



**CITY OF NEWPORT
REGULAR COUNCIL MEETING
NEWPORT CITY HALL
SEPTEMBER 5, 2013 – 5:30 P.M.**

MAYOR: Tim Geraghty
COUNCIL: Tom Ingemann
Bill Sumner
Tracy Rahm
Steven Gallagher

City Administrator: Deb Hill
Supt. of Public Works: Bruce Hanson
Chief of Police: Curt Montgomery
Fire Chief: Mark Mailand
Executive Analyst: Renee Helm

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPT AGENDA
5. ADOPT CONSENT AGENDA – All items listed under this section are considered routine and non-controversial by the Council and will be approved by a single motion. An item may be removed from the consent agenda and discussed if a Council member, staff member, or citizen so requests.
 - A. Minutes of the August 15, 2013 Regular City Council Meeting
 - B. Minutes of the August 15, 2013 City Council Workshop Meeting
 - C. Minutes of the August 22, 2013 Special City Council Meeting
 - D. List of Bills in the Amount of \$251,854.15
 - E. Amendment to Executive Analyst's Job Description
 - F. **Resolution No. 2013-40** – Establishing Salary Steps for Executive Analyst and Accountant
6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE
 - A. Presentation Regarding the Red Rock Corridor
7. MAYOR'S REPORT
8. COUNCIL REPORTS
9. ADMINISTRATOR'S REPORT
 - A. **Resolution No. 2013-41** – Establishing a Proposed Preliminary Levy Certification for Levy Year 2013, Payable 2014
 - B. Employee Personnel Policy
 - C. Donations, Library and Community Center, and Volunteer Policies
 1. **Resolution No. 2013-42** – Establishing Procedures for the Acceptance and Disposal of Certain Donations
10. ATTORNEY'S REPORT

Agenda for 09-05-2013

11. POLICE CHIEF'S REPORT

- A. Joint Powers Agreement between Washington County and the City of Newport for the SWAT Team
- B. July 2013 Activity Report

12. FIRE CHIEF'S REPORT

13. ENGINEER'S REPORT

- A. **Resolution No. 2013-43** – Approving an Extension of the Variance Granted to Newport-St. Paul Cold Storage
- B. 2013 Street Improvement Projects

14. SUPERINTENDENT OF PUBLIC WORKS REPORT

15. NEW / OLD BUSINESS

16. ADJOURNMENT

Upcoming Meetings and Events:

- | | | |
|------------------------------------|--------------------|------------|
| 1. Planning Commission Meeting | September 12, 2013 | 6:00 p.m. |
| 2. City Council Meeting | September 19, 2013 | 5:30 p.m. |
| 3. Park Board Meeting | September 26, 2013 | 7:00 p.m. |
| 4. Annual Fun Walk – Loveland Park | September 28, 2013 | 10:00 a.m. |



**City of Newport
City Council Minutes
August 15, 2013**

1. CALL TO ORDER

Mayor Geraghty called the meeting to order at 5:30 P.M.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL -

Council Present – Tim Geraghty; Tom Ingemann; Bill Sumner, Tracy Rahm, Steven Gallagher

Council Absent –

Staff Present – Deb Hill, City Administrator; Bruce Hanson, Supt. of Public Works; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney; John Stewart, City Engineer

Staff Absent –

4. ADOPT AGENDA

Mayor Geraghty – There are a couple updates to the agenda. I'd like to add a solicitor's permit under the Administrator's Report and we're removing item 9.C.

Motion by Rahm, seconded by Sumner, to adopt the Agenda as amended. With 5 Ayes, 0 Nays, the motion carried.

5. ADOPT CONSENT AGENDA

Motion by Sumner, seconded by Ingemann, to approve the Consent Agenda as presented which includes the following items:

- A. Minutes of the July 18, 2013 City Council Workshop Meeting
- B. Minutes of the August 1, 2013 Regular City Council Meeting
- C. Minutes of the August 1, 2013 City Council Workshop Meeting
- D. List of Bills in the Amount of \$563,249.13
- E. Gambling Permit for Metro Chapter of Quail Forever
- F. Solicitor's Permit

With 5 Ayes, 0 Nays, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

7. MAYOR'S REPORT –

A. Summary of Deb Hill's Performance Evaluation

Mayor Geraghty – At our last Council meeting we did conduct a performance evaluation of Deb Hill; it was part of a closed session. We're having a NEDA meeting immediately following tonight's meeting and then a budget workshop immediately following that. I want to thank all of the volunteers that worked Pioneer Day and a special thanks to Renee for all of her work, she led the committee. Special thanks to Arnie Horn, Ron Lischeid who provided the corn cooker, and Bob Gindorf. It was a good turnout. Finally, we'll have a special City Council meeting next Thursday, August 22 at 5:30 to talk about our bonding for the streets.

8. COUNCIL REPORTS –

Councilman Gallagher – I also went to the parade and Pioneer Days, it was a beautiful day and thanks to everyone who was involved in that and Renee.

Councilman Sumner – Pioneer Days was very successful. I understand they had 500 buttons and sold out of all of those. The Elvis show was great entertainment. I also attended a advisory committee meeting for the Refinery and there are some openings, if you would like to know more about it, please contact me.

Councilman Ingemann – I was at the Planning Commission meeting last Thursday and we talked about the transit station.

Councilman Rahm – I also attended Pioneer Days and would like to thank all of the volunteers. I also attended that Library Board meeting this week where we reviewed policies for donations and the operation of the Library. The policies will be coming before the Council for approval.

9. ADMINISTRATOR'S REPORT –

A. Resolution No. 2013-36 – Establishing Storm Water and Street Light Utility Rates

Admin. Hill presented on this item as outlined in the August 15, 2013 City Council packet. The storm water fund has revenue of about \$20,000 per year, which is used to pay the debt service for the North Ravine project, which is \$20,000 per year. The City is completing several street projects in the next couple years that have a storm water utility component. Additionally, the City owns several storm water ponds that will need to be cleaned out in the next couple years and that will cost about \$600,000 - \$700,000. The City needs to begin building up the storm water fund for the cleanup of the ponds.

Motion by Sumner, seconded by Ingemann, to approve Resolution No. 2013-36 as presented. With 5 Ayes, 0 Nays, the motion carried.

B. Resolution No. 2013-37 – Approving an Amendment to the Conditional Use Permit Granted to the Washington County Regional Railroad Authority for the Development of the Red Rock Transit station and Related Improvements

Sherri Buss, TKDA Planner, presented on this item as outlined in the August 15, 2013 City Council packet.

Mayor Geraghty – I didn't see the Planning Commission meeting but I was trying to figure out why the estimate was so far off from what was designed and bid out and how we could be that far off.

Andy Gitzlaff, Washington County – It's unfortunate, we thought we were pretty solid for that estimate. The contractors that bid believed that the canopy, with its size, was its own structure so that increased the costs. The timing was also a factor. We put the bids out late. With the wet spring, the contractors were already working so that limited the competitiveness of the bid and increased the bid as well. We're trying to make sure that we get the right number and right changes so we can move forward with the project.

Mayor Geraghty – If we don't approve this, will the County proceed with taking the Knox building down?

Mr. Gitzlaff – We would need to go back to the Board to discuss that. Right now, our direction was to go back, bring the cost down within budget, and to get the construction going.

Councilman Rahm – Was the bid for the demolition come within budget?

Mr. Gitzlaff – The demo was rolled in with the site work and that did come within budget. The bids for the building, electrical work and landscape came in over budget. Thank you for having us here tonight. Commissioner Lehrke did want to make it but she had a prior obligation that she couldn't get out of. In the end, we still think we have a really good

project and we're willing to continue to work together and I believe we have the framework to build something great.

Mr. Gitzlaff presented as outlined in the August 15, 2013 City Council packet and as attached.

Councilman Sumner – I'm equally committed to going ahead and developing something down there. I think its core and we've worked hard to do that. I'm also disappointed with the huge gap between what was proposed and what was reasonable. I'm a bit concerned that the same design company will be doing the updated design. I hate to see them rewarded for missing the boat. I understand that these happen but I'm not happy about it. As I look at this design, is the roof sloping from west to east? How are we going to get the water off the roof?

Mr. Gitzlaff – The water from the roof will drain internally to the center of the roof into a pipe which will then go to a holding pond.

Councilman Sumner – Where will the brick be?

Mr. Gitzlaff – It'll be on the south and east side of the building, the north and west sides have all glass.

Mayor Geraghty – There are going to be three buses in the morning and night. How far apart will they be and what's the capacity of the bus?

Mr. Gitzlaff – Those buses will have about 30 minutes between them and the capacity is around 45 seated. The route is the 364 and will be express to downtown St. Paul.

Mayor Geraghty – My concern is that if we end up getting 100 people there for a 7:00 a.m. bus, it won't be good enough.

Councilman Sumner – It doesn't look like there's any provision for expansion. It'll be much more expensive to expand down the road. I would prefer to see less brick and more opportunity to put in footings toward the east so that when we need it, it can easily be adapted instead of a complete reconstruction.

Mr. Gitzlaff – That issue was raised with City staff and the Planning Commission. One of the options is to construct a separate covered area to the east of the building. The key is that you have those core facilities in the building. What we really hope is that people will use the plaza area when it's nice out instead of packing inside of the building.

Admin. Hill – It's my understanding that a lot of people wait in their cars rather than go into the building.

Mayor Geraghty – Maybe during the spring and summer but not in the winter.

Councilman Gallagher – By moving it closer to Maxwell, does that affect the connectivity for rail?

Mr. Gitzlaff – If rail does come, we can extend the plaza directly to the east and do a separate pedestrian crossing over the tracks. We did leave the flexibility in for future transit expansions.

Councilman Sumner – In regards to the turn-around, if it's deemed that it needs to be replaced within five years, do we get another five years then?

Mr. Gitzlaff – That would be in the agreement with staff. We thought the warranty was a good compromise. The agreement will be coming back before you for approval.

Admin. Hill – That warranty was acceptable to Bruce and John.

Mayor Geraghty – Who will be responsible for the cost if it needs to be replaced in ten years.

Admin. Hill – The City.

Councilman Sumner – What’s the cost of the turn-around?

Mr. Gitzlaff – It would be another \$60,000 to go from bituminous to concrete.

Councilman Sumner – What does bituminous cost?

Superintendent Hanson – My feeling is that if it’s going to rut, it will do so in the first five years.

Councilman Sumner – I just know that there are ruts in St. Paul Park due to the trucks coming from the Refinery so I’m a bit concerned but I guess you’re addressing it.

John Stewart, City Engineer – There’s a little bit of difference between the hundreds of trucks per day that come from the Refinery and the six buses per day for here.

Mayor Geraghty – I’m really conflicted over this one. I don’t know if we’re being short-sided or not. When Commissioner Lehrke called me, I said “Let’s go find the money to do it right.” I don’t know if this could be considered as part of a bonding request to the Governor and maybe we should think along those lines as well. That’s why I asked if the demolition would proceed to give us some time to work on the funding source.

Councilman Rahm – I think we are being short-sided. I would rather go ahead with the demolition and look to see if there are other funding sources.

Admin. Hill – I do believe there is a time limit regarding the monies from the State and Feds.

Mr. Gitzlaff – They expire at the end of next year.

Mayor Geraghty – We can shoot for that.

Councilman Gallagher – And you can extend those.

Admin. Hill – I think they need the project done by the end of next year.

Mr. Gitzlaff – We thought about demoing the building and then coming back with the other packages but part of the reason that decision was not made is because of the unknowns. If we don’t know if we have a project and the funding, it’s hard to pull the trigger. Our goal here is to get this within budget and get the project built and focus on the development.

Councilman Gallagher – Would the County be agreeable to continue to look for funding or reduce the funding over the next five years for landscaping or other amenities?

Mr. Gitzlaff – I don’t think I’m in the position to make a commitment of more funds without it going to the County Board for discussion. If things are doing well we could come back at a later date and have other investments. This isn’t the last piece that the County will be having a part in. Obviously, we want the project to be successful too. A big part of this is going to be focusing on service and getting more routes at the transit station.

Councilman Rahm – We understand that you need to stay within budget. We, as a Council, need to think about whether it’s worth having something there or nothing.

Admin. Hill – I feel like this is a wonderful project. Yes it did get scaled down quite a bit. We worked out a number of things that can be put aside such as the turn-around and not grading the north lot. This is a springboard of development that is starting to pop up all over the place.

Mayor Geraghty – What’s the status of the CTIB funds? Have they been committed?

Mr. Gitzlaff – We do have some CTIB funds that we did access again to put into the project. CTIB granted \$2.5 million for the acquisition, \$250,000 for the design, and another \$450,000 for the next phase.

Mayor Geraghty – What’s the projected CTIB revenue for projects in the next year or two.

Mr. Gitzlaff – We had three years of guaranteed funding, last year was the third year. Future grants would be on a competitive basis with other projects so that’s unknown.

Councilman Ingemann – This is one of those things that if we don’t do anything, we’re going to regret it.

Barbara Dacy, Washington County HRA – I wanted to offer the HRA’s perspective. First of all, the importance of the transit station in the funding arena is that it’s a key component to the Met Council LCDA program. They want to see that connection between density and the transit component. Without the transit investment any type of development interest would be postponed. Secondly, we’ve heard from developers from the start that the exterior part of this site, by creating the sustainability, rain gardens, trail connections, it establishes that new sense of place. I think those are two very important features, establishing the sense of place and then having the transit act as a leverage for funding that can really start to transform the area.

Mayor Geraghty – If we approve it I would like to put some condition in there that states that the applicant should plan for future spending and expansion needs so it’s on the table and they know about it.

Mr. Gitzlaff – If there’s a condition that we work with the City to look into future site improvements that would be something that we’re agreeable to.

Attorney Knaak – You could add something like “In coordination with the City, the applicant shall actively continue to review and assess the ongoing facility needs at this location and be prepared to quickly address any modifications/issues at the facility, including expansion in the future.”

Councilman Gallagher – Andy, you see why we’re frustrated? We’ve been waiting for a while and had a vision of something a lot bigger than this to spur development and it’s been pulled away from us.

Mr. Gitzlaff – That amendment would be acceptable.

Motion by Sumner, seconded by Ingemann, to approve Resolution No. 2013-37 as amended. With 5 Ayes, 0 Nays, the motion carried.

C. Resolution No. 2013-38 – Denying a Request from David Quade to Vacate 1st Street Between the BNSF and CP Rail Right-of-Ways

This item was removed from the agenda. Mr. Quade withdrew his request to Vacate 1st Street. Mr. Quade believes that the street was never there.

Mayor Geraghty – The City’s official position is that there is a street there.

Attorney Knaak – Yes. They believe that there is no right-of-way there even though they provided a copy of the survey that shows the existence of a right-of-way. That’s fine until they try to build a fence across it. If their intention is to leave it alone than the withdraw is the right move but if they attempt to put up a fence, they will be cited and you’ll most likely here about it in one of my reports in the future.

Admin. Hill – Next is a solicitor’s permit for Karolina Griuselionyte for Southwestern Advantage. She did pass the background check.

Councilman Gallagher – There was a news report about Southwestern Advantage that they had some issues with some of their sales representatives. In doing an internet search on the company, there a quite a few complaints about people

getting billed, credit card numbers being stolen, etc. I was going to ask the Attorney, can we deny any solicitors application at the Council's discretion?

Attorney Knaak – You can if you have a reasonable basis for doing so. If that reasonable basis is that the organization for which the solicitor is working for has an established history, which is in your view detrimental to their presence in the City, meaning public interest and safety. You can make a denial but I would suggest that you be specific with the information from your sources in doing that denial.

Councilman Gallagher – Any other options we have besides this?

Attorney Knaak – The whole idea behind the permit is so that the City knows when someone is out on the street soliciting. There is no in between for approving or denying the permit, although you could limit hours, locations, etc, as long as it was reasonably based.

Councilman Gallagher – So we could say that they need to report to the Police Department with areas that they would be door knocking every day and then limit them from 8:00 a.m. to 5:00 p.m.

Attorney Knaak – Yes you could do that.

Councilman Sumner – Is that a burden to the Police Department?

Chief Montgomery – No.

Councilman Sumner – Could we prohibit someone from returning if they have a permit and get complaints?

Attorney Knaak – If they are in some way disturbing the peace. The idea here is that the City is aware of the solicitors on the street.

Councilman Gallagher – So, could my objection be that due to complaints from other towns such as North Plat, Tayga, and Great Falls, Newport won't issue the permit?

Councilman Ingemann – What cities in Minnesota?

Executive Analyst Helm – The report from Kare 11 states that there were complaints in Inver Grove Heights that the Police Department stated that they were false.

Councilman Ingemann – So the complaints for Minnesota were false.

Mayor Geraghty – Did she indicate what dates she would work?

Executive Analyst Helm – No, because we weren't sure when it would appear on a Council agenda.

Councilman Sumner – When you do a background check is it on the person or company?

Chief Montgomery – The person.

Attorney Knaak – Will she be doing this alone?

Executive Analyst Helm – She is the only one that applied.

Attorney Knaak – If she is going with someone else, they also need to register.

Mayor Geraghty – It's my understanding that we're approving this individual only.

Executive Analyst Helm – I will remind her of that.

Councilman Sumner – I would like this placed on the website.

Motion by Ingemann, seconded by Sumner, to approve the Solicitors Permit for Karolina Griuselionyte for five days from 8:00 a.m. to 6:00 p.m. and requiring Ms. Gruiselionyte to check in with the Police Department prior to going out each day. With 4 Ayes, Gallagher voting Nay, the motion carried.

10. ATTORNEY’S REPORT –

Councilman Sumner – As a member of the community advisory committee at the Refinery, I received tickets to the Renaissance Fair from the President of Super America. They have a value of \$22 each. I asked the Attorney on the best way to handle it and we have agreed that I will return the tickets to the Refinery.

11. POLICE CHIEF’S REPORT – Nothing to report

12. FIRE CHIEF’S REPORT – Chief Mailand reported on the number of calls in the past few weeks, which include: mutual aid call, CO Alarms, dumpster fire, downed power line, and a semi tipping over on Highway 61. He also thanked Public Works for fixing their equipment. The new rescue pumper was delivered; he thanked the truck committee members for picking out the new truck: Jeremy Brodin, Jason Joa, Luke Mailand and Derek Marson.

Councilman Rahm – Was the truck that tipped over just going too fast?

Chief Mailand – Yes.

13. ENGINEER’S REPORT –

A. 2013 Street Improvement Projects

John Stewart, City Engineer, presented on this item as outlined in the August 15, 2013 City Council packet. There were five appeals from the August 1, 2013 Public Hearing. The appeal for 900 18th Street was withdrawn. The City Council discussed the following in regards to the other appeals:

1685 Cheri Lane

Mayor Geraghty – I just wanted to comment that John, Deb and I did do a drive around and looked at these properties. I asked John to do some research to see if there are any easements for 1685 Cheri Lane because it is a strange situation. I’m not sure that we can assess it if it’s landlocked.

Attorney Knaak – You can theoretically if it benefits from the project and you can show that.

Councilman Gallagher – Are 1801 and 1811 being assessed?

Engineer Stewart – Yes.

Mayor Geraghty – If we take this off and they do get an easement in five or six years, can we charge them then?

Engineer Stewart – In my opinion, you have one chance to assess them and it’s now.

Councilman Ingemann – I don’t think they have a road unless we want to build one. There is no easement right now.

Councilman Gallagher – I agree.

Councilman Rahm – Me too.

Mayor Geraghty – Ok, we’ll take it off.

812 18th Street

Councilman Ingemann – He was objecting to the main house, not the other two lots.

Engineer Stewart – That’s an interesting observation. As Councilman Ingemann says, they objected to the address of 812 18th Street, it comes down to a legal opinion as to whether or not the two vacant lots have the same address as the house.

Councilman Rahm – They are separate properties with separate pin numbers.

Engineer Stewart – Correct.

Councilman Gallagher – I’m sure he’s talking about all three properties.

Engineer Stewart – That’s my opinion, which is why I included all three in my report.

Councilman Rahm – In essence, we’re assessing them for two properties instead of three.

Councilman Gallagher – And there’s a buildable lot between the two vacant properties?

Engineer Stewart – What I would guess is that they would split it equally in frontage between the three lots to create two. Your options are to keep the assessments as listed, take the two vacant lots off of the assessment roll, or enter into an agreement with the property owners to combine the three lots into two and if at a later date they re-sever the lots then they would be responsible for paying the assessment with interest.

Mayor Geraghty – Which is complicated because the property has been sold.

David Bild, Julia Bild’s son – I questioned the charges because the frontage for her three properties combined is the same as the frontage of one property across the street and they are being charged \$2,900 when she is being charged \$5,800. When they bought all three lots 50 years ago, they could build on 50 foot lots. There is sewer, water, etc coming up to the house on a 60 foot lot, so they have one sewer connection just like everyone else. Now if you were talking about a person owning three properties with 150 feet frontage each I could see where they would have to pay more. My mom’s combined lineal footage is the same as the house across the street and she only has one sewer hookup so you’re only doing one repair in front of her house, same as the guy across the street. So you’re assessing sewer work on property that doesn’t have a sewer.

Councilman Ingemann – It’s road work not sewer.

Mr. Bild – That’s what I’m saying, \$2,900 per 150 feet of frontage just like the guy across the street. My mom agreed to pay the assessment to repair the sewer for her 150 feet section prior to selling the house. Why is she paying for something where there isn’t anything?

Councilman Ingemann – You mentioned that your mother agreed to pay the assessment on the sewer repair so the new people who bought the house would be responsible for the street repair, which is the assessment that we’re talking about tonight. The \$2,900 is for street not sewer.

Mr. Bild – When mom made the agreement, the title company called and spoke with Deb and Deb said that the only assessment was \$2,900 but by the time we got there to sign the papers the assessments was \$5,800. Why are we being assessed for three pieces of property but the guy across the street is only being charged for one with the same footage? Someone made a mistake.

Councilman Ingemann – The guy across the street only has one piece of property where your mom has three.

Councilman Rahm – We’re not doing it by footage, we’re doing it by units. You’re being charged for two units. The guy

across the street only has one unit.

Mr. Bild – It just makes sense that if you're going to charge us \$5,000 for 150 feet of frontage than you should charge the guy across the street with 150 feet of frontage \$5,000. I don't understand how she can be charged more when you're not doing anything extra with the two vacant lots.

Councilman Ingemann – You have three lots, the guy across the street has one lot.

Mayor Geraghty – What is Chris Vick being charged for his two lots?

Engineer Stewart – He's being assessed .5 units per lot, so similar.

Councilman Rahm – I think the issue is that there are three properties that are being assessed and that's consistent with the rest of the area. If the properties were combined into one, they would have only been assessed for one.

Councilman Gallagher – I think this is fair.

1033 Century Avenue

Engineer Stewart – Mr. Bailey believes that he should be assessed a percentage equal to the amount of blacktop that is being provided because his access to the property will still have gravel. He wants to reduce the assessment by 23.3% or \$932.

Councilman Rahm – That makes sense since his driveway goes into the gravel not the blacktop.

Councilman Gallagher – Would he be assessed the \$932 if the City blacktops the entrance?

Engineer Stewart – Yes.

765 18th Street

Engineer Stewart – There is an issue of a low spot on 18th Street right in front of the property where water has gathered in the past. It is the owners' belief that the water gathering has caused their driveway to deteriorate and they would like consideration of that in the dollar value that they are assessed for.

Councilman Gallagher – Is this getting an apron?

Engineer Stewart – Yes.

Councilman Sumner – Will the reconfiguration of the street improve the situation?

Engineer Stewart – Yes.

Councilman Rahm – I'm not sure that you can prove that the water came from the street.

Mayor Geraghty – How old is the driveway?

Eric Smith, 765 18th Street – I'm not sure.

Mayor Geraghty – How long has it been draining like that?

Mr. Smith – Since I bought it ten years ago?

Mayor Geraghty – We'll have the same issue on 2nd Avenue. It's an old driveway and has regular deterioration from age.

Mr. Smith – The driveway portion near the street has deteriorated the most because of the water.

Mayor Geraghty – We'll have similar issues on 2nd Avenue.

Councilman Rahm – Do you have an estimate of how much it would cost to repair?

Mr. Smith – No.

Councilman Gallagher – How much would the apron cover?

Engineer Stewart – Four feet.

Councilman Rahm – You're the only one who has this issue on your street?

Mr. Smith – I'm the only one that's standing here.

Engineer Stewart – I can attest that they get quite a bit of water.

Councilman Rahm – And the apron will help?

Councilman Ingemann – Yes.

Mayor Geraghty – Will the road still be higher than the driveway?

Engineer Stewart – Yes.

Councilman Rahm – How much would it cost us?

Engineer Stewart – My guess is that a bituminous driveway for 20 feet would cost about \$3,500.

Councilman Ingemann – I don't agree, it's normal wear and tear.

Engineer Stewart – I believe Council has the latitude to make it whatever you want.

Mayor Geraghty – Right, I just think it's a slippery slope.

Councilman Sumner – I had water issues and paid the full amount.

Councilman Rahm – By assessing you the full amount, we're not treating you any different than anyone else.

Councilman Gallagher – Have you complained to the City prior about your driveway?

Mr. Smith – No.

Engineer Stewart – They have brought this issue up at every public meeting that they've attended.

The City Council decided on the following for each of the appeals:

- 1685 Cheri Lane – Reduced the assessment from \$4,000 to \$0.
- 812 18th Street – Nothing was changed.
- 1033 Century Avenue – Reduced the assessment from \$4,000 to \$3,068.
- 765 18th Street – Nothing was changed.

Motion by Ingemann, seconded by Geraghty to approve Resolution No. 2013-34 as presented. With 4 Ayes,

Gallagher voting Nay, the motion carried.

Motion by Gallagher, seconded by Rahm, to approve Resolution No. 2013-35 reducing the assessment for 1685 Cheri Lane to \$0 and reducing the assessment for 1033 Century Avenue to \$3,068. With 5 Ayes, 0 Nays, the motion carried.

B. Update on 2204 Hastings Avenue

Engineer Stewart presented on this item as outlined in the August 15, 2013 City Council packet.

Councilman Rahm – I like the idea of giving him additional access from the north side of the property.

Councilman Sumner – Give him a permanent easement and also allow drive-over curbs off of Ford Road.

Engineer Stewart – That is a reasonable thing to do because you have the pond right next to it and the City would only use that easement to access the ponds.

Councilman Gallagher – I would agree with that and then a regular commercial driveway along Ford right?

Councilman Ingemann – He's asking for drive-over curbs.

Councilman Sumner – It's been used that way for decades.

Mayor Geraghty – The easement is on the north side.

Councilman Gallagher – If we give him an easement does he still need the drive-over curbs?

Engineer Stewart – You get into the issue than of allowing a property owner to park on the City right-of-way.

Councilman Rahm – He wants it for a used car lot so I would assume that there would be parking there.

Engineer Stewart – You could probably park three cars in a line parallel to the building that would be the extent of what could be parked there if we only give him a 36' driveway.

Executive Analyst Helm – If I could speak to the issue of the used car lot. The property was issued a special use permit in 1972 to operate a used car lot. There has not been a used car lot on this property since 2010; as such the special use permit has expired so they would need to request a rezoning and conditional use permit to operate a used car lot on this property. The current operation, car repair, is allowed in the MX-2 District. I informed Mr. Long of this when he came in yesterday.

Councilman Gallagher – So if it's not a used car lot, does he need the drive-over curb? When is this going to be done?

Engineer Stewart – Ford Road will be done in 2014.

Councilman Gallagher – So we could table this until Mr. Long makes an application for a rezoning and CUP?

Tom Long, 2204 Hastings Avenue – In your memo, it says that I would need to submit that application before August 20?

Executive Analyst Helm – That's only if you want it on the September agenda, if not, we would need it by the third Tuesday in September for the October meeting.

Mr. Long – I was going to wait to apply until I heard a decision tonight. Just so I understand, you're talking about giving me a driveway down here to access the back?

Engineer Stewart – We would accommodate your wishes on where the driveway would be.

Mr. Long – Then we would have a drive-over curb?

Engineer Stewart – No, you would have the 36' wide driveway and access on the north end through an easement.

Mr. Long – Would there be conventional curbing then along Ford Road?

Engineer Stewart – Yes.

Councilman Sumner – You'd also have a 36' wide driveway.

Mr. Long – Is there a reason for not having a drive-over curb?

Engineer Stewart – It presumes that you will park on the right-of-way. The only reason you would need drive-over curb is to move a vehicle from the street to your property to park it perpendicular from your building.

Mr. Long – What about diagonal parking?

Engineer Stewart – That takes up about 16.5/17 feet in horizontal distance from the wall of your garage.

Mr. Long – That's the death blow for that property then. I can park three cars parallel along the building and then seven cars on the west side of the property. A comment was made at the last meeting that you didn't think it was viable for a used car lot. That's no longer true; we can support two families if we have seven, eight, nine cars along the west end and another ten cars along the south end. I don't understand why there can't be drive-over curb.

Councilman Gallagher – Right now, you're in the MX-2 District, which does not allow used car lots. We're going by what's allowed in the MX-2 District. If you were to put in an application for rezoning and a CUP to change the property then we could adjust. We have to build for what you have currently and what is currently allowed there.

Mr. Long – Is there a big difference in money between the two types of curb?

Councilman Gallagher – I don't believe so.

Mr. Long – So what's the big deal?

Councilman Gallagher – The right-of-way access.

Mr. Long – There's a fee to make the application and I'm not going to pay that until I know what you're going to do to my property.

Councilman Ingemann – If you don't do something, they are going to put a regular curb in and give a 36 foot driveway in the back.

Mr. Long – All I'm suggesting is that the curbing be drive-over to make it convenient, we're not going to be parking in the right-of-way.

Mayor Geraghty – The big question is do we want to have a used car lot there again and would it be spot zoning.

Mr. Long – It's right next to the MX-1 District. We're in agreement on everything except the type of curb.

Councilman Sumner – Is it your intention to ask for a car lot there again?

Mr. Long – Not if there's a square curb.

Mayor Geraghty – If you come in and ask for a rezoning and it's approved I would go with the drive-over curb but if it's not rezoned than I would go with the regular curb.

Councilman Gallagher – I agree with that. It needs to go through the Planning Commission and then we'll take our direction from them.

Motion by Gallagher, seconded by Geraghty, to table until Tom Long, owner of 2204 Hastings Avenue, makes an application for rezoning and a conditional use permit. With 5 Ayes, 0 Nays, the motion carried.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT –

Superintendent Hanson – The solar power is up and working at Bailey School Forest, we still need to put the lights up. Anyone can plug into it at any time.

15. NEW/OLD BUSINESS

16. ADJOURNMENT

Motion by Geraghty, seconded by Gallagher, to adjourn the regular Council Meeting at 7:49 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst



**Newport Transit Station
CUP Amendment
City Council**

August 15, 2013



What We Heard

- Make the Transit Station Both Attractive and Functional
- Design for future growth
- Safety and Security is important
- Plan for pedestrians and trail users as well



Redevelopment Partnership

- Future transit expansion to go vertical
- 6 - 7 developable acres remain
- Initial Infrastructure investments

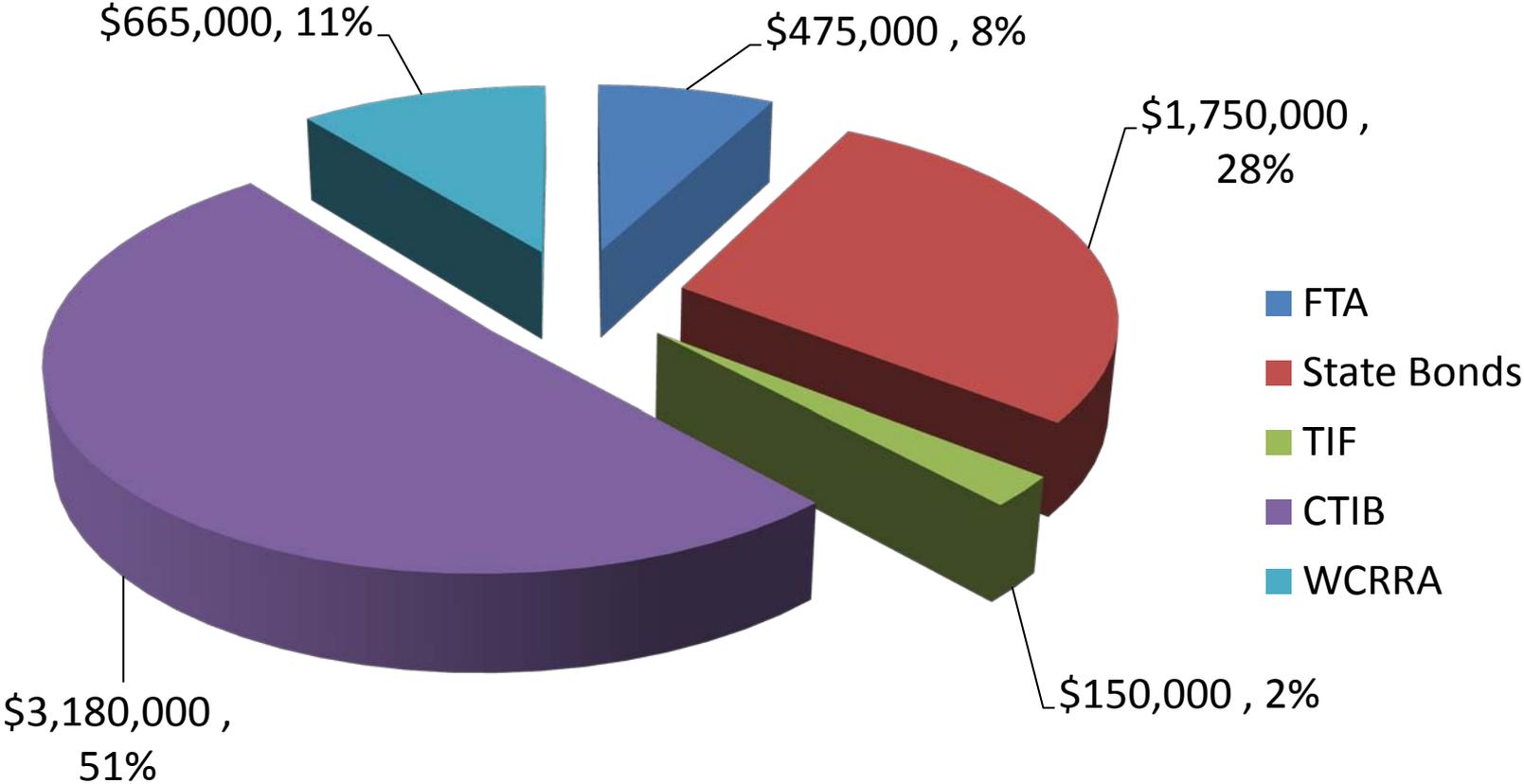


Challenges

- Redevelopment Project
- High bedrock discovered
- Secure necessary funding
- Meet requirements of different funding sources



Project Funding



Total Investment = \$6.2 Million



Bid Results

- \$620,000 gap between bids and budget

– Transit Station
Roof Design to
Complex and
Expensive

– Limited
Competition
from Bidders





Revised Design



Key Site Features

- Stormwater “Treatment Train”
- B3 Sustainability Standards
- Security Camera System / Lighting
- Trail Connections, Bicycle parking
- Outdoor Gathering Space
- Seat walls, benches
- Well Landscaped
- Library Kiosk



Sign Plan

- Entrance Sign
 - Block Matches Building
 - Preserves flexibility for future site users
 - Future joint signage opportunities
- Other Signage
 - National Park Service Interpretive Signage
 - Way finding Signage
 - For Sale / Development Sign



Next Steps

- City Approvals – August 2013
- Rebidding – September 2013
- Demolition – Fall 2013
- Construction – Spring - Summer 2014
- Opening of Bus Service – Fall 2014

Thank You

Andy Gitzlaff

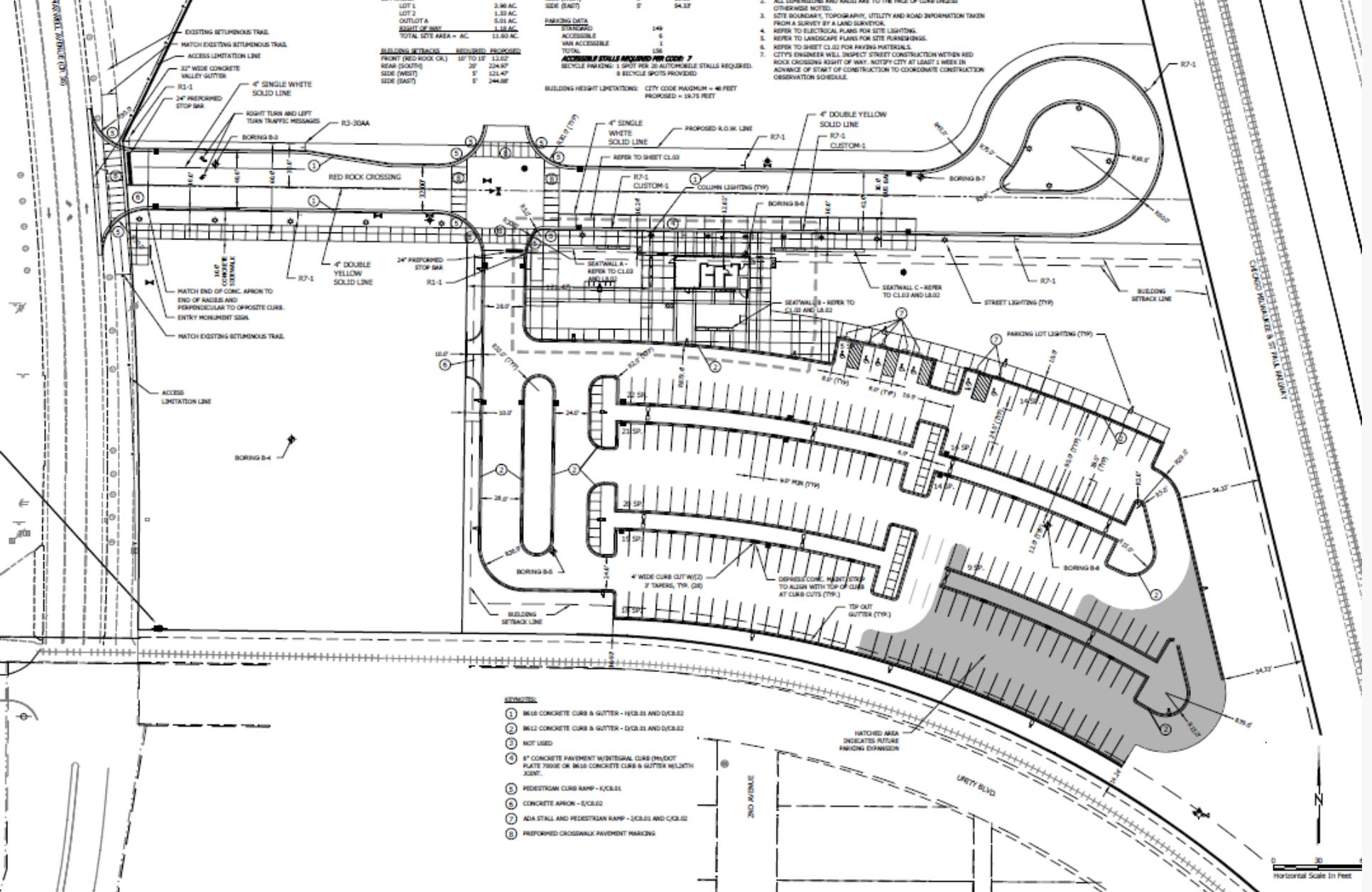
Senior Planner / Acting Transportation
Coordinator,

Washington County Public Works

651-430-4338

andy.gitzlaff@co.washington.mn.us

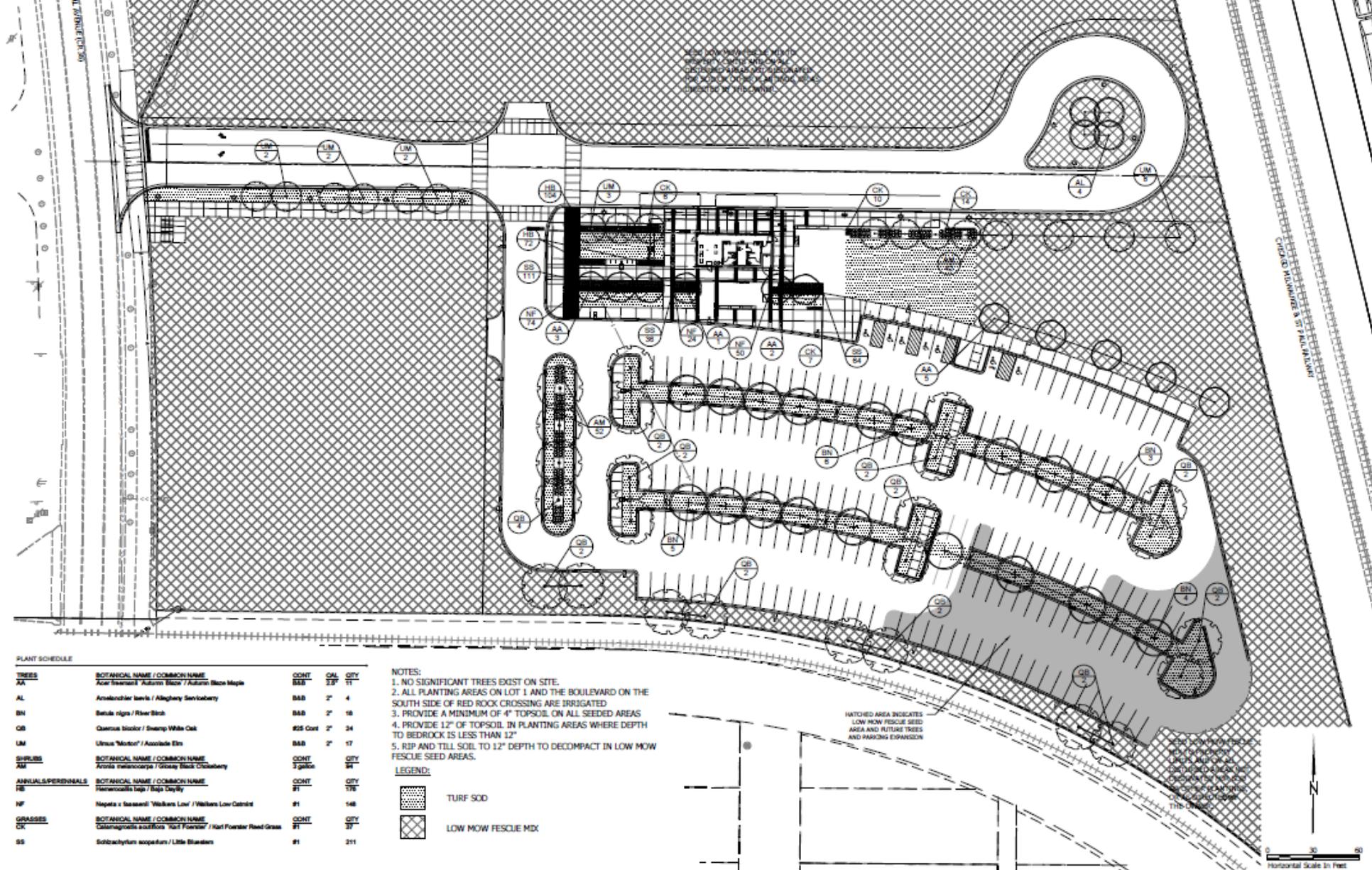




Site Plan



Horizontal Scale in Feet



PLANT SCHEDULE

TREES	BOTANICAL NAME / COMMON NAME	CONT	CAL	QTY
AA	Ace of Hearts / Arizona Blue / Arizona Blue Maple	BBB	33"	11
AL	Amelanchier laevis / Allegheny Serviceberry	BAB	2"	4
BN	Banksia alba / River Birch	BAB	2"	18
OB	Quercus bicolor / Swamp White Oak	#25 Cont	2"	34
UM	Ulmus 'Major' / Accolade Elm	BAB	2"	17
SHRUBS	BOTANICAL NAME / COMMON NAME	CONT	QTY	
AM	Arctostaphylos uva-ursi / Western Black Chokeberry	3 gallon	34	
ANNUALS/PERENNIALS	BOTANICAL NAME / COMMON NAME	CONT	QTY	
FB	Hemerocallis sp. / Day Lily	#1	176	
NP	Nepeta x 'basanini' / Walker's Low / Walker's Low Catmint	#1	148	
GRASSES	BOTANICAL NAME / COMMON NAME	CONT	QTY	
CK	Clasmatragis exoniensis 'Hart Fescue' / Hart Fescue Reed Grass	#1	37	
SS	Schizanthus scopulorum / Little Bluehearts	#1	211	

- NOTES:**
1. NO SIGNIFICANT TREES EXIST ON SITE.
 2. ALL PLANTING AREAS ON LOT 1 AND THE BOULEVARD ON THE SOUTH SIDE OF RED ROCK CROSSING ARE IRRIGATED.
 3. PROVIDE A MINIMUM OF 4" TOPSOIL ON ALL SEEDED AREAS.
 4. PROVIDE 12" OF TOPSOIL IN PLANTING AREAS WHERE DEPTH TO BEDROCK IS LESS THAN 12".
 5. RIP AND TILL SOIL TO 12" DEPTH TO DECOMPACT IN LOW MOW FESCUE SEED AREAS.

LEGEND:

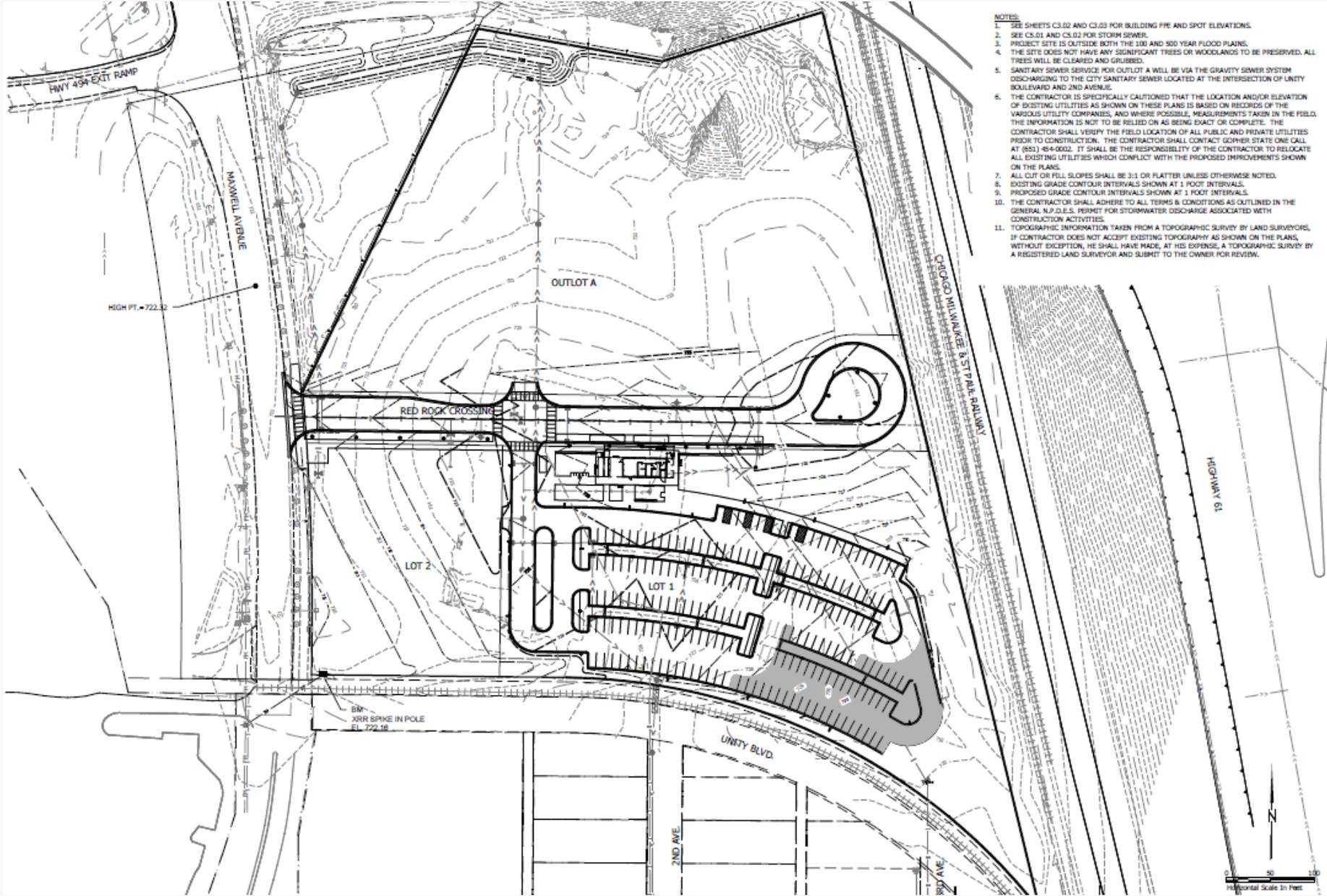
-  TURF SOID
-  LOW MOW FESCUE MDX

HATCHED AREA INDICATES LOW MOW FESCUE SEED AREA AND FUTURE TREES AND PARKING EXPANSION



Landscape Plan





Grading Plan



**City of Newport
City Council Workshop Meeting Minutes
August 15, 2013**

1. ROLL CALL -

Council Present – Tim Geraghty, Tom Ingemann, Bill Sumner, Steven Gallagher, Tracy Rahm

Council Absent –

Staff Present – Deb Hill, City Administrator; Bruce Hanson, Superintendent of Public Works; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst; Deb McDonald, Accountant

Staff Absent - John Stewart, City Engineer; Fritz Knaak, City Attorney;

2. DISCUSS THE 2014 DRAFT BUDGET AND PRELIMINARY PROPERTY TAX LEVY

Admin. Hill presented on this item as outlined in the August 15, 2013 City Council Workshop packet and as attached. The proposed plan increases the General Fund levy by 2.9%.

Mayor Geraghty – We'll do the preliminary at the first meeting in September and it's at 2.9%? We don't typically end up at that in December. We'll review other options at our next workshop.

Councilman Gallagher – Bring something back at a 0% increase too.

Admin. Hill – We'll also have the street improvement debt service at the September meeting. Right now, it's about an extra \$100,000 per year which accounts to 4.67%. A couple of the bonds will be coming off in a couple years.

Mayor Geraghty – By shifting John and Bruce to the water and sewer funds, what's the impact?

Admin. Hill – The enterprise funds will be discussed at a later date because I don't have all of the numbers.

Tom Aguilar-Downing, Chair of Park Board – The Park Board is thinking about doing a photo contest and one of the prizes would be a \$50 prize, is that in the budget? Secondly, the table display we have for Pioneer Days is getting old so it would be nice to get a new one. I think we could use it throughout the year.

Councilman Gallagher – Do you remember the Youth Services Bureau coming in to request donations, how much was that?

Councilman Ingemann – It was like \$300.

Mayor Geraghty – Didn't someone come from Washington County as well?

Executive Analyst Helm – I can take a look in the minutes for both of those.

Mr. Aguilar-Downing – Also, I think it would be beneficial to do the survey for the deer this year since we're

having the controlled hunts in the fall. Finally, in regards to buckthorn removal, I've talked about having citizens remove buckthorn from their properties and then having Public Works go out to pick up the buckthorn to dispose of after Buckthorn Day.

Mayor Geraghty – It would depend on the workload of the Public Works guys.

Superintendent Hanson – In theory, it would work but I worry about it getting out of control.

Mayor Geraghty – We could offer to have them bring it up to the compost for free.

Councilman Gallagher – Where do the park dedication fees go?

Admin. Hill – I don't believe we've collected any for quite some time.

Councilman Gallagher – Also, has anything happened with the Bancor Development?

Executive Analyst Helm – I believe it expired because they never came back with a final plat.

Councilman Rahm – At one time, we had thought about building a new City Hall. I wanted to know what the Council's opinion was. Is this a viable location through 2018? If not, are we going to think about doing something to it? I'm not thrilled about building a new City Hall but I look at the Fritz property and unless we make something out of it, it's going to sit there forever.

Executive Analyst Helm – They rent it out and it's full with a couple companies.

Councilman Rahm – I just think we could renovate something like that versus building new. In looking at peer cities like Cottage Grove, Woodbury and St. Paul Park and if I'm going to try to attract economic development and I bring them here, this is what we got. I go to Cottage Grove, Woodbury and St. Paul Park and they have nicer facilities. We need to think about our buildings and what type of image we want to have.

Councilman Ingemann – I don't mind putting a bond out there and explaining to the people that we're looking at a new City Hall and we'd like to have a new image.

Mayor Geraghty – We did buy some property next to Fire Hall #2.

Councilman Rahm – At one time we had a plan and I don't see anything or a placeholder.

Mayor Geraghty – I think that would be a workshop to explore all options. I do think we need a bigger parking lot if we're ever going to sell this property and we should still look at the two lots back here

Councilman Rahm - That goes with the vision and plan. If we're going to sell the building then I don't think we need things like HVAC systems. I'd rather put the money into something else. If it's something that's not going to happen until 2018 or after than I'm not going to worry about it.

Superintendent Hanson – Even if we sell the property we need to replace the air conditioning unit for the Police Department.

Councilman Rahm – I just want people to think about these things.

Admin. Hill – To wrap it up, we'll keep the General Fund Levy at 2.9% and we do still have the street improvement projects to add at 4.67%, which will be on top of the 2.9%.

Councilman Rahm – Did you have a certain target or did it just come out to 2.9% when you put the budget

Admin. Hill – When I originally did it, I put in for a 2.5% increase but Tim suggested increasing it to 2.9% because you can always go down. It would be pretty hard to go to 0%.

3. ADJOURNMENT

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst

CITY OF NEWPORT, MINNESOTA

GENERAL FUND
2014 DRAFT BUDGET

REVENUE	2010 ACTUAL BUDGET	2011 ACTUAL BUDGET	2012 APPROVED BUDGET	2012 ACTUAL BUDGET	2013 APPROVED BUDGET	2014 DRAFT BUDGET	DIFFERENCE BETWEEN 2013 APPROVED AND 2014 DRAFT
Property Taxes							
Current ad valorem	\$ 1,437,249	\$ 1,634,410	\$ 1,715,821	\$ 1,825,793	\$ 1,776,328	\$ 1,815,404	39,076
Fiscal disparities	244,626	310,234	318,838	286,461	287,572	310,234	22,662
Delinquent	22,670	4,908	0	0	0	0	0
Fire relief	65,760	65,000	64,200	1,000	65,000	65,000	0
Special Assessments/debt service	0	0	0	0	0	0	0
Total Property Taxes	1,770,305	2,014,552	2,098,859	2,113,254	2,128,900	2,190,638	61,738
Intergovernmental Revenue							
Local governmental aid	588,876	588,876	588,876	589,106	588,876	627,338	38,462
Market Value & other tax credits	(38)	131	0	0	0	0	0
Police town aid	51,292	46,565	50,000	45,308	50,000	45,000	(5,000)
Police training reimbursement	2,151	2,651	3,000	2,325	2,650	2,300	(350)
State fire relief aid	14,530	13,091	14,000	12,577	13,500	12,500	(1,000)
Other/miscellaneous grants	24,949	63,166	10,000	42,820	20,000	30,000	10,000
Total Intergovernmental Revenue	681,760	714,480	665,876	692,136	675,026	717,138	42,112
Licenses and Permits							
Conditional use permits	0	0	600	2,100	0	0	0
Licenses and permits	4,384	1,740	4,500	1,180	4,500	4,500	0
Liquor licenses	8,360	8,330	8,300	8,430	8,300	8,300	0
Cigarette licenses	500	800	100	250	500	500	0
Building permit fees	79,848	66,218	45,000	58,387	60,000	50,000	(10,000)
Animal licenses/citations	1,975	1,970	2,000	2,305	2,000	2,000	0
Recycling/sanitation	900	4,200	1,000	3,000	1,000	1,000	0
Total Licenses and Permits	95,967	83,258	61,500	75,652	76,300	66,300	(10,000)
Charges for Services							
Planning and zoning	6,431	1,050	5,500	0	1,000	1,000	0
Special assessment search	0	0	200	0	0	0	0
Accident reports	107	206	100	153	100	100	0
Antenna franchise fees	59,150	69,132	82,000	80,591	92,000	83,000	(9,000)
Miscellaneous	72	9,344	250	12,595	250	250	0
Total Charges for Services	65,760	79,732	88,050	93,339	93,350	84,350	(9,000)
Other Revenue							
Fines and forfeits	52,659	70,006	48,000	58,204	48,000	52,000	4,000
Interest earned on investments	8,348	8,401	2,500	7,937	8,000	8,000	0
Rent or sale of property	644	2,477	0	2,138	0	0	0
Donations	6,995	52,055	2,000	48,884	8,000	8,000	0
Other	13,050	63,938	14,000	135,116	14,000	14,000	0
Total Other Revenue	81,696	196,877	66,500	252,279	78,000	82,000	4,000
TOTAL REVENUE	2,695,488	3,088,899	2,980,785	3,226,660	3,051,576	3,140,426	88,850

CITY OF NEWPORT, MINNESOTA

GENERAL FUND
2014 DRAFT BUDGET

EXPENDITURES: GENERAL GOVERNMENT	2010 ACTUAL BUDGET	2011 ACTUAL BUDGET	2012 APPROVED BUDGET	2012 ACTUAL BUDGET	2013 APPROVED BUDGET	2014 DRAFT BUDGET	DIFFERENCE BETWEEN 2013 APPROVED AND 2014 DRAFT
Mayor and Council							
Personnel services	\$ 20,413	\$ 23,545	\$ 19,550	\$ 20,481	\$ 19,550	\$ 19,550	(0)
PERA	598	0	598	228	598	218	(380)
FICA/Medicare	1,496	0	1,496	1,567	1,496	1,496	0
Workers Comp	37	0	37	42	46	50	4
Travel/conferences	0	0	300	492	300	300	0
Memberships	20	0	100	65	100	100	0
Education	365	80	2,000	194	2,000	1,000	(1,000)
Miscellaneous	63	133	0	0	0	0	0
Total Mayor and Council	22,991	23,758	24,080	23,069	24,089	22,714	(1,375)
Administration							
Personnel services	240,070	280,207	176,423	170,150	148,470	163,317	14,847
PERA	0	0	9,745	10,312	10,764	11,841	1,077
FICA/Medicare	0	0	12,425	11,970	10,353	12,494	2,141
Health Insurance	40,403	66,112	51,253	52,235	30,511	27,499	(3,012)
Workers Comp	0	0	1,138	1,443	1,389	1,900	511
Office supplies	13,129	6,153	13,523	4,655	12,500	7,500	(5,000)
Computer and phone services	4,329	949	1,600	761	2,600	2,000	(600)
Equipment repairs and maintenance	13,565	24,978	13,972	0	14,391	14,000	(391)
Travel & mileage	2,501	486	2,576	1,344	500	1,500	1,000
Printing and publishing	5,316	5,626	5,476	9,176	5,640	9,000	3,360
Postage	2,943	3,341	3,031	4,309	3,441	4,400	959
Dues and subscriptions	6,772	6,464	6,975	6,597	6,658	6,600	(58)
Education	4,315	2,149	2,500	2,791	4,200	5,000	800
Contractual services	15,671	14,194	16,141	3,368	14,620	12,000	(2,620)
Capital outlay	338	1,686	3,000	5,239	1,737	3,000	1,263
Miscellaneous	1,362	5,082	6,500	9,063	5,234	5,000	(234)
Total Administration	350,714	417,427	326,278	293,413	273,008	287,051	14,043
Elections							
Temporary employees	4,539	732	4,000	2,884	1,000	3,000	2,000
Operating supplies	107	0	1,600	612	100	800	700
Travel and conferences	0	0	400	0	0	250	250
Printing and publishing	0	0	500	0	0	500	500
Miscellaneous	1,066	940	500	1,045	500	500	0
Total Elections	5,712	1,672	7,000	4,541	1,600	5,050	3,450

CITY OF NEWPORT, MINNESOTA

GENERAL FUND
2014 DRAFT BUDGET

EXPENDITURES: GENERAL GOVERNMENT	2010 ACTUAL BUDGET	2011 ACTUAL BUDGET	2012 APPROVED BUDGET	2012 ACTUAL BUDGET	2013 APPROVED BUDGET	2014 DRAFT BUDGET	DIFFERENCE BETWEEN 2013 APPROVED AND 2014 DRAFT
Professional services							
Accounting/audit	34,765	42,930	35,000	67,165	44,218	35,000	(9,218)
Engineering	10,880	26,390	25,000	19,959	27,182	32,000	4,818
Legal	72,640	72,670	72,000	62,626	74,850	72,000	(2,850)
IT, phone support and hardware	30,100	26,253	30,000	44,949	32,960	45,000	12,040
Financial/Assessment services	25,596	33,498	22,000	0	34,503	25,000	(9,503)
Building inspection	39,047	17,929	40,000	12,315	20,000	15,000	(5,000)
Insurance	53,976	50,152	63,000	62,956	51,657	64,000	12,343
Miscellaneous contracted services	416	5,608	10,000	12,663	5,776	10,000	4,224
Total Professional Services	267,420	275,430	297,000	282,633	291,146	298,000	6,854
Planning and Zoning							
Personnel services	30,831	2,086	23,473	25,257	25,493	0	(25,493)
Part time - planning commission						1,800	1,800
PERA	0	0	1,408	1,805	1,848	0	(1,848)
FICA/Medicare	0	0	1,796	1,967	1,808	138	(1,670)
Health Insurance	0	0	4,062	4,017	3,794	0	(3,794)
Workers Comp	0	0	228	139	277	0	(277)
Planning commission	0	0	3,000	0	3,000	0	(3,000)
Operating supplies	0	0	100	659	100	700	600
Professional services	15,444	61,930	4,500	30,906	10,000	30,000	20,000
Travel and conferences	0	0	500	0	1,000	1,000	0
Printing and publishing	0	0	0	0	0	0	0
Education	0	0	0	0	750	750	0
Dues and subscriptions	0	0	0	0	0	0	0
Capital outlay	0	0	0	1,178	0	0	0
Miscellaneous	16,987	4,020	0	925	0	0	0
Total Planning and Zoning	63,262	68,036	39,066	66,853	48,070	34,388	(13,682)
Government Buildings							
City Hall							
Operating supplies	1,192	676	100	0	100	100	0
Repairs and maintenance	3,247	1,409	6,500	1,491	6,500	6,500	0
Utilities	7,957	9,478	8,442	6,987	8,695	8,000	(695)
Capital outlay	358	4,737	3,500	4,161	3,500	4,000	500
Total City Hall	12,754	16,300	18,542	12,639	18,795	18,600	(195)
Library							
Personnel	0	0	12,500	13,253	12,500	13,145	645
Supplies						500	500
Repairs and maintenance	0	455	750	727	750	750	0
Utilities	3,773	3,009	4,003	3,425	3,500	3,500	0
Capital outlay	0	0	7,500	11,378	6,500	6,500	0
Total Library	3,773	3,464	24,753	28,783	23,250	24,395	1,145
Railroad Tower							
Operating supplies	0	0	0	0	0	0	0
Repairs and maintenance	0	0	750	0	300	300	0
Phone	0	0	300	0	300	300	0
Utilities	124	489	132	0	520	500	(20)
Total Railroad Tower	124	489	1,182	0	1,120	1,100	(20)
Total Government Buildings	16,651	20,253	44,477	41,422	43,165	44,095	930
Total General Government	726,750	806,576	737,901	711,931	681,079	691,298	10,219

CITY OF NEWPORT, MINNESOTA

GENERAL FUND
2014 DRAFT BUDGET

EXPENDITURES: PUBLIC SAFETY	2010 ACTUAL BUDGET	2011 ACTUAL BUDGET	2012 APPROVED BUDGET	2012 ACTUAL BUDGET	2013 APPROVED BUDGET	2014 DRAFT BUDGET	DIFFERENCE BETWEEN 2013 APPROVED AND 2014 DRAFT
Police Department							
Personnel services (7)	569,885	596,916	514,723	516,562	479,683	485,565	5,882
PERA	0	0	68,670	71,139	69,075	80,816	11,741
FICA/Medicare	0	0	37,257	7,782	5,953	8,438	2,485
Workers' Compensation	0	0	21,410	15,927	18,115	20,500	2,385
Health insurance	95,265	86,682	86,048	94,173	84,692	86,448	1,756
Overtime	0	0	0	0	15,000	30,000	15,000
CSO	0	0	0	0	12,000	11,200	(800)
Animal control	0	0	4,500	0	3,000	1,000	(2,000)
Office supplies	4,263	2,025	4,391	4,141	4,300	3,300	(1,000)
Cell phones and pagers	3,416	1,717	3,518	3,387	3,200	3,000	(200)
Vehicle supplies	8,427	3,721	8,680	1,864	8,500	6,000	(2,500)
Tools and equipment	804	433	828	820	800	1,000	200
Fuel (8000 gal. per year)	22,642	27,219	26,000	26,738	28,325	27,500	(825)
Uniforms	9,018	6,111	9,289	6,060	8,500	8,500	0
Travel				30			0
Departmental services	9,274	8,351	5,000	258	8,602	7,500	(1,102)
Memberships and conferences	450	242	470	445	350	450	100
Education	4,026	3,916	4,147	2,621	4,100	5,500	1,400
Vehicle repair and maintenance	3,351	470	3,452	2,142	3,500	4,000	500
Dispatch	28,745	19,811	29,607	38,720	27,000	29,000	2,000
MDC lease - Washington County	3,500	9,085	3,605	3,375	9,358	6,000	(3,358)
Radios 800 MHz - 15 radios @ \$400/yr	0	0	6,000	0	6,180	6,200	20
Capital outlay	5,860	7,892	7,500	0	7,500	7,500	0
Total Police Department	768,926	774,591	845,095	796,184	807,733	839,417	31,684
Animal Control/CSO							
Personnel services / CSO	66	0	0	0	0	0	0
FICA/Medicare	0	0	0	0	0	0	0
Animal impound	166	0	0	0	0	0	0
Uniforms	0	0	0	0	0	0	0
Miscellaneous	0	0	0	0	0	0	0
Total Animal Control/CSO	232	0	0	0	0	0	0

CITY OF NEWPORT, MINNESOTA

GENERAL FUND
2014 DRAFT BUDGET

EXPENDITURES: PUBLIC SAFETY	2010 ACTUAL BUDGET	2011 ACTUAL BUDGET	2012 APPROVED BUDGET	2012 ACTUAL BUDGET	2013 APPROVED BUDGET	2014 DRAFT BUDGET	DIFFERENCE BETWEEN 2013 APPROVED AND 2014 DRAFT
Fire Protection							
Personnel services (28)	28,236	27,059	29,700	36,393	37,000	37,000	0
Fica/Medicare						2,600	2,600
Workers' compensation insurance	1,890	4,421	3,253	3,693	4,067	6,300	2,233
Office supplies	6,689	7,210	6,000	1,739	6,000	2,500	(3,500)
Vehicle supplies	11,652	6,728	4,000	8,499	4,000	4,000	0
Tools and equipment	0	172	4,000	4,055	4,000	4,000	0
Fuel	1,902	3,130	2,018	1,722	3,321	2,300	(1,021)
Uniforms	6,756	54,351	1,000	1,026	1,000	1,000	0
Computers and phones (1-cell)	2,421	1,449	2,568	1,524	1,537	1,550	13
Radios - 800 MHz (27) * \$400/yr	0	0	11,124	0	11,458	11,800	342
Travel and conferences	617	1,093	655	758	1,160	800	(360)
Memberships and subscriptions	505	3,318	536	753	3,520	800	(2,720)
Education	6,536	9,278	6,934	5,262	9,843	8,000	(1,843)
Repairs and maintenance	264	759	280	265	805	850	45
Contractual	4,604	8,904	6,500	11,425	6,500	6,500	0
Fire Relief	66,660	71,816	64,200	65,438	65,000	64,500	(500)
State Fire Relief Aid	13,630	13,091	14,000	12,577	13,500	12,500	(1,000)
Fire Marshall	0	23	3,000	0	3,000	3,000	0
Civil Defence	96	678	300	4,622	300	300	0
Capital outlay	2,424	6,200	20,000	10,000	15,000	15,000	0
Total Fire Protection	154,882	219,680	180,068	169,751	191,011	185,300	(5,711)
Fire Station No. 1							
Operating supplies	241		500	0	500	500	0
Repairs and maintenance	342	444	1,000	187	1,000	1,000	0
Utilities	10,600	6,602	11,246	6,359	9,222	7,500	(1,722)
Capital outlay	34,201	817	1,500	0	6,500	1,500	(5,000)
Total Fire Station No. 1	45,384	7,863	14,246	6,546	17,222	10,500	(6,722)
Fire Station No. 2							
Operating supplies	0	0	500	0	500	500	0
Repairs and maintenance	175	0	0	0	0	0	0
Utilities	3,128	2,142	3,318	1,946	2,272	1,800	(472)
Capital outlay	0	0	0	0	0	0	0
Total Fire Station No. 2	3,303	2,142	3,818	1,946	2,772	2,300	(472)
Total Public Safety	972,727	1,004,276	1,043,227	974,427	1,018,738	1,037,517	18,779

CITY OF NEWPORT, MINNESOTA

GENERAL FUND
2014 DRAFT BUDGET

EXPENDITURES: OPERATIONS & MAINTENANCE	2010 ACTUAL BUDGET	2011 ACTUAL BUDGET	2012 APPROVED BUDGET	2012 ACTUAL BUDGET	2013 APPROVED BUDGET	2014 DRAFT BUDGET	DIFFERENCE BETWEEN 2013 APPROVED AND 2014 DRAFT
Streets							
Personnel services	242,135	197,906	200,432	245,250	107,855	105,631	(2,224)
PERA	0	0	12,026	17,933	7,820	7,965	145
FICA/Medicare	0	0	15,333	18,841	7,574	8,405	831
Workers' compensation	0	0	14,094	18,880	13,158	5,421	(7,737)
Health insurance	47,253	37,338	28,643	31,962	29,519	31,821	2,302
Full-time overtime	0	0	0	0	10,000	4,180	(5,820)
Part-time personnel	0	0	6,000	0	6,000	6,000	0
Education						500	500
Operations and supplies	39,550	68,063	40,737	26,980	70,105	50,000	(20,105)
Vehicle supplies	5,173	17,779	5,328	14,094	18,312	15,000	(3,312)
Small tools and equipment	537	280	553	459	288	2,000	1,712
Fuel	17,844	16,909	18,379	14,547	17,416	17,000	(416)
Uniforms	4,572	3,817	4,709	2,414	3,932	4,000	68
Computer (2) and phone (5) services	3,720	5,966	3,832	4,861	6,145	9,000	2,855
Cell phones (3)				0			0
Travel and mileage						500	500
Street maintenance	11,861	61,056	80,000	80,818	62,888	80,000	17,112
Repairs and maintenance-vehicles	5,778	3,956	5,951	3,734	4,075	5,000	925
Rentals						3,000	3,000
Dues and Subscriptions						400	400
Contracted services						10,000	10,000
Capital Outlay				202		2,000	2,000
Miscellaneous	3,171	19,321	3,266	9,399	19,901	3,000	(16,901)
Total Streets	381,594	432,391	439,283	490,374	384,988	370,823	(14,165)
Composting							
Personnel services	5,311	0	4,500	4,528	4,500	4,500	0
Operating supplies	14	210	500	685	500	500	0
Capital outlay	0	0	0	0	0	0	0
Miscellaneous contractual	0	500	0	513	0	0	0
Total Composting	5,325	710	5,000	5,726	5,000	5,000	0
Public Works Garage							
Operating supplies	527	125	500	374	500	1,000	500
Repairs and maintenance	2,810	5,595	750	1,930	750	1,500	750
Utilities	14,147	11,422	15,009	10,578	12,500	12,500	0
Capital outlay	0	0	1,500	636	2,000	2,000	0
Total Public Works Garage	17,484	17,142	17,759	13,518	15,750	17,000	1,250
Total Public Works	404,403	450,243	462,042	509,618	405,738	392,823	(12,915)

CITY OF NEWPORT, MINNESOTA

GENERAL FUND
2014 DRAFT BUDGET

EXPENDITURES: OPERATIONS & MAINTENANCE	2010 ACTUAL BUDGET	2011 ACTUAL BUDGET	2012 APPROVED BUDGET	2012 ACTUAL BUDGET	2013 APPROVED BUDGET	2014 DRAFT BUDGET	DIFFERENCE BETWEEN 2013 APPROVED AND 2014 DRAFT
Parks							
Personnel services (3)	205,570	256,856	164,971	144,470	213,657	180,795	(32,862)
Overtime						2,035	2,035
PERA	0	0	9,898	10,247	15,490	13,255	(2,235)
FICA/Medicare	0	0	12,620	12,114	15,081	15,440	359
Health insurance	49,941	46,157	31,368	33,357	33,523	35,112	1,589
Workers' compensation	0	0	3,562	11,027	7,928	7,928	0
Part-time personnel services	0	0	4,700	10,695	4,841	19,000	14,159
Operating supplies	8,232	10,555	8,479	7,968	10,872	10,000	(872)
Vehicle supplies	3,179	2,733	3,274	2,925	2,815	5,000	2,185
Tools and minor equipment	870	138	896	1,880	142	3,000	2,858
Fuels	697	71	718	8,601	73	8,500	8,427
Uniforms	351	1,397	362	1,231	1,439	1,500	61
Rental	0	554	0	34	571	1,500	929
Quest phone lines - warming houses (2)	890	1,258	0	1,370	1,296	1,500	204
Miscellaneous contractual	7,180	10,853	7,500	8,199	7,500	10,000	2,500
Capital outlay	2,850	3,783	2,936	15,167	21,000	20,000	(1,000)
Miscellaneous	0	388	0	0	400	500	100
Total Parks	279,760	334,743	251,284	269,285	336,628	335,065	(1,563)
Recreation							
Personnel services	1,759	2,241	2,500	2,062	2,500	2,700	200
Supplies	284	256	500	392	500	500	0
Capital outlay	0	0	500	0	0	0	0
Total Recreation	2,043	2,497	3,500	2,454	3,000	3,200	200
Parks Buildings - Warming Houses							
Part time employees						7,500	7,500
Fica						465	465
Medicare						110	110
Operating supplies	286	0	0	0	0	500	500
Repairs and maintenance	0	432	500	0	500	500	0
Utilities	4,786	2,684	5,000	3,542	5,000	5,000	0
Capital outlay	0	1,815	0	0	0	0	0
Total Parks Buildings	5,072	4,931	5,500	3,542	5,500	14,075	8,575
Special Contributions							
Athletic Association	100	7,237	5,000	2,913	5,000	2,000	(3,000)
Total Special Projects	100	7,237	5,000	2,913	5,000	2,000	(3,000)
Total Parks and Recreation	286,975	349,408	265,284	278,194	350,128	354,340	4,212
Capital outlay							
Property Purchase	0	0	0	0	0	0	0
Miscellaneous							
Contingency	8,661	1,000	10,000	0	10,000	10,000	0
TOTAL EXPENDITURES	2,399,516	2,611,503	2,518,454	2,474,170	2,465,683	2,485,978	20,295

CITY OF NEWPORT, MINNESOTA

GENERAL FUND
2014 DRAFT BUDGET

EXPENDITURES: OPERATIONS & MAINTENANCE	2010 ACTUAL BUDGET	2011 ACTUAL BUDGET	2012 APPROVED BUDGET	2012 ACTUAL BUDGET	2013 APPROVED BUDGET	2014 DRAFT BUDGET	DIFFERENCE BETWEEN 2013 APPROVED AND 2014 DRAFT
Excess (Deficiency) of Revenue over Expenditures	295,972	477,396	462,331		585,893	654,448	68,555
Other Financing Sources (uses) net							
Economic Development Authority	0	(70,000)	(250,000)	(151,698)	(270,000)	(218,500)	51,500
Heritage Preservation Fund	(7,200)	(7,200)	(7,200)	(7,200)	(7,200)	(7,200)	0
Parks Fund	0	(11,800)	(11,800)	(11,800)	(57,000)	(40,000)	17,000
Public Works Building Fund	(153,457)	0	0		0	0	0
Buy Forfeiture Fund	(2,784)	(288)	0		0	0	0
Fire Engine Fund	(64,032)	(64,032)	0		0	0	0
Equipment Fund	0	0	(50,000)	(50,000)	(75,000)	(278,000)	(203,000)
Buildings Fund	0	0	0		(40,000)	(70,000)	(30,000)
Streetlight Enterprise Fund	0	(12,000)	0		0	0	0
Total Other Financing Sources	(227,473)	(165,320)	(319,000)		(449,200)	(613,700)	(164,500)
Other Financing Sources (uses) net	(227,473)	(165,320)	(319,000)		(449,200)	(613,700)	(164,500)
Net change in fund balance	68,499	312,076	143,331		136,693	40,748	(95,945)
Fund Balance: Beginning of Year	779,527	848,026	1,160,102		1,303,433	1,440,126	136,693
Fund Balance: End of Year	\$ 848,026	\$ 1,160,102	\$ 1,303,433		\$ 1,440,126	\$ 1,480,874	40,748
Ratio: Fund balance to expenditures	35.3%	41.8%	45.9%		49.4%	47.8%	

CITY OF NEWPORT, MINNESOTA

EQUIPMENT CIP
2014 DRAFT BUDGET

Fund 401

REVENUE	2012	2013	2014	2015	2016	2017	2018	2019
Transfer from General Fund	\$ 50,000	\$ 75,000	\$ 278,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 100,000	\$ 100,000
Investment Earnings	\$ 841							
TOTAL REVENUE	\$ 50,841	\$ 75,000	\$ 278,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 100,000	\$ 100,000
EXPENDITURES								
Public Works								
02 S-10 Pickup	18,702							
00 One-ton				45,000				
03 Utility Truck water and sewer							100,000	
99 S-10 Pickup (parks)								
99 3/4 ton (parks)								
05 3/4 ton								
82 Ford Backhoe								
68 Motor Grader								
98 Front End Loader								
81 Sweeper			65,000					
98 Loader - John Deere								
66 Paver						26,000		
91 Chipper						26,523		
96 Skid Steer		31,562						
01 Mower -Farris		19,000						
03 Mower - Farris Mower							35,000	
06 Mower - John Deere								
87 Dump Truck - Ford		150,000						
90 Dump Truck - Ford								
03 Dump Truck - Sterling								
Police Department								
13 Ford Explorer	41,284							
09 Ford CV								43,000
09 Ford CV					43,500			
09 Ford Explorer Investigator								
00 Ford CV			43,000					
03 Chevy Tahoe 4x4						43,000		
Portable Radios								
Fire Department								
70 F-1 Grass Rig								
82 F-2 Tanker/Tender								150,000
86 F-1 Rescue				450,000 bonds				
88 F-2 Pumper				Replace with '86				
88 F-1 Grass Rig					40,000			
04 F-1 Pumper								
05 F-1 Chief's Vehicle								
67 F-1 10kw Generator								
						Replace with Tahoe		
						70,000		
TOTAL EXPENDITURES	\$ 59,986	\$ 200,562	\$ 108,000	\$ 45,000	\$ 83,500	\$ 165,523	\$ 135,000	\$ 193,000
Excess (Deficiency) of Revenue over Expenditures	\$ (9,145)	\$ (125,562)	\$ 170,000	\$ 5,000	\$ (33,500)	\$ (115,523)	\$ (35,000)	\$ (93,000)
Fund Balance: Beginning of Year	218,803	209,658	84,096	254,096	259,096	225,596	110,074	75,074
Fund Balance: End of Year	\$ 209,658	\$ 84,096	\$ 254,096	\$ 259,096	\$ 225,596	\$ 110,074	\$ 75,074	\$ (17,927)

CITY OF NEWPORT, MINNESOTA

PARKS CIP
2014 DRAFT BUDGET

REVENUE	2012	2013	2014	2015	2016	2017	2018	2019
Transfer from General Fund	\$ 11,800	\$ 57,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000
Investments	\$ 170							
Donations	\$ 1,212							
TOTAL REVENUE	\$ 13,182	\$ 57,000	\$ 40,000					
EXPENDITURES								
Bailey School Forest								
Install 45' gazebo	25,697							
Parkinglot and trail maintenance								
Busy Beaver Park								
Build shelter with table						15,000		
Lions Park								
New lighting for skating								30,000
Asphalt hockey rink								
Parkinglot overlay								
Rink Repair							20,000	
Install new play structure						50,000		
Loveland Park								
Repair warming house			5,000					
Lighting of the skating rink					30,000			
Finish tennis courts		64,800						
Parkinglot overlay	33,144							
Replace 2 ADA drinking fountains							7,500	
New fencing for backstops				16,000				
Springler system on ball fields								15,000
Pioneer Park								
War Memorial			15,000					
Install class five parking area with bituminous						8,500		
Install ADA swing and hard surface							5,000	
Upgrade park lighting			8,500					
Run water to large pavilion					5,000			
TOTAL EXPENDITURES	\$ 58,841	\$ 64,800	\$ 28,500	\$ 16,000	\$ 35,000	\$ 73,500	\$ 32,500	\$ 45,000
Excess (Deficiency) of Revenue over Expenditures	\$ (45,659)	\$ (7,800)	\$ 11,500	\$ 24,000	\$ 5,000	\$ (33,500)	\$ 7,500	\$ (5,000)
Fund Balance: Beginning of Year	73,994	28,335	20,535	32,035	56,035	61,035	27,535	35,035
Fund Balance: End of Year	\$ 28,335	\$ 20,535	\$ 32,035	\$ 56,035	\$ 61,035	\$ 27,535	\$ 35,035	\$ 30,035

CITY OF NEWPORT, MINNESOTA

BUILDINGS CIP
2014 DRAFT BUDGET

REVENUE	2013	2014	2015	2016	2017	2018	2019
Transfer from General Fund	\$ 40,000	\$ 70,000	\$ 50,000	\$ 55,000	\$ 60,000	\$ 65,000	\$ 70,000
TOTAL REVENUE	\$ 40,000	\$ 70,000	\$ 50,000	\$ 55,000	\$ 60,000	\$ 65,000	\$ 70,000
EXPENDITURES							
City Hall							
Upgrade HVAC in Police Department		-	7,500	-	-	-	-
Carpet Council Chambers					20,000		
Paint interior and exterior				5,000			
Replace roof					30,000		
Reconstruct parking lot							
Fire Hall No.1							
Replace HVAC throughout building		30,000	-	-			-
Tuck point all brick on building				20,000			
Paint exterior of building			7,500				
Paint interior of building			4,000				
Upgrade lighting throughout building			5,500				
Reconstruct all driving surfaces						30,000	
Upgrade garage doors & openers							
Concrete work for aprons and sidewalk							
Replace roof on east site							
Replace roof on west side							
Fire Hall No.2							
Renovate exterior of building		-	-	12,000	-	-	-
Replace HVAC throughout building	-		-	done	-	-	-
Upgrade lighting & garage doors	-		-	6,000	-	-	-
Upgrade insulation, interior, and roof						11,000	
Reconstruct all driving surfaces							16,000
Library & Community Center							
Upgrade entry doors	12,000						
Foundation repair			8,000				
Install new roof			15,000				
Paint exterior			5,000				
Upgrade lighting					5,000		
Carpeting					5,000		
Public Works							
Paint interior of maint. Shop and exterior			16,500				
Tiling of floor repair			5,000				
Security system			6,000				
Upgrade garage doors & openers							
New floor hoists for heavy equipment							
Reroof building							
Update HVAC for office area							
Upgrade garage HVAC to radiant heat							
Reconstruct all asphalt driving surfaces							
Railroad Club							
Exterior upgrades to siding							
Install new roof			12,000				
Upgrade windows and doors							-
Upgrade electrical system & lighting				6,000			
Upgrade HVAC							
Railroad Tower							
TOTAL EXPENDITURES	\$ 12,000	\$ 30,000	\$ 92,000	\$ 49,000	\$ 60,000	\$ 41,000	\$ 16,000
Excess (Deficiency) of Revenue over Expenditures	\$ 28,000	\$ 40,000	\$ (42,000)	\$ 6,000	\$ -	\$ 24,000	\$ 54,000
Fund Balance: Beginning of Year	-	28,000	68,000	26,000	32,000	32,000	56,000
Fund Balance: End of Year	\$ 28,000	\$ 68,000	\$ 26,000	\$ 32,000	\$ 32,000	\$ 56,000	\$ 110,000



**City of Newport
Special City Council Minutes
August 22, 2013**

1. CALL TO ORDER

Mayor Tim Geraghty called the meeting to order at 5:40 P.M.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL -

Council Present – Tim Geraghty, Bill Sumner, Steven Gallagher

Council Absent – Tom Ingemann, Tracy Rahm,

Staff Present – Deb Hill, City Administrator; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney; John Stewart, City Engineers

Staff Absent – Bruce Hanson, Supt. of Public Works; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief;

4. RESOLUTION NO. 2013-39 – PROVIDING FOR THE SALE OF \$1,480,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2013A

John Stewart, City Engineer – I thought it would be a good thing to do to update the City Council on an issue with the contractor before you order the bonds. I don't think it'll impact the bonds but I think it's good. At our last meeting we talked about sewer services and fixing joints on the pipe. We thought we had an agreement with the contractor on the pricing so we called them up to issue a change order. The contractor said that the sub-contractor wants to be paid more for digging in deeper parts of the project. We have a number of options. We can say that the option was agreed to and that they need to do the work with the agreed upon prices, which would result in arbitration. I don't want to do that. The sub-contractor wants to add about an extra \$113,000 to the project before it even starts. I don't want to let him do that. We had a meeting with the contractor yesterday and our proposal is that we cut the budget back to where the sewer is as deep as he is willing to dig. If it's acceptable to you, we will continue to walk down this road and cut back the contract at any point where he will add cost to the City.

Councilman Gallagher – Did the contract with McNamara state a depth for the sewer work?

Engineer Stewart – We gave them up to 20 feet.

Councilman Gallagher – What are the change orders that we would do?

Engineer Stewart – Two things. The contractor says that he bid this job thinking he could replace all the service line between the main line pipe and the property line. Our plans show that the service lines are to be replaced as directed by the Engineer. If he made the assumption that he was going to do the whole thing, that's not our fault. The more he digs, the more he gets paid.

Councilman Gallagher – Isn't that an issue between the contractor and sub-contractor?

Engineer Stewart – That's why he did it the way he did, so that they are budding heads.

Councilman Gallagher – Can the contractor find a new sub-contractor?

Engineer Stewart – It's unlikely to happen because they sign agreements with the sub-contractors to lock in their prices

as soon as we award the bid.

Councilman Sumner – Didn't they lock in a price that we've agreed to?

Engineer Stewart – The contract says that they will replace service lines as the Engineer directs. So if he digs the hole and we determine that he needs to replace one foot, he'll replace one foot. He wants to replace 20 feet. That's his assertion that he needs to dig that much pipe up to cover his cost for digging the hole.

Councilman Sumner – He misunderstood the bid. What does the Attorney see?

Attorney Knaak – I think what John is describing is accurate. The bottom line is that they did bid at a fixed price. You are allowed, if there are unanticipated conditions, to redo it. As a practical matter, if it's a significant change, you could hold the contractor's feet to the fire but that would most likely end up in litigation, which would hold up the construction.

Councilman Gallagher – I would think it's the responsibility of the contractor to get the job done with the price they bid.

Attorney Knaak – It is but as a practical matter there are provisions that provide for unforeseen circumstances or material changes in conditions that a reasonable contractor or sub-contractor could not have anticipated.

Mayor Geraghty – The specs that were put out were up to 20 feet?

Engineer Stewart – We had given them a list of expected depths and we stopped at 20, we should have gone up to 30. We're proposing that we'll only do the areas where he won't have to dig more than 17 feet.

Councilman Sumner – Didn't he agree to 20 feet?

Engineer Stewart – He'd given his prices to 20, yesterday he said he'll go to 17. He said that he'll ask for a change order after 17 feet because he didn't have a chance to look at the as-built drawings before he bid the project.

Mayor Geraghty – The contract does allow us to change the scope of the project. If you take out the blue areas (see attached map), how much is the total savings?

Engineer Stewart – The blue areas are probably \$150,000 of the \$980,000 contract.

Mayor Geraghty - That's for everything?

Engineer Stewart - Yes.

Councilman Gallagher – How much is the change order that the sub-contractor is asking for?

Engineer Stewart – About \$113,000 over what he bid.

Councilman Sumner – Can we cancel the entire contract and re-bid it in the spring.

Attorney Knaak – That's an option.

Mayor Geraghty – It's all advisory to us in conjunction with doing the Resolution. If we pass the Resolution, it'll still be for the \$1,480,000 and the extra can be used next year to finish this up.

Councilman Gallagher – Can we finish this next year?

Mayor Geraghty – In conjunction with Ford Road and John will put in a depth up to 30 feet.

Councilman Gallagher – So you're saying that we'll fix everything up to 17 feet and anything more will be fixed next

year?

Engineer Stewart – Yes. The change order will be on your next Council meeting so the project won't start until then.

Councilman Gallagher – On the next contract, can we state that we don't want this sub-contractor?

Engineer Stewart – There are two ways of doing bidding. One is the lowest bid, the second is the best-value bid. Under the second way, we assign points to items such as prices, contractor's reputation, sub-contractor's reputation, etc.

Councilman Gallagher – Can we do that next time?

Engineer Stewart – Yes.

Stacie Kvilvang, Ehlers, presented on this item as outlined in the August 22, 2013 Special City Council Meeting packet. Ms. Kvilvang noted that the City can bond for the \$1,480,000 and set aside the money for the removed streets to be used next year.

Councilman Sumner – Do we need to have the bonds sold before we start the project?

Ms. Kvilvang – No.

Mayor Geraghty – How much were we anticipating for the 2014 bond?

Engineer Stewart – I believe it would be around \$3,000,000.

Mayor Geraghty – What about 2015?

Engineer Stewart – We haven't done the paperwork for 2015, I believe we estimated \$1,000,000. Half of the 2015 project is dependent on the transit station development. My guess is that we won't end up doing that, instead we'll do things on 15th Street east of Highway 61.

Councilman Gallagher – Could we decrease the bond by \$150,000?

Ms. Kvilvang – You could do that and then add it to next year's bond.

Engineer Stewart – If you do that, you're taking a risk that these projects will not be completed until next year.

Mayor Geraghty – And I'm not sure we'd get 3% next year.

Motion by Geraghty, seconded by Gallagher, to approve Resolution No 2013-39. With 3 Ayes, 0 Nays, 2 Absent, the motion carried.

5. ADJOURNMENT

Motion by Gallagher, seconded by Geraghty, to adjourn the special Council Meeting at 6:12 P.M. With 3 Ayes, 0 Nays, 2 Absent, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst

Non-Recurring Bills

Paid Chk# 015334	ARAMARK REFRESHMENT SERV.	41515	89.74
Paid Chk# 015335	BAILEY NURSERIES, INC.	41515	47.24 Parks plants walls
Paid Chk# 015336	BLACKBURN MFG. CO.	41515	83.03 Marking flags
Paid Chk# 015337	COMO LUBE AND SUPPLIES	41515	77.50 Oil filters
Paid Chk# 015338	DIETRICH ELECTRIC, INC	41515	173.25 Electrical inspections
Paid Chk# 015339	EHLERS	41515	2,100.00 Storm water and street lights
Paid Chk# 015340	FIRE INSTR. & RESCUE EDU. INC.	41515	1,200.00 1629 & 1625 Asbestos inspectio
Paid Chk# 015341	FIRST IMPRESSION GROUP	41515	899.85 Fall newsletter
Paid Chk# 015342	FLEET ONE LLC	41515	2,715.76 Petrol
Paid Chk# 015343	GLOBE PRINTING & OFFICE SUPPLY	41515	97.26 Regula envelopes with return
Paid Chk# 015344	GRAINGER PARTS	41515	749.94 Bailey School Forest solar lig
Paid Chk# 015345	HOFF, BARRY & KOZAR P.A.	41515	799.00 Legal fees for Knaak
Paid Chk# 015346	INSTRUMENTAL RESEARCH, INC.	41515	36.00 Water testing
Paid Chk# 015347	JOE ZYWIEC	41515	390.00 Bags of corn
Paid Chk# 015348	JOHN BARTL HARDWARE	41515	331.11
Paid Chk# 015349	KEEPRS, INC.	41515	86.33 Uniforms
Paid Chk# 015350	KRECH EXTERIORS	41515	43.50 Reimbursement of electrical pe
Paid Chk# 015351	LEAGUE OF MINNESOTA CITIES	41515	4,389.82 Linn litigation fee
Paid Chk# 015352	Ron Lischeid	41515	86.33 Supplies for Pioneer Day corn
Paid Chk# 015353	MENARDS - COTTAGE GROVE	41515	38.44 Table anchors
Paid Chk# 015354	MINNESOTA DEPARTMENT OF HEALTH	41515	1,583.00 Connection fee
Paid Chk# 015355	NEWPORT POST OFFICE	41515	651.77 Postage 2 water bills and 1 ne
Paid Chk# 015356	NORTH AMERICAN SALT CO.	41515	8,037.31 Road salt
Paid Chk# 015357	NORTHLAND TRUST SERVICES, INC	41515	119,981.25 2010A Bond
Paid Chk# 015358	PITNEY BOWES POSTAGE BY PHONE	41515	319.99
Paid Chk# 015359	PROFESSIONAL DRAIN SERVICES	41515	33,472.12 Televising main sewer and late
Paid Chk# 015360	RIVERLAND COMMUNITY COLLEGE	41515	785.00 Firefighterclass training
Paid Chk# 015361	SOUTH SUBURBAN RENTAL, INC.	41515	1,302.15 Pioneer Day rentals
Paid Chk# 015362	SOUTH WASHINGTON COUNTY SCHOOL	41515	216.90 Bus for summer rec field trip
Paid Chk# 015363	TRI-STATE BOBCAT	41515	1,286.82 Grapple purchase and V-blade r
Paid Chk# 015364	USA BLUEBOOK	41515	193.82 Flushing elbo
Paid Chk# 015365	WASHINGTON CTY PROPERTY RECORS	41515	2,115.00 Property taxes on vacant land
Paid Chk# 015366	YAHOO CUSTODIAN OF RECORDS	41515	40.00

Recurring Bills

Paid Chk# 000201E	ING LIFE INSURANCE & ANNUITY	41506	433.80 MSRS
Paid Chk# 000202E	FEDERAL TAXES	41506	9,954.20 Federal, SS and Medicare
Paid Chk# 000203E	MN REVENUE	41506	2,052.49 State taxes
Paid Chk# 000204E	DELTA DENTAL OF MN	41513	1,369.12 Dental insurance
Paid Chk# 015312	RENEE HELM	41500	280.00 Postage for newsletter
Paid Chk# 015313	SELECTACCOUNT	41500	31.11
Paid Chk# 015314	XCEL ENERGY	41500	6,124.65 Energy and gas bill
Paid Chk# 015318	DEBORA HILL	41508	30.85 Mileage reimbursement
Paid Chk# 015319	ING LIFE INSURANCE & ANNUITY	41508	1,723.00
Paid Chk# 015320	LAW ENFORCEMENT LABOR SERVICES	41508	270.00
Paid Chk# 015321	LEAF	41508	619.83
Paid Chk# 015322	MINNESOTA BENEFIT ASSOC.	41508	61.43 Neska life

Paid Chk# 015323	MN CHILD SUPPORT PAYMENT CNTR	41508	58.24 1445931401
Paid Chk# 015324	MN REVENUE	41508	250.29 Luedke state garnishment
Paid Chk# 015325	PERA	41508	8,056.90
Paid Chk# 015326	SELECTACCOUNT	41508	733.67
Paid Chk# 015327	XCEL ENERGY	41508	1,015.39 Electric and gas bill
Paid Chk# 015328	COMCAST	41514	123.28
Paid Chk# 015329	DEB MCDONALD	41514	360.11 mileage and water bill postage
Paid Chk# 015330	NCPERS MINNESOTA	41514	80.00 Life insurance
Paid Chk# 015331	ON SITE SANITATION	41514	443.54 Parks and compost
Paid Chk# 015332	STANDARD INSURANCE CO.	41514	533.54 Long-term, life
Paid Chk# 015333	VERIZON	41514	399.29 Cell phones and hot spots
		Staff	32,430.19
			251,854.15

**CITY OF NEWPORT
EXECUTIVE ANALYST JOB DESCRIPTION**

POSITION: Executive Analyst
DEPARTMENT: Administration
DATE: Revised August 2013
CLASS: Exempt

PRIMARY OBJECTIVE OF THE POSITION:

Serve to assist the City Administrator.

RELATIONSHIPS:

Reports directly to the City Administrator.

TIME REQUIREMENTS:

Position requires employee to work up to 40 hours per week.

ESSENTIAL FUNCTIONS OF THE JOB:

Presents information, reports, and recommendations concerning policies and objectives, as well as specific actions, as directed, to the Planning Commission. Carries out Planning Commission's decisions and participates in discussions as necessary and appropriate. Coordinates activities for the Planning Commission, including the creation of public notices for public hearing requests.

Drafts agenda statements, reports, resolutions, and public hearing notices for City Council. Reviews and updates the City's Code of Ordinances. Makes recommendations for creation of, and drafts, new City Ordinances.

Prepares agendas, reports, performs research, takes minutes, drafts agendas, planning statements, and resolutions for City Council, Planning Commission, and Park Board meetings.

Performs work related to the sale of licenses such as Liquor, 3.2 Beer, Gambling, etc. Notifies license holders of expiration dates, assists in the preparation of applications, collects fees, insurance and bonds, and issues licenses.

Organizes City and General Elections, trains Election Judges, prepares training material and report to State. Submits notices in newspaper. Prepares Election Ballots and Voting Machines. Oversees voting places and ballot counting. Tabulates returns at County.

Maintains City files and records, including all correspondence files, Minute Books & Council Meeting Files, Ordinance Books, Resolution Books, Building Records, etc. Assists in the conduction of Records Retention and maintains records of destruction.

Communicates with public and answers questions regarding planning / zoning procedures and City Ordinances.

Coordinates and oversees the City's building permit process. Reviews permits and plans for compliance with Newport City Ordinances. Performs related work to issuing building, mechanical, plumbing, sewer and water, and fire permits, as well as required contractor's licenses. Receipts forms and fees, types forms and compiles current lists. Maintains building records.

Serves as City's Human Resources coordinator. Creates job ads, job descriptions, personnel policies, and department policies. Responsible for verifying references, hiring process and training. Maintains personnel / medical files.

Oversees Summer Rec program.

Supervises Library and Community Center Attendant

Maintains and updates the City's website.

Coordinates the City's Rental Property Licensing Program. Maintains all rental property records. Responsible for communications to property owner.

Informs and educates all residents and business owners of Newport Zoning Ordinances. Assists Police Department with code enforcement issues by working with owners of blighted properties to bring property into compliance with Newport City Ordinances.

Creates City quarterly newsletter, various publications and brochures, and PowerPoint presentations.

Receives and records sewer and water payments, deposits receipts, and answers related questions. Performs annual function related to senior citizen discounts. Posts payments and receipts to ledgers.

Serves as receptionist. Provides assistance to callers and visitors. Handles complaints, provides information, answers questions.

Issues dog and kennel licenses and farm animal permits. Follows up on file maintenance, annual renewals, notices, and keeps card file current.

Provides secretarial and clerical functions to City Administrator, Police and Public Works Departments.

Maintains Ordinance book for City and City file of newspaper clippings for City happenings. Sorts mail and distributes to appropriate departments.

Coordinates with Cable Commission to provide announcements and news. Hosts "River Cities Focus".

Performs sale of cigarette and rubbish hauler licenses.

KNOWLEDGE, SKILLS AND ABILITIES:

- Excellent oral, written and presentation skills.
- Ability to maintain positive and effective working relationships and communicate effectively with the general public, consultants, members of the city council, and other city employees.
- Ability to conduct research, draw conclusions from data gathered and to prepare concise, detailed reports on a variety of subjects including planning, zoning, or administration.
- Ability to act in a decisive manner, using good judgment.
- Ability to maintain confidentiality.
- Ability to assess problems and situations, and be able to anticipate needs and evaluate alternatives.
- Ability to concurrently coordinate and implement multiple programs, projects and activities.

MINIMUM QUALIFICATIONS:

- Bachelor degree in planning, urban studies, public administration or related field.
- 1-2 years of municipal experience preferred in planning, urban studies, or public administration. Additional experience can be a substitute for education.
- Intermediate level of proficiency in Microsoft Word and Excel.
- Excellent written and verbal communication skills.

ESSENTIAL JOB REQUIREMENTS:

Ability to handle a variety of City and public contacts with tact and effectiveness. Able to answer phones pleasantly and take messages when needed.

Some bookkeeping and computer background helpful. Good clerical skills including the ability to handle details accurately and rapidly. General knowledge of office equipment, i.e. Fax Machine, Copy Machine, Phone System, Dictaphone, computers, computer systems, Windows & other Office Programs.

Accurate typing at 40 wpm or better and a general knowledge of office procedures.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required use hands to finger, handle, or feel objects, tools, or controls, and talk or hear. The employee frequently is required

to stand; walk; and sit. The employee is occasionally required to reach with hands and arms and stoop, kneel, crouch, or crawl.

The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those and employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually moderate.

SALARY RANGE

The salary range is from \$42,094 - \$50,480, depending on qualifications.

The City of Newport will be accepting job applications for the Executive Analyst position through July 18th, 2011. Applications can be found at www.ci.newport.mn.us and should be sent to the Administration Department, City of Newport, 596 7th Ave., Newport MN 55055.

RESOLUTION NO. 2013-40

A RESOLUTION ESTABLISHING A PAY SCALE FOR THE EXECUTIVE ANALYST AND ACCOUNTANT POSITIONS

WHEREAS, the City of Newport has full-time positions for an Executive Analyst and Accountant in the Administration Department; and

WHEREAS, the City Council established a pay scale for the Executive Analyst and Accountant positions in 2011 that included six steps; and

WHEREAS, the City Council wishes to add a seventh step to the pay scale.

NOW, THEREFORE, BE IT RESOLVED, That the Newport City Council hereby establishes the pay scale for the Executive Analyst and Accountant positions to be:

Step 1	\$42,094
Step 2	\$43,652
Step 3	\$45,267
Step 4	\$46,942
Step 5	\$48,678
Step 6	\$50,480
Step 7	\$52,345

Adopted this 5th day of September, 2013 by the Newport City Council.

Motion by: _____, Seconded by: _____

VOTE: Geraghty _____

 Ingemann _____

 Sumner _____

 Gallagher _____

 Rahm _____

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Deb Hill, City Administrator



MEMO

TO: Mayor and Council
FROM: Deb Hill, City Administrator
DATE: April 3, 2013
SUBJECT: Preliminary Levy Limit

Background:

At the August 15 council meeting, the Newport City Council discussed the preliminary levy with a 2.9% to the general fund levy from 2013. I received notice from the Minnesota Department of Revenue that we will be held to a 0.0% levy increase. You may recall that we have working on performance measures that were supposed to give us the opportunity of not being subjected to limit. The state changed their mind on this provision and rescinded their offer.

Discussion:

I have adjusted the budget as follows to reflect the 0% levy:

- Administration education - \$5000 down to \$4000.
- Administration capital outlay - \$3000 down to \$2000. (We are planning on replacing Renee and/or Deb's computers this year)
- Administration contracted services - \$12,000 down to \$10,000.
- Professional Services, engineering - \$32,000 down to \$28,000.
- Streets fuel - \$17,000 down to \$15,000.
- Parks fuel - \$8500 down to \$7500.
- Parks capital outlay - \$20,000 down to \$17,000. (We are starting the memorial this year.)
- Building fund transfer - \$40,000 down to \$32,000. (The library doors have come under budget and we should be able to use some of the library capital outlay funds from this year's budget.)

Recommendation: Staff recommends that the council approve the amended preliminary budget and levy.

RESOLUTION NO. 2013-41

A RESOLUTION ESTABLISHING A PROPOSED PRELIMINARY LEVY CERTIFICATION FOR LEVY YEAR 2013, PAYABLE 2014

WHEREAS, The City Council of Newport annually establishes a Draft General Fund Operating Budget and approves a Preliminary Levy Certification for Levy Year 2013, payable 2014, on or before September 15th as per State Statute; and

WHEREAS, The Total Proposed Preliminary Levy Certification for Levy Year 2013, payable 2014 is a \$69,695 increase over last year's final certified levy, which was adopted December 6, 2012; and

WHEREAS, The Total Proposed Preliminary Levy Certification for Levy Year 2013, payable 2014 is a 2.96% increase over last year's final certified levy due to the addition of the 2014 General Obligation Bond; and

WHEREAS, The Proposed Preliminary Levy for Levy Year 2013, payable 2014 can stay the same or may be reduced, but not increased, at the City's Truth In Taxation hearing set for December 5th, 2013.

NOW, THEREFORE, BE IT RESOLVED, That the Newport City Council hereby establishes a Proposed Preliminary Levy Certification for Levy Year 2013, payable 2014, upon the taxable property in the City of Newport as follows:

General Fund:	\$2,128,900
Equipment Certificate of Indebtedness:	89,723
Bonded Indebtedness:	128,361
<u>2014 General Obligation Bond</u>	<u>73,711</u>
Total Proposed Preliminary Levy Certification:	\$2,420,695

Adopted by this council this 5th day of September, 2013.

Motion by: _____, Seconded by: _____

VOTE: Geraghty _____
 Ingemann _____
 Sumner _____
 Gallagher _____
 Rahm _____

Signed: _____
 Tim Geraghty, Mayor

ATTEST: _____
 Deb Hill, City Administrator

CITY OF NEWPORT, MINNESOTA

GENERAL FUND
2014 DRAFT BUDGET

REVENUE	2010 ACTUAL BUDGET	2011 ACTUAL BUDGET	2012 APPROVED BUDGET	2012 ACTUAL BUDGET	2013 AMMENDED BUDGET	2014 DRAFT BUDGET	DIFFERENCE BETWEEN 2013 APPROVED AND 2014 DRAFT
Property Taxes							
Current ad valorem	\$ 1,437,249	\$ 1,634,410	\$ 1,715,821	\$ 1,825,793	\$ 1,776,328	\$ 1,776,328	0
Fiscal disparities	244,626	310,234	318,838	286,461	287,572	287,572	0
Delinquent	22,670	4,908	0	0	0	0	0
Fire relief	65,760	65,000	64,200	1,000	65,000	65,000	0
Special Assessments/debt service	0	0	0	0	0	0	0
Total Property Taxes	1,770,305	2,014,552	2,098,859	2,113,254	2,128,900	2,128,900	0
Intergovernmental Revenue							
Local governmental aid	588,876	588,876	588,876	589,106	588,876	627,338	38,462
Market Value & other tax credits	(38)	131	0	0	0	0	0
Police town aid	51,292	46,565	50,000	45,308	50,000	45,000	(5,000)
Police training reimbursement	2,151	2,651	3,000	2,325	2,650	2,300	(350)
State fire relief aid	14,530	13,091	14,000	12,577	13,500	12,500	(1,000)
Other/miscellaneous grants	24,949	63,166	10,000	42,820	20,000	30,000	10,000
Total Intergovernmental Revenue	681,760	714,480	665,876	692,136	675,026	717,138	42,112
Licenses and Permits							
Conditional use permits	0	0	600	2,100	0	0	0
Licenses and permits	4,384	1,740	4,500	1,180	4,500	4,500	0
Liquor licenses	8,360	8,330	8,300	8,430	8,300	8,300	0
Cigarette licenses	500	800	100	250	500	500	0
Building permit fees	79,848	66,218	45,000	58,387	60,000	50,000	(10,000)
Animal licenses/citations	1,975	1,970	2,000	2,305	2,000	2,000	0
Recycling/sanitation	900	4,200	1,000	3,000	1,000	1,000	0
Total Licenses and Permits	95,967	83,258	61,500	75,652	76,300	66,300	(10,000)
Charges for Services							
Planning and zoning	6,431	1,050	5,500	0	1,000	1,000	0
Special assessment search	0	0	200	0	0	0	0
Accident reports	107	206	100	153	100	100	0
Antenna franchise fees	59,150	69,132	82,000	80,591	92,000	83,000	(9,000)
Miscellaneous	72	9,344	250	12,595	250	250	0
Total Charges for Services	65,760	79,732	88,050	93,339	93,350	84,350	(9,000)
Other Revenue							
Fines and forfeits	52,659	70,006	48,000	58,204	48,000	52,000	4,000
Interest earned on investments	8,348	8,401	2,500	7,937	8,000	8,000	0
Rent or sale of property	644	2,477	0	2,138	0	0	0
Donations	6,995	52,055	2,000	48,884	8,000	8,000	0
Other	13,050	63,938	14,000	135,116	14,000	14,000	0
Total Other Revenue	81,696	196,877	66,500	252,279	78,000	82,000	4,000
TOTAL REVENUE	2,695,488	3,088,899	2,980,785	3,226,660	3,051,576	3,078,688	27,112

CITY OF NEWPORT, MINNESOTA

GENERAL FUND
2014 DRAFT BUDGET

EXPENDITURES: GENERAL GOVERNMENT	2010 ACTUAL BUDGET	2011 ACTUAL BUDGET	2012 APPROVED BUDGET	2012 ACTUAL BUDGET	2013 AMMENDED BUDGET	2014 DRAFT BUDGET	DIFFERENCE BETWEEN 2013 APPROVED AND 2014 DRAFT
Mayor and Council							
Personnel services	\$ 20,413	\$ 23,545	\$ 19,550	\$ 20,481	\$ 19,550	\$ 19,550	(0)
PERA	598	0	598	228	598	218	(380)
FICA/Medicare	1,496	0	1,496	1,567	1,496	1,496	0
Workers Comp	37	0	37	42	46	50	4
Travel/conferences	0	0	300	492	300	300	0
Memberships	20	0	100	65	100	100	0
Education	365	80	2,000	194	2,000	1,000	(1,000)
Miscellaneous	63	133	0	0	0	0	0
Total Mayor and Council	22,991	23,758	24,080	23,069	24,089	22,714	(1,375)
Administration							
Personnel services	240,070	280,207	176,423	170,150	148,470	163,317	14,847
PERA	0	0	9,745	10,312	10,764	11,841	1,077
FICA/Medicare	0	0	12,425	11,970	10,353	12,494	2,141
Health Insurance	40,403	66,112	51,253	52,235	30,511	27,499	(3,012)
Workers Comp	0	0	1,138	1,443	1,389	1,900	511
Office supplies	13,129	6,153	13,523	4,655	12,500	7,500	(5,000)
Computer and phone services	4,329	949	1,600	761	2,600	2,000	(600)
Equipment repairs and maintenance	13,565	24,978	13,972	0	14,391	14,000	(391)
Travel & mileage	2,501	486	2,576	1,344	500	1,500	1,000
Printing and publishing	5,316	5,626	5,476	9,176	5,640	9,000	3,360
Postage	2,943	3,341	3,031	4,309	3,441	4,400	959
Dues and subscriptions	6,772	6,464	6,975	6,597	6,658	6,600	(58)
Education	4,315	2,149	2,500	2,791	4,200	4,500	300
Contractual services	15,671	14,194	16,141	3,368	14,620	10,000	(4,620)
Capital outlay	338	1,686	3,000	5,239	1,737	2,000	263
Miscellaneous	1,362	5,082	6,500	9,063	5,234	5,000	(234)
Total Administration	350,714	417,427	326,278	293,413	273,008	283,551	10,543
Elections							
Temporary employees	4,539	732	4,000	2,884	1,000	3,000	2,000
Operating supplies	107	0	1,600	612	100	800	700
Travel and conferences	0	0	400	0	0	250	250
Printing and publishing	0	0	500	0	0	500	500
Miscellaneous	1,066	940	500	1,045	500	500	0
Total Elections	5,712	1,672	7,000	4,541	1,600	5,050	3,450

CITY OF NEWPORT, MINNESOTA

GENERAL FUND
2014 DRAFT BUDGET

EXPENDITURES: GENERAL GOVERNMENT	2010 ACTUAL BUDGET	2011 ACTUAL BUDGET	2012 APPROVED BUDGET	2012 ACTUAL BUDGET	2013 AMMENDED BUDGET	2014 DRAFT BUDGET	DIFFERENCE BETWEEN 2013 APPROVED AND 2014 DRAFT
Professional services							
Accounting/audit	34,765	42,930	35,000	67,165	44,218	35,000	(9,218)
Engineering	10,880	26,390	25,000	19,959	27,182	28,000	818
Legal	72,640	72,670	72,000	62,626	74,850	72,000	(2,850)
IT, phone support and hardware	30,100	26,253	30,000	44,949	32,960	45,000	12,040
Financial/Assessment services	25,596	33,498	22,000	0	34,503	25,000	(9,503)
Building inspection	39,047	17,929	40,000	12,315	20,000	15,000	(5,000)
Insurance	53,976	50,152	63,000	62,956	51,657	64,000	12,343
Miscellaneous contracted services	416	5,608	10,000	12,663	5,776	10,000	4,224
Total Professional Services	267,420	275,430	297,000	282,633	291,146	294,000	2,854
Planning and Zoning							
Personnel services	30,831	2,086	23,473	25,257	25,493	0	(25,493)
Part time - planning commission						1,800	1,800
PERA	0	0	1,408	1,805	1,848	0	(1,848)
FICA/Medicare	0	0	1,796	1,967	1,808	138	(1,670)
Health Insurance	0	0	4,062	4,017	3,794	0	(3,794)
Workers Comp	0	0	228	139	277	0	(277)
Planning commission	0	0	3,000	0	3,000	0	(3,000)
Operating supplies	0	0	100	659	100	700	600
Professional services	15,444	61,930	4,500	30,906	10,000	30,000	20,000
Travel and conferences	0	0	500	0	1,000	1,000	0
Printing and publishing	0	0	0	0	0	0	0
Education	0	0	0	0	750	750	0
Dues and subscriptions	0	0	0	0	0	0	0
Capital outlay	0	0	0	1,178	0	0	0
Miscellaneous	16,987	4,020	0	925	0	0	0
Total Planning and Zoning	63,262	68,036	39,066	66,853	48,070	34,388	(13,682)
Government Buildings							
City Hall							
Operating supplies	1,192	676	100	0	100	100	0
Repairs and maintenance	3,247	1,409	6,500	1,491	6,500	6,500	0
Utilities	7,957	9,478	8,442	6,987	8,695	8,000	(695)
Capital outlay	358	4,737	3,500	4,161	3,500	4,000	500
Total City Hall	12,754	16,300	18,542	12,639	18,795	18,600	(195)
Library							
Personnel	0	0	12,500	13,253	12,500	13,145	645
Supplies					320	500	180
Computer and phones						1,600	
Repairs and maintenance	0	455	750	727	750	750	0
Utilities	3,773	3,009	4,003	3,425	3,500	3,500	0
Capital outlay	0	0	7,500	11,378	6,500	4,900	(1,600)
Total Library	3,773	3,464	24,753	28,783	23,570	24,395	825
Railroad Tower							
Operating supplies	0	0	0	0	0	0	0
Repairs and maintenance	0	0	750	0	300	300	0
Phone	0	0	300	0	300	300	0
Utilities	124	489	132	0	520	500	(20)
Total Railroad Tower	124	489	1,182	0	1,120	1,100	(20)
Total Government Buildings	16,651	20,253	44,477	41,422	43,485	44,095	610
Total General Government	726,750	806,576	737,901	711,931	681,399	683,798	2,399

CITY OF NEWPORT, MINNESOTA

GENERAL FUND
2014 DRAFT BUDGET

EXPENDITURES: PUBLIC SAFETY	2010 ACTUAL BUDGET	2011 ACTUAL BUDGET	2012 APPROVED BUDGET	2012 ACTUAL BUDGET	2013 AMMENDED BUDGET	2014 DRAFT BUDGET	DIFFERENCE BETWEEN 2013 APPROVED AND 2014 DRAFT
Police Department							
Personnel services (7)	569,885	596,916	514,723	516,562	479,683	485,565	5,882
PERA	0	0	68,670	71,139	69,075	80,816	11,741
FICA/Medicare	0	0	37,257	7,782	5,953	8,438	2,485
Workers' Compensation	0	0	21,410	15,927	18,115	20,500	2,385
Health insurance	95,265	86,682	86,048	94,173	84,692	86,448	1,756
Overtime	0	0	0	0	15,000	30,000	15,000
CSO	0	0	0	0	12,000	11,200	(800)
Animal control	0	0	4,500	0	3,000	1,000	(2,000)
Office supplies	4,263	2,025	4,391	4,141	4,300	3,300	(1,000)
Cell phones and pagers	3,416	1,717	3,518	3,387	3,200	3,000	(200)
Vehicle supplies	8,427	3,721	8,680	1,864	8,500	6,000	(2,500)
Tools and equipment	804	433	828	820	800	1,000	200
Fuel (8000 gal. per year)	22,642	27,219	26,000	26,738	28,325	27,500	(825)
Uniforms	9,018	6,111	9,289	6,060	8,500	8,500	0
Travel				30			0
Departmental services	9,274	8,351	5,000	258	8,602	7,500	(1,102)
Memberships and conferences	450	242	470	445	350	450	100
Education	4,026	3,916	4,147	2,621	4,100	5,500	1,400
Vehicle repair and maintenance	3,351	470	3,452	2,142	3,500	4,000	500
Dispatch	28,745	19,811	29,607	38,720	27,000	29,000	2,000
MDC lease - Washington County	3,500	9,085	3,605	3,375	9,358	6,000	(3,358)
Radios 800 MHz - 15 radios @ \$400/yr	0	0	6,000	0	6,180	6,200	20
Capital outlay	5,860	7,892	7,500	0	7,500	7,500	0
Total Police Department	768,926	774,591	845,095	796,184	807,733	839,417	31,684
Animal Control/CSO							
Personnel services / CSO	66	0	0	0	0	0	0
FICA/Medicare	0	0	0	0	0	0	0
Animal impound	166	0	0	0	0	0	0
Uniforms	0	0	0	0	0	0	0
Miscellaneous	0	0	0	0	0	0	0
Total Animal Control/CSO	232	0	0	0	0	0	0

CITY OF NEWPORT, MINNESOTA

GENERAL FUND
2014 DRAFT BUDGET

EXPENDITURES: PUBLIC SAFETY	2010 ACTUAL BUDGET	2011 ACTUAL BUDGET	2012 APPROVED BUDGET	2012 ACTUAL BUDGET	2013 AMMENDED BUDGET	2014 DRAFT BUDGET	DIFFERENCE BETWEEN 2013 APPROVED AND 2014 DRAFT
Fire Protection							
Personnel services (28)	28,236	27,059	29,700	36,393	37,000	37,000	0
Fica/Medicare						2,600	2,600
Workers' compensation insurance	1,890	4,421	3,253	3,693	4,067	6,300	2,233
Office supplies	6,689	7,210	6,000	1,739	6,000	2,500	(3,500)
Vehicle supplies	11,652	6,728	4,000	8,499	4,000	4,000	0
Tools and equipment	0	172	4,000	4,055	4,000	4,000	0
Fuel	1,902	3,130	2,018	1,722	3,321	2,300	(1,021)
Uniforms	6,756	54,351	1,000	1,026	1,000	1,000	0
Computers and phones (1-cell)	2,421	1,449	2,568	1,524	1,537	1,550	13
Radios - 800 MHz (27) * \$400/yr	0	0	11,124	0	11,458	11,800	342
Travel and conferences	617	1,093	655	758	1,160	800	(360)
Memberships and subscriptions	505	3,318	536	753	3,520	800	(2,720)
Education	6,536	9,278	6,934	5,262	9,843	8,000	(1,843)
Repairs and maintenance	264	759	280	265	805	850	45
Contractual	4,604	8,904	6,500	11,425	6,500	6,500	0
Fire Relief	66,660	71,816	64,200	65,438	65,000	64,500	(500)
State Fire Relief Aid	13,630	13,091	14,000	12,577	13,500	12,500	(1,000)
Fire Marshall	0	23	3,000	0	3,000	3,000	0
Civil Defence	96	678	300	4,622	300	300	0
Capital outlay	2,424	6,200	20,000	10,000	15,000	15,000	0
Total Fire Protection	154,882	219,680	180,068	169,751	191,011	185,300	(5,711)
Fire Station No. 1							
Operating supplies	241		500	0	500	500	0
Repairs and maintenance	342	444	1,000	187	1,000	1,000	0
Utilities	10,600	6,602	11,246	6,359	9,222	7,500	(1,722)
Capital outlay	34,201	817	1,500	0	6,500	1,500	(5,000)
Total Fire Station No. 1	45,384	7,863	14,246	6,546	17,222	10,500	(6,722)
Fire Station No. 2							
Operating supplies	0	0	500	0	500	500	0
Repairs and maintenance	175	0	0	0	0	0	0
Utilities	3,128	2,142	3,318	1,946	2,272	1,800	(472)
Capital outlay	0	0	0	0	0	0	0
Total Fire Station No. 2	3,303	2,142	3,818	1,946	2,772	2,300	(472)
Total Public Safety	972,727	1,004,276	1,043,227	974,427	1,018,738	1,037,517	18,779

CITY OF NEWPORT, MINNESOTA

GENERAL FUND
2014 DRAFT BUDGET

EXPENDITURES: OPERATIONS & MAINTENANCE	2010 ACTUAL BUDGET	2011 ACTUAL BUDGET	2012 APPROVED BUDGET	2012 ACTUAL BUDGET	2013 AMMENDED BUDGET	2014 DRAFT BUDGET	DIFFERENCE BETWEEN 2013 APPROVED AND 2014 DRAFT
Streets							
Personnel services	242,135	197,906	200,432	245,250	107,855	105,631	(2,224)
PERA	0	0	12,026	17,933	7,820	7,965	145
FICA/Medicare	0	0	15,333	18,841	7,574	8,405	831
Workers' compensation	0	0	14,094	18,880	13,158	5,421	(7,737)
Health insurance	47,253	37,338	28,643	31,962	29,519	31,821	2,302
Full-time overtime	0	0	0	0	10,000	4,180	(5,820)
Part-time personnel	0	0	6,000	0	6,000	6,000	0
Education						500	500
Operations and supplies	39,550	68,063	40,737	26,980	70,105	50,000	(20,105)
Vehicle supplies	5,173	17,779	5,328	14,094	18,312	15,000	(3,312)
Small tools and equipment	537	280	553	459	288	2,000	1,712
Fuel	17,844	16,909	18,379	14,547	17,416	15,000	(2,416)
Uniforms	4,572	3,817	4,709	2,414	3,932	4,000	68
Computer (2) and phone (5) services	3,720	5,966	3,832	4,861	6,145	9,000	2,855
Cell phones (3)				0			0
Travel and milage						500	500
Street maintenance	11,861	61,056	80,000	80,818	62,888	80,000	17,112
Repairs and maintenance-vehicles	5,778	3,956	5,951	3,734	4,075	5,000	925
Rentals						3,000	3,000
Dues and Subscriptions						400	400
Contracted services						10,000	10,000
Capital Outlay				202		2,000	2,000
Miscellaneous	3,171	19,321	3,266	9,399	19,901	3,000	(16,901)
Total Streets	381,594	432,391	439,283	490,374	384,988	368,823	(16,165)
Composting							
Personnel services	5,311	0	4,500	4,528	4,500	4,500	0
Operating supplies	14	210	500	685	500	50	(450)
Contracteed Services	0	0	0	0	0	600	600
Miscellaneous contractual	0	500	0	513	0	0	0
Total Composting	5,325	710	5,000	5,726	5,000	5,150	150
Public Works Garage							
Operating supplies	527	125	500	374	500	1,000	500
Repairs and maintenance	2,810	5,595	750	1,930	750	1,500	750
Utilities	14,147	11,422	15,009	10,578	12,500	12,500	0
Capital outlay	0	0	1,500	636	2,000	2,000	0
Total Public Works Garage	17,484	17,142	17,759	13,518	15,750	17,000	1,250
Total Public Works	404,403	450,243	462,042	509,618	405,738	390,973	(14,765)

CITY OF NEWPORT, MINNESOTA

GENERAL FUND
2014 DRAFT BUDGET

EXPENDITURES: OPERATIONS & MAINTENANCE	2010 ACTUAL BUDGET	2011 ACTUAL BUDGET	2012 APPROVED BUDGET	2012 ACTUAL BUDGET	2013 AMMENDED BUDGET	2014 DRAFT BUDGET	DIFFERENCE BETWEEN 2013 APPROVED AND 2014 DRAFT
Parks							
Personnel services (3)	205,570	256,856	164,971	144,470	224,290	180,795	(43,495)
Overtime						2,035	2,035
PERA	0	0	9,898	10,247	15,490	13,255	(2,235)
FICA/Medicare	0	0	12,620	12,114	18,317	15,440	(2,877)
Health insurance	49,941	46,157	31,368	33,357	33,523	35,112	1,589
Workers' compensation	0	0	3,562	11,027	7,928	7,928	0
Part-time personnel services	0	0	4,700	10,695	15,145	19,000	3,855
Operating supplies	8,232	10,555	8,479	7,968	10,800	10,000	(800)
Vehicle supplies	3,179	2,733	3,274	2,925	2,500	5,000	2,500
Tools and minor equipment	870	138	896	1,880	1,500	3,000	1,500
Fuels	697	71	718	8,601	4,015	7,500	3,485
Uniforms	351	1,397	362	1,231	1,500	1,500	0
Rental	0	554	0	34	1,500	1,500	0
Quest phone lines - warming houses (2)	890	1,258	0	1,370	1,300	1,500	200
Miscellaneous contractual	7,180	10,853	7,500	8,199	7,500	10,000	2,500
Capital outlay	2,850	3,783	2,936	15,167	15,600	17,000	1,400
Miscellaneous	0	388	0	0	400	500	100
Total Parks	279,760	334,743	251,284	269,285	361,308	331,065	(30,243)
Recreation							
Personnel services	1,759	2,241	2,500	2,062	2,500	2,700	200
Supplies	284	256	500	392	500	500	0
Capital outlay	0	0	500	0	0	0	0
Total Recreation	2,043	2,497	3,500	2,454	3,000	3,200	200
Parks Buildings - Warming Houses							
Part time employees						7,500	7,500
Fica						465	465
Medicare						110	110
Operating supplies	286	0	0	0	0	500	500
Repairs and maintenance	0	432	500	0	500	500	0
Utilities	4,786	2,684	5,000	3,542	5,000	5,000	0
Capital outlay	0	1,815	0	0	0	0	0
Total Parks Buildings	5,072	4,931	5,500	3,542	5,500	14,075	8,575
Special Contributions							
Athletic Association	100	7,237	5,000	2,913	5,000	2,000	(3,000)
Total Special Projects	100	7,237	5,000	2,913	5,000	2,000	(3,000)
Total Parks and Recreation	286,975	349,408	265,284	278,194	374,808	350,340	(24,468)
Capital outlay							
Property Purchase	0	0	0	0	0	0	0
Miscellaneous							
Contingency	8,661	1,000	10,000	0	10,000	10,000	0
TOTAL EXPENDITURES	2,399,516	2,611,503	2,518,454	2,474,170	2,490,683	2,472,628	(18,055)

CITY OF NEWPORT, MINNESOTA

GENERAL FUND
2014 DRAFT BUDGET

EXPENDITURES: OPERATIONS & MAINTENANCE	2010 ACTUAL BUDGET	2011 ACTUAL BUDGET	2012 APPROVED BUDGET	2012 ACTUAL BUDGET	2013 AMMENDED BUDGET	2014 DRAFT BUDGET	DIFFERENCE BETWEEN 2013 APPROVED AND 2014 DRAFT
Excess (Deficiency) of Revenue over Expenditures	295,972	477,396	462,331		560,893	606,060	45,167
Other Financing Sources (uses) net							
Economic Development Authority	0	(70,000)	(250,000)	(151,698)	(245,000)	(218,500)	26,500
Heritage Preservation Fund	(7,200)	(7,200)	(7,200)	(7,200)	(7,200)	(7,200)	0
Parks Fund	0	(11,800)	(11,800)	(11,800)	(57,000)	(32,000)	25,000
Public Works Building Fund	(153,457)	0	0	0	0	0	0
Buy Forfeiture Fund	(2,784)	(288)	0	0	0	0	0
Fire Engine Fund	(64,032)	(64,032)	0	0	0	0	0
Equipment Fund	0	0	(50,000)	(50,000)	(75,000)	(278,000)	(203,000)
Buildings Fund	0	0	0	0	(40,000)	(70,000)	(30,000)
Streetlight Enterprise Fund	0	(12,000)	0	0	0	0	0
Total Other Financing Sources	<u>(227,473)</u>	<u>(165,320)</u>	<u>(319,000)</u>		<u>(424,200)</u>	<u>(605,700)</u>	<u>(181,500)</u>
Other Financing Sources (uses) net	(227,473)	(165,320)	(319,000)		(424,200)	(605,700)	(181,500)
Net change in fund balance	68,499	312,076	143,331		136,693	360	(136,333)
Fund Balance: Beginning of Year	779,527	848,026	1,160,102		1,303,433	1,440,126	136,693
Fund Balance: End of Year	<u>\$ 848,026</u>	<u>\$ 1,160,102</u>	<u>\$ 1,303,433</u>		<u>\$ 1,440,126</u>	<u>\$ 1,440,486</u>	360
Ratio: Fund balance to expenditures	35.3%	41.8%	45.9%		49.4%	46.8%	

CITY OF NEWPORT, MINNESOTA

EQUIPMENT CIP
2014 DRAFT BUDGET

Fund 401

REVENUE	2012	2013	2014	2015	2016	2017	2018	2019
Transfer from General Fund	\$ 50,000	\$ 75,000	\$ 278,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 100,000	\$ 100,000
Investment Earnings	\$ 841							
TOTAL REVENUE	\$ 50,841	\$ 75,000	\$ 278,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 100,000	\$ 100,000
EXPENDITURES								
Public Works								
02 S-10 Pickup	18,702							
00 One-ton				45,000				
03 Utility Truck water and sewer							100,000	
99 S-10 Pickup (parks)								
99 3/4 ton (parks)								
05 3/4 ton								
82 Ford Backhoe								
68 Motor Grader								
98 Front End Loader								
81 Sweeper			65,000					
98 Loader - John Deere								
66 Paver						26,000		
91 Chipper						26,523		
96 Skid Steer		31,562						
01 Mower -Farris		19,000						
03 Mower - Farris Mower							35,000	
06 Mower - John Deere								
87 Dump Truck - Ford		150,000						
90 Dump Truck - Ford								
03 Dump Truck - Sterling								
Police Department								
13 Ford Explorer	41,284							
09 Ford CV								43,000
09 Ford CV					43,500			
09 Ford Explorer Investigator								
00 Ford CV			43,000					
03 Chevy Tahoe 4x4						43,000		
Portable Radios								
Fire Department								
70 F-1 Grass Rig								
82 F-2 Tanker/Tender								150,000
86 F-1 Rescue				450,000 bonds				
88 F-2 Pumper				Replace with '86				
88 F-1 Grass Rig					40,000			
04 F-1 Pumper								
05 F-1 Chief's Vehicle								
67 F-1 10kw Generator								
						Replace with Tahoe		
						70,000		
TOTAL EXPENDITURES	\$ 59,986	\$ 200,562	\$ 108,000	\$ 45,000	\$ 83,500	\$ 165,523	\$ 135,000	\$ 193,000
Excess (Deficiency) of Revenue over Expenditures	\$ (9,145)	\$ (125,562)	\$ 170,000	\$ 5,000	\$ (33,500)	\$ (115,523)	\$ (35,000)	\$ (93,000)
Fund Balance: Beginning of Year	218,803	209,658	84,096	254,096	259,096	225,596	110,074	75,074
Fund Balance: End of Year	\$ 209,658	\$ 84,096	\$ 254,096	\$ 259,096	\$ 225,596	\$ 110,074	\$ 75,074	\$ (17,927)

CITY OF NEWPORT, MINNESOTA

PARKS CIP
2014 DRAFT BUDGET

REVENUE	2012	2013	2014	2015	2016	2017	2018	2019
Transfer from General Fund	\$ 11,800	\$ 57,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000
Investments	\$ 170							
Donations	\$ 1,212							
TOTAL REVENUE	\$ 13,182	\$ 57,000	\$ 40,000					
EXPENDITURES								
Bailey School Forest								
Install 45' gazebo	25,697							
Parkinglot and trail maintenance								
Busy Beaver Park								
Build shelter with table						15,000		
Lions Park								
New lighting for skating								30,000
Asphalt hockey rink								
Parkinglot overlay								
Rink Repair							20,000	
Install new play structure						50,000		
Loveland Park								
Repair warming house			5,000					
Lighting of the skating rink					30,000			
Finish tennis courts		64,800						
Parkinglot overlay	33,144							
Replace 2 ADA drinking fountains							7,500	
New fencing for backstops				16,000				
Springler system on ball fields								15,000
Pioneer Park								
War Memorial			15,000					
Install class five parking area with bituminous						8,500		
Install ADA swing and hard surface							5,000	
Upgrade park lighting			8,500					
Run water to large pavilion					5,000			
TOTAL EXPENDITURES	\$ 58,841	\$ 64,800	\$ 28,500	\$ 16,000	\$ 35,000	\$ 73,500	\$ 32,500	\$ 45,000
Excess (Deficiency) of Revenue over Expenditures	\$ (45,659)	\$ (7,800)	\$ 11,500	\$ 24,000	\$ 5,000	\$ (33,500)	\$ 7,500	\$ (5,000)
Fund Balance: Beginning of Year	73,994	28,335	20,535	32,035	56,035	61,035	27,535	35,035
Fund Balance: End of Year	\$ 28,335	\$ 20,535	\$ 32,035	\$ 56,035	\$ 61,035	\$ 27,535	\$ 35,035	\$ 30,035

CITY OF NEWPORT, MINNESOTA

BUILDINGS CIP
2014 DRAFT BUDGET

REVENUE	2013	2014	2015	2016	2017	2018	2019
Transfer from General Fund	\$ 40,000	\$ 70,000	\$ 50,000	\$ 55,000	\$ 60,000	\$ 65,000	\$ 70,000
TOTAL REVENUE	\$ 40,000	\$ 70,000	\$ 50,000	\$ 55,000	\$ 60,000	\$ 65,000	\$ 70,000
EXPENDITURES							
City Hall							
Upgrade HVAC in Police Department		-	7,500	-	-	-	-
Carpet Council Chambers					20,000		
Paint interior and exterior				5,000			
Replace roof					30,000		
Reconstruct parking lot							
Fire Hall No.1							
Replace HVAC throughout building		30,000	-	-			-
Tuck point all brick on building				20,000			
Paint exterior of building			7,500				
Paint interior of building			4,000				
Upgrade lighting throughout building			5,500				
Reconstruct all driving surfaces						30,000	
Upgrade garage doors & openers							
Concrete work for aprons and sidewalk							
Replace roof on east site							
Replace roof on west side							
Fire Hall No.2							
Renovate exterior of building		-	-	12,000	-	-	-
Replace HVAC throughout building	-		-	done	-	-	-
Upgrade lighting & garage doors	-		-	6,000	-	-	-
Upgrade insulation, interior, and roof						11,000	
Reconstruct all driving surfaces							16,000
Library & Community Center							
Upgrade entry doors	12,000						
Foundation repair			8,000				
Install new roof			15,000				
Paint exterior			5,000				
Upgrade lighting					5,000		
Carpeting					5,000		
Public Works							
Paint interior of maint. Shop and exterior			16,500				
Tiling of floor repair			5,000				
Security system			6,000				
Upgrade garage doors & openers							
New floor hoists for heavy equipment							
Reroof building							
Update HVAC for office area							
Upgrade garage HVAC to radiant heat							
Reconstruct all asphalt driving surfaces							
Railroad Club							
Exterior upgrades to siding							
Install new roof			12,000				
Upgrade windows and doors							-
Upgrade electrical system & lighting				6,000			
Upgrade HVAC							
Railroad Tower							
TOTAL EXPENDITURES	\$ 12,000	\$ 30,000	\$ 92,000	\$ 49,000	\$ 60,000	\$ 41,000	\$ 16,000
Excess (Deficiency) of Revenue over Expenditures	\$ 28,000	\$ 32,000	\$ (42,000)	\$ 6,000	\$ -	\$ 24,000	\$ 54,000
Fund Balance: Beginning of Year	-	28,000	60,000	18,000	24,000	24,000	48,000
Fund Balance: End of Year	\$ 28,000	\$ 60,000	\$ 18,000	\$ 24,000	\$ 24,000	\$ 48,000	\$ 102,000



MEMO

TO: Mayor and City Council
Deb Hill, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: August 28, 2013

SUBJECT: Employee Personnel Policy

BACKGROUND

I attended the League of Minnesota Cities Clerks' Conference in June 2013 where they went over items such as the open meeting law, data practices, and human resource issues. During the human resource session, the speaker mentioned that the personnel policy for each city should be reviewed on a frequent basis and to use the League's template as a resource. The City's current Personnel Policy was amended in October 2012 to add language regarding e-mail retention but it has not been fully reviewed since its adoption in February 2011. As such, City staff reviewed the Policy in full and is recommending some amendments to it. Please find attached a red-lined version of the Policy and a clean version with the proposed changes.

DISCUSSION

Below is a summary of the main changes that staff is recommending:

Employee Recruitment and Selection

- **Selection Process** – This section was amended to allow the appropriate supervisor to hire part-time, seasonal, or temporary employees without the City Council's approval.
- **Background Checks** – This language was added from the League's template.
- **Training Period** – The probationary period was changed to six months to one year depending on the Department. Additionally, language was added stating that the City will prorate the assigned amount for an employee's Health Savings Account during their probationary period. In the past, the City has deposited the entire amount immediately after hiring a full-time employee. If an employee leaves the City, the balance in their Health Savings Account goes with them and is not reimbursed to the City. Finally, language was added to require employees who leave the City during their probationary period to reimburse the City for all costs associated with their employment such as uniforms and medical exams. This cost will be taken from their last paycheck.

Hours of Work

- **Attendance and Punctuality** – Language was added regarding absences extending one day.
- **Adverse Weather Conditions** – Language was amended regarding what time employees will take if the offices are closed due to adverse weather. Currently, employees are required to use vacation leave, leave without pay, compensatory time, or personal leave. Since employees cannot control the weather, it is recommended that they be paid for a full work day if the offices close instead of having to take personal leave.
- **State of Emergencies or Emergency Work** – Language was added to refer to Resolution No 96-55 and the Administrative Policy for compensation during a State of Emergency or Emergency Work. These two documents will be attached to the Policy.

Performance Evaluations – Language was amended to reflect what the past practice has been in regards to performance evaluations. Additionally, language was added from the League’s template regarding signing the performance evaluation document.

Temporary and Part-Time Employment – Language was added specifying what parts of the Policy don’t apply to part-time, seasonal, or temporary employees.

Citywide Work Rules and Code of Conduct

- **Conduct as a City Employee** – Language was added from the League’s template regarding the requirements for each position at the City.

Sexual Harassment Prevention – This section was removed from the Personnel Policy per the League’s template. According to the template, a City should include either the Respectful Workplace Policy or the Sexual Harassment Prevention Policy.

Discipline

- **Dismissal** – Language was added allowing the immediate supervisor to dismiss a part-time, seasonal, or temporary employee without City Council approval.

Separation from Service

- **Severance Pay** – This section was amended to reflect what the Public Work Union employees are currently receiving in regards to their accrued sick leave. Additionally, language was added stating that the City will withhold an employee’s last pay check until all City property is returned. Below is a spreadsheet outlining the financial impact of the proposed severance pay for non-union employees:

	Severance Pay with Current Rate (50%)	Severance Pay with Proposed Rates (60%, 70%, or 80%)
Bruce Hanson	\$19,440	80% - \$31,104
Renee Helm	\$2,316.20	60% - \$2,779.43
Deb McDonald	\$524.40	60% - \$629.28
Curt Montgomery	\$19,440	80% - \$31,104
John Neska	\$17,424	80% - \$27,848.40
Total	\$59,144.60	\$93,465.11

Safety – This language was added from the League’s template.

Benefits

- **Holidays** – Language was amended regarding holiday pay. The new language states that employees must work the day before and after a holiday to receive holiday pay unless their supervisor approves the use of vacation leave, sick leave or a floating holiday.

Leaves

- **Vacation** – This section was amended to reflect what the Public Work Union employees are receiving in regards to vacation. Currently, non-union employees only receive an increase in vacation every five (5) years. Language was also added stating that an employee must work at least 1,040 hours the previous year for vacation to accrue. Below is a spreadsheet outlining the impact of the proposed vacation accrual for non-union employees.

Years of Service	Current Vacation Accrual for Administration	Proposed Vacation Accrual for Administration	Current Vacation Accrual for Public Works and Police	Proposed Vacation Accrual for Public Works and Police
0 to 4	500 hours (50 days)	600 hours (60 days)	400 hours (50 days)	600 hours (75 days)
5 to 9	750 hours (75 days)	850 hours (85 days)	600 hours (75 days)	850 hours (106.25 days)

10 to 14	1000 hours (100 days)	1100 hours (110 days)	800 hours (100 days)	1100 hours (137.5 days)
15 to 19	1125 hours (112.5 days)	1250 hours (125 days)	900 hours (112.5 days)	1250 hours (156.25 days)
20 and more	250 hours per year (25 days per year)	250 hours per year (25 days per year)	200 hours per year (25 days per year)	250 hours per year (31.25 days per year)

- **Sick Leave** – Language was added to reflect what is required of both the Public Work and Police Union employees in regards to accumulating sick leave. Language was also added requiring any employee who is out on leave for more than 30 days to turn in all City property.
- **Adoptive Parents Leave** – This language was added from the League’s template.
- **Court Appearances** – This language was added from the League’s template.
- **Jury Duty** – This language was added from the League’s template.
- **Parental Leave** – This language was added from the League’s template.
- **Victim or Witness Leave** – This language was added from the League’s template.

The City Council will need to discuss whether or not they would like to approve the Policy as presented, amend the presented Policy, or deny the presented Policy. If the City Council amends the vacation leave, it will need to discuss whether or not regular, full-time exempt employees who have already had their anniversary this year shall be given the new vacation rate now or wait until their next anniversary to accrue the adjusted amount. The following employees have had their anniversary already this year:

- Curt Montgomery – January 2
- Renee Helm – August 9
- Bruce Hanson – August 22
- John Neska – September 5

RECOMMENDATION

It is recommended that the City Council approve the Personnel Policy as presented and provide direction on the adjusted vacation rates for those employees who have already had their anniversary.

WELCOME TO THE CITY OF NEWPORT!

Dear Employee:

Welcome! I am pleased to have you join the City of Newport, a team of dedicated individuals working together to provide high quality services to the residents, businesses, and property owners in the City. I hope that you will find the information in this policy beneficial to helping you succeed in your new position.

The City's overall mission is being "committed to serving the people and businesses of Newport" and the City Council and staff are committed to achieving this goal through the provision of quality municipal services. I encourage you to review the City's mission and value statements included in this policy. We recognize that our dedicated, professional City employees are our greatest resource and that the maintenance of a high quality municipal work force is essential in reaching these long term goals.

The City of Newport's success, like the success of any business, relies heavily on the level of teamwork and cooperation of all staff members. Through teamwork, each individual contributes to the growth and development of the entire City of Newport. Your attitude and efforts contribute much toward achieving our goals.

This policy summarizes many current City policies and guidelines. Please read this guide thoroughly and keep it as a reference. Please consult your supervisor with any questions you may have.

Again, welcome to the City of Newport and I look forward to your success here.

Sincerely,

City Administrator

~~CITY OF NEWPORT — MISSION & VISION~~

~~Mission Statement~~

~~The City of Newport is committed to serving the people and businesses of Newport by creating an environment which encourages pride in the community, promotes prosperity for businesses, and improves the quality of life for all.~~

~~Vision Statement~~

~~Newport is a historic city on the Mississippi River where small town tradition is preserved, strong work ethic is valued, and a shared sense of community pride fosters active family neighborhoods, expanding business opportunities, and a healthy lifestyle for all to enjoy!~~

INTRODUCTION

Purpose

It is the purpose of these policies to establish a uniform and equitable system of personnel administration for employees of the ~~City of Newport~~City. Their provisions do not establish terms and shall not be construed as contractual provisions. They are not intended to be all-inclusive or cover every situation that may arise. These policies may be amended at any time at the sole discretion of the City Council and they will supersede all previous personnel policies. Revisions and amendments shall become effective upon approval by the Newport City Council.

Scope

These policies apply to all employees of the ~~City of Newport~~City. Except where specifically noted, these policies do not apply to:

1. Elected Officials;
2. City Attorney;
3. Members of City Boards, Commissions, and Committees;
4. Consultants and Contractors;
5. Volunteers, except as specifically noted for paid on-call firefighters.

If any specific provisions of the Personnel Policies conflict with any current union agreement or civil service rules, the union agreement or civil service rules will prevail. This includes, but is not limited to vacation schedule, holidays, severance pay, sick leave, etc. Any policy or portion thereof, that does not conflict with a labor agreement, will remain in full force and effect and will continue to govern the actions of all covered employees. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

Departments may have special work rules deemed necessary by the supervisor and approved by the City Administrator for the achievement of objectives of that department. Each employee will be given a copy of such work rules by the department upon hiring and such rules will be further explained and enforcement discussed with the employee by the immediate supervisor.

EEO Policy

The ~~City of Newport is~~City 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 Newport will~~City will not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, ancestry, gender, sexual orientation, disability, age, marital status, status with regard to public assistance, membership on a local human rights commission, or any other characteristic protected by law.

The ~~City of Newport will~~City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Data Practices Advisory

Employee records are maintained in a location designated by the City Administrator. 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, document employee performance, etc.

Personnel files are the property of the ~~City of Newport and~~City and access to the information they contain is restricted. Generally, only supervisors and management of personnel of the ~~City of Newport who~~City who have legitimate reason to review information in a file are allowed to do so.

Employees have the right to know what data is retained, where it is kept, and how it is used. All employee data will be received, retained, and disseminated according to the Minnesota Government Data Practices Act. Employees who wish to review their own file should contact the City Administrator. With written advance notice, employees may review their own personnel files, within seven working days of the ~~City of Newport~~City's receipt of the written notice. The files may be reviewed in the ~~City of Newport~~City's offices and in the presence of an individual appointed by the ~~City of Newport to~~City to maintain the files.

Employment of Relatives

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships. It is the intent of the ~~City of Newport~~to ~~to~~ avoid such circumstances and / or conflicts.

Although the ~~City of Newport has~~City has no prohibition against hiring relatives of existing employees, the City is committed to monitoring situations in which relatives work in the same area. In the case of actual or potential problems, the ~~City of Newport will~~City will take prompt action. This can include reassignment or, if necessary, termination of employment for one or both of the individuals involved.

For purposes of this policy, a relative is any person who is related by blood, or whose relationship with the employee is similar to that of persons who are related by blood, such as marriage.

Immigration Law Compliance

The ~~City of Newport is~~City is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the ~~City of Newport within~~City within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the City Administrator. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

DEFINITIONS

For purposes of these policies, the following definitions will apply:

Authorized Hours

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

Benefits

Privileges or non-monetary compensation granted to employees that are included in the total compensation to employees.

Compensatory Time

Time of work at one-and-one half times the number of overtime hours worked.

Demotion

The movement of an employee from one job class to another within the City, where the maximum salary for the new position is lower than that of the employee’s former position.

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 requirements that a certain amount be automatically withheld from employees’ earnings. Specifically, FICA requires an employee contribution of 6.2% for Social Security and 1.45% for Medicare. The City contributes a matching 7.65% on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., police officers).

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, or two thousand eighty (2,080) hours per year in an ongoing position.

Job Classification

A group of positions sufficiently alike in duties, qualifications, authority, and responsibility to warrant the same job title, grade, and pay schedule for all positions in the group.

Job Description

The written description of a job containing a title, a statement of duties, authority and responsibilities of the job, and the qualifications deemed necessary and / or desirable for the satisfactory performance of the duties of the job.

Management Employee

An employee who is responsible for managing a department or division of the City.

Non-Exempt Employee

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

Overtime

Time worked in excess of forty (40) hours per week or in excess of the employee's normal work schedule as established by the employer.

Part-Time Employee

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

Pay Period

A fourteen (14) day period beginning at 12:00 a.m. ~~(midnight)~~ on Monday through 11:59 p.m. on Sunday, fourteen (14) days later.

PERA (Public Employees Retirement Association)

Statewide pension program in which all City employees meeting program requirements must participate in accordance with Minnesota law. The City and the employee each contribute to the employee's retirement account. Employees that receive \$425 in wages during any month are eligible for PERA.

Promotion

Movement of an employee from one job class to another within the City, where the maximum new salary for the new position is higher than that of the employee's former position.

Reclassify

Movement of a job from one 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 (100 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.

Service Credit

Time worked for the City. An employee begins earning service credit on the first day worked for the City. Some forms of leave will create a break in service.

Temporary Employee

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

Training Period

A six month period at the start of employment with the City (or at the beginning of a promotion, reassignment, or transfer) that is designated as a period within which to learn the job. The training period is the last part of the selection process.

Transfer

Movement of an employee from one City position to another of equivalent pay.

EMPLOYEE RECRUITMENT & SELECTION

Scope

The City Administrator or a designee will manage the hiring process for positions within the City. While the hiring process may be coordinated by staff, the City Council is responsible for the final hiring decision for full-time positions and must approve all hires to City employment. All hires will be made according to merit and fitness related to the position being filled.

Features of the Recruitment System

The City Administrator or designee will determine if a vacancy will be filled through an open recruitment or by promotion, transfer, or some other method. This determination will be made on a case-by-case basis. The majority of position vacancies will be filled through an open recruitment process.

Application for employment will be made on application forms provided by the City. Supplemental questionnaires may be required in certain situations. 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 City Administrator.

Position vacancies may be filled on an “acting” basis as needed. The City Council will approve all acting appointments. Pay rate adjustments, if any, will be determined by the City Council.

Testing & Examinations

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

Internal recruitments will be open to any City employee who: (1) has successfully completed 180 calendar days in their current position; (2) meets the minimum qualifications for the vacant position; and (3) currently is and for the last six months been in good standing with the City, which includes having no written warnings on file or suspensions.

The City Council or designee will establish minimum qualifications for each position with input from the appropriate supervisor. To be eligible to participate in the selection process a candidate must meet the minimum qualifications.

Pre-Employment Medical Examinations

The City Administrator or designee may determine that a pre-employment examination, which may include a psychological examination, is necessary to determine fitness to perform the essential functions of any City position safely.

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.

When required, the medical exam will be conducted by a licensed physician designated by the City with the cost of the exam paid by the City. (Psychological / psychiatric exams will be conducted by a licensed psychologist or psychiatrist.) The physician will notify the City Administrator or designee that a candidate either is or is not medically able to perform the essential functions of the job, with or without accommodations, and whether the candidate passed a drug test, if applicable. If the candidate requires accommodation to perform one or more of the essential functions of the job, the City Administrator 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.

Selection Process

The selection process will be a cooperative effort between the City Administrator or designee and the hiring supervisor, subject to final hiring approval by the City Council (for full-time positions only). Any, all, or none of the candidates may be interviewed.

The process for hiring seasonal, temporary, or part-time employees will be delegated to the appropriate supervisor.

~~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.~~

Background Checks

All finalists for employment with the City will be subject to a background check to confirm information submitted as part of application materials and to assist in determining the candidate's suitability for the position. Except where already defined by state law, the City Administrator will determine the level of background check to be conducted based on the position being filled.

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 the employee in work expectations. Training periods apply to new hires, transfers, promotions, and rehires. Training and probationary periods are generally ~~one year~~ six months to one year in duration depending on the Department.

If a full-time employee elects to receive health benefits through the City, the City will prorate the assigned amount for their Health Savings Account and deposit the appropriate amount on a monthly basis during their probationary period. At the end of their probationary period, the remaining amount will be deposited.

If a full-time employee leaves the City during their probationary period, they will be required to reimburse the City for all costs associated with their employment, including but not limited to, uniforms, medical exams, etc. These costs will be taken from the employee's last paycheck.

ORGANIZATION

Job Descriptions

The City will maintain job descriptions for each regular position. New positions will be developed as needed, but must be approved by the City Council prior to the position being filled.

A job description is prepared for each position within the City. Each job description will include: position title, department, supervisor's title, FLSA status (exempt or non-exempt), primary objective of the position, essential functions of the position, examples of performance criteria, minimum requirements, desirable training and experience, supervisory responsibilities (if any), and extent of supervisor direction or guidance provided to position.

Prior to posting a vacant position, the existing job description is reviewed by the City Administrator or designee and the hiring supervisor to ensure that the job description is an accurate reflection of the position and that the stated job qualifications do not present artificial barriers to employment.

A current job description is provided to each new employee. Supervisors are responsible for revising job descriptions as necessary to ensure that the position's duties and responsibilities are accurately reflected. All revisions are reviewed and must be approved by the City Administrator

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

Assigning and Scheduling Work

Assignment of work duties and scheduling work is the responsibility of the supervisor.

HOURS OF WORK

Work Hours

Forty (40) hours will constitute the regular work week for full-time employees. Work schedules for employees will be established by supervisors and may be subject to change with the approval of the City Administrator. A regular work week is outlined as follows:

The regular work hours for Administration employees is Monday through Thursday from 8:00 a.m. to 6:00 p.m. A regular work day shall be 10 hours.

The regular work hours for Public Works employees ~~during winter hours are Monday through Friday from 7:00 a.m. to 3:30 p.m. A regular work day shall be 8 hours~~varies throughout the year. A regular work day shall be 8 hours.

Meal Breaks and Rest Periods

A paid fifteen (15) minute break is allowed within each four (4) consecutive hours of work. An unpaid (30) minute lunch period is provided when an employee works eight or more consecutive hours.

If approved by your supervisor, you may, on a daily basis, extend your one-half hour lunch break by fifteen (15) minutes or thirty (30) minutes by foregoing one or both of your breaks.

Attendance & Punctuality

The operations and standards of service in the ~~City of Newport~~City require that employees be at work unless valid reasons warrant absence. Absenteeism and tardiness place a burden on other employees and the ~~City of Newport~~City.

Employees who are going to be absent from or tardy to work are required to notify their supervisor as soon as possible in advance of the absence. In case of unexpected absence, employees should call their supervisor before the scheduled starting time. If the supervisor is not available at the time, the employee should leave a message that includes a telephone number where he / she can be reached and / or contact any other individual who was designated by the supervisor. Failure to use established reporting process will be grounds for disciplinary action. Departments may establish more specific reporting procedures.

The employee must call the supervisor on each day of an absence extending beyond one (1) day unless arrangements otherwise have been made with the supervisor. Employees who are absent for three (3) days or more and who do not report the absence in accordance with this policy, will be considered to have voluntarily resigned not in good standing. The City may waive this rule if extenuating circumstances warranted such behavior. This policy does not preclude the City from administering discipline for unexcused absences of less than three (3) days.

Adverse Weather Conditions

The Mayor may authorize the closing of City offices due to inclement weather. If offices are closed, each department head will be responsible for notifying employees of such closing.

In the event that offices are closed due to inclement weather during the course of the workday or for the full work day, employees will be paid for a full work day and will not be required to use vacation leave, leave without pay, compensatory time, or personal leave. may use vacation leave, leave without pay, compensatory time, or personal leave. If City offices are closed during the course of the workday, employees may choose to use vacation leave, leave without pay, compensatory time, personal leave, or may work the remaining assigned hours.

Employees excluded from this policy include: Police employees and Public Works employees who are involved in snow plowing activities. These employees will be expected to report to and remain at work under all weather conditions.

State of Emergencies or Emergency Work

Compensation for non-union management and supervisory personnel shall follow Resolution No. 96-55 and the Administrative Policy during a Declared "State of Emergency," which was approved March 14, 1997.

COMPENSATION

Full-time 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 or travel expenses may be authorized in addition to regular pay.

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

Pay Periods

Employees are paid on a bi-weekly basis. When paydays fall on a holiday, checks / direct deposits are normally issued the day before the holiday.

Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to the ~~City of Newport~~City. Employees will receive an itemized statement of wages when the ~~City of Newport~~City -makes direct deposits.

Employees are responsible for notifying the appropriate personnel of any change in status including changes in address, phone number, names of beneficiaries, marital status, bank account information, etc.

Time Reporting

Full-time, non-exempt employees are expected to work 40 hours per work week and will be paid according to the time reported on their timesheets. 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 bi-weekly basis.

Each time reporting form must include the signature of the employee and immediate supervisor. Reporting false information on a timesheet may be cause for immediate termination.

Overtime / Compensatory Time

The ~~City of Newport~~City has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The City Administrator will determine whether each employee is designated as “exempt” or “non-exempt” from earning overtime.

Non-Exempt, Non-Administration (Overtime-eligible) Employees:

All Non-Exempt, Non-Administration overtime-eligible employees will be compensated at the rate of time and one-half for all hours worked over forty (40) in one work week.

The employee’s supervisor must approve overtime hours in advance. An employee who works overtime without prior approval may be subject to disciplinary action.

Non-Exempt Administration (Overtime-eligible) Employees:

All Non-Exempt Administration overtime-eligible employees will be compensated with compensatory time at the rate of time and one half for all hours worked over forty (40) in one work week.

The employee’s supervisor must approve overtime hours in advance. An employee who works overtime without prior approval may be subject to disciplinary action.

PERFORMANCE EVALUATIONS

An objective performance evaluation system will be established by the City Administrator or designee for the purpose of periodically evaluating the performance of City employees. The quality of an employee’s past performance will be considered in personnel decisions such as promotions, transfers, demotions, terminations, and 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 evaluations are to be conducted after the employees’ first six months and then annually thereafter; ~~and after the employee’s first ninety (90) days, one hundred eighty (180) days, and two hundred seventy (270) days.~~ The evaluation form(s), with all required signatures, will be retained as part of the employee’s personnel file.

During the training / probationary 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.

TEMPORARY & PART-TIME EMPLOYMENT

Persons whose employment is part-time, seasonal or temporary will not be entitled to sick leave, vacation benefits, holiday pay, or insurance benefits, except for workers compensation insurance.

An employee on a temporary part-time status does not accumulate ~~service time~~seniority with the City.

The following sections of the Employee Personnel Policy do not apply to part-time, seasonal or temporary employees:

- —Educational Assistance
- Benefits
- Leaves
- Family and Medical Leave
- Benefit Providers

An employee on temporary or part-time status will be entitled to such public employee benefits as may be provided under the Public Employment Labor Relations Act, Minn. Stat. § 179A.

CITYWIDE WORK RULES & CODE OF CONDUCT

Conduct as a City Employee

In accepting City employment, employees become representatives of the City and are responsible for assisting and serving the citizens for whom they work. An employee's primary responsibility is to serve the residents of Newport. Employees should exhibit conduct that is ethical, professional, 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 supervisors.

The following are job requirements for every position at the City. All employees are expected to:

- Perform assigned duties to the best of their ability at all times.
- Render prompt and courteous service to the public at all times.
- Read, understand and comply with the rules and regulations as set forth in these Personnel Policies as well as those of their departments.
- Conduct themselves with decorum toward both residents and staff and respond to inquiries and information requests with patience and every possible courtesy.
- Report any and all unsafe conditions to the immediate supervisor.
- Maintain good attendance.

Access to and Use of City Property

Any employee who has authorized possession of keys, tools, cell phones, pagers, credit cards, identification badges, or other City-owned / issued equipment must register his / her name and the serial number (if applicable) or identifying information about the equipment with his / her supervisor. All such equipment must be turned in and accounted for by any employee leaving employment with the City in order to resign in good standing, or immediately upon request.

Employees are responsible for the safekeeping and care of all such equipment. The duplication of keys owned by the City is prohibited unless authorized by the City Administrator. Any employee found having an unauthorized duplicate key will be subject to disciplinary action.

Appearance

Departments may establish dress codes for employees as part of departmental rules. Personal appearance should be appropriate to the nature of the work and contacts with other people and should present a positive image to the public. Clothing, jewelry, or other items that could present a safety hazard are not acceptable in the workplace. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Conflict of Interest

Employees shall not engage in any activities which create, or might appear to create, a conflict of interest with the employee's responsibilities and obligations to the City. Employees shall fully and completely disclose to the City Administrator any actual or potential conflict of interest he or she may be facing so that the City may assess and prevent potential conflicts. 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 perceived or actual conflict of interest.

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.

Gifts Acceptance

Minnesota State law prohibits any City employee from accepting a gift from anyone doing business with the City. While the State law allows limited exceptions, for all practical purposes, gifts of any value are prohibited.

Personnel Data Changes

The employee is responsible for notifying the City Administrator or designee of any changes in personnel data. Personal mailing addresses, telephone numbers, individuals to be contacted in the event of an emergency, and other such status reports should be accurate and current at all times.

Political Activity

City employees have the right to express their views and to pursue legitimate involvement in the political system. However, no City 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 pre-approved by the City 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.

Per Minnesota State law, the Mayor nor any City Council member may be employed by the City. "Employed" refers to full-time permanent employment.

Drug-Free Workplace

While on the ~~City of Newport premises~~City premises and while conducting business-related activities off the ~~City of Newport premises~~City premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an

employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the ~~City of Newport of~~City of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

The City recognizes drug and alcohol 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 or Employee Assistance Plans, as appropriate.

Random testing without prior notice may be given to those employees who are in safety sensitive positions, including any supervisory or management position in which an impairment caused by drug or alcohol use would threaten the health or safety of any person. Testing without prior notice may be given to employees who have been referred by the employer for chemical dependency treatment or evaluation or who are participating in a chemical dependency treatment program under an employee benefit plan or have participated in a chemical dependency treatment program in the prior two years.

Smoking

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 only during their breaks and lunch, and only in areas designated for that purpose.

RESPECTFUL WORKPLACE POLICY

The intent of this policy is to provide general guidelines about the conduct that is and is not appropriate in the workplace. The City 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 City personnel, including regular and temporary employees, volunteers, firefighters, and City Council members.

Abusive Customer Behavior

While the City has a strong commitment to customer service, the City does not expect that employees accept verbal abuse from any customer. Any 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, 9-1-1 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.

Types of Disrespectful Behavior

The following types of behaviors cause a disruption in the workplace and are, in many instances, unlawful:

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 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 City Administrator.

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.

Possession and Use of Dangerous Weapons

Possession or use of a dangerous weapon is prohibited on City property, in City vehicles, or in any personal vehicle, which is being used for City 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 City 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.

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 take 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 City Administrator. 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, City Administrator, or Police Department. 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 City Administrator.

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

Supervisor's Response to Allegations of Disrespectful Workplace Behavior

In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations within two business days to the City Administrator, 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
- List of witnesses
- Identification of the offender

Step 3. The supervisor must notify the City Administrator 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.

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 City Administrator who will assume the responsibility for investigation and discipline.

If the City Administrator is perceived to be the cause of a disrespectful workplace behavior, a report will be made to the City Attorney, who will confer with the Mayor and City Council regarding appropriate investigation and action.

If a Council Member is perceived to be the cause of a disrespectful workplace behavior incident involving City personnel, the report will be made to the City Administrator and referred to the City Attorney, who will undertake the necessary investigation. The City Attorney will report his / her findings to the City Council, which will take the action it deems appropriate.

Pending completion of the investigation, the City Administrator may at his / her discretion take appropriate action to protect the alleged victim, other employees, or citizens.

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 City personnel policies, the City may discipline any individual who retaliates against any person who reports alleged violations of this policy. The City 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.

DISCIPLINE

General Policy

Supervisors are responsible for maintaining compliance with City standards of employee conduct. The objective of this policy is to establish a standard disciplinary process for employees of the ~~City of Newport~~City. City 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 City policies.

Discipline will be administered in a non-discriminatory 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 City's personnel policies. The supervisor and / or the City Administrator will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

No Contract Language Established

This policy is not to be construed as contractual terms and is intended to serve only as a guide for employment discipline.

Process

The City 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. Nothing in these personnel policies implies that any City 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:

Oral Reprimand

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

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

Written Reprimand

A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected or the behavior has not consistently improved in a reasonable period of time. Serious infractions may require skipping either the oral or written reprimand, or both. Written reprimands are issued by the supervisor with prior approval from the City Administrator.

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

Employees will be given a copy of the reprimand to sign acknowledging its receipt. Employees' signatures do not mean that they agree with the reprimand. Written reprimands will be placed in the employee's personnel file.

Suspension With or Without Pay

The City Administrator may suspend an employee without pay for disciplinary reasons. Suspension without pay may be followed with immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans will not be suspended without pay in conjunction with termination.

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. The leave may be with or without pay depending on a number of factors, including the nature of the allegations. 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.

Demotion and / or Transfer

An employee may be demoted or transferred if attempts at resolving an issue have failed and the City Administrator determines a demotion or transfer to be the best solution to the problem. The employee must be qualified for the position to which they are being demoted or transferred. The City Council must approve this action.

Salary

An employee's salary increase may be withheld or the salary may be decreased due to performance deficiencies.

Dismissal

The City Administrator, with the approval of the City Council, may dismiss ~~an~~ a full-time employee for substandard work performance, serious misconduct, or behavior not in keeping with City standards. Part-time, seasonal, or temporary employees may be dismissed by their immediate supervisor without City Council approval.

If the disciplinary action involves the removal of a qualified veteran, the appropriate hearing notice will be provided and all rights will be afforded the veteran in accordance with Minnesota law.

GRIEVANCE PROCEDURE

Any dispute between an employee and the City 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 twenty one (21) 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 City Administrator within seven (7) days after the supervisor's response is due. The City Administrator or his / her designee will respond to the employee in writing within seven (7) calendar days. The decision of the City Administrator is final.

Waiver

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

The following actions are not grievable:

- 1. Performance evaluations;
- 2. Pay increases or lack thereof; and
- 3. Merit pay awards.

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

SEPARATION FROM SERVICE

Resignations

Employees wishing to leave the City service in good standing must provide a written resignation notice to their supervisor, at least fourteen (14) days before leaving, unless otherwise specified in an employee contract. Prior to an employee’s departure, an exit interview will be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits. The employee’s termination date must be a day worked, not a paid leave. If an employee does not provide advance notice as requested, the employee will be considered ineligible for rehire.

Layoffs

Shortage of work or funds, abolition of positions, or other reasons, may necessitate the layoff of positions from time to time. The City Administrator or Department Head shall make layoff recommendations for regular positions to the Newport City Council. A fourteen (14) calendar day written notice will be provided to affected regular employees. The City Administrator or Department Head may lay off or terminate temporary or seasonal employees with no prior notice and without City Council approval.

Severance Pay

~~Employees who leave the City in good standing by retirement or resignation will receive pay for 100% of unused accrued vacation and 50% of their unused accrued sick leave, up to sixty (60) days.~~

Employees who leave the City in good standing by retirement or resignation will receive pay for 100% of unused accrued vacation and will follow the below schedule for accrued sick leave. The maximum amount of accrued sick leave is 960 hours.

<u>Up to 10 years of service</u>	<u>60% of accrued sick leave</u>
<u>10 to 15 years of service</u>	<u>70% of accrued sick leave</u>
<u>15 or more years of service</u>	<u>80% of accrued sick leave</u>

The payment for accrued sick leave shall be applied toward the Employees Minnesota State Retirement Health Care Savings Plan.

The employee's last pay check and any benefits will be withheld until all City property is returned to their immediate supervisor.

COMMUNICATION RESPONSE

~~City of Newport staff~~City staff shall check their electronic mail (e-mail) and voicemail at least once per day. If the message requires a response, the response should be sent as soon as possible, but no later than seventy two (72) hours after the call (excluding weekends and holidays). Receipt of a message should be acknowledged within forty eight (48) hours, even if a subsequent response is required.

For absences of one day or longer, the "Out of Office Assistant" shall be used for the e-mail system. This should state what day(s) the employee will be gone.

For absences of one day or longer, the temporary voicemail greeting shall be activated for the voicemail system. This should state what day(s) the employee will be gone and should give callers an option of talking to another staff member.

E-MAIL USAGE

The ~~City of Newport~~City's electronic mail system (e-mail) is designed to facilitate City business communication among employees and other business associates for messages or memoranda. Since no computer system is completely secure, the e-mail system is not intended to transmit sensitive materials, such as personnel decisions and other similar information that may be more appropriately communicated by written memorandum or personal conversation.

The e-mail system is City property and intended for City business. The system is not to be used for employee personal gain or to support or advocate for non-City related business or purposes. All data and other electronic messages within this system are the property of the ~~City of Newport~~City.

General Information on Passwords

While you have a confidential password, users should be aware that this does not suggest that the system is for personal confidential communication, nor does it suggest that e-mail is the property right of the employee. The use of the e-mail system is for City business. Passwords should be periodically changed to ensure security of the e-mail system. Users should not share their password with anyone else.

Prohibited Uses

Solicitation of funds, political messages, harassing messages and other such messages are specifically prohibited. All e-mail messages are subject to all state and federal laws, such as, open meeting laws, data practices act, the human rights act, etc.

Retention of E-Mails

Employees, members of the City Council, members of Advisory Boards, and Consultants shall retain all e-mails associated with City business for one month.

Applicability to Employees and Other Users

This e-mail policy applies to all full-time employees, part-time employees, temporary employees, interns, volunteers, and other individuals in all departments who are provided access to the ~~City of Newport~~City's e-mail system as necessary for their business purpose with the City.

Employee Termination, Leave of Absence, Vacation, and Other

Employees who are terminated or laid off have no right to the contents of their e-mail messages and are not allowed access to the e-mail system. Department Heads and supervisors may access an employee's e-mail if employees are on a leave of absence, vacation, or are transferred from one department to another department, and if it is necessary for the conduct of business.

System Monitoring

Users expressly waive any right of any privacy in anything they create, store, send, or receive on the company's computer system. The ~~City of Newport can~~ City can, but is not obliged to, monitor e-mails without prior notification. If there is evidence that an employee is not adhering to the guidelines set out in this policy, the ~~City of Newport reserves~~ City reserves the right to take disciplinary action, including termination and / or legal action.

INTERNET USAGE

Business Use Only

By definition, the Internet is a collection of computers, computer networks, communication protocols, information servers, and personal and organizational information retrieval clients, connected together in a global community. Traffic may cross multiple networks prior to reaching the client destination. The ~~City of Newport~~ City provides its employees with access to the vast information resources of the Internet to assist them in performing their job duties in an effective and efficient matter. The facilities to provide Internet access represent a substantial commitment of City resources and therefore, the City has developed this policy to ensure that the Internet is being used appropriately.

The Internet is a business tool to be used exclusively for business purposes, i.e., to communicate with customers and suppliers, to research relevant topics, and to obtain business information. When using the Internet, employees are expected to conduct themselves in a professional manner and to respect copyrights, software licensing rules, etc.

Unnecessary or unauthorized Internet usage takes away from work time, consumes supplies, ties up printers and other shared resources. Unlawful Internet usage may also garner negative publicity for the City and expose it to significant legal liabilities.

This policy covers all files that can be read on a computer screen, including HTML files read in an Internet browser, any file meant to be accessed by a word processing or desk-top publishing program or its viewer, any files prepared for the Adobe Acrobat reader and other electronic publishing tools. Graphics includes all photographs, pictures, animations, movies or other drawings.

Prohibited Use

Inappropriate Internet use includes: transmitting obscene, harassing, offensive, or unprofessional messages; accessing any site that is sexually or racially offensive or discriminatory; displaying, downloading, or distributing any sexually explicit material; transmitting any of the ~~City of Newport~~ City's confidential or proprietary information, including customer data, trade secrets, or other confidential information.

Monitoring

The ~~City of Newport~~ City reserves the right to monitor employee use of the Internet at any time and employees should not consider their Internet usage to be private. Personal passwords are not an assurance of confidentiality, and the Internet itself is not secure.

Copyright Restrictions; Permission Required

Any software or other material downloaded into the ~~City of Newport~~City's computers may be used only in ways consistent with the licenses and copyrights of the vendors, authors, or owners of the material. Prior written authorization from a manager is required before introducing software into the ~~City of Newport~~City's computer system. Employees may not download entertainment software, games, or any other software unrelated to their work.

No Company Representation

Only authorized employees may communicate on the Internet on behalf of the ~~City of Newport~~City. Employees may not express opinions or personal views that could be misconstrued as being those of the ~~City of Newport~~City. Employees may not state their company affiliation on the Internet unless required as part of their assigned duties.

Violations of Policy

Any violation of this policy may result in loss of computer access and disciplinary action, including immediate termination.

TELEPHONE USAGE

City Cellular Phone Use

~~City~~Cellular telephones are intended for the use of City employees in the conduct of their work for the City. Supervisors are responsible for the cellular telephones assigned to their employees and will exercise discretion in their use.

Supervisors may prohibit employees from carrying their own personal cell phones during working hours if it interferes with the performance of their job duties.

~~All personal calls made by employees on a City-provided cellular phone must be paid for by the employee through reimbursement to the City based on actual cost listed on the City's phone bill.~~

Personal Telephone and Cellular Telephone Calls

All personal telephone calls, text messaging, and e-mailing from telephones, are to be done only during breaks or lunch breaks, or when emergency situations warrant. They are not to interfere with City work and are to be completed as quickly as possible. Any personal long distance costs will be paid for by the employee.

~~All personal calls made by employees on a City-provided cellular phone must be paid for by the employee through reimbursement to the City based on actual cost listed on the City's phone bill.~~

NEWS RELEASES

Formal news releases concerning municipal affairs are the responsibility of the City Administrator or his or her designee. All media interviews must be approved by the City Administrator before the interview in all situations practicable. All contacts with the media should be reported to the City Administrator as soon as possible.

No City employee is authorized to speak on behalf of the City without prior authorization from the City Administrator or his / her designee.

All news releases concerning City personnel will be the responsibility of the City Administrator.

CITY DRIVING

This policy applies to all employees who drive a vehicle on City business, whether driving a City-owned vehicle or their own personal vehicle.

The City expects all employees who are required to drive as part of their job, to drive safely and legally while on City business, and maintain a good driving record.

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 City will determine appropriate action on a case-by-case basis.

OUTSIDE EMPLOYMENT

Employees may not engage in outside employment which would conflict with their job or might in any way hinder their objective and impartial performance of their public duties or impair their efficiency on the job.

Employees must not engage in any employment activity or enterprise that is inconsistent, incompatible, or in conflict with his or her duties as a City employee, or with the duties, functions and responsibilities of the department by which he or she is employed.

The following activities are considered inconsistent, incompatible or in conflict with City employment:

- Any employment activity or enterprise which involves the use for private gain or advantage of the City's time, facilities, equipment or supplies, prestige or influence of a City office or employment.
- Activities that involve the receipt or acceptance by the officer or employee of any money or other consideration from anyone other than the City for the performance of an act which the officer or employee would be required or expected to render in the regular course of his or her City employment or a part of his or her duties as a City officer or employee.
- Activities that involve the performance of an act in other than his or her capacity as a city officer or employee which may later be subject directly or indirectly, to the control, inspection, review, audit, or enforcement by such officer or employee or the department by which he or she is employed.
- Activities that involve so much of the employee's time that it impairs his or her attendance or efficiency in the performance of his duties as a City officer or employee.
- Activities that involve the public employee's use of his or her official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise to pay a political contribution, or to take part in political activity.

Employees are free to engage in any political activity of their choice provided it does not conflict with information above.

SAFETY

The health and safety of each employee of the City and the prevention of occupational injuries and illnesses are of primary importance to the City. 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.

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.

Safety Equipment/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.

Unsafe Behavior

Supervisors are authorized to send an employee home immediately when the employee's behavior violates the City's personnel policies, department policies, or creates a potential health or safety issue for the employee or others.

TRAVEL REIMBURSEMENT

Approval

Reimbursement for City business related travel, seminar, and meeting expenses are intended to refund actual costs incurred by employees and elected officials of the ~~City of Newport~~City. Employees and City Officials are required to submit itemized receipts in order to be eligible for reimbursement.

All in state and out of state travel must be pre-approved in writing by the City Administrator on prescribed City forms.

Allowable Expenses

Lodging.

Accommodations shall be made at a reasonable cost that is consistent with the facilities available and convenient to the location of the conference, seminar, or meeting attended.

Only costs of single occupancy will be reimbursed. If a double occupancy occurs, the employee is responsible for the additional cost of double over single occupancy.

Lodging costs shall be reimbursable only from the night preceding an event, through the night immediately following such event, unless an additional evening's stay will decrease airfare or lodging costs.

Lodging within the seven county metro area will not be reimbursed.

Any incidental expenses occurred by a spouse or guest attending a conference with an employee must be paid by the employee. Room service and other incidental expenses must be paid for by the employee.

Transportation.

Employees who find it necessary to use their private automobiles for City travel and who do not receive a car allowance will be reimbursed at the current allowable Internal Revenue Service rate. Mileage should be documented on forms prescribed by the City and turned in within 30 days of the travel date.

Air transportation shall be coach-class unless such service is unavailable. Reservations are to be made in advance at the earliest date to ensure the lowest possible fares.

Local transportation, such as a taxicab and bus fares to and from the place of lodging / conference are reimbursable if circumstances require such travel. Costs for local transportation not pertaining directly to City business will not be reimbursed.

Meals.

In-state travel allows an employee to spend up to \$45.00 per day on meals. Reimbursement for meals while on authorized travel shall include only actual expenditures including tax and a 15% tip.

Out of state travel will allow employees to be reimbursed for the reasonable cost of meals exceeding \$45.00 according to the cost of living standards applicable to the area.

Costs for alcoholic beverages shall not be reimbursed.

TRAVEL TIME

The following applies only to non-exempt employees, in accordance with FLSA.

Home to Work Travel

Generally, travel from home to work is not work time, no matter how long the commute. The following examples are exceptions to this rule:

- **Travel from home to work after hours:** An employee who has gone home after completing his or her day's work and is later called out to perform an emergency job can claim all time spent on travel as working time.
- **Special one day assignment:** When an employee is given a special 1-day or more assignment in another city and travel is performed for the employer's benefit and at the employer's request, such travel time is considered work time. Regular home to work travel time can be counted as time worked.

Overnight Travel Away From Home

Travel away from home is work time when it happens during the employee's regular work day hours. The time to be considered is not only hours worked on regular working days during normal working hours, but also during the corresponding hours on non-working days.

Example: If an employee regularly works from 8:00 a.m. to 4:30 p.m., Monday through Friday, the travel time during these hours is work time on Saturday and Sunday as well as on the other days. Thus, if travel is overnight and done outside of working hours, the travel time is not compensable.

Time that is spent traveling away from home outside of regular working hours as a passenger on an airplane, boat, bus, or automobile are not considered time worked. However, all time spent driving an automobile in relation to this section must be compensated, except as follows:

- **Public Transportation:** If an employee is offered public transportation but requests permission to drive his or her car instead, the employer may count as hours worked either:
 - (a) the time spent driving the car; or
 - (b) the time he would have had to count as hours worked during working hours if the employee had used the public conveyance.
- **Work While Traveling:** Any work which an employee is required to perform while traveling must be counted as hours worked. An employee who drives a truck, bus, automobile, boat, or airplane, or an employee who is required to ride therein as an assistant or helper, is working while riding. Meal periods and sleep time in adequate facilities furnished by the employer need not be counted.

EDUCATIONAL ASSISTANCE

The ~~City of Newport~~City will provide educational assistance to all eligible full-time employees who have completed at least 180 calendar days of service with City Administrator approval. To maintain eligibility, employees must remain on the active payroll and be performing their job satisfactorily through the completion of each course.

- Courses must be related to the employee's current job duties or a foreseeable future position in the organization in order to be eligible for educational assistance. The ~~City of Newport~~City has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable future position. Employees should contact the City Administrator for more information or questions about educational assistance.
- The ~~City of Newport~~City invests in educational assistance to employees with the expectation that the investment be returned through enhanced job performance. However, if an employee voluntarily separates employment from the ~~City of Newport~~City within one year of the last educational assistance payment, the amount of the payment will be considered only a loan. Accordingly, the employee will be required to repay up to 50% of the original educational assistance payment.
- While educational assistance is expected to enhance employees' performance and professional abilities, the ~~City of Newport~~City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

BENEFITS

Employee benefits stated in this section apply only to full-time employees and specifically exclude seasonal, contract, part-time, temporary, or volunteer employees, except when such groups are expressly included by the provisions of this policy.

Health and Dental Insurance

The City Council will, by resolution, establish from time to time insurance plans that will be provided to eligible fulltime City employees. The employee's insurance coverage will begin on his or her first day of employment.

Life Insurance

Full-time employees will be eligible to receive life insurance coverage through the ~~City of Newport~~City upon their first day of employment. The City will contribute premiums for a group term life insurance policy for all eligible employees. Supplemental life insurance may be made available for purchase by eligible employees.

Long-Term Disability Insurance

All employees are covered under Group Long-Term Disability Insurance and have premiums deducted from their paycheck each pay period.

Retirement

The City participates in the Public Employees Retirement Fund (PERA) to provide pension benefits for its eligible employees. The City and the employee contribute to PERA each pay period as determined by state law. Most employees are also required to contribute a portion of each paycheck for Social Security and Medicare (the City matches the employee's Social Security and Medicare withholding).

Workers' Compensation Insurance

The ~~City of Newport~~City provides a comprehensive Workers' Compensation Insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits three (3) working days after the injury, or, if the employee is hospitalized, immediately. The employee benefits with two-thirds (2/3) of their average weekly wage for a time period to be determined on a case by case basis, depending on the authorization of a physician.

Employees who sustain work-related injuries or illness should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. The employee's immediate supervisor must file a Supervisor's Report of Injury with the Human Resources Department within forty eight (48) hours following the injury.

Neither the ~~City of Newport~~City nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the ~~City of Newport~~City.

Benefits Continuation (COBRA)

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the ~~City of Newport~~City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, death of an employee, a reduction in an employee's hours or a leave of absence, an employee's divorce or legal separation, and a dependent child no longer meeting eligibility requirements, and other life events.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the ~~City of Newport~~City's group rates, plus an administration fee. The City provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan, including information about the employee's rights and obligations.

The length of continuation depends on the qualifying event that applies to the employee's loss of coverage. COBRA beneficiaries generally are eligible for group coverage during a maximum of eighteen (18) months for qualifying events due to employment termination or reduction of hours of work. Certain qualifying events, or a second qualifying event during the initial period of coverage, may permit a beneficiary to receive a maximum of 36 months of coverage. COBRA beneficiaries generally are eligible for group coverage during a maximum of thirty six (36) months if an individual is not an employee, but is: a separated or divorced spouse or child of a City employee, a surviving spouse or child of a deceased City employee, a child of a City employee, and is no longer an eligible dependent as defined in the City insurance plan, or a dependent who loses dependent coverage when

the City employee becomes enrolled in Medicare benefits. Employees that are eligible to receive PERA are allowed to continue health and dental insurance under COBRA indefinitely.

An employee's right to continuation coverage will immediately cease if the employee fails to pay the required premium due. Plan eligibility will cease if: an employee becomes covered under another group plan as a result of employment, reemployment, marriage, or remarriage; an employee, an employee's spouse, or an employee's dependent children become enrolled in Medicare, in which case coverage ceases for each individual so covered; or all City insurance plans under this policy are terminated.

If an employee decides to continue group coverage, the employee must complete an election form and return it to the address shown on the election form within sixty (60) days of the later of the dates identified below, or the employee loses the employee's right to elect coverage:

- a. The date coverage is scheduled to stop; or
- b. The date the election packet is mailed.

Deferred Compensation

Regular full-time employees will be eligible to participate in the deferred compensation plan. Deferred Compensation is a program that allows employees to save and invest for retirement, deferring federal and state income taxes until the employee's assets are withdrawn.

Donated Medical Leave

With the approval of the City Administrator, City employees having accrued sick leave will be allowed to donate a portion of such accrued sick leave to fellow employees experiencing a major life threatening disease or condition suffered by the employee or the employee's minor child. A major life threatening disease or condition shall include, but not be limited to a heart attack, stroke, organ transplant, cancer, or life threatening illness or condition as defined by a physician's diagnosis.

A donation of sick leave from one employee to another shall be subject to the following terms and conditions:

- An employee is only eligible to receive donated medical leave for time lost from work due to a major life threatening disease or condition as described above, equal to the number of hours of time which the employee would lose from his or her job due to the major life threatening disease or condition.
- An employee will be eligible to receive donated medical leave only after the employee has exhausted all of his / her accrued sick leave, compensatory time, and vacation time.
- Employees will be allowed to receive no more than twenty (20) work days, or two hundred (200) hours, of medical leave for any single major life threatening disease or condition, unless otherwise approved by the City Administrator.
- An employee may donate no more than two (2) work days, or twenty (20) hours, whichever is lesser, per calendar year to a single fellow employee.
- A written request to donate medical leave must be made to the City Administrator.
- The City Administrator shall have the right to deny use of donated medical leave or limit its use as shall be determined necessary and in the best interest of the ~~City of Newport~~City.

- Donations must be made in one (1) hour increments. For every one (1) hour of sick, vacation, or compensatory time donated by the donor, the recipient will be credited with one (1) hour of sick leave. The pay levels of the two employees shall not affect the transaction.

Employee Assistance Program (EAP)

The ~~City of Newport~~City has a contract with a provider whereby the employee can receive diagnostic referral assistance in such areas as parent / child relationships, marital problems, behavior problems, drug and alcohol problems, emotional and mental disorders, financial problems, and personal adjustment difficulties. The service is provided at no cost to the employee. All contact between the employee and the provider is confidential. The employer does not receive information concerning employees as a result of the service.

Flexible Spending Accounts

Regular, full-time employees will be eligible to participate in flexible spending account plans.

Flexible Spending Accounts allow employees to set aside money for certain qualified medical and dependent care costs through a tax-deferred payroll deduction. The program provides for tax-deferred payment plans in health care and dependent daycare expense reimbursement.

All expenses must be qualified medical or benefit expenses, as defined in Section 125 of the Internal Revenue Code. The employee must choose the amount of pre-tax salary reduction for each type of benefit prior to the start of each year plan.

Section 457 of the Internal Revenue Code determines the annual contribution limits for employees. Participation is handled through payroll deduction, providing for a reduction of tax for each pay period.

The plan allows participants to increase, decrease, stop, and restart contributions as often as desired.

Boot / Clothing Allowance – Exempt Public Works Department Staff

All exempt Public Works Department staff shall be entitled to receive boot / clothing items in kind with a value consistent with that of the Labor agreement between the ~~City of Newport~~City and the International Union of Operating Engineers (Local No. 49 AFL-CIO) for non-exempt employees.

Uniform Allowance – Exempt Police Department Staff

All exempt Police Department staff shall be entitled to receive uniform items in kind with a value consistent with that of the Labor Agreement between the ~~City of Newport~~City and Law Enforcement Labor Services, Inc. (Local #347) for non-exempt employees.

Holidays

The ~~City of Newport~~City will grant paid holiday time off to all full-time employees for the following holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day

- Thanksgiving
- Day after Thanksgiving (Public Works & Police Department)
- Christmas Eve (Administration)
- Christmas

Holiday pay will be calculated based on the employee’s straight time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

To be eligible for holiday pay, employees must work the day before and after, unless their supervisor approves the use of vacation leave, sick leave, or a floating holiday.
~~work the last scheduled day immediately preceding and the first scheduled day immediately following the holiday.~~

For non-Administrative employees who are not subject to a collective bargaining agreement, a recognized holiday that falls on a Saturday will be observed on the preceding Friday and a recognized holiday that falls on a Sunday will be observed the following Monday.

For Administrative employees, when a recognized holiday falls on a Friday or Saturday, the employee will earn one floating holiday. If a recognized holiday falls on a Sunday, it will be observed the following Monday.

If a recognized holiday falls during an eligible employee’s paid absence (such as vacation or sick leave) holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible non-exempt employees work on a recognized holiday, they will receive holiday pay, plus one-half time for the hours worked on this holiday.

In addition to the recognized holidays previously listed, eligible employees will receive two floating holidays in each calendar year. These holidays must be scheduled with the prior approval of the employee’s supervisor. Floating holidays may not be carried over to the next calendar year.

LEAVES

Depending upon the employee’s situation, more than one form of leave may apply during the same period of time (e.g. The Family & 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.

Except as otherwise states, all paid time off, taken under any of the City’s leave programs, must be taken consecutively, with no intervening unpaid leave. The City will provide employees with time away from work as required by state or federal statutes, if there are requirements for such time off that are not described in the personnel policies.

Vacation

Regular full-time exempt employees shall earn paid vacation in accordance with the following schedule based on years of continuous employment ~~and work day schedule:~~

<u>Years of Service</u>	<u>Vacation Accrual</u>
<u>0</u>	<u>100</u>
<u>1</u>	<u>110</u>

<u>2</u>	<u>120</u>
<u>3</u>	<u>130</u>
<u>4</u>	<u>140</u>
<u>5</u>	<u>150</u>
<u>6</u>	<u>160</u>
<u>7</u>	<u>170</u>
<u>8</u>	<u>180</u>
<u>9</u>	<u>190</u>
<u>10</u>	<u>200</u>
<u>11</u>	<u>210</u>
<u>12</u>	<u>220</u>
<u>13</u>	<u>230</u>
<u>14</u>	<u>240</u>
<u>15</u>	<u>250</u>

<u>Years of Service</u>	<u>Annual Accrual</u>	
	<u>Administration</u>	<u>Police / Public Works</u>
0 through year 4	100 hours	80 hours
5-9	150 hours	120 hours
10-14	200 hours	160 hours
15-19	225 hours	180 hours
20+	250 hours	200 hours

Vacation accruals shall be based on each employee’s anniversary date. Vacation time is paid at the employee’s base pay rate at the time of vacation. Employees must have worked at least 1,040 hours the previous year for vacation to accrue.

In the event that available vacation and / or compensatory time is not used by the end of the benefit year, employees may carry eighty (80) hours of unused time forward to the next benefit year with administrative approval.

To take vacation, employees should request approval from their supervisors in advance. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

Sick Leave

Full time employees will accrue sick leave benefits at the rate of one day per month beginning upon the employee’s hire. One day shall mean 10 hours for Administration employees and 8 hours for Police and Public Works employees.

Employees must work at least fourteen (14) days in any one calendar month for sick leave to accumulate for that month. Sick leave does not accrue during an unpaid leave of absence.

Employees are to use this paid leave only when they are unable to work for medical reasons and under the following conditions:

- When an employee is unable to perform work duties due to illness or disability (including pregnancy)
- For medical, dental, or other care provider appointments
- When an employee has been exposed to a contagious disease of such nature that his / her presence at the workplace could endanger the health of others
- To care for the employee's injured or ill children, including stepchildren or foster children, for such reasonable periods as the employee's attendance with the child may be necessary
- To take children, including stepchildren, to a medical, dental, or other care provider appointment

If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement may be required for verifying the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well, and may be required as a condition to receiving sick leave benefits.

Before returning to work from a sick leave absence of seven calendar days or more, an employee must provide a physician's verification that he / she may safely return to work.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

After accrued sick leave has been exhausted, vacation leave may be used upon approval of the City Administrator, to the extent the employee is entitled to such leave.

Employees will be allowed to accumulate a total of 960 hours of sick leave benefits. ~~Employees who leave the City in good standing by retirement or resignation will receive pay for 50% of their unused accrued sick leave, up to a maximum of 60 days.~~

Resolution A-93-7 defines sick leave accrual for those employees who, at the date of adoption of the resolution, had accumulated in excess of 960 hours. Only those employees specified will be allowed to keep their accumulated days. All other employees are subject to the maximum 960 hours accrual. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.

Employees who are on sick leave or medical leave for more than 30 days are required to turn in all City property. Items will be returned to the employee once they have returned to work.

Administrative Leave

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

Adoptive Parents Leave

Adoptive parents will be given the same opportunities for leave as biological parents (see provisions for Parenting Leave). The leave must be for the purpose of arranging the child's placement or caring for the child after placement. Such leave must begin before or at the time of the child's placement in the adoptive home.

Bone Marrow Donation Leave

Full-time employees to undergo medical procedures to donate bone marrow are allowed a paid leave of absence not to exceed forty (40) hours, unless agreed to by the City. A physician's verification of the purpose and length of the leave is required. If there is a medical determination that the employee does not qualify as a bone marrow donor, paid leave granted prior to the medical determination is not forfeited.

Court Appearances

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

Elections Leave

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 the employee gives the City at least ten (10) days written notice.

Funeral Leave

Employees will be permitted to use up to three (3) consecutive working days, with pay, as funeral leave upon the death of an immediate family member. The ~~City of Newport~~City defines an "immediate family member" as a spouse, ~~or~~ a child, step-child, mother, father, sister, brother, grandparent of the employee or the employee's spouse. This paid leave will not be deducted from the employee's vacation or sick leave balance.

The actual amount of time off, and funeral leave approved, will be determined by the supervisor or City Administrator depending on individual circumstances.

General Leave

Full-time employees who have worked for the ~~City of Newport~~City for at least 180 days may apply for an unpaid leave of absence for personal or emergency reasons. The granting of such leave will be at the sole discretion of the City and will not be granted for periods exceeding ninety (90) days in duration. The City may, in its discretion, extend such a leave upon written request by the employee, but not, in any event, to exceed a total of twelve (12) months.

Requests for personal leave will be evaluated on a number of factors to ensure efficiency in the conduct of the City business, including employee / department workload and the reason for the leave.

Requests for leave must be made in writing with a full explanation for the leave and, if possible, submitted to the City Administrator fourteen (14) days in advance of the leave date.

An employee on an unpaid leave of absence will be entitled to retain the employee's accrued leave and other benefits. The employee will accrue no sick leave, vacation, holiday, or other benefits for the period of time that the employee is on leave.

Health insurance benefits will be provided by the ~~City of Newport~~City to the employee until the end of the month in which the approved personal leave begins. At that time, employees will subject to paying for full costs of the benefits they wish to continue.

If the employee has an unauthorized absence from work promptly at the expiration of the approved leave period, the ~~City of Newport~~City will consider the employee to have resigned.

Jury Duty

Regular full-time employees will be granted paid leaves of absence for required jury duty. Such employees will be required to turn over any compensation they receive for jury duty to the City in order to receive their regular wages for the period. Time spent on jury duty will not be counted as time worked in computing overtime.

Employees are expected to report for work whenever the court schedule permits.

Employees are required to notify their supervisor as soon as possible after receiving notice to report for jury duty. The employee will be responsible for ensuring that a report of time spent on jury duty and pay form is completed by the Clerk of Court so the City will be able to determine the amount of compensation due for the period involved.

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

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, efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding a total of fifteen (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. In calculating the five years of service, inactive duty service, such as drill weekends and annual training, are not counted. An employee is entitled to military leave regardless of whether the military duty is involuntary or the employee volunteered for the duty.

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 thirty (30) days will be at the expense of the employee for up to twenty four (24) months.

When possible, notice is to be provided to the City at least ten (10) working days in advance of the requested leave. Employees have the option of using accrued vacation during the period of military service. Employees will continue to accrue seniority with respect to employment while engaged in military service.

Parental Leave

The ~~City of Newport~~City grants up to six (6) weeks of unpaid parental leave for the birth or adoption of a child. To be eligible for this leave, an employee must have worked half-time for the City for at least twelve (12) consecutive months prior to requesting the leave.

The leave will begin at a time requested by the employee, but must begin within six (6) weeks of the birth or adoption. If the child must be in the hospital longer than the mother, the leave can begin six (6) weeks after the child leaves the hospital. The employee is not required to use sick leave for this absence.

The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage will remain in effect during the six (6) week Parenting Leave.

School Conference & Activities Leave

An employee has unpaid leave of up to a total of sixteen (16) hours within a twelve (12) month period to attend school conferences or school-related activities that cannot be scheduled during non-work hours. If the employee's child receives childcare services or attends a pre-kindergarten regular or special education program, the employee may use the leave time to attend a conference or activity related to the employee's child or to observe and monitor the services or program, provided the conference, activity, or observation cannot be scheduled during non-work hours.

When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide the supervisor with reasonable prior notice and make a reasonable effort to schedule the leave so as not to disrupt the operations of the ~~City of Newport~~City. The employee may substitute any accrued paid vacation leave or other appropriate leave for any part of the leave.

Sick Child Leave

Employees with children, including step-children, may use their sick leave in order to care for a sick child. The use of sick leave to take care of a child must be used in the same manner as the employee who would use the sick leave for his / her own illness.

Victim or Witness Leave

An employee who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony is entitled to reasonable time off from work to attend criminal proceedings related to the victim's case.

Voting Leave

Every employee who is entitled to vote at any statewide election or any election to fill a vacancy in the office of Representative in Congress is entitled to be absent from work for two hours for the purpose of voting during the election day without penalty or deduction from the employee's salary or wage on account of such absence. Arrangements must be made with the employee's supervisor at ~~lest~~least twenty four (24) hours in advance.

FAMILY & MEDICAL LEAVE

General

In accordance with the Family and Medical Leave Act (FMLA) unpaid job protected leave will be granted to all eligible employees for up to twelve (12) weeks per twelve (12) month period for any of the following reasons:

1. Birth or placement of a child with the employee for adoption or foster care;
2. To care for a spouse, child or parent who has a serious health condition; or
3. A serious health condition that makes the employee unable to perform the essential functions of the position.

In accordance with the law, the following definitions apply:

"Caring" for someone includes psychological as well as physical care. It also includes acquiring care and sharing care duties.

An eligible “child” is defined as a person under 18 years of age (or a person incapable of self-care because of a physical or mental disability) who is a biological, adopted, foster, or step-child, a ward of the employee, or a person with whom the employee is charged with a parent’s rights, duties, and responsibilities.

An eligible “parent” includes a biological parent or a person who was charged with a parent’s rights, duties, and responsibilities over the employee when the employee was under the legal age, but doesn’t include in-laws.

“Serious health condition” is defined in Federal law, but generally includes incapacity requiring absence from work or more than three (3) days that also involves continuing treatment by a health care provider (includes prenatal care).

Eligibility

An eligible employee is one who has worked for the City for a cumulative period of twelve (12) months and at least 1,250 hours during the twelve (12) month period prior to the start of leave.

Length of Leave

The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12) month period. The entitlement to FMLA leave for the birth or placement of a child expires twelve (12) months after the birth or placement of that child.

Leave Year

The 12-month period is calculated by measuring twelve (12) months backward from the start date of the employee’s last FMLA leave.

Notice

The employee is to give verbal or written notice to his / her supervisor at least thirty (30) days prior to the date on which leave is to begin or if the thirty (30) days notice cannot be given as much notice as practical.

If an employee fails to give thirty (30) days notice for a foreseeable leave with no reasonable explanation for the delay, the leave may be denied until thirty (30) days after the employee provides notice. To the extent possible, planned medical treatment should be scheduled so that it will not unduly disrupt the City’s operations.

Medical Certification

The employee may be required to provide medical certification to support a request for leave because of the serious health condition of a child, spouse, parent, or the employee. The certification is to be completed by the attending physician or practitioner and submitted to the City Administrator within ten (10) days after requested, or as soon as reasonably practicable.

Recertification

Recertification may be required if the employee requests an extension of the original length approved by the City or if the employee’s circumstances change. Recertification may also be required if there is a question as to the validity of the certification or if the employee is unable to return to work due to the serious health condition.

Intermittent Leave

Leave requested because of a serious health condition of either a family member or the employee may be taken intermittently or on a reduced schedule if medically necessary. All requests for intermittent leave will be evaluated on a case-by-case basis.

The City may require the employee to transfer temporarily to an alternative position, with equivalent pay and benefits that better accommodates the intermittent leave than the employee's regular position.

Fitness for Duty Certification

The City may require a medical certificate attesting to the employee's fitness for duty prior to return to work. The fitness for duty report must be based on the particular health condition(s) for which the leave was approved and must address whether the employee can perform the essential functions of his / her regular job.

The City Administrator may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the ADA (Americans with Disabilities Act). If a fitness for duty certification is required, the City may deny reinstatement until it is provided.

Job Protection

Employees returning from Family and Medical Leave will be reinstated in their former position or a position equivalent in pay, benefits, and other terms and conditions of employment.

An employee's reinstatement rights are the same as they would have been had the employee not been on leave. Thus, if an employee's position would have been eliminated or an employee would have been terminated had they not been on leave, the employee would not have the right to be reinstated upon return from leave.

Effect on Benefits

An employee granted leave under this policy will continue to be covered under the City's group health plan under the same conditions and at the same level of City contribution as would have been provided had they been continuously employed during the leave period. If there are changes in the City's contribution levels while the employee is on leave, those changes will take place as if the employee were still on the job.

The employee will be required to continue payment of the employee portion of group insurance coverage. In addition, the employee will be responsible for the employee's portion and the City's portion plus any required administrative fee for life insurance continuation, if continuation is desired. The City may choose to continue the City's portion if administratively more convenient.

Arrangements for payment of the employee's portion of premiums must be made by the employee with the City. If an employee's contribution is more than thirty (30) days late, the City may terminate the employee's insurance coverage, subject to COBRA requirements.

Seniority

Seniority does not accrue during any period of unpaid FMLA except as allowed when the leave is covered by worker's compensation. However, seniority accrued prior to the commencement of FMLA leave will not be lost.

Use of Accrued Paid Leave or Compensatory Time During Family and Medical Leave

During the Family and Medical Leave, employees must use accrued sick leave, vacation leave, and compensatory time prior to taking an unpaid leave unless their medical condition / injury is covered by worker's compensation or the absence qualifies under the state Parental Leave law.

FMLA leave counts as continued service for purpose of retirement and / or pensions plans.

Records Retention

Records on FMLA leave will generally be kept with normal payroll records except that any medical record will be maintained separately as a confidential medical record in accordance with the law.

Failure to Return from FMLA Leave

Employees who cannot return from an approved FMLA leave at the end of the approved leave period may request an extension (up to the maximum of twelve (12) weeks allowed under FMLA). If the twelve (12) FMLA weeks have already been used, the employee can request to go on a regular unpaid leave of absence. If approved, before unpaid leave begins the employee must use any accrued sick leave, compensatory time, or vacation leave that remains. If the leave is approved and unpaid, the employee will be required to pay the full cost of all group insurance, as provided under COBRA, in order to continue coverage.

If the unpaid leave of absence is not approved or the employee fails to request additional leave, the employee will be considered to have voluntarily resigned. If circumstances beyond the employee's control prevented the employee from requesting additional leave, a retroactive leave request may be allowed, subject to the City Council's approval.

If an employee fails to return from an FMLA leave and is determined to have voluntarily quit as described above, the City may seek reimbursement from the employee for the portion of the insurance premiums paid by the City on behalf of that employee during the period of leave.

Light Duty / Modified Duty Assignment

This policy is to establish guidelines for temporary assignment of work to temporarily disabled employees who are medically unable to perform their regular work duties. Light duty is evaluated by the City Administrator on a case-by-case basis. This policy does not guarantee assignment to light duty.

Such assignments are for short-term, temporary disability-type purposes; assignment of light duty is at the discretion of the City Administrator. The City Administrator reserves the right to determine when and if light duty work will be assigned.

When an employee is unable to perform the essential requirements of his / her job due to a temporary disability, he / she will notify the supervisor in writing as to the nature and extent of the disability and the reason why he / she is unable to perform the essential functions, duties, and requirements of the position. This notice must be accompanied by a physician's report containing a diagnosis, current treatment, and any work restrictions related to work with no restrictions, meeting all essential requirements and functions of the City's job description, along with a written request for light duty. Upon receipt of the written request, the supervisor is to forward a copy of the report to the City Administrator.

The City may require a medical exam conducted by a physician selected by the City to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

It is at the discretion of the City Administrator whether or not to assign light duty work to the employee. Although this policy is handled on a case-by-case basis, light duty will not generally be approved beyond six months.

If the City offers a light duty assignment to an employee who is out on worker's compensation leave, the employee may be subject to penalties if he / she refuses such work. The City will not, however, require an employee who is otherwise qualified for protection under the Family and Medical Leave Act to accept a light duty assignment.

The circumstances of each disabled employee performing light duty work will be reviewed regularly. Any light duty / modified work assignment may be discontinued at any time.

WELCOME TO THE CITY OF NEWPORT!

Dear Employee:

Welcome! I am pleased to have you join the City of Newport, a team of dedicated individuals working together to provide high quality services to the residents, businesses, and property owners in the City. I hope that you will find the information in this policy beneficial to helping you succeed in your new position.

The City's overall mission is being “committed to serving the people and businesses of Newport” and the City Council and staff are committed to achieving this goal through the provision of quality municipal services. I encourage you to review the City's mission and value statements included in this policy. We recognize that our dedicated, professional City employees are our greatest resource and that the maintenance of a high quality municipal work force is essential in reaching these long term goals.

The City of Newport's success, like the success of any business, relies heavily on the level of teamwork and cooperation of all staff members. Through teamwork, each individual contributes to the growth and development of the entire City of Newport. Your attitude and efforts contribute much toward achieving our goals.

This policy summarizes many current City policies and guidelines. Please read this guide thoroughly and keep it as a reference. Please consult your supervisor with any questions you may have.

Again, welcome to the City of Newport and I look forward to your success here.

Sincerely,

City Administrator

INTRODUCTION

Purpose

It is the purpose of these policies to establish a uniform and equitable system of personnel administration for employees of the City. Their provisions do not establish terms and shall not be construed as contractual provisions. They are not intended to be all-inclusive or cover every situation that may arise. These policies may be amended at any time at the sole discretion of the City Council and they will supersede all previous personnel policies. Revisions and amendments shall become effective upon approval by the Newport City Council.

Scope

These policies apply to all employees of the City. Except where specifically noted, these policies do not apply to:

1. Elected Officials;
2. City Attorney;
3. Members of City Boards, Commissions, and Committees;
4. Consultants and Contractors;
5. Volunteers, except as specifically noted for paid on-call firefighters.

If any specific provisions of the Personnel Policies conflict with any current union agreement or civil service rules, the union agreement or civil service rules will prevail. This includes, but is not limited to vacation schedule, holidays, severance pay, sick leave, etc. Any policy or portion thereof, that does not conflict with a labor agreement, will remain in full force and effect and will continue to govern the actions of all covered employees. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

Departments may have special work rules deemed necessary by the supervisor and approved by the City Administrator for the achievement of objectives of that department. Each employee will be given a copy of such work rules by the department upon hiring and such rules will be further explained and enforcement discussed with the employee by the immediate supervisor.

EEO Policy

The City 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 will not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, ancestry, gender, sexual orientation, disability, age, marital status, status with regard to public assistance, membership on a local human rights commission, or any other characteristic protected by law.

The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Data Practices Advisory

Employee records are maintained in a location designated by the City Administrator. 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, document employee performance, etc.

Personnel files are the property of the City and access to the information they contain is restricted. Generally, only supervisors and management of personnel of the City who have legitimate reason to review information in a file are allowed to do so.

Employees have the right to know what data is retained, where it is kept, and how it is used. All employee data will be received, retained, and disseminated according to the Minnesota Government Data Practices Act. Employees who wish to review their own file should contact the City Administrator. With written advance notice, employees may review their own personnel files, within seven working days of the City's receipt of the written notice. The files may be reviewed in the City's offices and in the presence of an individual appointed by the City to maintain the files.

Employment of Relatives

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships. It is the intent of the City to avoid such circumstances and / or conflicts.

Although the City has no prohibition against hiring relatives of existing employees, the City is committed to monitoring situations in which relatives work in the same area. In the case of actual or potential problems, the City will take prompt action. This can include reassignment or, if necessary, termination of employment for one or both of the individuals involved.

For purposes of this policy, a relative is any person who is related by blood, or whose relationship with the employee is similar to that of persons who are related by blood, such as marriage.

Immigration Law Compliance

The City is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the City within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the City Administrator. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

DEFINITIONS

For purposes of these policies, the following definitions will apply:

Authorized Hours

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

Benefits

Privileges or non-monetary compensation granted to employees that are included in the total compensation to employees.

Compensatory Time

Time of work at one-and-one half times the number of overtime hours worked.

Demotion

The movement of an employee from one job class to another within the City, where the maximum salary for the new position is lower than that of the employee's former position.

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 requirements that a certain amount be automatically withheld from employees' earnings. Specifically, FICA requires an employee contribution of 6.2% for Social Security and 1.45% for Medicare. The City contributes a matching 7.65% on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., police officers).

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, or two thousand eighty (2,080) hours per year in an ongoing position.

Job Classification

A group of positions sufficiently alike in duties, qualifications, authority, and responsibility to warrant the same job title, grade, and pay schedule for all positions in the group.

Job Description

The written description of a job containing a title, a statement of duties, authority and responsibilities of the job, and the qualifications deemed necessary and / or desirable for the satisfactory performance of the duties of the job.

Management Employee

An employee who is responsible for managing a department or division of the City.

Non-Exempt Employee

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

Overtime

Time worked in excess of forty (40) hours per week or in excess of the employee's normal work schedule as established by the employer.

Part-Time Employee

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

Pay Period

A fourteen (14) day period beginning at 12:00 a.m. (midnight) on Monday through 11:59 p.m. on Sunday, fourteen (14) days later.

PERA (Public Employees Retirement Association)

Statewide pension program in which all City employees meeting program requirements must participate in accordance with Minnesota law. The City and the employee each contribute to the employee's retirement account. Employees that receive \$425 in wages during any month are eligible for PERA.

Promotion

Movement of an employee from one job class to another within the City, where the maximum new salary for the new position is higher than that of the employee's former position.

Reclassify

Movement of a job from one 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 (100 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.

Service Credit

Time worked for the City. An employee begins earning service credit on the first day worked for the City. Some forms of leave will create a break in service.

Temporary Employee

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

Training Period

A six month period at the start of employment with the City (or at the beginning of a promotion, reassignment, or transfer) that is designated as a period within which to learn the job. The training period is the last part of the selection process.

Transfer

Movement of an employee from one City position to another of equivalent pay.

EMPLOYEE RECRUITMENT & SELECTION

Scope

The City Administrator or a designee will manage the hiring process for positions within the City. While the hiring process may be coordinated by staff, the City Council is responsible for the final hiring decision for full-time positions and must approve all hires to City employment. All hires will be made according to merit and fitness related to the position being filled.

Features of the Recruitment System

The City Administrator or designee will determine if a vacancy will be filled through an open recruitment or by promotion, transfer, or some other method. This determination will be made on a case-by-case basis. The majority of position vacancies will be filled through an open recruitment process.

Application for employment will be made on application forms provided by the City. Supplemental questionnaires may be required in certain situations. 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 City Administrator.

Position vacancies may be filled on an “acting” basis as needed. The City Council will approve all acting appointments. Pay rate adjustments, if any, will be determined by the City Council.

Testing & Examinations

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

Internal recruitments will be open to any City employee who: (1) has successfully completed 180 calendar days in their current position; (2) meets the minimum qualifications for the vacant position; and (3) currently is and for the last six months been in good standing with the City, which includes having no written warnings on file or suspensions.

The City Council or designee will establish minimum qualifications for each position with input from the appropriate supervisor. To be eligible to participate in the selection process a candidate must meet the minimum qualifications.

Pre-Employment Medical Examinations

The City Administrator or designee may determine that a pre-employment examination, which may include a psychological examination, is necessary to determine fitness to perform the essential functions of any City position safely.

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.

When required, the medical exam will be conducted by a licensed physician designated by the City with the cost of the exam paid by the City. (Psychological / psychiatric exams will be conducted by a licensed psychologist or psychiatrist.) The physician will notify the City Administrator or designee that a candidate either is or is not medically able to perform the essential functions of the job, with or without accommodations, and whether the candidate passed a drug test, if applicable. If the candidate requires accommodation to perform one or more of the essential functions of the job, the City Administrator 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.

Selection Process

The selection process will be a cooperative effort between the City Administrator or designee and the hiring supervisor, subject to final hiring approval by the City Council (for full-time positions only). Any, all, or none of the candidates may be interviewed.

The process for hiring seasonal, temporary, or part-time employees will be delegated to the appropriate supervisor.

Background Checks

All finalists for employment with the City will be subject to a background check to confirm information submitted as part of application materials and to assist in determining the candidate's suitability for the position. Except where already defined by state law, the City Administrator will determine the level of background check to be conducted based on the position being filled.

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 the employee in work expectations. Training periods apply to new hires, transfers, promotions, and rehires. Training and probationary periods are generally six months to one year in duration depending on the Department.

If a full-time employee elects to receive health benefits through the City, the City will prorate the assigned amount for their Health Savings Account and deposit the appropriate amount on a monthly basis during their probationary period. At the end of their probationary period, the remaining amount will be deposited.

If a full-time employee leaves the City during their probationary period, they will be required to reimburse the City for all costs associated with their employment, including but not limited to, uniforms, medical exams, etc. These costs will be taken from the employee's last paycheck.

ORGANIZATION

Job Descriptions

The City will maintain job descriptions for each regular position. New positions will be developed as needed, but must be approved by the City Council prior to the position being filled.

A job description is prepared for each position within the City. Each job description will include: position title, department, supervisor's title, FLSA status (exempt or non-exempt), primary objective of the position, essential functions of the position, examples of performance criteria, minimum requirements, desirable training and

experience, supervisory responsibilities (if any), and extent of supervisor direction or guidance provided to position.

Prior to posting a vacant position, the existing job description is reviewed by the City Administrator or designee and the hiring supervisor to ensure that the job description is an accurate reflection of the position and that the stated job qualifications do not present artificial barriers to employment.

A current job description is provided to each new employee. Supervisors are responsible for revising job descriptions as necessary to ensure that the position's duties and responsibilities are accurately reflected. All revisions are reviewed and must be approved by the City Administrator

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

Assigning and Scheduling Work

Assignment of work duties and scheduling work is the responsibility of the supervisor.

HOURS OF WORK

Work Hours

Forty (40) hours will constitute the regular work week for full-time employees. Work schedules for employees will be established by supervisors and may be subject to change with the approval of the City Administrator. A regular work week is outlined as follows:

The regular work hours for Administration employees is Monday through Thursday from 8:00 a.m. to 6:00 p.m. A regular work day shall be 10 hours.

The regular work hours for Public Works employees varies throughout the year. A regular work day shall be 8 hours.

Meal Breaks and Rest Periods

A paid fifteen (15) minute break is allowed within each four (4) consecutive hours of work. An unpaid (30) minute lunch period is provided when an employee works eight or more consecutive hours.

If approved by your supervisor, you may, on a daily basis, extend your one-half hour lunch break by fifteen (15) minutes or thirty (30) minutes by foregoing one or both of your breaks.

Attendance & Punctuality

The operations and standards of service in the City require that employees be at work unless valid reasons warrant absence. Absenteeism and tardiness place a burden on other employees and the City.

Employees who are going to be absent from or tardy to work are required to notify their supervisor as soon as possible in advance of the absence. In case of unexpected absence, employees should call their supervisor before the scheduled starting time. If the supervisor is not available at the time, the employee should leave a message that includes a telephone number where he / she can be reached and / or contact any other individual who was designated by the supervisor. Failure to use established reporting process will be grounds for disciplinary action. Departments may establish more specific reporting procedures.

The employee must call the supervisor on each day of an absence extending beyond one (1) day unless arrangements otherwise have been made with the supervisor. Employees who are absent for three (3) days or more and who do not report the absence in accordance with this policy, will be considered to have voluntarily resigned not in good standing. The City may waive this rule if extenuating circumstances warranted such behavior. This policy does not preclude the City from administering discipline for unexcused absences of less than three (3) days.

Adverse Weather Conditions

The Mayor may authorize the closing of City offices due to inclement weather. If offices are closed, each department head will be responsible for notifying employees of such closing.

In the event that offices are closed due to inclement weather during the course of the workday or for the full work day, employees will be paid for a full work day and will not be required to use vacation leave, leave without pay, compensatory time, or personal leave.

Employees excluded from this policy include: Police employees and Public Works employees who are involved in snow plowing activities. These employees will be expected to report to and remain at work under all weather conditions.

State of Emergencies or Emergency Work

Compensation for non-union management and supervisory personnel shall follow Resolution No. 96-55 and the Administrative Policy during a Declared "State of Emergency," which was approved March 14, 1997.

COMPENSATION

Full-time 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 or travel expenses may be authorized in addition to regular pay.

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

Pay Periods

Employees are paid on a bi-weekly basis. When payday falls on a holiday, checks / direct deposits are normally issued the day before the holiday.

Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to the City. Employees will receive an itemized statement of wages when the City makes direct deposits.

Employees are responsible for notifying the appropriate personnel of any change in status including changes in address, phone number, names of beneficiaries, marital status, bank account information, etc.

Time Reporting

Full-time, non-exempt employees are expected to work 40 hours per work week and will be paid according to the time reported on their timesheets. 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 bi-weekly basis.

Each time reporting form must include the signature of the employee and immediate supervisor. Reporting false information on a timesheet may be cause for immediate termination.

Overtime / Compensatory Time

The City has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The City Administrator will determine whether each employee is designated as “exempt” or “non-exempt” from earning overtime.

Non-Exempt, Non-Administration (Overtime-eligible) Employees:

All Non-Exempt, Non-Administration overtime-eligible employees will be compensated at the rate of time and one-half for all hours worked over forty (40) in one work week.

The employee’s supervisor must approve overtime hours in advance. An employee who works overtime without prior approval may be subject to disciplinary action.

Non-Exempt Administration (Overtime-eligible) Employees:

All Non-Exempt Administration overtime-eligible employees will be compensated with compensatory time at the rate of time and one half for all hours worked over forty (40) in one work week.

The employee’s supervisor must approve overtime hours in advance. An employee who works overtime without prior approval may be subject to disciplinary action.

PERFORMANCE EVALUATIONS

An objective performance evaluation system will be established by the City Administrator or designee for the purpose of periodically evaluating the performance of City employees. The quality of an employee’s past performance will be considered in personnel decisions such as promotions, transfers, demotions, terminations, and 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 evaluations are to be conducted after the employees’ first six months and then annually thereafter. The evaluation form(s), with all required signatures, will be retained as part of the employee’s personnel file.

During the training / probationary 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.

TEMPORARY & PART-TIME EMPLOYMENT

Persons whose employment is part-time, seasonal or temporary will not be entitled to sick leave, vacation benefits, holiday pay, or insurance benefits, except for workers compensation insurance.

An employee on a temporary part-time status does not accumulate seniority with the City.

The following sections of the Employee Personnel Policy do not apply to part-time, seasonal or temporary employees:

- Educational Assistance
- Benefits
- Leaves
- Family and Medical Leave
- Benefit Providers

An employee on temporary or part-time status will be entitled to such public employee benefits as may be provided under the Public Employment Labor Relations Act, Minn. Stat. § 179A.

CITYWIDE WORK RULES & CODE OF CONDUCT

Conduct as a City Employee

In accepting City employment, employees become representatives of the City and are responsible for assisting and serving the citizens for whom they work. An employee's primary responsibility is to serve the residents of Newport. Employees should exhibit conduct that is ethical, professional, 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 supervisors.

The following are job requirements for every position at the City. All employees are expected to:

- Perform assigned duties to the best of their ability at all times.
- Render prompt and courteous service to the public at all times.
- Read, understand and comply with the rules and regulations as set forth in these Personnel Policies as well as those of their departments.
- Conduct themselves with decorum toward both residents and staff and respond to inquiries and information requests with patience and every possible courtesy.
- Report any and all unsafe conditions to the immediate supervisor.
- Maintain good attendance.

Access to and Use of City Property

Any employee who has authorized possession of keys, tools, cell phones, pagers, credit cards, identification badges, or other City-owned / issued equipment must register his / her name and the serial number (if applicable) or identifying information about the equipment with his / her supervisor. All such equipment must be turned in and accounted for by any employee leaving employment with the City in order to resign in good standing, or immediately upon request.

Employees are responsible for the safekeeping and care of all such equipment. The duplication of keys owned by the City is prohibited unless authorized by the City Administrator. Any employee found having an unauthorized duplicate key will be subject to disciplinary action.

Appearance

Departments may establish dress codes for employees as part of departmental rules. Personal appearance should be appropriate to the nature of the work and contacts with other people and should present a positive image to the public. Clothing, jewelry, or other items that could present a safety hazard are not acceptable in the workplace. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Conflict of Interest

Employees shall not engage in any activities which create, or might appear to create, a conflict of interest with the employee's responsibilities and obligations to the City. Employees shall fully and completely disclose to the City Administrator any actual or potential conflict of interest he or she may be facing so that the City may assess and prevent potential conflicts. 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 perceived or actual conflict of interest.

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.

Gifts Acceptance

Minnesota State law prohibits any City employee from accepting a gift from anyone doing business with the City. While the State law allows limited exceptions, for all practical purposes, gifts of any value are prohibited.

Personnel Data Changes

The employee is responsible for notifying the City Administrator or designee of any changes in personnel data. Personal mailing addresses, telephone numbers, individuals to be contacted in the event of an emergency, and other such status reports should be accurate and current at all times.

Political Activity

City employees have the right to express their views and to pursue legitimate involvement in the political system. However, no City 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 pre-approved by the City 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.

Per Minnesota State law, the Mayor nor any City Council member may be employed by the City. "Employed" refers to full-time permanent employment.

Drug-Free Workplace

While on the City premises and while conducting business-related activities off the City premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the City of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

The City recognizes drug and alcohol 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 or Employee Assistance Plans, as appropriate.

Random testing without prior notice may be given to those employees who are in safety sensitive positions, including any supervisory or management position in which an impairment caused by drug or alcohol use would

threaten the health or safety of any person. Testing without prior notice may be given to employees who have been referred by the employer for chemical dependency treatment or evaluation or who are participating in a chemical dependency treatment program under an employee benefit plan or have participated in a chemical dependency treatment program in the prior two years.

Smoking

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 only during their breaks and lunch, and only in areas designated for that purpose.

RESPECTFUL WORKPLACE POLICY

The intent of this policy is to provide general guidelines about the conduct that is and is not appropriate in the workplace. The City 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 City personnel, including regular and temporary employees, volunteers, firefighters, and City Council members.

Abusive Customer Behavior

While the City has a strong commitment to customer service, the City does not expect that employees accept verbal abuse from any customer. Any 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, 9-1-1 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.

Types of Disrespectful Behavior

The following types of behaviors cause a disruption in the workplace and are, in many instances, unlawful:

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 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 City Administrator.

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.

Possession and Use of Dangerous Weapons

Possession or use of a dangerous weapon is prohibited on City property, in City vehicles, or in any personal vehicle, which is being used for City 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 City 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.

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 take 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 City Administrator. 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, City Administrator, or Police Department. 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 City Administrator.

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

Supervisor's Response to Allegations of Disrespectful Workplace Behavior

In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations within two business days to the City Administrator, 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
- List of witnesses
- Identification of the offender

Step 3. The supervisor must notify the City Administrator 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.

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 City Administrator who will assume the responsibility for investigation and discipline.

If the City Administrator is perceived to be the cause of a disrespectful workplace behavior, a report will be made to the City Attorney, who will confer with the Mayor and City Council regarding appropriate investigation and action.

If a Council Member is perceived to be the cause of a disrespectful workplace behavior incident involving City personnel, the report will be made to the City Administrator and referred to the City Attorney, who will undertake the necessary investigation. The City Attorney will report his / her findings to the City Council, which will take the action it deems appropriate.

Pending completion of the investigation, the City Administrator may at his / her discretion take appropriate action to protect the alleged victim, other employees, or citizens.

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 statuses and City personnel policies, the City may discipline any individual who retaliates against any person who reports alleged violations of this policy. The City 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.

DISCIPLINE

General Policy

Supervisors are responsible for maintaining compliance with City standards of employee conduct. The objective of this policy is to establish a standard disciplinary process for employees of the City. City 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 City policies.

Discipline will be administered in a non-discriminatory 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 City's personnel policies. The supervisor and / or the City Administrator will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

No Contract Language Established

This policy is not to be construed as contractual terms and is intended to serve only as a guide for employment discipline.

Process

The City 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. Nothing in these personnel policies implies that any City 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:

Oral Reprimand

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

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

Written Reprimand

A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected or the behavior has not consistently improved in a reasonable period of time. Serious infractions may require skipping either the oral or written reprimand, or both. Written reprimands are issued by the supervisor with prior approval from the City Administrator.

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

Employees will be given a copy of the reprimand to sign acknowledging its receipt. Employees' signatures do not mean that they agree with the reprimand. Written reprimands will be placed in the employee's personnel file.

Suspension With or Without Pay

The City Administrator may suspend an employee without pay for disciplinary reasons. Suspension without pay may be followed with immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans will not be suspended without pay in conjunction with termination.

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. The leave may be with or without pay depending on a number of factors, including the nature of the allegations. 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.

Demotion and / or Transfer

An employee may be demoted or transferred if attempts at resolving an issue have failed and the City Administrator determines a demotion or transfer to be the best solution to the problem. The employee must be qualified for the position to which they are being demoted or transferred. The City Council must approve this action.

Salary

An employee's salary increase may be withheld or the salary may be decreased due to performance deficiencies.

Dismissal

The City Administrator, with the approval of the City Council, may dismiss a full-time employee for substandard work performance, serious misconduct, or behavior not in keeping with City standards. Part-time, seasonal, or temporary employees may be dismissed by their immediate supervisor without City Council approval.

If the disciplinary action involves the removal of a qualified veteran, the appropriate hearing notice will be provided and all rights will be afforded the veteran in accordance with Minnesota law.

GRIEVANCE PROCEDURE

Any dispute between an employee and the City 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 twenty one (21) 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 City Administrator within seven (7) days after the supervisor's response is due. The City Administrator or his / her designee will respond to the employee in writing within seven (7) calendar days. The decision of the City Administrator is final.

Waiver

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

The following actions are not grievable:

1. Performance evaluations;
2. Pay increases or lack thereof; and

3. Merit pay awards.

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

SEPARATION FROM SERVICE

Resignations

Employees wishing to leave the City service in good standing must provide a written resignation notice to their supervisor, at least fourteen (14) days before leaving, unless otherwise specified in an employee contract. Prior to an employee’s departure, an exit interview will be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits. The employee’s termination date must be a day worked, not a paid leave. If an employee does not provide advance notice as requested, the employee will be considered ineligible for rehire.

Layoffs

Shortage of work or funds, abolition of positions, or other reasons, may necessitate the layoff of positions from time to time. The City Administrator or Department Head shall make layoff recommendations for regular positions to the Newport City Council. A fourteen (14) calendar day written notice will be provided to affected regular employees. The City Administrator or Department Head may lay off or terminate temporary or seasonal employees with no prior notice and without City Council approval.

Severance Pay

Employees who leave the City in good standing by retirement or resignation will receive pay for 100% of unused accrued vacation and will follow the below schedule for accrued sick leave. The maximum amount of accrued sick leave is 960 hours.

Up to 10 years of service	60% of accrued sick leave
10 to 15 years of service	70% of accrued sick leave
15 or more years of service	80% of accrued sick leave

The payment for accrued sick leave shall be applied toward the Employees Minnesota State Retirement Health Care Savings Plan.

The employee’s last pay check and any benefits will be withheld until all City property is returned to their immediate supervisor.

COMMUNICATION RESPONSE

City staff shall check their electronic mail (e-mail) and voicemail at least once per day. If the message requires a response, the response should be sent as soon as possible, but no later than seventy two (72) hours after the call (excluding weekends and holidays). Receipt of a message should be acknowledged within forty eight (48) hours, even if a subsequent response is required.

For absences of one day or longer, the “Out of Office Assistant” shall be used for the e-mail system. This should state what day(s) the employee will be gone.

For absences of one day or longer, the temporary voicemail greeting shall be activated for the voicemail system. This should state what day(s) the employee will be gone and should give callers an option of talking to another staff member.

E-MAIL USAGE

The City's electronic mail system (e-mail) is designed to facilitate City business communication among employees and other business associates for messages or memoranda. Since no computer system is completely secure, the e-mail system is not intended to transmit sensitive materials, such as personnel decisions and other similar information that may be more appropriately communicated by written memorandum or personal conversation.

The e-mail system is City property and intended for City business. The system is not to be used for employee personal gain or to support or advocate for non-City related business or purposes. All data and other electronic messages within this system are the property of the City.

General Information on Passwords

While you have a confidential password, users should be aware that this does not suggest that the system is for personal confidential communication, nor does it suggest that e-mail is the property right of the employee. The use of the e-mail system is for City business. Passwords should be periodically changed to ensure security of the e-mail system. Users should not share their password with anyone else.

Prohibited Uses

Solicitation of funds, political messages, harassing messages and other such messages are specifically prohibited. All e-mail messages are subject to all state and federal laws, such as, open meeting laws, data practices act, the human rights act, etc.

Retention of E-Mails

Employees, members of the City Council, members of Advisory Boards, and Consultants shall retain all e-mails associated with City business for one month.

Applicability to Employees and Other Users

This e-mail policy applies to all full-time employees, part-time employees, temporary employees, interns, volunteers, and other individuals in all departments who are provided access to the City's e-mail system as necessary for their business purpose with the City.

Employee Termination, Leave of Absence, Vacation, and Other

Employees who are terminated or laid off have no right to the contents of their e-mail messages and are not allowed access to the e-mail system. Department Heads and supervisors may access an employee's e-mail if employees are on a leave of absence, vacation, or are transferred from one department to another department, and if it is necessary for the conduct of business.

System Monitoring

Users expressly waive any right of any privacy in anything they create, store, send, or receive on the company's computer system. The City can, but is not obliged to, monitor e-mails without prior notification. If there is evidence that an employee is not adhering to the guidelines set out in this policy, the City reserves the right to take disciplinary action, including termination and / or legal action.

INTERNET USAGE

Business Use Only

By definition, the Internet is a collection of computers, computer networks, communication protocols, information servers, and personal and organizational information retrieval clients, connected together in a global community. Traffic may cross multiple networks prior to reaching the client destination. The City provides its employees with access to the vast information resources of the Internet to assist them in performing their job duties in an effective and efficient matter. The facilities to provide Internet access represent a substantial commitment of City resources and therefore, the City has developed this policy to ensure that the Internet is being used appropriately.

The Internet is a business tool to be used exclusively for business purposes, i.e., to communicate with customers and suppliers, to research relevant topics, and to obtain business information. When using the Internet, employees are expected to conduct themselves in a professional manner and to respect copyrights, software licensing rules, etc.

Unnecessary or unauthorized Internet usage takes away from work time, consumes supplies, ties up printers and other shared resources. Unlawful Internet usage may also garner negative publicity for the City and expose it to significant legal liabilities.

This policy covers all files that can be read on a computer screen, including HTML files read in an Internet browser, any file meant to be accessed by a word processing or desk-top publishing program or its viewer, any files prepared for the Adobe Acrobat reader and other electronic publishing tools. Graphics includes all photographs, pictures, animations, movies or other drawings.

Prohibited Use

Inappropriate Internet use includes: transmitting obscene, harassing, offensive, or unprofessional messages; accessing any site that is sexually or racially offensive or discriminatory; displaying, downloading, or distributing any sexually explicit material; transmitting any of the City's confidential or proprietary information, including customer data, trade secrets, or other confidential information.

Monitoring

The City reserves the right to monitor employee use of the Internet at any time and employees should not consider their Internet usage to be private. Personal passwords are not an assurance of confidentiality, and the Internet itself is not secure.

Copyright Restrictions; Permission Required

Any software or other material downloaded into the City's computers may be used only in ways consistent with the licenses and copyrights of the vendors, authors, or owners of the material. Prior written authorization from a manager is required before introducing software into the City's computer system. Employees may not download entertainment software, games, or any other software unrelated to their work.

No Company Representation

Only authorized employees may communicate on the Internet on behalf of the City. Employees may not express opinions or personal views that could be misconstrued as being those of the City. Employees may not state their company affiliation on the Internet unless required as part of their assigned duties.

Violations of Policy

Any violation of this policy may result in loss of computer access and disciplinary action, including immediate termination.

TELEPHONE USAGE

City Cellular Phone Use

City cellular telephones are intended for the use of City employees in the conduct of their work for the City. Supervisors are responsible for the cellular telephones assigned to their employees and will exercise discretion in their use.

Supervisors may prohibit employees from carrying their own personal cell phones during working hours if it interferes with the performance of their job duties.

Personal Telephone and Cellular Telephone Calls

All personal telephone calls, text messaging, and e-mailing from telephones, are to be done only during breaks or lunch breaks, or when emergency situations warrant. They are not to interfere with City work and are to be completed as quickly as possible. Any personal long distance costs will be paid for by the employee.

All personal calls made by employees on a City-provided cellular phone must be paid for by the employee through reimbursement to the City based on actual cost listed on the City's phone bill.

NEWS RELEASES

Formal news releases concerning municipal affairs are the responsibility of the City Administrator or his or her designee. All media interviews must be approved by the City Administrator before the interview in all situations practicable. All contacts with the media should be reported to the City Administrator as soon as possible.

No City employee is authorized to speak on behalf of the City without prior authorization from the City Administrator or his / her designee.

All news releases concerning City personnel will be the responsibility of the City Administrator.

CITY DRIVING

This policy applies to all employees who drive a vehicle on City business, whether driving a City-owned vehicle or their own personal vehicle.

The City expects all employees who are required to drive as part of their job, to drive safely and legally while on City business, and maintain a good driving record.

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 City will determine appropriate action on a case-by-case basis.

OUTSIDE EMPLOYMENT

Employees may not engage in outside employment which would conflict with their job or might in any way hinder their objective and impartial performance of their public duties or impair their efficiency on the job.

Employees must not engage in any employment activity or enterprise that is inconsistent, incompatible, or in conflict with his or her duties as a City employee, or with the duties, functions and responsibilities of the department by which he or she is employed.

The following activities are considered inconsistent, incompatible or in conflict with City employment:

- Any employment activity or enterprise which involves the use for private gain or advantage of the City's time, facilities, equipment or supplies, prestige or influence of a City office or employment.
- Activities that involve the receipt or acceptance by the officer or employee of any money or other consideration from anyone other than the City for the performance of an act which the officer or employee would be required or expected to render in the regular course of his or her City employment or a part of his or her duties as a City officer or employee.
- Activities that involve the performance of an act in other than his or her capacity as a city officer or employee which may later be subject directly or indirectly, to the control, inspection, review, audit, or enforcement by such officer or employee or the department by which he or she is employed.
- Activities that involve so much of the employee's time that it impairs his or her attendance or efficiency in the performance of his duties as a City officer or employee.
- Activities that involve the public employee's use of his or her official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise to pay a political contribution, or to take part in political activity.

Employees are free to engage in any political activity of their choice provided it does not conflict with information above.

SAFETY

The health and safety of each employee of the City and the prevention of occupational injuries and illnesses are of primary importance to the City. 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.

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.

Safety Equipment/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.

Unsafe Behavior

Supervisors are authorized to send an employee home immediately when the employee's behavior violates the City's personnel policies, department policies, or creates a potential health or safety issue for the employee or others.

TRAVEL REIMBURSEMENT

Approval

Reimbursement for City business related travel, seminar, and meeting expenses are intended to refund actual costs incurred by employees and elected officials of the City. Employees and City Officials are required to submit itemized receipts in order to be eligible for reimbursement.

All in state and out of state travel must be pre-approved in writing by the City Administrator on prescribed City forms.

Allowable Expenses

Lodging.

Accommodations shall be made at a reasonable cost that is consistent with the facilities available and convenient to the location of the conference, seminar, or meeting attended.

Only costs of single occupancy will be reimbursed. If a double occupancy occurs, the employee is responsible for the additional cost of double over single occupancy.

Lodging costs shall be reimbursable only from the night preceding an event, through the night immediately following such event, unless an additional evening's stay will decrease airfare or lodging costs.

Lodging within the seven county metro area will not be reimbursed.

Any incidental expenses occurred by a spouse or guest attending a conference with an employee must be paid by the employee. Room service and other incidental expenses must be paid for by the employee.

Transportation.

Employees who find it necessary to use their private automobiles for City travel and who do not receive a car allowance will be reimbursed at the current allowable Internal Revenue Service rate. Mileage should be documented on forms prescribed by the City and turned in within 30 days of the travel date.

Air transportation shall be coach-class unless such service is unavailable. Reservations are to be made in advance at the earliest date to ensure the lowest possible fares.

Local transportation, such as a taxicab and bus fares to and from the place of lodging / conference are reimbursable if circumstances require such travel. Costs for local transportation not pertaining directly to City business will not be reimbursed.

Meals.

In-state travel allows an employee to spend up to \$45.00 per day on meals. Reimbursement for meals while on authorized travel shall include only actual expenditures including tax and a 15% tip.

Out of state travel will allow employees to be reimbursed for the reasonable cost of meals exceeding \$45.00 according to the cost of living standards applicable to the area.

Costs for alcoholic beverages shall not be reimbursed.

TRAVEL TIME

The following applies only to non-exempt employees, in accordance with FLSA.

Home to Work Travel

Generally, travel from home to work is not work time, no matter how long the commute. The following examples are exceptions to this rule:

- **Travel from home to work after hours:** An employee who has gone home after completing his or her day's work and is later called out to perform an emergency job can claim all time spent on travel as working time.
- **Special one day assignment:** When an employee is given a special 1-day or more assignment in another city and travel is performed for the employer's benefit and at the employer's request, such travel time is considered work time. Regular home to work travel time can be counted as time worked.

Overnight Travel Away From Home

Travel away from home is work time when it happens during the employee's regular work day hours. The time to be considered is not only hours worked on regular working days during normal working hours, but also during the corresponding hours on non-working days.

Example: If an employee regularly works from 8:00 a.m. to 4:30 p.m., Monday through Friday, the travel time during these hours is work time on Saturday and Sunday as well as on the other days. Thus, if travel is overnight and done outside of working hours, the travel time is not compensable.

Time that is spent traveling away from home outside of regular working hours as a passenger on an airplane, boat, bus, or automobile are not considered time worked. However, all time spent driving an automobile in relation to this section must be compensated, except as follows:

- **Public Transportation:** If an employee is offered public transportation but requests permission to drive his or her car instead, the employer may count as hours worked either:
 - (a) the time spent driving the car; or
 - (b) the time he would have had to count as hours worked during working hours if the employee had used the public conveyance.
- **Work While Traveling:** Any work which an employee is required to perform while traveling must be counted as hours worked. An employee who drives a truck, bus, automobile, boat, or airplane, or an employee who is required to ride therein as an assistant or helper, is working while riding. Meal periods and sleep time in adequate facilities furnished by the employer need not be counted.

EDUCATIONAL ASSISTANCE

The City will provide educational assistance to all eligible full-time employees who have completed at least 180 calendar days of service with City Administrator approval. To maintain eligibility, employees must remain on the active payroll and be performing their job satisfactorily through the completion of each course.

- Courses must be related to the employee's current job duties or a foreseeable future position in the organization in order to be eligible for educational assistance. The City has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable future position. Employees should contact the City Administrator for more information or questions about educational assistance.

- The City invests in educational assistance to employees with the expectation that the investment be returned through enhanced job performance. However, if an employee voluntarily separates employment from the City within one year of the last educational assistance payment, the amount of the payment will be considered only a loan. Accordingly, the employee will be required to repay up to 50% of the original educational assistance payment.
- While educational assistance is expected to enhance employees' performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

BENEFITS

Employee benefits stated in this section apply only to full-time employees and specifically exclude seasonal, contract, part-time, temporary, or volunteer employees, except when such groups are expressly included by the provisions of this policy.

Health and Dental Insurance

The City Council will, by resolution, establish from time to time insurance plans that will be provided to eligible fulltime City employees. The employee's insurance coverage will begin on his or her first day of employment.

Life Insurance

Full-time employees will be eligible to receive life insurance coverage through the City upon their first day of employment. The City will contribute premiums for a group term life insurance policy for all eligible employees. Supplemental life insurance may be made available for purchase by eligible employees.

Long-Term Disability Insurance

All employees are covered under Group Long-Term Disability Insurance and have premiums deducted from their paycheck each pay period.

Retirement

The City participates in the Public Employees Retirement Fund (PERA) to provide pension benefits for its eligible employees. The City and the employee contribute to PERA each pay period as determined by state law. Most employees are also required to contribute a portion of each paycheck for Social Security and Medicare (the City matches the employee's Social Security and Medicare withholding).

Workers' Compensation Insurance

The City provides a comprehensive Workers' Compensation Insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits three (3) working days after the injury, or, if the employee is hospitalized, immediately. The employee benefits with two-thirds (2/3) of their average weekly wage for a time period to be determined on a case by case basis, depending on the authorization of a physician.

Employees who sustain work-related injuries or illness should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. The employee's immediate supervisor must file

a Supervisor's Report of Injury with the Human Resources Department within forty eight (48) hours following the injury.

Neither the City nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.

Benefits Continuation (COBRA)

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, death of an employee, a reduction in an employee's hours or a leave of absence, an employee's divorce or legal separation, and a dependent child no longer meeting eligibility requirements, and other life events.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates, plus an administration fee. The City provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan, including information about the employee's rights and obligations.

The length of continuation depends on the qualifying event that applies to the employee's loss of coverage. COBRA beneficiaries generally are eligible for group coverage during a maximum of eighteen (18) months for qualifying events due to employment termination or reduction of hours of work. Certain qualifying events, or a second qualifying event during the initial period of coverage, may permit a beneficiary to receive a maximum of 36 months of coverage. COBRA beneficiaries generally are eligible for group coverage during a maximum of thirty six (36) months if an individual is not an employee, but is: a separated or divorced spouse or child of a City employee, a surviving spouse or child of a deceased City employee, a child of a City employee, and is no longer an eligible dependent as defined in the City insurance plan, or a dependent who loses dependent coverage when the City employee becomes enrolled in Medicare benefits. Employees that are eligible to receive PERA are allowed to continue health and dental insurance under COBRA indefinitely.

An employee's right to continuation coverage will immediately cease if the employee fails to pay the required premium due. Plan eligibility will cease if: an employee becomes covered under another group plan as a result of employment, reemployment, marriage, or remarriage; an employee, an employee's spouse, or an employee's dependent children become enrolled in Medicare, in which case coverage ceases for each individual so covered; or all City insurance plans under this policy are terminated.

If an employee decides to continue group coverage, the employee must complete an election form and return it to the address shown on the election form within sixty (60) days of the later of the dates identified below, or the employee loses the employee's right to elect coverage:

- a. The date coverage is scheduled to stop; or
- b. The date the election packet is mailed.

Deferred Compensation

Regular full-time employees will be eligible to participate in the deferred compensation plan. Deferred Compensation is a program that allows employees to save and invest for retirement, deferring federal and state income taxes until the employee's assets are withdrawn.

Donated Medical Leave

With the approval of the City Administrator, City employees having accrued sick leave will be allowed to donate a portion of such accrued sick leave to fellow employees experiencing a major life threatening disease or condition suffered by the employee or the employee's minor child. A major life threatening disease or condition shall include, but not be limited to a heart attack, stroke, organ transplant, cancer, or life threatening illness or condition as defined by a physician's diagnosis.

A donation of sick leave from one employee to another shall be subject to the following terms and conditions:

- An employee is only eligible to receive donated medical leave for time lost from work due to a major life threatening disease or condition as described above, equal to the number of hours of time which the employee would lose from his or her job due to the major life threatening disease or condition.
- An employee will be eligible to receive donated medical leave only after the employee has exhausted all of his / her accrued sick leave, compensatory time, and vacation time.
- Employees will be allowed to receive no more than twenty (20) work days, or two hundred (200) hours, of medical leave for any single major life threatening disease or condition, unless otherwise approved by the City Administrator.
- An employee may donate no more than two (2) work days, or twenty (20) hours, whichever is lesser, per calendar year to a single fellow employee.
- A written request to donate medical leave must be made to the City Administrator.
- The City Administrator shall have the right to deny use of donated medical leave or limit its use as shall be determined necessary and in the best interest of the City.
- Donations must be made in one (1) hour increments. For every one (1) hour of sick, vacation, or compensatory time donated by the donor, the recipient will be credited with one (1) hour of sick leave. The pay levels of the two employees shall not affect the transaction.

Employee Assistance Program (EAP)

The City has a contract with a provider whereby the employee can receive diagnostic referral assistance in such areas as parent / child relationships, marital problems, behavior problems, drug and alcohol problems, emotional and mental disorders, financial problems, and personal adjustment difficulties. The service is provided at no cost to the employee. All contact between the employee and the provider is confidential. The employer does not receive information concerning employees as a result of the service.

Flexible Spending Accounts

Regular, full-time employees will be eligible to participate in flexible spending account plans.

Flexible Spending Accounts allow employees to set aside money for certain qualified medical and dependent care costs through a tax-deferred payroll deduction. The program provides for tax-deferred payment plans in health care and dependent daycare expense reimbursement.

All expenses must be qualified medical or benefit expenses, as defined in Section 125 of the Internal Revenue Code. The employee must choose the amount of pre-tax salary reduction for each type of benefit prior to the start of each year plan.

Section 457 of the Internal Revenue Code determines the annual contribution limits for employees. Participation is handled through payroll deduction, providing for a reduction of tax for each pay period.

The plan allows participants to increase, decrease, stop, and restart contributions as often as desired.

Boot / Clothing Allowance – Exempt Public Works Department Staff

All exempt Public Works Department staff shall be entitled to receive boot / clothing items in kind with a value consistent with that of the Labor agreement between the City and the International Union of Operating Engineers (Local No. 49 AFL-CIO) for non-exempt employees.

Uniform Allowance – Exempt Police Department Staff

All exempt Police Department staff shall be entitled to receive uniform items in kind with a value consistent with that of the Labor Agreement between the City and Law Enforcement Labor Services, Inc. (Local #347) for non-exempt employees.

Holidays

The City will grant paid holiday time off to all full-time employees for the following holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving
- Day after Thanksgiving (Public Works & Police Department)
- Christmas Eve (Administration)
- Christmas

Holiday pay will be calculated based on the employee's straight time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

To be eligible for holiday pay, employees must work the day before and after, unless their supervisor approves the use of vacation leave, sick leave, or a floating holiday.

For non-Administrative employees who are not subject to a collective bargaining agreement, a recognized holiday that falls on a Saturday will be observed on the preceding Friday and a recognized holiday that falls on a Sunday will be observed the following Monday.

For Administrative employees, when a recognized holiday falls on a Friday or Saturday, the employee will earn one floating holiday. If a recognized holiday falls on a Sunday, it will be observed the following Monday.

If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave) holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible non-exempt employees work on a recognized holiday, they will receive holiday pay, plus one-half time for the hours worked on this holiday.

In addition to the recognized holidays previously listed, eligible employees will receive two floating holidays in each calendar year. These holidays must be scheduled with the prior approval of the employee's supervisor. Floating holidays may not be carried over to the next calendar year.

LEAVES

Depending upon the employee's situation, more than one form of leave may apply during the same period of time (e.g. The Family & 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.

Except as otherwise states, all paid time off, taken under any of the City's leave programs, must be taken consecutively, with no intervening unpaid leave. The City will provide employees with time away from work as required by state or federal statutes, if there are requirements for such time off that are not described in the personnel policies.

Vacation

Regular full-time exempt employees shall earn paid vacation in accordance with the following schedule based on years of continuous employment:

Years of Service	Vacation Accrual
0	100
1	110
2	120
3	130
4	140
5	150
6	160
7	170
8	180
9	190
10	200
11	210
12	220
13	230
14	240
15	250

Vacation accruals shall be based on each employee's anniversary date. Vacation time is paid at the employee's base pay rate at the time of vacation. Employees must have worked at least 1,040 hours the previous year for vacation to accrue.

In the event that available vacation and / or compensatory time is not used by the end of the benefit year, employees may carry eighty (80) hours of unused time forward to the next benefit year with administrative approval.

To take vacation, employees should request approval from their supervisors in advance. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

Sick Leave

Full time employees will accrue sick leave benefits at the rate of one day per month beginning upon the employee's hire. One day shall mean 10 hours for Administration employees and 8 hours for Police and Public Works employees.

Employees must work at least fourteen (14) days in any one calendar month for sick leave to accumulate for that month. Sick leave does not accrue during an unpaid leave of absence.

Employees are to use this paid leave only when they are unable to work for medical reasons and under the following conditions:

- When an employee is unable to perform work duties due to illness or disability (including pregnancy)
- For medical, dental, or other care provider appointments
- When an employee has been exposed to a contagious disease of such nature that his / her presence at the workplace could endanger the health of others
- To care for the employee's injured or ill children, including stepchildren or foster children, for such reasonable periods as the employee's attendance with the child may be necessary
- To take children, including stepchildren, to a medical, dental, or other care provider appointment

If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement may be required for verifying the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well, and may be required as a condition to receiving sick leave benefits.

Before returning to work from a sick leave absence of seven calendar days or more, an employee must provide a physician's verification that he / she may safely return to work.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

After accrued sick leave has been exhausted, vacation leave may be used upon approval of the City Administrator, to the extent the employee is entitled to such leave.

Employees will be allowed to accumulate a total of 960 hours of sick leave benefits. Resolution A-93-7 defines sick leave accrual for those employees who, at the date of adoption of the resolution, had accumulated in excess of 960 hours. Only those employees specified will be allowed to keep their accumulated days. All other employees are subject to the maximum 960 hours accrual. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.

Employees who are on sick leave or medical leave for more than 30 days are required to turn in all City property. Items will be returned to the employee once they have returned to work.

Administrative Leave

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

Adoptive Parents Leave

Adoptive parents will be given the same opportunities for leave as biological parents (see provisions for Parenting Leave). The leave must be for the purpose of arranging the child's placement or caring for the child after placement. Such leave must begin before or at the time of the child's placement in the adoptive home.

Bone Marrow Donation Leave

Full-time employees to undergo medical procedures to donate bone marrow are allowed a paid leave of absence not to exceed forty (40) hours, unless agreed to by the City. A physician's verification of the purpose and length of the leave is required. If there is a medical determination that the employee does not qualify as a bone marrow donor, paid leave granted prior to the medical determination is not forfeited.

Court Appearances

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

Elections Leave

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 the employee gives the City at least ten (10) days written notice.

Funeral Leave

Employees will be permitted to use up to three (3) consecutive working days, with pay, as funeral leave upon the death of an immediate family member. The City defines an "immediate family member" as a spouse, a child, step-child, mother, father, sister, brother, grandparent of the employee or the employee's spouse. This paid leave will not be deducted from the employee's vacation or sick leave balance.

The actual amount of time off, and funeral leave approved, will be determined by the supervisor or City Administrator depending on individual circumstances.

General Leave

Full-time employees who have worked for the City for at least 180 days may apply for an unpaid leave of absence for personal or emergency reasons. The granting of such leave will be at the sole discretion of the City and will not be granted for periods exceeding ninety (90) days in duration. The City may, in its discretion, extend such a leave upon written request by the employee, but not, in any event, to exceed a total of twelve (12) months.

Requests for personal leave will be evaluated on a number of factors to ensure efficiency in the conduct of the City business, including employee / department workload and the reason for the leave.

Requests for leave must be made in writing with a full explanation for the leave and, if possible, submitted to the City Administrator fourteen (14) days in advance of the leave date.

An employee on an unpaid leave of absence will be entitled to retain the employee's accrued leave and other benefits. The employee will accrue no sick leave, vacation, holiday, or other benefits for the period of time that the employee is on leave.

Health insurance benefits will be provided by the City to the employee until the end of the month in which the approved personal leave begins. At that time, employees will subject to paying for full costs of the benefits they wish to continue.

If the employee has an unauthorized absence from work promptly at the expiration of the approved leave period, the City will consider the employee to have resigned.

Jury Duty

Regular full-time employees will be granted paid leaves of absence for required jury duty. Such employees will be required to turn over any compensation they receive for jury duty to the City in order to receive their regular wages for the period. Time spent on jury duty will not be counted as time worked in computing overtime.

Employees are expected to report for work whenever the court schedule permits.

Employees are required to notify their supervisor as soon as possible after receiving notice to report for jury duty. The employee will be responsible for ensuring that a report of time spent on jury duty and pay form is completed by the Clerk of Court so the City will be able to determine the amount of compensation due for the period involved.

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

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, efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding a total of fifteen (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. In calculating the five years of service, inactive duty service, such as drill weekends and annual training, are not counted. An employee is entitled to military leave regardless of whether the military duty is involuntary or the employee volunteered for the duty.

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 thirty (30) days will be at the expense of the employee for up to twenty four (24) months.

When possible, notice is to be provided to the City at least ten (10) working days in advance of the requested leave. Employees have the option of using accrued vacation during the period of military service. Employees will continue to accrue seniority with respect to employment while engaged in military service.

Parental Leave

The City grants up to six (6) weeks of unpaid parental leave for the birth or adoption of a child. To be eligible for this leave, an employee must have worked half-time for the City for at least twelve (12) consecutive months prior to requesting the leave.

The leave will begin at a time requested by the employee, but must begin within six (6) weeks of the birth or adoption. If the child must be in the hospital longer than the mother, the leave can begin six (6) weeks after the child leaves the hospital. The employee is not required to use sick leave for this absence.

The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage will remain in effect during the six (6) week Parenting Leave.

School Conference & Activities Leave

An employee has unpaid leave of up to a total of sixteen (16) hours within a twelve (12) month period to attend school conferences or school-related activities that cannot be scheduled during non-work hours. If the employee's child receives childcare services or attends a pre-kindergarten regular or special education program, the employee may use the leave time to attend a conference or activity related to the employee's child or to observe and monitor the services or program, provided the conference, activity, or observation cannot be scheduled during non-work hours.

When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide the supervisor with reasonable prior notice and make a reasonable effort to schedule the leave so as not to disrupt the operations of the City. The employee may substitute any accrued paid vacation leave or other appropriate leave for any part of the leave.

Sick Child Leave

Employees with children, including step-children, may use their sick leave in order to care for a sick child. The use of sick leave to take care of a child must be used in the same manner as the employee who would use the sick leave for his / her own illness.

Victim or Witness Leave

An employee who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony is entitled to reasonable time off from work to attend criminal proceedings related to the victim's case.

Voting Leave

Every employee who is entitled to vote at any statewide election or any election to fill a vacancy in the office of Representative in Congress is entitled to be absent from work for two hours for the purpose of voting during the election day without penalty or deduction from the employee's salary or wage on account of such absence. Arrangements must be made with the employee's supervisor at least twenty four (24) hours in advance.

FAMILY & MEDICAL LEAVE

General

In accordance with the Family and Medical Leave Act (FMLA) unpaid job protected leave will be granted to all eligible employees for up to twelve (12) weeks per twelve (12) month period for any of the following reasons:

1. Birth or placement of a child with the employee for adoption or foster care;
2. To care for a spouse, child or parent who has a serious health condition; or
3. A serious health condition that makes the employee unable to perform the essential functions of the position.

In accordance with the law, the following definitions apply:

“Caring” for someone includes psychological as well as physical care. It also includes acquiring care and sharing care duties.

An eligible “child” is defined as a person under 18 years of age (or a person incapable of self-care because of a physical or mental disability) who is a biological, adopted, foster, or step-child, a ward of the employee, or a person with whom the employee is charged with a parent’s rights, duties, and responsibilities.

An eligible “parent” includes a biological parent or a person who was charged with a parent’s rights, duties, and responsibilities over the employee when the employee was under the legal age, but doesn’t include in-laws.

“Serious health condition” is defined in Federal law, but generally includes incapacity requiring absence from work or more than three (3) days that also involves continuing treatment by a health care provider (includes prenatal care).

Eligibility

An eligible employee is one who has worked for the City for a cumulative period of twelve (12) months and at least 1,250 hours during the twelve (12) month period prior to the start of leave.

Length of Leave

The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12) month period. The entitlement to FMLA leave for the birth or placement of a child expires twelve (12) months after the birth or placement of that child.

Leave Year

The 12-month period is calculated by measuring twelve (12) months backward from the start date of the employee’s last FMLA leave.

Notice

The employee is to give verbal or written notice to his / her supervisor at least thirty (30) days prior to the date on which leave is to begin or if the thirty (30) days notice cannot be given as much notice as practical.

If an employee fails to give thirty (30) days notice for a foreseeable leave with no reasonable explanation for the delay, the leave may be denied until thirty (30) days after the employee provides notice. To the extent possible, planned medical treatment should be scheduled so that it will not unduly disrupt the City’s operations.

Medical Certification

The employee may be required to provide medical certification to support a request for leave because of the serious health condition of a child, spouse, parent, or the employee. The certification is to be completed by the attending physician or practitioner and submitted to the City Administrator within ten (10) days after requested, or as soon as reasonably practicable.

Recertification

Recertification may be required if the employee requests an extension of the original length approved by the City or if the employee's circumstances change. Recertification may also be required if there is a question as to the validity of the certification or if the employee is unable to return to work due to the serious health condition.

Intermittent Leave

Leave requested because of a serious health condition of either a family member or the employee may be taken intermittently or on a reduced schedule if medically necessary. All requests for intermittent leave will be evaluated on a case-by-case basis.

The City may require the employee to transfer temporarily to an alternative position, with equivalent pay and benefits that better accommodates the intermittent leave than the employee's regular position.

Fitness for Duty Certification

The City may require a medical certificate attesting to the employee's fitness for duty prior to return to work. The fitness for duty report must be based on the particular health condition(s) for which the leave was approved and must address whether the employee can perform the essential functions of his / her regular job.

The City Administrator may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the ADA (Americans with Disabilities Act). If a fitness for duty certification is required, the City may deny reinstatement until it is provided.

Job Protection

Employees returning from Family and Medical Leave will be reinstated in their former position or a position equivalent in pay, benefits, and other terms and conditions of employment.

An employee's reinstatement rights are the same as they would have been had the employee not been on leave. Thus, if an employee's position would have been eliminated or an employee would have been terminated had they not been on leave, the employee would not have the right to be reinstated upon return from leave.

Effect on Benefits

An employee granted leave under this policy will continue to be covered under the City's group health plan under the same conditions and at the same level of City contribution as would have been provided had they been continuously employed during the leave period. If there are changes in the City's contribution levels while the employee is on leave, those changes will take place as if the employee were still on the job.

The employee will be required to continue payment of the employee portion of group insurance coverage. In addition, the employee will be responsible for the employee's portion and the City's portion plus any required administrative fee for life insurance continuation, if continuation is desired. The City may choose to continue the City's portion if administratively more convenient.

Arrangements for payment of the employee's portion of premiums must be made by the employee with the City. If an employee's contribution is more than thirty (30) days late, the City may terminate the employee's insurance coverage, subject to COBRA requirements.

Seniority

Seniority does not accrue during any period of unpaid FMLA except as allowed when the leave is covered by worker's compensation. However, seniority accrued prior to the commencement of FMLA leave will not be lost.

Use of Accrued Paid Leave or Compensatory Time During Family and Medical Leave

During the Family and Medical Leave, employees must use accrued sick leave, vacation leave, and compensatory time prior to taking an unpaid leave unless their medical condition / injury is covered by worker's compensation or the absence qualifies under the state Parental Leave law.

FMLA leave counts as continued service for purpose of retirement and / or pensions plans.

Records Retention

Records on FMLA leave will generally be kept with normal payroll records except that any medical record will be maintained separately as a confidential medical record in accordance with the law.

Failure to Return from FMLA Leave

Employees who cannot return from an approved FMLA leave at the end of the approved leave period may request an extension (up to the maximum of twelve (12) weeks allowed under FMLA). If the twelve (12) FMLA weeks have already been used, the employee can request to go on a regular unpaid leave of absence. If approved, before unpaid leave begins the employee must use any accrued sick leave, compensatory time, or vacation leave that remains. If the leave is approved and unpaid, the employee will be required to pay the full cost of all group insurance, as provided under COBRA, in order to continue coverage.

If the unpaid leave of absence is not approved or the employee fails to request additional leave, the employee will be considered to have voluntarily resigned. If circumstances beyond the employee's control prevented the employee from requesting additional leave, a retroactive leave request may be allowed, subject to the City Council's approval.

If an employee fails to return from an FMLA leave and is determined to have voluntarily quit as described above, the City may seek reimbursement from the employee for the portion of the insurance premiums paid by the City on behalf of that employee during the period of leave.

Light Duty / Modified Duty Assignment

This policy is to establish guidelines for temporary assignment of work to temporarily disabled employees who are medically unable to perform their regular work duties. Light duty is evaluated by the City Administrator on a case-by-case basis. This policy does not guarantee assignment to light duty.

Such assignments are for short-term, temporary disability-type purposes; assignment of light duty is at the discretion of the City Administrator. The City Administrator reserves the right to determine when and if light duty work will be assigned.

When an employee is unable to perform the essential requirements of his / her job due to a temporary disability, he / she will notify the supervisor in writing as to the nature and extent of the disability and the reason why he / she is unable to perform the essential functions, duties, and requirements of the position. This notice must be accompanied by a physician's report containing a diagnosis, current treatment, and any work restrictions related

to work with no restrictions, meeting all essential requirements and functions of the City's job description, along with a written request for light duty. Upon receipt of the written request, the supervisor is to forward a copy of the report to the City Administrator.

The City may require a medical exam conducted by a physician selected by the City to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

It is at the discretion of the City Administrator whether or not to assign light duty work to the employee. Although this policy is handled on a case-by-case basis, light duty will not generally be approved beyond six months.

If the City offers a light duty assignment to an employee who is out on worker's compensation leave, the employee may be subject to penalties if he / she refuses such work. The City will not, however, require an employee who is otherwise qualified for protection under the Family and Medical Leave Act to accept a light duty assignment.

The circumstances of each disabled employee performing light duty work will be reviewed regularly. Any light duty / modified work assignment may be discontinued at any time.



MEMO

TO: Mayor and City Council
Deb Hill, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: August 28, 2013

SUBJECT: Donations, Volunteer, and Library and Community Center Policy

BACKGROUND

In April 2013, the City Council held a workshop to discuss the Library and Community Center Policy. At the workshop, the City Council directed staff to work with the Library Board to establish policies for the Library and Community Center regarding donations and the general operations. Staff drafted the following policies: Donation Policy, Volunteer Policy, and Library and Community Center Policy. The Library Board held a meeting on June 6, 2013, however only three Library Board members were present and not everyone had reviewed the draft policies. As such, the Library Board scheduled a workshop to discuss the policies for August 14, 2013.

DISCUSSION

City staff and the Library Board went through the drafts of each policy at the August 14 workshop. Below is a summary of what changes were made to each policy for City Council's approval.

Donation Policy:

- **Section III. Authority** – Language was moved from Section VI Approval and Acceptance regarding when the City Administrator may accept material donations without City Council approval. The Attorney recommended that the City Council approve a Resolution establishing procedures for the acceptance and disposal of certain donations (see attached Resolution No. 2013-42). As such, language was added referring to Resolution No. 2013-42. By allowing the City Administrator to accept material donations less than \$50, it will allow a majority of the donations made to the Library and Community Center (craft supplies, books, DVDs, VHSs, etc) to be accepted without Council approval.
- **Section V.B. Acceptance Specifications** – Language was added referring to Resolution No. 2013-42 in regards to the disposal of certain donations. If the Council wished, it could add a list of material donations that could be donated, sold or removed of without City Council approval to the Resolution. Staff recommends that the following list be added:
 - Books
 - DVDs
 - VHSs
 - Craft Supplies for Programs at the Library and Community Center
 - Donations for Pioneer Day Raffle Drawing

Library and Community Center Policy:

- **Section I. Purpose** – This was added by the Library Board.
- **Section II. Volunteers** – Language was added to require volunteers between 16 and 18 years old to work with another volunteer or the Library and Community Center Attendant.
- **Section III.A. Donations** – Language was added referring to Resolution No. 2013-42.
- **Section III.D. Petty Cash** – Language was added to clarify what a receipt could include.

- **Section IV.B. Other Sales** – Language was added to allow for the City Administrator to approve other sales such as an author selling their book after a presentation.
- **Section VII. Computer and Internet Use** – This language was added after the August 14, 2013 Workshop to regulate the use of computers and internet at the Library and Community Center.

Volunteer Policy

- **Safety** – Language was amended to reflect the different types of volunteer activity.
- **E-Mail Usage** – Language was added stating that personal e-mail accounts accessed through the public computers are not covered by the Volunteer Policy unless the e-mail is regarding City business.
- **Telephone Usage** – Language was added allowing volunteers at the Library and Community Center to make personal phone calls as long as they don't interfere with their work.
- **Volunteering at the Newport Library and Community Center** – Language was added allowing volunteers to use the public computers during their scheduled time as long as it doesn't interfere with their work.

The City Council will need to discuss whether or not they would like to approve the policies as presented, amend the presented policies, or deny the presented policies.

RECOMMENDATION

Staff recommends that the City Council approve the attached policies and Resolution No. 2013-42 with the addition of the list of donations that can be given away without City Council approval.

CITY OF NEWPORT DONATIONS POLICY

I. PURPOSE

The City of Newport encourages and welcomes donations from civic groups, organizations, individuals, businesses, foundations or churches for either specified or unspecified use by the City. Community residents take a great deal of ownership and develop a deeper commitment to the community when they can contribute with either financial resources or with volunteers working on community projects. It is important, however, that all gifts be in keeping with the mission, ordinances, philosophy and policies of the City of Newport.

This policy creates systematic procedures for the review and acceptance of donations by identifying the City Departments responsible for accepting donations; maintaining standards for accepting donations; managing donations; keeping records of donations; and facilitating appropriate recognition of donations.

II. DEFINITIONS

- A. **Gifts and Donation:** These two shall be synonymous. They may be monetary contributions, material items, intellectual property, or services, which the City Council has accepted and for which the donor has not received any goods, services, or advertising service in return.
- B. **Existing Donation:** Donations accepted prior to the adoption of this policy.
- C. **New Donation:** Donations made after the adoption of this policy.
- D. **Restricted Donation:** A donation given for a specified purpose or with conditions for use attached.

III. AUTHORITY

The acceptance of donations must comply with Minnesota Statute 465.03: Gifts to Municipalities. The acceptance of donations requires administrative action. Only the Newport City Council or City Administrator retains the authority to accept donations. Resolution No. 2013-42 authorizes the City Administrator to accept material donations that are estimated to cost \$50 or less.

IV. REAL PROPERTY

Real Property donations shall be reviewed and a legal opinion rendered thereto by the City Attorney before acceptance by the City Council.

V. ACCEPTANCE CRITERIA AND SPECIFICATIONS

- A. **Criteria:** The following criteria shall be applied in determining whether a donation is appropriate for acceptance.
 - 1. The donation shall meet a true need of the City. A facility may be determined to be fully developed and the opportunity for donations may not be available.
 - 2. The donation shall be consistent with existing City policy, program outcomes and department or City goals.
 - 3. The donation covers the full cost for the purchase, recognition installation, and if required, maintenance during the expected life span of the feature.

4. The donation shall not typically result in an increase to the City's budget. ~~Recipients-Donors~~ shall bear in mind that donations are typically to be considered one-time supplements to the City and should not be used to develop new programs or services which would require budget supplements from the City in the current or subsequent years.
5. Accounting for the item or fund shall not be excessively difficult.
6. The donation contains equipment that does not require extensive repair or maintenance, and if so, maintenance support is available and not burdensome.
7. The donation does not require the purchase of a burdensome amount of additional items in order for it to be ~~useful~~used.
8. The donation does not present a conflict of interest for the City or its employees.
9. The donation shall not interfere with the intended current or future use of the facility.
10. Pursuant to Minnesota Statute 465.03, "Nothing herein shall authorize such acceptance or use for religious or sectarian purposes."
11. The donation does not require the relocation of other equipment or infrastructure to accommodate it, unless the expense of such accommodation is included in the donation.
12. The donated item or service shall not pose an unacceptable level of liability to the City.
- ~~13.~~ No donation shall be accepted from individuals, groups or businesses that demand that, in return for their donation, the City advertise alcohol, tobacco, gambling or pornography.
- ~~13.~~14. If there is any question as to the legal owner of the donated item, proof of ownership may be requested.
- ~~14.~~ No donation shall be accepted from individuals, groups or businesses that demand that, in return for their donation, the City advertise alcohol, tobacco, gambling or pornography.

B. Specifications:

1. Donations and their associated acknowledgement become City property upon formal acceptance by the City Council or City Administrator and therefore cannot be donated, sold, or deposited of without approval from the City Council or City Administrator~~approval~~. Resolution No. 2013-42 authorizes the City Administrator to dispose of certain donations.
2. The City reserves the right to remove, relocate or dispose of donations and their acknowledgments when they have been vandalized or damaged by a natural act beyond reasonable repair, reached the end of their life span, or when the donation and acknowledgment interferes with: site safety, maintenance, facility use, aesthetics or construction activities.
3. In accordance with this policy, the City shall attempt to notify the donor in writing at the address on file, of any action related to the disposition of the donation. In certain situations, such as safety or emergency situations, the notification may be made after the action has already taken place. In the event a donation must be permanently removed from its current site, the City ~~shall~~will attempt to seek an alternative location, consistent with this policy.

4. The City reserves the right to seek a new donor for an existing gift at the end of the established life span should the original donor choose not to renew the donation, or if the City has not been able to contact the original donor.
5. When a material donation is estimated to cost more than \$50 ~~the~~ the City Administrator or ~~appropriate~~ designated staff member shall recommend to the City Council approval or rejection of all donations and the location of their placement. City staff shall ensure that the products, construction materials and design meet City standards for maintenance, aesthetics and longevity.
6. A specific life span shall be stated for all material donations. The City does not guarantee the life span of a donation.
7. The City does not guarantee survivability of trees, plants or gardens. The size at planting and specie of tree or plants shall be limited to those determined by the City.
8. Staff shall ~~assure~~ ensure that restrictions are reasonable and the donation is practical to accept and meets the criteria of this policy. All terms of restricted donations shall be clearly stated on the Donation Application and Agreement Form. The City Council shall take action on the terms of the donation after hearing the advice of City staff.

VI. APPROVAL AND ACCEPTANCE

A. Acceptance Procedure:

1. **Administrative Responsibility:** It shall be the responsibility of the City Administrator to ensure that proper City officials are informed of the donation; that the donation conforms to this policy; that the donation is acknowledged; that City Council goes through ~~an approval~~ the process of accepting or rejecting the donation (if needed); that timely reports are made; and that suitable recognition is afforded the donor. The City Administrator or a designated staff member shall maintain a record of each donation.

The donation record shall include the City of Newport Donation Application and Agreement Form. The Form shall contain the following information:

- Donor's name
- Name of the person in whose honor the donation is made
- Location or placement of the donation, if applicable
- If the donation is restricted and if so what the terms and details are for the restrictions
- Description of the donation (monetary, material, etc)
- Lifespan of the material donation
- Cost estimate of the donation to the City

~~all pertinent information such as the donor's name, name of the person in whose honor the donation is dedicated, and the location or placement of the gift, if applicable. The Form shall state whether or not the gift is restricted, and if restricted, must specify the terms and details of the restrictions. Also included in the record shall be, if the gift is monetary, the dollar amount given, if the gift is not monetary a description of the donation, the lifespan of the gift, and a calculation of the cost of the donation to the City.~~

The Form shall contain a signed acknowledgement that the donor has read and agrees to the City Donations Policy.

~~Material donations that are estimated to cost \$100 or less can be accepted by the City Administrator without City Council approval. When material donations less than \$100 are received, the City Administrator, or designated staff, will write a letter of appreciation to the donor.~~

2. **Notification:** It is the responsibility of the donor to provide the City with a current address for purposes of notification regarding their donation and to notify the City in the event of an address change~~change in such address~~. The City shall send written notice to the donor at the most recent address on file, notifying the donor of changes related to the status of their donations, such as a need to remove, relocate, dispose of the donation, or comply with conditions set forth in this policy~~Policy~~.
3. **Installation:** City personnel~~staff~~ shall be responsible for approving the installation of donations. A gift installation shall not commence until donations for the cost of the entire donation project have been accepted by City Council or designated staff. The installation shall be scheduled at a time and date as determined by City staff so as not to unnecessarily interfere with City activities.
4. **Costs:** The cost of a donation shall include the cost of purchase, the cost of a recognition plaque or element, site preparation, installation, and, if required the estimated cost of maintenance for the expected life span of the donated item. The expected life span of items typically donated shall be specified on a separate schedule.

B. Donation Approval and Acceptance Steps

1. The donor and City staff shall each complete their sections of the Donation Application and Agreement Form when donations are received. The donor shall retain a copy of this form as a receipt, a copy shall be sent to the City Administrator or designated staff member who will then file the application upon approval. The City shall preserve a record of donations that outlines the item, amount, designated use, donor, and date that it was approved by the City Council or designated staff.
- ~~2.~~ Staff shall not place a value on the gift.
- ~~2.3.~~ All cash gifts~~monetary donations~~ shall be deposited immediately in accordance with City's cash collection policy and procedure~~Internal Controls Procedure Policy~~ and shall be accompanied by a copy of the Donation Application and Agreement Form.
- ~~3.~~ ~~The City shall preserve a record of donations that outlines the item, amount, designated use, donor, and date that it was approved by the City Council.~~

CITY OF NEWPORT DONATIONS POLICY

I. PURPOSE

The City of Newport encourages and welcomes donations from civic groups, organizations, individuals, businesses, foundations or churches for either specified or unspecified use by the City. Community residents take a great deal of ownership and develop a deeper commitment to the community when they can contribute with either financial resources or with volunteers working on community projects. It is important, however, that all gifts be in keeping with the mission, ordinances, philosophy and policies of the City of Newport.

This policy creates systematic procedures for the review and acceptance of donations by identifying the City Departments responsible for accepting donations; maintaining standards for accepting donations; managing donations; keeping records of donations; and facilitating appropriate recognition of donations.

II. DEFINITIONS

- A. **Gifts and Donation:** These two shall be synonymous. They may be monetary contributions, material items, intellectual property, or services, which the City Council has accepted and for which the donor has not received any goods, services, or advertising service in return.
- B. **Existing Donation:** Donations accepted prior to the adoption of this policy.
- C. **New Donation:** Donations made after the adoption of this policy.
- D. **Restricted Donation:** A donation given for a specified purpose or with conditions for use attached.

III. AUTHORITY

The acceptance of donations must comply with Minnesota Statute 465.03: Gifts to Municipalities. The acceptance of donations requires administrative action. Only the Newport City Council or City Administrator retains the authority to accept donations. Resolution No. 2013-42 authorizes the City Administrator to accept material donations that are estimated to cost \$50 or less.

IV. REAL PROPERTY

Real Property donations shall be reviewed and a legal opinion rendered thereto by the City Attorney before acceptance by the City Council.

V. ACCEPTANCE CRITERIA AND SPECIFICATIONS

- A. **Criteria:** The following criteria shall be applied in determining whether a donation is appropriate for acceptance.
 - 1. The donation shall meet a true need of the City. A facility may be determined to be fully developed and the opportunity for donations may not be available.
 - 2. The donation shall be consistent with existing City policy, program outcomes and department or City goals.
 - 3. The donation covers the full cost for the purchase, recognition installation, and if required, maintenance during the expected life span of the feature.

4. The donation shall not typically result in an increase to the City's budget. Donors shall bear in mind that donations are typically to be considered one-time supplements to the City and should not be used to develop new programs or services which would require budget supplements from the City in the current or subsequent years.
5. Accounting for the item or fund shall not be excessively difficult.
6. The donation contains equipment that does not require extensive repair or maintenance, and if so, maintenance support is available and not burdensome.
7. The donation does not require the purchase of a burdensome amount of additional items in order for it to be used.
8. The donation does not present a conflict of interest for the City or its employees.
9. The donation shall not interfere with the intended current or future use of the facility.
10. Pursuant to Minnesota Statute 465.03, "Nothing herein shall authorize such acceptance or use for religious or sectarian purposes."
11. The donation does not require the relocation of other equipment or infrastructure to accommodate it, unless the expense of such accommodation is included in the donation.
12. The donated item or service shall not pose an unacceptable level of liability to the City.
13. No donation shall be accepted from individuals, groups or businesses that demand that, in return for their donation, the City advertise alcohol, tobacco, gambling or pornography.
14. If there is any question as to the legal owner of the donated item, proof of ownership may be requested.

B. Specifications:

1. Donations and their associated acknowledgement become City property upon formal acceptance by the City Council or City Administrator and therefore cannot be donated, sold, or deposited of without approval from the City Council or City Administrator. Resolution No. 2013-42 authorizes the City Administrator to dispose of certain donations.
2. The City reserves the right to remove, relocate or dispose of donations and their acknowledgments when they have been vandalized or damaged by a natural act beyond reasonable repair, reached the end of their life span, or when the donation and acknowledgment interferes with: site safety, maintenance, facility use, aesthetics or construction activities.
3. In accordance with this policy, the City shall attempt to notify the donor in writing at the address on file, of any action related to the disposition of the donation. In certain situations, such as safety or emergency situations, the notification may be made after the action has already taken place. In the event a donation must be permanently removed from its current site, the City will attempt to seek an alternative location, consistent with this policy.
4. The City reserves the right to seek a new donor for an existing gift at the end of the established life span should the original donor choose not to renew the donation, or if the City has not been able to contact the original donor.

5. When a material donation is estimated to cost more than \$50 the City Administrator or designated staff member shall recommend to the City Council approval or rejection of all donations and the location of their placement. City staff shall ensure that the products, construction materials and design meet City standards for maintenance, aesthetics and longevity.
6. A specific life span shall be stated for all material donations. The City does not guarantee the life span of a donation.
7. The City does not guarantee survivability of trees, plants or gardens. The size at planting and specie of tree or plants shall be limited to those determined by the City.
8. Staff shall ensure that restrictions are reasonable and the donation is practical to accept and meets the criteria of this policy. All terms of restricted donations shall be clearly stated on the Donation Application and Agreement Form. The City Council shall take action on the terms of the donation after hearing the advice of City staff.

VI. APPROVAL AND ACCEPTANCE

A. Acceptance Procedure:

1. **Administrative Responsibility:** It shall be the responsibility of the City Administrator to ensure that proper City officials are informed of the donation; that the donation conforms to this policy; that the donation is acknowledged; that City Council goes through the process of accepting or rejecting the donation (if needed); that timely reports are made; and that suitable recognition is afforded the donor. The City Administrator or a designated staff member shall maintain a record of each donation.

The donation record shall include the City of Newport Donation Application and Agreement Form. The Form shall contain the following information:

- Donor's name
- Name of the person in whose honor the donation is made
- Location or placement of the donation, if applicable
- If the donation is restricted and if so what the terms and details are for the restrictions
- Description of the donation (monetary, material, etc)
- Lifespan of the material donation
- Cost estimate of the donation to the City

The Form shall contain a signed acknowledgement that the donor has read and agrees to the City Donations Policy.

2. **Notification:** It is the responsibility of the donor to provide the City with a current address for purposes of notification regarding their donation and to notify the City in the event of an address change. The City shall send written notice to the donor at the most recent address on file, notifying the donor of changes related to the status of their donations, such as a need to remove, relocate, dispose of the donation, or comply with conditions set forth in this Policy.
3. **Installation:** City staff shall be responsible for approving the installation of donations. A gift installation shall not commence until donations for the cost of the entire donation project have been accepted by City Council or designated staff. The installation shall be scheduled at a time and date as determined by City staff so as not to unnecessarily interfere with City activities.

4. **Costs:** The cost of a donation shall include the cost of purchase, the cost of a recognition plaque or element, site preparation, installation, and, if required the estimated cost of maintenance for the expected life span of the donated item. The expected life span of items typically donated shall be specified on a separate schedule.

B. Donation Approval and Acceptance Steps

1. The donor and City staff shall each complete their sections of the Donation Application and Agreement Form when donations are received. The donor shall retain a copy of this form as a receipt, a copy shall be sent to the City Administrator or designated staff member who will then file the application upon approval. The City shall preserve a record of donations that outlines the item, amount, designated use, donor, and date that it was approved by the City Council or designated staff.
2. Staff shall not place a value on the gift.
3. All monetary donations shall be deposited immediately in accordance with City's Internal Controls Procedure Policy and shall be accompanied by a copy of the Donation Application and Agreement Form.

CITY OF NEWPORT LIBRARY AND COMMUNITY CENTER POLICY

I. PURPOSE

With the restriction of the Washington County Library resources to the Kiosk located at City Hall, access to the internet for job applications, research and social media, word processing capabilities, faxing and copying needs were no longer available for many residents. Yet even elementary schools require Internet access for homework and word processing for assignments. The City's historic library is the oldest continuously operating library in the state and we desire to maintain this status as well as look to the future and provide space for community gatherings and programming. To support these goals, the Newport Library and Community Center was established.

This policy provides general guidance for the operation of the Newport Library and Community Center, Because of the uniqueness of this hybrid organization, the Policy must be flexible enough to allow for safety of staff, volunteers and visitors as well as allow unique programs offered by Washington County without causing undue restrictions on possible uses of the Library and Community Center.

II. VOLUNTEERS

Individuals wishing to volunteer with the Library and Community Center must read and sign the City of Newport Library and Community Center Volunteer Policy. Additionally, individuals must complete the Volunteer Application. Individuals who are between the ages of 16 and 18 may volunteer at the Library and Community Center as long as the Library and Community Center Attendant or a volunteer 18 years or older is working as well.

III. DONATIONS, EXPENDITURES, REVENUE AND PETTY CASH

- A. **Donations:** Donations are governed under the City of Newport Donations Policy. ~~All monetary~~ Monetary donations for the Library and Community Center must be receipted through City Hall. All material donations such as books, VHS', DVDs, games, etc. must be inventoried by the Library and Community Center Attendant (Attendant)Assistant. Magazines and newspapers do not need to be inventoried and can be ~~thrown~~ disposed of when needed. Additionally, donors, ~~or the Library Assistant~~ Attendant, or Library Volunteer shall complete the Donation Application and Agreement Form. All Donation Application and Agreement Forms shall be filed with the Executive Analyst. Material donations, except for magazines and newspapers, cannot be sold, donated, or thrown without approval from the City Council ~~or City Administrator~~. Resolution No. 2013-42 authorizes the City Administrator to dispose of certain donations.
- B. **Expenditures:** The ~~Library Assistant~~ Attendant cannot purchase items without approval from its immediate supervisor. All purchases must follow the City of Newport Purchasing Policy.
- C. **Revenue:** Any revenue coming into the Library and Community Center for copies, printing, ~~and faxing, etc~~ shall be deposited through City Hall on a ~~weekly~~ bi-monthly basis. Receipts and a log shall accompany the money being deposited.
- D. **Petty Cash:** There will be a petty cash drawer at the Library and Community Center to provide change for revenue such as copies, printing, and faxing. Copies of receipts will need to accompany each source of revenue for the petty cash drawer. Receipts may include an entry in the Petty Cash Log. If an individual requests a paper receipt, the yellow copy shall be placed in the Petty Cash Log in addition to the entry. The petty cash will not be used for expenditures unless authorized by the ~~Library Assistant~~ Attendant's ~~immediate~~ supervisor. The Executive Analyst will reconcile the petty cash drawer on a bi-monthly basis.

IV. SALES

- A. **Book Sales:** The Library and Community Center will host periodic-ongoing sales to sell books, VHS', DVDs, etc that are no longer needed. ~~Prior to the sale, the Library Assistant will provide a list of all items to be sold to its~~

supervisor for Council approval. The Attendant shall provide a list of items to be sold to its immediate supervisor for approval. No items may be sold without approval from the City Council, City Administrator or designated staff. All revenue from the book sale must be logged and receipted through City Hall.

- B. Other Sales:** Apart from book sales, copies, printing, and faxing, no other sales shall take place at the Library and Community Center without approval from the City Administrator.

V. HOURS OF OPERATION

The hours of operation are set by the Library Assistant Attendant and volunteers and must be displayed at the Library and Community Center as well as on the City's website. Per City Resolution, the Library and Community Center may remain open on the following holidays and be staffed by a volunteer:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving
- Day after Thanksgiving
- Christmas Eve
- Christmas

VI. PUBLIC CONDUCT

The City of Newport welcomes visitors to its Library and Community Center. The City wishes to protect the rights and safety of the visitors, staff and volunteers. As such, visitors must comply with the following rules:

- A quiet voice should be used when visitors are utilizing the Library and Community Center as a library to study, conduct research, or read.
- Use of tobacco and alcoholic products are not allowed within the Library and Community Center and on the property.
- Eating and drinking is allowed in designated areas of the Library and Community Center only.
- Children younger than seven (7) must be accompanied and supervised by an adult. Children 11 years and younger shall not be responsible for supervising other children. City staff or volunteers are not responsible for the care, safety, or supervision of children.
- Careful use of Library and Community Center materials is required. Damage to Library property is prohibited under Minnesota Statute 609.541.
- Only Seeing Eye dogs and other service animals are allowed in the library.
- Causing a nuisance as defined in Minnesota Statute § 561.01 is prohibited. A nuisance is anything that is:
 - Harmful to the health of a person, or
 - Offensive to the senses of a person, or
 - An obstruction to the free and unrestricted use and enjoyment of the library property by other persons.
- Abusive or harassing language or behavior is a nuisance and is not permitted.
- Running, roller-skating, skateboarding, rollerblading or similar inappropriate activities in the library or on the grounds is not permitted and could constitute a nuisance.

VII. COMPUTER AND INTERNET USE

Visitors of the Library and Community Center have access to computer and the Internet as an information resource. Internet use in the Library and Community Center means using the network to access the Internet either on computer

workstations or through a wireless connection. By utilizing the computers and/or Internet services, visitors agree that the Library Attendant or volunteer have the authority to make final determinations regarding rule infractions.

The City expects its visitors to use the Internet responsibly and respect the rights of others. Those who fail to do so risk losing their computer and Internet privileges. When using the internet at the Library and Community Center, it is not acceptable to:

- Violate federal, state or local laws and regulations, including those governing obscenity, child pornography, and materials harmful to minors (including but not limited to Minnesota Statutes 617.241 and 617.291 through 617.294; and Section 134.5, and PL106-554.
- Knowingly view, print, distribute, display, send or receive images or graphics of material which is obscene, child pornography, or harmful to minors
- Engage in any activity that is deliberately offensive or creates an intimidating, disruptive or hostile environment for library customers or library staff.
- Violate copyright laws or database license agreements
- Distribute materials without the permission of the owner
- Send any files or portions of files likely to result in damage to the recipient's databases or networks or the Library and Community Center's databases or networks
- Alter or place files or programs on the computers at the Library and Community Center
- Invalidate the privacy of individuals or vandalize the data of any other user.
- Circumvent the computer management software or security measures on the Library and Community Center's computers
- Vandalize any equipment at the Library and Community Center

Parents and guardians are responsible for monitoring their child(ren)'s use of the Internet.

The Internet is a global electronic network without local, state or federal control over its contents. The City recognizes that resources on the Internet may not be accurate or reliable, may be controversial and may offend some users. Only individual users can determine what is appropriate for them.

Violation of the Library and Community Center Policy may result in a warning, a request to leave the premises, being escorted out of the Library and Community Center, and notification of the police. Persons causing a nuisance may have their privileges immediately revoked. Repeat offenders or persons ordered from the premises who do not comply may be subject to arrest and prosecution for trespassing.

CITY OF NEWPORT LIBRARY AND COMMUNITY CENTER POLICY

I. PURPOSE

With the restriction of the Washington County Library resources to the Kiosk located at City Hall, access to the internet for job applications, research and social media, word processing capabilities, faxing and copying needs were no longer available for many residents. Yet even elementary schools require Internet access for homework and word processing for assignments. The City's historic library is the oldest continuously operating library in the state and we desire to maintain this status as well as look to the future and provide space for community gatherings and programming. To support these goals, the Newport Library and Community Center was established.

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II. VOLUNTEERS

Individuals wishing to volunteer with the Library and Community Center must read and sign the City of Newport Volunteer Policy. Additionally, individuals must complete the Volunteer Application. Individuals who are between the ages of 16 and 18 may volunteer at the Library and Community Center as long as the Library and Community Center Attendant or a volunteer 18 years or older is working as well.

III. DONATIONS, EXPENDITURES, REVENUE AND PETTY CASH

- A. **Donations:** Donations are governed under the City of Newport Donations Policy. Monetary donations for the Library and Community Center must be receipted through City Hall. All material donations such as books, VHS', DVDs, games, etc. must be inventoried by the Library and Community Center Attendant (Attendant). Magazines and newspapers do not need to be inventoried and can be disposed of when needed. Additionally, donors, the Attendant, or Library Volunteer shall complete the Donation Application and Agreement Form. All Donation Application and Agreement Forms shall be filed with the Executive Analyst. Material donations, except for magazines and newspapers, cannot be sold, donated, or thrown without approval from the City Council or City Administrator. Resolution No. 2013-42 authorizes the City Administrator to dispose of certain donations.
- B. **Expenditures:** The Attendant cannot purchase items without approval from its immediate supervisor. All purchases must follow the City of Newport Purchasing Policy.
- C. **Revenue:** Any revenue coming into the Library and Community Center for copies, printing, faxing, etc shall be deposited through City Hall on a bi-monthly basis. Receipts and a log shall accompany the money being deposited.
- D. **Petty Cash:** There will be a petty cash drawer at the Library and Community Center to provide change for revenue such as copies, printing, and faxing. Copies of receipts will need to accompany each source of revenue for the petty cash drawer. Receipts may include an entry in the Petty Cash Log. If an individual requests a paper receipt, the yellow copy shall be placed in the Petty Cash Log in addition to the entry. The petty cash will not be used for expenditures unless authorized by the Attendant's immediate supervisor. The Executive Analyst will reconcile the petty cash drawer on a bi-monthly basis.

IV. SALES

- A. **Book Sales:** The Library and Community Center will host ongoing sales to sell books, VHS', DVDs, etc that are no longer needed. The Attendant shall provide a list of items to be sold to its immediate supervisor for approval.

No items may be sold without approval from the City Council, City Administrator or designated staff. All revenue from the book sale must be logged and receipted through City Hall.

- B. Other Sales:** Apart from book sales, copies, printing, and faxing, no other sales shall take place at the Library and Community Center without approval from the City Administrator.

V. HOURS OF OPERATION

The hours of operation are set by the Attendant and volunteers and must be displayed at the Library and Community Center as well as on the City's website. Per City Resolution, the Library and Community Center may remain open on the following holidays and be staffed by a volunteer:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
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- Thanksgiving
- Day after Thanksgiving
- Christmas Eve
- Christmas

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- A quiet voice should be used when visitors are utilizing the Library and Community Center as a library to study, conduct research, or read.
- Use of tobacco and alcoholic products are not allowed within the Library and Community Center and on the property.
- Eating and drinking is allowed in designated areas of the Library and Community Center only.
- Children younger than seven (7) must be accompanied and supervised by an adult. Children 11 years and younger shall not be responsible for supervising other children. City staff or volunteers are not responsible for the care, safety, or supervision of children.
- Careful use of Library and Community Center materials is required. Damage to Library property is prohibited under Minnesota Statute 609.541.
- Only Seeing Eye dogs and other service animals are allowed in the library.
- Causing a nuisance as defined in Minnesota Statute § 561.01 is prohibited. A nuisance is anything that is:
 - Harmful to the health of a person, or
 - Offensive to the senses of a person, or
 - An obstruction to the free and unrestricted use and enjoyment of the library property by other persons.
- Abusive or harassing language or behavior is a nuisance and is not permitted.
- Running, roller-skating, skateboarding, rollerblading or similar inappropriate activities in the library or on the grounds is not permitted and could constitute a nuisance.

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Drafted April 10, 2013, Revised August 14, 2013

workstations or through a wireless connection. By utilizing the computers and/or Internet services, visitors agree that the Library Attendant or volunteer have the authority to make final determinations regarding rule infractions.

The City expects its visitors to use the Internet responsibly and respect the rights of others. Those who fail to do so risk losing their computer and Internet privileges. When using the internet at the Library and Community Center, it is not acceptable to:

- Violate federal, state or local laws and regulations, including those governing obscenity, child pornography, and materials harmful to minors (including but not limited to Minnesota Statutes 617.241 and 617.291 through 617.294; and Section 134.5, and PL106-554.
- Knowingly view, print, distribute, display, send or receive images or graphics of material which is obscene, child pornography, or harmful to minors
- Engage in any activity that is deliberately offensive or creates an intimidating, disruptive or hostile environment for library customers or library staff.
- Violate copyright laws or database license agreements
- Distribute materials without the permission of the owner
- Send any files or portions of files likely to result in damage to the recipient's databases or networks or the Library and Community Center's databases or networks
- Alter or place files or programs on the computers at the Library and Community Center
- Invade the privacy of individuals or vandalize the data of any other user.
- Circumvent the computer management software or security measures on the Library and Community Center's computers
- Vandalize any equipment at the Library and Community Center

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Violation of the Library and Community Center Policy may result in a warning, a request to leave the premises, being escorted out of the Library and Community Center, and notification of the police. Persons causing a nuisance may have their privileges immediately revoked. Repeat offenders or persons ordered from the premises who do not comply may be subject to arrest and prosecution for trespassing.

Drafted April 10, 2013, Revised August 14, 2013

CITY OF NEWPORT VOLUNTEER POLICY

VOLUNTEERING

Thank you for your interest in volunteering for the City of Newport!

The City ~~of Newport~~ recognizes that limited budgetary and staff resources restrict the ability of the City to accomplish all of the activities that the residents of Newport would consider necessary in maintaining a high quality and standard of life. Given the need to focus on critical priorities for the City, the City must seek other opportunities for accomplishing some of these less critical activities. This directive for volunteers will focus on those activities related to the maintenance of the City parks, recycling efforts, and the general beautification of Newport, as well as the Newport Library and Community Center. It is the intent of this directive to promote civic involvement and boost citizen pride in our community, while completing City projects in a manner that saves funding for critical needs.

Volunteer programs and activities are open to community groups, civic groups, churches, families, and individual residents. These activities will be assigned on a first come, first serve basis. If a volunteer activity is being performed by an organization, the City must be presented with a copy of the organization's certificate of insurance.

The City ~~of Newport~~ reserves the right to approve the involvement of all groups and individuals volunteering to assist the City in implementing these volunteer programs. Volunteers under 17 years of age shall not be permitted to operate any type of commercial equipment / vehicles. The City ~~of Newport~~ reserves the right to review, refuse, cancel, or revise its relationship and agreements with any individuals or organizations if, in the judgment of the City, severing the relationship is in the best interest of the City and its residents.

Any and all volunteers entering into an agreement with the City ~~of Newport~~, while engaged in any work or performance under that agreement, shall not be considered as employees of the City ~~of Newport~~, and any and all claims that may arise under the Worker's Compensation Act of Minnesota on behalf of said employees or other persons while so engaged, and any and all claims made by any third party of the group's volunteers or other persons while so engaged in any of the work or services to be rendered, shall in no way be the obligation or responsibility of the City ~~of Newport~~.

Upon entering into a volunteer position with the City ~~of Newport~~, all volunteers shall be required to sign the form at the back clarifying that the City bears no legal obligations to any parties who are injured while performing volunteer services for the City. Additionally, all volunteers shall be required to complete the Volunteer Application.

DRESS

Clothing and footwear should be neat and clean, comfortable, and appropriate to the tasks performed and to the safety of the volunteer. Volunteers should discuss clothing questions ~~and for~~ specific situations with their staff contact.

COMPUTERS

In order for the City to remain in compliance with the Minnesota Data Practices Act, Access access to private data by volunteers on the City's computer system is not permitted. ~~in order for the City to remain in compliance with the Minnesota Data Practices Act.~~

EMERGENCIES

There are Ppolicies and guidelines that explain to staff their responsibilities in a medical emergency or an emergency due to fire, gas leak, bomb threat, tornado, etc. Please follow the directives of in-charge staff in the event of an emergency.

SAFETY

The health and safety of each volunteer of the City and the prevention of occupational injuries and illnesses are of primary importance to the City. Supervisors shall brief volunteers on potential safety concerns for each volunteer activity.

~~The City strongly encourages volunteers to rotate tasks frequently to decrease body stress and repetition. Remember to raise and lower your chair to an appropriate height and use kick stools to bring books and other items within reach.~~

You must let the person-in-charge know as soon as possible whenever there is an injury. A report must be submitted within 24 hours. Also report to the person-in-charge any injury to program users. You should let the person-in-charge know when you have a concern about a City facility, a work routine or other situation.

CITYWIDE WORK RULES & CODE OF CONDUCT

Conduct as a City Volunteer

In volunteering for the City, volunteers become representatives of the City and are responsible for assisting and serving the community. Volunteers should exhibit conduct that is ethical, professional, responsive, and of standards becoming of a City volunteer. To achieve this goal, volunteers must adhere to established policies, rules, and procedures.

Falsification of Records

Any volunteers who make 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.

Gifts Acceptance

Minnesota State law prohibits any City volunteer from accepting a gift from anyone doing business with the City. While the State law allows limited exceptions, for all practical purposes, gifts of any value are prohibited.

Political Activity

City volunteers have the right to express their views and to pursue legitimate involvement in the political system. However, no City volunteer will directly or indirectly, while volunteering, solicit or receive funds for political purposes. Further, any political activity in the workplace must be pre-approved by the City to avoid any conflict of interest or perception of bias such as using authority or political influence to compel another volunteer to apply for or become a member in a political organization.

RESPECTFUL WORKPLACE POLICY

The intent of this policy is to provide general guidelines about the conduct that is and is not appropriate in the workplace. The City acknowledges that this policy cannot possibly predict all situations that might arise, and also recognizes that some volunteers 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 City personnel, including regular and temporary employees, volunteers, firefighters, and City Council members.

Abusive Customer Behavior

While the City has a strong commitment to customer service, the City does not expect that volunteers accept verbal abuse from any customer. Any volunteer 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, 9-1-1 may be called. Volunteers should leave the area immediately when violence is imminent unless their duties require them to remain. Volunteers must notify their supervisor about the incident as soon as possible.

Drafted April 10, 2013, Revised August 14, 2013

Types of Disrespectful Behavior

The following types of behaviors cause a disruption in the workplace and are, in many instances, unlawful:

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 behavior. Accordingly, volunteers are encouraged to discuss with their fellow volunteers and supervisor what is regarded as offensive, taking into account the sensibilities of volunteers and the possibility of public reaction. Although the standard for how volunteers 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 a volunteer is unsure whether a particular behavior is appropriate, the volunteer should request clarification from their supervisor or the City Administrator.

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 volunteer position; or
- Submitting to or rejecting the conduct is used as the basis for a volunteer decision affecting an individual's volunteer position; 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.

Possession and Use of Dangerous Weapons

Possession or use of a dangerous weapon is prohibited on City property, in City vehicles, or in any personal vehicle, which is being used for City business. This includes volunteers with valid permits to carry firearms.

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

- Volunteers legally in possession of a firearm for which the volunteer 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 City property.
- A person who is showing or transferring the weapon or firearm to a police officer as part of an investigation.
- Police officers and volunteers who are in possession of a weapon or firearm in the scope of their official duties.

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Volunteer Response to Disrespectful Workplace Behavior

Volunteers 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 volunteer is responsible for taking one of the actions below. If volunteers see or overhear a violation of this policy, they are encouraged to take 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 City Administrator. 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 volunteers are required to report the incident immediately to their supervisor, City Administrator, or Police Department. Any volunteer 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 City Administrator.

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

Supervisor's Response to Allegations of Disrespectful Workplace Behavior

In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations within two business days to the City Administrator, 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
- List of witnesses
- Identification of the offender

Step 3. The supervisor must notify the City Administrator 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.

Drafted April 10, 2013, Revised August 14, 2013

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

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 City Administrator who will assume the responsibility for investigation and discipline.

If the City Administrator is perceived to be the cause of a disrespectful workplace behavior, a report will be made to the City Attorney, who will confer with the Mayor and City Council regarding appropriate investigation and action.

If a Council Member is perceived to be the cause of a disrespectful workplace behavior incident involving City personnel, the report will be made to the City Administrator and referred to the City Attorney, who will undertake the necessary investigation. The City Attorney will report his / her findings to the City Council, which will take the action it deems appropriate.

Pending completion of the investigation, the City Administrator may at his / her discretion take appropriate action to protect the alleged victim, other volunteers, or citizens.

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

Retaliation

Consistent with the terms of applicable statutes and City personnel policies, the City may discipline any individual who retaliates against any person who reports alleged violations of this policy. The City 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.

E-MAIL USAGE

The City ~~of Newport~~'s electronic mail system (e-mail) is designed to facilitate City business communication among employees, volunteers and other business associates for messages or memoranda. Since no computer system is completely secure, the e-mail system is not intended to transmit sensitive materials, ~~such as personnel decisions~~ and other similar information that may be more appropriately communicated by written memorandum or personal conversation.

The e-mail system is City property and intended for City business. The system is not to be used for employee or volunteer personal gain or to support or advocate for non-City related business or purposes. All data and other electronic messages within this system are the property of the City ~~of Newport~~.

Personal e-mail accounts accessed through the public computers at the Library and Community Center are not covered by this policy, unless the e-mail is regarding City business.

Drafted April 10, 2013, Revised August 14, 2013

General Information on Passwords

While you have a confidential password, users should be aware that this does not suggest that the system is for personal confidential communication, nor does it suggest that e-mail is the property right of the employee or volunteer. The use of the e-mail system is for City business. Passwords should be periodically changed to ensure security of the e-mail system. Users should not share their password with anyone else.

Prohibited Uses

Solicitation of funds, political messages, harassing messages and other such messages are specifically prohibited. All e-mail messages are subject to all state and federal laws, such as, open meeting laws, data practices act, the human rights act, etc.

Retention of E-Mails

Employees, volunteers, members of the City Council, members of Advisory Boards, and Consultants shall retain all e-mails associated with City business for one month.

Applicability to Volunteers and Other Users

This e-mail policy applies to all full-time employees, part-time employees, temporary employees, interns, volunteers, and other individuals in all departments who are provided access to the City ~~of Newport~~'s e-mail system as necessary for their business purpose with the City.

System Monitoring

Users expressly waive any right of any privacy in anything they create, store, send, or receive on the company's computer system. The City ~~of Newport~~ can, but is not obliged to, monitor e-mails without prior notification. If there is evidence that an volunteer is not adhering to the guidelines set out in this policy, the City ~~of Newport~~ reserves the right to take disciplinary action, including termination and / or legal action.

INTERNET USAGE

Business Use Only

By definition, the Internet is a collection of computers, computer networks, communication protocols, information servers, and personal and organizational information retrieval clients, connected together in a global community. Traffic may cross multiple networks prior to reaching the client destination. The City ~~of Newport~~ provides its volunteers with access to the vast information resources of the Internet to assist them in performing their job duties in an effective and efficient matter. The facilities to provide Internet access represent a substantial commitment of City resources and therefore, the City has developed this policy to ensure that the Internet is being used appropriately.

The Internet is a business tool to be used exclusively for business purposes, i.e., to communicate with customers and suppliers, to research relevant topics, and to obtain business information. When using the Internet, volunteers are expected to conduct themselves in a professional manner and to respect copyrights, software licensing rules, etc.

Unnecessary or unauthorized Internet usage takes away from work time, consumes supplies, ties up printers and other shared resources. Unlawful Internet usage may also garner negative publicity for the City and expose it to significant legal liabilities.

This policy covers all files that can be read on a computer screen, including HTML files read in an Internet browser, any file meant to be accessed by a word processing or desk-top publishing program or its viewer, any files prepared for the Adobe Acrobat reader and other electronic publishing tools. Graphics includes all photographs, pictures, animations, movies or other drawings.

Prohibited Use

Inappropriate Internet use includes: transmitting obscene, harassing, offensive, or unprofessional messages; accessing any site that is sexually or racially offensive or discriminatory; displaying, downloading, or distributing

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any sexually explicit material; transmitting any of the City ~~of Newport~~'s confidential or proprietary information, including customer data, trade secrets, or other confidential information.

Monitoring

The City ~~of Newport~~ reserves the right to monitor volunteer use of the Internet at any time and volunteers should not consider their Internet usage to be private. Personal passwords are not an assurance of confidentiality, and the Internet itself is not secure.

Copyright Restrictions; Permission Required

Any software or other material downloaded into the City ~~of Newport~~'s computers may be used only in ways consistent with the licenses and copyrights of the vendors, authors, or owners of the material. Prior written authorization from a manager is required before introducing software into the City ~~of Newport~~'s computer system. Volunteers may not download entertainment software, games, or any other software unrelated to their work.

No Company Representation

Only authorized employees may communicate on the Internet on behalf of the City ~~of Newport~~. Volunteers may not express opinions or personal views that could be misconstrued as being those of the City ~~of Newport~~. Volunteers may not state their company affiliation on the Internet unless required as part of their assigned duties.

Violations of Policy

Any violation of this policy may result in loss of computer access and disciplinary action, including immediate termination.

TELEPHONE USAGE

All personal telephone calls, text messaging, and e-mailing from telephones, are to be done only during breaks or lunch breaks, or when emergency situations warrant. They are not to interfere with City work and are to be completed as quickly as possible. Volunteers working at the Library and Community Center shall ensure personal telephone usage does not interfere with assigned duties. Any personal long distance costs will be paid for by the volunteer.

NEWS RELEASES

Formal news releases concerning municipal affairs are the responsibility of the City Administrator or his or her designee. All media interviews must be approved by the City Administrator before the interview in all situations practicable. All contacts with the media should be reported to the City Administrator as soon as possible.

No City volunteer is authorized to speak on behalf of the City without prior authorization from the City Administrator or his / her designee.

All news releases concerning City personnel will be the responsibility of the City Administrator.

SMOKING

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.

DRUGS

While on the City ~~of Newport~~ premises and while conducting business-related activities off the City ~~of Newport~~ premises, no volunteer may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs.

VOLUNTEERING AT THE NEWPORT LIBRARY AND COMMUNITY CENTER

Schedules and Attendance

Punctual attendance at your appointed volunteer times is expected. Notify your staff contact or the person-in-charge if you are unable to work your agreed on schedule.

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Checking In and Recording Time

At the start of each volunteer shift, check in by marking your start time on the Volunteer Activities Tracking Form. Be sure to record when you leave and the tasks you completed before leaving for the day.

Using the Library

Borrowed Materials Regulations: When you borrow library materials, you are subject to the same rules as other library users. All materials must be checked out and you should return materials before they become overdue.

Public Computers: Volunteers working at the Library and Community Center may use the public computers during their scheduled time but must ensure that it does not interfere with their assigned duties. Volunteers are subject to the same rules listed in the Library and Community Center Policy.

~~The City reserves the right to terminate a volunteer's participation in the Newport Library and Community Center volunteer program.~~

DRAFT

Drafted April 10, 2013, Revised August 14, 2013

**CITY OF NEWPORT
VOLUNTEER POLICY**

By signing this document, I _____, am acknowledging (printed name)

that I have received and read a copy of the City of Newport's Citizen Volunteer Policy and fully understand and agree to the provisions of the Policy. Furthermore, I understand that the City bears no legal obligations to any parties who are injured while performing volunteer services.

Signature

Date

DRAFT

Drafted April 10, 2013, Revised August 14, 2013

**CITY OF NEWPORT
VOLUNTEER POLICY**

VOLUNTEERING

Thank you for your interest in volunteering for the City of Newport!

The City recognizes that limited budgetary and staff resources restrict the ability of the City to accomplish all of the activities that the residents of Newport would consider necessary in maintaining a high quality and standard of life. Given the need to focus on critical priorities for the City, the City must seek other opportunities for accomplishing some of these less critical activities. This directive for volunteers will focus on those activities related to the maintenance of the City parks, recycling efforts, and the general beautification of Newport, as well as the Newport Library and Community Center. It is the intent of this directive to promote civic involvement and boost citizen pride in our community, while completing City projects in a manner that saves funding for critical needs.

Volunteer programs and activities are open to community groups, civic groups, churches, families, and individual residents. These activities will be assigned on a first come, first serve basis. If a volunteer activity is being performed by an organization, the City must be presented with a copy of the organization's certificate of insurance.

The City reserves the right to approve the involvement of all groups and individuals volunteering to assist the City in implementing these volunteer programs. Volunteers under 17 years of age shall not be permitted to operate any type of commercial equipment / vehicles. The City reserves the right to review, refuse, cancel, or revise its relationship and agreements with any individuals or organizations if, in the judgment of the City, severing the relationship is in the best interest of the City and its residents.

Any and all volunteers entering into an agreement with the City, while engaged in any work or performance under that agreement, shall not be considered as employees of the City, and any and all claims that may arise under the Worker's Compensation Act of Minnesota on behalf of said employees or other persons while so engaged, and any and all claims made by any third party of the group's volunteers or other persons while so engaged in any of the work or services to be rendered, shall in no way be the obligation or responsibility of the City.

Upon entering into a volunteer position with the City, all volunteers shall be required to sign the form at the back clarifying that the City bears no legal obligations to any parties who are injured while performing volunteer services for the City. Additionally, all volunteers shall be required to complete the Volunteer Application.

DRESS

Clothing and footwear should be neat and clean, comfortable, and appropriate to the tasks performed and to the safety of the volunteer. Volunteers should discuss clothing questions for specific situations with their staff contact.

COMPUTERS

In order for the City to remain in compliance with the Minnesota Data Practices Act, access to private data by volunteers on the City's computer system is not permitted.

EMERGENCIES

There are policies and guidelines that explain to staff their responsibilities in a medical emergency or an emergency due to fire, gas leak, bomb threat, tornado, etc. Please follow the directives of in-charge staff in the event of an emergency.

SAFETY

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The health and safety of each volunteer of the City and the prevention of occupational injuries and illnesses are of primary importance to the City. Supervisors shall brief volunteers on potential safety concerns for each volunteer activity.

You must let the person-in-charge know as soon as possible whenever there is an injury. A report must be submitted within 24 hours. Also report to the person-in-charge any injury to program users. You should let the person-in-charge know when you have a concern about a City facility, a work routine or other situation.

CITYWIDE WORK RULES & CODE OF CONDUCT

Conduct as a City Volunteer

In volunteering for the City, volunteers become representatives of the City and are responsible for assisting and serving the community. Volunteers should exhibit conduct that is ethical, professional, responsive, and of standards becoming of a City volunteer. To achieve this goal, volunteers must adhere to established policies, rules, and procedures.

Falsification of Records

Any volunteers who make 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.

Gifts Acceptance

Minnesota State law prohibits any City volunteer from accepting a gift from anyone doing business with the City. While the State law allows limited exceptions, for all practical purposes, gifts of any value are prohibited.

Political Activity

City volunteers have the right to express their views and to pursue legitimate involvement in the political system. However, no City volunteer will directly or indirectly, while volunteering, solicit or receive funds for political purposes. Further, any political activity in the workplace must be pre-approved by the City to avoid any conflict of interest or perception of bias such as using authority or political influence to compel another volunteer to apply for or become a member in a political organization.

RESPECTFUL WORKPLACE POLICY

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

Applicability

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If there is a concern over the possibility of physical violence, a supervisor should be contacted immediately. When extreme conditions dictate, 9-1-1 may be called. Volunteers should leave the area immediately when violence is imminent unless their duties require them to remain. Volunteers must notify their supervisor about the incident as soon as possible.

Types of Disrespectful Behavior

The following types of behaviors cause a disruption in the workplace and are, in many instances, unlawful: *Violent behavior includes the use of physical force, harassment, or intimidation.*

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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 behavior. Accordingly, volunteers are encouraged to discuss with their fellow volunteers and supervisor what is regarded as offensive, taking into account the sensibilities of volunteers and the possibility of public reaction. Although the standard for how volunteers 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 a volunteer is unsure whether a particular behavior is appropriate, the volunteer should request clarification from their supervisor or the City Administrator.

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- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's volunteer position; or
- Submitting to or rejecting the conduct is used as the basis for a volunteer decision affecting an individual's volunteer position; 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.

Possession and Use of Dangerous Weapons

Possession or use of a dangerous weapon is prohibited on City property, in City vehicles, or in any personal vehicle, which is being used for City business. This includes volunteers with valid permits to carry firearms.

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

- Volunteers legally in possession of a firearm for which the volunteer 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 City property.
- A person who is showing or transferring the weapon or firearm to a police officer as part of an investigation.
- Police officers and volunteers who are in possession of a weapon or firearm in the scope of their official duties.

Volunteer Response to Disrespectful Workplace Behavior

Volunteers 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 volunteer is responsible for taking one of the actions below. If volunteers see or overhear a violation of this policy, they are encouraged to take 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 City Administrator. 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 volunteers are required to report the incident immediately to their supervisor, City Administrator, or Police Department. Any volunteer 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 City Administrator.

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

Supervisor's Response to Allegations of Disrespectful Workplace Behavior

In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations within two business days to the City Administrator, 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:

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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
- List of witnesses
- Identification of the offender

Step 3. The supervisor must notify the City Administrator 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.

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If the City Administrator is perceived to be the cause of a disrespectful workplace behavior, a report will be made to the City Attorney, who will confer with the Mayor and City Council regarding appropriate investigation and action.

If a Council Member is perceived to be the cause of a disrespectful workplace behavior incident involving City personnel, the report will be made to the City Administrator and referred to the City Attorney, who will undertake the necessary investigation. The City Attorney will report his / her findings to the City Council, which will take the action it deems appropriate.

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Unnecessary or unauthorized Internet usage takes away from work time, consumes supplies, ties up printers and other shared resources. Unlawful Internet usage may also garner negative publicity for the City and expose it to significant legal liabilities.

This policy covers all files that can be read on a computer screen, including HTML files read in an Internet browser, any file meant to be accessed by a word processing or desk-top publishing program or its viewer, any files prepared for the Adobe Acrobat reader and other electronic publishing tools. Graphics includes all photographs, pictures, animations, movies or other drawings.

Prohibited Use

Inappropriate Internet use includes: transmitting obscene, harassing, offensive, or unprofessional messages; accessing any site that is sexually or racially offensive or discriminatory; displaying, downloading, or distributing any sexually explicit material; transmitting any of the City's confidential or proprietary information, including customer data, trade secrets, or other confidential information.

Monitoring

The City reserves the right to monitor volunteer use of the Internet at any time and volunteers should not consider their Internet usage to be private. Personal passwords are not an assurance of confidentiality, and the Internet itself is not secure.

Copyright Restrictions; Permission Required

Any software or other material downloaded into the City's computers may be used only in ways consistent with the licenses and copyrights of the vendors, authors, or owners of the material. Prior written authorization from a manager is required before introducing software into the City's computer system. Volunteers may not download entertainment software, games, or any other software unrelated to their work.

Drafted April 10, 2013, Revised August 14, 2013

No Company Representation

Only authorized employees may communicate on the Internet on behalf of the City. Volunteers may not express opinions or personal views that could be misconstrued as being those of the City. Volunteers may not state their company affiliation on the Internet unless required as part of their assigned duties.

Violations of Policy

Any violation of this policy may result in loss of computer access and disciplinary action, including immediate termination.

TELEPHONE USAGE

All personal telephone calls, text messaging, and e-mailing from telephones, are to be done only during breaks or lunch breaks, or when emergency situations warrant. They are not to interfere with City work and are to be completed as quickly as possible. Volunteers working at the Library and Community Center shall ensure personal telephone usage does not interfere with assigned duties. Any personal long distance costs will be paid for by the volunteer.

NEWS RELEASES

Formal news releases concerning municipal affairs are the responsibility of the City Administrator or his or her designee. All media interviews must be approved by the City Administrator before the interview in all situations practicable. All contacts with the media should be reported to the City Administrator as soon as possible.

No City volunteer is authorized to speak on behalf of the City without prior authorization from the City Administrator or his / her designee.

All news releases concerning City personnel will be the responsibility of the City Administrator.

SMOKING

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.

DRUGS

While on the City premises and while conducting business-related activities off the City premises, no volunteer may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs.

VOLUNTEERING AT THE NEWPORT LIBRARY AND COMMUNITY CENTER

Schedules and Attendance

Punctual attendance at your appointed volunteer times is expected. Notify your staff contact or the person-in-charge if you are unable to work your agreed on schedule.

Checking In and Recording Time

At the start of each volunteer shift, check in by marking your start time on the Volunteer Activities Tracking Form. Be sure to record when you leave and the tasks you completed before leaving for the day.

Using the Library

Borrowed Materials Regulations: When you borrow library materials, you are subject to the same rules as other library users. All materials must be checked out and you should return materials before they become overdue.

Public Computers: Volunteers working at the Library and Community Center may use the public computers during their scheduled time but must ensure that it does not interfere with their assigned duties. Volunteers are subject to the same rules listed in the Library and Community Center Policy.

DRAFT

**CITY OF NEWPORT
VOLUNTEER POLICY**

By signing this document, I _____, am acknowledging (printed name)

that I have received and read a copy of the City of Newport’s Citizen Volunteer Policy and fully understand and agree to the provisions of the Policy. Furthermore, I understand that the City bears no legal obligations to any parties who are injured while performing volunteer services.

Signature

Date

City of NEWPORT
VOLUNTEER APPLICATION

Newport City Hall ♦ 596 7th Avenue ♦ Newport ♦ Minnesota ♦ 55055 ♦ Telephone 651-459-5677 ♦ Fax 651-459-9883

Thank you for your interest in volunteering for the City!

Personal Information

Name: _____ Telephone: _____

Address: _____ Cell: _____

City/State/Zip: _____ Date of Birth: _____

Email Address: _____

Have you ever been convicted of a crime: Yes No

If yes, list specific crime, circumstances, date of conviction, and location of conviction below:

Have you ever been discharged, forced to resign, or “counseled out” of prior employment or a volunteer assignment?

Yes No If yes, please list the circumstances below:

Type of Volunteer Work:

Voluntary Commission Adopt-a-Park/Trail Library Volunteer One-Time Volunteer

Volunteer Information

Volunteer Experience and Special Skills:

Availability: Please list the times when you are available below

Applicant Statement and Acknowledgements

I certify that the information contained in this application is correct, and I have not omitted or misstated any information. I understand that falsification or omission of information may disqualify me from further consideration for volunteering and may lead to my dismissal if discovered at a later date. I agree to immediately notify the City of Newport if I should be convicted of a felony or any crime while my application is pending, or during my period of volunteering.

I authorize all persons, schools, employers and law enforcement authorities to release any information concerning my background, including all information contained in this application. I hereby release any said persons, school, employers, and law enforcement authorities from all liability in responding to inquiries in connection with my application.

I understand that I am required to abide by all rules and regulations set forth by the City of Newport. I also understand that I have the right to receive a copy of this acknowledgement should I request one.

Applicant's Signature: _____ Date: _____

Parent/Guardian's Signature (required if under 18): _____

Disclosure and Release Authorization

In connection with my application for employment with you, I understand that you may be requesting information concerning my driving record, credit history, criminal history, educational history, professional licensure and certification, workers' compensation claims, and/or other records available from various state, private, and insurance sources. Workers' compensation information will only be requested in compliance with the ADA.

I HEREBY AUTHORIZE, WITHOUT RESERVATION, ANY LAW ENFORCEMENT AGENCY, ADMINISTRATOR, STATE AGENCY, INSTITUTION, INFORMATION SERVICE BUREAU, EDUCATIONAL INSTITUTION, EMPLOYER OR INSURANCE COMPANY TO FURNISH THE ABOVE-MENTIONED INFORMATION, AND AGREE TO RELEASE THEM FROM ANY LIABILITY FOR ANY DAMAGE WHATSOEVER FOR ISSUING SUCH INFORMATION.

I further acknowledge that a telephonic facsimile (FAX) or photographic copy shall be as valid as the original. This release includes all state and federal agencies including State Departments of Labor.

Today's Date: _____ Signature: _____

The following must be filled out completely: (Please print)

Name (Last, First, Middle): _____

Other Names I Am/Have Been Know By: _____

Street Address: _____

City, State, Zip: _____

Other Cities/States in Which I Have Lived: _____

Social Security Number: _____ Date of Birth: _____

Driver's License Number: _____ State of Issuance: _____

For Employer Use Only:

Account Number: _____

Your Name: _____

Company Name: _____

Street Address, City, State, Zip: _____

Fax Number: _____ Phone Number: _____

Check the Ones that Apply:

Search(es) Requested:

Workers' Compensation from These States: _____

Driving Record (MVR) from These States: _____

Criminal History from These States/Counties: _____

Other: _____

This Background Check is Required by the Following Law: _____

Information on these pages will not be kept in your personnel file.

RESOLUTION NO. 2013-42

A RESOLUTION ESTABLISHING PROCEDURES FOR THE ACCEPTANCE AND DISPOSAL OF CERTAIN DONATIONS MADE TO THE CITY OF NEWPORT

WHEREAS, The City of Newport, Minnesota is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

WHEREAS, the City Council may designate staff to accept and dispose of certain donations on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEWPORT, MINNESOTA, AS FOLLOWS:

1. The City Administrator can accept material donations that are estimated to cost less than \$50 on behalf of the City. After accepting the donation, the City Administrator will write a letter of appreciation to the donor.
2. The City Administrator may authorize the disposal of certain donations.

Adopted by this council this 5th day of September, 2013.

Motion by: _____, Seconded by: _____

VOTE:	Geraghty	_____
	Ingemann	_____
	Sumner	_____
	Gallagher	_____
	Rahm	_____

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Deb Hill, City Administrator

**JOINT POWERS AGREEMENT
OF THE
SWAT TEAM SERVING WASHINGTON COUNTY**

**Article 1
Enabling Authority**

THIS AGREEMENT is made by and between the political subdivisions organized and existing under the Constitution and laws of the State of Minnesota, hereafter collectively referred to as "Parties", and individually as "Party" which are signatories to this "Agreement."

Minnesota Statutes, Section 471.59 provides that two or more governmental units may by Agreement jointly exercise any power common to the contracting Parties; and

Minnesota Statutes, Section 626.76 provides that any appointive or elective agency or office of peace officers as defined in subdivision 3 may establish rules or regulations and enter into agreements with other agencies and offices for: (1) assisting other peace officers in the line of their duty and within the course of their employment; and (2) exchanging the agency's peace officers with peace officers of another agency or office on a temporary basis. Additionally, the agency or office may establish rules and regulations for assisting probation, parole, and supervised release agents who are supervising probationers, parolees, or supervised releases in the geographic area within the agency's or office's jurisdiction.

Subd. 2. **Assistance.** (a) When a peace officer gives assistance to another peace officer, or to a parole, probation, or supervised release agent, within the scope of the rules or regulations of the peace officer's appointive or elected agency or office, any such assistance shall be within the line of duty and course of employment of the officer rendering the assistance.

(b) When a peace officer acts on behalf of another agency or office within the scope of an exchange agreement entered into under subdivision 1, the officer's actions are within the officer's line of duty and course of employment to the same extent as if the officer had acted on behalf of the officer's employing agency.

Subd. 3. **Peace officer.** For the purposes of this section, "peace officer" means any member of a police department, State Patrol, conservation officer, sheriff's office, or any other law enforcement agency, the members of which have, by law, the power of arrest.

Subd. 4. **No enlargement of duties.** This section shall in no way be construed as extending or enlarging the duties or authority of any peace officer or any other law enforcement agent as defined in subdivision 3 except as provided in this section.

In consideration of the mutual promises and Agreements contained herein and subject to the provisions of Minnesota Statutes, Sections 471.59, 626.76, and all other applicable statutes, rules and regulations, the following Parties:

- Washington County Sheriff's Office
- Bayport Police Department
- Cottage Grove Police Department
- Forest Lake Police Department
- Newport Police Department
- Oak Park Heights Police Department
- St. Paul Park Police Department
- Stillwater Police Department
- Woodbury Police Department

hereto agree as follows:

**Article 2
Purpose**

The Parties desire to establish a highly trained and skilled tactical team whereby they may jointly exercise powers common to law enforcement on issues requiring:

- 2.1 A response to critical incidents, including but not limited to, hostage, barricade, and sniper situations, high-risk apprehension, high-risk warrant service, personal protection, and special assignments
- 2.2 A coordinated and formal framework for membership and personnel commitments, overall operations, resources available, general management, and liability issues.
- 2.3 Provide other similar or related services and programs as determined by the Board.
- 2.4 Establish procedures to add qualifying Parties to this Agreement.
- 2.5 Establish a mechanism whereby additional and/or alternative programs and services may be developed for the benefit of the Parties and in furtherance of the objectives of the Parties.

**Article 3
Name**

The name of this entity shall be the Washington County Special Weapons and Tactics Team (SWAT).

**Article 4
Governance**

- 4.1. Governing Board. A governing board shall be formed to oversee the operation of the SWAT and shall be known as the Chief Law Enforcement Officer's Board

(C.L.E.O.). This board will be comprised of the Washington County Sheriff, the Woodbury Public Safety Director, the Cottage Grove Public Safety Director and a CLEO representing the other agencies, or their respective designee.

- 4.2. Meetings. The Board shall comply with Minnesota Statutes Chapter 13D (Open Meeting Law).
- 4.3. By-Laws. The Board may adopt bylaws to govern its operations. Such bylaws shall be consistent with the Agreement and applicable law.
- 4.4. Amendments. This Agreement may be amended from time to time as deemed necessary.

Article 5 Powers of the Board

- 5.1. General Powers. The Board is hereby authorized to exercise such authority and powers common to the Parties as is necessary and proper to fulfill its purposes and perform its duties. Such authority shall include the specific powers enumerated in this Agreement or in the bylaws.
- 5.2. Specific Powers.
 - 5.2.1. Contracts. The Board may enter into contracts necessary for the exercise of its duties and responsibilities to govern the SWAT. The Board may take such action as is necessary to enforce such contracts to the extent available in equity or at law. Contracts let and purchases made pursuant to this Agreement shall conform to the requirements applicable to contracts required by law (i.e. fiscal management, personnel management).
 - 5.2.2. Expenses. The Board may incur expenses and make expenditures necessary and incidental to the effectuation of its purpose and consistent with its powers, within its approved budget.
 - 5.2.3. Annual Budget. The annual budget consists of funds received from local law enforcement agencies, state grants, and Washington County. The SWAT budget will be approved by the Chief Law Enforcement Officer's Board.
 - 5.2.4. Insurance. The Board shall obtain liability, property and auto insurance and may obtain such other insurance it deems necessary to indemnify the Board and its members for actions of the Board and its members arising out of this Agreement.

5.2.5. Officer assignments. The Board shall have the power and authority to determine guidelines, expectations and procedures of a Party's assigned officer and a Party's agency.

Article 6

Indemnification and Hold Harmless

- 6.1. Applicability. The SWAT shall be considered a separate and distinct public entity to which the Parties have transferred all responsibility and control for actions taken pursuant to this Agreement. The SWAT shall comply with all laws and rules that govern a public entity in the State of Minnesota and shall be entitled to the protections of M.S. 466.
- 6.2. Indemnification and Hold Harmless. The SWAT shall fully defend, indemnify and hold harmless the Parties against all claims, losses, liability, suits, judgments, costs and expenses by reason of the action or inaction of the Board and/or employees and/or the agents of the SWAT. This Agreement to indemnify and hold harmless does not constitute a waiver by any participant of limitations on liability provided under Minnesota Statutes, Section 466.04.

To the full extent permitted by law, actions by the Parties pursuant to this Agreement are intended to be and shall be construed as a "cooperative activity" and it is the intent of the Parties that they shall be deemed a "single governmental unit" for the purpose of liability, as set forth in Minnesota Statutes, Section 471.59, subd. 1a(a); provided further that for purposes of that statute, each Party to this Agreement expressly declines responsibility for the acts or omissions of the other Party.

The Parties of this Agreement are not liable for the acts or omissions of the other participants to this Agreement except to the extent to which they have agreed in writing to be responsible for acts or omissions of the other Parties.

Any excess or uninsured liability shall be borne equally by all the Parties, but this does not include the liability of any individual officer, employee, or volunteer which arises from his or her own malfeasance, willful neglect of duty, or bad faith.

Article 7

Term

This Agreement shall commence upon approval of the governing body of each Party and signature of the official with authority to bind the entity listed in Article 1.

The Agreement shall be in effect only with respect to the Parties who have approved and signed it.

This Agreement is for Calendar Year 2013 and shall continue thereafter with those Parties who do not withdraw from the SWAT.

Article 8

Withdrawal and Termination

- 8.1 Withdrawal. A Party may withdraw from the SWAT by notifying the Chair in writing, providing a 120 day notice of said intention.
- 8.2. Effective Date and Obligations. Withdrawal shall be effective on the date approved by the Party and Board Chair. A withdrawing Party may reclaim any equipment it initially contributed to the SWAT when it first joined the team. The withdrawing Party is not entitled to a refund of any budget monies for that current year. In addition, the withdrawing Party is not entitled to any assets, which had been purchased through the combined SWAT budget process.
- 8.3 Removal of Officer. When, and if, an assigned Officer is removed from the SWAT, all SWAT equipment shall be promptly returned to the SWAT.
- 8.4. Termination. This Agreement shall remain in force until more than 50 percent of the Chief Law Enforcement Officer's Board members vote to terminate the Agreement and have received approval, for the Agreement termination, from their respective city/county board. The termination date for this Agreement will take effect 120 days after the date of the vote.
 - 8.4.1 Effects of Termination. Termination shall not discharge any liability incurred by the Board or by the Parties during the term of the Agreement.
 - 8.4.2 Financial obligations shall continue until discharged by law, this Agreement or any other agreement.
 - 8.4.3 Property acquired by the SWAT will be dispersed according to the process outlined in the bylaws.

**Article 9
Counterparts**

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Counterparts shall be filed with the Washington County Sheriff who will maintain them at Washington County Law Enforcement Center.

IN WITNESS WHEREOF, the Parties, by action of their governing bodies, or their authorized designees, have caused this Agreement to be executed in accordance with the authority of Minnesota Statutes, Section 471.59.

Washington County

Approved as to form and execution:

County Attorney/Date

By _____
Chair of Board

Date of Signature _____

Attest _____
Clerk to Board

Newport

Approved as to form and execution:

City Attorney/Date

By _____
Mayor

Date of Signature _____

Attest _____
City Administrator

July 2013

Newport Police Department
Activity Report

		Monthly Total	Yearly Total
ACCIDENTS		10	76
ADMINISTRATIVE		97	703
ALARMS		13	69
ANIMAL CALLS		17	76
ARRESTS	Felony	1	19
	Misdemeanor	12	60
	Gross Misd.		23
ASSAULTS	Aggravated		1
	Simple	3	11
ASSIST OTHER DEPT/OFFICER		72	427
ASSIST PUBLIC		172	1224
AUTO THEFT			1
	Attempted		
BURGLARY			13
	Attempted	1	3
CHILD ABUSE/NEGLECT			10
CIVIL DISPUTES		8	54
CRIMINAL SEXUAL CONDUCT			3
CURFEW			2
DAMAGE TO PROPERTY		5	29
DEATH INV.			3
DISORDER CONDUCT		10	19
DOMESTICS		6	86
DRIVING COMPLAINT		16	59
DRUGS/PARAPHERNALIA			15
DRUNKS/DETOX		2	13
D.W.I.		2	32
FIRECALLS		3	32
FORGERY		4	6
FOUND PROPERTY		1	9
HAR/COMM		5	15
HANG UPS (911)		2	23
HOMICIDE			1
JUVENILE PETTY CITATIONS			18
JUVENILE PROBLEMS		14	49
LOCK-OUTS		1	25
MEDICAL CALLS		23	154
MISSING PERSONS			5
ORDINANCE VIOLATIONS		50	256
ORDINANCE WINTER PARK			87
PROWLERS			
ROBBERY		1	2
	Attempted		1
RUN-AWAY		1	9
STOLEN AUTOS RECOVERED			8
SUSPICIOUS ACTIVITY		29	150
THEFT		7	67
	Attempted		
CITATIONS		115	784
TRAFFIC WARNINGS		71	555
		Monthly Total	Yearly Total
Overall Grand Total All Events		774	5287



444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tkda.com

Memorandum

To:	Newport City Council	Reference:	Newport Cold Storage Variance Extension Request
Copies To:	Deb Hill, City Administrator	Project No.:	15258.001
	Administrator		
	Renee Helm, Executive Assistant	Routing:	
From:	Sherri Buss, RLA AICP, Planner		
Date:	April 15, 2013		

SUBJECT: Newport Cold Storage Variance Request

MEETING DATE: April 18, 2013

LOCATION: 2233 Maxwell Avenue

APPLICANT: Andrew Greenberg, President
Newport Cold Storage

ZONING: Light Industrial (I-1), Shoreland Overlay District, Floodplain Overlay District, and Mississippi River Critical Area.

60-DAY REVIEW: October 27, 2013

ITEMS REVIEWED: Letters from Newport Cold Storage requesting extension; stormwater management information

BRIEF DESCRIPTION OF THE REQUEST

Newport Cold Storage (NCS) has requested a 24-month extension of the variance that the City granted for expansion of their facilities. On April 18, 2013 the City Council approved the company's request for a variance from the height requirement of the I-1 Light Industrial District to allow expansion of their facilities, including a building up to 59 feet in height, and a variance from the maximum coverage requirement of the I-1 District to allow lot coverage up to 43.02%.

NCS has requested that the implementation of the stormwater management facilities be delayed while NCS works with the City to determine if a better solution can be achieved for the City and for NCS.

BACKGROUND

The City's Zoning Ordinance requires if an owner of a property that is granted a variance has not substantially completed the construction or alteration of the building as proposed in the variance, that the variance becomes null and void unless the owner has petitioned for an extension of time in which to complete the construction permitted by the variance. A petition to extend a variance must be submitted in writing no later than 20 days before the expiration date of the variance.

The City Council may grant a variance extension of up to two years for the substantial construction of the building. The variance cannot be extended beyond those two years.

Andrew Greenberg, the President of Newport Cold Storage, has requested an extension of the variance that the Council granted on April 18, 2013. Mr. Greenberg notes that the new State of Minnesota Warehouse Services Sales Tax has created some uncertainty, and that the company needs additional time to determine whether it will complete the full expansion that was originally proposed.

Mr. Greenberg also indicated that the business needs extra space in the short term, and that it plans to add about 12,000 square feet of space adjacent to the existing building. The company is requesting an extension to allow additional time to consider the full expansion.

Stormwater Management Issues

The variance approved in April included two conditions related to the plans and stormwater management on the site:

- The applicant shall provide updated plans and all information requested by the City Engineer to the Engineer for review. The City shall not issue a building permit for this project until the City Engineer has approved the plans.
- The applicant shall meet the City's stormwater management and erosion and sediment control requirements, and obtain required permits for stormwater management from the South Washington Watershed District and MPCA.

The City Engineer expressed concerns that Newport Cold Storage had not submitted the final plans and a stormwater management plan for the site that met the City's ordinance requirements at the time that the extension request was submitted. Staff indicated to Mr. Greenberg that the variance extension could not be considered by the Council until progress was made in addressing the stormwater management plan for the site, as required in the variance conditions.

Mr. Greenberg and his engineers recently submitted additional information regarding the proposed stormwater management plan for the site to the Engineer. John Stewart is currently reviewing the plans for the first phase of the expansion (approximately 20,000 square feet) and for the full expansion (50,000 square feet). John indicated that the proposed stormwater plans require some minor modifications in order to meet the City's requirements for the first phase of expansion, and require more significant work to be approved for the full expansion. John also noted that there a better solution may be available, but this would require further discussion with NCS. John's comments include the following:



- 1) NCS has submitted sufficient documentation to allow him to (with submittal of minor modification to his proposal) approve the interim storm water treatment facilities which consist of building a temporary holding pond that discharges to the MNDOT drainage ditch on the north edge of the Cold Storage property. He noted a concern that Newport Cold Storage may need to get a discharge permit from MnDOT to allow this discharge.

John recommended the following conditions for approving the first phase of the expansion:

- o Update the Plans describing temporary pond for +/- 20000 sq.ft. building expansion.
- o Provide evidence that MnDOT will issue a discharge permit for temp pond.

- 2) John's comments on the stormwater plans submitted to date for the full expansion include the following:

The applicant's submittal proposes removing the temporary pond, adding additional impervious parking and access surfacing, constructing a new treatment pond and subterranean infiltration modules. We have concerns regarding the ability of the underlying bedrock's ability to accept the 11,000 CF of storm water, and will recommend that the applicant provide information substantiating the infiltration capacity of the proposed system.

We note that the applicant's submittal for ultimate conditions appears to provide storage and infiltration capacity for runoff increased resulting from a single 100-year storm event. We do not believe that Cold Storage has sized to facilities for 2-100 year events back to back as is typically required when there is no direct discharge from the treatment pond. The pond does show an emergency overflow approximately 2 feet above the 100 years storage level. If there are 2 storms back to back it appears that the spillage would inundate the area above the infiltration chambers further complication the calculation of their infiltration capacity.

John's indicated that the plans would need to be revised to meet the ordinance requirements.

John noted that NCS has requested approval to delay construction of the temporary stormwater facilities to allow him to negotiate with the City to use a portion of the MnDOT land turn back, and that this option may present a more practical solution to the Newport Cold Storage need to accommodate treatment and disposal of storm water. John recommended that the City could enter into a Memorandum of Understanding with NCS that would grant a building permit for the first phase of construction without completing the required stormwater improvements while the City and NCS negotiate on the use of the MnDOT turn back area. If NCS does not meet the time line included in the Memorandum of Understanding, the facilities would need to be completed by June 30, 2014.

John's suggested timeline and requirements for the Memorandum of Understanding is as follows:



- | | |
|--|---------------|
| a) Allow issuance of conditional Building Permit | Sept/Oct 2013 |
| b) Date by which City council receives draft MOU for discussion | Dec 2013 |
| c) Date by which MOU is agreed to by City and NCS | March, 2014 |
| d) Cold Storage receives any required MNDOT permits | March, 2014 |
| e) Clause indicating should time line not be met Cold storage must complete interim facilities by June 30th 2014 | |
| f) MnDOT property transfer and land trade negotiated to satisfaction of City and Cold Storage | Oct 2014 |
| g) City considers issuance of building permit for Ultimate building expansion by Nov 2014 or later | |
| h) Plan developed approved and on Ultimate Storm treatment System | Nov 2014 |
| i) Construction commenced on storm water system | June 2015 |
| j) In event any deadlines not achieved construction of Interim treatment must begin within 30 working days | |
| k) No building permit on Ultimate facilities unless City receives an approvable Storm water plan. | |

Staff have included the condition requiring the Memorandum of Understanding in the proposed conditions for approval of the variance extension.

EVALUATION OF THE VARIANCE EXTENSION REQUEST

The Zoning Ordinance includes the following requirements to approve the variance extension:

- The petition for the request must be submitted in writing no later than 20 days before the expiration of one year from the date the variance was approved.
- The request must state facts showing a good faith attempt to use the variance.
- The request shall state the additional time requested to complete the construction or alteration.
- The Council must determine whether the petitioner has made a good faith attempt to use the permit or variance.

The Staff evaluation of this request is as follows:

- The petition was filed during the time period required.
- The applicant has discussed his efforts to attempt to use the variance, including a proposed first phase of expansion that Newport Cold Storage expects to implement in the near future. The request for the variance for the full expansion is due to uncertainty created by the actions of the State of Minnesota, which are beyond the applicant's control. The issue may be resolved during the next Legislative session, which would allow Newport Cold Storage to make a decision on the full expansion and implement it during the extended time period, if approved by the City.
- The applicant has made some efforts to work with City staff to develop a stormwater management plan that is consistent with the City's ordinance. Staff have recommended conditions related to the resolution of this issue for the extension of the variance.



ACTION REQUESTED

The City Council may take the following actions on the application:

1. Approval
2. Approval with conditions
3. Denial with findings
4. Table the request, if additional information is needed to make a decision

FINDINGS AND RECOMMENDATIONS

City staff recommend that the City Council approve the Newport Cold Storage request for a two-year extension of the variance from the height requirement of the I-1 Light Industrial District to allow a building up to 59 feet in height, and to allow a variance from the maximum coverage requirement of the I-1 District to allow lot coverage up to 43.02%. With the approval, the variance approval will end on April 18, 2015.

Staff recommend the following conditions:

1. The applicant shall complete the project in substantial compliance with the plans submitted to the City on March 21, 2013. The applicant shall provide a copy of the Certificate of Survey for the project to the City.
2. No outside storage is permitted as part of the expansion project.
3. All rooftop utilities and equipment shall be screened with materials compatible with the structure.
4. The building expansion shall comply with the trash handling requirements of the City's Zoning Ordinance.
5. All new lighting fixtures shall be of a cutoff, downcast type and comply with the City's Zoning Ordinance.
6. The City shall approve the new fire hydrant or other fire protection for the expansion.
7. The applicant shall enter into a Memorandum of Understanding with the City of Newport regarding the approval of building permits and the development and implementation of plans for the stormwater facilities that will be required for the expansion.
8. The applicant shall meet the City's stormwater management and erosion and sediment control requirements, and obtain required permits for stormwater management from the South Washington Watershed District and MPCA.
9. The applicant shall maintain the existing berms and all existing vegetation on and adjacent to the berms. The applicant shall protect the existing vegetation from construction impacts.



10. The applicant shall complete, sign and provide the Supplemental Grading Form and floodplain information to the City Engineer. The project shall meet the requirements of the Floodplain Overlay District.
11. If requested by the City, the applicant shall work with the City and the County on the potential realignment of the access from their property to be compatible with the new access to the Red Rock Transit Station.
12. The applicant shall pay all fees and escrow associated with this application.





MEMO

PROFESSIONAL SERVICES

TRANSPORTATION • MUNICIPAL
DEVELOPMENT • ENVIRONMENTAL

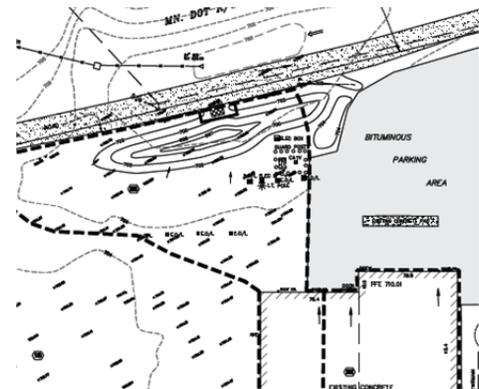
To: Ms. Deb Hill, City Administrator & City Council
From: John B Stewart P.E. City Engineer
Subject: Cold Storage Storm Water Management Submittals
Date: August 29, 2013

Newport Cold Storage submitted stormwater management plans and calculations to our office on August 26, 2013. The Applicant submitted information for 2 conditions;

1. Interim:
An analysis of an interim plan addressing storm water impacts arising from construction of a 20,064 sq.ft. building expansion.
2. Full Build Out:
An analysis of ultimate building floor plan describes construction of a 34,939 sq.ft. building within the next 24 months completing build out of the plan submitted to the City Planning Commission this spring.

Interim Plan:

The Applicant proposes that the management of runoff resulting from Interim construction (20,064 sq.ft. Building) consist of construction of a temporary holding pond be located mid property north of the proposed building expansion. The temporary pond is designed to overflow into the MnDOT ditch between Cold Storage and the Wakota Bridge Maxwell Ave ramp.



We have reviewed this concept and find that with some minor corrections to the plans the design will comply with the city's requirements.

Approval of this concept would be contingent upon approval of a MnDOT permit accepting the overflowing from the temporary pond.

Offices in Illinois, Iowa, Minnesota, and Wisconsin

60 Plato Blvd. East, Suite 140, St. Paul, MN 55107-1835

(612) 548-3132 (866) 452-9454

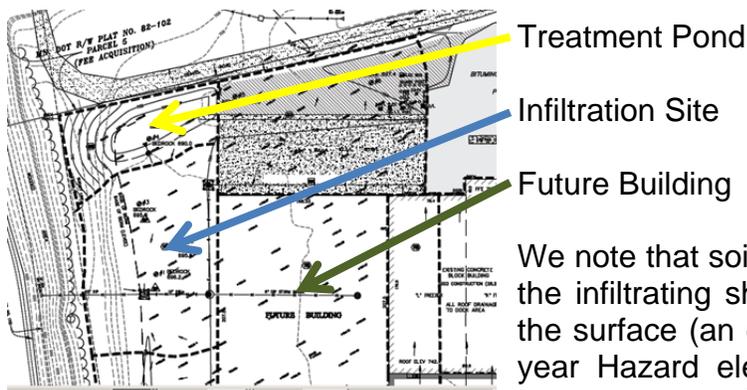
FAX: (763) 786-4574 WEB ADDRESS: www.msa-ps.com

Conclusions Interim Plan:

We believe with minor corrections and evidence that MnDOT will permit the proposed discharge, the applicant has provided a plan that will accommodate construction of the 20,064 sq.ft. Interim building and site work. (Contingent on MNDOT Permit)

Full Build Out:

The Applicant proposes, preliminary treatment pond discharging to 210 subterranean storage/infiltrating tanks. The tanks are shown in 30 inch high pods that are set in the ground and are surrounded by gravel. The base of the storage tanks is proposed to be set upon gravel 6 inches deep at an elevation of 698.0. The separation provided between the gravel base and the bedrock will be a minimum of 16 inches (assuming that the 2 soil borings provide a true representation of the actual bedrock profile). The cambers will be covered by another 8 feet of fill (as per cut sheet provided). The fill is proposed to be hauled on site then paved over by a bituminous mat (requiring grading permit and fill permit).



We note that soil borings between the in the area of the infiltrating shows bed rock 3.75 - 4 feet below the surface (an elevation of 696.2.). The FEMA 100 year Hazard elevation is shown to be 704'. The tank bottoms will be 6 feet below the 100yr flood

elevation.

We anticipate that under normal river stage conditions 3 feet of hydraulic mounding below the chambers will be required to allow adequate infiltration of storm water into the rock ledge.

Note the estimate that a 3 foot hydraulic mound created is based upon anecdotal observations of the variation of ground water elevations in the sanitary sewer trenches that City Staff have observed over the past 30 years.

We will request that the applicant to submit calculations showing; the mounding that would occur based upon the porosity of the gravel surrounding the infiltration chambers and the infiltration rate of the underlying bedrock.

It may be extremely difficult to determine infiltration rate for the bed rock as it would vary according to the amount of fracturing and length of flow path taken by the infiltrating storm water.

The Applicant provided river stage data which was recorded at a USGS gauge site just north of the I494 Wacouta Bridge. The data collected shows that flood waters would

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have above the risen above elevation 695' (base of the 3 foot hydraulic mounding) for the following periods.

Year	No Of Days River Stage is above base elevation of a 3-foot Hydraulic Mound (695')
2011	29
2010	20
2001	25
1997	15
1993	9
5 Flood Events	98

We note that mass loading of nutrients in storm water peak at times of heavy rainfall; usually, in the spring, typically occurring concurrently with increased river stage.

We requested information from the applicants engineer detailing if it is necessary to include measures to prevent chambers floating up during periods when ground water is above the elevation of the base of the tanks. The Vendor indicates that a vent to atmosphere will help lessen the risk of floatation.

It is not readily apparent that Cold Storage has sized the storm water facilities for 2 100 year events back to back as is typically required when there is no direct discharge from the treatment pond. The pond does show an emergency overflow approximately 2 feet above the 100 year storage level. If there are 2 storms back to back it appears that overtopping spillage would inundate the area above the infiltration chambers further complication the calculation of their infiltration capacity.

Conclusions:

We see two major issues with permitting construction of the subterranean infiltration system.

1. The applicant has not demonstrated that the storm water management plan for the Full Build Out conditions can meet City's requirements.
2. The applicant has not shown that the area selected as a location for the infiltration tanks has the ability to accept the infiltration storm water. A determination of a design Infiltration rate is required before any further review is possible
3. The applicant must clarify whether capacity is provided for 2 @ 100year storm events back to back.

RESOLUTION NO. 2013-43

A RESOLUTION BY THE NEWPORT CITY COUNCIL APPROVING AN EXTENSION OF THE VARIANCE GRANTED TO NEWPORT-ST. PAUL COLD STORAGE, 2233 MAXWELL AVENUE, NEWPORT, MN 55055, FOR PROPERTY LOCATED AT 2233 MAXWELL AVENUE, NEWPORT, MN 55055

WHEREAS, the City of Newport (hereinafter, "the City"), on April 18, 2013 approved a Variance for Newport-St. Paul Cold Storage for expansion of their facilities by Resolution Number 2013-15; and

WHEREAS, the property is located at 2233 Maxwell Avenue, Newport, MN 55055, and is more fully legally described as follows:

PID #26.028.22.42.0006 - PT GOV LT 3 & NE1/4-SE1/4 SD SEC DESC AS FOLL COM @ NE COR TRCT A RLS 15 THN ON ASM BRG ALG N LN SD TRCT A DIST 332.90FT TO INTER WITH E LN SD GOV LT SD PT OF INTER BEING POB THN N00DEG13'W ALG E LN DIST 22FT THN E PARL TO N LN SD TRCT A DIST 200.90FT THN N00DEG13'W DIST 3.91FT THN N13DEG34'W DIST 77.94FT THN N33DEG05'12"W DIST 188.51FT THN N52DEG36'23"W DIST 540.39FT THN S76DEG27'W DIST 543.50FT THN N42DEG47'56"W DIST 143.27FT THN S76DEG27'W DIST 225FT M/L TO SHR MISSISSIPPI RIV THN SLY ALG SD SHR TO INTER WITH WLY EXT N LN SD TRCT A THN E ALG SD EXT LN DIST 259FT M/L TO PT ON SD LN THAT IS 290FT W OF NW COR SD TRCT A THN S DIST 14.75FT THN E DIST 290FT TO W LN SD TRCT A THN N ALG W LN THEREOF DIST 14.75FT TO NW COR SD TRCT A THN E ALG SD N LN DIST 556.1FT TO POB EXCEPT THAT PT SHOWN AS PRCL 5 ON MNDOT R/W PLAT #82-102 TRK HWY CS8285 (494=393)902 TOG WITH EASE Section 26 Township 028 Range 022

WHEREAS, The described property is zoned Light Industrial (I-1); and

WHEREAS, Newport-St. Paul Cold Storage has requested a 24-month extension of the Variance; and

WHEREAS, the City Council reviewed the request and finds the following:

1. The petition for extension was filed during the time period required.
2. The applicant is working to use the variance, including a proposed first phase of expansion that Newport Cold Storage expects to implement in the near future. The request for the variance for the full expansion is due to uncertainty created by the actions of the State of Minnesota, which are beyond the applicant's control. The issue may be resolved during the next Legislative session, which would allow Newport Cold Storage to make a decision on the full expansion and implement it during the extended time period, if approved by the City.
3. The applicant is working with City staff to develop a stormwater management plan that is consistent with the City's ordinance; and

NOW, THEREFORE, BE IT RESOLVED That the Newport City Council Approves a 24-month extension to the Variance for Newport-St. Paul Cold Storage with the following conditions:

1. The applicant shall complete the project in substantial compliance with the plans submitted to the City on March 21, 2013. The applicant shall provide a copy of the Certificate of Survey for the project to the City.
2. No outside storage is permitted as part of the expansion project.

3. All rooftop utilities and equipment shall be screened with materials compatible with the structure.
4. The building expansion shall comply with the trash handling requirements of the City's Zoning Ordinance.
5. All new lighting fixtures shall be of a cutoff, downcast type and comply with the City's Zoning Ordinance.
6. The City shall approve the new fire hydrant or other fire protection for the expansion.
7. The applicant shall enter into a Memorandum of Understanding with the City of Newport regarding the approval of building permits and the development and implementation of plans for the stormwater facilities that will be required for the expansion.
8. The applicant shall meet the City's stormwater management and erosion and sediment control requirements, and obtain required permits for stormwater management from the South Washington Watershed District and MPCA.
9. The applicant shall maintain the existing berms and all existing vegetation on and adjacent to the berms. The applicant shall protect the existing vegetation from construction impacts.
10. The applicant shall complete, sign and provide the Supplemental Grading Form and floodplain information to the City Engineer. The project shall meet the requirements of the Floodplain Overlay District.
11. If requested by the City, the applicant shall work with the City and the County on the potential realignment of the access from their property to be compatible with the new access to the Red Rock Transit Station.
12. The applicant shall pay all fees and escrow associated with this application.

Adopted this 5th day of September, 2013 by the Newport City Council.

Motion by: _____, Seconded by: _____

VOTE:	Geraghty	_____
	Ingemann	_____
	Sumner	_____
	Gallagher	_____
	Rahm	_____

Signed: _____
 Tim Geraghty, Mayor

ATTEST: _____
 Deb Hill, City Administrator



PO BOX 129 . 2233 MAXWELL AVE . NEWPORT, MN 55055 . 651-459-5555 . 651-459-5951 (FAX)

June 26, 2013

Ms. Sherri Buss
City of Newport
596 7th Ave.
Newport, MN 55055

Dear Ms. Buss;

We appreciated the opportunity to discuss with you, John Stewart, and Deb Hill about our recent change in expansion plans.

We are downsizing our expansion to approximately 15,000-20,000 Square Feet of refrigerated warehouse. The building would consist of a warehouse addition to our last expansion in 2003. The building would match the existing warehouse height of 30'. This expansion will cost around \$1.5 million.

The reason for downsizing of our initial \$4.0 million expansion was a business decision based on the recent State of Minnesota's Warehouse Services Tax. This 6.5% tax on our services could significantly alter our business as our customers would look for alternative cold storage options in surrounding states or forward markets. Until we determine the effect on our business we are delaying our large expansion. We have invested considerable amount of time and money in the preparation of our expansion. We are asking for a 24 month extension of the variance we have received (Resolution No. 2013-15).

We are available to answer any questions with regards to our request.

Sincerely,

A handwritten signature in black ink that reads "Andrew R. Greenberg". The signature is written in a cursive, flowing style.

Andrew R. Greenberg
President

Cc: Deb Hill
John Stewart



PO BOX 129 . 2233 MAXWELL AVE . NEWPORT, MN 55055 . 651-459-5555 . 651-459-5951 (FAX)

August 28, 2013

Ms. Deb Hill
City of Newport
596 7th Ave.
Newport, MN 55055

Dear Ms. Hill;

We are requesting to postpone our storm water management plan in conjunction with our proposed expansion for a period of two years.

We have submitted a temporary and permanent storm water management plan for our current and future expansion. We understand the need to comply with the city and state laws. During the next two years we would like to work with the city to determine if there is a better storm water management plan which will benefit both the City of Newport and Newport-St. Paul Cold Storage Co. needs.

We are available to answer any questions with regards to our request.

Sincerely,

Andrew R. Greenberg
President

To: Deb Hill, City Administrator, Mayor Geraghty and City Council
From: John B Stewart P.E. City Engineer
Subject: 2013 Street Improvement Project, Scope Management
Date: August 30, 2013

Introduction 2013 Street Project Scope Management:

At the August 23rd Special City Council Meeting we reported that Northdale Construction, the excavation subcontractor to McNamara Construction (prime contractor on the City's 2013 Street Project), informed us before any work started that they were submitting a claim that increased the project cost by \$113K. We received this claim 2 days after we notified the prime contractor that the Council approved a request to add additional mainline pipe repair, and repair of joints at the problem wye locations. The subcontractor's claim to increase project costs in large part resulted from increased unit costs associated with the wye repairs. It seemed like the subcontractor was taking advantage of the timing to increase the value of the scope change as discussed with Council on August 15.

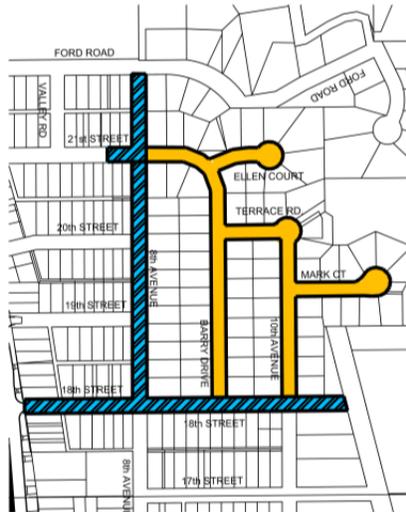
At this point we have determined that the subcontractor's claim was extremely vague and was not evidence of a good faith attempt to work with the City.

Three options were available:

- a) Cancel the contract in its entirety, and incur a cost of approximately \$125K for lost profit and restocking expenses from the prime contractor. (\$125K was cost estimated by McNamara).
- b) Resolve to negotiate with the prime to arrive at the lowest cost acceptable to his subcontractor. In our experience, a request from the sub-contractor is typically resolved to be approximately one half of the request (\$ 113k/2). City staff met with the Contactor and subcontractor to develop a mutually acceptable cost (on August 24th). We received a proposal for a revised change order in the amount of \$55K.
- c) Work within the limits of contract scope and complete the work that contractor would agree to provide at the as-bid unit prices. The resulting project represents a work scope of 60% of the as bid project.

Scope Change Recommendation:

MSA-PS has worked with Public Works and the City Administrator to prepare the attached contract change order providing a 40% reduction in the project, to include the orange street segments as shown.



The attached change order reduces the project cost by \$259,239.63 by removing 8th Avenue, 18th Street and 21st Street south of 8th Avenue and thus eliminating all of the wye replacements that are deeper than 12 feet below the street surface. The remaining street segments are 10th Avenue, Barry Drive, Terrace Road, Ellen Court, Mark Court and 21st Street north of 8th Avenue including 17 wye replacements, 7 service line repairs and 10 main line crack/joint repairs.

Along with the elimination of Ford Road as previously discussed, the resulting contract amount is \$725,223.15

Action Requested:

Please review Change Order No 1 as accepted by McNamara Construction. We believe that this scope amendment as attached provides the least troublesome and least cost exposure for the City. The street segments removed from this year's project can be transferred to the 2014 Street project and rebid in February when we believe the City will get more competition and more aggressive cost proposals. Selection of the Contractor for 2014 street and sanitary repair work could also be based upon a best value selection matrix, which awards points for price, and the Owner's evaluation of both Prime and Sub –contractors' performance on previous contracts.

If the City Council deems appropriate, please authorize Change Order No. 1, reducing the 2013 Street project work scope by \$259,239.63 to a revised amount of \$725,223.15

The amended project finances as reflected in the September 15th Bond sale are:

2013 Street Project; Construction and Contingencies	\$880,424
8 th Avenue, 18 th and 21 st Street; Construction and Contingencies	
Transfer to 2014 Project.....	\$268,086
Project overhead, bond sale expense and discount.....	<u>\$248,242</u>
Total Bond Proceeds.....	\$1,412,357

Assessment Roll 2013 Streets:

Properties Assessed:

At the August 15th regular meeting, the City Council adopted the assessment roll for the 2013 Street Project. The roll contained assessments against a project scope which contained property owners abutting improvements on 8th Avenue, 18th Street and 21st Street. If the scope change as addressed in Change Order No. 1 is accepted, the City should consider the impacts of delaying improvements on these streets. The City attorney is better qualified to address the Council's options.

We understand that the City may:

- a) Vacate all action taken after the Assessment Hearing and elect to "repeat" the assessment hearing process.
- b) Vacate the assessments for properties abutting 8th Avenue, 18th Street and 21st Street if there is no benefit provided by 2013 construction.

Assessment Payments / Interest Rates:

The interest rate cited in the resolution passed Aug 15th adopting the assessment roll for 2013 Street Improvements was cited as 5.5%. Discussions during the Assessment Hearings indicated that the interest rate to be used by the County to calculate semi-annual payments would be 1.5% above the Bond interest rate. Once the final annualized interest rate is established in the bond sale, the Council may wish to reconsider the interest rate to be charged. If appropriate, we will work with City Staff to prepare an amending resolution for Council consideration, once the bond rate has been determined.

CONTRACT CHANGE ORDER

Contract: 2013 Street Improvement Project Order No. 1

Owner: City of Newport Date: 8/30/2013

To: McNamara Contracting, Inc.

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes	DECREASE in Contract Price	INCREASE in Contract Price
Supplemental Plans and Specifications Attached		
See attached Bid Tabulation date 8/30/2013.		
TOTALS	\$ _____	\$ _____
NET CHANGE IN CONTRACT	\$ <u>259,239.63</u>	\$ _____

JUSTIFICATION: See attached Memo Dated 8/30/2013

The amount of the Contract will be (Decreased) (~~Increased~~) By The Sum Of: Two-Hundred-Fifty-Nine-Thousand; Two-Hundred-Thirty-Nine and 63/100ths Dollars (\$259,239.63)

The Contract Total including this and previous Change Orders Will Be: Seven-Hundred-Twenty-Five-Thousand; Two-Hundred-Twenty-Three and 15/100th Dollars (\$725,223.15 _____)

The contract period provided for Substantial Completion will be increased by: 15 Working Days as defined by MnDOT Section 1103 and shall be further defined as an 8:00 am temperature of 40° and rising

The contract date for Final Completion shall be **June 15, 2014.**

This document will become a supplement to the contract and all provisions will apply hereto.

Requested _____
City of Newport (Date)

Recommended _____
MSA Professional Services, Inc. (Date)

Accepted _____
McNamara Contracting, Inc. (Date)

SPEC ITEM NO.	DESCRIPTION	UNIT	TOT. QTY.	UNIT PRICE	TOTAL AMOUNT
SCHEDULE 1.0 - STREET					
2021.501	MOBILIZATION	LS	1.00	\$ 77,500.00	\$ 77,500.00
2101.502	CLEARING	TREE	15	\$ 200.00	\$ 3,000.00
2101.507	GRUBBING	TREE	15	\$ 200.00	\$ 3,000.00
2104.501	REMOVE CONCRETE CURB	LF	0	\$ 7.00	\$ -
2104.503	REMOVE CONCRETE WALK	SF	600	\$ 2.00	\$ 1,200.00
2104.505	REMOVE CONCRETE PAVEMENT	SY	312	\$ 15.00	\$ 4,680.00
2104.505	REMOVE BITUMINOUS PAVEMENT	SY	12883	\$ 0.01	\$ 128.83
2104.509	REMOVE MAILBOX SUPPORT	EACH	74	\$ 42.00	\$ 3,108.00
2104.509	REMOVE SIGN & POST	EACH	40	\$ 27.00	\$ 1,080.00
2104.523	SALVAGE SIGN & POST	EACH	10	\$ 27.00	\$ 270.00
2104.523	SALVAGE LANDSCAPING	EACH	5	\$ 600.00	\$ 3,000.00
2104.618	SALVAGE PAVERS (ALL TYPES & SIZES)	SF	120	\$ 10.00	\$ 1,200.00
2105.501	COMMON EXCAVATION (STREET) (EV)	CY	1403	\$ 20.00	\$ 28,060.00
2105.522	GRANULAR BORROW (CV)	CY	1519	\$ 19.00	\$ 28,861.00
2105.525	TOPSOIL BORROW (LV)	CY	870	\$ 22.00	\$ 19,140.00
2211.501	AGGREGATE BASE CLASS 5	TON	1691	\$ 13.00	\$ 21,983.00
2232.501	MILL BITUMINOUS SURFACE (1.5")	SY	9264	\$ 0.30	\$ 2,779.20
2360.501	TYPE SP 9.5 WEAR COURSE MIXTURE 2B (D/W)	TON	63	\$ 160.00	\$ 10,080.00
2360.501	TYPE SP 9.5 WEAR COURSE MIXTURE 2B (STREET)	TON	1032	\$ 45.00	\$ 46,440.00
2360.502	TYPE SP 12.5 NON-WEARING COURSE MIXTURE 2B (STREET)	TON	0	\$ 110.00	\$ -
2360.505	TYPE SP 12.5 BIT MIXTURE FOR PATCHING	TON	1032	\$ 110.00	\$ 113,520.00
2357.502	BITUMINOUS MATERIAL FOR TACK COAT	GAL	1085	\$ 2.00	\$ 2,170.00
2521.501	4" CONCRETE WALK	SF	600.0	\$ 5.00	\$ 3,000.00
2531.507	6" CONCRETE DRIVEWAY PAVEMENT	SY	360	\$ 36.00	\$ 12,960.00
2531.501	CONCRETE CURB & GUTTER DESIGN B618	LF	9240.0	\$ 9.00	\$ 83,160.00
2540.602	INSTALL MAIL BOX SUPPORT (SINGLE)	EACH	57	\$ 110.00	\$ 6,270.00
2540.602	INSTALL MAIL BOX SUPPORT (DOUBLE)	EACH	5	\$ 125.00	\$ 625.00
2540.602	INSTALL MAIL BOX SUPPORT (MULTIPLE)	EACH	2	\$ 200.00	\$ 400.00
2563.601	TRAFFIC CONTROL	LS	1.00	\$ 20,000.00	\$ 20,000.00
2564.533	F&I SIGN PANEL TYPE C	SF	148	\$ 26.00	\$ 3,848.00
2564.602	F&I SIGN PANEL TYPE SPECIAL	EACH	14	\$ 210.00	\$ 2,940.00
2564.602	SIGN POST	EACH	30	\$ 52.00	\$ 1,560.00
2564.602	SIGN POST TYPE SPECIAL	EACH	14	\$ 52.00	\$ 728.00
2573.502	SILT FENCE, TYPE MACHINE SLICED	LF	300	\$ 3.00	\$ 900.00
2573.540	FIBER LOG	LF	200	\$ 5.00	\$ 1,000.00
2573.603	ROCK LOG	LF	300	\$ 12.00	\$ 3,600.00
2573.602	TEMPORARY ROCK CONSTRUCTION ENTRANCE	EACH	4	\$ 850.00	\$ 3,400.00
2573.602	CONCRETE WASH-OUT AREA	EACH	2	\$ 0.01	\$ 0.02
2573.602	INLET PROTECTION	EACH	23	\$ 300.00	\$ 6,900.00
2575.523	EROSION CONTROL BLANKET CATEGORY II	SY	612	\$ 2.00	\$ 1,224.00
2575.505	SODDING TYPE LAWN	SY	10240	\$ 3.50	\$ 35,840.00
2575.535	WATER	MGAL	343	\$ 48.00	\$ 16,464.00
2575.601	SITE RESTORATION	LS	1.00	\$ 15,000.00	\$ 15,000.00
2575.601	EROSION & SEDIMENT CONTROL	LS	1.00	\$ 8,000.00	\$ 8,000.00
2575.608	HYDRAULIC SOIL STABILIZER TYPE 6	LB	1378	\$ 4.00	\$ 5,512.00

T SCHEDULE 1.0 - STREET - TOTAL CONSTRUCTION

\$ 604,531.05

SCHEDULE 2.0 - SANITARY SEWER

2104.501	REMOVE SEWER PIPE (SERVICE)	LF	220	\$ 5.00	\$ 1,100.00
2104.601	REMOVE SEWER PIPE (TRANSITE)	LF	80	\$ 53.00	\$ 4,240.00
2503.602	TEMPORARY SANITARY SEWER BYPASS	EACH	15	\$ 525.00	\$ 7,875.00
2503.602	CONNECT TO EXISTING SANITARY SEWER SERVICE	EACH	23	\$ 220.00	\$ 5,060.00
2503.602	8" X 4" PVC WYE	EACH	17	\$ 585.00	\$ 9,945.00
2503.602	12" X 4" PVC WYE	EACH	0	\$ 585.00	\$ -
2503.602	12" X 6" PVC WYE	EACH	0	\$ 3,100.00	\$ -
2503.602	15" X 4" PVC WYE	EACH	0	\$ 615.00	\$ -
2503.602	18" X 4" PVC WYE	EACH	0	\$ 615.00	\$ -
2503.602	18" X 6" PVC WYE	EACH	0	\$ 3,200.00	\$ -
2503.603	4" PVC SANITARY SEWER SERVICE PIPE - SDR 26	LF	220	\$ 26.00	\$ 5,720.00
2503.603	6" PVC SANITARY SEWER SERVICE PIPE - SDR 26	LF	0	\$ 28.00	\$ -
	SERVICE PIPE - NO WYE (9' TO 12' DEEP)	EACH	3	\$ 220.00	\$ 660.00
2506.602	INSTALL CASTING LID	EACH	30	\$ 173.00	\$ 5,190.00
2506.602	ADJUST STRUCTURE (SANITARY)	EACH	1	\$ 500.00	\$ 500.00
2506.602	ADJUST FRAME & RING CASTING (SANITARY)	EACH	30	\$ 420.00	\$ 12,600.00

T SCHEDULE 2.0 - SANITARY - TOTAL

\$ 52,890.00

SCHEDULE 3.0 - WATERMAIN

2104.601	REMOVE PIPE (WATER SERVICE)	LF	275	\$ 6.00	\$ 1,650.00
2504.602	ADJUST VALVE BOX	EACH	28	\$ 335.00	\$ 9,380.00
2504.602	1" CORPORATION STOP	EACH	10	\$ 265.00	\$ 2,650.00
2504.602	1" CURB STOP & BOX	EACH	10	\$ 310.00	\$ 3,100.00
2504.603	1" TYPE K COPPER PIPE	LF	275	\$ 30.00	\$ 8,250.00
2504.604	4" POLYSTYRENE INSULATION	SY	47	\$ 52.00	\$ 2,444.00

T SCHEDULE 3.0 - WATERMAIN - TOTAL

\$ 27,474.00

SPEC ITEM NO. DESCRIPTION	UNIT	TOT. QTY.	UNIT PRICE	TOTAL AMOUNT
SCHEDULE 4.0 - STORM				
2451.507 GRANULAR BEDDING (CV) (PIPE)	CY	240	\$ 26.00	\$ 6,240.00
2503.541 12" RC PIPE SEWER DES 3006 CL V	LF	171	\$ 42.00	\$ 7,182.00
2506.502 CONST DRAINAGE ST. DESIGN SPECIAL 24"X36"	EACH	2	\$ 2,400.00	\$ 4,800.00
2506.521 INSTALL CASTING	EACH	3	\$ 650.00	\$ 1,950.00
2506.602 CONNECT TO EXISTING STRUCTURE (STORM)	EACH	1	\$ 1,050.00	\$ 1,050.00
2506.602 ADJUST STRUCTURE (STORM)	EACH	3	\$ 500.00	\$ 1,500.00
2506.602 ADJUST FRAME & RING CASTING (STORM)	EACH	15	\$ 420.00	\$ 6,300.00
T SCHEDULE 4.0 - STORM - TOTAL				\$ 29,022.00
SCHEDULE 5.0 - ALTERNATE BID				
2531.507 6" CONCRETE DRIVEWAY PAVEMENT (APRON)	SY	480	\$ 38.00	\$ 18,240.00
2575.561 BLOWN COMPOST SEEDING	SY	10,027	\$ 1.80	\$ 18,048.60
2575.535 WATER	MGAL	336	\$ 40.00	\$ 13,440.00
2575.601 SITE RESTORATION	LS	1	\$ 15,000.00	\$ 15,000.00
ADJ SODDING TYPE LAWN	SY	-10,027	\$ 3.50	\$ (35,094.50)
ADJ WATER	MGAL	-336	\$ 48.00	\$ (16,128.00)
ADJ SITE RESTORATION	LS	-1	\$ 15,000.00	\$ (15,000.00)
T SCHEDULE 5.0 - ALTERNATE BID - TOTAL				\$ (1,493.90)
SCHEDULE 6.0 - MAINLINE JOINT REPAIR				
SPEC 8" VCP REPAIR (<5' FROM WYE)	EA	8	\$ 1,050.00	\$ 8,400.00
SPEC 12" VCP REPAIR (<5' FROM WYE)	EA	0	\$ 1,050.00	\$ -
SPEC 15" RCP REPAIR (<5' FROM WYE)	EA	0	\$ 1,275.00	\$ -
SPEC 18" RCP REPAIR (<5' FROM WYE)	EA	0	\$ 1,325.00	\$ -
T SCHEDULE 6.0 - MAINLINE JOINT REPAIR - TOTAL				\$ 8,400.00
SCHEDULE 7.0 - MAINLINE CRACK REPAIR				
SPEC REPLACE 8" VCP SEGMENT (11' DEPTH)	LF	11	\$ 400.00	\$ 4,400.00
SPEC REPLACE 12" VCP SEGMENT (17' DEPTH)	LF	0	\$ 925.00	\$ -
SPEC REPLACE 12" VCP SEGMENT (23' DEPTH)	LF	0	\$ 1,875.00	\$ -
T SCHEDULE 7.0 - MAINLINE CRACK REPAIR - TOTAL				\$ 4,400.00
BID SUMMARY				
T SCHEDULE 1 - STREET - TOTAL				\$ 604,531.05
T SCHEDULE 2 - SANITARY - TOTAL				\$ 52,890.00
T SCHEDULE 3 - WATERMAIN - TOTAL				\$ 27,474.00
T SCHEDULE 4 - STORM - TOTAL				\$ 29,022.00
T SCHEDULE 5 - ALTERNATE BID - TOTAL				\$ (1,493.90)
T SCHEDULE 6 - MAINLINE JOINT REPAIR - TOTAL				\$ 8,400.00
T SCHEDULE 7 - MAINLINE CRACK REPAIR - TOTAL				\$ 4,400.00
T CHANGE ORDER NO. 1 - GRAND TOTAL				\$ 725,223.15
T ORIGINAL CONTRACT TOTAL				\$ 984,462.78
ADJ NET CHANGE IN CONTRACT PRICE				\$ (259,239.63)

Supplemental Specification – Change Order No. 1

Schedule 1.0 Main Line Joint Repair

Where indicated on the enclosed plan, the contractor shall locate each VCP joint shown for repair. According to sewer televising data, each joint shall be located within five (5) feet of a service wye scheduled for replacement shall be replaced. The contractor shall sawcut and remove a minimum of two (2) feet of pipe on both sides of the joint. The segment shall be replaced with a PVC pipe in kind with the size of pipe that was removed. Each end of the newly installed pipe shall be connected with a Fernco type water-tight coupling.

The Item “Main Line Joint Repair” on the enclosed Bid Tabulation shall include the removal/disposal of existing sewer pipe and the repair of the main line joint as described herein. Measurement and payment for “Main Line Joint Repair” shall be made at the unit price per each, which shall be compensation in full for all labor, equipment, and materials necessary to remove and dispose of the sewer pipe on a pipe size and depth basis.

Schedule 2.0 Main Line Crack Repair

Where indicated on the enclosed plan, the contractor shall excavate and determine the extent of damage of each VPC segment shown for replacement. The damaged sewer pipe shall be sawcut at each end at the direction of the Engineer and removed. The pipe shall be replaced with a PVC pipe segment in kind with the size of original pipe. Each end of the newly installed pipe shall be connected with a Fernco type water-tight coupling.

The Item “Main Line Crack Repair” shall include the removal and disposal of the existing sewer pipe and repair as described herein. Measurement and payment for the “Main Line Crack Repair” shall be made at the unit price per linear foot, which shall be compensation in full for all labor, equipment, and materials necessary to remove and dispose of the sewer pipe on a pipe size and depth basis.

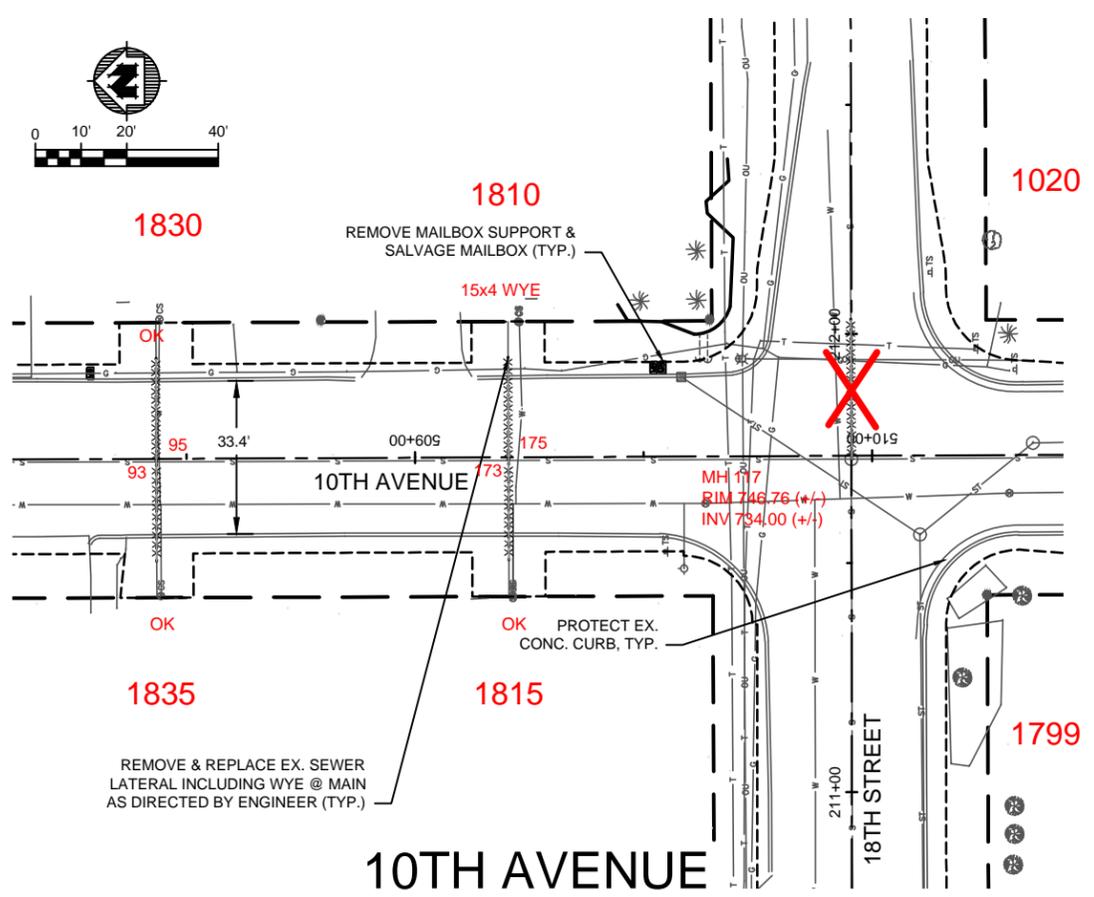
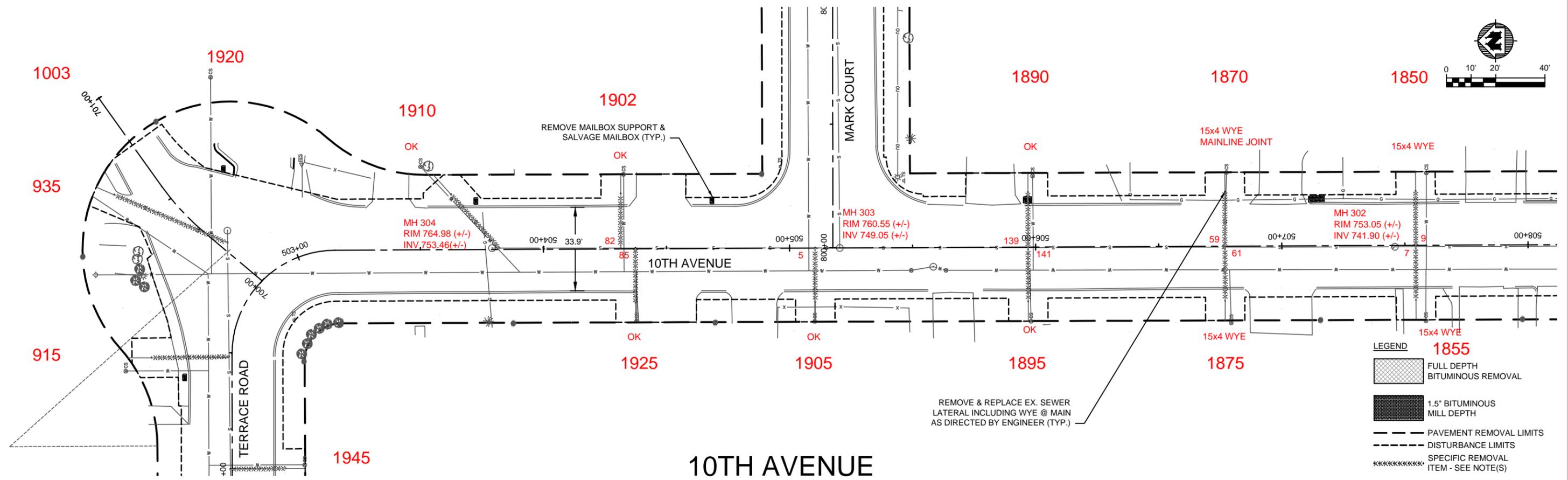
Note: Units listed on the enclosed “Bid Tabulation – Change Order No. 1” are approximate; payment will be made at the unit price based upon work actually constructed. Additional pavement and surface restoration shall be paid at the contract prices.

Offices in Illinois, Iowa, Minnesota, and Wisconsin

60 Plato Blvd. East, Suite 140, St. Paul, MN 55107-1835

(612) 548-3132 (866) 452-9454

FAX: (763) 786-4574 WEB ADDRESS: www.msa-ps.com



PROJECT NO.: 10316015	SCALE: AS SHOWN	NO. 1	DATE 8/30/13	REVISION	BY
PROJECT DATE: 060513	DRAWN BY: LAJ			SANITARY SEWER REPAIRS PER CHANGE ORDER NO. 1	
CHECKED BY: JLS					
PLOT DATE: 9/3/13, P:\10300s\10310s\10316\10316015 - Street Improvement Project\CADD\Construction Documents\DEMOLITION.dwg					

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

James L. Stremel
 JAMES L. STREMEL
 DATE 06/05/2013 REG. NO. 45782

MSA
 TRANSPORTATION • MUNICIPAL
 DEVELOPMENT • ENVIRONMENTAL
 60 Plato Boulevard East St. Paul, MN 55107
 612-548-3132 1-866-452-9454 Fax: 763-786-4574
 Web Address: www.msa-ps.com
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DEMOLITION PLAN -
 10TH AVE.

2013 STREET IMPROVEMENT PROJECT
 CITY OF NEWPORT
 WASHINGTON CO., MINNESOTA

FILE NO.
 10316015
 SHEET
 D7



1925

1902

1125

1105

1905

MH 303

RIM 760.55 (+/-)

INV 749.05 (+/-)

10TH AVENUE

1890

REMOVE & REPLACE EX. SEWER LATERAL INCLUDING WYE @ MAIN AS DIRECTED BY ENGINEER (TYP.)

REMOVE MAILBOX SUPPORT & SALVAGE MAILBOX (TYP.)

8x4 WYE MAINLINE JOINT

8x4 WYE MAINLINE JOINT

8x4 WYE

(3) IN MH 305

MH 305

RIM 782.66 (+/-)

INV 771.86 (+/-)

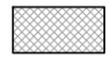
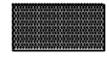
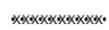
1140

1120

1130

MARK COURT

LEGEND

-  FULL DEPTH BITUMINOUS REMOVAL
-  1.5" BITUMINOUS MILL DEPTH
-  PAVEMENT REMOVAL LIMITS
-  DISTURBANCE LIMITS
-  SPECIFIC REMOVAL ITEM - SEE NOTE(S)

PROJECT NO.: 10316015	SCALE: AS SHOWN	NO. 1	DATE 8/30/13	REVISION	BY
PROJECT DATE: 060513	DRAWN BY: LAJ			SANITARY SEWER REPAIRS PER CHANGE ORDER NO. 1	
CHECKED BY: JLS					
PLOT DATE: 9/3/13, P:\10300s\10310s\10316\10316015 - Street Improvement Project\CADD\Construction Documents\DEMOLITION.dwg					

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James L. Stremel
 JAMES L. STREMEL
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DEMOLITION PLAN - MARK CT.

2013 STREET IMPROVEMENT PROJECT
 CITY OF NEWPORT
 WASHINGTON CO., MINNESOTA

FILE NO. 10316015
 SHEET D8