



CITY OF CLOQUET
City Council Agenda - AMENDED
Tuesday, February 7, 2017
7:00 p.m.
City Hall Council Chambers

CITY COUNCIL WORK SESSION

5:30 p.m. Personnel Policy Manual
6:15 p.m. Community Sign

1. **Roll Call.**
2. **Pledge of Allegiance.**
3. **Approval of Agenda.**
 - a. Approval of February 7, 2017 Council Agenda
4. **Approval of Council Minutes.**
 - a. Regular Council minutes from the January 17, 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. 17-11, Authorizing the Payment of Bills and Payroll
 - b. Resolution No. 17-12, A Resolution Approving Exempt Permit to Conduct a Raffle Event at the Community Memorial Hospital – Kingdom Builders Ministries
 - c. Temporary On Sale Liquor License – Queen of Peace School/Church
6. **Public Hearings.**

None
7. **Presentations.**

None



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8. Council Business.

- a. Consideration of Appointments to the Parks and Planning Commissions
- b. Western Lake Superior Sanitary District Board Appointment
- c. Cloquet Area Fire District Alternate Appointment
- d. Purchase of Police Department Server
- e. Rehabilitation of 1013 Cloquet Avenue (Ed's Bakery) Legal Agreements
- f. Resolution No. 17-13, A Resolution in Support of Amendments to the Cloquet Area Fire District Enabling Legislation as it Relates to Funding

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.



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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: James Barclay, Assistant City Administrator, HR Director
Reviewed by: Brian Fritsinger, City Administrator
Date: January 24, 2017

ITEM DESCRIPTION: Personnel Policies Handbook Review

Requested Action

The City Council is asked to review and provide final comments regarding the proposed Personnel Policies handbook.

Background/Overview

During 2016 the City Council held several conversations on the proposed Personnel Policies Manual. During its last conversation at its December 6, 2016 meeting it asked for additional opportunity to discuss the various policies during a Council Work Session meeting. The Council is being asked to be prepared to ask any last questions or provide any feedback it has such that the Policy manual can be presented for formal adoption in the near future.

The City's existing personnel policy/handbook was last updated in 1999. This 1999 policy only applies to employees that are not covered by a collective bargaining agreement. While the City has updated portions, and adopted several other related policies since that time that apply to all employees, the overall policy remains unchanged. The adoption of this personnel policy handbook would clarify that the policies do apply to all employees unless noted.

The purpose and scope of such policy is identified in Sections 1.1 and 1.2 of the policy. The League of Minnesota Cities and related attorneys strongly encourage cities to adopt written personnel rules and procedures. Cities generally use either an ordinance or policy manual to establish such rules. For flexibility in stating the terms, conditions, privileges and responsibilities of employment and ease of updating changed practices, the League recommends a policy manual or handbook over the ordinance approach.

The City is not required to have personnel policies. However, these rules and procedures can help keep the City functioning smoothly from a human resources perspective. These policies serve as an information guide to help employees become better informed and to make their experience with the city more rewarding. If any specific provisions of the Policies conflict with current union agreements or civil service rules, the union agreement or civil service rules will prevail. Nothing in the policies are intended to modify or supersede applicable provision of state or federal law or employment contracts.

This policy has been reviewed by legal counsel with expertise in human resources. It has also been reviewed by various employee groups and AFSCME representative. The reviews resulted in some changes since the policy was last reviewed by Council. The talking papers related to the areas of take-home vehicles and personal use of city property are attached as Council has specifically questioned these areas. They have also been updated and amended based upon additional review to help answer questions.

To Mayor and Council
Personnel Policy Handbook
January 24, 2017
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Policy Objectives

There is significant and a wide variety of State and Federal law of which applies to the area of human resources. Many of the specific policies in the manual are derived directly from those laws and statutes.

Financial/Budget/Grant Considerations

None. Those components of the policy that impact employee benefits are consistent with current practices and as such create no new direct financial impact to the City.

Advisory Committee/Commission Action

None.

Supporting Documentation Attached

- Personnel Policies Handbook
- Talking Paper on Personal Use of City Property by Employees
- Talking Paper on Cost Related to Transportation of City Employees

CITY OF CLOQUET

PERSONNEL POLICIES HANDBOOK



Highlight Legend of Changes Made Since Last Review

- **Yellow** indicates additions/edits
- **Red** indicates deletions

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Revision Date: 01/20/2017

SECTION 1, INTRODUCTION

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.

Except as otherwise prohibited by law, the City of Cloquet has the right to terminate any employee at any time for any or no reason. Employees may similarly terminate employment at any time for any reason. Only the City Council has the right to alter the “at will” agreement. (Deleted this paragraph)

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:

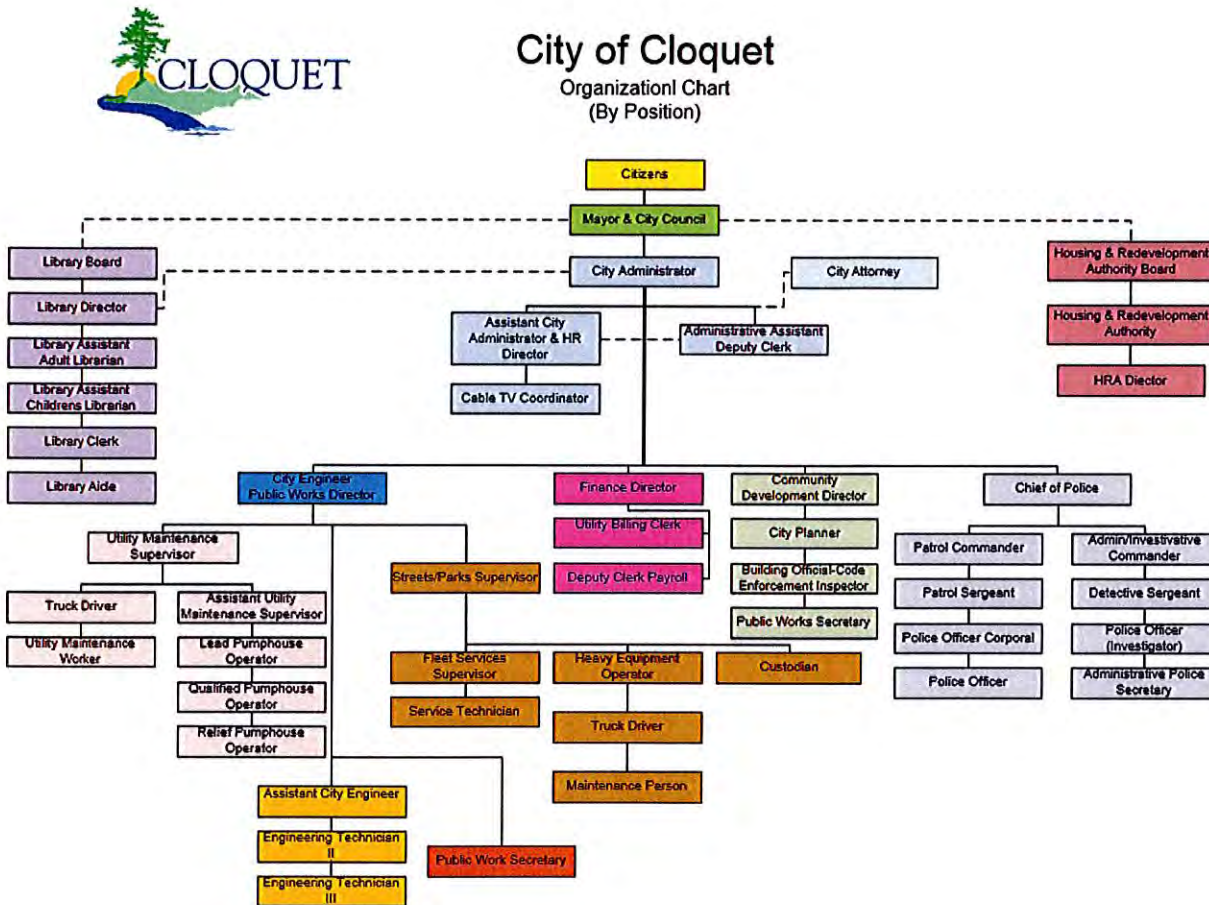
1. Elected Officials;
2. City Attorney;
3. Members of City Boards, Commissions and Committees;
4. Consultants and Contractors;
5. Volunteers.

If any specific provisions of the Personnel Policies conflict with any current union agreement or civil service rules, the union agreement or civil service rules 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 Administrator 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.** and the City Administrator reserves the right to promulgate appropriate rules and regulations relative to these policies.

SECTION 2, EMPLOYMENT POLICIES

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, part-time, and/or seasonal/temporary) 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 seasonal and 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, seasonal and 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.

SECTION 3, WORK, WAGE & SALARY POLICIES

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. **up to and including termination. (Deleted)**

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.

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. **up to and including termination. (Deleted)** 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 seasonal and 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 in 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.

SECTION 4, EMPLOYEE BENEFITS AND SERVICES

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. Employees have the option to select VEBA 100, VEBA 80 or a Minimum Value Plan (MVP). All employees are required to enroll in at least a single health plan unless they can provide proof of health insurance through another source.

If you chose to purchase health care through the city, then the City of Cloquet may contribute money monthly into an integrated Health Reimbursement Account (HRA) or Health Savings Account (HSA) on your behalf to help cover out-of-pocket expenses. Both health insurance premiums and HRA/HSA contributions are considered pre-tax items. HRA/HSA monies may be used for qualifying medical/dental costs.

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 VEBA HRA 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. Annual deductibles are \$25 Individual and \$75 Family with a calendar year maximum benefit of \$500 per covered person.

Monthly Premium Cost	
<u>Single</u>	<u>Family</u>
\$0.00	0.00

- 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.

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 50th 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. Continuing Legal Education (CLE) or similar courses taken by an employee in order to maintain licensing or other professional accreditation will not be eligible for payment under this policy unless the subject matter relates directly to the employee's duties, even though the employee may be required to maintain such licensing or accreditation as a condition of employment with the City.

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

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 will 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.

SECTION 5, EMPLOYEE LEAVES

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 (1st Monday in September)
- Veterans Day (November 11)
- Thanksgiving Day (4th 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. **in the current year of accrual.** 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 **and not a vested right (Deleted)** 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 (including pregnancy).
2. For medical, dental or other care provider appointments.
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.
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's compensation from the City during their leave shall equal the difference between their regular compensation and compensation paid for jury duty. The department head should report any employee on jury duty to the Finance Department. Employee's failure to report jury duty pay to the Finance Department shall be cause for disciplinary action. 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 **for any single (Deleted) 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.

SECTION 6, EMPLOYMENT POLICIES

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. The socks and shoes should be plain and dark, in neat, serviceable, shined condition.

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 or (Deleted) 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 (close toe only, no flip flops) are required at all times. Cut-offs, shorts, and homemade muscle shirts are not permitted. 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 and use good judgment when choosing attire. (Deleted) Shirts, pants (no sweat pants), dresses, capris, denim (with the exception of blue jeans) 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, homemade tank tops, miniskirts, underwear as outerwear, inappropriately revealing attire such as bare midriffs or flip-flops.

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 – No employee will be hired or continue to be employed if they (Deleted) 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 an extreme or fad style or in (Deleted) such a way that it would violate safety requirements.

Cosmetics – Must be conservative and in good taste (Delete). 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 and only be worn if the intent is to fully-grow it. and fully grown with no patches. (Deleted) 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

It is important for employees to remember that the (Delete) 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 or use of any tobacco or tobacco related product 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 are (deleted)** 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 City Administrator may suspend an employee with or without pay for disciplinary reasons. A suspension without pay may be followed with immediate dismissal as deemed appropriate by the City Council. (Deleted)**

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 **or the salary may be decreased or adjusted (Deleted)** 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, **up to and including termination, (Deleted)** 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. **Violation of or fraud regarding any provision of this policy. (Too broad. Matters subject o discipline already listed.) (Deleted)**
- 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. **or morality of the community. (Deleted)**
- R. **Speaking critically or (Deleted)** 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 **confidential (Deleted)** 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.

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

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.

SECTION 7, OTHER POLICIES

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, or 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. **up to and including termination. (Deleted)**

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, **whether the employee uses (Deleted) when using** a City provided device. **or 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 **immediately (Deleted)** 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 **those times specified by leadership. (Deleted) 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 Accounting. 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

Table A	
Monthly Allowance	Basic Plan
Voice	\$15.00
Voice and Email	\$30.00

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.

SECTION 8, EMPLOYEE SAFETY

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, each employee 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.

8.9 SEARCHES

The City reserves the right to conduct searches to monitor compliance with rules concerning safety of employees, security of City and individual property, drugs and alcohol, and possession of other prohibited items. "Prohibited items" includes illegal drugs, alcoholic beverages, prescription drugs or medications not used or possessed in compliance with a current valid prescription, weapons, any items of an obscene, harassing, demeaning, or violent nature, and any property in the possession or control of an employee who does not have authorization from the owner of such property to possess or control the property. "Control" means knowing where a particular item is, having placed an item where it is currently located, of having any influence over its continued placement. In addition to City premises, the City may search employees, their work areas, lockers, personal vehicles if driven or

parked on City property, and other personal items such as bags, purses, briefcases, backpacks, lunch boxes, and other containers. In requesting a search, the City is by no means accusing anyone of theft, some other crime, or any other variety of improper conduct.

There is no general or specific expectation of privacy in the workplace, either on the premises of the City or while on duty. In general, employees should assume that what they do while on duty or on City premises is not private. All employees and all of the areas listed above are subject to search at any time; if an employee uses a locker or other storage area at work, including a locking desk drawer or locking cabinet, City will either furnish the lock and keep a copy of the key or combination, or else allow the employee to furnish a personal lock, but the employee must give the City Administrator a copy of the key or combination. The areas in question may be searched at any time, with or without the employee being present. As a general rule, with the exception of items relating to personal hygiene or health, no employee should ever bring anything to work or store anything at work that he or she would not be prepared to show and possibly turn over to the City Administrator and/or law enforcement authorities.

All employees of the City are subject to this policy. However, any given search may be restricted to one or more specific individuals, depending upon the situation. Searches may be done on a random basis or based upon reasonable suspicion. "Reasonable suspicion" means circumstances suggesting to a reasonable person that there is a possibility that one or more individuals may be in possession of a prohibited item as defined above. Any search under this policy will be done in a manner protecting employees' privacy, confidentiality, and personal dignity to the greatest extent possible. City will respond severely to any unauthorized release of information concerning individual employees.

No employee will ever be physically forced to submit to a search. However, an employee who refuses to submit to a search will face disciplinary action, up to and possibly including immediate termination of employment. **(Deleted)**

SECTION 9, INFORMATION TECHNOLOGY

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 and MySpace, 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 MySpace 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.
- Employees may not participate in any Internet chat room - an online meeting place to discuss a particular topic, sometimes in semi-privacy - unless the topic area is related to city business.
- 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.

SECTION 10, DEFINITIONS

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: _____

TALKING PAPER
ON
COST RELATED TO TRANSPORTATION OF CITY EMPLOYEES

PURPOSE

The purpose of this paper is to present relevant information to the Council concerning use of City owned transportation as it relates to cost for all City personnel.

DISCUSSION

During review of the draft Personnel Policy Handbook Administration was asked to make changes to the handbook as it related to the use of City owned vehicles. Administration used an outdated City of Cloquet policy to update the policy as written in the handbook to include mileage limitations. Council then asked Administration to review the expense related to use of City owned vehicles by City employees. The following information is provided for consideration:

- There are currently six positions that drive take-home City vehicles. They are:
 - City Engineer
 - Police Chief
 - 2 Police Commanders
 - 2 Detective/Sergeants

To determine the appropriateness of the expense related to transporting City personnel by City vehicle the League of Minnesota Cities helps us understand our limitations and states that:

- Any city [and any state or municipal entity] expenditure must satisfy the following to be considered lawful:
 - **Public purpose.** There must be a public purpose for the expenditure.
 - **Authority.** There must be specific or implied authority for the expenditure in state statute or the city's charter.
 - **Procedure.** The council must properly approve the expenditure.
- *Handbook for Minnesota Cities, Ch. 23* provides that the legal basis for this statement is as follows.

In relation to the "public purpose" requirement for expenditure of public money, the **Minnesota Supreme Court** holds that:

1. It is well settled in this state that the state or its municipal subdivisions or agencies may expend public money only for a **public purpose**. What is a 'public purpose' that will justify the expenditure of public money is not capable of a precise definition, but the court generally construe it to mean such an activity as will serve as a benefit to the community as a body

and which, at the same time, is directly related to the functions of government.

2. In determining whether an act of the state constitutes a performance of a governmental function or a public purpose which will justify the expenditure of public money, a legislative declaration of public purpose is not always controlling. The determination of what is and what is not a public purpose, or the performance of a governmental function, initially is for the legislature, but in the final analysis it must rest with the courts.
3. The mere fact that some private interest may derive an incidental benefit from the activity does not deprive the activity of its public nature if its primary purpose is public. The rule is clearly stated in Burns v. Essling, 156 Minn. 171, 174, 194 N.W. 404, 405, as follows:

. . . if the primary object of an expenditure of municipal funds is to serve a public purpose, the expenditure is legal, although it may also involve as an incident an expenditure which, standing alone, would not be lawful. It is equally well settled that, if the primary object is to promote some private end, the expenditure is illegal, although it may incidentally serve some public purpose also.

- **Public Purpose** advantages to take home police units:
 - Take home vehicles result in more police units being driven on the streets
 - Citizens will see a more visible police presence (so will potential offenders) thus offering a deterrent effect
 - Creates a rapid response to emergency callouts
 - Take home vehicles increases level of enforcement. Officers driving take-home cars off duty that observe serious violations and criminal activity are obligated to take enforcement action
 - Increases the back-up potential for officers on duty
 - Officers who take vehicles home typically render a significant amount of services while “off-duty”
 - Officer morale
- **Public Purpose** advantages for Engineer vehicle:
 - Creates a rapid response to emergency callouts
 - Provides identification/credibility of City employee responding to both citizens and other emergency responders
 - Increases the back-up potential/timing for 24 hour a day on duty staff

To calculate the total cost associated with use of City owned vehicles to transport City employees, including take home, or pick-up and drop-off, the following assumptions were necessary:

- For calculation purposes, we used the IRS 2016 Standard Mileage Rate for Business which is \$.54 per mile. This rate is reflective of both the cost of fuel and maintenance required.
- Google Maps was used to determine roundtrip mileage from an employee’s home to place of work.
 - With pick-up and drop-off, this estimate will be low based on the circuitous route necessary to drop off and pick up at home during shift change
- For shift employees, we estimated the total number of shifts worked (round-trips) in an average year at 180.
 - Additional cost must be factored in for lost time associated with the pick-up/drop-off of officers at their home. This cost is estimated at: **\$9,744.35**

NOTE: See attached spreadsheet for complete breakdown of estimated costs

- For full-time standard shift employees, we calculated the number of round-trips by starting with 365 days and subtracting 104 days for weekends and 27 days for vacation and holidays resulting in approximately 234 round-trips per year.
- Estimated vehicle cost to the City is as follows:
 - City Engineer take-home vehicle: \$1,613.52
 - Chief of Police take-home vehicle: \$53.78 (\$2,339.60 after move)
 - Other Police take-home vehicles: \$7,000.34
 - Pick-up and drop-off of Police: \$5,909.76
 - **TOTAL: \$14,577.41**

NOTE: See attached spreadsheet for complete breakdown of costs

CONCLUSION

Based on the above information Administration does believe the current expense related to use of City owned vehicles does meet the “Public Purpose” doctrine outlined by the League of Minnesota Cities and the Minnesota Supreme Court. Research also indicates that it is common practice in our area and around the country for some City employees to drive take-home vehicles.

ESTIMATED COST OF LOST TIME

Shift Changes Per Day	Days of Year	Total Shift Changes Per Year	Officer's on Patrol	Avg Annual Shifts Per Officer	Officers Picked-up/Dropped Off	Total Shift Exchanges from Transport	Avg Lost Time Per Shift Exchange in Min	Total Lost Time Per Year in Min	Total Lost Time Per Year in Hours	Average Wage of the 12 Officer's	Estimated Cost of Lost Wages Per Year
6	365	2,190.00	19	115.26	12	1,383.16	15	20,747.37	345.79	\$28.18	\$9,744.35

StatusCd	EmplLn	EmplFName	PayRate
FT	BAKER	ERIC M	
FT	BENKO	KENDRICK D	
FT	BLESENE	ERIK J	
FT	COOK	NATHAN S	
FT	FISKE	STEVEN D	
FT	HALLFRIS	THOMAS L	
FT	KOHLME	KRISTINA B	
FT	PALMER	JEFFREY D	
FT	REED	ADAM D	
FT	SCHNEB	COREY	
FT	VOLTZKE	KYLE J	
FT	WAPPES	ANDREW M	
		Total	\$338.1674
		Hr Average	\$28.18

Last Name	First Name	Address 1	City	State	Zip	1 Way Mileage Home to Work	Estimated Mileage Daily Round Trip	Estimated # Of Annual Round Trips	2016 IRS Mileage	Estimated Annual Cost to City	Method
BAKER	ERIC M		CLOQUET	MN	55720	5.6	11.2	180	\$0.54	\$1,088.64	Ride in City Vehicle
BENKO	KENDRICK D		CLOQUET	MN	55720	0.6	1.2	180	\$0.54	\$116.64	Ride in City Vehicle
BLESENER	ERIK J		CLOQUET	MN	55720	3.3	6.6	180	\$0.54	\$641.52	Ride in City Vehicle
COOK	NATHAN S		CLOQUET	MN	55806	0.8	1.6	180	\$0.54	\$155.52	Ride in City Vehicle
FISKE	STEVEN D		CARLTON	MN	55718	5.8	11.6	180	\$0.54	\$1,127.52	Ride in City Vehicle
HALLFRISCH	THOMAS L		CLOQUET	MN	55720	0.6	1.2	180	\$0.54	\$116.64	Ride in City Vehicle
KOHLMEYER	KRISTINA B		CLOQUET	MN	55720	0.6	1.2	180	\$0.54	\$116.64	Ride in City Vehicle
PALMER	JEFFREY D		CLOQUET	MN	55720	4.6	9.2	180	\$0.54	\$894.24	Ride in City Vehicle
REED	ADAM D		CLOQUET	MN	55720	1.5	3	180	\$0.54	\$291.60	Ride in City Vehicle
SCHNEBERGER	COREY		CLOQUET	MN	55720	5	10	180	\$0.54	\$972.00	Ride in City Vehicle
VOLTZKE	KYLE J		CLOQUET	MN	55720	0.7	1.4	180	\$0.54	\$136.08	Ride in City Vehicle
WAPPES	ANDREW		CLOQUET	MN	55720	1.3	2.6	180	\$0.54	\$252.72	Ride in City Vehicle
										\$5,909.76	
BERG	DARRIN D		DULUTH	MN	55810	10.6	21.2	234	\$0.54	\$2,678.83	Takes Home City Vehicle
FERRELL	CAREY J		CLOQUET	MN	55720	4.5	9	234	\$0.54	\$1,137.24	Takes Home City Vehicle
HOLMAN	SCOTT A		CLOQUET	MN	55720	2	4	234	\$0.54	\$505.44	Takes Home City Vehicle
RANDALL	DEREK W		CARLTON	MN	55718	10.6	21.2	234	\$0.54	\$2,678.83	Takes Home City Vehicle
										\$7,000.34	
BECKMAN	SCOTT R		DULUTH	MN	55807	17.2	34.4	0	\$0.54	\$0.00	Uses Personally Owned Vehicle
ECKENBERG	NICOLE D		CLOQUET	MN	55720	2.1	4.2	0	\$0.54	\$0.00	Uses Personally Owned Vehicle
JOHNSON	ERIKA L		DULUTH	MN	55807	17	34	0	\$0.54	\$0.00	Uses Personally Owned Vehicle
MARTIN	CHARLES V		CLOQUET	MN	55720	8.8	17.6	0	\$0.54	\$0.00	Uses Personally Owned Vehicle
NELSON	SHANNON L		CLOQUET	MN	55720	1.1	2.2	0	\$0.54	\$0.00	Uses Personally Owned Vehicle
SILGJORD	LACI M		BROOKSTON	MN	55711	24.7	49.4	0	\$0.54	\$0.00	Uses Personally Owned Vehicle
WALLER	BENJAMIN		DULUTH	MN	55803	26.3	52.6	0	\$0.54	\$0.00	Uses Personally Owned Vehicle
Annual Total:										\$14,577.41	
STRACEK	STEVEN K		CLOQUET	MN	55720	0.2	0.4	249	\$0.54	\$53.78	Takes Home City Vehicle
PETERSON	CALEB L		CLOQUET	MN	55720	6	12	249	\$0.54	\$1,613.52	Takes Home City Vehicle
After move to new home in Spring/Summer 2017											
STRACEK	STEVEN		Carlton	MN		8.7	17.4	249	\$0.54	\$2,339.60	Takes Home City Vehicle

TALKING PAPER
ON
PERSONAL USE OF CITY PROPERTY BY CITY EMPLOYEES

PURPOSE

The purpose of this paper is to present relevant information to the Council concerning the personal use of city property (equipment and facilities) by city employees.

DISCUSSION

During review of the draft Personnel Policy Handbook Administration was approached by employees and by Council concerning the limitations on the Use of City Property by employees as outlined in section 7.6 of the handbook which limits use as “only in conjunction with performance of normal City Operations and duties”. The same employees have met with Union representatives to question this restriction on the use of City Property. The following information is provided for consideration:

- Administration of the City of Cloquet has always expressed through verbal policy that use of City property was inherently forbidden unless that property was available for use by all citizens, i.e. City Parks. However, some supervisors have permitted a limited number of individuals to use the City garage, City equipment and wash rack for personal reasons during non duty hours. Through the process of developing a comprehensive Personnel Policy Handbook Administration has confirmed with legal counsel that this use is primarily illegal based on the following:

- **General Spending Limitations for City Employees**

The League of Minnesota Cities states that:

Any city [and any state or municipal entity] expenditure must satisfy the following to be considered lawful:

- **Public purpose.** There must be a public purpose for the expenditure.
- **Authority.** There must be specific or implied authority for the expenditure in state statute or the city’s charter.
- **Procedure.** The council must properly approve the expenditure.

Handbook for Minnesota Cities, Ch. 23

The legal basis for this statement follows.

In relation to the “public purpose” requirement for expenditure of public money, the **Minnesota Supreme** Court holds that:

1. It is well settled in this state that the state or its municipal subdivisions or agencies may expend public money only for a public purpose. What is a 'public purpose' that will justify the expenditure of public money is not capable of a precise definition, but the court generally construe it to mean such an activity as will serve as a benefit to the community as a body and which, at the same time, is directly related to the functions of government.
2. In determining whether an act of the state constitutes a performance of a governmental function or a public purpose which will justify the expenditure of public money, a legislative declaration of public purpose is not always controlling. The determination of what is and what is not a public purpose, or the performance of a governmental function, initially is for the legislature, but in the final analysis it must rest with the courts.
3. The mere fact that some private interest may derive an incidental benefit from the activity does not deprive the activity of its public nature if its primary purpose is public. The rule is clearly stated in Burns v. Essling, 156 Minn. 171, 174, 194 N.W. 404, 405, as follows:

. . . if the primary object of an expenditure of municipal funds is to subserve a public purpose, the expenditure is legal, although it may also involve as an incident an expenditure which, standing alone, would not be lawful. It is equally well settled that, if the primary object is to promote some private end, the expenditure is illegal, although it may incidentally serve some public purpose also.'

Visina v. Freeman, 252 Minn. 177, 89 N.W.2d 635 (1958). (citations omitted).

The State of Minnesota, Office of Attorney General (AG) opines that:

This requirement [that expenditure of public money must have a public purpose] applies to funds of governmental entities derived not only from taxation but from other sources as well and traces its origins both to **Minn. Const. art. 10, § 1, which provides that '[t]axes . . . shall be levied and collected for public purposes,' and to a common law principle predating this constitutional provision. Port Authority of City of St. Paul v. Fisher, 269 Minn. 276, 132 N.W.2d 183 (1964).**

Op. Att'y Gen. 107-A-3 (Jan. 22, 1980)

In relation to the "authority" requirement for the expenditure of public money, the Minnesota Supreme Court holds that: "At the outset, it is clear that a municipal corporation has only such powers as are expressly conferred upon it by statute or its charter, or necessarily implied. It has no inherent power." *Borgelt v. City of Minneapolis*, 271 Minn. 249, 135 N.W.2d 438 (1965). (citations omitted).

By law, cities and public utilities may compensate employees. *See, e.g.*, Minn. Stat. secs. 412.111 (city). Therefore, compensation for employees is an authorized expenditure of public funds. The State of Minnesota, Office of State Auditor (OSA), however, has relied upon AG opinions in answering inquiries on expenditure of public funds providing that: (1) public funds cannot be gifted away by public employees or officials nor may public entities give gifts to their employees; and (2) **in-kind benefits need specific statutory authority in order to be provided to public employees.** Brooklyn Park, City of - Investigative Report. Ops. Att'y Gen. 59-A-3 (May 21, 1948), 59a-22 (December 4, 1934), and 359b (Oct. 24, 1989).

- **Personal Use of City Facilities**

The Minnesota Office of State Auditor has specifically opined:

More specifically, the Minnesota Attorney General's Office has taken the position that nonmonetary benefits to public officers and employees must be specifically authorized by law. A public employee's personal use of public resources is a nonmonetary benefit to the public employee.

The OSA is unaware of any specific authority that would allow city employees to use city facilities or equipment for non-work related purposes on any basis other than that afforded to the general public.

<http://www.osa.state.mn.us/reports/spi/2014/OwatonnaLetter.pdf>

CONCLUSION

From the information researched and from the opinion of Legal Counsel has been validated that personal use of City property by City employees is unlawful as it violates the standards identified by the Minnesota Supreme Court and the Office of the State Auditor (OSA).



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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: James Barclay, Assistant City Administrator, HR Director
Reviewed by: Brian Fritsinger, City Administrator
Date: January 31, 2017

ITEM DESCRIPTION: Community Sign Discussion

Requested Action

The City Council is asked to review and provide comments regarding the concept of a Community Sign.

Background/Overview

As the Council is aware, the City has for the past two years included monies (\$35,000) in the operating budget for the construction of an electronic community sign. This sign was initially an outcome of discussions with the National Guard and Minnesota Wilderness regarding how to better promote and communicate activities at the National Guard Armory and Pine Valley. Staff has over the past few months began its due diligence on this project.

As noted the City and National Guard had been working together with the intent to place the sign on the corner of Armory Road and Highway 33 on land owned by the National Guard. While the Guard has indicated that it is still open to the placement of the sign on its property Guard representative have clarified that it does not have funds for the construction or maintenance of the sign. Though the Guard is still open to potentially covering the cost associated with updating messaging and electrical power to the sign. With this information in mind, staff has been re-thinking the broader purpose of the sign and thus its location. Working with a sign company, staff has identified an alternate site, located on city owned property, that would accomplish the same thing while changing the use of the sign from one focused primarily on the Pine Valley area to more of a true community wide messaging sign.

Staff has received some limited feedback from council and it is included here for consideration/discussion. However, further discussion/consideration of these questions will help us as we move forward with more specific design and cost estimates for future Council consideration.

1. Council Direction – Does the Council still desire to pursue the concept of a community sign at this time?

ANS: *Yes. If it can be done without hindering driver's safety.*

ANS: I think that this could be an effective communication tool for city meetings and community events (eliminating the need for all of the banners). Just how good the idea is of course relates to cost.

2. Purpose – Should we focus on Pine Valley and National Guard with ability to supplant with community events or focus on community events which would include Pine Valley and National Guard activities? (Shared scope)

ANS: *I have concerns about it being on armory property. (Future closure concern)*

ANS: *My preference would be that it be a community sign that we control.*

3. Location – Look at a location adjacent to the National Guard or on corner of Highway 33/Doddridge Avenue where visibility and traffic levels are much greater?

ANS: *With the recent and not so recent rumors that funding will be cut to the armory, or possible closings I would say the sign certainly should not go in the armory property.*

ANS: *I will, but my concern would be driver safety at the corner. Not sure about City owned property near the bank.*

ANS: *With the Guard out of the picture financially, my preference would be the location across the street. My only concern with this location is the Cold One sign – will it receive the attention we expect so close to their sign which is of very high quality and pretty high off the ground.*

4. Design – Should the design be a ground level or taller monument type sign? A metal sign or stone/material which is more aesthetically pleasing?

ANS: *My preference would be for higher than ground level, stone not necessary but somehow the design statement is that this is a “City” sign – this can be achieved through quality and logo opportunities.*

5. Partners – Should the City reach out to ISD #94 to see if they have any interest in partnering on the project? (They had expressed interest in partnering on a sign of this type a number of years ago, but the City did not have interest at that time.)

ANS: *Absolutely, anytime you can offset costs to the city, feel free.*

ANS: *I think we should reach out without high expectations. Sporting events are community events and should be displayed. Have you thought about a fee structure for groups like Friends of Animals and their spaghetti feeds, or churches with their community dinners?*

Policy Objectives

Staff realizes this does not include all of the detailed background information that you need to make a final decision. But once we have a better sense of the goal/preliminary thoughts of the Council we can then obtain that detail for discussion at an upcoming Council meeting so formal direction can be obtained from the Council. Helping staff with the questions posed will allow us to better focus your time at the regular meeting and eventually develop a policy related to use of this sign.

Financial/Budget/Grant Considerations

Financial impact to the City is budgeted at \$35,000 however, the design and size of the sign will determine final costs.

Advisory Committee/Commission Action

None.

Supporting Documentation Attached

Sample sign photos



Possible
Sign
Locations

Indicated
by these
symbols:





In front of Arby's near corner of MN-33 and Doddridge.

View #1

V Shaped, 2-sided sign.



In front of
Arby's near
corner of
MN-33 and
Doddridge.

View #2

V Shaped,
2-sided
sign.



Directly In front of Armory **View #1**

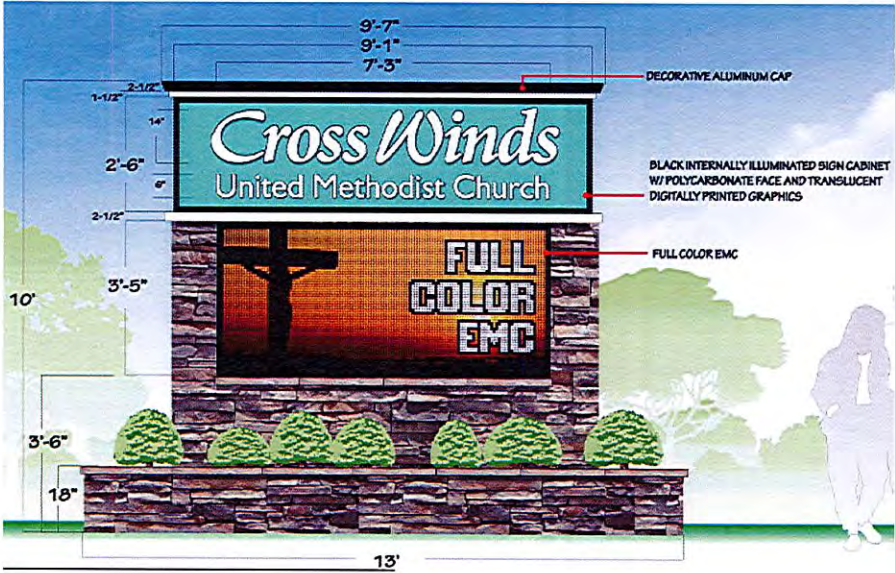
Flat, 2 – sided sign.



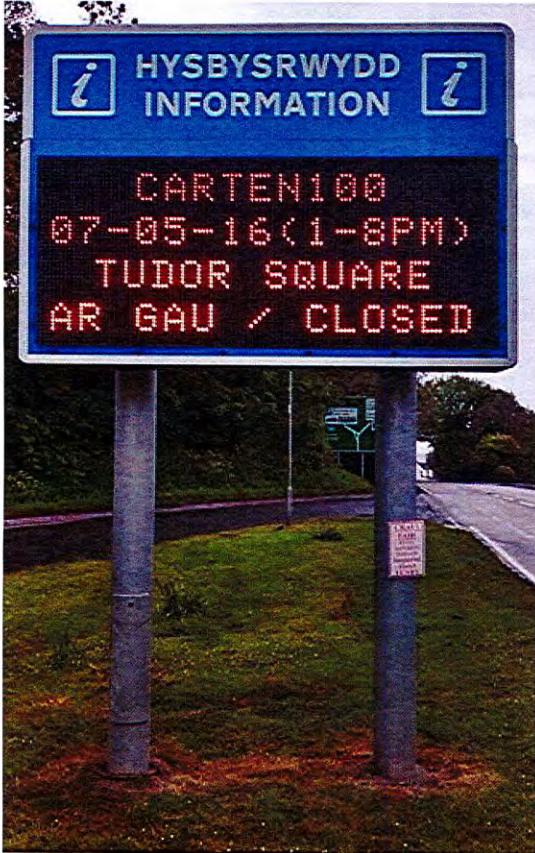
Directly In
front of
Armory
View #1

Flat, 2 –
sided sign.

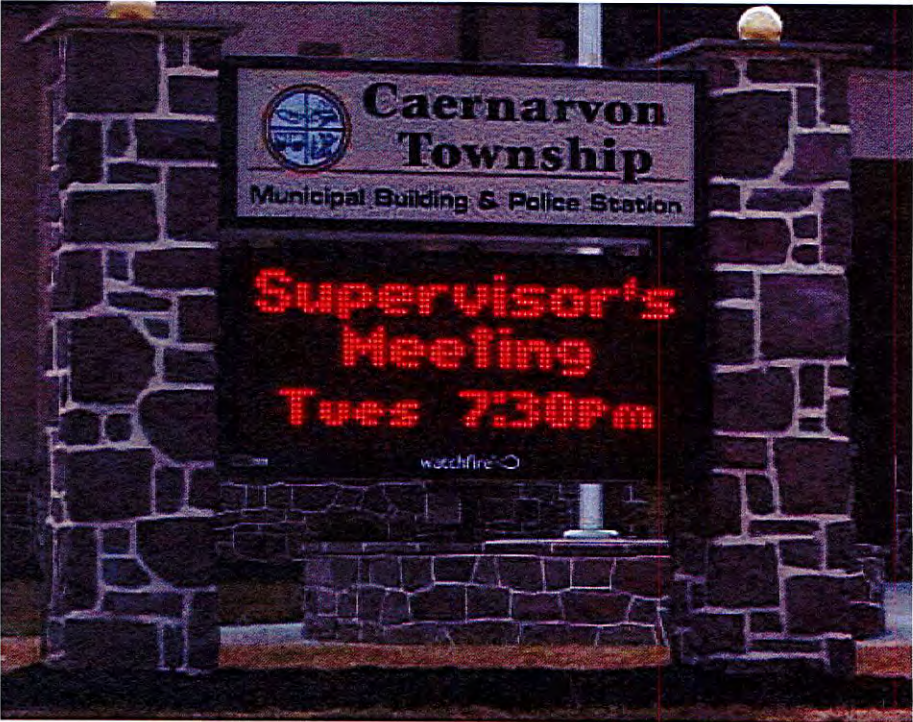
Sample Signs/Concepts



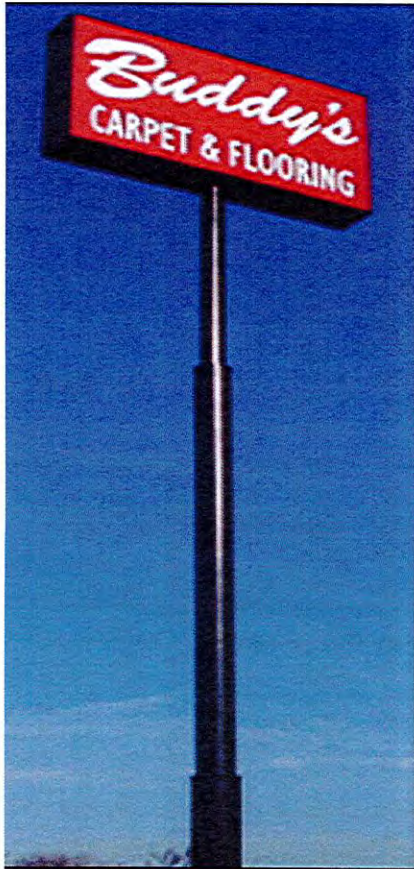
Sample Signs/Concepts



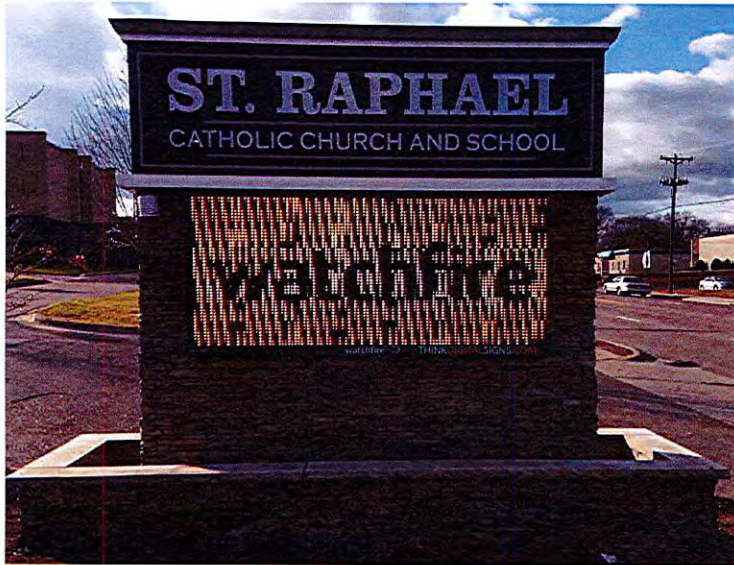
Sample Signs/Concepts



Sample Signs/Concepts



Sample Signs/Concepts






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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Brian Fritsinger, City Administrator 
Date: January 30, 2017

ITEM DESCRIPTION: Future Work Session Agenda Planning

Proposed Action

The City Council is asked to provide input for the upcoming City Council work session meeting agenda.

Background/Overview

The City Council typically meets in a work session format prior to each regular City Council meeting to discuss items not otherwise on the regular meeting. To ensure that the City Council is provided opportunity to give input regarding future work session agenda items, staff is suggesting the Council be given an opportunity at each meeting.

Approximately 5 minutes will be set aside as part of each work session to discuss the next work session meeting. For this purpose, attached the Council will find the tentative agenda and proposed discussion items for the upcoming work session meeting.

Policy Objectives

Does the City Council agree with the agendas as proposed?

Financial/Budget/Grant Considerations

None

Advisory Committee/Commission Action

None

Supporting Documentation Attached

- Upcoming agenda item list

2017
Tentative Upcoming Council
Work Session Agenda Items

February 21

PD.....Police Department Update / Law Enforcement Study
PD.....ATV's on City Streets

March 7

PW.....Street Repair Funding Options
PW.....Pavement Management
PW.....Public Works Department Update
PW.....Frontage Road Assessments
PW.....FDL Water Agreement Renewal



Regular Meeting

Roll Call

Councilors Present: Bailey, Bjerkness, Kolodge, Langley, Maki, Rock, Mayor Hallback

Councilors Absent: None.

Pledge of Allegiance

AGENDA

MOTION: Councilor Rock moved and Councilor Langley seconded the motion to approve the January 17, 2017 agenda. The motion carried unanimously (7-0).

MINUTES

MOTION: Councilor Bailey moved and Councilor Maki seconded the motion to approve the minutes of the Work Session and Regular Meeting of January 3, 2017. The motion carried unanimously (7-0).

CONSENT AGENDA

MOTION: Councilor Bjerkness moved and Councilor Kolodge seconded the motion to adopt the consent agenda of January 17, 2017 approving the necessary motions and resolutions. The motion carried unanimously (7-0).

- a. Resolution No. 17-05, Authorizing the Payment of Bills
- b. 2017 Business License Renewal

PUBLIC HEARING

There were none.

PRESENTATIONS

There were none.

RETAIL TOBACCO LICENSE SUSPENSION – SUNNYSIDE LIQUOR

MOTION: Councilor Kolodge moved and Councilor Bjerkness seconded the motion to suspend the retail tobacco license at Sunnyside Liquor for ten (10) days effective upon proper notice being provided to the business owner. The motion carried unanimously (7-0).

AUTHORIZATION TO LEASE POLICE DEPARTMENT VEHICLES

MOTION: Councilor Rock moved and Councilor Bailey seconded the motion to approve the lease of two (2) 2017 Ford Interceptor Utility Vehicles through the Minnesota Department of Administration Fleet and Surplus Service at the state bid price of \$49,861.44, and to complete the purchase and installation of equipment in the vehicles through Emergency Automotive Technologies, Inc., up to the approved amount of \$36,138.56. The motion carried unanimously (7-0).

HIGHWAY 33 & CLOQUET AVENUE COMMUNITY SIGN

MOTION: Councilor Bjerkness moved and Councilor Maki seconded the motion to adopt **RESOLUTION NO. 17-04, AUTHORIZING THE CITY OF CLOQUET PUBLIC WORKS DEPARTMENT TO MAINTAIN A MUNICIPAL IDENTIFICATION SIGN ON MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ALONG NORTHBOUND HIGHWAY 33.** The motion carried unanimously (7-0).

WHEREAS, The City of Cloquet previously constructed a Municipal Identification Sign on Minnesota Department of Transportation Right-of-Way along northbound Highway 33 at the intersection with Cloquet Avenue; and

WHEREAS, The City requests to maintain the existing Municipal Identification Sign on Minnesota Department of Transportation Right-of-Way, as per this Resolution's adoption; and

WHEREAS, The City of Cloquet requests the existing Municipal Identification Sign be grandfathered from current Minnesota Department of Transportation requirements and specifications as it was installed 20 years previously; and

WHEREAS, Authorization of this Resolution will be forwarded to the proper parties of the State of Minnesota Department of Transportation for review and approval of the existing sign; and

WHEREAS, The City Engineer has reviewed and recommended authorizing the Public Works Department to maintain the existing Municipal Identification Sign.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA:

That all previously written and unwritten documents are hereby superseded and that this resolution shall become effective on the day it is adopted.

AUTHORIZATION TO BID 2017 BITUMINOUS OVERLAY PROJECT

MOTION: Councilor Rock moved and Councilor Langley seconded the motion to adopt **RESOLUTION NO. 17-06, APPROVING THE SOLICITATION OF BIDS FOR THE PLANNED 2017 BITUMINOUS OVERLAY PROJECT.** The motion carried unanimously (7-0).

WHEREAS, The City has identified maintaining its street infrastructure is a priority; and

WHEREAS, The Streets contained in the proposed 2017 Bituminous Overlay are in need of maintenance; and

WHEREAS, Mill and Overlay has been determined to be the best maintenance strategy to preserve the pavement and extend the service life of the pavement; and

WHEREAS, it is most cost effective to complete all other ancillary concrete repairs along with the pavement repair; and

WHEREAS, The City now wishes to proceed with these improvements.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA:

1. Such plans and specifications are hereby approved.
2. The City Engineer is hereby authorized to advertise and solicit bids for such improvements.

AUTHORIZATION TO BID PINE VALLEY SINGLE TRACK MOUNTAIN BIKE TRAIL PROJECT

MOTION: Councilor Kolodge moved and Councilor Rock seconded to adopt **RESOLUTION NO. 17-07, APPROVING THE SOLICITATION OF BIDS FOR THE PINE VALLEY SINGLE TRACK MOUNTAIN BIKE TRAIL PROJECT.** The motion carried unanimously (7-0)

WHEREAS, The City has identified a vision for park improvements in the Cloquet Parks and Recreation System Master Plan; and

WHEREAS, The Cloquet Parks and Recreation System Master Plan includes a mountain bike trail at Pine Valley Park; and

WHEREAS, The Capital Improvement Plan has budgeted for the addition of a mountain bike trail at Pine Valley in 2017; and

WHEREAS, The City now wishes to proceed with these improvements.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA:

1. Such plans and specifications are hereby approved.
2. The City Engineer is hereby authorized to advertise and solicit bids for such improvements.

AUTHORIZATION TO BID 2017 SANITARY SEWER LINING PROJECT

MOTION: Councilor Langley moved and Councilor Bailey seconded the motion to adopt **RESOLUTION NO. 17-08, APPROVING THE SOLICITATION OF BIDS FOR THE 2017 SANITARY SEWER LINING PROJECT.** The motion carried unanimously (7-0).

WHEREAS, The City has identified a need to maintain its sanitary sewer infrastructure; and

WHEREAS, Proactively reducing inflow and infiltration into the sanitary sewer system will provide benefits to the City of Cloquet both financially and environmentally; and

WHEREAS, A trenchless approach to reducing infiltration provides the most economical approach to this work; and

WHEREAS, The City now wishes to proceed with these improvements.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA:

1. Such plans and specifications are hereby approved.
2. The City Engineer is hereby authorized to advertise and solicit bids for such improvements.

CONSIDERATION OF APPOINTMENTS TO THE PARKS AND PLANNING COMMISSIONS

MOTION: Councilor Langley moved and Councilor Maki seconded the motion to table the discussion and appointment of applicants interested in serving on the Parks and Planning Commissions until the February 7, 2017 regular meeting. The motion carried unanimously (7-0).

WLSSD BOARD APPOINTMENT

MOTION Councilor Bjerkness moved and Councilor Bailey seconded the motion to table the discussion and consideration of the appointment of a City Councilor to the Western Lake Superior Sanitary District Board until the February 7, 2017 regular meeting. The motion carried unanimously (7-0).

PUBLIC COMMENTS

Clarence Badger, 1518 Moorhead Road, expressed concern about the City Council's decision to require a sitting commissioner to interview for a position on a City Commission.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND UPDATES

Steve Langley questioned whether anyone was appointed to the Cloquet Area Fire District Board as an alternative. Mr. Fritsinger noted the City Council had not appointed anyone.

Mayor Hallback wished his daughter a happy birthday.

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

Brian Fritsinger, City Administrator



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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Nancy Klassen, Finance Director
Reviewed/Approved by: Brian Fritsinger, City Administrator
Date: February 2, 2017

ITEM DESCRIPTION: Payment of Bills and Payroll

Proposed Action

Staff recommends the Council move to adopt **RESOLUTION NO. 17-11, 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. 17-11

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	\$	365,148.95
207	Community Development Operating		17,151.95
208	Small Cities Development Program		8,325.16
226	Park Fund		25,088.34
228	Senior Center		85.00
231	Public Works Reserve		29,084.83
405	City Sales Tax Projects		178,473.74
600	Water - Lake Superior Waterline		85,560.23
601	Water - In Town		71,831.48
602	Sewer Fund		110,126.79
605	Storm Water Fund		11,518.18
614	CAT-7		10,375.56
701	Employee Severance Benefits		1,368.94
	TOTAL:	\$	914,139.15

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET
THIS 5TH DAY OF FEBRUARY, 2017.**

ATTEST:

Dave Hallback, Mayor

Brian Fritsinger, City Administrator

INVOICES DUE ON/BEFORE 02/07/2017

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE
110850	ABCO PLUMBING & HEATING, INC	0.00	85.00
110950	AARDVARK SEPTIC PUMPING	445.00	445.00
116100	AMERICAN PAYMENT CENTERS	0.00	92.00
121000	ARROWHEAD SPRINGS INC	70.00	142.25
122958	AUTO ZONE, INC.	0.00	15.00
125700	BEST OIL COMPANY	12,661.26	13,747.46
134000	CARLTON COUNTY HIGHWAY DEPT	695.86	2,617.32
134700	CARLTON COUNTY TREASURER	244.50	407.80
134900	CARLTON COUNTY TREASURER	0.00	11.00
135675	VORK ENTERPRISES INC	0.00	185.00
137310	CENTURY LINK	2,831.91	1,675.56
139800	CLOQUET AREA CHAMBER OF COMMER	3,441.30	3,017.20
141100	CLOQUET FORD-CHRYSLER CENTER	4,256.07	394.43
142100	CLOQUET MAIL STATION	122.25	22.80
145300	COMMUNITY PRINTING	621.00	926.90
145500	COMPENSATION CONSULTANTS, LTD	583.00	333.00
147050	CONSOLIDATED TELEPHONE COMPANY	0.00	217.00
150100	D A L C O	472.81	200.29
153800	DIGGERS HOTLINE, INC.	0.00	23.50
161675	EMC NATIONAL LIFE	1,554.00	1,178.50
161850	EMERGENCY AUTOMOTIVE TECH, INC	0.00	3,527.92
162640	ENVENTIS TELECOM INC	0.00	47.24
167875	FLAHERTY & HOOD, P.A.	0.00	2,182.73
170950	FRIENDS OF ANIMALS	7,750.00	225.00
173575	GEORGE BOUGALIS & SONS INC	0.00	96,220.08
175000	GOODIN COMPANY	20.64	10.88
175200	GOPHER STATE ONE CALL INC	43.20	143.20
175950	GRAPHIC TECHNOLOGIES	922.50	428.00
179340	HAGENS GLASS & PAINT	588.29	888.00
180425	HARRIS COMPUTER SYSTEMS	225.95	261.33
185900	IDEXX DISTRIBUTION CORP.	0.00	212.01
190700	JAMAR COMPANY	5,030.20	918.39
195045	KEEPRS, INC.	0.00	539.66
197800	L & M SUPPLY CO	2,014.41	79.75
202100	LAWSON PRODUCTS INC	0.00	129.58
202675	LEGACY DISTRIBUTION CO, LLC	0.00	532.34
203175	LEXIPOL LLC	0.00	15,246.00
204400	LINCOLN NATIONAL LIFE	4,235.89	2,699.86
206125	M B P T A	0.00	100.00
207400	MANEY INTERNATIONAL INC	2,682.47	1,327.78
210450	MEDIACOM LLC.	84.99	86.45
211400	MENARDS	57.46	237.90
212400	MICHAUD DIST INC	27.50	33.00
212800	MID-STATES ORGANIZED CRIME	0.00	150.00

INVOICES DUE ON/BEFORE 02/07/2017

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE
214800	CITY OF MINNEAPOLIS RECIEVABLE	93.60	106.20
218500	MN CHIEFS OF POLICE	0.00	260.00
219067	MN DEPT OF ADMINISTRATION	192.24	662.16
219350	MN DNR ECO-WATERS	0.00	34,090.91
223700	MN RURAL WATER ASSN	0.00	460.00
223750	MN SOCIETY OF PROFESSIONAL	0.00	500.00
224750	MN STATE TREASURER'S OFFICE	0.00	203.90
233550	COMPASS MINERALS AMERICA	13,072.33	9,657.72
234600	NORTHERN BUSINESS PRODUCTS	1,237.95	1,296.09
234900	NORTHERN ENGINE & SUPPLY	0.00	384.00
235800	NORTHLAND AUTO PARTS	21.98	75.05
236275	NORTHLAND VEBA TRUST	4,293.00	4,439.00
240725	O'REILLY AUTO ENTERPRISES LLC	0.00	49.14
242850	PARSONS ELECTRIC LLC	2,631.74	153.65
244300	BRENT BELICH	0.00	356.50
245000	PINE RIVER SALES, INC.	0.00	10,178.71
257925	ROYAL TIRE INC	0.00	190.00
258200	RUDY GASSERT YETKA	17,356.25	11,143.75
259975	THE SAND CREEK GROUP LTD	0.00	650.00
261800	SEH	0.00	88,710.91
267950	STANTEC CONSULTING SERVICES	621.30	2,353.00
269365	SUMMIT SUPPLY CORP	0.00	1,595.80
271975	TEAMSTER LOCAL 346 HEALTH FUND	24,414.80	29,402.74
272300	TELEPHONE ASSOCIATES	738.22	760.39
272600	TERMINAL SUPPLY INC	641.79	847.39
275050	TITAN ENERGY SYSTEMS INC	0.00	3,240.79
275075	TITAN MACHINERY	46.45	627.68
275450	TOLLERUD HEATING INC.	49.84	8,325.16
276225	KANDI KOUNTRY EXPRESS LTD	380.14	44.54
277550	TURFWERKS	0.00	69.33
278600	TWIN PORT MAILING	3,398.46	3,538.17
281000	UNITED ELECTRIC COMPANY	146.39	448.84
283700	USA BLUEBOOK	256.85	150.73
284875	VERIZON WIRELESS	790.91	790.86
286900	W L S S D	83,790.20	73,555.00
287800	WAL-MART COMMUNITY	255.92	164.04
287900	WAL-MART COMMUNITY	15.94	8.95
289015	WELLS FARGO CREDIT CARD	9,343.61	12,338.72
290860	WINTER EQUIPMENT COMPANY INC	0.00	6,723.63
R0001037	IRON RANGE ECONOMIC ALLIANCE	0.00	50.00
R0001190	THE ESTATE OF MARK LAINE	0.00	794.58
R0001229	PROGRESSIVE MICROTECHNOLOGY	0.00	495.00
R0001277	BURNS MCDONNELL	2,079.00	7,621.00
R0001284	OFFICE OF MN IT SERVICES	56.00	112.00

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CITY OF CLOQUET
VENDOR SUMMARY REPORT

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INVOICES DUE ON/BEFORE 02/07/2017

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE
R0001310	ADVANTAGE EMBLEM &	0.00	171.64
R0001466	AIR SCIENCE USA LLC	0.00	6,516.24
TOTAL ALL VENDORS:			476,278.02
Less: CAFD			(4,534.86)
Less: Library			(50.00)
Bills approved			471,693.16
Other:			
Water Tower loan payment			12,113.38
Payroll			466,788.35
Payroll - benefits			(36,455.74)
Total Bills and Payroll Approved			<u>914,139.15</u>

INVOICES DUE ON/BEFORE 02/07/2017

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE

GENERAL FUND			
00			
134700	CARLTON COUNTY TREASURER	244.50	407.80
161675	EMC NATIONAL LIFE	1,554.00	488.50
204400	LINCOLN NATIONAL LIFE	4,235.89	2,672.92
224750	MN STATE TREASURER'S OFFICE		203.90
236275	NORTHLAND VEBA TRUST	4,293.00	4,439.00
271975	TEAMSTER LOCAL 346 HEALTH FUND	24,414.80	28,060.74
R0001190	THE ESTATE OF MARK LAINE		794.58
			37,067.44
41	GENERAL GOVERNMENT		
137310	CENTURY LINK	2,831.91	108.99
145300	COMMUNITY PRINTING	621.00	331.04
145500	COMPENSATION CONSULTANTS, LTD	583.00	333.00
147050	CONSOLIDATED TELEPHONE COMPANY		108.50
150100	D A L C O	472.81	148.61
161675	EMC NATIONAL LIFE	1,554.00	61.00
167875	FLAHERTY & HOOD, P.A.		166.25
175000	GOODIN COMPANY	20.64	10.88
180425	HARRIS COMPUTER SYSTEMS	225.95	33.75
190700	JAMAR COMPANY	5,030.20	222.50
197800	L & M SUPPLY CO	2,014.41	31.98
206125	M B P T A		100.00
212400	MICHAUD DIST INC	27.50	33.00
234600	NORTHERN BUSINESS PRODUCTS	1,237.95	405.77
258200	RUDY GSSERT YETKA	17,356.25	11,143.75
272300	TELEPHONE ASSOCIATES	738.22	380.20
281000	UNITED ELECTRIC COMPANY	146.39	224.42
284875	VERIZON WIRELESS	790.91	280.08
287800	WAL-MART COMMUNITY	255.92	35.24
289015	WELLS FARGO CREDIT CARD	9,343.61	97.95
	GENERAL GOVERNMENT		14,256.91
42	PUBLIC SAFETY		
125700	BEST OIL COMPANY	12,661.26	2,703.54
134900	CARLTON COUNTY TREASURER		11.00
135675	VORK ENTERPRISES INC		185.00
137310	CENTURY LINK	2,831.91	614.46
141100	CLOQUET FORD-CHRYSLER CENTER	4,256.07	329.78

INVOICES DUE ON/BEFORE 02/07/2017

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE

GENERAL FUND			
42	PUBLIC SAFETY		
142100	CLOQUET MAIL STATION	122.25	22.80
150100	D A L C O	472.81	51.68
161675	EMC NATIONAL LIFE	1,554.00	250.00
167875	FLAHERTY & HOOD, P.A.		2,016.48
170950	FRIENDS OF ANIMALS	7,750.00	225.00
190700	JAMAR COMPANY	5,030.20	347.95
195045	KEEPRS, INC.		539.66
197800	L & M SUPPLY CO	2,014.41	47.77
203175	LEXIPOL LLC		15,246.00
212800	MID-STATES ORGANIZED CRIME		150.00
214800	CITY OF MINNEAPOLIS RECIEVABLE	93.60	106.20
218500	MN CHIEFS OF POLICE		260.00
234600	NORTHERN BUSINESS PRODUCTS	1,237.95	269.40
235800	NORTHLAND AUTO PARTS	21.98	23.49
244300	BRENT BELICH		356.50
259975	THE SAND CREEK GROUP LTD		650.00
275050	TITAN ENERGY SYSTEMS INC		1,620.40
281000	UNITED ELECTRIC COMPANY	146.39	224.42
284875	VERIZON WIRELESS	790.91	350.10
287900	WAL-MART COMMUNITY	15.94	8.95
289015	WELLS FARGO CREDIT CARD	9,343.61	3,349.86
R0001229	PROGRESSIVE MICROTECHNOLOGY		495.00
R0001284	OFFICE OF MN IT SERVICES	56.00	112.00
R0001310	ADVANTAGE EMBLEM &		171.64
	PUBLIC SAFETY		30,739.08
43	PUBLIC WORKS		
121000	ARROWHEAD SPRINGS INC	70.00	63.25
122958	AUTO ZONE, INC.		7.50
125700	BEST OIL COMPANY	12,661.26	4,271.28
134000	CARLTON COUNTY HIGHWAY DEPT	695.86	2,617.32
137310	CENTURY LINK	2,831.91	169.67
141100	CLOQUET FORD-CHRYSLER CENTER	4,256.07	64.65
145300	COMMUNITY PRINTING	621.00	132.41
147050	CONSOLIDATED TELEPHONE COMPANY		15.50
161675	EMC NATIONAL LIFE	1,554.00	89.00
175200	GOPHER STATE ONE CALL INC	43.20	71.60
202100	LAWSON PRODUCTS INC		64.79
202675	LEGACY DISTRIBUTION CO, LLC		532.34
207400	MANEY INTERNATIONAL INC	2,682.47	1,160.78
223750	MN SOCIETY OF PROFESSIONAL		500.00

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CITY OF CLOQUET
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INVOICES DUE ON/BEFORE 02/07/2017

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE

GENERAL FUND			
43	PUBLIC WORKS		
233550	COMPASS MINERALS AMERICA	13,072.33	9,657.72
234600	NORTHERN BUSINESS PRODUCTS	1,237.95	360.89
234900	NORTHERN ENGINE & SUPPLY		384.00
240725	O'REILLY AUTO ENTERPRISES LLC		49.14
257925	ROYAL TIRE INC		190.00
272300	TELEPHONE ASSOCIATES	738.22	54.31
272600	TERMINAL SUPPLY INC	641.79	847.39
276225	KANDI KOUNTRY EXPRESS LTD	380.14	44.54
277550	TURFWERKS		69.33
284875	VERIZON WIRELESS	790.91	55.65
287800	WAL-MART COMMUNITY	255.92	68.94
289015	WELLS FARGO CREDIT CARD	9,343.61	144.79
290860	WINTER EQUIPMENT COMPANY INC		6,723.63
	PUBLIC WORKS		28,410.42
46	COMMUNITY DEVELOPMENT		
139800	CLOQUET AREA CHAMBER OF COMMER	3,441.30	3,017.20
	COMMUNITY DEVELOPMENT		3,017.20
COMMUNITY DEV OPERATING (CITY)			
46	COMMUNITY DEVELOPMENT		
137310	CENTURY LINK	2,831.91	15.57
145300	COMMUNITY PRINTING	621.00	66.21
147050	CONSOLIDATED TELEPHONE COMPANY		15.50
161675	EMC NATIONAL LIFE	1,554.00	11.00
234600	NORTHERN BUSINESS PRODUCTS	1,237.95	50.08
272300	TELEPHONE ASSOCIATES	738.22	54.31
289015	WELLS FARGO CREDIT CARD	9,343.61	523.80
R0001037	IRON RANGE ECONOMIC ALLIANCE		50.00
R0001277	BURNS MCDONNELL	2,079.00	7,621.00
	COMMUNITY DEVELOPMENT		8,407.47
SCDP (CITY)			
00			
275450	TOLLERUD HEATING INC.	49.84	7,510.00
			7,510.00

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CITY OF CLOQUET
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INVOICES DUE ON/BEFORE 02/07/2017

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE

SCDP (CITY)			
46	COMMUNITY DEVELOPMENT		
275450	TOLLERUD HEATING INC.	49.84	815.16
	COMMUNITY DEVELOPMENT		815.16
LIBRARY FUND			
45	CULTURE AND RECREATION		
161675	EMC NATIONAL LIFE	1,554.00	50.00
	CULTURE AND RECREATION		50.00
PARK FUND			
45	PARKS/RECREATION		
110950	AARDVARK SEPTIC PUMPING	445.00	445.00
122958	AUTO ZONE, INC.		7.50
125700	BEST OIL COMPANY	12,661.26	1,327.22
137310	CENTURY LINK	2,831.91	195.61
161675	EMC NATIONAL LIFE	1,554.00	36.00
179340	HAGENS GLASS & PAINT	588.29	888.00
211400	MENARDS	57.46	237.90
242850	PARSONS ELECTRIC LLC	2,631.74	153.65
269365	SUMMIT SUPPLY CORP		1,595.80
	PARKS/RECREATION		4,886.68
SENIOR CENTER FUND			
45	CULTURE AND RECREATION		
110850	ABCO PLUMBING & HEATING, INC		85.00
	CULTURE AND RECREATION		85.00
PUBLIC WORKS RESERVE			
42	PUBLIC SAFETY		
161850	EMERGENCY AUTOMOTIVE TECH, INC		3,527.92
175950	GRAPHIC TECHNOLOGIES	922.50	428.00
219067	MN DEPT OF ADMINISTRATION	192.24	662.16
289015	WELLS FARGO CREDIT CARD	9,343.61	7,771.80

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VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE

PUBLIC WORKS RESERVE			
42	PUBLIC SAFETY		
R0001466	AIR SCIENCE USA LLC		6,516.24
	PUBLIC SAFETY		18,906.12
45	CULTURE & RECREATION		
245000	PINE RIVER SALES, INC.		10,178.71
	CULTURE & RECREATION		10,178.71
CITY SALES TAX CAPITAL			
00			
173575	GEORGE BOUGALIS & SONS INC		-5,064.21
			-5,064.21
81	SPECIAL PROJECTS		
173575	GEORGE BOUGALIS & SONS INC		101,284.29
261800	SEH		79,900.66
267950	STANTEC CONSULTING SERVICES	621.30	2,353.00
	SPECIAL PROJECTS		183,537.95
WATER - LAKE SUPERIOR WATERLIN			
50	STATION ONE		
219350	MN DNR ECO-WATERS		30,900.01
	STATION ONE		30,900.01
51	STATION TWO		
121000	ARROWHEAD SPRINGS INC	70.00	24.00
137310	CENTURY LINK	2,831.91	197.17
161675	EMC NATIONAL LIFE	1,554.00	40.00
185900	IDEXX DISTRIBUTION CORP.		212.01
	STATION TWO		473.18

INVOICES DUE ON/BEFORE 02/07/2017

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE

WATER - LAKE SUPERIOR WATERLIN			
52	LAKE SUPERIOR WATERLINE		
125700	BEST OIL COMPANY	12,661.26	877.56
153800	DIGGERS HOTLINE, INC.		23.50
161675	EMC NATIONAL LIFE	1,554.00	20.00
284875	VERIZON WIRELESS	790.91	35.01
	LAKE SUPERIOR WATERLINE		956.07
57	ADMINISTRATION		
161675	EMC NATIONAL LIFE	1,554.00	3.30
	ADMINISTRATION		3.30
WATER - IN TOWN SYSTEM			
49	CLOQUET		
125700	BEST OIL COMPANY	12,661.26	1,211.64
137310	CENTURY LINK	2,831.91	143.47
161675	EMC NATIONAL LIFE	1,554.00	32.00
202100	LAWSON PRODUCTS INC		38.87
219350	MN DNR ECO-WATERS		3,190.90
235800	NORTHLAND AUTO PARTS	21.98	5.32
275075	TITAN MACHINERY	46.45	627.68
283700	USA BLUEBOOK	256.85	150.73
284875	VERIZON WIRELESS	790.91	35.01
	CLOQUET		5,435.62
54	BILLING & COLLECTION		
116100	AMERICAN PAYMENT CENTERS		92.00
145300	COMMUNITY PRINTING	621.00	132.41
161675	EMC NATIONAL LIFE	1,554.00	12.50
180425	HARRIS COMPUTER SYSTEMS	225.95	227.58
234600	NORTHERN BUSINESS PRODUCTS	1,237.95	9.65
278600	TWIN PORT MAILING	3,398.46	3,538.17
	BILLING & COLLECTION		4,012.31
57	ADMINISTRATION & GENERAL		

INVOICES DUE ON/BEFORE 02/07/2017

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE

WATER - IN TOWN SYSTEM			
57	ADMINISTRATION & GENERAL		
137310	CENTURY LINK	2,831.91	101.80
145300	COMMUNITY PRINTING	621.00	132.41
147050	CONSOLIDATED TELEPHONE COMPANY		46.50
161675	EMC NATIONAL LIFE	1,554.00	6.70
175200	GOPHER STATE ONE CALL INC	43.20	42.96
223700	MN RURAL WATER ASSN		460.00
234600	NORTHERN BUSINESS PRODUCTS	1,237.95	100.15
261800	SEH		4,405.12
272300	TELEPHONE ASSOCIATES	738.22	162.94
289015	WELLS FARGO CREDIT CARD	9,343.61	144.79
	ADMINISTRATION & GENERAL		5,603.37
ENTERPRISE FUND - SEWER			
00			
286900	W L S S D	83,790.20	-4,865.00
			-4,865.00
55	SANITARY SEWER		
125700	BEST OIL COMPANY	12,661.26	813.19
161675	EMC NATIONAL LIFE	1,554.00	20.00
202100	LAWSON PRODUCTS INC		25.92
207400	MANEY INTERNATIONAL INC	2,682.47	167.00
235800	NORTHLAND AUTO PARTS	21.98	22.74
261800	SEH		4,405.13
284875	VERIZON WIRELESS	790.91	35.01
286900	W L S S D	83,790.20	78,420.00
	SANITARY SEWER		83,908.99
57	ADMINISTRATION & GENERAL		
137310	CENTURY LINK	2,831.91	67.89
145300	COMMUNITY PRINTING	621.00	132.42
147050	CONSOLIDATED TELEPHONE COMPANY		31.00
161675	EMC NATIONAL LIFE	1,554.00	30.50
175200	GOPHER STATE ONE CALL INC	43.20	28.64
234600	NORTHERN BUSINESS PRODUCTS	1,237.95	100.15

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CITY OF CLOQUET
DEPARTMENT SUMMARY REPORT

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VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE

ENTERPRISE FUND - SEWER			
57	ADMINISTRATION & GENERAL		
272300	TELEPHONE ASSOCIATES	738.22	108.63
289015	WELLS FARGO CREDIT CARD	9,343.61	144.78
	ADMINISTRATION & GENERAL		644.01
STORM WATER UTILITY			
57	ADMINISTRATION & GENERAL		
161675	EMC NATIONAL LIFE	1,554.00	4.50
289015	WELLS FARGO CREDIT CARD	9,343.61	160.95
	ADMINISTRATION & GENERAL		165.45
59	OPERATIONS		
161675	EMC NATIONAL LIFE	1,554.00	10.00
	OPERATIONS		10.00
CABLE TELEVISION			
45	PUBLIC TV		
121000	ARROWHEAD SPRINGS INC	70.00	55.00
137310	CENTURY LINK	2,831.91	60.93
161675	EMC NATIONAL LIFE	1,554.00	13.50
162640	ENVENTIS TELECOM INC		47.24
210450	MEDIACOM LLC.	84.99	86.45
287800	WAL-MART COMMUNITY	255.92	59.86
	PUBLIC TV		322.98
EMPLOYEE SEVERANCE			
45	EMPLOYEE VACATION & SICK		
204400	LINCOLN NATIONAL LIFE	4,235.89	26.94
271975	TEAMSTER LOCAL 346 HEALTH FUND	24,414.80	1,342.00
	EMPLOYEE VACATION & SICK		1,368.94

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CITY OF CLOQUET
DEPARTMENT SUMMARY REPORT

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INVOICES DUE ON/BEFORE 02/07/2017

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE

CLOQUET AREA FIRE DISTRICT			
42	PUBLIC SAFETY		
125700	BEST OIL COMPANY	12,661.26	2,543.03
190700	JAMAR COMPANY	5,030.20	347.94
235800	NORTHLAND AUTO PARTS	21.98	23.50
275050	TITAN ENERGY SYSTEMS INC		1,620.39
	PUBLIC SAFETY		4,534.86
	TOTAL ALL DEPARTMENTS		476,278.02



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

To: Mayor and City Council
From: Brian Fritsinger, City Administrator
Date: January 31, 2017

ITEM DESCRIPTION: Approval of Raffle Permit - Kingdom Builders Ministries

Proposed Action

Staff recommends the City Council move to adopt **RESOLUTION NO. 17-12, A RESOLUTION APPROVING EXEMPT PERMIT TO CONDUCT A RAFFLE EVENT AT COMMUNITY MEMORIAL HOSPITAL.**

Background/Overview

The City has received an application from Kingdom Builders Ministries, for a raffle event to be held on March 11, 2017, at Community Memorial Hospital, 512 Skyline Drive.

Policy Objectives

Approval of application by local community is required under MN Statutes.

Financial/Budget/Grant Considerations

There is no cost to the City regarding the approval of the application nor does the City retain any fees for its consideration.

Advisory Committee/Commission Action

None.

Supporting Documentation Attached

- Resolution No. 17-12
- LG220 Application for Exempt Permit

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

RESOLUTION NO. 17-12

**A RESOLUTION APPROVING EXEMPT PERMIT
TO CONDUCT A RAFFLE EVENT
AT COMMUNITY MEMORIAL HOSPITAL**

WHEREAS, The City of Cloquet received an application from Kingdom Builders Ministries, 520 Park Place, for an Exempt Permit to conduct a raffle event on March 11, 2017, at Community Memorial Hospital, 512 Skyline Blvd.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, That the City Council has reviewed the application of Kingdom Builders Ministries, 520 Park Place, for an Exempt Permit to conduct a raffle event on March 11, 2017 at Community Memorial Hospital, 512 Skyline Blvd., and has no objection to the Minnesota Gambling Control Board's issuance of such permit.

BE IT FURTHER RESOLVED, That the Cloquet City Council hereby waives the normally required thirty day waiting period for the issuance of said permit.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET
THIS 7TH DAY OF FEBRUARY, 2017.**

Dave Hallback, Mayor

ATTEST:

Brian Fritsinger, City Administrator

MINNESOTA LAWFUL GAMBLING
LG220 Application for Exempt Permit

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

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

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)
 Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.
 Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Kingdom Builders Ministries Previous Gambling Permit Number: N/A

Minnesota Tax ID Number, if any: 47-2512883 Federal Employer ID Number (FEIN), if any: 47-2512883

Mailing Address: 520 Park Place

City: Cloquet State: MN Zip: 55720 County: Crookston

Name of Chief Executive Officer (CEO): Brian Smith

Daytime Phone: _____ Email: _____

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

A current calendar year Certificate of Good Standing
 Don't have a copy? Obtain this certificate from:
 MN Secretary of State, Business Services Division Secretary of State website, phone numbers:
 60 Empire Drive, Suite 100 www.sos.state.mn.us
 St. Paul, MN 55103 651-296-2803, or toll free 1-877-551-6767

IRS income tax exemption (501(c)) letter in your organization's name
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

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

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Community Memorial Hospital

Address (do not use P.O. box): 512 Skyline Blvd

City or Township: Cloquet MN Zip: 55720 County: Crookston

Date(s) of activity (for raffles, indicate the date of the drawing): 3/11/17

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

Bingo Paddlewheels Pull-Tabs Tipboards

Raffle (total value of raffle prizes awarded for the calendar year, including this raffle: \$ 2700)

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under **List of Licensees**, or call 651-539-1900.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

MAR 12 2015

KINGDOM BUILDERS MINISTRIES
C/O JULIE HARRIS
520 PARK PL
CLOQUET, MN 55720

Employer Identification Number:
47-2512883

DLN:
17053023308035

Contact Person:
JASON A KROTINE ID# 31666

Contact Telephone Number:
(877) 829-5500

Accounting Period Ending:
December 31

Public Charity Status:
170(b)(1)(A)(vi)

Form 990 Required:

Yes

Effective Date of Exemption:
November 17, 2014

Contribution Deductibility:
Yes

Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

TAX login ID: 47251288301 Sincerely,


Director, Exempt Organizations


Letter 947



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

To: Mayor and City Council
From: Brian Fritsinger, City Administrator 
Date: February 1, 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 4th Street, on February 25, 2017. 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 25, 2017, 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 \$50.00/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

January 30th, 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 25th, 2017.

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,



Karin Sabyan
Mardi Gras Committee Member
Queen of Peace Lead Preschool Teacher



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	
Queen of Peace Catholic School/Church		1881 (October)	23170	
Address		City	State	Zip Code
102 - 4th St.		Cloquet	Minnesota	55720
Name of person making application		Business phone	Home phone cell	
Karin Sabyan		879-8516		
Date(s) of event	Type of organization			
2/25/17	<input type="checkbox"/> Club <input type="checkbox"/> Charitable <input checked="" type="checkbox"/> Religious <input type="checkbox"/> Other non-profit			
Organization officer's name	City	State	Zip Code	
Father Justin Fish	Cloquet	Minnesota	55720	
Organization officer's name	City	State	Zip Code	
Norlene Bleskacek	Cloquet	Minnesota	55720	
Organization officer's name	City	State	Zip Code	
Karin Sabyan	Cloquet	Minnesota	55720	
Organization officer's name	City	State	Zip Code	
		Minnesota		

Location where permit will be used. If an outdoor area, describe.
 On school/church premises. Gym, cafeteria, hallways, classrooms.

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.
 N/A

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.
 The catholic Mutual Relief Society of America
 500,000/1,000,000

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**



CITY ADMINISTRATOR'S OFFICE

1307 Cloquet Avenue, Cloquet MN 55720

Phone: 218-879-3347 Fax: 218-879-6555

www.ci.cloquet.mn.us

email: admin@ci.cloquet.mn.us

CITY OF CLOQUET
TEMPORARY ON SALE LIQUOR LICENSE APPLICATION

Check all that apply: [X] Indoor Entertainment [] Outdoor Entertainment [] No Entertainment

Organization Name: Queen of Peace Catholic School

Organization Address: 102- 4th St.

City, State, Zip: Cloquet, MN 55720

Purpose of the Organization: Religious

Is this organization a:

- Charitable, religious, or non-profit organization? [X] Yes [] No
Political committee registered under Minnesota Statute 10A.14? [] Yes [X] No
Organization which has been existence for three (3) years? [X] Yes [] No

Contact Person Name: Karin Sabyan

Address:

City, State, Zip: Cloquet, MN 55720

Home Phone Work Phone Cell Phone

E-Mail Address: ksabyan.QP@gmail.com

Event Dates and Times: February 25, 2017 6pm-12am

Purpose of the Event: fundraiser

Estimated Total Attendance at the Event: 300 - 350

Name of Location for Event: Queen of Peace

Address for Event: 102-4th St. Cloquet, MN 55720

Is the event a Community Festival? [] Yes [X] No (Must be designated by the Cloquet City Council.)

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.

D.J. entertainment. Raffles. Silent & live auctions. Food.

Days / Times of Entertainment: Saturday, February 25. 6pm - 12am

Will there be a band? Yes No

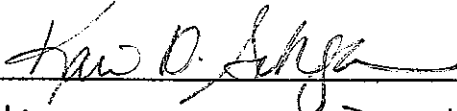
Will the entertainment be amplified? Yes No

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): _____

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:  Date: 1/30/17

Print Name Karin Danielle Sabyan
First Middle Last

FOR CITY USE ONLY: (When applicable)				
	Signature:	Approved:	Denied:	Date:
Police Chief:				
City Administrator:				

Certificate of Exempt Status

ST-17

Exempt Organizations

Queen Of Peace Church
And School
102 Fourth Street
Cloquet MN 55720

Certificate number ES 20930

Date Issued 07/31/69

Date Reissued 11/30/2005

The organization above is exempt from sales and use tax under Minnesota law on purchases, rentals, and leases of merchandise and services to be used in the performance of its charitable, religious or educational functions. For senior citizen groups, the merchandise must be used for pleasure, recreation, or other nonprofit functions of the group.

This exemption does not apply to purchases of meals, lodging, waste collection and disposal services, or to purchases or leases of motor vehicles, except motor vehicles that are used primarily to transport goods or people, other than employees, as part of the organization's charitable, religious, or educational functions are exempt. Qualifying motor vehicles include those defined in Minnesota Statutes, section 168.011 as a truck or bus, or a passenger automobile that is designed and used for carrying more than nine people. (M.S. 297A.70, subd. 4)

Commissioner of Revenue

by



P. R. Blaisdell, Supervisor
Corporate and Sales Tax Division

Questions? Call the MN Department of Revenue at (651) 296-6181 or



Minnesota Department of Revenue - Sales and Use Tax Division
Centennial Office Building - St. Paul, Minnesota 55145
(612) 296-6181

CERTIFICATE OF EXEMPT STATUS - EXEMPT ORGANIZATION

Under the provisions of Section 297A.25, Subdivision 1 (p) of the Minnesota Sales and Use Tax Law, the organization listed below is certified to be exempt from sales and use taxes on purchases, rentals and leases of tangible personal property. The property must be used exclusively in the performance of charitable, religious or educational functions or, in the case of senior citizen groups, in the pleasure, recreation or other nonprofit functions, of the group.

Our Lady of the Sacred Heart Church
now known as: Queen of Peace Church
~~401 Avenue G~~ 102 4th Street
Cloquet, Minnesota 55720

Certificate No.	State 23170
ES	
Date Issued	February 13, 1970
Date Reissued:	November 1, 1985

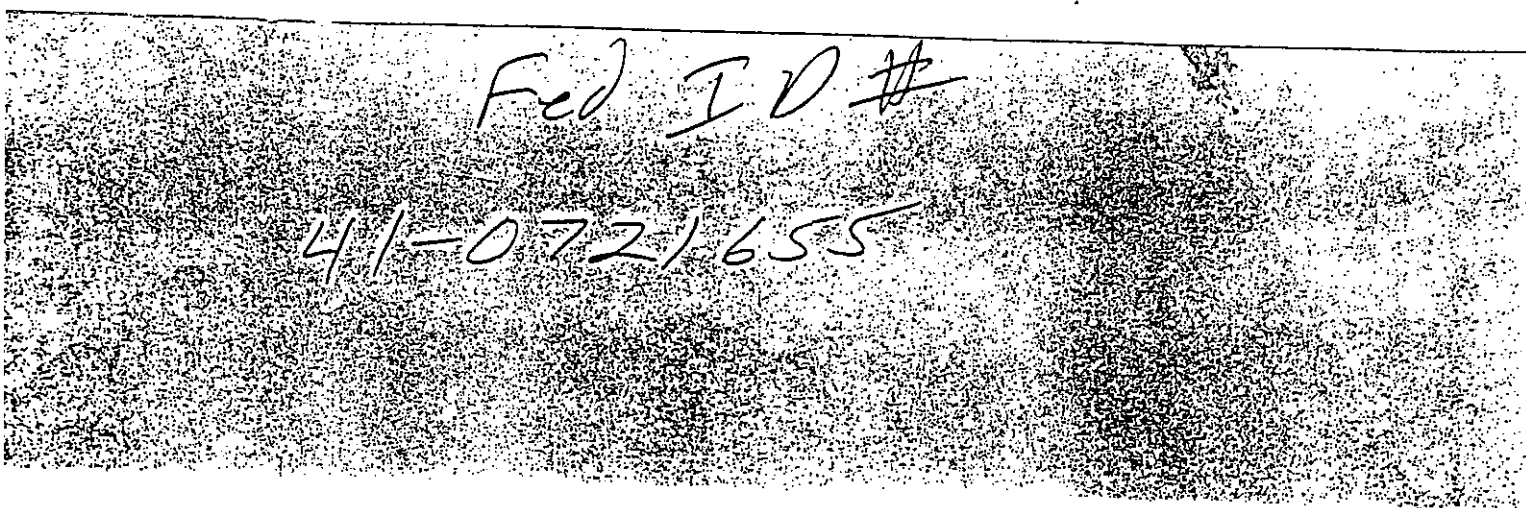
Commissioner of Revenue

By *C. F. Ganje*

C. F. GANJE, Director
Sales and Use Tax Division

This certificate is valid until revoked by the Minnesota Department of Revenue.

The exemption does not apply to purchases of meals or lodging.



*Employer
State I.D.*


2976131



ADMINISTRATIVE OFFICES

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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Brian Fritsinger, City Administrator 
Date: January 30, 2017

ITEM DESCRIPTION: Consideration of Appointments to the Parks and Planning Commissions

Proposed Action

The City Council is asked to discuss the applications of interest to serve on the Parks and Planning Commissions with terms expiring December 31, 2019.

Background/Overview

The City Council recently received the resignations of Rick Stowell and Amy Louhela from the Parks Commission and Charles Buscher and Michael Haubner from the Planning Commission. The terms of each of these Commissioners expired on December 31, 2016. As a result, the Council has two appointments to make on each Commission.

The City advertised for interested residents to serve on these Commissions through the Pine Journal Newspaper and its website. The City Council conducted interviews with each of the perspective candidates at its January 17, 2017 Work Session meeting. Interviewed at that meeting were the following:

Parks Commission

- Cory Martinson
- John Fryc

Planning Commission

- Terry Lyytinen
- Nate Wilkinson

Policy Objectives

The Council can delegate certain functions to appointed administrative Boards and Commissions. Certain Commissions are established per Minnesota Statutes and others serve, such as the Parks Commission, at the direction of the City Council. The Planning Commission is established pursuant to Minnesota Statute 462.354 and Section 2.2.01 of City Code.

Financial/Budget/Grant Considerations

None.

Advisory Committee/Commission Action

None.

Supporting Documentation Attached

- Applications for appointments to Commissions



ADMINISTRATIVE OFFICES

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Phone: 218-879-3347 Fax: 218-879-6555

www.ci.cloquet.mn.us

email: bfritsinger@ci.cloquet.mn.us

Application for Appointment to Advisory Boards and Commissions

Name: Terri Lyytinen		Date: 12/15/2016
Address		
Email:		
Home Phone:	Work Phone:	Cell Phone:
How long have you lived in Cloquet?	Years/Months: 20 years	Which Ward? 1
What Cloquet community activities have you been involved in? I have done lots of volunteering & been involved in countless activities in the community through the years including: Chamber of Commerce events & functions, Salvation Army volunteering food drives, adopt a family, Red Kettle, Friends of Animals Volunteering Beastie Bash & rummage sales, Queen of Peace school fundraising, & volunteering at The Cloquet Vineyard Church.		
Please describe any previous experience you have which is similar to serving on a volunteer Advisory Board/Commission. I have served on the Board of Directors for the Duluth Area Association of Realtors on 2 different occasions fulfilling 3 term lengths, I served 2 years on the Board of Directors for the Salvation Army in Cloquet. I am currently on the Board of Directors for The Friends of Animals.		
Do you have a preferred Board/Commission that you are interested in serving on?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If yes, fill in the name of Board/Commission: Planning Commission		
Would you consider an alternate appointment?		Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, which one?		
Please describe any schedule conflicts with the regular meeting schedules for the Board/Commissions i.e., routine travel, work schedules and the like. I sell residential real estate which in the summer months can be extra long hours but typically I make my schedule and can fulfill obligations made prior. However, short notice meeting during that time might be an issue for my schedule.		
Why do you wish to be on a Board/Commission? I want to see my community grow and develop into a flourishing town would love the opportunity to be part of that process.		
Please describe any other relevant information you would like us to know. I have had my Real Estate brokers license and or sales person license since 1998.		

*** Attach Additional Sheets, if necessary ***



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www.ci.cloquet.mn.us

email: bfritsinger@ci.cloquet.mn.us

Application for Appointment to Advisory Boards and Commissions

Name: Nathaniel Wilkinson		Date: 12/15/2016
Address		
Email:		
Home Phone:	Work Phone:	Cell Phone:
How long have you lived in Cloquet?	Years/Months: 23/0	Which Ward? 5
What Cloquet community activities have you been involved in? Cloquet Chamber events.		
Please describe any previous experience you have which is similar to serving on a volunteer Advisory Board/Commission. Currently serving on Cable Commission.		
Do you have a preferred Board/Commission that you are interested in serving on?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If yes, fill in the name of Board/Commission: Planning Commission		
Would you consider an alternate appointment?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, which one?		
Please describe any schedule conflicts with the regular meeting schedules for the Board/Commissions i.e., routine travel, work schedules and the like.		
Why do you wish to be on a Board/Commission? I would like to further my involvement with my city. My past and current experiences working at engineering and architectural firms makes me a good fit for this commission.		
Please describe any other relevant information you would like us to know. Thank you for the consideration.		

*** Attach Additional Sheets, if necessary ***



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email: bfrktsinger@ci.cloquet.mn.us

Application for Appointment to Advisory Boards and Commissions

Name: Cory Martinson		Date: 12/15/2016
Address		
Email:		
Home Phone:	Work Phone:	Cell Phone:
How long have you lived in Cloquet?	Years/Months: over 30 years	Which Ward? 3
What Cloquet community activities have you been involved in? Mostly activities through my church. This would be my first official service at the city level.		
Please describe any previous experience you have which is similar to serving on a volunteer Advisory Board/Commission. In my capacity as a security trainer for the military I sat in committee with advisors for battalion security. While I was operations manager for an electronics recycling business in Duluth I sat in with the WLSD board on recycling and waste.		
Do you have a preferred Board/Commission that you are interested in serving on?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If yes, fill in the name of Board/Commission: The parks commission		
Would you consider an alternate appointment?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, which one?		
Please describe any schedule conflicts with the regular meeting schedules for the Board/Commissions i.e., routine travel, work schedules and the like. My work schedule would allow me to attend all the meetings.		
Why do you wish to be on a Board/Commission? I've been interested in some of the initiatives like the idea of a dog park in Cloquet for some time now, and thought I should probably "put my money where my mouth is."		
Please describe any other relevant information you would like us to know. Thank you for your consideration.		

*** Attach Additional Sheets, if necessary ***



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email: bfritsinger@ci.cloquet.mn.us

Application for Appointment to
Advisory Boards and Commissions

Name: John S. Fryc		Date: 11/28/2016
Address		
Email:		
Home Phone:	Work Phone:	Cell Phone:
How long have you lived in Cloquet?	Years/Months: 38 years 6 month	Which Ward? 3rd
What Cloquet community activities have you been involved in? Cloquet River Run Lead Biker Churchill/Washington Power Lunch Reading programs		
Please describe any previous experience you have which is similar to serving on a volunteer Advisory Board/Commission. I am the Labor Organization representative on the Minnesota Fiber Resource council, appointed by Governor Mark Dayton. I also serve as a SEIU-NCFO Chapter 939 representative to the Wood Fiber Employees Joint Legislative Council		
Do you have a preferred Board/Commission that you are interested in serving on?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If yes, fill in the name of Board/Commission: Parks Commission		
Would you consider an alternate appointment?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, which one?		
Please describe any schedule conflicts with the regular meeting schedules for the Board/Commissions i.e., routine travel, work schedules and the like. My work schedule is Monday-Thursday 6:30 AM to 5 PM. I will need to use volunteer time to leave work to attend meetings.		
Why do you wish to be on a Board/Commission? I am interested in serving the community I have lived my entire adult life in. I am a user of the parks and trail systems of our community and I would like to see our parks and trails maintained as well as continual improvement.		
Please describe any other relevant information you would like us to know.		

*** Attach Additional Sheets, if necessary ***



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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Brian Fritsinger, City Administrator
Date: January 23, 2017



ITEM DESCRIPTION: Consideration of WLSSD Appointment

Proposed Action

The City Council is asked to discuss and consider the appointment of a City Councilor to the Western Lake Superior Sanitary District Board for a term expiring 07/01/17.

Background/Overview

The City has received correspondence from Bruce Ahlgren informing the City of his resignation from the WLSSD Board. This is one of three seats on the board held by Cloquet residents. This seat is typically held by a member of the City Council. The individual appointed will serve the remainder of Mr. Ahlgren's term. The terms are normally three years. The City Council discussed this seat at its January 3 and 17, 2017 meetings. It tabled action at the conclusion of both meetings to allow time for Councilors to review the materials presented by Ms. Bohren, Executive Director of WLSSD.

Staff has subsequently conducted additional research into the state law dictating our representation on this board. While historically the position has been a member of the Council, it is not a requirement. The position could be a Councilor, City Staff, resident of the City, or a non-resident residing within the district boundaries.

To date, the City has not advertised this opening to the general public or spoke with any individuals from the community to ascertain interest. Should no member of the Council be interested in the vacancy, the Council should consider several options: First, it could appoint a member of City staff. Second, it could publicly advertise the vacancy and accept applications of interest. Third, it could directly approach a resident of the community. Fourth, it could engage Mr. Ahlgren to determine if he would be willing to continue to serve and reconsider resignation.

Policy Objectives

To keep the various City boards, committees, and commissions at full membership as identified by the City Council or under Municipal Code. The membership of the WLSSD is defined under M.S. 458D.03, Subd. 2 of which the City of Cloquet shall select three members. Under Subd. 7 of this statute, each board member shall be a resident of the district and may, but need not be, an elected official.

Financial/Budget/Grant Considerations

There is no direct cost to the City regarding the appointment of this position.

Advisory Committee/Commission Action

None.

Supporting Documentation Attached

- Job description/Committees/Calendar



Western Lake Superior Sanitary District Board of Directors Board Member Job Description

SUMMARY:

The Western Lake Superior Sanitary District is a special purpose unit of government created by the State Legislature in 1971 to address environmental pollution problems in the lower St. Louis River basin. WLSSD provides solid waste management and wastewater services for a 500 square mile region around Duluth. It is governed by a nine-member citizen Board of Directors. This governance is defined and outlined by the enabling legislation. The Duluth City Council appoints four members, the Cloquet City council appoints three members and Carlton County and St. Louis County each appoint one member. Board members are appointed for a three-year term.

As a part of the governing body of WLSSD, a Board member provides direction and oversight to the mission and direction of the District. Members also serve on the committee(s) of their choice. Current committees are: Governance, Operations, Finance, Solid Waste, Legislative, Planning and Personnel.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.

- regularly attends all Board and committee meetings and functions for which the Board member is scheduled.
- stays informed about the District's mission, services, programs and plans.
- reviews agenda and supporting materials prior to Board and committee meetings.
- serves on committees or task forces and offers to take on special assignments.
- keeps up-to-date on industry developments.
- follows conflict and confidentiality policies and requirements.
- assists the Board in carrying out its legislative and fiduciary responsibilities.
- is an active participant in the Board's evaluation and planning process.
- promotes and supports District's mission in the community.
- maintains a collegial working relationship with Board members and staff.
- serve as a mentor to new Board Members when possible, upon request.

QUALIFICATION REQUIREMENTS:

- must have an interest in clean water production and environmental protection.
- must be able to commit the time needed to attend Board and committee meetings and to review and analyze Board materials. (up to 10 hours per month)
- must be able to foster and sustain healthy discourse in a collaborative manner.
- must commit to representing the interests of the District as a whole in a balanced manner.

Committee Purpose Statements
(Revised June, 2008)

Committee of the Whole – To allow for detailed discussion of District issues and strategies where the issue or impact is multi-dimensional and its discussion and resolution requires the input of the entire Board.

All members encouraged to attend these meetings.

Agenda items would include topics from all Committees that deserve consideration by the Board as a whole, but not for formal action. Other agenda items would include reporting like the financial statements, selected communications, permit performance, and other topics of general interest.

Other Board Committees – Other committees are structured to be less formal (but still public meetings) and more geared toward discussion, planning, and oversight. Fewer staff members attend and minutes would be only an overview of the activities discussed. When actions rise to the need to be discussed with the entire Board, they would generally come to the Committee of the Whole for review and action. Other Board members are welcome, but typically would not be expected to attend.

Board Governance Committee – To focus on evaluating and continuously improving Board effectiveness and assisting Board members in properly and effectively performing their tasks as Board members.

Community Relations – To provide guidance and oversight of those issues and activities related to the Districts communication and interaction with its customers and the public such that community compliance with regulations, utilization of District programs and community support remain strong.

Finance – To provide guidance and oversight of the budgeting, financing and accounting of the Districts assets such that reasonable rates for District waste water and solid waste services are maintained, there is long-term sustainability of District programs and facilities and continued compliance with state and federal finance/accounting regulations.

Sub-Committee – Capital Oversight Committee. To provide guidance and assistance in developing and monitoring a plan of continuous capital improvements that will enable the District to meet its mission cost effectively.

Personnel – To provide guidance and oversight of District policies and practices regarding staffing, training, compensation, labor relations and succession planning such that District is able to attract and retain a high quality work force capable of meeting the Districts goals and objectives.

2017

JANUARY

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1 <small>NEW YEAR'S DAY</small>	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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20 <small>VALentine's DAY</small>	21	22	23	24	25
26	27	28				

MARCH

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23 30	24	25	26	27	28	29

MAY

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23 30	24 31	25	26	27	28	29

AUGUST

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4 <small>Labor Day</small>	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

OCTOBER


SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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				

NOVEMBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	4
5	6	7	8	9	10 <small>Thanksgiving</small>	11
12	13	14	15	16	17	18
19	20	21	22	23 <small>Thanksgiving</small>	24 <small>Black Friday</small>	25
26	27	28	29	30		

DECEMBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24 31	25 <small>Christmas</small>	26	27	28	29	30

 Board Meeting



CLOQUET POLICE DEPARTMENT

STEVEN K. STRACEK
Chief of Police

508 CLOQUET AVENUE
CLOQUET, MINNESOTA 55720-1799
records@ci.cloquet.mn.us

Phone 218-879-1247
Fax 218-879-1190

REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Steve Stracek, Chief of Police
Reviewed by: Brian Fritsinger, City Administrator
Date: January 26, 2017

ITEM DESCRIPTION: Purchase of Police Department Server

Proposed Action

Staff recommends the City Council move to authorize the purchase of a Lenovo Tower Server: Intel Xeon 2.4 GHz 10 Core Processor, 16 GP RAM, RAID 0,1,5,6,10,50,60, with 750-watt power supply. The purchase will include all software, supplies, and labor for setup and installation in the amount of \$18,626.00.

Background/Overview

In step with up-to-date best practices, The Cloquet Police Department relies heavily on a multi-user computer system to communicate internally and externally, to access databases and to maintain required records. At the heart of most multi-user systems, a functional and reliable server is necessary to maintain efficiency, accuracy, and security. The server is the central computer component in our network, and it is essential that it is up to date and functional. With the proper computer server and related software, the police department can continue to fulfill its obligation to provide public safety services.

Since the purchase of our current server in 2012, our IT provider, Superior Computer Products, has worked diligently to maintain and support the system. As with all computer systems and components, with changes in operating systems, compatibility and mechanical limits, this server has degraded and is not functioning reliably. Our IT provider has indicated that the server is on the verge of failure. Failure of this system could result in lost data and a long-term negative impact on daily operations. Consistent with this, to prevent this type of failure, Superior Computer Products recommends replacement of the server every three or four years.

Superior Computer Products has conducted research and made recommendations for a product to replace our current server. Initial costs proposed by Superior Computer Products were reduced through a collaborative evaluation of our current equipment and the reuse of some components. The final quote proposed by the vendor is \$18,626 including approximately \$5,350 for labor/installation. The labor quote is an estimate and may vary one way or the other depending upon actual conditions.

Policy Objectives

A functional and reliable server is integral to the daily operations of the police department. The equipment supports efficiency and effectiveness for all staff and is necessary to provide the best police services possible.

To Mayor and Council
Purchase of Computer Server
January 26, 2017
Page 2

Financial/Budget/Grant Considerations

The 2017 CIP allocates \$19,000.00 for this equipment purchase.

Advisory Committee/Commission Action

- None

Supporting Documentation Attached

- Product description and current quotes
- Cover letter from Superior Computer Products

1-23-17

Cloquet Police Dept.

Server Project:

Attention: Steve Stracek

We are pleased to present the follow server project proposal at your request.

1. Lenovo Tower Server
2. Network Attached Storage
3. Project Estimate for Labor

Total for line items 1, 2, and 3. \$18, 626.00

Thank you very much for the opportunity and we look forward to continued business with the City of Cloquet.

Regards,

Corey Collier

Superior Computer Products



315 West First Street, Suite 206
Duluth, MN 55802
218-722-8731
www.scpduluth.com
sales@scpduluth.com

PROJECT ESTIMATE

Server Upgrade Project

City of Cloquet Police
508 Cloquet Avenue
Cloquet, MN 55720

01/19/17

TABLE OF CONTENTS

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Scope of Work

The scope of work for the City of Cloquet Police Server Upgrade Project includes all planning, execution, and implementation, with new server equipment installation and configuration, and internal domain conversion. Superior Computer Products, Inc. (SCP) will be responsible for all tasks listed in the Work Requirements section of this statement of work unless negotiated and approved by management of City of Cloquet Police (CPD). Each phase will be reviewed upon completion and will require approval by CPD management before moving on to the next phase. Specific deliverables and milestones will be listed in the Work Requirements and Schedules and Milestones sections of this project estimate.

Period of Performance

The period of performance of the CPD Server Upgrade Project is approximately 4 weeks (30 days) (actual dates of performance are yet to be determined). All work must be scheduled to complete within this timeframe. Any modifications or extensions will be requested through CPD and SCP management for review and discussion.

Place of Performance

SCP will perform all Phases of the CPD Server Upgrade Project at both facilities of SCP and CPD. SCP will meet periodically at the CPD office (day and time TBD) for status meetings. Additionally, all phase reviews will be held at CPD's office for final approval. If training is required, this will be conducted either at the offices of CPD, via Skype for Business, or at the SCP offices.

Acceptance Criteria

For the CPD Server Upgrade Project, upon completion of each phase, SCP will provide their report/presentation for review and approval, a designated representative of CPD will either sign off on the approval for the next phase to begin, or reply to SCP, in writing, advising what tasks must still be accomplished. Once each project phase has been completed, SCP will provide project update and closure report to CPD. The acceptance of this document by CPD will acknowledge acceptance off all project phases and that SCP has met all assigned tasks.

Any discrepancies involving completion of project phases or disagreement between CPD and SCP will be referred to both organization's officers for review and discussion.

Schedule/Milestones

The below list consists of the initial milestones identified for the CPD Server Upgrade Project.

Phase 1 – New Server 40 Hours (4 Weeks/30 Days)

Work Requirements

	Hours Total = 40
Phase 1	40 Hrs
New Server	40 Hrs
Stage 1 - Build & Prep	8 Hrs
Server Build	3 Hrs
Server Prep	5 Hrs
Stage 2 - Install & Setup	5 Hrs
Install & Setup	5 Hrs
Stage 3 - Site Configuration	10 Hrs
Site Configuration	15 Hrs
Stage 4 - Pre-Upgrade Backup	5 Hrs
Domain & Server Backup	5 Hrs
Stage 5 - Domain Upgrade	12 Hrs
Migrate Domain Services to 2012 Platform	12 Hrs
Update Project & Timeline	



Quote

Quote Number: 1407

Payment Terms:
Expiration Date: 09/01/2016

Quote Prepared For

Steve Stracek
City of Cloquet Police
508 Cloquet Avenue
Cloquet, MN 55720
Phone:879-1247
sstracek@ci.cloquet.mn.us

Quote Prepared By

Corey Collier
Superior Computer Products
315 W 1st Street
Suite 206
Duluth, Minnesota 55802
United States
Phone:218-722-8731
Fax:218-529-2391
coreyc@scpduluth.com

Item#	Quantity	Item	Unit Price	Adjusted Unit Price	Extended Price
One-Time Items					
1)	1	COMPUTER~SERVER Lenovo Tower Server Intel Xeon 2.4GHz 10 Core Processor 16GB RAM RAID 0,1,5,6,10,50,60 750 WATT Power Supply 3 Yr Limited Manufacturer Warranty	\$3,356.00	\$3,356.00	\$3,356.00
2)	3	MEMORY~MEMORY 16 GB MEMORY	\$249.00	\$249.00	\$747.00
3)	1	SHOP SUPPLIES Thinkserver RAID 720: 1 GB Modular Flash and Supercapacitor Upgrade	\$449.00	\$449.00	\$449.00
4)	1	SHOP SUPPLIES Thinkserver i350-T2 PCIe 1 GB 2 Port Base T Ethernet Adapter	\$189.00	\$189.00	\$189.00
5)	1	SHOP SUPPLIES Gen 5 Platinum 750W Hot Swap Power Supply	\$299.00	\$299.00	\$299.00
6)	1	SHOP SUPPLIES MECH_BO System Manager Premium	\$99.00	\$99.00	\$99.00
7)	1	SHOP SUPPLIES Gen 5 Tower 2.5 inch 8-Drive Backplane Kit	\$129.00	\$129.00	\$129.00
8)	5	SHOP SUPPLIES Seagate Ent 2.5inch HDD SATA 2TB	\$470.00	\$470.00	\$2,350.00
9)	3	SHOP SUPPLIES Samsung Ent SSD 2.5 inch 480GB	\$379.00	\$379.00	\$1,137.00
10)	1	SOFTWARE~MS SERVER 200X MS SERVER 2012R2 Standard Software	\$883.00	\$883.00	\$883.00
11)	3	SOFTWARE~MS SERVER 200X CAL 2012R2 CLIENT ACCESS LICENSES (Block of 5)	\$175.00	\$175.00	\$525.00
12)	8	SHOP SUPPLIES Drive caddies	\$55.00	\$55.00	\$440.00
				One-Time Total	\$10,603.00
RAID 10, Data and Hot Spare RAID 1, OS and Hot Spare				Subtotal	\$10,603.00
				Total Taxes	\$0.00

Item#	Quantity	Item	Unit Price	Adjusted Unit Price	Extended Price
				Total	\$10,603.00

Authorizing Signature _____

Date _____

Pricing does not include applicable sales taxes or configuration and installation costs.



Quote

Quote Number: 1504

Payment Terms:
Expiration Date: 02/05/2017

Quote Prepared For

Steve Stracek
City of Cloquet Police
 508 Cloquet Avenue
 Cloquet, MN 55720
 Phone:879-1247
 sstracek@ci.cloquet.mn.us

Quote Prepared By

Corey Collier
Superior Computer Products
 315 W 1st Street
 Suite 206
 Duluth, Minnesota 55802
 United States
 Phone:218-722-8731
 Fax:218-529-2391
corevc@scpduluth.com

Item#	Quantity	Item	Unit Price	Adjusted Unit Price	Extended Price
Monthly Items					
1)	1	SCP-Secure RR SCP-Secure Rapid Recovery Per HV Server Multiple VMs	\$25.00	\$25.00	\$25.00
2)	1	SCP-Secure 10GB 10 GB of Cloud Storage	\$25.00	\$25.00	\$25.00
Monthly Total					\$50.00
One-Time Items					
3)	1	SHOP SUPPLIES 8 Bay NAS	\$1,135.00	\$1,135.00	\$1,135.00
4)	8	SHOP SUPPLIES 2TB SATA HDD	\$186.00	\$186.00	\$1,488.00
One-Time Total					\$2,623.00
Subtotal					\$2,673.00
Total Taxes					\$0.00
Total					\$2,673.00

Authorizing Signature _____

Date _____

Pricing does not include applicable sales taxes or configuration and installation costs.



Community Development Department
1307 Cloquet Avenue • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

To: Mayor and Cloquet City Council
Reviewed by: Brian Fritsinger, City Administrator
From: Holly Hansen, Community Development Director
Date: February 1, 2017

**ITEM DESCRIPTION: Rehabilitation of 1013 Cloquet Avenue (Former Ed's Bakery)
Legal Agreements**

Proposed Action

Staff recommends the Mayor and Cloquet Council move to approve the following two legal agreements:

1. The City of Cloquet and Cornerstone Bank for the City to hire E&H Custom Builders to rehabilitate the exterior east wall face of 1013 Cloquet Avenue per the specified attached scope of work; and
2. The City of Cloquet and E&H Custom Builders hiring the rehabilitation of the exterior east wall face of 1013 Cloquet Avenue per the specified attached scope of work.

Background/Overview

As part of the City's application to the State Department of Employment and Economic Development (DEED) for Small Cities Development Program (SCDP) funding, the City of Cloquet committed **\$25,000** in city funds toward the exterior renovations of 1013 Cloquet Avenue, a frequent community complaint for exterior appearance. As such, in June 2016 the Cloquet EDA released a detailed contractor Request for Proposals (RFP) to be bid on by commercial contractors. The RFP was direct mailed to contractors and several calls were made, but zero responses were received. As a result, staff has continued to contact potential contractors in an attempt to identify a contractor that can complete the project. It is the goal of the EDA to enter into an agreement with a contractor to begin work later winter / early spring before the peak construction season begins.

As the Council is aware, the former Ed's Bakery building has been for sale for roughly the past year and half with many people examining the building but no firm buyers. One of the current points of frustration is the marketing of the sale of the property by realtors with reference to the "City's money" committed to the building. Potential buyers have interest in using the funding on the interior of the building for plumbing, mechanical and other upgrades. As part of the City's



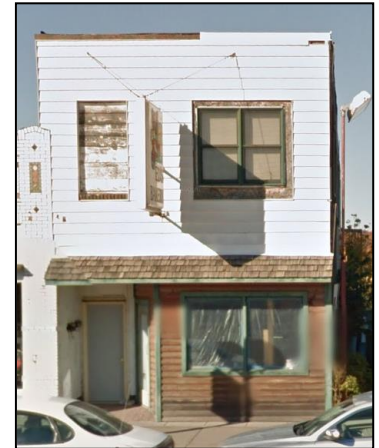
Community Development Department
1307 Cloquet Avenue • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

SCDP grant with the State of Minnesota, the Cloquet EDA and City Council instead committed these funds to improving the blighted exterior appearance of the building. As such, staff feels the City has not been clear in accomplishing the goals for this building and under increasing pressure from the State (DEED) and Councilors to deliver this project as committed.

To reframe the focus staff recommends the City instead directly hire for the exterior improvements. In the future if there is a buyer in the future of the building and if the City happens to still have SCDP grant dollars available, that business would still be eligible to apply for those grant funds or other gap financing loan projects if the needs of that business meets requirement program criteria.

Updated Project Scope – City Code Compliant Proposal

Last month a bid was provided by E&H Custom Builders which after extensive discussion last month by the EDA it determined that improving the East Wall Face of the building was the priority to address public complaints. After additional discussion and weighing in from the contractor, the Cloquet EDA was cautioned that restoring the existing brick would be extremely costly far more than the budget affords and additional lead paint requirements would be triggered. As such, the Cloquet EDA took action directing staff to address the Planning Commission to see if they were willing to 1) hear a variance on this project to use metal siding on the East Wall Face or; 2) embark upon a City Code amendment or 3) obtain an updated bid that is Zoning Ordinance compliant. The Cloquet EDA recommending hiring E&H Custom Builders.



Staff addressed the Planning Commission on January 10th, meeting minutes attached, and at the meeting was directed that there is little legal standing to support a variance to the Zoning Ordinance and little interest on the part of the Planning Commission to modify City Code for this project. As such staff was directed to obtain an updated bid that was City Code compliant.



The Council will find attached an updated City Code complaint bid that:

- 1) Installs a parapet wall cap to the front and two sides of the roof; and
- 2) Removes all existing siding from the East Wall Face along with furrow strips; and
- 3) Installs Dryvit (earth tone in hue) on the East Wall Face from Cloquet Avenue north 30 feet to be aligned with the front face of the Tolleruds building; and



Community Development Department
1307 Cloquet Avenue • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

- 4) Installs metal siding from the 30' north point at Tolleruds, northward to the end of the building; and
- 5) Caulks around the windows with the Dryvit installed; and
- 6) Accounts for labor and materials.

Staff worked with the City's Development Attorney (Briggs and Morgan in the Twin Cities) to prepare an agreement with the Bank and an agreement with the contractor. Both the Bank and Contractor have reviewed these documents and have no further questions or concerns.



Policy Objectives

The objectives of the City's award from the State for SCDP commercial funding are related to providing interior eligible upgrades (non-cosmetic) and to remove slum and blight conditions Downtown. The funding committed by the Cloquet EDA and City Council for Ed's Bakery is non-SCDP funding. It is Cloquet EDA funding (Loan Fund 202) to rehabilitate and restore the façade of the business and to the extent available the east building face. Unlike a traditional SCDP commercial grant award, this project is unique in that using the City's funding and it is not a 7-year deferred SCDP loan, it is a leverage project that was committed to by the City of Cloquet if DEED were to award the City the \$885,500.

When scoring the City's SCDP Grant application in 2015, the state provided additional points for Cloquet's application in the categories of 1) community impact and 2) cost effectiveness for Cloquet to put Cloquet EDA cash leverage into this building. Ultimately, Cloquet was awarded \$885,500 which was one of the highest grant allocations in the state in 2015. DEED has subsequently informed the City that if the City were to decide not to proceed that 1) they must go through a formal grant budget adjustment and 2) consider the the impact on future grant applications to the state if the City does not follow through on committed funding that was used to originally score the grant application.

Financial/Budget/Grant Considerations

The proposed source of the funds is Fund 202 which has the intent of benefiting Low and Moderate Income or Preventing or Eliminating Slum and Blight Conditions as the origination of most of these revolving loan funds in this pool are derived from federal Community Development Block Grants (CDBG) funding to be used toward the removal of blight conditions.



Community Development Department
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For the Council's information, you will note that Davis Bacon prevailing wage rates are required per this loan fund. Fund 202 is under the discretion of the Cloquet EDA, while the agreement to do the work between the "City" and bank/contractor must be authorized by the Council (liability/insurance perspective).

Advisory Committee Action

At the February 1st Cloquet EDA meeting, the EDA approved funding from Loan Fund 202 for the project agreeing to the following approach:

1. Broach discussions directly with Cornerstone State Bank requesting that the additional project increase of 10% or \$2,670 be covered by Cornerstone State Bank as the EDA's target budget was \$25,000 from Fund 202 which has a balance of \$841,550.24; and
2. While the project was originally identified when under private ownership and not surprisingly was eventually foreclosed upon, in the event that the bank cannot or will not cover the additional City's project increase due to existing losses on the 1013 Cloquet Avenue property, the Cloquet EDA voted on February 1st to cover the additional \$2,670 authorizing the overall \$27,670 from Loan Fund 202 to be expended for exterior rehabilitation improvements to 1013 Cloquet Avenue under the terms of the agreement with E&H Builders for City Code compliant exterior renovation to the East Wall Face of the building.

As mentioned the project is requesting \$27,670 in funding to rehabilitate the exterior of 1013 Cloquet Avenue. The new City Code compliant updated bid is \$2,670 over the original budget. After discussion with the contractor, there are no further cost savings to bring the project to \$25,000. With the addition of Dryvit, additional trim work is needed around the windows etc. and this is the most cost effective bid that is City Code compliant.

Supporting Documentation Attached

- DEED Cover Letter SCDP Grant
- Planning Commission Meeting Minutes from January 10, 2017
- Updated E&H Builders Scope of Work Proposal
- Legal Agreements with: Cornerstone State Bank and E&H Custom Builders



COMMUNITY DEVELOPMENT DEPARTMENT
1307 Cloquet Avenue • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

November 10, 2014

MN Department of Employment & Economic Development
1st National Bank Building
332 Minnesota Street Suite E200
St. Paul, MN 55101-3151
Attn. Business and Community Development Division

RE: Pre-Application for Small Cities Development Program (SCDP) Funding

Dear DEED Staff and Mr. Armon,

The City has appreciated working with your staff over the past several months in crafting our proposal to DEED for SCDP funding. As you review our pre-application, I trust you'll find a creative proposal that leverages committed regional housing program dollars and City commercial revolving loan funds in an effort to rehabilitate both of Cloquet's residential and commercial target areas. Further, our application will create a revolving loan fund in an effort to not require cash down for low income property owners and will create a pool of funding for similar future needs in this community.

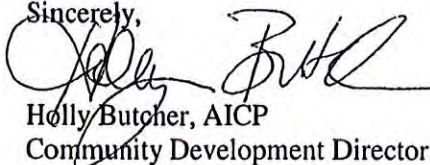
In working with your staff, we narrowed our residential and commercial Target Areas but also understand that as part of the pre-application process that DEED may have constructive input in maximizing the community impact. Lastly, you will note that the City of Cloquet will put \$25,000 in cash towards our Commercial Rehabilitation portion of our application, specifically earmarking the City's funding toward rehabbing a highly blighted downtown commercial property that has been a standing complaint in the community, 1013 Cloquet Avenue the former Ed's Bakery building.



The Ed's Bakery building at 1013 Cloquet Avenue.

In summary our application is for residential, rental, and commercial rehabilitation dollars requesting \$975,000 in SCDP funding, **providing \$25,000 in cash from the City, and leveraging \$1,125,000 in committed regional owner and rental housing program dollars from One Roof Community Housing towards this effort in Cloquet.** We hope to be notified in December that we have been selected to proceed to Full Application which will be due to DEED in February. If you have any questions, please contact me directly.

Sincerely,


Holly Butcher, AICP
Community Development Director



Regular Meeting of the Planning Commission

Tuesday, January 10, 2017

7:00 p.m.

1307 Cloquet Ave, Cloquet, MN 55720

CALL TO ORDER

Acting Chairperson Wilkinson called the meeting to order at 7:00 p.m.

ROLL CALL

Attending: Planning Commission members: Jesse Berglund (arrived 7:24), John Sanders, Bryan Bosto, Kelly Johnson and Uriah Wilkinson; City: Al Cottingham and Holly Hansen.

Absent: Commission members: None.

Others Present: Karla Southworth, Arnelda Southworth, Dick and Nancy Stevens, Barb Wyman, Steve Sather, John Badger, Clarence Badger, Kyle Backstrom, David Wiggins, Geoff Strack and Fred Doran.

ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

Acting Chairperson Wilkinson requested nominations for a Chairperson, Uriah Wilkinson was nominated. There were no other nominations, Vote 4 – 0.

Chairperson Wilkinson requested nominations for a Vice Chairperson, Jesse Berglund was nominated. There were no other nominations, Vote 4 – 0.

ADDITIONS/CHANGES TO THE AGENDA

None.

AGENDA ITEMS

December 13, 2016 Meeting Minutes

Chairperson Wilkinson asked for any corrections or additions.

Motion: Commissioner Johnson made a motion to approve the Planning Commission meeting minutes from December 13, 2016, Commissioner Bosto seconded. (Motion was approved 4-0).

Zoning Case 16-20: Conditional Use Permit Amendment for SKB Environmental Cloquet Landfill, Inc.

Chairperson Wilkinson reminded the audience that this was not a public hearing since the public hearing was held on December 13, 2016 and closed at that meeting. There would be discussion between the Commission, staff and the developer for Zoning Case 16-20, Conditional Use Permit Amendment for SKB Environmental/Cloquet Landfill, Inc. He asked Mr. Cottingham to



Regular Meeting of the Planning Commission

Tuesday, January 10, 2017

7:00 p.m.

1307 Cloquet Ave, Cloquet, MN 55720

provide an overview of the topic. Mr. Cottingham noted SKB is proposing to amend their hours of operation to be open from 7:00 am to 7:00 pm seven days a week. They are also proposing to remove the 20% cap of the total volume of paper sludge waste and to allow the acceptance of this material on a 24 hour basis. The heavy equipment on site would not be used after 7:00 pm or on Sundays to help with possible noise issues. He referenced that there were representatives from SKB present along with Fred Doran, Burns and McDonnell the cities landfill consultant. He noted this was tabled at the last meeting with direction for more information on the methane gas and the MPCA review. He stated Mr. Doran had a presentation that he would go through and then open things up to questions.

Mr. Doran went through a power point presentation addressing concerns and questions that were raised at the previous meeting. He noted that the MPCA had not reviewed the application, they had no regulation limiting paper sludge acceptance rates. He noted that SKB was looking to install gas vents with the increase in paper sludge acceptance. He noted he is aware of two other paper sludge landfills that have passive gas vents like they SKB is proposing; Potlatch in Brainerd and SAPPI in Cloquet. He had a graph showing the landfill gas production comparison between an MSW landfill and an Industrial Landfill. He noted that the gas production for an industrial landfill is significantly less than an MSW landfill. He reviewed the testing procedure that was done on the paper sludge prior to disposal. He noted that SKB had brought in samples of the paper sludge so the Commission could see what the product was.

Chairman Wilkinson open discussion between the Commission, staff Mr. Doran and representatives of SKB.

Commissioner Sanders inquired as the gas migrating out of the landfill and off site.

Mr. Doran noted with the cells lined the migration of the gas would be to the surface and not out through the sides or the bottom.

Commissioner Sanders inquired as to the odors hanging down around the site and neighborhood rather than dissipating into the air.

Mr. Doran noted this doesn't happen very often and when it does is usually in the winter months. Typically you would notice the odors from an MSW landfill and not an industrial landfill because the higher generation of gas.

Commissioner Sanders inquired as to who monitors and reviews the reports that are generated.

Mr. Doran noted at the MPCA does but the City can also request copies of the reports so they can be checking on the gas levels also.

Commissioner Sanders was concerned with the future use of the property as playing fields with gas vents sticking out or with a collection system and the flameout area.



Regular Meeting of the Planning Commission

Tuesday, January 10, 2017

7:00 p.m.

1307 Cloquet Ave, Cloquet, MN 55720

Mr. Doran noted that the vents are usually placed around the site taking the future use into consideration so as to not interfere with the possible uses.

Commissioner Sanders inquired if Mr. Doran was aware of any explosions from the gas like the one in 1994 that killed a person and injured a number of others at a soccer game.

Mr. Doran noted he was aware of some of these occurring at an MSW landfill but not at an Industrial landfill since the amount of gas is substantially less than at an MSW.

Commissioner Sanders inquired as the flammability of the product as it exist.

Mr. Doran stated it was not flammable as it exists.

Commissioner Sanders inquired as to how many employees are at the landfill not including the trucking operation.

Mr. Backstrom stated they have four employees.

Commissioner Sanders inquired how the dumping of loads was not considered heavy equipment.

Mr. Backstrom noted that the noise studies that were done did not pick up any noise from the dumping of materials.

Commissioner Sanders read a prepared statement with his concerns with approving the request and how the propose changes did not meet the approval criteria for a conditional use.

Chairman Wilkinson inquired if there were any other questions from the Commission. There being no further questions he looked for a motion.

Motion: Commissioner Sanders made a motion to deny Resolution No. 16-20 Hours A Resolution Recommending Approval of a Conditional Use Permit Amendment to Allow the Expanded Hours of Operation for Shamrock Landfill, Motion died for lack of a second.

Motion: Commissioner Berglund made a motion to approve Resolution No. 16-20 Hours A Resolution Recommending Approval of a Conditional Use Permit Amendment to Allow the Expanded Hours of Operation for Shamrock Landfill, Commissioner Wilkinson seconded. (Motion was approved 4 – 1 Sanders)

Commissioner Berglund noted that he was satisfied by the noise studies and that the noise did not impact the neighborhood and the City had received no complaints from the neighbors.



Motion: Commissioner Sanders made a motion to deny Resolution No. 16-20 Paper Sludge A Resolution Recommending Approval of a Conditional Use Permit Amendment to Remove the Limits of Allowed Paper Sludge Waste for Shamrock Landfill, Commissioner Johnson seconded. (Motion failed 2-3, Bosto, Berglund and Wilkinson).

Motion: Commissioner Berglund made a motion to approve Resolution No. 16-20 Paper Sludge A Resolution Recommending Approval of a Conditional Use Permit Amendment to Remove the Limits of Allowed Paper Sludge Waste for Shamrock Landfill adding a third condition limiting the amount of paper sludge waste to 40 % of the volume, Commissioner Bosto seconded. (Motion was approved 3-2, Sanders and Johnson).

Commissioner Berglund believed the increase wasn't significant and that there will be a monitoring system installed that doesn't exist today.

Cottingham noted that these items would be forwarded to the City Council for their meeting on Tuesday, January 17th.

Property Owner Notification Distance

Mr. Cottingham stated that following the last meeting Councilmember Rock had inquired about the notification distance and the lack of notification sent to property owners who were concerned about the landfill application. He noted that the state statute requires notification to property owners within 350 feet for conditional use permit request and the City sent notices to property owners within 1,320 feet. He noted one city that he had worked in placed a sign on the property referencing the proposal. He noted that wouldn't work in this case since the property is not visible from a road. He said regardless of what distance you used someone would not be happy. He suggested looking at each case and deciding on a distance at that time.

The Commission discussed this and felt that the distance should be discussed with the Chairman so it was not just a staff decision.

Ed's Bakery – Design Standards

Mr. Cottingham noted that the EDA was looking at expending funds to help eliminate the slum and blight condition of the Ed's Bakery building at 1013 Cloquet Avenue. The proposal that they received was to place metal on the east side of the building. He noted the design standards required the front and portion of the building that was visible from Cloquet Avenue needed to be of a masonry material. The EDA was wondering about the possibility for support for a variance or an Ordinance amendment to the design standards.



Regular Meeting of the Planning Commission

Tuesday, January 10, 2017

7:00 p.m.

1307 Cloquet Ave, Cloquet, MN 55720

The Commission discusses this and felt there was not anything special about this property to support a variance and if the design standards were amended it would open up a number of parcels that would not have to install masonry. They did not feel this was fair to businesses that followed the standards. They were not in favor of either option and the remodel should work within the dollars being given.

Commissioner's Questions/Comment

None.

Next Meeting

February 14, 2017

Meeting adjourned 8:30 p.m.

Respectfully submitted,

Al Cottingham, City Planner/Zoning Administrator

E & H Custom Builders, Inc.

134 East Hwy 61
Esko, MN 55733

PROPOSAL

DATE	ESTIMATE NO.
1/23/2017	111262

NAME / ADDRESS
City of Cloquet

		PROJECT
DESCRIPTION		TOTAL
We propose to do the following work to the east side of the building at 1013 Cloquet Ave: Remove all vertical furring strips and vinyl siding Frame in lower unused window and sheathe over.(EFIS will cover that area) Remove all debris Install EFIS to the front 30 feet of the east side of the building Install horizontal furring strips, 36" on center, to the back 50 feet of the building Install vertical metal siding to that 50 feet Caulk all windows Install a parapet wall cap to the front and the two sides Demo and dumpsters All framing materials, siding, masonry anchors, parapet wall cap Labor to install furring strips and siding Labor to install the parapet wall cap Material and labor to install the EFIS		2,260.00 3,710.00 8,640.00 960.00 12,100.00
Please call or e-mail Tim with any questions. 391-0659 erkkilaehcb@yahoo.com		Total \$27,670.00

CONTRACTOR – CITY CONTRACT

CONTRACTOR CONDITIONS

WHEREAS, E&H Custom Builders, Inc. ("Contractor") has submitted an estimate for work to be performed at the CornerStone State Bank ("Bank") property, 1013 Cloquet Avenue, Cloquet, MN 55720 ("Property"). The Property is owned by the Bank. The City of Cloquet, Minnesota ("City") is contracting with the Contractor for the providing of certain exterior renovation work at the Property. The scope of work is set forth in the Contractor's _____ Estimate No. _____ which is attached hereto as Exhibit A and incorporated herein by reference ("Permitted Activities")

NOW THEREFORE, in consideration of acceptance of said estimate by the City, the Contractor agrees as follows:

1. Hold Harmless

Contractor shall defend, indemnify, and hold harmless the City and Bank hereinafter from all liability and claims for damages arising from bodily injury, death, property damage, sickness, disease, or loss of expense resulting from or alleged to result from Contractor's Permitted Activities under this Agreement.

2. Independent Contractor

For the purpose of this Agreement, the Contractor shall be deemed to be an independent Contractor, and not an employee of the Bank or City. Any and all employees of the Contractor or other persons, while engaged in the performance of any work or services required to be performed as Permitted Activities under this Agreement shall not be considered employees of the Bank or City and any and all claims that may or might arise on behalf of said employees or other persons as a consequence of any act of omission on the part of said employees or the Contractor shall in no way be the obligation or responsibility of the Bank or City.

3. Insurance

Before commencing the Permitted Activities, Contractor shall furnish City with certificates indicating the insurance set forth in this Article and/or Exhibit B to this Agreement is in force. Contractor will at all times during the term of the Agreement have and keep in force a commercial general liability policy (including contractual liability coverage) covering any injury and/or property damage caused by any negligent act or omission on the part of the Contractor, its agents, servants, or employees in the performance of or with relation to any work or services provided to be performed or furnished by the Contractor as Permitted Activities under the terms of this Agreement. Coverage for bodily injury shall be an amount of not less than \$300,000 per occurrence. Property damage shall be an amount of not less than \$100,000 per occurrence. The Contractor further agrees to maintain a worker's compensation policy for employees, subcontractors, and casual labor during the term of this Agreement. The Bank and City

CONTRACTOR – CITY CONTRACT

shall be named as Additional Insureds on Contractor's commercial general liability policy.

If any such insurance is due to expire during the construction period, the Contractor shall not permit the coverage to lapse and new certificates shall be furnished and provided to Bank and the City.

4. Lien Waivers

Contractor shall protect, defend, and indemnify the Bank and City from any claims of unpaid work, labor, or material. Payment shall not be due until the Contractor has delivered to the City complete release of all liens arising out of the contract or receipt in full covering all labor and materials for which a lien could be filed, or a bond satisfactory to the City and Bank indemnifying them against any lien.

5. Subcontractors and Assignments

No subcontractor or assignment of this Agreement shall be made without the written consent of the City and Bank. Contractor shall furnish subcontractor lien waver(s) upon payment.

6. Permits and Codes

Contractor shall secure all necessary permits and licenses required to perform the Permitted Activities called for by this Agreement, and all such work shall be in compliance with all building code regulations and ordinances whether or not covered by the specifications and drawings for the Permitted Activities.

7. Equal Employment Opportunity

- (a) The Contractor shall provide equal opportunity to all persons, without discrimination as to race, color, creed, religion, national origin, sex, marital status, age, and status with regard to public assistance or disability.
- (b) The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, creed, sex, or national origin.
- (c) The Contractor shall provide, to the greatest extent feasible, opportunities for training and employment to lower income residents of the area and that contracts be awarded to small businesses located within the area or owned in substantial part by area residents.

8. Unacceptable Risk

CONTRACTOR – CITY CONTRACT

Contractor certifies that it is not listed on the "unacceptable risk determination" list of the U.S. Department of Housing and Urban Development of the U.S. Farmer's Home Administration, nor excluded from participating in federally funded projects.

9. Proceed to work and Completion of Permitted Activities

Upon acceptance of this estimate and submission of evidence of satisfactory insurance coverage, the Permitted Activities will be started as soon as possible, ONLY AFTER A NOTICE TO PROCEED TO WORK ORDER is received by the Contractor and a preconstruction meeting has been held between the Contractor, Bank and the City. The Agreement Work shall be fully and satisfactorily completed within (INSERT DATE) of the Proceed to Work Order date. A working day will be considered to be all days except Saturdays, Sundays, and all legal holidays. Any modification of the above shall be set forth in article 15 below. All Permitted Activities shall be done pursuant to the terms and conditions of the January __, 2017 Access Agreement ("Access Agreement"). Contractor represents to City that all work shall fall within the description of Permitted Activities in the Access Agreement and Exhibit A.

10. Payments

Contractor shall be paid in full after the Permitted Activities are timely and satisfactorily completed unless prior arrangements have been made for progress payments. Progress payments shall be limited to two, and shall be subject to five percent (5%) retainage until final satisfactory and timely completion. Final payment of the Agreement amount will be made only after final inspection by City and Bank and acceptance by the Bank of all Permitted Activities by the Contractor. **[Holly, revise No. 10 to conform to what you are agreeing to with contractor as to payments.]**

11. Workmanship and Materials

All materials used shall be new, unless otherwise specified, and installed in accordance with the manufacturer's written instructions. All Permitted Activities performed under the Agreement shall be in accordance with the current applicable Uniform Mechanical Code, Minnesota State Building Code, Minnesota Plumbing Code, Uniform Building Code, National Electrical Code, and all other Codes or Standards specified in this Agreement.

12. Warranty as to Workmanship and Materials

The Contractor shall remedy any defect due to faulty material or workmanship regarding the Permitted Activities and pay for any damage to other work resulting there from which shall appear within the period of 1 year of final payment. Further, Contractor will furnish Bank with all Manufacturer's and Supplier's written guarantees and warranties covering materials and equipment furnished under this Agreement.

CONTRACTOR – CITY CONTRACT

This warranty does not cover defects caused by or related to:

- (a) Abuse, misuse, negligence or accident by parties other than the Contractor; or
- (b) Normal deterioration due to wear or exposure.

13. Debris or Materials

The Contractor agrees that during the course of performing the Permitted Activities the premises shall be kept as clean and orderly as is reasonable under the circumstances and shall remove all debris resulting from the Permitted Activities from the premises each day and upon completion of the Agreement. All material and equipment which is replaced and/or removed in the course of performing the Permitted Activities shall become the property of the Contractor unless otherwise specified.

14. Lead Base Paint

The Contractor agrees that no lead-based paints shall be used in the course of performing the Permitted Activities under this Agreement. Where lead-based paint materials are being removed, all such Permitted Activities will be conducted in accordance with lead-safe work practices by appropriately trained supervisors and/or workers, and that appropriate occupant and worker protection activities will be planned and undertaken.

15. Modification

Any alteration, variation, modification, or waiver of the provisions of this Agreement shall be valid only after it has been reduced to writing, approved and signed by Contractor and the City.

16. Other Remedies

The above conditions and warranties are in addition to, and not in limitation of, any and all other rights and remedies to which the Bank, or its assignees or successors, may be entitled, at law or in equity, and shall survive the conveyance of title, and shall be binding on the undersigned and notwithstanding any provision to the contrary contained in any instrument heretofore or hereafter executed by the Bank.

17. Termination of Contract

If either party wishes to terminate this Agreement for any cause, it shall provide the other party with ten (10) days written notice and the Contractor shall be duly compensated for any Permitted Activities timely and satisfactorily completed at the point of termination.

CONTRACTOR – CITY CONTRACT

18. Notice to Contractor

You are required by Minnesota Statutes, to provide your Federal or MN Tax Identification Number or your Social Security Number if you do business with a public body. This information may be used on the enforcement of Federal and State tax laws. Supplying these numbers could result in action to require you to file State tax returns and pay required taxes. This Agreement will not be approved unless these numbers are provided.

MN Tax ID: Federal Tax ID: Social Security No:

19. This Agreement consists of this Agreement and Exhibits A and B

BID AND PROPOSAL

For the consideration named herein, the undersigned Contractor proposes to furnish all work, material, and labor to complete the Permitted Activities for the sum of \$25,000.00. Contractor shall not undertake Permitted Activities that will cause this sum to increase without the written approval of the City.

CITY CONDITIONS:

1. The City certifies that the committed City funds shall be used for Permitted Activities, and shall not be applied toward the performance of any Permitted Activities begun or completed before the date of the Proceed to Work Order.
2. Materials and equipment that are removed and/or replaced from the Property as part of the Work shall belong to the Contractor unless otherwise specified.
3. The Bank and Contractor understand and agree that any and all disputes, of whatever kind or nature, in conjunction with this Agreement, are solely the disputes of the of the Bank and Contractor to resolve without legal involvement by the City, whether by lawsuit or otherwise. Any acts by the City are solely in furtherance of its interest as a grantor and the Bank shall have no recourse against the City for any breach by Contractor of this or any related agreement.
4. The Bank is responsible for normal maintenance of all improvements. If a problem occurs in which the Bank believes it is covered by the warranty, the Bank shall contact the Contractor in writing, giving the Contractor sufficient information to enable it to resolve the matter.
5. The Bank and Contractor understand and agree with the Permitted Activities description in Exhibit A and Bank agree to permit Contractor access to the Property to be improved pursuant to the Access Agreement to the extent necessary to complete the improvements specified herein or as hereinafter amended.

CONTRACTOR – CITY CONTRACT

6. The Contractor and Bank agree that the improvements specified as Permitted Activities in Exhibit A shall be inspected by the City and Bank before funds are disbursed.

Acceptance by Contractor:

Acceptance by City:

E & H Custom Builders, Inc.

City of Cloquet

By _____
Its _____

By _____
Its _____

Date

Date

Acceptance by Bank:

CornerStone State Bank

By _____
Its _____

Date

ACCESS AGREEMENT

THIS ACCESS AGREEMENT (the "Agreement") is made and entered into effective as of the ____ day of January, 2017, by the City of Cloquet, Minnesota, a statutory city under the laws of the state of Minnesota (the "City"), and CornerStone State Bank, a Minnesota _____ (the "Bank").

RECITALS

A. The Bank owns the property located at 1013 Cloquet Avenue in Cloquet, Minnesota, which property is referred to herein as the "Property" and is legally described on Exhibit A to this Agreement.

B. The City has determined to spend \$25,000 on exterior renovation of the building (the "Permitted Activities"), as described on Exhibit B to this Agreement, known as the former Ed's Bakery building located on the Property.

C. The City has requested that its contractor and their employees and agents be allowed to access the Property to undertake the Permitted Activities.

D. The Bank has considered the City's request and has determined that allowing the City's contractor and their employees and agents to enter upon the Property for such purposes is in its best interests and the Bank agrees to the scope of the Permitted Activities.

E. The Bank is willing to grant a right of entry to City's contractor and their employees and agents in accordance with the terms and conditions of this Agreement.

AGREEMENT

1. **Grant of License.** Subject to the terms and provisions of this Agreement, the Bank hereby grants City, its employees, agents, contractors and subcontractors a license to enter into and upon the Property solely for the purpose of undertaking the Permitted Activities. The City acknowledges and agrees that this Agreement creates a license only and that City does not and shall not claim at any time any interest or estate of any kind or extent whatsoever, including but not limited to any fee, leasehold or easement interest in the Property by virtue of this right of entry. The City's contractor and their employees and agents shall exercise all reasonable efforts to undertake all aspects of the Permitted Activities in the least intrusive manner possible, so as to minimize the impact and effect that the Permitted Activities may have upon the Property.

2. **Conditions Precedent to Exercise of License.** The City's right to enter upon the Property and to undertake the Permitted Activities as allowed by this Agreement shall be subject to the satisfaction of the following conditions:

- (a) Prior to entering upon the Property and undertaking the Permitted Activities, the City shall provide to the Bank a copy of a contract with a contractor under which the contractor will undertake the Permitted Activities.

- (b) If the cost of the Permitted Activities is expected to exceed \$25,000, then prior to entering upon the Property and undertaking the Permitted Activities, the City shall reduce the scope of the Permitted Activities so that the cost does not exceed \$25,000.

3. **Environmental/Building Conditions.** If in the course of undertaking the Permitted Activities City discovers unforeseen adverse environmental conditions or other building conditions that must be remediated or additional building work that must be undertaken so that the Permitted Activities can be completed, it will notify the Bank of such discovery. City will immediately cease the Permitted Activities and City and the Bank will meet and discuss if and how to proceed with the Permitted Activities, including the responsibility for payment of the additional costs associated with the environmental remediation or such additional building work. If the parties are unable to reach agreement on such matters the City shall have the right to terminate this Agreement. If the City has commenced construction of the Permitted Activities it shall restore the building to the condition that existed prior to the commencement of the Permitted Activities.

4. **Contractor and Subcontractors, Damage to Property.** The Permitted Activities shall be performed by City through its contractor. For the purposes of this Agreement, the actions and omissions of its contractor and any subcontractors of the contractor shall be deemed to be the actions and omissions of such contractor and subcontractors and Bank shall look solely to the contractor and subcontractors for any damages related to the construction of the Permitted Activities.

5. **Zoning.** As the owner of the Property, the Bank shall make application for any amendments or variances from the City's zoning ordinance necessary so that the Permitted Activities can be constructed. In the event that the City denies the amendment or variance request this Agreement shall terminate without further action of the parties.

6. **Insurance.** The Bank shall provide the City a certificate of insurance and attached hereto as Exhibit C to this Agreement identifying the insurance the Bank maintains on the Property.

7. **Release and Indemnification.**

(a) The Bank releases from and covenants and agrees that the City and the governing body members, officers, agents, servants and employees thereof shall not be liable for and agrees to indemnify and hold harmless the City and the governing body members, officers, agents, servants and employees thereof against any loss or damage to property or any injury to or death of any person occurring at or about or resulting from any defect in the Permitted Activities.

(b) Except for any willful misrepresentation or any willful or wanton misconduct of the following named parties, the Bank agrees to protect and defend the City and the governing body members, officers, agents, servants and employees thereof, now or forever, and further agrees to hold the aforesaid harmless from any claim, demand, suit, action or other proceeding whatsoever by any person or entity whatsoever arising or purportedly arising from this

Agreement, or the transactions contemplated hereby or the acquisition, construction, installation, ownership, and operation of the Permitted Activities.

(c) The City and the governing body members, officers, agents, servants and employees thereof shall not be liable for any damage or injury to the persons or property of the company or its officers, agents, servants or employees or any other person who may be about the Property or Permitted Activities due to any act of negligence of any person.

(d) All covenants, stipulations, promises, agreements and obligations of the City contained herein shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the City and not of any governing body member, officer, agent, servant or employee of the City in the individual capacity thereof.

8. **Term.** The initial term of this Agreement shall commence on the date hereof and shall terminate on _____.

9. **Fees and Costs.** City shall be responsible for the costs of all labor, services, equipment, and materials used in connection with all aspects of the Permitted Activities for which it is responsible not to exceed \$25,000 and shall not permit any lien or encumbrance upon the Property resulting from its activities thereon.

10. **Sale or Transfer.** The Property is currently listed for sale at an asking price of \$_____. The Bank agrees that it will not increase the sale price as a result of the City undertaking the Permitted Activities. Any sale or transfer of the Property by the Bank prior to the completion of the Permitted Activities shall be conditioned upon the assignment of this Agreement by the Bank to the purchaser or transferee who shall be bound by the terms of this Agreement.

11. **Governing Law.** This Agreement shall be construed and interpreted in accordance with the laws of the State of Minnesota, without reference to the choice of law rules thereof.

12. **Entire Agreement.** This Agreement is the full, complete, and entire agreement of the parties with respect to the subjects hereof, and any and all prior writings, representations, and negotiations with respect to those subjects are superseded by this Agreement.

13. **Headings.** The headings used in this Agreement are provided solely as a convenient means of reference. They are not intended to, and do not, limit or expand the purpose or effect of the paragraphs to which they are appended. The headings shall not be used to construe or interpret this Agreement.

14. **Singular and Plural.** As used in this Agreement, the singular form of a word includes the plural form of that word, and vice versa, and this Agreement shall be deemed to include such changes to the accompanying verbiage as may be necessary to conform to the change from a singular to plural, or vice versa.

15. **Counterparts.** This Agreement may be executed in counterparts.

CITY:

CITY OF CLOQUET, MINNESOTA

By: _____

Its: _____

By: _____

Its: _____

BANK:

CORNERSTONE STATE BANK

By: _____

Its: _____

EXHIBIT A

Legal Description of the Property

1013 Cloquet Avenue (the former Ed's Bakery Building)

That part of the East 3.64 feet of Lot 13 and the East 2.38 feet of Lot 14 and the West 16 feet of Lots 15 and 16, Block 6, NELSONS SUBDIVISION OF OUTLOT 35, 36 and 40 VILLAGE OF CLOQUET, Carlton County, Minnesota.

EXHIBIT B

Description of Permitted Activities

[to be inserted when finalized by City]

EXHIBIT C


Bank's Certificate of Insurance



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

To: Mayor and City Council
From: Brian Fritsinger, City Administrator 
Date: February 7, 2017

ITEM DESCRIPTION: Supporting CAFD Enabling Legislative Amendments

Proposed Action

Staff recommends that the City Council move to adopt **RESOLUTION NO. 17-13, A RESOLUTION IN SUPPORT OF AMENDMENTS TO THE CLOQUET AREA FIRE DISTRICT ENABLING LEGISLATION AS IT RELATES TO FUNDING.**

Background/Overview

The enabling legislation creating the Cloquet Area Fire District was enacted by the State of Minnesota in 2009. This legislation was then amended in 2013 adding language that allowed the District to levy a property tax for the communities receiving ambulance services.

In 2015, the CAFD initiated a process to evaluate the District's facility needs. As part of this process, it also sought legal guidance regarding the District's bonding authority which would be necessary if the District were to finance building improvements or construct additional fire facilities. The District specifically engaged Ehlers & Associates and the law firm of Fryberger, Buchanan, Smith & Frederick, P.A. to assist them in this process.

The attached legislation would amend the law with certain technical language changes which would:

- Ensure clarity into the future ability to issue bonds;
- Ensure the responsibility for future debt if a member community withdrew from the District;
- Increase the maximum levy for ambulance services to 0.048% of estimated market value.

The proposed legislation is beneficial to the residents of Cloquet for the following reasons:

- Ensures legal compliance with state law related to bonding authority;
- Ensures that if a community would withdraw its membership in the District that community would continue to be responsible for its share of any debt service associated with previously issued bonds. In other words, Cloquet residents would not see an increase in its levy to cover the costs associated with a withdrawing member;
- The increased ambulance levy allows for a larger share of the actual costs associated with the provision of ambulance services to be shared with these communities which currently do not pay their fair share. If adopted, this should result in a decreased levy for the residents of Cloquet.

To Mayor and Council
Supporting CAFD Enabling Legislation Amendments
February 7, 2017
Page 2

The bill was included in the 2016 tax bill, which unfortunately, was vetoed by the Governor. With the 2017 legislative session, underway, it is important for the CAFD Board and our legislative representatives to understand the City of Cloquet's position on this issue. There is concern by other representatives of areas serviced only by ambulance that this will increase their costs and as such, they have been contacting the Board and legislators to encourage opposition to the Bill.

Policy Objectives

The City has long supported the concept of the Cloquet Area Fire District and legislation which fully allocates the associated costs of such services to those that receive the benefit.

Financial/Budget/Grant Considerations

There is no direct cost to the City for supporting this legislation. If adopted and implemented by the District, there could be a decrease in the City's share of property taxes.

Advisory Committee/Commission Action

None.

Supporting Documentation Attached

- Resolution No. 17-13
- Draft Legislation
- Draft Letter

CITY OF CLOQUET
COUNTY OF CARLTON
STATE OF MINNESOTA

RESOLUTION NO. 17-13

IN SUPPORT OF AMENDMENTS TO THE CLOQUET AREA FIRE DISTRICT
ENABLING LEGISLATION AS IT RELATES TO FUNDING

WHEREAS, During the 2009 Legislative Session, the State of Minnesota passed enabling legislation which established the Cloquet Area Fire and Ambulance Taxing District pursuant to (Laws 2009) Chapter 88, Article 2, Section 46; and

WHEREAS, The District continues to develop its collaborative efforts with both its membership and other regional communities and is looking to better develop the regional approach to the ambulance service system involving licensed and qualified first responders to the licensed paramedics. Such system would require the use of the District's levy authority for ambulance service as detailed within its enabling resolution; and

WHEREAS, Such system would improve patient care by using a systematic approach, that is coordinated by the Licensed Ambulance as assigned within the PSA and provide for those residents that receive the state mandated service to pay their fair share for that service.

WHEREAS, The City of Cloquet (City) is a member Community of the Cloquet Area Fire District; and

WHEREAS, The District has been investigating amendments for its enabling legislation which would clarify its bonding authority and ability to further spread the actual cost of ambulance services to those communities that receive benefit from the services; and

WHEREAS, The City does not believe that the current legislation and state law which mandates that residents and businesses of Cloquet pay for the costs associated with services rendered outside the City limits of Cloquet to be either fair or appropriate.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, That the City hereby fully supports efforts to pursue legislation that clarifies the authorities detailed in the enabling legislation of the Cloquet Area Fire and Ambulance Taxing District and encourages our legislative representatives to assist the District with such efforts.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET THIS 7TH DAY OF FEBRUARY 2017.

Dave Hallback, Mayor

ATTEST:

Brian Fritsinger, City Administrator

1.1 A bill for an act
1.2 relating to local government; modifying the Cloquet Area Fire and Ambulance
1.3 Taxing District; amending Laws 2009, chapter 88, article 2, section 46, subdivisions
1.4 1, as amended, 2, 3, as amended, 4, 5.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Laws 2009, chapter 88, article 2, section 46, subdivision 1, as amended by Laws
1.7 2013, chapter 143, article 4, section 36, is amended to read:

1.8 Subdivision 1. **Agreement.** The city of Cloquet and Perch Lake Township, by resolution
1.9 of each of their governing bodies, may establish the Cloquet Area Fire and Ambulance
1.10 Special Taxing District for the purpose of providing fire or ambulance services, or both,
1.11 throughout the district. In this section, "municipality" means home rule charter and statutory
1.12 cities, towns, and Indian tribes. The district may exercise all the powers relating to fire and
1.13 ambulance services of the municipalities that receive fire or ambulance services, or both,
1.14 from the district. Upon application, any other municipality may join the district with the
1.15 agreement of the municipalities that comprise the district at the time of its application to
1.16 join.

1.17 Sec. 2. Laws 2009, chapter 88, article 2, section 46, subdivision 2, is amended to read:

1.18 Subd. 2. **Board.** The Cloquet Area Fire and Ambulance Special Taxing District Board
1.19 is governed by a board made up initially of one or more elected officials of the governing
1.20 body of each participating municipality in the proportions set out in the establishing
1.21 resolution, subject to change as provided in the district's charter, if any, or in the district's

2.3 Subd. 3. **Tax.** The district board may impose a property tax on taxable property as
2.4 ~~provided in this subdivision~~ to pay the costs of providing fire or ambulance services, or
2.5 both, throughout the district. The board shall annually determine the total amount of the
2.6 levy that is attributable to the cost of providing fire services and the cost of providing
2.7 ambulance services within the primary service area. For those municipalities that only
2.8 receive ambulance services, the costs for the provision of ambulance services shall be levied
2.9 against taxable property within those municipalities at a rate necessary not to exceed ~~0.019~~
2.10 0.048 percent of the estimated market value. For those municipalities that receive both fire
2.11 and ambulance services, the tax shall be imposed at a rate that does not exceed 0.2835
2.12 percent of estimated market value. A property tax levied by the district to make debt service
2.13 payments for obligations issued by the district pursuant to subdivision 4 shall not be included
2.14 when calculating the tax levy limits imposed in this subdivision.

2.15 When a member municipality opts to receive fire service from the district or an additional
2.16 municipality becomes a member of the district, the cost of providing fire services to that
2.17 community shall be determined by the board and added to the maximum levy amount.

2.18 Each county auditor of a county that contains a municipality subject to the tax under
2.19 this section must collect the tax and pay it to the Fire and Ambulance Special Taxing District.
2.20 The district may also impose other fees or charges as allowed by law for the provision of
2.21 fire and ambulance services.

2.22 Sec. 4. Laws 2009, chapter 88, article 2, section 46, subdivision 4, is amended to read:

2.23 Subd. 4. **Public indebtedness.** The district may incur debt in the manner provided for
2.24 a municipality ~~by Minnesota Statutes, chapter 475, when necessary to accomplish its duties,~~
2.25 as defined in Minnesota Statutes, sections 475.51, subdivision 2, and 475.521, subdivision
2.26 1, paragraph (c), under Minnesota Statutes, chapter 475, and may issue certificates of
2.27 indebtedness or capital notes in the manner provided for a city under Minnesota Statutes,
2.28 section 412.301, when necessary to accomplish its duties. The debt service for debt, the
2.29 proceeds of which financed capital costs for ambulance service, shall be levied against
2.30 taxable property within those municipalities in the primary service area. The debt service
2.31 for debt, the proceeds of which financed capital costs for fire service, shall be levied against
2.32 taxable property within those municipalities receiving fire services. The district board shall

3.3 may be given only in the month of January, with a minimum of twelve months notice of
3.4 intent to withdraw. Withdrawal becomes effective for taxes levied pursuant to subdivision
3.5 3 in the year when the notice is given. A property tax levied by the district on taxable
3.6 property located in a withdrawing municipality to make debt service payments for obligations
3.7 issued by the district pursuant to subdivision 4 shall remain in effect until the obligations
3.8 outstanding on the date of withdrawal are satisfied, including any property tax levied in
3.9 connection with a refunding of such obligations. The district and its members may develop
3.10 and agree upon other continuing obligations after withdrawal of a municipality.

DRAFT

February 6, 2017

Sen. Tony Lourey
MN Senate Building
Room 2105
95 University Avenue West
St. Paul, MN 55155

Rep. Mike Sundin
211 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd
St. Paul, MN 55155

RE: CAFD LEGISLATION

Dear Sen. Lourey and Rep. Sundin:

In 2009, the Minnesota Legislature enacted legislation which included Chapter 88, Article 2, Section 46, establishing the Cloquet Area Fire District and Ambulance Special Taxing District. The cities of Cloquet and Scanlon, along with Perch Lake Township and the Fond du Lac tribal community, have subsequently joined together and cooperatively provided fire and ambulance service under this legislation.

To date, the model has proven successful in meeting many of the goals envisioned when the District was created. As you know, an aspect of enabling legislation and its subsequent amendment that has proved challenging, is the District's ability to impose a tax levy commensurate with the list of ambulance services within the Primary Service Area (PSA). Under its currently legislation, the District is unable to levy to the level of any other EMS district authorized by Minnesota statute.

One of the major purposes of establishing the District was to create the opportunity whereby those property owners that receive services pay for those services. With the primary serve area being mandated by the state and federal reimbursement for Medicare capped, it is impossible for an ambulance service provider to generate enough funding to pay for the services. This is the primary reason you see efforts on a statewide basis to enact legislation that would allow the formation of Districts similar to the CAFD. The old model of service provision does not work.

The Cloquet City Council at its February 7, 2017 meeting discussed the efforts of the CAFD. As representatives of the over 12,000 people that reside in our community, we do not find that it is equitable that Cloquet residents use their property tax dollars to provide ambulance services to residents of Thomson Township or other communities mandated by the State.

Further, the language being considered as it relates to bonding authority is to respond to the concerns of the financial community. As you know, any concern about the legal aspects of a bond issuance can result in a lack of interest from the market or increased interest rates to offset those concerns. Again, the District is only seeking change consistent with other law

currently in place for other local government jurisdictions across the state. To again punish the residents and businesses of our community by forcing them to pay increased property taxes or absorb additional financial risk is completely unnecessary.

As a representative of the City of Cloquet, I would hope our voice carries as much weight as your other constituents. I would also remind you that Carlton County and Thomson Township have an appointed representative on the CAFD Board. That individual currently serves as the chairperson for the Board and supports the proposed legislation.

In summary, the Cloquet City Council asks for your support of the legislation being pursued by the Cloquet Area Fire District. While I cannot speak on behalf of the District, I can say that the City of Cloquet will continue to work to enact change both legislatively or through other means that both encourages cooperative efforts and fairness in taxation.

Thank you for your assistance and feel free to call me if you have any questions.

Sincerely,

Dave Hallback
Mayor