



**CITY OF CLOQUET  
City Council Agenda  
AMENDED  
Tuesday, January 2, 2018  
7:00 p.m.  
City Hall Council Chambers**

CITY COUNCIL WORK SESSION

- 5:30 Acting Mayor  
5:45 Personnel Policy Discussion  
6:15 SKB Environmental Landfill Discussion  
Session will be Closed pursuant to Minn.Stat. Sec. 13D.05, Subd. 3(b) for the Council to discuss threatened litigation by SKB with the City Attorney and a proposed resolution, as permitted by the attorney-client privilege. The closed session will not be recorded pursuant to Minn. Stat. Sec. 13D.05, Subd. 1(d) (attorney-client privilege exception).

**Roll Call.**

2. **Pledge of Allegiance.**
3. **Approval of Agenda.**
  - a. Approval of January 2, 2018 Council Agenda
4. **Approval of Council Minutes.**
  - a. Work Session Minutes from the December 19, 2017 meeting
  - b. Regular Council Minutes from the December 19, 2017 meeting
5. **Consent Agenda.**

*Items in the Consent Agenda are considered routine and will be approved with one motion without discussion/debate. The Mayor will ask if any Council members wish to remove an item. If no items are to be removed, the Mayor will then ask for a motion to approve the Consent Agenda.*

  - a. Resolution No. 18-02, Authorizing the Payment of Bills and Payroll
  - b. Resolution No. 18-01, A Resolution Designating Official Depositories for 2018
  - c. 2018 Budgeted Transfers
  - d. Ordinance No. 470A, An Ordinance Establishing the City Fees and Charges for 2018
  - e. Adoption of 2018 City Council Meeting Calendar
  - f. 2018 Official Newspaper
  - g. Standing Rules of the Council
  - h. Temporary On-Sale Liquor License - Queen of Peach Parish
6. **Public Hearings.**

None.



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**7. Presentations.**

None.

**8. Council Business.**

- a. Appointment of Acting Mayor for 2018
- b. Resolution No. 18-04, Withdrawing the City Council Findings Made in Resolution No. 17-09 Denying a Conditional Use Permit Amendment to Allow for the Expanded Hours of Operation and to Remove the Limits of Allowed Paper Sludge Waste for *SKB Environmental Cloquet Landfill, Inc., F/K/A Shamrock Landfill, Incl., Successor-In-Interest to Shamrock Environmental, LLC* (Herein “Shamrock Landfill”), in the HI-Heavy Industry District

**9. Public Comments.**

*Please give your name, address, and your concern or comments. Visitors may share their concerns with the City Council on any issue, which is not already on the agenda. Each person will have 3 minutes to speak. The Mayor reserves the right to limit an individual's presentation if it becomes redundant, repetitive, irrelevant, or overly argumentative. All comments will be taken under advisement by the Council. No action will be taken at this time.*

**10. Council Comments, Announcements, and Updates.**

**11. Adjournment.**

# CITY OF CLOQUET

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## PERSONNEL POLICIES HANDBOOK



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Revision Date: 12/21/2017

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# SECTION 1, INTRODUCTION

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## 1.1 PURPOSE

The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Cloquet. They should not be construed as contract terms. The policies are not intended to cover every situation that might arise and can be amended at any time at the sole discretion of the City. These policies supersede all previous personnel policies.

## 1.2 SCOPE

These policies apply to all employees of the City which includes employees at the Cloquet Public Library. Except where specifically noted, these policies do not apply to:

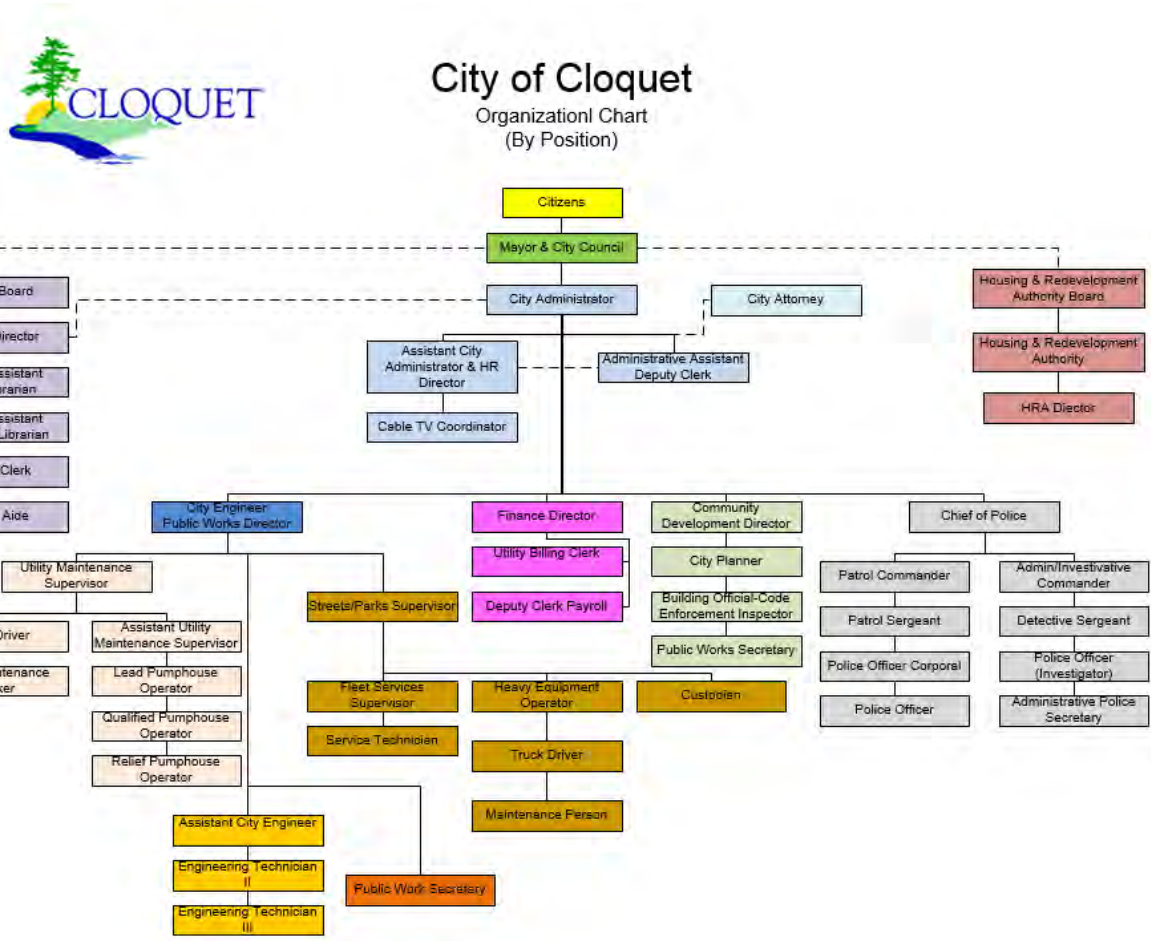
1. Elected Officials;
2. City Attorney;
3. Members of City Boards, Commissions and Committees;
4. Consultants and Contractors;
5. Volunteers.

If any specific provisions of the Personnel Policies conflict with any current union agreement, the union agreement will prevail. Union employees are encouraged to consult their collective bargaining agreement first for information about their employment conditions. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law or employment contract.

These policies serve as an information guide to help employees become better informed and to make their experience with the city more rewarding. 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.

### 1.3 ORGANIZATION

There shall be prepared and maintained a written job description for each position in the City. All job descriptions shall consist of a title, a description of distinguishing features of the job, typical examples of work performed and other pertinent information relative to the preparation and abilities necessary for the duties of the job. Specifications are descriptive and explanatory of the kind of work to be performed, but not necessarily inclusive of all duties to be performed. The City may create a new job description when needed or abolish a job description when not needed upon approval by the City Council. (The organizational chart is included as reference.)



### 1.4 SAVINGS CLAUSE

The provisions of this policy manual are subject to law. In the event, any provision is held to be contrary to law by a court of competent jurisdiction from whose final judgment or decree no appeals have been taken within the time provided, such provision shall be voided. All other provisions shall continue in full force and effect unless modified by the City Council. All prior resolutions, practices, policies, rules and regulations regarding terms and conditions of employment, to the extent inconsistent with the provisions of this policy manual are hereby superseded. The City Council reserves the right to unilaterally modify this policy manual subject to the negotiation of any mandatory subject of bargaining, if any, under PELRA for represented employees. The City Administrator reserves the right to promulgate appropriate rules and regulations relative to these policies.



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## SECTION 2, EMPLOYMENT POLICIES

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### 2.1 EEO POLICY STATEMENT

The City of Cloquet is committed to providing equal opportunity in all areas of employment, including but not limited to recruitment, hiring, demotion, promotion, transfer, recruitment, selection, lay-off, disciplinary action, termination, compensation and selection for training. The City of Cloquet will not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, or gender expression, disability, age, marital status, genetic information, status with regard to public assistance, veteran status, familial status, or membership on a local human rights commission or lawful participation in the Minnesota Medical Cannabis Patient Registry.

### 2.2 GOVERNMENT DATA PRACTICES ACT

Numerous types of data are categorized as private, non-public, or confidential under the Minnesota Government Data Practices Act. In many circumstances, data may not be disclosed except with authorization of the subject of the data or pursuant to court order. To ensure that the Minnesota Government Data Practices Act is not violated, employees are strictly prohibited from disclosing to anyone whose work assignment for the City does not reasonably require access to the data, within or outside the City, any personnel data, data relating to pending civil legal actions, or any other data that is properly classified by the responsible authority as private, non-public, or confidential, without the City Administrator's express authorization or his/her authorized designee. Pursuant to the Minnesota Government Data Practices Act, the City Council appointed the City Administrator as the responsible authority to administer the requirements for collection, storage, use, and dissemination of data on individuals within the City. Refer to the City's guidelines and procedures for the Minnesota Government Data Practices Act for additional information.

### 2.3 PERSONNEL RECORDS

**Maintenance:** The City Administrator, or his/her designee, shall maintain a personnel record for each employee. The personnel record shall show the employee's name, title, department, salary, change in employment status, disciplinary actions, and other such information as may be considered pertinent.

**Report of Personnel Changes:** The City attempts to maintain complete and accurate personnel information on its employees. The City complies with laws regarding data privacy. It is important that your permanent personnel records are kept accurate and up to date. Promptly notify the Administration Department when there is a change in any of the following:

1. Name (through marriage or otherwise)
2. Address
3. Marital status
4. Beneficiaries for life insurance and retirement
5. Telephone number

6. Person to contact in case of emergency
7. Other changes which may affect benefits coverage

It is each employee's responsibility to notify the Finance or Administration Department of changes.

## **2.4 HIRING**

### **2.4.1 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 or Library Board is responsible for the final hiring decision and must approve all hires (full-time and part-time) to City employment. All hires will be made according to merit and fitness related to the position being filled and/or applicable collective bargaining agreements.

### **2.4.2 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 generally be made on-line or on application forms provided by the City. Other materials in lieu of a formal application may be accepted in certain recruitment situations as determined by the City Administrator or designee. 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. Unsolicited applications will not be kept on file.

Position vacancies may be filled on an "acting" basis as needed. The City Council or Library Board will approve all acting appointments. Pay rate adjustments, if any, will be determined by the City Council. When applicable positions will be filled in accordance with collective bargaining agreements.

### **2.4.3 TESTING AND 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 another appropriate job-related exam.

Internal recruitments will be open to any City employee who: (1) has successfully completed the initial training period (2) meets the minimum qualifications for the vacant position; and (3) currently is and for the past year has been in good standing with the City.

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.

### **2.4.4 PRE-EMPLOYMENT MEDICAL EXAMS**

The City Administrator or designee may determine that a pre-employment medical examination, which may include a psychological evaluation, is necessary to determine fitness to perform the essential functions of any City position. Where a medical examination is required, an offer of employment is contingent upon successful completion of the medical exam.

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 isn't 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.

## **2.4.5 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 of the City Council or Library Board. Any, all or none of the candidates may be interviewed.

The process for hiring temporary employees may be delegated to the appropriate supervisor with each hire subject to final City Council or Library Board approval. Except where prohibited by law, temporary employees may be terminated by the supervisor at any time, subject to City Council or Library Board approval.

The City has the right to make the final hiring decision based on qualifications, abilities, experience and City of Cloquet needs.

## **2.4.6 REFERENCE AND BACKGROUND CHECKS**

**Scope:** The City of Cloquet may conduct background checks on initial hires, rehired employees, and internal transfers/promotions whether part-time, full-time, seasonal, temporary or volunteer. 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 upon the position being filled. Factor in making this determination include but are not limited to whether the position involves:

1. Direct responsibility for the care, safety, and security of people, including children and minors.
2. Direct access to, or control over, cash, checks, credit cards, and/or credit card account information.
3. Authority to commit financial resources of the City through contracts.
4. Responsibility for operating a City-owned vehicle.
5. CDL drivers operating City-owned vehicles for the purpose of transporting children, employees, and performing other work responsibilities.
6. Access to personal identifying information about employees, management, and the public.

The City Administrator or designee will work with other departments, organizations, agencies, etc. to obtain and assist in conducting background checks. (e.g. law enforcement agencies, consumer reporting agencies, etc.) If the background investigation shows possible disqualifying information, the City Administrator will discuss the information with the Department Head to make sure the employment decision is made based upon job related information.

## **2.4.7 PROBATIONARY PERIOD**

The City of Cloquet regards the probationary period as an integral part of the employment process subject to collective bargaining agreements when applicable. During the probationary period, the City and the new employee should consider whether the employment situation appears to be satisfactory.

The probationary period consists of the first twelve months of employment, but may be extended by, for example, an unpaid leave of absence. During the probationary period, the City will closely observe the employee's work to determine whether the employee demonstrates that he/she is qualified for the position to which he/she has been appointed. Performance, skills, ability, and other factors observed and demonstrated during the probationary period are evaluated by the employee's supervisor in order to determine whether the employee will be retained by the City. A performance evaluation will be completed and reviewed with the employee by the six-month point of the probationary period.

As during employees' regular employment, employment during the probationary period is at will, meaning the employee and the City each have the right to terminate employment with or without cause or notice (except if provided otherwise by statute or applicable collective bargaining agreement). If the employee does not meet established standards and there is reason to believe, in the City's sole discretion, that a longer review period is needed, the probationary period can be extended an additional six months.

Employees transferred, promoted or appointed to new positions in the City must also successfully complete a twelve-month probationary period. If an employee appointed to a new position is found to be unsuited for that position, the City, at its sole discretion, may, subject to posting requirements in collective bargaining agreements when applicable, reinstate the employee to his/her former position and former rate of pay if the City determines that such reinstatement is possible. Reinstatement is not guaranteed.

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## SECTION 3, WORK, WAGE & SALARY POLICIES

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### 3.1 ATTENDANCE

Every City employee has an important role to play in maintaining a productive workplace. Therefore, it is important that all employees report to work as scheduled every day. Unsatisfactory attendance, including reporting late to work and leaving work early, may result in disciplinary action. If an employee must be absent from work for any reason, other than approved time off, the employee must notify his/her immediate supervisor at least thirty (30) minutes prior to the start of his/her normal working hours. If an emergency prevents the employee from notifying his/her supervisor at such time, the employee must call his/her immediate supervisor as soon as possible during the workday.

An employee may be required to use accrued paid leave time available as determined by the supervisor for any absence.

### 3.2 COMPENSATORY TIME

**General Statement of Policy:** The City of Cloquet desires to establish a written policy in regard to compensatory time off by setting forth a uniform set of procedures. Such policy shall be in compliance with the Federal Fair Labor Standards Act (FLSA).

**Authority:** Accumulation of compensatory time will be granted to an employee only with supervisory approval. Employees may elect, upon approval of the supervisor, to receive their overtime as compensatory time off. The provision of overtime shall be at the discretion of the supervisor and in accordance with the related bargaining agreement and the Personnel Policy.

**Accumulation:** Employees may be compensated for overtime with compensatory time off at the rate of one and one-half (1 1/2) times the actual amount of overtime worked. For those employees working overtime on Sundays or Holidays, compensatory time will be accumulated at the rates identified within the related bargaining agreement.

Subject to collective bargaining agreement when applicable, employees may accumulate up to a maximum of 80 hours of compensatory time with the exception of the Relief Pumphouse Operator position who may accumulate up to 240 hours as permitted under the FLSA.

**Use Of Time:** The use of compensatory time will be granted only with supervisor approval. An employee will be allowed to schedule compensatory time off for a particular time as long as the timing will not unduly disrupt the operations of the City.

**Carry Over:** Employees may carry over no more than 40 hours in a bank from one calendar year to the next. Employees will be paid for time exceeding the maximum carry over by the end of the year. Exception: pump house employees, who may carry over 240 hours into a new calendar year.

#### Pay Outs:

- A. Termination of employment: Upon separation from employment, a non-exempt employee shall be paid for accrued compensatory time.

- B. Transfer: Any time an employee with accrued compensatory time accruals transfers to another department, that employee's accrual will be cashed out, prior to the effective date of transfer, at their current hourly rate.
- C. Promotion to Exempt Position: If an employee is promoted from a non-exempt position to an exempt position, their accrued compensatory time will be paid out at their rate of pay for the position held before the promotion.
- D. City Authority: The City may cash out any or all of an employee's accrued compensatory time at their current hourly rate of pay at any time.

**Exempt Employees:** Department heads and other exempt employees, as determined under appropriate state and federal regulations, shall not be eligible to accrue compensatory time.

Employees exempt from the overtime requirements of FLSA and MFLSA will not be compensated for work in excess of 40 hours in any work week. Exempt employees shall not be paid for compensatory time under any circumstance.

**Timesheets:** All compensatory time shall be marked as such on official City timesheets, both when it is earned and when it is used. The Finance Department and/or Police Department will maintain compensatory time records.

**Other:** Individual departments may otherwise implement, in writing, certain work rules regulating the use and accumulation of compensatory time with approval of the City Administrator.

### **3.3 OVERTIME**

All employees, in all departments, may be required to work overtime as requested by their supervisor. Supervisors will make reasonable efforts to balance the personal needs of their employees when assigning overtime work. All overtime must be authorized in advance by the employee's supervisor. An employee who works overtime without prior approval may be subject to disciplinary action.

Compensation for overtime worked by employees whose employment is subject to a collective bargaining agreement shall be governed by such agreement. All other non-exempt employees shall be compensated for overtime work at one and one-half times their regular rate of pay. It is recognized that to maintain basic services under unusual circumstances, emergencies and peak workloads, employees may be required to work overtime. Overtime for non-exempt full-time employees and temporary and seasonal hourly employees shall be paid at a rate of 1 ½ times the employee's regular rate for time worked in excess of forty (40) hours in a workweek. Non-exempt employees (eligible for overtime pay) are not authorized to take work home or work through lunch without prior approval from their supervisor.

### **3.4 UNAPPROVED ABSENCES**

An employee must receive prior approval for an absence from work. An employee absent from duty without approval of the employee's department head or designee may be subject to disciplinary action. An employee who is absent from work, without approval, for three (3) consecutive work days may be considered to have voluntarily resigned from employment with the City. This section shall apply to full-time, part-time, temporary and seasonal employees.

### **3.5 WORKWEEK**

The City's workweek is a regular recurring period of 168 hours in the form of seven consecutive 24-hour periods beginning at 12:01 a.m. Monday and terminating at midnight Sunday.

### **3.6 WORK HOURS**

Work schedules shall be established by the City Council. The regular work week for employees is five, eight-hour working days in addition to a minimum of 30 minutes for a lunch period, Monday through Friday, except as otherwise established by the department head in accordance with custom and needs of the department required to maintain basic services. Subject to Collective Bargaining Agreements, when applicable, the City has absolute authority in establishing work schedules.

To ensure employee availability and accountability to the public the City serves, all full-time employees (exempt and non-exempt) are generally to be at work during the hours of 8:00 am to 4:30 pm, Monday through Friday unless away from the worksite for a work-related activity or on approved leave.

**Part-time, Seasonal and Temporary Positions:** In order to comply with law while avoiding penalties, part-time employees will be scheduled with business needs and in manner which ensures positions retain part-time status under which intended. Employees in part-time and temporary positions will not be scheduled to work more than 28 hours/week, including hours worked, paid leave (such as annual leave or holiday leave). All shifts, including schedule trades or picked-up shifts, must be pre-approved by supervisor. Unpaid furloughs may be imposed on employee who exceeds 28 hours/week. Working a shift without prior approval may result in discipline, up to and including termination of employment. In some rare instances, a part-time, seasonal or temporary employee may be offered health insurance in order to comply with federal health care reform laws and regulations.

### **3.7 WORK BREAKS**

All full-time employees that are expected to work a full shift will be entitled to a 15-minute break in the morning and a 10-minute break in the afternoon at times designated by the department head or City Administrator. Part-time employees will be entitled to a break not to exceed ten (10) minutes during a work period of four hours. Employees may not purposely miss rest or lunch breaks in order to accumulate time to leave early at the end of the day; all rest breaks and meal breaks must be taken unless prior supervisor approval is obtained.

Employees working in City buildings will normally take their break at the place provided for that purpose in each building. Employees working out of doors will normally take their break at the location of their work. Travel time to and from a City building for a break is considered part of the break period.

### **3.8 WORK ASSIGNMENTS**

Work assignments for employees in all departments shall be arranged by the department head for the best operation of the department. The City retains the full right and authority to assign and/or reassign job duties consistent with the tasks of the position.

### **3.9 COMPENSATION**

Full-time employees of the City will be compensated according to schedules adopted by the City Council. Unless approved by the 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. Expenses reimbursement or travel expenses may be authorized in addition to regular pay.

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

Under the Minnesota Wage Disclosure Protection law, employees have the right to tell any person the amount of their own wages. While the Data Practices Act (Minn. Stat. §13.43), specifically lists an employee's actual gross salary and salary range as public personnel data, Minnesota law also requires wage disclosure protection rights and remedies to be included in employer personnel handbooks. To that end, and in accordance with Minn. Stat. §181.172, employers may not:

- Require nondisclosure by an employee of his or her wages as a condition of employment;
- Require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's wages;
- Take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily.
- Retaliate against an employee for asserting rights or remedies under Minnesota Statute §181.172, subd. 3

The city cannot retaliate against an employee for disclosing his/her own wages. An employee's remedies under the Wage Disclosure Protection law are to bring a civil action against the city and/or file a complaint with the Minnesota Department of Labor and Industry at (651) 284-5070 or 1/800-342-5354.

### **3.10 PAYMENT PROCEDURE**

Salaries and wages shall be paid to employees of the City within the range established by the City Council for the position and in accordance with agreements in effect with recognized bargaining units. Exempt full-time employees shall receive an annual salary payable in the same number of installments as non-exempt employees. Non-exempt, part-time, seasonal, and temporary employees shall be paid hourly wages after submitting appropriately documented and approved timesheets for said work. Use of electronic time recording systems may be used in lieu of timesheets at department head discretion.

When Friday is a holiday, payroll generally will be processed before 4:30 p.m. the preceding Thursday. When Thursday and Friday are holidays, payroll generally will be processed before 4:30 p.m. on Wednesday. Payment shall usually be made to the employee every other Friday.

### **3.11 DIRECT DEPOSIT**

As provided for in Minnesota law, all employees are required to participate in direct deposit. Employees are responsible for notifying the Finance Department of any change in status including changes in address, phone number, names of beneficiaries, marital status or other changes that impact pay checks.

Timesheets must be received by the Finance Department by noon on Monday of payroll week for payment on Friday. Timesheets submitted after the deadline will not be paid until the following payroll week. All timesheets shall be reviewed for accuracy and signed by both the employee and department supervisor prior to being processed for payment. Non-exempt employees will be paid based upon the time recorded on their timesheets. Reporting false information on a timesheet may be cause for immediate termination.

Payroll deductions: **Employees must complete appropriate forms for processing payroll and notify payroll of any changes to their information.**

### **3.12 EMPLOYEE PERFORMANCE EVALUATION**

**General Policy:** City employees are essential to providing services to the public. To provide quality, efficient and cost-effective services, the performance of employees is crucial. Therefore, the City is committed to a performance management system for its employees that communicates performance expectations for job duties and responsibilities, workplace standards, both clinical and behavioral, and goals and objectives; identifies an employee's strengths and areas for improvement in meeting these expectations; and fosters an employee's job development. To meet this commitment, the City promotes the following: (1) ongoing feedback to and candid discussions with employees about performance throughout the year; and (2) an annual performance evaluation that addresses prior and future performance of the employee. Employees are required to review written documents provided to them, discuss with their evaluating supervisor for both ongoing feedback and the annual performance



evaluations. The object of this policy is to establish a recommended guide for the annual evaluation of all city employees.

**Performance Evaluation/Reviews:** Performance appraisals are an opportunity for employees, supervisors, and the City to assess an individual's job performance. The performance appraisal system is designed to:

1. Ensure that quality services are provided to the public at the least possible cost;
2. Motivate and develop employees to their fullest potential;
3. Clarify roles and mutual expectations of supervisors and employees;
4. Promote open and ongoing communication between employees at all levels;
5. Assists in tracking the achievement of established goals;
6. Assist in determination of whether employees are meeting the established performance standards for their position.
7. Provide a performance based component for individual employee compensation.

Employees may be evaluated formally or informally at any time. An employee's immediate supervisor or department head normally will conduct a performance appraisal on an annual basis, and may conduct performance appraisals more frequently if prescribed by the City Administrator or the employee's department head. The employee may be asked to provide a self-evaluation, to provide input and assist the supervisor in preparing for the appraisal. The performance appraisal will be in writing and will be discussed with the employee. Employees do not have the right to change or grieve their performance evaluation, but may submit a written response which will be attached to the performance evaluation or appeal as detailed below.

Signing of the performance evaluation document by both the employee and supervisor is required and only acknowledges that the review has been discussed with the supervisor and does not constitute agreement. Failure to sign the document by the employee will not delay processing.

Supervisors and employees are encouraged to conduct periodic discussions throughout the year to track performance successes and problems and to track progress of mutually established goals.

All full-time and part-time employees will undergo a performance evaluation after their six month and one-year anniversary dates from their initial date of employment. Subsequent evaluations will generally take place annually. Copies of evaluations will be kept in the employee's personnel files. Employee recognition and performance feedback are the most important characteristics of the evaluation process.

**Performance and Wages:** Except as otherwise agreed upon as part of an individual's bargaining unit contract, or as determined year-to-year by the Council, progression through the wage scale for all full-time and part-time employees will be based on years of service and performance and be considered on a calendar year basis. Employees who achieve a meets standards or better performance rating will move through their respective wage scale based on their level of performance. Employees who receive a performance rating of needs improvement will remain at their existing wage step. Employees who receive a performance rating of below standards will remain at their existing wage step and be ineligible for any increase provided to the step by changes in the wage schedule. Employees who receive a needs improvement or below standards rating will be re-evaluated within six (6) months to see if their performance reaches the meets standards level, if so the employee will receive an increase, however, the increase will not be retroactive. An employee found to have exceptional performance shall be eligible to move additional steps if authorized by the City.

**Other Related Step/Pay Plan/Evaluation Components:**

1. Promotions - An employee promoted shall be eligible to receive the wages authorized for the new position. Upon promotion, an employee shall, at a minimum, move to the appropriate next closest step which results in a wage increase. An employee shall not receive a wage higher than the last step in the adopted pay plan.
2. Appeals - Should an employee disagree with the results of a supervisor's performance evaluation; an employee may appeal the findings to the Department Head or City Administrator if appealing a Department Head's written evaluation. Such appeal shall not be arbitrable and the decision of the City Administrator shall be final.
3. New Employees - A newly hired employee is eligible to be hired anywhere within the pay plan as adopted by the City Council. However, a new employee may not be hired at a wage above an existing employee with similar or more experience.

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## SECTION 4, EMPLOYEE BENEFITS AND SERVICES

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### 4.1 DEFERRED COMPENSATION PLANS

Through payroll deduction the City of Cloquet offers employees the ability to save part of their pay check in a tax deferred savings account known as a 457 Plan. This program allows employees to save additional funds for retirement in a tax sheltered flexible investment program. The City does not match amounts paid into this tax deferred plan. Additional information is available from Human Resources.

### 4.2 FLEXIBLE BENEFITS ACCOUNT (125)

The City has provided a Flexible Benefit Account

**Flexible Spending Account (FSA)** - allows employees to direct part of before-tax earnings into a special tax-free account to be used to reimburse out-of-pocket health/dental and dependent care expenses. Enrollment can begin the first of the month following employment. Re-enrollment is annual thereafter.

**Medical Reimbursement Account** - covers health expenses not reimbursed by any other plan (i.e. deductibles, eye exams, contacts, etc.). Money directed into these accounts must be used, or the employee loses any amount in the account over \$500 on an annual basis (Dec 31).

**Dependent Care Reimbursement Account (DCSA)** - reimburses dependent care expenses that become necessary: If employee uses DCSA, these expenses will not be eligible for the childcare credit when filing income taxes. Money directed into these accounts must be used, or the employee loses it.

Maximum contributions to these accounts are set annually by the IRS.

### 4.3 INSURANCE BENEFITS

#### 4.3.1. LIFE INSURANCE

Employee Basic Term Life Insurance – The City provides its eligible active employees Basic Term Life in an amount of \$50,000. Coverage includes Accidental Death and Dismemberment (AD&D).

Supplemental Term Life Insurance – Active employees insured under Basic Term Life can apply for Employee Supplemental Term Life with equal AD&D. Employees can elect coverage in any multiple of \$10,000 up to a maximum of \$400,000.

Spouse Supplemental Term Life Insurance: Employees participating in Employee Supplemental Term Life can elect Spouse Supplemental Term Life with equal AD&D up to 50% of their own coverage. Spouse Supplemental Term Life is available in multiples of \$5,000 up to \$200,000.

Child Supplemental Life Insurance – Employees can elect Group Term Life on their eligible children in the amount of \$10,000.

#### 4.3.2. MEDICAL INSURANCE PLAN OPTIONS

Health insurance is provided through the City. All employees are required to enroll in at least a single health plan unless they can provide proof of health insurance through another source.

The City may contribute to premiums for such policies as determined by the City and the City reserves the right to add, change, or eliminate insurance benefits at any time at its discretion.

The City of Cloquet recognizes that each employee is different and has different benefit needs. In an effort to provide benefits that closely match each individual's needs, we offer a flexible plan that allows you to purchase only those options which will be most advantageous to you.

- Children may be covered up to the end of the month in which they turn 26 years old.

#### **OPT-OUT**

If an employee is eligible to and chooses to opt-out, a HRA or other limited/deferred comp contribution will be made at the end of each quarter to the employee's account.

#### 4.3.3. DENTAL PLAN

The City of Cloquet provides both single and family dental coverage.

- Unmarried dependent children may be covered up to the 25 years of age.

### **4.4 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The Employee Assistance Program (EAP) is to motivate employees to seek help with personal problems and to improve/maintain or restore employee productivity through early identification of, and assistance with these problems. In many instances, employees will overcome personal problems independently before the effects of problems result in serious difficulties in job performance or in other areas of the employee's life. In other instances, the employee can benefit by consulting the EAP in appropriately identifying and resolving these problems.

The EAP will assist City employees and/or their dependents with appropriately identifying personal problems and carrying out a plan to resolve these problems. This applies to the broad range of problems which can affect individuals and families, including, but not limited to, family or marital difficulties, medical and psychological problems, alcohol or other drug abuse/dependency, legal problems, or other personal concerns.

All contacts with the EAP are confidential. No information specific to any employee will be released without the employee's written consent. Program records are confidential.

Sand Creek Group, LTD., administers the EAP program. Employees are encouraged to seek information and assistance with personal problems by contacting the EAP staff directly.

Use of the EAP is always voluntary. Compliance with recommendations made by the EAP counselor also remains the employee's choice.

Whether or not the employee chooses to seek assistance from the EAP, acceptable job performance and attendance remain the employee's responsibility. Participation in the EAP in no way supersedes other company policies.

Leave policies or other related policies and benefits will apply to treatment for psychological or alcohol and drug problems on the same basis as they apply to other illnesses and health problems as per existing policies.

Employees are assured that using the EAP for any type of personal problem will not jeopardize their jobs and future with the company. Using the EAP is an indication that the employees are serious about staying well. EAP use is a positive life management tool, which contributes too maximum personal and job success.

Face to face assessment and/or brief therapy services, totaling up to 3 hours of service per incident per year, is available to employees and/or dependents at no out-of-pocket cost under this plan.

To contact Sand Creek LTD. our EAP provider, please call (218) 481-7477 or 1-844-678-5710.

## 4.5 RETIREMENT PLAN (PERA)

The city participates in the Public Employees Retirement Association (PERA) to provide pension benefits for its eligible employees to help plan for a successful and secure retirement. Participation in PERA is mandatory for most employees, and contributions into PERA begin immediately. 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 pay check for Social Security and Medicare (the city matches the employee's Social Security and Medicare withholding). For information about PERA eligibility and contribution requirements, contact Human Resources or go to [www.mnpera.org](http://www.mnpera.org).

## 4.6 SEVERANCE PAY

**General Rule:** Upon separation from employment in good standing through resignation, retirement or death, a full-time employee shall be paid as per the following provisions:

- A. **Vacation / Comp Time:** Employees whose employment terminates will be entitled to 100% of their allowable accumulated, unused vacation leave and comp time. Payment shall be determined upon the basis of the employee's rate of pay in the last pay period prior to severance and paid through regular payroll as taxable wages to that employee.

Should such termination be due to the death of an employee, his/her beneficiary or their estate will be entitled to 100% of their allowable accumulated, unused vacation leave and comp time. Payment shall be determined upon the basis of the employee's rate of pay in the last pay period prior to severance.

- B. **Sick Leave:** Upon retirement, the employee will be entitled to 33% of their allowable accumulated, unused sick leave (including the combined total of the employee's regular accumulated sick leave and catastrophic sick leave banks), not to exceed 316 hours, to be paid at the employee's current rate of pay. Retirement means resignation of the employee after the employee's 50<sup>th</sup> birthday, the employee has fifteen (15) years of accumulated active duty with the City of Cloquet and the employee is eligible to meet all of the requirements to receive PERA retirement benefits on the date of separation from employment. Such benefit shall be paid directly to the retiree or to an HCSA/HRA/HSA if there is an agreement in place.

**Payment:** The City shall provide the vacation/comp time and sick leave severance pay on the first payday following the employee's separation that is at least five (5) calendar days after the separation date.

## 4.7 EMPLOYEE TRAINING, CONFERENCES, AND SEMINARS

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

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

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

All training will be subject to the availability of budget monies. The supervisor may recommend and the City Administrator will ultimately be responsible for determining job relatedness and approving or disapproving training and conference attendance.

**Compensation for Travel & Training Time.** Time spent traveling to and from, as well as time spent attending a training session or conference, will be compensated in accordance with the federal Fair Labor Standards Act.

**General Travel Guidelines for all City Employees:**

An employee's expenses incurred while traveling for City business or attending approved conferences, training, or the like are paid by the City. Expenses incurred by an individual, who is not a City employee, while attending a conference, training, or the like, or traveling with a City employee will not be paid by the City.

1. **Meals** - The maximum daily meal allowance for employees traveling outside the area for a full calendar day and staying overnight, including taxes and gratuities consistent with Internal Revenue Service (IRS) guidelines. Employees may spend up to the daily meal allowance among the three meals at their discretion. If an employee is traveling outside the area for less than a full calendar day please refer to the "Travel Reimbursement Form" which can be found at [www.ci.cloquet.mn.us](http://www.ci.cloquet.mn.us)

These amounts are adjusted if the maximum daily meal allowances in the IRS guidelines change. This amount may be adjusted for travel outside of Minnesota or to a higher cost area by the City Administrator. Meals included as part of a conference registration are not reimbursable and when the cost of a meal is included in a registration fee, there will be a reduction of the above amounts from the maximum daily reimbursement.

Liquor is not an allowable expense.

2. **Lodging** - The actual cost for lodging is paid by the City as authorized by the department supervisor or City Council. Room service, personal phone calls, movies, and other extras must be paid for by the employee.

3. **Transportation**

- **Airline** - Airfare will be reimbursed at the coach rate.
- **Automobile** - If an employee uses their personal vehicle, they will be reimbursed for the amount allowed by the IRS guidelines. If two or more employees travel together by car, only the driver will receive the reimbursement. Please contact the Finance Director for the current rate.

The City will reimburse for the cost of renting an automobile if necessary to conduct City business with prior approval of the City Administrator.

- **Parking** - Fees will be reimbursed for the actual amount.

4. **Reimbursement** – Detailed receipts are required for lodging, airfare, transportation, parking, and meals and should accompany an expense report form. After supervisor approval, the expense report form shall be submitted to the Finance Director for payment. The City will not reimburse any request for recreational expenses such as golf or tennis.

5. **Advance Expense Check** - All employees are encouraged to have conference, training, or the like and lodging fees paid in advance by the City. If requested, and authorized by the City Council or Department Supervisor, an advance expense check or cash may be issued for estimated travel expenses.

The advance shall be issued pursuant to Minnesota Statute 471.97.

- Receipts are required for all expenses.
- A signed reimbursement travel voucher with receipts must be submitted within 30 days of travel.
- The City shall determine the estimated travel expense amount to be advanced.
- Any additional reimbursement due to the employee shall be paid by the City based on the receipts submitted and policies established above.
- Any refund from the employee shall be paid to the City within ten (10) days of submission of the reimbursement request. The refund due from the employee shall be based upon the actual receipts submitted.
- All other provisions of this travel policy apply to determine the expenses eligible for reimbursement.

6. **Exceptions** - The City Council reserves the right to make exceptions to this policy subject to specific situations that may arise

**Memberships and Dues.** The purpose of memberships to various professional organizations must be directly related to the betterment of the services of the City. Normally, one City membership per agency, as determined by the City Administrator is allowed, providing funds are available.

Upon separation of employment, individual memberships remain with the City and are transferred to another employee by the supervisor.

## **4.8 EMPLOYEE RECOGNITION**

The City of Cloquet City Council recognizes the hard work and service performed by the employees of the City of Cloquet through a formal Employee Recognition Program. The City Council believes the benefits of attracting, retaining, and motivating employees through an Employee Recognition Program support employee job satisfaction, which in turn impacts cooperation and productivity. The result is to provide excellent public and customer service to better serve the interests of the citizens of the community.

The Employee Recognition Program is considered “additional compensation” for work performed by employees but is entirely dependent on receiving funding from year to year. No provisions of this policy, or its administration, shall be subject to review under the grievance or arbitration provisions of any collective bargaining agreement. The program will include:

- A. Annually the City may sponsor an employee appreciation/recognition picnic, luncheon, or holiday party.
- B. Employees may be recognized at these annual events and in the case of retirement receive a token of the city’s appreciation for long and dedicated service in the form of a plaque, clock or similar item.

Recognition awards will go to all full-time and permanent part-time employees based strictly upon longevity and will in no way be connected to performance. The award will be based on “continuous” service with the City from

the employee's initial start date whether it be part-time or full-time. The recognition will be based on the concept of peers honoring peers.

The cost of the Employee Recognition Program will be included as a separate line item in the City of Cloquet budget. This line item will be approved annually by the City Council as part of the overall budget approval process which may include a public hearing on the proposed budget.



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## SECTION 5, EMPLOYEE LEAVES

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### 5.1 HOLIDAYS

Full-time City employees may observe certain holidays with pay unless such employees are required to be on regular duty. When a holiday falls on Sunday and it is customarily celebrated on the following Monday, such Monday shall be considered a holiday and any holiday that falls on a Saturday, the preceding Friday shall be a holiday. Employees required to be on duty on a holiday may be given compensatory time off and/or additional benefits.

Full-time employees shall receive eight (8) hours pay at their regular straight-time hourly rate or one day's salary for each of the following holidays they are not required to work:

- New Year's Day (January 1)
- Martin Luther King Day, (3rd Monday in January)
- President's Day, (3rd Monday in February)
- Memorial Day, (Last Monday in May)
- Independence Day (July 4)
- Labor Day (1<sup>st</sup> Monday in September)
- Veterans Day (November 11)
- Thanksgiving Day (4<sup>th</sup> Thursday in November)
- Day after Thanksgiving Day (Friday)
- Christmas Eve Day (December 24)
- Christmas Day (December 25)
- Personal Floating Holiday (as scheduled & approved by department head - cannot carry over into next year or receive pay in lieu of)

Regular part-time employees who work a minimum of 1040 hours per year will receive paid holidays on the same basis as regular full-time employees, in the event that they would normally have been scheduled to work on the observed holiday, except that holiday pay will be prorated according to the number of hours worked. Regular part-time employees working less than 1040 hours per year are not eligible for holiday pay. Temporary and seasonal employees are not eligible for holiday pay.

Employees wanting to observe holidays other than those officially observed by the city may request either vacation leave or unpaid leave for such time off.

## 5.2 VACATION

Paid vacation leave is provided for regular full-time employees and eligible part-time employees. Regular part-time employees who work a minimum of 1040 hours per year accrue paid vacation on a pro-rata basis according to the number of hours worked. Regular part-time employees working less than 1040 hours per year are not eligible for vacation benefits. Employees covered by a collective bargaining agreement shall receive vacation leave benefits as stated in the collective bargaining agreement. Vacation leave is accrued based upon consecutive years of full-time service. Employees accrue vacation leave at the following rates:

**Accrual:** Full-time employees shall earn and accumulate vacation benefits as follows:

Years of Continuous Service	Hours Per Pay Period	Vacation Hours Per Year	Maximum Year-end Carryover Into the Next Year
0-5	3.5	91	91
6-12	5.0	130	130
13-17	6.5	169	169
18-24	8.0	208	208
25+	9.5	247	247

During any calendar year, there shall not be any limitation to the amount of vacation time that any employee may accumulate. Employees whose accrued leave exceeds the amount permitted to carry over into the next year on December 31 will lose all the time that exceeds the cap.

New employees shall accrue benefits from the start of their employment. Vacation shall be earned and accrued on a biweekly basis. The accrual rate shall be determined by the employee's anniversary date. Years of service shall mean consecutive employment as a full-time employee.

**Usage:** Each employee shall be entitled to use only those days of vacation accrued and earned.

Employees must receive department head approval before taking vacation leave. Preference for vacation periods shall be made known to the department head at least as many days in advance as the length of the proposed vacation. Shorter notice of preference is permissible if the employee and the department head are able to agree on the proposed vacation. Scheduled vacations are subject to cancellation by the department head in case of emergency or if it would result in insufficient staffing levels.

Employees who use earned vacation must use it in a minimum of half-hour increments with approval of the immediate supervisor. Due to the nature of work performed or other scheduling issues, certain departments may require that vacation be taken in larger blocks of time (i.e. one week) or that such time be scheduled in advance (i.e. start of year). In those cases, departments may create an internal policy regarding the notice and time.

Employees taking more than two (2) consecutive weeks of vacation or a combination of vacation and compensatory time must obtain prior approval from the City Administrator. The City will make every effort to grant vacations at the time requested by the employee but reserves the right to deny or approve vacation schedules.

**Accrual/Carryover:** No employee may waive vacation rights for the purpose of earning double pay. Employees may accumulate and carryover up to the maximum as described above. For the purpose of accumulating additional vacation or sick leave, an employee using earned vacation leave or sick leave is considered to be working. Vacation shall not accrue during leaves of absence unless required under State or Federal regulations.

**Vacation Buyout:** Each Year, employees are given vacation time accrued on a monthly basis. Once per year, as part of their last paycheck in December, employees are given the option to buy out a portion of their accrued vacation. If an employee has accrued more than 80 hours and previously used at least 50% of their annual accrued hours, they are eligible to take up to 50% of their hours in pay in lieu of vacation time up to a maximum of 40 hours.

Employees are eligible for this option if they have a minimum of 80 hours of accrued vacation time and have used 40 hours or less of accrued sick leave during the calendar year.

**Termination of Employment:** Unused vacation time will not be paid out in wages upon termination of employment except as provided in the Resignation section elsewhere in this Policy.

## 5.3 SICK LEAVE

**General Rule:** Sick leave is a privilege that an employee may use at his/her discretion. Employees are to use this paid leave only when they are unable to work for medical reasons and under the conditions explained below. Sick leave may be used only for days when the employee would otherwise have been at work. It cannot be used for scheduled days off.

**Sick Leave Accrual:** Every full-time employee is entitled to sick leave with pay at the rate of four (4) hours per pay period. Regular part-time employees who work a minimum of 1040 hours per year accrue paid sick leave on a pro-rata basis according to the number of hours worked. Regular part-time employees working less than 1040 hours per year are not eligible for sick leave. Employees covered by a collective bargaining agreement shall receive sick leave benefits as otherwise stated in the applicable collective bargaining agreement.

An employee attempting to use sick time for reasons other than those explicitly permitted in this policy will be subject to disciplinary action up to and including termination.

Unused sick leave will not be paid out in wages upon resignation or retirements except as provided in the severance pay policy.

**Usage:** Sick leave may be used for the following:

1. When an employee is unable to perform work duties due to illness or disability
2. For medical, dental or other care provider appointments (for period of appointment only)
3. 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
4. To take children, or other family members as defined under MS 181.9413, to a medical, dental or other care provider appointment
5. When an employee has been exposed to a contagious disease of such a nature that his/her presence at the workplace could endanger the health of others
6. To care for an ill spouse, father, father-in-law, mother, mother-in-law, stepparent, grandparent, grandchild, sister or brother, or other members of the employees household
7. **Safety Leave.** Employees are authorized to use sick leave for reasonable absences for themselves or relatives (employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent) who are providing or receiving assistance because they, or a relative, is a victim of sexual assault, domestic abuse, or stalking. Safety leave for those listed, other than the employee and the employee's child, is limited to 160 hours in any 12-month period. The City of Cloquet utilizes a twelve (12) month "rolling" period measured forward from the date the employee's first leave begins

For their own health and the health of co-workers, sick employees should not report to work. The City Administrator or department head may send sick employees home if their performance is impaired or if they feel

sickness is detrimental to the performance of other employees. Paid sick leave is provided for regular full-time and eligible part-time employees under the restrictions noted as follows:

**Doctors Certification:** The City may request a doctor's certification on any sick leave over three days, when sick leave was used the last regular day before a holiday or the first regular day after a holiday, in the event of intermittent use, or at the department heads discretion if deemed necessary to verify illness or ability to return to work.

**Sick Leave Reporting:** When an employee finds it necessary to take sick leave, he/she shall report to their supervisor/department head, or in their absence the City Administrator, that they are sick as soon as possible. Continued or willful failure to report will be cause for the employer to refuse sick leave or take other disciplinary action.

To be eligible for sick leave with pay, an employee shall: (1) report as soon as possible to his/her supervisor/department head the reason for their absence; (2) keep their department head informed of their conditions.

**Workers Compensation:** An employee is required to use accrued sick leave to the extent not covered by workers compensation. Sick leave with pay will not be used for time lost from work when such time is otherwise compensated by workers compensation.

**Accrual During Leave:** For the purpose of accumulating additional vacation or sick leave, an employee using earned vacation leave or sick leave is considered to be working.

**Limits on Accumulation of Benefits:** A maximum accumulation of nine hundred sixty (960) hours is allowed. Sick leave accumulation beyond the nine hundred sixty (960) hours shall be placed into an individual secondary sick leave bank that can only be used in the case of a catastrophic illness or injury to the employee.

**Usage:** Employees who use sick leave must use it in a minimum of half-hour increments.

Pursuant to Minn. Stat. §181.9413, eligible employees may use up to 160 hours of sick leave in any 12-month period for absences due to an illness of or injury to the employee's adult child, spouse, sibling, parent, grandparent, stepparent, parent-in-laws (mother-in-laws and father-in-laws) and grandchildren (includes step-grandchildren, biological, adopted or foster grandchildren). The City of Cloquet utilizes a twelve (12) month "rolling" period measured forward from the date the employee's first leave begins.

## **5.4 TEMPORARY, SEASONAL, AND PART-TIME EMPLOYEES LEAVE**

Temporary and seasonal employees are not entitled to sick leave, vacation leave, holidays with pay, bereavement, or other leaves of absence. Part-time employees who work more than 1,040 hours in a calendar year are entitled to prorated sick leave, holidays, vacation, bereavement and other leaves of absence. Leave benefits shall be prorated according to current hours actually worked.

## **5.5 FUNERAL LEAVE**

Each regular full-time and regular part-time employee working a minimum of 1040 hours per year are permitted a paid funeral leave when a death occurs in their immediate family. Funeral leave is prorated for eligible regular part-time employees according to the number of hours worked.

Each employee shall have available 2 days (16 hours) of funeral leave per year, to be used for death in the employee's immediate family including: the employee's spouse (husband, wife), parents (biological, adoptive, and/or foster mothers and fathers) or children (sons and daughters including biological, adopted, or foster children, stepchildren, and legal wards under age 18) siblings, grandparents, grandchildren mother/father-in-law, son-daughter-in-law. This benefit shall not accrue from year to year and is separate from sick leave. After the 2 days

(16 hours) of leave are exhausted, additional sick leave allowance for a death in an employee's immediate family shall be up to three (3) days per occurrence and shall be deducted from accumulated sick leave.

Any death occurring in City employment can be attended by City employees without loss of time; time allowed shall be one half day.

Additional time off for funeral leave may be granted and charged to vacation leave or compensatory time, if any.

Employees covered by a collective bargaining agreement shall receive funeral leave benefits as stated in the collective bargaining agreement.

## **5.6 JURY DUTY**

An employee in the service of the City shall be granted leave of absence upon a jury duty; appearance in Court, legislative committee or other body as a witness in a proceeding involving the Federal Government, the State of Minnesota, or a political subdivision thereof, in response to a subpoena or other direction by proper authority; or attendance in court in connection with his/her official duties, upon notification to the department head or the City Administrator. In the case of jury duty, the employee shall receive all pay and other benefits that would have accrued had he/she been performing services for the employer during the period of absence for jury duty. The employee should report to work as soon as possible after conclusion of duty or will take accrued vacation or compensatory time to make up the difference.

## **5.7 SCHOOL CONFERENCE AND ACTIVITIES LEAVE**

Pursuant to M.S. 181.9412, the City will grant employees leave of up to a total of sixteen (16) hours during any school year to attend school conferences or classroom activities related to the employee's child, provided the conferences or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice to his/her supervisor of the leave and make reasonable effort to schedule the leave so as not to disrupt unduly the City operations. This leave shall be without pay except that the employee may substitute any accrued paid vacation leave or applicable comp time off.

## **5.8 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 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 the case of such first fifteen (15) days of leave, the employee's compensation from the City during the leave shall equal the difference between their regular compensation and compensation paid for military leave. Department heads should report any employee on military leave to the Finance Department. Employee's failure to report military leave pay to the Finance Department shall be cause for disciplinary action.

Where possible, notice is to be provided to the City at least ten (10) working days in advance of the requested leave. If an employee has not yet used his/her fifteen (15) days of paid leave when called to active duty, any unused paid time will be allowed for the active duty time, prior to the unpaid leave of absence.

Reinstatement is based upon duration of military service. An employee returning from military service may apply for employment verbally, or in writing. Employees returning from military service must follow these service guidelines based upon calendar days:

- Up to 30 days: Employees must report to work for the next regularly scheduled shift on the day after release from the military (“release from the military” includes time necessary for safe travel home from the military duty location and eight hours of rest.)
- From 31 to 180 days: Employees must apply for re-employment within 14 days after release.
- More than 181 days: Employees must apply for re-employment within 90 days after release.

Employees returning from military service will be reemployed in the job that they would have attained had they not been absent for military service and with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Unpaid military leave will be considered hours worked for the purpose of vacation leave and sick leave accruals.

Eligibility for continuation of insurance coverage for employees on military leave beyond fifteen (15) days will follow the same procedures as for any employee on an unpaid leave of absence.

## **5.9 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.

## **5.10 JOB RELATED INJURY OR ILLNESS**

All employees are required to report any job related illnesses or injuries to their supervisor immediately (no matter how minor). If a supervisor is not available and the nature of injury or illness requires immediate treatment, the employee is to go to the nearest available medical facility for treatment and, as soon as possible, notify his/her supervisor of the action taken. In the case of a serious emergency, 911 should be called.

If the injury is not of an emergency nature, but requires medical attention, the employee will report it to the supervisor and make arrangements for a medical appointment.

Worker’s compensation benefits and procedures to return to work will be applied according to applicable state and federal laws.

## **5.11 BONE MARROW DONATION LEAVE**

Employees working an average of 20 or more hours per week may take paid sick leave, not to exceed 40 hours unless agreed to by the City, to undergo medical procedures to donate bone marrow. The City may require a physician’s verification of the purpose and length of the leave requested to donate bone marrow. If there is a medical determination that the employee does not qualify as a bone marrow donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.

## **5.12 VICTIM OR WITNESS LEAVE**

An employer must allow a victim or witness, who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony, or is the spouse or immediate family member (immediate family member includes parent, spouse, child or sibling of the employee) of such victim, reasonable time off from work to attend criminal proceedings related to the victim's case. See Safety Leave under the Sick Leave Policy for additional information on leave benefits available to employees and certain family members.

### **5.13 ELECTIONS / VOTING**

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off for purposes of serving as an election judge, provided that the employee gives the City at least twenty (20) days written notice and no more than 20% of the total work force at any single worksite is serving as an election judge. The written request to be absent from work must be accompanied by a certification from the appointing authority stating the hourly compensation to be paid the employee for service as an election judge and the hours during which the employee will serve. The City will reduce the salary or wage of the employee by the amount paid to the election judge by the appointing authority during the time the employee was absent from the place of employment.

All employees eligible to vote at a State primary or general election, at an election to fill a vacancy in the office of United States Senator or Representative, or in a Presidential primary, will be allowed time off with pay to vote on the election day. Employees wanting to take advantage of such leave are required to work with their supervisors to avoid coverage issues.

### **5.15 NURSING MOTHER LEAVE**

An employee will be provided reasonable unpaid break time to express breast milk for her child, unless doing so would cause an undue hardship. Breaks already provided may fulfill this requirement.

### **5.16 DOMESTIC ABUSE AND RESTRAINING ORDER LEAVE**

Employees may take reasonable time off from work to obtain or attempt to obtain relief under Minn. Stat. ch. 518B (Domestic Abuse Act) or Minn. Stat. sec. 609.748 (harassment; restraining orders). Except in cases of imminent danger to the health or safety of the employee or the employee's child, or unless impracticable, an employee who is absent from the workplace for this reason shall give 48 hours' advance notice to the City. Upon request of the City, the employee shall provide verification that supports the employee's reason for being absent from the workplace.

### **5.17 LEAVE DONATION**

The City of Cloquet recognizes that a catastrophic or prolonged illness of an employee or immediate family member may deplete an employee's available paid leave (vacation, personal, and sick). This policy is meant to provide employees with the option of voluntarily assisting employees at such a time. The purpose of this program is to provide an employee who has exhausted all paid leave a means of financial assistance through the contributions of vacation, personal, and sick leave accruals from other employees with the express written approval of the City Administrator.

#### **Eligibility:**

- A. All regular full-time and part-time employees will be considered eligible to participate in this program.
- B. All exempt and non-exempt, bargaining unit and non-union employees may participate.
- C. An employee will be eligible to receive donated leave only after all of the employee's accrued leave time (vacation, personal, and sick) has been exhausted.
- D. Donation of leave will not be allowed once an employee is judged to be disabled by the major medical condition and will not be returning to work.

**Process:** To donate time, a prospective donor will indicate the number of hours he/she wishes to donate on Section A of the Leave Donation Request Form and submit the form to the City Administrator.

To receive donated time, the employee receiving time must complete Section B of the Leave Donation Request Form and submit to the City Administrator with the following information:

- A. Request for consideration of leave time donation
- B. Certification from the attending physician or other applicable health care provider that a catastrophic or prolonged illness of the employee or immediate family member exists.
- C. Any additional information that may be required to determine eligibility

The City Administrator will then review the requests. The City Administrator shall have the right to deny use of donated leave time or limit its use, as shall be determined necessary for the good of City operations.

**General Information Regarding Leave Donation:**

- A. An employee may donate no more than forty (40) hours of leave per calendar year to a single fellow employee per condition/event. This shall not be construed to prohibit donating forty (40) hours per year to additional employees or for additional events. Donations must be on an hour-for-hour basis. The pay levels of the two employees shall not affect the transaction.
- B. No employee will be allowed to receive no more than 360 hours of donated time for any single condition/event without the additional approval of the City Administrator.
- C. The donor must have a minimum of 240 hours of leave time to ensure adequate coverage for his/her own emergency absence.
- D. The maximum number of combined hours that an employee can receive at any one time shall not exceed the estimated time that an employee might be expected to be gone based upon the certification provided by the attending physician.
- E. An employee who donates leave time must understand that the nature of the gift and that the donation/gift will be irrevocable and he/she has no control over how the gift of leave-time is used once donated. The donor also acknowledges that the receiving employee has no obligation to pay it back.
- F. Donated leave time cannot be used for severance pay, deposited into another's leave bank, paid out to an employee in the form of cash, or used in any other manner other than what is stated in this section of the policy.
- G. An employee in the final year of employment before retirement or that has provided notice to the City of their resignation of employment shall not be allowed to donate leave unless the donation can be shown to be to an employee that has a life threatening illness, injury, impairment, or physical condition that a licensed physician certifies as terminal or life threatening such as cancer, major surgery, AIDS, heart attack or which requires inpatient, hospice or residential care.
- H. Use of the donation provisions shall not extend or expand the rights of an employee under the FMLA and/or the State Parenting Leave Act.
- I. This program will not be considered a vested right of any employee. The City specifically retains the right to administer the program in any manner it deems to be in the best interest of the City, including the right to amend, to alter, to further limit or to eliminate the program. No employee will have cause of action or grounds for a grievance against the City as a result of the City's denial



of a request, or the City's amendment, alteration, limitation or elimination of the program. Nor will any employee have a right to grieve the program as a result of any fraud or misrepresentation on the part of the recipient and no leave donation will be reinstated for any reason.

## 5.18 LEAVE OF ABSENCE WITHOUT PAY

The City Administrator may grant a leave of absence without pay not to exceed five (5) consecutive days within any calendar year without loss of benefits, including insurance, upon approval of the department head. All leaves in excess of five (5) days must be approved by the City Council. In no event shall unpaid leave be granted for longer than ninety (90) days, unless special circumstances can be shown. A leave of absence without pay shall only be considered after all other accrued paid leave has been exhausted. Vacation and sick leave shall not accrue, the employee shall not be eligible for holiday pay, no seniority granted, nor shall the City contribute to the cost of insurance premiums for the employee during a leave of more than five (5) days. Employees who take a leave of absence without pay have no right to reinstatement should the circumstances of the City be such that reinstatement cannot be accommodated.

## 5.19 FAMILY AND MEDICAL LEAVE

A family and/or medical leave of absence is a leave of absence available to eligible employees for up to twelve (12) workweeks of unpaid leave in any twelve (12) month period. **The City of Cloquet utilizes a twelve (12) month "rolling" period measured forward from the date the employee's first FMLA leave begins.**

**Types of Leave Covered:** Leave may be taken for one or more of the following reasons consistent with applicable law:

- a. Because of the birth of a child and to care for the newborn child.
- b. Because of the placement of a child with the employee for adoption or foster care.
- c. When the employee has a "serious health condition" that makes him/her unable to perform the functions of his/her employment position;
- d. The employee is needed to provide care for the employee's spouse, child, or parent with a serious health condition; and,
- e. For serviceman's qualifying exigency leave.
- f. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member.

For purposes of this policy, when the reason for the leave is covered by both state and federal regulations, or is covered under the City's workers' compensation insurance provisions, the leave periods under the state, federal and workers' compensation laws will run concurrently. If there are state laws and federal laws which govern a particular situation, the more generous provisions of either law will be deemed to apply. Regardless of the foregoing, an employee who exercises their right to a leave under this policy has no greater right of reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

**Serious Health Condition:** For purposes of qualifying for a leave pursuant to the above typically requires either inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by or under the supervision of a health care provider as defined by applicable law. Family and medical leave generally is not intended to cover short term conditions in which treatment and recovery are very brief.

**Employees Eligible for Family or Medical Leaves of Absence:** Regular full-time and part-time employees who have been employed by the City of Cloquet for at least twelve (12) months and have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the leave properly requested are eligible for leave under this policy.

**For Spouses Who Are Both Employed By The City:** If both you and your spouse are employed by the City and are eligible for FMLA leave, you are permitted to take only a combined total of twelve (12) weeks during the applicable twelve (12) month period if the leave is taken for:

- a. Birth of a child, adoption or placement of a child for foster care;
- b. To care for a parent (but not parent-in-law) with a serious health condition.

You may divide the twelve (12) weeks between the two of you in any combination you desire. However, prior notice must be given to the City before the leave commences as to division of time proposed.

In connection with the birth or adoption of a child, each of you may be entitled to up to six (6) weeks of unpaid leave under applicable state law. However, any leave taken in connection with the birth or adoption of a child will count against your entitlement to such leave under applicable law.

With respect to a serious health condition in your family, each of you may use up to twelve (12) workweeks of unpaid leave in the applicable twelve (12) month period to care for your child or spouse who is suffering from a serious health condition, or if the leave is due to your own serious health condition.

**Definitions:** The following definitions will apply for purposes of implementing this policy:

**Parent** - The term "parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

**Serious Health Condition** - means an illness, injury, impairment, or physical or mental condition that involves:

- (a) inpatient care in a hospital, hospice, or residential medical care facility; or
- (b) continuing treatment by a health care provider

**Son or Daughter** - means a biological, adopted, or foster child, a stepchild, a legal ward, or a child or a person standing in loco parentis, who is:

- (a) under 18 years of age; or
- (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.

**Spouse** - means the husband or wife of the employee.

**Amount of Leave:** An employee found to be eligible for FMLA is entitled to a total of twelve (12) workweeks of unpaid family or medical leave during the applicable twelve (12) month period as determined by the City of Cloquet.

Consistent with the Minnesota Parental Leave Act, an employee that has worked 1,040 hours in the preceding twelve (12) month period may take up to six (6) weeks of unpaid leave for the birth or adoption of a child, if the employee is the natural or adoptive parent of the child, Minn. Stat. § 181.941, Subd. 1. However, to be entitled to the full twelve (12) week unpaid leave allowed pursuant to the FMLA, an employee must have worked 1,250 hours in the preceding twelve (12) month period as provided in the text of the FMLA policy. It is the stated intent and policy

of the City that any leave so exercised pursuant to the Minnesota Parental Leave Act would apply towards the twelve (12) week period allowed by the FMLA to the extent an employee qualifies for both.

The City FMLA policy also provides qualifying employees a total of twenty-six (26) unpaid workweeks of job-protected leave in a single twelve (12) month period to care for an injured service member. In such an instance, the twelve (12) month period will be counted from the first day of use. During that twelve (12) month period, an eligible employee is entitled only to a combined total of twenty-six (26) workweeks of FMLA leave for all purposes provided herein.

**Procedure for Requesting Leave:** If you know in advance that you will be taking a family or medical leave because of the birth, adoption or placement of a child in your home, or because of a planned medical treatment, you must notify your supervisor at least 30 days in advance. If circumstances beyond your control require that the leave begin in less than 30 days, you must notify your supervisor as soon as practicable. A "Request for Leave of Absence" form must be completed by the employee and returned to their supervisor.

If your request for leave is due to the birth, adoption or placement of a child for foster care, leave must be taken within the twelve (12) month period which starts on the date of such birth or placement for adoption or foster care.

The City reserves the right to delay the start date of the leave request absent timely advance notice. The employee must attempt to schedule foreseeable FMLA leave so as not to unduly disrupt the City's operations.

**Intermittent or Reduced Schedule Leave:** Leave requested because of a serious health condition of either a family member or the employee might be taken intermittently or on a reduced schedule if such leave is deemed to be medically necessary. All requests for intermittent leave will be evaluated on a case by case basis. The City will normally require medical certification to support a FMLA leave request either to care for an employee's seriously ill family member or because of the employee's own serious health condition.

Leave to care for a newborn or newly placed child (a.k.a. bonding leave) will only be granted in solid blocks of time.

Part-time employees that worked a minimum of 1,250 hours during the preceding twelve (12) month period, are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week.

Irrespective of the type and length of leave, it is required that while you are on FMLA leave you must report to the City Administrator's Office every four (4) weeks regarding your status and your intent to return to work upon the conclusion of your leave. You may also be directed to remain in contact with the supervisor or department head at least once a month regarding the status of your leave and your intent to return for purposes of personnel planning.

Where an intermittent or reduced scheduled leave is foreseeable, based on planned medical treatment, the City may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternative position to which the employee is transferred must have equivalent pay and benefits.

**Certification Required for Medical Leave:** If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child or parent, the employee will be required to submit sufficient medical certification of that condition. In such a case, the employee must submit the medical certification within fifteen (15) days from the date of the request, or as soon as is practical under the circumstances, to the City Administrator's Office for consideration.

If the City has reason to doubt the validity of the health care provider's certification, the City may require a second opinion at the City's expense. If the opinions of the first and second health care providers differ, the City may require a certification from a third health care provider, again, at the City's expense.

**Use of Accrued Sick Leave, Compensatory Time and Vacation During FMLA:** You may use your accumulated sick leave during your Family or Medical Leave provided that the circumstances of the leave make you eligible for the use of sick leave under the City's existing sick leave policy.

It is the policy of the City that an employee is **required** to substitute any accrued paid vacation and/or accrued compensatory time for all or part of the unpaid leave requested under this policy. An employee's election to utilize accrued sick pay takes precedence over the requirement that accrued paid vacation and/or accrued compensatory time be used for unpaid family and medical leave. Accordingly, an employee will be required to substitute accrued vacation and/or accrued compensatory time for unpaid leave only after the employee has used as much accrued sick pay as the employee is entitled to use and actually uses.

The use of accrued sick leave by an employee for leave under the Minnesota Parental Leave Act or FMLA for the birth, adoption, or placement of a child for foster care is permitted for the first two weeks of absence. If an employee wishes to continue the use of accumulated sick leave for this absence the submittal of a "Certification of Health Care Provider" form signed by a Health Care Provider indicating that care for the spouse or child is necessary or due to a serious health condition. If no certification can be provided, an employee must use accrued vacation leave and/or accrued compensatory time before taking unpaid leave as allowed under these rules.

**Benefit Continuation:** During the period of leave permitted under this policy, *which does not exceed a total of twelve (12) workweeks in the applicable twelve (12) month period except in instances of caring for an injured service member which is up to twenty-six (26) weeks*, health and dental insurance coverage will be maintained at the same level and under the same terms as if the employee continued working. Likewise, an employee on FMLA leave is required to pay their portion of health care premiums as if he/she had remained at work. In cases when an employee on FMLA leave is not receiving a paycheck, the employee must make arrangement with the City for the employee's share of the premium. Employees will be given a thirty (30) day "grace period" after payment of their share of insurance premiums is due. If an employee fails to make their premium payment, the employee will lose coverage and will not be covered for any claims which may have occurred while on FMLA leave. However, an employee may voluntarily choose not to pay the premiums and thus not retain these coverages. The coverages will be reinstated upon the employee's return to work.

The City's obligation to maintain health and dental insurance benefits ceases if and when the employee informs the City of the employee's intent not to return from leave; if the employee fails to return from leave, thereby terminating employment; or if the employee exhausts the employee's FMLA leave entitlement. In most, if not all of these situations, employees will be entitled by law to continue their health care coverage at their own expense under COBRA.

**Obligations Upon A Return to Work:** Upon return to work after leave for a serious health condition, the employee may be required to present a certification from a health care provider indicating that the employee is able to return to the employee's work activities.

Employees returning from a leave permitted pursuant to this policy (*a leave which does not exceed a total of twelve (12) workweeks in the applicable twelve (12) month period except in instances of an injured service member leave which is up to twenty-six (26) workweeks*) are eligible for reinstatement in the same or in an equivalent position as provided by applicable law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave. In addition, reinstatement may not be guaranteed to "key employees" which are salaried employees who are among the highest paid ten (10) percent of all employees employed by the organization within seventy-five (75) miles of the employee's work site.

**Employee's Failure to Return to Work:** If an employee on FMLA leave decides not to return to work, the employee shall notify the City as soon as it is foreseeable that the employee will not be returning to work.

An employee who chooses not to return to work or is unable to return to work shall be considered to have voluntarily resigned.

**Savings Language:** The provisions of this Family and Medical Leave Policy are intended to comply with applicable law, including the Family and Medical Leave Act of 1993 (FMLA) and the Minnesota Parental Leave Act and/or applicable regulations. To the extent that this policy is ambiguous or conflicts with applicable law or existing negotiated collective bargain agreements, it is intended that the language of the applicable law or collective bargain agreement will prevail as to the effected employee.

**Activities Prohibited During FMLA:** While on leave, an employee may not engage in activities (including employment) which have the same or similar requirements and essential functions of an employee's current position.

While on leave, an employee may not engage in any activity that conflicts with the best interests of the City. Such conduct will result in disciplinary action up to and including termination of employment.

**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 commencement of FMLA leave will not be lost.

## **5.20 FMLA -- QUALIFIED EXIGENCY AND MILITARY CAREGIVER LEAVE**

**Qualified Exigency:** Eligible employees (described above) whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service.

The qualifying exigency must be one of the following: (1) short-notice deployment, (2) Military events and activities, (3) child care and school activities, (4) financial and legal arrangements, (5) counseling, (6) rest and recuperation, (7) post-deployment activities and (8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

**Military Caregiver Leave:** An employee eligible for FMLA leave (described above) who is the spouse, son, daughter, or parent, or next of kin of a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member.

The family member must be a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

### **Definitions:**

A **"son or daughter of a covered service member"** means the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

A **"parent of a covered service member"** means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."

The **"next of kin of a covered service member"** is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin. For

example, if a covered service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered service member's next of kin. Alternatively, where a covered service member has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered service member's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered service member pursuant to § 825.122(j).

**“Covered active duty” means:**

“Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.

“Covered active duty” for members of the **reserve** components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of title 10, United States Code. (a) In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country.

**“Covered service member” means:**

A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

**“Serious injury or illness means:**

In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.

Outpatient status, with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

**Amount of Leave – Qualified Exigency:** An eligible employee can take up to 12 weeks of leave for a qualified exigency.

**Amount of Leave – Military Caregiver:** An eligible employee taking military caregiver leave is entitled to 26 workweeks of leave during a “single 12-month period.” The “single 12-month period” begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date.

Leave taken for any FMLA reason counts towards the 26 week entitlement. If an employee does not take all of 26 workweeks of leave entitlement to care for a covered service member during this “single 12-month period,” the remaining part of the 26 workweeks of leave entitlement to care for the covered service member is forfeited.

**Certification of Qualifying Exigency for Military Family Leave:** The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

**Certification for Serious Injury or Illness of Covered Service member for Military Family Leave:** The City will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered service member

All other provisions of the FMLA policy, including Use of Paid Leave, Employee status and benefits during leave, the Procedure for Requesting Leave, Benefits during Leave and Reinstatement, are outlined above in the FMLA policy.

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## **SECTION 6, EMPLOYMENT POLICIES**

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### **6.1 EMPLOYEE RESPONSIBILITIES**

Each employee has direct responsibility to their supervisor. Any questions as to certain phases of work, working conditions, problems, clarification of duties or other matters are to be initially taken directly to their supervisor by the employee or designated representative.

### **6.2 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 Cloquet. 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 of Cloquet. 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.

Employees are expected to use available working hours to the best advantage in carrying out work related duties. The conduct of an employee on the job shall be such that it does not bring negative public opinion about the City.

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.

### **6.3 HANDLING CITIZENS' COMPLAINTS**

Citizens' complaints provide an opportunity for feedback and identifying problem areas. How well complaints are handled determines the level of confidence and respect the public holds for its municipal government. When handling a complaint, be polite and never argue with the complainant even if he/she is angry, unreasonable or insulting towards you and the City. Stay calm, cool and collected.

- A. When you receive a complaint, it is very important to follow through properly. This can be accomplished by doing the following:
  1. Receive and record information pertinent to the complaint.



2. Determine which City employee is responsible to investigate and take corrective action and forward the complaint accordingly.

## 6.4 CONFLICT OF INTEREST

City employees are to remove themselves from situations in which they would have to take action or make a decision where that action or decision is or may be perceived as a conflict of interest. If an employee has any questions about whether such a conflict exists he/she should consult with the City Administrator.

**Definitions:** The following terms have the following meanings in this policy:

**Gift** means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return.

**Interested Person** means a person or a representative of a person or association that has a direct financial interest in a decision that a local official is authorized to make.

**Local official** means an elected or appointed official of a county or city or of an agency, authority, or instrumentality of a county or city.

**Gift Prohibitions:** Employees in the course of or in relation to their official duties shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service or promise of future employment or other future benefit from any source, except the City for any activity related to the duties of the employee unless otherwise provided by law.

However, the prohibitions do not apply if:

- A. a contribution as defined in section 211A.01, subdivision 5 of Minnesota State Statute;
- B. services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents;
- C. services of insignificant monetary value;
- D. a plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;
- E. a trinket or memento costing \$5 or less;
- F. informational material of unexceptional value; or
- G. food or a beverage given at a reception, meal, or meeting away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program.

The prohibitions do not apply if the gift is given:

- A. because of the recipient's membership in a group, a majority of whose members are not local officials, and an equivalent gift is given or offered to the other members of the group;
- B. by an interested person who is a member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family; or

- C. by a national or multistate organization of governmental organizations or public officials, if a majority of the dues to the organization are paid from public funds, to attendees at a conference sponsored by that organization, if the gift is food or a beverage given at a reception or meal and an equivalent gift is given or offered to all other attendees.

Department heads shall be responsible for determining whether or not a gift or service falls within this exemption.

In the event there is a question or as to whether a gift or service is exempt, the department head should consult with the City Administrator. The City Administrator's determination shall be final.

The department heads will coordinate with the City Administrator to track gifts and services. The City Administrator shall periodically review with the department heads the gifts and services their employees are receiving. From these reviews, the City Administrator will develop policies and guidelines to ensure that this exemption is being applied consistently and in keeping with the spirit and intent of this policy.

**Disposition of gifts:** Any gift not authorized by this subdivision may be returned to the donor or transmitted to the Finance Director or turned over to the City to be used by the City or to be sold, with the proceeds of such sale deposited into the general fund of the City. The Finance Director shall be notified within seven (7) days of the receipt of any non-monetary property not authorized by this subdivision.

**More restrictive measures:** Department heads may adopt more restrictive measures dealing with the definition of the word "gift" and prohibitions on the acceptance of gifts. Such measures must be in writing, must be reviewed by the City Attorney, and approved by the City Administrator.

**Conflicts Prohibitions:** No person covered by this policy shall engage in any conflict of interest. A "conflict" of interest shall be defined as follows:

- A. Engaging in a business or transaction which is incompatible with the proper discharge of the person's official duties or which would tend to impair the person's independent judgment or action in the performance of his official duties.
- B. Holding a direct or indirect financial interest which is incompatible with the proper discharge of the person's official duties or which would tend to impair the person's independent judgment or action in the performance of his official duties. A financial interest includes ownership of stocks, bonds, notes or other securities.
- C. Having a direct or indirect personal interest which is incompatible with the proper discharge of the person's official duties or which would tend to impair the person's independent judgment or action in the performance of his official duties.
- D. For City employees, the holding of a private or other public position in addition to the person's primary public position which interferes or may interfere with the proper discharge of the public duty.
- E. Use of confidential information, obtained as a result of public position, for personal gain.
- F. Holding investments which will or may interfere with the proper discharge of public duty.
- G. Representation for profit of private interests before City governmental agencies.
- H. Participation as a public representative in a City transaction in which the person has a direct or indirect financial or other personal interest.

**Enforcement:** A violation of this policy shall be grounds for disciplinary action. Nothing contained herein shall be construed as preventing prosecution under applicable state laws.

## 6.5 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, 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. An employee may request that a supervisor intervene when a customer is abusive, or they may defuse the situation themselves, including ending the contact.

If there is a concern over the possibility of physical violence, a supervisor should be contacted immediately. When extreme conditions dictate, 911 may be called. Employee 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 to a reasonable person. It is not possible to anticipate in this policy every example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and supervisor what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction. Although the standard for how employees treat each other and the general public will be the same throughout the city, there may be differences between work groups about what is appropriate in other circumstances unique to a work group. If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from their supervisor or the 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.

**Names and Pronouns:** Every employee will be addressed by a name and by pronouns that correspond to the employee's gender identity. A court ordered name or gender changes is not required.

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

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

Step 1(b). If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, go to your supervisor or 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 (for example, 30 days), you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident to the City Administrator or the Mayor.

**Supervisor's Response to Allegations of Disrespectful Workplace Behavior:** Employees who have a complaint of disrespectful workplace behavior will be taken seriously.

In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations within two business days to the 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.
- A 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 incident, 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.

**Workplace Relationships:** The City does not wish to intrude into the private lives of employees. We recognize there is the increased potential for conflicts of interest, appearance of favoritism and risk of claims of sexual harassment when employees develop close personal relationships with each other. In order to protect the City and its employees, this policy provides directions on how to manage situations when employees develop close personal relationships with each other. For purposes of this policy, a personal relationship is a relationship of a romantic or intimate nature or of a character that it could result in an allegation of conflict of interest or inappropriate behavior.

An employee engaged in a personal relationship with another employee with whom he or she shares either a direct or indirect supervisory role should promptly disclose the relationship to the City Administrator.

## **6.6 APPEARANCE AND DRESS GUIDELINES**

Employees are asked to dress in a professional manner at all times.

**For office employees**, “business casual” is the minimum acceptable standard employees should adhere to at all times unless granted a casual Friday type day. In general, business casual means dressing professionally, looking relaxed, yet neat and pulled together.

Business casual dress is a middle ground between business formal wear and casual wear. The following are examples of appropriate workplace apparel:

- For women: A reasonable length skirt (no more than 2.5” above the top of the knee) or slacks of a non-jeans material combined with a top (such as a dress shirt, polo or sweater set) is considered acceptable. An informal dress with appropriate skirt length (no more than 2.5” above the top of the knee) is also acceptable. Capris must be below the knees. Wear classic pump-style shoes or other conservative/professional styles. Heels should be no more than three inches high; flats are also appropriate. Shoes should always be clean, comfortable and polished.
- For men: A combination of collared shirt (such as a dress shirt or polo shirt), cotton or wool trousers (such as khakis or blue, green, brown, or black slacks) with a belt. Jeans are not acceptable business casual attire. A blazer or business jacket can optionally be added. Men should also wear closed toe and closed heel shoes with socks.

At times, based on job and situation, you may be required to wear business formal attire. For men this consists of a nice suit with dress shirt and tie. Business formal wear for women is similar, involving suits, closed toe dress shoes and minor variations from men's formal business wear.

**For operational/non-office/engineering employees working in the field**, clothing must always be clean, neat, and in good repair. All employees should dress in a reasonable manner that is appropriate to their job and use good judgment when choosing attire. Shirts, pants (no sweat pants), jeans, dresses, tank tops, and skirts are permitted when appropriate to duties. Shoes are required at all times. Visible subject matter on shirts may not detract from a professional image.

**For Additional Library Staff**, clothing must always be clean, neat, and in good repair. All employees should dress in a professional but reasonable manner that is appropriate to their assigned (daily) tasks. Shirts, pants (no sweat pants), dresses, capris, denim and skirts may all be appropriate attire based on duties and programming. (shoes are required at all times). Business casual should be worn unless performing tasks that requires physical activity (i.e. shelving books), or conducting programming that involves special attire (e.g. “Paul Bunyan” day or winter readings). Given the variety of work performed at the library, good judgement will be relied upon in selection of attire. When in question, the Library Director will be the final say on what is appropriate for tasks assigned.

**Applicable to All:** Unacceptable for all employees; rumpled or ripped clothing, shorts of any length, yoga pants, tops, miniskirts, underwear as outerwear or inappropriately revealing attire such as bare midriffs.

## Personal Appearance

The public, including our customers, draw conclusions about the effectiveness of the City based on the image our employees present while at work and while wearing City uniform/protective items. Therefore, all clothing and accessories must present the proper image at all times while at work and or conducting City business. We also ask that you always be considerate of co-workers and/or guests. If an employee's personal appearance or hygiene is offensive to co-workers or customers the employee will be required to correct the behavior.

**Body Alteration or Modification** –Employees shall not, during their employment, intentionally alter their body in a way that results in a visible, physical effect that detracts from a professional business image.

**Tattoos/Brands** – Visible tattoos/brands anywhere on the body that are obscene or advocate sexual, racial, ethnic, or religious discrimination are prohibited.

**Hair** - must be clean, well-groomed and neat. It cannot be worn in such a way that it would violate safety requirements.

**Cosmetics** –Cosmetics, if any, shall be worn in a manner appropriate to the work place

**Facial Hair** - City employees may wear beards, goatees and mustaches that are neatly trimmed provided all safety gear can be properly worn. Facial hair must be well kept. . Goatees and beards must be kept trimmed above the neckline (above the adam's apple). Artwork shaven in facial hair is unacceptable.

Employees who do not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Any work time missed because of failure to comply with this policy will not be compensated.

## 6.7 COMMUNICATIONS

**Purpose:** The City of Cloquet strives to provide the public accurate and timely information, communicated in a professional manner, and in accordance with the laws regarding public information and data practices.

The policy provides guidelines for all external communications from the city using various mediums including:

- Printed materials such as newsletters, articles, and brochures.
- Electronic materials such as email, postings to websites or social media sites.
- Media relations such as requests for interviews, news releases, and media inquiries.

The city also recognizes that employees may sometimes comment on city matters outside of their official role as an employee of the City of Cloquet. Therefore, this policy also provides informal guidelines for employees when communicating as a private citizen on matters pertaining to city business. Such guidelines are and will not be applied in such a manner that violates constitutional First Amendment rights or rights to concerted activity and communication under Section 7 of the NLRA.

**General Guidelines for all Communications (Official and Personal):** All city employees have a responsibility to help communicate accurate and timely information to the public in a professional manner. An employee who identifies a mistake in reporting should bring the error to the City Administrator or other appropriate staff.

Regardless of whether the communication is in the employee's official city role or in a personal capacity, employees must comply with all laws related to trademark, copyright, software use etc. Employees must also follow all city policies that may apply. Examples of relevant policies include:

- **Computer Use Policy.** For example, city employees may use city technology for personal reasons on a limited basis provided it doesn't interfere with normal work. The city reserves the right to inspect any electronic data made by a city owned computer or related system. This policy should be reviewed and complied with in full.

- **Respectful Workplace Policy.** For example, employees cannot publish information that is discriminatory, harassing, threatening, or sexually explicit. This policy should be reviewed and complied with in full.
- **Government Data Practices Act.** For example, employees cannot disclose private or confidential information and must route data practices requests to the responsible authority. This policy should be reviewed and complied with in full.
- **Political Activity Policy.** For example, employees cannot use city resources or participate in personal political activity while on city time or while discharging city responsibilities. No employee may act in a manner that suggests that the city either supports a particular candidate or political issue, or endorses the personal political opinions of the employee. This policy should be reviewed and complied with in full.

## **ADDITIONAL GUIDELINES FOR OFFICIAL CITY COMMUNICATIONS**

**Handling General Requests:** All staff are responsible for communicating basic and routine information to the public in relation to their specific job duties. Requests for private data or information outside the scope of an individual's job duties should be routed to the appropriate department or to the City Administrator.

**Handling Media Requests:** With the exception of routine events and basic information that is readily available to the public, all requests for interviews or information from the media are to be routed through the City Administrator. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, and websites. When responding to media requests, employees should follow these steps:

1. If the request is for routine or public information (such as a meeting time or agenda) provide the information and notify the City Administrator of the request.
  2. If the request is regarding information about city personnel, potential litigation, controversial issues, an opinion on a city matter, or if you are unsure if it is a "routine" question, forward the request to the City Administrator. An appropriate response would be, "I'm sorry, I don't have the full information regarding that issue. Let me take some basic information and submit your request to the appropriate person who will get back to you as soon as he/she can."
- Ask the media representative's name, questions, deadline, and contact information.

**Communicating on behalf of the city:** The City Administrator and department heads are authorized to communicate on behalf of the city in interviews, publications, news releases, on social media sites, and related communications. Other employees may represent the city if approved by one of these individuals to communicate on a specific topic. When speaking on behalf of the city:

- Employees must identify themselves as representing the city. Account names on social media sites must clearly be connected to the city and approved by the City Administrator.
- All information must be respectful, professional and truthful. Corrections must be issued when needed.
- Personal opinions generally don't belong in official city statements. One exception is communication related to promoting a city service. For example, should the City of Cloquet operate a Facebook page, if an employee posted on the city's Facebook page, "My family visited Hill Park this weekend and really enjoyed the new band shelter." Employees who have been approved to use social media sites on behalf of the city should seek assistance from the City Administrator on this topic.



- Employees need to notify the City Administrator if they will be using their personal technology (cell phones, home computer, cameras, etc.) for city business. Employees should be aware that the data transmitted or stored may be subject to the Data Practices Act.

## **ADDITIONAL GUIDELINES FOR PERSONAL COMMUNICATIONS**

Personal communications of employees may reflect on the city, especially if employees are commenting on city business. The following guidelines apply to personal communications including various forms such as social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers, and personal endorsements.

- Remember that what you write is public and will be so for a long time. It may also be spread to large audiences. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information that you would not want your boss or other employees to read, or that you would be embarrassed to see in the newspaper.
- The City of Cloquet expects its employees to be truthful, courteous and respectful towards supervisors, co-workers, citizens, customers and other persons associated with the city. Do not engage in name calling or personal attacks.
- If you publish something related to city business, identify yourself and use a disclaimer such as, “I am an employee of the City of Cloquet. However, these are my own opinions and do not represent those of the City of Cloquet.
- City resources, working time, or official city positions cannot be used for personal profit or business interests, or to participate in personal political activity. For example, a building inspector could not use the city’s logo, email, or working time to promote his/her side business as a plumber.
- Personal social media account names or email names should not be tied to the city (e.g. CityCloquetCop)

## **6.8 SMOKING**

**General Policy Statement:** The City of Cloquet has a right and duty to provide a safe and healthy work environment for each employee. Because smoking, secondhand smoke, and all other tobacco related products including smokeless tobacco, cigars, electronic pipes or any other electronic smoking devices, adversely affect employees, policy procedures have been developed to guide managers and employees in a tobacco-free work environment. This policy is in compliance with the requirements of the Minnesota Clean Indoor Air Act.

### **General Procedures:**

- A. The smoking of any tobacco or tobacco related product/substitute is prohibited in or on any City real and personal property and City worksites except in outdoor designated smoking areas that are a minimum 30 foot distance from any door or worksite.
- B. The smoking or use of any tobacco or tobacco related product is prohibited in all vehicles owned by the City of Cloquet.
- C. Smoking includes carrying a lighted cigarette, cigar, pipe, vaping with e-cigarettes, and the use of chewing tobacco.

**Accountability:** Department Heads and supervisors are accountable for effectively administering policy procedures and standard disciplinary action.

## 6.9 DISCIPLINE, SUSPENSION AND DISMISSAL

**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 Cloquet. 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. The objective of this policy is to establish a recommended guide for disciplinary action for City employees.

The City retains sole discretion to determine what conduct warrants disciplinary action and what type and level of disciplinary action will be imposed.

**No Contract Language Established:** This policy is neither to be construed as contractual terms of employment nor to establish terms and conditions of employment. Rather, it is intended to serve only as an informative guide for the administration of employment discipline.

**No Just Cause Standard Established for At Will Employees:** Nothing in this policy implies that any City employee has a property right to the job he/she performs. Nor shall this policy operate to restrain the City's authority to terminate the employment of at will employees at any time for any reason.

**Process:** The city may elect to use progressive discipline, a system of escalating responses intended to correct the negative behavior rather than to punish the 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 contractual right or guarantee (also known as a property right) to the job he/she performs.

Documentation of disciplinary action taken regarding an employee will be placed and remain in the employee's personnel file in compliance with Minnesota law. A copy of the disciplinary action will be provided to the employee in cases of discipline where the level of discipline includes or is more severe than a written reprimand.

The following are descriptions of the various types of disciplinary actions that might be taken with regard to employee performance or misconduct, each subject to collective bargaining agreements when applicable. This list is not intended to be exhaustive:

- A. **Oral Reprimand.** An oral reprimand may be issued where informal discussions with the employee's supervisor have not resolved the matter of concern. All supervisors have the ability to issue oral reprimands without prior approval.  
  
Oral reprimands are normally given for first infraction on minor offenses to clarify employee expectations and to put the employee on notice that the performance or behavior at issue needs to change, and what change(s) are expected. The supervisor will document the oral reprimand on the City's "Employee Warning" form and provided to HR for file in the employee's personnel file.
- B. **Written Reprimand.** A written reprimand is more serious than an oral reprimand and may follow an oral reprimand or be used in response to a series of related or unrelated infractions. A second or more serious infraction of the same nature may require skipping either the oral or written reprimand, or both. Written reprimands may be issued by the supervisor with the prior approval of the City Administrator. All written reprimands will be documented on the City's "Employee Warning" form and provided to HR for file in the employee's personnel file.
- C. **Suspension With or Without Pay.** Suspension with or without pay is more serious than a written reprimand and may follow a written reprimand or be used in response to a series of related or

unrelated infractions. An employee may be suspended with or without pay by the City Administrator.

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 and the severity of the allegations or if the employee's presence at work may interfere with the operations, finances or safety and security of workplace.

- D. **Demotion and/or Transfer.** Demotion and/or Transfer is more serious than a suspension and may follow a suspension or be used in response to a series of related or unrelated infractions. An employee may be demoted or transferred if attempts at resolving an issue have failed, or it involves a serious issue, and the City Administrator determines a demotion or transfer to be the best solution to the problem. The employee must be qualified and able to perform the functions for the position to which they are being demoted or transferred.
- E. **Salary or Compensation Adjustment.** An employee's salary increase may be withheld due to performance deficiencies or misconduct.
- F. **Dismissal/Termination.** Dismissal/Termination is the most serious form of discipline. The City Administrator, with the approval of the City Council, may terminate an employee for reasons including but not limited to substandard work performance, serious misconduct, or behavior not in keeping with City standards as the reasonable conclusion of progressive discipline when applicable.

**Conduct Subject to Discipline:** The following are examples of misconduct that may be subject to discipline, but are not limited to:

- A. Incompetence or inefficiency in performance of duties.
- B. Conviction of a felony or gross misdemeanor if adversely impacts employment consistent with law.
- C. Violation of any lawful or official work or safety rule, regulation or City Ordinance.
- D. Reporting for work and/or working on the job while under the influence of alcohol, drugs or other controlled substances.
- E. The use of offensive language or offensive or inappropriate conduct directed toward the public, municipal officers or employees.
- F. Carelessness and/or negligence in the handling or control of municipal property or property entrusted to the employee by the City.
- G. Inducing or attempting to induce a person, officer, or employee of the City to commit an unlawful act or to act in violation of any lawful and reasonable official regulation, policy or order.
- H. Dishonesty in the performance of employment duties.
- I. Failure to report to work, refusal to work as assigned and directed, or other acts of insubordination, unless such refusal is based on a reasonable belief on the part of the employee that such work is unsafe, illegal, or in violation of a collective bargaining agreement.

- J. Acceptance of a gift under circumstances from which it could be inferred that the giver expected or hoped for preferred or favorable treatment in the conduct of City business.
- K. Unapproved use of paid work time and/or equipment in outside employment or for personal benefit.
- L. Claiming paid sick leave for reasons other than those provided or for reasons not permitted by policy.
- M. Being habitually absent or tardy for any reason.
- N. Failure to perform assigned work in an efficient or effective manner.
- O. Being wasteful of material, property or working time.
- P. Inability to get along with fellow employees so that the work being done is hindered and not up to required levels.
- Q. Conduct on the job which violates the common decency.
- R. Making derogatory or false accusations to discredit other employees or supervisors.
- S. Dishonesty, including intentionally giving false information, intentionally falsifying records or making false statements when applying for employment.
- T. Divulging or misusing information, designated or known to be confidential, including removal from City premises without proper authorization, any employee lists, records, designs, drawings or confidential information of any kind.
- U. Other incidents which constitute cause for employment discipline.

**Processing of a Grievance:** Subject to processes set forth in collective bargaining agreements when applicable disputes between an employee and the City relative to the application, meaning or interpretation of these personnel policies may 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 for all disputes.

**Limitations:** An employee grievance that is based on provisions covered in a collective bargaining agreement (labor contract) shall be resolved in accordance with the procedures defined in that labor contract. Issues not covered in the labor contract, but which apply to the affected employee under these policies, may be pursued under these procedures.

An employee who commences a grievance proceeding under the provisions of a labor contract is precluded from grieving the same issue a second time under this policy. It is not the intention of the City Council by establishing

the grievance policy herein to thereby grant an aggrieved employee a second opportunity to litigate an issue that has already been litigated in any other administrative or judicial proceeding.

**Waiver:** If a grievance is not presented within the time limits set forth above, it shall be considered "waived". If a grievance is not appealed to the next step within the specified time limit or any agreed extension thereof, it shall be considered settled on the basis of the City's last answer. If the City does not answer a grievance or an appeal thereof 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 cannot be grieved:

- A. Investigations into disciplinary issues, prior to action
- B. Assignment of duties to positions or to job classes
- C. Salary or wage adjustments
- D. Performance evaluations
- E. Verbal or written reprimands
- F. Actions discussed or proposed, but not taken
- G. This policy itself, or changes to this policy made by the City Council
- H. Termination of probationary or temporary employees
- I. Extension of probationary periods of evaluation up to a maximum of 12 calendar months

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

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## SECTION 7, OTHER POLICIES

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### 7.1 REASONABLE ACCOMMODATION FOR DISABILITY

The City is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the City to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

**Definition:**

**Disability:** For purposes of determining eligibility for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that materially or substantially limits one or more major life activities.

**Reasonable accommodation:** A reasonable accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and reassignment to a vacant position.

Reasonable accommodation applies to three aspects of employment:

- A. To assure equal opportunity in the employment process;
- B. To enable a qualified individual with a disability to perform the essential functions of a job; and
- C. To enable an employee with a disability to enjoy equal benefits and privileges of employment.

Procedure - Current employees and employees seeking promotion.

- A. The City will inform all employees that this accommodation policy can be made available in accessible formats.
- B. The employee shall inform the City Administrator of the need for an accommodation.
- C. The City Administrator may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.

- D. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:
1. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
  2. Determine the precise job related limitation.
  3. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
  4. Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the City of Cloquet is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
  5. The City Administrator or his/her designee will work with the employee to obtain technical assistance, as needed.
  6. The City Administrator will provide a decision to the employee within a reasonable amount of time.
  7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the City, the employee and the City Administrator or his/her designee shall work together to determine whether reassignment may be an appropriate accommodation.

Procedure - Job Applicants.

- A. The job applicant shall inform the City Administrator of the need for an accommodation and they will discuss the needed accommodation and possible alternatives with the applicant.
- B. The City Administrator will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

**Definition:**

Undue hardship: An undue hardship is an action that is unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the City.

Procedure for determining undue hardship.

- A. The employee will meet with the City Administrator to discuss the requested accommodation.
- B. The City Administrator will review undue hardships by considering the following:
  1. The nature and cost of the accommodation in relation to the size, the financial resources, and the nature and structure of the operation; and
  2. The impact of the accommodation on the nature or operation of the City.
  3. The City Administrator will provide a decision to the employee.

**Appeals:** Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may initiate a grievance under the grievance process identified under the City's Discipline and Termination

Policy. If the individual believes the decision is based on discriminatory reasons, then they may file a complaint internally through the City's compliant procedure as outlined in this plan.

**Supported work:** The City will review vacant positions and assess the current workload and needs of the City department to determine if job tasks might be performed by a supported employment worker(s).

## **7.2 REASONABLE ACCOMMODATION FOR RELIGION**

The City respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the City.

An employee whose religious beliefs or practices conflicts with his/her job, work schedule, or with the City's policy or practice on dress and appearance, of with other aspects of employment and who seeks a religious accommodation must submit a written request for the accommodation to his/her immediate supervisor. The written request will include the type of religious conflict that exists and the employee's suggested accommodation.

The immediate supervisor will evaluate the request considering whether a work conflict exists due to a sincerely held religious belief or practice and whether an accommodation is available which is reasonable and which would not create an undue hardship on the City. An accommodation may be a change in job, using paid leave or leave without pay, allowing an exception to the dress and appearance code which does not impact safety or uniform requirements, or for other aspects of employment. Depending on the type of conflict and suggested accommodation, the supervisor may confer with his/her department head and with the City Administrator.

The supervisor and employee will meet to discuss the request and decision on an accommodation. If the employee accepts the proposed religious accommodation, the immediate supervisor will implement the decision. If the employee rejects the proposed accommodation, he/she may appeal following the City's general grievance policy and procedure.

## **7.3 SOLICITATIONS**

The City prohibits solicitation and distribution on its premises or through work mail by non-employees and to permit solicitation and distribution by employees only as outlined below:

- A. Solicitation and distribution are limited on City premises because, when left unrestricted, such activities can interfere with the normal operations, can be detrimental to efficiency, be annoying, and can pose a threat to security.
- B. The City Administrator is responsible for administering this policy and for enforcing its provision. Persons who are not employed by the City are prohibited from soliciting funds or signatures, conducting membership drives, posting, distributing literature or gifts, offering to sell or to purchase merchandise or services, (except by representative of suppliers properly identified), or engaging in any other solicitation, distribution, or similar activity on City premises.
- C. Solicitation and distribution of literature with appropriate approval should not interfere with working time of either the employee making the solicitation or distribution, or the targeted employee. The term "working time" does not include an employee's authorized lunch or rest periods or other time when the employee is not required to be working.

Employees may passively solicit donations, contributions, or promote appropriate fundraising activities by posting the event or item on bulletin boards in the employee break rooms in the City whereby an employee may voluntarily make a donation or participate in the activity. Certain fundraising activities sponsored by the City may be exempted from this provision. The home addresses and home telephone numbers of City employees shall be withheld from all persons, businesses or organizations.



## 7.4 OUTSIDE EMPLOYMENT

The potential for conflicts of interest is lessened when individuals employed by the City of Cloquet regard the City as their primary employment responsibility. All outside employment is to be reported to the employee's immediate supervisor. If a potential conflict exists based on this policy or any other consideration, the supervisor will consult with the City Administrator. Any City employee accepting employment in an outside position that is determined by the City Administrator to be in conflict with the employee's City job will be required to resign from the outside employment or may be subject to discipline up to and including termination.

For the purpose of this policy, outside employment refers to any non-City employment or consulting work for which an employee receives compensation, except for compensation received in conjunction with military service or holding a political office or an appointment to a government board or commission that is compatible with City employment. The following is to be considered when determining if outside employment is acceptable:

- Outside employment must not interfere with a full-time employee's availability during the City's regular hours of operation or with a part-time employee's regular work schedule.
- Outside employment must not interfere with the employee's ability to fulfill the essential requirements of his/her position.
- The employee must not use City equipment, resources or staff in the course of the outside employment.
- The employee must not violate City personnel policies as a result of outside employment.
- The employee must not receive compensation from another individual or employer for services performed during hours for which he/she is also being compensated by the City. Work performed for others while on approved vacation or compensatory time is not a violation of policy unless that work creates the appearance of a conflict of interest.
- Departments may establish more specific policies as appropriate, subject to the approval of the City Administrator.

City employees are not permitted to accept outside employment that creates either the appearance of or the potential for a conflict with the development, administration or implementation of policies, programs, services or any other operational aspects of the City.

## 7.5 TELEPHONE POLICY

### **GENERAL STATEMENT OF POLICY**

In general, City telephones are in place to conduct official City business. It is critical that employees be courteous, tactful, professional, and efficient on the telephone. Employees are expected to answer and return calls promptly.

Because of the visibility and financial responsibility associated with the use of both landline and cellular phones, the City has developed the following telephone use guidelines. These guidelines will be observed by all City employees when dealing with the acquisition, use, and control of phones.

Personal calls made or received must not interfere with the employee's work duties. Local personal telephone calls should be made only when absolutely necessary, preferably during scheduled rest breaks or lunch periods. Keep incoming personal calls brief. An employee who spends an excessive amount of time on personal calls may be subject to discipline.

All personal long distance phone calls must be recorded by the caller. Employees are required to reimburse the City promptly for all charges related to personal long distance phone use that directly impose charges on the City above the prevailing plan.

For City-provided devices, the employer retains full ownership and rights of access to all electronic communications, including the ability to access and audit device content on a business necessity basis. Reviewable content includes e-mail, text messages, photos and videos sent, received or stored on the device—whether business-related or personal. For employees that receive reimbursement or an allowance for some or all business-related use of an employee’s personally purchased electronic device, this policy establishes the City’s right to similarly access any business-related content. Please note employees should have no expectation of privacy regarding any transmitted content, when using a City provided device. If the employee accepts reimbursements for business-related use of an electronic device, please note that certain data may be public as otherwise required under the Government Data Practices Act, Minnesota Statutes, chapter 13.

### **Safety First**

An overarching concern of the City is the personal safety of employees and the public at large. Therefore, employees should use proper safety procedures at all times when using a cellular phone, but especially while operating equipment, driving while on City business, or performing similar duties. An employee shall not, under any circumstance, either read or send text messages or e-mails while operating (driving) City owned vehicles or equipment. Furthermore, City employees are highly discouraged from using a mobile device to make a phone call while operating a motor vehicle in the conduct of City business, except for the purpose of making a phone call to obtain or render emergency assistance.

In some jurisdictions where an employee may travel, law prohibits the use of cellular phones while operating a motor vehicle. It is the City’s intent and expectation that all employees shall abide by the law.

### Mobile Phone Policy

#### Applicability

In some instances, the City may authorize employees to use cell phones in the performance of their day-to-day work. This policy affects all staff who are authorized to use a cell phone and/or associated wireless services for City of Cloquet (City) business and who receive compensation from the City to offset the cost of the cell phone for business-related calls or who receive a City provided cell phone.

#### Policy

Employees should not use employee-owned devices to conduct City business, without authorization. Employees who are authorized to use employee-owned devices for City business, as outlined in the subsequent section of this policy, will use a personal cell phone service for business use and will be eligible to receive a monthly allowance for that service.

#### Cell Phone Allowance

##### A. Eligibility

- a. Any approved employee. To be approved, an employee must have an official business need for the device and must have the approval of his/her department head and the City Administration.
- b. The City may provide a cell phone allowance to an employee if at least one of the following criteria is met:
  - i. The job requires considerable time outside the office (travel, meetings, conferences, etc.) and use of an electronic device facilitates the effective maintenance of business operations while away.
  - ii. The job requires the employee to be accessible to receive and/or make frequent business calls outside of working hours.

- iii. Job duties away from the office may expose the employee or others to immediate harm or danger.

## B. Employee Responsibilities

- a. Employees are required to provide and maintain current contact information. This contact information may be disclosed to customers, vendors and others as applicable for valid business purposes.
- b. Sign the Cell Phone Allowance Request form thereby certifying that he/she will provide the phone number within 5 days of activation and will be available for calls (in possession of the phone and have it turned on) during working hours.
- c. Select any cell phone carrier whose service meets the requirements of the job responsibilities as determined by his/her supervisor.
- d. Inform the City to discontinue the allowance when the eligibility criteria are no longer met or when the cell service is cancelled. If such notification is not submitted within 30 days of no longer meeting criteria or service cancellation, the employee must repay any allowance received.
- e. If required by position, employee must maintain cellular phone service and if applicable internet services with access to the City systems. Pay all charges on his/her personal cell phone plan. If the employee leaves the position, he/she continues to be responsible for the contractual obligations of his/her cell phone plan. Early termination fees will be paid by the City if unable to adjust plan without penalty provided the employee involuntarily leaves City employment and the plan is over and above what his/her normal personal plan requires. Documentation from the cell phone provider of early contract cancellation and applicable fees must be provided within 2 months of termination of employment to Human Resources for this reimbursement.
- f. Comply with state and municipal laws regarding the use of cell phones while driving and prevent cell phone use that jeopardizes employee safety.
- g. Acknowledge that cell phone transmissions are not secure and employees should use discretion in relaying confidential information over cell devices.
- h. The City of Cloquet may need to access the employee-owned device for legitimate business purposes including, but not limited to implementing security controls, fulfilling record retention obligations, conducting investigations, or responding to litigation-related request arising out of administrative, civil, or criminal proceedings. Employees are expected to provide access to their device upon demand for necessary business purposes.

### Cell Phone Allowance Amount

The monthly cell phone allowances are shown in Table A of this policy. The allowance is intended to reimburse the employee for the average business use of the cell phone, not to pay the entire phone bill. The amount of the allowance should be commensurate with the requirement for business use and should be reviewed periodically by management for change in amount or cancellation. The allowance may be used for device purchase or for services, or for both. The City will not pay purchase cost or activation fees for cell phones/devices. Eligibility for the allowance or the level of the allowance provided is subject to change or cancellation without notice at any time. The monthly allowances are not considered part of base pay used for calculating percentage salary increases. Supervisors/HR may periodically request that the employee provide a copy of the first page of the phone bill in order to verify that he/she has an active cell phone plan. Supervisors/HR may also periodically request documentation of business use to determine the appropriateness of eligibility and level of the allowance amount.

### City-Provided Cell Phones

With the approval of the City Administrator, the City may purchase cell phones and pay for service in certain limited circumstances, e.g., phones required for business purposes. Personal calls should be kept to a bare minimum level that is material by nature in value. The City can stipulate, based on business needs, who has a City provided cell phone versus who may have the allowance. The City provided cell phones and service will be purchased by the City. All equipment purchases remain the property of the City.

City provided Cell Phone Request forms must be approved by department head and the City Administrator.

Human Resources will maintain approved Cell Phone Request forms on file in personnel records for internal/external audit purposes. Accounting will maintain cell phone invoices with the monthly cell phone bills when applicable.

#### Wage and Hour Issues

Nonexempt employees using a mobile device to conduct work-related business outside of work hours must track and record such work time and be appropriately compensated for it.

#### Cell Phone Support – By Type

Users who are authorized to obtain a regular cell phone must obtain technical support from the vendor providing the phone.

Users who are authorized for airtime and corporate messaging must use a service and device that accesses City email services. Support for the cell phone portion of these types of devices must be obtained from the vendor providing the phone.

#### Cell Phone Allowances

<b>Table A</b>	
<b>Monthly Allowance</b>	<b>Basic Plan</b>
Voice	\$30.00
Voice and Email	\$50.00

## **7.6 USE OF CITY PROPERTY**

**Use of City Vehicles:** City owned vehicles are to be used by employees only in conjunction with their performance of normal City operations and duties unless previously authorized as a condition of employment, employment agreement/contract or approved by the City Administrator.

Police take home vehicles may be issued based upon a need for a timely response to a police incident. Such vehicles are provided to enhance effectiveness, unit efficiency and to provide better service to the community and the department. Persons authorized use of a take home vehicle are expected to have a high level of responsiveness to department needs beyond normal work hours.

Specific Policies relating to take home vehicles:

- Only employees authorized by their Department Head and approved by the City Administrator are allowed to take home a vehicle
- Take home vehicles are issued based upon specific position and job duties
- Persons living over 12 miles from their work assignment will not be allowed to take home a vehicle
- Take home vehicles will only be authorized for personal uses which are incidental to coming and going from work
- Employees away from their assignment for more than 1 week shall coordinate with appropriate staff to have the City vehicle returned to the appropriate City office in their absence

Travel beyond the local area must be approved by the department head so it is known where the vehicle will be at all times. City vehicles are not to be used for personal use at any time.

Employees who drive or may be required to drive City vehicles and equipment are responsible for maintaining a safe driving record and for observing all traffic laws. Seat belts must be properly used at all times. Drivers must carry a current, valid driver's license that is adequate for the type of vehicle being driven. Any employee who operates a City vehicle without a valid driver's license will be subject to disciplinary action up to and including termination. Passengers may be carried only when necessary to conduct City business and/or when their transportation via City vehicle is in the best interests of the City. City vehicles may not be used to travel from work to an employee's residence for rest or lunch breaks without prior supervisory approval. An employee shall not drive a City vehicle while under the influence of any alcohol or drugs. An employee found to have any level of alcohol or illegal drugs within their system while driving a City vehicle will be subject to disciplinary action up to and including termination.

City employees conducting official City business out of town (conventions, meetings, etc.) may carry non-City representatives as passengers upon approval of the department head and only if such accompaniment does not interfere with the best interests of the City.

**Use of City Property:** Employees, department heads or other persons may not use, nor allow the use of, any property, lands, or buildings of the City of Cloquet for personal use unless said property is available for use by all City residents i.e. City Parks. No property shall be removed from any City department, land or building for any private use, purpose, or enjoyment, unless owned by individual, and no employee, department head or any other person shall be in any building of the department after normal working hours, unless they are there for the purpose of official City business. Exceptions to this policy may be approved by the City Administrator. If there is any question about whether a use is appropriate, it should be forwarded to the City Administrator for a determination.

**Disposal of City Property:** From time to time, City property becomes obsolete, is damaged, or is not needed. Such equipment will be disposed of by the City through salvage, trade, public auction, bid, or other means consistent with the City's financial or donation policy addressing the disposal of City property. If it is determined that a sale or auction is the best way to dispose of property, a notice must be advertised in the official newspaper and will be posted at City Hall and other locations as deemed appropriate. The appropriate department head will determine the minimum price for each item to be sold.

In no instance, will anything of value be given away free to anyone including employees. Unauthorized removal of City property or its conversion to personal use may result in disciplinary action up to and including termination.

**Keys and Security:** Each employee is responsible for securing his/her work area at the end of each day. Be sure that your office, confidential files, etc. are properly secured. All keys in your possession that are for City facilities and/or equipment must be returned to your supervisor upon termination of employment.

## **7.7 FALSIFICATION OF RECORDS**

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

## **7.8 NEPOTISM / EMPLOYMENT OF RELATIVES**

The City of Cloquet does not have a general policy against hiring relatives. However, a few restrictions have been established to help assure the fair and equitable treatment of all employees.

While applications for employment from relatives are considered, family members such as parents, children, spouses, siblings, or in-laws will not be hired into positions where they directly or indirectly supervise or are supervised by another family member. Further, such relatives will not be placed in positions where they work with or have access to sensitive information regarding an immediate family member. The City discourages dating among employees where there is a direct supervisory relationship. Marriage resulting in a violation of this policy will result in reorganization of one or both employees to be reassigned to other positions within the City. These moves could result

in a change in status/pay rate depending on the position and the employee's qualifications for the new position. The City Administrator must review all variances from the policy.

## **7.9 RESIGNATION**

Any non-exempt employee wishing to leave the City's employment in good standing shall file with his/her department head, at least fourteen (14) days (unless otherwise specified within an employee's employment agreement) before leaving, a written resignation stating the effective date of the resignation and the reason for leaving. Exempt employees must provide twenty-one (21) days written notice to the City Administrator prior to the anticipated resignation date. Failure to comply with this procedure may be considered cause for denying the employee future employment and forfeiture of accumulated benefits. Employees cannot modify or withdraw their resignation date unless approved by the City Administrator.

An unauthorized absence from work for a period of three (3) consecutive working days or more may be considered a resignation without proper notice.

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## SECTION 8, EMPLOYEE SAFETY

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### 8.1 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 should complete a first report of injury and the employee's immediate supervisor complete a supervisor report 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, or creates a potential health or safety issue for the employee or others.

### 8.2 DRUG FREE WORKPLACE

In accordance with federal law, the City of Cloquet has adopted the following policy on drugs in the workplace:

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

Employees of the Police Department are exempt from the applicable distribution and possession provisions above as they are required for the execution of their regular duties.

### 8.3 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 City of Cloquet policy prohibits all employees, except sworn employees of the Police Department, from carrying or possessing firearms while acting in the course and scope of employment for the city. The possession or

carrying of a firearm by employees other than sworn Police Officers is prohibited while working on city property or while working in any location on behalf of the city. This includes but is not limited to:

- Driving on city business;
- Riding as a passenger in a car or any type of mass transit on city business;
- Working at city hall or any other city-owned work site;
- Working off-site on behalf of the city;
- Performing emergency or on-call work after normal business hours and on weekends;
- Working at private residences and at businesses on behalf of the city;
- Attending training or conferences on behalf of the city;

An exception to this policy is that city employees may carry and possess firearms in city-owned parking areas if they have obtained the appropriate permit(s).

When responding to on-call work from home after regular work hours, an employee is prohibited from bringing a firearm in their private vehicle unless the vehicle remains in a parking lot and is not needed in order to respond to the call.

Employee given written permission from the City Administrator or Chief of Police to hunt deer on City property in compliance with other City Code requirements are exempted from this policy for the specific period of time authorized.

## **8.4 CITY DRIVING POLICY**

This policy applies to all employees who drive a vehicle on city business at least once per month, whether driving a city-owned vehicle or their own personal vehicle. It also applies to employees who drive less frequently but whose ability to drive is essential to their job due to the emergency nature of the job. 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 to maintain a good driving record.

The City will examine driving records once per year for all employees who are covered by this policy to determine compliance with this policy. Employees who lose their driver's license or receive restrictions on their license are required to notify their immediate supervisor on the first work day after any temporary, pending or permanent action is taken on their license and to keep their supervisor informed of any changes thereafter.

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

## **8.5 EMERGENCY CLOSING / ADVERSE WEATHER CONDITIONS**

**Purpose:** The City recognizes that certain situations may arise as a result of weather conditions and other emergency events which result in the closure of certain city facilities. This policy sets forth the conditions, process, and impact on the employee's affected by these situations.

It is the City's policy to continue to provide appropriate levels of services to the community during periods of inclement weather or emergencies. The City will make all attempts to keep its facilities open during normal business hours even though an emergency may exist. The City acknowledges that there may be adverse weather or other emergency conditions in which employees may need to be excused from work. The City recognizes that the safety of its employees and their dependents is very important.

Sworn police officers and public works maintenance employees will generally be required to report to work regardless of conditions.

Decisions to cancel departmental programs (special events, recreation programs, etc.) will be made by the respective supervisor or the city administrator.



When City facilities are closed due to emergency or adverse weather conditions, employee's will be paid for shifts missed. When facilities remain open employees may determine whether he/she will remain at work or utilize appropriate leave. If an employee determines that his/her safety or the safety of his/her dependents may be jeopardized if the employee reports to work or if at work, remains on duty, the employee may request authorized emergency leave. An employee with authorized emergency leave must utilize vacation or compensatory time for the time away from work. If the employee does not have vacation or compensatory time, the emergency leave will be unpaid unless the supervisor agrees to modify the work schedule or make other reasonable schedule adjustments.

## 8.6 WORKERS COMPENSATION

The law provides that if covered public employees continue to receive a salary while receiving workers compensation benefits, the City should deduct the amount of the workers compensation benefits from the salary. In no case shall the total compensation received from both workers compensation and sick leave exceed the amount of pay normally received. It is the employee's responsibility to report any work-related injuries or illness to their department head as soon as possible. Any money received for time loss by the workers compensation carrier should be reported to the Finance Department immediately. Failure to notify the Administrative or Finance Departments could result in disciplinary action. Workers Compensation shall be managed as follows:

- A. Employee uses sick leave on days off until first workers compensation check arrives.
- B. Employee must report workers compensation checks received and the value of the workers compensation check is subtracted from the gross pay of the employee's next check, before taxes and other deductions are made.
- C. The value of the workers compensation check divided by the employee's hourly rate determines the amount of sick leave credited back to the employee's accumulated sick leave account.
- D. The net result is that the employee's accrued sick leave makes up the difference between the workers compensation check received and his or her regular rate of pay.
- E. Using this procedure, employees keep workers compensation checks that are paid without tax deductions and the City is not deducting taxes from the value of a workers compensation check received.
- F. Subsequent workers compensation checks are reported by the employee and steps B, C and D are followed.

## 8.7 LIGHT DUTY/MODIFIED ASSIGNMENT

**Purpose:** The purpose of this policy is to establish general guidelines for the temporary assignment of work to employees who are temporarily disabled or have medical work restrictions resulting from a work-related injury or non-work related injury or illness which render the employee unable to perform all of the essential functions of their regular work duties. This policy is primarily designed to provide a framework by which the affected employee with a work-related injury can transition back into the employee's regular job. The particular duties and availability of transitional work will be evaluated by the City Administration on a case-by case basis. This policy does not assure the assignment to transitional work duties to any employee.

**Policy:** The City of Cloquet's Transitional Modified Work Policy is designed to be implemented for a short period of time (usually up to sixty days), prior to the employees return to their regular job. The City Administrator reserves the sole right to determine when and if transitional modified work that is within the employee's work restrictions is available and whether it is appropriate in a given instance given the information submitted.

**Procedure: Qualification for Transitional Modified Work:** When an employee is unable to perform all of the essential requirements of the employee's job due to a temporary disability or medically prescribed work restrictions,

the employee will notify the City Administrator and/or Department Head in writing as to the nature and extent of the disability and the nature of the work restrictions and will further provide all reasons why the employee 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 the temporary disability.

The notice should also include the expected time frame regarding a return to work full-time without restrictions and any requested accommodations that will permit the employee to meet all of the essential requirements and functions of the City's job position description. At its discretion, the City may require an independent evaluation conducted by a physician selected by the City to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

It is the City Administrator's sole decision whether or not to assign transitional modified work to an employee. Although this policy is handled on a case-by-case basis, transitional work is recommended to last no longer than sixty (60) days and can be assigned to more than one employee at a given time based upon the availability of duties and jobs to be performed. Employees with workers compensation injuries will be given priority status for work assignments when limitations and restrictions are possible to accommodate. This means that if an employee with a non-workers compensation injury/illness is working in a light duty assignment, he/she may be bumped by a workers compensation restricted employee if all the appropriate light duty assignments are filled.

Prior to returning to regular duty, the employee must provide a written medical report from their physician clearing them to perform 100% of the job related duties that are physically required to perform their job.

The circumstances of each disabled employee performing light duty work will be reviewed regularly and employees assigned transitional modified work duties may be required to perform duties and functions which are both outside their department and regular job duties as the need arises. Any transitional duty/modified work assignment may be discontinued at any time.

## **8.8 REASONABLE ACCOMMODATIONS TO AN EMPLOYEE FOR HEALTH CONDITIONS RELATING TO PREGNANCY**

The city will attempt to provide a female employee who requests reasonable accommodation with the following for her health conditions related to her pregnancy or childbirth.

- more frequent restroom, food, and water breaks;
- seating;
- limits on lifting over 20 pounds and/or temporary transfer to a less strenuous or hazardous position, should one be available.

Unless such accommodations impose an undue hardship on the city. The city will engage in an interactive process with respect to an employee's request for a reasonable accommodation.

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# SECTION 9, INFORMATION TECHNOLOGY

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## 9.1 COMPUTER USE POLICY

**Purpose:** This policy serves to protect the security and integrity of the city's electronic communication and information systems by educating employees about appropriate and safe use of available technology resources.

The City reserves the right to inspect any data, emails, social media content, files, settings or any other aspect or access made by a city-owned computer or related system and will do so on an as needed basis as determined by the City Administrator.

All employees are responsible for reading and following information that may be distributed from time-to-time by Administration and/or our technology consultants about appropriate precautions to protect city systems.

An employee who violates any aspect of this policy may be subject to disciplinary action including revocation of certain system privileges or termination.

**Personal Use:** The City recognizes that some personal use of city-owned computers and related equipment will occur. Some controls are necessary, however, to protect the city's equipment and computer network and to prevent abuse of this privilege.

- Only city employees may use city-owned equipment. Family members or friends of employees are not allowed to use city equipment or technology resources.
- Personal use must take place during non-work hours (breaks, lunch hour, before or after work). Personal use should never preempt work use.
- Reasonable use of city email systems for personal correspondence is allowable, provided it does not interfere with an employee's normal work and is consistent with all provisions in this policy. Employees should treat this privilege as they would the ability to make personal phone calls during work hours.
- Reasonable use of the city's access to the Internet for personal reasons is allowable, provided it doesn't interfere with normal work and is consistent with all provisions in this policy.
- If an employee wants to use or connect their own peripheral tools or equipment to city-owned systems (such as digital cameras, PDAs, disks, cell phones, mp3 players or flash drives), they must have prior approval from their department head and must follow provided directions for protecting the city's computer network.
- Files from appropriate personal use of the city's equipment may be stored on your computer's local hard drive, providing the size of all personal files does not exceed 50 MB. At no time may personal files that contain copyright material, such as mp3 files or photos, be stored on city computer systems. The city may inspect any data or information stored on its equipment or network, even if the information is personal to the employee.
- Use of city equipment or technology for personal business interests, for-profit ventures, political activities or other uses deemed by the City Administrator to be inconsistent with city activities is

not allowed. If there is any question about whether a use is appropriate, it should be forwarded to the City Administrator for a determination.

**Software, Hardware, Games and Screen Savers:** In general, all software and hardware required for an employee to perform his or her job functions will be provided by the city. Requests for new or different equipment or software should be made to your supervisor, department head or directly to the City Administrator.

The following is approved software that may be downloaded by employees without prior approval:

- Microsoft updates as provided in automatic updates to the user.
- Anti-virus updates as provided in automatic updates to the user.
- Microsoft clipart and photo files.

Unapproved software or downloads (free or purchased), hardware, games, screen savers, toolbars, clipart, music and movie clips, other equipment, software or downloads that have not been specifically approved by the department head or City Administrator may compromise the integrity of the city's computer system and are prohibited.

The Administration department and/or its representatives, without notice, may remove all unauthorized programs or software, equipment, downloads, or other resources if they could harm systems or technology performance.

If there is any question about whether software or hardware, downloads, etc. are appropriate it should be forwarded to the City Administrator for a determination.

**Electronic Mail:** The city provides employees with an email address for work related use. Some personal use of the city email system by employees is allowed, provided it does not interfere with an employee's normal work and is consistent with all city policies.

The city allows employees to access personal email accounts via the Internet provided such access occurs during non-work hours and fully complies with this computer use policy.

An employee's personal email (and other personal documents) accessed via a city computer could be considered "public" data and may not be protected by privacy laws. Personal email and computer use may be monitored as directed by the City Administrator and without notice to the employee. Employees should not expect privacy in any activity conducted on a city owned computer.

The following policies relate to both business and personal email content sent from a city computer:

- Use common sense and focus primarily on using email for city business. Never transmit an email that you would not want your boss or other employees to read, or that you'd be embarrassed to see in the newspaper.
- Do not correspond by email on confidential communications (e.g. letters of reprimand, correspondence with attorneys, medical information).
- Do not open email attachments or links from an unknown sender. Delete junk or "spam" email without opening it if possible, do not respond to unknown senders.
- Do not gossip or include personal information about yourself or others in an email.
- Do not use harassing language, including sexually harassing language or any remarks including insensitive language or derogatory, offensive or insulting comments or jokes in an email.
- All emails must comply with all city policies, including those related to respectful workplace, harassment prevention and workplace violence.

- Do not curse or use swear words in an email.

**Instant Messaging:** The city does not provide employees with resources or tools to communicate by Instant Messaging (IM) when conducting city business. Employees are not allowed to use IM as a mechanism for personal communication through the city's computer network or when using city equipment, and are not allowed to download or install IM software on their city computer.

**Social Media:** The City may have or use social media sites such as Facebook, blogs and microblogs such as Twitter, for official city business. When using social media to support official city business in accordance with job duties, individuals should clearly identify themselves as connected to the city. Personal use of social media by city staff - whether about the city or not, and whether positive or negative - will reflect on the city as a whole. Personal use of social media should not violate any city policies already in existence, such as those on harassment prevention.

**Storing and Transferring Documents:** Electronic documents, including emails, electronic communication and business-related materials created on an employee's home or personal computer, should be stored on the city's network in accordance with city records retention policies and the Minnesota Data Practices Act. The following are some general guidelines that may be useful to consider.

- Electronic communication that is simple correspondence and not an official record or transaction of city business should be deleted as soon as possible and should not be retained by employees for more than three months.
- Electronic communication that constitutes an official record of city business must be kept in accordance with all records retention requirements and should be copied to appropriate network files for storage.
- City related documents that an employee creates on his or her home computer or any other computer system should be copied to the city's network files.
- Documents or electronic communications that may be classified as protected or private information under data practices requirements should be stored separately from other materials.

If you are unsure whether an electronic communication or other document is a government record for purposes of records retention laws, or is considered protected or private under data practices, check with your supervisor, department head or the City Administrator. If you are unsure how to create an appropriate file structure for saving and storing electronic information, contact the City Administrator.

Transferring data and documents between computer systems requires information to be stored on a disk, CD-ROM, flash or USB drive, or another storage media. These items can also be used to transmit computer viruses or other items harmful to the city's computer network.

The city has installed anti-virus software on each computer to protect against these threats by automatically scanning storage media for viruses and similar concerns. The anti-virus software provides automatic updates that employees will be notified of with a pop-up window from Symantec. All employees should follow directions for updating anti-virus software as prompted. If you have any questions about how to update your anti-virus software or check your storage media before you use it, check with your department head or City Administrator.

**Internet:** The city provides Internet access to employees for work on city business. Employees may use this access for work related matters in a professional manner.

Occasional personal use of the Internet is acceptable within the bounds of all city policies. The following considerations apply to all uses of the Internet whether business related or personal:

- There is no quality control on the Internet. All information found on the Internet should be considered suspect until confirmed by another source.

- Internet use during work hours must be limited to subjects directly related to job duties.
- Personal use of the Internet during non-work hours (breaks, lunch hour, before or after work) is permitted. However, employees may not at any time access inappropriate sites. Some examples of inappropriate sites include but are not limited to adult entertainment, sexually explicit material, or material advocating intolerance of other people, races or religions, or in manners that otherwise violate city policies related to respectful workplace and harassment prevention. This prohibition includes information on social media sites such as Facebook and blogs and microblogs such as Twitter. If you are unsure whether a site may include inappropriate information, you should not visit it.
- No software or files may be downloaded from the Internet unless approved in advance by your department head or the City Administrator. This includes but is not limited to free software or downloads, maps, weather information, toolbars, music or photo files, clipart, screensavers and games.
- The city may monitor any employee's use of the Internet for any purpose without prior notice, as deemed appropriate by the City Administrator.

**Passwords and Physical Security of Equipment:** Employees are responsible for maintaining computer passwords and following these guidelines:

- Passwords must be at least eight (8) characters long and include both lower and upper case characters, at least one number and at least one non-alpha-numeric character (e.g., \*,&,% , etc.). An example might be Pol!ci3S.
- Your passwords should not be shared or told to anyone except for your supervisor. If it is necessary to access an employee's computer when he or she is absent, contact the supervisor, department head or the City Administrator.
- Passwords should not be stored in any location on or near the computer. If necessary, store your password in a document or hard copy file that is locked when you are absent from your desk. Do not store it electronically in a palm pilot or cell phone system.

Use caution if you leave equipment unattended because it is generally small and portable. Do not leave city computer equipment in an unlocked vehicle or unattended at any off-site facility (airport, restaurant, etc.).

**Remote Access:** Certain employees may be given the ability to access the city's computer systems from remote locations or from home, using either personal equipment or city-owned equipment.

Remote access is limited to staff classified as exempt and who frequently work independently on city business. Non-exempt staff may be given temporary access from time to time as needed, but only with the approval of their supervisor, the City Administrator and the technology consultant.

Employees with remote access privileges will be given specific instructions from the city's technology consultant about how to protect city equipment and information resources. If you have any questions about remote access to the city's network, check with your department head or City Administrator.

**Notice of Computer Problems:** Employees are responsible for notifying the City Administrator about computer problems or odd computer behavior. Employees should err on the side of caution when reporting issues because small problems may indicate a more serious network or computer system issue.

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## SECTION 10, DEFINITIONS

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### 10.1 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 granted to qualified employees in the form of paid leave and/or insurance coverage.

**Benefit Earning Employees:** Employees who are eligible for at least a pro-rated portion of City provided benefits. Such employees must be year-round employees who work at least 20 hours per week on a regular basis.

**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.

**Department Head/Supervisor:** An employee who is responsible for managing a department or division of the City.

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

**Employee:** An individual who has successfully completed all stages of the selection process including the training/probationary period.

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

**FICA (Federal Insurance Contributions Act):** FICA is the federal requirement that a certain amount be automatically withheld from employees' earnings. Specifically, FICA requires an employee contribution for Social Security and for Medicare. The City contributes a matching amount on behalf of each employee. Certain employees may be 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 year-round in an ongoing position.

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

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

**Pay Period:** A fourteen (14) day period beginning at 12:01 am on Monday through midnight 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.

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

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

**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/Probationary Period:** A one-year 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. This training period is the last part of the selection process.

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

**Weapons:** Includes, but is not limited to, firearms, explosives, knives and other weapons that might be considered dangerous or that could cause harm. This includes any object that has been modified to use as a weapon or that can be used as a weapon.

**Workweek:** A workweek is seven consecutive 24-hour periods. For most employees the workweek will run from Monday through the following Sunday. With the approval of the City Administrator, departments may establish a different workweek based on coverage and service delivery needs (e.g., police department, park and recreation department).



## Personnel Policy/Handbook Receipt Acknowledgement

By signing below, I

1. Acknowledge that:

- I received the City of Cloquet Personnel Policies
- It is my responsibility to have read and understood the City of Cloquet Personnel Policies
- The City of Cloquet Personnel Policies is intended only as a general reference, and not as a full statement of City of Cloquet procedures or a legal contract.
- City of Cloquet Personnel Policies supersedes and replaces any other existing policies or procedure handbook, manual or the like.
- Acknowledge that the City of Cloquet Personnel Policies/Employment Handbook will be updated periodically and that I will be informed by the City of said changes that occur after the date written below. I further acknowledge that I can find the most current copy on the City's Website at all times.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Name (Please Print)

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

**Cloquet City Council Work Session**  
Tuesday, December 19, 2017

**DRAFT**

**Present:** A. Bailey, D. Bjerkness, K. Kolodge, S. Langley, R. Maki, J. Rock

**Absent:** Mayor Hallback

**Staff:** J. Barclay, N. Klassen, C. Peterson

**Other:** J. Peterson, Pine Journal; N. Qureshi, Progressive Consulting Engineers, Inc.

**Utility Rate Study**

- Mr. Qureshi, Progressive Consulting Engineers, Inc., was present to review the results of the water and sewer rate study. Mr. Qureshi noted the excellent cooperation he received from city staff while completing the study. Mr. Qureshi has been part of previous studies with the city and therefore is familiar with the city's trends.
- Mr. Qureshi reviewed current water rates, historic and projected annual water sales, the breakdown and total of operation and maintenance expenses, capital improvements and depreciation for water sales, annual increases from current rates, the cost of the water rate design process, and the 2016 cost of service analysis.
- The study recommends an increase in water rates by .035 for three years and then an increase of .40 from 2021-2026. Increase the fixed charge by \$2.00 with an annual increase of the fixed charge by .25 annually.
- Council questioned if a commitment for future rate increases can be made by the current Council. Mr. Reeves explained that future rates can be proposed and reviewed annually.
- Mr. Peterson shared a graph comparing Cloquet rates to other cities showing we are on the lower end.
- The recommendation for sewer rates is to increase rates by .40 from 2018-2026 and increase the fixed charge by \$1.00 every other year.
- Mr. Peterson summarized that the goal is to lay out a plan for incremental increases of both water and sewer rates with review each year.
- Mr. Reeves stated that if the Council approves the rate increases in January, we will start the notification process and implement the increase in April or June of 2018.
- Councilor Kolodge commented the public will not be happy with an increase of this size so justification is critical.

**Other Discussion**

Mr. Reeves updated the Council on the status of the water tower site RFPs. No RFPs were received from developers and feedback indicates it is because of the footings that remain at the site. After research by staff, it was decided the footings will be taken out by city staff for under \$10,000. Once removed, the RFP will be re-released.

There being no further business, the meeting adjourned at 6:55 p.m.

Respectfully Submitted,

Aaron Reeves  
City Administrator

Regular Meeting

Roll Call

Councilors Present: Bailey, Bjerckness, Kolodge, Langley, Maki, Rock

Councilors Absent: Mayor Hallback

Pledge of Allegiance

### **AGENDA**

**MOTION:** Councilor Langley moved and Councilor Kolodge seconded the motion to approve the December 19, 2017 agenda. The motion carried unanimously (6-0).

### **MINUTES**

**MOTION:** Councilor Bailey moved and Councilor Maki seconded the motion to approve the minutes of the Work Session and Regular Meeting of December 5, 2017. The motion carried unanimously (6-0).

### **CONSENT AGENDA**

**MOTION:** Councilor Bjerckness moved and Councilor Bailey seconded the motion to adopt the consent agenda of December 19, 2017. The motion carried unanimously (6-0).

- a. Resolution No. 17-101, Resolution Authorizing the Payment of Bills
- b. 2018 Business License Renewals
- c. 2018 Employee Pay Plan
- d. 2018 Community Education Agreement
- e. Resolution No. 17-102, A Resolution Entering into an Agreement with the Minnesota Department of Transportation (MNDOT) for MNDOT to Act as the City's Agent in Accepting Federal Aid

### **PUBLIC HEARINGS**

There were none.

### **PRESENTATIONS**

There were none.

### **WATER TREATMENT PLANT ENGINEERING**

**MOTION:** Councilor Kolodge moved and Councilor Bjerckness seconded the motion to award a professional services contract to Short Elliot Hendrickson, Inc. for preliminary design, final design, and bidding services related to construction of a new water treatment plant and associated improvements. The motion carried unanimously (6-0).

### **CLOQUET MCPP 2018 APPLICATION**

**MOTION:** Councilor Bailey moved and Councilor Bjerckness seconded the motion to renew the application for 2018 for the Minnesota City Participation Program (MCP) which provides designated funding for first time homebuyer loans within the City. The motion carried unanimously (6-0).

### **AMENDING AND REPLACING CLOQUET CITY CODE CHAPTER 5.6**

**MOTION:** Councilor Bailey moved and Councilor Maki seconded the motion to approve **ORDINANCE 469A, AN ORDINANCE AMENDING AND REPLACING CLOQUET CITY CODE CHAPTER 5.6, REGULATING THE OPERATION OF SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND SPECIAL VEHICLES INCLUDING ALL-TERRAIN VEHICLES, MOTORIZED GOLF CARTS, UTILITY TASK VEHICLES AND MINI-TRUCKS WITHIN THE CITY OF CLOQUET.** The motion carried unanimously (6-0).

**Section 5.6: Regulation of Snowmobiles, Off-Highway Motorcycles  
and Special Vehicles Including All-Terrain Vehicles (ATV's), Motorized Golf Carts,  
Utility Task Vehicles and Mini-Trucks within City Limits**

**5.6.01 Intent.** It is the intent of this Section to supplement Minnesota Statutes chapters 84 and 169, as they may be amended from time to time, with respect to the operation of snowmobiles, all-terrain vehicles (ATV's), off-highway motorcycles and special vehicles as defined in Minn. Stat. 169.045. This section is not intended to otherwise allow what Minnesota State Statutes prohibit, nor prohibit what Minnesota State Statutes allow.

**5.6.02 Definitions.**

**Subd. 1 Snowmobiles.** "Snowmobiles" as used in this Section shall have the meaning as defined in Minn. Stat. Section 84.81 as it may be amended from time to time and presently means any self-propelled vehicle or any vehicle propelled or drawn by a self-propelled vehicle designed to travel across ice or snow steered by skis or runners, but not operated exclusively upon railroad or trolley tracks.

**Subd. 2 All-terrain Vehicles/ATV.** "All-terrain vehicle or ATV" as used in this Section shall have the meaning as defined in Minn. Stat. Section 84.92 as it may be amended from time to time and presently means a motorized flotation-tired vehicle, of not less than three low pressure tires, but not more than six tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight of less than 900 pounds.

**Subd. 3 Off-Highway Motorcycle.** "Off-highway motorcycle" as used in this Section shall have the meaning as defined in Minn. Stat. Section 84.787 as it may be amended from time to time and presently means a motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under chapter 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.

**Subd. 4 Motorcycle.** "Motorcycle" as used in the Section shall mean every motor vehicle not otherwise defined above having a saddle for the use of the rider, and designated for travel on not more than 3 wheels in contact with the ground, including motor scooters and bicycles with a motor attached, but excluding a tractor.

**Subd. 5 Motorized Golf Cart.** A vehicle commonly known as a golf cart, having at least three wheels and either an electric or gas powered motor.

**Subd. 6 Mini-Truck.** As defined in Minn. Stat. § 169.01, subd. 40(a), which presently is a motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404, and successor requirements. A mini-truck does not include: a neighborhood electric vehicle or a medium-speed electric vehicle as defined by § 73.11; or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49 section 571.500, as it may be amended from time to time.

**Subd. 7 Utility Task Vehicle (UTV).** A utility task vehicle means a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

**Subd. 8 Motor Vehicle.** "Motor Vehicle" as used in this Section shall mean every self-propelled device in, upon or by which any person or property is or may be transported or drawn within the City, regardless of whether the motor vehicle is required by law to be registered with the State of Minnesota and regardless of whether the driver, operator or person in physical control of the vehicle is required by law to have obtained a license, permit or endorsement to a license so as to lawfully operate the motor vehicle within the State of Minnesota. A Motor vehicle shall not include a vehicle moved solely by human power, but shall include without limitation the following:

- A. Snowmobile as defined in Subdivision 1;
- B. Recreational vehicles and ATV's, including but not limited to the following:
  - (1) Motorized dirt bike having two or more wheels; and
  - (2) Motorized all-terrain vehicle having three or more wheels, such as a three-wheeler or four-wheeler; and,
- C. Off-highway motorcycle as defined in Subdivision 3;

- D. Motorcycle as defined in Subdivision 4.
- E. Any other motor vehicle as shall be defined in this Section regardless of the vehicle's number of wheels or mode of self-propulsion if other than solely by human power, including but not limited to the following types of commonly understood vehicles:
  - (1) Automobile;
  - (2) Truck; and
  - (3) Van
  - (4) Motorized Golf Cart as defined in Subdivision 5
  - (5) Mini-truck as defined in Subdivision 6
  - (6) Utility Task Vehicle as defined in Subdivision 7

**5.6.03 Snowmobile and Off-Highway Motorcycle Operation.** Unless otherwise specifically modified herein, the City hereby adopts (as they are amended from time to time) Minn. Stat. §84.81 to §84.915 relating to the operation of snowmobiles and §84.787 to §84.796 relating to the operation of off-highway motorcycles within the city limits. In addition, a snowmobile may be operated upon city roadways, road shoulders, and the inside bank or slope of those city streets, county roads, and state highways as are designated on a City Snowmobile Map which shall be maintained by the City provided that operation occurs on the farthest right hand side of the street, road or highway and whenever possible and legal the operation occurs within the ditch and always in the same direction as traffic.

**Subd. 1. Snowmobile Restrictions.** However, it shall be unlawful to operate a snowmobile within city limits as follows:

- a. On a public sidewalk used for pedestrian travel;
- b. On boulevards located within the public right-of-way;
- c. On private property except where permission has been obtained from its owner;
- d. On public property, playgrounds, parks and recreation areas except as designated on the City Snowmobile Map;
- e. On any school grounds, except as permission has been expressly obtained from school authorities;
- f. At a rate of speed in excess of 30 miles per hour but in no event at a rate of speed greater than reasonable and proper under existing conditions;
- g. To operate a snowmobile in a careless, reckless or negligent manner so as to endanger person or property; and,
- h. In a manner that disturbs, annoys or interferes with the peace and quiet of the public.

**5.6.04 Authorized Use of ATV's (all-terrain vehicles), motorized golf carts, utility task vehicles and mini-trucks within city limits by permit only.** Consistent with Minn. Stat. 169.045, ATV's, motorized golf carts, utility task vehicles and mini-trucks as defined in this Section, will only be allowed on designated streets or roadways within the City as designated by the City on a City ATV Route Map which shall be maintained by the City. However, operation of such vehicles upon the streets and roadways designated on the City ATV Route Map will be by permit only and will otherwise comply with the provisions of Minn. Stat. 169.045 as amended from time to time. However, from and after the adoption of this Code section no person shall drive, operate or be in physical control of any motor vehicle as shall be defined in this Section on the private property of another within the City without the express permission of the owner of the property, nor shall any person drive, operate or be in physical control of a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck as shall be defined in this Section upon any lands owned, controlled or regulated by the City and used as a City Park, or otherwise owned by the City, except where specifically permitted by the City as shall be provided for below in this Section.

In that regard, the Mayor, subject to the consent of the Council, shall be instructed to determine what areas of the City owned, controlled or regulated lands, if any, will be allowed for this use, and in areas so designated it shall be lawful to drive, operate or be in physical control of a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck. For purposes of designating permitted areas, the City shall post signs of the type normally used in highway traffic regulation by the City designating the areas in which such use will be permitted.

Unless otherwise specifically modified herein, the City hereby adopts the provisions of Minn. Stat. §84.92 to §84.929 relating to the operation of ATV's as they are amended from time to time and adopt them by reference.

**Subd. 1. Restrictions on the permitted use of ATV's, motorized golf carts, utility task vehicles and mini-trucks.** No person shall operate a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck on streets, alleys, sidewalks or other public property without obtaining a permit as provided herein.

- A. Every application for a permit shall be made on a form supplied by the city and shall contain all of the following information:
  - (1) The name and address of the applicant.

- (2) Model name, make and year and number of the motorized golf cart, all-terrain vehicle, utility task vehicle, or mini-truck.
  - (3) Current driver's license or reason for not having a current license.
  - (4) Other information as the city may require.
- B. The operator of an all-terrain vehicle or utility task vehicle shall either have a valid driver's license and/or a valid ATV safety certificate issued by the Commissioner of the Department of Natural Resources. Proof of the same must be in the possession of the operator at all times.
- C. The annual permit fee shall be as set forth in the annual fee schedule promulgated by the City Council, as may be amended from time to time.
- D. Permits shall be granted for a period of one year and may be renewed annually Jan. 1 to Dec. 31.
- E. No permit shall be granted or renewed unless the following conditions are met:
- (1) The applicant must demonstrate that he or she currently holds or has held a valid Minnesota driver's license to operate a mini-truck.
  - (2) The applicant may be required to submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart, all-terrain vehicle or utility task vehicle on designated roadways.
  - (3) The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the golf cart, all-terrain vehicle, utility task vehicle or mini-truck.
  - (4) The applicant has not had his or her driver's license revoked as the result of criminal proceedings.
  - (5) The applicant for a permit to operate an all-terrain vehicle or utility task vehicle shall either have a valid driver's license and/or a valid ATV safety certificate issued by the Commissioner of the Department of Natural Resources.

**Subd 2.** Motorized golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks are permitted to operate only on designated city streets, not state or federal highways, except to cross at designated intersections.

**Subd 3.** Motorized golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks are prohibited from city sidewalks except for purposes of snow removal or unless otherwise exempt as provided herein.

**Subd 4.** Except for purposes of snow removal, motorized golf carts, all-terrain vehicles, and utility task vehicles and mini-trucks may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, tail lights, and rear-facing brake lights. Except for purposes of snow removal, they shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 (Five Hundred) feet.

**Subd 5.** Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn. Stat. §169.045, as it may be amended from time to time, when operated on designated roadways.

**Subd 6.** Motorized golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. §169.70.

**Subd 7.** The operator of a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck may cross any street or highway intersecting a designated roadway.

**Subd 8.** When operating a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck, the operator must have a copy of the permit in his or her possession, provide proof of insurance and properly display permit in plain sight as designated by permit.

**Subd 9.** Every person operating a motorized golf cart, an all-terrain vehicle, a utility task vehicle or a mini-truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat., ch. 169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to motorized golf carts or mini-trucks and except as otherwise specifically provided in Minn. Stat. §169.045(7), as it may be amended from time to time.

**Subd 10.** Additional Mini-truck equipment requirements:

- A. A mini-truck may be operated under permit on designated roadways if it is equipped with all of the following:
- (1) At least two headlamps.
  - (2) At least two tail lamps.
  - (3) Front and rear turn-signal lamps.
  - (4) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror.
  - (5) A windshield.
  - (6) A seat belt for the driver and front passenger.
  - (7) A parking brake.

**Subd 11.** The Cloquet Police Department is authorized to suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or Minn. Stat., Chapter 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck on the designated roadways.

**Subd 12.** The number of occupants on the golf cart, all-terrain vehicle, utility task vehicle or mini-truck may not exceed the design occupant load.

#### **5.6.05 Exemptions, No permit required.**

**Subd. 1.** Nothing in this subchapter shall prohibit a person from operating a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck for the following purposes:

- A. Authorized city staff may operate city owned motorized golf carts, mini-trucks, all-terrain vehicles or utility task vehicles without obtaining a permit within the City on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business;
- B. For law enforcement purposes;
- C. For public safety purposes including fire department and ambulance service;
- D. For emergencies and exigent circumstances as determined by the Chief of Police for the City of Cloquet.

**5.6.06 Limitation of Liability.** Nothing in this sub-chapter shall be construed as an assumption of liability by the City of any injuries to persons or damage to property which may result from the operation of a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck by a permit holder, other authorized user, the grant of such permit, or the failure by the City to revoke such permit.

**5.6.07 Violations and Penalties.** Any person violating any provision of this code section shall be guilty of a misdemeanor and is subject to having any permit previously granted under this sub-chapter revoked.

#### **EFFECTIVE DATE.**

**Subd. 1.** This Ordinance shall be in full force and in effect from and after its passage, approval, recording and publication as provided by law.

#### **PUBLIC COMMENTS**

There were none.

#### **COUNCIL COMMENTS, ANNOUNCEMENTS, AND UPDATES**

- Councilor Bailey expressed condolences on behalf of the City Council to Mayor Hallback and his family on the recent passing of his mother.
- Councilor Bailey extended holiday wishes from Mayor Hallback to City staff and to the citizens of Cloquet.

- Councilor Rock announced the Dunlap Island warming house will open on December 22<sup>nd</sup>. He also commended the Police Department on the success of “Stuff the Squad” and “Shop with a Cop” this holiday season.

On a motion duly carried by a unanimous yea vote of all members present on roll call, the Council adjourned.

---

Aaron Reeves, City Administrator





**ADMINISTRATIVE OFFICES**

1307 Cloquet Avenue • Cloquet, MN 55720  
Phone: 218-879-3347 • Fax: 218-879-6555  
email: admin@ci.cloquet.mn.us  
www.ci.cloquet.mn.us

**REQUEST FOR COUNCIL ACTION**

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To: Mayor and City Council  
From: Nancy Klassen, Finance Director *NK*  
Reviewed/Approved by: Aaron Reeves, City Administrator  
Date: January 2, 2018

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**ITEM DESCRIPTION:** Payment of Bills and Payroll

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**Proposed Action**

Staff recommends the Council move to adopt **RESOLUTION NO. 18-02, A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS AND PAYROLL.**

**Background/Overview**

Statutory Cities are required to have most claims authorized by the city council.

**Policy Objectives**

MN State Statute sections 412.271, Claims and disbursements for Statutory Cities.

**Financial/Budget/Grant Considerations**

See resolution for amounts charged to each individual fund.

**Advisory Committee/Commission Action**

Not applicable.

**Supporting Documents Attached**

- a. Resolution Authorizing the Payment of Bills and Payroll.
- b. Vendor Summary Report.
- c. Department Summary Report.

**CITY OF CLOQUET  
COUNTY OF CARLTON  
STATE OF MINNESOTA**

**RESOLUTION NO. 18-02**

**A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS AND PAYROLL**

**WHEREAS**, The City has various bills and payroll each month that require payment.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA**, That the bills and payroll be paid and charged to the following funds:

101	General Fund	\$	474,027.03
207	Community Development Operating		14,659.89
208	Small Cities Development		172,848.00
226	Park Fund		63,827.67
405	City Sales Tax Projects		7,938.04
600	Water - Lake Superior Waterline		81,010.75
601	Water - In Town		63,060.84
602	Sewer Fund		116,519.90
605	Storm Water Fund		13,361.34
614	CAT-7		11,428.72
701	Employee Severance Benefits		1,395.88
	TOTAL:	\$	<u>1,020,078.06</u>

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET  
THIS 2ND DAY OF JANUARY, 2018.**

ATTEST:

\_\_\_\_\_  
Dave Hallback, Mayor

\_\_\_\_\_  
Aaron Reeves, City Administrator

VENDOR SUMMARY REPORT

INVOICES DUE ON/BEFORE 01/02/2018

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE
125700	BEST OIL COMPANY	0.00	702.23
133775	CARLTON COUNTY ECONOMIC	0.00	9,200.00
134000	CARLTON COUNTY HIGHWAY DEPT	0.00	1,100.04
134100	CARLTON COUNTY HISTORICAL SOC.	0.00	500.00
137310	CENTURY LINK	0.00	1,483.11
137340	CHAMBERLAIN OIL CO., INC.	0.00	276.91
139025	CINTAS	0.00	180.68
139800	CLOQUET AREA CHAMBER OF COMMER	0.00	3,217.97
141100	CLOQUET FORD-CHRYSLER CENTER	0.00	99.75
142370	PAUL BUSE	0.00	3,500.00
150100	D A L C O	0.00	398.94
158000	DULUTH/SUPERIOR COMMUNICATIONS	0.00	695.00
160600	EHLERS & ASSOCIATES, INC.	0.00	290.00
161675	EMC NATIONAL LIFE	0.00	1,144.15
164900	THE FASTENAL COMPANY	0.00	177.88
170950	FRIENDS OF ANIMALS	0.00	7,750.00
175950	GRAPHIC TECHNOLOGIES	0.00	961.62
178700	H & L MESABI	0.00	3,616.32
180500	HAWKINS INC	0.00	4,890.96
185150	INTER CITY OIL	0.00	477.49
186500	INDEPENDENT SCHOOL DISTRICT 94	0.00	18,043.75
189725	ITRON, INC.	0.00	3,144.68
190400	J. H. LARSON COMPANY	0.00	406.19
190700	JAMAR COMPANY	0.00	2,419.51
191590	JEREMY LOUCKS	0.00	32,400.00
191950	JIM PERRAULT CONSTRUCTION	0.00	11,220.00
195175	KEMBLE INCORPORATED	0.00	3,160.00
197325	KRECH OJARD & ASSOCIATES INC	0.00	3,330.00
198100	L M C I T	0.00	186,405.50
200450	LAKES & PINES COMMUNITY ACTION	0.00	7,800.00
201015	LARKIN JOHN HALL	0.00	44,295.00
201900	LAW ENFORCEMENT TARGETS INC	0.00	600.00
204400	LINCOLN NATIONAL LIFE	0.00	2,766.59
210450	MEDIACOM LLC.	0.00	5.08
214000	MIELKE ELECTRIC WORKS	0.00	247.50
214800	CITY OF MINNEAPOLIS RECIEVABLE	0.00	86.40
234100	NORTHEAST SERVICE COOPERATIVE	0.00	5,055.50
234600	NORTHERN BUSINESS PRODUCTS	0.00	541.41
236450	THE NORTHSPAN GROUP, INC.	0.00	1,428.00
238440	NUSS EQUIPMENT GROUP LLC	0.00	3,600.00
240000	OMAR'S SAND & GRAVEL	0.00	480.00
242850	PARSONS ELECTRIC LLC	0.00	4,348.17
245000	PINE RIVER SALES, INC.	0.00	54.95
247250	POWERPLAN	0.00	103.05

VENDOR SUMMARY REPORT

INVOICES DUE ON/BEFORE 01/02/2018

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE
247400	396-PRAXAIR DISTRIBUTION, INC.	0.00	205.95
251475	RAILROAD MANAGEMENT CO.	0.00	214.01
258200	RUDY GASSERT YETKA	0.00	32,300.00
267950	STANTEC CONSULTING SERVICES	0.00	7,225.25
268850	STO-COTE PRODUCTS, INC	0.00	712.79
271975	TEAMSTER LOCAL 346 HEALTH FUND	0.00	29,524.00
275075	TITAN MACHINERY	0.00	754.24
278600	TWIN PORT MAILING	0.00	2,882.66
278770	TYSON WARNER CONSTRUCTION LLC	0.00	25,350.00
279100	U S BANK EQUIPMENT FINANCE	0.00	418.71
286900	W L S S D	0.00	73,551.00
287800	WAL-MART COMMUNITY	0.00	354.96
287900	WAL-MART COMMUNITY	0.00	634.61
R0001543	SRF CONSULTING GROUP INC	0.00	6,796.89
R0001564	AEOA WEATHERIZATION SERVICES	0.00	24,975.00
R0001565	LUCAS & SUZANNE GOODIN	0.00	1,650.00

TOTAL ALL VENDORS: 580,154.40

Less: CAFD (318.73)  
Less: Library (4,304.00)

Bills approved 575,531.67

Other:  
SCDP Grant project 8,470.00  
Payroll 472,500.75  
Payroll - benefits (36,424.36)

Total Bills and  
Payroll Approved 1,020,078.06

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CITY OF CLOQUET  
DEPARTMENT SUMMARY REPORT

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INVOICES DUE ON/BEFORE 01/02/2018

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE
-----			
GENERAL FUND			
00			
161675	EMC NATIONAL LIFE		474.15
204400	LINCOLN NATIONAL LIFE		2,712.71
234100	NORTHEAST SERVICE COOPERATIVE		5,055.50
271975	TEAMSTER LOCAL 346 HEALTH FUND		28,182.00
			36,424.36
41	GENERAL GOVERNMENT		
134100	CARLTON COUNTY HISTORICAL SOC.		500.00
139025	CINTAS		36.84
150100	D A L C O		168.41
160600	EHLERS & ASSOCIATES, INC.		290.00
161675	EMC NATIONAL LIFE		61.00
164900	THE FASTENAL COMPANY		39.96
190700	JAMAR COMPANY		1,742.05
198100	L M C I T		16,343.50
234600	NORTHERN BUSINESS PRODUCTS		117.89
258200	RUDY GASSERT YETKA		32,300.00
279100	U S BANK EQUIPMENT FINANCE		157.02
	GENERAL GOVERNMENT		51,756.67
42	PUBLIC SAFETY		
137310	CENTURY LINK		638.38
139025	CINTAS		68.94
141100	CLOQUET FORD-CHRYSLER CENTER		99.75
150100	D A L C O		168.40
158000	DULUTH/SUPERIOR COMMUNICATIONS		695.00
161675	EMC NATIONAL LIFE		240.00
164900	THE FASTENAL COMPANY		39.96
170950	FRIENDS OF ANIMALS		7,750.00
190700	JAMAR COMPANY		338.73
198100	L M C I T		55,248.50
201900	LAW ENFORCEMENT TARGETS INC		600.00
214800	CITY OF MINNEAPOLIS RECIEVABLE		86.40
234600	NORTHERN BUSINESS PRODUCTS		123.69
279100	U S BANK EQUIPMENT FINANCE		209.35
287900	WAL-MART COMMUNITY		634.61
	PUBLIC SAFETY		66,941.71

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CITY OF CLOQUET  
DEPARTMENT SUMMARY REPORT

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INVOICES DUE ON/BEFORE 01/02/2018

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE
-----			
GENERAL FUND			
43	PUBLIC WORKS		
134000	CARLTON COUNTY HIGHWAY DEPT		1,100.04
137310	CENTURY LINK		134.94
137340	CHAMBERLAIN OIL CO., INC.		276.91
139025	CINTAS		24.97
161675	EMC NATIONAL LIFE		89.00
178700	H & L MESABI		3,616.32
190400	J. H. LARSON COMPANY		406.19
195175	KEMBLE INCORPORATED		3,160.00
198100	L M C I T		41,027.00
234600	NORTHERN BUSINESS PRODUCTS		85.17
247250	POWERPLAN		103.05
247400	396-PRAXAIR DISTRIBUTION, INC.		102.98
287800	WAL-MART COMMUNITY		182.14
R0001543	SRF CONSULTING GROUP INC		3,398.45
	PUBLIC WORKS		53,707.16
46	COMMUNITY DEVELOPMENT		
139800	CLOQUET AREA CHAMBER OF COMMER		3,217.97
	COMMUNITY DEVELOPMENT		3,217.97
COMMUNITY DEV OPERATING (CITY)			
46	COMMUNITY DEVELOPMENT		
161675	EMC NATIONAL LIFE		11.00
198100	L M C I T		271.50
234600	NORTHERN BUSINESS PRODUCTS		34.61
236450	THE NORTHSPAN GROUP, INC.		1,428.00
R0001543	SRF CONSULTING GROUP INC		3,398.44
	COMMUNITY DEVELOPMENT		5,143.55
SCDP (CITY)			
00			
191590	JEREMY LOUCKS		9,720.00
278770	TYSON WARNER CONSTRUCTION LLC		7,605.00
R0001565	LUCAS & SUZANNE GOODIN		1,650.00
			18,975.00

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CITY OF CLOQUET  
 DEPARTMENT SUMMARY REPORT

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INVOICES DUE ON/BEFORE 01/02/2018

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE
-----			
SCDP (CITY)			
46	COMMUNITY DEVELOPMENT		
133775	CARLTON COUNTY ECONOMIC		9,200.00
142370	PAUL BUSE		3,500.00
191590	JEREMY LOUCKS		22,680.00
191950	JIM PERRAULT CONSTRUCTION		11,220.00
200450	LAKES & PINES COMMUNITY ACTION		7,800.00
201015	LARKIN JOHN HALL		44,295.00
242850	PARSONS ELECTRIC LLC		3,988.00
278770	TYSON WARNER CONSTRUCTION LLC		17,745.00
R0001564	AEOA WEATHERIZATION SERVICES		24,975.00
	COMMUNITY DEVELOPMENT		145,403.00
LIBRARY FUND			
45	CULTURE AND RECREATION		
161675	EMC NATIONAL LIFE		60.00
198100	L M C I T		4,244.00
	CULTURE AND RECREATION		4,304.00
PARK FUND			
00			
198100	L M C I T		7,613.50
			7,613.50
45	CULTURE AND RECREATION		
125700	BEST OIL COMPANY		702.23
137310	CENTURY LINK		200.15
161675	EMC NATIONAL LIFE		36.00
175950	GRAPHIC TECHNOLOGIES		961.62
186500	INDEPENDENT SCHOOL DISTRICT 94		18,043.75
197325	KRECH OJARD & ASSOCIATES INC		3,330.00
198100	L M C I T		14,088.50
245000	PINE RIVER SALES, INC.		54.95
	CULTURE AND RECREATION		37,417.20

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CITY OF CLOQUET  
DEPARTMENT SUMMARY REPORT

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INVOICES DUE ON/BEFORE 01/02/2018

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE
-----			
CITY SALES TAX CAPITAL			
81	SPECIAL PROJECTS		
267950	STANTEC CONSULTING SERVICES		7,225.25
268850	STO-COTE PRODUCTS, INC		712.79
	SPECIAL PROJECTS		7,938.04
WATER - LAKE SUPERIOR WATERLIN			
50	STATION 1		
198100	L M C I T		3,806.50
	STATION 1		3,806.50
51	STATION 2		
137310	CENTURY LINK		199.20
161675	EMC NATIONAL LIFE		40.00
180500	HAWKINS INC		1,168.70
198100	L M C I T		10,263.50
214000	MIELKE ELECTRIC WORKS		247.50
242850	PARSONS ELECTRIC LLC		360.17
	STATION 2		12,279.07
52	LAKE SUPERIOR WATERLINE		
161675	EMC NATIONAL LIFE		20.00
185150	INTER CITY OIL		477.49
198100	L M C I T		6,534.00
238440	NUSS EQUIPMENT GROUP LLC		3,600.00
251475	RAILROAD MANAGEMENT CO.		214.01
	LAKE SUPERIOR WATERLINE		10,845.50
57	ADMINISTRATION		
161675	EMC NATIONAL LIFE		3.30
198100	L M C I T		179.00
	ADMINISTRATION		182.30



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CITY OF CLOQUET  
DEPARTMENT SUMMARY REPORT

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INVOICES DUE ON/BEFORE 01/02/2018

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE
-----			
WATER - IN TOWN SYSTEM			
49	CLOQUET		
137310	CENTURY LINK		113.55
139025	CINTAS		24.97
161675	EMC NATIONAL LIFE		32.00
164900	THE FASTENAL COMPANY		97.96
180500	HAWKINS INC		3,722.26
198100	L M C I T		4,334.50
240000	OMAR'S SAND & GRAVEL		480.00
247400	396-PRAXAIR DISTRIBUTION, INC.		61.78
275075	TITAN MACHINERY		754.24
287800	WAL-MART COMMUNITY		35.94
	CLOQUET		9,657.20
54	BILLING & COLLECTION		
161675	EMC NATIONAL LIFE		12.50
189725	ITRON, INC.		3,144.68
198100	L M C I T		249.50
234600	NORTHERN BUSINESS PRODUCTS		41.64
278600	TWIN PORT MAILING		2,882.66
279100	U S BANK EQUIPMENT FINANCE		52.34
	BILLING & COLLECTION		6,383.32
57	ADMINISTRATION & GENERAL		
137310	CENTURY LINK		80.96
161675	EMC NATIONAL LIFE		6.70
198100	L M C I T		4,169.50
234600	NORTHERN BUSINESS PRODUCTS		69.21
287800	WAL-MART COMMUNITY		101.91
	ADMINISTRATION & GENERAL		4,428.28
ENTERPRISE FUND - SEWER			
00			
286900	W L S S D		-4,864.00
			-4,864.00

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CITY OF CLOQUET  
DEPARTMENT SUMMARY REPORT

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INVOICES DUE ON/BEFORE 01/02/2018

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE
-----			
ENTERPRISE FUND - SEWER			
55	SANITARY SEWER		
139025	CINTAS		24.96
150100	D A L C O		62.13
161675	EMC NATIONAL LIFE		20.00
198100	L M C I T		13,561.50
247400	396-PRAXAIR DISTRIBUTION, INC.		41.19
286900	W L S S D		78,415.00
287800	WAL-MART COMMUNITY		34.97
	SANITARY SEWER		92,159.75
57	ADMINISTRATION & GENERAL		
137310	CENTURY LINK		53.97
161675	EMC NATIONAL LIFE		30.50
198100	L M C I T		477.00
234600	NORTHERN BUSINESS PRODUCTS		69.20
	ADMINISTRATION & GENERAL		630.67
STORM WATER UTILITY			
57	ADMINISTRATION & GENERAL		
161675	EMC NATIONAL LIFE		4.50
198100	L M C I T		85.00
	ADMINISTRATION & GENERAL		89.50
59	OPERATIONS		
161675	EMC NATIONAL LIFE		10.00
198100	L M C I T		2,708.00
	OPERATIONS		2,718.00
CABLE TELEVISION			
45	CULTURE AND RECREATION		
137310	CENTURY LINK		61.96
161675	EMC NATIONAL LIFE		13.50
198100	L M C I T		1,201.00

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CITY OF CLOQUET  
DEPARTMENT SUMMARY REPORT

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INVOICES DUE ON/BEFORE 01/02/2018

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE
-----			
CABLE TELEVISION			
45	CULTURE AND RECREATION		
210450	MEDIACOM LLC.		5.08
	CULTURE AND RECREATION		1,281.54
EMPLOYEE SEVERANCE			
45	EMPLOYEE VACATION & SICK		
204400	LINCOLN NATIONAL LIFE		53.88
271975	TEAMSTER LOCAL 346 HEALTH FUND		1,342.00
	EMPLOYEE VACATION & SICK		1,395.88
CLOQUET AREA FIRE DISTRICT			
42	PUBLIC SAFETY		
161675	EMC NATIONAL LIFE		-20.00
190700	JAMAR COMPANY		338.73
	PUBLIC SAFETY		318.73
	TOTAL ALL DEPARTMENTS		580,154.40



**ADMINISTRATIVE OFFICES**

1307 Cloquet Avenue • Cloquet, MN 55720  
Phone: 218-879-3347 • Fax: 218-879-6555  
email: admin@ci.cloquet.mn.us  
www.ci.cloquet.mn.us

**REQUEST FOR COUNCIL ACTION**

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To: Mayor and City Council  
From: Nancy Klassen, Finance Director *NK*  
Reviewed by: Aaron Reeves, City Administrator *AR*  
Date: December 18, 2017

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**ITEM DESCRIPTION:** 2018 Designation of Depositories

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**Proposed Action**

Staff recommends the Council move to adopt **RESOLUTION NO. 18-01, A RESOLUTION AUTHORIZING THE DESIGNATION OF DEPOSITORIES FOR 2018.**

**Background/Overview**

The City is required to designate depositories within 30 days of the start of the City's fiscal year. It is recommended that the first meeting of the year is the best time to meet this requirement.

**Policy Objectives**

Adopting depositories is required under MN State Statutes Section 472.01 and 118A.02, subd. 1.

**Financial/Budget/Grant Considerations**

Various fees charged by each authorized depository.

**Advisory Committee/Commission Action**

Not applicable.

**Supporting Documents Attached**

Resolution 18-01.

**CITY OF CLOQUET  
COUNTY OF CARLTON  
STATE OF MINNESOTA**

**RESOLUTION NO. 18-01**

**A RESOLUTION DESIGNATING OFFICIAL DEPOSITORIES**

**WHEREAS**, Minnesota Statutes require that the City of Cloquet must invest its monies in depositories which protect its investment.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA**, That the Wells Fargo Bank, Frandsen Bank, Wells Fargo Brokerage Services, US Bancorp, Morgan Stanley, and UBS Financial Services, Inc., Financial Institutions located within City limits for certificates of deposit, limited to federal insurance coverage, such as: Frandsen Bank, US Bank, Cornerstone State Bank, Woodlands National Bank, North Shore Bank, Members Cooperative Credit Union, Northwoods Credit Union be and the same are hereby designated as official depositories of City monies to be deposited by the City of Cloquet for the year 2018; and

**BE IT FURTHER RESOLVED**, That the City accept securities presented as collateral for the repayment of the City funds on deposit in the Wells Fargo Bank or Frandsen Bank, said collateral to be supplied as required by Minnesota Statutes; and

**BE IT FURTHER RESOLVED**, That checks of the City of Cloquet drawn on any of the official depositories shall be signed by both the Mayor and City Administrator; and

**BE IT FURTHER RESOLVED**, That the City Administrator is authorized to use facsimile signature as necessary for the Mayor and City Administrator; and

**BE IT FURTHER RESOLVED**, That the City Administrator and/or Finance Director shall have authority to wire transfer funds from one official depository to another for the purpose of investing City funds; and

**BE IT FURTHER RESOLVED**, That the City Administrator and/or Finance Director are hereby designated as the approval authority for the acceptance and release of all collateral to be held by the City in conjunction with City funds on deposit with authorized institutions; and

**BE IT FURTHER RESOLVED**, That the City Administrator and/or Finance Director are authorized to invest in other financial institutions, which from time to time offer to pay the City interest rates on deposits which are greater than obtained by other investments as consistent with the City's investment policy.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET  
THIS 2ND DAY OF JANUARY, 2018.**

\_\_\_\_\_  
Dave Hallback, Mayor

ATTEST:

\_\_\_\_\_  
Aaron Reeves, City Administrator



**ADMINISTRATIVE OFFICES**

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**REQUEST FOR COUNCIL ACTION**

---

To: Mayor and City Council  
From: Nancy Klassen, Finance Director *NK*  
Reviewed by: Aaron Reeves, City Administrator *AR*  
Date: December 18, 2017

---

**ITEM DESCRIPTION:** 2018 Budgeted Transfers

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**Proposed Action**

Staff recommends the Council to authorize the 2018 budgeted transfers noted below.

**Background/Overview**

The council adopted financial transfers in the 2018 Budget. Some transfers are based on project costs and will be requested to be transferred after year end. The following noted transfers are based on estimated costs.

**Policy Objectives**

Meet the Fund Balance Policy and 2018 Budget.

**Financial/Budget/Grant Considerations**

The Water In-Town Fund \$80,000, Water Lake Superior Waterline Fund \$50,000, Sewer Fund \$80,000, and Storm Water Fund \$40,000 transfer to the General Fund to reimburse City Hall and garage for indirect costs.

The City Sales Tax Capital Projects Fund transfer of \$659,350 to the City Sales Tax Bond Fund for 2018 bond principal and interest payments.

**Advisory Committee/Commission Action**

Not applicable.

**Supporting Documents Attached**

None



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**REQUEST FOR COUNCIL ACTION**

---

To: Mayor and City Council  
From: Nancy Klassen, Finance Director *NJK*  
Reviewed by: Aaron Reeves, City Administrator *AR*  
Date: December 12, 2017

---

**ITEM DESCRIPTION:** 2018 Fee Schedule

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**Proposed Action**

Staff recommends the City Council move to adopt **ORDINANCE NO. 470A, ESTABLISHING THE CITY FEES AND CHARGES FOR 2018** and further move to adopt **RESOLUTION NO. 18-03, AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE NO. 470A, AN ORDINANCE ESTABLISHING CITY FEES AND CHARGES FOR 2018.**

**Background/Overview**

The City reviews and recommends a fee schedule yearly.

**Policy Objectives**

Properly approved fees charged to customers and citizens.

**Financial/Budget/Grant Considerations**

Increase in various fees. The changes are highlighted in yellow on the fee schedule.

**Advisory Committee/Commission Action**

Not applicable.

**Supporting Documents Attached**

- Ordinance No. 470A
- Resolution No. 18-03
- 2018 Fee Schedule

**ORDINANCE NO. 470A**

**AN ORDINANCE OF THE CITY OF CLOQUET  
ESTABLISHING THE CITY FEES AND CHARGES FOR 2018**

The City Council of the City of Cloquet hereby ordains as follows:

**Section 1.**

- A. Policy and Purpose. By enactment of this Ordinance, the City Council intends to establish fees and charges required by the City Code for the year 2018 and to comply with Minnesota Statutes, §462.353, Subd. 4.
- B. Fees and Charges. The fees and charges for the City for the year 2018 are as set forth on "Exhibit A" hereto.
- C. Application. Where a direct conflict exists between the amount of a fee or charge set by any provision of the City Code and a fee or charge set by this Ordinance, the fee or charge set by the Ordinance applies.

**Section 2. Effective Date.** This Ordinance shall be effective immediately upon its passage and publication according to law.

Passed this 2nd day of January, 2018.

CITY OF CLOQUET

By \_\_\_\_\_  
Its Mayor

ATTEST:

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

Published this \_\_\_\_\_ day of \_\_\_\_\_, 2018.



**CITY OF CLOQUET  
COUNTY OF CARLTON  
STATE OF MINNESOTA**

**RESOLUTION NO. 18-03**

**A RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY  
OF ORDINANCE NO. 470A, AN ORDINANCE ESTABLISHING THE CITY  
FEES AND CHARGES FOR 2018**

**WHEREAS**, the City Council of the City of Cloquet has duly adopted **ORDINANCE NO. 470A, AN ORDINANCE ESTABLISHING THE CITY FEES AND CHARGES FOR 2018**; and

**WHEREAS**, Minnesota Statute 412.191 requires that ordinances shall be published at least once in the official newspaper; and

**WHEREAS**, the City council has determined that the cost of publishing and entire section of the Code as proposed to be adopted by the City Council would be extremely expensive given the number of pages to be published; and

**WHEREAS**, Minnesota Statutes 412.191, Subd. 4, authorizes a municipality to publish only the title and a summary of lengthy ordinances or ordinances which contain charts or maps if the City Council determines that such publications would clearly inform the public of the intent and effect of the ordinance; and

**WHEREAS**, it is the intent of the City Council to act in accordance with all local, state, and federal laws, to inform the public of change in municipal laws, and to remain responsible financially with public funds.

**NOW THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA**, hereby authorizes the publication of a summary of Ordinance No. 470A; and

**BE IT FURTHER RESOLVED**, that a copy of Ordinance No. 470A shall be available for public viewing online at [www.ci.cloquet.mn.us](http://www.ci.cloquet.mn.us), at City Hall and at the Cloquet Public Library for a period of not less than thirty (30) days from the date of publication; and

**BE IT FURTHER RESOLVED**, that the summary publicized in the official newspaper shall be in the following form:

**Summary Description**  
**NOTICE OF SUMMARY**  
**PUBLICATION OF ORDINANCES**

On January 2, 2018, at its Regular Meeting, the Cloquet City Council adopted Ordinance No. 470A, a one page ordinance that details all of the various changes to the City's various fees and charges related to licensing, miscellaneous, property, utility and services.

The specific title of the ordinance is "**AN ORDINANCE ESTABLISHING THE CITY FEES AND CHARGES FOR 2018**". The full ordinance and related exhibits are available to the public for inspection online at [www.ci.cloquet.mn.us](http://www.ci.cloquet.mn.us) or during regular office hours at the Cloquet Public Library or City Hall.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET THIS 2ND DAY OF JANUARY, 2018.**

\_\_\_\_\_  
Dave Hallback, Mayor

ATTEST:

\_\_\_\_\_  
Aaron Reeves, City Administrator

**CITY OF CLOQUET**  
**2018 FEE SCHEDULE**  
*(Exhibit "A" - Ord. #470A)*  
*Approved 1/2/18*

<b>2018 ADMINISTRATIVE FEES (approved 1/2/2018)</b>		
Animals		
Dog/Cat License - Spayed/Neutered	Two Years	\$7.00
Dog/Cat License - Un-spayed/Un-neutered	Two Years	\$12.00
Kennel License - Private Dog/Cat	One time nonrenewable Not to exceed three years	\$75.00
Impound Fees - Cats	Per Night	\$10.00
Impound Fees - Dogs	Per Night	\$15.00
Aerial Photo		\$5.00
Annual, CAFR, CIP Reports		\$15.00
Assessment Administrative Fee		\$10.00
Assessment Search		\$35.00
Blueprint Copy		\$5.00
Budget Book		\$35.00
Certification Fee - Unpaid Bills		\$35.00
City Code Book		\$50.00
Cobra Insurance Fees		2.00%
Comprehensive Plan		\$15.00
Copies - Black & White	Per Page	\$0.25
Copies - Color	Per Page	\$1.00
Election Candidate Filing		\$5.00
Late Payment Fee on Invoices		1.50%
Map - City of Cloquet - Color		\$10.00
Map - City of Cloquet - Black & White		\$3.00
Map - Topographical	Per Acre	\$5.00
Notary	Per Document	\$1.00
Returned Check		\$35.00

**2018 BUSINESS LICENSES FEES (Approved 1/2/2018)**

Bowling Alley Business License	Annual Fee	\$75.00
Dance License - Public	Single Dance	\$10.00
Dance License - Public	Yearly Dance	\$50.00
Game Rooms/Arcades/Poolhalls	Annual Fee	\$15.00
Amusement Devices	Annual Fee per Machine	\$15.00
Location/Operator License	Annual Fee	\$15.00
Pawnbroker License	Annual Fee	\$300.00
Pawnbroker Investigation Fee (New License or license that is more than 6 months past due)		In State - \$500.00 Out of State - actual costs not to exceed \$2,500.00
Pawnbroker - Investigation Fee (New or change in Manager)		In State - \$100.00 Out of State - actual costs not to exceed \$2,500.00
Pawnbroker Transaction Fee	Per Transaction	\$0.90
Sexually Oriented Business License	Annual Fee	\$500.00
Sexually Oriented Business Investigation Fee		\$500.00
Solid Waste and Recycling Collector's License	Annual Fee - Per Vehicle	\$100.00
Taxicab Business License	Annual Fee	\$25.00
Taxicab License	Annual Fee - Per Vehicle	\$10.00
Taxicab Vehicle Transfer Fee	Per Vehicle	\$10.00
Therapeutic Massage Business License	Annual Fee	\$50.00
Therapeutic Massage Therapist License	Annual Fee	\$50.00
Therapeutic Massage Investigation Fee		\$100.00
Therapeutic Massage License Location Transfer Fee (Business and Therapist)		\$10.00
Tobacco/Cigarette License	Annual Fee - Pro rata	\$150.00
Transient Merchant/Peddler License	1-3 Day Operator Fee Daily Fee	\$50.00 plus \$5.00 per employee over 2
Transient Merchant/Peddler License	4-30 Day Operator Fee Max. 30 days	\$200.00 plus \$5.00 per employee over 2
Transient Merchant/Peddler License	Annual Fee	\$200.00
Transient Merchant-Farmers Market License	Annual Fee	Exempt
Transient Merchant/Peddler Investigation Fee		\$50.00
Transient Merchant-Farmers Market Investigation Fee		Exempt

**2018 LIQUOR LICENSES FEES (Approved 1/2/2018)**

On Sale Intoxicating Liquor	Annual Fee - Pro Rata	\$2,500.00
On Sale Intoxicating Liquor - Club	Annual Fee - Pro Rata	\$200.00
On Sale Sunday Liquor	Annual Fee	\$200.00
On Sale Wine	Annual Fee - Pro Rata	\$150.00
On Sale 3.2% Malt Liquor	Annual Fee - Pro Rata	\$125.00
Off Sale 3.2% Malt Liquor	Annual Fee - Pro Rata	\$25.00
Off Sale Intoxicating Liquor	Annual Fee - Pro Rata	\$560.00
MN Stat. 340A.408 Subd. 3(c): Off Sale Intoxicating Liquor license fee shall be reduced by \$100 if specific conditions are met		
Micro-Distillery	Annual Fee - Pro Rata	\$300.00
Caterer's Permit	Annual Fee - Pro Rata	\$100.00
Brew Pub	Annual Fee - Pro Rata	\$300.00
Brewer Taproom	Annual Fee - Pro Rata	\$300.00
Temporary On Sale Liquor	Per Day	\$50.00
Temporary On Sale 3.2% Malt Liquor	Per Day	\$50.00
Liquor License Background Investigation		\$100.00
Police Officer Fee for Special Events	Per Hour / Per Officer Minimum 2 police officers on location of event.  Minimum 1 hr. extra to secure event closing.	\$60.00

**OFFICE USE ONLY:**

**MN Stat. 340A.408 Subd. 3a** - No City shall increase the fee for a liquor license except after notice and hearing on the proposed increase. Notice of the proposed increase must be mailed to all affected licensees at least 30 days before the date set for the hearing.

**2018 COMMUNITY DEVELOPMENT FEES (Approved 1/2/2018)**

Administrative Adjustment (Lot Split)		\$100.00
Appeal		\$300.00
Awning Permit		\$25.00
Building Inspection (After Hours)		\$100.00
Capacity Availability Fee	Per Residential Unit	\$940.00
Comp Plan Amendment		\$300.00
Conditional Use Permit		\$400.00
Demolition Permit - Accessory Structure		\$25.00*
Demolition Permit- Residential Building		\$50.00*
Demolition Permit - Commercial Building		\$100.00*
Fence Permit		\$25.00
Grading Permit	Per Excavation	\$ 25.00 plus \$1.00 per 1000 sq. ft. of lot area of graded area
Gravel Mining Renewal/Borrow Pit		\$300.00
House Moving Permit		\$300.00
Planned Unit Development		\$400.00
Plumbing Permit Fees	Basic Fee	\$25.00
	Plus per Fixture Fee and/or	\$10.00
	Water Heater Fee	\$10.00
Property Rezoning		\$400.00
Residential Reroof		\$100.00*
Residential Reside		\$100.00*
Sign Permit	Per Sq. Ft.	\$1.00 \$10.00 minimum
Site Locate Permit		\$25.00
Site Plan Review (Design Standards)		\$300.00
Preliminary Plat		\$400.00
Final Plat		\$300.00
New Subdivision Review Deposit		\$1,500 plus actual cost for engineer, attorney, and misc.
Street or Utility Easement Vacation		\$350.00
Variance		\$350.00
Wetland Certificate of Compliance		\$100.00
Wetland Certificate of Exemption		\$100.00
Wetland Certificate of No Loss		\$100.00
Wetland Mitigation Permit		\$ 350.00 plus \$5.00 per acre
Zoning Amendment, Text		\$300.00
Zoning Ordinance Copy		\$ 40.00 plus postage

\*plus State Surcharge

**2018 PLANNING AND ZONING - Building Permit Fees (Approved 1/2/2018)**

<u>Total Valuation</u>	<u>City Fee</u>
\$1.00 to \$500.00	\$23.00
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$893.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof.

**State Surcharge:** .05% x Total Valuation for values \$1,000,000 and less. For total values over \$1,000,000 the surcharge shall be in accordance with MN Statute 16B.70, Subdivision 1, Subparts (2) through (6).

Plan Checking Fees, if required, shall be assessed at 65% of the City Building Permit Fee  
New Homes  
Commercial

Plan Check Fees for Garages and Decks \$40.00

**City of Cloquet**  
**2018 Building Permit Fees**  
**(Approved 1/2/2018)**

<u>Value of Work</u>	<u>City Charge</u>	<u>State Surcharge</u> 0.5% of exact value	<u>Total Fee</u>
1 - 500	23.00	0.25 (500)	\$ 23.25
501 - 600	26.55	0.30 (600)	\$ 26.85
601 - 700	29.60	0.35 (700)	\$ 29.95
701 - 800	32.65	0.40 (800)	\$ 33.05
801 - 900	35.70	0.45 (900)	\$ 36.15
901 - 1,000	38.75	0.50 (1,000)	\$ 39.25
1,001 - 1,100	41.80	0.55 (1,100)	\$ 42.35
1,101 - 1,200	44.85	0.60 (1,200)	\$ 45.45
1,201 - 1,300	47.90	0.65 (1,300)	\$ 48.55
1,301 - 1,400	50.95	0.70 (1,400)	\$ 51.65
1,401 - 1,500	54.00	0.75 (1,500)	\$ 54.75
1,501 - 1,600	57.05	0.80 (1,600)	\$ 57.85
1,601 - 1,700	60.10	0.85 (1,700)	\$ 60.95
1,701 - 1,800	63.15	0.90 (1,800)	\$ 64.05
1,801 - 1,900	66.20	0.95 (1,900)	\$ 67.15
1,901 - 2,000	69.25	1.00 (2,000)	\$ 70.25
2,001 - 3,000	83.25	1.50 (3,000)	\$ 84.75
3,001 - 4,000	97.25	2.00 (4,000)	\$ 99.25
4,001 - 5,000	111.25	2.50 (5,000)	\$ 113.75
5,001 - 6,000	125.25	3.00 (6,000)	\$ 128.25
6,001 - 7,000	139.25	3.50 (7,000)	\$ 142.75
7,001 - 8,000	153.25	4.00 (8,000)	\$ 157.25
8,001 - 9,000	167.25	4.50 (9,000)	\$ 171.75
9,001 - 10,000	181.25	5.00 (10,000)	\$ 186.25
10,001 - 11,000	195.25	5.50 (11,000)	\$ 200.75
11,001 - 12,000	209.25	6.00 (12,000)	\$ 215.25
12,001 - 13,000	223.25	6.50 (13,000)	\$ 229.75
13,001 - 14,000	237.25	7.00 (14,000)	\$ 244.25
14,001 - 15,000	251.25	7.50 (15,000)	\$ 258.75
15,001 - 16,000	265.25	8.00 (16,000)	\$ 273.25
16,001 - 17,000	279.25	8.50 (17,000)	\$ 287.75
17,001 - 18,000	293.25	9.00 (18,000)	\$ 302.25
18,001 - 19,000	307.25	9.50 (19,000)	\$ 316.75
19,001 - 20,000	321.25	10.00 (20,000)	\$ 331.25
20,001 - 21,000	335.25	10.50 (21,000)	\$ 345.75
21,001 - 22,000	349.25	11.00 (22,000)	\$ 360.25
22,001 - 23,000	363.25	11.50 (23,000)	\$ 374.75
23,001 - 24,000	377.25	12.00 (24,000)	\$ 389.25
24,001 - 25,000	391.25	12.50 (25,000)	\$ 403.75
25,001 - and over:	See complete fee schedule		

**2018 PLANNING AND ZONING - Mechanical Permit Fees (Approved 1/2/2018)**

**NOTE: This is a Fixed Fee based permit schedule. Applies to new and/or replacement appliances/systems.**

Basic Permit Fee \$25.00

**Unit Fee Schedule**

**(Applies to new and/or replacement appliances/systems)**

Per Furnace, Boiler, Compressor and/or Absorption Unit up to and including 100,000 Btu/h (29.3W) or 3 horsepower (10.6kW), including associated ducts and vents attached thereto. \$15.00

Per Furnace, Boiler, Compressor and/or Absorption Unit over 100,000 Btu/h (29.3W) or 3 horsepower (10.6kW), including associated ducts and vents attached thereto. \$25.00

Per Air Handler and/or Heat Exchanger up to and including 10,000 cubic feet per minute (cfm) (4719Us), including ducts attached thereto. \$15.00

Per Air Handler and/or Heat Exchanger over 10,000 cubic feet per minute (cfm) (4719Us), including ducts attached thereto. \$25.00

Per Evaporative Cooler/Central Air Conditioner, including attached ducts and vents. \$15.00

Per Incinerator, domestic-type or commercial/industrial, including attached ducts and vents. \$20.00

Miscellaneous. For each appliance or piece of equipment regulated by the Mechanical Code but not classified in other appliance categories, or for which no other fee is listed in the table. (i.e. water heaters) \$15.00

The total fee for a Mechanical Permit shall include the sum of the Basic Permit Fee plus the Unit Fee or Fees.



**2018 PUBLIC WORKS-EQUIPMENT RENTAL (Approved 1/2/2018)**

<u>Equipment</u>	<u>Hourly Equipment Rate</u>	<u>Hourly Labor Rates Per Person</u>		
		<u>Regular Time</u>	<u>Overtime @ 1-1/2</u>	<u>Overtime @ Double Time</u>
Grader	\$ 100.00	\$ 35.00	\$ 48.00	\$ 90.00
Loader	\$ 100.00	\$ 35.00	\$ 48.00	\$ 90.00
Dozer	\$ 80.00	\$ 35.00	\$ 48.00	\$ 90.00
Backhoe	\$ 80.00	\$ 35.00	\$ 48.00	\$ 90.00
Backhoe w/Breaker	\$ 130.00	\$ 35.00	\$ 48.00	\$ 90.00
Skidsteer Loader	\$ 70.00	\$ 33.00	\$ 46.00	\$ 85.00
SnoGo	\$ 120.00	\$ 35.00	\$ 48.00	\$ 90.00
Sweeper	\$ 100.00	\$ 35.00	\$ 48.00	\$ 90.00
Vibratory Roller	\$ 70.00	\$ 33.00	\$ 46.00	\$ 85.00
Trac Excavator	\$ 150.00	\$ 35.00	\$ 48.00	\$ 90.00
Equip Trailer Mobilization	\$ 100.00			
Dump Truck	\$ 75.00	\$ 33.00	\$ 46.00	\$ 85.00
Sander	\$ 80.00	\$ 33.00	\$ 46.00	\$ 85.00
Bucket Truck	\$ 80.00	\$ 33.00	\$ 46.00	\$ 85.00
Pickup/Utility Truck	\$ 50.00	\$ 33.00	\$ 46.00	\$ 85.00
Sewer Vactor Jet Rodder	\$ 150.00	\$ 33.00	\$ 46.00	\$ 85.00
Sewer Rodder	\$ 70.00	\$ 33.00	\$ 46.00	\$ 85.00
Steamer w/Truck	\$ 90.00	\$ 33.00	\$ 46.00	\$ 85.00
Air Compressor	\$ 50.00	\$ 33.00	\$ 46.00	\$ 85.00
Cement Mixer	\$ 30.00	\$ 33.00	\$ 46.00	\$ 85.00
Chain Saw	\$ 20.00	\$ 33.00	\$ 46.00	\$ 85.00
Cutoff Saw	\$ 30.00 plus blades	\$ 33.00	\$ 46.00	\$ 85.00
Generator	\$ 50.00	\$ 33.00	\$ 46.00	\$ 85.00
Jack Hammer	\$ 30.00	\$ 33.00	\$ 46.00	\$ 85.00
Tamper	\$ 30.00	\$ 33.00	\$ 46.00	\$ 85.00
Water Pump	\$ 30.00	\$ 33.00	\$ 46.00	\$ 85.00
Water Tapping Machine	\$ 50.00	\$ 33.00	\$ 46.00	\$ 85.00

Labor charges will include any necessary preparation and transportation time.  
 Time charged for equipment will include transportation time to and from job site.  
 Time charged for other equipment will be actual time that equipment is checked out.  
 Damaged or broken equipment other than normal wear will be charged to the renter.  
 Special services and supervisor costs may be charged at actual wage and benefit amounts.  
 Miscellaneous parts and supplies will be billed at cost plus 20% mark-up.

**2018 PUBLIC WORKS-UTILITIES (Approved 1/2/2018)**

<b>Water Rates</b>		
Residential & Commercial - Inside Rate	Per 1,000 gallons/plus fixed rate	\$2.00
	Irrigation	\$2.50
Residential single metered - conservation	Over 6,000 gallons	\$2.50
Residential & Commercial - Outside Rate	Per 1,000 gallons/plus fixed rate	\$3.00
	Irrigation	\$3.50
Residential single metered - conservation	Over 6,000 gallons	\$3.50
Automatic meter reading device required (failure to comply)	Monthly charge first 6 months Thereafter	\$25.00 \$50.00
<b>Sewer Rates</b>		
Residential & Commercial	Per 1,000 gallons/plus fixed rate	\$4.75
<b>Storm Water Rates</b>	Per REF	\$4.00
Utility Billing - late penalties		5%
Water Meter - New		Schedule on file in Public Works Dept.
Water Service Tap		Schedule on file in Public Works Dept.
Turn Water On		\$35.00
Turn Water Off		\$35.00
Turn Water On or Off - After Hours		\$175.00
Delinquent Accounts - Water Restoration		payment of delinquent bills and on/off fee of \$70.00
<b>Sewer Connection Charge (if not assessed)</b>		
Single Family Residential		\$2,000.00
Commercial or Multiple Family		\$4,000.00
Sewer Tapping Saddle		\$105.00
<b>Water Connection Charge (if not assessed)</b>		
Single Family Residential		\$1,500.00
Commercial or Multiple Family	1 to 1 1/2 inch	\$3,000.00
Commercial or Multiple Family	2 inch	\$4,000.00
Commercial or Multiple Family	3 & 4 inch	TBD Upon Request
Fire Supply Line Connection Fee	4" - 8"	\$2,000.00
Contractor Water Usage Fee	Base Charge plus	\$10.00
	Usage per 1,000 gallons	\$3.00
Hydrant Use Permit	Each	\$25.00
3/4" Meter Rental	Per Day	\$5.00
3/4" Meter Rental	Per Month	\$45.00
Meter Damage Deposit		\$150.00
3" Meter Rental	Per Day	\$10.00
3" Meter Rental	Per Month	\$150.00
Meter Damage Deposit		\$1,000.00
Late Meter Return Fee		\$50.00
Water Use	Per 1,000 gallons/\$10minimum	\$3.00
<b>Sewer Dump Station Permits</b>		
Annual Fee		\$20.00
Septic Tank Dump Fee	Per 1,000 gallons	\$43.00
Late Report Fee		\$10.00
Holding Tank or Contaminated Groundwater	Per 1,000 gallons	\$13.00
Grease Trap Dump Fee	Per 1,000 gallons	\$79.00
Right-of-Way Excavation Permit	Each	\$25.00
Right-of-Way Utility Franchise Permit	Annual Fee	\$200.00
Right-of-Way Occupation Permit	One Time	\$75.00

**2018 POLICE SERVICES (Approved 1/2/2018)**

Police Accident Report		\$10.00
Police Case File (Attorney)	Per Page	\$1.00
False Alarms		
1-3 False Alarms		\$0.00
4-6 False Alarms		\$50.00
7 or more False Alarms		\$150.00
Block Parties		\$0.00

**2018 PARK SERVICES (Approved 1/2/2018)**

<b>Park Facilities</b>		
Resident (Private)		\$25.00
Non-Resident (Private)		\$50.00
<b>Cloquet Businesses or weddings</b>		
Up to 100 people	Per Day	\$50.00
101 to 200 people	Per Day	\$75.00
Over 200 (300 max.)	Per Day	\$100.00
<b>Non-Cloquet Businesses or weddings</b>		
Up to 100 people	Per Day	\$100.00
101 to 200 people	Per Day	\$150.00
Over 201 to 300	Per Day	\$200.00
Major Use with over 300 people	Per Day	\$400.00
<b>Athletic Complex</b>		
For Hilltop, Athletic and Pinehurst Parks	Per Day	\$100.00
Plus Gate Fees or Team Fees	Payable after event \$0 - \$3,500	10%
Braun Park has a City agreement covering tournaments		
*Park fees include available power, use of facilities on site, and garbage collection. Major use includes up to two additional portable toilets, one additional dumpster, barricades and street use with approval from the City. Additional toilets or dumpsters may increase your rental charge. City police will be notified of the event but will not provide security.		
<b>Pond Fees</b>		
Single Season Pass		\$44.00
Family Season Pass		\$89.00
Daycare Season Pass		\$134.00
Single Admission	Per Day	\$3.50
Group Rate (10 or more)	Per Day	\$3.00
Season passes (purchased before May 20th)		\$10.00 off regular price
Private Rentals	Per Hour	\$165.00
Birthday Parties		\$25.00
Punch Card (10 swim)		\$30.00
<b>Campground Fees</b>		
Monthly		\$500.00
Monthly (Sites with sewer hookup)		\$550.00
Per Night		\$25.00
Tents - Per Night		\$15.00
Dump Station (non-registered)		\$5.00
Firewood (campground use only)	Per bundle	\$4.00
Shower (non-registered)	Per person / per use	\$2.00
Tubing Hill	Per person / per day	\$6.00
Park Dedication Fee		10% of land or cash in lieu of

**2018 CAT-7 (Approved 1/2/2018)**

Duplicaton of Video's and other materials		\$10.00
Conversion of material from VHS to disk		\$15.00 flat fee plus \$10.00/hr.




**ADMINISTRATIVE OFFICES**

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Phone: 218-879-3347 • Fax: 218-879-6555  
email: admin@ci.cloquet.mn.us  
www.ci.cloquet.mn.us

**REQUEST FOR COUNCIL ACTION**

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To: Mayor and City Council  
From: Aaron Reeves, City Administrator   
Date: December 28, 2017

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**ITEM DESCRIPTION:** 2018 City Council Meeting Calendar

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**Proposed Action**

Staff recommends the City Council move to adopt the 2018 City Council meeting calendar.

**Background/Overview**

Each year there are a number of housekeeping items that are considered by the City Council at its first meeting of the year. The Council is asked to review its 2018 meeting schedule and consider any changes or adjustments.

Currently, there are two meeting conflicts that staff is aware of. National Night out is scheduled for August 7<sup>th</sup> and Election Day is November 6<sup>th</sup>. Staff recommends these 2 meetings take place on Wednesday, August 8<sup>th</sup> and Wednesday, November 7<sup>th</sup>.

**Policy Objectives**

Section 3.1.01, Subd. 1 of the City Code states that the Council shall meet on the 1st and 3rd Tuesday of each month unless that day is a legal holiday in which case no meetings shall be held. The Standing Rules of the Council also address the Regular Meeting schedule. Minnesota Statutes also prohibits meetings between 6:00 p.m. and 8:00 p.m. on the day of State Precinct Caucus.

**Financial/Budget/Grant Considerations**

None.

**Advisory Committee/Commission Action**

None.

**Supporting Documentation**

- 2018 meeting calendar

# 2018

JANUARY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

MARCH						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

APRIL						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

MAY						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

JUNE						
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					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

JULY						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

AUGUST						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SEPTEMBER						
S	M	T	W	T	F	S
						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

OCTOBER						
S	M	T	W	T	F	S
	1	2	3	4	5	6
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

NOVEMBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

DECEMBER						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					



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**REQUEST FOR COUNCIL ACTION**

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To: Mayor and City Council  
From: Aaron Reeves, City Administrator *AR*  
Date: January 2, 2018

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**ITEM DESCRIPTION:** Official Newspaper

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**Proposed Action**

Staff recommends that the City Council move to appoint the Cloquet Pine Journal as the City's official newspaper for 2018.

**Background/Overview**

In December of each year, the City solicits proposals from the community to be considered as the City's official newspaper. The City has received one proposal, from the Cloquet Pine Journal, to serve as the City's official newspaper in 2018.

**Policy Objectives**

Minnesota Statutes require that annually, at its first meeting of the year, a City designate a legal newspaper of general circulation in the City as its official newspaper. The City must publish the following items in its official newspaper:

- Ordinances (summary)
- Annual Financial Reports
- Council Proceedings
- Notices of Election
- Budget Summary

**Financial/Budget/Grant Considerations**

In 2017, the rate was \$10.00 per column inch. The proposed rate is \$11.00 per column inch. The adopted 2018 budget includes a line item to cover costs associated with the publication of the items listed above.

**Advisory Committee/Commission Action**

None.

**Supporting Documentation Attached**

- Cloquet Pine Journal Bid Proposal



# PINE JOURNAL

Carlton County's Newspaper

122 Avenue C  
Cloquet, MN 55720

Web site: [www.pinejournal.com](http://www.pinejournal.com)  
E-mail: [news@pinejournal.com](mailto:news@pinejournal.com)

Phone 218-879-1950  
Fax 218-879-2078

December 28, 2017

City of Cloquet  
City Administrator  
1307 Cloquet Ave.  
Cloquet, MN 55720

The Pine Journal, a local newspaper published once a week on Thursdays in Cloquet, Carlton County, Minnesota, hereby respectfully submits bids for printing all 2018 official city business for the City of Cloquet. The Pine Journal meets the State of Minnesota's requirements of a legal newspaper. Currently, our open legal rate for 2017-2018 is \$16.32 per column inch, but our bid for all City of Cloquet legal business is \$11 per column inch. The Minnesota Newspaper Index for the proposed rate is .7432. Our Statement of Ownership from October 2017 shows the paper had, on average, 2810 subscribers and newsstand sales, and 409 office copies and newsstand returns per week at the time, for a total distribution of 3318.. We look forward to being able to serve the City of Cloquet.

2018 Minnesota Newspaper Association Index Number = .7432

Minnesota Newspaper Association (MNA) Index Formula

$$\frac{9.25}{\text{Line Length (Picas)}} \times \frac{12}{\text{12 (Points/Pica)}} = \frac{111}{\text{Line Length in Points}}$$

$$\frac{12}{\text{Lines per inch}} \times \frac{111}{\text{Line Length in Points}} = \frac{1332}{\text{Points per inch}}$$

$$\frac{1332}{\text{Points per inch}} \div \frac{90}{\text{Length of lower case Alphabet in Points}} = \frac{14.8}{\text{No. of Pica's per inch}}$$

$$\frac{11}{\text{Cost per inch}} \div \frac{14.8}{\text{No. of Pica's per inch}} = \frac{.7432}{\text{Cost per Pica (Index No.)}}$$

Sincerely,



Eric Olson  
Advertising Operations Manager  
218-720-4101  
[eolson@duluthnews.com](mailto:eolson@duluthnews.com)



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**REQUEST FOR COUNCIL ACTION**

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To: Mayor and City Council  
From: Aaron Reeves, City Administrator *AR*  
Date: December 27, 2017

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**ITEM DESCRIPTION:** Standing Rules of the Council

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**Proposed Action**

Staff recommends that the City Council move to approve the Standing Rules of the City Council as last amended on 11/03/15.

**Background/Overview**

Each year there are a number of housekeeping items that are considered by the City Council at its first meeting of the year. The Council is asked to consider the approval of the Standing Rules of the Council.

The Standing Rules details the process and procedures used by the City Council to govern its Council meetings. The current Rules were last revised in November 2015. Staff has no recommended changes at this time.

**Policy Objectives**

The City is not required to have on file detailed Standing Rules. Typically, these rules are part of City Code, Minnesota Statute or Roberts Rules of Order. Under Rule 10, if the City Council was to consider changes to the Rules, such changes could not be adopted until the next meeting of the City Council.

**Financial/Budget/Grant Considerations**

None.

**Advisory Committee/Commission Action**

None.

**Supporting Documentation**

- Standing Rules of the City Council

# CITY OF CLOQUET STANDING RULES FOR CONDUCTING CITY COUNCIL MEETINGS

## **INTRODUCTION**

In the belief that the best decisions are made by the best informed decision makers and that public decisions are best served when the public has every opportunity to present views, the following rules are established to govern Regular and Special Council meetings as well as formal public hearings. There are several goals behind these rules.

- In general, free and open discussion by all interested parties should be an essential part of the decision making process.
- The Council process should have as little procedural overhead as possible.
- Time is better spent on substantial matters rather than Performa matters.

## **RULE 1. MEMBERSHIP**

The formal Council membership consists of six Council members and the Mayor. All seven have one vote each and all seven can introduce motions.

## **RULE 2. PRESIDING OFFICER**

The Mayor shall preside at all meetings of the Council, and in case of the non-attendance of the Mayor at any meeting, the Acting Mayor of the Council shall preside and be considered the Chairperson at the meeting. In the case that both the Mayor and Acting Mayor of the Council should be absent, the Council shall appoint a Chairperson from the members present.

The presiding officer is entitled to participate in the discussion and debate, and is entitled to vote on all business before the Council. Because the presiding officer conducts the meeting, it is common courtesy for the Chairperson to take a less active role than other members of the Council in debates and discussions. This practice in no way precludes the presiding officer from participating in the meeting fully and freely.

## **RULE 3. QUORUM**

At all meetings of the Council a quorum is required to do official business. A quorum of the Council shall consist of four (4) members.

## **RULE 4. REGULAR MEETING**

The Regular City Council meeting shall be held at 7:00 p.m. on the first and third Tuesday of each month, unless that day is a legal holiday, in which case no meeting shall be held.

- **Roll Call and Order of Business**

At the hour appointed for the meeting, the members shall be called to order by the Mayor, or in his/her absence by the Acting Mayor, or in the absence of the Mayor and Acting Mayor of the Council, by the City Administrator/Clerk, who shall proceed to call the roll, note the absentees and announce whether a quorum be present. Upon the appearance of a quorum, the Council shall then proceed to the business before them, which shall be conducted in the order following:

1. Roll Call
2. Pledge of Allegiance
3. Approval of Agenda
4. Approval of Minutes
5. Consent Calendar

6. Public Hearings
7. Presentations
8. Council Business
9. Public Comments
10. Council Comments, Announcements and Updates
11. Adjournment

Communication from the Mayor may be presented at any time, except when other business is under consideration.

The Mayor may at any time permit a member to introduce an Ordinance, Motion or Resolution, out of the regular order for the same, provided two-thirds of the members present shall concur.

- **Agenda**

To be considered, an item must be on the agenda and the agenda must be distributed to all the Council members and any other persons having responsibility for an item at least three working days prior to the meeting. An agenda can be modified or amended with addendum by a majority vote but this should be used only for minor items or items with extreme time constraints.

An item can be moved from the consent agenda to the action agenda at the request of the Mayor or Council member.

With there being a cable TV and in-person audience who are not as familiar with each item, the Mayor and/or City Staff will give a brief explanation of each item as it is addressed.

The order of items on the agenda need not be followed absolutely. The Mayor may adjust the order in the interest of:

- Fill in time before a scheduled item, i.e. a public hearing
- Grouping several items to best make use of consultant time
- Accommodating individuals who have attended the meeting specifically to provide input on an item

- **Process for Regular and Special Council Meetings**

For these proceedings the Council will use the "open discussion" procedure. That is, discussion is open to any member before or after a motion is made. The privilege is also extended to the City Administrator, Department Heads and any of the consultants who may have an interest in or can contribute to the item at hand.

The standard motion procedure is that each motion requires a second. This also applies to amendments. Any motion, by any member, shall be reduced to writing upon request of any member. No motion shall be put to a vote until it has been stated by the recorder at the request of any member of the Council.

To eliminate confusion, only one amendment will be considered at a time and that amendment must be germane to the motion. An amendment cannot itself be amended. If a change to an amendment is deemed appropriate, the amendment should be withdrawn and reintroduced accordingly.

The general mode of voting will be by acclamation but with enough clarity that individual votes can be recorded in the minutes. If in doubt, the recording secretary can request clarification. Each individual's vote will be entered in the minutes.

Any member may abstain from voting or disqualify himself/herself. The reason for disqualification or abstention must be stated by the member and entered into the minutes. If a member disqualifies himself/herself, he/she may leave the room while the issue is being considered.

Roberts Rules of Order (revised) shall govern the City Council procedures not covered by the Standing Rules of the City Council.

The meeting will be videotaped and the tape will be retained for three (3) months following approval of the minutes of the meeting. The standard retention can be extended if in the judgment of the Mayor, City Administrator/Clerk or any other Council member, such action is warranted.

If the Council action is the result of a resident request and that request is denied in whole or in part, reasons of the fact supporting the denial will be made part of the public record.

Proper notices in writing of special sessions of the Council, called by the Mayor or any two members of the Council, shall be served upon the members of the Council. A copy of the notice thus served shall be entered upon the journal of the Council, said notice shall state the objects for which such meeting is called, and the action of such be confined to the objects stated.

- **Process Public Hearing**

Since a public hearing is a more formal procedure and often requires certain procedures and actions to be legal, the meeting rules are changed accordingly.

The primary aim of a public hearing is to take input from the public. To accomplish this in the most effective manner, the Mayor will introduce the hearing with an explanation of the issues. The Mayor, or a person designated by the Mayor, will give this explanation. The use of explanatory visual aids is encouraged.

Following the explanation, the Mayor will open discussion for clarifying questions from the Council and then proceed to open discussion to receive input from the public. Prior to accepting public input, the Mayor will state the areas where input will be appropriate, the maximum time to be allotted to any individual presenter, and any other procedural rules deemed appropriate to guarantee that all concerned parties have a fair and adequate opportunity to be heard.

All individuals wishing to speak must provide their name and address and speak into a recording microphone. Individuals not wishing to speak in public may provide a written statement. If the Council decides not to act on the issue at the public hearing meeting, it may, by majority, vote to extend the time where written input will be taken to a day not later than one week before the next meeting where a deciding vote is planned.

All speakers are expected to be business like, to the point and courteous. Anyone not abiding by these rules will be considered to be out of order.

The Council will refrain from initiating a discussion during the public input phase of the hearing except to clarify points brought up.

Once the public testimony phase is complete, the Mayor will announce the public hearing to be closed and the Council will revert back to its open discussion mode of operation. From this point on, public input will only be appropriate when solicited by the Council.

It shall be the intent of the Council to vote on the issue at the same meeting as the public hearing and as close in time to the public hearing as possible. Should it be necessary to defer voting until a later date, the procedure will be clearly explained to the audience.

If the motion contains conditions, as may occur in certain planning cases such as a permit request, those conditions will be conveyed in writing to the requestor.

If the public hearing is the result of a resident request and that request is denied in whole or in part, reasons of fact supporting the denial will be made part of the public record.

- **Work Session Meetings**

The Council may call and hold Work Sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. Council Work Sessions will be called from time to time, as the Mayor and Council deem necessary. The following rules shall prevail for the call and conduct of Work Session meetings:

- **Presiding Officer** - The Mayor, or Acting Mayor in his/her absence, acts as the presiding officer of all Work Session meetings. However, the process is to be considered much less formal than a Regular Meeting.
- **Agenda** - Only a limited number of matters shall be considered by the Council during a Work Session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all Work Session agendas.
- **Documents and Exhibits to be Presented** - When possible, staff shall make available to the Council all documents, exhibits, maps, specifications or other similar documents prior to the meeting. However, due to the nature of many items it is understood that materials will frequently be presented at the meeting itself.
- **Technical Questions/Discussion** - All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a Work Session. The appropriate Staff with the expertise to answer such questions shall be present at the meeting to assist the Council with any questions it may have. In addition to questions, the Council is asked to participate in the discussions such that an item can be fully vetted and to provide staff with enough clarity as to issues that may need further research and investigation prior to the item coming before the Council at a Regular Meeting.
- **Prohibitions Against Formal Actions** - No formal actions may be taken at a Work Session. Council may provide Staff direction on the matter being considered and ask that the item be placed on a future Regular or Special Meeting agenda for formal action.
- **Audience Comments or Questions** - Audience comments or questions will not be considered at a Work Session.

## **RULE 5. PARLIMENTARY PROCEDURE**

- **Priority of Business**  
All questions relating to the priority of business shall be decided without debate.
- **Duties and Privileges of the Mayor**  
The Mayor shall preserve order and decorum and shall decide questions of order, subject however, to an appeal to the Council.

- **Rule of Order**  
While the Mayor is putting the question, no member shall walk across or out of the Council Room.
- **Members Must Address the Presiding Officer**  
Every member, previous to speaking, shall address the Mayor and say "Mayor \_\_\_\_\_", but shall not proceed with remarks until recognized and named by the Chair.
- **Duties and Privileges of Members**  
No member shall speak except from his or her own desk, nor more than twice on the same general question, nor longer than five minutes at one time without leave of two-thirds of the members of the Council, and no member shall be allowed to speak more than once in any case until every member choosing to speak shall have spoken, and no member shall be permitted to leave the room while the Council is in session, except by permission of the Presiding Officer, and any member who shall leave the room while the Council is in session, without permission being granted, and any member leaving without first obtaining said permission, shall be deemed guilty of contempt, and may be dealt with for such contempt as provided for in Rule 16.
- **Private Discussion Restricted, When**  
While a member is speaking, no member shall entertain private discourse.
- **Member to Be Called To Order When**  
A member called to order shall immediately suspend remarks unless permitted to explain. If there is no appeal, the decision of the Chair shall be deemed conclusive; but if the member appeals to the Council from the decision of the Chair, the Council shall decide without debate.
- **Motions Reduced to Writing**  
Motions upon subject under consideration shall have precedence in the following order:
  1. To lie on the table
  2. To postpone
  3. To commit
  4. To amend
- **Reconsideration**  
Any member who voted with the prevailing side may move a reconsideration of any action of the Council provided that the motion be made not later than the next Regular Meeting after such action was taken. A motion to reconsider shall be in order at any time except when motion on some other question is pending. A motion to reconsider being laid upon the table may be taken up and acted upon at any time when the Council is engaged in transacting miscellaneous business. No motion to reconsider shall be made more than once on any matter or subject and the same number of votes shall be required to reconsider any action of the Council as is required to pass or adopt the same.
- **Motions Reduced to Writing**  
All Motions or Resolutions shall be reduced to writing, if required by the Mayor or a member, and when seconded and stated by the Mayor shall be open for consideration, and no motion or resolution can be withdrawn after it shall have been amended or so decided.
- **Adjournment**  
A motion to adjourn shall be in order at any time, shall have precedence over all other motions and shall be decided without debate excepting only that any member of the

Council shall before such motion is put be entitled to state what business he or she or any committee of which he or she is a member desires to have considered.

- **Voting Ayes and Nays, Members Excused, When**  
Every member present shall vote on any question on the calling of the Ayes and Nays unless excused by the unanimous consent of the Council; and any member not being excused who refuses to vote upon any question when the Ayes and Nays are being taken, shall be deemed guilty of contempt of the Council and may for such contempt be censured by a majority vote of the Council or may be expelled by a vote of two-thirds of all the members. If a member of the Council has a conflict of interest with the questions, such member may abstain from voting providing the reason for the conflict of interest is stated.
- **Division of Question**  
If the question in debate contains several distinct propositions, any member may have the same divided.
- **When Amendment And Debate Not in Order**  
A motion for a previous question, to lay the previous question on the table, or to commit until it is decided, shall preclude all amendment and debate on the main questions, and a motion to postpone a question indefinitely, or to adjourn it to a certain day, shall until it is decided, preclude all amendments to the first question.
- **Previous Question**  
The previous question shall be as follows: "Shall the main question now be put."

#### **RULE 6. SPECIAL COMMITTEES**

All committees shall be appointed by the Council. Special committees shall in all cases report in writing and shall address such reports to the City Council of the City of Cloquet.

#### **RULE 7. APPROPRIATION OF CITY FUNDS**

The appropriation of City Funds for regular operations, planned budgeted expenditures, or those items authorized by a majority vote of the City Council shall be approved at each meeting as recommended by City Staff.

#### **RULE 8. JOURNAL/MINUTES**

The Council shall keep a journal/minutes of its proceedings, which shall be open at all times for inspection, shall make and enforce rules of proceedings, and compel attendance, when necessary, of absent members.

#### **RULE 9. CITY PROPERTY AND BUILDINGS**

All matters pertaining to the sale of any general real estate owned by the City shall be referred to the Planning Commission for its recommendation before final action thereon by the City Council. All matters pertaining to the sale of real estate for the purpose of economic development shall be referred to the Economic Development Authority for its recommendation before final action thereon by the City Council.

#### **RULE 10. RULES, HOW AMENDED**

These rules may be amended or new rules adopted by the vote of a majority of all the members elected, but no Resolution providing for such amendment or for new rules shall be passed on the day of its introduction.

#### **RULE 11. RULES, HOW SUSPENDED**

These rules may be suspended by a two-thirds vote of the City Council. If suspended, the rules are automatically reinstated at the next meeting.



**RULE 12. ANNUAL REVIEW**

These rules will be reviewed annually at the first meeting in January.

**RULE 13. INTERPRETATION**

The Mayor will interpret the rules. However, the Mayor's interpretation can be appealed by any Council member and can be overruled by a majority vote.



**ADMINISTRATIVE OFFICES**

1307 Cloquet Avenue • Cloquet, MN 55720  
Phone: 218-879-3347 • Fax: 218-879-6555  
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**REQUEST FOR COUNCIL ACTION**

To: Mayor and City Council  
From: Aaron Reeves, City Administrator *AR*  
Date: December 14, 2017

**ITEM DESCRIPTION:** Temporary On-Sale Liquor License – Queen of Peace School/Church

**Proposed Action**

Staff recommends the City Council move to approve the application from the Queen of Peace Catholic School/Church for the issuance of a Temporary On-Sale Liquor License for the Mardi Gras event to be held at the Queen of Peace School, 102 4<sup>th</sup> Street, on February 10, 2018. In issuing the license, the Council must clarify the license fee and the need for security and security fees. The license is subject to final approval by the Commissioner of Public Safety.

**Background/Overview**

Attached the City Council will find an application for a Temporary On-Sale Liquor License from the Queen of Peace Catholic School/Church. They are seeking the license for a one day event to be held on February 10, 2018, at the Queen of Peace Catholic School/Church.

Under Minnesota Statute and City Code, in order to allow for the event proposed, the applicant is required to obtain a Temporary On-Sale Liquor License, which again under Minnesota Statute and City Code, can only be issued to a Club or licensed non-profit organization.

Under City Code, the applicant is required to hire law enforcement for security purposes. This would require the applicant to hire two police officers at \$60.00/hr. each for the duration of the event. The applicant is requesting to waive this requirement due to the fact that Mardi Gras is a fundraiser to help support the daily operations of the school and is a 21 and over event, ensuring all participants are of legal drinking age by carding anyone looking under the age of 40. The Council has deviated from the current Code requirements on a number of recent applications. The Chief of Police has reviewed the request and supports the waiver request.

**Policy Objectives**

Approval of a temporary license is required under Section 6.3 of the Municipal Code and Minnesota Statutes 340A.404. Under these rules, only a non-profit organization is allowed to obtain a permit for such purposes.

**Financial/Budget/Grant Considerations**

The City's fee schedule requires a \$50 fee for each license.

**Advisory Committee/Commission Action**

None.

**Supporting Documentation Attached**

- Temporary on-sale liquor license application

City of Cloquet  
1307 Cloquet Avenue  
Cloquet, MN 55720

December 5, 2017

To Whom it may concern:

I am writing this letter to request the exemption of Queen of Peace Catholic School's requirement of hiring two police officers, in conjunction with our Temporary On Sale Liquor License, for our Mardi Gras event on Saturday, February 10<sup>th</sup>, 2018.

Mardi Gras is a traditional Catholic celebration in preparation of the Lenten Season and fasting for 40 days (until Easter). The Mardi Gras celebration at Queen of Peace School is a fundraiser to help support the daily operations of our school. We will offer a food buffet and complimentary drinks (including beer and wine) with paid admission. We will also have a DJ for entertainment as well as multiple raffles, silent auction and a live auction. This will be a 21 and over event. To ensure all participants are of the legal drinking age, we will be carding anyone that looks under 40 years old at the door.

Queen of Peace has been a pillar of our Cloquet community for over 100 years. Numerous events are held at Queen of Peace yearly and we have been upstanding community members. Queen of Peace School and Church run as a not-for profit entity and we rely heavily on our fundraisers to support our daily operations. The cost of hiring two police officers for our Mardi Gras event would be a burden on our event. In lieu of on-duty police officers, there will be several off-duty police officers from Cloquet and Duluth in attendance the evening of Mardi Gras. We also will offer free cab rides (paid for by our committee) provided by City Cab, for anyone that requests a safe ride home.

Thank you for your consideration of our request.

Respectfully submitted,



Joe Holz  
Mardi Gras Committee Member  
[Joeholz19@gmail.com](mailto:Joeholz19@gmail.com)  
651-260-3592 (cell)



Minnesota Department of Public Safety  
 Alcohol and Gambling Enforcement Division  
 445 Minnesota Street, Suite 222, St. Paul, MN 55101  
 651-201-7500 Fax 651-297-5259 TTY 651-282-6555  
**APPLICATION AND PERMIT FOR A 1 DAY  
 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization  Date organized  Tax exempt number

Address  City  State  Zip Code

Name of person making application  Business phone  Home phone cell

Date(s) of event  Type of organization  
 Club  Charitable  Religious  Other non-profit

Organization officer's name  City  State  Zip Code

Organization officer's name  City  State  Zip Code

Organization officer's name  City  State  Zip Code

Organization officer's name  City  State  Zip Code

Location where permit will be used. If an outdoor area, describe.

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

APPROVAL  
 APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City or County approving the license	Date Approved
Fee Amount	Permit Date
Date Fee Paid	City or County E-mail Address
	City or County Phone Number

Signature City Clerk or County Official \_\_\_\_\_ Approved Director Alcohol and Gambling Enforcement \_\_\_\_\_

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.

**ONE SUBMISSION PER EMAIL, APPLICATION ONLY.  
 PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT  
 BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO [AGE.TEMPORARYAPPLICATION@STATE.MN.US](mailto:AGE.TEMPORARYAPPLICATION@STATE.MN.US)**



Will organization contract for intoxicating liquor?  Yes  No

If yes, please list:

Name of on sale license holder: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone No. \_\_\_\_\_

Full Year On Sale Intoxicating Liquor License No. \_\_\_\_\_

Will event be outdoors?  Yes  No

What type of enclosure will be used for the outdoor area? \_\_\_\_\_

(Area shall be enclosed by a fence or other enclosure)

Describe all types of entertainment to be provided at the event. If entertainment is not planned, describe what will occur.

live & silent auctions, raffles, food, beer and wine, music and dancing

Days / Times of Entertainment: Feb 10 2018 6pm- 12am

Will there be a band?  Yes  No

Will the entertainment be amplified?  Yes  No

Speakers

Has this organization had any temporary liquor or wine licenses in the City of Cloquet in the past 12 months?  Yes  No

If yes, list the Event and Date(s): Feb. 25, 2017 fundraiser

**The City of Cloquet reserves the right to request additional information to assist in the evaluation of this application.**

I do hereby swear that the answers in this application are true and correct to the best of my knowledge. I do authorize the City of Cloquet, its agents and employees, to obtain information and to conduct an investigation, if necessary, into the truth of the statements set forth in this application and my qualifications for this license.

Signature of Applicant: [Signature] Date: 12/12/17

Print Name Joe STEVE Steven Holz  
First Middle Last

FOR CITY USE ONLY: (When applicable)				
	Signature:	Approved:	Denied:	Date:
Police Chief:				
City Administrator:				



**ADMINISTRATIVE OFFICES**

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**REQUEST FOR COUNCIL ACTION**

To: Mayor and City Council  
From: Aaron Reeves, City Administrator *AR*  
Date: December 28, 2017

**ITEM DESCRIPTION:** Acting Mayor Appointment

**Proposed Action**

The Council is asked to discuss the position of Acting Mayor and move to appoint one member of the Council for this position for 2018.

**Background/Overview**

Each year there are a number of housekeeping items that are considered by the City Council at its first meeting of each year. The Council is asked to consider the appointment of an Acting Mayor for 2018.

The Acting Mayor shall perform the duties of the Mayor during the disability or absence of the Mayor from the City or, if there is a vacancy, until a successor has been appointed.

Five current City Councilors have held the position. Recent Acting Mayors have included:

- Dave Bjerkness..... 2005, 2009, 2011
- Roger Maki..... 2013
- Kerry Kolodge..... 2014
- Steve Langley ..... 2015
- Lara Wilkinson ..... 2016
- Jeff Rock ..... 2017

**Policy Objectives**

The appointment of an Acting Mayor is required under M.S. 412.121.

**Financial/Budget/Grant Considerations**

None

**Advisory Committee/Commission Action**

None

**Supporting Documentation Attached**

- None



**ADMINISTRATIVE OFFICES**

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www.cloquetmn.gov

**REQUEST FOR COUNCIL ACTION**

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To: Honorable Mayor and City Council  
From: Aaron S. Reeves, City Administrator *AR*  
Date: January 2, 2018

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**ITEM DESCRIPTION:** SKB CUP Amendment Withdrawal Request

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**Proposed Action**

Staff recommends that the City Council approve the attached resolution accepting the withdrawal request of the October 19, 2016 CUP amendment request submitted by SKB Environmental Cloquet Landfill, Inc. (SKB) and vacating resolution #17-09 Denying the CUP amendment request.

**Background/Overview**

This decision will resolve threatened litigation by SKB which will be discussed in the closed session at the Work Session prior to the meeting. It would have the same effect as our original denial in that SKB has agreed not move forward with the same amendment for one year.

**Supporting Documentation Attached**

- SKB Withdrawal Letter
- Resolution





December 12, 2017

Mr. Aaron Reeves  
City Administrator  
City of Cloquet  
1307 Cloquet Avenue  
Cloquet, MN 55720

RE: SKB Environmental Cloquet Landfill, Inc.  
October 2016 Application for CUP Amendment

Dear Mr. Reeves:

On October 19, 2016, SKB Environmental Cloquet Landfill, Inc. (SKB), submitted an application to the City of Cloquet seeking two modifications to its existing Conditional Use Permit (CUP). With this letter, SKB is formally withdrawing its October 2016 CUP amendment application. This notification is submitted with the good-faith understanding that SKB will not resubmit an application of the same request for a period of 1 year from approval.

If you have any questions, please contact me at 218-451-1386.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle Backstrom".

Kyle Backstrom  
Site Manager  
SKB Environmental Cloquet Landfill

cc: Geoff Strack, SKB Environmental  
John Domke, SKB Environmental  
Robert Cloninger, Waste Connections

**STATE OF MINNESOTA  
COUNTY OF CARLTON  
CITY OF CLOQUET**

**RESOLUTION NO. 18-04**

**WITHDRAWING THE CITY COUNCIL FINDINGS MADE IN RESOLUTION NO. 17-09  
DENYING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR THE  
EXPANDED HOURS OF OPERATION AND TO REMOVE THE LIMITS OF ALLOWED  
PAPER SLUDGE WASTE FOR *SKB ENVIRONMENTAL CLOQUET LANDFILL, INC.,  
F/K/A SHAMROCK LANDFILL, INC., SUCCESSOR-IN-INTEREST TO SHAMROCK  
ENVIRONMENTAL, LLC* (HEREIN "SHAMROCK LANDFILL"),  
IN THE HI – HEAVY INDUSTRY DISTRICT**

**WHEREAS**, an Application has been submitted by Shamrock Landfill to amend their existing Conditional Use Permit which was approved on February 15, 2011 and amended on November 5, 2014. The amendment request is pursuant to 17.2.06 of the City Code, for the 59-acre Industrial Landfill to modify their hours of operation to allow new hours of 7:00 A.M. to 7:00 P.M. seven days a week;

**WHEREAS**, as required by ordinance, notification was advertised in the Pine Journal and all neighbors within 1320 feet were notified. A public hearing was held to consider the Application at the regular meeting of the Cloquet Planning Commission on December 13, 2016 at which time Zoning Case / Development Review No. 16-20 was heard and discussed;

**WHEREAS**, the property of the proposed Conditional Use Permit Amendment is located at 761 Highway 45 and is legally described as follows:

That part of the West 390.00 feet of the Northwest Quarter of the Southeast Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies southerly of Interstate Highway 35 and northerly of the South 100.00 feet of said Northwest Quarter of the Southeast Quarter.

AND ALSO

That part of the South 100.00 feet of the North Half of the Southeast Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies westerly of the right-of-way of the Great Northern Railway (now known as Burlington Northern Santa Fe Railroad).

AND ALSO

That part of the East 600.00 feet of the Northeast Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies southerly of Interstate Highway 35.

AND ALSO

The east 600.00 feet of the Southeast Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota.

AND ALSO

The South Half of Southeast Quarter lying West of Great Northern Railway Company's right-of-way (now known as Burlington Northern Santa Fe Railroad), Section 25, Township 49, Range 17, according to the United States Government Survey thereof. EXCEPT those two parcels lying within the following described tracts;

1. Beginning at a point on the south line of said Section 25, distant 100 feet west of the southeast corner of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  thereof; thence run northeasterly at an angle of 68 degrees 00 minutes with said south line for 475 feet; thence deflect to the left at an angle of 112 degrees 00 minutes for 500 feet; thence deflect to the left at an angle of 68 degrees 00 minutes for 475 feet; thence deflect to the left at an angle of 112 degrees 00 minutes for 500 feet to the beginning.

2. From a point on the south line of said Section 25 distant of 100 feet west of the southeast corner of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , thereof, run northeasterly at an angle of 68 degrees 00 minutes with said south section line for 475 feet to the point of beginning; thence continue northeasterly along the above described course to its intersection with a line run parallel with and distant 660 feet north of the south line of said Section 25; thence run west along said

660 foot parallel line to its intersection with a line run parallel with and distant 992 feet west of the east line of the SW ¼ of SE ¼ of said Section 25; thence run south along said 992 foot parallel line to the south line of said Section 25; thence run east along said section line for 392 feet; thence deflect to the left 68 degrees 00 minutes for 475 feet; thence deflect to the right 68 degrees for 500 feet to the point of beginning.

**WHEREAS**, the Cloquet Planning Commission reviewed the Application to Amend the Conditional Use Permit for Shamrock Landfill to modify their hours of operation to allow new hours of 7:00 A.M. to 7:00 P.M. seven days a week; to remove the limits on the amount of paper sludge waste allowed; and, to allow the acceptance of paper sludge waste at any time of the day or night, per Section 17.2.06 Subdivisions 3 and 4 of the Cloquet Zoning Ordinance, and made findings of fact as follows:

1. The landfill as previously determined had a legal right to establish their business in this location as a land use. After a moratorium on landfills in 2011, landfills are no longer allowed to be established or expanded in the City of Cloquet.
2. The proposed use is compatible with existing development within 300' of the proposed use and within 500' along the same street and development anticipated in the foreseeable future within the neighborhood and conditions would make the use more compatible.
3. The service provided by the landfill is important to the community.
4. The Amended Conditional Use Permit will continue to protect and maintain neighborhood protections for the surrounding neighborhood with these modified hours of operation.
5. This application is in conformance with other requirements of the Cloquet Zoning Ordinance.
6. There are no other factors or additional conditions impacting this application.

**WHEREAS**, the Cloquet Planning Commission made specific findings regarding modified hours of operation in findings no. 4, and recommended allowing the expansion of hours as requested;

**WHEREAS**, the Cloquet Planning Commission made no specific findings regarding modified limits on allowed paper sludge waste in their findings, and then recommended raising the limits of allowed paper sludge waste to 40%;

**WHEREAS**, the Application to Amend the Conditional Use Permit for Shamrock Landfill was thereafter set on for consideration at a meeting of the Cloquet City Council, which matter was then postponed from time to time upon written requests made by Shamrock Landfill, all according to the provisions of Minnesota Statutes Section 15.99, until said matter came on for consideration by the Cloquet City Council on Tuesday, October 3, 2017 at 7 pm, at City Hall, in the council chambers of the City of Cloquet, at which time the City Council did consider said matter;

**WHEREAS**, the Application to Amend the Conditional Use Permit for Shamrock Landfill was denied by the City Council in all respects by Resolution No. 17-09 for the reasons contained therein, at the Cloquet City Council meeting held on Tuesday, October 3, 2017 at 7 pm, at City Hall, in the council chambers of the City of Cloquet;

**WHEREAS**, Shamrock Landfill did threaten litigation for the “factually incorrect and illegal Findings for denial,” by the Cloquet City Council, which threat of litigation was made by a letter dated November 30, 2017 from Robert M. Cloninger, Vice President and Deputy General Counsel for Waste Connections, Inc., the parent company of Shamrock Landfill, and in which letter Mr. Cloninger did also propose that the vacating of the offending resolution by the City would eliminate any such threat, following which Shamrock would voluntarily withdraw their Application to Amend the Conditional Use Permit, and agree not to submit another application on those issues for at least one year;

**WHEREAS**, the City of Cloquet, without admitting to any of Shamrock Landfill's allegations, did respond to Shamrock Landfill by letter dated December 1, 2017, and request that they withdraw their Application to Amend the Conditional Use Permit for Shamrock Landfill, in Zoning Case 16-20, before their request for withdrawal of the prior Findings in Resolution No. 17-09 would be submitted to the City Council for review;

**WHEREAS**, Shamrock Landfill did formally withdraw their Application to Amend the Conditional Use Permit for Shamrock Landfill, in Zoning Case 16-20, by letter dated December 12, 2017 from Kyle Backstrom, Site Manager for Shamrock Landfill, and including a good-faith agreement ("understanding") that Shamrock will not resubmit an application of the same request for a period of 1 year from approval; and,

**WHEREAS**, the City Council has had a chance to discuss the threatened litigation and proposed resolution thereof with the City Attorney in closed session at the Work Session held at 5:30 pm on January 2, 2018.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA:** that the City Council hereby approves the withdrawal of Shamrock Landfill's Application to Amend the Conditional Use Permit for Shamrock Landfill, in Zoning Case 16-20, and withdraws its Findings made in Resolution No. 17-09 passed at the Cloquet City Council meeting held on Tuesday, October 3, 2017 at 7 pm, at City Hall, in the council chambers of the City of Cloquet in Zoning Case 16-20 denying an amendment to the Conditional Use Permit to modify their hours of operation to allow new hours of 7:00 A.M. to 7:00 P.M. seven days a week, and to remove the limits on the amount of paper sludge waste allowed, for Shamrock Landfill for the following reasons:

1. Shamrock Landfill's voluntary withdrawal of their Application to Amend the Conditional Use Permit for Shamrock Landfill, in Zoning Case 16-20.
2. Shamrock Landfill's good-faith agreement that they will not resubmit an application on paper sludge or hours for a period of one (1) year from the approval and adoption of this Resolution.
3. Shamrock Landfill's good-faith agreement that withdrawal of the Findings made in Resolution No. 17-09 will resolve all issues giving rise to their present threat of litigation.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET THIS 2ND DAY OF JANUARY 2018.**

---

Dave Hallback, Mayor

ATTEST:

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Aaron Reeves, City Administrator