
2. Employees shall not post inappropriate images, postings, and videos of job sites, incidents, people, or notices.
3. Shall not violate HIPPA or other laws by posting information, images, and or video.
4. Shall post information that is factual and respectful that does not create a negative image toward the fire department or its employees.
5. Shall not promote violence towards any person.
6. Disclose any proprietary information of the fire department.
7. Disclose political views, endorsements, or suggestions towards any party or action.

### **7.10 Political Activity**

Employees have the right to express their views and to pursue legitimate involvement in the political system. However, no department employee will directly or indirectly, during hours of employment, solicit or receive funds for political purposes. Further, any political activity in the workplace must be preapproved by the Fire Chief to avoid any conflict of interest or perception of bias such as using authority or political influence to compel another employee to apply for or become a member in a political organization.

### **7.11 Smoking**

All fire department buildings and vehicles, in their entirety, shall be designated as smoke free, meaning no person will smoke tobacco or vape while in a department facility or vehicle. Smoking of any kind, including pipes, cigars, and cigarettes, is prohibited for employees while on duty.

### **7.12 Employee Contact Information**

Employees are responsible for immediately notifying of any change in status including changes in address or phone number.

## **PAYROLL/LEAVE REQUEST**

### **8.0 Scope**

It is the Fire Chiefs responsibility to report timely payroll for the staff. The following pay will be distributed according to the job class and activity that has been conducted.

### **8.1 Firefighter and Fire Officer Pay**

Firefighters will be paid by each hour for emergency incidents, with the time calculated in one quarter hour increments. A minimum of one hour pay will be used for each incident they are paged to respond to. If a second call comes in while the units are in service with the first call, pay will be calculated as if it was one call. Pay for training, fire prevention, and maintenance will be calculated on the same basis as emergency Calls. If a call is received while on a fire department activity, the call will not be paid but credit will be given.

In addition to the hourly pay, officers may be paid a monthly salary for duties and responsibilities additional to those of a firefighter. Officers include the Assistant Chief, Captains, Lieutenants, Training Officer and Fire Technician. Others may be appointed by the Fire Chief.

### **8.2 Time Reporting**

It is the employee's responsibility to assure that they are marked in attendance for all incidents, training, and meetings that they attend.

Pay for each incident is established in the following ways:

- **Emergency Incidents:** From the time of the initial page for assistance until the time you are relieved or dismissed by a fire officer or senior firefighter in charge.
- **Training:** From the start of class until you are relieved of training by a fire officer or designee.
- **Meetings:** From the time the meeting begins until you are relieved by a fire officer or designee.
- **Maintenance:** From the time the maintenance begins until you are relieved by a fire officer or designee.

In all cases, the fire officer has the right to deny credit for the incident or event based on the time the employee arrived. If all units have cleared the fire scene, credit will not be given to those employees that just arrive to the station. All compensatory time will be marked as such on official NFD forms.

Manipulation of ANY NFD form to obtain credit and or pay will lead to the immediate termination of that employee.

### **8.3 Leave Policy**

All leave of absence requests shall be submitted in writing to the Fire Chief for approval. Personal leave may be needed if you are injured outside of the fire department, have a family conflict, placed out of the area by your employer, are caring for another, and so on. Personal leave shall not last longer than six (6) months. Those taking personal leave shall maintain their certifications and training.

After an absence for injury or illness, a physician's statement may be required in order to return back to duty. The letter shall indicate the nature of the illness or medical condition and attesting to the employee's ability to return to work and safely perform the essential functions of the job with or without reasonable accommodation

Any work restrictions must be stated clearly on the return-to-work form. Employees who have been asked to provide such a statement may not be allowed to return to work until they comply with this provision. Leave may be denied for any employee required to provide a doctor's statement until such a statement is provided. The fire department does not provide "light duty" opportunities.

The Nowthen Fire Department has the right to obtain a second medical opinion to determine the validity of an employee's worker's compensation or sick leave claim, or to obtain information related to restrictions or an employee's ability to work. The department will arrange and pay for an appropriate medical evaluation when it is required by the fire department. Any employee who makes a false claim for sick leave will be subject to discipline up to and including termination.

Depending upon an employee's situation, more than one form of leave may apply during the same period of time (e.g., The Family and Medical Leave Act is likely to apply during a worker's compensation absence). An employee will need to meet the requirements of each form of leave separately. Leave requests will be evaluated on a case-by-case basis.

### **8.4 Job Related Injury or Illness**

All employees are required to report any job-related illnesses or injuries to their supervisor immediately. If a supervisor is not available and the nature of injury or illness requires immediate treatment, the employee is to go to the nearest available medical facility for treatment and, as soon as possible, notify his/her supervisor of the action taken. In the case of a serious emergency, 911 should be called. If the injury is not of an emergency nature, but requires medical attention, the employee will report it to the supervisor and make arrangements for a medical appointment. Worker's compensation benefits and procedures to return to work will be applied according to applicable state and federal laws. Supervisors are required to complete the required forms related to the injury within 24 hours of the injury.

### **8.5 Administrative Leave**

Under special circumstances, an employee may be placed on an administrative leave pending the outcome of an internal or external investigation. The leave may be paid or unpaid, depending on the circumstances, as determined by the Fire Chief.

### **8.6 Performance Reviews:**

An objective performance review system will be established by the Fire Chief or designee for the purpose of periodically evaluating the performance of department employees. The quality of an employee's past performance will be considered in personnel decisions such as promotions, transfers, demotions, terminations and, where applicable, salary adjustments. Performance reviews will be discussed with the employee. Employees do not have the right to change or grieve their performance review but may submit a written response which will be attached to the performance review.

Performance reviews are to be scheduled on a regular basis, at least annually. The form, with all required signatures, will be retained as part of the employee's personnel file. During the training period, informal performance meetings should occur frequently between the supervisor and the employee. Signing of the performance review document by the employee acknowledges that the review has been discussed with the supervisor and does not necessarily constitute agreement. Failure to sign the document by the employee will not delay processing.

### **8.7 Court Appearances**

Employees will be paid their regular wage to testify in court for fire department-related business. Any compensation received for court appearances (e.g. subpoena fees) arising out of or in connection with NFD employment, minus mileage reimbursement, must be turned over to the fire department.

## **9.0 RESPECTFUL WORKPLACE POLICY (includes sexual harassment prevention)**

### **9.1 Scope**

The intent of this policy is to provide general guidelines about the conduct that is and is not appropriate in the workplace. The Nowthen Fire Department acknowledges that this policy cannot possibly predict all situations that might arise, and also recognizes that some employees are exposed to disrespectful behavior, and even violence, by the very nature of their jobs.

### **Applicability**

Maintaining a respectful work environment is a shared responsibility. This policy is applicable to all Nowthen Fire Department personnel.

### **9.2 Abusive Customer Behavior**

While the NFD has a strong commitment to customer service, the NFD does not expect that employees accept verbal or physical abuse from any customer or vendor. An employee may request that a supervisor intervene when a customer is abusive, or they may defuse the situation themselves, including ending the contact. If there is a concern over the possibility of physical violence, a supervisor should be contacted immediately. When extreme conditions dictate, 911 may be called. Employees should leave the area immediately when violence is imminent unless their duties require them to remain. Employees must notify their supervisor about the incident as soon as possible.

### 9.3 Types of Disrespectful Behavior

The following types of behaviors cause a disruption in the workplace and are, in many instances, unlawful; and subject to discipline

Violent behavior includes the use of physical force, harassment, or intimidation.

Discriminatory behavior includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, or status with regard to public assistance.

Offensive behavior may include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disrespectful language, or any other behavior regarded as offensive to a reasonable person. It is not possible to anticipate in this policy every example of offensive behavior.

Accordingly, employees are encouraged to discuss with their fellow employees and supervisor what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction. Although the standard for how employees treat each other and the general public will be the same throughout the city, there may be differences between work groups about what is appropriate in other circumstances unique to a work group. If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from their supervisor or the Fire Chief.

Sexual harassment can consist of a wide range of unwanted and unwelcome sexually directed behavior such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or
- Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment includes, but is not limited to, the following:

- Unwelcome or unwanted sexual advances. This means stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by another individual.
- Verbal or written abuse, kidding, or comments that are sexually-oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos or actions that offend others.
- Requests or demands for sexual favors. This includes subtle or obvious expectations, pressures, or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job.

#### 9.4 Possession and Use of Dangerous Weapons

Possession or use of a dangerous weapon (see attached definitions) is prohibited on

City of Nowthen (NFD) property or, in Nowthen Fire Department vehicles, or in any personal vehicle, which is being used for NFD business. This includes employees with valid permits to carry firearms.

The following exceptions to the dangerous weapons prohibition are as follows:

- Employees legally in possession of a firearm for which the employee holds a valid permit, if required, and said firearm is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on public property.
- A person who is showing or transferring the weapon or firearm to a police officer as part of an investigation.
- Police officers and employees who are in possession of a weapon or firearm in the scope of their official duties.

#### 9.5 Employee Response to Disrespectful Workplace Behavior

Employees who believe that disrespectful behavior is occurring are encouraged to deal with the situation in one of the ways listed below. However, if the allegations involve violent behavior, sexual harassment, or discriminatory behavior, then the employee is responsible for taking one of the actions below. If employees see or overhear a violation of this policy, they are encouraged to follow the steps below.

**Step 1(a).** Politely, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions. Politely request the person to stop the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.

**Step 1(b).** If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, go to your supervisor or Fire Chief immediately. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter no later than ten business days after your report.

**Step 1(c).** In the case of violent behavior, all employees are required to report the incident immediately to their supervisor, Fire Chief or Anoka County Sheriffs Office. Any employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must report it within two business days to a supervisor or the Fire Chief.

**Step 2.** If, after what is considered to be a reasonable length of time (for example, 30 days), you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident to the Mayor.

### **9.6 Supervisor's Response to Allegations of Disrespectful Workplace Behavior**

Employees who have a complaint of disrespectful workplace behavior will be taken seriously. In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations within two business days to the Fire Chief, who will determine whether an investigation is warranted. A supervisor must act upon such a report even if requested otherwise by the victim. In situations other than sexual harassment and discriminatory behavior, supervisors will use the following guidelines when an allegation is reported:

**Step 1.** If the nature of the allegations and the wishes of the victim warrant a simple intervention, the supervisor may choose to handle the matter informally. The supervisor may conduct a coaching session with the offender, explaining the impact of his/her actions and requiring that the conduct not reoccur. This approach is particularly appropriate when there is some ambiguity about whether the conduct was disrespectful.

**Step 2.** If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. The person being interviewed may have someone of his/her own choosing present during the interview. The investigator will obtain the following description of the incident, including date, time and place.

- Corroborating evidence.
- A list of witnesses.
- Identification of the offender.

**Step 3.** The supervisor must notify the Fire Chief about the allegations.

**Step 4.** As soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations. The alleged violator will have the opportunity to answer questions and respond to the allegations.

**Step 5.** After adequate investigation and consultation with the appropriate personnel, a decision will be made regarding whether or not disciplinary action will be taken.

**Step 6.** The alleged violator and complainant will be advised of the findings and conclusions as soon as practicable.

### **9.7 Special Reporting Requirements**

When the supervisor is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the Fire Chief who will assume the responsibility for investigation and discipline. If the Fire Chief is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the Mayor of Nowthen.

### **Confidentiality**

A person reporting or witnessing a violation of this policy cannot be guaranteed anonymity. The person's name and statements may have to be provided to the alleged offender. All complaints and investigative materials will be contained in a file separate from the involved employees' personnel files.

If disciplinary action does result from the investigation, the results of the disciplinary action will then become a part of the employee(s) personnel file(s).

### **Retaliation**

Consistent with the terms of applicable statutes and personnel policies the fire chief or designee may discipline any individual who retaliates against any person who reports alleged violations of this policy. The fire chief or designee may also discipline any individual who retaliates against any participant in an investigation, proceeding or hearing relating to the report of alleged violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

## **9.8 SEPARATION FROM SERVICE**

### **Resignations**

Employees wishing to leave the Nowthen Fire Department in good standing must provide a written resignation notice to the Fire Chief or Assistant Fire Chief. The written resignation must state the effective date of the employee's resignation. Failure to comply with this procedure may be cause for denying the employee's pay and any future employment with the Nowthen Fire Department.

## **10.0 EMPLOYEE EDUCATION & TRAINING**

The NFD promotes employee development as an essential, ongoing function needed to maintain and improve cost effective quality service to residents. The purposes for employee development is to ensure that employees develop and maintain the knowledge and skills necessary for effective job performance and to provide employees with an opportunity for job enrichment and mobility.

**Policy:** The NFD may pay for the costs of an employee's participation in training and attendance at professional conferences, provided that attendance is approved in advance under the following criteria and procedures:

### **10.1 Job-Related Training & Conferences**

The subject matter of the training session or conference is directly job-related and relevant to the performance of the employee's work responsibilities. Responsibilities outlined in the job description, annual work program requirements and training goals and objectives that have been developed for the employee will be considered in determining if the request is job-related.

#### **Request for Participation in Training & Conferences**

The request for participation in a training session or conference must be submitted in writing to the Fire Chief. All requests must include an estimate of the total cost (training session, travel, meals, etc.) All classes shall be reviewed by the Fire Chief prior to attending if it is expected that the fire department pay for the expenses.



### **Out of State Travel**

Attendance at training or conferences out of state is approved only if the training or conference is not available locally. All requests for out of state travel are reviewed for approval/disapproval by the Fire Chief.

### **Memberships and Dues**

The purpose of memberships to various professional organizations must be directly related to the betterment of the services of the fire department.

### **Travel & Meal Allowance**

If employees are required to travel outside of the area in performance of their duties as an employee, they will receive reimbursement of expenses for meals, lodging and necessary expenses incurred. No reimbursement will be made for alcoholic beverages. Meal expenses of \$\_25.00\_ per day will be allowed.

## **11.0 DRUG FREE WORKPLACE**

In accordance with Federal Law, the Nowthen Fire Department has adopted the following policy on drugs in the workplace:

- A. Employees are expected and required to report to work on time and in appropriate mental and physical condition. It is the fire departments intent and obligation to provide a drug-free, safe and secure work environment.
- B. The unlawful manufacture, distribution, possession, or use of a controlled substance on City or NFD property or while conducting NFD business is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
- C. The NFD recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use their health insurance plans, as appropriate.
- D. Employees must, as a condition of employment, abide by the terms of this policy and must report any conviction under a criminal drug statute for violations occurring on or off work premises while conducting official NFD business. A report of the conviction must be made within five (5) days after the conviction as required by the Drug-Free Workplace Act of 1988.

## **12.0 USE OF ALCOHOL (Zero Tolerance)**

### **12.1 SCOPE**

When there is public contact with a department member who has used intoxicants, it reflects negatively on each and every member of the department. In addition, the stresses of firefighting and emergency services require all of us to be mentally and physically responsive.

### **12.2 ZERO TOLERANCE ~ ALCOHOL**

If someone has consumed alcohol within the previous eight (8) hours, or is still noticeably impaired by alcohol consumed previous to the eight (8) hours, they must voluntarily remove themselves from the activities and functions of the Nowthen Fire Department, including all emergency operations and training.

No member shall participate in any aspect of the organization and operation of the fire or emergency agency/organization under the influence of alcohol, including but not limited to any fire and emergency operations, fire-police, training, etc.

No alcohol shall be on the premises of any operational portion of the fire department, including but not limited to the apparatus, the apparatus floor, the station living areas, etc.

#### 12.2.1

##### Suspicion of Intoxication

In the event that a department member should respond to duty while under the influence of intoxicants, the situation will be handled in the following manner:

- A. The firefighter will be escorted from the scene back to the station. If this is not possible, he/she is to go to the apparatus he came on, remove his coat and helmet and stay inside until the scene is cleared. He/she is out of service and cannot be used for any reason. Do not leave alone and notify a fire department officer and/or ACSO immediately.
- B. The officer/firefighter who initiated this action will request another officer, preferably an Assistant Chief or above, to the station. If both officers suspect that the firefighter is under the influence, the situation will be treated in the following manner.
- C. If the firefighter admits in the presence of both officers that he/she is under the influence, he/she will be taken home and referred to the Fire Chief for disciplinary action.
- D. If the firefighter feels he/she is not under the influence and denies any wrongdoing he/she will be taken to the Anoka County Sheriffs Office or other Law Enforcement Facility where he/she will take an intoxalyzer test, or on request, he/she will be taken to a local hospital for a blood test. If the test results will be turned over to the Fire Chief and the firefighter will be taken home.
- E. Any refusal of a member to comply with this procedure will be regarded as a willful disregard of a direct order by a fire officer and subject to disciplinary action.

If someone suspects that the operator of the fire department vehicle is under the influence, have the operator immediately pull over and stop the vehicle. Advise dispatch that you are out of service and request a law enforcement officer to your location.

Probable cause must exist to bring this charge against a member. Caution must be used and all evidence documented and given to the Fire Chief. Every attempt must be made to keep this a civil matter. The sheriff will be involved only to the extent of administering the test, unless they have witnessed the person driving or have an outside complaint.

## **13.0 Nowthen Fire Department DRIVING POLICY**

### **13.1 SCOPE**

Driving to and from the emergency incident is the leading cause of firefighter fatalities for paid on-call firefighters; Understanding your role and the expectations allow us to reduce the potential for a tragic accident. This policy applies to all employees of the Nowthen Fire Department using NFD vehicles. It also applies to all employees reporting to a NFD incident or event in their personal vehicles.

### **13.2 SAFETY**

It is expected that all employees using NFD vehicles will drive safely and obey all traffic laws while responding under emergency and routine conditions. Seat belts shall be worn. Vehicle shall slow at all intersections prior to proceeding through a green light and stop at all intersections that have a stop sign or red light. Never assume the intersection is clear.

### **13.3 OPERATOR**

The operator of the vehicle shall be trained according to the "Coaching the Emergency Vehicle Operator" (CEVO) program or like course prior to operating a vehicle that uses air brakes. In some cases, new recruits may be trained to operate standard vehicles with the help of a mentor. New recruits however can NOT operate a vehicle under emergency response conditions without CEVO or like course training. The operator (driver) of the vehicle shall maintain control at all times and only operate equipment necessary to control the vehicle. Should the driver approach an intersection that is impassable they may need to proceed through the intersection driving on the wrong side of the road. If this decision is made by the operator and the officer, all emergency lighting and sirens shall be in the "on" position.

### **13.4 LICENSE CHECK**

The fire Department will examine driving records intermittently for all employees who are covered by this policy to determine compliance with this policy. Employees who lose their driver's license or receive restrictions on their license are required to notify their immediate supervisor on the first work day after any temporary, pending or permanent action is taken on their license and to keep their supervisor informed of any changes thereafter. The Fire Chief will determine appropriate action on a case-by-case basis.

### **13.5 Vehicle Backing**

All vehicles larger than a staff vehicle are required to have a person outside of the vehicle for the purpose of safe backing and accident avoidance

#### **14.0 CELLULAR PHONE / TEXTING DEVICE USEAGE**

This policy is intended to define acceptable and unacceptable uses of cellular telephones. Its application is to insure that cellular phone usage is consistent with the best interests of the fire department without unnecessary restriction of employees in the conduct of their duties. This policy will be implemented to prevent the improper use or abuse of cellular phones and to ensure that employees exercise the highest standards of propriety in their use. Keep in mind that cell phones can become a hazard on the fire ground should you come in contact with a flammable/combustible gas.

##### **14.1 GENERAL POLICY**

- Cell phones/Texting shall not be used while en route to or from an emergency incident unless it is for operational purposes in a NFD vehicle.
- Cell phones/Texting shall not be used during parades, tours, events, and alike.
- Cell phones and texting devices shall be place in "silent" mode when attending meetings or official NFD business.

#### **15.0 SAFETY**

The health and safety of each employee of the fire department and the prevention of occupational injuries and illnesses are of primary importance to the department. To the greatest degree possible, management will maintain an environment free from unnecessary hazards and will establish safety policies and procedures for each department. Adherence to these policies is the responsibility of each employee. Overall administration of this policy is the responsibility of each supervisor.

##### **15.1 REPORTING ACCIDENTS and ILLNESSES**

Both Minnesota Worker's Compensation laws and the state and Federal Occupational Safety and Health Acts require that all on the job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to his/her supervisor. The employee's immediate supervisor is required to complete a First Report of Injury and any other forms that may be necessary related to an injury or illness on the job.

##### **15.2 SAFETY EQUIPMENT AND GEAR**

Where safety equipment is required by federal, state, or local rules and regulations, it is a condition of employment that such equipment be worn by the employee in accordance with department guidelines.

##### **15.3 UNSAFE BEHAVIOR**

Supervisors are authorized to send an employee home immediately when the employee's behavior violates the fire department personnel policies or department policies.

### 16.0 Position Classifications

The Department uses the following position classifications, as described in the respective "Position Descriptions."

- Firefighter: paid-on-call
- Lieutenant: paid-on-call
- Captain: paid-on-call
- Assistant Chief: Officer Salary (non-contract)
- Fire Chief: Officer Salary (non-contract)

No firefighter may hold more than one officer position at any given time.

#### Minimum Years of Service and Educational Qualifications for Officers

Position	Years of Service	Education
Lieutenant	2	<ol style="list-style-type: none"><li>1. Emergency Medical Technician</li><li>2. Firefighter II</li><li>3. Basic Tactics Course</li></ol>
Captain	3	<ol style="list-style-type: none"><li>1. Emergency Medical Technician</li><li>2. Firefighter II</li><li>3. Basic Tactics Course</li><li>4. Basic Instructor Course</li><li>5. Basic Supervision/ Management Course</li></ol>
Assistant Chief	6	<ol style="list-style-type: none"><li>1. Emergency Medical Technician</li><li>2. Firefighter II</li><li>3. Basic Tactics Course</li><li>4. Basic Instructor Course</li><li>5. Basic Supervision/ Management Course</li><li>6. Incident Command</li><li>7. Fire Administration Course</li></ol>

**Position Title:** Firefighter  
**Department:** Fire Department  
**Position Title of Immediate Supervisor:** Captain and Lieutenant

**Position Summary:**

To provide skilled fire suppression work in combating, extinguishing, and preventing fires; in answering alarms; and in the operation and routine custodial maintenance of Fire Department equipment, apparatus, and facilities. Performs rescue and salvage operations, as required. Performs community service such as public education and presentations.

**Responsibilities:**

- A. Perform fire suppression activities.
- B. Assist in the operation, maintenance and repair of firefighting apparatus and equipment.
- C. Maintain and expand knowledge and skills in the areas of fire suppression and fire prevention.
- D. Perform community services, as requested.
- E. Perform other duties, as assigned, at the verbal or written direction of the Fire Chief.

**Tasks Related To Specific Responsibilities:**

- A. Perform fire suppression activities.
  - a. Drive trucks in answering alarms.
  - b. Connect, operate, and disconnect hoses.
  - c. Monitor and adjust water supply and pressure.
  - d. Perform ladder operations.
  - e. Perform forcible opening operations.
  - f. Apply ventilation procedures.
  - g. Operate hand chemical apparatus and applying extinguishing agents.
  - h. Remove people from emergency and crisis situations.
  - i. Administer emergency first aid.
  - j. Conduct salvage and overhaul work during and after a fire or accident.
- B. Assist in the operation, maintenance and repair of firefighting apparatus and equipment.
  - a. Inspect self-contained breathing apparatus (SCBA).
  - b. Clean and dry hoses after use.
  - c. Clean, wash and wax motorized fire equipment and other apparatus.
  - d. Participate in assigned equipment and station maintenance activities.
- C. Maintain and expand knowledge and skills in the areas of fire suppression and fire prevention.
  - a. Participate in department sponsored simulated and classroom training.
  - b. Work to constantly improve skills and knowledge.
  - c. Aid in the orientation and guidance of fellow fire fighters.

D. Perform public services, as requested.

a. Participate in fire prevention/education activities

E. Perform other duties, as assigned, at the verbal or written direction of the Fire Chief.

**Knowledge, Skills and Abilities:**

- Knowledge of fire suppression techniques and equipment.
- Ability to make a positive contribution to the Department by working cooperatively with peers and supervisors.
- Ability to respond to various fire suppression situations.
- Ability to establish and maintain continuing effective working relationships with other firefighters and the general public.
- Ability to participate in the required number of Department training sessions and fire calls
- Ability to provide supervision to department staff.
- Ability to exercise good judgment.

**Training and Experience:**

All formal (required) training is provided and paid for by the City of Nowthen. Required Educational Training must be completed within the specified time period from the date of hire. The following training is to be completed within the 1 year probationary period (1 year from the date of hire), unless otherwise specified:

1. Radio Communications Training;
2. NIMS Training: ISO 100, ISO 200, ISO 700 (required), ISO 800 (to be considered for an Officer position);
3. Haz-Mat Operations;
4. Firefighter II Certification (must be completed within 2 years from the date of hire); and,
5. Emergency Medical Technician Certification (must be completed within 1 year from the date of hire, effective 7/1/2021).

**Position Title:** Lieutenant

**Department:** Fire Department

**Position Title of Immediate Supervisor:** Captain

**Position Summary:**

This position serves as a first line supervisor for firefighters under the direction of the Assistant Fire Chief. This position is responsible for supervision of personnel, apparatus, and equipment; coordinates fire department activities; provides supervision to paid-on-call firefighters; participates as a member of the management team; participates in departmental training; responds to emergency incidents and assumes a leadership role, and carries out the duties of higher ranking fire officers in their absence as assigned.

**Supervision Received and Exercised:**

Work is performed independently under the direction of the Assistant Fire Chief. Performs varying forms of supervision and work direction for paid-on-call firefighters assigned to his/her company as well as firefighters at the scene of an emergency.

**Essential Job Functions:**

- Assists with management and administration of his/her assigned company personnel, facilities, apparatus and equipment as assigned by the Assistant Fire Chief.
- Responds to emergency incidents and serves as a company officer or sector officer as assigned.
- Serves as a scheduled duty officer for the purpose of administration or responding to emergencies in the absence of a chief officer.
- Represents the Fire Department at local, regional, state and national fire service meetings, conferences and schools, as assigned.
- Plans, organizes and conducts monthly training under the supervision of the Assistant Fire Chief.
- Performs other related duties, as apparent or assigned.

**Knowledge, Skills and Abilities:**

- Operations, services and activities of the Nowthen Fire Department. Principles, practices, and methods of fire prevention, comprehensive fire suppression, and emergency services.
- Principles of supervision, management and administration including carrying out performance evaluations and scheduling.
- Pertinent Federal, State and local laws, codes, regulations, and ordinances.
- City personnel policies and procedures.
- Nowthen Fire department training programs.
- Nowthen Fire Department policies and procedures, North Suburban Regional Mutual Aid Policy and Procedures, and the City of Nowthen Emergency Management Procedure.



**Ability To:**

- Supervise company teams including its personnel, apparatus, and equipment.
- Plan, organize, direct and coordinate the work of paid-on-call firefighters.
- Train and evaluate firefighters.
- Be assertive, but not demeaning; communicate clearly and concisely, both orally and in writing.
- Operate computer equipment and associated software.
- Be proficient at completing fire and EMS reports.
- Work harmoniously with groups, organize and guide members' participation, and promote positive motivation.
- Make good judgments under emotionally strenuous emergency conditions; consistently displays a calm professional demeanor.

**Qualifications:**

Meets all qualifications of a Nowthen Firefighter. Two years of experience on the Nowthen Fire Department or equivalent experience approved by the Fire Chief. Current Minnesota Fire Service Certification Board Firefighter II. Current Minnesota EMSRB Certified Emergency Medical Technician. NFPA 472 Haz Mat Operations and Basic Tactics Course. Not under disciplinary review for drill or fire attendance, or policies and procedures violation.

**Position Title:** Operations Captain

**Department:** Fire Department

**Position Title of Immediate Supervisor:** Assistant Fire Chief

**Position Summary:**

This position serves as a mid-level supervisor for firefighters under the direction of the Assistant Fire Chief. This position is responsible for supervision of personnel, apparatus, and equipment; coordinates fire department activities; provides supervision to firefighters; participates as a member of the management team; participates in Departmental training; responds to emergency incidents and assumes a leadership role, and carries out the duties of the Assistant Fire Chief in his/her absence as assigned.

**Supervision Received and Exercised:**

Work is performed independently under the direction of the Assistant Fire Chief. Performs varying forms of supervision and work direction for firefighters assigned to his/her company as well as firefighters at the scene of an emergency.

**Essential Job Functions:**

Essential duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them if the work is similar, related or a logical assignment to the position.

- Responds to emergency incidents and serves in a command or supervisory role at the scene until relieved by a superior officer.
- Responds to all alarms, when necessary, assigned to his/her shift while on duty.
- Responds to emergency calls off duty in accordance with performance requirements.
- Determines cause and origin of fires and writes fire investigation reports.
- Assists with the management and administration of his/her assigned company personnel, facilities, apparatus and equipment as assigned by the Assistant Fire Chief.
- Plans and assigns duties to employees under his/her command.
- Ensures adequate staffing and scheduling in accordance with Department policy and procedures, standard operating guidelines and orders of the Fire Chief.
- Prepares personnel and activity reports for the Assistant Fire Chief.
- Plans, conducts and documents firefighter training as directed by the Assistant Fire Chief.
- Makes recommendations relating to hiring, transfer, suspension, promotion, discharge, assignments, rewards or discipline of subordinates.
- Maintains discipline.
- Establishes effective working relationship with others.
- Attends regular and assigned training as determined by superiors.
- Represents the Fire Department at local meetings, conferences and schools, as assigned.

- Performs other duties, as assigned or apparent, including firefighter duties as outlined in the Firefighter position description.
- Effective and respectful communication and interactions with other employees, supervisors, individuals from other organizations, and citizens.
- Is physically capable of completing firefighter physical ability test.

**Knowledge, Skills and Abilities:**

- Operations, services and activities of the Nowthen Fire Department.
- Principles, practices, and methods of fire prevention, comprehensive fire suppression, rescue, emergency medical and hazardous material services.
- Principles of emergency scene management including the MN Incident Management System.
- Building construction.
- Principles of training firefighters and standards related to training firefighters.
- Principles of public education.
- Principles of supervision, management and administration including carrying out performance evaluations and scheduling.
- Pertinent Federal, State and local laws, codes, regulations, and ordinances.
- City personnel policies and procedures.
- Nowthen Fire department training programs.
- Nowthen Department policies and procedures, North Suburban Regional Mutual Aid Policy and Procedures, and the City of Nowthen Emergency Management Procedure.
- Scientific method of determining fire cause and origin.

**Ability To:**

- Supervise company teams including its personnel, apparatus, and equipment.
- Plan, organize, direct and coordinate the work of firefighters.
- Train and evaluate firefighters.
- Be assertive, but not demeaning.
- Communicate clearly and concisely, both orally and in writing.
- Operate computer equipment and be proficient completing fire and EMS reports.
- Work harmoniously with groups, organize and guide members' participation, and promote positive motivation.
- Operate assigned equipment including vehicles.
- Make good judgments under emotionally strenuous emergency conditions; consistently displays a calm professional demeanor.

**Qualifications:**

Meets all qualifications of Firefighter. Three (3) years of experience on the Nowthen Fire Department or equivalent experience approved by the Fire Chief. Current Minnesota Fire Service Certification Board. Firefighter I, Firefighter II, Current Minnesota EMSRB Certified Emergency Medical Technician. NFPA 472 Haz Mat Operations, Basic Fire Instructor and Basic Fire Service Leadership and Supervision.

**Position Title:** Training and Administration Captain

**Department:** Fire Department

**Position Title of Immediate Supervisor:** Assistant Fire Chief

**Position Summary:**

Under the direction of the Assistant Fire Chief, administers, and performs the Department Wide Training Program. Works to develop, implement, and maintain all areas concerning the Fire Department. This position entails working additional fire hours, the ability to present / coordinate training material, and the ability to work well with others.

**Supervision Received and Exercised:**

Supervision is exercised over Firefighters. Work is performed independently under the direction of the Assistant Fire Chief. Performs varying forms of supervision and work direction for assigned to his/her company as well as firefighters at the scene of an emergency.

**Essential Job Functions:**

- Serves as training captain; prepares and conducts training sessions; prepares course outlines and examinations; provides information to the public through press releases and lectures; maintains relationships with media; edits audiovisual materials for training or public information purposes.
- Designs, prepares and delivers training and educational programs.
- Manages purchasing and requisitions for station supplies and equipment.
- Assumes positions of higher responsibility as assigned.
- Supervises a company of Firefighters on fire apparatus and at the scene of a fire or other emergency situation.
- Organizes and supervises daily work routine at fire station consisting of station and equipment maintenance; provides safety and other training to firefighters.
- Continues to train with fire tools and equipment to develop and maintain proficiency; receives training regarding new developments in hazards, equipment, and techniques; maintains adequate physical condition.
- Maintains records and prepares reports related to work and training of firefighters.
- Identifies training needs and provides counseling as needed.
- Operates a variety of fire suppression and emergency medical equipment.
- Performs related duties, as needed or assigned.

**Knowledge, Skills and Abilities:**

- Thorough knowledge of modern fire suppression and prevention and emergency medical services principles, procedures, techniques, and equipment.
- Working knowledge of first aid and resuscitation techniques and their application as demonstrated through State EMT Certification.
- Considerable knowledge of applicable laws, ordinances, departmental standard operating procedures and regulations.
- Skill in the operation of listed tools and equipment.
- Ability to train and supervise subordinate personnel.
- Ability to perform work requiring good physical condition.
- Ability to communicate effectively orally and in writing.
- Ability to exercise sound judgment in evaluating situations and in making decisions.
- Ability to effectively give and receive verbal and written instructions.
- Ability to establish and maintain effective working relationships with other employees, supervisors and the public.

**Qualifications:**

Meets all qualifications of Nowthen Firefighter. Three (3) Years serving as a Nowthen Fire Fighter on Nowthen Fire Department or equivalent experience as approved by the Chief. Current Minnesota Fire Service Certification Board. Firefighter I, Firefighter II Certifications. Current Minnesota EMSRB Certified Emergency Medical Technician. NFPA 472 Haz Mat Operations. Basic Fire Instructor and Basic Fire Service Leadership and Supervision.

**Position Title:** Assistant Chief

**Department:** Fire Department

**Position Title of Immediate Supervisor:** Fire Chief

**Position Summary:**

Work is performed under the managerial direction of the Fire Chief.

**Supervision Received or Exercised:**

Serves as second in command over the entire Fire Department.

**Essential Job Functions:**

- Assists Fire Chief in planning and directing the activities of the department, including hiring, termination, and discipline; assumes the duties of the Fire Chief in the latter's absence.
- Manages the day-to-day operation of the Fire Department through subordinate division managers.
- May act as Fire Chief during absence of Fire Chief, as assigned.
- Supervises all officers and firefighter/EMT positions, either directly or through other subordinate officers.
- Reviews, evaluates, develops and implements programs, policies and procedures for various departmental operations including training, department technology, station and equipment maintenance, PPE and uniforms.
- Directs and participates in major departmental programs.
- Responds to general alarm fire as needed; assumes command in the absence of Fire Chief.
- Carries out duties in conformance with Federal, State, County and City laws and ordinances.
- Assists in the planning and implementation of Fire and EMS programs for the City in order to better carry out the policies and goals of the City.
- Directs the operation of departmental in-service training activities.
- Handles grievances from officers and firefighters, maintains Departmental discipline and the conduct and general behavior of personnel.
- Prepares and submits periodic reports to the Fire Chief regarding the Department's activities.
- Assigns personnel and equipment to such duties and uses as the service requires.

### **Peripheral Duties:**

- Meets with elected or appointed officials, other Fire/EMS officials, community and business representatives and the public on all aspects of the Departments' activities.
- Attends conferences and meetings to keep abreast of current trends in the field; represents the City Fire/EMS Departments in a variety of local, county, state and other meetings.
- Performs the duties of command personnel as needed and fulfills obligations during duty days or duty weeks.
- Serves as a member of various employee committees.

### **Knowledge, Skills and Abilities:**

- Considerable knowledge of modern fire suppression and prevention and emergency medical services principles, procedures, techniques, and equipment.
- Working knowledge of first aid and resuscitation techniques and their application as demonstrated through State EMT Certification.
- Considerable knowledge of applicable laws, ordinances, departmental standard operating procedures and regulations.
- Skill in the operation of listed tools and equipment.
- Ability to train and supervise subordinate personnel.
- Ability to perform work requiring good physical condition.
- Ability to communicate effectively orally and in writing.
- Ability to exercise sound judgment in evaluating situations and in making decisions.
- Ability to effectively give and receive verbal and written instructions.
- Ability to establish and maintain effective working relationships with other employees, supervisors and the public.

### **Ability To:**

- Supervise company teams including its personnel, apparatus, and equipment.
- Plan, organize, direct and coordinate the work of firefighters.
- Train and evaluate firefighters.
- Be assertive, but not demeaning.
- Communicate clearly and concisely, both orally and in writing.
- Operate computer equipment and be proficient completing fire and EMS reports.
- Work harmoniously with groups, organize and guide members' participation, and promote positive motivation.
- Operate assigned equipment including vehicles.
- Make good judgments under emotionally strenuous emergency conditions; consistently displays a calm professional demeanor.

**Qualifications:**

Meets all qualifications of Nowthen Part time Firefighter. Six (6) years of experience on the Nowthen Fire Department or equivalent experience approved by the Fire Chief. With at least 3 years of fire service experience in leadership and management as approved by the Fire Chief. Current Minnesota Fire Service Certification Board. Firefighter I, Firefighter II. Current Minnesota EMSRB Certified Emergency Medical Technician. NFPA 472 Haz Mat Operations. Course work related to Fire Service Instructor, Fire Ground Tactics, Incident Command, and Supervision and Leadership.



**Position Title:** Fire Chief

**Department:** Fire Department

**Position Title of Immediate Supervisor:** Mayor/City Council

**Position Summary:**

Performs a variety of technical, administrative, and supervisory work in planning, organizing, directing and implementing fire prevention, suppression and emergency medical services to prevent or minimize the loss of life and property by fire and emergency medical conditions.

**Supervision Received and Exercised:**

Works under the general guidance and direction of the Mayor and City Council. Supervises the Nowthen Fire Department, Assistant Fire Chief directly, and other department staff through these subordinate officers.

**Essential Job Functions:**

- Plans, coordinates, supervises and evaluates Fire and EMS operations.
- Establishes policies and procedures for Fire and EMS Departments in order to implement directives from the (Mayor) or City Council.
- Plans and implements Fire and EMS programs for the City in order to better carry out the policies and goals including those set forth in the City's Affirmative Action Plan; reviews Departmental performance and effectiveness; formulates programs or policies to alleviate deficiencies.
- Supervises and coordinates the preparation and presentation of an annual budget for Fire and EMS Departments; directs the implementation of the Departments' budgets; plans for and reviews specifications for new or replaced equipment.
- Responds to alarms and may direct activities at the scene of major emergencies.
- Supervises the inspection of buildings and other properties for fire hazards and enforces fire prevention ordinances.
- Directs the operation of departmental in-service training activities.
- Controls the expenditure of departmental appropriations.
- Handles grievances, maintains Departmental discipline and the conduct and general behavior of assigned personnel.
- Reviews and approves monthly reports to the Mayor and Council regarding the Departments' activities and prepares a variety of other reports as appropriate including the annual report of activities.
- Plans departmental operation with respect to equipment, apparatus, and personnel; supervises the implementation of such plans.

- Assigns personnel and equipment to such duties and uses as the service requires; evaluates the need for and recommends the purchase of new equipment and supplies.
- Meets with elected or appointed officials, other Fire/EMS officials, community and business representatives and the public on all aspects of the Departments' activities.
- Attends conferences and meetings to keep abreast of current trends in the field; represents the City Fire/EMS Departments in a variety of local, county, state and other meetings.
- Performs the duties of command personnel as needed and fulfills obligations during duty days or duty weeks.
- Serves as a member of various employee committees.

**Knowledge, Skills and Abilities:**

- Thorough knowledge of modern fire suppression and prevention and emergency medical services principles, procedures, techniques, and equipment.
- Working knowledge of first aid and resuscitation techniques and their application as demonstrated through State EMT Certification.
- Considerable knowledge of applicable laws, ordinances, departmental standard operating procedures and regulations.
- Skill in the operation of listed tools and equipment.
- Ability to train and supervise subordinate personnel.
- Ability to perform work requiring good physical condition.
- Ability to communicate effectively orally and in writing.
- Ability to exercise sound judgment in evaluating situations and in making decisions.
- Ability to effectively give and receive verbal and written instructions.
- Ability to establish and maintain effective working relationships with other employees, supervisors and the public.

**Ability To:**

- Supervise company teams including its personnel, apparatus, and equipment.
- Plan, organize, direct and coordinate the work of firefighters and all officers.
- Train and evaluate firefighters.
- Be assertive, but not demeaning.
- Communicate clearly and concisely, both orally and in writing.
- Operate computer equipment and be proficient completing fire and EMS reports.
- Work harmoniously with groups, organize and guide members' participation, and promote positive motivation.
- Operate assigned equipment including vehicles.
- Make good judgments under emotionally strenuous emergency conditions; consistently displays a calm professional demeanor.

## **17.0 Compensation Rates**

Firefighters shall be paid pursuant to the firefighter compensation rates authorized by the City Council. Firefighters will be eligible for any COLA adjustments made by/for City employees. For employees transitioning from the Ramsey Fire Department, previous years of service will utilized for salary placement and departmental seniority

Compensation Rates are as follows:

- 1-5 years of seniority: \$16.00per call/hour
- 6-10 years of seniority: \$17.50 per call/hour
- 11-15 years of seniority: \$19.00 per call/hour
- 16-20 years of seniority: \$20.50 per call/hour
- 21 years of service and above: \$22.00 per call/hour
- Lieutenant- additional \$2.00 per call/hour
- Captain- additional \$3.00 per call/hour
- Assistant Chief (non-contract) 600.00 per month

## **17.1 Payroll Checks**

Payment for time worked by firefighters is by direct deposit. Deposits are issued monthly the Thursday after the City Council meeting for the month, unless otherwise arranged by the City Clerk.  
(Arrangements for direct deposit should be made with the City Clerk.)

## **17.2 Recording of Hours**

All attendance will be recorded by signature on drill roll call sheets or by signing the final printed run sheet. All other compensation requested must be submitted in writing to the Fire Chief for approval.

**CITY OF NOWTHEN  
ANOKA COUNTY, MINNESOTA**

**CITY COUNCIL**

**FINDINGS & DECISION  
PRELIMINARY AND FINAL PLAT  
CONDITIONAL USE PERMIT  
Street Construction Deferral**

**APPLICANTS:** Gary, Dennis and Gene Leistico (Leistico Estate) 21355 and 21413 Nowthen Blvd  
(PIDs 09-33-25-34-0002, 09-33-25-34-0003, and 09-33-25-33-0008)

**APPLICATION:** Request for approval of a 4-lot Preliminary and Final Plat, including two outlots for future street extension/subdivision, and a CUP to allow deferral of street construction requirements

**CITY COUNCIL MEETING:** February 23, 2021

**FINDINGS:** Based upon review of the application and evidence received, the City Council of the City of Nowthen now makes the following findings of fact:

Whereas, the legal description of the property is: That part of the South Half of the Southwest Quarter of Section 9, Township 33, Range 25, lying easterly of the east line of ANOKA COUNTY RIGHT OF WAY PLAT NO. 53, according to the recorded plat thereof, Anoka County, Minnesota, except the following described parcels:

Commencing at that intersection of the south line of said South Half with the center line of the Anoka and Princeton State Road, and proceeding thence North along said center line for a distance of 208 feet; and proceeding thence East and parallel with the south line of said South Half for a distance of 241 feet; and proceeding thence South and parallel to said center line to the South line of said South Half; and proceeding thence West on said south line of the South Half to the point of commencement herein and also except: Commencing at the intersection of the north line of the Southwest Quarter of the Southwest Quarter with the centerline of County State Aid Highway No. 5; thence East on said north line 865 feet; thence Southwesterly to intersect a line drawn East from a point on the west line of said Southwest Quarter of the Southwest Quarter distant 20 rods South of the Northwest Quarter thereof, and distant 700 feet east of the centerline of County State Aid Highway No. 5; thence West to the centerline of County State Aid Highway No. 5; thence northwesterly on the centerline of County State Aid Highway No. 5 to the point of beginning. and also except: Commencing at a point 20 rods south of the northwest corner of the Southwest Quarter of the Southwest Quarter, Section 9 and 4 rods east of the west line of Section 9, Township 33, Range 25; thence East 13 rods; thence South 6 rods; thence West 13 rods; thence North 6 rods to the point of commencement.

Whereas, the subject site is zoned RRA, Rural Residential Agriculture;

Whereas, the applicant owns three (3) parcels encompassing 68.71 acres and containing two existing homes;

Whereas, the applicant wishes to subdivide four (4) new lots and two outlots; two of the four lots contain existing homes and two lots are planned for new homes;

Whereas, the property abuts Nowthen Boulevard and is not required to dedicate additional ROW as 60 feet from centerline currently exists;

Whereas, the subdivision includes the provision of new local street ROW (+/- 1,200 foot cul-de-sac) and associated CUP to allow deferral of street paving construction requirements;

Whereas, adherence with Section 10-3-3.C of the City Code is required:

Street surfacing requirements may be deferred for local streets through approval of a Conditional Use Permit by the City Council, subject to the following:

1. The property is residentially zoned.
2. The division involves no more than three (3) buildable lots which front upon and gain direct driveway access to the right-of-way required in Section 10-3-3.C.4 below, excluding outlots that may be reserved for future development.
3. Divisions containing an existing principal residential structure which relies upon direct lot frontage or driveway access to the right-of-way required in Section 10-3-3.C.4 below, to meet all applicable City, County or State regulations, shall be considered one (1) of the three (3) lots.
4. Right-of-way is dedicated for public use in accordance with the width requirements contained in Section 10-3-2.
5. The right-of-way shall be considered a shared driveway until such time as the City agrees by resolution to accept and maintain the dedicated right-of-way as a public street, provided:
  - a. Construction Standards. The shared driveway is constructed to meet street base and subbase requirements required by Section 10-3-3.B.
  - b. Emergency Access. The driveway access requirements of Section 11-6-2.J are met and shown on approved plans.
  - c. Maintenance of Shared Driveway. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves, their successors and assigns, that maintenance of the shared driveway shall be the sole responsibility of property owners fronting on the dedicated right-of-way and/or gaining access from the shared driveway unless otherwise agreed to in writing by the City. A shared driveway maintenance agreement shall be required, is subject to review and approval

of the City Attorney and shall be recorded against all impacted properties.

- d. Deed Restriction Required. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves their successors and assigns, that no additional property subject to the shared driveway agreement shall be further subdivided or platted without the City's express written consent. Further, the property owners shall acknowledge on behalf of themselves, their successors and assigns, that the properties may be subject to a future assessment pursuant to Minnesota Statute Chapter 429 or other relevant statute for the future improvement of the shared driveway, as constructed to City bituminous road standards, once the right-of-way is accepted by the City. The deed restriction is subject to review and approval of the City Attorney and shall be recorded against all properties impacted.

Whereas, a private shared driveway will be allowed on an interim basis until such time as a public road is constructed and accepted by the City under Section 10-3-3.C of the City Code;

Whereas, the applicant agrees that no future divisions will be permitted without the written approval of the Nowthen City Council until such time as a public street is constructed and accepted by the City;

Whereas, the following driveway standards of City Code Section 11-6-2.J.4 shall be required:

Effective Jun 19, 2020, all new principal uses shall be required to provide driveway access that complies with the following:

- a. The driveway shall be a minimum of twelve (12) feet in width and shall be designed to accommodate the maneuvering and turnaround of emergency vehicles and fire apparatus in accordance with Section 503 of the International Fire Code. **A twenty (20) foot wide access drive shall be required for shared driveways which serve three (3) or more properties/homes.**
- b. Overhead clearance shall be no less than 13 feet, 6 inches for the passage of fire vehicles beneath trees, power lines, property entrances, and any other building overhangs, appurtenances, or site features between the public road and principal structure(s).
- c. The distance as measured from the driveway or public street to all sides of the principal structure(s) must be within 250 feet to allow fire hose access.

Whereas, the Conditional Use Permit criteria from Section 11-10-3 of the Nowthen City Code have been considered and satisfactorily met;

Whereas, the Planning Report dated February 17, 2021 prepared by the City Planner, The Planning Company LLC, is incorporated herein;

Whereas, the Engineering Memo dated February 4, 2020 prepared by the City Engineer Hakanson Anderson Assoc. is incorporated herein;

Whereas, the Nowthen Planning and Zoning Commission held a public hearing at their regular meeting on January 28, 2020 preceded by a public notice and letters to affected property owners. The hearing was continued for a year and then renoticed to include the CUP in February of 2021; the final public hearing was held February 23, 2021. The Planning and Zoning Commission voted 4-0 in favor of the request with three vacant seats.

**DECISION:** Based on the foregoing information and applicable ordinances, the City Council approves **the Preliminary and Final Plat of Leistico Estates and a CUP for deferral of street construction** subject to the following conditions:

1. The subdivision and access to CSAH 5 shall adhere to Anoka County approval conditions outlined in the November 4, 2020 letter.
2. Legal descriptions for the right-of-way required for the proposed local street are prepared by the applicant's surveyor, reviewed and approved by the City Engineer and dedicated to the City via permanent roadway easements recorded with Anoka County.
3. A Lot Split Agreement is drafted by the City Attorney, signed and recorded which prohibits any further subdivision of the lots contained in the Leistico Subdivision until such time as the public street is built to the full width of proposed parcels and accepted by the City. Applicants shall comply with the terms and conditions contained in the Lot Split Agreement.
4. Drainage/utility easements and buffers have been shown around the wetlands as required under state law and wetland buffer signs shall be installed at 200-foot intervals. Wetland buffers as shown on the survey are established and maintained. No wetlands may be impacted during construction of the private driveway, any grading on site or construction of the two new homes. *Buffers require that unmowed areas adjacent to wetlands are maintained with non-invasive vegetation for the purpose of filtering pollutants before they enter the wetland, reducing erosion, and minimizing human impacts.*
5. The driveway which serves the existing home at 21413 Nowthen Blvd. (Lot 1, Block 1) is reconfigured to access the local street at such time as the local public street is built and accepted by the City.
6. At the time Outlots A and B are resubdivided or the owners wish to plat them as buildable parcels, a public street shall be required to extend to the northern and southern boundaries of the plat from the terminus of the cul-de-sac to provide access to adjoining properties.
7. The requirements of Section 10-3-3.C are met:
  - a. Construction Standards. The shared driveway is constructed to meet street base and subbase requirements required by Section 10-3-3.B.
  - b. Emergency Access. The driveway access requirements of Section 11-6-2.J are met and shown on approved plans.

- c. Maintenance of Shared Driveway. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves, their successors and assigns, that maintenance of the shared driveway shall be the sole responsibility of property owners fronting on the dedicated right-of-way and/or gaining access from the shared driveway unless otherwise agreed to in writing by the City. A shared driveway maintenance agreement shall be required, is subject to review and approval of the City Attorney and shall be recorded against all impacted properties.
- d. Deed Restriction Required. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves their successors and assigns, that no additional property subject to the shared driveway agreement shall be further subdivided or platted without the City's express written consent. Further, the property owners shall acknowledge on behalf of themselves, their successors and assigns, that the properties may be subject to a future assessment pursuant to Minnesota Statute Chapter 429 or other relevant statute for the future improvement of the shared driveway, as constructed to City bituminous road standards, once the right-of-way is accepted by the City. The deed restriction is subject to review and approval of the City Attorney and shall be recorded against all properties impacted.

8. The driveway requirements of Section 11-6-2.J.4 are met:

Effective Jun 19, 2020, all new principal uses shall be required to provide driveway access that complies with the following:

- a. The driveway shall be a minimum of twelve (12) feet in width and shall be designed to accommodate the maneuvering and turnaround of emergency vehicles and fire apparatus in accordance with Section 503 of the International Fire Code. **A twenty (20) foot wide access drive shall be required for shared driveways which serve three (3) or more properties/homes.**
- b. Overhead clearance shall be no less than 13 feet, 6 inches for the passage of fire vehicles beneath trees, power lines, property entrances, and any other building overhangs, appurtenances, or site features between the public road and principal structure(s).
- c. The distance as measured from the driveway or public street to all sides of the principal structure(s) must be within 250 feet to allow fire hose access.

- 10. Individual septic system design is required at the time of building permit application and may require fill to create the necessary separation in certain instances.
- 11. Building permits shall be required for the new homes which requires submittal of a certificate of survey for individual lots, lowest floor elevations noted and custom grading/erosion control plans which are subject to review and approval of the City Engineer and City Planner.
- 12. All sheds are removed from Lot 1, Block 1 except for the largest 3,200 SF shed unless application is made for consideration of a variance to allow the 1,220 SF shed to remain.
- 13. Prior to issuance of the certificate of occupancy for structures within the subdivision, a permanent address placard must be placed at the driveway entrance so that it's visible from the public road.



14. The applicant must have deeds drafted, for review by the City Engineer, that reflect the new legal descriptions and easement designations for road ROW which shall be submitted to the City of Nowthen for approval prior to recording at Anoka County.
15. The park and trail dedication fee of \$2,500 PER LOT (for the two new lots) shall be paid prior to the City signing final documents, before recording.
16. All costs associated with the review of the submitted survey(s), Lot Split Agreement and any other costs generated by the City or its representatives are the responsibility of the applicants.

**MOTION BY:**

**SECOND BY:**

**ALL IN FAVOR:**

**THOSE OPPOSED:**

**ADOPTED by the City Council of the City of Nowthen this 9<sup>th</sup> day of March 2021.**

**CITY OF NOWTHEN**

By: \_\_\_\_\_

Mayor Jeff Pilon

Attest: \_\_\_\_\_

Lori Streich, City Clerk

**CITY OF NOWTHEN  
ANOKA COUNTY, MINNESOTA**

**PLANNING & ZONING COMMISSION**

**FINDINGS & RECOMMENDATION  
PRELIMINARY AND FINAL PLAT  
CONDITIONAL USE PERMIT  
Street Construction Deferral**

**APPLICANTS:** Gary, Dennis and Gene Leistico (Leistico Estate) 21355 and 21413 Nowthen Blvd  
(PIDs 09-33-25-34-0002, 09-33-25-34-0003, and 09-33-25-33-0008)

**APPLICATION:** Request for approval of a 4-lot Preliminary and Final Plat, including two outlots for future street extension/subdivision, and a CUP to allow deferral of street construction requirements

**PLANNING & ZONING COMMISSION MEETING:** February 23, 2021

**FINDINGS:** Based upon review of the application and evidence received, the Planning and Zoning Commission of the City of Nowthen now makes the following findings of fact:

Whereas, the legal description of the property is: That part of the South Half of the Southwest Quarter of Section 9, Township 33, Range 25, lying easterly of the east line of ANOKA COUNTY RIGHT OF WAY PLAT NO. 53, according to the recorded plat thereof, Anoka County, Minnesota, except the following described parcels:

Commencing at that intersection of the south line of said South Half with the center line of the Anoka and Princeton State Road, and proceeding thence North along said center line for a distance of 208 feet; and proceeding thence East and parallel with the south line of said South Half for a distance of 241 feet; and proceeding thence South and parallel to said center line to the South line of said South Half; and proceeding thence West on said south line of the South Half to the point of commencement herein and also except: Commencing at the intersection of the north line of the Southwest Quarter of the Southwest Quarter with the centerline of County State Aid Highway No. 5; thence East on said north line 865 feet; thence Southwesterly to intersect a line drawn East from a point on the west line of said Southwest Quarter of the Southwest Quarter distant 20 rods South of the Northwest Quarter thereof, and distant 700 feet east of the centerline of County State Aid Highway No. 5; thence West to the centerline of County State Aid Highway No. 5; thence northwesterly on the centerline of County State Aid Highway No. 5 to the point of beginning. and also except: Commencing at a point 20 rods south of the northwest corner of the Southwest Quarter of the Southwest Quarter, Section 9 and 4 rods east of the west line of Section 9, Township 33, Range 25; thence East 13 rods; thence South 6 rods; thence West 13 rods; thence North 6 rods to the point of commencement.

Whereas, the subject site is zoned RRA, Rural Residential Agriculture;

Whereas, the applicant owns three (3) parcels encompassing 68.71 acres and containing two existing homes;

Whereas, the applicant wishes to subdivide four (4) new lots and two outlots; two of the four lots contain existing homes and two lots are planned for new homes;

Whereas, the property abuts Nowthen Boulevard and is not required to dedicate additional ROW as 60 feet from centerline currently exists;

Whereas, the subdivision includes the provision of new local street ROW (+/- 1,200 foot cul-de-sac) and associated CUP to allow deferral of street paving construction requirements;

Whereas, adherence with Section 10-3-3.C of the City Code is required:

Street surfacing requirements may be deferred for local streets through approval of a Conditional Use Permit by the City Council, subject to the following:

1. The property is residentially zoned.
2. The division involves no more than three (3) buildable lots which front upon and gain direct driveway access to the right-of-way required in Section 10-3-3.C.4 below, excluding outlots that may be reserved for future development.
3. Divisions containing an existing principal residential structure which relies upon direct lot frontage or driveway access to the right-of-way required in Section 10-3-3.C.4 below, to meet all applicable City, County or State regulations, shall be considered one (1) of the three (3) lots.
4. Right-of-way is dedicated for public use in accordance with the width requirements contained in Section 10-3-2.
5. The right-of-way shall be considered a shared driveway until such time as the City agrees by resolution to accept and maintain the dedicated right-of-way as a public street, provided:
  - a. Construction Standards. The shared driveway is constructed to meet street base and subbase requirements required by Section 10-3-3.B.
  - b. Emergency Access. The driveway access requirements of Section 11-6-2.J are met and shown on approved plans.
  - c. Maintenance of Shared Driveway. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves, their successors and assigns, that maintenance of the shared driveway shall be the sole responsibility of property owners fronting on the dedicated right-of-way and/or gaining access from the shared driveway unless otherwise agreed to in writing by the City. A shared driveway maintenance agreement shall be required, is subject to review and approval

of the City Attorney and shall be recorded against all impacted properties.

- d. Deed Restriction Required. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves their successors and assigns, that no additional property subject to the shared driveway agreement shall be further subdivided or platted without the City's express written consent. Further, the property owners shall acknowledge on behalf of themselves, their successors and assigns, that the properties may be subject to a future assessment pursuant to Minnesota Statute Chapter 429 or other relevant statute for the future improvement of the shared driveway, as constructed to City bituminous road standards, once the right-of-way is accepted by the City. The deed restriction is subject to review and approval of the City Attorney and shall be recorded against all properties impacted.

Whereas, a private shared driveway will be allowed on an interim basis until such time as a public road is constructed and accepted by the City under Section 10-3-3.C of the City Code;

Whereas, the applicant agrees that no future divisions will be permitted without the written approval of the Nowthen City Council until such time as a public street is constructed and accepted by the City;

Whereas, the following driveway standards of City Code Section 11-6-2.J.4 shall be required:

Effective Jun 19, 2020, all new principal uses shall be required to provide driveway access that complies with the following:

- a. The driveway shall be a minimum of twelve (12) feet in width and shall be designed to accommodate the maneuvering and turnaround of emergency vehicles and fire apparatus in accordance with Section 503 of the International Fire Code.
- b. Overhead clearance shall be no less than 13 feet, 6 inches for the passage of fire vehicles beneath trees, power lines, property entrances, and any other building overhangs, appurtenances, or site features between the public road and principal structure(s).
- c. The distance as measured from the driveway or public street to all sides of the principal structure(s) must be within 250 feet to allow fire hose access.

Whereas, the Conditional Use Permit criteria from Section 11-10-3 of the Nowthen City Code have been considered and satisfactorily met;

Whereas, the Planning Report dated February 17, 2021 prepared by the City Planner, The Planning Company LLC, is incorporated herein;

Whereas, the Engineering Memo dated February 4, 2020 prepared by the City Engineer Hakanson Anderson Assoc. is incorporated herein;

Whereas, the Nowthen Planning and Zoning Commission held a public hearing at their regular meeting on January 28, 2020 preceded by a public notice and letters to affected property owners. The hearing was continued for a year and then renoticed to include the CUP in February of 2021; the final public hearing was held February 23, 2021.

**RECOMMENDATION:** Based on the foregoing information and applicable ordinances, the Planning and Zoning Commission approves **the Preliminary and Final Plat of Leistico Estates and CUP for deferral of street construction** subject to the following conditions:

1. The subdivision and access to CSAH 5 shall adhere to Anoka County approval conditions outlined in the November 4, 2020 letter.
2. Legal descriptions for the right-of-way required for the proposed local street are prepared by the applicant's surveyor, reviewed and approved by the City Engineer and dedicated to the City via permanent roadway easements recorded with Anoka County.
3. A Lot Split Agreement is drafted by the City Attorney, signed and recorded which prohibits any further subdivision of the lots contained in the Leistico Subdivision until such time as the public street is built to the full width of proposed parcels and accepted by the City. Applicants shall comply with the terms and conditions contained in the Lot Split Agreement.
4. Drainage/utility easements and buffers have been shown around the wetlands as required under state law and wetland buffer signs shall be installed at 200-foot intervals. Wetland buffers as shown on the survey are established and maintained. No wetlands may be impacted during construction of the private driveway, any grading on site or construction of the two new homes. *Buffers require that unmowed areas adjacent to wetlands are maintained with non-invasive vegetation for the purpose of filtering pollutants before they enter the wetland, reducing erosion, and minimizing human impacts.*
5. The driveway which serves the existing home at 21413 Nowthen Blvd. (Lot 1, Block 1) is reconfigured to access the local street at such time as the local public street is built and accepted by the City.
6. At the time Outlots A and B are resubdivided or the owners wish to plat them as buildable parcels, a public street shall be required to extend to the northern and southern boundaries of the plat from the terminus of the cul-de-sac to provide access to adjoining properties.
7. The requirements of Section 10-3-3.C are met:
  - a. Construction Standards. The shared driveway is constructed to meet street base and subbase requirements required by Section 10-3-3.B.
  - b. Emergency Access. The driveway access requirements of Section 11-6-2.J are met and shown on approved plans.
  - c. Maintenance of Shared Driveway. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of

themselves, their successors and assigns, that maintenance of the shared driveway shall be the sole responsibility of property owners fronting on the dedicated right-of-way and/or gaining access from the shared driveway unless otherwise agreed to in writing by the City. A shared driveway maintenance agreement shall be required, is subject to review and approval of the City Attorney and shall be recorded against all impacted properties.

- d. Deed Restriction Required. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves their successors and assigns, that no additional property subject to the shared driveway agreement shall be further subdivided or platted without the City's express written consent. Further, the property owners shall acknowledge on behalf of themselves, their successors and assigns, that the properties may be subject to a future assessment pursuant to Minnesota Statute Chapter 429 or other relevant statute for the future improvement of the shared driveway, as constructed to City bituminous road standards, once the right-of-way is accepted by the City. The deed restriction is subject to review and approval of the City Attorney and shall be recorded against all properties impacted.

8. The driveway requirements of Section 11-6-2.J.4 are met:

Effective Jun 19, 2020, all new principal uses shall be required to provide driveway access that complies with the following:

- a. The driveway shall be a minimum of twelve (12) feet in width and shall be designed to accommodate the maneuvering and turnaround of emergency vehicles and fire apparatus in accordance with Section 503 of the International Fire Code.
- b. Overhead clearance shall be no less than 13 feet, 6 inches for the passage of fire vehicles beneath trees, power lines, property entrances, and any other building overhangs, appurtenances, or site features between the public road and principal structure(s).
- c. The distance as measured from the driveway or public street to all sides of the principal structure(s) must be within 250 feet to allow fire hose access.

10. Individual septic system design is required at the time of building permit application and may require fill to create the necessary separation in certain instances.

11. Building permits shall be required for the new homes which requires submittal of a certificate of survey for individual lots, lowest floor elevations noted and custom grading/erosion control plans which are subject to review and approval of the City Engineer and City Planner.

12. All sheds are removed from Lot 1, Block 1 except for the largest 3,200 SF shed unless application is made for consideration of a variance to allow the 1,220 SF shed to remain.

13. Prior to issuance of the certificate of occupancy for structures within the subdivision, a permanent address placard must be placed at the driveway entrance so that it's visible from the public road.

14. The applicant must have deeds drafted, for review by the City Engineer, that reflect the new legal descriptions and easement designations for road ROW which shall be submitted to the City of Nowthen for approval prior to recording at Anoka County.

15. The park and trail dedication fee of \$2,500 PER LOT (for the two new lots) shall be paid prior to the City signing final documents, before recording.
16. All costs associated with the review of the submitted survey(s), Lot Split Agreement and any other costs generated by the City or its representatives are the responsibility of the applicants.

**MOTION BY:** Kelly Pearo

**SECOND BY:** Harold Jorgensen

**ALL IN FAVOR:** 4

**THOSE OPPOSED:** 0 (3 vacant seats)

**ADOPTED by the Planning and Zoning Commission of the City of Nowthen this 23<sup>rd</sup> day of February 2021.**

**CITY OF NOWTHEN**

By: \_\_\_\_\_  
Chair Dale Ames

Attest: \_\_\_\_\_  
Lori Streich, City Clerk

CITY OF NOWTHEN  
ANOKA COUNTY, MINNESOTA

ORDINANCE NO. 2020-04  
Draft 3-1-2021

AN ORDINANCE AMENDING CHAPTER 5 OF THE NOWTHEN CITY CODE  
RELATING TO ON-STREET PARKING REQUIREMENTS AND SNOW REMOVAL

The City Council for the City of Nowthen hereby ordains:

**SECTION 1.** City Code Chapter 5, On-Street Parking, is hereby amended as follows:

**5-1-1: PURPOSE:** The purpose of regulating parking during the prescribed time period is to protect the general health, safety, and welfare of the citizens of ~~Burns Township~~the City of Nowthen and to facilitate snow removal.

**5-1-2: GENERAL STANDARD:**

- A. Night Parking. It shall be unlawful for any person to park a motor vehicle, trailer, mobile home or ~~accessory-unit~~ recreational vehicle on a public street from the 15<sup>th</sup> of November to the 1<sup>st</sup> day of April between the hours of 11:00 PM to 7:00 AM.
- B. Maximum Time Limit. It shall be unlawful for any person to park a motor vehicle, trailer, mobile home or ~~accessory-unit~~ recreational vehicle on a public street for more than a 24-hour consecutive period.
- C. Immobile Vehicles and Trailers Prohibited. Vehicles and trailers incapable of movement under their own propulsion shall not be parked or stored on public streets, boulevards, ditches, and rights-of-way within the City.
- D. Obstructing Public Access. No vehicle shall be parked or permitted to stand so as to obstruct a public sidewalk ~~or~~ trail or crosswalk, or block access to a driveway or block access to a mailbox.
- E. Oversized or Commercial Vehicles, Recreational Vehicles and Equipment. Trucks, semi-tractors/trailers, commercial vehicles with a Class 4 rating or higher or commercial vehicles licensed for more than twenty thousand (20,000) pounds gross vehicle weight, dumpsters or any commercial or construction equipment shall not be parked on public streets, boulevards, ditches or public rights-of-way within the City.
- F. No Parking Zones and Fire Lanes. The City Council may, by resolution, designate streets, blocks or alleys, or portions thereof, as no parking zones, as fire lanes, or as limited parking zones between five (5) minutes and three (3) hours.



**5-1-3: SNOW REMOVAL REQUIRED:**

- A. Obstruction of Right-of-Way Prohibited. It is unlawful to obstruct any roadway or deposit snow or ice thereon which has been removed from private property onto public streets or rights-of-way.
1. All snow and ice removed from private driveways or any other portion of private property shall be stored on the property from which it was removed.
  2. Snow and ice shall not be pushed, plowed, snow-blown or shoveled across or onto the traveled portion of a street, except for a very brief period of time during the snow removal process as necessary to turn a snow removal vehicle around and to push or blow the snow and ice back onto the private property from where it came.
  3. Piles of snow stored adjacent to public rights-of-way shall be located such that:
    - i. Snow and ice piles do not form which interfere with the City's snow removal equipment and jolts plow drivers.
    - ii. Snow and ice shall be stored a minimum of two (2) feet back from the paved road edge (or 14 feet from the centerline of gravel roads) or behind existing snow ridges created by the City plows, whichever is greater.
  4. Reflectors, stakes or other items installed in the right-of-way to mark the pavement, shoulders or landscaped boulevards interfere with the snow removal process, are not the responsibility of the City and will not be returned, replaced or compensated, if damaged.

**5-1-4: SNOW EMERGENCY:**

- A. Parking Prohibited. It shall be unlawful for any person to park on any public streets, boulevards, and rights-of-way within the City during any time which two (2) inches or more of snow has accumulated, either through fresh snowfall or as a result of drifting or blowing of snow from previous snow falls, until such time as the snow removal crews have cleared the roadway.

**5-1-5: VIOLATION:**

- A. The Anoka County Sheriff's department or other authorized representatives of the City are hereby authorized to remove any offending vehicle from a ~~township~~ City road.
- B. Vehicles will be towed and stored at the owner's own expense.
- C. Any person(s) violating any provisions of this Section shall be guilty of an administrative offense defined under City Code Chapter 1, Section 5 or petty misdemeanor as defined by Minnesota Statute 609.02, Subdivision 4A.

**SECTION 2.** This Ordinance shall be effective immediately upon its passage and publication.

Passed and adopted this 9th day of February 2021 by the City Council of the City of Nowthen.

---

Jeff Pilon, Mayor

ATTEST:

---

Lori Streich, City Clerk



The City of  
**Nowthen**  
"Where it still feels like country"

8188 199th Avenue NW  
Nowthen, MN 55330  
763-441-1347 Office  
763-441-7013 Fax

March 1, 2021

**NOTIFICATION OF POTENTIAL CITY CODE VIOLATION**  
**SNOW REMOVAL REGULATIONS**

Property Owner  
Nowthen, MN 55330

Regarding Address:

PID:

Dear Property Owner,

The City has been notified of concerns regarding your property and we would like to work with you to address and resolve any potential issues. Public works staff has noted that you may have violated one or more of the following City Code regulations pertaining to:

- **Winter On-street Parking**
- **Snow Removal Affecting Public Roadways**

This letter is intended to bring your attention to the City's regulations pertaining to snow removal and has been issued **only for informational purposes** as part of the City's Administrative Enforcement process.

CITY CODE REGULATIONS

Section 5-1-4.A: Parking Prohibited. It shall be unlawful for any person to park on any public streets, boulevards, and rights-of-way within the City during any time which two (2) inches or more of snow has accumulated, either through fresh snowfall or as a result of drifting or blowing of snow from previous snow falls, until such time as the snow removal crews have cleared the roadway.

Section 5-1-3.A: Obstruction of Right-of-Way Prohibited. It is unlawful to obstruct any roadway or deposit snow or ice thereon which has been removed from private property onto public streets or rights-of-way.

- a. All snow and ice removed from private driveways or any other portion of private property shall be stored on the property from which it was removed.
- b. Snow and ice shall not be pushed, plowed, snow-blown or shoveled across or onto the traveled portion of a street, except for a very brief period of time during the snow removal process as necessary to turn a snow removal vehicle around and to push or blow the snow and ice back onto the private property from where it came.
- c. Piles of snow stored adjacent to public rights-of-way shall be located such that:
  - i. Snow and ice piles do not form which interfere with the City's snow removal equipment and jolts plow drivers.
  - ii. Snow and ice shall be stored a minimum of two (2) feet back from the paved road edge (or 14 feet from the centerline of gravel roads) or behind existing snow ridges created by the City plows, whichever is greater.
- d. Reflectors, stakes or other items installed in the right-of-way to mark the pavement, shoulders or landscaped boulevards interfere with the snow removal process, are not the responsibility of the City and will not be returned, replaced or compensated, if damaged.

REQUIRED ACTION:

**Please contact the City Offices at (763) 441-1347** to verify receipt of this letter and to ask any questions you may have regarding this notice. You can view the full city code online at: <http://www.nowthenmn.govoffice2.com/> or you can obtain a copy at Nowthen City offices located at 8188 199<sup>th</sup> Ave NW.

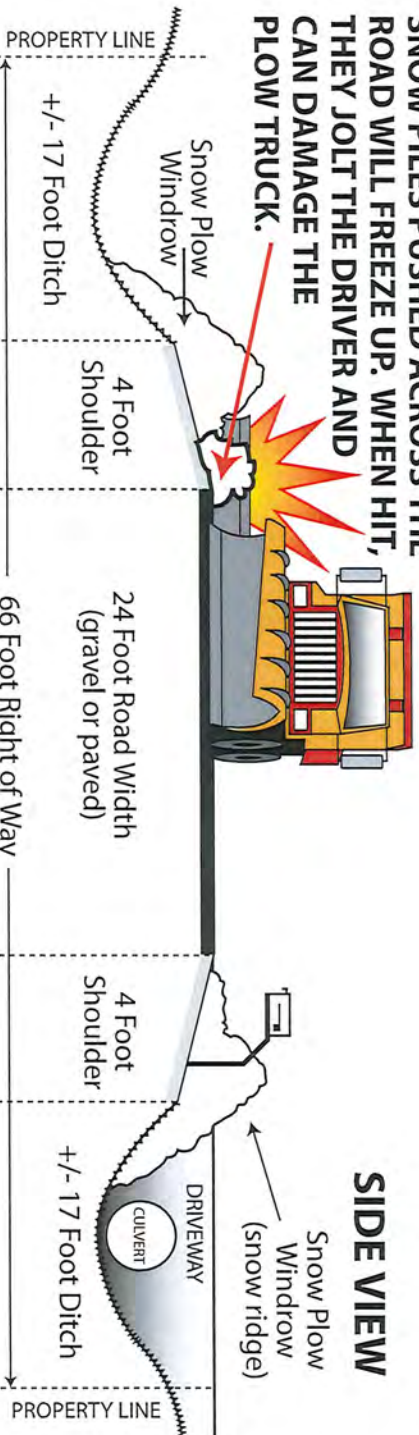
**If your property and actions are in compliance with the above-noted regulations, please call the City; no further action will be needed and we will document this accordingly.**

Please note that if violations of the City Code are observed again and/or we do not hear from you by \_\_\_\_\_, **2021**, the City may issue a formal Administrative Notice and/or proceed with the Administrative Citation process.

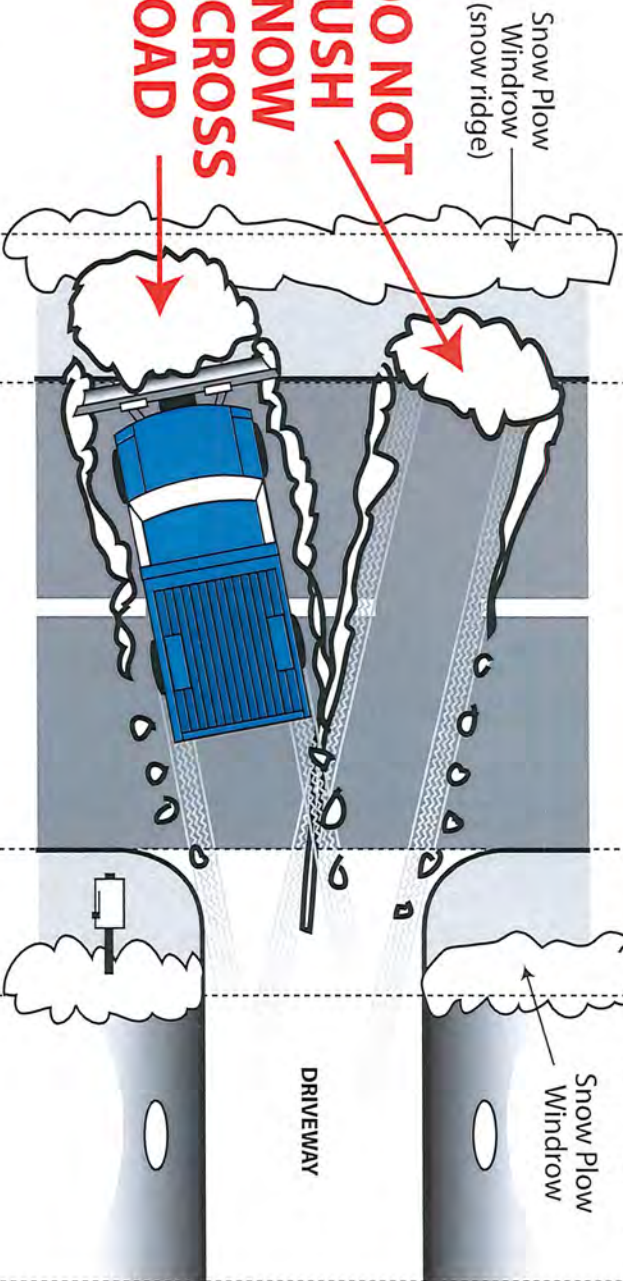
Thank you very much for your cooperation,

Lori Streich, City Clerk  
Ellen Lendt, Deputy Clerk

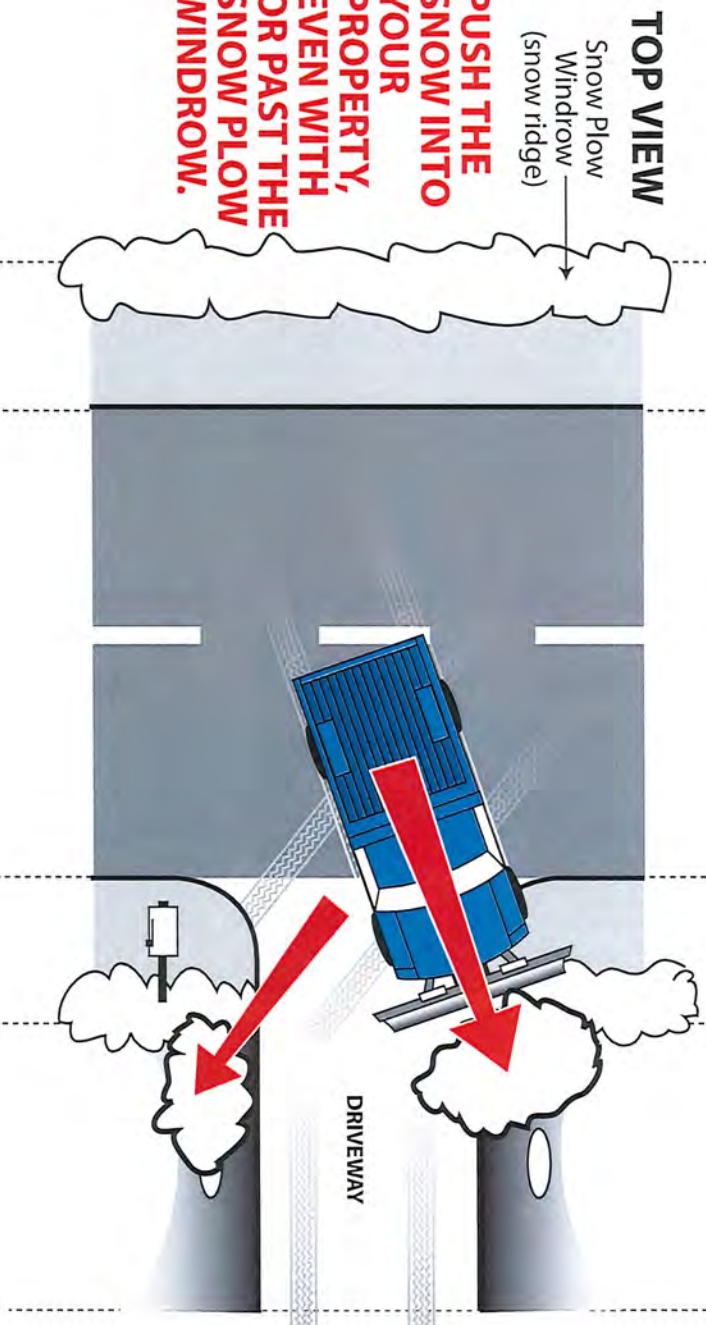
**SNOW PILES PUSHED ACROSS THE ROAD WILL FREEZE UP. WHEN HIT, THEY JOLT THE DRIVER AND CAN DAMAGE THE PLOW TRUCK.**



**DO NOT PUSH SNOW ACROSS ROAD**



**PUSH THE SNOW INTO YOUR PROPERTY, EVEN WITH OR PAST THE SNOW PLOW WINDROW.**





The City of  
*Nowthen*  
"Where it still feels like country"

*Please* ensure the safety of the City's RESIDENTS and MAINTENANCE WORKERS by abiding by the following **SNOW REMOVAL REGULATIONS & WINTER PARKING RULES:**

NO PARKING is permitted on any public streets, boulevards, or rights-of-way within the City during any time at which two (2) inches or more of fresh snow has accumulated until such time as the snow removal crews have cleared the roadway.



DO NOT obstruct the public roadway or deposit snow onto the 24- foot traveled portion of the right-of-way.

ALL SNOW and ice removed from private property or driveways shall be stored on the property from which it was removed.

DO NOT push, plow, snow blow or shovel snow and ice onto or across the traveled portion of a street. This is a State and City Law!

SNOW LEFT IN PILES along the shoulder freezes solid and can impede the movement of vehicles by narrowing the road width and endangering the plow drivers.

*Thank you very much for your cooperation!*

# CITY OF NOWTHEN



The City of  
**Nowthen**  
"Where it still feels like country"

## REQUEST FOR COUNCIL ACTION

Agenda Item # Planning	Department: Zoning	Requested Council Meeting Date: March 9, 2021	Submitted By: Elizabeth Stockman										
<b>TITLE OF ISSUE:</b> Self-Storage Facilities													
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION:</b>  The Planning and Zoning Commission at their February 23, 2021 meeting made a motion to have the City Council discuss self-storage facilities and possible limitations relative to their location in the City. Information has been attached regarding the moratorium and resulting ordinance changes in the City of Coon Rapids.  Note that the Nowthen City Code allows self-storage facilities as a permitted use in the I-1 District but not the C-1 District. Outside storage as a principal or accessory use is allowed by IUP in both districts, but requires a paved surface in the C-1 District (ie: auto sales).													
<b>SOURCE OF FUNDING:</b> NA													
<b>REQUESTED COUNCIL ACTION:</b> For discussion only; Staff will take no action unless specifically directed by the City Council.													
<b>For Clerk's Use:</b>  Motion By: _____  Second By: _____  Vote Record:    Aye        Nay ____        ____ Pilon ____        ____ Alders ____        ____ Blake ____        ____ Greenberg ____        ____ Rainville	<b>SUPPORTED DOCUMENTS ATTACHED</b>  <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Resolution</th> <th style="width: 20%;">Ordinance</th> <th style="width: 20%;">Contract</th> <th style="width: 20%;">Minutes</th> <th style="width: 20%;">Plan Map</th> </tr> </thead> <tbody> <tr> <td style="border: 1px solid black; height: 20px;"></td> <td style="border: 1px solid black; height: 20px;"></td> <td style="border: 1px solid black; height: 20px;"></td> <td style="border: 1px solid black; height: 20px;"></td> <td style="border: 1px solid black; height: 20px;"></td> </tr> </tbody> </table> Other (specify) City of Coon Rapids ordinances and pertaining sections of the City Code.			Resolution	Ordinance	Contract	Minutes	Plan Map					
Resolution	Ordinance	Contract	Minutes	Plan Map									
<b>Administration Department Use:</b>  <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50px; border: 1px solid black; height: 20px;"></td> <td style="padding-left: 10px;">Consent</td> </tr> <tr> <td style="border: 1px solid black; height: 20px;"></td> <td style="padding-left: 10px;">Regular</td> </tr> </table>		Consent		Regular	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50px; border: 1px solid black; height: 20px;"></td> <td style="padding-left: 10px;">Refer to: _____</td> </tr> <tr> <td style="border: 1px solid black; height: 20px;"></td> <td style="padding-left: 10px;">Tabled Until: _____</td> </tr> <tr> <td style="border: 1px solid black; height: 20px;"></td> <td style="padding-left: 10px;">Other: _____</td> </tr> </table>				Refer to: _____		Tabled Until: _____		Other: _____
	Consent												
	Regular												
	Refer to: _____												
	Tabled Until: _____												
	Other: _____												

**ORDINANCE NO. 2218**

**AN ORDINANCE ESTABLISHING A MORATORIUM ON DEVELOPMENT,  
CONSTRUCTION, OR EXPANSION OF SELF-STORAGE FACILITIES**

**Therefore, the City of Coon Rapids does ordain:**

Section 1. Findings

- A. Minnesota Statute 462.355, subdivision 4, provides that a municipality may adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and general welfare of its residents.
- B. Such interim ordinance may regulate, restrict, or prohibit any use, development or subdivision within the municipality or a portion thereof not to exceed one year from the effective date, and may be extended for such additional periods as a municipality may deem appropriate, not exceeding a total additional period of eighteen (18) months.
- C. The City of Coon Rapids regulates self-storage units in order to protect the health, safety, and general welfare of its residents.
- D. A need exists to conduct a study to better understand the future market demand for this type of use in the community; where it is currently allowed and the appropriateness of those locations to accommodate additional development; how other communities regulate this use; whether there is a need for additional or more prescriptive standards of approval; and whether there are additional design criteria for these types of uses to incorporate into the zoning code.
- E. That an interim ordinance is necessary to protect the planning process and health, safety and general welfare of the citizens of the City and there is a need to restrict new self-storage facilities until the study has been completed and modifications, if any, are made to the zoning code.

Section 2. City of Coon Rapids staff is hereby directed to study the impact of new self-storage facilities and determine whether there should be amendments to the City's official controls or its comprehensive plan regarding self-storage facilities in the City.

Section 3. In accordance with the findings set forth in Section 1 and from the effective date of this ordinance a six (6) month moratorium is hereby adopted on the development, construction, or expansion of self-storage facilities.



Section 4. The moratorium shall not apply to the repair and/or maintenance of any self-storage facility existing at the time of the adoption of this interim moratorium ordinance.

Section 5. The moratorium is applicable throughout all zoning districts in the City. No development applications related to self-storage facilities will be accepted or approved by the City regardless of location during the scope of this moratorium.

Section 6. Any person, corporation or other entity that violates this Ordinance is guilty of a misdemeanor and shall be subject to additional legal or equitable remedies available to the City.

Introduced this 5th day of February, 2019.

Adopted this \_\_\_\_ day of February, 2019.

\_\_\_\_\_  
Jerry Koch, Mayor

ATTEST:

\_\_\_\_\_  
Joan Lenzmeier, City Clerk

**ORDINANCE NO. 2230**

**AN ORDINANCE REPEALING ORDINANCE 2225- TO CONTINUE A MORATORIUM ON CONSTRUCTION, RECONSTRUCTION OR EXPANSION OF SELF-STORAGE FACILITIES**

**PREAMBLE**

- A. Minnesota Statute 462.355, subdivision 4, provides that a municipality may adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and general welfare of its residents.
- B. The City Council initially adopted a 6 month moratorium on construction, reconstruction or expansion of self-storage facilities that became effective on March 9, 2019. On August 20, 2019, City Council adopted Ordinance 2225 to continue the moratorium for additional 6 months, effective September 7, 2019.
- E. City staff and the City Council have studied and have met to discuss the future market demand for this type of use in the community; where it is currently allowed and the appropriateness of those locations to accommodate additional development; how other communities regulate this use; whether there is a need for additional or more prescriptive standards of approval; and whether there are additional design criteria for these types of uses to incorporate into the Zoning Code.
- F. On October 15, 2019, City Council adopted Ordinance 2227 which establishes in the Zoning Code definitions for Self-Storage Facility and Self-Storage Facility, Indoor; allows Self- Storage Facility, Indoor as conditional use in the General Commercial District and River Rapids Overlay District and allows both Self-Storage Facility and Self-Storage Facility, Indoor as permitted uses in the Industrial District.
- G. That a continued interim ordinance is no necessary to protect the planning process and health, safety and general welfare of the citizens of the City.

**Now, therefore, the City of Coon Rapids does ordain:**

Section 1. Ordinance 2225, an ordinance to continue a moratorium on construction, reconstruction or expansion of self-storage facilities is repealed in its entirety.

Introduced this 6<sup>th</sup> day of November, 2019.

Adopted this 19<sup>th</sup> day of November, 2019.

Restaurant, Fast Food. An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption either on the premises or off the premises as carry-out or delivered orders, but not including delicatessens within grocery stores or catering businesses.

Restoration. The process of the renewal and refurbishment to the original state or condition of the structure.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other conditional use.

Roadway. The portion of a right-of-way used for vehicular traffic.

Definitions:

\* Self-Storage Facility. A facility containing separate, individual and private storage spaces of varying sizes, leased or rented on an individual basis for the storage of personal property; where individual renters control and access individual storage spaces via its own access door. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Such facilities to be used for storage only.

\* Self-Storage Facility, Indoor. A fully enclosed building that is climate controlled containing separate, individual and private storage spaces of varying sizes, leased or rented on an individual basis for the storage of personal property; where individual renters control and access individual storage spaces; each unit must be directly accessed from the interior of the building via its own access door. Outdoor access to individual units is prohibited. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Such facilities to be used for storage only.

Semitrailer. "Semitrailer" means a vehicle of the truck type so designed and used in conjunction with the truck-tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and shall include a trailer drawn by a truck-tractor, semitrailer combination.

Service Business. An establishment providing non-personal care or appearance services to individuals on the premises. Such uses traditionally include dry-cleaning (direct customer service; plants servicing more than one retail outlet are not permitted), interior decorating/upholstery, locksmith, mailing and packaging services, repair and/or servicing of carry-in items, tailor shop, picture framing and self serve laundromat.

Setback. The minimum required distance between a sign, parking lot, or the vertical wall of a building and a lot line.

Shopping Center. An integrated grouping of commercial stores, under single ownership or control.

Sidewalk. A paved surface for pedestrian use. A walkway.

Sight Triangle. The minimum sight triangle shall be defined as a triangle located at the corner of intersecting streets. The adjacent sides shall be located along the curb line, or gutter line of streets without curb and gutter, of the intersecting streets and shall be 50 feet in length. The third side shall be a straight line joining the end points of the adjacent sides.

- (a) Light Industrial *(Permitted Uses)*
  - (b) Office uses. *River Rapids Overlay District*
- (c) Public parks and their incidental structures.
- (d) Research, experimental or testing laboratories. *(like PUD, mixed uses)*
- (e) Service uses, including laundry and dry cleaning, animal hospitals, and kennels, duly licensed under Chapter 6-200, printing, blue-printing, duplicating, mailing and graphic arts.
- (f) Public uses or utilities.
- (g) Catalog order facilities, provided there is no direct pickup of orders by customers.
- (h) Repair, servicing or parts sales businesses, except for businesses related to vehicles.
- (i) State licensed day care facilities.
- (j) Medical and dental clinics and laboratories.
- (k) Physical fitness centers providing services and equipment such as exercise classes, including but not limited to aerobics, nautilus, weight lifting and similar apparatus, locker rooms and showers.
- (l) Non-profit cultural-educational uses.

Accessory Uses.

- (a) Any accessory use that is permitted in the (O) Office District.
- (b) Retail sales incidental to the manufacture, processing or wholesaling of products manufactured on, processed on, or wholesaled from the premises.

(3) Conditional Uses.

- (a) To the extent not otherwise required by subsection of 11-304.3 (Conditional Use Permit Procedures and Requirements), no conditional use permit may be granted unless the applicant demonstrates the proposed use:
    - (i) Advances the intent of this Section;
    - (ii) Will not interfere with Port Development;
    - (iii) Allows for development of the property in an efficient, well-organized way; and
    - (iv) Is incorporated into a plan that provides substantial site amenities, buffers, and other elements.
  - \* (b) Self storage facilities, indoor, adjacent to Coon Rapids Boulevard and in the General Commercial or Industrial zoning districts may be granted a conditional use permit.
- (4) Varied density residential development, as regulated by this Section, is allowed throughout the District.
- (a) Parcels zoned other than LDR-1, LDR-2, MDR, or HDR may be developed in any mix using varied density residential uses with the following permitted, conditional, and accessory uses:
    - (i) Permitted Uses. Office Uses; public parks and their incidental structures; public uses except public utility uses; medical and dental clinics; state licensed day care facilities; barber and beauty shops; photocopying or desktop publishing; carry-in small item repair and servicing shops, excluding repair of internal combustion engines.
    - (ii) Conditional Uses. Retail stores except marine sales and those licensed under Title 5, provided, incidental tobacco sales subject to Title 5 are allowed; secondhand dealers or antique dealers defined in and regulated by Title 5; financial institutions; hotels or motels; mortuaries; pet grooming shops or animal hospitals where animals remain inside at all times; churches; nonprofit clubs or

Catalog order facilities, provided there is no direct pickup of orders by customers.	P
<b>Office and Research</b>	I
Office uses	P
Research and development activities, experimental or testing laboratories.	P
Medical and dental clinics and laboratories.	P
<b>Services</b>	I
Service business	P
Animal hospitals, and kennels, duly licensed under <u>Chapter 6-200</u> ,	P
Printing, blue-printing, duplicating, mailing and graphic arts.	P
Self-storage facility	P
Self-storage facility, indoor.	P
Outdoor storage accessory to self-storage facility and self-storage facility, indoor.	C
Repair, servicing or parts sales businesses, except for businesses related to vehicles.	P
Physical fitness centers	P
Day care facility	P
<b>Public Services and Utilities</b>	I
Public parks and their incidental structures.	P

Permitted uses in  
Industrial Districts

# Nowthen City Code 3-1-21

C-1  
commercial  
zoning  
IUP

2. Farm buildings and accessory structures existing on October 11, 2011 provided that:
  - a. Once converted to an allowed commercial use in conformance with the requirements of this Chapter, the interim farm building shall not be re-established.
3. Outdoor service, sale and rental as a principal or accessory use, provided that:
  - a. Outside services, sales and equipment rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.
  - b. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district.
  - c. Sales area is surfaced with asphalt, concrete or pavers to control dust.
  - d. The use does not take up parking space as required by this Chapter.
4. Outdoor storage as a principal or accessory use, provided that:
  - a. The storage area is fenced and screened from view of neighboring residential uses, abutting residential districts and the public right-of-way.
  - b. The storage area is surfaced with asphalt, concrete or pavers to control dust.
  - c. The storage area does not take up parking space as required by this Chapter.
5. Residential uses existing as of October 11, 2011 shall be designated as interim uses provided that:
  - a. Existing residential uses may continue and may be enlarged or expanded upon provided that the uses maintain compliance with all other provisions of this Chapter applicable to such residences. (Ordinance 2014-01, adopted February 11, 2014)
  - b. Not more than one (1) principal use shall be allowed upon the property.

3. Rear yard setback: Thirty-five (35) feet.
  4. Parking: The minimum setback from lot line to any vehicle parking or driving area shall be ten (10) feet.
- J. Maximum Structure Height: Thirty-five (35) feet (Ordinance #38, adopted October 11, 2011; Ordinance 2013-04, adopted April 9, 2013)

**11-3-9: I-1-- INDUSTRIAL DISTRICT:**

- A. Intent: This district is intended is to provide specifically for the regulation of light manufacturing, and warehousing uses located within areas guided for industrial land uses by the Comprehensive Plan.
- B. Permitted Uses: The following shall be permitted by right:
1. Auto repair, minor.
  2. Building materials sales.
  3. Commercial printing establishments.
  4. Compounding, assembly, packaging, treatment, or storage of products and materials except waste
  5. Governmental and public utility buildings and structures; City of Nowthen only.
  6. Laboratories, research and development facilities.
  7. Manufacturing.
  8. Offices.
  9. Warehousing including self-storage facilities.
  10. Wholesale businesses.
- C. Conditional Uses: All conditional uses shall be reviewed and allowed in accordance with the standards of Section 10 of this Chapter subject to those performance standards outlined herein any additional stipulations determined to be necessary and reasonable by the City Council to meet the criteria outlined in Section 10 of this Chapter.

## I-1, Industrial Zoning

4. Outdoor storage as a principal or accessory use, provided that:
    - a. The storage area is fenced and screened from view of neighboring residential uses, abutting residential districts and the public right-of-way.
    - b. The storage area is surfaced to control dust.
    - c. The storage area does not take up parking space as required by this Chapter.
  5. Residential uses existing as of October 11, 2011 shall be designated as interim uses provided that:
    - a. Existing residential uses may continue and may be enlarged or expanded upon provided that the uses maintain compliance with all other provisions of this Chapter applicable to such residences. (Ordinance 2014-01, adopted February 11, 2014)
    - b. Not more than one (1) principal use shall be allowed upon the property.
    - c. Uses as provided for within the I-1 District shall not be allowed until such time as the residential use ceases and the property complies with all requirements of this Chapter applicable to industrial uses; once converted to an allowed industrial use in conformance with the requirements of this Chapter, the interim residential use shall not be re-established.
  6. Wireless communication antennas as regulated by this Chapter.
- E. Permitted Accessory Uses: In addition to other uses specifically identified elsewhere in this Chapter, the following are permitted accessory uses:
1. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
  2. Fences.
  3. Off-street parking as regulated by this Chapter.
  4. Sexually oriented uses, accessory.
  5. Signs as regulated by this Chapter.





3601 Thurston Avenue  
Anoka, MN 55303  
763.231.5840  
TPC@PlanningCo.com

## MEMORANDUM

TO: Nowthen City Council

FROM: Elizabeth Stockman

DATE: 2 March 2021

RE: Nowthen – Illegal Habitation

TPC FILE: 122.06

**19111 Cleary Road.** A complaint was received via telephone on 2/2/21 and in writing on 2/5/21 regarding the Verna Engren property and someone living in the pole shed. A Potential City Code Violation Letter was sent on 2/10/2021 after which a call was received from Matthew Engren who stated that he and his wife and their two children are indeed residing in the pole shed. An inspection was performed with MNSpect on 2/22/21 which showed an identical layout to that which existed back in 2012 when Lenny Engren occupied the building.

Lenny made application for a building permit in March of 2014 and had the gas line tested, which was finalized in November of 2014. He had previously dismantled the kitchen, including removing the sink and capping pipes at the floor, and Matthew indicated that he rebuilt it all about 2 years ago. All three bedrooms are occupied and do not have legal egress windows. The connection to the septic tank was neither disconnected or inspected.

City Council action is requested to specify a date for vacation of the building and to indicate whether adoption of a resolution similar to 2012-14, requiring specified alterations, is desired.

**5270 189<sup>th</sup> Avenue.** A complaint was received on December 15, 2020 relative to people living in an RV on the property which contains a house that was once under renovation but was never finished and is not inhabitable. A Potential City Code Violation Letter was sent on December 23, 2020. Milton Weichelt owns the property but Brent Weichelt is residing in the trailer. TPC met Brian Weichelt at the site on January 25, 2021 who stated that he would contact the building official for an inspection and determine how to proceed (ie: if plans are needed or not).

The Administrative Citation process will be followed if no other direction is provided by the City Council and an Administrative Notice will be sent allowing two weeks to make contact with the building official.

C: Lori Streich  
Ellen Lendt

## Liz Stockman

---

**From:** Tracy Reimann <TReimann@mnspect.com>  
**Sent:** Tuesday, February 23, 2021 12:58 PM  
**To:** Liz Stockman  
**Subject:** 19111 Cleary Road  
**Attachments:** 19111 Cleary Road Zoning Inspection 02162021.pdf

Hello Liz,

Attached are the inspection findings from the inspection conducted on February 22, 2021. This is obviously not a complete list of violations, since few if any permits were ever pulled prior to conducting the work. Let me know if there is anything else we can do to help. See you Thursday.

Sincerely,

Tracy Reimann  
Building Official Limited  
MNSPECT LLC  
(952) 442-7520  
treimann@mnspect.com



The City of  
**Nowthen**  
"Where it still feels like country"

## Inspection Report

Date: February 22, 2021  
Time: 13:30-14:30  
Address: 19111 Cleary Road, Nowthen, MN  
Inspectors: Barry Brainerd, Tracy Reimann  
Requested By: Liz Stockman, The Planning Company

The type of inspection conducted was visual in nature only. All code violations are based solely on our observations at the time of the inspection. Additional issues may be identified at later times.

### General Information:

- It is unlawful to occupy an accessory structure per **City Ordinance 11-4-7(G)**
  - Accessory structure converting into residential dwelling
  - Occupants were on-site and were cooperative during inspection, including property owner

### Some of the code violations observed include:

- Residential/accessory structures does not appear to comply with **Minnesota Residential Code**
  - Non-compliant emergency escape and rescue openings in bedrooms **R310.2**
  - Converted attached garage does not comply as habitable space **R202**
- Plumbing systems do not appear to comply with **Minnesota Plumbing Code**
  - Pex water heater connections within the first 18 inches of piping connected to water heater. **604.13**
  - Water hammer arrestors required to be installed on clothes washer **609.10**
  - Air gap is required on dishwasher **807.4**
- Mechanical systems do not appear to comply with the **Minnesota Mechanical and Fuel Gas Code**
  - Improper venting of bathroom exhaust fan **304.1**
  - Water heater - 3-inch outlet on the draft hood is required to have a vent connector that is a minimum of 4 inches in diameter **304.1**
  - Insufficient exhaust clearance to combustibles on water heater vent **801.18.4**
  - Termination of furnace exhaust at exterior not in accordance with manufacturers installation instructions **918.1**
  - Laundry transition duct appears to exceed 8 feet and not in accordance with **UL2158A 504.8.3**

C: Municipal File Copy



3601 Thurston Avenue N, Suite 100  
Anoka, MN 55303  
Phone: 763.231.5840  
Facsimile: 763.427.0520  
TPC@PlanningCo.com

**TO:** Mayor and City Council  
**FROM:** Elizabeth Stockman/Andy Schreder  
**DATE:** December 3, 2014  
**RE:** Nowthen – Verna Engren Property  
19111 Cleary Road NW  
**FILE:** 122.03

The following history of code violation correspondence was originally summarized on March 2, 2012 and recently updated at the City Council's request. The unauthorized improvements and interior changes to the pole barn were allowed to remain as approved by the City Council on May 8, 2012, subject to the list of conditions as identified herein. The status of remaining work relative to each condition has been outlined as well.

#### **Applicable City Code and Zoning Ordinance Standards**

The Zoning Ordinance prohibits more than one principal dwelling (single family home or residence) on any lot in the City. Pole buildings are accessory to the principal use and the City Zoning Ordinance clearly states that *accessory structures shall not be designed for human habitation*. Additionally, the following provisions apply:

- Section 11-4-7 (A) of the Zoning Ordinance states that *residing in accessory buildings, mobile homes, recreational vehicles, or partially completed houses is prohibited, except for a temporary period of time and only by City Council action*.
- Section 11-4-7 (G) states that *there shall be no occupancy in accessory buildings within the City*.

These regulations can be enforced, as necessary, in accordance with Sections 5 and 11-13 of the City Code, to correct or abate the stated violation. A site inspection will be conducted to ensure compliance. Any person who violates these terms and the provisions of the City Code shall be guilty of a misdemeanor as defined by State Law.

## **State Building Code**

Section 1300.0140, Violations, of the State Building Code states the following:

- It is unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by the code, or cause any of those actions, in conflict with or in violation of the code. The building official may serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the code, or in violation of a permit or certificate issued under the code. The order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

The construction of illegal improvements made by Mr. Engren is a technical violation rather than a policy issue. The improvements were made illegally without required permits and inspections. The improvements violate the Zoning Ordinance regulations and are not in conformance with some aspects of the State Building Code. Because the Building Official was not allowed to inspect the improvements as they were constructed, it is possible that the improvements constitute a health and/or safety hazard. If the improvements are allowed to remain, it is possible that the City may be held liable for future problems.

### **History of Code Violation Correspondence**

4-15-95 Building permit 95-17 issued for construction of the home and attached garage.

5-8-96 Building permit 96-29 issued for 30 x 80 pole barn.

4-xx-09 Leonard Engren made application for a building permit to construct a 30 x 40 pole barn addition for cold storage, with a cement floor on the west end of the existing pole barn. Sometime thereafter, the interior was finished as living quarters (kitchen, ¾ bathroom, 4 bedrooms, laundry room and living area).

4-1-11 Report that Lenny Engren (Verna's son) was living in his mother's pole barn with his children, who are only there part of the time.

4-5-11 Barry Olson stopped by the property to attempt to conduct a final site inspection on a pole building addition (permit 09-028), but no one answered the door. He walked around the pole building and noticed A/C and heating system had been installed without permits. It was evident from looking through windows that the interior was finished and being used as living quarters. Barry talked with Verna by phone about needing a final inspection and she said she would have her son, Lenny, call Barry.

4-6-11 Barry Olson talked with Verna Engren on the phone to explain that the final inspection on 4-27-09 did not pass and was not approved.

4-8-11 Barry told Verna by phone that he had not heard from her son (Lenny) yet and that he (Barry) was aware that work had been done in the pole building without permits.

4-14-11 Barry left a message for Verna stating that she needed to get ahold of him ASAP regarding the additional work which was done in the pole barn without permits and the illegal occupancy of an accessory building.

6-23-11 Barry Olson inspected property to reveal construction of living quarters within a pole barn on the property which includes 4 bedrooms without egress windows, a full kitchen, bathroom, living room area, and mechanical room with furnace. No permits were obtained for any of the work. Lenny Engren was told he must remove all improvements from the pole shed and apply for applicable building permits if he wants to run a business on site (he will need an Interim Use Permit).

6-30-11 Letter from Barry Olson to property owner indicating violations and classification as an unsafe building. The letter also specifies the need to remove all improvements, the lack of permits, and the offense being punishable under law.

9-15-11 Letter from Barry Olson to property owner dictating compliance date of October 10, 2011 and obligation to forward case to City Attorney for legal action.

10-4-11 Verna stopped in to City Hall to submit permit applications for plumbing and heating permits in the pole building. Barry told her that first everything needs to be removed that was installed without a permit, then she can proceed with new permits.

11-22-11 Scott Rosevold stopped by the property and no one answered the door. He looked through the pole barn windows to see that walls and other improvements still remain.

4-17-12 Site inspection by Scot Rosevold and City Planner Liz Stockman; Lenny Engren showed us around the property and photos were taken.

5-8-12 City Council meeting at which Lenny Engren was present and a resolution was passed to allow the Engrens to keep the improvements made to the accessory building without a permit, subject to the following conditions:

- A. The post-frame construction and other elements of the original building permit are exposed to allow for the necessary final inspection and closure of the original building permit for a cold storage pole building addition.

*Comment: Andy Schreder conducted a site inspection on 10-15-2013 and met Lenny Engren on site. He showed me around the building where the kitchen plumbing was removed and the pipes sealed to prevent them from being used again. There was a bathroom in place which he wanted to keep but does need to verify the line to the septic tank. It is not uncommon to have a toilet in a detached accessory building and this is generally allowed as long as the line to the tank*

*meets all applicable requirements. In this case they do not. Mr. Engren ran a line directly into the tank without installing a baffle which could cause a backup into the bathroom in the accessory building. Mr. Engren proposed just cutting the line and capping it at the tank to discontinue the use of the bathroom but said he does not have the time or money to do this and didn't know when he would.*

- B. All illegal work performed without permits is removed to the extent necessary to sufficiently demonstrate to inspectors that the improvements meet the State and City Building Codes.

*Comment: Some of the interior finishes remain at this point but do not constitute a violation of State Code as there are no minimum insulation values for a detached accessory building whether it be heated or not.*

- C. All applicable permits are obtained from the State and City including, but not limited to, building permits, plumbing permits, electrical permits, and heating/ventilation/cooling permits.

*Comment: Permit number 14-15 was paid and issued on 3-10-2014 for the installation of a gas burning appliance in the accessory building. The installation was complete and inspections revealed the system compliant.*

- D. The septic system is inspected by a professional and found to be in compliance with current regulations. If the system capacity, design, location, and/or connection from the pole building is found to be inadequate, the system must be brought into compliance.

*Comment: The line from the accessory building to the septic tanks is missing the required baffle. Any malfunction caused by this would result in a sewage backup into the accessory building and would not create a health or safety hazard affecting adjacent property owners or the public at large.*

- E. The plumbing in the kitchen is capped and the lower cabinets removed, but the upper cabinets may remain.

*Comment: This work was complete and visible at a site inspection dated 10-15-2013.*

- F. The bathroom may be kept functional as long as it meets all State and City Code requirements.

*Comment: The latest proposal is to remove the sewage line from the tank to the*



*building and remove the bathroom. If this in fact is completed the violation would be eliminated. Mr. Engren is not certain when this will be accomplished. He currently resides in California and no one is utilizing the detached accessory building except when he occasionally returns to visit his mother. The garage is only used for vehicle storage.*

- G. All permit fees and costs incurred by the City for the processing, review and approval of the project shall be paid by Mr. Engren or they will be assessed to the property owner, Verna Engren.

*Comment: The permit for the furnace installation was paid in full in March of 2014. There are no other outstanding fees which remain unpaid.*

10-3-13 Administrative Notice issued for failure to make application for a building permit to allow work to commence regarding outstanding code violations.

10-15-13 Site inspection by Building Official Schreder.

10-21-13 Building Official Schreder sent letter to the Engrens outlining items to be addressed and asking again for a building permit application.

3-10-14 Building permit application 14-15 submitted to verify gas line air test for furnace and line from bathroom to tank; involved two inspections by Andy Schreder.

C: Corrie LaDoucer  
Bob Ruppe

# CITY OF NOWTHEN

8188-199th Ave. NW  
Nowthen, MN 55330  
Phone: 763-441-1347 Fax: 763-441-7013

F 11-26-14 A

## Permit Application

Building \_\_\_\_\_ HVAC X  
Plumbing F Septic X  
Permit# 14-15

Site Address: 19111 Cleary Rd NW

Property Identification Number: \_\_\_\_\_ Year Built: \_\_\_\_\_

Owner Name: Verna Engren Contractor: \_\_\_\_\_

Address: 19111 Cleary Rd Address: \_\_\_\_\_

City/State: Nowthen MN 55303 City/State: \_\_\_\_\_

State License No: \_\_\_\_\_

Lead Certified Firm No: \_\_\_\_\_

Contact: Lenny Engren Phone: 112-308-1608 Fax: \_\_\_\_\_

Description of Work:  
VERIFY GAS LINE AIR TEST FOR FURNACE, LINE FROM BATHROOM TO TANK.

(2) INSPECTIONS

Valuation (including labor): \_\_\_\_\_

The undersigned acknowledges that he/she has read this application and the above information is correct and accurate. Applicant also understands by signing this application that he/she could be held responsible as representative of this project for any violation of compliance with all applicable laws and ordinances of the City of Nowthen. Any property owner or agent representative that willfully engages the City in an application shall bear full responsibility for refunding the costs incurred for the required review, processing or other obligations. Charges for services left unpaid may be certified to the County Auditor and collected as a special assessment.

\_\_\_\_\_  
Signature of Applicant or Authorized Agent

3/10/2014  
Date

Notice: This is an application only. Permit will be issued after City approval and payment of fees.  
Work is not authorized to begin prior to issuance.

### FOR OFFICE USE ONLY

Signatures Required: Signature/Date  
 Engineering: \_\_\_\_\_  
 Planning: \_\_\_\_\_  
 Building: Andy Schuler 3-14-14  
Type of Construction: \_\_\_\_\_  
Occupancy Classification: \_\_\_\_\_

Fees  
Permit Fee: 100<sup>00</sup> Septic: \_\_\_\_\_  
Plan Review Fee: \_\_\_\_\_ Other: \_\_\_\_\_  
Surcharge Fee: 5<sup>00</sup>  
Zoning Fee: \_\_\_\_\_  
Other Fee: \_\_\_\_\_

Inspection Hours  
Tues/Thurs: 8:00am-2:30pm\*\*  
\*\*Other Times Available  
By Appointment Only

Total Fees: 105<sup>00</sup>

Accuracy-Efficiency-Uniformity

pd  
ck #1002

**CITY OF NOWTHEN**

8188 - 199<sup>TH</sup> Ave NW

Nowthen, MN 55330

Phone: 763-441-1347

Fax: 763-441-7013

Email: [aschreder@gwestoffice.net](mailto:aschreder@gwestoffice.net)

**INSPECTION NOTICE**

Address: 19111 CLEARLY ROAD NW

Owner/Contractor: OWNER - LENNY ENGBEN

Date: 11-26-14 Permit # 14-15

Time: 1:00 AM  PM

- |                                       |   |  |
|---------------------------------------|---|--|
| <input type="checkbox"/> Site         | <input type="checkbox"/> Plumb Final      | <input type="checkbox"/> Complaint           |
| <input type="checkbox"/> Footing      | <input type="checkbox"/> Mechanical Final | <input type="checkbox"/> Framing             |
| <input type="checkbox"/> Plumbing R/I | <input type="checkbox"/> Building Final   | <input type="checkbox"/> Re-inspect          |
| <input type="checkbox"/> Mech RI      | <input type="checkbox"/> Cert/Occ         | <input checked="" type="checkbox"/> GAS LINE |
| <input type="checkbox"/> Insul/VR     | <input type="checkbox"/> Gas line         | <input checked="" type="checkbox"/> AIR TEST |

Comments: AIR TEST VISIBLE ON EXTERIOR

25# HELD AS REQUIRED. LENNY HAS  
YET TO EFFECT REPAIRS TO SSTS LINE TO  
TANK. I DISCUSSED THIS WITH HIM BY PHONE

HE DOES NOT KNOW WHEN THIS WILL BE DONE

- Work Approved
- Correct as noted: Proceed
- Correct as noted: Call for re-inspection
- Stop Work: Contact Building Inspector
- Call to arrange for required inspection

TO SCHEDULE YOUR INSPECTIONS PLEASE CALL

OR E-MAIL: [aschreder@gwestoffice.net](mailto:aschreder@gwestoffice.net)



**CITY OF NOWTHEN**

8188 - 199<sup>TH</sup> Ave NW

Nowthen, MN 55330

Phone: 763-441-1347

Fax: 763-441-7013

Email: [aschreder@gwestoffice.net](mailto:aschreder@gwestoffice.net)

**INSPECTION NOTICE**

Address: 19111 CLEARLY ROAD

Owner/Contractor: LENNY ENGBEN

Date: 11-26-14 Permit # \_\_\_\_\_

Time: 12:00 AM  PM

- |                                       |  |                                     |
|---------------------------------------|--|-------------------------------------|
| <input type="checkbox"/> Site         | <input type="checkbox"/> Plumb Final         | <input type="checkbox"/> Complaint  |
| <input type="checkbox"/> Footing      | <input type="checkbox"/> Mechanical Final    | <input type="checkbox"/> Framing    |
| <input type="checkbox"/> Plumbing R/I | <input type="checkbox"/> Building Final      | <input type="checkbox"/> Re-inspect |
| <input type="checkbox"/> Mech RI      | <input type="checkbox"/> Cert/Occ            | <input type="checkbox"/>            |
| <input type="checkbox"/> Insul/VR     | <input checked="" type="checkbox"/> Gas line | <input type="checkbox"/>            |

Comments: AIR TEST CONFIRMED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Work Approved
- Correct as noted: Proceed
- Correct as noted: Call for re-inspection
- Stop Work: Contact Building Inspector
- Call to arrange for required inspection

TO SCHEDULE YOUR INSPECTIONS PLEASE CALL

OR E-MAIL: [aschreder@gwestoffice.net](mailto:aschreder@gwestoffice.net)





The City of  
**Nowthen**  
"Where it still feels like country"

8188 199th Avenue NW  
Nowthen, MN 55330  
763-441-1347 Office  
763-441-7013 Fax

October 21, 2013

Verna Engren  
19111 Cleary Road NW  
Anoka MN 55303

Ms. Engren:

This letter is intended to clarify the needed improvements to the accessory building on your property at the above address.

In past communications from the City Building Official and City Planner, you were requested to bring the building back into compliance as improvements were made without the required permits and associated inspections.

I met your son Lenny at the property recently and he agreed to comply with these past requests. Therefore I ask that you submit a building permit application for the following:

- Perform an air test on the gas line which services the unit heater in the first section of the accessory building. After the air test has passed and the remaining portions of the inspections are completed, the installation will be approved
- If the bathroom is to remain, an approved heat source will be required to keep these pipes from freezing in this area, the unit heater mentioned above is in a separate portion of the building and will most likely be inadequate to provide the necessary heat for the bathroom. These 2 mechanical projects can be permitted together if you so choose.
- The sewage line which services the bathroom must be exposed for inspection both at the exterior of the building and where it discharges to the septic tank. An additional clean-out may be required.
- Verify the electrical portions of this project have been permitted and inspected
- Eliminate or render inoperable all drain/ waste and vent under the slab serving the kitchen area. This can be accomplished with concrete/ grout or expanding foam.. Please specify your intentions when submitting for permit

I look forward to completing this project and encourage you to contact me if you have any questions. Thank you for your cooperation.

*Audy Schreder* CBO  
Nowthen Building Official  
8188 199th Ave NW  
Elk River, MN 55330

10-15-2013 Jeremy and I met Lenny at the property today. He showed us around the accessory building and the improvements that have been done. There are 2 furnaces and a water heater installed which do not have permits. There is also a full bathroom and plumbing DWV for a clothes washer and kitchen sink. He gave me a cell number of 612-308-1608. I will send a letter to the property owner spelling out what needs to happen at this point. Andy

3-3-2014 I left a message on Lenny's cell at 612-308-1608 to call with information as to the required permit at this property on Cleary Road. Andy

3-3-2014 I spoke with Lenny and will be sending him a copy of the letter that was sent to Verna in October along with a permit application for him to fill out. I will then send it back to him with a dollar amount so he can mail a check to us for the permit. We can then schedule the inspection. Andy

7/9/2014 I talked with Lenny by phone. He is now proposing to cut off the PVC pipe leading into the tank a short distance out from the tank and cap it. I told him that may be acceptable if the hole around the perimeter was sealed properly. He told me that he will check the options and get back to me within the next 2 weeks. Andy



3601 Thurston Avenue N, Suite 100  
Anoka, MN 55303  
Phone: 763.231.5840  
Facsimile: 763.427.0520  
TPC@PlanningCo.com

October 3, 2013

Mrs. Verna Engren  
19111 Cleary Road NW  
Nowthen, MN 55303

RE: Nowthen – Engren Property; Living Residence in Pole Barn

Dear Mrs. Engren,

I am contacting you at the direction of the Nowthen City Council regarding the pole barn on your property within which an illegal residence was constructed. Your son, Leonard Engren, went before the City Council on May 8, 2012 to request that some of the improvements be allowed to remain within the pole barn. On this date, the City Council adopted Resolution 2012-14 (attached for reference) which specified the improvements that may remain and those to be removed.

More than a year has passed and neither you nor Leonard has applied for a building permit to allow work to commence in satisfaction of this resolution. I am requesting that you call me **within fourteen (14) days** of the date on this letter to set up a time to meet on the property with Building Official Andy Schreder. The goal is to resolve all outstanding code violations and identify the work necessary to bring your property into compliance with City and State Code requirements.

This letter shall serve as official Administrative Notice. If I do not hear from you **on or before October 18, 2013** an Administrative Citation will be issued in the amount of \$200 per violation. I hope to receive a call from you so that we can resolve the code violations amicably. Thank you for your cooperation. My cell number is 651-303-3670.

Sincerely,

Elizabeth Stockman  
The Planning Company

- c. Corrie LaDoucer, City Clerk
- Bob Ruppe, City Attorney
- Andy Schreder, Building Official

**CITY OF NOWTHEN  
ANOKA COUNTY, MINNESOTA**

**CITY COUNCIL RESOLUTION NO. 2012 - 14**

**A RESOLUTION PROVIDING FOR APPROVAL OF A HEATED POLE BARN WITH A  
BATHROOM ON THE ENGEN PROPERTY LOCATED AT 19111 CLEARY ROAD NW  
PARCEL 26-33-25-42-0003**

**WHEREAS**, applicant Leonard Engren made application for a building permit in April of 2009 to construct a 30 x 40 pole barn addition for cold storage, with a cement floor;

**WHEREAS**, the applicant made unauthorized changes to the pole barn addition and finished the interior for use as living quarters without the required permits or inspections;

**WHEREAS**, the living quarters included 4 bedrooms,  $\frac{3}{4}$  bathroom, full kitchen, laundry room and living room;

**WHEREAS**, Section 11-4-6 of the City Zoning Ordinance prohibits more than one principal dwelling per lot in the City;

**WHEREAS**, Section 11-4-7 of the City Zoning Ordinance prohibits residing in or occupying accessory buildings in the City;

**WHEREAS**, Leonard Engren and his children were living in the pole building for a portion of time (estimated to be a minimum of 18months) between Spring of 2009 and Spring or Summer of 2011;

**WHEREAS**, Leonard Engren reported on April 17, 2012 that he hadn't been living in the pole barn since the Spring of 2011 and now resides in the house on the property with his mother, Verna Engren;

**WHEREAS**, the original building permit did not include windows, interior walls, finished ceilings, heating, plumbing, closets, cabinetry and finished flooring;

**WHEREAS**, the applicant connected the plumbing in the pole barn to the existing septic system line without required permits or inspections;

**WHEREAS**, the final inspection conducted by Building Official Barry Olson on April 5, 2011 did not pass because the post-frame construction, electrical wiring, concrete floor and other elements were not visible due to the additional improvements and finish work that was done;

**WHEREAS**, Leonard Engren was told that he had to remove all the illegal improvements by Building Official Olson on June 23, 2011;

**WHEREAS**, City Planner Elizabeth Stockman and Building Official Scot Rosevold conducted a site inspection on April 17, 2012, took photos of the property/building and

determined that none of the illegal improvements had been removed;

**WHEREAS**, Leonard Engren indicated at the May 8, 2012 City Council meeting that he would do what is necessary to obtain the required permits in order to keep the illegal improvements that were made to the pole barn, including the functioning bathroom and to bring the building into compliance as a heated accessory building;

**WHEREAS**, The Planning Company LLC prepared a report dated May 2, 2012 for review by the City Council which outlined the Zoning Ordinance regulations and known violations;

**FINDINGS OF FACT & RESOLUTION:** Based upon review of the application and evidence received, the City Council of the City of Nowthen now makes the following findings of fact and resolution:

- A. The legal description of the property is attached as Exhibit A.
- B. The subject site is guided by the Comprehensive Plan for permanent rural residential land uses through the year 2030.
- C. The subject site is zoned RRA, Rural Residential Agriculture.
- D. The Engren property encompasses 14.62 acres.
- E. The Planning Report dated May 2, 2012, prepared by the City Planner, The Planning Company LLC., is incorporated herein.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Nowthen, that the request by Mr. Leonard Engren to keep the improvements made to the accessory building addition is approved, subject to the following conditions:

- A. The post-frame construction and other elements of the original building permit are exposed to allow for the necessary final inspection and closure of the original building permit for a cold storage pole building addition.
- B. All illegal work performed without permits is removed to the extent necessary to sufficiently demonstrate to inspectors that the improvements meet the State and City Building Codes.
- C. All applicable permits are obtained from the State and City including, but not limited to, building permits, plumbing permits, electrical permits, and heating/ventilation/cooling permits.
- D. The septic system is inspected by a professional and found to be in compliance with current regulations. If the system capacity, design, location, and/or connection from the pole building is found to be inadequate, the system must be brought into compliance.



- E. The plumbing in the kitchen is capped and the lower cabinets removed, but the upper cabinets may remain.
- F. The bathroom may be kept functional as long as it meets all State and City Code requirements .
- G. All permit fees and costs incurred by the City for the processing, review and approval of the project shall be paid by Mr. Engren or they will be assessed to the property owner, Verna Engren.

**MOTION BY:** Pilon

**SECOND BY:** Schulz

**ALL IN FAVOR:** 5

**THOSE OPPOSED:** 0

**ADOPTED by the City Council of the City of Nowthen this 8<sup>th</sup> day of May 2012.**

**CITY OF NOWTHEN**

By: \_\_\_\_\_  
William Schulz, Mayor

Attest: \_\_\_\_\_  
Corrie LaDoucer, City Clerk

Exhibit D Photos of the Interior Engren Pole Building Taken on April 17, 2012



¾ bathroom and full kitchen





Hallway to 3 bedrooms in on the left; 'master' bedroom below with walk-in closet





Living Room and Front Door





Hallway to 3 bedrooms, one of which is shown below.





Bedroom and Closet Typical of All





Utility room has door from old pole building but the space is located in the new pole building.



Hot tub in older pole barn (not plumbed, but is heated). Note door on the right which goes into the pole building addition.



Entry from connecting pole building; bathroom on left; closet on right



Pole Barn Addition with Older Building Behind





The City of  
**Nowthen**  
"Where it still feels like country"

8188 199th Avenue NW  
Nowthen, MN 55330  
763-441-1347 Office  
763-441-7013 Fax

## NOTIFICATION OF POTENTIAL CITY CODE VIOLATION

December 23, 2020

CURRENT RESIDENT  
5270 189<sup>th</sup> AVENUE NW  
NOWTHEN, MN 55303

WEICHELDT, MILTON E and DELORES  
15407 NOWTHEN BLVD NW  
RAMSEY MN 55303

Regarding Address: 5270 189<sup>th</sup> Avenue NW

PID: 36-33-25-21-0002

Dear Mr. Weichelt,

The City has been notified of concerns regarding your property and we would like to work with you to address and resolve any potential issues. City staff can verify whether or not the allegations represent a violation of the city code through an on-site meeting with you.

The following items are possible violations based on the submitted complaint:

- **Section 11-4-16.D.1: Vehicle Storage in Residential Districts:** It shall be illegal to park or store, or permit to be parked or stored, on residential property any truck weighing more than 20,000 pounds GVW, a truck tractor, or semi-trailer. Dumpsters and storage containers are limited to a maximum period of six (6) months.
- **Section 11-4-16.D.4.a Exterior Storage:**
  - (1) The parking, storage, repairing, dismantling, demolition, or abandonment of junk vehicles or part thereof on a residential property is prohibited, except that a resident of the premises may repair one (1) vehicle on the property if the vehicle is owned by a resident and such repair does not exceed twenty (20) days.
  - (2) In residentially zoned property the parking or storage of unlicensed vehicles outside, other than major recreational equipment, is limited to two (2).
- **Section 11-4-16.D.2.A Living in Recreational Vehicles Prohibited:** No major recreational vehicle shall be used for living, sleeping or housekeeping purposes on the premises.

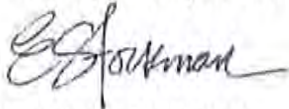
- 11-4-16.D.1.e **Temporary Storage:** Currently licensed and operable trucks, trailers, and storage containers which are being used for temporary storage, (such as to facilitate a move), for a period of time not to exceed six (6) months.
- Sections 9-1-1 and 9-4-3 **Building and Grading Permits Required:** No land owner or land operator shall receive any of building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this Section prior to commencing the proposed activity.

As the Zoning Administrator for the City of Nowthen, my job is to assist you in resolving any problems, and if necessary, creating a schedule for cleanup of your property which involves on-going progress toward completion of mutually agreed-upon goals. **Please contact our office to set up an appointment no later than January 8, 2020.** You can view the full city code online at: <http://www.nowthenmn.govoffice2.com/> or you can obtain a copy at Nowthen City offices located at 8188 199<sup>th</sup> Ave NW.

Please note that if your property is not brought into compliance or we do not hear from you by the date listed above, the City may issue an Administrative Notice and/or an Administrative Citation.

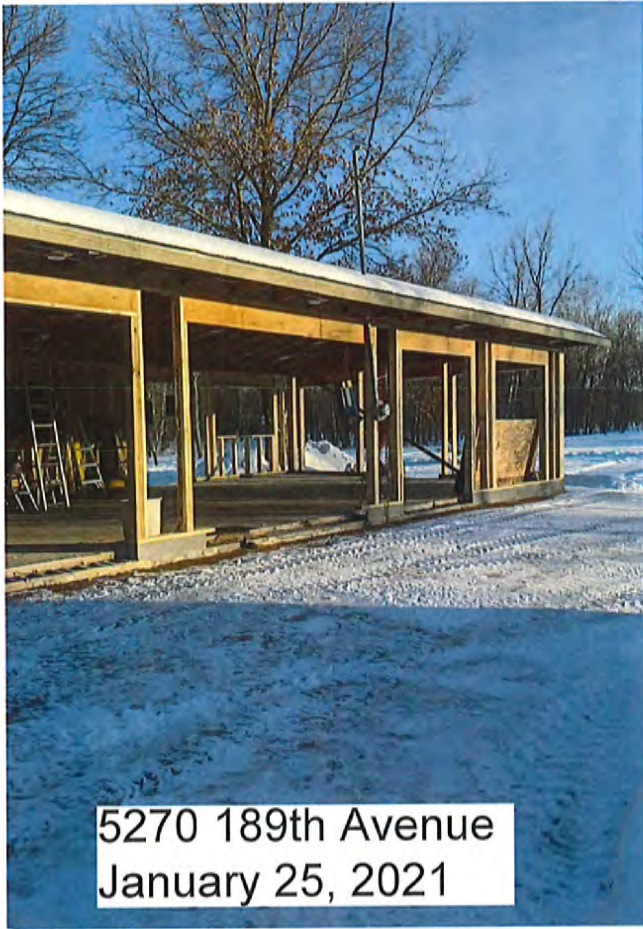
Should you have any questions, you may contact the City of Nowthen at 763-441-1347 or me directly at the number indicated below.

Thank you for your cooperation,

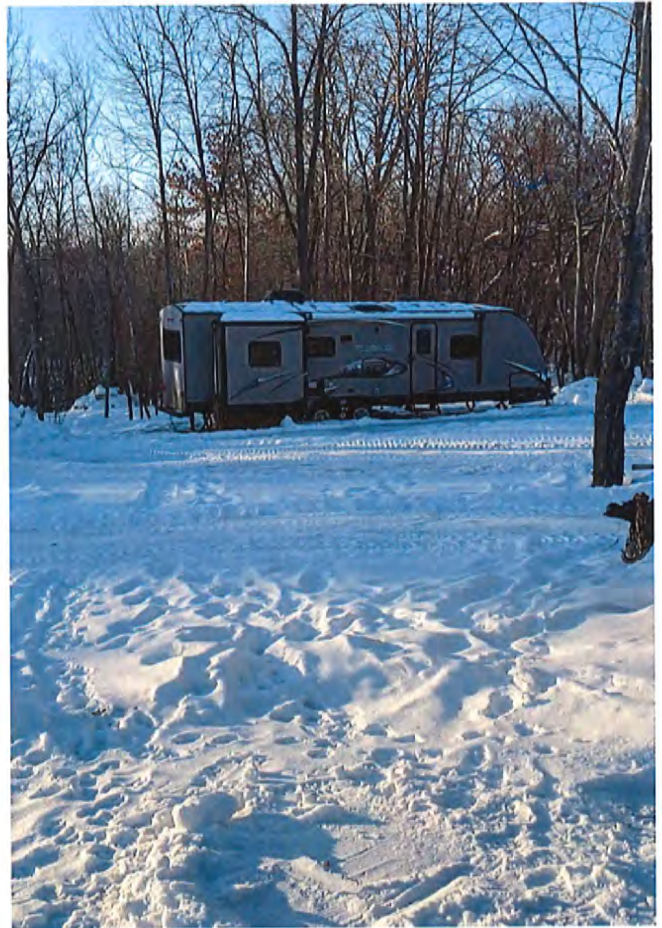
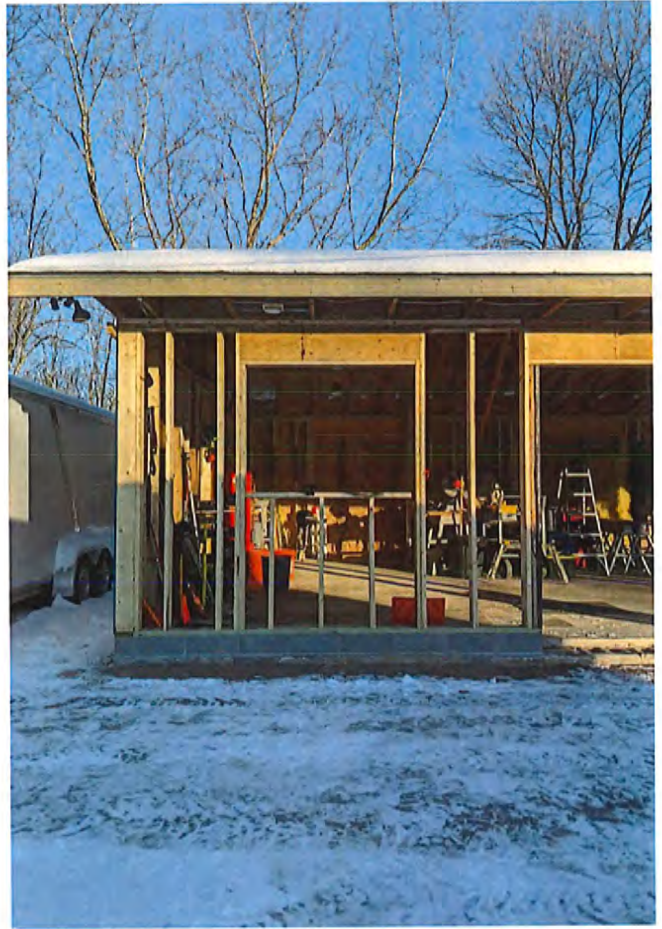


Elizabeth Stockman  
City Planner/Zoning Administrator  
651-303-3670

CC: Lori Streich, City Clerk  
Ellen Lendt, Deputy Clerk  
Kurt Glaser, City Attorney



5270 189th Avenue  
January 25, 2021







The City of  
**Nowthen**  
"Where it still feels like country"

8188 199th Avenue NW  
Nowthen, MN 55330  
763-441-1347 Office  
763-441-7013 Fax

## CONDITIONAL USE PERMIT VERIFICATION

March 3, 2021

John Johnson  
12345 Nowthen Blvd NW  
Nowthen MN 55303

Regarding Address: **12345 Nowthen Blvd**, Nowthen, MN 55330 PID: 14-33-25-13-xxxx

Dear Mr. Johnson,

The City has begun a process of reviewing and updating its records relative to Conditional Use Permits (CUPs) that have been issued in past years. Most often, CUPs were issued to authorize operation of a business on a residential property. Specifically, we are inquiring as to the status of the Conditional Use Permit associated with your property.

Our records indicate that a CUP was approved by the Burns Town Board on \_\_\_\_\_ to allow operation of a \_\_\_\_\_ business. The CUP has been attached for reference.

In contacting you, it is the City's objective to gather the following information:

- **Is the CUP active?** If a CUP is active, it is still being exercised for a business presently operating on the property or for a land use specifically identified in the CUP. To be valid, the business or use must be consistent with the type of use/business identified on the CUP and must meet the conditions which were imposed.
- **Is the CUP inactive?** If a CUP is inactive, the business or use for which it was issued is no longer in operation. Under this scenario, the property owner has the option of working with the City to remove the CUP from the records. This is done through a process called revocation whereby the City holds a public hearing, resulting in the CUP no longer being part of City and Anoka County records. This may serve to change a property's tax status if the county isn't aware that the business for which the CUP was approved is no longer in operation.

### Requested Actions

Please complete the following information sheet for our records. Should you have any questions, you may contact the City of Nowthen at 763-441-1347 or me directly at the number indicated below.

Thank you very much for your cooperation,

Elizabeth Stockman  
City Planner/Zoning Administrator  
651-303-3670



## CONDITIONAL USE PERMIT VERIFICATION

### Section 1: Property Owner Information

Name(s): \_\_\_\_\_  
*Last* *First*

Home Address: \_\_\_\_\_  
*Street*

\_\_\_\_\_ *City* *State* *Zipcode*

Email Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_  
*Best Contact Number* *Optional 2<sup>nd</sup> Contact Number*

### Section 2: Permit Information

Conditional Use Permit Issued: \_\_\_\_\_  
*Day* *Month* *Year*

Business Type/Use: *(staff will fill this in along with the date of the permit before sending)*

Please review the terms of the attached CUP and indicate the status of the permit:

Active, Compliant

A business matching the approved type/use is operating in compliance with ALL conditions shown on the CUP.

Active, Noncompliant

A business is operating on this property but it is a different type or use than indicated on the CUP or is not in compliance with one or more conditions.

Please list the site conditions or activities that you believe to be NON-COMPLIANT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Inactive

There is no business operating on my property; it is strictly a single-family residential land use.

**Residential - Business Arrangement:**

Do you:  Live on the property and operate the business (Number of Employees = \_\_\_\_\_)

Live on the property and lease one or more buildings to another person/company

I do not live on the property.



## CONDITIONAL USE PERMIT VERIFICATION

### Section 3: Actions Required

#### INSPECTION REQUIRED:

If a Conditional Use Permit is ACTIVE, a site inspection will be required. The following days/times are best for me: \_\_\_\_\_

*(if a resident says their CUP is inactive, does CC want any documentation/inspection?)*

The City's Zoning Administrator will contact you to set up a compliance inspection.

- All Conditional Use Permits are considered compliant if all conditions can be met and there are no on-site violations of City, State or Federal laws. If a property is found to be **COMPLIANT** with the approved CUP, the City will document its legal status and the business may continue.
- If a Conditional Use Permit is **NONCOMPLIANT**, it means that the business may either be:
  - 1) different from the authorized type or use indicated on the CUP or
  - 2) is not in compliance with one or more conditions approved as part of the CUP.

**WHAT TO DO IF YOUR BUSINESS IS NOT IN COMPLIANCE:** The City will be glad to work with you to bring your property into compliance. This may either mean processing an amended CUP or Interim Use Permit (IUP) or addressing specific physical site changes or methods of operation to be in compliance with the conditions approved under the original permit.

If the business has grown to exceed the number of employees, vehicles, or equipment originally permitted, or changed in a manner which affects neighboring uses, the Zoning Administrator will discuss the options with you base on site specific circumstances.

#### INACTIVE CONDITIONAL USE PERMITS:

If a Conditional Use Permit is INACTIVE, that is, the business for which the permit was approved has ceased operation, the property owner may request that the City revoke the permit. Normally this process is an action initiated by an individual property owner and requiring an application, fees and a public hearing held before the City Council. During 2021, the City Council will be accepting groups of applications at a **greatly reduced fee** rate to encourage residents to remove encumbrances such as inactive permits from their property records.

Do you, as the property owner, wish to discuss the possibility of having the City of Nowthen revoke the CUP for a fee of \$\_\_\_\_? Yes  No

***I hereby attest that I have read and understand the attached Conditional Use Permit (CUP) and I also attest that the information presented here is accurate to the best of my ability.***

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date



*Section 4: Inspection Report - For Staff Use Only*

Received: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
*Day Month Year*

Inspection Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
*Day Month Year*

Owner Compliant w/CUP Conditions? Yes  No  Partially

Describe Any Inconsistencies: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Exterior Storage Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Interior Storage/Bldg. Sizes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Screening/Landscaping: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Traffic/Parking Concerns: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Processed by \_\_\_\_\_ Date \_\_\_\_\_  
*Signature of Authorized City Staff*



## Residential Active

PID#	Original Name	Address	Business/Use	City Council Decision	New Owner/Comments
11-33-25-31-0006	Smith, Dale	21520 Cleary Rd	Cabinet Shop	9/13/1988	Bednarz, Troy
28-33-25-12-0002	Mahutga, Bob	7560 Viking Blvd	Truck Repair	2/28/1989	Deborah Mahutga (trustee), family operating
34-33-25-31-0001	Jorgensen, Harold	6938-185th Ave NW 55303	Sheet Metal	5/8/1990	
05-33-25-42-0002	Plaistad, John	12750-182nd Ave NW	Shooting Preserve	2/11/1992	2TLC Farms LLC, PO Box 332, Elk River MN 55330
21-33-25-44-0006	King, Curt	7230 Old Viking Blvd	Nursery	4/14/1992	Fladebo, David J <i>Inactive?</i>
03-33-25-43-0006	Miller, Wm (H&M Asphalt)	6701 Norris Lk Rd ER 55330	Asphalt Company Construction	10/25/1994 7/23/1996	Jerome L. Whelan, Trustee
22-33-25-41-0001	Schumann/Schreiber	6400 Viking Blvd 55303	Truck Storage	7/25/1995	22-33-25-44-0001, 22-33-25-44-0003 Scheiber, Chris & Lydia 6433 Viking Blvd.
33-33-25-14-0010	Danielson, Roger	7303-185th Ave 55303	Mork Well	1/28/1997	R & J Properties
36-33-25-43-0009	Fletcher, Ken	4990-182nd Ln 55303	Prec Sawing	2/11/1997	Joan Parks, 4980 182nd Lane NW
32-33-25-32-0010	West, Randall	18440 Burns Pkwy 55303	landscape/snow plow	12/14/1999	<i>Inactive?</i>
14-33-25-44-0001	AT&T Wireless	5606 Verde Valley Rd 55303	communications tower	4/25/2000	Matthew Schmidbauer, 19721 Nowthen Blvd
15-33-25-41-0009	US West/Ulwelling	20743 Basalt St NW 55303	communications tower	12/11/2012 4/25/2000	
34-33-25-41-0004	Rowe, Clifford	6510-185th Ave nw	Berry Hill Farm	3/2/2001	Weddings not compliant; need review of current CUP
27-33-25-14-0003	Dryden, Randy & Deb	6700 Viking Blvd NW 55303	Excavating Business	3/20/2001	
27-33-25-21-0002	Pfeifer, Burton	19611 Jasper St NW 55303	Sign Company	3/20/2001	
29-33-25-22-0005	Landru, Julie	8752 Viking NW 55330	Equine Therapy	7/10/2001	
20-33-25-43-0006	Great Northern Landscape	19270 Iguana St 55303	Tree Nursery	2/26/2002	
09-33-25-12-0004	Olson, Sheryl & Perry	7417 Norris Lk Rd 55330	Photography Business	5/21/2002	
22-33-25-14-0014	Paris, Paul	20231 Basalt St NW 55303	Trucking	7/9/2002	
03-33-25-44-0002	Land of Lakes Choirbo	6437 Norris Lk Rd ER 55330	Choir School (gone)	5/13/2003	Demessie, Nebyou
24-33-25-14-0001	Clear Channel Radio	20167 St Francis Blvd 55303	Radio Tower	5/13/2003	IHeart Media Tower
27-33-25-32-0002	Hazeman, James	19170 Jasper St NW 55303	Heating & Air Cond	10/20/2003	
14-33-25-34-0002	May, Denny & Tami	20550 Potassium St NW 55303	septic/excavating	8/10/2004	D T N B Trust
12-33-25-34-0004	Rohach, John	21202 St Francis Blvd 55303	Landscape Business	10/12/2004	
21-33-25-34-0006	Berg, Jennifer	7763 Viking Blvd Anoka 55303	Hair Salon	11/9/2004	
35-33-25-14-0014	Halldorson, Richard	18560 Cleary Rd 55303	OTR Trucking	5/10/2005	
13-33-25-24-0012	Foesch, Jason & Melis	20990 Cobalt St Anoka 55303	landscape/snow plow	6/28/2005	
13-33-25-32-0004	Loe, Jim & Brenda	20880 Cobalt St NW 55303	lawn/snow plow	10/11/2005	
23-33-25-42-0009	Butterfield, Rick	20033 Cleary Rd Anoka 55303	Cabinet Shop	2/28/2006	

## CONDITIONAL USE PERMITS

### Residential Active

PID#	Original Name	Address	Business/Use	City Council Decision	New Owner/Comments
35-33-25-31-0005	Zumbaum, James	6087 Merles Lane NW 55303	Electrical Contractor	3/22/2006	
03-33-25-32-0005	Skochenski, Wayne	22465 Marble St NW ER 55330	Concrete Construction	4/25/2006	
24-33-25-32-0008	Soupiekeo, Paloma	5450 Old Viking Blvd 55303	Meditation Center	6/13/2006	WAT Anoka Dhammaram Etal
03-33-25-41-0008	Gerlach, Alex	22378 Xenson St ER 55330	Engine/assembly	7/11/2006	
31-33-25-34-0002	T Mobile/Stover, Jamie	9349-181st Ave NW 55330	Cellular Antenna	6/8/2010	Jamie Stover
03-33-25-44-0005	The Bridge-St Francis	6437 Norris Lk Rd ER 55330	Church	8/13/2013	6443 Norris Lk Rd
24-33-25-42-0005	Green, Joe & Mary	19949 St. Francis Blvd	2 residences	10/8/2013	Two homes still being used
19-33-25-44-0007	Stewart, Lee & Dawn	19767 Tiger St	2nd Driveway	6/9/2015	Driveway still being used
15-33-25-11-0007	Anderson, Jeff	6538 213th Avenue	Flag lot	5/8/2018	Both lots occupied, Dommer, Travis & Kim See also CUP in 2003; amended CUP in 2012; amended CUP 2017
21-33-25-42-0001	NHPA Hist. Power)	7415 Old Viking Blvd	Threshing Show & events	12/12/2017	
14-33-25-31-0004	Uhde, Gary	6080 Gypsy Valley Rd	Flag lot	9/11/2018	Both lots occupied
14-33-25-31-0005					
19-33-25-23-0002	Weinhold, Bob	20145 Twin Pkwy Elk River	Trucking Operation	11/19/1991	Thomas Weinhold
33-33-25-44-0003	Pound, John	7263-181st 55303	Truck Storage	6/8/1993	Juliana Pound
19-33-25-14-0002	Hovind, James L	20279 Wolverine St NW 55330	home bldr/furn maker	10/26/1993	
04-33-25-41-0002	Newman, Kathy	7335-223rd Ave NW 55303	Dog Training	3/22/1994	
13-33-25-12-0007	Sanzone, Zita	21118 St Francis Blvd	Horse Boarding	8/14/1990	
36-33-25-21-0009	Debenetti, Julia	5250-189th Ave NW 55303	Horse Boarding	2/12/1991	Debenetti, Mario
27-33-25-34-0004	Schiefelbein, Bonnie	6861-109th Lane NW 55303	Beauty Salon	5/10/1994	Schiefelbein, Mark
31-33-25-12-0001	Thompson, Todd	8603-211th Ave NW ER 55330	auto equip repair	10/24/1996	18861 Baugh St,
03-33-25-12-0011	Ewoldt, Paul	6730 Hillendale Rd NW 55330	Tool & Die Business	9/8/1998	
15-33-25-31-0003	Ellefson, Wayne	6963-207th Ave NW 55330	animal grooming/kennel	4/13/1999	
15-33-25-41-0009	Ullwelling, Al	20743 Basalt St NW 55303	Welding & Storage	3/31/2000	
15-33-25-41-0009	Ullwelling, Al	20743 Basalt St NW 55303	irringation/snow plowing	5/15/2000	
15-33-25-12-0003	Jensen, Curtis	6660-213th Ave NW 55330	precision machine shop	9/12/2000	
02-33-25-41-0002	Boettcher, Jeff	22311 Norris Lk Rd 55303	Plumbing Business	1/23/2001	
13-33-25-12-0007	Sanzone, Zita	21118 St Francis Blvd	Horse Boarding	8/14/1990	
27-33-25-24-0001	Myrdal, John	19387 Jasper St NW 55303	Masonry Business	3/20/2001	
06-33-25-23-0002	Curtis, John	22575 Jarvis St NW ER 55330	Energy Mgmt	3/27/2001	
36-33-25-22-0005	Deters, John	18828 St Francis Blvd 55303	precision machine shop	4/18/2001	
01-33-25-22-0002	Witt, Dan	5425 Norris Lk Rd 55303	Painting Business	4/24/2001	
13-33-25-13-0013	Smith, Mark	20930 St Francis Blvd 55303	Masonry Business	4/24/2001	
13-33-25-22-0002	Larson, Ben	21102 St Francis Blvd 55303	L Pine Excavating	4/24/2001	

**CONDITIONAL USE PERMITS**  
**Residential Active**

PID#	Original Name	Address	Business/Use	City Council Decision	New Owner/Comments
33-33-25-11-0006	Fix, Greg	18833 Peridot St NW	Winter Green Services	5/11/2001	
14-33-25-22-0006	Ruble, David	6230 - 213th Ave NW 55303	Mobile Home Axle Recyl	8/28/2001	
14-33-25-43-0002	Sears, Stephen	20551 Douglas Circle NW 55303	carpentry/woodworking	10/23/2001	
32-33-25-32-0003	Oelke, James	8767 Burns Pkwy NW 55303	Riding Lessons	2/12/2002	
20-33-25-23-0004	Blake, Dennis	8747-201st Ave NW	sale of veg/plants	4/9/2002	
15-33-25-21-0003	Ohman, Leon	6760 - 213th Ave NW ER 55303	Winery	4/27/2004	
03-33-25-44-0002	Land of Lakes Choirbo	6437 Norris Lk Rd ER 55330	Choir School (gone)	5/13/2003	Demessie, Nebyou
11-33-25-43-0006	Thell, Steve	21360 Cleary Rd Anoka 55303	Concrete/Masonry	5/10/2005	
28-33-25-43-0009	Samuelson, Sam	18960 Rhinestone St NW 55303	Cabinet Shop	5/10/2005	Wayne Samuelson
31-33-25-21-0005	Olstad, Cheryl	9273 - 188th NW ER 55330	Tent/table/chair rental	11/8/2005	

**CONDITIONAL USE PERMITS**  
**Residential Inactive**

PID#	Original Name	Address	Business/Use	City Council Decision	New Owner/Comments
19-33-25-43-0013	Bigelow, Robert	4343 Logan Mpls 55421	furniture sales	3/29/1976	Reynolds, William & Megan 19955 Baugh
23-33-25-14-0005	Rosenstiel, Lois	20167 W Ford Brook Dr	Metal Workshop	4/11/1989	Baumgardt, Chris
31-33-25-43-0012	Sonnenberg, Roger	9063 Burns Pkwy 55303	welding/metal fab	4/11/1989	Jerzak, Chad
36-33-25-22-0005	Patchen, Kathryn	18828 St Francis Blvd 55303	Seasonal Boutique	10/10/1989	Deters, John
24-33-25-21-0005	Racutt, Muriel	20466 St Francis Blvd	Horse Boarding	11/14/1989	Kunshier, Tyler Lee
31-33-25-41-0007	Quanrud, Bob	8930-184th Ave NW 55330	Mold Making	11/14/1989	Eggen, Michael
28-33-25-33-0007	Lievsay, Lloyd	7944-191st Ln 55303	Home Insulation	2/6/1990	Emerson, Jacquelyn G
14-33-25-24-0002	Robinson, Dennis	20947 Gypsy Valley Rd	Tire Warehouse	5/22/1990	Kneip, Anthony A
31-33-25-42-0003	Bruner, Pete	9163-184th Ave NW 55330	Cabinet Shop	8/13/1991	Herbst, Jeanne
35-33-25-14-0005	Paulson, Dave	18554 St Francis Blvd	Fabric. Chassis	12/10/1991	Randy Barrows
09-33-25-11-0004	Mitzel, Oscar	7343 Norris Lk Rd	Slaughtering	7/14/1992	Ballweber, Neil
03-33-25-23-0003	Ricke, Jeff	7030 Hillendale Rd	Mining	11/24/1992	Clarey, Wendy S
18-33-25-34-0007	Negus, Jamie & Melissa	9315-205th Ave NW 55330	park dump truck	7/27/1993	Gertgen, Marie J
21-33-25-11-0001	Heggem, Glenn	7330-205th NW 55330	Sheet Metal	11/23/1993	Eng, Martin & Michelle
32-33-25-33-0004	Briewick, Allison	8716 Burns Pkwy 55303	store rec vehicles	2/8/1994	McLaughlin, Collin & Carol
36-33-25-33-0007	Bauer, Gerald Jr.	18210 Erkium St 55303	septic install	3/15/1994	Schoenecker, Jane
09-33-25-13-0006	Folkeringa, Ron	7540 Norris Lk Rd	Pond	4/12/1994	Philmalee, Jon & Kristin
09-33-25-24-0005	Berthiaume	7726 Norris Lk Rd 55330	Roofing & Storage	6/14/1994	Ted Erhardt
30-33-25-11-0002	Werner, Lloyd	8812 Viking Blvd 55330	Farm Machinery Sales	6/14/1994	Siong, Linda Yang,
29-33-25-14-0011	Gobely, Clarence	19444 Burns Pkwy	Auto Body Repair	7/12/1994	Nye, Bradley & Shirley
35-33-25-14-0012	Shaffer, Wayne	18585 Cleary Rd	Auto Body Shop	7/12/1994	Johnson, Robert E
24-33-25-32-0004	Miller, Ginny	5520 Old Viking Blvd 55303	Catering Business	8/9/1994	Ellingson, Tracy
05-33-25-23-0002	Dickenson/Benincasa	22679 Sugar Bush Rd 55330	Bus Repair	9/13/1994	Schall, Jeffrey
24-33-25-13-0001	McCallum Charles	20735 St Francis Blvd 55303	ATV & Watercraft	5/9/1995	McCallum, Marie (Trustee)
19-33-25-43-0014	McLain, Richard	9021 Viking Blvd	Cabinet Shop	6/13/1995	Weaver, Tierra
35-33-25-33-0009	Hart, Chuck	18282 Uranium St NW	Hart Masonry	10/10/1995	Gottlieb, Marvin & Roseanne
24-33-25-12-0002	Scheffler, Jim & Donna	20323 St Francis Blvd 55303	Pet Cremation	11/14/1995	Blosser Partnership LLC
34-33-25-24-0010	Borgeson, Keith	6843 185th Ave	storage rental	8/12/1997	Peterson, Lynne
19-33-25-44-0010	Oestreich, Justin	19772 Tiger St 55330	laser & plastic cutting	7/29/1998	Neuman, Janes & Sheryl
19-33-25-41-0009	Torma, Michael	20050 Tiger ST NW 55330	boat repair business	4/13/1999	Morphew, Vicki
30-33-25-14-0019	Anderson, Gregg	8833 - 194th Lane NW 55330	Irrigation Business	3/31/2000	Seitz, Steven
31-33-25-43-0011	Deschenes, Mike	9115 Burns Pkwy	Ind Grinding & Bus Co	7/11/2000	Buettner, Andrea
27-33-25-23-0002	Soiberg, Paul	19470 Jasper St NW 55303	Electric Company	2/13/2001	Karst, Brian Nick
27-33-25-22-0010	Kramer, Harlan	19600 Jasper St NW 55303	Masonry Business	3/20/2001	Lancaster, Christopher W
23-33-25-41-0002	Eidsvoog, Ken	5630 Old Viking Blvd 55303	Mobile Home Repair	4/24/2001	Luing, Titus M
14-33-25-42-0007	Strege, Troy	20895 Cleary Rd NW 55303	gas engine repair shop	1/22/2002	Sweet, Michael V

CONDITIONAL USE PERMITS  
Residential Inactive

PID#	Original Name	Address	Business/Use	City Council Decision	New Owner/Comments
04-33-25-14-0008	Pearson/Cruikshank	7320 Hillendale Rd ER 55330	Horse Boarding	3/15/2005	Keenum, Daniel
33-33-25-12-0007	Grimsley, James	18830 Nowthen Blvd 55303	Paper/envelopes	7/12/2005	Johnson, Kevin
03-33-25-44-0002	Land of Lakes Choirbo	6437 Norris Lk Rd ER 55330	Choir School (gone)	5/13/2003	Demessie, Nebyou
14-33-25-12-0008	Werp, Kevin	21266 Cleary Rd NW 55303	M&K Tire Business	?	Marquez-Flicker, Hazer (Trustee)

**CONDITIONAL USE PERMITS**  
**Commercial - Industrial**

PID#	Original Name	Address	Business/Use	City Council Decision	New Owner/Comments
19-33-25-34-0001	St John Lutheran Church	9231 Viking Blvd NW 55330	Church & School	6/8/2004	
20-33-25-44-0007	T Mobile	19800 Nowthen Blvd NW 5530	cellular tower	7/26/2005	City of Nowthen
20-33-25-44-0024	Rademacher/Bills	8077 Viking Blvd	Conv. Store	6/6/2006	
29-33-25-11-0012	Connelly, Glen & Janic	8060 Viking Blvd NW 55330	Rental craft house	5/12/2011	GEC Auto Service Inc
20-33-25-42-0007	DeKok, Dan	20050 Iguana	2nd Bldg	1/12/2016	
09-33-25-33-0008	Leistico	21413 Nowthen Blvd	Defer street paving requ	3/1/2021	Multiple parcels
01-33-25-41-0003	VOA / Bar None	22426 St. Francis Blvd.	School/residential treatment facility	1/1/1984	Multiple parcels
09-33-25-14-0001	Lindberg	7300 Pinnaker Rd	Defer street paving requ	9/8/2020	3 lot split
20-33-25-44-0024	Grant Rademacher Bills Superette	8077 Viking Blvd	Diesel Gas Canopy	2/13/2018	
20-33-25-43-0013	Peterson, Josh	8335/8359 Viking Blvd.	Mult Bldg on Lot	11/13/2018	Name Brand Self Storage
21-33-25-33-0021	Greenberg, Harvey	19745 Nowthen Blvd	Trailer Sales ceased when property was sold	9/10/1996	Property redeveloped (Perkins has CUP for façade and IUP for outdoor storage issued in 5/12/15, 7/14/15 motorcycle repair) Perkins Real Estate LLC
29-33-25-11-0008	Brenner, James	8150 Viking Blvd NW 55330	Nowthen Transmission ceased when property sold	12/12/2000	IUP issued to new owner John Scheller 10/13/20 for Chico's Autowerks
24-33-25-34-0002	Swanson, Robert	5340-199th Ave NW 55303	Cabinet Shop	3/21/2000	No longer applicable with the commercial zoning (see IUPs issued for Burns Auto in 2016 and Rick Sonstebly in 2020)
24-33-25-24-0004	Gust/Steve's Repair	20145 St Francis Blvd 55303	auto equip repair	9/8/1987	Zoned industrial from residential
24-33-25-24-0003 & 0004	Norgren, James	20145 St Francis Blvd 55303	office bldg	2/12/2002	Holland-Lake Properties, LLC

Revoked or Denied

PID#	Original Name	Address	Business/Use	City Council Decision	New Name/Comments
<b>REVOKED Conditional Use Permits (or those parcels which no longer exist)</b>					
10-33-25-11-0002	Wagner, Barry & Vicki	6560 Norris Lk Rd ER 55330	Comm. Dog Kennel	2/14/2006	Application to revoke by landowner, revocation approved by CC 11/10/2020
28-33-25-34-0009	Bartlow, Dean	18970 Nowthen Blvd 55303	ABC Concrete	4/11/1995	CUP revoked 9/9/14
35-33-25-14-0018	Leyendecker, Paul	18630 St Francis BLvd	Roofing business	3/29/2002	New IUP 2018, this CUP revoked 6/12/18, now storage site for recreational vehicles
28-33-25-34-0009	Collins, Scott	18970 Nowthen Blvd 55303	Sheet Metal	11/12/1996	CUP revoked 9/9/14, site reused for Carlson Bros. (Majestic Masonry)
26-33-25-42-0003	Engren, Leonard	19111 Cleary Rd NW 55303	Paintball Course	7/8/1997	Parcel was split and sold in 2020 for Breyens Bend and to adjacent owners on the west side of Ford Brook
31-33-25-43-0003	SBA, Inc		Wireless Comm Tower	8/26/1997	Inactive, parcel no longer exists
20-33-25-44-0014	Rahn, Rick	8133-198th Lane NW 55303	office rental space	11/10/1998	Inactive, parcel no longer exists
19-33-25-11-0012	Evans, Jerry	5049 Brooklyn Blvd	mfg of outdoor furn	10/22/1974	Out of business, parcel nonexistent
13-33-25-12-0010	Bauer, Gerald Jr.	21226 St. Francis Blvd.	Septic System Business	9/9/2014	Running illegal recycling operation; revoked 9/9/14
27-33-25-	Clemens, Jay	Jasper & 22	Landscape	9/24/1991	19620 Jasper? out of business?

Conditional Use Permits REQUESTED & DENIED OR WITHDRAWN

10-33-25-13-0002	Mcalister, Karen	21830 Xenson St ER 55330	Buddhist Church	7/9/2003	Denied
34-33-25-14-0002	Schinzel, Mike	6557-185th Ave NW	Pallet Business	6/18/2001	Denied
04-33-25-42-0018	Wknitz, Jamie & Kayla	12029 Kentucky Ave 55316	Carnival Equip Storage	10/22/1996	Denied
26-33-25-12-0004	Benjamin, David	5811-195th Ave NW	Fabricating Business	1/12/1999	Denied
21-33-25-32-0007	Olson, Bruce	20071 Nowthen Blvd 55330	Mini-storage	12/13/1994	Withdrawn
01-33-25-41-0003	VOA / Bar None	22426 St. Francis Blvd.	Greenhouse	9/8/2020	Withdrawn
32-33-25-43-0001	Carr's Tree/Greenwald	8393 181st Ave	Utility/tree cutting co.	9/8/2020	Denied

Conditional Use Permits TO BE REVOKED??

31-33-25-43-0012	Sonnenberg, Roger	9063 Burns Pkwy 55303	potato wash line	5/14/1991	Chad Jerzak Rescinded 9-14-93 (need to check files)
14-33-25-13-0005	Sorensen, Melvin	21070 Cleary Rd	Cabinet Shop	6/11/1991	Krell, Brett
16-33-25-44-0001	Eber, Richard	20633 Peridot St NW	paintball	4/27/1997	revoked? 'cancelled' Osmek, Kari S
28-33-25-23-0004	Deschenes, Leo	19447 Nowthen Blvd NW 5530	Septic Business	6/12/2001	Inactive, revoke? Engh, Rene
30-33-25-43-0004	Mattson, William	9170-190th Ave 55330 changed to 9183 190th Ave	Cabinet Shop	5/27/2003	Never met conditions, Genser, Kristin

PID#	Name	Address	Business/Use	City Council Decision	Comments
<b>RESIDENTIAL Interim Use Permits</b>					
15-33-25-44-0005	Gonzales, Lisa	20595 Basalt St	Dog Kennel	09/12/06	Denied
21-33-25-44-0004	Youngdahl, Ron	7310 Old Viking Blvd.	LawnCare/Snow Plow	02/13/07	
33-33-25-21-0002	Gerdes, Julie	18874 Nowthen Blvd.	Dog Breeding	04/10/07	
02-33-25-22-0004	Barth, Duane	22723 Xenon Street	Cabinet Shop	07/10/07	
28-33-25-11-0011	Snyder, Jason	19563 Rhinestone St.	Const. Contractor	07/10/07	
11-33-25-34-0005	Harlander, David	21433 Tungsten St.	Prod Mach Repair	10/09/07	
33-33-25-12-0005	Peel, Donald	18775 Nowthen Blvd.	Dog Boarding	11/28/07	Denied
25-33-25-14-0001	Roessler, Kent	4870 Viking Blvd.	Wind Generator	06/10/08	
28-33-25-33-0008	Glasoe, Matthew	19056 Alpaca Street	Tree Farm	09/08/09	
10-33-25-32-0001	Schroeder, Jason	21646 Pinnaker	Home Brewing	09/14/10	
06-33-25-43-0008	Peterson, Adam	22223 Baugh Street	Woodworking	08/09/11	
18-33-25-21-0003	Hardle, Carolyn	21269 Jarvis	Recycling	10/09/12	Denied
05-33-25-32-0008	Reynolds, Karen	8759-224th Court NW	Horse Boarding	12/11/12	
18-33-25-21-0003	Schiller, Robert	21269 Jarvis	Recycling	02/12/13	Denied
34-33-25-12-0009	Keacher, Andrea	6612-189th Lane NW	Horse boarding	05/14/13	
28-33-25-12-0003	Gibbs, Catherine	7460 Viking Blvd.	Lawn/Landscape	08/13/13	
29-33-25-13-0001	Munter, Roy & Monica	19320 Burns Pkwy.	Concrete, Etc	07/08/14	
28-33-25-34-0009	Carlson, Frank/Deb	18970 Nowthen Blvd.	Majestic Masonry	09/09/14	
27-33-25-21-0006	Miller, Jeff & Laura	19677 Jasper NW	Storage, street sweepers, snowplow	11/12/14	Reapproved 01/12/16 (compliance issues)
27-33-25-21-0006	Nordquist, Arnold & Linda	21035 Gypsy Valley Rd.	S&N Landscaping Landscaping/equipmt.	02/10/15	
30-33-25-22-0007	Koester, Rob	19645 Halas Street	Semi-Truck Sales	06/09/15	
23-33-25-33-0002	Johnson, Mark	6255 Viking Blvd NW	Gun Range	11/10/15	Denied
10-33-25-22-0003	Durkot, Richard	7010 Norris Lake Road	Small Battery Mfg. in pole shed	05/10/16	
09-33-25-12-0004	Olson, Perry	7417 Norris Lake Road	Trucking	05/10/16	
22-33-25-33-0010	Elfelt, Tony	7140 Old Viking Blvd	Auction business	08/29/17	
21-33-25-42-0001 (see file)	Nowthen Historic Power Association	7415 Old Viking Blvd.	Threshing Show	12/12/17	See also CUP in 2003; amended CUP 4/11/12; amended CUP 2017
30-33-25-24-0007	Bistodeau, Chuck	9300 195th Avenue	Concrete Business	12/12/17	



PID#	Name	Address	Business/Use	City Council Decision	Comments
<b>RESIDENTIAL Interim Use Permits, continued</b>					
35-33-25-14-0018	Leyendecker, Paul	18630 St Francis Blvd	Storage business	06/12/18	
36-33-25-41-0015	Bottineau, Joe & Missy	4920 183rd Lane	Cabinet Shop	02/12/19	
08-33-25-31-0003	Madson, Steve	8480 Norris Lk Rd	Garage doors, septic, excavating, dirt sales	07/09/19	Expires July 31, 2022
23-33-25-31-0008	Bayer, Mark	6024 Old Viking Blvd.	Making and selling garden goods, tasting events	8/10/2020	
28-33-25-44-0007	Guimont	19009 Rhinestone Street	Rec. Vehic. Storage	11/12/2019	
13-33-25-12-0010	Rohach, John	21226 St. Francis Blvd.	Used Motorcycle Sales	6/3/2020	Withdrawn
29-33-25-11-0008	John Scheller	8150 Viking Blvd NW 55330	Used Auto Sales	10/13/20	
<b>EXPIRED RESIDENTIAL Interim Use Permits</b>					
28-33-25-34-0009	Bartlow, Dean	18970 Nowthen Blvd.	Seasonal Storage	03/16/07	Ceased when property sold in 2017
12-33-25-44-0004	Brown, Gene	21433 St Francis Blvd.	Tractor Sales	10/10/06	Deceased, property sold

PID#	Name	Address	Business/Use	City Council Decision	Comments
<b>COMMERCIAL/INDUSTRIAL Interim Use Permits</b>					
29-33-25-11-0012	Fleetwood Collision Connelly, Glen	8060 Viking Blvd.	Craft House, Outdoor Used Auto Sales and Outdoor Storage	04/14/15	3 IUPs, Nowthen Getaway <b>not in compliance</b>
20-33-25-43-0008 20-33-25-44-0022	Easte, Sam (Bootleggers)	19735 Iguana Street	Joint Parking and Outdoor Patio	04/27/15	2 IUPs approved at special CC meeting (see also CUP for parking setback)
21-33-25-33-0021	Perkins, Dave and Rene	19745 Nowthen Blvd.	Outdoor Storage	05/12/15	<b>Property sold to brother Rene in April 2019</b>
24-33-25-31-0008	Ulferts, Adam	19960 St Francis Blvd	Unlimited Inc. Outdoor Storage	05/12/15	<b>Owned by Beverly Ulferts, not in compliance</b>
24-33-25-34-0002	Swanson, Bob & Sue	5340-199th Ave	Auto Sales	03/08/16	See IUP for Rick Sonstebly Dec 2020
20-33-25-41-0011 20-33-25-41-0012	Becker, Randy	20002 Ferret Street	TR Concrete Outdoor Storage	05/10/16	
20-33-25-42-0006	Hagelberg, Jay	20090 Iguana Street	Outdoor Storage	08/29/17	
20-33-25-42-0011	Peterson, Josh	19950 Iguana Street	Outdoor Storage & mini- storage addition	09/12/17	
20-33-25-44-0019	Helgeson, J. and Sandor & Jacklyn Pratt	8110 199th Avenue	North Forty Design, MN Heartwoods and Creative Earthscapes	09/11/18	<b>MN Heartwoods vacated, who is new tenant?</b>
20-33-25-42-0007	DeKok, Dan	20050 Iguana Street	Sparkle Pool Outdoor storage	09/11/18	
21-33-25-33-0015	Wegner, John	7900 Old Viking Blvd.	Municipal Builders Outdoor Storage	08/13/19	
24-33-25-34-0002	Rick Sonstebly/ Sue Swanson	5340 199th Ave	Used Auto Sales	12/8/2020	

## SECTION 2

### FEE SCHEDULE

#### SECTION

- 1-2-1 Purpose
- 1-2-2 Fee Schedule

#### 1-2-1 Purpose

The purpose of this section is to establish certain fees for the delivery of services and processing of various permits and licenses as established by the nowthen City Code to equitably allocate administrative costs to those generating the demand or utilizing the service. (Ordinance #39, adopted October 12, 2011)

#### 1-2-2 Fee Schedule

The City Council hereby establishes the following schedule of fees:

#### A. Administration

- |    |   |   |
|----|---|---|
| 1. | General Labor (Minimum 15 Min)  | <b>\$28.00/per hour</b>                     |
| 2. | Recording of Deeds  | \$30.00/per description                     |
| 3. | Returned Check  | \$25.00/per check                           |
| 4. | Public Office Filing  | \$5.00                                      |
| 5. | Special Assessment Search   | \$15.00                                     |
| 6. | Copies  |   |
| a. | All available sized paper   | \$0.25/per sheet                            |
| b. | Subdivision Ordinance   | <b>\$10.00</b>                              |
| c. | Zoning Ordinance  | <b>\$20.00</b>                              |
| d. | Platting Package  | <b>\$10.00</b>                              |
| 7. | Fire Services - The following incidents will be billed out:<br>(Ord 2018-04, adopted December 11, 2018) |   |
| a. | Emergency Medical Response (Non-Motor Vehicle)  | No Charge                                   |
| b. | Residential Structure Fire  | No Charge                                   |
| c. | Commercial Structure Fires  | No Charge                                   |
| d. | Grass Fires within a State Trunk Highway or County Right-Of-Way   | Cost Incurred                               |
| e. | Underground Pipeline Utility Breaks   | Cost Incurred                               |
| f. | Technical Rescue  | Cost Incurred                               |
| g. | Search & Rescue   | Cost Incurred                               |
| h. | Hazardous Materials Released  | Cost Incurred                               |
| i. | Illegal Activities  | Cost Incurred                               |
| j. | Arson   | Cost Incurred                               |
| 8. | Animal Control (Owner Paid Fees)  | <b>(2021 proposed North Metro Contract)</b> |
| a. | <b>Pick Up during regular business hours</b>  | <b>\$25.00</b>                              |
| b. | <b>Minimum Impound (1st 0-24 hours)</b>   | <b>\$45.00</b>                              |
| c. | <b>Boarding (any day or part of day after 24 hours)</b>   | <b>\$25.00/day</b>                          |
| d. | Second time (repeat) Pick Up  | \$120.00                                    |
| e. | Third time (repeat) Pick Up   | \$240.00                                    |
| f. | <b>Pick Up After Hours</b>  | <b>\$35.00</b>                              |
| g. | Veterinary Care:  | Cost Incurred                               |

h.	Penalty for Non-License		\$6.00
i.	Dangerous Dog Registration		\$500.00
9.	Recycling		(Fee changes based on JR's 2021 pricing)
a.	Appliances		
	All Household Appliances		\$10.00/each
	Gas/Ammonia (RV) Appliances		
	Air Conditioner		\$50.00
	Refrigerator	4' & under	\$175.00
		over 4'	\$350.00
	Commercial/Industrial Freezer (Survell)		\$150.00
	Treadmill		\$25.00
	Vacuum Cleaner		\$5.00
b.	Television	(Diagonal Measurements)	
	CRT/non-flat screen	13" & Under	\$25.00
		14"-19"	\$30.00
		20"-27"	\$35.00
		28" & larger (include Console)	\$55.00
	Plasma/LCD	20" or less	\$20.00
		21" or more	\$30.00
c.	Computer/Laptop	(Diagonal Measurements)	
	Motherboard/Laptop		\$15.00
	Monitor (CRTs)	17" or less	\$30.00
		18" or more	\$35.00
	Modem (External)		\$10.00
	Mouse & Keyboard		No Charge
	Printer		
	Small		\$15.00
	Large/Laser		\$35.00
	Fax Machine		\$20.00
d.	Miscellaneous Electronics		
	VCR/DVD/CD Player		\$5.00
	Radio/Scanner		\$15.00
	Stereo Receiver		\$25.00
	Stereo Console		\$50.00
e.	Propane Tanks	3' or less	\$5.00
		over 3'	\$10.00
f.	Tires (with or without rims)		
	Up to 20" Car/Light Truck/ATV/Motorcycle		\$2.50
	Semi Truck/Heavy Duty Truck		\$10.00
	Tractor		\$45.00
	Loader		\$55.00
	Skid Steer		\$12.00
	Skid Steer Tracks		\$150.00
	Snowmobile Tracks		\$100.00
	(all other tires, contact First State Tire for pricing)		

g.	Fluorescent Bulbs*	
	4' or less; Compact; Circular; U-bend	\$0.75
	Over 4'	\$1.00
	High Density	\$5.00
	Bulb Ballast	\$2.00
i.	Mattresses & Box Springs*	\$25.00/item
	*Bring to City Offices for recycling during regular office hours	
10.	Historic Town Hall Use	(Applicable sales tax will be added)
a.	Nowthen Resident	\$50.00
b.	Non-Resident	\$150.00
c.	Cleaning/Damage Key Deposit	(Refunds after 12 PM next business day) \$50.00 (refundable)
d.	Kitchen Use & Key Deposit	(Refunds after 12 PM next business day) \$25.00 (refundable)
e.	Chairs	\$0.50/per chair
f.	Chair Deposit	(Refunds after all chairs are returned) \$25.00
g.	*NO RENTAL CHARGE for Government groups, Senior Citizens (62 years or older), funerals, Nowthen Lions, and Nowthen Heritage Committee	
	*Annual Damage & Key Deposit will be required.	\$50.00 (refundable)
11.	Park Shelters	(Applicable sales tax will be added)
a.	Twin Lakes Beach Shelter & Nowthen Memorial Park Shelter	
	Damage Deposit - required for all Rentals	\$50.00 (refundable)
	Resident	\$50.00
	Non-Resident	\$100.00
b.	All other Shelters	(Woodland; Eagle; Greenberg; Prairie)
	Damage Deposit - required for all Rentals	\$50.00 (refundable)
	Resident	FREE
	Non-Resident	\$25.00
12.	Twin Lakes Park Concession	(Applicable sales tax will be added)
	Damage Deposit - required for all Rentals	\$25.00 \$50.00 (refundable)
13.	Field Usage	(Applicable sales tax will be added)
a.	Softball/Soccer Field	(3 hour minimum)
	Damage Deposit - required for all Rentals	\$100.00 (refundable)
	Resident and Non-Resident	\$10.00/hour
b.	Baseball Field	(3 hour minimum)
	Damage Deposit - required for all Rentals	\$100.00 (refundable)
	Resident and Non-Resident	\$10.00/hour
c.	Tournament Field Usage	
	Damage Deposit - required for all Rentals	\$250.00 (refundable)
	Resident and Non-Resident	\$250.00
d.	The City of Nowthen City Council reserves the authority to change or waive fees for non-profit organizations for all field activities.	
e.	Field Maintenance - Field dragged & foul lines marked	\$50.00
14.	Newsletter Advertising	
a.	1/8 of page	\$75.00
b.	1/4 of page	\$150.00
c.	1/2 of page	\$225.00

	d. Full Page		\$350.00
15.	Maps	(Applicable sales tax will be added)	
	a. City Base Map		
		22" x 34"	\$6.50
		36" x 44"	\$10.00
	b. Zoning Map	11" x 17"	\$1.00
B.	Licenses		
	1. Cigarette		\$125.00
	2. Liquor		
	a. Off-Sale Intoxicating (includes Sunday Off-Sale)		\$240.00
		This fee is subject to an \$100.00 reduction if the license applicant adopts the programs listed in MN Stat. 340A.408, Subd. 3(c.)	
	b. On-Sale Intoxicating		\$1,500.00
	c. On-Sale Club		
	1) Under 200 members		\$300.00
	2) 201-500 members		\$500.00
	3) 501-1,000 members		\$650.00
	4) 1,001-2,000 members		\$800.00
	5) 2,001-4,000 members		\$1,000.00
	6) 4,001-6,000 members		\$2,000.00
	7) Over 6,000 members		\$3,000.00
	d. Sunday On-Sale Intoxicating		\$200.00
	e. Combination On/Off Sale		\$1,740.00
	f. Temporary On-Sale Intoxicating		\$50.00/day
	g. On-Sale Wine		\$750.00
	h. 3.2 Beer		\$500.00
	i. Temporary 3.2 Beer		\$50.00/day
	j. One-Day Consumption and Display		\$25.00
	k. Consumption and Display Permit		\$300.00
	l. Background Investigation		\$500.00
	m. Renewal Background		\$100.00
	3. Dog Licenses		
	a. 1-Year License		\$3.00/tag
	b. 2-Year License		\$5.00/tag
	c. 3-Year License		\$8.00/tag
	d. Replacement Tag		\$1.00
	e. Annual Kennel Inspection		\$150.00
	f. Private Kennel License		
	Application		\$25.00
	Annual Renewal (per Residence)		\$5.00
	g. Commercial Kennel License		
	Application		\$25.00
	Public Hearing		\$250.00
	Annual Renewal (per Business)		\$5.00

C. **Building Permits and Inspections** (Ord 2020-06; adopted Dec. 8, 2020)

1. The valuation determined for a project shall be by legal means and used in determining fees as stipulated by the 1997 Uniform Building Code method. This provides for the fee to be adjusted in accordance with the total cost of the project. The 1997 UBC document is available on the State of Minnesota Website <http://www.doli.state.mn.us/> and offered as an option for jurisdictions to use when calculating fees.
  - a. Plan Check/Document Evaluation 65% of Permit Fee  
for Residential and Commercial Projects
  - b. Master Plan  
When submittal documents for similar plans are approved, plan review fees shall not exceed 25% of the normal building permit fee established and charged for the same structure. Plan review fee for the original plan review is 65% of Permit Fee. 25% of Plan Review
  - c. Review of State approved plans 25% of Plan Review  
Plan Review required by the adopted fee schedule for orientation to the plans.
  - d. Demolition Permit Based on Valuation
  - e. Exterior Structures Based on Valuation
    - 1) Retaining Wall (over 4' in height) Based on Valuation
    - 2) Fence (over 7' in height) Based on Valuation
    - 3) Sheds (over 200 square feet) Based on Valuation
    - 4) Swimming Pools \$50.00
      - Seasonal Residential Swimming Pools
      - Over 24" high and 5000 gallons, installed entirely above grade. Allowed to be installed with a single application and approval, provided that the same pool is installed in the same location each year. Once approved, the pool may be put up and taken down any number of times. A site plan is required to be approved as a part of the permit submittal, and must be kept on site for review as needed.
    - Permanent and in-ground Swimming Pools Based on Valuation
  - f. Pre-moved in single family dwelling \$150.00+travel/mileage  
Travel time and mileage from municipality office calculated by Google Maps.
  - g. Pre-moved in accessory structure \$100.00+travel/mileage  
Travel time and mileage from municipality office calculated by Google Maps.
  - h. Connection fee \$200.00
    - 1) Moved in Structure \$200.00  
Does not include foundation/interior remodel
    - 2) Plumbing \$75.00
    - 3) Mechanical \$75.00
  - i. Manufactured Home Installation \$250.00  
Does not include foundation

j.	Site work for manufactured, prefab, or moved-in home (Foundation, basement, etc.)	Based on Valuation
k.	Basement Finish Separate plumbing & mechanical permits required	Based on Valuation
l.	ISTS Permits (Individual Sewage Treatment System)	
	1) New, Replace, or Repair (Second soils verification required, to be provided by septic contractor)	\$375.00
	2) Type I - IV	\$225.00
	3) Type V	Costs Incurred
	4) Operating Permit (Monitoring Permit; Maintenance Agreement)	\$125.00/year
m.	Septic System Pumping Permits	\$10.00/permit
<b>2.</b>	<b>Residential Building Fees</b>	
a.	Maintenance Permits	
	1) Re-Roof	\$95.00
	2) Re-Side	\$95.00
	3) Re-Window (Replace same size windows)	\$95.00
	4) Re-Door/Garage Door (Same size)	\$95.00
b.	Plumbing Permits	
	1) New Fixtures	\$7.50 per fixture with a \$75.00 minimum
	2) Lawn irrigation systems	\$50.00
	3) Fixture Maintenance	\$50.00
	This permit is for replacing a previously existing fixture or appliance where only disconnecting and reconnecting of existing pipes or ducts is to be done. Changing vent systems, running new drain or supply lines, or replacing or installing new ductwork, pipes or vents is <u>not</u> fixture maintenance. (Examples: Sink, Toilet, Water Softener, Hose Bib, or Water Heater replacement)	
c.	Mechanical Permits	
	1) New Appliances	\$37.50 per unit with a \$75.00 minimum
	2) Gas Line (with Mechanical Permit)	\$12.50 per gas line with a \$25.00 minimum
	3) Gas Line Only	\$40.00
	4) Fireplace Insert (same as New Appliances above)	
	5) Fireplace Masonry (Building Permit required)	Based on Valuation
	6) Fixture Maintenance	\$50.00
	This permit is for replacing a previously existing appliance where only disconnecting and reconnecting of existing pipes or ducts is to be done. Changing vent systems, running new gas lines, or replacing or installing new ductwork, pipes or vents	



is not fixture maintenance. (Examples: Furnace, Boiler, A/C or Water Heater replacement) If Furnace and A/C can be inspected at the same time, it can be issued as one Fixture Maintenance Permit.

### 3. Commercial Building Fees

All Commercial Permit applications require plan review, and permit fees are based on valuation. Includes: Re-roof, Re-side, Re-window, Re-door, Mechanical, Plumbing, and Demolition.

a. Building Permit Minimum	\$75.00
b. Plumbing	Based on Valuation; \$75.00 Minimum
c. Mechanical	Based on Valuation; \$75.00 Minimum
d. Gas Line Minimum	\$50.00
e. Signs	Based on Valuation
f. Above Ground Storage Tanks	Based on Valuation
g. Fuel Tank Removal	Based on Valuation
h. Fire Sprinkler Systems (Require regular Building Permit)	Based on Valuation
i. Fire Alarm Systems (Require regular Building Permit)	Based on Valuation

### 4. Other Inspections and Fees

a. Re-Inspection	\$50.00 per trip
b. After-Hours and Weekend Inspections	\$60.00/hour with a minimum of 2 hours
c. Additional Plan Review Required changes, additions or revisions to approved plans	\$60.00/hour with a minimum of 1 hour
d. Special Investigation Fee Work Started without obtaining a building permit	100% of Permit Fee
e. Lead Certification	\$5.00
f. Permit Extension within 6 months of expiration New Permit Required	50% of Permit Fee
g. Permit Renewal after 6 months of expiration New Permit Required	Based on Valuation of Remaining Work
h. Change of Use	\$75.00
i. Pre-Final Inspection (New home or structure)	\$65.00
j. Temporary Certificate of Occupancy-Escrow	\$2,500 + Non-Refundable \$250.00
k. Refunds	
1) Plan Review (if plan review has not started)	No Charge
2) Plan Review (if plan review has started)	No Refund
3) Permit Fee (if work not started within 6 months of permit issuance by Municipality)	75% Refund
4) Maintenance Permits	No Refund
5) State Surcharge	No Refund

(Ord 2020-06; adopted Dec. 8, 2020)

## D. Development Fees

1. Subdivision
  - a. Lot Split or Reconfiguration
    - 1) Application \$200.00
    - 2) Escrow \$1,000.00
    - 3) Recording \$46.00/lot description
  - b. Minor Subdivision (1-3 lots)
    - 1) Application \$200.00 + \$50.00 per lot
    - 2) Escrow \$1,000.00
    - 3) Recording \$46.00/lot description
  - c. Platting
    - 1) Application \$200.00 + \$50.00 per lot
    - 2) Escrow \$1,500.00
    - 3) Public Hearing \$250.00
    - 4) Security Escrow 150% of estimated construction cost
    - 5) Engineering Escrow 7% of initial security amount
    - 6) Administration 1% of total construction cost
    - 7) Park Dedication and Administration Fees, Security Escrow, and Engineering Escrow must be paid prior to the mylars or deeds being stamped by the City Clerk
  - d. Park Dedication \$2,000.00 per lot
  - e. Trail Fee \$500.00 per lot
2. Comprehensive Plan/Zoning Ordinance Amendment
  - a. Application \$200.00
  - b. Escrow \$1,000.00
  - c. Public Hearing \$250.00
  - d. Recording \$46.00 per lot
3. Conditional Use Permit/Interim Use Permit/Variance
  - a. Application \$200.00
  - b. Escrow \$1,000.00
  - c. Public Hearing \$250.00
  - d. Recording \$46.00 per lot
4. Site Plan/Concept Plan
  - a. Application \$200.00
  - b. Escrow \$1,000.00
5. Grading Plan Review/Grading Permit
  - a. Application \$200.00
  - b. Escrow \$1,000.00
  - c. Security Amount for All Non-Residential Grading Projects 150%  
Security is equal to 150% of estimated project cost, based upon written bid(s) received from one or more contractors.  
(Ord. 2019-01, Approved March 12, 2019)

6.	Excavation and Mining Permit	
a.	Application	\$250.00
b.	Escrow	\$1,500.00
c.	Public Hearing	\$250.00
d.	Material Removal	\$0.07/cubic yard
e.	Annual Renewal	\$100.00
7.	Easement Vacation	
a.	Application	\$200.00
b.	Escrow	\$300.00
c.	Public Hearing	\$250.00
d.	Recording	\$46.00 per lot
8.	Wetland Delineation Review	
a.	Engineering Review Escrow	\$2,000.00
9.	Right-of-Way Management	
a.	Registration (One Time Charge)	\$150.00
b.	0-1,000 linear feet	\$150.00
c.	Each additional 1,000 linear feet	\$30.00

10. Professional Fees and Escrow Amounts

The City Council shall establish fees by Ordinance as necessary for the administration of land use requests. The City Council may periodically review and revise all or portions of the fee schedule. The acceptance of all land use applications and issuance of permits shall not occur until a complete application has been filed and the appropriate fee has been paid. Land use applications must be accompanied by a fee and a non-interest-bearing escrow deposit. The escrow deposit is required to cover all costs incurred for staff and consultants; time directly related to processing applications, preparation of studies, and any other cost incurred with processing zoning applications. All fees and expenses are due whether the application is approved or denied.

a. Responsibility for Fees and Costs

The property owner of the property subject to the land use application shall be responsible for all costs incurred by the City in processing said land use application and enforcing the terms of any agreements relating to the land use application including, but not limited to, attorney's fees, engineering or planning fees. The costs generally include, but are not limited to, professional consulting services retained by the City, copying Charges, City staff time to review and process application, hearing notice publications, postage for mailed notices, and any other costs necessary to process the application.

b. Escrow

When a land use application has been submitted, the property owner shall deposit funds in an escrow account with the City (which may from time to time be changed to an amount determined by the Zoning Administrator to be necessary to cover such costs prior to commencement of the review stage of the application). The property owner shall reimburse the escrow account for any deficits caused if the amount actually expended by or billed to the city by the Consultants

exceeds the fund balance. The City shall refund any amount deposited in the escrow account not expended, within thirty (30) calendar days after final action on the application. The City shall not pay interest on such escrow fund deposits.

c. Certification of Unpaid Costs and Expenses

All unpaid expenses incurred by the City under the City Code not covered by the escrow will be charged against the parcel subject to the land use application and will be the responsibility of the property owner pursuant to MN Statute Chapter 462, MN Statute §462.353, MN Statute §415.01 and MN Statute §366.012 and any other relevant statutes. The property owner shall be invoiced for the City's costs to where property tax statements are sent by the County. The invoice shall be paid within 30 days of the date of the invoice. Invoices not paid within 30 days of request for payment by the City shall accrue interest at the rate of 6% per year. Should property owner not reimburse the City within said time, the City shall be authorized to certify said unreimbursed costs plus interest to the County Auditor for payment with the property owner's property taxes and said certified amounts shall constitute a lien against the property which shall be collected and enforced in the same manner as general property taxes pursuant to MN Statute §366.012. This cost recovery plus interest shall be in addition to any penalty or legal or equitable remedy the City may seek or receive for the violation of the City Code.

d. Special Assessment

The City may approve a special assessment for the installation of required municipal improvements which the property owner specifically agrees to be assessed for 100% of the project costs and waives any and all appeal rights under MN Statutes 429.081 or any other relevant statute. Said special assessment agreement shall be subject to the review and approval of the City Attorney.

(Ordinance 2013-05, adopted April 9, 2013; Ordinance 2014-02, adopted February 11, 2014; Ordinance 2018-05, adopted November 13, 2018)

**E. Other Fees**

	Cost Incurred
1. Professional Consultant	
2. Special Meetings	
a. Public Hearing	\$500.00
b. City Council	\$500.00
3. Public Safety	
a. Littering and Illegal Dumping	\$100.00 + Costs incurred
Costs Incurred include all disposal fees, administrative and staff time, legal and court costs. (Ordinance 2016-06, adopted December 13, 2016)	
b. Administrative Enforcement Penalties	
1) Class A	\$50.00
(Animal Violations outlined in Sections 3 and 4 of the City Code)	
2) Class B	\$200.00
(All other City Code violations)	
c. Administrative Hearing	\$100.00
1) The Administrative Hearing Fee and any costs incurred throughout the hearing process shall be paid by the party who does not prevail; not to exceed \$300.	

(Ordinance #39, adopted October 12, 2011; Ordinance 2013-07, adopted April 9, 2013; Ordinance 2016-06, adopted December 13, 2016; Ordinance 2017-02, adopted June 13, 2017; Ordinance 2018-05, adopted November 13, 2018; Ordinance 2019-01, adopted March 12, 2019)

# CITY OF NOWTHEN

## REQUEST FOR COUNCIL ACTION



The City of  
**Nowthen**  
"Where it still feels like country"

Agenda Item # Council Items	Department: Administration	Requested Council Meeting Date: February 9, 2020	Submitted By: Council Member Mary Rainville																												
<b>TITLE OF ISSUE: City of Nowthen Employment and Personnel Policies.</b>																															
<p><b>BACKGROUND AND SUPPLEMENTAL INFORMATION:</b></p> <p>During 2018 council held discussions regarding updating the Employment and Personnel Policies which had last received revisions in January 2016. A draft policy which was a compilation of the existing policy, extractions from a previously negotiated employee contract, 2014 City Council agreements and information received from the Minnesota League of Cities was presented by Council Members Dan Breyen and Mary Rainville. At that time both staff and council provided concerns/suggestions and council gave direction to address them. The topic was set to be on September 2018 agenda however the then City Clerk resigned and the interim Administrator wasn't interested in addressing the issue.</p> <p>At the December 2020 Workshop I presented the topic for consideration of review and updating at the January 2021 Council Meeting and asked the City Clerk to share the information with Council and staff. On December 29, 2020 I forwarded the information to the City Clerk and asked that it be provided to the Mayor, Council and staff for review and on December 30, 2020 the document was forwarded. At that time the City Clerk expressed that given current work load she wasn't sure if she could have her portion completed by the January 12, 2021 Council Meeting.</p>																															
<b>SOURCE OF FUNDING: NA</b>																															
<p><b>REQUESTED COUNCIL ACTION:</b> I move that the City Council:</p> <ul style="list-style-type: none"> <li>• Adopts Chapter 2 – City of Nowthen Employment and Personnel Policies</li> <li>• Direct City Clerk to: Provide updated copy of Chapter 2 to the Mayor, Council and current employees Design an employee acknowledgement receipt and adherence form Receive from all employees a signed acknowledgment form by March 1, 2021 Provide all new employees a copy of the policy on their first day of employment and advise a signed acknowledgement form be returned in 10 calendar days Update appropriate city records to reflect the new policy by March 1, 2021</li> </ul>																															
<p><b>For Clerk's Use:</b></p> <p>Motion By: _____</p> <p>Second By: _____</p> <p>Vote Record:</p> <table style="margin-left: 20px;"> <tr> <td style="padding-right: 10px;">Aye</td> <td style="padding-right: 10px;">Nay</td> <td></td> </tr> <tr> <td>_____</td> <td>_____</td> <td>Pilon</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>Alders</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>Blake</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>Greenberg</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>Rainville</td> </tr> </table>		Aye	Nay		_____	_____	Pilon	_____	_____	Alders	_____	_____	Blake	_____	_____	Greenberg	_____	_____	Rainville	<p style="text-align: center;"><b>SUPPORTED DOCUMENTS ATTACHED</b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="padding: 5px;">Resolution</th> <th style="padding: 5px;">Ordinance</th> <th style="padding: 5px;">Contract</th> <th style="padding: 5px;">Minutes</th> <th style="padding: 5px;">Plan Map</th> </tr> </thead> <tbody> <tr> <td style="border: 1px solid black; height: 20px;"></td> <td style="border: 1px solid black; height: 20px;"></td> <td style="border: 1px solid black; height: 20px;"></td> <td style="border: 1px solid black; height: 20px;"></td> <td style="border: 1px solid black; height: 20px;"></td> </tr> </tbody> </table> <p>Other (specify): <u>Revised Chapter 2 – City of Nowthen Employment and Personnel Policies</u></p>		Resolution	Ordinance	Contract	Minutes	Plan Map					
Aye	Nay																														
_____	_____	Pilon																													
_____	_____	Alders																													
_____	_____	Blake																													
_____	_____	Greenberg																													
_____	_____	Rainville																													
Resolution	Ordinance	Contract	Minutes	Plan Map																											
<p><b>Administration Department Use:</b></p> <table style="margin-left: 20px;"> <tr> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="padding-left: 10px;">Consent</td> </tr> <tr> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="padding-left: 10px;">Regular</td> </tr> </table>			Consent		Regular	<table style="margin-left: 20px;"> <tr> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="padding-left: 10px;">Refer to: _____</td> </tr> <tr> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="padding-left: 10px;">Tabled Until: _____</td> </tr> <tr> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="padding-left: 10px;">Other: _____</td> </tr> </table>			Refer to: _____		Tabled Until: _____		Other: _____																		
	Consent																														
	Regular																														
	Refer to: _____																														
	Tabled Until: _____																														
	Other: _____																														

**CITY OF NOWTHEN EMPLOYMENT  
AND PERSONNEL POLICIES**

**CHAPTER 2**

**TABLE OF CONTENTS**

**PAGE NUMBERING NEED TO BE RECONFIGURED**

**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

**SECTION 2**

**DEFINITIONS**

**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

**SECTION 4**

**RECORDS AND REPORTS**

- Section 2-4-1 Employment Records
- Section 2-4-2 Performance Evaluations

**SECTION 5**

**WORK SCHEDULE**

Section 2-5-1 Work Schedule

Section 2-5-2 Breaks

**SECTION 6**

**OUTSIDE EMPLOYMENT**

Section 2-6-1 Outside Employment

**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, Payday and Pay Distribution

Section 2-7-6 Overtime Pay/Compensatory Time

Section 2-7-7 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

**SECTION 9**

**ATTENDANCE, VACATION 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 Paid 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

## **SECTION 10**

### **INSURANCE BENEFITS**

- Section 2-10-1 Insurance Benefits
- Section 2-10-2 Group Insurance Enrollment
- Section 2-10-3 Voluntary Benefits
- Section 2-10-4 Insurance Continuation (COBRA)

## **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

## **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 Criminal Offence Policy
- Section 2-12-10 Personal Appearance
- Section 2-12-11 Discipline
- Section 2-12-12 Whistleblowers
- Section 2-12-13 Grievances

## **SECTION 13**

## PURCHASE OF GOODS AND SERVICES

### 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

### 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 16

#### POSITION DESCRIPTIONS

- Section 2-16-1 City Clerk/Treasurer
- Section 2-16-2 Deputy Clerk
- Section 2-16-3 Office Assistant
- Section 2-16-4 Maintenance Supervisor
- Section 2-16-5 Maintenance Worker

## 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 discretion of the City Council. These policies 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 employment at any time for any reason.

Throughout these employment and personnel policies, "City of Nowthen," "City," and "employer" are synonymous terms.

**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. 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 and other 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 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 before they become effective. The City Clerk/Treasurer may direct the preparation of new or revised policies. When a new or revised policy is approved by the City Council, City Clerk/Treasurer will file the amendment, and it will become part of the rules. Deletions to the policies will be approved by the City Council with filing being handled by the City Clerk/Treasurer.

**2-1-4 INTERPRETATION:** Legal Council is responsible for the interpretation of these policies. The City Clerk/Treasurer 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 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 rights 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

**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 40 hours per week on a regular basis.

**Core Hours** - The core hours are those hours that all employees (exempt and non-exempt) are expected to work.

**Employee** - An individual who has successfully completed all stages of the selection process including the training period.

**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.

**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** - are those hours the city is open for business.

**Management** - 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.

**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.

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

**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.

## 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 Clerk/Treasurer. 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 satisfactory evaluations and left 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 activities, 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 Clerk/Treasurer and the Personnel 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 Clerk/Treasurer 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.

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 Period – The training period is an integral part of the selection process and will be used for the purpose of observing the employee’s work and for training employees in work expectations. Training periods apply to new hires, transfers, promotion and rehires. Training periods are six months in duration. The department head is responsible for documenting employee performance during the entire training period.

**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 spouse, 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 Clerk/Treasurer 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 Human Resources 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 Clerk/Treasurer. The City Clerk/Treasurer 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 Clerk/Treasurer 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 Clerk/Treasurer to be retained in the Employee's Personnel 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 City. The City Clerk/Treasurer 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 vacation time or compensatory time; 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 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. ~~In order to provide for continuity in City operations, the timing of these breaks is subject to the approval of the Supervisor in charge.~~

~~With the Employee's Supervisor's approval, Employees working an eight (8) hour day, may elect to take a longer lunch break by combining their ½ hour unpaid lunch break and their 10-minute morning and afternoon breaks. Lunch will be taken between 11:00 a.m. and 2:00 p.m.~~

~~For each consecutive four (4) hours of work, Employees shall be granted a rest break not to exceed ten (10) minutes away from job duties.~~

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 prohibited on City Property or in City vehicles.

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 Clerk/Treasurer prior to engaging in any outside employment. The City Clerk/Treasurer 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/Compensatory Time
- Section 2-7-7 Time Sheets

**2-7-1 FLSA STATUS:** All positions shall be designated as either 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 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 Clerk/Treasurer, in addition to regular pay.

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

**2-7-3 PROMOTION:** An Employee promoted to a higher job class could be compensated with an increase on 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.

**Lori: are we using steps as it relates to 2-7-3 & 2-7-4. Although these steps have not been used since I have been here, Yes, these are the steps that would be taken in these instances.**

**2-7-5 PAY PERIODS, PAYDAYS AND PAY DISTRIBUTION:** The City shall establish pay periods and paydays in accordance with State and Federal law. Paychecks are issued every two weeks. Distribution of paychecks to City employees is to be accomplished in a timely manner using

accurate, consistent procedures. When paydays fall on a holiday, checks will be issued the day before the holiday.

Paychecks will not be given to anyone other than the person for whom they were prepared, unless the person has given written authorization to do so. Checks will be given to the spouse, or another appropriate immediate family member, in the case of a deceased employee.

**2-7-6 OVERTIME PAY/COMPENSATORY TIME:** 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.

Supervisors may 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), Extended Medical Benefit (EMB), 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, unless the Employee and the Supervisor mutually agree in advance that the overtime will be banked as compensatory time in lieu of payment.

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. Compensatory Time**

Non-exempt Employees are eligible to elect compensatory time off in lieu of overtime pay. A maximum of sixty (60) hours of compensatory time off may be carried at any one time. All compensatory time shall be marked as such on official timesheets, both when it is earned and when it is taken. Eligible Employees must designate their election of overtime pay or compensatory time off on the timesheet for the payroll period in which it is earned. Once the election is made and approved by the Supervisor, no changes to the election can be made.

The Finance Department's computerized accounting system is the official record of compensatory time balances.

For all Employees that normally work less than forty (40) hours per week, additional time worked over their regularly scheduled hours, up to forty (40) hours is considered "extra time" and those hours will be paid at their regular hourly rate.

Employees may request and use compensatory time off in the same manner as other leave requests.

Compensatory time must be used in minimum increments of 60 minutes. Supervisors will normally grant such requests, unless it causes an undue disruption in business operations.

All compensatory time accrued will be paid when the Employee leaves City employment at the hourly rate the Employee is earning at the time of termination providing the employee leaves in good standing.

## **3. 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 currently 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 Clerk/Treasurer 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 Clerk/Treasurer 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 Clerk/Treasurer to submit to a drug test following the accident. The City Clerk/Treasurer will review the results of any such drug tests and will bring any concerns to the City Council, at which point the City Council may take appropriate action.

**2-8-4 RESIGNATION:** Non-exempt, Employees wishing to leave employment shall submit a written resignation to their Supervisor ten (10) work days prior to their anticipated separation date, in order 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) work days prior to their anticipated separation date, in order to leave employment in good standing. Employment contract language supersedes this verbiage.

Employees may not use PTO during the ten (10) or twenty (20) work days prior to separation, unless prior authorization is granted by the City Clerk/Treasurer 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.

The City Clerk/Treasurer is authorized to accept all resignations on behalf of the City. The 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) 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.

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:** Employees giving proper notice and returning all-city keys, property, equipment, etc. shall be deemed to have left employment in good standing.

Employees leaving employment with the City in good standing are eligible to receive payout of any accrued unused PTO 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, VACATION 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 may 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 work day. 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 work days 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.

**Lori: would you provide current policy on how medical absences are handled. Refer to 2-9-6 (below).**

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.

All Full-time Employees are required to take a minimum of five (5) consecutive days off, not including Holidays or weekends, every calendar year.

**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 or Compensatory Time, if eligible. Only if the Employee does not have any PTO or Compensatory Time 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  
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 work day.  
Christmas Day - December 25

Without prior Supervisor approval, an Employee on an unpaid leave immediately preceding or following a Holiday will receive no Holiday pay.

A Holiday that falls on a Saturday will be observed on the preceding Friday. A Holiday 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 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. Premium pay of 1.5 times the regular hourly wage for employees required to work on a holiday will be for hours worked on the Actual holiday as opposed to the observed holiday. Employees eligible to participate in Compensatory Time may elect to take Compensatory Time in lieu of overtime payment.

**2-9-4 PERSONAL TIME OFF (PTO):** All full time employees are eligible for the PTO plan. Employees working less than 40 hours, seasonal or temporary employees are not eligible.

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

All PTO will be accrued and used consistently with the Family Medical Leave Act. Time off for official holidays and court or military duty leave are not included in the PTO plan, and employee will continue to receive this in addition to their PTO.

Accrued PTO can be used during the evaluation period(s) however an employee cannot use days not yet accrued. PTO accruals and PTO usage shall be based upon the calendar year. Unused PTO time is allowed to be carried over up to 200 hours / five weeks. The City Council's approval for carryover of PTO time over 200 hours will need to be based upon a findings of extenuating circumstances for that employee, such as the employee's illness, illness in the employee's family, or extraordinary work circumstances which cause the employee to alter his/her PTO plans for the benefit of city business.

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**

Completed Years of Employment	Accrued Days Per Year	Accrued Hours Per Month
Hire date to 5 <sup>th</sup> Anniversary	24	16
5 <sup>th</sup> Anniversary to 10 <sup>th</sup> Anniversary	27	18
10 <sup>th</sup> Anniversary to 15 <sup>th</sup> Anniversary	30	20
15 <sup>th</sup> Anniversary +	33	22

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

For all Employees, the year will be effective January 1 through December 31.

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.

PTO may only be taken to the extent it is earned; Employees may use the accrual they would receive on the current pay period's paid hours. Supervisors may not authorize advance PTO that has not yet been earned.

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 work days 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 EXTENDED MEDICAL BENEFIT (EMB):** The City does not provide disability insurance to the employees. But it does provide an additional feature to the PTO plan which is the Extended Medical Benefit (EMB). EMB is an income-protection benefit that is not paid out upon retirement or termination. Prior to an Employee using EMB hours, they must use 40 hours of PTO.

Every employee will accrue eight (8) days of EMB per year. The maximum EMB balance is 720 hours, or 90 days. Once an Employee has reached the maximum, they will not accrue additional EMB time until the balance has fallen below 720 hours. The EMB has no cash value and is not paid out upon separation from the employer.

**2-9-7 USE OF EXTENDED MEDICAL BENEFIT (EMB):** An Employee may access the EMB in the event of an illness or injury of their own or of an immediate family member that extends beyond five working days. Employees must first use 40 hours of PTO before they can use EMB. The EMB bank is designed to protect Employees in the event of a short-term illness or injury, and allows them to preserve their PTO balance.

The 5 work day's absence before the use of EMB shall apply to each separate qualifiable incident that the Employee seeks to use EMB.

EMB must be used in minimum increments of four (4) hours.

Employees with accrued EMB hours have 5 work days absence before being eligible to use EMB regardless of the actual hours the Employee is scheduled to work. Employees may only use EMB on

a prorated basis and shall not be entitled to EMB that exceeds the regularly scheduled hours for the Employee's period of absence.

Employees shall notify their Supervisor and Human Resources on the first day of a qualifying EMB event and at appropriate intervals as required by the Supervisor. When possible EMB shall be requested in advance.

The City shall require a release of information and a Medical Certification before approving the use of EMB. The City shall also request a Medical Certification, attesting to the Employee's ability to return to work.

The City Clerk/Treasurer is the final authority on all EMB decisions.

**Lori: what type of forms are we currently using to document EMB or medical eligibility? We currently do not have an EMB form on file at the office that I can locate. I've reached out to the League and my peers for copies that can be used for Nowthen's reference & to replicate.**

**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:** Full-time 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 or Compensatory Time, 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 Clerk/Treasurer 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 Clerk/Treasurer. 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.

**2-9-14 FAMILY MEDICAL LEAVE ACT (FMLA):** In accordance with the Federal FMLA, the City will grant job protected, unpaid family and medical leave to eligible Employees in accordance with the City's FMLA Policy.

**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.

**Lori: what type of forms are we currently using to document EMB or medical return to duty? See above answer for EMB Form.  
Medical return to duty is provided by the medical doctor.**

**2-9-16 FUNERAL LEAVE:** 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).

Part-time Employees and seasonal Employees may use unpaid leave.

## 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 which full-time Employees are eligible. 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. Council currently contributes 80% toward group health benefits for each eligible employee and his/her dependents.

**Lori, would you please update the above.**

**2-10-2 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.

**2-10-3 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.

**2-10-4 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.

**Lori, does 2% still cover the city's administrative costs? Yes, that is still accurate.**

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.



**2-10-5 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 Clerk/Treasurer 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 car 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 RESPONSIBILITES:** 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.
- Accept 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 provide 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 Clerk/Treasurer, or if such activity be by the City Clerk/Treasurer, 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 Clerk 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.

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 18 and over are allowed to smoke outdoors on City property, but only in areas designated for that purpose.

### 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 Clerk/Treasurer 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 buoy 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 nonsparking footwear with metal nails.
5. The City will purchase one (1) approved pair of safety shoes each year 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 affords 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 Corrective Action: City Clerk/Treasurer discusses a work performance issue with the Employee by specifying the violations of the policy and corrective actions deemed necessary to avoid future disciplinary action. Unless extreme the first occurrence of Oral/Verbal Corrective Action shall not be considered disciplinary action however will be documented in employees file.

Written reprimand: The City Clerk/Treasurer may formally discipline an Employee by providing a written reprimand to the Employee specifying reason(s) for the reprimand, previous letters of expectation, verbal or written warnings, unacceptable performance appraisals, discussion or reprimands, if any, and corrective action necessary to avoid further disciplinary action. Written reprimands are documented and made a permanent record in the Employee's personnel file.

Suspension without pay: With prior approval of the City Council the City Clerk/Treasurer may suspend, without pay, an Employee for up to 30 work days in a calendar year. The City Clerk/Treasurer 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 Clerk/Treasurer 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.

**Lori, can you confirm with Bob Ruppe that a reduction in pay is legal.  
Waiting to hear back from Bob Ruppe.**

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.

## **2. Rights of the Employee**

In the event the City Clerk/Treasurer 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 Clerk/Treasurer 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 Clerk/Treasurer shall make a notation in the employee's personal file specifying the disciplinary action taken and the reason(s) for the disciplinary action.

### **1. Veteran's Preference**

In the event that an Employee proposed to be discharged is a veteran, the City will follow applicable State and Federal laws.

**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 GRIEVANCES:**

The City aims to provide a fair, equitable and productive work environment for all employees. This policy seeks to support the achievement of this goal by providing a transparent and consistent process for resolving grievances. 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. An Employee who wishes to appeal the disciplinary action may appeal a decision with the City Clerk/Treasurer. The City Clerk/Treasurer shall fully investigate the problem and the facts involved and discuss the matter with the parties concerned. After fully having investigated the

problem, the City Clerk/Treasurer shall advise the parties concerned in writing within five (5) working days.

Step 2. In the event the grievance is not resolved at Step 1 and the employee wishes to appeal the decision to Step 2, it shall be referred in writing along with copies of the written grievances and responses from Step 1 to the Personnel Committee. Within ten (10) working days of submission, the Personnel Committee shall schedule a hearing for the purpose of resolving the grievance. The Personnel Committee shall have the authority to call any city employee for testimony on the matter and all departments for the purpose of resolving grievances. After conducting the hearing and investigation, the Personnel Committee shall render a decision in writing to the City Council at their next regular meeting as required. In all cases the decision of the City Council shall be final, subject to a court of law.

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.

## **Council needs to form a Personnel Committee**

### **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 statues, 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 statues, 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. Card holders are authorized to spend no more than \$XXX.XX per week on official business without obtaining prior approval from the City Council.



**Need to determine the appropriate amount Council needs to determine? Or staff? Need to stay within the budget for any purchases.**

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 \$5,000.00
  3. City credit cards will be issued through the City Clerk/Treasurers' office. All cards must be returned to the City Clerk/Treasurer 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 Clerk/Treasurers' 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 Clerk/Treasurer 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.

**Lori – what type of form are we currently using? We currently have just the one complaint form (listed on our website) that is used for residents filing complaints towards other residents, businesses or city employees.**

**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 Clerk/Treasurer, City Council and City Attorney)

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

- A. The City Clerk/Treasurer 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 Clerk/Treasurer to be duplicative will not be forwarded. The City Clerk/Treasurer will contact the complainant to inform them of whether or not the Complaint will be investigated. Once a Complaint has been addressed the City Clerk/Treasurer 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 Clerk/Treasurer 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 Clerk/Treasurer 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 Clerk/Treasurer 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 Clerk/Treasurer will inform the complainant of the result. If a written reprimand is issued and if requested by the complainant the City Clerk/Treasurer 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 Clerk/Treasurer will inform the complainant of the result of the City Council's decision and if the complainant requests the City Clerk/Treasurer 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 Clerk/Treasurer immediately and submit a written report of the incident to their Supervisor and City Clerk/Treasurer 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 Clerk/Treasurer 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 Clerk/Treasurer 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 Clerk/Treasurer  
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 Clerk/Treasurer.

**Lori: would you please add current position descriptions**  
**Attached**

**2/3/2021**