



**CITY OF NEWPORT  
REGULAR COUNCIL MEETING  
NEWPORT CITY HALL  
NOVEMBER 7, 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 November 7, 2013 Regular City Council Meeting
  - B. List of Bills in the Amount of \$1,068,190.73
  - C. Gambling Permits for Capital City Strutters
6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE
7. MAYOR'S REPORT
8. COUNCIL REPORTS
9. ADMINISTRATOR'S REPORT
  - A. **Resolution No. 2013-54** - Directing City Administrator to Certify Unpaid Mowing Charges to the County Treasurer/Auditor to be Collected with Other Taxes on Said Property
  - B. Employee Personnel Policy
  - C. Update on the Proposals for Developing the Previous Public Works Site
  - D. Discussion Regarding Christmas Hours
10. ATTORNEY'S REPORT
11. POLICE CHIEF'S REPORT
  - A. September 2013 Activity Report
12. FIRE CHIEF'S REPORT

Agenda for 11-07-13

13. ENGINEER'S REPORT

- A. Street Improvement Projects
  - 1. Partial Payment #2
  - 2. 2014 Sanitary Sewer Televising

14. SUPERINTENDENT OF PUBLIC WORKS REPORT

15. NEW / OLD BUSINESS

16. ADJOURNMENT

Upcoming Meetings and Events:

- 1. City Offices Closed due to Veterans' Day November 11, 2013
- 2. Planning Commission Meeting November 14, 2013 6:00 p.m.
- 3. Library Board Meeting November 21, 2013 4:00 p.m.
- 4. City Council Meeting November 21, 2013 5:30 p.m.
- 5. City Offices Closed due to Thanksgiving Holiday November 28 - 29, 2013



**City of Newport  
City Council Minutes  
October 17 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; Bill Sumner; Tracy Rahm; Steven Gallagher

**Council Absent** – Tom Ingemann;

**Staff Present** – Deb Hill, City Administrator; John Neska, Asst. Supt. of Public Works; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney; John Stewart, City Engineer; Berry Farrington, City Planner

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

**4. ADOPT AGENDA**

**Mayor Geraghty** - I would like to add a couple items under "New/Old Business." One would be to review the advised Volunteer Application for Buckthorn Day which was submitted to me through the Parks Board. Also, I would like to talk about a budget item for the Parks Board for \$175 to \$200 for a Photo Contest that they would like to do.

**Motion by Rahm, seconded by Sumner to adopt the Agenda as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**5. ADOPT CONSENT AGENDA**

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

- A. Minutes of the October 3, 2013 Regular City Council Meeting
- B. Minutes of the October 3, 2013 City Council Workshop Meeting
- C. List of Bills in the Amount of \$384,949.56

**With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE**

**Tammy Mitchell, 925 Ellen Court** - We've just undergone fun construction with concrete curbs and all of that stuff. My first concern is that with all of the correspondence we got, as late as March 19, when we attended one of the meetings it was mentioned in one of the meetings, because I made a note of it, that we would probably be getting concrete aprons and that would be everybody. I did hear someone say at the meeting "so concrete aprons for everybody then?" Since then, in all of the correspondences that have come, the June 19th one, there's something in there about "all areas of concrete curb and gutter," there's another one that says "concrete aprons have been included in the project as an alternate item and at this time only properties with drainage concerns will

receive one," there are others I have here that say we were going to get a concrete apron and there was nothing in here that said that asphalt driveways would have asphalt aprons and concrete driveways would have concrete aprons. We have an asphalt driveway. About 1/3 of our driveway is now considered an asphalt apron. We had the City come out and cut a hole in our driveway because we have our water shut-off in the middle of the driveway so they came and did that and that was fine with us. The Engineer came out and looked and decided he didn't like that so he decided on his own to bring it back to where they had cut it. I asked "What about the concrete apron?" and he said "Nobody ever said you were going to have a concrete apron, only concrete driveways will have concrete aprons and asphalt driveways will get asphalt aprons." I said "According to the correspondence we received, that's not the case" and he said that I would have to take it up with the City. So I called the City and I mentioned all the correspondence and looked back at all of my notes and never did I see anything regarding that. I have gone around the neighborhood and I've heard that the streets wanted to be uniform in size as well and if you wanted it that way, 17th Street and High Street have concrete curb and aprons and it doesn't matter what type of driveway you have. The recent project that you did on 21st Street and Valley, people who have asphalt driveways have concrete aprons. My question is why did that change and it's not uniform as what others have in the area. Our street went from 33 feet wide to 32 feet wide. I live in a cul-de-sac where the streets are now more narrow which becomes an issue with parking. There are some people who can't put their entire family's cars in their driveway so they park elsewhere on their property so they can accommodate everyone. Those are a couple concerns but my main one is the concrete apron, why didn't we get one when it seems many of the other projects everyone else did?

**Mayor Geraghty** - John, as far as consistency with the other projects I know I had talked to you and you said that those who have a drainage issue would get a concrete apron and if they didn't have a drainage issue they would just get the asphalt, is that consistent with the other projects?

**Engineer Stewart** - No, the reason that this project is different is that the other projects were total reconstructions, this one is a mill and overlay project. We're taking the street grade that was there that needed to be matched in and leaving the majority of the blacktop in the street. As a result, costs were less to the City and property owners. The lady is absolutely right. When we started off we were going to get prices on concrete aprons and if the project could afford that we were going to do that. I think at every meeting after the initial meeting we were very specific and talked about the drainage issues. If there was a drain from the street to the garage, we would put in a concrete apron. I think we were very clear. I will note though that the notices that went out were somewhat vague. The wording that was used stated that if you received a concrete apron you couldn't drive on it for three days. It didn't say that you were going to get one it said that if you did you couldn't drive on it for three days.

**Mayor Geraghty** - But if people did have a concrete apron they did get another one?

**Engineer Stewart** - Yes. It was matched back with concrete. The apron has ears or wings on the side, they didn't necessarily get that unless they had it themselves.

**Ms. Mitchell** - I have several newsletters and the first one, which was issued August 15, states that "as part of the project, properties that have been assessed will receive a new concrete driveway apron."

**Engineer Stewart** - Mr. Mayor, we have had this conversation several times with the property owner both on the field and in the office and there's nothing that I'm telling you tonight that we haven't said before. It was a cost issue that was based on the drainage of the driveway.

**Ms. Mitchell** - I have not really spoken with John. I've spoken with Bruce Hanson or Kevin, I did see Dale.

**Mayor Geraghty** - Is this consistent to when we've done other mill and overlays?

**Engineer Stewart** - Our goal here is to reduce the cost for the City. The City is paying 80% and we were trying to keep this in budget and not give people more than what they had to begin with. I think a total reconstruction is

a different animal because you have the opportunity to change the street grades and you don't get that with mill and overlay. So you manipulate drainage by the aprons not the street grade.

**Mayor Geraghty** - I'm sorry for the miscommunication.

**Ms. Mitchell** - Kevin was also concerned about how flat my driveway is in comparison to the other driveways.

**Mayor Geraghty** - Did you have any drainage issues?

**Ms. Mitchell** - The way the street was before I didn't, I don't know how it's going to act now. My husband and I looked at the concrete curb and gutter we have and it looks like it's leaning in to our driveway. Time will tell with it. If something happens Bruce will hear about it and I'll call others as well. They did mention that they were concerned about that.

**Mayor Geraghty** - Keep us informed.

**Ms. Mitchell** - The width of the street is another issue. I guess we didn't realize it was going to be 32 feet, I guess most of us understood that the curbing would go back to where it came from but it ended up a little more narrow.

**Engineer Stewart** - The feasibility study states 32 feet.

**Judy Bibeau, 945 Ellen Court** - I'm Tammy's neighbor. I had a few concerns with Q3 or those people that came on to my personal property beyond the domain with their machineries so that they could put in the sewer pipes or whatever they needed so that they did not have to manually go and dig trenches for all the neighbors and they really did a job on my yard. I had Bruce come up and I called Tom Ingemann that same day and I said "Hey, there's this big truck in my yard" and he said "Well they have a domain" and I said "They're almost trying to get to my house." In fact they almost hit the corner of my neighbors house. I went out and said that they shouldn't have to be beyond a certain point. They wanted to knock down this brick thing I have because they needed more room which made me angry because I didn't get any notice that this big machinery was going to be on my property beyond the domain digging trenches and ditches and holes so that they could do all the way down the street. Supposedly Bruce Hanson gave them permission to do that and I don't think he would like someone to come in his yard with that. The machinery is huge and they decided to use my yard because I have the biggest front. I went out and talked with the guys and they said that "Bruce Hanson and I went around the neighborhood and Bruce said that we can do anything we want to your yard, we can go up as far as we want." I started calling everyone and they all passed the buck and I finally get a hold of this guy and said that you're off my property because no one asked for permission to come that far up to my house. They asked me if I wanted them to manually do it and I told them yes and then I got another phone call that said Bruce Hanson said they could do anything they want on my property beyond the domain part. I told them fine since they got the whole front lawn dug up already. I called Tom and told him to come over to take a look and he said "I see the machinery in your neighbor's driveway." Half an hour later, they're in my yard again to do the people across the street so they don't have to dig the trenches. I talked with Bruce about it and he was denying it. I want to know if they had permission to go as far into my yard as they did. They really did a lot of damage.

**Mayor Geraghty** - I'm assuming they have to stay in the right-of-way unless they get permission.

**Engineer Stewart** - The project she is referring to was to replace the gas main and the gas company applied for a permit for that. In the permit we required them to contact the property owners if they were on private property. I never visited her property to see whether the gas company was in her yard or on the street but I know that we were particularly concerned that they stay within the right-of-way and we provided stakes for them to stake where the right-of-way was. If they did damage your yard that would be an issue that we could take up with the gas company and require them to fix it. Whenever they apply for a permit they have to stay on the right-of-way and advise the property owner if they were going to go on private property.

**Ms. Bibeau** - I got no notice and I even said to the guy "I'm a very nice person but you know what this is way too much especially coming back twice to do the properties across the street, dig trenches on that side." I had ruts in the front from the machinery and if they were able to knock down the tree they would have. They went way beyond where they should have been. They even asked me if they could go further back, which would have wrecked my brick thing. They said that they would fix anything they wreck. My thing is that I don't believe them. They were giving me this "We can do anything we want. Bruce Hanson said that we can go as far up if we want to." I didn't get a call from anyone. I asked Bruce why I didn't get a call or a letter. Then they really started getting rude and I told them that twice is enough and not to come back. I showed Bruce and he said that they're going to fix it. I told him that I want sod because the yellow stuff won't work with what they did with the ruts and no dirt was filled in. I called Bruce Hanson yesterday. My father-in-law has been dying so I've been at the hospital and whenever I would come home and all of a sudden it looks like there was a bunch of snow there. I called Bruce and said that that wouldn't work and that I need sod. I have not heard back from Bruce and I called him yesterday. We also have the only walkway in the court, which they took away. I asked Bruce if they were going to fix that and he said yes so we saved the pavers. They have no intention of fixing it. Bruce came over and looked and said that they would not return the pavers and asked if concrete would be fine. I said fine. We have a nice paved driveway, cement and the curb. I was told many things and it didn't happen. I'm really upset about it.

**Mayor Geraghty** - On the street work and gas line?

**Ms. Bibeau** - If Tom would have come over. I called everyone on the list and they all passed the buck and said to call City Hall and they passed the buck. By now I'm getting frustrated because everyone is telling me to call so and so. The only one I have gotten results from is Bruce Hanson. You guys can feel free to come and look at my front lawn. I know they didn't put down black dirt. Someone did come back and laid some pavers around our mailbox. I'm assuming that was Bruce's idea. Q3 had no intention of putting our pavers back in our walkway, they were just going to leave it. They said they could put the grass seed down, it wouldn't be level at all. I'm just wondering, now they just laid some sod past the curb and I'm just wondering if I should wait and see because I think it's late for sod to be laid right now, I don't want it patched, I want a whole section so it's halfway decent. We have a little section that has nothing.

**Mayor Geraghty** - Do you want to make a claim against the company?

**Engineer Stewart** - I can give her the telephone number of the guy with Xcel, his name is Bob Foley and his number is (612)720-8817. The sod that was laid was by the street contractor and is called dormant sod, it'll develop roots after the winter. The permit that the City gave to Xcel gas was very clear and said that they need to restore anything they disturbed and that they would need to get permission if they were going to go on private property.

**Ms. Bibeau** - Nobody got permission to do it. I had a really big problem with that, especially this big big machine. Had I known what they were going to do to my yard I wouldn't have let them on my property. I think they were saving themselves some time. They said they could have dug trenches in each yard but then everyone would have had them. I don't care. They did start getting rude. As soon as they told me that Bruce Hanson gave them permission to go as far up as they needed.

**Mayor Geraghty** - I don't think Bruce would have given them permission.

**Ms. Bibeau** - I was hoping Bruce would be here but I did talk face to face with him. Should I just wait until next year?

**Mayor Geraghty** - No, I would call Mr. Foley and say that you want to file a complaint and you want some restoration work done. You can decide if it's best to sod it now or wait until the spring but I could call and make a formal complaint.

**Ms. Bibeau** - So they really didn't have permission. To a certain point they have permission but they went way

beyond that.

**Councilman Sumner** - What is the right-of-way distance?

**Engineer Stewart** - I believe up there it's a 60 foot right-of-way and the street is in the middle so there's about 15 feet on each side. If it got beyond that it would be on private property.

**Councilman Sumner** - Would that be on all streets?

**Engineer Stewart** - Streets vary all over.

**Asst. Supt. Neska** - The indicator would be your curb stop. I'm sure they were all marked for the project. When the contractor installs them for us that's usually within 6 inches to 1 foot from your property line. Without looking at the plans I couldn't tell you how big that right-of-way is. If you know where that is and they were a machines length beyond that.

**Ms. Bibeau** - His excuse was that the whole neighborhood would have trenches. My front yard was nothing but holes. I asked him why they weren't doing the trenches and he said that it was to save time and that I had the biggest yard in the court. So I should just call this person?

**Asst. Supt. Neska** - I would do that. I know Bruce did relay your message to Mr. Foley so I would call and confirm that.

**Ms. Bibeau** - Is there anything the City can do?

**Engineer Stewart** - She can get a copy of the permit from Renee that we give to the contractor and show that to Foley. If it's not on City street he's obviously gone on private property and should be responsible for it.

**Ms. Bibeau** - He did.

**Councilman Gallagher** - We believe you.

**Ms. Bibeau** - They almost clipped my neighbor's side of the house. My other concern is that because the street is narrower, sometimes the snow gets in the middle and stays there and now it's going to be a lot smaller. Otherwise our yard and Tammy's yard, we get the snow dumped on us. Now that the court is smaller will the snow be picked up instead of left there? For safety reasons with cars going around the circle and then no one will be able to park in front of their house.

**Councilman Gallagher** - So the mound is in the middle?

**Ms. Bibeau** - It's always been there but now that it's smaller. They haven't picked up snow lately or it gets pushed into my yard or Tammy's yard so I was wondering if it would be removed more often now that the circle is smaller.

**Asst. Supt. Neska** - Like last season where we had the nuisance every day the piles got pretty big. We only pile it in the middle in the court, everyone gets their fair share everywhere else. Where the option came about putting it in the middle I'm not sure, that was before me. Would you prefer the option of having it in the middle?

**Ms. Bibeau** - We would rather have it in the middle than our front yard.

**Asst. Supt. Neska** - We'll be as diligent as we possibly can.

**Ms. Bibeau** - Will everyone in the court get their fair share or will the majority be in our yard?

**Councilman Gallagher** - If you live on a corner like I do you get more than your fair share.

**Ms. Bibeau** - We don't live on a corner, we live in a court.

**Councilman Gallagher** - But if you're going around in a circle you get piled on.

**Ms. Bibeau** - Between the two houses we have the largest front but we get bigger because we don't have a driveway but we also have a fire hydrant.

**Asst. Supt. Neska** - Part 2 of that is if we have a horrendous year and I've got to put it somewhere it will end up on the blvd or right-of-way. We'll do our best.

**Ms. Bibeau** - Will you share it amongst the neighbors?

**Asst. Supt. Neska** - I try to keep those courts open especially around the holidays. I'll agree that you and Tammy have big blvds and when you have a loader you dump it on the blvd. We'll do our best to get it cleaned up and don't be afraid to call us.

**Ms. Bibeau** - I really appreciate the City being there after the snow so thank you for that.

**Jason Almen, 2080 Barry Drive** - It's a corner lot. At one of the meetings I was notified that I had two sewer services for my property. One was capped, one was not. My question to you is why am I responsible for a capped sanitary service that has never been hooked up to my property. At that point in time I was told that they would only repair one of the services and I didn't say anything then. Why am I responsible for that? From what I understand, sanitary services are supposed to go to houses that are going to be built but obviously I have one house. That's my question.

**Engineer Stewart** - I'm not familiar with this. How long is the service that's capped?

**Mr. Almen** - I don't know, I've got two letters. One that says I've got two wye replacements and 6 feet of service pipe for \$1,766.

**Engineer Stewart** - The bottom line here is that Newport's ordinance is standard with a lot of cities that after the wye, if a service line was put in belongs to the property owner. The City's sewer utility only goes up to the wye at that point. It would depend on how long that service line is after the wye, whether it goes into the yard or is a little stub that comes off of the wye.

**Councilman Gallagher** - Your question is because it says two wyes on there?

**Mr. Almen** - It says "wye replacements (2) and six feet of service pipe." I have another letter for estimated costs.

**Councilman Sumner** - Did you get assessed twice?

**Mr. Almen** - I'm assuming so.

**Councilman Sumner** - Can we look into that?

**Mayor Geraghty** - What was your address again?

**Mr. Almen** - 2080 Barry Drive. I was told one service comes off of Ellen Court and the other comes off of Barry Drive.

**Mayor Geraghty** - Is your lot big enough for another house to go in there?

**Mr. Almen** - They'd have to rearrange the house.

**Councilman Gallagher** - Let's look into that.

## 7. MAYOR'S REPORT –

**Mayor Geraghty** - I attended Chuck Johnson's retirement luncheon yesterday, it was a very good event. Had a lot of former employees attend and Chuck had a good time and met a lot of his old friends. It was a very nice event and I think he appreciated it. He has one more day tomorrow after 36 years of service. We congratulate him and wish him well. Also I wanted to announce the Oktoberfest that is being held at Cottage Grove at the Historic Hope Glen Farm on Sunday from 12 - 5, it's a fundraiser for the Friends in Need Food Shelf. There'll be a silent, music, hayrides and games for kids. The public is invited to that. Also a week from Saturday, on October 26 from 9 to 12 we'll be doing the annual Buckthorn Removal at Bailey School Forest. We're looking for volunteers.

## 8. COUNCIL REPORTS –

**Councilman Gallagher** - I just wanted to follow up and say that Loveland Park and Bailey School Forest will be closed this Saturday and Sunday for a deer hunt. If you have any questions, call City Hall. I also attended a Met Council meeting. I suppose someone should bring up the 100's of contacts we received about a animal complaint. City staff, Council and Police dealt with that complaint and it came out with a satisfactory response.

**Councilman Sumner** – Nothing to report.

**Councilman Rahm** – I also attended Chuck Johnson's retirement party and also took my family to the house burning last weekend. It was interesting to see all of the training and how scary a house fire of that magnitude is.

## 9. ADMINISTRATOR'S REPORT –

### A. Resolution No. 2013-51 – Approving a Conditional Use Permit and Variance Requested by Kim Brown for Property Located at 1675 Kolff Road

Berry Farrington, TKDA Planner, presented on this item as outlined in the October 17, 2013 City Council packet.

**Mayor Geraghty** - Will this be visible from the streets?

**Ms. Farrington** - The vegetation would block it.

**Mayor Geraghty** - Looking from this side of the bluff or Kolff will it be seen?

**Admin. Hill** - The Planning Commission went out there and it's pretty thick. From Kolff Street, no way. It's pretty thick from the pump house property. You can't see anything through it.

**Councilman Gallagher** - I think that was in the notes, a neighbor had questions about visibility.

**Admin. Hill** - I couldn't see it myself, even with the leaves off it's pretty thick in there. There's some cottonwoods and buckthorn.

**Mayor Geraghty** - What color is the house?

**Admin. Hill** - Brown.

**Councilman Sumner** - It talks about hay storage, do they have hay-eating animals up there?

**Admin. Hill** - She has some horses.

**Motion by Geraghty, seconded by Sumner to approve Resolution No. 2013-51 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**B. Ordinance No. 2013-9 – Approving a Zoning Amendment to Section 1330 General District Regulations and Section 1350 Nonresidential Districts**

Admin. Hill presented on this item as outlined in the October 17, 2013 City Council packet.

**Councilman Rahm** - On the barbed wire, they are putting it six feet up? I didn't see the language in the ordinance.

**Admin. Hill** - I think they had something like that around the Knox Site, some insurance companies require you to have that.

**Councilman Rahm** - I know some people might be grandfathered but if someone wants to put it up we're now saying that it needs to be at least six feet off the ground. I'm thinking for horses or something like that.

**Admin. Hill** - I think they were thinking about safety of kids.

**Councilman Rahm** - I know that there's not many properties that it would pertain to but where I live there are people that could.

**Motion by Sumner, seconded by Gallagher to approve Ordinance No. 2013-9 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**C. Amendment to the Volunteer Policy and Application**

**Admin. Hill** - The Police is being amended to refer to the application and waiver for Buckthorn Removal Day saying that individuals who only participate in the Annual Buckthorn Removal Day need to only fill out the Buckthorn Volunteer Application and Waiver.

**Mayor Geraghty** - They had talked about this at the Park Board and I had asked them to come up with a version and this is it. The thinking was that we get one-time volunteers and we didn't want them to have to answer a lot of personal questions. We'll still have the Policy there for them to read and acknowledge and they're waiving liability.

**Councilman Gallagher** - Underneath the "Liability Waiver" section it says "By signing this document I am acknowledging that the City bears no legal obligations" should that say "no legal or civil obligations?"

**Attorney Knaak** - It should say "no liability" because I think that's the issue.

**Councilman Sumner** - Does this represent the application that we've signed in the past for Buckthorn?

**Mayor Geraghty** - In the past, it was only a waiver from liability.

**Councilman Sumner** - Would those that participate in the fun walk get this?

**Admin. Hill** - They're not volunteering, they're just participating.

**Attorney Knaak** - If someone is participating in a recreational activity with the City, the City will not be liable.

**Motion by Sumner, seconded by Gallagher, to amend the Volunteer Policy and accept the modified Buckthorn Removal Volunteer Application and Waiver form as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**D. Discussion Regarding Hiring a Strategic Plan Consultant**

Admin. Hill presented on this item as outlined in the October 17, 2013 City Council packet.

**Councilman Sumner** - Were we going to interview anyone else?

**Admin. Hill** - We had two recommendations and the other had to pull out of the running.

**Councilman Sumner** - Is there a requirement to interview more than one person?

**Attorney Knaak** - No.

**Councilman Rahm** - When would we do this?

**Admin. Hill** - Whatever works for Council, we could put it off until after the first of the year.

**Councilman Sumner** - I would prefer that.

**Councilman Rahm** - We have a strategic plan so would we just review that or make a new one or build upon our current one.

**Admin. Hill** - Maybe that would be part of the process.

**Mayor Geraghty** - What was the difference between the half day and full day?

**Admin. Hill** - The full day was \$2,500 but given that we haven't hired a facilitator for a number of years we recommend starting at a half day to see how it goes.

**Councilman Sumner** - Who gets to participate?

**Admin. Hill** - I believe he'll talk with all staff.

**Councilman Sumner** - People on the commissions?

**Admin. Hill** - I'm not sure.

**Councilman Sumner** - I want to make sure we get \$1,500 worth from it.

**Councilman Rahm** - That's actually a fair price from what I've seen. I want to make sure what we're getting out of it.

**Mayor Geraghty** - We might have to have a separate discussion on that before he gets started. I think we have a consensus that we'll proceed with it and to schedule it after the first of the year.

**E. Discussion Regarding Flooring for City Hall and Fire Hall #1**

Admin. Hill presented on this item as outlined in the October 17, 2013 City Council packet.

**Councilman Rahm** - We had this in our plan but you're bringing it forward now?

**Admin. Hill** - Yes, the estimate was about \$20,000 in 2016 or 2017.

**Councilman Gallagher** - Did you get more than one bid?

**Admin. Hill** - This is the same outfit that did the hallway and entryway because we wanted it to match. Bruce has worked with her a number of different times.

**Mayor Geraghty** - When did you want to do this?

**Admin. Hill** - This winter some time.

**Mayor Geraghty** - Would we put it in our final budget for 2014?

**Admin. Hill** - It doesn't change the cash flow for the 2014 budget.

**Councilman Sumner** - I would like to ask the people of Newport if they think this is a worthy expenditure of our monies. I'm getting a favorable response from the residents in the audience.

**Mayor Geraghty** - How old is this?

**Asst. Supt. Neska** - It's probably 20 years old.

**Councilman Gallagher** - I would like to see another bid come through.

**Councilman Rahm** - Maybe we would get a better price for doing both buildings.

**Motion by Gallagher, seconded by Geraghty directing staff to receive one more bid for the carpeting of City Hall and Fire Hall #1 and authorizing the City Administrator to enter into a contract up to \$20,000. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**Admin. Hill** - Finally, I was going to invest some of the monies that we'll be holding back from the street projects for next year. We have about a half million dollars. Ehlers highly recommends that we invest that. We'll need to cut some checks to purchase those CDs. They'll be six months for the street CD and the two for the debt service will be six months and 15 months. The rate of return is 0.4%.

**10. ATTORNEY'S REPORT** – Nothing to report.

**11. POLICE CHIEF'S REPORT** – Nothing to report.

**12. FIRE CHIEF'S REPORT** – Nothing to report.

**13. ENGINEER'S REPORT** –

**A. 2013 Street Improvement Project**

John Stewart, City Engineer, presented on this item as outlined in the October 17, 2013 City Council packet.

**Public Hearing – To consider, and possibly amend, the interest rate for the 2013 Street Improvement Projects**

**The Public Hearing opened at 6:39 p.m.**

**The Public Hearing closed at 6:39 p.m.**

**Public Hearing – To consider, and possibly postpone certain properties of the 2013 Street Improvement Projects**

**The Public Hearing opened at 6:40 p.m.**

**Councilman Gallagher** - Will the people who are being postponed until 2014 have the same interest rate that we passed tonight?

**Engineer Stewart** - Yes.

**The Public Hearing closed at 6:42**

**Mayor Geraghty** - Some have already paid their assessments, will they be refunded?

**Engineer Stewart** - Renee has been keeping track of that and the assessment roll says \$0 is owed.

**Motion by Gallagher, seconded by Geraghty to approve Resolution No. 2013-52 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**Engineer Stewart** - There was someone at 2080 Barry Drive who questioned his so I would suggest we go back and check it before we adopt his. If you recall, we questioned whether or not we should have each individual homeowner should get their televising done or if the City should do it. It was determined that it would be more efficient and less costly if the City did it, we did it and came up with a schedule of repairs that we thought would be required. Some of those fees were amended and we have before you a set of charges for televising and repair. It's a charge for services rendered and I believe it is the City's intention to certify the charges to the County at the same interest rate that was just passed. There is a little bit of a wrinkle on this that I would suggest we talk about tonight. We did additional televising, some of which goes to the 2014 project and some of which goes to the homes that were postponed. The costs for those televising expenses are showing up on the list. Do you want to charge the property owners that have not yet had the repairs done but have had their lines televised?

**Councilman Sumner** - I think we should. We've had to pay that correct?

**Engineer Stewart** - We've paid the televising company for that.

**Mayor Geraghty** - Did we send letters because there was some confusion about when it would be certified.

**Engineer Stewart** - I believe we've already sent letters.

**Mayor Geraghty** - I want them to be forewarned that if they don't pay it by a certain date it will go to the County.

**Engineer Stewart** - We can certainly put together a letter. I would like to look at that one address of 2080 Barry Drive.

**Motion by Geraghty, seconded by Rahm to approve Resolution No. 2013-53 with a possible modification to 2080 Barry Drive. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

#### **14. SUPERINTENDENT OF PUBLIC WORKS REPORT –**

**Asst. Supt. Neska** - Crews are still out flushing. They'll hopefully finish by Wednesday of next week.

**Councilman Sumner** - Any issues with flushing?

**15. NEW/OLD BUSINESS**

**Mayor Geraghty** - The Parks Board wants to have a photo contest with a prize of \$50 and also want to buy some frames but nothing more than \$175. I wanted the Council to approve that for the 2014 budget.

**Councilman Sumner** - Where would these pictures be hung?

**Tom Aguilar-Downing** - The website, some businesses, Library and Community Center, and City Hall. There will be three categories: Nature, Animal and People, and Black and White.

**16. ADJOURNMENT**

**Motion by Geraghty, seconded by Sumner, to adjourn the regular Council Meeting at 6:50 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

Signed: \_\_\_\_\_  
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm  
Executive Analyst

**Non-Recurring Bills**

Paid Chk# 015582	BANYON DATA SYSTEMS, INC.	11/7/2013	\$805.94	
Paid Chk# 015583	BENEFIT EXTRAS	11/7/2013	\$53.00	Benefits providers for COBRA
Paid Chk# 015584	BOYER TRUCKS	11/7/2013	\$590.93	Truck repair
Paid Chk# 015585	BRAHAM MONUMENT COMPANY	11/7/2013	\$1,154.25	War Memorial bricks
Paid Chk# 015586	BUDGET EXTERIORS	11/7/2013	\$4.25	Overpayment refund for permit
Paid Chk# 015587	CHIRON TRAINING	11/7/2013	\$400.00	Control tatics instructor cour
Paid Chk# 015588	COMMERCIAL ASPHALT CO.	11/7/2013	\$164.34	Dura Drive-Pot hole repair
Paid Chk# 015589	COTTAGE GROVE, CITY OF	11/7/2013	\$1,979.39	Building inspections
Paid Chk# 015590	DENNIS ENVIRONMENTAL OPERATORS	11/7/2013	\$800.00	Abatement on 1629 Cedar Lane
Paid Chk# 015591	DIETRICH ELECTRIC, INC	11/7/2013	\$386.25	Electrical Inspections
Paid Chk# 015592	EHLERS	11/7/2013	\$2,300.00	Financial management plan
Paid Chk# 015593	FERGUSON WATERWORKS #2516	11/7/2013	\$2,687.09	Water system repair parts
Paid Chk# 015594	FIRE SAFETY USA, INC.	11/7/2013	\$13,162.60	Fire truck accessories
Paid Chk# 015595	FRIEDGES LANDSCAPING	11/7/2013	\$208.25	Rental of meter and water purc
Paid Chk# 015596	GLEWWE DOORS INC.	11/7/2013	\$1,559.00	New front door Fire Hall and P
Paid Chk# 015597	HAWKINS	11/7/2013	\$1,910.42	Chlorine cylinder
Paid Chk# 015598	HOFF, BARRY & KOZAR P.A.	11/7/2013	\$599.25	Knaak legal fee
Paid Chk# 015599	INSTRUMENTAL RESEARCH, INC.	11/7/2013	\$36.00	Coliform water test
Paid Chk# 015600	JACK W. CLINTON, P.A.	11/7/2013	\$665.00	1625 Cedar Lane purchase fees
Paid Chk# 015601	JOHN BARTL HARDWARE	11/7/2013	\$320.82	Supplies
Paid Chk# 015602	LIFE LINE TRAINING LTD	11/7/2013	\$258.00	Training
Paid Chk# 015603	MENARDS - COTTAGE GROVE	11/7/2013	\$187.29	Parks Signage and Veterans Mem
Paid Chk# 015604	MINNESOTA STATE REGISTER	11/7/2013	\$153.00	RFP for former PW site
Paid Chk# 015605	MSA PROFESSIONAL SERVICES, INC	11/7/2013	\$25,909.14	City engineer street project
Paid Chk# 015606	OXYGEN SERVICE CO.	11/7/2013	\$131.18	Welding supplies
Paid Chk# 015607	PITNEY BOWES POSTAGE BY PHONE	11/7/2013	\$99.62	
Paid Chk# 015608	PROFESSIONAL WIRELESS COM.	11/7/2013	\$749.88	Radio system update
Paid Chk# 015609	SOUTH SUBURBAN RENTAL, INC.	11/7/2013	\$110.08	Propane fuel, patching trailer
Paid Chk# 015610	ST. PAUL PARK REFINING CO. LLC	11/7/2013	\$2,120.79	
Paid Chk# 015611	T.A. SCHIFSKEY & SONS, INC.	11/7/2013	\$35.00	Patching Material
Paid Chk# 015612	THE LOCK SHOP	11/7/2013	\$84.50	Library relock of new doors
Paid Chk# 015613	WATER CONSERVATION SERVICE	11/7/2013	\$279.12	Locate for water main repair

**Recurring Bills**

Paid Chk# 000219E	FEDERAL TAXES	10/17/2013	\$9,382.90	SS, Federal, Medicare
Paid Chk# 000220E	MN REVENUE	10/17/2013	\$2,019.52	State taxes
Paid Chk# 000221E	ING LIFE INSURANCE & ANNUITY	10/17/2013	\$413.06	MSRS
Paid Chk# 000222E	MORGAN STANLEY	10/21/2013	\$710,000.00	Invest CDs and 2013 Street Bon
Paid Chk# 000223E	CENTRAL BANK	10/21/2013	\$85,000.00	CD purchase
Paid Chk# 000224E	CENTRAL BANK	10/30/2013	\$85,000.00	Purchase CDs
Paid Chk# 000225E	ING LIFE INSURANCE & ANNUITY	10/30/2013	\$5,525.42	MSRS and Severance pay out
Paid Chk# 000226E	DELTA DENTAL OF MN	10/30/2013	\$1,288.57	Dental insurance
Paid Chk# 000227E	FEDERAL TAXES	10/30/2013	\$10,223.27	SS, Medicare, Federal
Paid Chk# 000228E	MN REVENUE	10/30/2013	\$2,036.49	State taxes
Paid Chk# 015558	ING LIFE INSURANCE & ANNUITY	10/17/2013	\$1,523.00	
Paid Chk# 015559	LAW ENFORCEMENT LABOR SERVICES	10/17/2013	\$270.00	
Paid Chk# 015560	MINNESOTA BENEFIT ASSOC.	10/17/2013	\$61.43	Neska life
Paid Chk# 015561	Joel Muellner	10/17/2013	\$12.86	Uniform
Paid Chk# 015562	ON SITE SANITATION	10/17/2013	\$443.54	Parks and compost site sanitat
Paid Chk# 015563	PERA	10/17/2013	\$8,233.18	
Paid Chk# 015564	SELECTACCOUNT	10/17/2013	\$763.67	
Paid Chk# 015565	SELECTACCOUNT	10/17/2013	\$34.77	Fees for HAS
Paid Chk# 015566	XCEL ENERGY	10/17/2013	\$6,875.14	Electricity and gas
Paid Chk# 015567	SELECTACCOUNT	10/22/2013	\$180.65	
Paid Chk# 015568	DEBORA HILL	10/24/2013	\$78.14	Mileage reimbursement
Paid Chk# 015569	LEAF	10/24/2013	\$619.83	

Paid Chk# 015570	STANDARD INSURANCE CO.	10/24/2013	\$437.95	Life&AD&D&Long-term dis
Paid Chk# 015571	TOM INGEMANN	10/24/2013	\$500.13	Fire Chief Conference reimburs
Paid Chk# 015575	TIMOTHY MURPHY	10/29/2013	\$3,500.00	A&W demo and refurbish
Paid Chk# 015576	COMCAST	10/30/2013	\$126.40	
Paid Chk# 015577	ING LIFE INSURANCE & ANNUITY	10/30/2013	\$1,523.00	
Paid Chk# 015578	NCPERS MINNESOTA	10/30/2013	\$80.00	Ex. Life insurance
Paid Chk# 015579	PERA	10/30/2013	\$8,129.41	
Paid Chk# 015580	SELECTACCOUNT	10/30/2013	\$773.67	
Paid Chk# 015581	VERIZON	10/30/2013	\$399.37	Cell phones and hot spots
		Staff	\$62,830.98	
			<b>\$1,068,190.73</b>	

1

### LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total prize value for the year will be \$1,500 or less, contact the licensing specialist assigned to your county.

#### Application fee (non refundable)

If application is postmarked or received 30 days or more before the event **\$50**; otherwise **\$100**.

### ORGANIZATION INFORMATION

Organization name: **CAPITAL CITY STROTTERS** Previous gambling permit number: **X-04925**

Minnesota tax ID number, if any Federal employer ID number (FEIN), if any

#### Type of nonprofit organization. Check one.

Fraternal  Religious  Veterans  Other nonprofit organization

Mailing address City State Zip code County

Name of chief executive officer [CEO]: **Jim PEIFFER** Daytime phone number: **651-459-5772** E-mail address: **JICAPE@MSW.COM**

### NONPROFIT STATUS

Attach a copy of ONE of the following for proof of nonprofit status.

Nonprofit Articles of Incorporation OR a current Certificate of Good Standing.

Don't have a copy? This certificate must be obtained each year from:  
Secretary of State, Business Services Div., 60 Empire Drive, Suite 100, St. Paul, MN 55103  
Phone: 651-296-2803

IRS income tax exemption [501(c)] letter in your organization's name. **ON FILE**

Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization [charter]

If your organization falls under a parent organization, attach copies of both of the following:  
a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and  
b. the charter or letter from your parent organization recognizing your organization as a subordinate.

### GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted. For raffles, list the site where the drawing will take place.

**TINBERG'S RESTAURANT**

Address [do not use PO box] City or township Zip code County  
**396 21ST ST NEWPORT 55055 WASHINGTON**

Date[s] of activity. For raffles, indicate the date of the drawing.

**JAN 20<sup>TH</sup> 2014**

Check each type of gambling activity that your organization will conduct.

Bingo\*  Raffle  Paddlewheels\*  Pull-tabs\*  Tipboards\*

\*Gambling equipment for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.

To find a licensed distributor, go to [www.gcb.state.mn.us](http://www.gcb.state.mn.us) and click on **Distributors** under the **WHO'S WHO? LIST OF LICENSEES**, or call 651-639-4000.

**WILD GAME FRED**

**LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT**

**CITY APPROVAL  
for a gambling premises  
located within city limits**

The application is acknowledged with no waiting period.  
 The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days [60 days for a 1st class city].  
 The application is denied.

Print city name NEWPORT

Signature of city personnel \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**Local unit of government must sign**

**COUNTY APPROVAL  
for a gambling premises  
located in a township**

The application is acknowledged with no waiting period.  
 The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days.  
 The application is denied.

Print county name \_\_\_\_\_

Signature of county personnel \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**TOWNSHIP. If required by the county.**

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits.

[A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.166.]

Print township name \_\_\_\_\_

Signature of township officer \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**CHIEF EXECUTIVE OFFICER'S SIGNATURE**

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief executive officer's signature [Signature] Date 10-29-13

Print name JIM PEIFFER

**REQUIREMENTS**

**Complete a separate application for:**

- all gambling conducted on two or more consecutive days, or
  - all gambling conducted on one day.
- Only one application is required if one or more raffle drawings are conducted on the same day

**Send application with:**

a copy of your proof of nonprofit status, and  
 application fee (non refundable). Make check payable to "State of Minnesota."

**To:** Gambling Control Board  
 1711 West County Road B, Suite 300 South  
 Roseville, MN 55113

**Financial report and recordkeeping required**

A financial report form and instructions will be sent with your permit, or use the online fill-in form available at [www.gcb.state.mn.us](http://www.gcb.state.mn.us).

Within 30 days of the event date, complete and return the financial report form to the Gambling Control Board.

**Questions?**

Call the Licensing Section of the Gambling Control Board at 651-639-4000.

This form will be made available in alternative format (i.e. large print, Braille) upon request.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board.

All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney

General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

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Minnesota tax ID number, if any: \_\_\_\_\_ Federal employer ID number (FEIN), if any: \_\_\_\_\_

**Type of nonprofit organization. Check one.**

Fraternal     Religious     Veterans     Other nonprofit organization

Mailing address: 6532 81<sup>ST</sup> ST. So City: COTTAGE GROVE State: MN Zip code: 55016 County: WASHINGTON

Name of chief executive officer [CEO]: Jim PEIFFER Daytime phone number: 651-459-5772 E-mail address: JIRAPE@MSN.COM

### NONPROFIT STATUS

**Attach a copy of ONE of the following for proof of nonprofit status.**

**Nonprofit Articles of Incorporation OR a current Certificate of Good Standing.**  
 Don't have a copy? This certificate must be obtained each year from:  
 Secretary of State, Business Services Div., 60 Empire Drive, Suite 100, St. Paul, MN 55103  
 Phone: 651-296-2803

**IRS income tax exemption [501(c)] letter in your organization's name.** ON FILE  
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**IRS - Affiliate of national, statewide, or international parent nonprofit organization [charter]**  
 If your organization falls under a parent organization, attach copies of **both** of the following:  
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### GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted. For raffles, list the site where the drawing will take place.  
TINUCCI'S RESTAURANT

Address [do not use PO box]: 396 21<sup>ST</sup> ST. City or township: NEWPORT Zip code: 55055 County: WASHINGTON

Date[s] of activity. For raffles, indicate the date of the drawing.  
APRIL 9<sup>TH</sup> 2014

Check each type of gambling activity that your organization will conduct.

Bingo\*     Raffle     Paddlewheels\*     Pull-tabs\*     Tipboards\*

**\*Gambling equipment** for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.

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2014 BANQUET

**LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT**

**CITY APPROVAL  
for a gambling premises  
located within city limits**

The application is acknowledged with no waiting period.

The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days [60 days for a 1st class city].

The application is denied.

Print city name NEWPORT

Signature of city personnel \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**Local unit of government must sign**

**COUNTY APPROVAL  
for a gambling premises  
located in a township**

The application is acknowledged with no waiting period.

The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days.

The application is denied.

Print county name \_\_\_\_\_

Signature of county personnel \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**TOWNSHIP. If required by the county.**

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits.

[A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.166.]

Print township name \_\_\_\_\_

Signature of township officer \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**CHIEF EXECUTIVE OFFICER'S SIGNATURE**

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief executive officer's signature *[Signature]* Date 10-29-13

Print name JIM PEIFFER

**REQUIREMENTS**

**Complete a separate application for:**

- all gambling conducted on two or more consecutive days, or
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Only one application is required if one or more raffle drawings are conducted on the same day

**Send application with:**

a copy of your proof of nonprofit status, and

application fee (non refundable). Make check payable to "State of Minnesota."

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**Financial report and recordkeeping required**

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<p>Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board.</p>	<p>All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney</p>	<p>General; Commissioners of Administration, Minnesota Management &amp; Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.</p>
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# RESOLUTION NO. 2013-54

## A RESOLUTION DIRECTING CITY ADMINISTRATOR TO CERTIFY UNPAID MOWING CHARGES TO THE COUNTY TREASURER/AUDITOR TO BE COLLECTED WITH OTHER TAXES ON SAID PROPERTIES IN THE CITY OF NEWPORT, COUNTY OF WASHINGTON, MN

**WHEREAS**, the City of Newport ordinances establishes rules for public nuisances such as lawn maintenance; and

**WHEREAS**, the City of Newport maintained the lawn for three properties in Newport in 2013; and

**WHEREAS**, Minnesota Statutes, Section 429.101, Subd. 1, provides that all unpaid special charges such as mowing may be certified to the County Treasurer/Auditor with the taxes on such property; and

**WHEREAS**, the City Council of the City of Newport has determined that all Mowing Charges shall be certified to the County Treasurer/Auditor with the taxes on such property; and

**WHEREAS**, an Assessment Roll has been prepared specifying the property and mowing amount including all penalties to be certified against each particular property; and

**WHEREAS**, the City Council has elected to charge a service charge of \$25, \$5 of which goes to the County, and an annual interest rate charge of 18% to all delinquent accounts.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Newport, Minnesota hereby ordains:

1. Special Assessment No. 2013-01 in the amount of \$734.53 relating to the certification of unpaid mowing charges is calculated as follows:

1620 2nd Avenue	\$320.00
1661 3rd Avenue	94.53
<u>1902 10th Avenue</u>	<u>320.00</u>
Total Certified	\$734.53

A copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute a special assessment against the lands named therein.

Adopted this 7th day of November, 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

STATE OF MINNESOTA  
COUNTY OF WASHINGTON

I hereby certify that the foregoing Resolution is a true and correct copy of the Resolution presented to and adopted by the City of Newport at a duly authorized meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, 2013, as shown by the minutes of said meeting in my possession.

\_\_\_\_\_  
City Administrator

Notary Public  
My Commission expires:

2013  
CITY OF NEWPORT  
UNPAID MOWING CHARGES

PID NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	MOWING CHARGES	CERTIFIED BALANCE
35.028.22.11.0074	1620 2ND AVENUE	JILLIAN WIEBUSCH	\$250.00	\$320.00
35.028.22.11.0035	1661 3RD AVENUE	THOMAS BUSLEE	\$58.92	\$94.53
25.028.22.34.0047	1902 10TH AVENUE	FEDERAL NATIONAL MORTGAGE ASSOCIATION	\$250.00	\$320.00
			<b>TOTAL UNPAID MOWING CHARGES</b>	<b>\$734.53</b>



# MEMO

TO: Mayor and City Council  
Deb Hill, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: October 22, 2013

SUBJECT: Employee Personnel Policy

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## BACKGROUND

The City Council discussed recommended amendments to the City's Personnel Policy at its September 5, 2013 meeting and tabled it for 60 days for further review. City staff met with Mayor Geraghty and Councilman Rahm to discuss the recommended amendments on October 15, 2013. Please find attached a red-lined version of the Policy and a clean version with the proposed changes.

## DISCUSSION

Below is the information that was provided at the September 5, 2013 meeting regarding the recommended changes. Items in red were requested by the Council.

### 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. **Mayor Geraghty and Councilman Rahm requested that language be added to this section stating that the appropriate supervisor may hire seasonal, temporary or part-time employees within the budget.**
- **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. **Mayor Geraghty and Councilman Rahm requested that this language be amended to state what the probationary period is for each Department. It is six months for Administration and Public Works and one year for Police.** 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%)
<b>Bruce Hanson</b>	\$19,440	80% - \$31,104
<b>Renee Helm</b>	\$2,316.20	60% - \$2,779.43
<b>Deb McDonald</b>	\$524.40	60% - \$629.28
<b>Curt Montgomery</b>	\$19,440	80% - \$31,104
<b>John Neska</b>	\$17,424	80% - \$27,848.40
<b>Total</b>	<b>\$59,144.60</b>	<b>\$93,465.11</b>

**News Releases** - Councilman Gallagher requested that language be added to allow the Police Chief to issue news releases, speak with the media, or speak on behalf of the City without the City Administrator's approval in issues regarding Public Safety.

**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	100 hours	100 hours	80 hours	100 hours

1	100 hours	110 hours	80 hours	110 hours
2	100 hours	120 hours	80 hours	120 hours
3	100 hours	130 hours	80 hours	130 hours
4	100 hours	140 hours	80 hours	140 hours
5	150 hours	150 hours	120 hours	150 hours
6	150 hours	160 hours	120 hours	160 hours
7	150 hours	170 hours	120 hours	170 hours
8	150 hours	180 hours	120 hours	180 hours
9	150 hours	190 hours	120 hours	190 hours
10	200 hours	200 hours	160 hours	200 hours
11	200 hours	210 hours	160 hours	210 hours
12	200 hours	220 hours	160 hours	220 hours
13	200 hours	230 hours	160 hours	230 hours
14	200 hours	240 hours	160 hours	240 hours
15	225 hours	250 hours	180 hours	250 hours
16	225 hours	250 hours	180 hours	250 hours
17	225 hours	250 hours	180 hours	250 hours
18	225 hours	250 hours	180 hours	250 hours
19	225 hours	250 hours	180 hours	250 hours
20 and more	250 hours	250 hours	200 hours	250 hours

- **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 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 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 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 NewportCity~~ and access to the information they contain is restricted. Generally, only supervisors and management of personnel of the ~~City of NewportCity~~ 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 NewportCity~~'s receipt of the written notice. The files may be reviewed in the ~~City of NewportCity~~'s offices and in the presence of an individual appointed by the ~~City of NewportCity~~ 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 NewportCity~~ to avoid such circumstances and / or conflicts.

Although the ~~City of NewportCity~~ 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 NewportCity~~ 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 NewportCity~~ 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 NewportCity~~ 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 who will hire according to the budget.

~~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 yearsix months to one year in duration depending on the Department six months for Administration and Public Works employees and one year for Police employees.-

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.

## **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~~City-premises and while conducting business-related activities off the ~~City of Newport~~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~~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:

<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~~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~~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.

[The Police Chief may issue news releases, speak to the media, or speak on behalf of the City without City Administrator approval in regards to Public Safety matters.](#)

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 show 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 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>
<u>0 through year 4</u>	<u>100 hours</u>	<u>80 hours</u>
<u>5-9</u>	<u>150 hours</u>	<u>120 hours</u>
<u>10-14</u>	<u>200 hours</u>	<u>160 hours</u>
<u>15-19</u>	<u>225 hours</u>	<u>180 hours</u>
<u>20+</u>	<u>250 hours</u>	<u>200 hours</u>

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 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 who will hire according to the budget.

### **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 six months for Administration and Public Works employees and one year for Police employees.

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.

## **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 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. 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 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. 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:

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.

The Police Chief may issue news releases, speak to the media, or speak on behalf of the City without City Administrator approval in regards to Public Safety matters.

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.

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 Council  
FROM: Deb Hill, City Administrator  
DATE: October 22, 2013  
SUBJECT: Closing City Offices Thursday, December 26

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## **Background:**

Christmas holidays for 2013 (Christmas Eve and Christmas Day) land on a Tuesday and Wednesday. All three office staff have family planned holiday festivities that are out of town. City business on December 26<sup>th</sup> has been historically low.

## **Discussion:**

Office staff request that city offices be closed on Thursday, December 26<sup>th</sup>. We would each take a day of vacation.

## September 2013 Newport Police Department Activity Report

		Monthly Total	Yearly Total
ACCIDENTS		13	96
ADMINISTRATIVE		107	921
ALARMS		4	90
ANIMAL CALLS		15	107
ARRESTS	Felony	1	23
	Misdemeanor	5	74
	Gross Misd.	3	32
ASSAULTS	Aggravated		2
	Simple	1	12
ASSIST OTHER DEPT/OFFICER		93	594
ASSIST PUBLIC		156	1565
AUTO THEFT		1	3
	Attempted	1	1
BURGLARY		1	19
	Attempted		3
CHILD ABUSE/NEGLECT			10
CIVIL DISPUTES		11	76
CRIMINAL SEXUAL CONDUCT			3
CURFEW			2
DAMAGE TO PROPERTY		3	39
DEATH INV.			4
DISORDER CONDUCT		6	29
DOMESTICS		16	117
DRIVING COMPLAINT		16	87
DRUGS/PARAPHERNALIA			15
DRUNKS/DETOX		2	15
D.W.I.		1	38
FIRECALLS		7	49
FORGERY			6
FOUND PROPERTY		2	11
HAR/COMM			16
HANG UPS (911)		4	32
HOMICIDE			1
JUVENILE PETTY CITATIONS		2	23
JUVENILE PROBLEMS		20	73
LOCK-OUTS		7	32
MEDICAL CALLS		23	201
MISSING PERSONS		3	9
ORDINANCE VIOLATIONS		26	328
ORDINANCE WINTER PARK			87
PROWLERS			
ROBBERY			3
	Attempted		1
RUN-AWAY		3	12
STOLEN AUTOS RECOVERED			10
SUSPICIOUS ACTIVITY		40	231
THEFT		9	86
	Attempted		
CITATIONS		125	1047
TRAFFIC WARNINGS		65	689
		Monthly Total	Yearly Total
Overall Grand Total All Events		792	6924

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**To:** Honorable Mayor Geraghty and City Council  
Deb Hill, City Administrator

**From:** Jon Herdegen, P.E. – Project Engineer

**Subject:** Project Update: 2013 Street Improvement Project

**Date:** October 31, 2013

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**Project Update**

The 2013 Street Improvements project is essentially complete. The general contractor, McNamara Construction completed the bituminous wear course for the entire project on Friday, October 25<sup>th</sup>. The majority of the restoration, including boulevard grading and sod placement was completed prior to the final paving. The new mail box supports will be installed this week and the temporary mailbox station should be removed by Friday (Nov. 1<sup>st</sup>).

The contractor has requested a second partial payment for the project. Enclosed for your consideration is an itemized description of the work completed to date. The original contract price was \$984,462.78, after the approval of Change Order No. 1; the contract amount was revised to \$725,308.15. The value of the work completed to date is \$438,357.28. Less 5% retainage and \$92,604.19 previously paid, the amount requested by McNamara is \$323,835.23.

We have observed the work performed by McNamara Contracting throughout the duration of construction activities. We have determined the work to be satisfactory and the project is substantially complete. We have prepared the enclosed Certificate of Substantial Completion for review and consideration.

**Action Requested:** We respectfully request the Council to consider Partial Payment No. 2 in the amount of \$322,837.73 and acceptance of the Certificate of Substantial Completion. If these documents are acceptable, please sign and return one copy each application to McNamara with payment; return one copy to MSA and retain one copy for your records.

**2014 Sanitary Sewer Televising**

On behalf of the City of Newport, MSA has solicited proposals to conduct the mainline sewer and service line televising work for the 2014 Street Improvement project. We requested quotes from three qualified contractors. Copies of each proposal are provided for review and summarized below:

Engineer Memo  
11-7-2013 Council Meeting

Description	Unit	Qty	Professional Drainage Systems		Visu-Sewer		Infratech	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Televising of Main-Line Sewer	FT	11,000	\$0.62	\$6,820.00	\$0.65	\$7,150.00	\$0.79	\$8,690.00
Cleaning of Main Sewer	FT	11,000	\$0.74	\$8,140.00	\$0.80	\$8,800.00	\$1.22	\$13,420.00
Televising of Lateral Lines	EA	115	\$139.00	\$15,985.00	\$175.00	\$20,125.00	\$229.00	\$26,335.00
<b>Total</b>				<b>\$30,945.00</b>		<b>\$36,075.00</b>		<b>\$48,445.00</b>

You will notice that Professional Drainage (PDS) provides a cost for cleaning the lateral service line ranging in cost from \$144 to \$370 per line. When this work was completed for the 2013 project, there were 11 services of the 127 services that required a "Traditional Cable" cleaning. Based on similar percentages, we can expect approximately 10-15 services will require cleaning at an additional total cost of \$1,440 to \$2,160.

**Action Requested:** Based on the proposals, we recommend the City consider directing Systems (PDS) to proceed with the sanitary sewer cleaning and televising work for the 2014 Street Improvements project.

**PARTIAL PAY ESTIMATE NO. 2**

FROM: September 21, 2013  
TO: October 31, 2013

**COMPLETION DATE**  
ORIGINAL: 11/15/13  
REVISED:  
WORKING DAYS USED: N/A  
WORKING DAYS REMAINING: N/A

**AMOUNT OF CONTRACT**  
ORIGINAL: \$984,462.78  
REVISED: \$725,223.15

PROJECT: 2013 STREET IMPROVEMENTS  
CITY PROJECT NO. 2013-15

CONTRACTOR: MCNAMARA CONTRACTING, INC  
ADDRESS: 16700 CHIPPENDALE AVE., ROSEMOUNT, MN 55068  
OFFICE: 651-322-5500  
FAX: 651-322-5550

OWNER: CITY OF NEWPORT

ITEM NO	SPEC NO.	ITEM DESCRIPTION	UNIT	QTY TOTAL	UNIT PRICE	THIS PERIOD		TOTAL TO DATE	
						QTY	TOTAL	QTY	TOTAL
<b>SCHEDULE 1.0 - STREET</b>									
1	2021.501	MOBILIZATION	LS	1	\$ 77,500.00	0.50	\$ 38,750.00	1.00	\$ 77,500.00
2	2101.502	CLEARING	TREE	15	\$ 200.00	0.00	\$ -	0.00	\$ -
3	2101.507	GRUBBING	TREE	15	\$ 200.00	0.00	\$ -	0.00	\$ -
4	2104.501	REMOVE CONCRETE CURB	LF	0	\$ 7.00	0.00	\$ -	0.00	\$ -
5	2104.503	REMOVE CONCRETE WALK	SF	600	\$ 2.00	150.00	\$ 300.00	150.00	\$ 300.00
6	2104.505	REMOVE CONCRETE PAVEMENT	SY	312	\$ 15.00	371.00	\$ 5,565.00	371.00	\$ 5,565.00
7	2104.505	REMOVE BITUMINOUS PAVEMENT	SY	12,883	\$ 0.01	4539.00	\$ 45.39	5214.00	\$ 52.14
8	2104.509	REMOVE MAILBOX SUPPORT	EACH	74	\$ 42.00		\$ -	65.00	\$ 2,730.00
9	2104.509	REMOVE SIGN & POST	EACH	40	\$ 27.00		\$ -	0.00	\$ -
10	2104.523	SALVAGE SIGN & POST	EACH	10	\$ 27.00		\$ -	0.00	\$ -
11	2104.523	SALVAGE LANDSCAPING	EACH	5	\$ 600.00	8.00	\$ 4,800.00	8.00	\$ 4,800.00
12	2104.618	SALVAGE PAVERS (ALL TYPES & SIZES)	SF	120	\$ 10.00	100.00	\$ 1,000.00	100.00	\$ 1,000.00
13	2105.501	COMMON EXCAVATION (STREET) (EV)	CY	1,403	\$ 20.00	946.00	\$ 18,920.00	1040.00	\$ 20,800.00
14	2105.522	GRANULAR BORROW (CV)	CY	1,519	\$ 19.00	0.00	\$ -	0.00	\$ -
15	2105.525	TOPSOIL BORROW (LV)	CY	870	\$ 22.00		\$ -	0.00	\$ -
16	2211.501	AGGREGATE BASE CLASS 5	TON	1,691	\$ 13.00	0.00	\$ -	356.68	\$ 4,636.84
17	2232.501	MILL BITUMINOUS SURFACE (1.5")	SY	9,264	\$ 0.30	4126.00	\$ 1,237.80	4126.00	\$ 1,237.80
18	2360.501	TYPE SP 9.5 WEAR COURSE MIXTURE 2B (D/W)	TON	63	\$ 160.00	129.98	\$ 20,796.80	129.98	\$ 20,796.80
19	2360.501	TYPE SP 9.5 WEAR COURSE MIXTURE 2B (STREET)	TON	1,032	\$ 45.00	1046.56	\$ 47,095.20	1046.56	\$ 47,095.20
20	2360.505	TYPE SP 12.5 BIT MIXTURE FOR PATCHING	TON	1,032	\$ 110.00	736.40	\$ 81,004.00	736.40	\$ 81,004.00
21	2357.502	BITUMINOUS MATERIAL FOR TACK COAT	GAL	1,085	\$ 2.00	675.00	\$ 1,350.00	675.00	\$ 1,350.00
22	2521.501	4" CONCRETE WALK	SF	600	\$ 5.00	150.00	\$ 750.00	150.00	\$ 750.00
23	2531.507	6" CONCRETE DRIVEWAY PAVEMENT	SY	360	\$ 36.00	371.00	\$ 13,356.00	371.00	\$ 13,356.00
24	2531.501	CONCRETE CURB & GUTTER DESIGN B618	LF	9,240	\$ 9.00	5836.00	\$ 52,524.00	5,836.00	\$ 52,524.00
25	2540.602	INSTALL MAIL BOX SUPPORT (SINGLE)	EACH	57	\$ 110.00		\$ -	0.00	\$ -
26	2540.602	INSTALL MAIL BOX SUPPORT (DOUBLE)	EACH	5	\$ 125.00		\$ -	0.00	\$ -
27	2540.602	INSTALL MAIL BOX SUPPORT (MULTIPLE)	EACH	2	\$ 200.00		\$ -	0.00	\$ -
28	2563.601	TRAFFIC CONTROL	LS	1	\$ 20,000.00	0.50	\$ 10,000.00	1.00	\$ 20,000.00
29	2564.533	F&I SIGN PANEL TYPE C	SF	148	\$ 26.00		\$ -	0.00	\$ -
30	2564.602	F&I SIGN PANEL TYPE SPECIAL	EACH	14	\$ 210.00		\$ -	0.00	\$ -
31	2564.602	SIGN POST	EACH	30	\$ 52.00		\$ -	0.00	\$ -
32	2564.602	SIGN POST TYPE SPECIAL	EACH	14	\$ 52.00		\$ -	0.00	\$ -
33	2573.502	SILT FENCE, TYPE MACHINE SLICED	LF	300	\$ 3.00		\$ -	0.00	\$ -
34	2573.540	FIBER LOG	LF	200	\$ 5.00		\$ -	0.00	\$ -
35	2573.603	ROCK LOG	LF	300	\$ 12.00		\$ -	0.00	\$ -
36	2573.602	TEMPORARY ROCK CONSTRUCTION ENTRANCE	EACH	4	\$ 850.00		\$ -	0.00	\$ -
37	2573.602	CONCRETE WASH-OUT AREA	EACH	2	\$ 0.01		\$ -	0.00	\$ -
38	2573.602	INLET PROTECTION	EACH	23	\$ 300.00	7.00	\$ 2,100.00	7.00	\$ 2,100.00
39	2575.523	EROSION CONTROL BLANKET CATEGORY II	SY	612	\$ 2.00		\$ -	0.00	\$ -
40	2575.505	SODDING TYPE LAWN	SY	10,240	\$ 3.50	2770	\$ 9,695.00	2770.00	\$ 9,695.00
41	2575.535	WATER	MGAL	343	\$ 48.00		\$ -	0.00	\$ -
42	2575.601	SITE RESTORATION	LS	1	\$ 15,000.00	1.00	\$ 15,000.00	1.00	\$ 15,000.00
43	2575.601	EROSION & SEDIMENT CONTROL	LS	1	\$ 8,000.00	0.50	\$ 4,000.00	1.00	\$ 8,000.00
44	2575.608	HYDRAULIC SOIL STABILIZER TYPE 6	LB	1,378	\$ 4.00		\$ -	0.00	\$ -

**T SCHEDULE 1.0 - STREET - TOTAL CONSTRUCTION**

**\$ 328,289.19**      **\$ 390,292.78**

**SCHEDULE 2.0 - SANITARY SEWER**

45	2104.501	REMOVE SEWER PIPE (SERVICE)	LF	220	\$ 5.00		\$ -	129.50	\$ 647.50
46	2104.601	REMOVE SEWER PIPE (TRANSITE)	LF	80	\$ 53.00		\$ -	0.00	\$ -
47	2503.602	TEMPORARY SANITARY SEWER BYPASS	EACH	15	\$ 525.00		\$ -	8.00	\$ 4,200.00
48	2503.602	CONNECT TO EXISTING SANITARY SEWER SERVICE	EACH	23	\$ 220.00		\$ -	22.00	\$ 4,840.00
49	2503.602	8" X 4" PVC WYE	EACH	17	\$ 585.00		\$ -	16.00	\$ 9,360.00
50	2503.602	12" X 4" PVC WYE	EACH	0	\$ 585.00		\$ -	0.00	\$ -
51	2503.602	12" X 6" PVC WYE	EACH	0	\$ 3,100.00		\$ -	0.00	\$ -
52	2503.602	15" X 4" PVC WYE	EACH	0	\$ 615.00		\$ -	0.00	\$ -
53	2503.602	18" X 4" PVC WYE	EACH	0	\$ 615.00		\$ -	0.00	\$ -
54	2503.602	18" X 6" PVC WYE	EACH	0	\$ 3,200.00		\$ -	0.00	\$ -
55	2503.603	4" PVC SANITARY SEWER SERVICE PIPE - SDR 26	LF	220	\$ 26.00		\$ -	129.50	\$ 3,367.00
56	2503.603	6" PVC SANITARY SEWER SERVICE PIPE - SDR 26	LF	0	\$ 28.00		\$ -	0.00	\$ -
57		SERVICE PIPE - NO WYE (9' TO 12' DEEP)	EACH	3	\$ 220.00		\$ -	3.00	\$ 660.00
58	2506.602	INSTALL CASTING LID	EACH	30	\$ 173.00		\$ -	0.00	\$ -
59	2506.602	ADJUST STRUCTURE (SANITARY)	EACH	1	\$ 500.00		\$ -	0.00	\$ -
60	2506.602	ADJUST FRAME & RING CASTING (SANITARY)	EACH	30	\$ 420.00	15.00	\$ 6,300.00	15.00	\$ 6,300.00

**T SCHEDULE 2.0 - SANITARY - TOTAL**

**\$ 6,300.00**      **\$ 29,374.50**

<b>SCHEDULE 3.0 - WATERMAIN</b>									
61	2104.601	REMOVE PIPE (WATER SERVICE)	LF	275	\$ 6.00		\$ -	0.00	\$ -
62	2504.602	ADJUST VALVE BOX	EACH	28	\$ 335.00	10.00	\$ 3,350.00	10.00	\$ 3,350.00
63	2504.602	1" CORPORATION STOP	EACH	10	\$ 265.00		\$ -	0.00	\$ -
64	2504.602	1" CURB STOP & BOX	EACH	10	\$ 310.00		\$ -	0.00	\$ -
65	2504.603	1" TYPE K COPPER PIPE	LF	275	\$ 30.00		\$ -	0.00	\$ -
66	2504.604	4" POLYSTYRENE INSULATION	SY	47	\$ 52.00		\$ -	0.00	\$ -

**T SCHEDULE 3.0 - WATERMAIN - TOTAL**

**\$ 3,350.00                      \$ 3,350.00**

<b>SCHEDULE 4.0 - STORM</b>									
67	2451.507	GRANULAR BEDDING (CV) (PIPE)	CY	240	\$ 26.00		\$ -	0.00	\$ -
68	2503.541	12" RC PIPE SEWER DES 3006 CL V	LF	171	\$ 42.00		\$ -	0.00	\$ -
69	2506.502	CONST DRAINAGE ST. DESIGN SPECIAL 24"X36"	EACH	2	\$ 2,400.00		\$ -	0.00	\$ -
70	2506.521	INSTALL CASTING	EACH	3	\$ 650.00		\$ -	0.00	\$ -
71	2506.602	CONNECT TO EXISTING STRUCTURE (STORM)	EACH	1	\$ 1,050.00		\$ -	0.00	\$ -
72	2506.602	ADJUST STRUCTURE (STORM)	EACH	3	\$ 500.00		\$ -	0.00	\$ -
73	2506.602	ADJUST FRAME & RING CASTING (STORM)	EACH	15	\$ 420.00	2.00	\$ 840.00	2.00	\$ 840.00

**T SCHEDULE 4.0 - STORM - TOTAL**

**\$ 840.00                      \$ 840.00**

<b>SCHEDULE 5.0 - ALTERNATE BID</b>									
74	2531.507	6" CONCRETE DRIVEWAY PAVEMENT (APRON)	SY	480	\$ 38.00		\$ -	0.00	\$ -
75	2575.561	BLOWN COMPOST SEEDING	SY	10,027	\$ 1.80		\$ -	0.00	\$ -
76	2575.535	WATER	MGAL	336	\$ 40.00		\$ -	0.00	\$ -
77	2575.601	SITE RESTORATION	LS	1	\$ 15,000.00		\$ -	0.00	\$ -
78	ADJ	SODDING TYPE LAWN	SY	-10,027	\$ 3.50		\$ -	0.00	\$ -
79	ADJ	WATER	MGAL	-336	\$ 48.00		\$ -	0.00	\$ -
80	ADJ	SITE RESTORATION	LS	-1	\$ 15,000.00		\$ -	0.00	\$ -

**T SCHEDULE 5.0 - ALTERNATE BID - TOTAL**

**\$ -                      \$ -**

<b>SCHEDULE 6.0 - MAINLINE JOINT REPAIR</b>									
81	SPEC	8" VCP REPAIR (<5' FROM WYE)	EA	8	\$ 1,050.00	2.00	\$ 2,100.00	10.00	\$ 10,500.00

**T SCHEDULE 6.0 - MAINLINE JOINT REPAIR - TOTAL**

**\$ 2,100.00                      \$ 10,500.00**

<b>SCHEDULE 7.0 - MAINLINE CRACK REPAIR</b>									
82	SPEC	REPLACE 8" VCP SEGMENT (11'DEPTH)	LF	11	\$ 400.00		\$ -	10.00	\$ 4,000.00

**T SCHEDULE 7.0 - MAINLINE CRACK REPAIR - TOTAL**

**\$ -                      \$ 4,000.00**

**PROJECT SUMMARY**

	THIS PERIOD	TOTAL TO DATE
T SCHEDULE 1 - STREET - TOTAL	\$ 328,289.19	\$ 390,292.78
T SCHEDULE 2 - SANITARY - TOTAL	\$ 6,300.00	\$ 29,374.50
T SCHEDULE 3 - WATERMAIN - TOTAL	\$ 3,350.00	\$ 3,350.00
T SCHEDULE 4 - STORM - TOTAL	\$ 840.00	\$ 840.00
T SCHEDULE 5 - ALTERNATE BID - TOTAL	\$ -	\$ -
T SCHEDULE 6 - MAINLINE JOINT REPAIR - TOTAL	\$ 2,100.00	\$ 10,500.00
T SCHEDULE 7 - MAINLINE CRACK REPAIR - TOTAL	\$ -	\$ 4,000.00

AMOUNT EARNED	\$ 340,879.19	\$ 438,357.28
AMOUNT RETAINED - 5%	\$ 17,043.96	\$ 21,917.86
PREVIOUS PAYMENTS		\$ 92,604.19
<b>AMOUNT DUE</b>	<b>\$ 323,835.23</b>	

**CONTRACTOR'S CERTIFICATION**

The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.

Contractor: **MCNAMARA CONTRACTING, INC**

By \_\_\_\_\_

Date \_\_\_\_\_

**ENGINEER'S CERTIFICATION**

The undersigned certifies that the work has been carefully observed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.

Engineer: **MSA PROFESSIONAL SERVICES**

By \_\_\_\_\_

Date \_\_\_\_\_

**APPROVED BY OWNER**

Owner: **CITY OF NEWPORT**

By \_\_\_\_\_

Date \_\_\_\_\_

# CERTIFICATE OF SUBSTANTIAL COMPLETION

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DATE OF ISSUANCE: November 7, 2013

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OWNER: City of Newport

CONTRACTOR: McNamara Contracting, Inc.

Contract: 2013 Street Improvement Project

Project: 10316015

Owner's Project No. 2013-01 Engineer's Project No. 10316015

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This Certificate of Substantial Completion applies to all Work under the Contract Documents or to the following specified parts thereof:

To City of Newport  
(Owner)

And To McNamara Contracting, Inc.  
(Contractor)

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The Work to which this Certificate applies has been inspected by authorized representatives of OWNER, CONTRACTOR and ENGINEER, and that Work is hereby declared to be substantially complete in accordance with the Contract Documents on

October 31, 2013  
Date of Substantial Completion

A tentative list of items to be completed or corrected is attached hereto. This list may not be all-inclusive, and failure to include an item in it does not alter the responsibility of the CONTRACTOR to complete all the Work in accordance with the Contract Documents. The items in the tentative list shall be completed or corrected by CONTRACTOR within 10 days of the above date of substantial completion.

The responsibilities between OWNER and CONTRACTOR for security, operation, safety, maintenance, heat, utilities, insurance and warranties and guarantees shall be as follows:

OWNER: \_\_\_\_\_  
\_\_\_\_\_

CONTRACTOR: \_\_\_\_\_  
\_\_\_\_\_

The following documents are attached to and made a part of this Certificate: Preliminary Punch List dated October 31, 2013.

This certificate does not constitute an acceptance of Work not in accordance with the Contract Documents nor is it a release of CONTRACTOR'S obligation to complete the Work in accordance with the Contract Documents.

Executed by ENGINEER on October 31, 2013.  
(Date)

MSA Professional Services, Inc.  
(Engineers)

By: \_\_\_\_\_  
(Authorized Signature)

CONTRACTOR accepts this Certificate of Substantial Completion on \_\_\_\_\_.  
(Date)

McNamara Contracting, Inc.  
(Contractor)

By: \_\_\_\_\_  
(Authorized Signature)

OWNER accepts this Certificate of Substantial Completion on \_\_\_\_\_.  
(Date)

City of Newport  
(Owner)

By: \_\_\_\_\_  
City Administrator



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October 31, 2013

McNamara Contracting, Inc.  
16700 Chippendale Ave.  
Rosemount, MN 55068

2013 Street Improvement Project  
MSA – PS # 10316015

Punch List, Preliminary

1. Address driveway pavement issue at 817 21<sup>st</sup> Street
2. Complete street sign installation.
3. Observe sod for turf establishment in spring of 2014.
4. Complete IC-134 and Consent to Surety paper work to MSA Professional Services.

Please call Kevin Burns (651) 271-6584 with any questions or concerns and 48 hours prior to completion of these items to schedule an inspection of the work to be completed. Thank You.

Sincerely,  
MSA Professional Services

A handwritten signature in black ink that reads 'Kevin P. Burns'. The signature is written in a cursive style with a large initial 'K' and a long, sweeping underline.

Kevin P. Burns, Senior Engineering Technician

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**Offices in Illinois, Iowa, Minnesota, and Wisconsin**

60 PLATO BLVD. EAST, SUITE 140 • ST. PAUL, MN 55107  
(612) 548-3132 • (866) 452-9454 • FAX: (763) 786-4574  
[www.msa-ps.com](http://www.msa-ps.com)

# Professional Drain Services

7500 Hudson Blvd N, Suite 380  
 Oakdale, MN 55128  
 651-578-8444



City of Newport - Sewer Televising & Cleaning Bid			
Breakdown	Quantity	Unit Price	Total Price
Televising of Main Sewer (feet)	11,000	\$0.62 per foot	\$6,820.00
Televising of Lateral Lines	115	\$139.00 each	\$15,985.00
Cleaning of Main Sewer (feet)	11,000	\$0.74 per foot	\$8,140.00
<b>TOTAL BID</b>			<b>\$30,945.00</b>

Sewer Lateral Cleaning - If Needed	
Breakdown	Unit Price
Sewer Cleaning of Lateral using Lateral Launch Jetter (up to 150 ft) After 150 ft - Additional \$2.50 per foot	\$370.00 each
Sewer Cleaning of Lateral using Traditional Cable Method (up to 100 ft) After 100 ft - Additional \$1.50 per foot (minimum of 50 ft)	\$144.00 each
For the Laterals that can not be Lateral Launched, we have an option of Lateral Launch Jetter / Camera Combo (up to 150 ft) After 150 ft - Additional \$2.50 per foot	\$370.00 each

Deliverables include:

- Separate video files for each MH-to-MH mainline segment and each service line (2 copies on DVD or other electronic media)
- Printed report with PACP codes and still photos of defects separated as above (2 copies)

The video / reports will include a station counter between manholes, and services must be identified by mainline wye stationing along with street address. Service laterals connected directly to manholes shall be individually and clearly identified.

# Visu-Sewer Clean & Seal, Inc.

## Proposal

**To:** Eric Seashore - MSA  
 fax 763-786-4574  
 City of Newport  
 596 7th Ave  
 Newport, MN 55055  
 651-459-2475 fax 651-459-2043

**From:** Ron Fenney  
 Visu-Sewer Clean & Seal, Inc.

**Date:** Oct. 31, 2013 **Project:** 2013 Sanitary Sewer TV & Cleaning Proposal

Visu-Sewer will provide the following services:

Clean	11,000 L.F.	\$0.80 per L.F.	\$ 8,800.00
TV	11,000 L.F.	\$0.65 per L.F.	\$ 7,150.00
Rootcut		\$0.59 per L.F.	\$ 0
Lateral TV			
set ups	38	\$ 370 each	\$ 14,060.00
Lateral	115	\$ 175 each	\$ 20,125.00
Clean Lateral		\$ 470 each	\$ 0

The city will need to supply water and access to each MH.

Scheduling will depend on when we receive approval. The clean and TV we should be good with the Dec 13, 2013 completion. The lateral work will likely need more time. I think the most cost effective plan would be to televising everything then review the videos to determine which laterals are to be cleaned and / or televised.

Our price is based on using a lateral camera from the main line. This has a maximum length of 80'. The cleaning from the main line will also be limited to 40'-60'.

Price includes dumping the vacuumed material at an approved MCES dumping location.

Should you have any questions or would like to schedule please contact our office.

## Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. Visu-Sewer, Inc. is authorized to do the work as specified.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Please sign and return to sender

# Infratech

Infrastructure Technologies  
21040 Commerce Blvd.  
Rogers, MN 55374-9341  
Phone 763 428 6488 / Fax 763 428 6489  
Web Site [www.infratechonline.com](http://www.infratechonline.com)

October 29, 2013

To: Eric Seashore  
MSA

RE: Newport, MN.  
Project: Televising  
Bid Date: 10-29-13

Infratech is pleased to present this proposal for Bid Items as required for the above-identified project.

<u>Item #</u>	<u>Item</u>	<u>Unit</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Total</u>
1	Televis Sewer Main	LF	11,000	\$ 0.79	\$ 8,690.00
2	Televis Service	EA	115	\$ 229.00	\$26,335.00
3	Cleaning of Service (if only 1 in a line)	EA	1	\$1,400.00	
4	Cleaning of Service ( more than 1 per line)	EA	1	\$ 900.00	
5	Jet/Vac Cleaning Sewer Main	LF	11,000	\$ 1.22	\$13,420.00
6	Root cutting if needed at \$225.00 per hour				

Televising of service is as far as the camera will go( multiple corners make it difficult )

The above prices include mobilization, all equipment, labor and material to perform these items complete.

Please phone with any questions or concerns. Thank you for considering Infratech.

Sincerely,

Greg Ranta  
Project Administrator  
Infratech



Newport 10-29-13