



CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Monday, January 6, 2025 @ 7:30 PM

The public is invited to attend these meetings in person
Attend by phone: 1-844-992-4726
City Council - Meeting Access Code: 2490 539 8511

Meetings are broadcast on CTC ch 8, Charter ch 181, YouTube, AppleTV, Roku, and Amazon FireTV

1. **Call To Order**

2. **Administer Oath of Office**

Tad Erickson- Ward 1
Jeff Czczok- Ward 3
Mike O'Day- At Large
Kevin Stunek- At Large

3. **Roll Call**

___ T. Erickson ___ J. Czczok ___ G. Johnson ___ M. O'Day ___ K. Stunek ___ Vacant ___ K.
Bevans ___ Mayor Badeaux

4. **Pledge of Allegiance**

5. **Appoint Council Member to Fill the At-Large Vacancy and Administer Oath of Office**

Jeffrey Bipes
Kyle Christenson
Wayne Erickson
Emily LeClaire
Tiffany Stenglein
Kevin Yeager
Shirley Yeager

6. **Election of President and Vice President of the Council for 2025-2026**

7. **Approval Of Agenda - Voice Vote**

8. **Consent Calendar**

NOTICE TO PUBLIC - all matters listed are considered routine by the Council and will all be enacted by one (1) motion. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion to be ADOPTED BY ROLL CALL

- A. **Approval of Bills**
 - B. **Approval of Minutes**
 - C. **Department Activity Reports**
 - D. **Adopt Resolution Designating Financial Institutions as Depositories for 2025**
 - E. **Annual Authorization to Perform Electronic Transfers**
 - F. **Designate the Brainerd Dispatch as the Official Newspaper for Calendar Year 2025 pursuant to the City Charter and Authorize Extension of Contract with Dispatch**
 - G. **Appoint City Attorney for 2025-2026 Pursuant to City Charter**
 - H. **Adopt Resolution Minnesota Lawful Gambling Premise Permit- Brainerd American Legion at Brainerd Elks, 215 S 9th St, Brainerd**
 - I. **Authorize Signatures on League of Minnesota Cities Insurance Trust (LMCIT) Liability Coverage Waiver Form**
 - J. **Approve Hiring of 2024-2025 Warming House Attendant Temporary Employees**
 - K. **Adopt Resolution Approving Signature Authorization for 2025 Capital Projects for the Brainerd Lakes Regional Airport**
 - L. **Approve On-Sale Intoxicating Liquor License Submitted by Last Turn Brew Pub LLC, 214 S 8th St- Contingent Upon Approvals**
9. **Unfinished Business**
- A. **Declare Vacancy on the Public Utilities Commission Expiring 2026**
 - B. **Call for Applicants**
Mayor Recommended: (terms to expire on 12/31 of said year)
Airport Commission - 1 term (2027)
Charter Commission – 2 terms (Expire 2025) 2 terms (Expire 2026) 3 terms (Expire 2028)
Housing and Redevelopment Authority - 1 term (Expire 2029) Parks & Recreation - 1 term (Expire 2029)
Public Utilities Commission - 1 term (Expire 2029)
Transportation Advisory Committee- 4 terms (Expire 2026)
Mayor Recommended: (terms to expire on 9/7 of said year)
Economic Development Authority- 1 term (Expire 2026)
Council President Recommended: (terms expire on 12/31 of said year)
Planning Commission-- 1 term (Expire 2027)
 - C. **Consider Technology Director Job Description and Authorize Staff to Conduct an Internal Job Posting Process**
10. **New Business**

- A. **Accept Retirement of Street Maintenance III Glen Holst**
- B. **Accept Resignation of CSO Dominick Baillif**
- C. **Accept Resignation of Michelle Mendoza**
- D. **Ratify the Hiring of CSO Joshua Winslow**
- E. **Ratify Hiring Brian Seieroe for Journeyman Electrician Position**
- F. **Approve MOU Extending Timeframe Allowing IBEW Employees to Work at Hydro Facility**
- G. **Consider Approval of the Revised Employee Policy Manual**
- H. **Adopt Resolution - Receive Feasibility Report, Call for Public Hearing on Improvement, and Request for Contract Amendment for Bolton & Menk - Imp 23-16 - South Brainerd Resurfacing**
- I. **Adopt Resolution - Imp 21-13 - Beech/Oakridge Reconstruction Project - Order Feasibility Report**
- J. **Adopt Resolution - Imp 17-12 - Wright/S. 10th Reconstruction Project - Order Feasibility Report**
- K. **Direction on Active Code Enforcement Cases**
- L. **Consider Variance from Fence Height Requirements at 303 J St NE**
- M. **First Reading Proposed Ordinance 1578 - Lot Standards and Building Design Standards**
- N. **Discuss Future of City Hall Annex Building**
- O. **Adopt Resolution Calling a Public Hearing on a Property Tax Abatement for Certain Property in the City of Brainerd**
- P. **Informational - City Issuing Conduit Debt**
- 11. **Public Forum**
Time allocated for citizens to bring matters not on the agenda to the attention of the Council -
Time limits may be imposed
- 12. **Staff Reports**
(Verbal: Any Updates since Packet)
- 13. **Mayor's Report**
- 14. **Council Member Reports**
- 15. **Adjourn**

- A. **Adjourn to Closed Session per MN Statute 13D.03 Subd.3(c)3 to Consider Offers for the Sale of the Annex**

16. **Council Communications**

- A. **Armed Forces Tribute Wrap**

Visit the City's Website at www.ci.brainerd.mn.us

MISSION

"Provide high quality, cost effective public services and leadership in creating a sustainable city"

City of Brainerd City Council Application Form

Any questions contact City Hall at 218-828-2307

Date: November 20, 2024

General Information:

Name: Last Bipes First Jeffrey M.I. D

PLEASE NOTE: For this City Council position within the City Limits of Brainerd.

Address: 811 3rd Ave NE City, State, Zip: Brainerd, MN 56401

Phone Number(s): Home: _____ Work: _____

Cell: 763-218-7710 Email Address: jbipes@gmail.com

Why do you want to serve on the City Council?

I have lived in Brainerd for 9 years. I purchased a home here in 2019 in the NE area of Brainerd.

I like being part of a friendly community that offers stability and growth for all its members.

I believe in giving back to my community. I have the skills to be an effective representative of my community to the needs of the city.

What skills, strengths, or abilities do you believe you will add to the organization?

Please refer to the attached sheet.

Council meetings are typically the First and Third Monday evenings each month; are you able to commit to this schedule? Yes

Are you aware of any situation that might be perceived by others as a "Conflict of Interest" if you are appointed: Yes ☒ No ☐ Perhaps – Please Explain:

Please list any additional comments on the back of this form (limit of 2 pages)

Jeffrey D. Bipes November 20, 2024
(Signature) (Date)

Submit completed application forms via one of the following options:

Email: tgage@ci.brainerd.mn.us

Mail: City of Brainerd, 501 Laurel Street, Brainerd MN 56401

Updated 04/2020

Dear Members of the City Council,

This is an addendum to my application for the At-Large City Council seat.

I have a background in Architecture, Mechanical and Electrical Engineering.

My career was built on CAD software tools for companies to design, build, and maintain complex electro-mechanical products.

I worked for companies that used these tools to create products and services, as well as managing software development teams for companies that created and sold these tools.

In the last 10 years of my career, I was a Business Development and Marketing Director and corporate spokesperson for the industry leader supplying these Enterprise CAD/CRM tools.

I built relationships with employees, customers, distributors, channel partners, and dealers.

I led many projects where communication across divisions and companies is a critical skill.

I combined my marketing and management background to get projects completed and implemented.

I'm very capable of drawing on my experience and applying it to make an effective Council member for the City of Brainerd.

Details

- * Solid business development and marketing experience, including software and product development, interactive database marketing, and supply chain management.
- * Negotiated and executed contracts for strategic acquisitions, joint ventures, and partnerships that lead to new market opportunities and the increased distribution of products and services.
- * Created and managed third-party software development alliances for new products and services that amounted to a quadrupling of sales and service contracts.
- * Created and managed effective customer relationship programs that allowed the relationship and alliance to achieve measurable growth and success, that spread products and solutions to a wider market.
- * Built successful sales and marketing programs for sustained and increased sales.
- * Lead sales and marketing efforts to achieve market share domination, and market leadership.
- * Developed comprehensive project plans and pricing models for numerous successful software and hardware products and implementation services.

Additional Experience

Vice President – Legacy Chorale of Greater Minnesota – 2019–2021

Member – Heritage Preservation Committee, City of Excelsior, MN – 2013–2014

Member – Lake Minnetonka Historical Society, Wayzata, MN – 2013–Present

Licensed Steamboat Engineer on the Steamboat Minnehaha, now part of the LMHS, Excelsior, MN – 2012–Present

Maintenance Engineer for electrical, mechanical, and wood repairs, Steamboat Minnehaha. – 2012–Present

Volunteer – HART Animal Shelter – Brainerd, MN – Cat Care – 2015–2017

Crow Wing County Election Judge – 2024

City of Brainerd City Council Application Form

Any questions contact City Hall at 218-828-2307

Date: 12.1.24

General Information:

Name: Last Christenson First Kyle M.I. G

PLEASE NOTE: For this City Council position within the City Limits of Brainerd.

Address: 602 James St Trlr 37 City, State, Zip: Brainerd MN, 56401

Phone Number(s): Home: 218.838.1961 Work: 218.838.1961

Cell: 218.838.1961 Email Address: Kchristensonmn@gmail.com

Why do you want to serve on the City Council?

As a Brainerd native, I've grown to understand and appreciate our cities values. I am an open minded person who wants to see our local community thrive. As part of the city council, I would be an open source to all of our wonderful citizens.

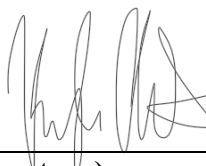
What skills, strengths, or abilities do you believe you will add to the organization?

I am a leader that understands there are multiple perspectives to situations.
I'm capable of remaining professional while under pressure.
I treat everyone with respect and kindness regardless who they are.

Council meetings are typically the First and Third Monday evenings each month; are you able to commit to this schedule? Yes, absolutely.

Are you aware of any situation that might be perceived by others as a "Conflict of Interest" if you are appointed: Yes No No Perhaps – Please Explain:

Please list any additional comments on the back of this form (limit of 2 pages)


(Signature)

12.1.24
(Date)

Submit completed application forms via one of the following options:

Email: tgage@ci.brainerd.mn.us

Mail: City of Brainerd, 501 Laurel Street, Brainerd MN 56401

Kyle Christenson

Manager

Brainerd, MN

kyle_christenson@icloud.com

+1 218 838 1961

I'm a successful retail leader finding new ways to develop my team, grow my leadership, and create an inclusive environment. My experience shows loyalty to my work and my openness to growth.

Willing to relocate: Anywhere

Authorized to work in the US for any employer

Work Experience

Assistant Manager

ALDI-Baxter, MN

March 2020 to Present

As an Aldi Assistant Store Manager, I oversee the daily operations and employee development.

Some of my tasks include, setting and executing a game plan, handling customer issues, and helping employees learn and execute the Aldi Acts (aka: policies and procedures.)

I also oversee payroll, writing schedules, inventory control, and other weekly admin tasks.

Lastly, I've successfully ran my home store for periods of time in the absence of the store manager and helped run other stores throughout Minnesota.

My success and leadership shows at Aldi.

Shift Leader

Papa Murphy's-Baxter, MN

December 2017 to March 2020

As an opening shift leader at Papa Murphy's, my job duties were, ensuring all staff had tasks, prepping for the day, doing change orders, and ordering inventory.

I also had a special position— Event Specialist. My duties for this position include:

- Travel to private and public events.
- Serving pizza to guests.
- Answering any questions about Papa Murphy's and the event.
- Encourage guests to visit the store on personal time.

Most importantly as an Papa Murphy's employee, I show up with a smile and give my best!

Manager

Mann Theatres-Baxter, MN

June 2016 to August 2019

As a manager, it was my duty:

- To make sure our team delivers excellent service and products to our guests.
- Maintain healthy relationship with guests and other employees.
- Resolve any issues that guests or employees may have.
- Supervise and operate the store without any upper management on duty.
- Accountable for handling and securing all the money.
- Making and driving the deposits to the bank.
- Closing and securing the building after the last guest leaves the building.

Education

High school or equivalent in High School Diploma

Brainerd Senior High School - Brainerd, MN

August 2014 to May 2018

Business Management

Central Lakes College-Brainerd - Brainerd, MN

September 2017 to January 2018

Skills

- Management
- Customer Service Skills
- Collaboration
- Money Handling
- Employee Training
- Integrity
- Inventory Management
- Pallet Jack Experience
- Guest Services
- Sales
- POS
- Assistant Manager Experience
- Leadership
- Store Management Experience
- Social skills
- Merchandising

Awards

President's Award For Educational Achievement

May 2010

I received this award because I showed outstanding academic achievement.

Certifications and Licenses

Driver's License

Life Coach

Present

With this certificate, I can now successfully identify and help other achieve their goals. I received this certificate from International Association of Professions Career College.

Happiness Coach

September 2023 to Present

City of Brainerd City Council Application Form

Any questions contact City Hall at 218-828-2307

General Information:

Name: Last Erickson First Wayne M.I. B

PLEASE NOTE: For this City Council position within the City Limits of Brainerd.

Address: 1727 13th Ave. NE City, State, Zip: Brainerd, MN. 56401

Phone Number(s): Home: _____ Work: 218-829-5767

Cell: 218-838-9462 Email Address: Werickson@lrcsmail.com

Why do you want to serve on the City Council?

I enjoyed my time on the city council in 2020 and would like the opportunity to serve again. I have been involved in the city of Brainerd 40 years and owning my business downtown has given me a deep commitment to see our city be the best it can be for our business community and the citizens that live here. I have always had a desire to give back to the city that was so good to my family.

What skills, strengths, or abilities do you believe you will add to the organization?

As a successful business owner for 20+ years has given me the opportunity to be a leader, to make decisions that benefit what is best for everyone. It's important to me to be a Team player. I am a good listener and someone who does not make quick decisions. I know that encouragement goes a long way in leadership. Looking for the positive side of people and issues creates greater results. Serving as a volunteer on many city and area community boards has given me experience in many areas. I want to be a council person who will bring fairness and a positive outlook.

Council meetings are typically the First and Third Monday evenings each month; are you able to commit to this schedule? Yes I can, I have no conflicts.

Are you aware of any situation that might be perceived by others as a "Conflict of Interest" if you are appointed: _____ Yes ☒ No _____ Perhaps – Please Explain:

Please list any additional comments on the back of this form (limit of 2 pages)

Wayne B. Erickson

12/26/2024
(Signature)

(Date)

Submit completed application forms via one of the following options:

Email: tgage@ci.brainerd.mn.us

Updated 04/2020

Mail: City of Brainerd, 501 Laurel Street, Brainerd MN 56401

My Name is Wayne B. Erickson and would like to introduce myself and my family to you.

I have been married to my wife Margie for 48 years. Lived in and worked in city of Brainerd for 40 years.

Margie has taught preschool for 19 years, served as a day care owner for 8 years.

Margie and I were Foster parents for 9 years serving 24 children from the Brainerd lakes area.

We have six grown children, five sons, one daughter and 20 grandchildren.

Two of our sons are full time military, 1 son works for New Mexico Prison systems, 1 son as a Duluth fireman, 1 son as a Youth Pastor and our daughter is a high school English teacher.

I have owned and managed two restaurants for over 20 years. One in New York Mills, MN and one here in Brainerd. I also was a food service director for the Central Lakes College for 6 years and ran a catering food business with over 60 employees.

I have driven school bus for Reichert Bus Company for 5 years and Special Needs bus for Brainerd School district.

I have volunteered for the City of Brainerd on Parking Commission, City Charter Commission, EDA Commission and currently serving on the H.R.A. board.

I currently volunteer as treasurer for Gull River Cemetery, and have served as an officer on our local Home Owners Association and local Church Board.

I also had the privilege to serve on the Brainerd City Council for 9 months representing Ward 3 in 2020.

I believe the diversity of my life's experience and of my family helps to qualify me as Council person who can listen and understand its citizens, ready to work though opportunities in the City of Brainerd.

I am willing and ready to work for the citizens of Brainerd.

I would ask for your vote as you consider the next Member At Large filling Mr. Jeff Czeczok position.

Thank you, Wayne B. Erickson

Wayne B. Erickson, December 23, 2024

City of Brainerd
City Council Application Form

Any questions contact City Hall at 218-828-2307

Date: 12-28-24

General Information:

Name: Last LeClaire First Emily M.I. S.

~~PLEASE NOTE:~~ For this City Council position within the City Limits of Brainerd.

Address: 1120 Norwood Street City, State, Zip: Brainerd, MN, 56401 Phone

Number(s): Home: 218-821-0874 Work: 218-821-0874

Cell: 218-821-0874 Email Address: emmisue461026@gmail.com

Why do you want to serve on the City Council?

What draws me to the City Council is the same thing that draws me to
politics and activism in general: the drive to serve others and serve my
community and constituents faithfully.

What skills, strengths, or abilities do you believe you will add to the organization?

I bring the experience and love for our town of a lifelong Brainerd resident. Apart from that, I am
involved in the community through various organizations and have a good understanding of our
community resources. I bring empathy and compromise to the table.

Council meetings are typically the First and Third Monday evenings each month; are you able to commit to this schedule? Absolutely.

Are you aware of any situation that might be perceived by others as a "Conflict of Interest"

if

you are appointed: Yes ☒ No ☐ Perhaps – Please Explain:

No conflict exists that I am aware of.

Please list any additional comments on the back of this form (limit of 2 pages)

Emily LeClaire 12/28/24
(Signature) (Date)

Submit completed application forms via one of the following options:

Email: tgage@ci.brainerd.mn.us

Mail: City of Brainerd, 501 Laurel Street, Brainerd MN 56401

Updated 04/2020

City of Brainerd
City Council Application Form

Any questions contact City Hall at 218-828-2307

Date: 12-30-2024

General Information:

Name: Last Stenglein First Tiffany M.I. E

PLEASE NOTE: For this City Council position within the City Limits of Brainerd.

Address: 410 E ST NE City, State, Zip: Brainerd, MN 56401

Phone Number(s): Home: _____ Work: 218 454 2572

Cell: 218 330 8079 Email Address: tstenglein@gmail.com

Why do you want to serve on the City Council?

I believe I have more to offer our community and that serving on the City Council is the most effective way I can do that right now.

What skills, strengths, or abilities do you believe you will add to the organization?

I am a creative problem-solver and attentive listener. I believe strongly that none of us is as smart as all of us.

Council meetings are typically the First and Third Monday evenings each month; are you able to commit to this schedule? Yes

Are you aware of any situation that might be perceived by others as a "Conflict of Interest" if you are appointed: _____ Yes X No _____ Perhaps – **Please Explain:**

Please list any additional comments on the back of this form (limit of 2 pages)

RECEIVED

DEC 30 2024

**CITY OF BRAINERD
ADMINISTRATION**

Tiffany E Stenglein
(Signature)

12-30-2024
(Date)

Submit completed application forms via one of the following options:

Email: tgage@ci.brainerd.mn.us

Mail: City of Brainerd, 501 Laurel Street, Brainerd MN 56401

Updated 04/2020

Every member voting on this appointment has served with me before. You know me and I know what the City of Brainerd is facing. I've served two years each on Personnel and Finance and Safety and Public Works and am prepared to jump in where I'm needed.

City of Brainerd
City Council Application Form
Any questions contact City Hall at 218-828-2307

Date: 12.27.24

General Information:

Name: Last TEAGER First KEVIN M.I. A

PLEASE NOTE: For this City Council position within the City Limits of Brainerd.

Address: 325 BLUFF AVE. City, State, Zip: BRainerd

Phone Number(s): Home: 218.838-3483 Work: _____

Cell: SAME Email Address: _____

Why do you want to serve on the City Council?

SEE ATTACHED

What skills, strengths, or abilities do you believe you will add to the organization?

SEE ATTACHED

Council meetings are typically the First and Third Monday evenings each month; are you able to commit to this schedule? YES.

Are you aware of any situation that might be perceived by others as a "Conflict of Interest" if you are appointed: Yes ☐ No ☒ Perhaps – Please Explain:

Please list any additional comments on the back of this form (limit of 2 pages)


(Signature)

12.27.24
(Date)

Submit completed application forms via one of the following options:

Email: tgage@ci.brainerd.mn.us

Mail: City of Brainerd, 501 Laurel Street, Brainerd MN 56401

Updated 04/2020

Why do you want to serve on the City Council?

I hold several fundamental beliefs that inspire me to participate in the governance of our city.

First, I believe in a public service that is not motivated by agenda or partisanship. In my opinion everyone should, at some point in their lives, dedicate time to the community they live in without an expectation of personal gain.

Second, I believe a person must EARN the right to complain or question the work of others.

And finally, I want to be a part of a group of people whom I tremendously respect. I have an enormous amount of appreciation and gratitude to the elected members of our leadership. I am constantly reminded of the grit and determination it takes to continually strive to do a work that is constantly criticized, questioned and argued. The members of this council as well as our Mayor, are a hearty group of citizens refusing to surrender to resistance in the pursuit of something better. I want to be surrounded by people like this because I am people like this.

What skills, strengths, or abilities do you believe you will add to the organization?

I have been living and running my business in Brainerd (or the nearby area) since 1992. I have put 4 daughters through our school system and intend to live here for the rest of my life. My working acumen gives me a high level of comprehension in several key areas: Construction, construction documentation, project management and design. I have used this skillset to serve the city of Brainerd in these other areas:

Brainerd Park Board, (including 1 term as Chair) 2019-2023

Brainerd Parking Commission, (including 1 term as Chair) 2022

Brainerd Planning Commission (including 2 terms as chair) 2020-2023

Brainerd Charter Commission (including 1 term as chair) 2020-2023

Brainerd Hra 2022- current

Brainerd EDA (Current chair) 2022-current

Brainerd Airport Commission (Current Chair) 2022-current

YMCA governance committee 2018-current

CLC Brainerd Community Theater Selection Committee 2020-current

5 Wings arts Council 2018-2019

In Closing, I have appreciated the opportunity to serve my neighbors in the past and will continue to do so. I also understand the dynamics of taking a seat on this council by appointment vs. election. Given the opportunity, I will serve to the best of my ability with humility and preparedness to the issues that will come before me. Congratulations to you all, and best of luck with your decision.

Kevin Yeager.



City of Brainerd City Council Application Form

Any questions contact City Hall at 218-828-2307

General Information:

Name: Last Yeager First: Shirley M.I. A

PLEASE NOTE: For this City Council position within the City Limits of Brainerd.

Address: 2106 Spruce Dr. #102 City, State, Zip: Brainerd, MN 56401

Phone Number(s): Home: -- Work: --

Cell: (218)851-5401 Email Address: SYeager@Brainerd.net

Why do you want to serve on the City Council? "I have been impressed with the urgency of doing, knowing is not enough; we must apply. Being willing is not enough; we must do." -Leonardo DaVinci. I want to be a good citizen; a responsible citizen. I want to do my reasonable duty.

What skills, strengths, or abilities do you believe you will add to the organization?

Many of my friends say I have what it takes to serve on the council; to do a good job. I like to dig into an issue, learn and understand it. I am organized and a good communicator. I believe I have strong conservative values and can exercise common sense.

Council meetings are typically the First and Third Monday evenings each month; are you able to commit to this schedule? Yes

Are you aware of any situation that might be perceived by others as a "Conflict of Interest" if you are appointed: Yes ☒ No ☐ Perhaps – Please Explain:

Please list any additional comments on the back of this form (limit of 2 pages)

Shirley Yeager 12/15/24
(Signature) (Date)

Submit completed application forms via one of the following options:

Email: tgage@ci.brainerd.mn.us

Mail: City of Brainerd, 501 Laurel Street, Brainerd MN 56401

Shirley Yeager

City Council At-large

Detail-oriented individual equipped with strong problem-solving abilities, willingness to learn, and excellent communication skills.

Proven ability to quickly adapt to new environments.

Poised to contribute to team success and achieve positive results. Ready to tackle new challenges and advance organizational objectives with dedication and enthusiasm.

Contact

Address

2106 Spruce Dr #102
Brainerd, MN 56401

Phone

(218)851-5401

E-mail

SYeager@brainerd.net



Work History

2003 - 2007

Administrative Specialist

The College of St. Scholastica, Brainerd, MN

- Provided support to the Program Director, staff and current students using specialty software and one-on-one interaction in the areas of admissions, registration, business office, financial aid and IT.

Skills

Teamwork
Problem-solving aptitude
Effective communication
Analytical thinking
Organizational skills
Attention to detail
Relationship building

1991 - 2000

PARA/Media Secretary

ISD #181 - Franklin Jr. High, Brainerd, MN

- Provided secretarial support to the Media Specialist in the operation of the Media Center library and assisted the students and teachers with library use.
- Provided computer and software support in the operation of the computer labs in the Media Center, working one-on-one with students and teachers.

1987 - 1990

Receptionist/Bookkeeper

H & R Block Tax Services, Brainerd, MN

- Greeted incoming visitors and customers, and provided friendly, knowledgeable service.
- Confirmed appointments, communicated with clients, and updated client records.
- Maintained the library of tax forms for the staff.
- During off-season, worked as accounting clerk.



Education

Bachelor of Arts: Organizational Behavior W/ Minor in Psychology

The College of St. Scholastica - Duluth, MN

Graduated with Honors

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
Vendor 0011 - ACE HARDWARE:							
329552/1 86256	ACE HARDWARE DRILL BITS AND CHAIN 235-3125-42220	12/30/2024 pziemer	01/08/2025	76.42	76.42	Open	N 12/30/2024
	REPAIR & MAINT			76.42			
	Total for vendor 0011 - ACE HARDWARE:			76.42	76.42		
Vendor 2846 - AMERICAN WELDING-GAS INC:							
0010551080 86265	AMERICAN WELDING-GAS INC BANDSAW BLADE 235-3125-42220	12/30/2024 pziemer	01/08/2025	111.39	111.39	Open	N 12/31/2024
	REPAIR & MAINT			111.39			
	Total for vendor 2846 - AMERICAN WELDING-GAS INC:			111.39	111.39		
Vendor 4310 - AUTOSMITH SERVICE GROUP:							
20164 86279	AUTOSMITH SERVICE GROUP 2018 CHEVY - AUTO EJECT 225-2220-42220	12/31/2024 pziemer	01/08/2025	298.78	298.78	Open	N 12/31/2024
	REPAIR & MAINT			298.78			
	Total for vendor 4310 - AUTOSMITH SERVICE GROUP:			298.78	298.78		
Vendor 0078 - BRAINERD LAKES AREA DEV C:							
DEC 2024 86170	BRAINERD LAKES AREA DEV C DEC 24 ECONOMIC DEVELOPMENT CONSULTING 295-6510-43300	12/23/2024 pziemer	01/08/2025	3,000.00	3,000.00	Open	N 12/31/2024
	PROFESSIONAL SERVICES			3,000.00			
	Total for vendor 0078 - BRAINERD LAKES AREA DEV C:			3,000.00	3,000.00		
Vendor 3541 - BRAINERD ROTARY:							
12609 86280	BRAINERD ROTARY 1ST QUARTER 2025 DUES N.BROYLES 101-1400-43433	01/01/2025 pziemer	01/08/2025	198.00	198.00	Open	N 01/08/2025
	DUES & SUBSCRIPTIONS			198.00			
	Total for vendor 3541 - BRAINERD ROTARY:			198.00	198.00		
Vendor 0088 - BREMER BANK:							
2025 BOX 10-11 86138	BREMER BANK SAFE DEPOSIT BOX 2025 101-9200-43430	12/11/2024 pziemer	01/08/2025	100.00	100.00	Open	N 01/08/2025
	MISCELLANEOUS			100.00			
	Total for vendor 0088 - BREMER BANK:			100.00	100.00		

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
Vendor 0102 - CANON FINANCIAL SERVICE:							
37327734 86190	CANON FINANCIAL SERVICE 1/1/25-1/31/25 COPIER LEASE 225-2220-43331	12/24/2024 pziemer LEASED PAYMENTS	01/08/2025	80.69 80.69	80.69	Open	N 01/08/2025
37326841 86257	CANON FINANCIAL SERVICE 1/1/25-1/31/25 LIBRARY COPIER CONTRA 211-5505-43430	12/24/2024 pziemer MISC - COPY MACHINE PYMTS	01/08/2025	77.97 77.97	77.97	Open	N 01/08/2025
37324067 86258	CANON FINANCIAL SERVICE 1/1/25-1/31/25 LIBRARY COPIER/FAX 211-5505-43430	12/23/2024 pziemer MISC - COPY MACHINE PYMTS	01/08/2025	19.73 19.73	19.73	Open	N 01/08/2025
Total for vendor 0102 - CANON FINANCIAL SERVICE:				178.39	178.39		
Vendor 0307 - CENTERPOINT ENERGY:							
92166-0/NOV24/CH 86268	CENTERPOINT ENERGY 11/15/24-12/13/24 CITY HALL UTILITIE 101-1940-43380	12/23/2024 pziemer UTILITIES	01/08/2025	1,255.98 775.79	1,255.98	Open	N 12/31/2024
	101-1940-43380	UTILITIES		480.19			
92166-0/NOV24/STRTS 86269	CENTERPOINT ENERGY 11/15/24-12/13/24 STREET DEPT UTILIT 235-3100-43380	12/23/2024 pziemer UTILITIES	01/08/2025	840.97 840.97	840.97	Open	N 12/31/2024
92166-0/NOV24/PKS 86270	CENTERPOINT ENERGY 11/15/24-12/13/24 PARKS DEPT UTILIT 230-5200-43380	12/23/2024 pziemer UTILITIES	01/06/2025	840.97 840.97	840.97	Open	N 12/31/2024
92166-0/NOV24/FD 86271	CENTERPOINT ENERGY 11/15/24-12/13/24 FIRE DEPT UTILITIE 225-2220-43380	12/23/2024 pziemer UTILITIES	01/08/2025	810.50 485.71	810.50	Open	N 12/31/2024
	225-2220-43380	UTILITIES		324.79			
92166/NOV24/PD 86272	CENTERPOINT ENERGY 11/15/24-12/13/24 POLICE DEPT UTILIT 225-2120-43380	12/23/2024 pziemer UTILITIES	01/08/2025	295.84 295.84	295.84	Open	N 12/31/2024
92166-0/NOV 24/LIB 86273	CENTERPOINT ENERGY 11/15/24-12/13/24 LIBRARY UTILITIES 211-5500-43380	12/23/2024 pziemer UTILITIES	01/08/2025	1,223.41 1,223.41	1,223.41	Open	N 12/31/2024

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
Total for vendor 0307 - CENTERPOINT ENERGY:				5,267.67	5,267.67		
Vendor 0440 - DESTINATION DOWNTOWN BRAINERD COALI:							
DEC 2024							
86173	DESTINATION DOWNTOWN BRAINERD COALI	12/23/2024	01/08/2025	833.26	833.26	Open	N
	DEC 24 ECONOMIC DEVELOPMENT CONSULTING	pziemer					12/31/2024
	295-6510-43300	PROFESSIONAL SERVICES		833.26			
Total for vendor 0440 - DESTINATION DOWNTOWN BRAINERD COALI:				833.26	833.26		
Vendor 1512 - KIRVIDA FIRE INC:							
12935							
86276	KIRVIDA FIRE INC	12/10/2024	01/08/2025	66.45	66.45	Open	N
	2016 SPARTAN REPAIRS	pziemer					12/31/2024
	225-2220-42220	REPAIR & MAINT		66.45			
12936							
86277	KIRVIDA FIRE INC	12/10/2024	01/08/2025	396.68	396.68	Open	N
	22 FREIGHTLINER - AIR FILTER REPAIRS	pziemer					12/31/2024
	225-2220-42220	REPAIR & MAINT		396.68			
12937							
86278	KIRVIDA FIRE INC	12/10/2024	01/08/2025	243.48	243.48	Open	N
	2018 FREIGHTLINER - DUMP SHOOTS REPAIR	pziemer					12/31/2024
	225-2220-42220	REPAIR & MAINT		243.48			
Total for vendor 1512 - KIRVIDA FIRE INC:				706.61	706.61		
Vendor 0223 - L & M STEEL:							
042059							
86266	L & M STEEL	12/27/2024	01/08/2025	155.72	155.72	Open	N
	LOADER 115 FRONT PLOW REPAIR	pziemer					12/31/2024
	235-3125-42220	REPAIR & MAINT		155.72			
Total for vendor 0223 - L & M STEEL:				155.72	155.72		
Vendor 3469 - LAKES AREA MAT SERVICE INC:							
20241231							
86259	LAKES AREA MAT SERVICE INC	12/31/2024	01/08/2025	48.64	48.64	Open	N
	CITY HALL FLOOR MATS 12/31	pziemer					12/31/2024
	101-1940-43410	RENTAL EXPENSE		48.64			
20211203							
86260	LAKES AREA MAT SERVICE INC	12/03/2024	01/08/2025	48.64	48.64	Open	N
	CITY HALL FLOOR MATS 12/03	pziemer					12/31/2024
	101-1940-43410	RENTAL EXPENSE		48.64			

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
20241217 #522 86261	LAKES AREA MAT SERVICE INC CITY HALL FLOOR MATS 12/17 101-1940-43410	12/17/2024 pziemer	01/08/2025	48.64	48.64	Open	N 12/31/2024
	RENTAL EXPENSE			48.64			
20241231 #520 86262	LAKES AREA MAT SERVICE INC POLICE DEPT FLOOR MATS 12/31 225-2120-43300	12/31/2024 pziemer	01/08/2025	58.88	58.88	Open	N 12/31/2024
	PROFESSIONAL SERVICES			58.88			
20241203 #520 86263	LAKES AREA MAT SERVICE INC POLICE DEPT FLOOR MATS 12/3 225-2120-43300	12/03/2024 pziemer	01/08/2025	58.88	58.88	Open	N 12/31/2024
	PROFESSIONAL SERVICES			58.88			
20241217 #520 86264	LAKES AREA MAT SERVICE INC POLICE DEPT FLOOR MATS 225-2120-43300	12/17/2024 pziemer	01/08/2025	58.88	58.88	Open	N 12/31/2024
	PROFESSIONAL SERVICES			58.88			
	Total for vendor 3469 - LAKES AREA MAT SERVICE INC:			322.56	322.56		

Vendor 3627 - LAKES AREA WILDLIFE CONTROL:

DEC 2024 86169	LAKES AREA WILDLIFE CONTROL DEC 24 ANIMAL CONTROL CONTRACT 225-2120-43300	12/23/2024 pziemer	01/08/2025	3,168.00	3,168.00	Open	N 12/31/2024
	PROFESSIONAL SERVICES			3,168.00			
	Total for vendor 3627 - LAKES AREA WILDLIFE CONTROL:			3,168.00	3,168.00		

Vendor 4197 - LEADSONLINE LC:

416142 86174	LEADSONLINE LC LEADS ONLINE 3/15/25-3/14/26 225-2120-43309	12/15/2024 pziemer	01/08/2025	2,959.00	2,959.00	Open	N 01/08/2025
	COMPUTER TECHNICAL SUPPORT			2,342.54			
	PREPAID OTHER			616.46			
	Total for vendor 4197 - LEADSONLINE LC:			2,959.00	2,959.00		

Vendor 3674 - LEXIPOL, LLC:

INVLEX11246445 86175	LEXIPOL, LLC LE POLICIES AND MANUALS 2025 2/1/25-lpziemer 225-2120-43300	12/23/2024 pziemer	01/08/2025	14,788.56	14,788.56	Open	N 01/08/2025
	PROFESSIONAL SERVICES			6,778.09			
	PREPAID OTHER			616.19			
	PROFESSIONAL DEVELOPMENT			6,778.09			
	PREPAID OTHER			616.19			
	Total for vendor 3674 - LEXIPOL, LLC:			14,788.56	14,788.56		

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
Vendor 4376 - LISA ACKERMAN:							
1001 86199	LISA ACKERMAN NEEDLE FELTING CLASS - LIBRARY 211-5501-43430	12/26/2024 pziemer	01/08/2025	300.00	300.00	Open	N 01/08/2025
	MISC - SPECIFIED DONATION USE			300.00			
	Total for vendor 4376 - LISA ACKERMAN:			300.00	300.00		
Vendor 3653 - MINNESOTA STATE FIRE DEPT ASSOCIATI:							
2025 86094	MINNESOTA STATE FIRE DEPT ASSOCIATI 2025 MSFDA MEMBERSHIP DUES 225-2220-43433	12/13/2024 pziemer	01/06/2025	495.00	495.00	Open	N 01/08/2025
	DUES & SUBSCRIPTIONS			495.00			
	Total for vendor 3653 - MINNESOTA STATE FIRE DEPT ASSOCIATI:			495.00	495.00		
Vendor 3211 - NATIONAL PELRA ADMIN OFFICE:							
13059 86084	NATIONAL PELRA ADMIN OFFICE 2025 MEMBERSHIP K.SHUBERT 101-1400-43433	12/13/2024 pziemer	01/08/2025	180.00	180.00	Open	N 01/08/2025
	DUES & SUBSCRIPTIONS			180.00			
	Total for vendor 3211 - NATIONAL PELRA ADMIN OFFICE:			180.00	180.00		
Vendor 2664 - RTVISION, INC.:							
INV921 86085	RTVISION, INC. ONEOFFICE SUBSCRIPTION 2/1/25-1/31/26 101-1700-43309	12/02/2024 pziemer	01/08/2025	3,300.00	3,300.00	Open	N 01/08/2025
	COMPUTER TECHNICAL SUPPORT			3,025.00			
	101-0000-15510	PREPAID OTHER		275.00			
	Total for vendor 2664 - RTVISION, INC.:			3,300.00	3,300.00		
Vendor 3612 - SEVERSON PORTER LAW:							
DEC 2024 86168	SEVERSON PORTER LAW DEC 24 PROSECUTION AGREEMENT 225-2127-43310	12/23/2024 pziemer	01/08/2025	18,883.33	18,883.33	Open	N 12/31/2024
	MISDEMEANOR PROSECUTOR			18,883.33			
	Total for vendor 3612 - SEVERSON PORTER LAW:			18,883.33	18,883.33		
Vendor 3838 - SWANSON HASKAMP CONSULTING:							
DEC 2024 86172	SWANSON HASKAMP CONSULTING DEC 24 ECONOMIC DEVELOPMENT CONSULTING 295-6510-43300	12/23/2024 pziemer	01/08/2025	2,916.63	2,916.63	Open	N 12/31/2024
	PROFESSIONAL SERVICES			2,916.63			
	Total for vendor 3838 - SWANSON HASKAMP CONSULTING:			2,916.63	2,916.63		

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
Vendor 3862 - TARGET SOLUTIONS:							
INV108575 86086	TARGET SOLUTIONS 2025 TARGET SOLUTIONS TRAINING 225-2220-43330	12/02/2024 pziemer	01/08/2025	4,401.80	4,401.80	Open	N 01/08/2025
	PROFESSIONAL DEVELOPMENT			4,401.80			
	Total for vendor 3862 - TARGET SOLUTIONS:			4,401.80	4,401.80		
Vendor 3468 - TRI-STATE BOBCAT:							
P30604 86267	TRI-STATE BOBCAT CHIPPER BLADES 235-3125-42220	12/26/2024 pziemer	01/08/2025	224.00	224.00	Open	N 12/31/2024
	REPAIR & MAINT			224.00			
	Total for vendor 3468 - TRI-STATE BOBCAT:			224.00	224.00		
Vendor 0334 - U.S. BANK:							
7579414 86228	U.S. BANK MN GO BONDS 2024A 401-9030-43300-22:08	12/20/2024 pziemer	01/08/2025	850.00	850.00	Open	N 12/31/2024
	PROFESSIONAL SERVICES			850.00			
	Total for vendor 0334 - U.S. BANK:			850.00	850.00		
Vendor 0087 - VISIT BRAINERD:							
DEC 2024 86171	VISIT BRAINERD DEC 24 ECONOMIC DEVELOPMENT CONSULTING 295-6510-43300	12/23/2024 pziemer	01/08/2025	3,333.26	3,333.26	Open	N 12/31/2024
	PROFESSIONAL SERVICES			3,333.26			
	Total for vendor 0087 - VISIT BRAINERD:			3,333.26	3,333.26		
Vendor 1712 - WSB & ASSOCIATES:							
R-026252-00-4 86274	WSB & ASSOCIATES 24:07 LOWELL SRTS OCT 2024 401-9030-43300-24:07	12/31/2024 pziemer	01/08/2025	5,576.50	5,576.50	Open	N 12/31/2024
	PROFESSIONAL SERVICES			5,576.50			
R-026252-000-5 86275	WSB & ASSOCIATES 24:07 LOWELL SRTS NOV 2024 401-9030-43300-24:07	12/31/2024 pziemer	01/08/2025	15,825.75	15,825.75	Open	N 12/31/2024
	PROFESSIONAL SERVICES			15,825.75			
	Total for vendor 1712 - WSB & ASSOCIATES:			21,402.25	21,402.25		

01/02/2025 02:19 PM

User: pziemer

DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 01/06/2025 - 01/06/2025

BOTH JOURNALIZED AND UNJOURNALIZED

OPEN

Page: 7/8

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
# of Invoices:	41	# Due:	41	Totals:	88,450.63		88,450.63
# of Credit Memos:	0	# Due:	0	Totals:	0.00		0.00
Net of Invoices and Credit Memos:					88,450.63		88,450.63

--- TOTALS BY GL DISTRIBUTION ---

101-0000-15510	PREPAID OTHER	275.00
101-1400-43433	DUES & SUBSCRIPTIONS	378.00
101-1700-43309	COMPUTER TECHNICAL SUPPORT	3,025.00
101-1940-43380	UTILITIES	1,255.98
101-1940-43410	RENTAL EXPENSE	145.92
101-9200-43430	MISCELLANEOUS	100.00
211-5500-43380	UTILITIES	1,223.41
211-5501-43430	MISC - SPECIFIED DONATION USE	300.00
211-5505-43430	MISC - COPY MACHINE PYMTS	97.70
225-0000-15510	PREPAID OTHER	1,848.84
225-2120-43300	PROFESSIONAL SERVICES	6,954.73
225-2120-43309	COMPUTER TECHNICAL SUPPORT	2,342.54
225-2120-43330	PROFESSIONAL DEVELOPMENT	6,778.09
225-2120-43380	UTILITIES	295.84
225-2127-43310	MISDEMEANOR PROSECUTOR	18,883.33
225-2220-42220	REPAIR & MAINT	1,005.39
225-2220-43330	PROFESSIONAL DEVELOPMENT	4,401.80
225-2220-43331	LEASED PAYMENTS	80.69
225-2220-43380	UTILITIES	810.50
225-2220-43433	DUES & SUBSCRIPTIONS	495.00
225-2700-43300	PROFESSIONAL SERVICES	3,168.00
230-5200-43380	UTILITIES	840.97
235-3100-43380	UTILITIES	840.97
235-3125-42220	REPAIR & MAINT	567.53
295-6510-43300	PROFESSIONAL SERVICES	10,083.15
401-9030-43300-22:08	PROFESSIONAL SERVICES	850.00
401-9030-43300-24:07	PROFESSIONAL SERVICES	21,402.25

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			5,179.90	5,179.90		
	211 - LIBRARY FUND			1,621.11	1,621.11		
	225 - PUBLIC SAFETY FUND			47,064.75	47,064.75		
	230 - PARK & RECREATION FUND			840.97	840.97		
	235 - STREET & SEWER FUND			1,408.50	1,408.50		
	295 - EDA FUND			10,083.15	10,083.15		
	401 - CONSTRUCTION FUND			22,252.25	22,252.25		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			2,123.84	2,123.84		
	1400 - ADMINISTRATION			378.00	378.00		
	1700 - ENGINEERING			3,025.00	3,025.00		
	1940 - CITY HALL			1,401.90	1,401.90		
	2120 - POLICE DEPARTMENT			16,371.20	16,371.20		
	2127 - MISDEMEANOR PROSECUTOR			18,883.33	18,883.33		
	2220 - FIRE DEPARTMENT			6,793.38	6,793.38		
	2700 - ANIMAL CONTROL			3,168.00	3,168.00		
	3100 - S & S MAINTENANCE			840.97	840.97		
	3125 - SNOW REMOVAL			567.53	567.53		
	5200 - PARK MAIN/ADMINISTRATION			840.97	840.97		
	5500 - LIBRARY-BUDGETED			1,223.41	1,223.41		
	5501 - SPECIFIED DONATION USE			300.00	300.00		
	5505 - TAXABLE FEES			97.70	97.70		
	6510 - ECONOMIC DEVELOPMENT AUTH			10,083.15	10,083.15		
	9030 - CONSTRUCTION PROJ-MISC			22,252.25	22,252.25		
	9200 - CITY-WIDE			100.00	100.00		

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:30 P.M. by Council President Bevans.

Upon roll call, the following members were noted as present: Stunek, Terry, Stenglein, Johnson, Czeczok, O'Day, and Bevans. Mayor Badeaux was also noted as present.

Council President Bevans opened the meeting with the Pledge of Allegiance to the flag.

Member Czeczok requested that the agenda be amended. He sent an e-mail regarding his request.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE AGENDA WITH THE REMOVAL OF THE APPROVAL OF BILLS FROM THE CONSENT CALENDAR AND ADDITION OF DISCUSSION OF ABOLISHING THE PUBLIC UTILITIES COMMISSION TO NEW BUSINESS.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN TO APPROVE THE CONSENT CALENDAR.

- A. Approval of Minutes**
- B. Department Activity Report**
- C. Approve Tobacco License Renewal by Dollar General Store 30773, 402 Washington Street**
- D. Approve Taxi Cab License Submitted by Grab-A-Cab, 912 4th Ave NE**
- E. Approval of Transfers of Funds**
- F. Approve of Memorandum Of Understanding (MOU) with Crow Wing County Fair Board for Snow Storage**

Upon roll call, Council Members Stunek, Terry, Stenglein, Johnson, Czeczok, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Approval of Bills

Member Czeczok stated that the bill he is referring to is the payment to Ratwik, Roszak, and Maloney. In particular the legal fees for abolishing the Public Utility Commission. The Public Utility Department is supposed to pay for half of this fee. If the bills are approved, does the Public Utility Department have the opportunity to deny payment of legal fees for research that would abolish their commission.

Attorney Langel stated that the approval of any bill is separate and distinct from how the bill is paid internally.

Member Czeczok stated that that does not answer his question. If the bills are approved, is the City then telling the Public Utilities Commission that they are responsible for half of the cost.

Finance Director Hillman stated that City Council is authorizing the payment of the bill, how it is split can be determined internally.

Member Czeczok stated that by approving these bills, the Public Utilities Commission has no say in how the bill is paid, for something that they know nothing about the research that is being done.

Member Johnson stated that he agrees with the sentiment that if the City is conducting research on getting rid of the Public Utilities Commission that they shouldn't have to split the cost. However, he thinks that the Council approves paying the bill, and which funds the bill gets paid out of is determined by Staff.

MOVED AND SECONDED BY COUNCIL MEMBER CZECZOK AND O'DAY TO NOT SHARE IN THE PAYMENT OF THE LEGAL SERVICES FOR THE ABOLISHMENT OF THE PUBLIC UTILITIES COMMISSION.

Council Members Czczok and O'Day voted "aye". Members Stunek, Terry, Stenglein, Johnson, and Bevans voted "nay". The Chair declared the motion failed.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON TO APPROVE THE PAYMENT OF THE BILLS.

Upon roll call, Council Members Stunek, Terry, Stenglein, Johnson, O'Day, and Bevans voted "aye". Member Czczok voted "nay". The Chair declared the motion carried.

Presentations

The Center Annual Presentation

Kathy Tousa, President of the Board of The Center, 14075 Firewood Dr, gave an overview of monthly activities that take place at The Center.

DeAnn Berry, Director of The Center, 803 Kingwood St, thanked the City Council for the opportunity to receive the Charter contributions. There are many fulfilling activities that The Center provides. She also stated that The Center will be starting a continuing education series. There is something for everyone at The Center, it is a great support system for the aging.

Member Terry stated that Ms. Berry is a force, she thanked her for all of the things that she does for the community.

Northland Arboretum Annual Presentation

Trevor Pumnea, Director Northland Arboretum, 1000 Conservation Dr, thanked the City Council for their support in applying for regional park designation. He gave an overview of all of the improvements that are happening at the Arboretum, including a bike track and accessible trails and landscapes.

Member Terry thanked Mr. Pumnea for all of his amazing work since starting at the Arboretum. It has been an honor to serve on the Board as a Council Member, and she and her dog Oliver will be out at the Arboretum just as much.

Member Johnson stated that it is absolutely amazing to see everything he has done since starting at the Arboretum. He thanked him for all of his hard work.

Brainerd Community Action Annual Presentation

Bill Satre, Board Member Brainerd Community Action, 13814 Crooked Lake Rd, stated that the focus of the board continues to be on creating opportunities for Brainerd residents to create lasting memories and deep connections in our neighborhoods. Community events are at the heart of the Brainerd Community Actions mission. The Community Empowerment Fund has been a massive success, start up programs have been able to receive funding.

Council Committee Reports

Personnel and Finance Committee

Ratify Hiring Kayla Huether for Recreation Specialist

Committee Chair Johnson stated that the City is excited to have Ms. Huether on board.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RATIFY THE HIRING OF KAYLA HUETHER EFFECTIVE DECEMBER 30, 2024; FURTHER, THAT SHE BE PLACED ON STEP 2 OF THE RECREATION SPECIALIST WAGE GRID (\$32.22 PER HOUR).

Approve the Promotion of Toni Gage to Administrative Assistant

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE PROMOTION OF TONI GAGE TO THE ADMINISTRATIVE ASSISTANT POSITION EFFECTIVE DECEMBER 17, 2024, AT STEP 2 (\$28.08 PER HOUR).

Ratify Hiring New Paid On-Call Firefighters

Committee Chair Johnson stated that this brings the City to 39 Paid On-Call Firefighters.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RATIFY THE HIRING OF JASON DANN, ISAIAH MACEJKOVIC, PATRICK NELSON, AND NATHAN SIEVERT AS PAID ON-CALL FIREFIGHTERS EFFECTIVE JANUARY 1, 2025; FURTHER, THAT THEY BE PAID AT THE TRAINEE FIREFIGHTER RATE (\$11.05 PER HOUR).

Adopt a Resolution Setting the 2025 - 2026 Wages for the City Administrator, Department Heads and Non-Union Supervisors

Committee Chair Johnson stated that this resolution is the same wage adjustments as union employees that have settled contracts in 2024, it does not include the new union of Utility Division Manager's Union as negotiations have not been initiated.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY TO ADOPT RESOLUTION SETTING THE 2025 - 2026 WAGES FOR THE CITY ADMINISTRATOR, DEPARTMENT HEADS, APPLICABLE MUNICIPAL UTILITY DIVISION MANAGERS, AND NON-UNION SUPERVISORS.

RESOLUTION 57:24

Upon roll call, Council Members Stunek, Terry, Stenglein, Johnson, Czczok, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Adopt Resolution Allowing for One Time Election to Contribute to PERA Defined Contribution Plan for Public Utilities Commissioner

Committee Chair Johnson stated that a law change allows appointed government officials to contribute to PERA.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO RESOLUTION AS REQUIRED BY PERA FOR THE ONE-TIME ELECTION PERIOD

ALLOWING THE PUBLIC UTILITIES COMMISSIONER TO CONTRIBUTE TO THE DEFINED CONTRIBUTION PLAN.

RESOLUTION 58:24

Upon roll call, Council Members Stunek, Terry, Stenglein, Johnson, Czeczok, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Authorize Staff to Advertise for 2024 Statewide Affordable Housing Aid (SAHA) Funds

Committee Chair Johnson stated that the City has funds available to award for housing solutions in our city.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO AUTHORIZE STAFF TO ADVERTISE FOR PROPOSALS FOR AVAILABLE SAHA FUNDS WITH A JANUARY 24TH SUBMITTAL DEADLINE.

Approve Shared Services Agreement with the Brainerd EDA

Committee Chair Johnson stated that City Staff track their time doing work for the EDA, this is the same amount of time proposed as 2024.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE 2025 SHARED SERVICES AGREEMENT WITH THE EDA IN THE AMOUNT OF \$17,000.

State and Local Fiscal Recovery Funds (SLFRF) Update

Committee Chair Johnson stated that the funds will pay for projects that are already complete and the motor grader which has already been purchased. The mainstreet grant, park projects, and historic water tower project will be paid out of the capital fund.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO AMEND THE SLFRF BUDGET AS PROPOSED AND TO PAY THE MAINTSTREET GRANT, THE REMAINING PARKS PROJECTS AND THE HISTORIC WATERTOWER PAYMENT OUT OF THE CAPITAL FUND.

Safety and Public Works Committee

Award Proposal - Ash Tree Removal

Committee Chair O'Day stated that the City received a grant for \$45,000 from the MnDNR to remove 14 ash trees, the rest of the grant will go toward replacing the ash trees.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO AWARD THE PROPOSAL TO TOENYAN TREE SERVICE LLC IN THE AMOUNT OF \$8,500.

Adopt Resolutions Supporting Grant Applications

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK TO ADOPT RESOLUTION SUPPORTING APPLICATION FOR CARBON REDUCTION PROGRAM FUNDING.

RESOLUTION 59:24

Upon roll call, Council Members Stunek, Terry, Stenglein, Johnson, Czeczok, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK TO ADOPT RESOLUTION TO FILE AN APPLICATION WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR 2024 ACTIVE TRANSPORTATION INFRASTRUCTURE GRANTS.

RESOLUTION 60:24

Upon roll call, Council Members Stunek, Terry, Stenglein, Johnson, Czeczok, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO ADOPT RESOLUTIONS AGREEING TO MAINTAIN FACILITIES AND BE THE SPONSORING AGENCY FOR THE TRANSPORTATION ALTERNATIVES GRANT.

RESOLUTION 61:24 & 62:24

Upon roll call, Council Members Stunek, Terry, Stenglein, Johnson, Czeczok, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO ADOPT RESOLUTION TO MAINTAIN FACILITY FOR THE STATE TRANSPORTATION BLOCK GRANT PROGRAM.

RESOLUTION 63:24

Upon roll call, Council Members Stunek, Terry, Stenglein, Johnson, Czeczok, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Approve Transit Americans With Disabilities Act Policy Plan

Committee Chair O'Day stated that the policy was not reviewed by the TAC committee due to the timeline. If the TAC reviews and has any changes, it will be returned to the City Council for further approval.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE UPDATED TRANSIT ADA POLICY.

Authorize the Public Utilities Department to Reject Bid for Water Reclamation/ Backwash Building

Committee Chair O'Day stated that the project was budgeted for about \$6 million. The City received a congressional appropriation for \$5 million. The bids came in over \$10 million, the Commission wanted to reject all of the bids to consider ways to receive more necessary funding. Staff was asked to have City Council ratify that vote.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO CONCUR WITH THE RECOMMENDATION TO AND DECISION OF COMMISSION AUTHORIZING THE PUBLIC UTILITIES DEPARTMENT TO REJECT ALL BIDS FOR THE WATER RECLAMATION AND BACKWASH PROJECT.

Approve 10-Year Capital Improvement Plan (2025-2034)

Committee Chair O'Day stated that the Capital Improvement Plan has had some changes since June, he feels there were no major changes.

Member Czeczok asked about City Engineer Dehn's statements during committee.

City Engineer Dehn stated that the one item called out during the committee was the addition of the Evergreen Outfall in 2025 or if the City Council would like to see that project planned in another year.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE 10-YEAR CAPITAL IMPROVEMENT PLAN FOR YEARS 2025-2034 AS PRESENTED.

Unfinished Business

Call for Applicants – Informational:

Mayor Recommended: (terms to expire on 12/31 of said year)

Airport Commission - **1 term** (2027)

Charter Commission – **2 terms** (Expire 2025) **2 terms** (Expire 2026) **3 terms** (Expire 2028)

Housing and Redevelopment Authority - **1 term** (Expire 2029)

Parks & Recreation - **1 term** (Expire 2029)

Public Utilities Commission - **1 term** (Expire 2029)

Transportation Advisory Committee- **4 terms** (Expire 2026)

Mayor Recommended: (terms to expire on 9/7 of said year)

Economic Development Authority- **1 term** (Expire 2026)

Council President Recommended: (terms expire on 12/31 of said year)

Planning Commission-- **1 term** (Expire 2027)

Final Reading and Public Hearing- Proposed Ordinance 1577- Annexation of 15106 Riverside Drive

Community Development Director Kramvik gave an overview of Ordinance 1577.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY TO CONDUCT THE FINAL READING AND DISPENSE WITH THE ACTUAL READING OF PROPOSED ORDINANCE 1577, AN ORDINANCE PROVIDING FOR THE ANNEXATION OF 15106 RIVERSIDE DRIVE.

The Chair opened the public hearing at 8:17 p.m.

No one came forward.

The Chair closed the public hearing at 8:18 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK TO ADOPT ORDINANCE 1577.

ORDINANCE 1577

Upon roll call, Council Members Stunek, Terry, Stenglein, Johnson, Czeczok, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Public Hearing and Adopt Resolutions- Vacation of Public Right of Ways

City Engineer Dehn gave an overview of the proposed vacations.

Member Czeczok asked whether Engineer Dehn received any communications about concerns of the vacations.

City Engineer Dehn stated that he had many conversations with homeowners answering questions. He directed each of these owners to contact their Council Member if they had concerns.

The Chair opened the public hearing for Rademacher's Addition at 8:19 p.m.

Ginger Almer, Owner Jack's House, 300 Hwy 25 S, stated that the sign has already been placed onto the property. She is in favor of the vacation.

The Chair closed the public hearing for Rademacher's Addition at 8:20 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO ADOPT RESOLUTION TO VACATE FRONTAGE ROAD, RADEMACHER'S COMMERCIAL ADDITION ACCORDING TO THE RECORDED PLAT THEREOF, SECTION 29, TOWNSHIP 45, RANGE 30 WEST, CROW WING COUNTY MINNESOTA, WHICH LIES WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NUMBER 25.

RESOLUTION 64:24

Upon roll call, Council Members Stunek, Terry, Stenglein, Johnson, Czeczok, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

The Chair opened the public hearing for Madison Heights Addition at 8:20 p.m.

Samantha Lemke, 2029 Graydon Ave, she had questions about what a vacation is. She stated that she would be in favor of the vacation.

The Chair closed the public hearing at 8:21 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO ADOPT RESOLUTION VACATING OUTLOT B, WALK, AND PARK- MADISON HEIGHTS AND SECOND ADDITION TO MADISON HEIGHTS IN BRAINERD, MN.

RESOLUTION 65:24

Upon roll call, Council Members Stunek, Terry, Stenglein, Johnson, Czeczok, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

New Business

Adopt Resolutions - Approve Plans, Authorize Advertisement, and Authorize and Direct the Use of the Power of Eminent Domain - Improvement 23-13 - TH 371B/Willow Street Roundabout Project

City Engineer Dehn highlighted that there are two resolutions one is to approve the plans, the other is to approve eminent domain. He clarified that the eminent domain process will

not be adversarial, rather is in order to keep the process moving. There have been a number of responsive home and commercial property owners that have already made agreements. There have also been a number of owners that have not made any contact. The City needs all agreements in order to move the project along. The intent is to construct next summer, prior to the Highway 210 construction, within the time constraints of school letting out and the Crow Wing County Fair.

Member Czczok asked about the eminent domain process and the predicted timeline.

City Engineer Dehn stated that the SEH staff will continue to attempt to have conversations with property owners but will begin the process in January. A hearing will need to be scheduled, and papers served as well, the City Attorney is working through that process.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY TO ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT OF BIDS.

RESOLUTION 66:24

Upon roll call, Council Members Stunek, Terry, Stenglein, Johnson, Czczok, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Member Johnson thanked staff for being proactive on the eminent domain process. Still trying to reach out to people is the right thing to do, but sometimes that can take too much time and cost more money.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND JOHNSON TO ADOPT RESOLUTION AUTHORIZING AND DIRECTING THE USE OF THE POWER OF EMINENT DOMAIN, AS NECESSARY, TO ACQUIRE LANDS, EASMENTS, AND OTHER RIGHTS AND INTERESTS.

RESOLUTION 67:24

Upon roll call, Council Members Stunek, Terry, Stenglein, Johnson, Czczok, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Adopt Resolution Setting the 2025 Levy for the City and Brainerd HRA

Finance Director Hillman gave an overview of the levy requirements and changes made to the levy since the preliminary was set at \$7,515,698, an 8% increase, and the HRA levy at \$173,960. To achieve a balanced budget, the City levy could be set at \$6,984,091. Staff was directed to prepare the budgets with a 2% increase. This was done by not using \$113,188 of fund balance, from the 2024 levy for implementing the wage study. The Council can set the levy anywhere up to an 8% increase over the 2024 levy.

Member Czczok asked about the City funding half of one of the proposed employees that were included in the BPU budget.

HR Director Schubert stated that the positions have not been finalized, so there has not been a wage negotiated. This was included in the BPU budget for 2025.

Member Czczok asked if there was a position needed in 2025 that is not in the budget, could the City add the position.

Finance Director Hillman stated that the Council could use fund balance or other savings to fund the position if need be.

Member Terry clarified that the amount includes the \$1,000 for the Airport levy. She asked Council Members the purpose of setting the levy for the airport at \$1,000.

Member Czczok stated that he has expressed his purpose several times.

Member Terry stated that she will vote no if the levy goes forward without the increase airport appropriation.

Member Johnson stated a levy of \$7,098,160 is a 2% increase over 2024. He feels that this is a compromise. There is about \$113,000 in fund balance in case there is another IT position or there is a change of heart about the airport.

Member Stenglein stated that she shares Member Terry's concerns about the airport. She believes that funding them with only \$1,000 is undermining the good work done by staff and the value we get as a City from the airport. However, she is not willing to throw the levy and budget up into the air.

Member Stunek stated that as the liaison he thinks that \$1,000 is peanuts, he will be voting no on the levy to support the staff at the airport.

Member O'Day stated that \$1,000 for the airport is a statement, but also an offer of good faith to stay in the conversations with the County. The fund balance at the airport has been contributed to far more than is necessary over the years. As we learn more and if the County is willing to have conversations, the Council can come back with plenty of options.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY TO ADOPT RESOLUTION SETTING THE CITY OF BRAINERD LEVY AT \$7,098,160 AND THE HRA LEVY AT \$173,960 FOR PAY YEAR 2025.

RESOLUTION 68:24

Upon roll call, Council Members Stenglein, Johnson, Czczok, and O'Day voted "aye". Members Stunek, Terry, and Bevans voted "nay". The Chair declared the motion carried.

Adopt 2025 Budgets

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO ADOPT THE BUDGETS AS PRESENTED WITHOUT ADJUSTMENTS.

Determine Selection Process for the 2025-2026 City Council President & Vacant Seat

Member Czczok stated that he has given a lot of thought to the process. In the past, the process changes depending on who is at the table. He prefers a secret ballot, as a personal preference. It is a better way for someone in his position as hand votes cannot be seen by all, and voice votes can be influenced.

Chair Bevans stated that the only thing he doesn't like about the proposal is that each round is secret, he thinks all rounds should be public.

Member Stenglein asked about the use of this method in the future.

Member Czczok stated that he thinks this could be included in the Rules of Decorum.

Member Johnson stated that he supports the process and having a policy is a good thing.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO APPROVE THE METHOD OF SELECTION FOR CITY COUNCIL PRESIDENT AND VACANT SEATS ON THE COUNCIL; FURTHER TO INCORPORATE METHOD IN THE RULES OF DECORUM.

Discuss Abolishing the Public Utilities Commission (added item)

Member Czczok stated that the concept of abolishing the Public Utilities Commission is new to him. It seems that the research done is outside the norm of what City Hall should be doing without the Council's direction. He would be grateful for the Council to be asked for direction for research on topics like these before it is asked to approve bills to pay for such research. It looks as if there were also results of the research. He thinks that the Council should be privy to this information. He is not asking that Staff come to the Council prior to contacting our Attorney on all matters, but this particular subject seems highly unusual.

Member Johnson stated that he supports the sentiment, Ratwik is the Council's Attorney, not Staff's. He does not know if setting policy on things such as this is clear enough to understand. He thinks that after talking with a former commissioner, the role of the commission is a good conversation to have.

Member Stenglein agrees with Member Johnson, she does not want to prevent staff from brainstorming which can warrant contacting legal counsel in some cases.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, THAT THE CITY COUNCIL RECEIVE THE RESULTS OF THE RESEARCH DONE REGARDING ABOLISHING THE PUBLIC UTILITIES COMMISSION.

Public Forum

The Chair opened the public forum at 8:55 p.m.

Tom Prusack, 2117 Crestview Ln, thanked the Council for the civics lesson. He was confused during the public hearing about the vacation in Madison Heights, he is in favor of the vacation as long as the contiguous homeowners are deeded the land. Otherwise, the property should remain public.

Sean Spaid, 1108 Oak St, stated that he was assisted by Habitat for Humanity with getting an accessible home. He has issue with city navigation for those with disabilities, specifically snow clearing being complaint based. He does not believe that individuals with disabilities should have to wait 3-5 business days to be able to navigate sidewalks after a snowfall. When his daughter is old enough to be independent, he wants her to be able to navigate the world with ease. He also believes that there should be more available for individuals with disabilities in our parks.

The Chair closed the public forum at 9:02 p.m.

Staff Reports

HRA Director Charpentier stated that Eight05 Laurel is abating asbestos with demolition scheduled once that is complete. The developer continues to look for opportunities to bridge the funding gap.

Police Chief Davis stated that the Christmas with the Homeless event that was included with the packet has been cancelled.

Finance Director Hillman wished everyone a Merry Christmas. She wished Council Members Terry and Stenglein farewell.

Public Works Director Habighorst stated that Brainerd Community Action has helped to provide the entry fee to Winter Wonderland to our Transit riders. There will be a couple of opportunities for our riders to take the transit buses through the arboretum to see the lights.

Community Development Director Kramvik stated that the EDA recommended that Country Manor be granted additional tax abatement from the City. This will come before the City Council at a future meeting. The Planning Commission will be reviewing the proposed crypto mining ordinance at its meeting on December 18th.

Attorney Langel noted that the Council should adjourn to the “joint meeting” instead of “workshop”. He stated that the closing of the Roberts Property is complete.

Administrator Broyles thanked Council Members Terry and Stenglein for their service to the City. He encourages staff to be creative and innovative in serving taxpayers and ratepayers, they will provide the research requested by the Council. Finally, there has been a Council Communications section to the end of the agenda as the City periodically gets pieces of mail that staff would like to inform the Council about.

Mayor's Report

Mayor Badeaux thanked his fellow Council Members for their work on the Council. Finally, he stated that Brainerd is supportive of developers, but he will be more vocal about getting moving on some of these properties. There needs to be money put in and get developments done. He trusts that Eight05 will be completed.

Council Member Reports

Member Stunek wished everyone Merry Christmas and thanked Council Members Terry and Stenglein.

Member Terry thanked Staff for all of their amazing work in service to the City.

Member Johnson wished everyone Merry Christmas. It was a pleasure to serve with Members Terry and Stenglein.

Chair Bevans thanked Members Terry and Stenglein and wished everyone a Merry Christmas.

Member O'Day thanked Members Terry and Stenglein quoting former Council Member Pritschet saying “it's not always fun, but it's always interesting”. He wished everyone a Merry Christmas.

Member Stenglein stated that she will be attending the Special Meeting on Thursday, December 19th. Region 5 held their annual awards for the regional businesses.

Member Czeczok wished everyone a Merry Christmas. He appreciates the service of Members Terry and Stenglein. He especially thanked Member Stenglein for her graciousness as an opponent.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STUNEK, DULY CARRIED, TO ADJOURN TO THE JOINT MEETING OF THE CITY COUNCIL AND PUBLIC UTILITIES COMMISSION ON DECEMBER 19TH AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS.

The Chair adjourned the meeting at 9:15 p.m.

Nicholas W. Broyles
City Administrator

Pursuant to due call and notice thereof, the special joint meeting of the Brainerd City Council and Public Utilities Commission was called to order at 6:00 P.M. by Council President Bevans.

Upon roll call, the following members were noted as present: O'Day, Stunek, Stenglein, Johnson, Czezok, and Bevans. Mayor Badeaux was also noted as present. Member Terry was noted as absent. Commissioners Wussow and Matten were noted as present.

Staff present were Administrator Broyles, Public Utilities Director Evans, IT/GIS Director Strong, BPU Technology Supervisor Andersen, HR Director Schubert, Police Chief Davis, Finance Director Hillman, BPU Finance Manager Loch, BPU Operations Manager Hawkinson, and Public Works Director Habighorst.

Council President Bevans opened the meeting with the Pledge of Allegiance to the flag.

Discuss Creation of a Single Integrated City IT Department

IT/GIS Director Strong and BPU Technology Supervisor Andersen gave an overview of their presentation including their recommendations. It is recommended to have six positions between both entities in the future. It is not best practice to integrate into one network due to security and processes of the utility. Integration could include basic IT desk support share to allow specialized positions to focus more efforts on key duties. Mr. Strong and Mr. Andersen noted that BPU needs to increase their IT staffing as soon as possible. They would like direction on whether they should maintain current structure and continue to collaborate when appropriate or formally decide to create an integrated IT department and draft a plan including organizational chart, job descriptions, financial considerations, and timeline.

Member O'Day asked about future needs at City Hall and current needs of BPU IT. It make sense to him to hire a help desk person to go back and forth from the City to BPU to assist with basic staff technology needs. He stated that he does not have a problem with taking the process of integration slowly and carefully.

Member Johnson stated that any changes made should be made over a number of years. He asked about the example of Rochester in the presentation. He also asked about hardware and eventually having the same applications. He stated that the differences in technology seems to be a microchasm of the lack of communication.

Technology Supervisor Andersen stated that BPU is unique that department has the hydro dam and electric utility. Rochester is using similar technology. He also stated that a lot of the hardware and applications that BPU uses is specifically designed for BPU.

Mayor Badeaux asked about the realistic timeline of integration, the union contract limitations, and what is the total need for staff. He would like to see an individual to help with day to day issues.

Commission Wussow asked that Council expedite the process to hire BPU technology staff.

Member Johnson stated that when the employee resigned, it was stated that the IT Analyst was not to be backfilled. The new positions require position descriptions and wage negotiations.

Member Stenglein stated that the process and obstacles will not get smaller. If the full integration process takes twenty years, if we don't start the process for ten years, it will still take twenty years. She appreciates that the City will not go to one network. We are one Brainerd, and we need to treat our departments like that.

Member O'Day asked whether the City wants to be further apart in ten years or whether we want to be closer together. We need to setup the next generation for success.

Commissioner Matten thanked IT Staff for putting the presentation together and for their opinions. She understands that to be hired under the City, staff can work in both departments. To be hired under BPU, they can only work on the utility. She hopes that communication continues to improve hardware and software.

Member Czczok asked for an updated on the sample job descriptions for the new BPU positions. He asked about how the union would be determined. If the position will work at both the City and Public Utilities Department he questioned whether they could be a part of the Public Utility Union.

HR Director Schubert stated that the sample job descriptions that were proposed to the BPU Commission for budgeting purposes reflected that the position would only work at the Public Utilities Department. The Council needs to determine whether integration will happen, who the position would report to, and what the duties are specifically. She referenced the HR Assistant position when determining which union would be utilized. She stated that the Bureau of Mediation Services has a ruling to determine which union a position would be a part of.

Will Keyes, IBEW Local 31 Business Manager, stated that he would have to check the union contracts to be sure.

Member Czczok stated that he is unsure how to give direction, if we don't know how it will all work with the budget, union, and department. This plan does not seem to be efficient in saving money.

Commissioner Matten read a statement for Commissioner Erickson.

Member Czczok asked whether staff has free will to speak without ramifications or repercussions. He asked whether integration will work.

Administrator Broyles stated that he has not directed any staff what to say at the meeting tonight.

Public Utilities Director Evans stated that he will fully support the City Council's decision on integration of IT departments. In all of his years of experience with utilities, he believes that cities of similar size are on a spectrum, at some point cities of 50,000 were a city of 16,000. He believes being separate works. An integrated model could work, however, it would not be as efficient as part of the struggle is specialization. The City should always be looking for opportunities to support each other. He added that integration is not the correct term and the way that the functional and project management would work in the proposed structure may lead to confusion and frustration for our employees. Communication is paramount.

Administrator Broyles stated that he believes in centralized control and decentralized execution. He believes that the City can administratively integrate these two departments and make virtually no changes operationally. He sees a clear chain of command and communication making the department more efficient. More people in a department creates operational flexibility through cross training. It is imperative that there is one director for IT. The drama that he has experienced at the City is astonishing. He believes that a large part of the reason he was hired was due to his leadership skills. The City has challenges with its organizational culture. Long lasting outcomes will require foundational changes. Intentional, targeted, functional integration where appropriate is the best path forward. He strongly recommends the integration of the IT departments at the City of Brainerd and Brainerd Public Utilities.

Member Johnson stated that he has not been convinced that there is no way that integration will not benefit anything. One of the biggest negatives that he has heard is the responsibility to the ratepayers and taxpayers. It will be beneficial to have more staff that provides better service to our citizens.

Member Czeczok asked how the City can get Technology Supervisor Andersen the help he needs.

Member Johnson stated that this was the first step, to make a decision so that they can move forward with hiring someone to help Mr. Andersen.

Mayor Badeaux asked about the timeline.

City Administrator Broyles stated that the first step would be to revise the job description for and hire a Director. Staff on both sides appreciates a definitive answer. All staff will support the decision.

HR Director Schubert stated that the timeline is typically about six weeks to on board new staff.

Member O'Day stated that hearing Administrator Broyles comments, he does feel more confident about the decision. He knows that there is hesitancy throughout staff, but the City Council hired Mr. Broyles and has the confidence in his leadership. He would like to see Administrator Broyles supported throughout the organization. He will want to take a slow look at integrating other departments.

Mayor Badeaux stated that this is a matter that the Council takes very seriously. Because of the stress, he likes to take the time to figure out where to move forward. It is important to receive the information and go at a good pace. Council needs to hear the struggles that staff is going through. He thanked staff and the Commission for being at the meeting tonight.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO DIRECT STAFF TO CREATE A SINGLE INTEGRATED IT DEPARTMENT FOR THE CITY OF BRAINERD.

Upon roll call, Members Stunek, Stenglein, Johnson, Czeczok, O'Day, and Bevans voted "aye". No Member voted "nay". The Chair declared the motion carried.

Member Johnson asked whether there is an action to take tonight to expedite the process. He asked whether both jobs could be posted as of the January 6th meeting.

HR Director Schubert stated that the first step is to develop an IT Director job description, and to get the director in place. Staff will present an updated job description to the Council at its next regular meeting, unless the Council held a special meeting or gives staff authority to finalize the job description and ratify at the next meeting. The Department Head's input who will be overseeing the department in the development of other positions job descriptions is very important. Current staff could review the descriptions but if there is a disagreement, there would need to be someone to make the final decision.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON, DULY CARRIED, TO ADJOURN THE MEETING.

The Chair adjourned the meeting at 7:38 p.m.

Nicholas W. Broyles
City Administrator



Brainerd Fire Department Monthly Report

December 2024

As we wrap up 2024, we extend our genuine appreciation to the council and our community for your continued support throughout the year. It has been an honor to serve, and we eagerly look forward to 2025!

Congratulations to Firefighter Josh Smith on his retirement after 22 years of dedicated service. His commitment and expertise have made a lasting impact, and we wish him all the best in his next chapter.

We are excited to welcome four new Paid On-call firefighters to the department. After completing their orientation, they are set to begin service on January 1, 2025.



This month, our department participated in several valuable training opportunities to enhance our readiness and effectiveness:



- EMS Training focused on hypothermia and cold weather emergencies to prepare for seasonal challenges.



- CPR and AED Recertification: Firefighters renewed their certifications to ensure proficiency in life-saving techniques.





Brainerd Fire Department Monthly Report

December 2024



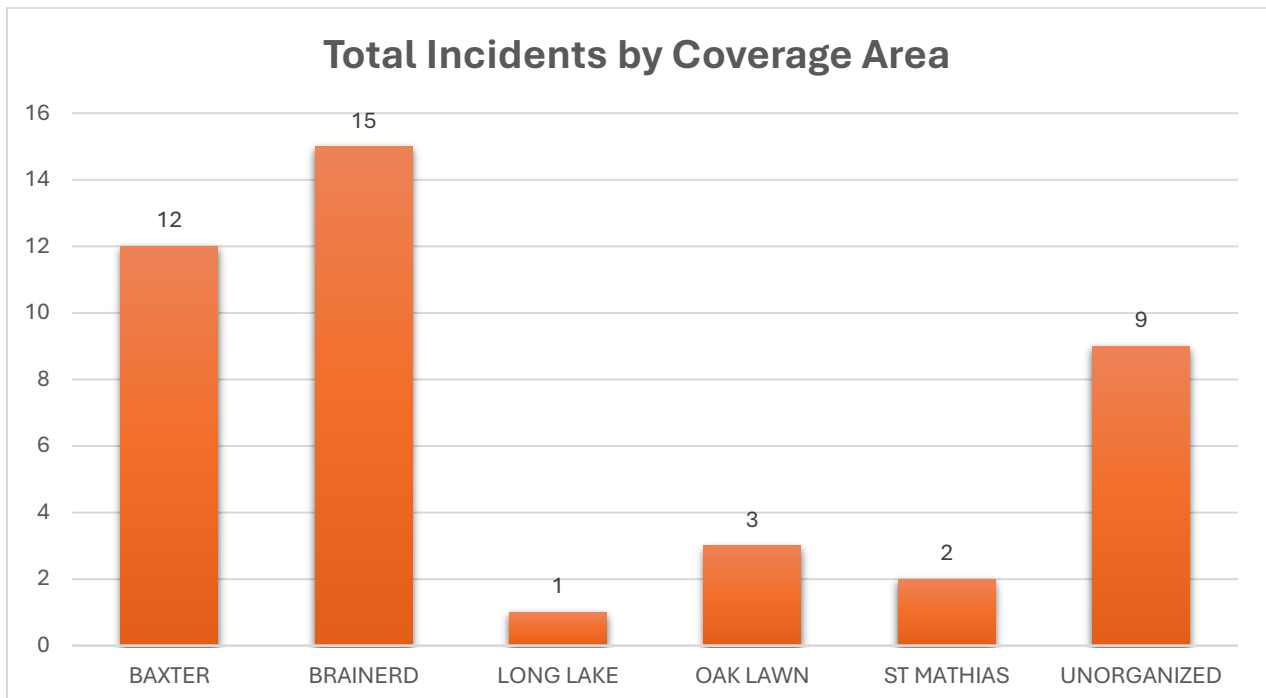
- Elevator Training: Conducted at the NorthStar Apartments and the Washington Education Building. This training, combined with pre-planning and automatic sprinkler system training, was essential for improving our response capabilities. Special thanks to these facilities for their cooperation.

Chief Holmes also attended quarterly training with the MN All-Hazard Incident Management Team, enhancing leadership and operational skills.



Equipment and Maintenance: Finished completing annual maintenance on several apparatus, ensuring our equipment remains in top condition to serve the community effectively.

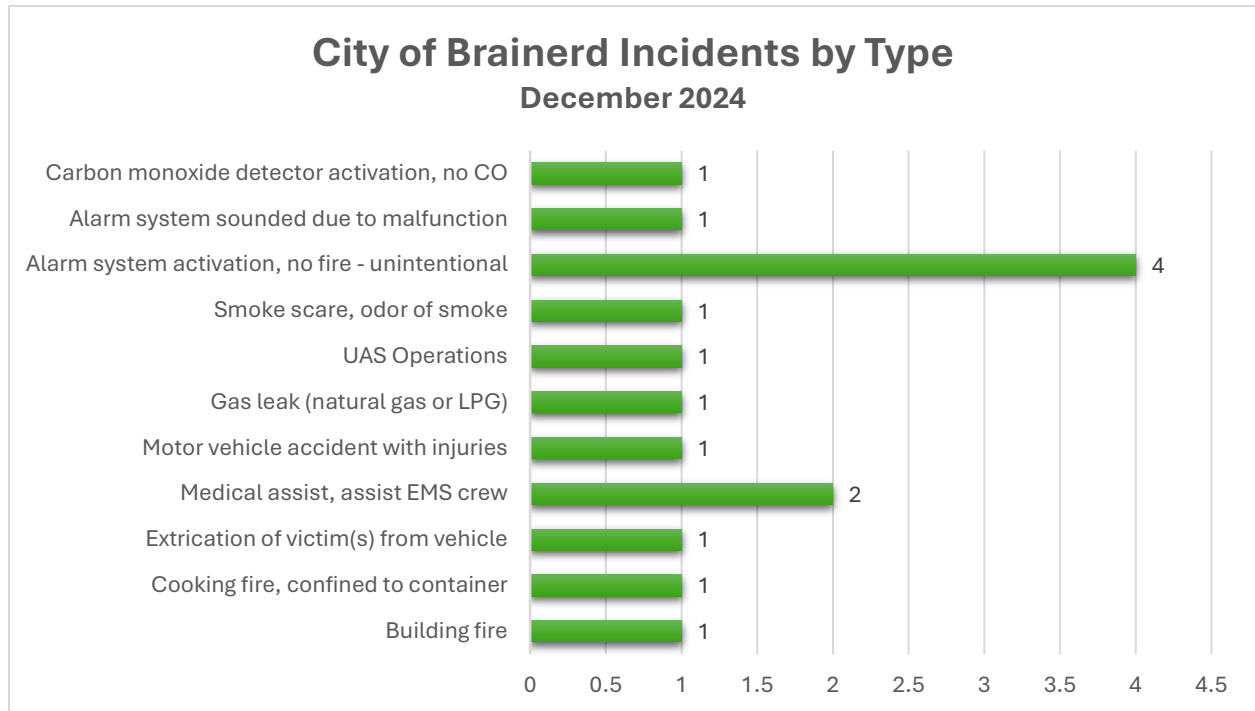
As we close the year, we reflect on our achievements with pride and remain committed to serving the City of Brainerd and our contracted areas. Thank you for your trust and support. Here's to a safe and successful 2025!





Brainerd Fire Department Monthly Report

December 2024



With winter arriving, we want to remind everyone about Crow Wing County Alert.

CROW WING COUNTY ALERT



Your safety is our top concern – that’s why the City of Brainerd has teamed up with Crow Wing County to make sure you know about emergencies and incidents as they happen.

How Does It Work?

The process begins when the City of Brainerd issues a message about a potential safety hazard, snow emergency, or other concerns. Next, a message from Crow Wing County Alert will be sent through your primary contact path. If you don't confirm receipt of the message, the system will try to reach your second contact path and continues trying to reach you until you confirm receipt.

The success of this service relies on **YOU**. ***Having your latest contact information is the only way to ensure that we can contact you in an emergency.***

Please sign up at <https://member.everbridge.net/index/892807736729514#/signup> – it only takes about a minute to enroll!

HR DIRECTOR REPORT



In this report:

- Union Updates
- IT Integration
- Performance Evaluation Work Group
- Personnel
- Wellness Committee

Union Updates

Our arbitration hearing with the IBEW Public Utilities Union was held on December 18th. Post hearing briefs are due by January 31, 2025, and the Arbitrator then has 30 days to render his decision. It will likely be the end of February before we receive the decision from the Arbitrator.

The United Steel Workers Union has agreed to extend the Memorandum of Understanding to allow IBEW employees to work at the Hydro facility to April 1, 2025. We are planning to resume negotiations with the USW Union after the IBEW Arbitration decision is received.

First round of negotiations with the Teamsters Union representing our Police Sergeants and Lieutenant took place on December 9th. Our second round of negotiations will take place on January 6th.

IT Integration

A joint City Council and Public Utilities Commission meeting was held on December 19, 2024, to discuss the creation of a single Integrated City IT Department. IT/GIS Director Strong and BPU Technology Supervisor Andersen gave an overview of their presentation including their recommendations. Commission Wussow asked that Council expedite the process to hire BPU technology staff to get Technology Supervisor Andersen the help he needs. The Council approved a motion to create a single integrated IT Department for the City of Brainerd.

Staff has prepared an IT Director job description that will be considered by the City Council at its January 6th meeting. Staff is also requesting authorization to conduct an internal job posting for the position as required by the Employee Policy Manual. After the position is awarded, HR will then work with the Department Head to create the job descriptions for the new positions.

Performance Evaluation Work Group

The updated Performance Evaluation Forms as recommended by the Work Group has been distributed to all Department Heads for their review and feedback. HR will be providing supervisory training on the new forms on January 7th. HR has also contacted the Unions to determine their interest to "Meet and Confer" regarding the new forms/process.

Personnel

New Hires/Promotions for City/BPU/HRA:

Toni Gage - Administrative Assistant (12/17)
Kayla Huether - Recreation Specialist (12/30)
Isaiah Macejkovic - POC (1/1)
Jason Dann - POC (1/1)
Patrick Nelson - POC (1/1)
Nathan Sievert - POC (1/1)
Brian Seieroe - POC (1/6)
Joshua Winslow - CSO (1/14)

Farewell to:

Joshua Smith - POC (12/31)
Glen Holst - Maintenance III (1/10)
Dominick Baillif - CSO (1/14)

Current Job Opportunities:

Business Office Support Specialist - A conditional job offer has been given and the candidate is going through the pre-employment process.

Transit Operation Specialist - Posting is open until filled with first review taking place on December 30th.

Pond Hockey Officials - Open until filled.

Warming House Attendants - Open until filled.

There are currently 9 City/HRA/Airport employees with Family & Medical Leave Act (FMLA) issues. 6 of those cases are for intermittent leave when needed.

In December, interviews were conducted for the Facilities Custodian position in the Public Utilities Department. Following the interview process, there was an internal discussion as well as a decision made to contract out custodial duties for the Utilities Department.

Staff requested that our 2024 Business Office Intern for the Public Utilities Department assist for a couple days a week from December 19, 2024 to January 6, 2025, during his holiday break from college. We asked Mr. Gratke to help out since one of our front office staff had been off from work and recovering from surgery.

Wellness Committee

Thank you to all who participated in our Santa to a Senior event through Home Instead. Together we collected and donated approximately 55 gifts to be distributed to Seniors to help bring a little extra joy to their holiday season.

Our December Holiday party Lunch N Learn took place on December 18th. We want to thank all that joined us in the fun as well as wish everyone a Happy Holiday season!

The Wellness Committee is looking for new members and for someone to lead the group in 2025. If interested in joining the Wellness Committee and/or leading it, please reach out to the HR Department.



PUBLIC WORKS DIRECTOR REPORT
January 6, 2025 CITY COUNCIL MEETING

Recreation Report

Winter Sports and Activities

- **Adult and Youth Pond Hockey**
 - Registration is opening
 - City staff will administer program
- **Ice Skating Rinks**
 - Rinks officially opened on December 23rd.
- Kayla Huether, new Recreation Specialist started on December 30th.

Parks Maintenance Report

- Cleaning and prepping warming houses.
- Watering Pleasure Rinks
- Plowing trails and sidewalks
- Painting doors for Jaycees Park concession building
- Finishing fire pits for Lum Park campground
- Working on horseshoe pits
- Maintaining and cleaning park equipment

Parks Projects Report

Mississippi Headwaters Board

Working with agency on placement of signage or Water Trail (via kayak/canoe) from Lum Park to Kiwanis Park.

Streets Maintenance Report

Maintenance Tasks Completed Month Prior

- Continue storm and sanitary sewer mapping
- Tree removal with Brainerd Public utilities
- Sand streets as needed
- Trimmed low hanging branches where needed
- Placed rocks at Jaycee Park parking lot to prevent vehicles from driving in the open field.

Engineering Report

Beech/Oakridge Reconstruction Project

Staff is requesting Council direction to prepare the feasibility report for this project. An informational meeting is scheduled for Tuesday, January 7th at 6 p.m. at City Hall to meet with property owners to discuss the project and gather input.

Wright/10th Reconstruction Project

Staff is requesting Council direction to prepare the feasibility report for this project. An informational meeting is scheduled for Wednesday, January 8th at 6 p.m. at City Hall to meet with property owners to discuss the project and gather input.

S. 6th/Willow Roundabout Project

Staff is working with SEH to finalize easements as able to come to agreement with property owners. Staff will be working with the City Attorney to utilize Eminent Domain as necessary for outstanding easements not received by the necessary timeline to keep the project on schedule. We are expecting to continue plan development to 100% concurrently with the right of way process.

South Brainerd Resurfacing Project

Staff and Bolton & Menk are presenting the Feasibility Report and requesting calling for the public hearing for the improvement at the first Council meeting in February. Bolton & Menk will continue progress on plans during January.

Hawkins-Ronald-Joseph Resurfacing Project

Staff has met with Moore Engineering to kick off the Preliminary Engineering phase of this work. Staff is anticipating that we will be beginning introducing resolutions for Council to consider in the coming meetings for the Feasibility Report. Discussions will be needed to discuss scope with changes to watermain and water services.

2025 Lowell Safe Routes to School Project

WSB has prepared 90% plans that staff has provided comments on. Final designs will be completed over the next month prior to requesting authorization to advertise.

Evergreen Storm Sewer Outfall Repair Project

With compilation of the gathered information from Engineering staff, staff will be preparing an RFP for Engineering services to prepare design plans and construction services for this project.

SE 15th/Rosewood Alley Watermain/Sanitary Sewer Main Project

The Contractor will be acquiring materials over the winter season and will be intending to complete this work once frost has come out this spring.

Other Activities

- Participated in weekly check-in meetings for TH 371B/Willow Street Roundabout Project
- Reviewed upcoming event applications
- Reviewed building permits for appropriate erosion control plans and requirements
- Reviewed and approved excavation and utility permits
- Reviewed amendment request from Bolton & Menk for South Brainerd Resurfacing project
- Reviewed engineering agreement for Moore Engineering on Hawkins-Joseph-Ronald Resurfacing Project
- Participated in discussion of upcoming panel on RFP session at CEAM Conference
- Discuss project development draft timeline with BPU staff
- Provided documents to Moore Engineering for Hawkins and Ronald-Joseph alley
- Prepared and mailed flyers for Informational Meeting for Beech/Oakridge Reconstruction project
- Prepared and mailed flyers for Informational Meeting for Wright/10th Reconstruction project
- Reviewed 90% Lowell SRTS plan sheets and provided comments to WSB
- Sent streets and quantities for pavement markings for 2025 to Crow Wing County
- Sent utility information for request nearby Midtown Depot
- Requested City Attorney request court date for initiating Eminent Domain proceedings
- Prepared Change Order for Buffalo Hills Gully project extending the completion date
- Prepared and sent contract agreement for Ash Tree Removals
- Reviewed utility information in NE Brainerd for potential redevelopment
- Discussed NSBP grant application with SRF and MnDOT
- Revised 10-Year CIP for presentation to Council
- Reviewed damage claim to RRFB sign on College Drive, requested quote

- Responded to resident to several questions regarding South Brainerd Resurfacing Project
- Responded to questions regarding utilities on Easy Street
- Provided utility maps for locate request on N. 9th Street
- Reviewed changes to Easement documents on TH 371B/Willow Street Roundabout project
- Requested State Aid numbers for State Aid projects
- Reviewed ROW Permit request for gas line disconnection
- Participated in Community Focus with new PW Director
- Requested IC-134 forms for final project payments
- Requested payment reimbursement for Buffalo Hills Gully Project
- Met with developer regarding adjacent property to Beech Street
- Met with Chamber to discuss Washington Street Reconstruction planning
- Met with MnDOT regarding CRP grant solicitation
- Reviewed and prepared potential snow emergency based on forecasted snow

Transit Report

Activities

- Receiving new bus (ordered back in 2022) in January 2025.
 - Disposition of 2 buses will also happen early 2025 (will go to government auction)
- Working with MnDOT on process of procuring new dispatch/scheduling/routing software
- Third Party Contractor Blue Sky Transit currently has a driver shortage causing service disruptions
- Working with a new Transit Advertising company that produces ad revenue for our agency by wrapping advertisements on the buses.
- Working on creating updated Transit brochures that will be printed and distributed by end of January 2025.
- Received several applicates for the Full Time Transit Operations Specialist. Interviews will happen mid-January.
- Received approval from MnDOT to participate in future special events, on occasion, outside of normal service hours
 - Transit conducted a special ride to Winter Wonderland and was a huge success.
- Rideability Report
 - November 2023 average per day: 135
 - November 2024 average per day: 154



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Adopt Resolution Designating Financial Institutions as Depositories for 2025

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Connie Hillman, Finance Director

DEPARTMENT: Finance

PRESENTER:

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE: Per Minnesota Statute 118A, city councils must designate one or more financial institutions as a depository of city funds. Please see the attached proposed resolution.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: The recommended action is to adopt the proposed resolution.

FINANCIAL IMPACT:

RESOLUTION
xx:25

RESOLUTION DESIGNATING CITY DEPOSITORIES

WHEREAS, pursuant to Minnesota Statute 118A, the City shall designate a bank or banks to be a depository or depositories of moneys of the City; and

WHEREAS, the City has existing relationships with a number of financial institutions and desires to continue to those relationships in 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRAINERD, MINNESOTA, that the following financial institutions are designated as approved City depositories:

1. Bremer Bank
2. US Bankcorp
3. RBC Capital Markets, LLC
4. 4M Money Market
5. Moreton Capital Markets
6. PMA Financial Network, Inc.

Adopted this ____ day of January 2025

President of the Council

Approved this ____ day of January 2025

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Annual Authorization to Perform Electronic Transfers

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Connie Hillman, Finance Director

DEPARTMENT: Finance

PRESENTER:

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE: Per Mn Statute 471.38 Subd. 3a (a) in order for a city to perform electronic transfers, one of the requirements is that "the governing body shall annually delegate the authority to make electronic funds transfers to a designated business administrator or chief financial officer or the officer's designee."

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: City and BPU accounting staff make electronic transfers regularly, such as making bond payments, investment transactions, as well as certain payments to vendors. There are controls in place, such as username and passwords, dollar limits on transactions, and verification of transactions if over a certain dollar amount.

RECOMMENDED ACTION/MOTION: Recommended motion is to delegate the Finance Director and Finance Manager, or their designee to make electronic transfers as deemed necessary by the Finance Director or Finance Manager to conduct City business in 2025.

FINANCIAL IMPACT:



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Designate the Brainerd Dispatch as the Official Newspaper for Calendar Year 2025 pursuant to the City Charter and Authorize Extension of Contract with Dispatch

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Connie Hillman, Finance Director

DEPARTMENT: Finance

PRESENTER:

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE: Pursuant to City Charter, Chapter 2, Number 25: The Council shall annually at its first meeting of the year designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published Ordinances and other matters required by law to be so published as well as such other matters as the Council may deem it in the public interest to have published in this manner.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The Dispatch also offers the City a reduced rate per inch based on the volume. If we don't reach the volume in the agreement, next year's rate will be based on a lower volume level. Per the attached letter, the 2024 rate was \$12.12 per inch. The Dispatch is proposing continuing with this rate for 2025.

RECOMMENDED ACTION/MOTION: Approve the Brainerd Dispatch as the legal newspaper and authorize signatures on agreement with the Dispatch for a rate of \$12.12 per inch.

FINANCIAL IMPACT: A fixed dollar amount was budgeted for publications.

To: The Brainerd City Council
Re: Legal newspaper for 2025

RECEIVED

DEC 16 2024

CITY OF BRAINERD
ADMINISTRATION

The Brainerd Dispatch is applying to continue as the legal publication for the City of Brainerd in 2025. We're proud of the relationship, including publishing news coverage of the monthly council meetings.

All legal notices are published in the Brainerd Dispatch classified section and also available on the brainerddispatch.com website. This year, Minnesota recognizes digital newspaper subscriptions for the E-edition. Legals are also published on those digital pages with more than 5,000 subscribers.

The Brainerd Dispatch publishing legal rate for 2025 will remain at \$12.12 per column inch, which includes being posted online at no additional charge.

Thanks for considering the Brainerd Dispatch for publishing City of Brainerd legal notices in 2024.



Pete Mohs
Publisher
Echo Journal/Brainerd Dispatch
(218) 855-5855



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Appoint City Attorney for 2025-2026 Pursuant to City Charter

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Nick Broyles, City Administrator

DEPARTMENT: Administration

PRESENTER:

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE: Pursuant to Chapter 2, Number 5 of the City Charter: At its first regular meeting in January of each odd-numbered year the Council shall, by a majority vote, appoint the City Attorney. All terms shall commence at the time of the appointment and continue until successors to the appointed offices are appointed and qualified.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The contract with Ratwik, Roszak & Maloney was approved at the November 18, 2024 council meeting for 2025 and 2026 which listed Joesph J. Langel as the primary attorney for the City.

RECOMMENDED ACTION/MOTION: Officially appoint Mr. Joseph J. Langel as the City Attorney for 2025 and 2026.

FINANCIAL IMPACT:

R E S O L U T I O N

Xx:25

**RESOLUTION APPROVING MINNESOTA LAWFUL
GAMBLING PREMISE PERMIT**

WHEREAS, the Brainerd American Legion Post #255 has applied for State of Minnesota Gambling Control Board Premises Permit Application for lawful gambling to be conducted at Elks Lodge 615, 215 S 9th St., Brainerd.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brainerd that the premise permit as requested by the Brainerd American Legion Post #255 is hereby approved.

Adopted this 6th day of January 2025

President of the Council

Approved this 7th day of January 2025

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Authorize Signatures on League of Minnesota Cities Insurance Trust (LMCIT) Liability Coverage Waiver Form

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Connie Hillman, Finance Director

DEPARTMENT: Finance

PRESENTER: Connie Hillman, Finance Director

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE: Annually, the City needs to decide whether or not to waive the statutory tort limits. The waiver form is attached for your review. Historically, the City has elected **not** to waive the statutory tort limit. By doing so, the City is limited by the statute to no more than \$500,000 per claimant and \$1.5 million per occurrence for tort claims.

If the City chose to waive (the other option), a claimant could recover up to the standard limit of \$2 million rather than the statutory limit of \$500,000 per claimant.

It is also the recommendation of our local insurance agents to **not** waive the statutory tort limit as well.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Liability coverage is more expensive if the city waives the limits; the cost difference is 3.5% of the liability premium for members that choose to waive it. Waiving the limits does not give the city better protection; the benefit is only to the party who is making the liability claim against the city.

RECOMMENDED ACTION/MOTION: The recommended motion would be to approve and submit the liability coverage waiver form with "does not waive" the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 option selected.

FINANCIAL IMPACT: No. The cost of not waiving the tort limit is not known, it is part of the amount the City annually budgets for general liability insurance.

LIABILITY COVERAGE WAIVER FORM

Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before their effective date of coverage.
Email completed form to your city's underwriter, to pstech@lmc.org, or fax to 651.281.1298.

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. *The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.* The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name: City of Brainerd

Check one:

☒ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#).

☐ The member **WAIVES** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#), to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: January 6, 2025

Signature: _____

Position: City Administrator



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Approve Hiring of 2024-2025 Warming House Attendant Temporary Employees

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director, Mike Habighorst, Public Works Director

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director

ESTIMATED TIME (MIN): 2 minutes

SUMMARY OF ISSUE: Attached is a listing of 2024-2025 Parks Warming House Attendant temporary employees that have currently received a conditional job offer and have successfully completed their background checks.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Pursuant to MN Statute, seasonal assignments are limited to 67 working days per calendar year or 100 working days per calendar year if the employees are under the age of 22, are full-time students enrolled in a nonprofit or public educational institution prior to being hired by the employer, and have indicated, either in an application for employment or by being enrolled at an educational institution for the next academic year or term, an intention to continue as students during or after their temporary employment.

RECOMMENDED ACTION/MOTION: Motion to authorize the hiring of the 2024-2025 Warming House Attendants as presented on the attached listing.

FINANCIAL IMPACT: Positions are included in the 2024-2025 budget.

2024-2025 Warming House Attendants

	<u>Name</u>	<u>Job Title</u>	<u>Date of Hire</u>	<u>2024 Hourly Rate</u>	<u>2025 Hourly Rate</u>
*	Terry Berger	Warming House Attendant	12/16/2024	\$16.00	\$18.00
*	Charles Smith	Warming House Attendant	12/2/2024	\$16.00	\$18.00
*	Sawyer Riffle	Warming House Attendant	12/23/2024	\$16.00	\$18.00
*	William Middagh	Warming House Attendant	12/18/2024	\$16.00	\$18.00
	Avery Vagts	Warming House Attendant	1/7/2025		\$18.00
	Kaden Schilling	Warming House Attendant	1/7/2025		\$18.00

Submitted for Consideration for the January 6, 2025 Council Meeting

* Returning Employee



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Adopt Resolution Approving Signature Authorization for 2025 Capital Projects for the Brainerd Lakes Regional Airport

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Connie Hillman; Steve Wright

DEPARTMENT: Finance

PRESENTER:

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE: Annually, the City adopts a resolution authorizing the Chairman or Vice Chairman of the Airport Commission to be the representative of the City of Brainerd, and to sign any and all documents relating to 2025 capital projects of the airport and any amendments that may arise. A proposed resolution is attached.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: The recommended action is to adopt the proposed resolution.

FINANCIAL IMPACT: N/A

**RESOLUTION
NO. XX:25**

SIGNATURE AUTHORIZATION FOR 2025 CAPITAL PROJECTS FOR THE
BRAINERD LAKES REGIONAL AIRPORT

BE IT RESOLVED that the Chair and/or Vice Chair of the Brainerd Lakes Regional Airport Commission is hereby authorized and directed to act as the authorized representative of the City of Brainerd for all 2025 capital projects for airport operations, and the same is hereby authorized and directed to execute and affix his/her signature to any and all required documents pertinent thereto, and all amendments thereof.

Adopted this ____ day of January 2025

President of the Council

Approved this ____ day of January 2025

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Consider Technology Director Job Description and Authorize Staff to Conduct an Internal Job Posting Process

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director, Nick Broyles, City Administrator

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE: On December 19, 2024, the City Council approved creation of a single integrated City IT Department. As discussed at that meeting, Staff has prepared a Technology Director job description to oversee the new integrated Technology Department. Staff requests that the Council approve the attached job description and authorize Staff to conduct an internal job posting process to fill the position as soon as possible. Staff is planning to provide a recommendation for the Technology Director position at the January 21, 2025, Council meeting. One of the items that will be requested is that any applicant provide their staffing vision for the new Department including an Organizational Chart and draft job descriptions for any recommended positions to help expedite future hiring processes.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Special thanks to IT/GIS Director Shawn Strong and Technology Supervisor Aaron Andersen for their assistance in preparing the Technology Director job description. It should be noted that we utilized some sample language from other communities and there were many changes to the job description including rearranging several of the duties. Due to the volume of changes, we are not providing a red-lined version as it was felt that would be more confusing rather than helpful at this time.

RECOMMENDED ACTION/MOTION: Motion to approve the Technology Director job description as presented and to authorize Staff to conduct an internal job posting process to fill the position.

FINANCIAL IMPACT: Unknown until a recommendation to reclassify someone is approved. Please note the proposed wage for the Technology Director is the same as the current IT/GIS Director position which is included in the City's 2025 budget.



Technology Director

Department: Technology

FLSA Status: Exempt

General Definition of Work

The Technology Director will oversee the strategic planning, implementation, and management of the City's technology infrastructure, applications, and services. This role involves leading a team of IT professionals, ensuring the security and efficiency of IT systems, and driving technology initiatives that support the organization's goals. Work is performed under the supervision of the City Administrator. Exercises general and administrative supervision over all Technology Department employees either directly or through supervisory staff.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Responsible for overseeing the daily operations of the Technology Department team, ensuring that tasks are completed efficiently and to high standards.
- Leads, mentors, and manages the Technology Department staff including overseeing training, inspecting and assigning work, and developing staff schedules. Conducts performance evaluations as well as provides coaching and counseling when needed and in accordance with city policies.
- Develops, implements, and maintains programs, networks, web structures, and strategies for efficient and effective deployment of technology throughout City departments.
- Collaborate with City departments on technology projects to provide innovative solutions, meet goals, improve workflows, and maximize efficiencies. Recommend appropriate solutions and plan for upgrades and replacements.
- Facilitates technical support services to City departments, ensuring user problems are resolved, educating users on proper use, developing and/or distributing training materials, and documenting resolutions.
- Preserves assets by evaluating risks, implementing disaster recovery and back-up procedures, draft business continuity plans, and maintaining information security and control structures.
- Manages and prioritizes technology projects, defines scope, assigns resources, maintains budget, oversees timeline, documents processes and results.
- Develop/recommend policies, procedures, and standards related to technology projects and systems.
- Provides needs analysis and recommendations regarding information technology and communications hardware, systems support, and staffing requirements. Evaluates potential solutions to determine feasibility and impact.
- Develops technology operating and capital budgets, oversees budget expenditures, identifies and implements cost effective technology solutions and support city-wide, develops and maintains plans for future capital expenses.
- Evaluates contracts for equipment purchases, software applications, and service and maintenance agreements to maximize cost-effectiveness, quality, and service.
- Facilitates work with consultants and vendors in developing or revising programs and system operations.
- Ensures physical, hardware, and software security for the city network. Complies with regulatory requirements including FBI/BCA, CJIS, FAA, PCI, MDH, MPCA, FERC, HIPAA, etc., as necessary.
- Coordinates the implementation and operation of GIS for all City departments; scheduling tasks and resources; communicating and coordinating with various end users.
- Manages and oversees all aspects of providing a public television cable channel (PEG) including infrastructure needs, staff time, and collaboration with community partners.

- Oversees contracted technology services provided to outside agencies via shared services agreements or similar.
- Attends and participates in all Council meetings and other official meetings as needed or directed.
- Participates in collaboration and knowledge/resource sharing opportunities with area agencies.
- Maintains active membership in local, state, and/or national associations to remain current on issues and trends of the industry and improve effectiveness of the department.
- Performs other duties as assigned or when necessary.

Knowledge, Skills, and Abilities

- Ability and skill to effectively manage multiple simultaneous complex mission critical technology projects.
- Ability to provide leadership and develop a team approach to solving problems and communicating the solution.
- Ability to establish and maintain effective working relationships with co-workers, supervisors, other departments, vendors, and the public.
- Skill in effectively analyzing technology services and processes and in preparing long-range and strategic responses; effectively presenting analysis and recommendations through spoken, written, and electronic communications.
- Knowledge of strategic planning principles and IT control procedures, including establishing meaningful performance measures and targets; financial management and budget preparation.
- Advanced knowledge of hardware including PC's, servers, firewalls, routers, switches, mobile devices, and printers.
- Advanced knowledge of software including Microsoft Office, business applications, relational databases, etc.
- Advanced knowledge of networks including security, identity, email, intranet.
- General knowledge of cybersecurity risks and trends as well as best management practices to minimize threats.
- General knowledge of server virtualization platforms and cloud hosting solutions.
- General knowledge of public utility operations including processes, policies, standards, requirements, etc.
- General knowledge of GIS implementations and application development with ESRI GIS products.
- General knowledge of State and Federal laws, rules, and regulations as they apply to government data security, retention, and disaster recovery procedures.
- Ability to understand and follow oral and written instructions; ability to work independently to complete daily activities according to work schedules.
- Ability to plan and supervise the work of professional and technical personnel.

Education, Experience, and Special Requirements

- Bachelor's Degree in Information Technology, Computer Science, GIS, Geography, or related field.
- Five years of experience managing complex technology implementations, preferably in local government.
- Equivalent combination of education and experience.
- Valid driver's license.
- Satisfactory completion of FBI / MN BCA background examination including national fingerprint-based criminal history record check and maintain Criminal Justice Information System (CJIS) Security and Privacy: Security Role.

Physical Requirements

This work requires the occasional exertion of up to 50 pounds of force; work regularly requires sitting, speaking or hearing and using hands to finger, handle or feel, frequently requires standing, walking and repetitive motions and occasionally requires stooping, kneeling, crouching or crawling, reaching with hands and arms, pushing or pulling and lifting; work requires close vision, ability to adjust focus, depth perception and color perception; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work occasionally requires working near moving mechanical parts, exposure to outdoor weather conditions and exposure to the risk of electrical shock; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: December 31, 2024



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Accept Retirement of Street Maintenance III Glen Holst

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director, Mike Habighorst, Public Works Director

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director

ESTIMATED TIME (MIN): 2 minutes

SUMMARY OF ISSUE: Glen Holst submitted his retirement notice on Friday, December 20, 2024. Glen's last day of work will be Friday, January 10, 2025.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: We have made a couple minor adjustments to the Maintenance III - Street & Sewer Division job description primarily to reflect that we have created the Public Works Department. We also removed the Sewer Lead information under the Education, Experience, and Special Requirements Section as we created a separate Sewer Lead position in 2024.

RECOMMENDED ACTION/MOTION:

Motion to:

1. Accept with regret the retirement of Street Maintenance III Glen Holst effective January 10, 2025;
2. Approve the updated Maintenance III - Street & Sewer Division job description as presented; and
3. Authorize Staff to begin an internal hiring process to backfill the Maintenance III position.

FINANCIAL IMPACT: This position was included in the 2025 budget.

RECEIVED

DEC 20 2024

**CITY OF BRAINERD
ADMINISTRATION**

December 18, 2024

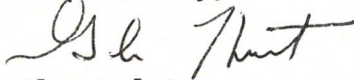
Michael Habighorst
Public Works Director
City of Brainerd

Dear Mr. Habighorst:

This letter is my notice of retirement from my full-time position of Maintenance III with the Public Works Department - Street Division. I'm proud of my fathers and my service of providing over 67 plus years of combined employment with the Street Department and to the Brainerd residents.

My retirement will be effective end of day Friday, January 10, 2025.

Respectfully,



Glen Holst
Maintenance III



Maintenance III – Street & Sewer ~~Division~~department

Department: Public Works – ~~Street and Sewer Department~~
FLSA Status:- Non-Exempt

General Definition of Work

Performs a variety of semi-skilled maintenance work, and operates a variety of trucks, heavy equipment and tools in the construction, operation, repair, maintenance, and replacement of City street and storm drainage facilities and systems; performs related duties as required or apparent. Work is performed under the immediate supervision of the Street Foreman. May act as lead worker over other personnel as assigned.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. -The requirements listed below are representative of the knowledge, skills, and / or abilities required.- The omission of specific statements of duties does not exclude the employee from the position if the work is similar, related, or a logical assignment to the position. -Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Operates a backhoe, pay loader, grader and dump truck with attachments and a sweeper to plow city streets and parking lots, and to haul material, salt and sand streets, and clean streets.
- Removes snow from alleys, sidewalks, intersections, municipal parking lots, and around city buildings; places no-parking signs as needed for snow removal; coordinates the city painting and striping program utilizing applicable equipment.
- Performs preventative and corrective maintenance repair for ~~division~~department vehicles and heavy and light equipment including repairing or adjusting hydraulic systems, motors, brakes, disc drives, steering, electrical and cooling systems, alternators, starters, etc.
- May diagnose and determine the extent of mechanical problems and replaces or rebuilds equipment based upon cost and quality of equipment operation considerations.
- Operates a cutting torch, rosebud, cutting tips and torque wrench as needed in repairing equipment and fabricating parts; makes some repairs to vehicle and equipment bodies.
- Cleans storm and sanitary sewers, catch basins, grates and manholes; cleans, installs, repairs, and replaces utility covers; cleans and repairs culverts, installs storm sewer lines from utility hole to catch basin.
- Performs maintenance to sanitary and storm sewer system including repairs, including flushing, jetting and cleaning utilizing sewer vactor and CCTV televising equipment; Prepares field reports.
- Performs installation and tiling of sewer mains; hauls gravel and dirt, excavates dirt using a backhoe and fills in or repairs the holes after the work is complete. Maintains street ~~division~~department buildings; may perform some welding, cement work, carpentry, painting, and plumbing on City buildings, fixtures, and/or equipment as needed.
- Supervises subordinate personnel and provides instructions regarding safety, methods of operation and maintenance of equipment; may provide coaching and/or recommend disciplinary action up to and including dismissal;
- Order supplies and parts for sanitary & storm sewer system; assists in determining equipment needs and purchases;
- Attendance at continuing education events applicable to the position is required.
- Must be willing to work flexible hours and weekends as needed.

- Performs other duties when assigned or when necessary.

Maintenance III – Street & Sewer ~~Division~~Department

Page 2

Knowledge, Skills, and Abilities

- Comprehensive knowledge of materials, methods and techniques used to successfully repair and maintain public streets, storm sewer system, and sanitary sewer collection system.
- Considerable knowledge of vehicle and equipment maintenance and repair.
- Considerable knowledge of materials, methods, and practices used in street, storm sewer and grounds maintenance including snow removal.
- Working knowledge of traffic laws as applied to operating trucks and heavy equipment.
- Considerable skill in the safe operation of motor vehicles as well as light and heavy equipment including in and alongside traffic.
- Considerable ability to operate heavy and light equipment to maintain and repair streets, haul material, remove snow, clean streets, mow grass and apply salt and sand to City streets.
- Considerable ability to follow oral and written instructions.
- Ability to supervise work crews independently.
- Ability to read infrastructure maps and engineering record drawings for the purpose of locating and marking underground utility mains and laterals.
- Considerable ability to establish and maintain effective working relationships with others and communicate effectively with City staff and the public.

Education, Experience and Special Requirements

- Possess a valid Minnesota Class B commercial driver's license or have the ability to obtain one prior to employment.
- Three (3) years of experience operating and maintaining vehicles and equipment used in street maintenance. Completion of vocational training in auto or truck mechanic field can substitute for one year of experience.

~~• Designated Sewer Lead shall possess and maintain an MPCA Collector's License~~

Physical Requirements

This work requires the regular exertion of up to 10 pounds of force, frequent exertion of up to 25 pounds of force and occasional exertion of up to 100 pounds of force; work regularly requires speaking or hearing and using hands to finger, handle or feel, frequently requires standing, walking, sitting, stooping, kneeling, crouching or crawling, reaching with hands and arms, pushing or pulling, lifting and repetitive motions and occasionally requires climbing or balancing and tasting or smelling; work requires close vision, distance vision, ability to adjust focus, depth perception, color perception, night vision and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires visual inspection involving small defects and/or small parts, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work regularly requires working near moving mechanical parts and exposure to outdoor weather conditions, frequently requires exposure to fumes or airborne particles and exposure to vibration and occasionally requires wet, humid conditions (non-weather), working in high, precarious places, exposure to toxic or caustic chemicals, exposure to extreme heat (non-weather) and exposure to the risk of electrical shock; work is generally in a loud noise location (e.g. grounds maintenance, heavy traffic). The worker may be exposed to blood borne pathogens. May be required to wear specialized personal protective gear.

This job description does not constitute an employee agreement between the employer and the employee and is subject to change by the employer, as the needs to the employer and requirements of the job change.

Last revised: January 64, 202548



Maintenance III – Street & Sewer Division

Department: Public Works

FLSA Status: Non-Exempt

General Definition of Work

Performs a variety of semi-skilled maintenance work, and operates a variety of trucks, heavy equipment and tools in the construction, operation, repair, maintenance, and replacement of City street and storm drainage facilities and systems; performs related duties as required or apparent. Work is performed under the immediate supervision of the Street Foreman. May act as lead worker over other personnel as assigned.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and / or abilities required. The omission of specific statements of duties does not exclude the employee from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Operates a backhoe, pay loader, grader and dump truck with attachments and a sweeper to plow city streets and parking lots, and to haul material, salt and sand streets, and clean streets.
- Removes snow from alleys, sidewalks, intersections, municipal parking lots, and around city buildings; places no-parking signs as needed for snow removal; coordinates the city painting and striping program utilizing applicable equipment.
- Performs preventative and corrective maintenance repair for division vehicles and heavy and light equipment including repairing or adjusting hydraulic systems, motors, brakes, disc drives, steering, electrical and cooling systems, alternators, starters, etc.
- May diagnose and determine the extent of mechanical problems and replaces or rebuilds equipment based upon cost and quality of equipment operation considerations.
- Operates a cutting torch, rosebud, cutting tips and torque wrench as needed in repairing equipment and fabricating parts; makes some repairs to vehicle and equipment bodies.
- Cleans storm and sanitary sewers, catch basins, grates and manholes; cleans, installs, repairs, and replaces utility covers; cleans and repairs culverts, installs storm sewer lines from utility hole to catch basin.
- Performs maintenance to sanitary and storm sewer system including repairs, including flushing, jetting and cleaning utilizing sewer vactor and CCTV televising equipment; Prepares field reports.
- Performs installation and tiling of sewer mains; hauls gravel and dirt, excavates dirt using a backhoe and fills in or repairs the holes after the work is complete. Maintains street division buildings; may perform some welding, cement work, carpentry, painting, and plumbing on City buildings, fixtures, and/or equipment as needed.
- Supervises subordinate personnel and provides instructions regarding safety, methods of operation and maintenance of equipment; may provide coaching and/or recommend disciplinary action up to and including dismissal;
- Order supplies and parts for sanitary & storm sewer system; assists in determining equipment needs and purchases;
- Attendance at continuing education events applicable to the position is required.
- Must be willing to work flexible hours and weekends as needed.
- Performs other duties when assigned or when necessary.

Maintenance III – Street & Sewer Division

Page 2

Knowledge, Skills, and Abilities

- Comprehensive knowledge of materials, methods and techniques used to successfully repair and maintain public streets, storm sewer system, and sanitary sewer collection system.
- Considerable knowledge of vehicle and equipment maintenance and repair.
- Considerable knowledge of materials, methods, and practices used in street, storm sewer and grounds maintenance including snow removal.
- Working knowledge of traffic laws as applied to operating trucks and heavy equipment.
- Considerable skill in the safe operation of motor vehicles as well as light and heavy equipment including in and alongside traffic.
- Considerable ability to operate heavy and light equipment to maintain and repair streets, haul material, remove snow, clean streets, mow grass and apply salt and sand to City streets.
- Considerable ability to follow oral and written instructions.
- Ability to supervise work crews independently.
- Ability to read infrastructure maps and engineering record drawings for the purpose of locating and marking underground utility mains and laterals.
- Considerable ability to establish and maintain effective working relationships with others and communicate effectively with City staff and the public.

Education, Experience and Special Requirements

- Possess a valid Minnesota Class B commercial driver's license or have the ability to obtain one prior to employment.
- Three (3) years of experience operating and maintaining vehicles and equipment used in street maintenance. Completion of vocational training in auto or truck mechanic field can substitute for one year of experience.

Physical Requirements

This work requires the regular exertion of up to 10 pounds of force, frequent exertion of up to 25 pounds of force and occasional exertion of up to 100 pounds of force; work regularly requires speaking or hearing and using hands to finger, handle or feel, frequently requires standing, walking, sitting, stooping, kneeling, crouching or crawling, reaching with hands and arms, pushing or pulling, lifting and repetitive motions and occasionally requires climbing or balancing and tasting or smelling; work requires close vision, distance vision, ability to adjust focus, depth perception, color perception, night vision and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires visual inspection involving small defects and/or small parts, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work regularly requires working near moving mechanical parts and exposure to outdoor weather conditions, frequently requires exposure to fumes or airborne particles and exposure to vibration and occasionally requires wet, humid conditions (non-weather), working in high, precarious places, exposure to toxic or caustic chemicals, exposure to extreme heat (non-weather) and exposure to the risk of electrical shock; work is generally in a loud noise location (e.g. grounds maintenance, heavy traffic). The worker may be exposed to blood borne pathogens. May be required to wear specialized personal protective gear.

This job description does not constitute an employee agreement between the employer and the employee and is subject to change by the employer, as the needs to the employer and requirements of the job change.

Last revised: January 6, 2025



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Accept Resignation of CSO Dominick Baillif

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director, John Davis, Police Chief

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director

ESTIMATED TIME (MIN): 2 minutes

SUMMARY OF ISSUE: Community Service Officer (CSO) Dominick Baillif recently submitted his resignation effective January 13, 2025. Staff recommends that the Council accept Mr. Baillif's resignation and to authorize Staff to backfill the position.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: Motion to accept Mr. Dominick Baillif's resignation effective January 13, 2025, and to authorize Staff to backfill the position.

FINANCIAL IMPACT: The position is included in the 2025 budget.

RECEIVED

DEC 30 2024

CITY OF BRAINERD
ADMINISTRATION

12/30/2024

Deputy Chief Runde, Brainerd Police Department

Dear Deputy Chief Runde:

Please accept this letter as my notice of resignation from the Brainerd Police Department effective 2 weeks from now. I hope this two-week notice is sufficient for you to find a replacement for me. Working here has been a great experience. I've learned so much so and I'm excited to be moving on with the knowledge I've learned from doing this job.

Thank you very much for the opportunity to work here!

Sincerely,

A handwritten signature in black ink, appearing to read 'Dominick Baillif', with a long, sweeping horizontal line extending from the end of the signature.

Dominick Baillif, Community Service Officer



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Accept Resignation of Michelle Mendoza

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director, John Davis, Police Chief

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director

ESTIMATED TIME (MIN): 2 minutes

SUMMARY OF ISSUE: Michelle Mendoza, Police Records Management Tech, submitted her resignation effective January 2, 2025. Staff recommends that the Council accept Michelle Mendoza's resignation and authorize Staff to begin the hiring process to backfill the position.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: Motion to accept Michelle Mendoza's resignation effective January 2, 2025; further, to authorize Staff to begin the hiring process to backfill a Police Records Tech position.

FINANCIAL IMPACT: This position is included in the 2025 budget.

From: [REDACTED]
To: [Kris Schubert](#)
Subject: Michelle Mendoza
Date: Thursday, January 2, 2025 5:14:57 AM

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Kris Schubert,

Please accept this letter as my formal resignation from the position of Records Management Technician with the Brainerd Police Department. Due to my health challenges, I have decided to step back from my work commitments and prioritize my recovery.

I am thankful for being given the opportunity this past year to work for the City of Brainerd.

Please let me know if you need anything from me in the meantime.

If you can let me know how I will receive my last payroll check, I would greatly appreciate it.

Sincerely,
Michelle Mendoza



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Ratify the Hiring of CSO Joshua Winslow

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director, John Davis, Police Chief

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director

ESTIMATED TIME (MIN): 2 minutes

SUMMARY OF ISSUE: We received 10 applications for the Community Service Officer (CSO) position. Staff interviewed 5 candidates and have offered the position to Joshua Winslow who starts with us on January 14, 2025, at \$21.31 an hour.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: Ratify the hiring of Joshua Winslow as a Community Service Officer effective January 14, 2025, at \$21.31 per hour.

FINANCIAL IMPACT: This position is included in the 2025 budget.



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Ratify Hiring Brian Seieroe for Journeyman Electrician Position

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Chris Evans, Public Utilities
Director, Kris Schubert, Human Resources Director

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director

ESTIMATED TIME (MIN): 2 minutes

SUMMARY OF ISSUE: We received three applications for the Journeyman Electrician position. Staff interviewed two candidates and made an offer to Brian Seieroe. Mr. Seieroe will start with us on January 6, 2025, at step 3 of the 2025 Journeyman Electrician wage grid (\$40.10 per hour).

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: Ratify the hiring of Brian Seieroe for the Journeyman Electrician position effective January 6, 2025; further, that he be placed on Step 3 of the Journeyman Electrician wage grid (\$40.10 per hour).

FINANCIAL IMPACT: This position was included in the 2025 budget.



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Approve MOU Extending Timeframe Allowing IBEW Employees to Work at Hydro Facility

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources Director, Nick Broyles, City Administrator, Chris Evans, Public Utilities Director

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources Director

ESTIMATED TIME (MIN): 2 minutes

SUMMARY OF ISSUE: Both the United Steel Workers (USW) and IBEW Local No. 31 (Public Utility) Union representatives have agreed to extend the Memorandum of Understanding (MOU) allowing IBEW BPU employees to temporarily perform work at the Hydro facility. In 2023, we had negotiated an MOU with a December 31, 2024, expiration date which matched the 2022-2024 USW contract expiration. Staff has negotiated another extension so the MOU will expire on April 1, 2025, to give us more time to finalize an updated union contract. A copy of the MOU extension signed by the union representatives is attached.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: This extension was negotiated realizing that four out of five Hydro Operators have recently retired and that and that automation of the Hydro facility is in process. Staff informed the Union that we are anticipating that it will be at least three more years before the Hydro Plant is automated; further, that we plan to determine future staffing needs when the automation process is complete.

RECOMMENDED ACTION/MOTION: Motion to approve the MOU between the City of Brainerd, the USW Local No. 9230 Unit 09 Union, and the IBEW Local No. 31 Union representing Public Utility employees that allows IBEW BPU Employees to assist at the Hydro Dam facility as needed to April 1, 2025; further, to authorize the signature of City Administrator on said MOU.

FINANCIAL IMPACT: n/a

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is entered into by and between the City of Brainerd, Minnesota (“City”), the United Steel Workers, Local No. 9230 Unit 09 (“USW”); and International Brotherhood of Electrical Workers Local Union No. 31, (“IBEW”). The City, USW, and IBEW are referred to collectively as “the Parties,” and each individually as a “Party.”

WHEREAS, USW and the City entered into a Master Agreement, dated January 1, 2022 through December 31, 2024 (“USW CBA”), governing the general terms and conditions of employment for USW employees with the City; and

WHEREAS, IBEW and the City entered into a Master Agreement, dated January 1, 2022 through December 31, 2023 (“IBEW CBA”), governing the general terms and conditions of employment for IBEW employees with the City; and

WHEREAS, USW employees work at the Brainerd Hydro Dam; and

WHEREAS, several employees in the bargaining group covered by the USW CBA (“USW Employees”) have retired; and

WHEREAS, Certain City employees in the bargaining group covered by the IBEW CBA (“IBEW Employees”) are able to perform duties at the Brainerd Hydro Dam on a temporary basis when USW Employees is/are unable to do so; and

WHEREAS, the Parties are interested in allowing IBEW Employees to work on a temporary assignment at the Brainerd Hydro Dam to assist the City in meeting the maintenance and operational needs of the facility when a USW Employee is absent or otherwise unable to perform his or her job duties.

NOW, THEREFORE, IN CONSIDERATION OF the mutual promises and agreements contained in this MOU, including the relinquishment of certain legal rights, the Parties hereby agree as follows:

1. **Temporary Assignment to Cover Absences.** The City may temporarily assign one or more IBEW Employees to perform work normally performed by USW Employees at the Brainerd Hydro Dam in the event USW Employees are absent or otherwise unable to perform their assigned work. Assignments will be at the City’s discretion and based on operational needs including employee qualifications and availability.
2. **Compensation for Temporary Assignment.** Any IBEW Employee temporarily assigned to assist with operational or maintenance needs at the Brainerd Hydro

Dam will be compensated at their normal rate of pay as an IBEW Employee. If an IBEW Employee is assigned to cover an absence of a USW Employee, the IBEW Employee shall receive the Step 1 Hydro Operator rate of pay or their normal rate of pay as an IBEW Employee, whichever is greater.

Any IBEW Employee temporarily assigned at the Brainerd Hydro Dam will receive salary and benefits, including insurance benefits and leaves of absence, as provided in the IBEW CBA and as clarified herein. Time spent serving in the temporary assignment pursuant to this Memorandum of Understanding will be counted as years of service for purposes of calculating the IBEW Employee's salary, seniority, and other benefits of the IBEW CBA. Only a possible wage adjustment to the Step 1 Hydro Operator Wage from the USW CBA may apply to an IBEW Employee during their temporary assignment. IBEW employees are not subject to USW union membership and/or union dues during any such temporary assignment.

3. **Waiver of Right to File Grievance.** USW and IBEW hereby waive any right they may have to file a grievance, request a hearing, or pursue any other action against the City regarding the terms of this MOU, the assignment of any IBEW Employee to perform work normally performed by a USW Employee as allowed in this MOU, or any other matter arising out of or relating to this MOU, other than its enforcement.
4. **No Precedent or Past Practice.** Nothing in this MOU shall be deemed to establish a precedent or practice or to alter any established precedent or practice arising out of or relating to the respective CBA between the Parties. No Party may submit this MOU in any proceeding as evidence of a precedent or practice.
5. **Effective Date and Duration.** Unless specifically renewed, in writing signed by the Parties, this MOU shall expire upon April 1, 2025.
6. **Equal Drafting.** In the event any Party asserts that a provision in this MOU is ambiguous, this MOU must be construed to have been drafted equally by the Parties.
7. **Choice of Law and Severability.** This MOU shall be construed and interpreted in accordance with the laws of the State of Minnesota. Any term or condition of this MOU found to be invalid, illegal or unenforceable shall not render this MOU void or unenforceable. If any particular provision of this MOU shall be adjudicated to be invalid or unenforceable, the Parties specifically authorize the tribunal making such determination to sever and/or replace the invalid or unenforceable provision of this MOU to allow this MOU and the remaining provisions thereof, to be valid and enforceable to the fullest extent allowed by law.

8. **Entire Agreement.** This MOU constitutes the entire agreement between the Parties relating to the subject matter described in this document. No Party has relied upon any statements or promises that are not set forth in this document. This MOU controls to the extent that it conflicts with the terms of USW CBA or IBEW CBA. No changes to this MOU are valid unless they are in writing and signed by all Parties.

IN WITNESS WHEREOF, the Parties have entered into this MOU on the dates shown below.

By signing below, each Party acknowledges that it has had an opportunity to review this MOU with a representative or legal counsel and that it understands and voluntarily agrees to be legally bound by all terms of the MOU.

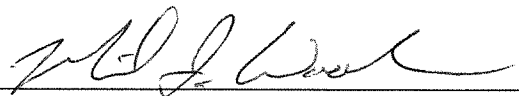
CITY OF BRAINERD

Date: _____

City Administrator

**UNITED STEEL WORKERS,
LOCAL NO. 9230 UNIT 09**

Date: 12-27-24



Union Representative

**INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,
LOCAL UNION NO. 31**

Date: 12/31/2024

Will Keyes

Union Representative



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Consider Approval of the Revised Employee Policy Manual

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE: Several employment law changes were approved during the 2024 MN Legislative Session. Staff has reviewed and modified our Employee Policy Manual (EPM) to incorporate those changes as well as some policy changes that the Council has enacted this past year. Below is a listing of the main changes:

- Earned Sick and Safe Time – included 2024 law changes with language as recommended by the LMC. This also impacted our Family and Medical Leave policy.
- Pregnancy and Parental Leave - included 2024 law changes with language recommended by the LMC.
- Political Activity - included 2024 law changes with language recommended by the LMC.
- Clarified that a Work Group will be formed when hiring the Public Utilities Director since we now only have one Department Head in the Public Utilities Department.
- Floating Holidays – clarified that new hires receive one floating holiday upon hire.
- References to Municipal Utility Managers was changed to Division Managers (this change was already approved by Council and needed to be incorporated into the EPM).
- Clarified that in order to be eligible for backpay, employees must be currently employed with the City at the time of backpay distribution.
- Added that when a change of reporting officer occurs, that supervisor needs to complete applicable performance reviews before their last working day.
- Minor updates to the Technology Policy section.
- Updated Exhibit A to reflect our 2025 Health Insurance Plans. Also, since all of our current Department Heads and Supervisors were hired or promoted after May 1, 2010, the health insurance provision for those hired before that date has been removed.

A redlined version is also attached to easily see the proposed changes. Please note that the Ratwik firm has reviewed this redlined version.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Another 2024 law change is that employers cannot ask "applicants" about their current wage in order to make a job offer. The applicant can offer the information; however, the potential new employer cannot request it. Ratwik Staff have recently clarified that since our internal promotions language in the Employee Policy Manual does not request any external wage information, we can continue to utilize that practice. We will need to follow the new law for new hires.

RECOMMENDED ACTION/MOTION: Motion to approve the updated Employee Policy Manual as presented.

FINANCIAL IMPACT: n/a

Adopted: ~~January 2, 2024~~

Employee Policy Manual

City of Brainerd

TABLE OF CONTENTS

	Page No.
ARTICLE 1 - PURPOSE	2
ARTICLE 2 - SCOPE OF POLICY	3
ARTICLE 3 - INTERPRETATION.....	3
ARTICLE 4 - IMPLEMENTATION OF POLICY	4
ARTICLE 5 - GENERAL INFORMATION.....	4
ARTICLE 6 - APPOINTMENTS AND PROMOTION	19
ARTICLE 7 - SALARY ADMINISTRATION PLAN	22
ARTICLE 8 - PROBATIONARY PERIOD.....	23
ARTICLE 9 - HOURS OF WORK.....	25
ARTICLE 10 - OVERTIME HOURS	27
ARTICLE 11 - PERSONNEL/PAYROLL	29
ARTICLE 12 - SEPARATION FROM EMPLOYMENT	30
ARTICLE 13 - RETIREMENT AND SEVERANCE PAY	31
ARTICLE 14 - MEAL AND COFFEE BREAKS.....	31
ARTICLE 15 - HOLIDAYS.....	32
ARTICLE 16 - REGULAR VACATION	33
ARTICLE 17 - EMPLOYEE LEAVES	35
ARTICLE 18 - EMPLOYEE INSURANCE	54
ARTICLE 19 - HEALTH CARE SAVINGS PLAN.....	55
ARTICLE 20 - CAFETERIA PLAN.....	55
ARTICLE 21 - EDUCATION, TRAINING AND DEVELOPMENT	56
ARTICLE 22 - EMPLOYMENT RELATED REIMBURSEMENTS.....	62
ARTICLE 23 - DRUG-FREE WORKPLACE/DRUG & ALCOHOL POLICIES	68
ARTICLE 24 - EMPLOYEE SAFETY MANUAL	71
ARTICLE 25 - POLITICAL ACTIVITY.....	72
ARTICLE 26 - HARASSMENT	72
ARTICLE 27 - GRIEVANCES	77
ARTICLE 28 - DISCIPLINE AND DISCHARGE	78
ARTICLE 29 - ACCIDENT PROCEDURES	82
ARTICLE 30 - STATEMENT OF POLICIES & PROCEDURES RE: REIMBURSEMENT OF COSTS AND ATTORNEY FEES	84
ARTICLE 31 - TECHNOLOGY USE	84
ARTICLE 32 – SOCIAL MEDIA POLICY.....	95
ARTICLE 33 - TELECOMMUTING/REMOTE WORK POLICY	95
ARTICLE 34 - QUESTIONS OR CONCERNS.....	96
ACKNOWLEDGMENT PAGE	97
 EXHIBIT A – HEALTHCARE INSURANCE PREMIUM CONTRIBUTIONS	 98
EXHIBIT B – LONG-TERM DISABILITY COVERAGE & LIFE INSURANCE	101
EXHIBIT C – MN HEALTH CARE SAVINGS PLAN CONTRIBUTIONS	102
EXHIBIT D – EARNED SICK AND SAFE TIME EMPLOYEE NOTICE	104
EXHIBIT E – NURSING MOTHERS, LACTATING EMPLOYEES AND PREGNANCY ACCOMMODATIONS EMPLOYEE NOTICE	106

ARTICLE 1. PURPOSE

Section 1.01 Policy Statement

The City Council of the City of Brainerd ("City") deems it advisable to establish a policy governing the relationship between the employees and the City, and to provide procedures for its administration. In the formation of this policy, the Council recognized that the City is a political subdivision of the State of Minnesota and the Employee Policy Manual must conform to applicable law. Within this framework, the Council can establish governing principles upon which a progressive, comprehensive and efficient program of employee relations may be based.

Section 1.02 General

The purpose of this manual is to help you to better understand the policies and procedures which affect and guide your employment with the City of Brainerd. These policies are not and cannot be construed as contract terms, a guarantee of continued employment, or terms and conditions of employment. This manual replaces, revokes, and supersedes any previous personnel policies, interpretations, and practices. This manual is only valid until amended or replaced by the City Council.

This manual is not intended to cover all circumstances that might arise. Employees should become thoroughly familiar with the provisions of this manual within ten (10) business days of their receipt of this manual. Except as modified by an individual contract or a collective bargaining agreement, all employment with the City is "at-will" employment, meaning that such employment may be terminated by the employee or the City at any time, for any legal reason or no reason at all.

Section 1.03 Amendment to Policy

The City reserves the right to modify, revoke, suspend, or change the language of this personnel policy handbook or any individual policy or policies, in whole or in part, at any time, with or without notice, at the City Council's sole discretion.

Section 1.04 Equal Opportunity and Affirmative Action

The City of Brainerd is an Equal Opportunity Employer. The City will comply with all applicable laws governing equal employment opportunity and affirmative action. This policy extends to all applicants and employees and to all aspects of the employment relationship including, but not limited to, recruiting, hiring, promotion, transfer, and compensation.

Specifically, the City of Brainerd will provide equal employment and advancement opportunity on the basis of merit within the context of its unique business environment and without regard to race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), creed, color, religion, age, sex, marital status, national origin, sexual orientation (including gender identity and expression), disability, status with regard to public assistance, or any other characteristic protected by state or federal law.

The Human Resource Director is the designated Equal Employment Opportunity/Affirmative Action Coordinator who has been charged with ensuring that the City of Brainerd's EEO/AA policies are carried out.

If any employee, or applicant for employment, believes he/she has been discriminated against, please contact the Human Resource Director at 501 Laurel Street, Brainerd, MN 56401 or call (218) 828-2307.

ARTICLE 2. SCOPE OF POLICY

Section 2.01 Personnel Covered

This manual generally applies to all City employees, including probationary employees, appointed officials, and elected officials, except to the extent that this manual conflicts with applicable law or collective bargaining agreements. Certain provisions of this manual may be inapplicable to the following individuals:

- A. All elected officials;
- B. Members of City boards, commissions and committees;
- C. Volunteer personnel and emergency employees;
- D. Consultants and/or contracted personnel.

Section 2.02 Employees Covered by Labor Contracts

All provisions of this policy apply to employees covered by collective bargaining agreements, except when such provisions are in conflict with collective bargaining agreement provisions, in which case, such provisions of the collective bargaining agreement shall control.

ARTICLE 3. INTERPRETATION

The purpose of this manual is to provide a basis for the safe, orderly, and disciplined employment environment. This policy is intended to promote knowledge of what is expected of personnel generally, which should result in a greater degree of self-assurance in all positions. In relationships between positions, it should be each City

employee's individual aim to build mutual respect and confidence which is essential to local government service.

To the extent that any federal, state, or local law, ordinance, rule, or regulation conflicts with any policy or policies herein, the applicable law, ordinance, rule, or regulation shall control. To the extent that any federal, state, or local law, ordinance, rule, or regulation imposes stricter requirements on an area governed by these policies, the applicable law, ordinance, rule, or regulation shall control.

Additional information or clarification as to each ARTICLE of this personnel policy may be obtained from your supervisor, department head or the Human Resources Department. This manual is only a start in our communication network because the City maintains a continuous process of communicating policies and benefits to all staff members. The text of this manual, however, takes precedence over and controls any inconsistent communication from any City employee or elected official.

This manual summarizes the various policies and benefits currently provided by the City. Nothing contained in this personnel policy or in any other City document, and nothing said or done by a City employee, is, or can be construed as an employment contract between the City and an employee, as a guarantee of continued employment, or terms and conditions of employment. The City and the employee both have the right to terminate the employment relationship at any time, for any legal reason or no reason at all. Except as modified by an individual contract or a collective bargaining agreement, all employment with the City is "at-will" employment.

ARTICLE 4. IMPLEMENTATION OF THIS POLICY

It is the responsibility of all Department Heads and Supervisors to ensure implementation of this policy. Failure of any employee to perform in a manner consistent with this policy, State or federal Law will be grounds for discipline, up to and including immediate termination.

The City Administrator is hereby given authority for the administration of the policies contained in this manual, as directed by the City Council.

ARTICLE 5. GENERAL INFORMATION

Section 5.01 Data Practices Advisory

In accordance with the Minnesota Government Data Practices Act ("MGDPA"), the City is required to inform employees of their rights as they pertain to any private information that the City collects from them. During the course of City employment, an employee will likely be asked to provide information which is classified by state law as either private or

confidential. Private data is information which generally cannot be given to the public but can be given to the subject of the data. Confidential data is information which generally cannot be given to either the public or the subject of the data. Much of the data the City has about individual employees, however, is classified as public according to Minnesota Statutes, ARTICLE 13.43, Sections 2 and 3 (as amended). Consistent with the relevant provisions of the MGDPA, all public data is available for inspection and copying by members of the public, with or without the employee's consent.

Information about employees requested by the City may be used for the following purposes: (1) to process payroll, including accounting for wages and fringe benefits and to justify any reimbursed expenses; (2) enroll in benefit programs and pension plans; (3) evaluate the employee's job performance, eligibility and abilities; (4) distinguish the employee from other applicants and employees and identify the employee in the correct personnel file; (5) determine the employee's eligibility for employment or promotion, and make employment decisions about the employee's performance; (6) contact the employee or other significant persons in case of an emergency; (7) compile equal opportunity and any affirmative action reports required by applicable law; (8) make decisions regarding the employee's eligibility for sick leave, family and medical leave, parenting leave, and other available leave; (9) make decisions regarding the employee's eligibility for workplace accommodations, including accommodations for disabilities; (10) comply with workers compensation requirements in the event of an injury; and (11) provide information during workplace investigations. Such information may also be used and disclosed for other purposes consistent with applicable law. The information provided by the employee may be used in performance evaluations, determinations regarding merit pay, applications for different employment positions, and other matters which involve a review of the employee's personnel file and past performance.

Unless the employee is told otherwise, the employee is required to provide this information. If the employee refuses to supply the information, the employee may face disciplinary action. Any information which the employee is required to provide cannot be used against the employee in a criminal proceeding. Even if the employee is not required to provide information, it is generally to the employee's best interest to provide it. Without the requested information, the City may not be able to determine the employee's eligibility for employment opportunities, compute wages, or grant the employee other benefits. The employee's refusal to provide information during an employment investigation may also necessitate that the investigation be completed without his or her input.

Federal law permits government agencies to require individuals to provide their social security number for the administration of any tax. Please be aware that when an employee is asked to give his or her social security number on revenue forms, this collection is mandated by law. This information will be shared with the Minnesota Department of Revenue, the Internal Revenue Services, and security tax programs. In most other cases, the disclosure of an employee's social security number is voluntary.

Any information an employee is asked to provide may be shared with individuals within the City whose job duties reasonably require access, as well as individuals outside of the City whose duties require access, such as insurance vendors, consultants, attorneys, and retirement plan employees. Information may also be shared with other agencies authorized by law to receive specific data.

If litigation arises, some or all information may be provided in documents filed with the court which are available to any member of the public. If it is reasonably necessary to discuss the information at an open City Council meeting, some or all data may be available to members of the public. To the extent that some or all of the information is part of the basis for a final decision on disciplinary action, that information may become public, as provided in Minnesota Statutes, ARTICLE 13.43 (as amended).

Section 5.02 Conduct as a City Employee

A. Scope of Policy

It is the policy of the City of Brainerd to maintain a respectful work and public service environment free from violence, discrimination, and offensive or degrading remarks or conduct. Preserving a respectful environment in which to work is the shared responsibility of both management and employees. Inappropriate conduct or communication can interfere with an individual's employment or use of public services, or create an intimidating, hostile or offensive work environment. Any employee found to have acted in violation of this policy shall be subject to appropriate disciplinary action, which may include dismissal from employment.

This policy governs the conduct of all City employees, including; union, non-union, supervisory, non-supervisory, managerial, full-time, part-time and temporary employees; and members of City boards and commissions. This policy is also applicable to City elected officials.

In addition, employees are also expected to comply with ARTICLE 26 of this Manual, which prohibits harassment and inappropriate conduct.

B. Definitions of Prohibited Behaviors

Violent behavior includes the use or threat of physical force, harassment, or intimidation, or abuse of power or authority when the impact is to control others by causing pain, fear or hurt.

Discriminatory behavior includes inappropriate remarks about or conduct related to an individual's race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation (including gender identify and expression), status with regard to public assistance, or any other characteristic protected by state or federal law, including behavior specifically prohibited by ARTICLE 26 of these policies.

Offensive behavior may include, but is not limited to, such work-related actions as rudeness, exclusionary behavior, creating or displaying graphics depicting co-workers or customers inappropriately, angry outbursts, inappropriate joking, vulgar obscenities, name calling, disrespectful language, or the intentional filing of an unfounded complaint under this policy.

C. Expected Conduct of City Employees

1. City Employee Conduct in General

Employees of the City shall conduct themselves as professional representatives of the City at all times while on duty or on the employer's premises, and that employees will represent the City in such a manner as to reflect most favorably on the City. Conduct unbecoming a City employee shall include any conduct that tends to bring the City into disrepute or reflects discredit on the person as an employee of the City, or that which tends to impair the functioning of an employee, a department, or the City.

Your conduct as a City employee is an extremely important part of your job. You are a representative of our City, and as such, the way you perform your job and your neat and clean appearance reflects upon our entire organization. Your willingness to assist people, to courteously and accurately respond to their questions or complaints, and to refer them to the proper source when you are unable to solve their problems, are all important facets of your position with the City and impact upon each member of our staff.

2. Conduct in Dealing with the Public

a. Expected Public Interaction.

While representing the City, employees shall be professional and courteous to all members of the public and City customers. They shall be tactful in the performance of their duties, control their tempers and exercise the utmost patience and discretion. They shall not engage in argumentative discussions, even in the face of extreme provocation. They shall not use coarse, violent, profane or insolent language or gestures, and shall not express any prejudice concerning race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), creed, color,

religion, age, sex, marital status, national origin, sexual orientation (including gender identity and expression), disability, status with regard to public assistance, or any other characteristic protected by state or federal law, or other personal characteristics.

b. Interaction with an Abusive Customer.

In the event a member of the public or City customer becomes abusive on the phone or in person, employees should refrain from escalating the situation and if possible, employ tactics to defuse the situation, e.g. lower the voice, ask the person to sit down. If the situation doesn't improve, the employee can refer the person to a supervisor or request that a police officer be called to the scene. Employees are not required to continue telephone or in-person conversations in which the caller uses profanity or threats. In those situations, the employee should refer the call to a supervisor or inform the caller, as courteously as possible, that the employee is hanging up and will talk with the caller after the caller has calmed down.

c. Media Requests

Requests for data must be directed to the designated responsible authority. Requests for information outside of the scope of an individual's job duties must be routed to the appropriate department head.

Any employee who identifies a mistake in a communication by the City should bring the error to the City Administrator. 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 data privacy, trademark, copyright, software use, and other laws governing the employee's communication.

Except for routine events and basic information readily available to the public (e.g., dates and locations of City Council meetings or City-sponsored events), all requests for interviews or information from the media must be routed through the City Administrator. No employee is authorized to speak on behalf of the City without prior authorization from the City Administrator or his/her designee. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, social media postings, 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 an employee is unsure if the request is a "routine" question, forward the request to the City Administrator. An appropriate response may 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.” Then ask the media representative’s name, questions, deadline, and contact information.

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

When/if the City Administrator authorizes a staff person to communicate on behalf of the City in interviews, publications, news releases, on social media sites, and related communications, employees must:

- Identify themselves as representing the City. Account names on social media sites must be clearly connected to the City and approved by the City Administrator.
- Be respectful, professional, and truthful when providing information. In most cases, only factual information (not opinions or editorial comments) should be provided: For example, the employee could state that, “The City finished street cleaning on 16 streets in the northwest corner of the City this past week” instead of “The City is doing a great job with street cleaning this year!” Corrections must be issued when needed.
- Generally, not include personal opinions in official city statements. One exception is communications related to promoting a city service. For example, an employee could post the following on the City’s Facebook page: “My family visited Gregory 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 review the City’s Social Media Policy, separate from this policy manual, and seek assistance from the City Administrator on this topic.
- 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 data transmitted or stored may be subject to the Minnesota Government Data Practices Act.

d. Personal Communications and Use of Social Media

It is important for employees to remember that the personal communications of employees may reflect on the City, especially if employees are commenting on City business or commenting on issues that implicate their City employment. As City representatives, employees share in the responsibility of earning and preserving the public’s trust in the City. An employee’s own personal communications, such as on social media, can have a significant impact on the public’s belief that all city staff will carry out city functions faithfully and impartially and without regard to factors such as race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), creed, color, religion, age, sex, marital status, national origin, sexual orientation (including gender identity and expression), disability,

status with regard to public assistance, or any other characteristic protected by state or federal law.

Nonpersonal communications (performed within one's job duties) to members of the public must be professional at all times. The following guidelines apply to personal communications, including various forms such as social media (Facebook; X, formerly known as Twitter; blogs; YouTube; etc.), letters to the editor of newspapers, and personal endorsements:

- Do not share any private or confidential information you have access to as a result of your city position.
- Any personal communications made on a matter of public concern must not disrupt the efficiency of the City's operation, including by negatively affecting morale. Put another way, such public comments must not undermine any city department's ability to effectively serve the public. Disruptive personal communications can include liking or republishing (sharing/retweeting) a social media post of another individual or entity. The City can act on the personal communication that violates this policy without waiting for the actual disruption.
- Remember what you write or post cannot easily be undone. It may also be spread to larger audience than you intended. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information or photos you would not want your boss or other employees to read, or you would be embarrassed to see in the newspaper. Keep in mind harassment, threats of violence, discrimination, or retaliation concerning a co-worker or between co-workers that would not be permissible in the workplace is not permissible online, even if it is done after hours, from home and on home computers.
- While representing the City or working on behalf of the City, regardless of the location or event at which the work is taking place, all employees are expected to be fair, courteous, and respectful to supervisors, co-workers, citizens, customers, and other persons associated with the City. Avoid using statements, photographs, video or audio that reasonably may be viewed as malicious, obscene, threatening or intimidating, disparaging, or might constitute harassment. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of sex, race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), national origin, age, color, creed, religion, disability, marital status, familial status, veteran status, sexual orientation, gender identity, or gender expression, status with regard to public assistance or membership or activity in a local human rights commission.
- If you publish something related to city business and there is liable to be confusion whether you are speaking on behalf of the City, it would be best to identify yourself and use a disclaimer such as, "These are my own opinions and do not represent those of the City of Brainerd."
- City resources, working time, or official city positions cannot be used for personal profit or business interests, or to participate in personal political activity. Some examples: a building inspector is not permitted to use the city's logo, email, or

working time to promote his/her side business as a plumber; a parks employee should not access a park after hours for personal purposes even though he or she may have a key; a clerk, during work hours at City Hall, should not campaign for a friend who is running for City Council.

- Personal social media account name or email names should not be tied to the City (e.g., (Brainerd Cop).

3. Conduct Between Employees

a. Expectations of Cooperation and Respect

Employees shall cooperate with and be courteous to co-workers at all levels. While everyone is entitled to their feelings, they are not entitled to act on their feelings inappropriately in the workplace. Employees shall control their tempers and refrain from behaviors that are hostile, offensive, intimidating, degrading, or exploitative. Inappropriate displays include, but are not limited to: slamming doors, pounding tables, kicking furniture, unwanted physical contact of any nature, making threats, berating or belittling others, speaking in raised voices, using coarse, violent or profane language or gestures, refusing to speak or respond when spoken to, and refusing to provide assistance when requested.

Employees shall treat each other with respect. They shall refrain from making remarks about or using nicknames for other employees that are disparaging or based on a personal characteristic; producing cartoons or other graphics displaying other employees in an unfavorable light; communicating threatening or disparaging remarks via any medium (voice, e-mail, notes, etc.); engaging in unwanted horseplay or practical jokes; failing to relay written, verbal or telephone messages; unwanted, unwarranted physical contact of any nature, including “roughhousing” such as punching in the arm, pinching, arm twisting, etc., and other, similar unwanted conduct.

b. Workplace Violence

The City is committed to creating and maintaining a workplace that is free from violence. Employees are strictly prohibited from engaging in any threatening or violent behavior while on City premises, while operating vehicles for work related reasons, while engaged in City business off premises, while at any City sponsored activity, or while otherwise representing the City.

Specific examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to, the following:

- Threatening physical or aggressive conduct directed toward another individual.
- Threatening an individual or his/ her family, friends, associates, or property with physical harm.

- The intentional destruction or threat of destruction of City property or another's property.
- Harassing or threatening phone calls, letters, or e-mails.
- Surveillance or stalking.
- Veiled threats of physical harm or similar intimidation.

Employees have a responsibility to help keep the municipal buildings safe and free of violence. Employees should inform their supervisor of any workplace situations that violate this policy, even if the threat is presented as "only a joke". Supervisors are responsible for taking immediate steps to avoid workplace violence from occurring and subsequently report such information to City Administration. Any employee who engages in threatening behavior or acts of violence will be subject to disciplinary action up to and including termination.

For purposes of this policy, the term "workplace violence" does not include actions by law enforcement officers taken in the course of their employment with the City and consistent with applicable law and City policy regarding use of force and law enforcement activities.

D. Reporting Inappropriate Workplace Behavior

Any employee who feels he or she is being subjected to behaviors in violation of this Policy and any employee who witnesses or becomes aware of such conduct, should take the following steps:

1. If possible, politely but firmly tell the person who is behaving inappropriately that you are uncomfortable with or offended by the behavior and ask them to stop.
2. Document in writing for personal reference that describes the inappropriate behavior, the date the inappropriate behavior occurred, how it made you feel, what you did, how the offending party responded, and the names and titles of any witnesses.
3. If confronting the offending party is not practical or possible, or if the person refuses to discontinue the inappropriate behavior, the employee should, adhering to the chain of command, contact someone on the list below verbally or in writing:
 - a. The employee's immediate supervisor
 - b. The employee's department head
 - c. The Human Resource Director
 - d. The City Administrator

Reports of conduct by the Human Resource Director or the City Administrator may be made to the Mayor or the Personnel Committee of the City Council.

When making a report, the complaining party should be prepared to provide the following information:

1. The complainant's name, department and position title.
2. The name, department, and position title of the offending party, if known.
3. The specific facts of the allegedly inappropriate behavior, how long it has allegedly gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) that was supposedly taken against the employee who is filing the complaint.
4. Names of witnesses, if any, to the allegedly inappropriate behavior.
5. Whether the complainant has previously reported the allegedly inappropriate behavior and, if so, to whom.

E. Investigating Complaints of Inappropriate Conduct

The Human Resource Director, the City Administrator, or designee of the City Administrator or Human Resources Director, shall investigate complaints of inappropriate workplace conduct.

The determination of whether inappropriate workplace conduct has occurred will be made on a case-by-case basis. Disciplinary action will also be determined on a case-by-case basis in accordance with these policies, applicable policies of the Police and Fire Departments, and applicable collective bargaining agreements.

Employees who are found to have filed bad faith complaints of inappropriate workplace conduct may be subject to disciplinary action as described in the preceding paragraph.

F. Consequences of Engaging in Inappropriate Workplace Conduct

Employees who are found to engage in inappropriate workplace conduct may be subject to disciplinary action, up to and including immediate termination, subject only to applicable law, the provisions of these policies, applicable policies of the Police and Fire Departments, and applicable collective bargaining agreements.

Supervisors are required to deal swiftly and vigorously with employees who treat others disrespectfully. Any supervisor who condones or allows inappropriate workplace conduct or fails or refuses to respond appropriately to complaints of inappropriate workplace conduct, may be subject to disciplinary action as described in the preceding paragraph, whether or not the supervisor actually engaged in inappropriate workplace conduct.

G. Retaliation for Complaints of Inappropriate Workplace Conduct

All employees are prohibited from retaliating or threatening to retaliate against anyone who complains of inappropriate workplace conduct. Any employee found to engage in retaliatory actions is subject to discipline, up to and including immediate termination, subject only to applicable law, the provisions of these policies, applicable policies of the Police and Fire Departments, and applicable collective bargaining agreements.

H. Relationship of Code of Conduct to Harassment Policy.

This policy supplements and does not replace the City's policies prohibiting discrimination, harassment in the workplace, and workplace violence.

Section 5.03 Gifts and Endorsements

No employee shall directly or indirectly solicit, receive, or agree to receive any compensation, "tip," gift, reward, gratuity, payment of expense, or promise of future employment or other future benefit from any source except the City, for any matter or proceeding connected with or related to the duties of the employee. Notwithstanding the above rule, employees may only accept gifts that are specifically allowed by State statute.

Employees and elected officials qualifying as "local officials" pursuant to M.S. 471.895 (as amended) must comply with the terms of that statute.

Section 5.04 Solicitations

The City does not allow outside solicitations to take place on City time or property. If you are asked to purchase goods, contribute funds, etc. while on City premises, please notify your supervisor immediately.

Section 5.05 Conflicts of Interest

No City employee shall engage in any act which is in conflict, or creates an appearance of impropriety or conflict, with the performance of official duties. When an employee believes the potential for a conflict of interest exists, it is the employee's responsibility to avoid the situation. Employees must notify their supervisor if a conflict of interest or perception of a conflict-of-interest situation exists or may exist. Employees who knowingly fail to avoid or disclose a potential, perceived or actual conflict of interest situation are subject to disciplinary action in addition to any criminal penalty that may be involved. An employee shall be deemed to have a conflict if the employee:

- A. Has any financial interest in any sale to the City of any goods or services;
- B. Engages in conduct that violates Section 5.03 (Gifts and Endorsements) of this ARTICLE;

- C. Participates in his/her capacity as a City employee in the issuing of a purchase order or contract in which he/she has a private financial interest, direct or indirect, or performs in regard to such contract some function requiring the exercise of discretion on behalf of the City; or
- D. Engages in, accepts employment from, or renders services for private interests for any compensation or consideration having monetary value when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in performance of official duties, or give the appearance of the above.

An employee should not make a unilateral decision if there is any doubt about his/her private employment. The City Administrator or Human Resource Director should be consulted.

No employee shall, directly or indirectly, give or receive, or agree to give or receive any compensation, gift, reward, commission or gratuity from any source except the City for any matter directly connected with or related to his official services as such employee with this City except as provided in Section 5.05, subpart B above.

- E. Discloses or uses without authorization from the City Administrator private, confidential, or other non-public information to further the employee's private interest, or accepts outside employment or involvement in a business activity that will require the employee to disclose or use such information.
- F. Has a financial interest or personal interest in any legislation or decision coming before the City Council and participates in discussion with or gives an official opinion to the City Council unless the employee discloses on the record of the Council the nature and extent of such interest.

Section 5.06 Outside Employment

Employees may not engage in outside employment which might in any way hinder their objective and impartial performance of their public duties, be incompatible with their City employment, or impair their efficiency on the job. Individuals employed by the City of Brainerd must regard the City as their primary employment responsibility. All outside employment is to be reported to the employee's Department Head. If a potential conflict exists based on this policy or any other consideration, the Department Head will consult with the City Administrator and Finance Director. 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.

Outside work shall be regarded as secondary to regular City employment and shall not interfere with the availability of employees for regularly scheduled work, emergency, or on-call duties. The City's Workers Compensation insurance does not cover any individual injured in the course of outside employment.

Section 5.07 Incompatible Activities

As a City employee, you have a responsibility to uphold a high standard of honesty and integrity.

You may not engage in any activities which are inconsistent, incompatible or in conflict with the duties of your position. These incompatible activities include activities such as using your position or City resources for personal gain or advantage, accepting money or gifts for performing your duties as a City employee, or engaging in activities which impair your attendance or efficiency in the performance of your duties. If an employee has any question as to whether an activity is "incompatible" with his or her work for the City, the employee must ask his or her department head or, if the employee is a department head, the City Administrator for clarification.

Section 5.08 Use of City Vehicles, Facilities and Equipment

No employee of the City shall request, use, or permit the use of City-owned vehicles, clothing, equipment, materials, or other property for: unauthorized personal convenience, for profit, for private use, or as part of secondary employment, or any other use not in the interest of the City, except as provided by law. Use of such City property is to be restricted to such services as are available to the City generally and for the conduct of official City business.

Employees are responsible for appropriate use of time, telephones, cellular telephones, computers, printers, paper, pens, stationery, facsimile machines, and pages. They are expected to adhere to the highest ethical standards when conducting City business and to follow these policies.

Management personnel are responsible for ensuring the appropriate use of all City property, including e-mail and internet access through training, supervising, coaching and taking disciplinary action, when necessary.

Employees who are required to take a City vehicle or equipment home due to the nature of their work for the City, shall do so only with the approval of the City Administrator and in accordance with IRS reporting requirements, and applicable law. City vehicles shall be allowed to leave the City limits (or service area for Fire Department, Police, and BPU vehicles) only while on official City business.

City employees shall have no expectation of privacy in any property or equipment of the City, including, but not limited to, offices, cubicles, desks, files, vehicles, filing cabinets, voice mail, text messages on City paid cellular telephones, PDAs, computers, laptops, mass storage devices, e-mails, electronic media or devices of any kind, or any other type of equipment, property, or space provided by the City. Except when accessed by the police department for law enforcement purposes, any such property or equipment may be accessed, monitored, or searched by the City at any time, for any purpose, with or without notice to the employee, and with or without reasonable suspicion.

Staff members shall operate City vehicles in a careful and prudent manner and shall obey all state and federal laws and all City orders pertaining to such operation. Staff members shall set a proper example for others when operating City vehicles.

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.

To the extent allowed by law, the HR Department 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 Department Head and the HR Director or their designee on the first workday after any temporary, pending or permanent action is taken on their license, and in any event before operating a City vehicle, and to keep their Department Head and HR Director informed of any changes thereafter. The City will determine appropriate action on a case-by-case basis.

The City Council approved the following policy regarding vehicle use. The intent of this policy is to ensure appropriate use of City vehicles and rolling stock by City employees while working on City business or as a representative of the City and to ensure a clear understanding thereof.

- A. To the extent feasible, City employees should use a City-owned vehicle when traveling for City work, including conferences, seminars, and meetings that the employee is attending in his or her role as a City employee.
- B. Conferences, schools, seminars and meetings: For purposes of this policy it is intended that training opportunities during the regular work shift within a 90-mile distance of the work location is considered an acceptable work-related activity in as much as the vehicle will be returned to the work site either during or shortly after the completion of the shift.

- C. Out-of-town and overnight conferences and schools: To the extent feasible, employees should use an available City-owned vehicle when traveling to overnight conferences, schools, and events. For travel which has a duration of more than one workday in length, the employee may utilize a non-fleet vehicle, if a City-owned vehicle is not available, the use for which will be compensated at the approved rate. Alternatively, upon prior approval of the City Administrator or designee, the employee can utilize an available vehicle if not needed by other staff during the applicable timeframe.
- D. Lunch hours and authorized breaks: For purposes of this policy when an employee is scheduled to work at a site other than their normal reporting location, and for Police Officers on duty, use of a City vehicle for travel within one mile of the City limits for the purpose of lunch and other authorized breaks shall not be considered personal use.
- E. Overnight use: It is the intent of this policy that all municipal vehicles will have returned to their designated work location by the end of the work shift unless prior authorization has been received from the employee's Department Head.
- F. Personal use: Personal use of City vehicles by City employees or elected officials is prohibited without the express written consent of the City Administrator.

Section 5.09 Possession and Use of Dangerous Weapons.

All employees, except sworn employees of the Police Department, are prohibited from carrying or possessing firearms and/or dangerous weapons other than firearms while acting in the course and scope of employment for the City. The possession or carrying of a firearm or dangerous weapon 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:

1. Driving on City business;
2. Riding as a passenger in a car or any other type of transit on City business;
3. Working on the City's property, including City Hall or any other City-owned work site;
4. Working off site on behalf of the City;
5. Performing emergency or on-call work after normal business hours and on weekends;
6. Working at private residences and at businesses on behalf of the City;
7. Attending training or conferences on behalf of the City.

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.

For the purposes of this policy, “dangerous weapons” are defined to include all legal or illegal firearms, switchblade knives, or any other object that has been modified to serve as a weapon or that has the primary purpose of serving as a weapon.

- Exceptions to the dangerous weapons prohibition are as follows: Employees legally in possession of a firearm for which the employee holds a valid permit, if required, and said firearm is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on City property, to the extent required by Minnesota Statutes, section 624.714 (as amended), or other applicable law.
- Possession or use of a dangerous weapon necessary for the performance of duties by sworn Police Department employees.

In addition, the City prohibits the discharge of firearms on City property, except as necessary for the performance of duties by sworn Police Department employees. Any employee in violation of this policy will be subject to disciplinary action, up to and including discharge.

This policy is administered and enforced by the Human Resources Department. Anyone with questions or concerns specific to this policy should contact the Human Resource Director.

ARTICLE 6. APPOINTMENTS AND PROMOTION

Section 6.01 Appointment Procedure

It is the intent of the City of Brainerd to recruit and select qualified candidates for available positions, as it deems necessary. The City is committed to recruitment and selection practices that are based on merit. The recruitment and selection processes will be conducted to ensure an open and competitive process. The City Administrator or a designee will oversee the hiring process for positions within the City. Human Resources staff are responsible for managing the recruitment and selection process including, but not limited to, obtaining authorization to hire, evaluating job descriptions, preparing vacancy announcements, scoring applications, conducting interviews, facilitating background checks, scheduling various assessments and medical examinations, scheduling interviews, and making and withdrawing job offers. While the hiring process may be coordinated by staff, the City Council is responsible for the final hiring decision and must approve all hires to city employment.

The selection process will be a cooperative effort between the City Administrator, HR Director and the hiring supervisor, subject to final hiring approval of the City Council. Any, all, or none of the candidates may be interviewed, as determined by the City at its sole discretion.

When hiring the Public Utilities Director, the City Council will establish a Work Group to oversee the hiring process and up to two representatives from the BPU Commission Personnel Committee will be included in said Work Group.

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

Every appointment to municipal service shall be recommended by the City Administrator or designee to the Personnel and Finance Committee and approved by the City Council. When required by law or by the City Administrator, merit and fitness shall be ascertained by written, oral or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held.

For an existing position that becomes vacant and new positions approved as part of the budget, the City Administrator or designee shall inform the City Council of the vacancy to receive the City Council's authorization to begin recruitment and, when complete, to bring a hiring recommendation to the City Council for authorization to hire. Furthermore, when a position has already received approval from the City Council and an offer is made to a candidate who then declines, the Human Resource Director and the department head may use their judgment in reviewing the list of applicants or re-advertising for the same position.

The City Council may, from time to time, provide staff with hiring perimeters. To the extent that the City Council does so, and if said perimeters are followed, the Council may ratify the hiring of an individual after a conditional job offer has been given and the successful completion of pre-employment screening process has been completed.

Unless otherwise required by law or applicable collective bargaining agreement, in no event shall the hiring or continued employment of any person be considered a contractual relationship between the employee and the City. Further, unless otherwise provided, such relationship shall be defined as employment "at-will," which allows either party to dissolve the relationship at any time, for any legal reason or no reason at all. When required by law or requested by the applicable Department Head, merit and fitness shall be ascertained by written, oral or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held.

Section 6.02 Physical Examination and Background Checks

To the extent authorized or required by law, the City reserves the right to require applicants to complete a pre-employment physical examination by a physician designated by the City as part of the hiring process. Likewise, to the extent authorized by law, the City reserves the right to require employees to complete physical examinations related to their ability to complete the essential functions of their positions. The cost of any such examination shall be paid by the City.

To the extent required or authorized by law, the City reserves the right to require applicants to submit to a background check, including a criminal history background check, as part of the hiring process. Likewise, to the extent authorized by law, the City reserves the right to require internal applicants for promotional positions to submit to a background check, including a criminal history background check, as part of the recruitment and appointment process.

Section 6.03 Promotion from Within

To the extent practical, notice of all new job openings or vacancies shall be posted for at least three (3) working days in an appropriate place. Any employee desiring to apply for such job opening shall do so via the designated application process. If a person other than the Human Resource Director is designated in the job posting, the designated individual shall provide the application to the Human Resource Director within one (1) working day of receipt of the application. The internal recruitment process in no way prohibits the City from seeking and hiring qualified applicants through an external recruitment process. Except as required by the provisions of a collective bargaining agreement, the City reserves the right to recruit external candidates with or without conducting an internal recruitment process and has no obligation to select an internal candidate over an external candidate.

Section 6.04 Acting Department Head Policy

The following provisions shall be followed for appointment of Acting Department Heads:

- A. An employee who is designated to act as a Department Head shall be compensated at the rate of pay of the lowest step on the wage grid for the Department Head position that would represent an increase in pay for the employee of at least 3%.
- B. An employee may be appointed to the position of Acting Department Head upon recommendation of the City Administrator through the Personnel and Finance Committee and final approval of the City Council.

- C. Subject to the provisions of any applicable collective bargaining agreement, upon appointment of a Department Head, the City may return the employee who was Acting Department Head to the position and rate of pay he or she held prior to appointment as Acting Department Head, unless the Acting Department Head is appointed to the Department Head position.
- D. It is understood that the employee appointed as Acting Department Head is receiving additional compensation as per the terms of this policy and that no additional compensation will be made if or when the employee returns to his/her previous position regardless if this policy is amended at any point in the future.
- E. Nothing in this policy provides, or can be construed as providing, any employee with the right to be selected as Acting Department Head or Department Head. Nothing within this policy alters, or can be construed as altering, the "at-will" nature of employment of Acting Department Heads.

ARTICLE 7. SALARY ADMINISTRATION PLAN

Non-union supervisory employees, Division Managers and Department Heads shall be compensated in accordance with wage resolutions adopted by the City Council.

New employees will generally start at Step 1. Promoted and/or reclassified employees will generally start at the lowest step that is at least 3% more than the employee received in his or her previous position with the City; further, wage step placement appeals will not be considered from promoted and/or reclassified employees for a higher step placement. The City retains the sole discretion to start an employee at a higher step depending on qualifications and needs of the City. Employees shall have no right under this policy to file a grievance or appeal to the City Council regarding their initial placement on the pay table or initial placement following a promotion or reclassification.

Performance evaluations shall be based on job descriptions and result-oriented performance standards. Performance evaluations are intended to assist the employee in reaching maximum potential, enhance services provided by the City, and provide for periodic, formal review by the employee's supervisor and Department Head. The performance evaluation system shall be conducted in the following way:

- A. It shall be the responsibility of each Department Head to provide periodic written evaluations of subordinate employees, on at least an annual basis. This once-a-year annual evaluation shall coincide with the determination of the appropriateness of granting a merit (step) increase in accordance with this policy, if the employee is eligible.

- B. It shall be the responsibility of the City Administrator to provide periodic written evaluations of Department Heads on at least an annual basis. This once-a-year annual evaluation shall coincide with the determination of the appropriateness of granting a merit (step) increase in accordance with this policy, if the employee is eligible. The City Administrator will request feedback from all City-appointed boards that the Department Head is the primary staff liaison to while preparing for said review. The board feedback will be received via a form provided by the Human Resources Department.
- C. It shall be the responsibility of the City Council to provide periodic written evaluations of the City Administrator, on at least an annual basis. This once-a-year annual evaluation shall coincide with the determination of the appropriateness of granting a merit (step) increase in accordance with this policy, if the employee is eligible.
- D. When there will be a change of the reporting officer for an employee as noted in Items A or B above, the outgoing reporting officer must complete a performance review for all applicable employees before their last working day.

The decision to provide a merit (step) increase shall be the determination, at the discretion of the Department Head, City Administrator, or City Council as applicable. Pay steps through step 6 are based on satisfactory performance.

In order to advance to Step 7 on an applicable wage grid approved by the City Council, an employee must be on Step 6 and obtain two “achieves expectations” and one “exceeds expectations” on their annual performance evaluation for their currently-held position in any given three-year cycle beginning January 1, 2019. In order to advance to Step 8, an employee must be on Step 7 and obtain another “exceeds expectations” with two prior “achieves expectations” on their annual performance evaluation for their currently-held position in any given three-year cycle.

Step increases for employees hired before August 1, 2022, will become effective on January 1 of each year following the employee’s performance review. For employees hired, reclassified or promoted on or after August 1, 2022, any step increase will become effective on their position anniversary date. Progression through the pay steps will be accomplished by an annual review of employee performance, as described above.

Denial or delay of a step increment shall be subject to the grievance procedures described in these policies.

ARTICLE 8. PROBATIONARY PERIOD

Section 8.01 Duration and Purpose

Subject to the provisions of an applicable collective bargaining agreement and applicable law, all new, rehired, promoted, or reassigned employees shall serve a twelve (12) month probationary period upon assuming their new positions. This period shall be used to observe the employee's work habits and ability to perform the work that they are required to do. Department Heads shall file with the City Administrator a written summary of the probationary period and include a recommendation for continued employment of the employee.

An employee serving his/her initial probationary period may be disciplined at the sole discretion of the City Administrator, up to and including dismissal. An employee so disciplined, including dismissal, will not have any grievance rights.

Section 8.02 Extension

An employee's probationary period may be extended for an additional period of time not to exceed six (6) months upon recommendation from the City Administrator or Department Head and at the sole discretion of the Human Resource Director.

Section 8.03 Termination

The City Council, upon recommendation of the Personnel and Finance Committee, may terminate with or without cause a probationary employee anytime during the probationary period.

Section 8.04 Completion

At the end of the probationary period, the Department Head will recommend that the City Administrator take one (1) of the following actions:

- 1) Extension of Probation;
- 2) Regular Employment; or
- 3) Termination.

If the recommendation is for termination, the City Administrator will take the recommendation to the Personnel and Finance Committee for consideration, before receiving final approval from the City Council.

An employee's completion of the probationary period does not guarantee future employment or create a "for cause" termination standard. All employees, including employees who have successfully completed a probationary period, are "at will" employees. Nothing in this personnel policy provides, is intended to provide, or should

be construed as providing additional rights to employees who complete the probationary period.

Section 8.05 Vacation and Sick Leave

During a new or rehired employee's probationary period, vacation leave and Sick Leave/ESST shall be earned. Employees may use vacation leave after the first six months of their probationary period, subject to approval by the employee's supervisor. Sick Leave/ESST may be taken during the probationary period not to exceed the sick leave time earned.

ARTICLE 9. HOURS OF WORK

Section 9.01 Work Schedule

Due to the necessity of providing service twenty-four hours per day, seven days per week, it is a reasonable condition of employment to require that employees work a regular schedule of hours as established by the City. Regular schedules shall not be construed as excluding shift rotation and emergency work schedules based on public necessity as determined by the City.

The following are descriptions of the work schedules for the types of employees utilized by the City of Brainerd.

- A. Subject to the terms of any applicable collective bargaining agreement, regular full-time and probationary full-time employees, included in the annual budget, normally have a work schedule of forty (40) hours per week, (five (5) days per week, eight (8) hours per day). The City reserves the right to set employees' schedules and hours of work as required to deliver City services.
- B. Regular part-time and probationary part-time employees have a work schedule that is less than forty (40) hours per week. Employees who work less than thirty (30) hours per week shall not be eligible for fringe benefits, except as required by law. Employees who work thirty (30) hours per week or more shall be eligible for the following fringe benefits on a pro-rata basis:

Holidays - As established in ARTICLE 15 of this manual.

Vacation - As established in ARTICLE 16 of this manual.

Sick Leave/ESST - As established in ARTICLE 17, Section 17.06 of this manual.

Employees who work thirty (30) hours per week or more shall be eligible to participate in the City's group health insurance, cafeteria plan and life and long-

term disability ("LTD") insurance provided that the participation of such employees is allowed by the insurance carrier/plan eligibility rules.

The employer's contribution for health insurance and life and LTD insurance for eligible participating employees shall be determined on a pro-rata basis.

- C. Temporary or seasonal employees may work a flexible schedule for a period not exceeding 185 consecutive calendar days in each year of employment, or such other amount of time as determined by the City Administrator or designee. Full-time students under the age of 23 may also work a flexible schedule as allowed by law. Employees who are temporary, seasonal, and/or full-time students are not eligible for fringe benefits.

Employees should be made aware of their work schedules by a method suitable for the various city departments. Any changes in work schedules usually will be made known to employees affected ahead of time when the schedules take effect, except in the case of emergencies.

Section 9.02 Time Sheets

Each employee of the City shall complete an accurate time sheet following the proper procedure and timeline. Time sheets shall cover a two (2) week (fourteen (14) day) period except Paid on-call Firefighters whose timesheet will cover a full calendar month. Time sheets shall be completed by each employee and shall show all hours worked and the department the work is to be charged to. All overtime, if applicable, shall be approved by the Department Head. Reporting false information on a time sheet may be cause for disciplinary action up to and including immediate termination.

Section 9.03 Supervisory Employees

The City Administrator, Department Heads, Division Managers and non-union supervisory employees who are exempt from the overtime and minimum wage provisions of the Fair Labor Standards Act may be allowed to maintain limited flexibility in their work schedule from the normal workday to the extent that job performance and service responsibilities of the City to the public remains satisfactory and at the approval of the employee's supervisor. This limited flexibility means that, if a Department Head, Municipal Utility Division Manager or non-union supervisor is absent for four or more hours in any normal workday, appropriate leave must be utilized to account for the absence.

The regular work week for all regular employees, including Department Heads, Division Managers and non-union supervisors consists of five workdays. Even though Department Heads, Division Managers and non-union supervisors may be required to work additional hours for night meetings, City functions and duties, etc., the employee

must report to work all five days per week, even if the actual hours worked exceeds 40 hours prior to the fifth day. If an employee does not report to work for an entire day in a work week, the timesheet must show which type of appropriate leave is being taken (e.g., eight hours of vacation time).

If a Department Head, Municipal Utility Division Manager or non-union supervisor needs to work a full day on a weekend or holiday, he or she may make a request to the Department Head (for Division Managers or non-union supervisors), City Administrator (for Department Heads), to have this workday switched to allow for a day off on another day. This request must be approved by the Department Head or City Administrator as appropriate, before the employee switches his or her work schedule.

Section 9.04 Adverse Weather Conditions

City facilities will generally be open during adverse weather. Due to individual circumstances, each employee will have to evaluate the weather and road conditions in deciding to report to work (or leave early). An employee may be allowed to work from home with prior approval by their supervisor; allowed to use accrued vacation time or compensatory time, or with supervisor approval; or may modify their work schedule if allowed without incurring overtime per the applicable union contract or make other reasonable schedule adjustments.

Sworn police officers, firefighters, utility 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.

ARTICLE 10. OVERTIME HOURS

Section 10.01 General

Overtime pay for employees will be in conformance with State and federal law, including Minnesota Statutes, section 177.25 (as amended) and the Federal Fair Labor Standards Act, 29 United States Code, section 201 et seq., ("FLSA") as amended, and all applicable State and federal rules and regulations implementing section 177.25 and/or the FLSA.

- A. For purposes of computing overtime for employees, other than BPU employees, work weeks shall begin at 12:00 a.m. on Sunday. For purposes of computing overtime for BPU employees, work weeks shall begin at 12:00 a.m. on Monday.

- B. Hours worked by non-exempt, non-union employees in excess of forty (40) per week shall be compensated at one and one-half (1 ½) times their hourly wage rate unless a different rate is established by an employment contract.
- C. Holiday hours actually worked are calculated as time worked in the computation of overtime pay.
- D. For the purposes of computing overtime compensation, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked.
- E. No employee may work overtime without the prior approval of his or her Department Head, or designee.
- F. Exempt, non-union employees shall not be eligible for overtime compensation or compensatory time, except as provided in Section 10.04 of this Policy.

Section 10.02 Payment

Department Heads are responsible to schedule the work in their departments to minimize overtime. Overtime shall be inputted in 1/4 hour (fifteen minute) increments.

Section 10.03 Compensatory Time

Upon request, non-exempt, non-union employees will be allowed to earn compensatory time in lieu of receiving overtime compensation. In no event, shall accrued compensatory time off exceed the limitations provided in the FLSA. Once an employee has reached maximum accrual, compensation for additional hours must be paid in cash, rather than accrued as compensatory time off.

Compensatory time shall be determined at the rate of one and one-half (1½) hours off for every hour of overtime worked, or at a higher rate, if the employee receives a higher rate of pay for the overtime hour(s) in question in accordance with the terms of a collective bargaining agreement or other employment contract. Compensatory time off will be granted in not less than one-quarter hour units.

The City reserves the right to pay out any compensatory time off in excess of 80 hours, as it deems necessary. Accrued compensatory time off may be used with prior approval from the employee's Department Head, which shall be granted unless use of compensatory time off would unduly disrupt the operations of the City.

Upon separation from the City's employment, employees shall be paid for their accrued, but unused compensatory time off in accordance with the FLSA and other applicable law.

Section 10.04 Overtime for Exempt Employees

Notwithstanding the above, exempt employees may receive overtime compensation to the extent provided in an intergovernmental agreement or other contract between the City and another entity, if the contract requires the other entity to pay the cost of overtime hours.

ARTICLE 11. PERSONNEL/PAYROLL

Section 11.01 Personnel Records

An employee must notify the Department Head and the Human Resource Director in case of a change in address, telephone number, marital status, or number of dependents. If at any time an employee's address or telephone number is changed and the change is not reported, it may be difficult or impossible to complete delivery of messages, notices, or other information which should be received. Incomplete information creates problems with payroll deductions and fringe benefits, such as medical coverage. Accordingly, the failure to provide such information may impact the City's ability to provide pay and/or benefits to City employees.

Section 11.02 PERA (NOTE: See PERA's Website: www.mnpera.org to verify contribution rates)

Almost all city employees in the State of Minnesota are covered by a public pension system known as the PERA. Both the City and employees contribute to PERA. For specific information regarding annual contribution rates, contact the Human Resource Director. Vesting time varies depending on your membership eligibility date and the pension is portable among public employers throughout the state. Being vested means you qualify for benefits at the minimum allowable age.

In normal situations, employees and employers both contribute a percentage of the employee's gross salary to PERA. However, Minnesota law provides that some income received by an employee are not eligible for PERA contributions. Employees should contact the Human Resource Director with specific questions regarding PERA contributions.

Section 11.03 FICA

All full-time, part-time, temporary and/or seasonal employees are mandatory members of Federal Insurance Contribution Act (commonly known as Social Security). The City is required to deduct certain amounts from such employees' gross salary. Certain employees may be exempt from this deduction. Employee should contact the Human Resource Director with specific questions regarding FICA deductions.

Section 11.04 Medicare

All full-time, part-time, temporary and/or seasonal employees have a mandatory deduction for Medicare tax taken from their paychecks. Employee should contact the Human Resource Director with specific questions regarding Medicare deductions.

Section 11.05 MN Deferred Compensation

The City is a member of the Minnesota Deferred Compensation Plan. An employee may, at their option, defer any part of income, to a maximum amount set by law, of gross salary. The City does not contribute any monetary amount to the MN Deferred Compensation Plan unless required by the provision of collective bargaining agreement.

ARTICLE 12. SEPARATION FROM EMPLOYMENT

Section 12.01 General Statement

Separation from employment is an inevitable part of personnel activity within any organization, and there are many reasons for separation. The reasons for separation include: (1) resignation; (2) discharge (in accordance with ARTICLE 28 of these policies); (3) layoff; and (4) retirement (in accordance with ARTICLE 13 of these policies).

An employee leaving the City, for any reason, must turn in his/her identification badge and card, tools, shop coats, keys, books, and other City equipment no later than the last day of work. The employee is expected to go through an exit interview with the Human Resource Director on his/her last day of work. This interview is important for both the City and the employee. Through this interview, information may be provided which can lead to the causes of turnover, absenteeism, poor communication, etc. Oftentimes problems are discovered which appeared non-existent previously. It can be an effective means for gaining insight into potential personnel problems.

Section 12.02 Resignation

As at-will employees, all City employees may resign at any time, for any reason. In order to be considered "in good standing" at the time of resignation, an employee must file with employee's department head, at least 14 days before leaving, a written resignation stating the effective date of the resignation. Department Heads, Division Managers and non-union supervisors wishing to resign "in good standing" should give the City as much advance notice as possible, but must provide at least 30 days' notice. Failure to comply with this 14-day or 30-day notice procedure may be considered cause for denying the employee future employment by the City and denying termination benefits. Unauthorized absence from work for a period of three working days may be considered by the City Administrator as a resignation "not in good standing" and without benefits.

Section 12.03 Layoffs

After at least two weeks' notice to the employee, the City Administrator may lay off any employee when such action is necessary because of shortage of work or funds, the abolition of a position, or changes in organization. If it should become necessary to reduce the City work force, the City may give consideration to the employees' on-the-job performance, abilities, job knowledge and the potential for other jobs within the City.

Section 12.04 Final Pay Following Termination of Employment

Subject to applicable law, employees who terminate employment with the City shall receive their final pay settlement a maximum of two weeks from the date of resignation, coinciding with the next normal payday. To be eligible for backpay, employees must be currently employed with the City at the time of backpay distribution.

ARTICLE 13. RETIREMENT AND SEVERANCE PAY

Section 13.01 Procedure

Regular employees who retire voluntarily in good standing, as defined in the previous Article and are eligible to immediately begin receiving monthly retirement benefits under the provisions of PERA as of the date of his or her retirement, shall be granted severance pay based on the following conditions and rates:

Section 13.02 Conditions

- A. Retirement - voluntary and in good standing, as defined in ARTICLE 12.
- B. Voluntary retirement or termination of employment in good standing, as defined in ARTICLE 12, due to health reasons, service-connected injury, or illness.

Section 13.03 Rates

All regular employees, regardless of the date of hire, shall be entitled to 100 percent of their unused Sick Leave/ESST as severance pay, with a maximum of nine hundred sixty (960) hours, upon retirement in good standing, as defined in ARTICLE 12, or if they become disabled and must terminate their employment, with written proof by a physician. In the event of death, severance pay shall be paid to the beneficiary. Pay for unused Sick Leave/ESST shall be based on existing annual wage as described in Exhibit C or applicable union contract.

ARTICLE 14. MEAL AND COFFEE BREAKS

All hourly employees shall receive one (1) fifteen (15) minute rest period during each four (4) consecutive hours of work. Rest periods are part of the paid work shift. An employee shall not be compensated additional wages or time off for not taking a scheduled rest period. Employees are expected to use these breaks as intended and will not be permitted to adjust work start time, end time, or meal time, including any standard meal time designated by a specific Department—or accrue compensatory time—by saving these breaks. Breaks should be scheduled so as to not interfere with work requirements.

In general, City employees working a scheduled full-time shift are entitled to a one (1) hour uncompensated meal period. Meal periods shall be scheduled by the department head or supervisor. Employees will not be permitted to adjust work start time or accrue compensatory time by skipping or shortening meal breaks.

ARTICLE 15. HOLIDAYS

The following holidays, or days observed as such, shall be considered paid holidays for all regular employees:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Veterans' Day
- Juneteenth
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas Day
- One "Floating" holiday

When an official holiday recognized in this policy falls on a Saturday, the preceding Friday shall be declared a holiday for employees whose normal work schedule is Monday through Friday. When an official holiday recognized in this policy falls on a Sunday, the following Monday shall be declared a holiday for employees whose normal work schedule is Monday through Friday.

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

Union employees shall be compensated for holiday time according to the terms and conditions of their collective bargaining agreement.

Requests for floating holidays shall require three (3) days' written notice to the Department Head. Such requirement may be waived when absence of the employee will not unduly affect the functioning of the department.

Employees will be accredited their floating holiday on January 1st of each year or upon date of hire and may use it at any time during the year.

Floating holidays must be taken in one (1) day (or eight (8) hour) increments. Floating holidays are not carried over year-to-year and must be used in the calendar year that they are received. Floating holidays not used by December 31 of the calendar year they were received are forfeited.

ARTICLE 16. REGULAR VACATION

Section 16.01 General Vacation Rules

A. When Taken

Vacation leave may be taken after written approval by the Department Head or designee. Vacation leave will be granted in not less than one-quarter hour units. Probationary employees' use of vacation leave is subject to ARTICLE 8 of these policies.

B. Length of Service

Length of service for the purpose of determining vacation accrual is calculated from the date of hire with the City. If an employee returns to work at the City after a break in service, the employee's length of service will be calculated from the date of rehire.

C. Scheduling Vacation

Department Heads are responsible for approving the scheduling of vacation leaves for employees under their supervision, and approval is not automatic.

1. Consideration shall be given to seasonal demands and departmental staffing needs before granting any vacation leave requests.
2. Subject to the needs of the Department, preference in scheduling shall be based on the order in which vacation requests are received and/or seniority of employees.

D. Monetary Consideration in Lieu of Vacation

Vacation pay shall be reflected on the paycheck issued for the pay period in which the vacation is taken. No vacation shall be paid in lieu of taking time off, except as authorized under the City's Cafeteria Plan.

E. Accrual of Vacation

Employees may accumulate vacation time equal to a maximum of 240 hours. Vacation accrual will cease if an employee is off of the City's payroll system for any reason whatsoever, except as required by law.

F. Vacation Payout

Employees who leave the employment of the City in good standing, as defined in ARTICLE 12 of these policies, by retirement or resignation will receive pay for 100 percent of unused accrued vacation. An employee shall not be considered to be "in good standing" if the employee resigns or retires following allegations of misconduct pending investigation, as determined by the City Council in its sole discretion.

G. Vacation leave that qualifies as ESST

Vacation leave that qualifies as ESST is not intended to be used for absences related to personal illness or injury or any of the eligible uses outlined in the Earned Sick and Safe Time policy. However, should an employee use vacation leave for one of the eligible uses outlined in Article 17, Section 17.06, with respect to that particular absence only, the Earned Sick and Safe Time policy will apply.

All full-time employees, except the City Administrator, Department Heads and Division Managers, shall earn vacation at the rate of: 6.67 hours per full month worked during the employee's first five years of employment. Thereafter, employees shall earn paid vacation as follows:

After completion of:

5 years of service - 10.00 hours per month
10 years of service - 10.67 hours per month
11 years of service - 11.33 hours per month
12 years of service - 12.00 hours per month
13 years of service - 12.67 hours per month
14 years of service - 13.33 hours per month
15 years of service - 14.00 hours per month
16 years of service - 14.67 hours per month
17 years of service - 15.33 hours per month
18 years of service - 16.00 hours per month
19 years of service - 16.67 hours per month
20 years of service - 17.33 hours per month
21 years of service - 18.00 hours per month
22 years of service - 18.67 hours per month
23 years of service - 19.33 hours per month
24 years of service - 20.00 hours per month

City Administrator, Department Heads and Division Managers shall earn vacation at the rate of:

Ten (10) hours per full month worked during the first year of employment. Thereafter, employees shall earn paid vacation as follows:

After completion of:

- 1 year of service – 10.67 hours per month
- 2 years of service – 11.33 hours per month
- 3 years of service – 12.00 hours per month
- 4 years of service – 12.67 hours per month
- 5 years of service – 13.33 hours per month
- 6 years of service – 14.00 hours per month
- 7 years of service – 14.67 hours per month
- 8 years of service – 15.33 hours per month
- 9 years of service – 16.00 hours per month
- 10 years of service – 16.67 hours per month
- 11 years of service – 17.33 hours per month
- 12 years of service – 18.00 hours per month
- 13 years of service – 18.67 hours per month
- 14 years of service – 19.33 hours per month
- 15 years of service – 20.00 hours per month

ARTICLE 17. EMPLOYEE LEAVES

Section 17.01 Jury Duty

Any employee who is required to serve as a juror shall be granted a leave of absence with pay while serving in such capacity. Employees will be required to turn over any compensation they receive for jury duty, minus mileage reimbursement, to the City in order to receive their regular wages for the period. An employee cannot receive more than the employee's normal take-home pay as a result of any employer pay supplemented to Jury Duty pay. Jury duty pay must be remitted to the City. When employees are excused from jury duty during their regular working hours, they are expected to return to work if practicable. If a holiday occurs during jury duty, the employee shall be paid for the holiday.

Employees excused or released from jury duty during their regular working hours will report to their regular work duties as soon as reasonably possible or will take accrued vacation or compensatory time to make up the difference.

Insurance benefits will remain in effect for the full term of jury duty leave. Employees must continue to make employee contributions for any insurance that requires payment on their part.

Vacation time and sick time shall continue to accrue during the period of leave. Benefits will continue to accrue as though the employee were actively at work.

Section 17.02 Military Leave

Employees shall be entitled to leave without pay for military service, including training in the National Guard, consistent with the Uniformed Services Employment and Re-employment Rights Act of 1994 ("USERRA") (as amended) and Minnesota law, including, but not limited to, Minnesota Statutes, chapter 192 (as amended).

Section 17.03 Leave for Service in Organizations

The City Council with the recommendation of the City Administrator and Personnel and Finance Committee, may grant a leave of absence without pay for reasonable periods not to exceed one (1) year to any regular employee for the purpose of serving in an elected or appointed position, other than as a paid employee, in a professional organization or a governmental commission or committee, provided such leave will not reduce the quality or level of service to the public.

No vacation leave, Sick Leave/ESST, holiday leave or compensatory time off benefits shall be used or accrued during a leave of absence and the City will not contribute to insurance premiums.

Section 17.04 Pregnancy and Parenting Leave

All employees are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota. Female employees for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions as well as a biological or adoptive parent in conjunction with the birth or adoption of a child, are eligible for up to 12 weeks of unpaid leave. Any paid or unpaid leave taken for prenatal care medical appointments will not count toward the 12-week leave. Additionally, leave under this section must begin within twelve months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital. Employees should provide reasonable notice, which is at least 30 days. If the leave must be taken in less than three days, the employee should give as much notice as practicable.

Employees are required to use accrued vacation leave during Parenting Leave, and employees may choose, but are not required, to use any accrued Earned Sick and Safe

Time. If the employee has any FMLA eligibility remaining at the time this leave commences, this leave will run concurrently with any FMLA leave available. The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave.

Group insurance coverage, including any employer contributions toward the benefits, will continue while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, provided the employee continues to pay any employee share of the cost of the benefits.

The City will inform employees of their parental leave rights at the time of hire and when an employee makes an inquiry about or requests parental leave.

The City shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting parental leave rights or remedies.

Section 17.05 Funeral Leave

All regular full-time employees shall be permitted paid funeral leave not to exceed 24 hours, if necessary, for the death of an immediate family member (employee's spouse, child, step-child, father, mother, brother, sister, father-in-law, mother-in-law) and one (1) working day, if necessary, for the death of an employee's grandparent. Funeral leave for other relatives may be granted at the discretion of the Human Resource Director. Up to twenty-four (24) additional hours of Sick Leave/ESST may be used as additional funeral leave at the discretion of the City Administrator. For purposes of this policy, the term "working day," means a regularly scheduled shift, excluding any time that an employee would be considered "on call" unless the employee actually would have been called to perform duties during that period.

Section 17.06 Sick Leave/Earned Sick and Safe Time (ESST) Leave

"Earned Sick and Safe Time" ("ESST") is paid time off for eligible uses outlined in this policy as required by Minnesota's Earned Sick and Safe Time law, including but not limited to an employee's mental or physical illness, injury, or other health condition. Employees will earn ESST as prescribed in this policy, provided that all employees will earn at least one hour of ESST for every 30 hours worked by an employee, up to a maximum of 48 hours of ESST per year. The base rate of ESST is the same hourly rate an employee earns from employment with the city. This specific leave applies to all employees (including temporary and part-time employees) anticipated to perform work for at least 80 hours in a year for the city.

The following positions are not eligible for leave under this policy:

1. Volunteer firefighter or Paid on-call Firefighter;
2. Elected officials or a person who is appointed to fill a vacancy in an elected office.

(a) Earned Sick and Safe Time Use

The leave may be used as it is accrued in the same increment of time for which employees are paid (*as long as the amount is not more than four hours*) for the following circumstances:

- An employee's own:
 - o Mental or physical illness, injury or other health condition
 - o Need for medical diagnosis, care or treatment, of a mental or physical illness injury or health condition
 - o Need for preventive medical or health care, or
 - o Need to make arrangements for or attend funeral services or a memorial, or address financial or legal matters that arise after the death of a family member
- Care of a family member:
 - o With mental or physical illness, injury or other health condition
 - o Who needs medical diagnosis, care or treatment of a mental or physical illness, injury or other health condition, or
 - o Who needs preventative medical or health care
- Absence due to domestic abuse, sexual assault or stalking of the employee or employee's family member provided the absence is to:
 - o Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
 - o Obtain services from a victim services organization
 - o Obtain psychological or other counseling
 - o Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
 - o Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking
- Closure of the employee's place of business due to weather or other public emergency or an employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergency
- The employee's inability to work or telework because the employee is prohibited from working by the city due to health concerns related to the potential transmission of a communicable illness related to a public emergency, or seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and the employee has been exposed to a communicable disease or the city has requested a test or diagnosis.

- When it has been determined by health authorities or a health care professional that the presence of the employee or family member in the community would jeopardize the health of others because of the exposure of the employee or family member of the employee to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.

(b) For Earned Sick and Safe Time purposes, family member includes an employee's:

1. Spouse or registered domestic partner
2. Child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis
3. Sibling, step sibling or foster sibling
4. Biological, adoptive or foster parent, stepparent or a person who stood in loco parentis when the employee was a minor child
5. Grandchild, foster grandchild or step grandchild
6. Grandparent or step grandparent
7. A child of a sibling of the employee
8. A sibling of the parent of the employee or
9. A child-in-law or sibling-in-law
10. Any of the above family members of a spouse or registered domestic partner
11. Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship
12. Up to one individual annually designated by the employee

(c) Advance Notice for use of Earned Sick and Safe Time

With respect to ESST accrued on or after January 1, 2024, if the need for the leave is foreseeable, the city requires seven days' advance notice. However, if the need is unforeseeable, employees must provide notice of the need for ESST as soon as practicable. When an employee uses ESST for more than three consecutive scheduled work days, the city may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records or related documentation to support safety leave). However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using, or used, ESST for a qualifying purpose. The city will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition. In accordance with state law, the city will not require an employee using ESST to find a replacement worker to cover the hours the employee will be absent.

(d) Accrual and Carry Over of Earned Sick and Safe Time

All eligible part-time and temporary City employees shall earn Sick Leave/ESST at the rate of one (1) hour per thirty (30) hours worked as required by the Earned Sick and Safe Time (ESST) Law and City Policy. Except to the extent provided in an applicable collective bargaining agreement, full-time employees will earn a combination of Sick Leave/ESST to equal (8 hours) of leave per month. Sick Leave/ESST will be granted in not less than one-quarter hour units. Sick leave/ESST accumulation shall be a combined maximum of 120 days (960) hours.

(e) Retaliation prohibited

The city shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting Earned Sick and Safe Time rights, requesting an Earned Sick and Safe Time absence, or pursuing remedies. Further, use of Earned Sick and Safe Time will not be factored into any attendance point system the city may use. Additionally, it is unlawful to report or threaten to report a person or a family member's immigration status for exercising a right under Earned Sick and Safe Time.

(f) Benefits and return to work protections

During an employee's use of Earned Sick and Safe Time absence, an employee will continue to receive the city's employer insurance contribution as if they were working, and the employee will be responsible for any share of their insurance premiums.

An employee returning from time off using accrued Earned Sick and Safe Time is entitled to return to their city employment at the same rate of pay received when their leave began, plus any automatic pay adjustments that may have occurred during the employee's time off. Seniority during Earned Sick and Safe Time absences will continue to accrue as if the employee has been continually employed.

When there is a separation from employment with the city and the employee is rehired again within 180 days of separation, previously accrued Earned Sick and Safe Time that had not been used will be reinstated. An employee is entitled to use and accrue Earned Sick and Safe Time at the commencement of reemployment.

Except as may be required by law, Sick Leave/ESST accrual will cease if an employee is off of the City's payroll system for any reason whatsoever.

In case of disability caused by sickness or injury and covered by Workers Compensation, the City will pay to the employee only such sums, as together with Workers Compensation payments, will equal their base pay but never for a longer period than their accumulated Sick Leave/ESST and vacation leave. The time deducted from the employee's accumulated vacation and then Sick Leave/ESST if elected, until exhausted, shall be the difference between the employee's normal gross pay and the payment received by the employee for workers compensation.

The employer may designate ESST time used for an FMLA qualifying event as Family and Medical Leave and may request a certification of a health care provider. For the use of ESST for domestic abuse, sexual assault, stalking, or other qualifying reasons, the employer may request verification consistent with the requirements of Minn. Stat. § 181.447 Subd. 3.

Please refer to Exhibit D to view the required ESST notice.

Section 17.07 Extended Medical Leave

When medically necessary, and upon receipt of a medical certificate from an employee's treating physician, the City Administrator may approve a request for a medical leave extension of up to 90 days due to the employee's serious medical condition or to care for a spouse, parent or child who has suffered a serious medical condition.

Before using unpaid leave under this ARTICLE, the employee must use all paid leave. Leave granted pursuant to this Section may run concurrently with leave under the Family and Medical Leave Act ("FMLA").

Employees will not earn or accumulate benefits or other compensation while on unpaid leave, except as required by law. A medical certificate attesting to the employee's fitness for duty shall be required prior to any employee returning to work from medical leave. Also, the City may require that the employee submit to an examination by a medical provider selected by the City to determine whether the employee is able to perform the essential functions of his or her job, with or without reasonable accommodation.

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

Section 17.08 Personal Leave

Upon written request of an employee, the City Council may grant an employee a leave of absence without pay for a period of up to 90 consecutive calendar days, at its sole discretion.

Employees will not earn or accumulate leave, benefits, or other compensation while on unpaid leave except as required by law.

Section 17.09 School Leave

To the extent required by law, employees may take up to a total of sixteen (16) hours per twelve (12) month period of unpaid leave to attend school conferences and school-related activities related to the employee's child, provided the conferences or other school-related activities cannot be scheduled during non-work hours. Employees taking leave for this purpose may, but are not required to, substitute vacation or compensatory time for any part of this unpaid leave.

Section 17.10 Family & Medical Leave

ELIGIBILITY

To qualify to take FMLA leave under this policy, an employee must meet all the following conditions:

- Have worked for the City for 12 months (or 52 weeks) prior to the date the leave is to commence. The 12 months or 52 weeks need not have been consecutive; however, the City will not consider any service 7 years prior to the employee's most recent hire date.
- Have worked at least 1,250 hours during the 12-month period prior to the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act ("FLSA") determine the number of hours worked by an employee.

TYPES OF LEAVE COVERED BY FMLA

Leave will be granted to all eligible employees for any of the following reasons:

- The birth of a child, including prenatal care, or placement of a child with the employee for adoption or foster care;
- To care for a spouse, child, or parent who has a serious health condition;
- Due to a serious health condition that makes the employee unable to perform the essential functions of the position;
- A covered military member's active duty or call to duty or to care for a covered military member (Military Caregiver and Qualified Exigency Leave) (described below).

DEFINITIONS

- "Spouse" does not include domestic partners or common-law spouses.
- "Caring for" a covered family member includes psychological as well as physical care. It also includes acquiring care and sharing care duties. An eligible "child," with some exceptions, is under 18 years of age.
- An eligible "parent" includes a biological parent or a person who stood in the place of a parent.
- "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:
 - o Hospital Care: Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;

- o Pregnancy: Any period of incapacity due to pregnancy, prenatal medical care or childbirth;
- o Absence Plus Treatment: A period of incapacity of more than three consecutive calendar days that also involves continuing treatment by or under the supervision of a health care provider.
- o Chronic Conditions Requiring Treatments: An incapacity from a chronic condition which requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity;
- o Permanent/Long-Term Conditions Requiring Supervision
- o Multiple Treatments: Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.

LENGTH AND AMOUNT OF LEAVE

The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12) month period. The leave year is calculated based on a rolling backward basis. The entitlement to FMLA leave for the birth or placement of a child for adoption expires twelve (12) months after the birth or placement of that child.

HOW LEAVE MAY BE TAKEN

FMLA leave may be taken for 12 (or less) consecutive weeks, may be used intermittently (a day periodically when needed), or may be used to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks.

Intermittent leave may be taken when medically necessary for the employee's serious health condition or to care for a seriously ill family member. Intermittent leave must be documented in the medical certification form as medically necessary. If an employee is taking intermittent leave or leave on a reduced schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as to not disrupt the City's business. In instances when intermittent or reduced schedule leave for the employee or employee's family member is foreseeable or is for planned medical treatment, including recovery from a serious health condition, the City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule. Intermittent/reduced scheduled leave may be taken to care for a newborn or newly placed adopted or foster care child only with the City's approval.

PROCEDURE FOR REQUESTING LEAVE AND NOTICE

All employees requesting FMLA leave must provide written or verbal notice of the need for the leave to the HR Director.

When the need for the leave is foreseeable, the employee must give verbal or written notice to his/her supervisor at least thirty (30) days prior to the date on which leave is

to begin. If thirty (30) days' notice cannot be given, the employee is required to give as much notice as practicable, including following required call-in procedures. The City requires an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

CERTIFICATION AND DOCUMENTATION REQUIREMENTS

For leave due to an employee's serious health condition or that of an employee's family member, the City will require the completion of a Medical Certification form by the attending physician or practitioner. The form must be submitted by the employee to the City Administrator within fifteen (15) calendar days after leave is requested. If the form is not submitted in a timely fashion, the employee must provide a reasonable explanation for the delay. Failure to provide medical certification may result in a denial or delay of the leave.

When leave is due to an employee's own serious health condition, a fitness for duty certification (FFD) will be required before an employee can return to work. Failure to timely provide such certification may eliminate or delay an employee's right to reinstatement under the FMLA.

If an employee is using intermittent leave and reasonable safety concerns exist regarding the employee's ability to perform his or her duties, a FFD certificate may be required as frequently as every 30 days during periods when the employee has used intermittent leave.

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

SECOND AND THIRD MEDICAL OPINIONS

The City may require an employee obtain a second opinion from a provider which the City selects. If necessary to resolve a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. This third opinion will be considered final. An employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

ANNUAL MEDICAL CERTIFICATION AND RECERTIFICATION

Where the employee's need for leave due to the employee's own serious health condition lasts beyond a single leave year, the City will require employees to provide a new medical certification in each subsequent leave year.

REINSTATEMENT

Employees returning from Family and Medical Leave will be reinstated in the same position or a position equivalent in pay, benefits, and other terms and conditions of employment. An employee on FMLA leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

GROUP HEALTH INSURANCE AND OTHER BENEFITS, CONCURRENT LEAVE AND SUBSTITUTION OF PAID LEAVE

An employee granted leave under this policy will continue to be covered under the City's group health and dental insurance plan under the same conditions and at the same level of City contribution as would have been provided had the employee been continuously employed during the leave period. The employee will be required to continue payment of the employee portion of group insurance coverage while on leave. Arrangements for payment of the employee's portion of premiums must be made by the employee with the City.

If there are changes in the City's contribution levels while the employee is on leave, those changes will take place as if the employee were still on the job.

Rights to additional continued benefits will depend on whether leave is paid or unpaid. Any paid disability leave benefits (Short Term Disability or Long Term Disability), sick leave, Paid Time Off (PTO) or compensatory time off available to employees for a covered reason (an employee's serious health condition or a covered family member's serious health condition, including worker's compensation leave and Minnesota State Parenting Leave) will run concurrently with FMLA.

FAILURE TO RETURN TO WORK AFTER FMLA

Under certain circumstances, if the employee does not return to work at the end of the FMLA leave for at least 30 calendar days, the City may require the employee to repay the portion of the monthly cost paid by the City for group health plan benefits. The City may also require the employee to repay any amounts the City paid on the employee's behalf to maintain benefits other than group health plan benefits.

If an employee does not return to work following 12 weeks of FMLA leave, the employee may be subject to COBRA continuation. If the employee fails to pay the City a portion of the premiums for which he or she is responsible during the FMLA leave and the employee fails to return to work, coverage may end. Loss of coverage for failure to pay premiums is not a qualifying event for purposes of continuation coverage under COBRA. If the employee does not return from the FMLA leave and coverage ended sometime during the FMLA leave due to lack of payment, there is no COBRA election available. For COBRA to apply, the employee must have been covered on the day before the qualifying event. In this situation, the qualifying event would occur at the time the employee did not return from the leave.

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.

UNPAID MEDICAL LEAVE OF ABSENCE

If an employee is ineligible for FMLA leave or has exhausted available FMLA leave benefits, it is the policy of the City to consider an employee's request for a medical or personal leave of absence. The amount of medical leave available to each employee will be determined on a case-by-case basis depending on the position held, staffing requirements, the reasons for the leave, and the anticipated return-to-work date. Employees who take unpaid medical leave are not guaranteed to return to the same position held prior to taking leave.

Employees seeking a medical leave of absence will be required to present medical documentation to support the need for the leave, on-going documentation to support the need for continued leave, and documentation to support a return to work.

During Unpaid Medical Leave, employees will be expected to keep in regular contact with human resources. When you anticipate your return to work, please notify human resources of your expected return date at least one week before the end of your leave. Employees on an Unpaid Medical Leave of Absence may be subject to COBRA notice and continuation benefits and will be solely responsible for payment of the entire COBRA. Failure to keep in touch with management during your leave, failure to advise management of your availability to return to work, or failure to return to work following leave will be considered a voluntary resignation of your employment.

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) childcare and school activities; (3) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; (8) parental care; or (9) 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, parent, or next of kin of a covered servicemember may take up to 26 weeks in a single 12-month period to care for that servicemember.

The family member must be a current member of the Armed Forces (including a member of the National Guard or Reserves), 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 is on outpatient status or 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, or members on the permanent disability retired list.

DEFINITIONS

- A “son or daughter of a covered servicemember” means the covered servicemember’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.
- A “parent of a covered servicemember” means a covered servicemember’s biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”
- The “next of kin of a covered servicemember” is the nearest blood relative, other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember 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 servicemember, all such family members shall be considered the covered servicemember’s next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember’s only next of kin.
- “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 of the United States Code.
- “Covered servicemember” means:
 - o An Armed Forces member (including the National Guard or Reserves) undergoing medical treatment, recuperation, or therapy or otherwise in outpatient status or on the temporary disability retired list, for a serious injury or illness”; or
 - o 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:
 - o 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
- o 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.

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 servicemember 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 26 workweeks of leave to care for a covered servicemember during this “single 12-month period,” the remaining part of the 26 workweeks of leave entitlement to care for the covered servicemember is forfeited. 29 C.F.R. § 825.127(e)(1) (2017).

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 SERVICEMEMBER FOR MILITARY FAMILY LEAVE

The City will require certification for the serious injury or illness of the covered servicemember. 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 Servicemember. All other provisions of the FMLA policy, including Use of Paid Leave, Employee Status and Benefits During Leave, Procedure for Requesting Leave, and Benefits During Leave and Reinstatement, are outlined above in the FMLA policy.

EFFECT ON PENSION

Employees should contact the MN Public Employees Retirement Association (“PERA”) for information about how FMLA leave may affect their retirement benefits.

TRAINING

Employees who have missed training sessions while on FMLA leave will be given a reasonable opportunity to make them up upon returning to work.

Section 17.11 Department Head Absenteeism Notification

Except in the event of an emergency that prevents such notice, Department Heads shall notify the City Administrator prior to any absence from the office.

Section 17.12 Catastrophic Leave Bank

POLICY STATEMENT

The City of Brainerd recognizes that occasions arise when employees may have exhausted their vacation leave, sick leave and compensatory time, due to a non-work related injury or prolonged illness that has not yet qualified for long-term disability insurance benefits. It is the intent of this policy to provide an opportunity for City employees to voluntarily donate vacation leave hours to an emergency medical leave bank for use by other City employees who demonstrate a catastrophic medical emergency. The program is voluntary in nature and does not guarantee any resulting benefit to any employee in need nor does it require participation of any employee. This policy applies to employees of bargaining units upon agreement of their exclusive representative.

Eligibility

All non-probationary City employees, including members of collective bargaining units whose exclusive representatives have agreed to this policy, are eligible to participate in this Catastrophic Medical Leave Sharing Bank ("CMLSB"). Donation to the bank is entirely voluntary.

Definitions

- A. "Catastrophic Medical Emergency" is a major life-threatening disease or illness or non-work related major injury involving a prolonged absence from work. Per the dictionary, a catastrophe is a momentous tragic event ranging from extreme misfortune to utter overthrow or ruin.

Examples may include: heart attack, stroke, organ transplant, cancer or major non-work-related injury.

The medical emergency must result in the incapacitation of the employee, spouse, or child/stepchild for a minimum of 80 consecutive work hours (subsequent intermittent absences involving the same illness or condition shall also qualify) which requires the employee to take time off from work and creates a financial hardship because all of the employee's paid leave has been exhausted.

"Catastrophic medical emergency" is specifically not defined as all "serious health conditions" as defined under the FMLA.

- B. "Verification of catastrophic illness or injury" shall consist of a physician's statement verifying that:
 - 1. The employee is suffering from a major life-threatening disease, illness or non-work related major injury requiring a prolonged absence from work; or
 - 2. That the employee must be present to care for the employee's spouse, child or stepchild who is suffering from a major life-threatening disease or illness or major injury; and
 - 3. A brief description of the nature of the illness or injury and the anticipated duration of the incapacity.
 - 4. The Verification of catastrophic illness or injury shall be in addition to the FMLA certification of health care provider.
- C. "Donor" is an employee who donates vacation leave to the Emergency Medical Leave Sharing Bank.
- D. "Applicant" or "Recipient" is a non-probationary City employee who has applied for or received leave from the CMLSB.
- E. "Committee" as referenced in this policy shall consist of the City Administrator, Human Resource Director, and the Chair of the Personnel and Finance Committee.

Catastrophic Medical Leave Sharing Bank BENEFITS AND LIMITATIONS

- A. The applicant must have exhausted all of the employee's own accrued vacation, sick leave, and compensatory time in order to receive any Catastrophic Medical Leave ("CML").
- B. The applicant may apply for CML while still in paid status, but no sooner than 80 hours before the exhaustion of all of the applicant's paid leave or CML.
- C. An applicant may be eligible to receive up to a maximum of 160 hours of CML per request, which shall be placed in the recipient's sick leave bank as needed per pay period in increments of no more than 80 hours at a time. Additional requests for CML may be submitted upon the anticipated exhaustion of the initial hours and medical verification of continued need, but the total CML granted to one recipient in relation to one medical emergency shall not exceed 480 hours. Part-time employees shall be eligible to receive CML on a pro-rata basis.

- D. Recipients of CML must use the leave only for the Catastrophic Medical Emergency. Any CML which is not used for the medical emergency shall be returned to the bank and cannot be retained by the recipient.
- E. An applicant shall be required to apply for FMLA leave in conjunction with the application for CML. Catastrophic Medical Leave time will run concurrently with any applicable FMLA leave.
- F. The recipient shall be in a paid status when using CML for the purpose of receiving benefits. When a pay period includes a holiday, a participant using CML shall receive holiday pay provided they are in a pay status the last regular shift prior to, and the first regular shift following the holiday.
- G. A recipient's CML pay will continue to be taxed in accordance with state and federal law, and all authorized deductions will continue to be deducted from the participant's paycheck, provided sufficient wages are available.
- H. All time donated to the pool shall be converted to a dollar amount based upon the donor's hourly rate of pay. All CML shall be used at the recipient's rate of pay.
- I. Leave from the CML may not be used for illness or disability which qualifies the participant for Worker's Compensation, long-term disability, PERA disability or Social Security benefits.
- J. An applicant shall be required to apply for long-term disability and PERA disability, as applicable, for the employee's own medical condition which results in the employee's absence from work for more than 90 calendar days, whether before or after the employee has exhausted his/her own paid leave. The recipient applicant shall provide verification of such application.
- K. Leave donated to the CML Bank shall remain in the bank from year to year and shall be available to eligible employees. Donation of leave to the CML Bank is irrevocable.

Application Process

- A. Applicants shall be required to complete a form setting forth their request for CML, the reason, number of hours requested and the anticipated duration of the medical emergency. A new request form shall accompany each subsequent request. The CML Request form will be turned into the Human Resource Director prior to the start of the leave if possible. Requests will be reviewed by the Committee.
- B. The Applicant shall sign a waiver of liability in connection with the CML request and any subsequent request. The applicant shall provide a "verification of catastrophic illness or injury" with the request form or within (10) calendar days of the request. In the event that the Verification is not

submitted in a timely manner, the CML request may be considered by the Committee but no leave will be disbursed to the applicant until the verification is received and reviewed by the committee.

- C. Applicants who are denied CML or whose withdrawal is not renewed or is terminated may, within fifteen (15) calendar days of denial, appeal the denial, non-renewal or termination by providing new or additional information to the Committee and completing a supplemental application and waiver. The final decision will be reported to the applicant, in writing, within ten (10) working days of the decision. This decision of the Committee is final. Such final authority is not subject to the grievance procedure or litigation and the applicant shall specifically waive any rights to review by any of these options.
- D. All requests for CML, verifications of catastrophic illness or injury and other documentation related to an applicant's medical condition or that of the applicant's family member shall be kept confidential and shall only be disclosed as necessary to administer request for withdrawal.
- E. If the CML bank does not have sufficient hours to fund a withdrawal request, the City is under no obligation to pay the applicant any funds. If a withdrawal request is denied in whole or in part because of insufficient dollars to fund the request, the applicant shall be notified in writing of the reason for the denial.

DONATION PROCESS

- A. A regular full or part time employee may donate vacation leave to the Catastrophic Medical Leave Sharing Bank twice annually, which shall occur with the first pay period in December or June. In the event that the CML Bank becomes depleted, the City Council may, in its sole discretion, authorize a third open window period for donation to the Bank.
- B. Donors are required to have a minimum of 80 hours of vacation leave available to them in their accrued vacation leave bank after a donation is made.
- C. Donation to the CML bank is irrevocable.

TENNESSEN WARNING

Information provided pursuant to the Catastrophic Leave Donation Policy is classified as personnel data pursuant to Minnesota Statutes, Section 13.43, as amended. You are not legally required to participate in the program and are therefore not required to provide any information. If you choose to participate in this voluntary program, you will be required to provide the information set forth above in order to donate or receive donated leave.

The requested and required information regarding leave donation requests, including medical information and the basis for leave donation requests will be disclosed to those individuals whose work assignments reasonably require access, including committee members, insurance vendors, consultants and attorneys. The information may also be used to make decisions regarding your eligibility for extended sick leave, family and medical leave, and other leaves; your eligibility for workplace accommodations, including accommodations for disabilities; and other benefits. The information may also be shared with other agencies authorized by law to receive specific data, including but not limited to: Civil/human rights; Worker's Compensation; Unemployment Compensation; and Labor Contracts.

Information regarding the value of donated leave as taxable income will be reported to the Minnesota Department of Revenue, the Internal Revenue Services and security tax programs.

17.13 Bone Marrow/Organ Donation Leave

Employees working an average of 20 or more hours per week may take paid leave, not to exceed 40 hours, unless agreed to by the city, to undergo medical procedures to donate bone marrow or an organ. The 40 hours is over and above the amount of accrued time the employee has earned.

The city may require a physician's verification of the purpose and length of the leave requested to donate bone marrow or an organ. If there is a medical determination that the employee does not qualify as a bone marrow or organ donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting bone marrow or organ donation leave rights or remedies.

17.14 Elections/Voting

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off with pay for purposes of serving as an election judge, provided the employee gives the City at least twenty days written notice, including 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 may reduce the wages of an employee serving as an election judge by the amount paid to the election judge by the appointing authority during the time the employee was absent from the place of employment. The city reserves the right to restrict the number of employees absent from work for the purpose of serving as an election judge to no more than 20 percent of the total work force at any single worksite.

Every employee eligible to vote may be absent from work during a regularly scheduled election, or during the period allowed for voting in person before election day, for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election. Employees wanting to take advantage of such leave are required to coordinate with the Department Head to avoid coverage issues.

17.15 Reasonable Work Time for Nursing Mothers

Minnesota's Nursing Mothers, Lactating Employees, and Pregnancy Accommodations law (Minn. Stat. §181.939, as amended) gives pregnant and lactating employees certain legal rights and remedies. The City will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's child, in accordance with and to the extent required by applicable law. The break time may run concurrently with rest and meal periods already provided to the employee.

The City will provide a clean, private and secure room (other than a bathroom) as close as possible to the employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.

The City shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting nursing rights or remedies.

Please refer to Exhibit E to view the required Reasonable Work Time for Nursing Mothers notice.

ARTICLE 18. EMPLOYEE INSURANCE

Section 18.01 Medical Insurance

The City provides a medical coverage insurance plan for eligible employees as described in the Summary Plan Description.

The insurance coverage takes effect the first day of the month coinciding with or immediately following the employee's date of hire, except as required by applicable law, including, but not limited to, the Affordable Care Act. The City provides contributions to health insurance premiums as approved annually by the City Council.

The City will contribute towards the health insurance premiums of employees and elected officials as described in Exhibit A to this Policy Manual. Information regarding health insurance benefits will be provided by the Human Resource Director for new employees and periodically thereafter. Any further questions pertaining to insurance coverage shall be directed to the Human Resource Director or designee.

Section 18.02 Life and LTD Insurance

The City provides a term life insurance policy for all eligible employees, as described in Exhibit B and the applicable Summary Plan Description. The plan takes effect the first day of the calendar month coinciding with or immediately following completion of six months of employment. The amount of life insurance coverage provided is described in an applicable collective bargaining agreement or determined by the City Council. For elected officials, Department Heads, Division Managers, and non-union Supervisors, the City will provide life insurance in the face amount described in Exhibit B.

The terms of the long-term disability coverage, including the formula used to calculate the benefit and the waiting period before an employee may receive long-term disability benefits will be established by the City, as described in Exhibit B to this Policy Manual.

Section 18.03 Workers Compensation

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 their supervisor and make arrangements for a medical appointment.

Workers' compensation benefits and procedures to return to work will be applied according to applicable state and federal laws.

Pursuant to Minnesota State law, the officials of the City elected or appointed for a regular term of office or appointed to complete the unexpired portion of a regular term are included in the coverage of the Minnesota Workers' Compensation Act.

ARTICLE 19. HEALTH CARE SAVINGS PLAN

The City Administrator, Department Heads, Division Managers and Non-Union Supervisors are eligible to participate in the Minnesota Health Care Savings Plan ("HCSP"). This plan is pursuant to the Minnesota Statutes, section 352.98 (as amended). Details regarding employees' participation in the Minnesota Health Care Savings Plan are included in Exhibit C. Employees should direct any questions about participation in this plan to the Human Resource Director.

ARTICLE 20. CAFETERIA PLAN

The City of Brainerd offers its employees a cafeteria plan. The plan allows employees to pay for health insurance premiums, and medical and/or dependent care expenses on a

before-tax basis.

The flexible spending program is divided into three (3) separate accounts, which are summarized below:

A. Insurance Premiums Deducted from Paychecks: The amount of premium which is deducted per pay period for health insurance coverage per settled wage/benefits negotiations. Some voluntary insurance deductions may also be eligible.

B. Medical Expenses: Out-of-pocket medical, dental & vision expenses not covered by insurance.

C. Dependent/Childcare Expenses: Dependent care expenses for the care of a child under age 13 and/or a dependent regardless of age who requires care due to an inability to care for himself or herself.

The law limits the maximum contributions that employees can make to their flexible spending account and the specific expenses that can be paid out of such accounts. Employees should contact the Human Resources office for additional details.

Further information on the City's Cafeteria Plan may be obtained from the Human Resource Director.

ARTICLE 21. EDUCATION, TRAINING AND DEVELOPMENT

The City Council has determined that it is in the best interest of the City of Brainerd to support continuing education, training, and development of staff members in order that they may carry out their duties in the most efficient and productive manner possible.

To further this policy the City Council does authorize payment for education, training and/or staff development directly related to an employee's current position in order to increase his/her efficiency and productivity in that position in accordance with the following criteria and procedure.

Section 21.01 Education

The City may reimburse a regular employee for tuition expenses and course fees under certain circumstances. There shall be no reimbursement for mileage/parking expense. Qualifying tests (SAT, ACT, GRE, CLEP, etc.), required books, student activity fees, and material costs will not be reimbursed. Courses for which the employee receives another source of funding, such as a grant or scholarship, will not be eligible for reimbursement.

1. Pre-Approval. Prior to starting a class or classes, and in any event no later than August 1 of each year, the employee must obtain written approval from the employee's Department Head and the City Administrator or BPU Commission (for BPU employees only) that the class, certificate, or degree is

job related and that the request would benefit the City. Specifically, the courses must be from an accredited institution and directly related to the employee's current assignment or has the potential for promotional opportunities for the employee. The Department Head must verify that the Department budget will cover this expense before recommending approval to the City Administrator or BPU Commission. Each approval shall be limited to a single course or academic term. Enrollment in a multiple-year course of study, or approval of reimbursement for any portion of such a course of study does not guarantee that funding will be available in subsequent years or that the City will approve any future course of study, even if related to one that was approved in the past. An employee who is requesting reimbursement for education expenses must have been a regular employee of the City for at least one year before the scheduled course is scheduled to begin.

2. Satisfactory Completion. The employee shall provide the Department Head with proof of satisfactory completion with a grade of "B" or better of any course requested for reimbursement, prior to reimbursement.
3. Employees seeking reimbursement must present a paid fee statement and grade transcript in order to receive reimbursement.
4. Reimbursement for classes taken at private institutions shall not exceed the tuition charged by the Minnesota State University system.
5. Time Off. If class is during the regular workday, an employee must take that time as compensatory time, vacation time, or leave of absence without pay, or the employee can request a flexible scheduling arrangement, subject to approval by the Department Head and City Administrator or BPU Commission (for BPU employees only). Classes or course work taken by the employee must not disrupt or interfere with the normal Departmental operations. Completion of preparatory work and homework are not permitted during scheduled work hours.
6. Continued Employment. The employee must remain with the City of Brainerd following completion of the course for which the City provided reimbursement pursuant to this policy, or else return to the City the expense amount(s) reimbursed pursuant to this policy. If the employee voluntarily terminates employment with the City after receiving education reimbursement pursuant to this policy, the employee must repay the reimbursed tuition immediately according to the following schedule:
 - Up to 1 year after receiving reimbursement – 100% of the tuition reimbursement
 - 1 year but less than 2 years after receiving reimbursement – 66% of tuition reimbursement
 - 2 years but less than 3 years after receiving reimbursement – 33% of

tuition reimbursement

- 3 years or longer after receiving reimbursement – 0% of tuition reimbursement
7. Funding Procedure. Subject to paragraph 4, above, the City will reimburse its employees for tuition expenses up to a maximum of \$1,500 per calendar year with a total lifetime maximum of \$6,000. All reimbursements shall be subject to applicable IRS regulations. The scope, terms and conditions of this reimbursement shall be defined and interpreted by the City Administrator or BPU Commission (for BPU employees only). Reimbursement is further limited based on availability of budgeted funds. Reimbursements are on a first come, first served basis and shall not exceed the department budget. In the event a department receives reimbursement requests that exceed its budget allocation for education reimbursement, the Department Head and City Administrator (or BPU Commission, for BPU employees only) shall have the discretion to apportion the available funds, including the discretion to refuse reimbursement.
8. The Human Resource Director will develop and maintain forms for requesting approval of class eligibility prior to registration and forms requesting reimbursement after successful completion of classes.

Section 21.02 Training and Development

1. The City will pay for job-related, position specific training approved by the Department Head and City Administrator or BPU Commission (for BPU employees only) and deemed necessary to effectively complete the requirements of the position, provided there is adequate funding in the budget appropriation for training, as determined by the Department Head in consultation with the City Administrator or BPU Commission (for BPU employees only).
2. Subject to Paragraph 1 of this ARTICLE, the City will pay for, or reimburse employees for, any and all training required by the City, including training required to attain or maintain job-related certification. Payment of training and/or conference expenses must not exceed \$1,500 per employee per fiscal year, excluding travel and subsistence costs. Exceptions must receive approval by the City Administrator or BPU Commission for BPU employees.
3. Attendance at training or conferences out of state is generally approved only if the training or conference is not available locally. All requests for out-of-state travel and/or national conferences that are applicable to their current position are reviewed for approval/disapproval by the City Administrator or BPU Commission for BPU employees.
4. The Department Heads will maintain records on all employee training done at

City expense.

5. The procedure for payment for training and development is as follows:

- a. A request for payment of fees and course materials must be approved by the City Administrator or BPU Department Head (for BPU employees only), or designee. Such approval will only be granted when it can be demonstrated that the training directly relates to the employee's present position and that it will potentially enable the employee to perform his/her duties in a more efficient and productive manner.
- b. All course materials paid for by the City are the property of the City of Brainerd and shall be brought to the Department Head of the appropriate Department upon completion of the training.

For purposes of this policy, training and development will include seminars, workshops, and training sessions designed to provide specific applications to an employee's present position. Such training must be approved by the Department Head or the City Administrator.

The City Administrator may grant a leave of absence with or without pay to an employee for the purpose of attending schools, meetings, conferences, and other functions which are a benefit to the City of Brainerd, if, in the City Administrator's judgment such leave will not cause disruption of service.

All training and education opportunities described in this policy are subject to the availability of funds and the budgets of individual departments as well as the City's overall budget.

Section 21.03 Commercial Driver's License Training

The City may disburse tuition payments on behalf of an employee who is required to hold a Commercial Driver's License ("CDL") for CDL training from an approved CDL training provider. These disbursements shall be regulated by the below requirements. Training for which the employee receives another source of funding, such as a grant or scholarship, will not be eligible for disbursement.

1. Pre-Approval. Prior to starting a CDL training from an approved CDL training provider, and in any event no later than 30 days before said training shall occur, the employee must obtain written approval from the employee's Department Head and the City Administrator that the CDL training is job related, that the training is with an approved CDL training provider, and that the request would benefit the City. Specifically, the training must satisfy training requirements for entry-level drivers under 49 C.F.R. §§ 380.600 – 380.609, including Behind-the-Wheel training curricula. The training must be related to the employee's current assignment or has the potential for promotional opportunities for the employee. The Department Head must verify that the Department budget will cover this

expense before recommending approval to the City Administrator. Each approval shall be limited to a single CDL training program. Enrollment in a multiple-year program, or approval of disbursement for any portion of such training does not guarantee that funding will be available in subsequent years or that the City will approve any future program, even if related to one that was approved in the past. An employee who is requesting disbursement for CDL training must have been a regular employee of the City for at least 30 days before the scheduled course is scheduled to begin.

2. **Payment.** After approval of the course or program for which a tuition disbursement is sought, the City agrees to directly pay the approved CDL training provider, on behalf of the employee. Payment to the CDL training provider will be based on budgeted funds available for the current fiscal year and the number of employees with identical tuition disbursement agreements. The City will pay the training provider per training program as long as the invoice is submitted within the enrollment date determined by the CDL training provider. The City will only make payments to the CDL training providers towards the tuition for the CDL training for which tuition disbursement is sought. The City shall not be obligated to pay any amount towards non-tuition expenses, such as fees and expenses for books, technology fees, or other non-tuition amounts.
3. **Disbursement Agreement.** The employee must enroll in and complete the pre-approved CDL training and incur tuition expenses during their enrollment in order for funds to be disbursed under this Agreement. The City is not obligated to pay any amount under this Agreement, and any such obligation shall cease, if the employee does not complete the training, receives a failing grade, attends a non-approved CDL training provider, attends CDL training for which approval has not been received, resigns or abandons their employment with the City, or is terminated from their employment.
4. **Work Hours.** Pay for attending training shall follow IRS training requirements or the applicable collective bargaining agreement, whichever is greater. Employees shall have the opportunity to utilize comp time in lieu of overtime for said work hours. The CDL program must not disrupt or interfere with the normal Departmental operations.
5. **Repayment Obligation.**
 - a. The employee shall repay, within twelve months of the disbursement of the amount, any amount disbursed for tuition for any course or program:
 - i. for which the employee does not complete the course work;
 - ii. in which the employee receives an incomplete or failing grade;
 - iii. that is from an unaccredited institution;
 - iv. that has not been approved by the City; or
 - v. that is not required for licensure.

- b. Continued Employment. The employee must remain with the City of Brainerd following completion of the CDL training for which the City provided disbursement pursuant to this policy, or else return to the City the expense amount(s) disbursed pursuant to this policy. If the employee voluntarily terminates employment with the City after receiving disbursement pursuant to this policy, the employee must repay the disbursed tuition immediately according to the following schedule:
 - i. Up to 1 year after receiving disbursement – 100% of the tuition disbursement
 - ii. 1 year but less than 2 years after receiving disbursement – 66% of tuition disbursement
 - iii. 2 years but less than 3 years after receiving disbursement – 33% of tuition disbursement
 - iv. 3 years or longer after receiving disbursement – 0% of tuition disbursement
 - c. If the employee fails to repay any obligation owed hereunder within the time frame for repayment set forth herein, the City shall be permitted to collect any unpaid amounts, in any manner permitted by law. The employee shall be liable for any and all costs, including reasonable attorneys' fees, incurred by the City in instituting any action to recover the amount due.
 - d. The employee understands and agrees to these repayment obligations.
_____ (Initialed by employee)
6. Funding Procedure. Subject to paragraph 5, above, and approval by the City Administrator, the City will disburse tuition for employees for approved training expenses that have been approved by the City Administrator. All disbursements shall be subject to applicable IRS regulations. The scope, terms and conditions of disbursement shall be defined and interpreted by the City Administrator. Disbursement is further limited based on availability of budgeted funds. Disbursements are on a first come, first served basis and shall not exceed the department budget. In the event a department receives disbursement requests that exceed its budget allocation for education disbursement, the Department Head and City Administrator shall have the discretion to apportion the available funds, including the discretion to refuse disbursement.
7. The Human Resource Director will develop and maintain forms for requesting approval of class eligibility prior to registration and forms requesting disbursement.

ARTICLE 22. EMPLOYMENT RELATED REIMBUREMENTS

Section 22.01 Travel & Meal Reimbursement

If employees are required to travel outside of the area in the performance of their job duties, they will receive reimbursement of expenses for meals, lodging and necessary expenses incurred, consistent with this Policy.

Travel Approval

Each Department Head is responsible for ensuring that employee travel is approved only if such travel is for City business and is consistent with City policy. Department Heads are responsible for approving all travel requests within their respective departments and must ensure that departmental budget dollars are sufficient to cover requested travel prior to approving. Requests for travel by Department Heads must have prior approval by the City Administrator. The following approvals are needed prior to employee travel:

- 1) **Same Day with Overnight Travel** – Department Head approval is required.
- 2) **Out of State, More Than 300 Miles From Brainerd** – All out-of-state travel exceeding a 300-mile radius from Brainerd must be approved within the annual budget process which is approved by the City Council and BPU Commission. All employees must receive prior approval from their Department Head. Unless otherwise approved by the City Council or BPU Commission, an employee is only eligible to travel out-of-state more than 300 miles from Brainerd on City business once every other year.
- 3) **Out of State, Less Than 300 Miles From Brainerd** – All out-of-state travel within a 300-mile radius of Brainerd must be approved by the Department Head or City Administrator and does not require City Council or BPU Commission approval.

Such authorization must be received by the employee prior to incurring the actual expenses and shall be subject to the availability of funds and the terms of this Policy.

Reimbursable Expenses

1) Transportation

Several means of transportation exist and each travel request shall consider the least-costly method. For the majority of travel requests, a City vehicle provides the least cost to the City and shall be considered before any other means. Vehicles from other departments may be available and shall be a consideration. Unless otherwise authorized by the Department Head or City Administrator, all City-related transportation must be by City vehicle.

- a) **City Vehicle** – All direct expenses, other than personal expenses, incurred with regard to the use of a City vehicle will be reimbursed, including fuel, oil, and maintenance/repair expenses. Only City employees are authorized and insured to drive a city-owned vehicle. The use of a City vehicle is otherwise subject to the City's policies.
- b) **Personal Vehicle** – When a City vehicle is not available, a personal vehicle may be authorized for use. Mileage for use of personal vehicle

when traveling to or from a training or work location other than the employee's regular work location is reimbursed at the rate established by the Internal Revenue Service, based on a statement from the employee as to number of miles traveled. All mileage must be computed from the employee's regular work location, or from home, if the employee's home is closer to the destination. For purposes of this policy, the term "regular work location" means the work location from which the employee departs for the regular performance of official duties.

- c) **Airplane/Other** – travel by any means other than by City-owned vehicle or personal vehicle must be approved by the City Administrator, regardless of whether the travel is in-state or out-of-state and regardless of the distance of the travel from the City of Brainerd. Reimbursement for travel by bus, airline train, taxi service, car service, rental car, or other mode of consumer transit will be at the actual rate charged (which must be the lowest rate available for the mode transportation in question). No payment will be made without a receipt accompanying the voucher.
- d) **Other related costs** – Reasonable parking fees, car rental, and fares for rail, bus, taxis and shuttles are all subject to reimbursement if related to City business. Taxis and shuttles reimbursement may include a maximum gratuity of 20%. Gratuities in excess of 20% will not be reimbursed by the City. A standard model sedan shall be used when renting a car unless unusual circumstances dictate otherwise.

2) **Lodging**

The City will reimburse the reasonable cost of lodging for training, seminars or conventions of two or more days generally if the event site is outside a 50-mile radius of Brainerd. All lodging expenses will be paid based upon receipt from the motel or hotel. The City will reimburse for lodging at the lowest rate for a single occupancy room. All hotels or motels must be approved by the City Administrator or applicable BPU Department Head (or designee) prior to booking.

An increase in lodging rate due to family members staying is not reimbursable. The employee will be reimbursed only the cost of a single occupancy room. All lodging reimbursements are subject to a maximum amount determined by the City Council and identified in the City's expense reimbursement form.

Lodging reimbursement will not be approved for lodging in the event the traveling employee could arrive at the destination on time by leaving Brainerd by 6:30 AM nor will reimbursement be approved if the employee could return to Brainerd by 9:00 PM. No reimbursement for lodging or time will be approved in the event the traveling employee elects to drive a personal vehicle in lieu of City recommended air travel. Entertainment expenses incurred will not be reimbursed, such as in-room movies, mini-bar and optional entertainment-type events including golf, gambling etc. that may be provided at conferences.

3) **Meals**

The City will reimburse the cost of job-related meals if an employee's travel is

outside of the Brainerd/Baxter area or if a business meeting is held during typical meal hours. The following guidelines are in place for eligibility of reimbursement for a meal:

Breakfast: The employee is in travel status before 6:00 AM
Lunch: The employee is in travel status between the entire time of 11:00 AM and 1:00 PM
Dinner: The employee is in travel status until 8:00 PM

- a) Meetings scheduled and held during typical meal hours do not automatically necessitate that a meal will be provided at City expense. *The departmental issued credit card shall not be used to pay for meals.*
- b) The maximum amounts per meal and per day attached to the expense reimbursement form apply to the meal, non-alcoholic beverage, sales tax and gratuity.
- c) Gratuities paid by the employee over 20% will not be reimbursed.
- d) Payments for meals cannot be combined in any fashion in order to reimburse an employee for a meal costing more than the maximum amount listed per specific meal. For example, an employee cannot decline a breakfast and/or lunch reimbursement to justify reimbursement of a \$60 dinner.
- e) Meals included as part of a conference, convention, or similar program will be paid in full, whether those meals are included in any registration or tuition fees or presented as a separate charge, and regardless of whether the cost exceeds the established maximum. All such expenses must be approved in advance by the applicable Department Head prior to registration. The Department Head will notify the City Administrator upon approval of any such expenses. Employees are expected to take advantage of meals provided by the conference or seminar. The City will not reimburse an employee for a purchased meal when a meal was provided by the event.
- f) If more than one employee is present at a job-related meal, one employee may pay for the entire meal cost of all employees. The reimbursement request shall clearly identify each employee present for the meal and each employee for whom the employee purchased a meal.
- g) When family members are present for a meal and the employee is claiming reimbursement for his/her meal, a separate detailed receipt for the employee's meal shall be requested. The City shall not reimburse the employee for the cost of any family member(s)' meal.

4) Registration or Membership Cost

The City will reimburse the costs for registration, training and membership incurred to attend approved conferences, seminars and training sessions. A check request or credit card receipt shall be submitted to the City's accounts payable department prior to the event for payment of this type of cost, in addition to obtaining the other approvals required by this Policy. The request shall

include the necessary documentation evidencing the amount payable. A departmental credit card may also be used for payment based upon receipt of all necessary travel approvals prior to making payment. Departments shall strive to utilize any early registration discounts, when available.

5) Non-Reimbursable Meal and Travel Costs

- a. Alcoholic beverages – whether consumed by an employee or a non-employee
- b. Gratuities exceeding 20%
- c. Snacks and other food/beverages outside of the daily meal reimbursements
- d. Meals or events for spouses or family members traveling with an employee
- e. Meals when an event provides for a meal
- f. Private automobile expenses, including gas, oil, repairs
- g. Traffic citations or fines
- h. Travel between an employee's home and work facility
- i. Entertainment expenses
- j. In-room movies, mini-bar or other hotel services not required for City business
- k. Optional entertainment events unless included as part of the overall conference registration fee (e.g. optional golf, sporting events, concerts, and other performances)
- l. Personal losses incurred while on City business
- m. Other costs that are not directly related to City business, as determined by the City Administrator

City Representation

Employees shall be aware at all times that they are representing the City while traveling out-of-town for official City business. Employees given the opportunity to be away from their regular work site are expected to perform in a similar manner as if they were still at work, including following all applicable City policies as if they were at their regular work site. An employee's conduct during a work-related trip or while otherwise representing the City will be treated as if it occurred during regular working hours and at the regular work site. At no times shall alcoholic beverages be consumed by any person(s) driving or riding in a City vehicle.

Section 22.02 Prescription and Non-Prescription Safety Glasses

The City will pay the cost of prescription safety glasses for employees required by OSHA regulations to wear same in performing their work functions, up to a maximum of the base cost as stated in the City's agreement with a local vision provider(s). The employee is responsible for all other costs associated with obtaining the prescription, including eye examination.

The City will provide non-prescription safety glasses for employees required by OSHA

regulations to wear same in performing their work functions.

Section 22.03 Safety Boot Policy

The City will pay annually up to 50% of the cost for safety boots for employees required by OSHA regulations to wear same in performing their work functions.

Section 22.04 Damage to Personal Items

An employee's personal items, such as watches and prescription eyewear, which are damaged or destroyed during the course of his/her work shall be reimbursed by the City for the value of the item damaged or the cost of the repair, if possible, up to \$450 per employee in a three (3) year timeframe. In order to receive such reimbursement, the employee must submit a detailed statement describing the item, how it was damaged, whether the employee believes it to be reparable, how the employee determined the value of the item, and any estimated costs of repair.

Section 22.05 Cold Weather Outerwear

Some employees may be required to work outdoors in cold weather for extended periods of time. The City will furnish each such employee one set of insulated cold weather outerwear at a frequency of no greater than once every 36 months, unless damaged beyond repair, as determined at the discretion of the Department Head. The cold weather outerwear will consist of three pieces – a coat, a vest, and a bib overall, and will be insulated brown duck canvas or ANSI, with a City of Brainerd insignia (or BPU insignia, as appropriate) on the coat. The employee will be responsible to keep his or her cold weather outerwear clean and in good repair at all times. The cold weather outerwear shall be kept at work at all times, except for the purpose of cleaning and/or repair to the outerwear.

Section 22.06 Personal Cell Phone Stipend

Employees whose work requires the use of a cell phone and who have been designated to receive a cell phone stipend by the City Council, or designee in their sole discretion will receive a monthly stipend in the amount determined by the City Administrator. At this time, no additional employees will be granted permission for this benefit. Employees receiving a stipend are responsible for:

- A. Providing proof of purchase/lease of cell service, and other documents prescribed by the City to activate and maintain stipend payments, at intervals to be determined by the City Administrator;
- B. Purchase, replacement, repair, or service or operational questions of the phone will be the responsibility of the employee and at the employee's sole expense;

- C. Using a secure password, PIN, or gesture to prevent unauthorized access;
- D. Procuring and maintaining cellular service from a reliable carrier who provides service in the City service area;
- E. Limiting personal use of the cell phone during work hours so as not to interfere with City business or the performance of the employee's job;
- F. Agreeing that their cell phone may be physically or remotely accessed, tracked, modified, or wiped based on City security needs.

The cell phone stipend is intended to cover approximate costs of the employee's cell phone expenses related to work duties. Initial purchase of the cell phone, accessory equipment, and activation fees will be the responsibility of the employee, as will maintenance, insurance, and repair costs (if any). The employee will pay any and all costs exceeding the amount of the cell phone stipend. No stipend will be paid when an employee is in an unpaid leave status for more than 30 days or duties change in such a manner which no longer justifies the payment.

In addition, the City is subject to the Minnesota Government Data Practices Act ("MGDPA") and other laws governing the collection, storage, use, and disclosure of data. All files and documents, including personal e-mails, text messages, and social media messages created, received, collected, maintained, or generated on an employee's personal cellular device by virtue of his or her position with the City are subject to those laws.

Section 22.07 Approval of Expenses

Employees shall submit an expense reimbursement claim no later than **60 days** from the date the expense was paid or incurred. Requests for reimbursement must be accompanied by a signed Employee Expense Reimbursement Form, as updated from time-to-time by the City. As discussed in this Policy, detailed, itemized receipts and other information shall be submitted with the claim for reimbursement, depending on the type of expense.

The City shall annually and periodically provide an updated Employee Expense Reimbursement Form. This form shall be used for all reimbursement requests related to approved travel or work-related expenses paid by an employee.

- 1) **Detailed Receipts** – each item submitted for City reimbursement must be supported by an itemized receipt indicating a reasonable explanation for the expense. All receipts shall be attached to each reimbursement request.
 - a. Meals will be reimbursed based on a detailed itemized receipt. When a credit card is used to purchase the meal, both an itemized receipt and a credit card charge slip indicating the tip amount shall be submitted.

- b. Receipts for parking and taxis may not be available and may be submitted for reimbursement without a receipt.
 - c. Mileage reimbursement for the use of a personal vehicle shall detail not only the mileage but also the location traveled and the business reason for travel.
 - d. Proper departmental expense codes shall be used for each line item.
 - e. Unsupported expenses will not be reimbursed. If an employee is unable to get a detailed receipt or the receipt is lost, a signed statement by the employee detailing the purchased item, the business reason for the expense and certifying that the claim is accurate must be submitted and approved by the Department Head. A copy of the employee's credit card statement may also be provided to help support the dollar amount being reimbursed.
- 2) Employees shall submit an employee expense reimbursement form with all necessary supporting documentation to the appropriate Department Head or designee for review.
 - 3) The expense form will be routed through the Accounts Payable process for payment and approval. Any issues will be communicated back to the employee for correction/clarification.
 - 4) The Finance department will make necessary corrections to reimbursement requests for mathematical errors, gratuities in excess of 20%, to remove any alcoholic beverages and other changes that may be necessary to comply with this policy.
 - 5) Reimbursement will be made with the next City Council check register, or payroll if the meal reimbursement is taxable.

Signing an expense voucher or request for reimbursement certifies the truth and correctness of the expense incurred. Knowingly submitting a false or inaccurate expense voucher, receipt, request for reimbursement, or other record may result in discipline, up to and including termination.

ARTICLE 23. DRUG-FREE WORKPLACE/ALCOHOL ABUSE POLICIES

Section 23.01 Drug-Free Workplace/Alcohol Abuse

It is the policy of the City to provide a drug-free environment. The City's goal is to establish and maintain a healthy and efficient workforce free from the effects of drug and alcohol abuse in compliance with the requirements of the federal Drug-Free Workplace Act of 1988 (as amended) and other applicable law. This requires employees abstain from using alcoholic beverages, cannabis, mood-altering drugs, and drugs that adversely impact performance, prior to the start of their workday, during the work period, during lunch and other work breaks. Any violation of this policy shall result in disciplinary action, up to and including discharge.

- A. The use of alcohol, cannabis, or the illegal use of drugs by an employee on duty can result in a dangerous work environment by negatively affecting job performance and the ability to function safely at work.
- B. The unlawful manufacture, distribution, transfer, possession, or use of drugs while on duty is strictly prohibited. Any such use may justify immediate discharge regardless of job performance. This provision does not apply to possession of drugs by sworn Police Department employees necessitated by their official job duties.
- C. Intoxication, possession, and unauthorized use of alcohol or cannabis while on duty is also prohibited and may justify immediate dismissal regardless of job performance. This provision does not apply to possession of alcohol or cannabis by sworn Police Department employees necessitated by their official job duties.
- D. Tolerance may be shown to an employee expressing a desire and willingness to receive treatment for their drug or alcohol use.
- E. Human Resources will provide any employee, upon request, information regarding alcohol abuse and drug dependency as well as information on available treatment programs.
- F. Confidentiality will be maintained, to the extent permitted by the Minnesota Government Data Practices Act and other applicable laws.
- G. It is the responsibility of the employee to correct his or her unsatisfactory behavior or job performance resulting from drug, cannabis or alcohol use.
- H. The Human Resource Director must be notified by the employee no later than five (5) calendar days following any criminal drug statute or alcohol related conviction for a violation occurring in the workplace or any arrest or conviction of any criminal drug or alcohol offense.
- I. Violations of this policy may constitute cause for discipline, up to and including discharge. Each situation will be evaluated on a case-by-case basis depending on the severity and circumstances involved.

The City recognizes drug and alcohol abuse as potential health, safety and security problems. Employees needing help in dealing with drug and alcohol problems are encouraged to make use of the medical resources available through their health insurance plans.

Section 23.02 Drug & Alcohol Testing

The City has adopted Drug, Alcohol, and Cannabis Testing Policies, separate from the Employee Policy Manual, covering employees required to hold a commercial driver's license (CDL) or a non-commercial driver's license (non-CDL) to perform their job duties and other employees. All employees are required to sign a document that states that they have received a copy of the policy. Each employee must review the document and abide by its provisions. Copies can be obtained from the City Administrator's office and the Human Resource Director's office.

Section 23.03 Drug-Free Awareness Program

To assist employees in understanding the perils of drug and alcohol abuse, the City has established a Drug-Free Awareness Program. This drug and alcohol policy constitutes the City's drug-free awareness program and fulfills the notification requirements of the federal Drug-Free Workplace Act of 1988 (as amended). The City will use this program as an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. The program will inform employees of the dangers of drug and alcohol abuse, explain the City's Drug and Alcohol Policy and the sanctions imposed for its violation, and highlight any treatment, counseling, and rehabilitation referral services that may be available to employees in the City. Nothing set forth in this policy is intended to conflict with state law.

An employee convicted of a criminal drug offense committed in the course of employment will be subject to appropriate disciplinary action and/or required to complete successfully an appropriate rehabilitation program at the employee's own expense unless provided to the employee through insurance coverage. The City, in its sole discretion, shall determine what disciplinary action is appropriate.

Section 23.04 Tobacco Use

A. PURPOSE

The City has established this policy regulating tobacco use in City-owned buildings and vehicles:

1. To comply with the Minnesota Clean Air act.
2. To respond to the increasing evidence that tobacco use creates a danger to the health of persons who use tobacco as well as persons who are present in a smoke-filled environment.
3. To promote a safe and healthy environment for staff and citizens and to set an example to the community in limiting tobacco use.

B. STATEMENT OF POLICY

1. All City-owned buildings and vehicles shall be tobacco-free which includes smoking, as defined by Minnesota Statutes, section 144.413, as amended, the use of tobacco products and electronic cigarettes, as defined in Minnesota Statutes, section 609.685, as amended. Park shelters are exempt from this policy to the extent provided by applicable law.
2. Tobacco use is prohibited within all City-owned buildings, this includes employee workstations, employee break areas, reception areas, storage areas, hallways, meeting rooms and all other areas inside buildings not specifically mentioned herein.
3. Within City-owned vehicles, smoking and other tobacco use is prohibited by any and all occupants.
4. All individuals on City premises share in the responsibility for adhering to and enforcing this policy. The responsibility for compliance is shared by employees, Supervisors, and the general public.
5. Employees hosting visitors are expected to inform them of the City's tobacco free policy.
6. Information on approved smoking cessation programs is available to City staff by the Human Resource Director.
7. Complaints of violation of the policy should be directed to the Department Head responsible for the particular work area or facility involved in the complaint. The Department Head shall be responsible for notifying the violator of the pertinent portions of this policy. Failure to comply with the policy may result in discipline, up to and including immediate termination, if the violation is committed by an employee, or may result in the individual being asked to leave the City's premises, if the violation is committed by a member of the public.

ARTICLE 24. EMPLOYEE SAFETY MANUAL

The City has adopted an Employee Safety Manual, separate from the Employee Policy Manual. All employees are required to sign a document that states that they have received a copy of the manual. Each employee must review the manual and abide by its provisions. Copies can be obtained from the City Administrator's office or the Human Resource Director's office.

ARTICLE 25. POLITICAL ACTIVITY

City employees have the right to express their views and to pursue legitimate involvement in the political system outside of work time. Any employee who becomes a candidate for federal, state or municipal elective office, or assumes a federal, state, or municipal elective office, is expected to properly fulfill their normal duties during such candidacy and while holding such office and may be disciplined for failure to do so. An employee holding such office will be permitted time off from regular employment to attend meetings required by reason of the public office. Such time off may be without pay, by using appropriate paid leave, or made up with other hours, as agreed between the employee and the department director.

Any employee whose principal employment in the city is in connection with an activity which is funded in whole or in part by the United States or a federal agency is also subject to the restrictions and penalties of the Federal Hatch Act (5 U.S.C. § 1501-1508). Political activity should not impair objectivity or the perception of objectivity in carrying out city work.

City employees cannot use their official authority or influence through their employment with the city to compel a person to apply for membership in or become a member of a political organization, or to compel a person to pay or promise to pay a political contribution, or to compel a person to take part in political activity. While at work, city employees must be politically neutral in the performance of their job duties and cannot engage in political activity while at work, on city property, or by using city resources (such as city branded clothing or uniforms, photos, ID badges, nametags, or using the city's email system or technology). Furthermore, employees should not use their city job title in conjunction with any political work or endorsements.

ARTICLE 26. HARASSMENT

It is the policy of the City that harassment and inappropriate conduct of employees is prohibited. The City seeks to promote a professional work environment where employees can perform their jobs free from abuse by others. This policy applies to all of the City's employees while performing their duties as employees within or outside the workplace. For purposes of this policy, employees include all individuals who are hired, elected, appointed, or contracted to provide services to the City.

Harassment is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, or degrading environment, or interferes with or adversely affects a person's work performance based on race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), creed, color, religion, age, sex, marital status, national origin, sexual orientation (including gender identity and expression), disability, status with regard to public assistance, or any other characteristic protected by state or federal law.

Harassment does not include the conduct or actions of Supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote productive performance.

A. STATEMENT OF POLICY

It is the policy of the City that harassment will not be tolerated. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. The desired standard of employee behavior is one of cooperation and respect for each other, despite any differences. Employees have a right to a workplace free of verbal and/or physical harassment.

B. SEXUAL HARASSMENT

1. Definition

For purpose of this policy, sexual harassment is defined as physical or verbal conduct relating to an individual's gender or directed at an individual because of gender, unwelcome sexual advances, request for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual or gender-related nature when:

- a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or continuing employment or a basis for employment decisions affect that individual; or
- b. submission to or rejection of that conduct or communication by an individual is used as a factor in any employment decisions affecting the individual or decision related to the individual's access to public services or public accommodations affecting said individual; or
- c. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public service, or public accommodation, or of creating an intimidating, hostile or offensive employment environment.

A single act or communication may constitute sexual harassment.

2. Examples of Conduct that can Constitute Unlawful Sexual Harassment

Examples of sexual harassment include, but are not limited to, the following:

- a. Unwelcome subtle or overt pressure for sexual activity.
- b. Repeated, unwelcome suggestions regarding, or invitations to, social engagements or work-related social events.
- c. Verbal abuse or innuendo of a sexual nature.
- d. Unwelcome physical contact such as touching, hugging, patting,

- pinching, pawing, poking, or slapping.
- e. Any unwelcome sexual or sexually motivated touching.
- f. Comments of a sexual nature about an individual's body or sexual terms used to describe an individual.
- g. Display or distribution of sexually suggestive or sexually explicit objects or pictures, including cartoons, articles, pictures, and other graphics which have a sexual conduct and which are not necessary for work.
- h. Jokes or remarks of a sexual nature to, or in the presence of, people who may find them offensive.
- i. Prolonged staring or leering at a person.
- j. Use of suggestive facial expressions, gestures of a sexual nature, or sexually suggestive or insulting sounds.
- k. Any demand for sexual favors accompanied by an implied or overt threat concerning an individual's employment status or promises of preferential treatment or other indication, express or implied, that an employee's job security, assignment, opportunities for advancement, or other terms or conditions of employment may depend on the granting of sexual favors to any other employee, supervisor, elected official, or manager.
- l. Any action relating to an employee's job status, which is taken as a direct result of the granting or refusal of social or sexual favors.
- m. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.
- n. Indecent exposure.
- o. Other physical or verbal conduct directed at another because of sex or gender.

Normal, courteous, mutually respectful, pleasant, non-coercive interactions between people that are acceptable to both parties are not considered to be sexual harassment.

C. OTHER PROTECTED CLASS HARASSMENT

Other protected class harassment is offensive conduct or communication based on an individual's race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), color, creed, religion, national origin, sexual orientation (including gender identity or expression), disability, age, marital status, familial status, status with regard to public assistance, or any other characteristic protected by state or federal law when:

1. Submission to such unwelcome conduct or communication is made either explicitly or implicitly as a term or condition of obtaining or retaining employment or access to public services or accommodations;
2. Submission or rejection of such unwelcome conduct or communication by an individual is used as a factor for any employment decision or decision related to the individual's access to public services or public accommodations affecting said individual; or

3. Such unwelcome conduct or communication has the purpose or effect of substantially interfering with any person's employment, public services or public accommodation, or creating an intimidating, hostile, or offensive work environment.

D. Department Head/Supervisory Responsibilities

Department Heads and Supervisors are responsible for maintaining a work environment free of sexual harassment and other protected class harassment. It is their responsibility to ensure that all employees comply with the City's Policy. Department Heads and Supervisors must respond promptly and appropriately to both allegations and confirmed reports of harassment.

In the absence of a complaint, Supervisors and Department Heads observing conduct that may constitute prohibited harassment in the workplace are responsible for calling such behavior and this policy to the attention of the participants at the time of the observance. A written summary of the discussion shall immediately be forwarded to the City Administrator.

Supervisors and Department Heads receiving complaints or reports of alleged inappropriate conduct shall immediately forward a report to the City Administrator prior to taking any action on the complaint. The City Administrator or designee will make the determination as to whether, and to what extent, an investigation is warranted, who will investigate, and what methods will be used in the investigation.

Failure of a supervisory employee to immediately forward reports of observances or complaints to the City Administrator shall be grounds for disciplinary action, up to and including termination of employment.

E. Employee Responsibilities

All City employees are expected to treat all other employees and the public with respect and to comply with this policy. Any employee found to have violated this policy will be subject to appropriate disciplinary action, up to and including discharge from employment.

F. Complaint Procedure

Any employee who believes he or she is being subjected to sexual harassment or other protected class harassment in any form, or any employee with knowledge or belief of conduct on the part of another employee or other individual which may constitute a violation of this policy, is required to report the alleged conduct immediately to a Supervisor, the Department Head, or the City Administrator. While the City encourages written reports of the alleged conduct, verbal reports will be accepted. The individual receiving the report should be prepared to supply the following information:

1. Date, time and location of incident
2. Identification of the offender(s)
3. A detailed description of the incident
4. Any materials in the complaining employee's possession related to the incident (e.g. cartoons, articles, pictures)
5. Identification of any potential witnesses to the incident

Additionally, at the time of the incident, if you are the employee being subjected to the inappropriate behavior and feel comfortable in doing so, you may, but are not required to, courteously, but firmly, tell the individual(s) engaging in the inappropriate behavior to stop the behavior because the behavior makes you feel intimidated, offended or uncomfortable. Include a summary of this discussion in your report to the Supervisor or City Administrator.

Any Department Head or other supervisory employee who receives a formal or informal, oral or written report of harassment shall inform the City Administrator immediately without screening or investigating the report, unless the City Administrator is involved or has a conflict of interest, in which case the report shall be made to the Mayor pursuant to the reporting procedures. Failure of any supervisory employee of the City to forward such a report to the appropriate party shall be grounds for discipline.

By the authority of the City Council, the City Administrator, upon receipt of a report or complaint of sexual harassment or other protected class harassment, shall undertake or authorize an investigation. The investigation may be conducted by City Officials or by a third party designated by the City.

The City may take immediate steps, at its discretion, to protect the complainant and other employees or members of the public pending completion of the investigation.

The investigation methodology will be determined by the investigator depending on the specifics of each complaint. Investigations typically include, at a minimum, interviews with the reporting employee, the complaining employee (if different from the reporting employee) and alleged offender(s). The investigation methodology may additionally include additional interviews, document review and other methods deemed pertinent by the investigator.

G. Confidentiality

Records maintained pursuant to this policy are subject to the Minnesota Government Data Practices Act, the Minnesota Records Retention Act, and other applicable laws. Subject to those laws, every effort shall be made to respect the privacy of the parties to a complaint, without compromising the thoroughness of the investigation.

H. No Reprisal for Filing Complaint of Harassment

The City will not tolerate acts of retaliation against employees who have made a good faith report of suspected violations of this policy or any person who assists in the investigation of such a complaint regardless of the outcome of such investigation. The City will discipline or take other appropriate action against any employee who engages in acts of retaliation toward these individuals. For purposes of this policy, retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

I. Disciplinary Procedure

1. An employee who violates this policy will be subject to disciplinary action up to and including discharge.
2. Any employee who prevents or attempts to prevent an individual from reporting a suspected violation of this policy or who interferes in any way with the investigation of such a report will be subject to disciplinary action, up to and including discharge.
3. Any employee who retaliates or discriminates against an individual who reports a suspected violation of this policy or assists in the investigation of such a report will be subject to disciplinary action, up to and including discharge.
4. Supervisor, managers, or Department Heads who become aware of violations of this policy in their department, even in the absence of a formal complaint, shall take appropriate disciplinary action, in consultation with the City Administrator.
5. Any non-employee found to have violated this policy may be removed from the City property or other appropriate action may be taken.

The Data Practices Act may allow individuals who are not directly involved with the complaint to access records related to the complaint in certain circumstances.

ARTICLE 27. GRIEVANCES

It is the policy of the City insofar as possible to prevent the occurrence of grievances and to deal promptly with those which occur. For purposes of this policy, a grievance is defined as a dispute or disagreement as to the interpretation or application of the City's personnel policies.

Employees shall have the right to present grievances either individually or as a group. Grievances shall be presented to the City Administrator in writing, within five (5) calendar days of the occurrence of the alleged grievance.

The City Administrator shall respond to an employee's grievance within fourteen (14) calendar days after receiving the alleged grievance. The decision of the City Administrator is final, except that when the City Administrator is directly involved in the grievance, appeal may be made to the Personnel and Finance Committee for final decision within fourteen (14) calendar days of the City Administrator's decision. In such an appeal, the Personnel and Finance Committee's decision is final. In the event that the City Administrator does not respond to the grievance within fourteen (14) calendar days of receipt, the grievance shall be considered denied for purposes of the appeal time period discussed above.

In compliance with federal or state law, an employee may also grieve any alleged unsafe act or practice, adverse working conditions, violation of civil rights, and alleged hazardous materials management.

Concerns that employees have should not go directly to individual members of the City Council. The City Council acts as a body and not as individuals. Likewise, individual Council members giving direction to staff without the knowledge of the City Administrator is inappropriate. Again, the City Council gives its direction, as a policy making body, to the staff through the Administrator.

ARTICLE 28. DISCIPLINE AND DISCHARGE

Section 28.01 At-Will Employment

City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities, including failure to observe proper workplace conduct adopted by the City Council. It is the policy of the City to administer disciplinary penalties without discrimination. Except for probationary employees and as expressly described in this Policy, employees may use the grievance procedure as per the personnel policy with respect to any disciplinary action. To the extent feasible, the supervisor or department head shall gather relevant information before reporting the incident to the Human Resource Director. At the direction of the Human Resource Director, the supervisor or department head may gather additional relevant information and investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

Nothing in this Policy shall be interpreted as altering the City employees' status as "at-will" employees or creating any type of "just cause" standard for discipline or termination. When determining whether to impose discipline, including termination, the City may consider all relevant factors, including, but not limited to, the seriousness and frequency of misconduct, and the employee's discipline history.

Grounds for discipline and discharge will include, but is not limited to the following:

- A. Incompetence, ineffectiveness, or inefficiency in the performance of duties;
- B. Criminal conduct which would constitute a felony, gross misdemeanor, or misdemeanor except as limited by Minnesota Statutes, Chapter 364 (as amended);
- C. Violation of any City policy, procedures, work rule, regulation or City ordinance, including the provisions of this manual and any safety and/or health policies and procedures;
- D. Being under the influence of alcohol, cannabis, drugs, or controlled substances while performing duties for the City, while on City premises, or while acting as a representative of the City off premises;
- E. Discourteous, hostile, insulting, abusive, or inflammatory conduct toward the public, a fellow employee or fellow employees, a supervisor or supervisors, a member of the City Council or members of the City Council, or a member of any City commission, or members of any City commission;
- F. Theft, misuse, carelessness and/or negligence in the handling or control of City property or property entrusted to the employee by the City, including allowing unauthorized persons to ride in City vehicles, or the unauthorized appropriation of City property for the employee's own use;
- 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 City policy, procedure, regulation, ordinance, or workplace directive or order;
- H. Dishonesty in the performance of duties;
- I. Sleeping during work hours;
- J. Willful misconduct or insubordination;
- K. Acceptance of a gift under circumstances from which it could be inferred that the giver expected or hoped for preferred or favorable treatment in conduct of City business and/or acceptance of a gift in violation of applicable law or City policy;
- L. Unapproved use of paid work time and/or equipment in outside employment or for personal benefit;
- M. Falsely stating or falsely making claims of injury or illness;
- N. Gambling while on duty, on City property, or using City equipment or resources;
- O. Inability to perform the essential functions of the employee's job, whether due to

physical or mental impairment, or otherwise;

- P. Any possession, sale, distribution, possession, or unauthorized use of alcohol, cannabis, or controlled substances, during working hours and/or while representing the City;
- Q. Unexcused absence from work;
- R. Tardiness in reporting to work;
- S. Improper reproductions or misuse of copyrighted materials;
- T. Theft of City property or personal belongings of others;
- U. Abuse of official position with the City to achieve personal, political, or financial gain;
- V. False or inaccurate claims for reimbursement of expenses;
- W. Disorderly, abusive, or indecent conduct that causes disruption of the work environment, including fighting;
- X. Unauthorized possession of weapons on City property;
- Y. Allowing unauthorized visitors into unauthorized City offices and locations;
- Z. Unauthorized disclosure of private, confidential, or nonpublic data;
- AA. Failure or refusal to comply with City or department regulations, policies, or procedures; and
- BB. Any other conduct which, in the discretion of the City, constitutes a breach of the standards of behavior which it should reasonably expect of its employees.

Employment at the City may be terminated at the will of either the employee or the City, at any time, and for any legal reason or no reason.

Section 28.02 Procedures

- A. Discipline may be in one or more of the following forms, although **the City of Brainerd reserves the right to take any disciplinary action at any time:**
 - 1. oral reprimand;
 - 2. written reprimand;

3. suspension;
 4. demotion; or
 5. discharge.
- B. Suspension, demotion and discharge will be in written form and will state the reasons for such action.
- C. Reprimands, notice of suspension, and notice of discharge are to become part of an employee's personnel file. The employee will receive a copy of any reprimands and/or notices.
- D. Employees receiving a written reprimand, suspension, demotion, or discharge shall be given a copy of the discipline document and sign the original, acknowledging that he or she has received the written reprimand, suspension, demotion, or discharge. The signature of the employee does not necessarily indicate that he or she agrees with the disciplinary action. If the employee refuses to sign the original written reprimand, suspension, demotion, or discharge, such refusal will be noted on the discipline document. All written discipline will be placed in the employee's personnel file.
- E. Consistent with applicable law, employees may examine their own individual personnel files at reasonable times under the direct supervision of the City Administrator or designee.

Section 28.03 Supervisory Authority

- A. Oral and Written Reprimands. Department Heads have the authority to impose oral and written reprimands without prior approval of the City Administrator. The Department Head must maintain a record of each verbal reprimand. A verbal reprimand may not be appealed or submitted through the grievance process.
- B. Suspension. The City Administrator may suspend an employee.
- C. Demotion and Discharge. An employee may be demoted or discharged by recommendation of the City Administrator and final determination by the City Council.

Section 28.04 Right of Appeal

An employee may appeal an oral or written reprimand verbally or in writing to the City Administrator within five (5) work days after disciplinary action has been imposed. The City Administrator will make the final determination and will inform the employee in writing regarding the decision made.

An employee may appeal a suspension without pay, or recommendation for demotion or discharge to the City Council by requesting, in writing, that a hearing be conducted for that purpose. Such request must be made by the employee to the City Administrator within five (5) days after disciplinary action has been imposed. At its sole discretion, the City Council may hold the hearing at its next regularly scheduled meeting or any date within thirty (30) days of such meeting. The City Council has the sole discretion to conduct the hearing or to appoint a subcommittee to conduct the hearing. If the City Council appoints a subcommittee, the subcommittee shall make its recommendation to the City Council at the next regularly scheduled meeting of the City Council following the hearing. The decision of the City Council will be final.

If the appeal is upheld by the City Council, the employee shall receive all payments, benefits and service accrual which the employee would have earned during the period of suspension without pay, demotion or discharge and be reinstated to the position.

For purposes of the Minnesota Government Data Practices Act, the initial disciplinary decision constitutes the final disposition of a disciplinary matter, unless the employee files a timely appeal with the City Council. In such cases, the City Council's decision constitutes the final disposition.

The procedures described in this Section are employees' exclusive remedy for challenging a disciplinary action using these Personnel Policies. The grievance procedure described in Article 27 is not applicable to disciplinary decisions.

ARTICLE 29. ACCIDENT PROCEDURES

As a City employee, it is important that you are aware of certain procedures to be followed if you are injured on the job or involved in an accident while operating City equipment. These procedures have been established to protect your interests as an employee, as well as protect the City.

Employees shall comply with all federal and state laws and rules concerning vehicles and their safe operation. Safety devices, such as seat belts, lights, horns, etc., shall be utilized.

Compliance with speed limits, safe driving procedures, and proper licensing requirements will be enforced by the City.

Employees are responsible for performing routine checks (i.e., tire pressure, oil, turn signals, lights) before operating a City-owned vehicle.

If you are involved in an accident while operating any City-owned vehicle or piece of equipment, or while engaged in City business with any hired or privately-owned vehicle:

- A. Notify the police and/or emergency medical services, as appropriate, by dialing 911, and your supervisor IMMEDIATELY.
- B. Request that all parties and property concerned remain at the scene of the accident, if possible, until a law enforcement representative has released them.
- C. Obtain identifying data from the driver of the other vehicle (i.e. name, address and insurance company).
- D. Secure names and addresses of injured persons and any witnesses to the accident.
- E. Employee responsibility is to refrain from making statements regarding the accident with anyone other than the investigating law enforcement representative, appropriate City officials, and representatives of his or her own insurance company, if the employee's privately-owned vehicle is involved. Statements made to investigating authorities should be confined to factual observations. A copy of all police reports and any statements attached thereto will be forwarded to City Administration or designee within one day of receipt by the employee(s) involved in the accident.
- F. Employees shall refrain from admitting fault or liability and must gather all applicable loss data, witnesses, injured parties, passenger names, vehicle and driver's license numbers.

Employees who sustain personal injury or illness in any work-related accident are REQUIRED to report the injury to their supervisor immediately (no matter how minor). Once your supervisor has been notified of an accident, he/she will inform you of the steps to be taken to properly report and record the occurrence. Your supervisor may also direct you to proper medical attention where necessary. If it is necessary for you to complete an "Employee Incident" form, it should immediately be completed and returned to your supervisor. If it is necessary for you to miss work because of a work-related accident, it is your responsibility to keep your supervisor Informed of the date you are able to return to work. In most instances, your treating physician will provide you with that information during your initial visit.

Please remember that following these simple procedures not only ensures accurate record keeping of accidents and personal injuries as required by law, but also protects your interests as an employee. For your own protection, be sure to report any accidents and injuries you may have, no matter how small.

Employees using a City-owned vehicle may be held liable for accidents in which he or

she is involved. Employees will be personally responsible for paying any citation or other criminal sanction received while operating a City-owned vehicle.

ARTICLE 30. STATEMENT OF POLICIES AND PROCEDURES FOR PAYMENT AND/OR REIMBURSEMENT OF COSTS AND ATTORNEY'S FEES FOR MUNICIPAL OFFICERS AND EMPLOYEES

The City may reimburse its employees or officers for costs and reasonable attorney's fees incurred by an employee or officer, to the extent permitted by Minnesota Statutes, section 465.76.

ARTICLE 31. TECHNOLOGY USE

General Information

This policy serves to protect the security and integrity of the City of Brainerd's electronic communication and information systems by educating employees about appropriate and safe use of available technology resources. All employees are responsible for reading and following information that may be distributed from time-to-time about appropriate precautions to protect City systems.

City-owned computers, cellular telephones, mass storage devices, and related equipment used by City employees are property of the City. Except when accessed by the police department for law enforcement purposes, the City specifically reserves the right to audit, monitor, and inspect, without notice, without the user's consent, and for any reason or no reason, employees' use of its computers and related equipment and all data, emails, files, settings, or any other aspect of a City-owned computer or related system, including personal information created or maintained by an employee. An audit may result in the removal of hardware and/or software not compliant with this policy, revocation of permission to use the City's computers and/or related equipment, employee discipline, up to and including immediate termination, and/or criminal charges, depending on the nature of the violation.

All City owned equipment, including, but not limited to, computers, laptops, telephones, mobile devices, field electronics, mass storage devices, e-mails, voice mail, text messages on City paid cellular telephones, or any other type of equipment provided are City property. Except when accessed by the police department for law enforcement purposes, any such property or equipment may be accessed by the City at any time, for any purpose, with or without notice to the employee, and with or without reasonable suspicion. City employees and other users shall have no expectation of privacy in any property or equipment of the City.

In addition, the City is subject to the Minnesota Government Data Practices Act ("MGDPA") and other laws governing the collection, storage, use, and disclosure of data. All files and documents, including personal messages and internet logs, created,

received, collected, maintained, or generated by City employees or using the City's computer and/or related equipment are subject to those laws. In accordance with applicable law, such files and documents may be disclosed in certain circumstances without the permission of the employee or user.

Users should notify IT staff upon learning of violations of this policy. Violation of this policy may result in the removal of hardware and/or software not compliant with this policy, revocation of permission to use the City's computers and/or related equipment, employee discipline, up to and including immediate termination, and/or criminal charges, depending on the nature of the violation. All violations will be addressed consistent with the City's Personnel Policies or applicable union contract.

Data Privacy and Retention

All data stored on computers, related equipment, and media owned, leased or rented by the City is considered to be owned by the City and is subject to the MGDPA, which governs its use and dissemination. All city owned equipment and Information Technology Systems, including e-mail, are City property and subject to inspection by the City at any time, without notice, and for any reason or no reason at all. The City Administrator or Human Resource Director should be contacted with questions regarding the classification of public and private data.

Data Ownership: All information developed or introduced to a City computer or related equipment by a user in conjunction with employment with the City is the property of the City.

Data Storage: All City data must be saved to a network drive on a City server or City provided resource.

Data Deletion: Users are responsible for deleting outdated files that are no longer needed for compliance with the City Records Retention Schedule; this includes data files and email messages that do not need to be retained in accordance with the City's Records Retention Schedule. The City Administrator should be contacted with questions regarding the City Records Retention Schedule.

Data Back-up: The IT department backs up most data stored on network servers or cloud storage. Workstation hard drives or any other devices are not backed up and are subject to failure and may result in permanent data loss.

Personal Use

The City offers employees the privilege of limited personal use of City-owned computers

and related equipment. Personal use is allowed under the following guidelines and only during break times or before/after normal paid working hours:

- Only City employees may use City-owned equipment. Family members or friends of City employees are not allowed to use City equipment or technology resources.
- Employees shall not connect personal peripheral tools or equipment (such as cell phones, USB drives, flash drives/cards, disks, digital cameras, or printers) to City-owned systems, without prior approval from IT staff. If permission to connect these tools/peripherals is granted, the employee must follow provided directions for protecting the City's computer network.
- Personal files should not be stored on City computer equipment. This also applies to personal media files, including but not limited to personal documents, images, audio and video files. IT staff may delete these types of files if found on City-owned equipment. Exceptions would be recordings for which the City has created, owns, purchased, or has a license.
- City equipment or technology, including City-issued email accounts, shall not be used for: illegal activities, personal business interests, for-profit ventures, political activities, outside employment, public office or employment which is incompatible with City employment, wagering, betting, or selling chances, annoying or harassing other individuals, fund-raising except for City-approved activities, religious activities, pornographic, obscene, or indecent images or content, forwarding junk email, advertisements, or chain emails, or other uses deemed by City management to be inconsistent with City activities. If any employee has a question as to whether a use is appropriate, that employee must contact the City Administrator or applicable Department Head for permission before engaging in the conduct in question.
- The City reserves the right to monitor end user activity. Software and/or hardware may be used to monitor, filter, block, or limit internet activity. The City may inspect any data or information stored on its equipment or network, even if the information is personal to the employee.

Hardware

In general, the City will provide the hardware required for an employee to perform their job duties. Requests for new or different equipment should be made to the Department Head, who may consult with IT staff.

Unapproved hardware, including cameras, mobile devices, printers, external storage

devices, and any other peripherals that have not been specifically approved by the City may compromise the integrity of the City's computer system and are prohibited. IT staff may, without notice, remove any unauthorized equipment attached to the City's computer system or network.

The City may supply mobile devices, including computers to employees to work offsite as approved by the City Administrator. A business need will be required for each mobile device deployment and must be approved by the Department Head. In general, mobile devices will only be issued to employees who: regularly use their device offsite; require a device for access to special software or systems; have a documented business need for a device; and/or require the use of a device while traveling.

Employees are responsible for the proper use and care of City-owned computer equipment. City employees are expected to provide reasonable security to all City-owned computers and related equipment. This includes ensuring that passwords comply with this policy. Removable media must be kept in a secured area. Non-public, private, and/or confidential data must not be displayed in such a manner that unauthorized personnel or others can view or access it. All City-owned computers and related equipment must be secured while off City premises. For instance, employees must not leave computer equipment in an unlocked vehicle or unattended at any offsite facility. Computer equipment must not be exposed to extreme temperature or humidity.

Software

In general, the City will provide the software required for an employee to perform their job duties. Requests for new or different software should be made the Department Head, who may consult with IT staff.

Unapproved software or downloads (free or purchased), games, screen savers, toolbars, clipart, music/audio, and movie/video clips, that have not been specifically approved by the City may compromise the integrity of the City's computer system and are prohibited.

Employees shall not download or install any software (free or purchased) or addons (such as toolbars or clipart) on any City computer or related device without the prior approval of the IT staff. The only exceptions to this policy are updates to software previously approved by IT such as anti-virus, anti-malware, etc. IT staff may, without notice, remove any unauthorized programs or software, downloads, or other files on any City computer, related equipment, network, or electronic resource.

Electronic Mail

The City provides most employees with an email account for work-related use. Minimal personal use of the City email system by employees is allowed, provided it does not interfere with an employee's work and is consistent with all City policies. Using the City's email to participate in any kind of personal listservs or mailing list is prohibited.

Employee emails, including those that are personal in nature, may be considered "public" data for both e-discovery and information requests and may not be protected by privacy laws. Personal e-mail transmitted through or saved on the City's e-mail system, computers, network, or other technological resources, may also be monitored as directed by the City Administrator and without notice to the employee.

In addition, employees must adhere to these email guidelines:

- Do not open email attachments or links from an unknown sender. Review sender's email address, date/time, subject line, and name and file type of attachments to verify legitimacy/relevance. Delete junk or "spam" email without opening. Do not respond to unknown senders.
- Never transmit an email that you would not want your supervisor, other employees, members, city officials, or the media to read or publish (e.g., avoid gossip, personal information, profanity, etc.).
- Use caution or avoid corresponding by email on confidential communications (e.g., letters of reprimand, correspondence with attorneys, medical information).
- Do not use harassing language (including sexually harassing language) or any other remarks, including insensitive language or derogatory, offensive, or insulting comments or jokes.
- Employees' email use must otherwise comply with all applicable provisions of this policy, all other applicable City policies, and all applicable laws.

Electronic Calendars

A shared calendar environment is provided as part of the City's email software program. All employees are encouraged to keep their electronic calendar up-to-date and may grant relevant staff the ability to view their calendar. All employees are encouraged to utilize the out-of-office automatic replies for known absences.

Phone/Voicemail

Voicemail that constitutes an official record of City business must be kept in accordance with all records retention requirements for the department and should be copied to the network for storage. All other voicemails should be deleted from the voicemail system (and email system) when no longer needed. Voicemail may be considered “public” data or otherwise subject to disclosure in accordance with the MGDPA. Employees should contact IT staff with any questions about voicemail storage and/or deletion.

Presence/Instant Messaging

Employees who are provided with the City’s presence / instant messaging (IM) software should remain logged in when working and may utilize it for communications between City staff. Instant messaging may be considered “public” data, or otherwise subject to disclosure in accordance with the MGDPA and must be kept in accordance with the City’s records retention requirements if they constitute an official record of City business. Employees are not allowed to download or install any unapproved messaging software on City devices.

Intranet (Sharepoint)

Employees should keep the City’s Intranet (Sharepoint) as their web browser home page and are encouraged to utilize the documents, announcements, links, and calendars to remain informed and share information with other staff.

Storing and Transferring Files

If you are unsure whether an email or other file is a government record for purposes of records retention laws or whether it is considered protected or private data under the MGDPA or other law, you must check with the City Administrator or applicable BPU Department Head (for BPU employees only) before deleting or releasing the information or file in question. If you are unsure how to create an appropriate file structure for saving and storing electronic information, contact IT staff.

Employees must adhere to these guidelines when transferring and storing electronic files:

- All electronic files should be stored on network drives or approved web or cloud-based storage locations. IT staff will not back up documents stored on local computer hard drives and hold no responsibility for recovery of documents on local computer hard drives should they fail. Subject to the provisions of this policy, files may be temporarily stored on a mobile device when an employee is offsite; however, the files should be copied to an

approved storage location when possible.

- Electronic files created on an employee's personal device or computer must not be transferred to the City's network. City-related files should not be created or stored on an employee's personal device or computer.
- All removable storage media (e.g., CDs, flash or USB drive, or other storage media) must be verified to be virus-free utilizing an IT approved process before being connected to City equipment.
- Email that constitutes an official record of City business must be kept in accordance with all records retention requirements for the department and should be copied to the network or other approved location for storage.
- Email that is simple correspondence and not an official record of City business should be deleted when no longer needed.
- Electronic files or emails that contain nonpublic, private, or confidential data should be stored in a location on the City's network that is properly secured.

Any files containing nonpublic, private, or confidential data should not be stored anywhere other than the City's network or other approved location. Employees must obtain the prior approval of the Department Head before taking any file containing nonpublic, private, or confidential data offsite.

Personal Devices

Employees with prior approval may choose to use their own equipment to read or compose email or other City data as governed in this policy. Employees understand that by connecting their personal equipment to the City's email system, their personal devices could be searched during an e-discovery or other court-ordered scenarios and agree to grant access to their personal devices should such a situation arise.

Passwords

Employees are responsible for maintaining computer/network passwords and must adhere to these guidelines:

- Passwords must meet minimum complexity requirements designated by IT staff. Employees must change passwords when prompted or as scheduled by IT Staff.
- Multi-factor authentication methods should be used when available for

web/cloud-based applications. Multi-factor authentication is an additional layer of security beyond just a username/password and generally requires a code or acknowledgement on a physical device or a code sent by a separate means of communication.

- Passwords should not be shared with anyone including other staff. If it is necessary to access an employee's computer when they are absent, contact your supervisor; IT staff will not provide access to staff accounts without prior approval.
- Passwords should not be stored in any location on or near the computer or stored electronically such as in a cell phone or other mobile device unless properly secured.

Computers and other devices should not be left unattended while a user is logged in- either lock the computer when away (Win+L or Ctrl+Alt+Del) or use a timed screen saver that will require a password to unlock upon return.

Network Access

Non-City-owned computer equipment used in City buildings should only use the public wireless connection to the Internet. Under no circumstances should any non-City-owned equipment be connected to the City's computer network wirelessly or via a network cable.

Exceptions may be granted by IT staff.

Personal computer equipment may not be connected to the City's network without prior approval of the IT staff. Personal equipment may be subject to password requirements or other electronic security measures as determined by IT staff.

Staff shall not attempt to circumvent or disable firewalls, anti-virus/anti-malware software, software updates and patches, network/computer security settings, or any other measures put in place to protect the network. If access to necessary resources is obstructed, notify supervisor and/or IT staff to explore options.

Remote Access to the Network

Examples of remote access include, but are not limited to: Virtual Private Network (VPN), TeamViewer, and Windows Remote Desktop connections. While remotely connected to City computer resources, all aspects of this Technology Use Policy will apply, including the following:

- Telework opportunities and remote access to the City's network requires a

job specific reason and/or a request from a supervisor to the City Administrator. Remote access privileges may be revoked at any time by an employee's supervisor, Department Head, the City Administrator or IT staff.

- If remote access is from a non-City-owned computer, updated security software (anti-virus and anti-malware) must be installed and operational, and all critical operating system updates must be installed prior to connecting. Failure to comply could result in the termination of remote access privileges.
- Remote access/assistance from third parties is not allowed without prior approval from IT staff. When remote access/assistance from a third party is granted, their activities must be monitored by City Staff.
- Recreational use of remote connections to the City's network is strictly forbidden. An example of this would be a family member utilizing a City's cellular data connection to access the internet.
- Private or confidential data should not be transmitted over an unsecured wireless connection. Wireless connections that are not secure could pose a security risk if used to transmit passwords or private data. Unsecure wireless connections may include cellular networks and wireless access points unless proper security protocols are in place.

Security Compromise

If a virus or malware is suspected on any City device, IT staff must be notified immediately. Any other indications of computer or network security compromise must be reported to IT staff immediately.

Internet

The internet is available to employees for research, education, and communication directly related to the mission, charter, and tasks of the City. Users must honor copyright laws regarding protected commercial software and intellectual property. Users accessing the internet through the City's computers and related equipment should minimize unnecessary network traffic that might interfere with the ability of others to make effective use of this shared network resource. Users are also responsible for adhering to City standards when browsing the internet. Failure to adhere to City standards puts the City and the individual at risk or legal or financial liabilities, potential embarrassment, and other consequences, including immediate termination of employment and other disciplinary actions. The following considerations apply to all uses of the Internet:

- Information found on the Internet and used for City work must be verified to be accurate and factually correct.
- Approved web browsers include Microsoft Edge, Mozilla Firefox, Apple Safari, and Google Chrome. Usage of other browsers requires prior authorization from IT staff.
- Browsing history including cookies, passwords, and temporary files should be cleared from web browsers frequently or set to automatic delete.
- Limited personal use of the Internet is permitted. 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. If you are unsure whether a site may include inappropriate information, you should not visit it.
- City data should not be stored in any web or cloud-based application that has not been provided or approved by IT staff.
- If an employee's use of the internet is compromising the integrity of the City's network, IT staff may temporarily restrict that employee's access to the internet. If IT staff does restrict access, they will notify the employee and the employee's supervisor as soon as possible, and work with the employee and supervisor to rectify the situation.
- Social media use on City owned computers should be limited to maintaining the City's social media presence. Personal use of social media on City owned computers is discouraged.
- Peer-to-peer software/applications are not permitted.
- All staff internet use must comply with all applicable provisions of this policy, all other applicable City policies, and all applicable law.

The City may monitor or restrict any employee's use of the internet without prior notice, as deemed appropriate by the employee's supervisor, the City Administrator, or IT staff.

Personal Social Networking on City-Owned Devices

Employees should not use City-owned devices to post to personal sites, including social networking sites. Employees' personal use of City-owned devices should be minimal and must not interfere with their work duties. All personal social networking and other personal use of the City-owned devices must comply with the terms of this policy.

Personal Social Networking While Off Duty and the City's Responsibility

The City of Brainerd has a duty to protect the reputation of the organization and its employees as well as guard against any liability and potential legal risk regardless of when and where social networking activity occurs. An employee's own personal communications, such as on social media, can have a significant impact on the public's belief that all city staff will carry out city functions faithfully and impartially and without regard to factors such as race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), creed, color, religion, age, sex, marital status, national origin, sexual orientation (including gender identity and expression), disability, status with regard to public assistance, or any other characteristic protected by state or federal law. Nonpersonal communications (performed within one's job duties) to members of the public must be professional at all times. With this in mind, employees must use social media (Facebook, X (Twitter), blogs, YouTube, etc.) in a manner that follows the following guidelines:

- Individuals should exercise caution and good judgment when social networking.
- Individuals shall not represent that they are speaking or acting on behalf of the City or presenting any interests of the City.
- Individuals are not permitted to display the City of Brainerd logo on any part of their online profiles.
- Individuals never have the right to post non-public, private, or confidential data, such as information related to co-workers personnel data, medical information, or claims or lawsuits against the City, without obtaining the express written consent of the data subject and/or City Administrator as appropriate.
- Individuals who use personal social media accounts are not immune from the law. In general, all users of social networking should be aware that the content of these social networking sites can be subpoenaed and used in criminal and civil trials.
- Individuals need to be aware that they have no reasonable expectation of privacy when social networking and use of personal social media accounts are subject to all pertinent City policies, as well as local, state and federal laws.
- The City of Brainerd expects its employees to be fair, courteous, and respectful to supervisors, co-workers, citizens, customers, and other

persons associated with the city. Avoid using statements, photographs, video or audio that reasonably may be viewed as malicious, obscene, threatening or intimidating, disparaging, or might constitute harassment. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), creed, color, religion, age, sex, marital status, national origin, sexual orientation (including gender identity and expression), disability, status with regard to public assistance, or any other characteristic protected by state or federal law.

- City resources, working time, or official city positions cannot be used for personal profit or business interests, or to participate in personal political activity. Some examples: a building inspector could not use the city's logo, email, or working time to promote his/her side business as a plumber; a parks employee should not access a park after hours even though he or she may have a key; a clerk, while working at City Hall, should not campaign for a friend who is running for City Council.
- Personal social media account name or email names should not be tied to the city (e.g., Brainerd Cop).
- Any personal communications made on a matter of public concern must not disrupt the efficiency of the city's operation, including by negatively affecting morale. Put another way, such public comments must not undermine any city department's ability to effectively serve the public. Disruptive personal communications can include liking or republishing (sharing/retweeting) a social media post of another individual or entity. The City can act on the personal communication that violates this policy without waiting for the actual disruption.

ARTICLE 32. SOCIAL MEDIA POLICY

The City has adopted a Social Media Policy, separate from the Employee Policy Manual. The Social Media Policy describes the rules and procedures for the administration of City social media accounts. Copies can be obtained from the Human Resources Department.

ARTICLE 33. TELECOMMUTING/REMOTE WORK POLICY

The City has adopted a Telecommuting/Remote Work Policy, separate from the Employee Policy Manual. The Telecommuting/Remote Work Policy describes the situations in which qualifying employees may be allowed to work from home and the conditions on any opportunity to work from home afforded to any employee. Copies can be obtained from the Human Resources Department.

ARTICLE 34. QUESTIONS OR CONCERNS

All employees are required to be familiar with, and abide by, the terms of these policies. Department Heads and the Human Resource Director are ready to answer questions, or to further explain and obtain information about any phase of this manual which is not clear. All employees should feel free to ask questions of their Department Head, the Human Resource Director, and the City Administrator.

Reviewed and adopted by the City Council

Date:

ACKNOWLEDGMENT

I acknowledge that I have received a copy of the City of Brainerd Personnel Policy. I understand that this document contains important information regarding the City's general personnel policies and my privileges and obligations as an employee. I will familiarize myself with the personnel policy and I understand that I am governed by its contents. I further understand that the personnel policy is not an employment contract and that the City may change, rescind or add to any policies, benefits, or practices at its sole discretion with or without prior notice.

Employee Signature

Date

Employee Printed Name

Department

EXHIBIT A

HEALTHCARE INSURANCE PREMIUM CONTRIBUTIONS

- CITY ADMINISTRATOR, DEPARTMENT HEADS, AND SUPERVISORS:

The following premium splits and Employer HSA contributions will be effective for our 2025 High Deductible Health Plan Smart Plan options:

Smart Plan #1 - \$1,650	<u>2025</u>
<u>% of Contribution to Monthly Premium</u>	
<u>Employer</u>	
Single	95%
Family	80%
<u>Employee</u>	
Single	5%
Family	20%
HSA Annual Contribution	
<u>Employer</u>	
Single	\$1,000
Family	\$1,500

Smart Plan #3 - \$3,300	<u>2025</u>
<u>% of Contribution to Monthly Premium</u>	
<u>Employer</u>	
Single	95%
Family	80%
<u>Employee</u>	
Single	5%
Family	20%
HSA Annual Contribution	
<u>Employer</u>	
Single	\$2,000
Family	\$2,500

Smart Plan #7 - \$6,300 **2025****% of Contribution to Monthly Premium****Employer**

Single	97%
Family	85%

Employee

Single	3%
Family	15%

HSA Annual Contribution**Employer**

Single	\$2,250
Family	\$2,750

Smart Plan #8 - \$8,300 **2025****% of Contribution to Monthly Premium****Employer**

Single	100%
Family	90%

Employee

Single	0%
Family	10%

HSA Annual Contribution**Employer**

Single	\$2,500
Family	\$3,000

All plans are automatically indexed annually.

- All additional employer HSA contributions amounts noted above will be pro-rated based on a monthly contribution.
- The City will provide an Opt-Out Option for eligible employees in lieu of the city's health insurance for 2024. If the eligible employee elects the Opt-Out payment for 2024, the monthly Opt-out taxable payment will be \$400 per month.
- The base City health insurance plan for union contract comparison is Smart Plan No. 3 (\$3,300 High Deductible Health Insurance Plan for 2025).

ELECTED OFFICIALS/BRAINERD PUBLIC UTILITIES (BPU) COMMISSIONERS:

- o Health insurance options for this group includes the following City contributions for the City-sponsored base health insurance plan (Smart Plan No. 3 - \$3,300 Deductible Plan for 2025):
 - 100% of the premium if single health coverage is elected.
 - 80% of the premium if family health coverage is elected.
- If a member of this group elects a different health plan, the individual will pay the premium difference based on the premium split for the base plan as set forth in the previous bullet.
- o If someone is covered by a different group plan and is eligible to receive the City's Opt-Out payment, individuals in this group can elect to receive \$250 per month as taxable income in lieu of the health insurance benefit.

The City's contribution for all other employees is set in the applicable collective bargaining agreement and/or Council resolutions.

The City provides insurance coverage for former City employees including retirees on a self-pay basis pursuant to state law. Please refer to your Group Insurance Plan booklet for a complete description of benefits.

EXHIBIT B

LONG-TERM DISABILITY COVERAGE AND LIFE INSURANCE

- I. **Long-Term Disability Coverage.** Should an employee become disabled as a result of a non-occupational injury or illness, the City will provide long-term disability coverage to cover 50% of your gross monthly income to a maximum of \$7,084 per month. This plan takes effect the 1st day of the month coincident with or next following six months of continuous employment.
- II. **Face Amount of Life Insurance for Certain Employees and Elected Officials.** Consistent with the Policy Manual, the City will provide life insurance coverage to elected officials, Department Heads, Division Managers, and non-union supervisors in the following amounts: Mayor, City Council and Public Utilities Commission \$50,000; City Administrator, Department Heads and Division Managers \$100,000; Non-union supervisors \$50,000.

Employees should review the applicable Summary Plan Descriptions for additional details for said policies.

EXHIBIT C

MINNESOTA HEALTH CARE SAVINGS PLAN CONTRIBUTIONS

All funds collected by the City on behalf of the employee for purposes of contributing to the Minnesota Health Care Savings Plan will be deposited into the employee's individual health care savings plan account as follows:

1. City Administrator, Department Heads and Division Managers:
 - a) Employees eligible for severance pay as outlined in ARTICLE 13 of the City Employee Policy Manual will contribute 100% of their severance pay into the Plan.
 - b) Employees with 0 to 4 years of service will contribute 1% of gross pay each payroll period.
Employees with 5 to 9 years of service will contribute 1.5% of gross pay each payroll period.
Employees with 10 to 14 years of service will contribute 2% of gross pay each payroll period.
Employees with 15 to 19 years of service will contribute 3% of gross pay each payroll period.
Employees with 20 or more years of service will contribute 5% of gross pay each payroll period.
 - c) 50% of sick leave and ESST accrual over 960 hours, will on a calendar year basis, be paid by the Employer into the employee's health care savings plan. It is understood that any sick leave used throughout the year will be deducted from the 960-hour balance and that the employee must then earn back to the 960 hours before any hours are accumulated for purposes of the Health Care Savings Plan contribution.
 - d) 100% of accumulated vacation at retirement will be paid into the Plan.
2. Non-Contract Supervisors:
 - a) Employees eligible for severance pay as outlined in ARTICLE 13 of the City Employee Policy Manual and have 25 years or more of service, will contribute 100% of their severance pay into the Plan.
 - b) Employees with 0 to 10 years of service will contribute 1% of gross

pay each payroll period.

Employees with 10 to 15 years of service will contribute 2% of gross pay each payroll period.

Employees with 15 – 20 years of service will contribute 3% of gross pay each payroll period.

Employees with 20 - 25 years of service will contribute 4% of gross pay each payroll period.

Employees with 25+ years of service will contribute 5% of gross pay each payroll period.

- c) 50% of sick leave and ESST accrual over 960 hours, will on a calendar year basis, be paid by the Employer into the employee's post-employment health care savings plan. It is understood that any sick leave used throughout the year will be deducted from the 960-hour balance and that the employee must then earn back to the 960 hours before any hours are accumulated for purposes of the Post Employment Health Care Plan contribution.
- d) 100% of accumulated vacation at retirement will be paid into the Plan.

EXHIBIT D

Earned Sick and Safe Time Employee Notice

Employees in Minnesota are entitled to earned sick and safe time, a form of paid leave. Employees must accrue at least one hour of earned sick and safe time for every 30 hours they work, up to at least 48 hours in a year. A year for purposes of the employee's earned sick and safe time accrual is a calendar year.

At the end of each pay period, employers must provide employees with the number of earned sick and safe time hours used by the employee during the pay period and available for future use. Earned sick and safe time must be paid at the same base rate employees earn from employment. Employees are not required to seek or find a replacement for their shift to use earned sick and safe time. They may use earned sick and safe time for all or part of a shift, depending on their need.

Earned sick and safe time can be used for:

- an employee's mental or physical illness, treatment or preventive care;
- the mental or physical illness, treatment or preventive care of an employee's family member;
- absence due to domestic abuse, sexual assault or stalking of an employee or their family member;
- closure of an employee's workplace due to weather or public emergency or closure of their family member's school or care facility due to weather or public emergency; and
- when determined by a health authority or health care professional that an employee or their family member is at risk of infecting others with a communicable disease.
- to make arrangements for or attend funeral services or a memorial or address financial or legal matters that arise after the death of a family member.

Notifying employer, documentation

An employer can require their employees to provide up to seven days of advance notice when possible (for example, when an employee has a medical appointment scheduled in advance) before using sick and safe time. An employer can also require their employees to provide certain documentation regarding the reason for their use of earned sick and safe time if they use it for more than three consecutive scheduled days.

If an employee plans to use earned sick and safe time for an appointment, preventive care or another permissible reason they know of in advance, inform your supervisor by phone or email as far in advance as possible, preferably at least seven (7)

calendar days in advance., In situations where an employee cannot provide advance notice, the employee should contact their supervisor as soon as they know they will be unable to work.

Retaliation, right to file complaint

It is against the law for an employer to retaliate, or to take negative action, against an employee for using or requesting earned sick and safe time or otherwise exercising their earned sick and safe time rights under the law. If an employee believes they have been retaliated against or improperly denied earned sick and safe time, they can file a complaint with the Minnesota Department of Labor and Industry. They can also file a civil action in court for earned sick and safe time violations.

For more information

Contact the Minnesota Department of Labor and Industry's Labor Standards Division at 651-284-5075 or esst.dli@state.mn.us or visit the department's earned sick and safe time webpage at <http://www.sickleave.mn.gov/>.

EXHIBIT E

Nursing Mothers, Lactating Employees, and Pregnancy Accommodations employee notice

Minnesota's Nursing Mothers, Lactating Employees, and Pregnancy Accommodations law (Minnesota Statutes § 181.939) gives pregnant and lactating employees certain legal rights.

Pregnant employees have the right to request and receive reasonable accommodations, which may include, but are not limited to, more frequent or longer breaks, seating, limits to heavy lifting, temporary transfer to another position, temporary leave of absence or modification in work schedule or tasks. An employer cannot require an employee to take a leave or accept an accommodation.

Lactating employees have the right to reasonable paid break times to express milk at work unless they are expressing milk during a break that is not usually paid, such as a meal break. Employers should provide a clean, private and secure room that is not a bathroom near the work area that includes access to an electrical outlet for employees to express milk.

It is against the law for an employer to retaliate, or to take negative action, against a pregnant or lactating employee for exercising their rights under this law.

Employees who believe their rights have been violated under this law can contact the Minnesota Department of Labor and Industry's Labor Standards Division at dli.laborstandards@state.mn.us or 651-284-5075 for help. Employees also have the right to file a civil lawsuit for relief. For more information about this law, visit dli.mn.gov/newparents.

Adopted: ~~January 2, 2024~~

Employee Policy Manual

City of Brainerd

Commented [KS1]: This date will be corrected to reflect when approved by the City Council.

TABLE OF CONTENTS

Page No.

ARTICLE 1 - PURPOSE	2
ARTICLE 2 - SCOPE OF POLICY	3
ARTICLE 3 - INTERPRETATION.....	3
ARTICLE 4 - IMPLEMENTATION OF POLICY	4
ARTICLE 5 - GENERAL INFORMATION.....	4
ARTICLE 6 - APPOINTMENTS AND PROMOTION	19
ARTICLE 7 - SALARY ADMINISTRATION PLAN	22
ARTICLE 8 - PROBATIONARY PERIOD	23
ARTICLE 9 - HOURS OF WORK.....	25
ARTICLE 10 - OVERTIME HOURS	27
ARTICLE 11 - PERSONNEL/PAYROLL	29
ARTICLE 12 - SEPARATION FROM EMPLOYMENT	30
ARTICLE 13 - RETIREMENT AND SEVERANCE PAY	31
ARTICLE 14 - MEAL AND COFFEE BREAKS.....	31
ARTICLE 15 - HOLIDAYS.....	32
ARTICLE 16 - REGULAR VACATION	33
ARTICLE 17 - EMPLOYEE LEAVES	35
ARTICLE 18 - EMPLOYEE INSURANCE	49
ARTICLE 19 - HEALTH CARE SAVINGS PLAN.....	51
ARTICLE 20 - CAFETERIA PLAN.....	51
ARTICLE 21 - EDUCATION, TRAINING AND DEVELOPMENT	51
ARTICLE 22 - EMPLOYMENT RELATED REIMBURSEMENTS.....	57
ARTICLE 23 - DRUG-FREE WORKPLACE/DRUG & ALCOHOL POLICIES	64
ARTICLE 24 - EMPLOYEE SAFETY MANUAL	67
ARTICLE 25 - POLITICAL ACTIVITY.....	67
ARTICLE 26 - HARASSMENT	67
ARTICLE 27 - GRIEVANCES	73
ARTICLE 28 - DISCIPLINE AND DISCHARGE	73
ARTICLE 29 - ACCIDENT PROCEDURES	77
ARTICLE 30 - STATEMENT OF POLICIES & PROCEDURES RE: REIMBURSEMENT OF COSTS AND ATTORNEY FEES	79
ARTICLE 31 - TECHNOLOGY USE	79
ARTICLE 32 - SOCIAL MEDIA POLICY.....	91
ARTICLE 33 - TELECOMMUTING/REMOTE WORK POLICY	91
ARTICLE 34 - QUESTIONS OR CONCERNS	91
ACKNOWLEDGMENT PAGE	92
EXHIBIT A – HEALTHCARE INSURANCE PREMIUM CONTRIBUTIONS	93
EXHIBIT B – LONG-TERM DISABILITY COVERAGE & LIFE INSURANCE	96
EXHIBIT C – MN HEALTH CARE SAVINGS PLAN CONTRIBUTIONS	97
EXHIBIT D – EARNED SICK AND SAFE TIME EMPLOYEE NOTICE	99
EXHIBIT E – NURSING MOTHERS, LACTATING EMPLOYEES AND PREGNANCY ACCOMMODATIONS EMPLOYEE NOTICE	101

Commented [KS2]: This will be updated when the EPM is finalized.

ARTICLE 1. PURPOSE

Section 1.01 Policy Statement

The City Council of the City of Brainerd ("City") deems it advisable to establish a policy governing the relationship between the employees and the City, and to provide procedures for its administration. In the formation of this policy, the Council recognized that the City is a political subdivision of the State of Minnesota and the Employee Policy Manual must conform to applicable law. Within this framework, the Council can establish governing principles upon which a progressive, comprehensive and efficient program of employee relations may be based.

Section 1.02 General

The purpose of this manual is to help you to better understand the policies and procedures which affect and guide your employment with the City of Brainerd. These policies are not and cannot be construed as contract terms, a guarantee of continued employment, or terms and conditions of employment. This manual replaces, revokes, and supersedes any previous personnel policies, interpretations, and practices. This manual is only valid until amended or replaced by the City Council.

This manual is not intended to cover all circumstances that might arise. Employees should become thoroughly familiar with the provisions of this manual within ten (10) business days of their receipt of this manual. Except as modified by an individual contract or a collective bargaining agreement, all employment with the City is "at-will" employment, meaning that such employment may be terminated by the employee or the City at any time, for any legal reason or no reason at all.

Section 1.03 Amendment to Policy

The City reserves the right to modify, revoke, suspend, or change the language of this personnel policy handbook or any individual policy or policies, in whole or in part, at any time, with or without notice, at the City Council's sole discretion.

Section 1.04 Equal Opportunity and Affirmative Action

The City of Brainerd is an Equal Opportunity Employer. The City will comply with all applicable laws governing equal employment opportunity and affirmative action. This policy extends to all applicants and employees and to all aspects of the employment relationship including, but not limited to, recruiting, hiring, promotion, transfer, and compensation.

Specifically, the City of Brainerd will provide equal employment and advancement opportunity on the basis of merit within the context of its unique business environment and without regard to race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), creed, color, religion, age, sex, marital status, national origin, sexual orientation (including gender identity and expression), disability, status with regard to public assistance, or any other characteristic protected by state or federal law.

The Human Resource Director is the designated Equal Employment Opportunity/Affirmative Action Coordinator who has been charged with ensuring that the City of Brainerd's EEO/AA policies are carried out.

If any employee, or applicant for employment, believes he/she has been discriminated against, please contact the Human Resource Director at 501 Laurel Street, Brainerd, MN 56401 or call (218) 828-2307.

ARTICLE 2. SCOPE OF POLICY

Section 2.01 Personnel Covered

This manual generally applies to all City employees, including probationary employees, appointed officials, and elected officials, except to the extent that this manual conflicts with applicable law or collective bargaining agreements. Certain provisions of this manual may be inapplicable to the following individuals:

- A. All elected officials;
- B. Members of City boards, commissions and committees;
- C. Volunteer personnel and emergency employees;
- D. Consultants and/or contracted personnel.

Section 2.02 Employees Covered by Labor Contracts

All provisions of this policy apply to employees covered by collective bargaining agreements, except when such provisions are in conflict with collective bargaining agreement provisions, in which case, such provisions of the collective bargaining agreement shall control.

ARTICLE 3. INTERPRETATION

The purpose of this manual is to provide a basis for the safe, orderly, and disciplined employment environment. This policy is intended to promote knowledge of what is expected of personnel generally, which should result in a greater degree of self-assurance in all positions. In relationships between positions, it should be each City

employee's individual aim to build mutual respect and confidence which is essential to local government service.

To the extent that any federal, state, or local law, ordinance, rule, or regulation conflicts with any policy or policies herein, the applicable law, ordinance, rule, or regulation shall control. To the extent that any federal, state, or local law, ordinance, rule, or regulation imposes stricter requirements on an area governed by these policies, the applicable law, ordinance, rule, or regulation shall control.

Additional information or clarification as to each ARTICLE of this personnel policy may be obtained from your supervisor, department head or the Human Resources Department. This manual is only a start in our communication network because the City maintains a continuous process of communicating policies and benefits to all staff members. The text of this manual, however, takes precedence over and controls any inconsistent communication from any City employee or elected official.

This manual summarizes the various policies and benefits currently provided by the City. Nothing contained in this personnel policy or in any other City document, and nothing said or done by a City employee, is, or can be construed as an employment contract between the City and an employee, as a guarantee of continued employment, or terms and conditions of employment. The City and the employee both have the right to terminate the employment relationship at any time, for any legal reason or no reason at all. Except as modified by an individual contract or a collective bargaining agreement, all employment with the City is "at-will" employment.

ARTICLE 4. IMPLEMENTATION OF THIS POLICY

It is the responsibility of all Department Heads and Supervisors to ensure implementation of this policy. Failure of any employee to perform in a manner consistent with this policy, State or federal Law will be grounds for discipline, up to and including immediate termination.

The City Administrator is hereby given authority for the administration of the policies contained in this manual, as directed by the City Council.

ARTICLE 5. GENERAL INFORMATION

Section 5.01 Data Practices Advisory

In accordance with the Minnesota Government Data Practices Act ("MGDPA"), the City is required to inform employees of their rights as they pertain to any private information that the City collects from them. During the course of City employment, an employee will likely be asked to provide information which is classified by state law as either private or

confidential. Private data is information which generally cannot be given to the public but can be given to the subject of the data. Confidential data is information which generally cannot be given to either the public or the subject of the data. Much of the data the City has about individual employees, however, is classified as public according to Minnesota Statutes, ARTICLE 13.43, Sections 2 and 3 (as amended). Consistent with the relevant provisions of the MGDPA, all public data is available for inspection and copying by members of the public, with or without the employee's consent.

Information about employees requested by the City may be used for the following purposes: (1) to process payroll, including accounting for wages and fringe benefits and to justify any reimbursed expenses; (2) enroll in benefit programs and pension plans; (3) evaluate the employee's job performance, eligibility and abilities; (4) distinguish the employee from other applicants and employees and identify the employee in the correct personnel file; (5) determine the employee's eligibility for employment or promotion, and make employment decisions about the employee's performance; (6) contact the employee or other significant persons in case of an emergency; (7) compile equal opportunity and any affirmative action reports required by applicable law; (8) make decisions regarding the employee's eligibility for sick leave, family and medical leave, parenting leave, and other available leave; (9) make decisions regarding the employee's eligibility for workplace accommodations, including accommodations for disabilities; (10) comply with workers compensation requirements in the event of an injury; and (11) provide information during workplace investigations. Such information may also be used and disclosed for other purposes consistent with applicable law. The information provided by the employee may be used in performance evaluations, determinations regarding merit pay, applications for different employment positions, and other matters which involve a review of the employee's personnel file and past performance.

Unless the employee is told otherwise, the employee is required to provide this information. If the employee refuses to supply the information, the employee may face disciplinary action. Any information which the employee is required to provide cannot be used against the employee in a criminal proceeding. Even if the employee is not required to provide information, it is generally to the employee's best interest to provide it. Without the requested information, the City may not be able to determine the employee's eligibility for employment opportunities, compute wages, or grant the employee other benefits. The employee's refusal to provide information during an employment investigation may also necessitate that the investigation be completed without his or her input.

Federal law permits government agencies to require individuals to provide their social security number for the administration of any tax. Please be aware that when an employee is asked to give his or her social security number on revenue forms, this collection is mandated by law. This information will be shared with the Minnesota Department of Revenue, the Internal Revenue Services, and security tax programs. In most other cases, the disclosure of an employee's social security number is voluntary.

Any information an employee is asked to provide may be shared with individuals within the City whose job duties reasonably require access, as well as individuals outside of the City whose duties require access, such as insurance vendors, consultants, attorneys, and retirement plan employees. Information may also be shared with other agencies authorized by law to receive specific data.

If litigation arises, some or all information may be provided in documents filed with the court which are available to any member of the public. If it is reasonably necessary to discuss the information at an open City Council meeting, some or all data may be available to members of the public. To the extent that some or all of the information is part of the basis for a final decision on disciplinary action, that information may become public, as provided in Minnesota Statutes, ARTICLE 13.43 (as amended).

Section 5.02 Conduct as a City Employee

A. Scope of Policy

It is the policy of the City of Brainerd to maintain a respectful work and public service environment free from violence, discrimination, and offensive or degrading remarks or conduct. Preserving a respectful environment in which to work is the shared responsibility of both management and employees. Inappropriate conduct or communication can interfere with an individual's employment or use of public services, or create an intimidating, hostile or offensive work environment. Any employee found to have acted in violation of this policy shall be subject to appropriate disciplinary action, which may include dismissal from employment.

This policy governs the conduct of all City employees, including; union, non-union, supervisory, non-supervisory, managerial, full-time, part-time and temporary employees; and members of City boards and commissions. This policy is also applicable to City elected officials.

In addition, employees are also expected to comply with ARTICLE 26 of this Manual, which prohibits harassment and inappropriate conduct.

B. Definitions of Prohibited Behaviors

Violent behavior includes the use or threat of physical force, harassment, or intimidation, or abuse of power or authority when the impact is to control others by causing pain, fear or hurt.

Discriminatory behavior includes inappropriate remarks about or conduct related to an individual's race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation (including gender identify and expression), status with regard to public assistance, or any other characteristic protected by state or federal law, including behavior specifically prohibited by ARTICLE 26 of these policies.

Offensive behavior may include, but is not limited to, such work-related actions as rudeness, exclusionary behavior, creating or displaying graphics depicting co-workers or customers inappropriately, angry outbursts, inappropriate joking, vulgar obscenities, name calling, disrespectful language, or the intentional filing of an unfounded complaint under this policy.

C. Expected Conduct of City Employees

1. City Employee Conduct in General

Employees of the City shall conduct themselves as professional representatives of the City at all times while on duty or on the employer's premises, and that employees will represent the City in such a manner as to reflect most favorably on the City. Conduct unbecoming a City employee shall include any conduct that tends to bring the City into disrepute or reflects discredit on the person as an employee of the City, or that which tends to impair the functioning of an employee, a department, or the City.

Your conduct as a City employee is an extremely important part of your job. You are a representative of our City, and as such, the way you perform your job and your neat and clean appearance reflects upon our entire organization. Your willingness to assist people, to courteously and accurately respond to their questions or complaints, and to refer them to the proper source when you are unable to solve their problems, are all important facets of your position with the City and impact upon each member of our staff.

2. Conduct in Dealing with the Public

a. Expected Public Interaction.

While representing the City, employees shall be professional and courteous to all members of the public and City customers. They shall be tactful in the performance of their duties, control their tempers and exercise the utmost patience and discretion. They shall not engage in argumentative discussions, even in the face of extreme provocation. They shall not use coarse, violent, profane or insolent language or gestures, and shall not express any prejudice concerning race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), creed, color,

religion, age, sex, marital status, national origin, sexual orientation (including gender identity and expression), disability, status with regard to public assistance, or any other characteristic protected by state or federal law, or other personal characteristics.

b. Interaction with an Abusive Customer.

In the event a member of the public or City customer becomes abusive on the phone or in person, employees should refrain from escalating the situation and if possible, employ tactics to defuse the situation, e.g. lower the voice, ask the person to sit down. If the situation doesn't improve, the employee can refer the person to a supervisor or request that a police officer be called to the scene. Employees are not required to continue telephone or in-person conversations in which the caller uses profanity or threats. In those situations, the employee should refer the call to a supervisor or inform the caller, as courteously as possible, that the employee is hanging up and will talk with the caller after the caller has calmed down.

c. Media Requests

Requests for data must be directed to the designated responsible authority. Requests for information outside of the scope of an individual's job duties must be routed to the appropriate department head.

Any employee who identifies a mistake in a communication by the City should bring the error to the City Administrator. 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 data privacy, trademark, copyright, software use, and other laws governing the employee's communication.

Except for routine events and basic information readily available to the public (e.g., dates and locations of City Council meetings or City-sponsored events), all requests for interviews or information from the media must be routed through the City Administrator. No employee is authorized to speak on behalf of the City without prior authorization from the City Administrator or his/her designee. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, social media postings, 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 an employee is unsure if the request is a "routine" question, forward the request to the City Administrator. An appropriate response may 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.” Then ask the media representative’s name, questions, deadline, and contact information.

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

When/if the City Administrator authorizes a staff person to communicate on behalf of the City in interviews, publications, news releases, on social media sites, and related communications, employees must:

- Identify themselves as representing the City. Account names on social media sites must be clearly connected to the City and approved by the City Administrator.
- Be respectful, professional, and truthful when providing information. In most cases, only factual information (not opinions or editorial comments) should be provided: For example, the employee could state that, “The City finished street cleaning on 16 streets in the northwest corner of the City this past week” instead of “The City is doing a great job with street cleaning this year!” Corrections must be issued when needed.
- Generally, not include personal opinions in official city statements. One exception is communications related to promoting a city service. For example, an employee could post the following on the City’s Facebook page: “My family visited Gregory 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 review the City’s Social Media Policy, separate from this policy manual, and seek assistance from the City Administrator on this topic.
- 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 data transmitted or stored may be subject to the Minnesota Government Data Practices Act.

d. Personal Communications and Use of Social Media

It is important for employees to remember that the personal communications of employees may reflect on the City, especially if employees are commenting on City business or commenting on issues that implicate their City employment. As City representatives, employees share in the responsibility of earning and preserving the public’s trust in the City. An employee’s own personal communications, such as on social media, can have a significant impact on the public’s belief that all city staff will carry out city functions faithfully and impartially and without regard to factors such as race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), creed, color, religion, age, sex, marital status, national origin, sexual orientation (including gender identity and expression), disability,

status with regard to public assistance, or any other characteristic protected by state or federal law.

Nonpersonal communications (performed within one's job duties) to members of the public must be professional at all times. The following guidelines apply to personal communications, including various forms such as social media (Facebook; X, formerly known as Twitter; blogs; YouTube; etc.), letters to the editor of newspapers, and personal endorsements:

- Do not share any private or confidential information you have access to as a result of your city position.
- Any personal communications made on a matter of public concern must not disrupt the efficiency of the City's operation, including by negatively affecting morale. Put another way, such public comments must not undermine any city department's ability to effectively serve the public. Disruptive personal communications can include liking or republishing (sharing/retweeting) a social media post of another individual or entity. The City can act on the personal communication that violates this policy without waiting for the actual disruption.
- Remember what you write or post cannot easily be undone. It may also be spread to larger audience than you intended. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information or photos you would not want your boss or other employees to read, or you would be embarrassed to see in the newspaper. Keep in mind harassment, threats of violence, discrimination, or retaliation concerning a co-worker or between co-workers that would not be permissible in the workplace is not permissible online, even if it is done after hours, from home and on home computers.
- While representing the City or working on behalf of the City, regardless of the location or event at which the work is taking place, all employees are expected to be fair, courteous, and respectful to supervisors, co-workers, citizens, customers, and other persons associated with the City. Avoid using statements, photographs, video or audio that reasonably may be viewed as malicious, obscene, threatening or intimidating, disparaging, or might constitute harassment. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of sex, race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), national origin, age, color, creed, religion, disability, marital status, familial status, veteran status, sexual orientation, gender identity, or gender expression, status with regard to public assistance or membership or activity in a local human rights commission.
- If you publish something related to city business and there is liable to be confusion whether you are speaking on behalf of the City, it would be best to identify yourself and use a disclaimer such as, "These are my own opinions and do not represent those of the City of Brainerd."
- City resources, working time, or official city positions cannot be used for personal profit or business interests, or to participate in personal political activity. Some examples: a building inspector is not permitted to use the city's logo, email, or

working time to promote his/her side business as a plumber; a parks employee should not access a park after hours for personal purposes even though he or she may have a key; a clerk, during work hours at City Hall, should not campaign for a friend who is running for City Council.

- Personal social media account name or email names should not be tied to the City (e.g., (Brainerd Cop).

3. Conduct Between Employees

a. Expectations of Cooperation and Respect

Employees shall cooperate with and be courteous to co-workers at all levels. While everyone is entitled to their feelings, they are not entitled to act on their feelings inappropriately in the workplace. Employees shall control their tempers and refrain from behaviors that are hostile, offensive, intimidating, degrading, or exploitative. Inappropriate displays include, but are not limited to: slamming doors, pounding tables, kicking furniture, unwanted physical contact of any nature, making threats, berating or belittling others, speaking in raised voices, using coarse, violent or profane language or gestures, refusing to speak or respond when spoken to, and refusing to provide assistance when requested.

Employees shall treat each other with respect. They shall refrain from making remarks about or using nicknames for other employees that are disparaging or based on a personal characteristic; producing cartoons or other graphics displaying other employees in an unfavorable light; communicating threatening or disparaging remarks via any medium (voice, e-mail, notes, etc.); engaging in unwanted horseplay or practical jokes; failing to relay written, verbal or telephone messages; unwanted, unwarranted physical contact of any nature, including "roughhousing" such as punching in the arm, pinching, arm twisting, etc., and other, similar unwanted conduct.

b. Workplace Violence

The City is committed to creating and maintaining a workplace that is free from violence. Employees are strictly prohibited from engaging in any threatening or violent behavior while on City premises, while operating vehicles for work related reasons, while engaged in City business off premises, while at any City sponsored activity, or while otherwise representing the City.

Specific examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to, the following:

- Threatening physical or aggressive conduct directed toward another individual.
- Threatening an individual or his/ her family, friends, associates, or property with physical harm.

- The intentional destruction or threat of destruction of City property or another's property.
- Harassing or threatening phone calls, letters, or e-mails.
- Surveillance or stalking.
- Veiled threats of physical harm or similar intimidation.

Employees have a responsibility to help keep the municipal buildings safe and free of violence. Employees should inform their supervisor of any workplace situations that violate this policy, even if the threat is presented as "only a joke". Supervisors are responsible for taking immediate steps to avoid workplace violence from occurring and subsequently report such information to City Administration. Any employee who engages in threatening behavior or acts of violence will be subject to disciplinary action up to and including termination.

For purposes of this policy, the term "workplace violence" does not include actions by law enforcement officers taken in the course of their employment with the City and consistent with applicable law and City policy regarding use of force and law enforcement activities.

D. Reporting Inappropriate Workplace Behavior

Any employee who feels he or she is being subjected to behaviors in violation of this Policy and any employee who witnesses or becomes aware of such conduct, should take the following steps:

1. If possible, politely but firmly tell the person who is behaving inappropriately that you are uncomfortable with or offended by the behavior and ask them to stop.
2. Document in writing for personal reference that describes the inappropriate behavior, the date the inappropriate behavior occurred, how it made you feel, what you did, how the offending party responded, and the names and titles of any witnesses.
3. If confronting the offending party is not practical or possible, or if the person refuses to discontinue the inappropriate behavior, the employee should, adhering to the chain of command, contact someone on the list below verbally or in writing:
 - a. The employee's immediate supervisor
 - b. The employee's department head
 - c. The Human Resource Director
 - d. The City Administrator

Reports of conduct by the Human Resource Director or the City Administrator may be made to the Mayor or the Personnel Committee of the City Council.

When making a report, the complaining party should be prepared to provide the following information:

1. The complainant's name, department and position title.
2. The name, department, and position title of the offending party, if known.
3. The specific facts of the allegedly inappropriate behavior, how long it has allegedly gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) that was supposedly taken against the employee who is filing the complaint.
4. Names of witnesses, if any, to the allegedly inappropriate behavior.
5. Whether the complainant has previously reported the allegedly inappropriate behavior and, if so, to whom.

E. Investigating Complaints of Inappropriate Conduct

The Human Resource Director, the City Administrator, or designee of the City Administrator or Human Resources Director, shall investigate complaints of inappropriate workplace conduct.

The determination of whether inappropriate workplace conduct has occurred will be made on a case-by-case basis. Disciplinary action will also be determined on a case-by-case basis in accordance with these policies, applicable policies of the Police and Fire Departments, and applicable collective bargaining agreements.

Employees who are found to have filed bad faith complaints of inappropriate workplace conduct may be subject to disciplinary action as described in the preceding paragraph.

F. Consequences of Engaging in Inappropriate Workplace Conduct

Employees who are found to engage in inappropriate workplace conduct may be subject to disciplinary action, up to and including immediate termination, subject only to applicable law, the provisions of these policies, applicable policies of the Police and Fire Departments, and applicable collective bargaining agreements.

Supervisors are required to deal swiftly and vigorously with employees who treat others disrespectfully. Any supervisor who condones or allows inappropriate workplace conduct or fails or refuses to respond appropriately to complaints of inappropriate workplace conduct, may be subject to disciplinary action as described in the preceding paragraph, whether or not the supervisor actually engaged in inappropriate workplace conduct.

G. Retaliation for Complaints of Inappropriate Workplace Conduct

All employees are prohibited from retaliating or threatening to retaliate against anyone who complains of inappropriate workplace conduct. Any employee found to engage in retaliatory actions is subject to discipline, up to and including immediate termination, subject only to applicable law, the provisions of these policies, applicable policies of the Police and Fire Departments, and applicable collective bargaining agreements.

H. Relationship of Code of Conduct to Harassment Policy.

This policy supplements and does not replace the City's policies prohibiting discrimination, harassment in the workplace, and workplace violence.

Section 5.03 Gifts and Endorsements

No employee shall directly or indirectly solicit, receive, or agree to receive any compensation, "tip," gift, reward, gratuity, payment of expense, or promise of future employment or other future benefit from any source except the City, for any matter or proceeding connected with or related to the duties of the employee. Notwithstanding the above rule, employees may only accept gifts that are specifically allowed by State statute.

Employees and elected officials qualifying as "local officials" pursuant to M.S. 471.895 (as amended) must comply with the terms of that statute.

Section 5.04 Solicitations

The City does not allow outside solicitations to take place on City time or property. If you are asked to purchase goods, contribute funds, etc. while on City premises, please notify your supervisor immediately.

Section 5.05 Conflicts of Interest

No City employee shall engage in any act which is in conflict, or creates an appearance of impropriety or conflict, with the performance of official duties. When an employee believes the potential for a conflict of interest exists, it is the employee's responsibility to avoid the situation. Employees must notify their supervisor if a conflict of interest or perception of a conflict-of-interest situation exists or may exist. Employees who knowingly fail to avoid or disclose a potential, perceived or actual conflict of interest situation are subject to disciplinary action in addition to any criminal penalty that may be involved. An employee shall be deemed to have a conflict if the employee:

- A. Has any financial interest in any sale to the City of any goods or services;
- B. Engages in conduct that violates Section 5.03 (Gifts and Endorsements) of this ARTICLE;

- C. Participates in his/her capacity as a City employee in the issuing of a purchase order or contract in which he/she has a private financial interest, direct or indirect, or performs in regard to such contract some function requiring the exercise of discretion on behalf of the City; or
- D. Engages in, accepts employment from, or renders services for private interests for any compensation or consideration having monetary value when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in performance of official duties, or give the appearance of the above.

An employee should not make a unilateral decision if there is any doubt about his/her private employment. The City Administrator or Human Resource Director should be consulted.

No employee shall, directly or indirectly, give or receive, or agree to give or receive any compensation, gift, reward, commission or gratuity from any source except the City for any matter directly connected with or related to his official services as such employee with this City except as provided in Section 5.05, subpart B above.

- E. Discloses or uses without authorization from the City Administrator private, confidential, or other non-public information to further the employee's private interest, or accepts outside employment or involvement in a business activity that will require the employee to disclose or use such information.
- F. Has a financial interest or personal interest in any legislation or decision coming before the City Council and participates in discussion with or gives an official opinion to the City Council unless the employee discloses on the record of the Council the nature and extent of such interest.

Section 5.06 Outside Employment

Employees may not engage in outside employment which might in any way hinder their objective and impartial performance of their public duties, be incompatible with their City employment, or impair their efficiency on the job. Individuals employed by the City of Brainerd must regard the City as their primary employment responsibility. All outside employment is to be reported to the employee's Department Head. If a potential conflict exists based on this policy or any other consideration, the Department Head will consult with the City Administrator and Finance Director. 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.

Outside work shall be regarded as secondary to regular City employment and shall not interfere with the availability of employees for regularly scheduled work, emergency, or on-call duties. The City's Workers Compensation insurance does not cover any individual injured in the course of outside employment.

Section 5.07 Incompatible Activities

As a City employee, you have a responsibility to uphold a high standard of honesty and integrity.

You may not engage in any activities which are inconsistent, incompatible or in conflict with the duties of your position. These incompatible activities include activities such as using your position or City resources for personal gain or advantage, accepting money or gifts for performing your duties as a City employee, or engaging in activities which impair your attendance or efficiency in the performance of your duties. If an employee has any question as to whether an activity is "incompatible" with his or her work for the City, the employee must ask his or her department head or, if the employee is a department head, the City Administrator for clarification.

Section 5.08 Use of City Vehicles, Facilities and Equipment

No employee of the City shall request, use, or permit the use of City-owned vehicles, clothing, equipment, materials, or other property for: unauthorized personal convenience, for profit, for private use, or as part of secondary employment, or any other use not in the interest of the City, except as provided by law. Use of such City property is to be restricted to such services as are available to the City generally and for the conduct of official City business.

Employees are responsible for appropriate use of time, telephones, cellular telephones, computers, printers, paper, pens, stationery, facsimile machines, and pages. They are expected to adhere to the highest ethical standards when conducting City business and to follow these policies.

Management personnel are responsible for ensuring the appropriate use of all City property, including e-mail and internet access through training, supervising, coaching and taking disciplinary action, when necessary.

Employees who are required to take a City vehicle or equipment home due to the nature of their work for the City, shall do so only with the approval of the City Administrator and in accordance with IRS reporting requirements, and applicable law. City vehicles shall be allowed to leave the City limits (or service area for Fire Department, Police, and BPU vehicles) only while on official City business.

City employees shall have no expectation of privacy in any property or equipment of the City, including, but not limited to, offices, cubicles, desks, files, vehicles, filing cabinets, voice mail, text messages on City paid cellular telephones, PDAs, computers, laptops, mass storage devices, e-mails, electronic media or devices of any kind, or any other type of equipment, property, or space provided by the City. Except when accessed by the police department for law enforcement purposes, any such property or equipment may be accessed, monitored, or searched by the City at any time, for any purpose, with or without notice to the employee, and with or without reasonable suspicion.

Staff members shall operate City vehicles in a careful and prudent manner and shall obey all state and federal laws and all City orders pertaining to such operation. Staff members shall set a proper example for others when operating City vehicles.

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.

To the extent allowed by law, the HR Department 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 Department Head and the HR Director or their designee on the first workday after any temporary, pending or permanent action is taken on their license, and in any event before operating a City vehicle, and to keep their Department Head and HR Director informed of any changes thereafter. The City will determine appropriate action on a case-by-case basis.

The City Council approved the following policy regarding vehicle use. The intent of this policy is to ensure appropriate use of City vehicles and rolling stock by City employees while working on City business or as a representative of the City and to ensure a clear understanding thereof.

- A. To the extent feasible, City employees should use a City-owned vehicle when traveling for City work, including conferences, seminars, and meetings that the employee is attending in his or her role as a City employee.
- B. Conferences, schools, seminars and meetings: ~~For~~ purposes of this policy it is intended that training opportunities during the regular work shift within a 90-mile distance of the work location is considered an acceptable work-related activity in as much as the vehicle will be returned to the work site either during or shortly after the completion of the shift.

Page 17 of 118

- C. Out-of-town and overnight conferences and schools: -To the extent feasible, employees should use an available City-owned vehicle when traveling to overnight conferences, schools, and events. For travel which has a duration of more than one workday in length, the employee may utilize a non-fleet vehicle, if a City-owned vehicle is not available, the use for which will be compensated at the approved rate. Alternatively, upon prior approval of the City Administrator or designee, the employee can utilize an available vehicle if not needed by other staff during the applicable timeframe.
- D. Lunch hours and authorized breaks: -For purposes of this policy when an employee is scheduled to work at a site other than their normal reporting location, and for Police Officers on duty, use of a City vehicle for travel within one mile of the City limits for the purpose of lunch and other authorized breaks shall not be considered personal use.
- E. Overnight use: -It is the intent of this policy that all municipal vehicles will have returned to their designated work location by the end of the work shift unless prior authorization has been received from the employee's Department Head.
- F. Personal use: -Personal use of City vehicles by City employees or elected officials is prohibited without the express written consent of the City Administrator.

Section 5.09 Possession and Use of Dangerous Weapons.

All employees, except sworn employees of the Police Department, are prohibited from carrying or possessing firearms and/or dangerous weapons other than firearms while acting in the course and scope of employment for the City. The possession or carrying of a firearm or dangerous weapon 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:

1. Driving on City business;
2. Riding as a passenger in a car or any other type of transit on City business;
3. Working on the City's property, including City Hall or any other City-owned work site;
4. Working off site on behalf of the City;
5. Performing emergency or on-call work after normal business hours and on weekends;
6. Working at private residences and at businesses on behalf of the City;
7. Attending training or conferences on behalf of the City.

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.

For the purposes of this policy, “dangerous weapons” are defined to include all legal or illegal firearms, switchblade knives, or any other object that has been modified to serve as a weapon or that has the primary purpose of serving as a weapon.

- Exceptions to the dangerous weapons prohibition are as follows: Employees legally in possession of a firearm for which the employee holds a valid permit, if required, and said firearm is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on City property, to the extent required by Minnesota Statutes, section 624.714 (as amended), or other applicable law.
- Possession or use of a dangerous weapon necessary for the performance of duties by sworn Police Department employees.

In addition, the City prohibits the discharge of firearms on City property, except as necessary for the performance of duties by sworn Police Department employees. Any employee in violation of this policy will be subject to disciplinary action, up to and including discharge.

This policy is administered and enforced by the Human Resources Department. Anyone with questions or concerns specific to this policy should contact the Human Resource Director.

ARTICLE 6. APPOINTMENTS AND PROMOTION

Section 6.01 Appointment Procedure

It is the intent of the City of Brainerd to recruit and select qualified candidates for available positions, as it deems necessary. The City is committed to recruitment and selection practices that are based on merit. The recruitment and selection processes will be conducted to ensure an open and competitive process. The City Administrator or a designee will oversee the hiring process for positions within the City. Human Resources staff are responsible for managing the recruitment and selection process including, but not limited to, obtaining authorization to hire, evaluating job descriptions, preparing vacancy announcements, scoring applications, conducting interviews, facilitating background checks, scheduling various assessments and medical examinations, scheduling interviews, and making and withdrawing job offers. While the hiring process may be coordinated by staff, the City Council is responsible for the final hiring decision and must approve all hires to city employment.

The selection process will be a cooperative effort between the City Administrator, HR Director and the hiring supervisor, subject to final hiring approval of the City Council. Any, all, or none of the candidates may be interviewed, as determined by the City at its sole discretion.

When hiring ~~for BPU Department Heads~~ [the Public Utilities Director](#), the City Council will establish a Work Group to oversee the hiring process and up to two representatives from the BPU Commission Personnel Committee will be included in said Work Group.

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

Every appointment to municipal service shall be recommended by the City Administrator or designee to the Personnel and Finance Committee and approved by the City Council. When required by law or by the City Administrator, merit and fitness shall be ascertained by written, oral or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held.

For an existing position that becomes vacant and new positions approved as part of the budget, the City Administrator or designee shall inform the City Council of the vacancy to receive the City Council's authorization to begin recruitment and, when complete, to bring a hiring recommendation to the City Council for authorization to hire. Furthermore, when a position has already received approval from the City Council and an offer is made to a candidate who then declines, the Human Resource Director and the department head may use their judgment in reviewing the list of applicants or re-advertising for the same position.

The City Council may, from time to time, provide staff with hiring perimeters. To the extent that the City Council does so, and if said perimeters are followed, the Council may ratify the hiring of an individual after a conditional job offer has been given and the successful completion of pre-employment screening process has been completed.

Unless otherwise required by law or applicable collective bargaining agreement, in no event shall the hiring or continued employment of any person be considered a contractual relationship between the employee and the City. Further, unless otherwise provided, such relationship shall be defined as employment "at-will," which allows either party to dissolve the relationship at any time, for any legal reason or no reason at all. When required by law or requested by the applicable Department Head, merit and fitness shall be ascertained by written, oral or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held.

Section 6.02 Physical Examination and Background Checks

To the extent authorized or required by law, the City reserves the right to require applicants to complete a pre-employment physical examination by a physician designated by the City as part of the hiring process. Likewise, to the extent authorized by law, the City reserves the right to require employees to complete physical examinations related to their ability to complete the essential functions of their positions. The cost of any such examination shall be paid by the City.

To the extent required or authorized by law, the City reserves the right to require applicants to submit to a background check, including a criminal history background check, as part of the hiring process. Likewise, to the extent authorized by law, the City reserves the right to require internal applicants for promotional positions to submit to a background check, including a criminal history background check, as part of the recruitment and appointment process.

Section 6.03 Promotion from Within

To the extent practical, notice of all new job openings or vacancies shall be posted for at least three (3) working days in an appropriate place. Any employee desiring to apply for such job opening shall do so via the designated application process. If a person other than the Human Resource Director is designated in the job posting, the designated individual shall provide the application to the Human Resource Director within one (1) working day of receipt of the application. The internal recruitment process in no way prohibits the City from seeking and hiring qualified applicants through an external recruitment process. Except as required by the provisions of a collective bargaining agreement, the City reserves the right to recruit external candidates with or without conducting an internal recruitment process and has no obligation to select an internal candidate over an external candidate.

Section 6.04 Acting Department Head Policy

The following provisions shall be followed for appointment of Acting Department Heads:

- A. An employee who is designated to act as a Department Head shall be compensated at the rate of pay of the lowest step on the wage grid for the Department Head position that would represent an increase in pay for the employee of at least 3%.
- B. An employee may be appointed to the position of Acting Department Head upon recommendation of the City Administrator through the Personnel and Finance Committee and final approval of the City Council.

- C. Subject to the provisions of any applicable collective bargaining agreement, upon appointment of a Department Head, the City may return the employee who was Acting Department Head to the position and rate of pay he or she held prior to appointment as Acting Department Head, unless the Acting Department Head is appointed to the Department Head position.
- D. It is understood that the employee appointed as Acting Department Head is receiving additional compensation as per the terms of this policy and that no additional compensation will be made if or when the employee returns to his/her previous position regardless if this policy is amended at any point in the future.
- E. Nothing in this policy provides, or can be construed as providing, any employee with the right to be selected as Acting Department Head or Department Head. Nothing within this policy alters, or can be construed as altering, the "at-will" nature of employment of Acting Department Heads.

ARTICLE 7. SALARY ADMINISTRATION PLAN

Non-union supervisory employees, ~~Municipal Utility Division Managers~~ [Division Managers](#) and Department Heads shall be compensated in accordance with wage resolutions adopted by the City Council.

New employees will generally start at Step 1. Promoted and/or reclassified employees will generally start at the lowest step that is at least 3% more than the employee received in his or her previous position with the City; further, wage step placement appeals will not be considered from promoted and/or reclassified employees for a higher step placement. The City retains the sole discretion to start an employee at a higher step depending on qualifications and needs of the City. Employees shall have no right under this policy to file a grievance or appeal to the City Council regarding their initial placement on the pay table or initial placement following a promotion or reclassification.

Performance evaluations shall be based on job descriptions and result-oriented performance standards. Performance evaluations are intended to assist the employee in reaching maximum potential, enhance services provided by the City, and provide for periodic, formal review by the employee's supervisor and Department Head. The performance evaluation system shall be conducted in the following way:

- A. It shall be the responsibility of each Department Head to provide periodic written evaluations of subordinate employees, on at least an annual basis. This once-a-year annual evaluation shall coincide with the determination of the appropriateness of granting a merit (step) increase in accordance with this policy, if the employee is eligible.

B. It shall be the responsibility of the City Administrator to provide periodic written evaluations of Department Heads on at least an annual basis. This once-a-year annual evaluation shall coincide with the determination of the appropriateness of granting a merit (step) increase in accordance with this policy, if the employee is eligible. The City Administrator will request feedback from all City-appointed boards that the Department Head is the primary staff liaison to while preparing for said review. The board feedback will be received via a form provided by the Human Resources Department.

C. It shall be the responsibility of the City Council to provide periodic written evaluations of the City Administrator, on at least an annual basis. This once-a-year annual evaluation shall coincide with the determination of the appropriateness of granting a merit (step) increase in accordance with this policy, if the employee is eligible.

~~C.D.~~ When there will be a change of the reporting officer for an employee as noted in Items A or B above, the outgoing reporting officer must complete a performance review for all applicable employees before their last working day.

The decision to provide a merit (step) increase shall be the determination, at the discretion of the Department Head, City Administrator, or City Council as applicable. Pay steps through step 6 are based on satisfactory performance.

In order to advance to Step 7 on an applicable wage grid approved by the City Council, an employee must be on Step 6 and obtain two "achieves expectations" and one "exceeds expectations" on their annual performance evaluation for their currently-held position in any given three-year cycle beginning January 1, 2019. In order to advance to Step 8, an employee must be on Step 7 and obtain another "exceeds expectations" with two prior "achieves expectations" on their annual performance evaluation for their currently-held position in any given three-year cycle.

Step increases for employees hired before August 1, 2022, will become effective on January 1 of each year following the employee's performance review. For employees hired, reclassified or promoted on or after August 1, 2022, any step increase will become effective on their position anniversary date. Progression through the pay steps will be accomplished by an annual review of employee performance, as described above.

Denial or delay of a step increment shall be subject to the grievance procedures described in these policies.

ARTICLE 8. PROBATIONARY PERIOD

Section 8.01 Duration and Purpose

Subject to the provisions of an applicable collective bargaining agreement and applicable law, all new, rehired, promoted, or reassigned employees shall serve a twelve (12) month probationary period upon assuming their new positions. This period shall be used to observe the employee's work habits and ability to perform the work that they are required to do. Department Heads shall file with the City Administrator a written summary of the probationary period and include a recommendation for continued employment of the employee.

An employee serving his/her initial probationary period may be disciplined at the sole discretion of the City Administrator, up to and including dismissal. An employee so disciplined, including dismissal, will not have any grievance rights.

Section 8.02 Extension

An employee's probationary period may be extended for an additional period of time not to exceed six (6) months upon recommendation from the City Administrator or Department Head and at the sole discretion of the Human Resource Director.

Section 8.03 Termination

The City Council, upon recommendation of the Personnel and Finance Committee, may terminate with or without cause a probationary employee anytime during the probationary period.

Section 8.04 Completion

At the end of the probationary period, the Department Head will recommend that the City Administrator take one (1) of the following actions:

- 1) Extension of Probation;
- 2) Regular Employment; or
- 3) Termination.

If the recommendation is for termination, the City Administrator will take the recommendation to the Personnel and Finance Committee for consideration, before receiving final approval from the City Council.

An employee's completion of the probationary period does not guarantee future employment or create a "for cause" termination standard. All employees, including employees who have successfully completed a probationary period, are "at will" employees. Nothing in this personnel policy provides, is intended to provide, or should

be construed as providing additional rights to employees who complete the probationary period.

Section 8.05 Vacation and Sick Leave

During a new or rehired employee's probationary period, vacation leave and [Sick Leave/ESST](#) shall be earned. Employees may use vacation leave after the first six months of their probationary period, subject to approval by the employee's supervisor. Sick leave may be taken during the probationary period not to exceed the [Sick Leave/ESST](#) time earned.

ARTICLE 9. HOURS OF WORK

Section 9.01 Work Schedule

Due to the necessity of providing service twenty-four hours per day, seven days per week, it is a reasonable condition of employment to require that employees work a regular schedule of hours as established by the City. Regular schedules shall not be construed as excluding shift rotation and emergency work schedules based on public necessity as determined by the City.

The following are descriptions of the work schedules for the types of employees utilized by the City of Brainerd.

- A. Subject to the terms of any applicable collective bargaining agreement, regular full-time and probationary full-time employees, included in the annual budget, normally have a work schedule of forty (40) hours per week, (five (5) days per week, eight (8) hours per day). The City reserves the right to set employees' schedules and hours of work as required to deliver City services.
- B. Regular part-time and probationary part-time employees have a work schedule that is less than forty (40) hours per week. Employees who work less than thirty (30) hours per week shall not be eligible for fringe benefits, except as required by law. Employees who work thirty (30) hours per week or more shall be eligible for the following fringe benefits on a pro-rata basis:

Holidays - As established in ARTICLE 15 of this manual.

Vacation - As established in ARTICLE 16 of this manual.

Sick Leave/[ESST](#) - As established in ARTICLE 17, Section 17.06 of this manual.

Employees who work thirty (30) hours per week or more shall be eligible to participate in the City's group health insurance, cafeteria plan and life and long-term disability ("LTD") insurance provided that the participation of such employees is allowed by the insurance carrier/plan eligibility rules.

The employer's contribution for health insurance and life and LTD insurance for eligible participating employees shall be determined on a pro-rata basis.

- C. Temporary or seasonal employees may work a flexible schedule for a period not exceeding 185 consecutive calendar days in each year of employment, or such other amount of time as determined by the City Administrator or designee. Full-time students under the age of 23 may also work a flexible schedule as allowed by law. Employees who are temporary, seasonal, and/or full-time students are not eligible for fringe benefits.

Employees should be made aware of their work schedules by a method suitable for the various city departments. Any changes in work schedules usually will be made known to employees affected ahead of time when the schedules take effect, except in the case of emergencies.

Section 9.02 Time Sheets

Each employee of the City shall complete an accurate time sheet following the proper procedure and timeline. Time sheets shall cover a two (2) week (fourteen (14) day) period except Paid on-call Firefighters whose timesheet will cover a full calendar month. Time sheets shall be completed by each employee and shall show all hours worked and the department the work is to be charged to. All overtime, if applicable, shall be approved by the Department Head. Reporting false information on a time sheet may be cause for disciplinary action up to and including immediate termination.

Section 9.03 Supervisory Employees

The City Administrator, Department Heads, ~~Municipal Utility Division Managers~~[Division Managers](#) and non-union supervisory employees who are exempt from the overtime and minimum wage provisions of the Fair Labor Standards Act may be allowed to maintain limited flexibility in their work schedule from the normal workday to the extent that job performance and service responsibilities of the City to the public remains satisfactory and at the approval of the employee's supervisor. This limited flexibility means that, if a Department Head, Municipal Utility Division Manager or non-union supervisor is absent for four or more hours in any normal workday, appropriate leave must be utilized to account for the absence.

The regular work week for all regular employees, including Department Heads, ~~Municipal Utility Division Managers~~[Division Managers](#) and non-union supervisors consists of five workdays. Even though Department Heads, ~~Municipal Utility Division Managers~~[Division Managers](#) and non-union supervisors may be required to work additional hours for night meetings, City functions and duties, etc., the employee must report to work all five days per week, even if the actual hours worked exceeds 40 hours prior to the fifth day. If an

employee does not report to work for an entire day in a work week, the timesheet must show which type of appropriate leave is being taken (e.g., eight hours of vacation time).

If a Department Head, Municipal Utility Division Manager or non-union supervisor needs to work a full day on a weekend or holiday, he or she may make a request to the Department Head (for ~~Municipal Utility Division Managers~~ [Division Managers](#) or non-union supervisors), City Administrator (for Department Heads), to have this workday switched to allow for a day off on another day. This request must be approved by the Department Head or City Administrator as appropriate, before the employee switches his or her work schedule.

Section 9.04 Adverse Weather Conditions

City facilities will generally be open during adverse weather. Due to individual circumstances, each employee will have to evaluate the weather and road conditions in deciding to report to work (or leave early). An employee may be allowed to work from home with prior approval by their supervisor; allowed to use accrued vacation time or compensatory time, or with supervisor approval; or may modify their work schedule if allowed without incurring overtime per the applicable union contract or make other reasonable schedule adjustments.

Sworn police officers, firefighters, utility 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.

ARTICLE 10. OVERTIME HOURS

Section 10.01 General

Overtime pay for employees will be in conformance with State and federal law, including Minnesota Statutes, section 177.25 (as amended) and the Federal Fair Labor Standards Act, 29 United States Code, section 201 et seq., ("FLSA") as amended, and all applicable State and federal rules and regulations implementing section 177.25 and/or the FLSA.

- A. For purposes of computing overtime for employees, other than BPU employees, work weeks shall begin at 12:00 a.m. on Sunday. For purposes of computing overtime for BPU employees, work weeks shall begin at 12:00 a.m. on Monday.
- B. Hours worked by non-exempt, non-union employees in excess of forty (40) per week shall be compensated at one and one-half (1 ½) times their hourly wage rate unless a different rate is established by an employment contract.

- C. Holiday hours actually worked are calculated as time worked in the computation of overtime pay.
- D. For the purposes of computing overtime compensation, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked.
- E. No employee may work overtime without the prior approval of his or her Department Head, or designee.
- F. Exempt, non-union employees shall not be eligible for overtime compensation or compensatory time, except as provided in Section 10.04 of this Policy.

Section 10.02 Payment

Department Heads are responsible to schedule the work in their departments to minimize overtime. Overtime shall be inputted in 1/4 hour (fifteen minute) increments.

Section 10.03 Compensatory Time

Upon request, non-exempt, non-union employees will be allowed to earn compensatory time in lieu of receiving overtime compensation. In no event, shall accrued compensatory time off exceed the limitations provided in the FLSA. Once an employee has reached maximum accrual, compensation for additional hours must be paid in cash, rather than accrued as compensatory time off.

Compensatory time shall be determined at the rate of one and one-half (1½) hours off for every hour of overtime worked, or at a higher rate, if the employee receives a higher rate of pay for the overtime hour(s) in question in accordance with the terms of a collective bargaining agreement or other employment contract. Compensatory time off will be granted in not less than one-quarter hour units.

The City reserves the right to pay out any compensatory time off in excess of 80 hours, as it deems necessary. Accrued compensatory time off may be used with prior approval from the employee's Department Head, which shall be granted unless use of compensatory time off would unduly disrupt the operations of the City.

Upon separation from the City's employment, employees shall be paid for their accrued, but unused compensatory time off in accordance with the FLSA and other applicable law.

Section 10.04 Overtime for Exempt Employees

Notwithstanding the above, exempt employees may receive overtime compensation to the extent provided in an intergovernmental agreement or other contract between the City and another entity, if the contract requires the other entity to pay the cost of overtime hours.

ARTICLE 11. PERSONNEL/PAYROLL

Section 11.01 Personnel Records

An employee must notify the Department Head and the Human Resource Director in case of a change in address, telephone number, marital status, or number of dependents. If at any time an employee's address or telephone number is changed and the change is not reported, it may be difficult or impossible to complete delivery of messages, notices, or other information which should be received. Incomplete information creates problems with payroll deductions and fringe benefits, such as medical coverage. Accordingly, the failure to provide such information may impact the City's ability to provide pay and/or benefits to City employees.

Section 11.02 PERA (NOTE: See PERA's Website: www.mnpera.org to verify contribution rates)

Almost all city employees in the State of Minnesota are covered by a public pension system known as the PERA. Both the City and employees contribute to PERA. For specific information regarding annual contribution rates, contact the Human Resource Director. Vesting time varies depending on your membership eligibility date and the pension is portable among public employers throughout the state. Being vested means you qualify for benefits at the minimum allowable age.

In normal situations, employees and employers both contribute a percentage of the employee's gross salary to PERA. However, Minnesota law provides that some income received by an employee are not eligible for PERA contributions. Employees should contact the Human Resource Director with specific questions regarding PERA contributions.

Section 11.03 FICA

All full-time, part-time, temporary and/or seasonal employees are mandatory members of Federal Insurance Contribution Act (commonly known as Social Security). The City is required to deduct certain amounts from such employees' gross salary. Certain employees may be exempt from this deduction. Employee should contact the Human Resource Director with specific questions regarding FICA deductions.

Section 11.04 Medicare

All full-time, part-time, temporary and/or seasonal employees have a mandatory deduction for Medicare tax taken from their paychecks. Employee should contact the Human Resource Director with specific questions regarding Medicare deductions.

Section 11.05 MN Deferred Compensation

The City is a member of the Minnesota Deferred Compensation Plan. An employee may, at their option, defer any part of income, to a maximum amount set by law, of gross salary. The City does not contribute any monetary amount to the MN Deferred Compensation Plan unless required by the provision of collective bargaining agreement.

ARTICLE 12. SEPARATION FROM EMPLOYMENT

Section 12.01 General Statement

Separation from employment is an inevitable part of personnel activity within any organization, and there are many reasons for separation. The reasons for separation include: (1) resignation; (2) discharge (in accordance with ARTICLE 28 of these policies); (3) layoff; and (4) retirement (in accordance with ARTICLE 13 of these policies).

An employee leaving the City, for any reason, must turn in his/her identification badge and card, tools, shop coats, keys, books, and other City equipment no later than the last day of work. The employee is expected to go through an exit interview with the Human Resource Director on his/her last day of work. This interview is important for both the City and the employee. Through this interview, information may be provided which can lead to the causes of turnover, absenteeism, poor communication, etc. Oftentimes problems are discovered which appeared non-existent previously. It can be an effective means for gaining insight into potential personnel problems.

Section 12.02 Resignation

As at-will employees, all City employees may resign at any time, for any reason. In order to be considered "in good standing" at the time of resignation, an employee must file with employee's department head, at least 14 days before leaving, a written resignation stating the effective date of the resignation. Department Heads, [Municipal Utility Division Managers](#) and non-union supervisors wishing to resign "in good standing" should give the City as much advance notice as possible, but must provide at least 30 days' notice. Failure to comply with this 14-day or 30-day notice procedure may be considered cause for denying the employee future employment by the City and denying termination benefits. Unauthorized absence from work for a period of three working days may be considered by the City Administrator as a resignation "not in good standing" and without benefits.

Section 12.03 Layoffs

After at least two weeks' notice to the employee, the City Administrator may lay off any employee when such action is necessary because of shortage of work or funds, the abolition of a position, or changes in organization. If it should become necessary to reduce the City work force, the City may give consideration to the employees' on-the-job performance, abilities, job knowledge and the potential for other jobs within the City.

Section 12.04 Final Pay Following Termination of Employment

Subject to applicable law, employees who terminate employment with the City shall receive their final pay settlement a maximum of two weeks from the date of resignation, coinciding with the next normal payday. To be eligible for backpay, employees must be currently employed with the City at the time of backpay distribution.

ARTICLE 13. RETIREMENT AND SEVERANCE PAY

Section 13.01 Procedure

Regular employees who retire voluntarily in good standing, as defined in the previous Article -as defined above, after giving at least two (2) weeks' notice to the City and are eligible to immediately begin receiving monthly retirement benefits under the provisions of PERA as of the date of his or her retirement, shall be granted severance pay based on the following conditions and rates:

Section 13.02 Conditions

- A. Retirement - voluntary and in good standing, as defined in ARTICLE 12.
- B. Voluntary retirement or termination of employment in good standing, as defined in ARTICLE 12, due to health reasons, service-connected injury, or illness.

Section 13.03 Rates

All regular employees, regardless of the date of hire, shall be entitled to 100 percent of their unused ~~sSick lLeave/-and~~ ESST as severance pay, with a maximum of nine hundred sixty (960) hours, upon retirement in good standing, as defined in ARTICLE 12, or if they become disabled and must terminate their employment, with written proof by a physician. In the event of death, severance pay shall be paid to the beneficiary. Pay for unused ~~sSick lLeave/-and~~ ESST shall be based on existing annual wage as described in Exhibit C or applicable union contract.

ARTICLE 14. MEAL AND COFFEE BREAKS

Page 32 of 118

All hourly employees shall receive one (1) fifteen (15) minute rest period during each four (4) consecutive hours of work. Rest periods are part of the paid work shift. An employee shall not be compensated additional wages or time off for not taking a scheduled rest period. Employees are expected to use these breaks as intended and will not be permitted to adjust work start time, end time, or meal time, including any standard meal time designated by a specific Department—or accrue compensatory time—by saving these breaks. Breaks should be scheduled so as to not interfere with work requirements.

In general, City employees working a scheduled full-time shift are entitled to a one (1) hour uncompensated meal period. Meal periods shall be scheduled by the department head or supervisor. Employees will not be permitted to adjust work start time or accrue compensatory time by skipping or shortening meal breaks.

ARTICLE 15. HOLIDAYS

The following holidays, or days observed as such, shall be considered paid holidays for all regular employees:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Veterans' Day
- Juneteenth
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas Day
- One "Floating" holiday

When an official holiday recognized in this policy falls on a Saturday, the preceding Friday shall be declared a holiday for employees whose normal work schedule is Monday through Friday. When an official holiday recognized in this policy falls on a Sunday, the following Monday shall be declared a holiday for employees whose normal work schedule is Monday through Friday.

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

Union employees shall be compensated for holiday time according to the terms and conditions of their collective bargaining agreement.

Requests for floating holidays shall require three (3) days' written notice to the Department Head. Such requirement may be waived when absence of the employee will not unduly affect the functioning of the department.

Employees will be accredited their floating holiday on January 1st of each year [or upon date of hire](#) and may use it at any time during the year.

Floating holidays must be taken in one (1) day (or eight (8) hour) increments. Floating holidays are not carried over year-to-year and must be used in the calendar year that they are received. Floating holidays not used by December 31 of the calendar year they were received are forfeited.

ARTICLE 16. REGULAR VACATION

Section 16.01 General Vacation Rules

A. When Taken

Vacation leave may be taken after written approval by the Department Head or designee. Vacation leave will be granted in not less than one-quarter hour units. Probationary employees' use of vacation leave is subject to ARTICLE 8 of these policies.

B. Length of Service

Length of service for the purpose of determining vacation accrual is calculated from the date of hire with the City. If an employee returns to work at the City after a break in service, the employee's length of service will be calculated from the date of rehire.

C. Scheduling Vacation

Department Heads are responsible for approving the scheduling of vacation leaves for employees under their supervision, and approval is not automatic.

1. Consideration shall be given to seasonal demands and departmental staffing needs before granting any vacation leave requests.
2. Subject to the needs of the Department, preference in scheduling shall be based on the order in which vacation requests are received and/or seniority of employees.

D. Monetary Consideration in Lieu of Vacation

Vacation pay shall be reflected on the paycheck issued for the pay period in which the vacation is taken. No vacation shall be paid in lieu of taking time off, except as authorized under the City's Cafeteria Plan.

E. Accrual of Vacation

Employees may accumulate vacation time equal to a maximum of 240 hours. Vacation accrual will cease if an employee is off of the City's payroll system for any reason whatsoever, except as required by law.

F. Vacation Payout

Employees who leave the employment of the City in good standing, as defined in ARTICLE 12 of these policies, by retirement or resignation will receive pay for 100 percent of unused accrued vacation. An employee shall not be considered to be "in good standing" if the employee resigns or retires following allegations of misconduct pending investigation, as determined by the City Council in its sole discretion.

G. Vacation leave is not intended to be used for absences related to personal illness or injury or any of the eligible uses outlined in the Earned Sick and Safe Time policy. However, should an employee use vacation leave for one of the eligible uses outlined in Article 17, Section 17.06, with respect to that particular absence only, the Earned Sick and Safe Time policy will apply.

All full-time employees, except the City Administrator, Department Heads and ~~Municipal Utility~~ Division Managers, shall earn vacation at the rate of: 6.67 hours per full month worked during the employee's first five years of employment. Thereafter, employees shall earn paid vacation as follows:

After completion of:

5 years of service - 10.00 hours per month
10 years of service - 10.67 hours per month
11 years of service - 11.33 hours per month
12 years of service - 12.00 hours per month
13 years of service - 12.67 hours per month
14 years of service - 13.33 hours per month
15 years of service - 14.00 hours per month
16 years of service - 14.67 hours per month
17 years of service - 15.33 hours per month
18 years of service - 16.00 hours per month
19 years of service - 16.67 hours per month
20 years of service - 17.33 hours per month
21 years of service - 18.00 hours per month
22 years of service - 18.67 hours per month
23 years of service - 19.33 hours per month
24 years of service - 20.00 hours per month

City Administrator, Department Heads and ~~Municipal Utility Division Managers~~Division Managers shall earn vacation at the rate of:

Ten (10) hours per full month worked during the first year of employment. Thereafter, employees shall earn paid vacation as follows:

After completion of:

1 year of service – 10.67 hours per month
2 years of service – 11.33 hours per month
3 years of service – 12.00 hours per month
4 years of service – 12.67 hours per month
5 years of service – 13.33 hours per month
6 years of service – 14.00 hours per month
7 years of service – 14.67 hours per month
8 years of service – 15.33 hours per month
9 years of service – 16.00 hours per month
10 years of service – 16.67 hours per month
11 years of service – 17.33 hours per month
12 years of service – 18.00 hours per month
13 years of service – 18.67 hours per month
14 years of service – 19.33 hours per month
15 years of service – 20.00 hours per month

ARTICLE 17. EMPLOYEE LEAVES

Section 17.01 Jury Duty

Any employee who is required to serve as a juror shall be granted a leave of absence with pay while serving in such capacity. Employees will be required to turn over any compensation they receive for jury duty, minus mileage reimbursement, to the City in order to receive their regular wages for the period. An employee cannot receive more than the employee's normal take-home pay as a result of any employer pay supplemented to Jury Duty pay. Jury duty pay must be remitted to the City. When employees are excused from jury duty during their regular working hours, they are expected to return to work if practicable. If a holiday occurs during jury duty, the employee shall be paid for the holiday.

Employees excused or released from jury duty during their regular working hours will report to their regular work duties as soon as reasonably possible or will take accrued vacation or compensatory time to make up the difference.

Insurance benefits will remain in effect for the full term of jury duty leave. Employees must continue to make employee contributions for any insurance that requires payment on their part.

Vacation time and sick time shall continue to accrue during the period of leave. Benefits will continue to accrue as though the employee were actively at work.

Section 17.02 Military Leave

Employees shall be entitled to leave without pay for military service, including training in the National Guard, consistent with the Uniformed Services Employment and Re-employment Rights Act of 1994 ("USERRA") (as amended) and Minnesota law, including, but not limited to, Minnesota Statutes, chapter 192 (as amended).

Section 17.03 Leave for Service in Organizations

The City Council with the recommendation of the City Administrator and Personnel and Finance Committee, may grant a leave of absence without pay for reasonable periods not to exceed one (1) year to any regular employee for the purpose of serving in an elected or appointed position, other than as a paid employee, in a professional organization or a governmental commission or committee, provided such leave will not reduce the quality or level of service to the public.

No vacation leave, ~~s~~Sick ~~L~~Leave/~~ESST~~, holiday leave or compensatory time off benefits shall be used or accrued during a leave of absence and the City will not contribute to insurance premiums.

Section 17.04 Pregnancy and Parenting ~~Parental~~ Leave

~~Parenting Leave, as provided for in Minnesota Statutes, section 181.941, as amended, grants qualifying employees unpaid leave of up to twelve (12) weeks for: (1) a biological or adoptive parent in conjunction with the birth or adoption of a child; or (2) a female employee for prenatal care, or incapacity due to pregnancy, childbirth, or a related health condition. Parental Leave is considered to be taken simultaneously with FMLA leave. If leave is taken due to the birth or adoption of a child, the leave must begin within twelve (12) months of the birth or adoption, unless the child remains in the hospital after the mother has been discharged, in which case the leave must begin within twelve (12) months after the child leaves the hospital.~~

All employees are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota. Female employees for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions as well as a biological or adoptive parent in conjunction with the birth or adoption of a child, are eligible for up to 12 weeks of unpaid leave. Any paid or unpaid leave taken for prenatal care medical appointments will not count toward the 12-week leave. Additionally, leave under this section must begin within twelve months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother,

Commented [KS3]: This language is recommended by the LMC as it was modified during the 2024 legislative session.

the leave must begin within 12 months after the child leaves the hospital. Employees should provide reasonable notice, which is at least 30 days. If the leave must be taken in less than three days, the employee should give as much notice as practicable.

Employees are required to use accrued vacation leave during Parenting Leave, and employees may choose, but are not required, to use any accrued Earned Sick and Safe Time. If the employee has any FMLA eligibility remaining at the time this leave commences, this leave will run concurrently with any FMLA leave available. The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave.

Group insurance coverage, including any employer contributions toward the benefits, will continue while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, provided the employee continues to pay any employee share of the cost of the benefits.

The City will inform employees of their parental leave rights at the time of hire and when an employee makes an inquiry about or requests parental leave.

The City shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting parental leave rights or remedies.

Section 17.05 Funeral Leave

All regular full-time employees shall be permitted paid funeral leave not to exceed 24 hours, if necessary, for the death of an immediate family member (employee's spouse, child, step-child, father, mother, brother, sister, father-in-law, mother-in-law) and one (1) working day, if necessary, for the death of an employee's grandparent. Funeral leave for other relatives may be granted at the discretion of the Human Resource Director. Up to twenty-four (24) additional hours of ~~sSick lLeave/ESST~~ may be used as additional funeral leave at the discretion of the City Administrator. For purposes of this policy, the term "working day," means a regularly scheduled shift, excluding any time that an employee would be considered "on call" unless the employee actually would have been called to perform duties during that period.

Section 17.06 Sick Leave/Earned Sick and Safe Time (ESST) Leave

~~All eligible part-time and temporary City employees shall earn sick leave at the rate of one (1) hour per thirty (30) hours worked as required by the Earned Sick and Safe Time~~

~~(ESST) Law and City Policy. Except to the extent provided in an applicable collective bargaining agreement, full time employees shall also earn ESST leave at the rate of at least one (1) hour per thirty (30) hours paid excluding the following pay types: Vacation Sale; Comp Time Payouts; Comp Time Earned (our payroll system can only recognize when comp time is taken/paid); and Vacation, Sick and Comp Time severance payouts. In addition, full time employees will earn a combination of Sick Leave and ESST to equal (8 hours) of leave per month. Sick leave will be granted in not less than one quarter hour units. Sick leave and ESST accumulation shall be a combined maximum of 120 days (960) hours.~~

“Earned Sick and Safe Time” (“ESST”) is paid time off for eligible uses outlined in this policy as required by Minnesota’s Earned Sick and Safe Time law, including but not limited to an employee’s mental or physical illness, injury, or other health condition. Employees will earn ESST as prescribed in this policy, provided that all employees will earn at least one hour of ESST for every 30 hours worked by an employee, up to a maximum of 48 hours of ESST per year. The base rate of ESST is the same hourly rate an employee earns from employment with the city. This specific leave applies to all employees (including temporary and part-time employees) anticipated to perform work for at least 80 hours in a year for the city.

The following positions are not eligible for leave under this policy:

1. Volunteer firefighter or Paid on-call Firefighter;
2. Elected officials or a person who is appointed to fill a vacancy in an elected office.

(a) Earned Sick and Safe Time Use

The leave may be used as it is accrued in the same increment of time for which employees are paid (as long as the amount is not more than four hours) for the following circumstances:

- An employee’s own:
 - Mental or physical illness, injury or other health condition
 - Need for medical diagnosis, care or treatment, of a mental or physical illness injury or health condition
 - Need for preventive medical or health care, or
 - Need to make arrangements for or attend funeral services or a memorial, or address financial or legal matters that arise after the death of a family member
- Care of a family member:
 - With mental or physical illness, injury or other health condition
 - Who needs medical diagnosis, care or treatment of a mental or physical illness, injury or other health condition, or
 - Who needs preventative medical or health care

- Absence due to domestic abuse, sexual assault or stalking of the employee or employee's family member provided the absence is to:
 - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
 - Obtain services from a victim services organization
 - Obtain psychological or other counseling
 - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
 - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking
- Closure of the employee's place of business due to weather or other public emergency or an employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergency
- The employee's inability to work or telework because the employee is prohibited from working by the city due to health concerns related to the potential transmission of a communicable illness related to a public emergency, or seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and the employee has been exposed to a communicable disease or the city has requested a test or diagnosis.
- When it has been determined by health authorities or a health care professional that the presence of the employee or family member in the community would jeopardize the health of others because of the exposure of the employee or family member of the employee to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.

(b) For Earned Sick and Safe Time purposes, family member includes an employee's:

1. Spouse or registered domestic partner
2. Child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis
3. Sibling, step sibling or foster sibling
4. Biological, adoptive or foster parent, stepparent or a person who stood in loco parentis when the employee was a minor child
5. Grandchild, foster grandchild or step grandchild
6. Grandparent or step grandparent
7. A child of a sibling of the employee
8. A sibling of the parent of the employee or
9. A child-in-law or sibling-in-law
10. Any of the above family members of a spouse or registered domestic partner

11. Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship

12. Up to one individual annually designated by the employee

(c) Advance Notice for use of Earned Sick and Safe Time

With respect to ESST accrued on or after January 1, 2024, if the need for the leave is foreseeable, the city requires seven days' advance notice. However, if the need is unforeseeable, employees must provide notice of the need for ESST as soon as practicable. When an employee uses ESST for more than three consecutive scheduled work days, the city may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records or related documentation to support safety leave). However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using, or used, ESST for a qualifying purpose. The city will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition. In accordance with state law, the city will not require an employee using ESST to find a replacement worker to cover the hours the employee will be absent.

(d) Accrual and Carry Over of Earned Sick and Safe Time

All eligible part-time and temporary City employees shall earn Sick Leave/ESST at the rate of one (1) hour per thirty (30) hours worked as required by the Earned Sick and Safe Time (ESST) Law and City Policy. Except to the extent provided in an applicable collective bargaining agreement, full-time employees will earn a combination of Sick Leave/ESST to equal (8 hours) of leave per month. Sick Leave/ESST will be granted in not less than one-quarter hour units. Sick leave/ESST accumulation shall be a combined maximum of 120 days (960) hours.

(e) Retaliation prohibited

The city shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting Earned Sick and Safe Time rights, requesting an Earned Sick and Safe Time absence, or pursuing remedies. Further, use of Earned Sick and Safe Time will not be factored into any attendance point system the city may use. Additionally, it is unlawful to report or threaten to report a person or a family member's immigration status for exercising a right under Earned Sick and Safe Time.

(f) Benefits and return to work protections

During an employee's use of Earned Sick and Safe Time absence, an employee will continue to receive the city's employer insurance contribution as if they were working, and the employee will be responsible for any share of their insurance premiums.

An employee returning from time off using accrued Earned Sick and Safe Time is entitled to return to their city employment at the same rate of pay received when their leave began, plus any automatic pay adjustments that may have occurred during the employee's time off. Seniority during Earned Sick and Safe Time absences will continue to accrue as if the employee has been continually employed.

When there is a separation from employment with the city and the employee is rehired again within 180 days of separation, previously accrued Earned Sick and Safe Time that had not been used will be reinstated. An employee is entitled to use and accrue Earned Sick and Safe Time at the commencement of reemployment.

~~An employee may use sick leave when the employee is unable to attend work or perform work duties due to illness, injury, the necessity for medical, dental, or chiropractic care, childbirth, or exposure to contagious disease where such exposure may endanger the health of others with whom the employee would come in contact during the course of performing work duties. Employees may also use their accrued sick leave for any other purpose for which the City is required to allow an employee to use sick leave by State or federal law.~~

~~When requesting sick leave for a scheduled or foreseeable absence, employees must notify the supervisor as soon as the employee is aware of the need to utilize sick leave.~~

~~To be eligible for sick leave with pay, an employee shall:~~

- ~~A. Report as soon as possible to the employee's immediate supervisor as described above. If the need for sick is not foreseeable, the employee must notify his/her supervisor as soon as the employee becomes aware of the need for leave. The employee shall identify if the absence is due to the employee's illness or the employee's immediate family, as listed above;~~
- ~~B. Keep the employee's immediate supervisor informed of such employee's need for continued absence; and~~
- ~~C. To the extent allowable by law, for any absence that exceeds three days, upon request by the City Administrator, submit a medical certificate before the employee will be allowed to return to work.~~

Except as may be required by law, Sick Leave/ESST accrual will cease if an employee is off of the City's payroll system for any reason whatsoever.

~~To the extent allowable by law, the City reserves the right to require any employee returning from sick leave to provide a certificate stating that he or she is able to perform the essential functions of his or her position, with or without reasonable accommodation.~~

In case of disability caused by sickness or injury and covered by Workers Compensation, the City will pay to the employee only such sums, as together with Workers Compensation payments, will equal their base pay but never for a longer period than their accumulated ~~Sick Leave/ESST~~ and vacation leave. The time deducted from the employee's accumulated ~~vacation and then Sick Leave/ESST if elected~~, until exhausted ~~and then vacation, until exhausted~~, shall be the difference between the employee's normal gross pay and the payment received by the employee for workers compensation. ~~An employee cannot receive more than the employee's normal take-home pay as a result of any workers compensation payment.~~

~~In such case, to the extent allowable by law, once sick leave is exhausted, the time deducted from accumulated vacation leave shall be in the same amount as the proportion of wages paid by the City bears to the entire base pay of the employee. No Sick Leave/ESST or vacation leave will be paid to employees while actually working for others.~~

~~Section 17.07 – Earned Sick and Safe Leave~~

~~A. — Designation of Sick Leave as Earned Sick and Safe Time~~

~~Effective January 2024, the first 48 hours of Sick Leave earned each calendar year by current full time employees as well as the first 48 hours of Sick Leave earned by any new hire thereafter shall be designated as Earned Sick and Safe Time (ESST) pursuant to Minn. Stat. § 181.9445 and may be used for any of the purposes of that statute and for those family members set forth therein.~~

~~B. — Carryover Year to Year~~

~~An employee may earn and carryover up to a maximum of eighty (80) hours of their unused Earned Safe and Sick Time (ESST) from year to year. Year to year shall be calendar year. The first partial year of employment shall constitute a year for the purposes of this policy.~~

~~C. — Earning ESST~~

~~Sick leave/ESST benefits shall only accrue when an employee is in compensated payroll status. Sick leave/ESST benefits shall not be earned by any employee while in a non-pay status.~~

~~For those part time and/or temporary employees not covered by a collective bargaining agreement or other personnel policy granting sick leave, ESST shall accrue at the rate of 1 hour for every 30 hours worked if the employee works 80 hours in the year. Please see the Sick Leave section of the Employee Policy Manual regarding the accrual for full-time employees.~~

~~D. ESST Use~~

~~—ESST may be used for:~~

- ~~1. An employee's own or family member's need for illness, injury, medical or mental health care, or preventative medical or mental health care.~~
- ~~2. Absence due to domestic abuse, sexual assault, or stalking of employee or their family member. The employee may take leave to assist family member to seek medical care for related physical or psychological injury or disability, obtain services from Victim Services organization, obtain counseling, relocate or secure their or to receive legal advice, take legal action or prepare for any related legal proceeding.~~
- ~~3. Closure of the employee's workplace due to weather or a public emergency.~~
- ~~4. Employees need to care for a family member whose school or place of care has been closed due to weather or public emergency.~~
- ~~5. Employee's inability to work or telework because:~~
 - ~~a. The employer prohibits them from working due to potential transmission of illness related to a public emergency.~~
 - ~~b. Seeking or awaiting the results of test or diagnosis of communicable disease related to a public emergency due to exposure or at the employer's request.~~
- ~~6. When a health care professional determines employee should quarantine because of exposure to a communicable disease regardless of if they contracted the disease.~~

~~Sick/ESST leave shall be taken in 15 minute increments.~~

~~E. Definition of Family:~~ ~~For the purpose of using ESST time, an employee's family shall include those individuals identified by Minn. Stat. 181.9445 Subd. 7.~~

~~—The employee's, their spouses, or their registered domestic partner's:~~

- ~~a. Child, Foster Child, Adult Child, Legal Ward or Child In Law~~
- ~~b. Spouse or registered Domestic Partner~~
- ~~c. Sibling, Stepsibling, Foster Sibling~~

- ~~d. Parent, Stepparent, Foster Parent~~
- ~~e. Grandparent, Step Grandparent~~
- ~~f. Grandchild, Step-grandchild, Foster Grand Parent~~
- ~~g. Sibling of parents, Siblings Child~~
- ~~h. Child for whom employee stands in place of parents.~~
- ~~i. Person who stood in place of a parent when the employee was a minor.~~
- ~~j. Any individual related by blood or whose is equivalent of a family relationship.~~
- ~~k. One individual who the employee identifies at the time of hire and thereafter at the time of health insurance open enrollment each year.~~

G. Request for Leave

~~Employees shall request ESST from their supervisor prior to the start of the work day when leave is not foreseeable, or as soon thereafter as possible in an emergency situation. Requests shall be made by direct contact with the supervisor. When leave is foreseeable the employee shall request leave as far in advance as possible, preferably seven (7) calendar days, and shall schedule appointments so as to have the least impact on the business of the employer.~~

H. Verification

~~The employer may request verification of illness, injury, medical care or preventative treatment of the employee or a family member after three days, consistent with the requirements of Minn. Stat. § 181.9447 Subd. 3.~~

~~Upon exhaustion of the accrued ESST time, the employer may require medical verification for sick leave consistent with City policy and practice for the use of sick leave.~~

The employer may designate ESST time used for an FMLA qualifying event as Family and Medical Leave and may request a certification of a health care provider. For the use of ESST for domestic abuse, sexual assault, stalking, or other qualifying reasons, the employer may request verification consistent with the requirements of Minn. Stat. § 181.447 Subd. 3.

Please refer to Exhibit D to view the required ESST notice.

Section 17.0807 Extended Medical Leave

When medically necessary, and upon receipt of a medical certificate from an employee's treating physician, the City Administrator may approve a request for a medical leave

extension of up to 90 days due to the employee's serious medical condition or to care for a spouse, parent or child who has suffered a serious medical condition.

Before using unpaid leave under this ARTICLE, the employee must use all paid leave. Leave granted pursuant to this Section may run concurrently with leave under the Family and Medical Leave Act ("FMLA").

Employees will not earn or accumulate benefits or other compensation while on unpaid leave, except as required by law. A medical certificate attesting to the employee's fitness for duty shall be required prior to any employee returning to work from medical leave. Also, the City may require that the employee submit to an examination by a medical provider selected by the City to determine whether the employee is able to perform the essential functions of his or her job, with or without reasonable accommodation.

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

Section 17.0908 Personal Leave

Upon written request of an employee, the City Council may grant an employee a leave of absence without pay for a period of up to 90 consecutive calendar days, at its sole discretion.

Employees will not earn or accumulate leave, benefits, or other compensation while on unpaid leave except as required by law.

Section 17.4009 School Leave

To the extent required by law, employees may take up to a total of sixteen (16) hours per twelve (12) month period of unpaid leave to attend school conferences and school-related activities related to the employee's child, provided the conferences or other school-related activities cannot be scheduled during non-work hours. Employees taking leave for this purpose may, but are not required to, substitute vacation or compensatory time for any part of this unpaid leave.

Section 17.4410 Family & Medical Leave

~~Eligible employees, as determined by the Human Resource Director or designee, may be entitled to take unpaid leave pursuant to the Family and Medical Leave Act ("FMLA") for the purposes described in 29 U.S.C. § 2612 (as amended). All such leave, including the~~

Commented [KS4]: This section has been updated to reflect the LMC recommended FMLA policy.

~~responsibilities of the City and its employees related to such leave, is subject to the conditions prescribed in the FMLA and the Department of Labor's regulations implementing the FMLA.~~

~~A. Restrictions on FMLA Leave~~

~~For additional information regarding FMLA leave, including the circumstances in which such leave may be taken, employees should consult the posted notices. In addition, as permitted by the FMLA, the City places the following restrictions on eligible employees' use of FMLA leave:~~

- ~~1. The City has designated a "rolling" twelve (12) month period for purposes of determining employees' entitlement to FMLA leave. The "rolling" twelve (12) month period is measured backward from the date the employee uses any FMLA leave.~~
- ~~2. Spouses employed by the City are permitted to take a combined total of twelve (12) work weeks of FMLA leave during a single twelve (12) month period if the FMLA is: (1) due to the birth of a son or daughter of the employees; (2) due to the placement of a son or daughter with the employees for adoption or foster care; or (3) in order to care for a parent of the eligible employee.~~
- ~~3. Employees who request leave under this policy based on: (1) their own serious health condition; (2) to care for a parent, spouse, or child's serious health condition; or (3) military caregiver leave, are required to submit a completed medical certification that complies with the requirements of the FMLA. Medical certification forms are available from Human Resources. The City reserves the right to request a second opinion, at the expense of the City, to the extent permitted by the FMLA. If the results of the employee's certification differs from the results of the City's certification, the City may obtain a third opinion at the City's expense. The City also reserves the right to require periodic recertification, to the extent allowed by the FMLA and to contact the certifying medical provider to authenticate or clarify the medical certification in lieu of seeking a second opinion. Separate certification may also be required regarding the nature of the family member's military service and/or the existence of a qualifying exigency, if leave is requested for that purpose.~~
- ~~4. Except in emergency situations, the employee is required to provide written notice of the need to take leave to his or her immediate Supervisor not less than thirty (30) days before the date the leave is scheduled to begin. If the leave is to begin in less than thirty (30) days, the employee shall provide such written notice as soon as practicable.~~

- ~~5. Employees are required to use all accrued sick leave, ESST, vacation leave, and any other accrued paid leave concurrently with leave provided under the FMLA. Employees with both accrued sick and vacation leave are required to use sick leave, ESST, and compensatory time, if any, before using accrued vacation leave. The combined paid and unpaid leave cannot exceed the applicable twelve (12) week or twenty-six (26) week maximum FMLA leave time. FMLA leave may run concurrently with a worker's compensation absence if the on the job injury or illness also qualifies as a serious health condition under the FMLA.~~
- ~~6. Subject to the terms, conditions, and limitations of applicable plans, eligible employees are entitled under the FMLA to the same health insurance benefits provided by the City while on FMLA leave to the same extent as if the employee were not on FMLA leave. Employees who contribute toward their health care coverage must continue to make that contribution while on leave, either through payroll deduction (if using paid leave) or by personal check (if using unpaid leave). If the employee fails to return to work after taking family or medical leave, the City may recover the premiums paid by the City for group health and life insurance unless the serious health condition of the spouse, child, parent or employee continues or for other circumstances beyond the control of the employee.~~
- ~~7. Vacation, sick, and holiday leave will not be earned during a period of unpaid FMLA leave. FMLA leave, whether paid or unpaid, will not constitute a break in service for purposes of computing years of service.~~
- ~~8. The City requires a medical certificate attesting to the employee's fitness for duty prior to the employee being allowed to return to work. The fitness for duty report must be based on the particular health condition(s) for which the leave was approved and must address whether the employee can perform the essential functions of the job. The Human Resource Director or designee may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the Americans with Disabilities Act. If a fitness for duty certification is required, the City may deny reinstatement until it is provided.~~
- ~~9. Records of FMLA leave will be kept along with normal personnel records except that any medical record(s) will be maintained separately in accordance with applicable laws.~~

~~- B. Effect on Pension:~~

~~Employees should contact the MN Public Employees Retirement Association (“PERA”) for information about how FMLA leave may affect their retirement benefits.~~

ELIGIBILITY

To qualify to take FMLA leave under this policy, an employee must meet all the following conditions:

- Have worked for the City for 12 months (or 52 weeks) prior to the date the leave is to commence. The 12 months or 52 weeks need not have been consecutive; however, the City will not consider any service 7 years prior to the employee’s most recent hire date.
- Have worked at least 1,250 hours during the 12-month period prior to the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (“FLSA”) determine the number of hours worked by an employee.

TYPES OF LEAVE COVERED BY FMLA

Leave will be granted to all eligible employees for any of the following reasons:

- The birth of a child, including prenatal care, or placement of a child with the employee for adoption or foster care;
- To care for a spouse, child, or parent who has a serious health condition;
- Due to a serious health condition that makes the employee unable to perform the essential functions of the position;
- A covered military member’s active duty or call to duty or to care for a covered military member (Military Caregiver and Qualified Exigency Leave) (described below).

DEFINITIONS

- “Spouse” does not include domestic partners or common-law spouses.
- “Caring for” a covered family member includes psychological as well as physical care. It also includes acquiring care and sharing care duties. An eligible “child,” with some exceptions, is under 18 years of age.
- An eligible “parent” includes a biological parent or a person who stood in the place of a parent.
- “Serious Health Condition” means an illness, injury, impairment, or physical or mental condition that involves one of the following:
 - Hospital Care: Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
 - Pregnancy: Any period of incapacity due to pregnancy, prenatal medical care or childbirth;
 - Absence Plus Treatment: A period of incapacity of more than three consecutive calendar days that also involves continuing treatment by or under the supervision of a health care provider.

- Chronic Conditions Requiring Treatments: An incapacity from a chronic condition which requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity;
- Permanent/Long-Term Conditions Requiring Supervision
- Multiple Treatments: Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.

LENGTH AND AMOUNT OF LEAVE

The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12) month period. The leave year is calculated based on a rolling backward basis. The entitlement to FMLA leave for the birth or placement of a child for adoption expires twelve (12) months after the birth or placement of that child.

HOW LEAVE MAY BE TAKEN

FMLA leave may be taken for 12 (or less) consecutive weeks, may be used intermittently (a day periodically when needed), or may be used to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks.

Intermittent leave may be taken when medically necessary for the employee's serious health condition or to care for a seriously ill family member. Intermittent leave must be documented in the medical certification form as medically necessary.

If an employee is taking intermittent leave or leave on a reduced schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as to not disrupt the City's business.

In instances when intermittent or reduced schedule leave for the employee or employee's family member is foreseeable or is for planned medical treatment, including recovery from a serious health condition, the City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

Intermittent/reduced scheduled leave may be taken to care for a newborn or newly placed adopted or foster care child only with the City's approval.

PROCEDURE FOR REQUESTING LEAVE AND NOTICE

All employees requesting FMLA leave must provide written or verbal notice of the need for the leave to the HR Director.

When the need for the leave is foreseeable, the employee must give verbal or written notice to his/her supervisor at least thirty (30) days prior to the date on which leave is to begin. If thirty (30) days' notice cannot be given, the employee is required to give as much notice as practicable, including following required call-in procedures. The City requires an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

CERTIFICATION AND DOCUMENTATION REQUIREMENTS

For leave due to an employee's serious health condition or that of an employee's family member, the City will require the completion of a Medical Certification form by the attending physician or practitioner. The form must be submitted by the employee to the City Administrator within fifteen (15) calendar days after leave is requested. If the form is not submitted in a timely fashion, the employee must provide a reasonable explanation for the delay. Failure to provide medical certification may result in a denial or delay of the leave.

When leave is due to an employee's own serious health condition, a fitness for duty certification (FFD) will be required before an employee can return to work. Failure to timely provide such certification may eliminate or delay an employee's right to reinstatement under the FMLA.

If an employee is using intermittent leave and reasonable safety concerns exist regarding the employee's ability to perform his or her duties, a FFD certificate may be required as frequently as every 30 days during periods when the employee has used intermittent leave.

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

SECOND AND THIRD MEDICAL OPINIONS

The City may require an employee obtain a second opinion from a provider which the City selects. If necessary to resolve a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. This third opinion will be considered final. An employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

ANNUAL MEDICAL CERTIFICATION AND RECERTIFICATION

Where the employee's need for leave due to the employee's own serious health condition lasts beyond a single leave year, the City will require employees to provide a new medical certification in each subsequent leave year.

REINSTATEMENT

Employees returning from Family and Medical Leave will be reinstated in the same position or a position equivalent in pay, benefits, and other terms and conditions of employment. An employee on FMLA leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

GROUP HEALTH INSURANCE AND OTHER BENEFITS, CONCURRENT LEAVE AND SUBSTITUTION OF PAID LEAVE

An employee granted leave under this policy will continue to be covered under the City's group health and dental insurance plan under the same conditions and at the same level of City contribution as would have been provided had the employee been continuously employed during the leave period. The employee will be required to continue payment of

the employee portion of group insurance coverage while on leave. Arrangements for payment of the employee's portion of premiums must be made by the employee with the City.

If there are changes in the City's contribution levels while the employee is on leave, those changes will take place as if the employee were still on the job.

Rights to additional continued benefits will depend on whether leave is paid or unpaid.

Any paid disability leave benefits (Short Term Disability or Long Term Disability), sick leave, Paid Time Off (PTO) or compensatory time off available to employees for a covered reason (an employee's serious health condition or a covered family member's serious health condition, including worker's compensation leave and Minnesota State Parenting Leave) will run concurrently with FMLA.

FAILURE TO RETURN TO WORK AFTER FMLA

Under certain circumstances, if the employee does not return to work at the end of the FMLA leave for at least 30 calendar days, the City may require the employee to repay the portion of the monthly cost paid by the City for group health plan benefits. The City may also require the employee to repay any amounts the City paid on the employee's behalf to maintain benefits other than group health plan benefits.

If an employee does not return to work following 12 weeks of FMLA leave, the employee may be subject to COBRA continuation.

If the employee fails to pay the City a portion of the premiums for which he or she is responsible during the FMLA leave and the employee fails to return to work, coverage may end. Loss of coverage for failure to pay premiums is not a qualifying event for purposes of continuation coverage under COBRA.

If the employee does not return from the FMLA leave and coverage ended sometime during the FMLA leave due to lack of payment, there is no COBRA election available. For COBRA to apply, the employee must have been covered on the day before the qualifying event. In this situation, the qualifying event would occur at the time the employee did not return from the leave.

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.

UNPAID MEDICAL LEAVE OF ABSENCE

If an employee is ineligible for FMLA leave or has exhausted available FMLA leave benefits, it is the policy of the City to consider an employee's request for a medical or personal leave of absence. The amount of medical leave available to each employee will be determined on a case-by-case basis depending on the position held, staffing requirements, the reasons for the leave, and the anticipated return-to-work date.

Employees who take unpaid medical leave are not guaranteed to return to the same position held prior to taking leave.

Employees seeking a medical leave of absence will be required to present medical documentation to support the need for the leave, on-going documentation to support the need for continued leave, and documentation to support a return to work.
During Unpaid Medical Leave, employees will be expected to keep in regular contact with human resources. When you anticipate your return to work, please notify human resources of your expected return date at least one week before the end of your leave.
Employees on an Unpaid Medical Leave of Absence may be subject to COBRA notice and continuation benefits and will be solely responsible for payment of the entire COBRA.
Failure to keep in touch with management during your leave, failure to advise management of your availability to return to work, or failure to return to work following leave will be considered a voluntary resignation of your employment.

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) childcare and school activities; (3) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; (8) parental care; or (9) 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, parent, or next of kin of a covered servicemember may take up to 26 weeks in a single 12-month period to care for that servicemember.

The family member must be a current member of the Armed Forces (including a member of the National Guard or Reserves), 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 is on outpatient status or 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, or members on the permanent disability retired list.

DEFINITIONS

- A "son or daughter of a covered servicemember" means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.
- A "parent of a covered servicemember" means a covered servicemember's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents "in law."
- The "next of kin of a covered servicemember" is the nearest blood relative, other than the covered servicemember's spouse, parent, son, or daughter, in the

following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember 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 servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.

- · “Covered active duty” means:
- o “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.
- o “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 of the United States Code.
- · “Covered servicemember” means:
- o An Armed Forces member (including the National Guard or Reserves) undergoing medical treatment, recuperation, or therapy or otherwise in outpatient status or on the temporary disability retired list, for a serious injury or illness”; or
- o 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:
- o 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
- o 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.

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 servicemember 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 26 workweeks of leave to care for a covered servicemember during this “single 12-month period,” the remaining part of the 26 workweeks of leave entitlement to care for the covered servicemember is forfeited. 29 C.F.R. § 825.127\(e\)\(1\) \(2017\).](#)

[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 SERVICEMEMBER FOR MILITARY FAMILY LEAVE](#)

[The City will require certification for the serious injury or illness of the covered servicemember. 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 Servicemember.](#)

[All other provisions of the FMLA policy, including Use of Paid Leave, Employee Status and Benefits During Leave, Procedure for Requesting Leave, and Benefits During Leave and Reinstatement, are outlined above in the FMLA policy.](#)

[EFFECT ON PENSION](#)

[Employees should contact the MN Public Employees Retirement Association \(“PERA”\) for information about how FMLA leave may affect their retirement benefits.](#)

[-C. Training](#)[TRAINING:](#)

Employees who have missed training sessions while on FMLA leave will be given a reasonable opportunity to make them up upon returning to work.

Section 17.4211 Department Head Absenteeism Notification

Except in the event of an emergency that prevents such notice, Department Heads shall notify the City Administrator prior to any absence from the office.

Section 17.13-12Catastrophic Leave Bank

POLICY STATEMENT

The City of Brainerd recognizes that occasions arise when employees may have exhausted their vacation leave, sick leave and compensatory time, due to a non-work related injury or prolonged illness that has not yet qualified for long-term disability insurance benefits. It is the intent of this policy to provide an opportunity for City employees to voluntarily donate vacation leave hours to an emergency medical leave bank for use by other City employees who demonstrate a catastrophic medical emergency. The program is voluntary in nature and does not guarantee any resulting benefit to any employee in need nor does it require participation of any employee. This policy applies to employees of bargaining units upon agreement of their exclusive representative.

Eligibility

All non-probationary City employees, including members of collective bargaining units whose exclusive representatives have agreed to this policy, are eligible to participate in this Catastrophic Medical Leave Sharing Bank ("CMLSB"). Donation to the bank is entirely voluntary.

Definitions

- A. "Catastrophic Medical Emergency" is a major life-threatening disease or illness or non-work related major injury involving a prolonged absence from work. Per the dictionary, a catastrophe is a momentous tragic event ranging from extreme misfortune to utter overthrow or ruin.

Examples may include: heart attack, stroke, organ transplant, cancer or major non-work-related injury.

The medical emergency must result in the incapacitation of the employee, spouse, or child/stepchild for a minimum of 80 consecutive work hours (subsequent intermittent absences involving the same illness or condition shall also qualify) which requires the employee to take time off from work and creates a financial hardship because all of the employee's paid leave has been exhausted.

"Catastrophic medical emergency" is specifically not defined as all "serious health conditions" as defined under the FMLA.

- B. "Verification of catastrophic illness or injury" shall consist of a physician's statement verifying that:

1. The employee is suffering from a major life-threatening disease, illness or non-work related major injury requiring a prolonged absence from work; or
 2. That the employee must be present to care for the employee's spouse, child or stepchild who is suffering from a major life-threatening disease or illness or major injury; and
 3. A brief description of the nature of the illness or injury and the anticipated duration of the incapacity.
 4. The Verification of catastrophic illness or injury shall be in addition to the FMLA certification of health care provider.
- C. "Donor" is an employee who donates vacation leave to the Emergency Medical Leave Sharing Bank.
- D. "Applicant" or "Recipient" is a non-probationary City employee who has applied for or received leave from the CMLSB.
- E. "Committee" as referenced in this policy shall consist of the City Administrator, Human Resource Director, and the Chair of the Personnel and Finance Committee.

Catastrophic Medical Leave Sharing Bank BENEFITS AND LIMITATIONS

- A. The applicant must have exhausted all of the employee's own accrued vacation, sick leave, and compensatory time in order to receive any Catastrophic Medical Leave ("CML").
- B. The applicant may apply for CML while still in paid status, but no sooner than 80 hours before the exhaustion of all of the applicant's paid leave or CML.
- C. An applicant may be eligible to receive up to a maximum of 160 hours of CML per request, which shall be placed in the recipient's sick leave bank as needed per pay period in increments of no more than 80 hours at a time. Additional requests for CML may be submitted upon the anticipated exhaustion of the initial hours and medical verification of continued need, but the total CML granted to one recipient in relation to one medical emergency shall not exceed 480 hours. Part-time employees shall be eligible to receive CML on a pro-rata basis.
- D. Recipients of CML must use the leave only for the Catastrophic Medical Emergency. Any CML which is not used for the medical emergency shall be returned to the bank and cannot be retained by the recipient.

- E. An applicant shall be required to apply for FMLA leave in conjunction with the application for CML. Catastrophic Medical Leave time will run concurrently with any applicable FMLA leave.
- F. The recipient shall be in a paid status when using CML for the purpose of receiving benefits. When a pay period includes a holiday, a participant using CML shall receive holiday pay provided they are in a pay status the last regular shift prior to, and the first regular shift following the holiday.
- G. A recipient's CML pay will continue to be taxed in accordance with state and federal law, and all authorized deductions will continue to be deducted from the participant's paycheck, provided sufficient wages are available.
- H. All time donated to the pool shall be converted to a dollar amount based upon the donor's hourly rate of pay. All CML shall be used at the recipient's rate of pay.
- I. Leave from the CML may not be used for illness or disability which qualifies the participant for Worker's Compensation, long-term disability, PERA disability or Social Security benefits.
- J. An applicant shall be required to apply for long-term disability and PERA disability, as applicable, for the employee's own medical condition which results in the employee's absence from work for more than 90 calendar days, whether before or after the employee has exhausted his/her own paid leave. The recipient applicant shall provide verification of such application.
- K. Leave donated to the CML Bank shall remain in the bank from year to year and shall be available to eligible employees. Donation of leave to the CML Bank is irrevocable.

Application Process

- A. Applicants shall be required to complete a form setting forth their request for CML, the reason, number of hours requested and the anticipated duration of the medical emergency. A new request form shall accompany each subsequent request. The CML Request form will be turned into the Human Resource Director prior to the start of the leave if possible. Requests will be reviewed by the Committee.
- B. The Applicant shall sign a waiver of liability in connection with the CML request and any subsequent request. The applicant shall provide a "verification of catastrophic illness or injury" with the request form or within (10) calendar days of the request. In the event that the Verification is not submitted in a timely manner, the CML request may be considered by the Committee but no leave will be disbursed to the applicant until the verification is received and reviewed by the committee.

- C. Applicants who are denied CML or whose withdrawal is not renewed or is terminated may, within fifteen (15) calendar days of denial, appeal the denial, non-renewal or termination by providing new or additional information to the Committee and completing a supplemental application and waiver. The final decision will be reported to the applicant, in writing, within ten (10) working days of the decision. This decision of the Committee is final. Such final authority is not subject to the grievance procedure or litigation and the applicant shall specifically waive any rights to review by any of these options.
- D. All requests for CML, verifications of catastrophic illness or injury and other documentation related to an applicant's medical condition or that of the applicant's family member shall be kept confidential and shall only be disclosed as necessary to administer request for withdrawal.
- E. If the CML bank does not have sufficient hours to fund a withdrawal request, the City is under no obligation to pay the applicant any funds. If a withdrawal request is denied in whole or in part because of insufficient dollars to fund the request, the applicant shall be notified in writing of the reason for the denial.

DONATION PROCESS

- A. A regular full or part time employee may donate vacation leave to the Catastrophic Medical Leave Sharing Bank twice annually, which shall occur with the first pay period in December or June. In the event that the CML Bank becomes depleted, the City Council may, in its sole discretion, authorize a third open window period for donation to the Bank.
- B. Donors are required to have a minimum of 80 hours of vacation leave available to them in their accrued vacation leave bank after a donation is made.
- C. Donation to the CML bank is irrevocable.

TENNESSEN WARNING

Information provided pursuant to the Catastrophic Leave Donation Policy is classified as personnel data pursuant to Minnesota Statutes, Section 13.43, as amended. You are not legally required to participate in the program and are therefore not required to provide any information. If you choose to participate in this voluntary program, you will be required to provide the information set forth above in order to donate or receive donated leave.

The requested and required information regarding leave donation requests, including medical information and the basis for leave donation requests will be disclosed to those individuals whose work assignments reasonably require access, including committee members, insurance vendors, consultants and attorneys. The information may also be

used to make decisions regarding your eligibility for extended sick leave, family and medical leave, and other leaves; your eligibility for workplace accommodations, including accommodations for disabilities; and other benefits. The information may also be shared with other agencies authorized by law to receive specific data, including but not limited to: Civil/human rights; Worker's Compensation; Unemployment Compensation; and Labor Contracts.

Information regarding the value of donated leave as taxable income will be reported to the Minnesota Department of Revenue, the Internal Revenue Services and security tax programs.

17.4413 Bone Marrow/Organ Donation Leave

Employees working an average of 20 or more hours per week may take paid leave, not to exceed 40 hours, unless agreed to by the city, to undergo medical procedures to donate bone marrow or an organ. The 40 hours is over and above the amount of accrued time the employee has earned.

The city may require a physician's verification of the purpose and length of the leave requested to donate bone marrow or an organ. If there is a medical determination that the employee does not qualify as a bone marrow or organ donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting bone marrow or organ donation leave rights or remedies.

17.4514— Elections/Voting

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off with pay for purposes of serving as an election judge, provided the employee gives the City at least twenty days written notice, including 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 may reduce the wages of an employee serving as an election judge by the amount paid to the election judge by the appointing authority during the time the employee was absent from the place of employment. The city reserves the right to restrict the number of employees absent from work for the purpose of serving as an election judge to no more than 20 percent of the total work force at any single worksite.

Every employee eligible to vote may be absent from work during a regularly scheduled election, or during the period allowed for voting in person before election day, for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on

the day of that election. Employees wanting to take advantage of such leave are required to coordinate with the Department Head to avoid coverage issues.

17.15 Reasonable Work Time for Nursing Mothers

Minnesota's Nursing Mothers, Lactating Employees, and Pregnancy Accommodations law (Minn. Stat. §181.939, as amended) gives pregnant and lactating employees certain legal rights and remedies. The City will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's child, in accordance with and to the extent required by applicable law. The break time may run concurrently with rest and meal periods already provided to the employee.

The City will provide a clean, private and secure room (other than a bathroom) as close as possible to the employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.

The City shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting nursing rights or remedies.

Please refer to Exhibit E to view the required Reasonable Work Time for Nursing Mothers notice.

ARTICLE 18. EMPLOYEE INSURANCE

Section 18.01 Medical Insurance

The City provides a medical coverage insurance plan for eligible employees as described in the Summary Plan Description.

The insurance coverage takes effect the first day of the month coinciding with or immediately following the employee's date of hire, except as required by applicable law, including, but not limited to, the Affordable Care Act. The City provides contributions to health insurance premiums as approved annually by the City Council.

The City will contribute towards the health insurance premiums of employees and elected officials as described in Exhibit A to this Policy Manual. Information regarding health insurance benefits will be provided by the Human Resource Director for new employees and periodically thereafter. Any further questions pertaining to insurance coverage shall be directed to the Human Resource Director or designee.

Section 18.02 Life and LTD Insurance

The City provides a term life insurance policy for all eligible employees, as described in Exhibit B and the applicable Summary Plan Description. The plan takes effect the first day of the calendar month coinciding with or immediately following completion of six months of employment. The amount of life insurance coverage provided is described in an applicable collective bargaining agreement or determined by the City Council. For elected officials, Department Heads, ~~Municipal Utility Division Managers~~[Division Managers](#), and non-union Supervisors, the City will provide life insurance in the face amount described in Exhibit B.

The terms of the long-term disability coverage, including the formula used to calculate the benefit and the waiting period before an employee may receive long-term disability benefits will be established by the City, as described in Exhibit B to this Policy Manual.

Section 18.03 Workers Compensation

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 their supervisor and make arrangements for a medical appointment.

Workers' compensation benefits and procedures to return to work will be applied according to applicable state and federal laws.

Pursuant to Minnesota State law, the officials of the City elected or appointed for a regular term of office or appointed to complete the unexpired portion of a regular term are included in the coverage of the Minnesota Workers' Compensation Act.

ARTICLE 19. HEALTH CARE SAVINGS PLAN

The City Administrator, Department Heads, ~~Municipal Utility Division Managers~~[Division Managers](#) and Non-Union Supervisors are eligible to participate in the Minnesota Health Care Savings Plan ("HCSP"). This plan is pursuant to the Minnesota Statutes, section 352.98 (as amended). Details regarding employees' participation in the Minnesota Health Care Savings Plan are included in Exhibit C. Employees should direct any questions about participation in this plan to the Human Resource Director.

ARTICLE 20. CAFETERIA PLAN

The City of Brainerd offers its employees a cafeteria plan. The plan allows employees to pay for health insurance premiums, and medical and/or dependent care expenses on a

before-tax basis.

The flexible spending program is divided into three (3) separate accounts, which are summarized below:

A. Insurance Premiums Deducted from Paychecks: The amount of premium which is deducted per pay period for health insurance coverage per settled wage/benefits negotiations. Some voluntary insurance deductions may also be eligible.

B. Medical Expenses: Out-of-pocket medical, dental & vision expenses not covered by insurance.

C. Dependent/Childcare Expenses: Dependent care expenses for the care of a child under age 13 and/or a dependent regardless of age who requires care due to an inability to care for himself or herself.

The law limits the maximum contributions that employees can make to their flexible spending account and the specific expenses that can be paid out of such accounts. Employees should contact the Human Resources office for additional details.

Further information on the City's Cafeteria Plan may be obtained from the Human Resource Director.

ARTICLE 21. EDUCATION, TRAINING AND DEVELOPMENT

The City Council has determined that it is in the best interest of the City of Brainerd to support continuing education, training, and development of staff members in order that they may carry out their duties in the most efficient and productive manner possible.

To further this policy the City Council does authorize payment for education, training and/or staff development directly related to an employee's current position in order to increase his/her efficiency and productivity in that position in accordance with the following criteria and procedure.

Section 21.01 Education

The City may reimburse a regular employee for tuition expenses and course fees under certain circumstances. There shall be no reimbursement for mileage/parking expense. Qualifying tests (SAT, ACT, GRE, CLEP, etc.), required books, student activity fees, and material costs will not be reimbursed. Courses for which the employee receives another source of funding, such as a grant or scholarship, will not be eligible for reimbursement.

1. Pre-Approval. Prior to starting a class or classes, and in any event no later than August 1 of each year, the employee must obtain written approval from the employee's Department Head and the City Administrator or BPU Commission (for BPU employees only) that the class, certificate, or degree is

job related and that the request would benefit the City. Specifically, the courses must be from an accredited institution and directly related to the employee's current assignment or has the potential for promotional opportunities for the employee. The Department Head must verify that the Department budget will cover this expense before recommending approval to the City Administrator or BPU Commission. Each approval shall be limited to a single course or academic term. Enrollment in a multiple-year course of study, or approval of reimbursement for any portion of such a course of study does not guarantee that funding will be available in subsequent years or that the City will approve any future course of study, even if related to one that was approved in the past. An employee who is requesting reimbursement for education expenses must have been a regular employee of the City for at least one year before the scheduled course is scheduled to begin.

2. Satisfactory Completion. The employee shall provide the Department Head with proof of satisfactory completion with a grade of "B" or better of any course requested for reimbursement, prior to reimbursement.
3. Employees seeking reimbursement must present a paid fee statement and grade transcript in order to receive reimbursement.
4. Reimbursement for classes taken at private institutions shall not exceed the tuition charged by the Minnesota State University system.
5. Time Off. If class is during the regular workday, an employee must take that time as compensatory time, vacation time, or leave of absence without pay, or the employee can request a flexible scheduling arrangement, subject to approval by the Department Head and City Administrator or BPU Commission (for BPU employees only). Classes or course work taken by the employee must not disrupt or interfere with the normal Departmental operations. Completion of preparatory work and homework are not permitted during scheduled work hours.
6. Continued Employment. The employee must remain with the City of Brainerd following completion of the course for which the City provided reimbursement pursuant to this policy, or else return to the City the expense amount(s) reimbursed pursuant to this policy. If the employee voluntarily terminates employment with the City after receiving education reimbursement pursuant to this policy, the employee must repay the reimbursed tuition immediately according to the following schedule:
 - Up to 1 year after receiving reimbursement – 100% of the tuition reimbursement
 - 1 year but less than 2 years after receiving reimbursement – 66% of tuition reimbursement
 - 2 years but less than 3 years after receiving reimbursement – 33% of

- tuition reimbursement
 - 3 years or longer after receiving reimbursement – 0% of tuition reimbursement
- 7. Funding Procedure. Subject to paragraph 4, above, the City will reimburse its employees for tuition expenses up to a maximum of \$1,500 per calendar year with a total lifetime maximum of \$6,000. All reimbursements shall be subject to applicable IRS regulations. The scope, terms and conditions of this reimbursement shall be defined and interpreted by the City Administrator or BPU Commission (for BPU employees only). Reimbursement is further limited based on availability of budgeted funds. Reimbursements are on a first come, first served basis and shall not exceed the department budget. In the event a department receives reimbursement requests that exceed its budget allocation for education reimbursement, the Department Head and City Administrator (or BPU Commission, for BPU employees only) shall have the discretion to apportion the available funds, including the discretion to refuse reimbursement.
- 8. The Human Resource Director will develop and maintain forms for requesting approval of class eligibility prior to registration and forms requesting reimbursement after successful completion of classes.

Section 21.02 Training and Development

1. The City will pay for job-related, position specific training approved by the Department Head and City Administrator or BPU Commission (for BPU employees only) and deemed necessary to effectively complete the requirements of the position, provided there is adequate funding in the budget appropriation for training, as determined by the Department Head in consultation with the City Administrator or BPU Commission (for BPU employees only).
2. Subject to Paragraph 1 of this ARTICLE, the City will pay for, or reimburse employees for, any and all training required by the City, including training required to attain or maintain job-related certification. Payment of training and/or conference expenses must not exceed \$1,500 per employee per fiscal year, excluding travel and subsistence costs. Exceptions must receive approval by the City Administrator or BPU Commission for BPU employees.
3. Attendance at training or conferences out of state is generally approved only if the training or conference is not available locally. All requests for out-of-state travel and/or national conferences that are applicable to their current position are reviewed for approval/disapproval by the City Administrator or BPU Commission for BPU employees.
4. The Department Heads will maintain records on all employee training done at

City expense.

5. The procedure for payment for training and development is as follows:

- a. A request for payment of fees and course materials must be approved by the City Administrator or BPU Department Head (for BPU employees only), or designee. Such approval will only be granted when it can be demonstrated that the training directly relates to the employee's present position and that it will potentially enable the employee to perform his/her duties in a more efficient and productive manner.
- b. All course materials paid for by the City are the property of the City of Brainerd and shall be brought to the Department Head of the appropriate Department upon completion of the training.

For purposes of this policy, training and development will include seminars, workshops, and training sessions designed to provide specific applications to an employee's present position. Such training must be approved by the Department Head or the City Administrator.

The City Administrator may grant a leave of absence with or without pay to an employee for the purpose of attending schools, meetings, conferences, and other functions which are a benefit to the City of Brainerd, if, in the City Administrator's judgment such leave will not cause disruption of service.

All training and education opportunities described in this policy are subject to the availability of funds and the budgets of individual departments as well as the City's overall budget.

Section 21.03 Commercial Driver's License Training

The City may disburse tuition payments on behalf of an employee who is required to hold a Commercial Driver's License ("CDL") for CDL training from an approved CDL training provider. These disbursements shall be regulated by the below requirements. Training for which the employee receives another source of funding, such as a grant or scholarship, will not be eligible for disbursement.

1. Pre-Approval. Prior to starting a CDL training from an approved CDL training provider, and in any event no later than 30 days before said training shall occur, the employee must obtain written approval from the employee's Department Head and the City Administrator that the CDL training is job related, that the training is with an approved CDL training provider, and that the request would benefit the City. Specifically, the training must satisfy training requirements for entry-level drivers under 49 C.F.R. §§ 380.600 – 380.609, including Behind-the-Wheel training curricula. The training must be related to the employee's current assignment or has the potential for promotional opportunities for the employee. The Department Head must verify that the Department budget will cover this

expense before recommending approval to the City Administrator. Each approval shall be limited to a single CDL training program. Enrollment in a multiple-year program, or approval of disbursement for any portion of such training does not guarantee that funding will be available in subsequent years or that the City will approve any future program, even if related to one that was approved in the past. An employee who is requesting disbursement for CDL training must have been a regular employee of the City for at least 30 days before the scheduled course is scheduled to begin.

2. **Payment.** After approval of the course or program for which a tuition disbursement is sought, the City agrees to directly pay the approved CDL training provider, on behalf of the employee. Payment to the CDL training provider will be based on budgeted funds available for the current fiscal year and the number of employees with identical tuition disbursement agreements. The City will pay the training provider per training program as long as the invoice is submitted within the enrollment date determined by the CDL training provider. The City will only make payments to the CDL training providers towards the tuition for the CDL training for which tuition disbursement is sought. The City shall not be obligated to pay any amount towards non-tuition expenses, such as fees and expenses for books, technology fees, or other non-tuition amounts.
3. **Disbursement Agreement.** The employee must enroll in and complete the pre-approved CDL training and incur tuition expenses during their enrollment in order for funds to be disbursed under this Agreement. The City is not obligated to pay any amount under this Agreement, and any such obligation shall cease, if the employee does not complete the training, receives a failing grade, attends a non-approved CDL training provider, attends CDL training for which approval has not been received, resigns or abandons their employment with the City, or is terminated from their employment.
4. **Work Hours.** Pay for attending training shall follow IRS training requirements or the applicable collective bargaining agreement, whichever is greater. Employees shall have the opportunity to utilize comp time in lieu of overtime for said work hours. The CDL program must not disrupt or interfere with the normal Departmental operations.
5. **Repayment Obligation.**
 - a. The employee shall repay, within twelve months of the disbursement of the amount, any amount disbursed for tuition for any course or program:
 - i. for which the employee does not complete the course work;
 - ii. in which the employee receives an incomplete or failing grade;
 - iii. that is from an unaccredited institution;
 - iv. that has not been approved by the City; or
 - v. that is not required for licensure.

- b. Continued Employment. The employee must remain with the City of Brainerd following completion of the CDL training for which the City provided disbursement pursuant to this policy, or else return to the City the expense amount(s) disbursed pursuant to this policy. If the employee voluntarily terminates employment with the City after receiving disbursement pursuant to this policy, the employee must repay the disbursed tuition immediately according to the following schedule:
 - i. Up to 1 year after receiving disbursement – 100% of the tuition disbursement
 - ii. 1 year but less than 2 years after receiving disbursement – 66% of tuition disbursement
 - iii. 2 years but less than 3 years after receiving disbursement – 33% of tuition disbursement
 - iv. 3 years or longer after receiving disbursement – 0% of tuition disbursement
 - c. If the employee fails to repay any obligation owed hereunder within the time frame for repayment set forth herein, the City shall be permitted to collect any unpaid amounts, in any manner permitted by law. The employee shall be liable for any and all costs, including reasonable attorneys' fees, incurred by the City in instituting any action to recover the amount due.
 - d. The employee understands and agrees to these repayment obligations.
_____ (Initialed by employee)
6. Funding Procedure. Subject to paragraph 5, above, and approval by the City Administrator, the City will disburse tuition for employees for approved training expenses that have been approved by the City Administrator. All disbursements shall be subject to applicable IRS regulations. The scope, terms and conditions of disbursement shall be defined and interpreted by the City Administrator. Disbursement is further limited based on availability of budgeted funds. Disbursements are on a first come, first served basis and shall not exceed the department budget. In the event a department receives disbursement requests that exceed its budget allocation for education disbursement, the Department Head and City Administrator shall have the discretion to apportion the available funds, including the discretion to refuse disbursement.
7. The Human Resource Director will develop and maintain forms for requesting approval of class eligibility prior to registration and forms requesting disbursement.

ARTICLE 22. EMPLOYMENT RELATED REIMBURSEMENTS

Section 22.01 Travel & Meal Reimbursement

If employees are required to travel outside of the area in the performance of their job duties, they will receive reimbursement of expenses for meals, lodging and necessary expenses incurred, consistent with this Policy.

Travel Approval

Each Department Head is responsible for ensuring that employee travel is approved only if such travel is for City business and is consistent with City policy. Department Heads are responsible for approving all travel requests within their respective departments and must ensure that departmental budget dollars are sufficient to cover requested travel prior to approving. Requests for travel by Department Heads must have prior approval by the City Administrator. The following approvals are needed prior to employee travel:

- 1) **Same Day with Overnight Travel** – Department Head approval is required.
- 2) **Out of State, More Than 300 Miles From Brainerd** – All out-of-state travel exceeding a 300-mile radius from Brainerd must be approved within the annual budget process which is approved by the City Council and BPU Commission. All employees must receive prior approval from their Department Head. Unless otherwise approved by the City Council or BPU Commission, an employee is only eligible to travel out-of-state more than 300 miles from Brainerd on City business once every other year.
- 3) **Out of State, Less Than 300 Miles From Brainerd** – All out-of-state travel within a 300-mile radius of Brainerd must be approved by the Department Head or City Administrator and does not require City Council or BPU Commission approval.

Such authorization must be received by the employee prior to incurring the actual expenses and shall be subject to the availability of funds and the terms of this Policy.

Reimbursable Expenses

1) Transportation

Several means of transportation exist and each travel request shall consider the least-costly method. For the majority of travel requests, a City vehicle provides the least cost to the City and shall be considered before any other means. Vehicles from other departments may be available and shall be a consideration. Unless otherwise authorized by the Department Head or City Administrator, all City-related transportation must be by City vehicle.

- a) **City Vehicle** – All direct expenses, other than personal expenses, incurred with regard to the use of a City vehicle will be reimbursed, including fuel, oil, and maintenance/repair expenses. Only City employees are authorized and insured to drive a city-owned vehicle. The use of a City vehicle is otherwise subject to the City's policies.
- b) **Personal Vehicle** – When a City vehicle is not available, a personal vehicle may be authorized for use. Mileage for use of personal vehicle when traveling to or from a training or work location other than the employee's regular work location is reimbursed at the rate established by the Internal Revenue Service, based on a statement from the employee as to number of miles traveled. All mileage must be computed from the

employee's regular work location, or from home, if the employee's home is closer to the destination. For purposes of this policy, the term "regular work location" means the work location from which the employee departs for the regular performance of official duties.

- c) **Airplane/Other** – travel by any means other than by City-owned vehicle or personal vehicle must be approved by the City Administrator, regardless of whether the travel is in-state or out-of-state and regardless of the distance of the travel from the City of Brainerd. Reimbursement for travel by bus, airline train, taxi service, car service, rental car, or other mode of consumer transit will be at the actual rate charged (which must be the lowest rate available for the mode transportation in question). No payment will be made without a receipt accompanying the voucher.
- d) **Other related costs** – Reasonable parking fees, car rental, and fares for rail, bus, taxis and shuttles are all subject to reimbursement if related to City business. Taxis and shuttles reimbursement may include a maximum gratuity of 20%. Gratuities in excess of 20% will not be reimbursed by the City. A standard model sedan shall be used when renting a car unless unusual circumstances dictate otherwise.

2) **Lodging**

The City will reimburse the reasonable cost of lodging for training, seminars or conventions of two or more days generally if the event site is **outside a 50-mile radius** of Brainerd. All lodging expenses will be paid based upon receipt from the motel or hotel. The City will reimburse for lodging at the lowest rate for a single occupancy room. All hotels or motels must be approved by the City Administrator or applicable BPU Department Head (or designee) prior to booking.

An increase in lodging rate due to family members staying is not reimbursable. The employee will be reimbursed only the cost of a single occupancy room. All lodging reimbursements are subject to a maximum amount determined by the City Council and identified in the City's expense reimbursement form.

Lodging reimbursement will not be approved for lodging in the event the traveling employee could arrive at the destination on time by leaving Brainerd by 6:30 AM nor will reimbursement be approved if the employee could return to Brainerd by 9:00 PM. No reimbursement for lodging or time will be approved in the event the traveling employee elects to drive a personal vehicle in lieu of City recommended air travel. Entertainment expenses incurred will not be reimbursed, such as in-room movies, mini-bar and optional entertainment-type events including golf, gambling etc. that may be provided at conferences.

3) **Meals**

The City will reimburse the cost of job-related meals if an employee's travel is outside of the Brainerd/Baxter area or if a business meeting is held during typical meal hours. The following guidelines are in place for eligibility of reimbursement for a meal:

Breakfast: The employee is in travel status before 6:00 AM
Lunch: The employee is in travel status between the entire time of 11:00 AM and 1:00 PM
Dinner: The employee is in travel status until 8:00 PM

- a) Meetings scheduled and held during typical meal hours do not automatically necessitate that a meal will be provided at City expense. *The departmental issued credit card shall not be used to pay for meals.*
- b) The maximum amounts per meal and per day attached to the expense reimbursement form apply to the meal, non-alcoholic beverage, sales tax and gratuity.
- c) Gratuities paid by the employee over 20% will not be reimbursed.
- d) Payments for meals cannot be combined in any fashion in order to reimburse an employee for a meal costing more than the maximum amount listed per specific meal. For example, an employee cannot decline a breakfast and/or lunch reimbursement to justify reimbursement of a \$60 dinner.
- e) Meals included as part of a conference, convention, or similar program will be paid in full, whether those meals are included in any registration or tuition fees or presented as a separate charge, and regardless of whether the cost exceeds the established maximum. All such expenses must be approved in advance by the applicable Department Head prior to registration. The Department Head will notify the City Administrator upon approval of any such expenses. Employees are expected to take advantage of meals provided by the conference or seminar. The City will not reimburse an employee for a purchased meal when a meal was provided by the event.
- f) If more than one employee is present at a job-related meal, one employee may pay for the entire meal cost of all employees. The reimbursement request shall clearly identify each employee present for the meal and each employee for whom the employee purchased a meal.
- g) When family members are present for a meal and the employee is claiming reimbursement for his/her meal, a separate detailed receipt for the employee's meal shall be requested. The City shall not reimburse the employee for the cost of any family member(s)' meal.

4) Registration or Membership Cost

The City will reimburse the costs for registration, training and membership incurred to attend approved conferences, seminars and training sessions. A check request or credit card receipt shall be submitted to the City's accounts payable department prior to the event for payment of this type of cost, in addition to obtaining the other approvals required by this Policy. The request shall include the necessary documentation evidencing the amount payable. A departmental credit card may also be used for payment based upon receipt of all necessary travel approvals prior to making payment. Departments shall

strive to utilize any early registration discounts, when available.

5) Non-Reimbursable Meal and Travel Costs

- a. Alcoholic beverages – whether consumed by an employee or a non-employee
- b. Gratuities exceeding 20%
- c. Snacks and other food/beverages outside of the daily meal reimbursements
- d. Meals or events for spouses or family members traveling with an employee
- e. Meals when an event provides for a meal
- f. Private automobile expenses, including gas, oil, repairs
- g. Traffic citations or fines
- h. Travel between an employee's home and work facility
- i. Entertainment expenses
- j. In-room movies, mini-bar or other hotel services not required for City business
- k. Optional entertainment events unless included as part of the overall conference registration fee (e.g. optional golf, sporting events, concerts, and other performances)
- l. Personal losses incurred while on City business
- m. Other costs that are not directly related to City business, as determined by the City Administrator

City Representation

Employees shall be aware at all times that they are representing the City while traveling out-of-town for official City business. Employees given the opportunity to be away from their regular work site are expected to perform in a similar manner as if they were still at work, including following all applicable City policies as if they were at their regular work site. An employee's conduct during a work-related trip or while otherwise representing the City will be treated as if it occurred during regular working hours and at the regular work site. At no times shall alcoholic beverages be consumed by any person(s) driving or riding in a City vehicle.

Section 22.02 Prescription and Non-Prescription Safety Glasses

The City will pay the cost of prescription safety glasses for employees required by OSHA regulations to wear same in performing their work functions, up to a maximum of the base cost as stated in the City's agreement with a local vision provider(s). The employee is responsible for all other costs associated with obtaining the prescription, including eye examination.

The City will provide non-prescription safety glasses for employees required by OSHA regulations to wear same in performing their work functions.

Section 22.03 Safety Boot Policy

The City will pay annually up to 50% of the cost for safety boots for employees required by OSHA regulations to wear same in performing their work functions.

Section 22.04 Damage to Personal Items

An employee's personal items, such as watches and prescription eyewear, which are damaged or destroyed during the course of his/her work shall be reimbursed by the City for the value of the item damaged or the cost of the repair, if possible, up to \$450 per employee in a three (3) year timeframe. In order to receive such reimbursement, the employee must submit a detailed statement describing the item, how it was damaged, whether the employee believes it to be reparable, how the employee determined the value of the item, and any estimated costs of repair.

Section 22.05 Cold Weather Outerwear

Some employees may be required to work outdoors in cold weather for extended periods of time. The City will furnish each such employee one set of insulated cold weather outerwear at a frequency of no greater than once every 36 months, unless damaged beyond repair, as determined at the discretion of the Department Head. The cold weather outerwear will consist of three pieces – a coat, a vest, and a bib overall, and will be insulated brown duck canvas or ANSI, with a City of Brainerd insignia (or BPU insignia, as appropriate) on the coat. The employee will be responsible to keep his or her cold weather outerwear clean and in good repair at all times. The cold weather outerwear shall be kept at work at all times, except for the purpose of cleaning and/or repair to the outerwear.

Section 22.06 Personal Cell Phone Stipend

Employees whose work requires the use of a cell phone and who have been designated to receive a cell phone stipend by the City Council, or designee in their sole discretion will receive a monthly stipend in the amount determined by the City Administrator. At this time, no additional employees will be granted permission for this benefit. Employees receiving a stipend are responsible for:

- A. Providing proof of purchase/lease of cell service, and other documents prescribed by the City to activate and maintain stipend payments, at intervals to be determined by the City Administrator;

- B. Purchase, replacement, repair, or service or operational questions of the phone will be the responsibility of the employee and at the employee's sole expense;
- C. Using a secure password, PIN, or gesture to prevent unauthorized access;
- D. Procuring and maintaining cellular service from a reliable carrier who provides service in the City service area;
- E. Limiting personal use of the cell phone during work hours so as not to interfere with City business or the performance of the employee's job;
- F. Agreeing that their cell phone may be physically or remotely accessed, tracked, modified, or wiped based on City security needs.

The cell phone stipend is intended to cover approximate costs of the employee's cell phone expenses related to work duties. Initial purchase of the cell phone, accessory equipment, and activation fees will be the responsibility of the employee, as will maintenance, insurance, and repair costs (if any). The employee will pay any and all costs exceeding the amount of the cell phone stipend. No stipend will be paid when an employee is in an unpaid leave status for more than 30 days or duties change in such a manner which no longer justifies the payment.

In addition, the City is subject to the Minnesota Government Data Practices Act ("MGDPA") and other laws governing the collection, storage, use, and disclosure of data. All files and documents, including personal e-mails, text messages, and social media messages created, received, collected, maintained, or generated on an employee's personal cellular device by virtue of his or her position with the City are subject to those laws.

Section 22.07 Approval of Expenses

Employees shall submit an expense reimbursement claim no later than **60 days** from the date the expense was paid or incurred. Requests for reimbursement must be accompanied by a signed Employee Expense Reimbursement Form, as updated from time-to-time by the City. As discussed in this Policy, detailed, itemized receipts and other information shall be submitted with the claim for reimbursement, depending on the type of expense.

The City shall annually and periodically provide an updated Employee Expense Reimbursement Form. This form shall be used for all reimbursement requests related to approved travel or work-related expenses paid by an employee.

- 1) **Detailed Receipts** – each item submitted for City reimbursement must be supported by an itemized receipt indicating a reasonable explanation for the expense. All receipts shall be attached to each reimbursement request.
 - a. Meals will be reimbursed based on a detailed itemized receipt. When a

- credit card is used to purchase the meal, both an itemized receipt and a credit card charge slip indicating the tip amount shall be submitted.
- b. Receipts for parking and taxis may not be available and may be submitted for reimbursement without a receipt.
 - c. Mileage reimbursement for the use of a personal vehicle shall detail not only the mileage but also the location traveled and the business reason for travel.
 - d. Proper departmental expense codes shall be used for each line item.
 - e. Unsupported expenses will not be reimbursed. If an employee is unable to get a detailed receipt or the receipt is lost, a signed statement by the employee detailing the purchased item, the business reason for the expense and certifying that the claim is accurate must be submitted and approved by the Department Head. A copy of the employee's credit card statement may also be provided to help support the dollar amount being reimbursed.
- 2) Employees shall submit an employee expense reimbursement form with all necessary supporting documentation to the appropriate Department Head or designee for review.
 - 3) The expense form will be routed through the Accounts Payable process for payment and approval. Any issues will be communicated back to the employee for correction/clarification.
 - 4) The Finance department will make necessary corrections to reimbursement requests for mathematical errors, gratuities in excess of 20%, to remove any alcoholic beverages and other changes that may be necessary to comply with this policy.
 - 5) Reimbursement will be made with the next City Council check register, or payroll if the meal reimbursement is taxable.

Signing an expense voucher or request for reimbursement certifies the truth and correctness of the expense incurred. Knowingly submitting a false or inaccurate expense voucher, receipt, request for reimbursement, or other record may result in discipline, up to and including termination.

ARTICLE 23. DRUG-FREE WORKPLACE/ALCOHOL ABUSE POLICIES

Section 23.01 Drug-Free Workplace/Alcohol Abuse

It is the policy of the City to provide a drug-free environment. The City's goal is to establish and maintain a healthy and efficient workforce free from the effects of drug and alcohol abuse in compliance with the requirements of the federal Drug-Free Workplace Act of 1988 (as amended) and other applicable law. This requires employees abstain from using alcoholic beverages, cannabis, mood-altering drugs, and drugs that adversely impact performance, prior to the start of their workday, during the work period, during lunch and other work breaks. Any violation of this policy shall result in disciplinary action, up to and including discharge.

- A. The use of alcohol, cannabis, or the illegal use of drugs by an employee on duty can result in a dangerous work environment by negatively affecting job performance and the ability to function safely at work.
- B. The unlawful manufacture, distribution, transfer, possession, or use of drugs while on duty is strictly prohibited. Any such use may justify immediate discharge regardless of job performance. This provision does not apply to possession of drugs by sworn Police Department employees necessitated by their official job duties.
- C. Intoxication, possession, and unauthorized use of alcohol or cannabis while on duty is also prohibited and may justify immediate dismissal regardless of job performance. This provision does not apply to possession of alcohol or cannabis by sworn Police Department employees necessitated by their official job duties.
- D. Tolerance may be shown to an employee expressing a desire and willingness to receive treatment for their drug or alcohol use.
- E. Human Resources will provide any employee, upon request, information regarding alcohol abuse and drug dependency as well as information on available treatment programs.
- F. Confidentiality will be maintained, to the extent permitted by the Minnesota Government Data Practices Act and other applicable laws.
- G. It is the responsibility of the employee to correct his or her unsatisfactory behavior or job performance resulting from drug, cannabis or alcohol use.
- H. The Human Resource Director must be notified by the employee no later than five (5) calendar days following any criminal drug statute or alcohol related conviction

for a violation occurring in the workplace or any arrest or conviction of any criminal drug or alcohol offense.

- I. Violations of this policy may constitute cause for discipline, up to and including discharge. Each situation will be evaluated on a case-by-case basis depending on the severity and circumstances involved.

The City recognizes drug and alcohol abuse as potential health, safety and security problems. Employees needing help in dealing with drug and alcohol problems are encouraged to make use of the medical resources available through their health insurance plans.

Section 23.02 Drug & Alcohol Testing

The City has adopted Drug, Alcohol, and Cannabis Testing Policies, separate from the Employee Policy Manual, covering employees required to hold a commercial driver's license (CDL) or a non-commercial driver's license (non-CDL) to perform their job duties and other employees. All employees are required to sign a document that states that they have received a copy of the policy. Each employee must review the document and abide by its provisions. Copies can be obtained from the City Administrator's office and the Human Resource Director's office.

Section 23.03 Drug-Free Awareness Program

To assist employees in understanding the perils of drug and alcohol abuse, the City has established a Drug-Free Awareness Program. This drug and alcohol policy constitutes the City's drug-free awareness program and fulfills the notification requirements of the federal Drug-Free Workplace Act of 1988 (as amended). The City will use this program as an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. The program will inform employees of the dangers of drug and alcohol abuse, explain the City's Drug and Alcohol Policy and the sanctions imposed for its violation, and highlight any treatment, counseling, and rehabilitation referral services that may be available to employees in the City. Nothing set forth in this policy is intended to conflict with state law.

An employee convicted of a criminal drug offense committed in the course of employment will be subject to appropriate disciplinary action and/or required to complete successfully an appropriate rehabilitation program at the employee's own expense unless provided to the employee through insurance coverage. The City, in its sole discretion, shall determine what disciplinary action is appropriate.

Section 23.04 Tobacco Use

A. PURPOSE

The City has established this policy regulating tobacco use in City-owned buildings and vehicles:

1. To comply with the Minnesota Clean Air act.
2. To respond to the increasing evidence that tobacco use creates a danger to the health of persons who use tobacco as well as persons who are present in a smoke-filled environment.
3. To promote a safe and healthy environment for staff and citizens and to set an example to the community in limiting tobacco use.

B. STATEMENT OF POLICY

1. All City-owned buildings and vehicles shall be tobacco-free which includes smoking, as defined by Minnesota Statutes, section 144.413, as amended, the use of tobacco products and electronic cigarettes, as defined in Minnesota Statutes, section 609.685, as amended. Park shelters are exempt from this policy to the extent provided by applicable law.
2. Tobacco use is prohibited within all City-owned buildings, this includes employee workstations, employee break areas, reception areas, storage areas, hallways, meeting rooms and all other areas inside buildings not specifically mentioned herein.
3. Within City-owned vehicles, smoking and other tobacco use is prohibited by any and all occupants.
4. All individuals on City premises share in the responsibility for adhering to and enforcing this policy. The responsibility for compliance is shared by employees, Supervisors, and the general public.
5. Employees hosting visitors are expected to inform them of the City's tobacco free policy.
6. Information on approved smoking cessation programs is available to City staff by the Human Resource Director.
7. Complaints of violation of the policy should be directed to the Department Head

responsible for the particular work area or facility involved in the complaint. The Department Head shall be responsible for notifying the violator of the pertinent portions of this policy. Failure to comply with the policy may result in discipline, up to and including immediate termination, if the violation is committed by an employee, or may result in the individual being asked to leave the City's premises, if the violation is committed by a member of the public.

ARTICLE 24. EMPLOYEE SAFETY MANUAL

The City has adopted an Employee Safety Manual, separate from the Employee Policy Manual. All employees are required to sign a document that states that they have received a copy of the manual. Each employee must review the manual and abide by its provisions. Copies can be obtained from the City Administrator's office or the Human Resource Director's office.

ARTICLE 25. POLITICAL ACTIVITY

~~City employees have the right to vote as they please, to express their personal opinions on political subjects in their capacity as individuals and retain membership in political parties.~~

~~An employee may be a candidate for partisan or non-partisan public office provided that no employee shall campaign for such office during actual hours of work. City employees' political activity may be subject to state and federal laws including, but not limited to, the federal Hatch Act, the Minnesota Fair Campaign Practices Act, and Minnesota Rules part 9575.0080, and all amendments thereto.~~

~~No employee will be permitted to express any view on any legislative protocol, candidate for office, elected official, or other topic on behalf of the City unless expressly approved to do so by the City Council or designee. Any and all lobbying activities undertaken, or purportedly undertaken, on behalf of the City must be approved in advance by the City Administrator and comply with the City's expectation and direction for such activities.~~

~~The City prohibits employees from participating in political activities on City time, using City resources, or while performing City functions, except as required by law. Employees must not identify themselves as a City employee by either appearance or declaration while expressing personal political opinions.~~

City employees have the right to express their views and to pursue legitimate involvement in the political system outside of work time. Any employee who becomes a candidate for federal, state or municipal elective office, or assumes a federal, state, or municipal elective office, is expected to properly fulfill their normal duties during such candidacy and while holding such office and may be disciplined for failure to do so. An employee

Commented [KS5]: This language is recommended by the LMC due to 2024 legislative changes.

holding such office will be permitted time off from regular employment to attend meetings required by reason of the public office. Such time off may be without pay, by using appropriate paid leave, or made up with other hours, as agreed between the employee and the department director.

Any employee whose principal employment in the city is in connection with an activity which is funded in whole or in part by the United States or a federal agency is also subject to the restrictions and penalties of the Federal Hatch Act (5 U.S.C. § 1501-1508). Political activity should not impair objectivity or the perception of objectivity in carrying out city work.

City employees cannot use their official authority or influence through their employment with the city to compel a person to apply for membership in or become a member of a political organization, or to compel a person to pay or promise to pay a political contribution, or to compel a person to take part in political activity. While at work, city employees must be politically neutral in the performance of their job duties and cannot engage in political activity while at work, on city property, or by using city resources (such as city branded clothing or uniforms, photos, ID badges, nametags, or using the city's email system or technology). Furthermore, employees should not use their city job title in conjunction with any political work or endorsements.

ARTICLE 26. HARASSMENT

It is the policy of the City that harassment and inappropriate conduct of employees is prohibited. The City seeks to promote a professional work environment where employees can perform their jobs free from abuse by others. This policy applies to all of the City's employees while performing their duties as employees within or outside the workplace. For purposes of this policy, employees include all individuals who are hired, elected, appointed, or contracted to provide services to the City.

Harassment is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, or degrading environment, or interferes with or adversely affects a person's work performance based on race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), creed, color, religion, age, sex, marital status, national origin, sexual orientation (including gender identity and expression), disability, status with regard to public assistance, or any other characteristic protected by state or federal law.

Harassment does not include the conduct or actions of Supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral

warnings, reprimands or other supervisory actions intended to promote productive performance.

A. STATEMENT OF POLICY

It is the policy of the City that harassment will not be tolerated. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. The desired standard of employee behavior is one of cooperation and respect for each other, despite any differences. Employees have a right to a workplace free of verbal and/or physical harassment.

B. SEXUAL HARASSMENT

1. Definition

For purpose of this policy, sexual harassment is defined as physical or verbal conduct relating to an individual's gender or directed at an individual because of gender, unwelcome sexual advances, request for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual or gender-related nature when:

- a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or continuing employment or a basis for employment decisions affect that individual; or
- b. submission to or rejection of that conduct or communication by an individual is used as a factor in any employment decisions affecting the individual or decision related to the individual's access to public services or public accommodations affecting said individual; or
- c. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public service, or public accommodation, or of creating an intimidating, hostile or offensive employment environment.

A single act or communication may constitute sexual harassment.

2. Examples of Conduct that can Constitute Unlawful Sexual Harassment

Examples of sexual harassment include, but are not limited to, the following:

- a. Unwelcome subtle or overt pressure for sexual activity.
- b. Repeated, unwelcome suggestions regarding, or invitations to, social engagements or work-related social events.
- c. Verbal abuse or innuendo of a sexual nature.
- d. Unwelcome physical contact such as touching, hugging, patting, pinching, pawing, poking, or slapping.
- e. Any unwelcome sexual or sexually motivated touching.

- f. Comments of a sexual nature about an individual's body or sexual terms used to describe an individual.
- g. Display or distribution of sexually suggestive or sexually explicit objects or pictures, including cartoons, articles, pictures, and other graphics which have a sexual conduct and which are not necessary for work.
- h. Jokes or remarks of a sexual nature to, or in the presence of, people who may find them offensive.
- i. Prolonged staring or leering at a person.
- j. Use of suggestive facial expressions, gestures of a sexual nature, or sexually suggestive or insulting sounds.
- k. Any demand for sexual favors accompanied by an implied or overt threat concerning an individual's employment status or promises of preferential treatment or other indication, express or implied, that an employee's job security, assignment, opportunities for advancement, or other terms or conditions of employment may depend on the granting of sexual favors to any other employee, supervisor, elected official, or manager.
- l. Any action relating to an employee's job status, which is taken as a direct result of the granting or refusal of social or sexual favors.
- m. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.
- n. Indecent exposure.
- o. Other physical or verbal conduct directed at another because of sex or gender.

Normal, courteous, mutually respectful, pleasant, non-coercive interactions between people that are acceptable to both parties are not considered to be sexual harassment.

C. OTHER PROTECTED CLASS HARASSMENT

Other protected class harassment is offensive conduct or communication based on an individual's race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), color, creed, religion, national origin, sexual orientation (including gender identity or expression), disability, age, marital status, familial status, status with regard to public assistance, or any other characteristic protected by state or federal law when:

1. Submission to such unwelcome conduct or communication is made either explicitly or implicitly as a term or condition of obtaining or retaining employment or access to public services or accommodations;
2. Submission or rejection of such unwelcome conduct or communication by an individual is used as a factor for any employment decision or decision related to the individual's access to public services or public accommodations affecting said individual; or
3. Such unwelcome conduct or communication has the purpose or effect of

substantially interfering with any person's employment, public services or public accommodation, or creating an intimidating, hostile, or offensive work environment.

D. Department Head/Supervisory Responsibilities

Department Heads and Supervisors are responsible for maintaining a work environment free of sexual harassment and other protected class harassment. It is their responsibility to ensure that all employees comply with the City's Policy. Department Heads and Supervisors must respond promptly and appropriately to both allegations and confirmed reports of harassment.

In the absence of a complaint, Supervisors and Department Heads observing conduct that may constitute prohibited harassment in the workplace are responsible for calling such behavior and this policy to the attention of the participants at the time of the observance. A written summary of the discussion shall immediately be forwarded to the City Administrator.

Supervisors and Department Heads receiving complaints or reports of alleged inappropriate conduct shall immediately forward a report to the City Administrator prior to taking any action on the complaint. The City Administrator or designee will make the determination as to whether, and to what extent, an investigation is warranted, who will investigate, and what methods will be used in the investigation.

Failure of a supervisory employee to immediately forward reports of observances or complaints to the City Administrator shall be grounds for disciplinary action, up to and including termination of employment.

E. Employee Responsibilities

All City employees are expected to treat all other employees and the public with respect and to comply with this policy. Any employee found to have violated this policy will be subject to appropriate disciplinary action, up to and including discharge from employment.

F. Complaint Procedure

Any employee who believes he or she is being subjected to sexual harassment or other protected class harassment in any form, or any employee with knowledge or belief of conduct on the part of another employee or other individual which may constitute a violation of this policy, is required to report the alleged conduct immediately to a Supervisor, the Department Head, or the City Administrator. While the City encourages written reports of the alleged conduct, verbal reports will be accepted. The individual receiving the report should be prepared to supply the following information:

1. Date, time and location of incident
2. Identification of the offender(s)
3. A detailed description of the incident
4. Any materials in the complaining employee's possession related to the incident (e.g. cartoons, articles, pictures)
5. Identification of any potential witnesses to the incident

Additionally, at the time of the incident, if you are the employee being subjected to the inappropriate behavior and feel comfortable in doing so, you may, but are not required to, courteously, but firmly, tell the individual(s) engaging in the inappropriate behavior to stop the behavior because the behavior makes you feel intimidated, offended or uncomfortable. Include a summary of this discussion in your report to the Supervisor or City Administrator.

Any Department Head or other supervisory employee who receives a formal or informal, oral or written report of harassment shall inform the City Administrator immediately without screening or investigating the report, unless the City Administrator is involved or has a conflict of interest, in which case the report shall be made to the Mayor pursuant to the reporting procedures. Failure of any supervisory employee of the City to forward such a report to the appropriate party shall be grounds for discipline.

By the authority of the City Council, the City Administrator, upon receipt of a report or complaint of sexual harassment or other protected class harassment, shall undertake or authorize an investigation. The investigation may be conducted by City Officials or by a third party designated by the City.

The City may take immediate steps, at its discretion, to protect the complainant and other employees or members of the public pending completion of the investigation.

The investigation methodology will be determined by the investigator depending on the specifics of each complaint. Investigations typically include, at a minimum, interviews with the reporting employee, the complaining employee (if different from the reporting employee) and alleged offender(s). The investigation methodology may additionally include additional interviews, document review and other methods deemed pertinent by the investigator.

G. Confidentiality

Records maintained pursuant to this policy are subject to the Minnesota Government Data Practices Act, the Minnesota Records Retention Act, and other applicable laws. Subject to those laws, every effort shall be made to respect the privacy of the parties to a complaint, without compromising the thoroughness of the investigation.

H. No Reprisal for Filing Complaint of Harassment

The City will not tolerate acts of retaliation against employees who have made a good faith report of suspected violations of this policy or any person who assists in the investigation of such a complaint regardless of the outcome of such investigation. The City will discipline or take other appropriate action against any employee who engages in acts of retaliation toward these individuals. For purposes of this policy, retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

I. Disciplinary Procedure

1. An employee who violates this policy will be subject to disciplinary action up to and including discharge.
2. Any employee who prevents or attempts to prevent an individual from reporting a suspected violation of this policy or who interferes in any way with the investigation of such a report will be subject to disciplinary action, up to and including discharge.
3. Any employee who retaliates or discriminates against an individual who reports a suspected violation of this policy or assists in the investigation of such a report will be subject to disciplinary action, up to and including discharge.
4. Supervisor, managers, or Department Heads who become aware of violations of this policy in their department, even in the absence of a formal complaint, shall take appropriate disciplinary action, in consultation with the City Administrator.
5. Any non-employee found to have violated this policy may be removed from the City property or other appropriate action may be taken.

The Data Practices Act may allow individuals who are not directly involved with the complaint to access records related to the complaint in certain circumstances.

ARTICLE 27. GRIEVANCES

It is the policy of the City insofar as possible to prevent the occurrence of grievances and to deal promptly with those which occur. For purposes of this policy, a grievance is defined as a dispute or disagreement as to the interpretation or application of the City's personnel policies.

Employees shall have the right to present grievances either individually or as a group. Grievances shall be presented to the City Administrator in writing, within five (5) calendar days of the occurrence of the alleged grievance.

The City Administrator shall respond to an employee's grievance within fourteen (14) calendar days after receiving the alleged grievance. The decision of the City Administrator is final, except that when the City Administrator is directly involved in the grievance, appeal may be made to the Personnel and Finance Committee for final decision within fourteen (14) calendar days of the City Administrator's decision. In such an appeal, the Personnel and Finance Committee's decision is final. In the event that the City Administrator does not respond to the grievance within fourteen (14) calendar days of receipt, the grievance shall be considered denied for purposes of the appeal time period discussed above.

In compliance with federal or state law, an employee may also grieve any alleged unsafe act or practice, adverse working conditions, violation of civil rights, and alleged hazardous materials management.

Concerns that employees have should not go directly to individual members of the City Council. The City Council acts as a body and not as individuals. Likewise, individual Council members giving direction to staff without the knowledge of the City Administrator is inappropriate. Again, the City Council gives its direction, as a policy making body, to the staff through the Administrator.

ARTICLE 28. DISCIPLINE AND DISCHARGE

Section 28.01 At-Will Employment

City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities, including failure to observe proper workplace conduct adopted by the City Council. It is the policy of the City to administer disciplinary penalties without discrimination. Except for probationary employees and as expressly described in this Policy, employees may use the grievance procedure as per the personnel policy with

respect to any disciplinary action. To the extent feasible, the supervisor or department head shall gather relevant information before reporting the incident to the Human Resource Director. At the direction of the Human Resource Director, the supervisor or department head may gather additional relevant information and investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

Nothing in this Policy shall be interpreted as altering the City employees' status as "at-will" employees or creating any type of "just cause" standard for discipline or termination. When determining whether to impose discipline, including termination, the City may consider all relevant factors, including, but not limited to, the seriousness and frequency of misconduct, and the employee's discipline history.

Grounds for discipline and discharge will include, but is not limited to the following:

- A. Incompetence, ineffectiveness, or inefficiency in the performance of duties;
- B. Criminal conduct which would constitute a felony, gross misdemeanor, or misdemeanor except as limited by Minnesota Statutes, Chapter 364 (as amended);
- C. Violation of any City policy, procedures, work rule, regulation or City ordinance, including the provisions of this manual and any safety and/or health policies and procedures;
- D. Being under the influence of alcohol, cannabis, drugs, or controlled substances while performing duties for the City, while on City premises, or while acting as a representative of the City off premises;
- E. Discourteous, hostile, insulting, abusive, or inflammatory conduct toward the public, a fellow employee or fellow employees, a supervisor or supervisors, a member of the City Council or members of the City Council, or a member of any City commission, or members of any City commission;
- F. Theft, misuse, carelessness and/or negligence in the handling or control of City property or property entrusted to the employee by the City, including allowing unauthorized persons to ride in City vehicles, or the unauthorized appropriation of City property for the employee's own use;
- 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 City policy, procedure, regulation, ordinance, or workplace directive or order;
- H. Dishonesty in the performance of duties;

- I. Sleeping during work hours;
- J. Willful misconduct or insubordination;
- K. Acceptance of a gift under circumstances from which it could be inferred that the giver expected or hoped for preferred or favorable treatment in conduct of City business and/or acceptance of a gift in violation of applicable law or City policy;
- L. Unapproved use of paid work time and/or equipment in outside employment or for personal benefit;
- M. Falsely stating or falsely making claims of injury or illness;
- N. Gambling while on duty, on City property, or using City equipment or resources;
- O. Inability to perform the essential functions of the employee's job, whether due to physical or mental impairment, or otherwise;
- P. Any possession, sale, distribution, possession, or unauthorized use of alcohol, cannabis, or controlled substances, during working hours and/or while representing the City;
- Q. Unexcused absence from work;
- R. Tardiness in reporting to work;
- S. Improper reproductions or misuse of copyrighted materials;
- T. Theft of City property or personal belongings of others;
- U. Abuse of official position with the City to achieve personal, political, or financial gain;
- V. False or inaccurate claims for reimbursement of expenses;
- W. Disorderly, abusive, or indecent conduct that causes disruption of the work environment, including fighting;
- X. Unauthorized possession of weapons on City property;
- Y. Allowing unauthorized visitors into unauthorized City offices and locations;
- Z. Unauthorized disclosure of private, confidential, or nonpublic data;
- AA. Failure or refusal to comply with City or department regulations, policies, or

procedures; and

BB. Any other conduct which, in the discretion of the City, constitutes a breach of the standards of behavior which it should reasonably expect of its employees.

Employment at the City may be terminated at the will of either the employee or the City, at any time, and for any legal reason or no reason.

Section 28.02 Procedures

- A. Discipline may be in one or more of the following forms, although **the City of Brainerd reserves the right to take any disciplinary action at any time:**
1. oral reprimand;
 2. written reprimand;
 3. suspension;
 4. demotion; or
 5. discharge.
- B. Suspension, demotion and discharge will be in written form and will state the reasons for such action.
- C. Reprimands, notice of suspension, and notice of discharge are to become part of an employee's personnel file. The employee will receive a copy of any reprimands and/or notices.
- D. Employees receiving a written reprimand, suspension, demotion, or discharge shall be given a copy of the discipline document and sign the original, acknowledging that he or she has received the written reprimand, suspension, demotion, or discharge. The signature of the employee does not necessarily indicate that he or she agrees with the disciplinary action. If the employee refuses to sign the original written reprimand, suspension, demotion, or discharge, such refusal will be noted on the discipline document. All written discipline will be placed in the employee's personnel file.
- E. Consistent with applicable law, employees may examine their own individual personnel files at reasonable times under the direct supervision of the City Administrator or designee.

Section 28.03 Supervisory Authority

- A. Oral and Written Reprimands. Department Heads have the authority to impose oral and written reprimands without prior approval of the City Administrator. The Department Head must maintain a record of each verbal reprimand. A verbal

reprimand may not be appealed or submitted through the grievance process.

B. Suspension. The City Administrator may suspend an employee.

C. Demotion and Discharge. An employee may be demoted or discharged by recommendation of the City Administrator and final determination by the City Council.

Section 28.04 Right of Appeal

An employee may appeal an oral or written reprimand verbally or in writing to the City Administrator within five (5) work days after disciplinary action has been imposed. The City Administrator will make the final determination and will inform the employee in writing regarding the decision made.

An employee may appeal a suspension without pay, or recommendation for demotion or discharge to the City Council by requesting, in writing, that a hearing be conducted for that purpose. Such request must be made by the employee to the City Administrator within five (5) days after disciplinary action has been imposed. At its sole discretion, the City Council may hold the hearing at its next regularly scheduled meeting or any date within thirty (30) days of such meeting. The City Council has the sole discretion to conduct the hearing or to appoint a subcommittee to conduct the hearing. If the City Council appoints a subcommittee, the subcommittee shall make its recommendation to the City Council at the next regularly scheduled meeting of the City Council following the hearing. The decision of the City Council will be final.

If the appeal is upheld by the City Council, the employee shall receive all payments, benefits and service accrual which the employee would have earned during the period of suspension without pay, demotion or discharge and be reinstated to the position.

For purposes of the Minnesota Government Data Practices Act, the initial disciplinary decision constitutes the final disposition of a disciplinary matter, unless the employee files a timely appeal with the City Council. In such cases, the City Council's decision constitutes the final disposition.

The procedures described in this Section are employees' exclusive remedy for challenging a disciplinary action using these Personnel Policies. The grievance procedure described in Article 27 is not applicable to disciplinary decisions.

ARTICLE 29. ACCIDENT PROCEDURES

As a City employee, it is important that you are aware of certain procedures to be followed if you are injured on the job or involved in an accident while operating City equipment. These procedures have been established to protect your interests as an employee, as

well as protect the City.

Employees shall comply with all federal and state laws and rules concerning vehicles and their safe operation. Safety devices, such as seat belts, lights, horns, etc., shall be utilized.

Compliance with speed limits, safe driving procedures, and proper licensing requirements will be enforced by the City.

Employees are responsible for performing routine checks (i.e., tire pressure, oil, turn signals, lights) before operating a City-owned vehicle.

If you are involved in an accident while operating any City-owned vehicle or piece of equipment, or while engaged in City business with any hired or privately-owned vehicle:

- A. Notify the police and/or emergency medical services, as appropriate, by dialing 911, and your supervisor IMMEDIATELY.
- B. Request that all parties and property concerned remain at the scene of the accident, if possible, until a law enforcement representative has released them.
- C. Obtain identifying data from the driver of the other vehicle (i.e. name, address and insurance company).
- D. Secure names and addresses of injured persons and any witnesses to the accident.
- E. Employee responsibility is to refrain from making statements regarding the accident with anyone other than the investigating law enforcement representative, appropriate City officials, and representatives of his or her own insurance company, if the employee's privately-owned vehicle is involved. Statements made to investigating authorities should be confined to factual observations. A copy of all police reports and any statements attached thereto will be forwarded to City Administration or designee within one day of receipt by the employee(s) involved in the accident.
- F. Employees shall refrain from admitting fault or liability and must gather all applicable loss data, witnesses, injured parties, passenger names, vehicle and driver's license numbers.

Employees who sustain personal injury or illness in any work-related accident are **REQUIRED** to report the injury to their supervisor immediately (no matter how minor). Once your supervisor has been notified of an accident, he/she will inform you of the steps to be taken to properly report and record the occurrence. Your supervisor may also direct

you to proper medical attention where necessary. If it is necessary for you to complete an "Employee Incident" form, it should immediately be completed and returned to your supervisor. If it is necessary for you to miss work because of a work-related accident, it is your responsibility to keep your supervisor Informed of the date you are able to return to work. In most instances, your treating physician will provide you with that information during your initial visit.

Please remember that following these simple procedures not only ensures accurate record keeping of accidents and personal injuries as required by law, but also protects your interests as an employee. For your own protection, be sure to report any accidents and injuries you may have, no matter how small.

Employees using a City-owned vehicle may be held liable for accidents in which he or she is involved. Employees will be personally responsible for paying any citation or other criminal sanction received while operating a City-owned vehicle.

ARTICLE 30. STATEMENT OF POLICIES AND PROCEDURES FOR PAYMENT AND/OR REIMBURSEMENT OF COSTS AND ATTORNEY'S FEES FOR MUNICIPAL OFFICERS AND EMPLOYEES

The City may reimburse its employees or officers for costs and reasonable attorney's fees incurred by an employee or officer, to the extent permitted by Minnesota Statutes, section 465.76.

ARTICLE 31. TECHNOLOGY USE

General Information

This policy serves to protect the security and integrity of the City of Brainerd's electronic communication and information systems by educating employees about appropriate and safe use of available technology resources. All employees are responsible for reading and following information that may be distributed from time-to-time about appropriate precautions to protect City systems.

City-owned computers, cellular telephones, mass storage devices, and related equipment used by City employees are property of the City. Except when accessed by the police department for law enforcement purposes, the City specifically reserves the right to audit, monitor, and inspect, without notice, without the user's consent, and for any reason or no reason, employees' use of its computers and related equipment and all data, emails, files, settings, or any other aspect of a City-owned computer or related system, including personal information created or maintained by an employee. An audit may result in the removal of hardware and/or software not compliant with this policy, revocation of permission to use the City's computers and/or related equipment, employee discipline, up to and including immediate termination, and/or criminal charges, depending on the nature of the violation.

All City owned equipment, including, but not limited to, computers, laptops, telephones, mobile devices, field electronics, mass storage devices, e-mails, voice mail, text messages on City paid cellular telephones, or any other type of equipment provided are City property. Except when accessed by the police department for law enforcement purposes, any such property or equipment may be accessed by the City at any time, for any purpose, with or without notice to the employee, and with or without reasonable suspicion. City employees and other users shall have no expectation of privacy in any property or equipment of the City.

In addition, the City is subject to the Minnesota Government Data Practices Act ("MGDPA") and other laws governing the collection, storage, use, and disclosure of data. All files and documents, including personal messages and internet logs, created, received, collected, maintained, or generated by City employees or using the City's computer and/or related equipment are subject to those laws. In accordance with applicable law, such files and documents may be disclosed in certain circumstances without the permission of the employee or user.

Users should notify IT staff upon learning of violations of this policy. Violation of this policy may result in the removal of hardware and/or software not compliant with this policy, revocation of permission to use the City's computers and/or related equipment, employee discipline, up to and including immediate termination, and/or criminal charges, depending on the nature of the violation. All violations will be addressed consistent with the City's Personnel Policies or applicable union contract.

Data Privacy and Retention

All data stored on computers, related equipment, and media owned, leased or rented by the City is considered to be owned by the City and is subject to the MGDPA, which governs its use and dissemination. All city owned equipment and Information Technology Systems, including e-mail, are City property and subject to inspection by the City at any time, without notice, and for any reason or no reason at all. The City Administrator or Human Resource Director should be contacted with questions regarding the classification of public and private data.

Data Ownership: All information developed or introduced to a City computer or related equipment by a user in conjunction with employment with the City is the property of the City.

Data Storage: All City data must be saved to a network drive on a City server or City provided resource.

Data Deletion: Users are responsible for deleting outdated files that are no longer needed for compliance with the City Records Retention Schedule; this includes data files and email messages that do not need to be retained in accordance with the City's Records Retention Schedule. The City Administrator should be contacted with questions regarding the City Records Retention Schedule.

Data Back-up: The IT department backs up most data stored on network servers or cloud storage. Workstation hard drives or any other devices are not backed up and are subject to failure and may result in permanent data loss.

Personal Use

The City offers employees the privilege of limited personal use of City-owned computers and related equipment. Personal use is allowed under the following guidelines and only during break times or before/after normal paid working hours:

- Only City employees may use City-owned equipment. Family members or friends of City employees are not allowed to use City equipment or technology resources.
- Employees shall not connect personal peripheral tools or equipment (such as cell phones, USB drives, flash drives/cards, disks, digital cameras, or printers) to City-owned systems, without prior approval from IT staff. If permission to connect these tools/peripherals is granted, the employee must follow provided directions for protecting the City's computer network.
- Personal files should not be stored on City computer equipment. This also applies to personal media files, including but not limited to personal documents, images, audio and video files. IT staff may delete these types of files if found on City-owned equipment. Exceptions would be recordings for which the City has created, owns, purchased, or has a license.
- City equipment or technology, including City-issued email accounts, shall not be used for: illegal activities, personal business interests, for-profit ventures, political activities, outside employment, public office or employment which is incompatible with City employment, wagering, betting, or selling chances, annoying or harassing other individuals, fund-raising except for City-approved activities, religious activities, pornographic, obscene, or indecent images or content, forwarding junk email, advertisements, or chain emails, or other uses deemed by City management to be inconsistent with City activities. If any employee has a question as to whether a use is appropriate, that employee must contact the City Administrator or applicable Department Head for permission before

engaging in the conduct in question.

- The City reserves the right to monitor end user activity. Software and/or hardware may be used to monitor, filter, block, or limit internet activity. The City may inspect any data or information stored on its equipment or network, even if the information is personal to the employee.

Hardware

In general, the City will provide the hardware required for an employee to perform their job duties. Requests for new or different equipment should be made to the Department Head, who may consult with IT staff.

Unapproved hardware, including cameras, mobile devices, printers, external storage devices, and any other peripherals that have not been specifically approved by the City may compromise the integrity of the City's computer system and are prohibited. IT staff may, without notice, remove any unauthorized equipment attached to the City's computer system or network.

The City ~~will not may~~ supply mobile devices, including computers, ~~based solely on the desire of to~~ employees to work offsite as approved by the City Administrator. A business need will be required for each mobile device deployment and must be approved by the Department Head. In general, mobile devices will only be issued to employees who: regularly use their device offsite; require a device for access to special software or systems; have a documented business need for a device; and/or require the use of a device while traveling.

Employees are responsible for the proper use and care of City-owned computer equipment. City employees are expected to provide reasonable security to all City-owned computers and related equipment. This includes ensuring that passwords comply with this policy. Removable media must be kept in a secured area. Non-public, private, and/or confidential data must not be displayed in such a manner that unauthorized personnel or others can view or access it. All City-owned computers and related equipment must be secured while off City premises. For instance, employees must not leave computer equipment in an unlocked vehicle or unattended at any offsite facility. Computer equipment must not be exposed to extreme temperature or humidity.

Software

In general, the City will provide the software required for an employee to perform their job duties. Requests for new or different software should be made the Department Head, who may consult with IT staff.

Unapproved software or downloads (free or purchased), games, screen savers, toolbars, clipart, music/audio, and movie/video clips, that have not been specifically approved by the City may compromise the integrity of the City's computer system and are prohibited.

Employees shall not download or install any software (free or purchased) or addons (such as toolbars or clipart) on any City computer or related device without the prior approval of the IT staff. The only exceptions to this policy are updates to software previously approved by IT such as anti-virus, anti-malware, etc. IT staff may, without notice, remove any unauthorized programs or software, downloads, or other files on any City computer, related equipment, network, or electronic resource.

Electronic Mail

The City provides most employees with an email account for work-related use. Minimal personal use of the City email system by employees is allowed, provided it does not interfere with an employee's work and is consistent with all City policies. Using the City's email to participate in any kind of personal listservs or mailing list is prohibited.

Employee emails, including those that are personal in nature, may be considered "public" data for both e-discovery and information requests and may not be protected by privacy laws. Personal e-mail transmitted through or saved on the City's e-mail system, computers, network, or other technological resources, may also be monitored as directed by the City Administrator ~~or BPU Commission (for BPU employees only)~~ and without notice to the employee.

In addition, employees must adhere to these email guidelines:

- Do not open email attachments or links from an unknown sender. Review sender's email address, date/time, subject line, and name and file type of attachments to verify legitimacy/relevance. Delete junk or "spam" email without opening. Do not respond to unknown senders.
- Never transmit an email that you would not want your supervisor, other employees, members, city officials, or the media to read or publish (e.g., avoid gossip, personal information, profanity, etc.).
- Use caution or avoid corresponding by email on confidential communications (e.g., letters of reprimand, correspondence with attorneys, medical information).
- Do not use harassing language (including sexually harassing language) or any other remarks, including insensitive language or derogatory, offensive, or insulting comments or jokes.

- Employees' email use must otherwise comply with all applicable provisions of this policy, all other applicable City policies, and all applicable laws.

Electronic Calendars

A shared calendar environment is provided as part of the City's email software program. All employees are encouraged to keep their electronic calendar up-to-date and may grant relevant staff the ability to view their calendar. All employees are encouraged to utilize the out-of-office automatic replies for known absences.

Phone/Voicemail

Voicemail that constitutes an official record of City business must be kept in accordance with all records retention requirements for the department and should be copied to the network for storage. All other voicemails should be deleted from the voicemail system (and email system) when no longer needed. Voicemail may be considered "public" data or otherwise subject to disclosure in accordance with the MGDPA. Employees should contact IT staff with any questions about voicemail storage and/or deletion.

Presence/Instant Messaging

Employees who are provided with the City's presence / instant messaging (IM) software should remain logged in when working and may utilize it for communications between City staff. Instant messaging may be considered "public" data, or otherwise subject to disclosure in accordance with the MGDPA and must be kept in accordance with the City's records retention requirements if they constitute an official record of City business. Employees are not allowed to download or install any unapproved messaging software on City devices.

Intranet (Sharepoint)

Employees should keep the City's Intranet (Sharepoint) as their web browser home page and are encouraged to utilize the documents, announcements, links, and calendars to remain informed and share information with other staff.

Storing and Transferring Files

If you are unsure whether an email or other file is a government record for purposes of records retention laws or whether it is considered protected or private data under the MGDPA or other law, you must check with the City Administrator or applicable BPU Department Head (for BPU employees only) before deleting or releasing the information or file in question. If you are unsure how to create an appropriate file structure for saving

and storing electronic information, contact IT staff.

Employees must adhere to these guidelines when transferring and storing electronic files:

- All electronic files should be stored on network drives or approved web or cloud-based storage locations. IT staff will not back up documents stored on local computer hard drives and hold no responsibility for recovery of documents on local computer hard drives should they fail. Subject to the provisions of this policy, files may be temporarily stored on a mobile device when an employee is offsite; however, the files should be copied to an approved storage location when possible.
- Electronic files created on an employee's personal device or computer must not be transferred to the City's network. City-related files should not be created or stored on an employee's personal device or computer.
- All removable storage media (e.g., CDs, flash or USB drive, or other storage media) must be verified to be virus-free utilizing an IT approved process before being connected to City equipment.
- Email that constitutes an official record of City business must be kept in accordance with all records retention requirements for the department and should be copied to the network or other approved location for storage.
- Email that is simple correspondence and not an official record of City business should be deleted when no longer needed.
- Electronic files or emails that contain nonpublic, private, or confidential data should be stored in a location on the City's network that is properly secured.

Any files containing nonpublic, private, or confidential data should not be stored anywhere other than the City's network or other approved location. Employees must obtain the prior approval of the Department Head before taking any file containing nonpublic, private, or confidential data offsite.

Personal Devices

Employees with prior approval may choose to use their own equipment to read or compose email or other City data as governed in this policy. Employees understand that by connecting their personal equipment to the City's email system, their personal devices could be searched during an e-discovery or other court-ordered scenarios and agree to grant access to their personal devices should such a situation arise.

Passwords

Employees are responsible for maintaining computer/network passwords and must adhere to these guidelines:

- Passwords must meet minimum complexity requirements designated by IT staff. Employees must change passwords when prompted or as scheduled by IT Staff.
- Multi-factor authentication methods should be used when available for web/cloud-based applications. Multi-factor authentication is an additional layer of security beyond just a username/password and generally requires a code or acknowledgement on a physical device or a code sent by a separate means of communication.
- Passwords should not be shared with anyone including other staff. If it is necessary to access an employee's computer when they are absent, contact your supervisor; IT staff will not provide access to staff accounts without prior approval.
- Passwords should not be stored in any location on or near the computer or stored electronically such as in a cell phone or other mobile device unless properly secured.

Computers and other devices should not be left unattended while a user is logged in- either lock the computer when away (Win+L or Ctrl+Alt+Del) or use a timed screen saver that will require a password to unlock upon return.

Network Access

Non-City-owned computer equipment used in City buildings should only use the public wireless connection to the Internet. Under no circumstances should any non-City-owned equipment be connected to the City's computer network wirelessly or via a network cable.

Exceptions may be granted by IT staff.

Personal computer equipment may not be connected to the City's network without prior approval of the IT staff. Personal equipment may be subject to password requirements or other electronic security measures as determined by IT staff.

Staff shall not attempt to circumvent or disable firewalls, anti-virus/anti-malware software, software updates and patches, network/computer security settings, or any other measures put in place to protect the network. If access to necessary resources is

obstructed, notify supervisor and/or IT staff to explore options.

Remote Access to the Network

Examples of remote access include, but are not limited to: Virtual Private Network (VPN), TeamViewer, and Windows Remote Desktop connections. While remotely connected to City computer resources, all aspects of this Technology Use Policy will apply, including the following:

- Telework opportunities and remote access to the City's network requires a job specific reason and/or a request from a supervisor to the City Administrator. Remote access privileges may be revoked at any time by an employee's supervisor, Department Head, the City Administrator or IT staff.
- If remote access is from a non-City-owned computer, updated security software (anti-virus and anti-malware) must be installed and operational, and all critical operating system updates must be installed prior to connecting. Failure to comply could result in the termination of remote access privileges.
- Remote access/assistance from third parties is not allowed without prior approval from IT staff. When remote access/assistance from a third party is granted, their activities must be monitored by City Staff.
- Recreational use of remote connections to the City's network is strictly forbidden. An example of this would be a family member utilizing a City's cellular data connection to access the internet.
- Private or confidential data should not be transmitted over an unsecured wireless connection. Wireless connections that are not secure could pose a security risk if used to transmit passwords or private data. Unsecure wireless connections may include cellular networks and wireless access points unless proper security protocols are in place.

Security Compromise

If a virus or malware is suspected on any City device, IT staff must be notified immediately. Any other indications of computer or network security compromise must be reported to IT staff immediately.

Internet

The internet is available to employees for research, education, and communication directly related to the mission, charter, and tasks of the City. Users must honor copyright laws regarding protected commercial software and intellectual property. Users accessing the internet through the City's computers and related equipment should minimize unnecessary network traffic that might interfere with the ability of others to make effective use of this shared network resource. Users are also responsible for adhering to City standards when browsing the internet. Failure to adhere to City standards puts the City and the individual at risk of legal or financial liabilities, potential embarrassment, and other consequences, including immediate termination of employment and other disciplinary actions. The following considerations apply to all uses of the Internet:

- Information found on the Internet and used for City work must be verified to be accurate and factually correct.
- Approved web browsers include Microsoft Edge, Mozilla Firefox, Apple Safari, and Google Chrome. Usage of other browsers requires prior authorization from IT staff.
- Browsing history including cookies, passwords, and temporary files should be cleared from web browsers frequently or set to automatic delete.
- Limited personal use of the Internet is permitted. 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. If you are unsure whether a site may include inappropriate information, you should not visit it.
- City data should not be stored in any web or cloud-based application that has not been provided or approved by IT staff.
- If an employee's use of the internet is compromising the integrity of the City's network, IT staff may temporarily restrict that employee's access to the internet. If IT staff does restrict access, they will notify the employee and the employee's supervisor as soon as possible, and work with the employee and supervisor to rectify the situation.
- Social media use on City owned computers should be limited to maintaining the City's social media presence. Personal use of social media on City owned computers is discouraged.
- Peer-to-peer software/applications are not permitted.

- All staff internet use must comply with all applicable provisions of this policy, all other applicable City policies, and all applicable law.

The City may monitor or restrict any employee's use of the internet without prior notice, as deemed appropriate by the employee's supervisor, the City Administrator, or IT staff.

Personal Social Networking on City-Owned Devices

Employees should not use City-owned devices to post to personal sites, including social networking sites. Employees' personal use of City-owned devices should be minimal and must not interfere with their work duties. All personal social networking and other personal use of the City-owned devices must comply with the terms of this policy.

Personal Social Networking While Off Duty and the City's Responsibility

The City of Brainerd has a duty to protect the reputation of the organization and its employees as well as guard against any liability and potential legal risk regardless of when and where social networking activity occurs. An employee's own personal communications, such as on social media, can have a significant impact on the public's belief that all city staff will carry out city functions faithfully and impartially and without regard to factors such as race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), creed, color, religion, age, sex, marital status, national origin, sexual orientation (including gender identity and expression), disability, status with regard to public assistance, or any other characteristic protected by state or federal law. Nonpersonal communications (performed within one's job duties) to members of the public must be professional at all times. With this in mind, employees must use social media (Facebook, X (Twitter), blogs, YouTube, etc.) in a manner that follows the following guidelines:

- Individuals should exercise caution and good judgment when social networking.
- Individuals shall not represent that they are speaking or acting on behalf of the City or presenting any interests of the City.
- Individuals are not permitted to display the City of Brainerd logo on any part of their online profiles.
- Individuals never have the right to post non-public, private, or confidential data, such as information related to co-workers personnel data, medical information, or claims or lawsuits against the City, without obtaining the express written consent of the data subject and/or City Administrator as

appropriate.

- Individuals who use personal social media accounts are not immune from the law. In general, all users of social networking should be aware that the content of these social networking sites can be subpoenaed and used in criminal and civil trials.
- Individuals need to be aware that they have no reasonable expectation of privacy when social networking and use of personal social media accounts are subject to all pertinent City policies, as well as local, state and federal laws.
- The City of Brainerd expects its employees to be fair, courteous, and respectful to supervisors, co-workers, citizens, customers, and other persons associated with the city. Avoid using statements, photographs, video or audio that reasonably may be viewed as malicious, obscene, threatening or intimidating, disparaging, or might constitute harassment. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race (including traits associated with race, including, but not limited to hair texture and hair styles such as braids, locs, and twists), creed, color, religion, age, sex, marital status, national origin, sexual orientation (including gender identity and expression), disability, status with regard to public assistance, or any other characteristic protected by state or federal law.
- City resources, working time, or official city positions cannot be used for personal profit or business interests, or to participate in personal political activity. Some examples: a building inspector could not use the city's logo, email, or working time to promote his/her side business as a plumber; a parks employee should not access a park after hours even though he or she may have a key; a clerk, while working at City Hall, should not campaign for a friend who is running for City Council.
- Personal social media account name or email names should not be tied to the city (e.g., Brainerd Cop).
- Any personal communications made on a matter of public concern must not disrupt the efficiency of the city's operation, including by negatively affecting morale. Put another way, such public comments must not undermine any city department's ability to effectively serve the public. Disruptive personal communications can include liking or republishing (sharing/retweeting) a social media post of another individual or entity. The City can act on the personal communication that violates this policy without waiting for the actual disruption.

ARTICLE 32. SOCIAL MEDIA POLICY

The City has adopted a Social Media Policy, separate from the Employee Policy Manual. The Social Media Policy describes the rules and procedures for the administration of City social media accounts. Copies can be obtained from the Human Resources Department.

ARTICLE 33. TELECOMMUTING/REMOTE WORK POLICY

The City has adopted a Telecommuting/Remote Work Policy, separate from the Employee Policy Manual. The Telecommuting/Remote Work Policy describes the situations in which qualifying employees may be allowed to work from home and the conditions on any opportunity to work from home afforded to any employee. Copies can be obtained from the Human Resources Department.

ARTICLE 34. QUESTIONS OR CONCERNS

All employees are required to be familiar with, and abide by, the terms of these policies. Department Heads and the Human Resource Director are ready to answer questions, or to further explain and obtain information about any phase of this manual which is not clear. All employees should feel free to ask questions of their Department Head, the Human Resource Director, and the City Administrator.

Reviewed and adopted by the City Council

Date: [January 2, 2024](#)

ACKNOWLEDGMENT

I acknowledge that I have received a copy of the City of Brainerd Personnel Policy. I understand that this document contains important information regarding the City's general personnel policies and my privileges and obligations as an employee. I will familiarize myself with the personnel policy and I understand that I am governed by its contents. I further understand that the personnel policy is not an employment contract and that the City may change, rescind or add to any policies, benefits, or practices at its sole discretion with or without prior notice.

Employee Signature

Date

Employee Printed Name

Department

EXHIBIT A

HEALTHCARE INSURANCE PREMIUM CONTRIBUTIONS

- CITY ADMINISTRATOR, DEPARTMENT HEADS, AND SUPERVISORS:

The following premium splits and Employer HSA contributions will be effective for our [20242025](#) High Deductible Health Plan Smart Plan options:

Smart Plan #1 - \$1,~~600~~650 [20242025](#)

% of Contribution to Monthly Premium

Employer

Single 95%

Family 80%

Employee

Single 5%

Family 20%

HSA Annual Contribution

Employer

Single \$1,000

Family \$1,500

Smart Plan #3 - \$3,~~200~~300 [20242025](#)

% of Contribution to Monthly Premium

Employer

Single 95%

Family 80%

Employee

Single 5%

Family 20%

HSA Annual Contribution

Employer

Single \$2,000

Family \$2,500

Smart Plan #7 - \$6,~~150~~300 20242025

% of Contribution to Monthly Premium

Employer

Single	97%
Family	85%

Employee

Single	3%
Family	15%

HSA Annual Contribution

Employer

Single	\$2,250
Family	\$2,750

Smart Plan #8 - \$8,~~050~~300 20242025

% of Contribution to Monthly Premium

Employer

Single	100%
Family	90%

Employee

Single	0%
Family	10%

HSA Annual Contribution

Employer

Single	\$2,500
Family	\$3,000

All plans are automatically indexed annually.

- All additional employer HSA contributions amounts noted above will be pro-rated based on a monthly contribution.
- The City will provide an Opt-Out Option for eligible employees in lieu of the city's health insurance for 2024. If the eligible employee elects the Opt-Out payment for 2024, the monthly Opt-out taxable payment will be \$400 per month.
- The base City health insurance plan for union contract comparison is Smart Plan No. 3 (\$3,~~200~~300 High Deductible Health Insurance Plan for 20242025).
- ~~The City will pay 100% of the single and family premium for the Department Heads and Supervisors hired or promoted to such a position before May 1, 2010.~~

ELECTED OFFICIALS/BRAINERD PUBLIC UTILITIES (BPU) COMMISSIONERS:

- Health insurance options for this group includes the following City contributions for the City-sponsored base health insurance plan (Smart Plan No. 3 - \$3,~~200~~300 Deductible Plan for ~~2024~~2025):
 - 100% of the premium if single health coverage is elected.
 - 80% of the premium if family health coverage is elected.
- If a member of this group elects a different health plan, the individual will pay the premium difference based on the premium split for the base plan as set forth in the previous bullet.
- If someone is covered by a different group plan and is eligible to receive the City's Opt-Out payment, individuals in this group can elect to receive \$250 per month as taxable income in lieu of the health insurance benefit.

The City's contribution for all other employees is set in the applicable collective bargaining agreement and/or Council resolutions.

The City provides insurance coverage for former City employees including retirees on a self-pay basis pursuant to state law. Please refer to your Group Insurance Plan booklet for a complete description of benefits.

EXHIBIT B

LONG-TERM DISABILITY COVERAGE AND LIFE INSURANCE

- I. **Long-Term Disability Coverage.** Should an employee become disabled as a result of a non-occupational injury or illness, the City will provide long-term disability coverage to cover 50% of your gross monthly income to a maximum of \$7,084 per month. This plan takes effect the 1st day of the month coincident with or next following six months of continuous employment.
- II. **Face Amount of Life Insurance for Certain Employees and Elected Officials.** Consistent with the Policy Manual, the City will provide life insurance coverage to elected officials, Department Heads, ~~Municipal Utility Division Managers~~[Division Managers](#), and non-union supervisors in the following amounts: Mayor, City Council and Public Utilities Commission \$50,000; City Administrator, Department Heads and ~~Municipal Utility Division Managers~~[Division Managers](#) \$100,000; Non-union supervisors \$50,000.

Employees should review the applicable Summary Plan Descriptions for additional details for said policies.

EXHIBIT C

MINNESOTA HEALTH CARE SAVINGS PLAN CONTRIBUTIONS

All funds collected by the City on behalf of the employee for purposes of contributing to the Minnesota Health Care Savings Plan will be deposited into the employee's individual health care savings plan account as follows:

1. City Administrator, Department Heads and ~~Municipal Utility Division Managers~~Division Managers:
 - a) Employees eligible for severance pay as outlined in ARTICLE 13 of the City Employee Policy Manual will contribute 100% of their severance pay into the Plan.
 - b) Employees with 0 to 4 years of service will contribute 1% of gross pay each payroll period.
Employees with 5 to 9 years of service will contribute 1.5% of gross pay each payroll period.
Employees with 10 to 14 years of service will contribute 2% of gross pay each payroll period.
Employees with 15 to 19 years of service will contribute 3% of gross pay each payroll period.
Employees with 20 or more years of service will contribute 5% of gross pay each payroll period.
 - c) 50% of sick leave and ESST accrual over 960 hours, will on a calendar year basis, be paid by the Employer into the employee's health care savings plan. It is understood that any sick leave used throughout the year will be deducted from the 960-hour balance and that the employee must then earn back to the 960 hours before any hours are accumulated for purposes of the Health Care Savings Plan contribution.
 - d) 100% of accumulated vacation at retirement will be paid into the Plan.
2. Non-Contract Supervisors:
 - a) Employees eligible for severance pay as outlined in ARTICLE 13 of the City Employee Policy Manual and have 25 years or more of service, will contribute 100% of their severance pay into the Plan.

- b) Employees with 0 to 10 years of service will contribute 1% of gross pay each payroll period.
Employees with 10 to 15 years of service will contribute 2% of gross pay each payroll period.
Employees with 15 – 20 years of service will contribute 3% of gross pay each payroll period.
Employees with 20 - 25 years of service will contribute 4% of gross pay each payroll period.
Employees with 25+ years of service will contribute 5% of gross pay each payroll period.
- c) 50% of sick leave and ESST accrual over 960 hours, will on a calendar year basis, be paid by the Employer into the employee's post-employment health care savings plan. It is understood that any sick leave used throughout the year will be deducted from the 960-hour balance and that the employee must then earn back to the 960 hours before any hours are accumulated for purposes of the Post Employment Health Care Plan contribution.
- d) 100% of accumulated vacation at retirement will be paid into the Plan.

EXHIBIT D

Earned Sick and Safe Time Employee Notice

Employees in Minnesota are entitled to earned sick and safe time, a form of paid leave. Employees must accrue at least one hour of earned sick and safe time for every 30 hours they work, up to at least 48 hours in a year. A year for purposes of the employee's earned sick and safe time accrual is a calendar year.

~~The earned sick and safe time hours the employee has available, as well as those that have been used in the most recent pay period, must be indicated on the employee's earnings statement that they receive at the end of each pay period. At the end of each pay period, employers must provide employees with the number of earned sick and safe time hours used by the employee during the pay period and available for future use.~~ Earned sick and safe time must be paid at the same base hourly rate employees earn from employment. Employees are not required to seek or find a replacement for their shift to use earned sick and safe time. They may use earned sick and safe time for all or part of a shift, depending on their need.

Earned sick and safe time can be used for:

- an employee's mental or physical illness, treatment or preventive care;
- the mental or physical illness, treatment or preventive care of an employee's family member;
- absence due to domestic abuse, sexual assault or stalking of an employee or their family member;
- closure of an employee's workplace due to weather or public emergency or closure of their family member's school or care facility due to weather or public emergency; and
- when determined by a health authority or health care professional that an employee or their family member is at risk of infecting others with a communicable disease.
- to make arrangements for or attend funeral services or a memorial or address financial or legal matters that arise after the death of a family member.

Notifying employer, documentation

An employer can require their employees to provide up to seven days of advance notice when possible (for example, when an employee has a medical appointment scheduled in advance) before using sick and safe time. An employer can also require their employees to provide certain documentation regarding the reason for their use of earned sick and safe time if they use it for more than three consecutive scheduled days.

If an employee plans to use earned sick and safe time for an appointment, preventive care or another permissible reason they know of in advance, inform your supervisor by [phone or email](#) as far in advance as possible, preferably [at least](#) seven (7) calendar days [in advance](#), ~~and shall~~

~~schedule appointments so as to have the least impact on the business of the employer.~~ In situations where an employee cannot provide advance notice, the employee should contact their supervisor as soon as they know they will be unable to work.

~~Please ask the HR Department for a copy of the Earned Sick and Safe Time Policy for more information.~~

Retaliation, right to file complaint

It is against the law for an employer to retaliate, or to take negative action, against an employee for using or requesting earned sick and safe time or otherwise exercising their earned sick and safe time rights under the law. If an employee believes they have been retaliated against or improperly denied earned sick and safe time, they can file a complaint with the Minnesota Department of Labor and Industry. They can also file a civil action in court for earned sick and safe time violations.

For more information

Contact the Minnesota Department of Labor and Industry's Labor Standards Division at 651-284-5075 or dli.laborstandards@state.mn.us esst.dli@state.mn.us or visit the department's earned sick and safe time webpage at [dli.mn.gov/sick-leave](http://www.sickleave.mn.gov/) <http://www.sickleave.mn.gov/>.

EXHIBIT E

Nursing Mothers, Lactating Employees, and Pregnancy Accommodations employee notice

Minnesota's Nursing Mothers, Lactating Employees, and Pregnancy Accommodations law (Minnesota Statutes § 181.939) gives pregnant and lactating employees certain legal rights.

Pregnant employees have the right to request and receive reasonable accommodations, which may include, but are not limited to, more frequent or longer breaks, seating, limits to heavy lifting, temporary transfer to another position, temporary leave of absence or modification in work schedule or tasks. An employer cannot require an employee to take a leave or accept an accommodation.

Lactating employees have the right to reasonable paid break times to express milk at work unless they are expressing milk during a break that is not usually paid, such as a meal break. Employers should provide a clean, private and secure room that is not a bathroom near the work area that includes access to an electrical outlet for employees to express milk.

It is against the law for an employer to retaliate, or to take negative action, against a pregnant or lactating employee for exercising their rights under this law.

Employees who believe their rights have been violated under this law can contact the Minnesota Department of Labor and Industry's Labor Standards Division at dli.laborstandards@state.mn.us or 651-284-5075 for help.

Employees also have the right to file a civil lawsuit for relief. For more information about this law, visit dli.mn.gov/newparents.



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Adopt Resolution - Receive Feasibility Report, Call for Public Hearing on Improvement, and Request for Contract Amendment for Bolton & Menk - Imp 23-16 - South Brainerd Resurfacing

AGENDA: Main

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Mike Habighorst, Public Works Director, Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Mike Habighorst, Public Works Director

ESTIMATED TIME (MIN): 10 Minutes

SUMMARY OF ISSUE: Per the resolution adopted by the Council ordering preparation of the Feasibility Report for Improvement 23-16 - South Brainerd Resurfacing Project, attached is the report prepared by Bolton & Menk. Staff is recommending that Council adopt the attached resolution that receives the report as well as calls for a public hearing to hear public testimony on the improvement. Also attached is a contract amendment request from Bolton & Menk for additional design and construction engineering services related to the addition of water hydrant work that was not originally included in the scope of work.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Staff and Bolton & Menk will walk through the feasibility report and respond to any questions that the City Council may have about the project at the meeting. Bolton & Menk and City staff hosted an Informational Meeting with residents at City Hall on November 26th to go over the project scope, answer questions, and collect input that could be utilized during preparation of the feasibility report.

The attached resolution calls for a public hearing on the proposed improvement to be held at the Council meeting on February 3rd at 7:30 p.m. A notice of the hearing would be appropriately published and notices mailed to all property owners affected by potential assessments.

In scoping the project, BPU staff had requested that 10 fire hydrants within the project area be replaced with new as well as gate valves be installed immediately adjacent as to allow BPU staff to perform maintenance on the new hydrants without having to shut down the water main segment. This work was not included in the original scope of work, thus why the request from Bolton & Menk to accommodate additional staff hours to accomplish this extra work within the project. That amendment request is in the amount of \$32,130.

RECOMMENDED ACTION/MOTION: Staff recommends the following:

1. Adoption of the resolution receiving the attached Feasibility Report and calling for the public hearing on the proposed improvement to be held on February 3rd at 7:30 p.m.
2. Approval of the contract amendment request by Bolton & Menk in the amount of \$32,130.

FINANCIAL IMPACT: \$32,130



2025 South Brainerd Resurfacing Project
City Improvement 23-16

City of Brainerd

Preliminary Engineering Report

BMI Project No. 24X135884000

Submitted by:
Bolton & Menk, Inc.
7656 Design Road, Suite 200
Baxter, MN 56425
P: 218-825-0864
F: 218-825-0685

Certification

Preliminary Engineering Report

for

2025 South Brainerd Resurfacing Project
City Improvement 23-16

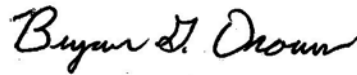
City of Brainerd, Minnesota

24X135884000

December 17, 2024

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

By:



Bryan G. Drown, P.E.
License No. 41934

Date: December 17, 2024

Table of Contents

I.	PROJECT INTRODUCTION	1
A.	PROJECT INITIATION	1
B.	NEED FOR PROJECT	1
II.	EXISTING CONDITIONS	1
A.	SANITARY SEWER	1
B.	WATERMAIN.....	1
C.	STORM SEWER.....	1
D.	STREET	1
E.	RIGHT-OF-WAY	2
III.	PROPOSED IMPROVEMENTS.....	2
A.	SANITARY SEWER	2
B.	WATERMAIN.....	2
C.	STORM SEWER.....	2
D.	STREETS	2
IV.	ESTIMATED COSTS.....	2
A.	GENERAL.....	2
B.	ESTIMATED PROJECT COSTS.....	2
V.	PROJECT FINANCING	3
A.	FINANCING	3
VI.	RECOMMENDATION	4
A.	SUMMARY	4
B.	RECOMMENDATIONS.....	4
C.	NEXT STEPS.....	4
D.	CONCLUSIONS	4

Figures

Figure 1: Project Location Map

Figure 2: Proposed Hydrant Replacement Locations

Appendix

Appendix A: Preliminary Cost Estimate

Appendix B: Special Assessment Policy

Appendix C: Preliminary Assessment Roll

Appendix D: Project Schedule

I. PROJECT INTRODUCTION

A. PROJECT INITIATION

Minnesota State Statutes, Chapter 429 allows for two methods of initiating a project. The first is through a petition by at least 35 percent of the affected property owners. This petition includes a description of the desired improvements, (i.e. road improvements, watermain, sanitary sewer, sidewalk, lighting, etc.). It is then signed by at least 35 percent of the affected property owners and sent to the city staff for consideration.

The second initiation process is through council direction. In this instance, the acceptance of the Preliminary Engineering Report and request for plans and specification requires a “super majority” or “4/5” vote.

This Preliminary Engineering Report (PER) has been prepared at the request of the City of Brainerd to consider a street resurfacing project on the following street sections:

1. Graydon Avenue from Buffalo Hills Lane to Woodcrest Road
2. Crestview Lane from Buffalo Hills Lane to Pineview Drive
3. Woodcrest Road from Graydon Avenue to Dead End
4. Belle Rae Circle from Cul-de-sac to Woodcrest Road
5. Pineview Drive from Cul-de-sac to Graydon Avenue
6. Norway Court from Cul-de-sac to Crestview Lane
7. Carol Lane from Buffalo Hills Lane to cul-de-sac
8. Ridge Drive from Buffalo Hills Lane to Buffalo Hills Lane
9. Ridge Court from Ridge Drive to cul-de-sac
10. Aspen Court from Cul-de-sac to Ridge Drive

B. NEED FOR PROJECT

The existing bituminous pavements in the proposed project area have reached their life expectancy and need resurfacing. The proposed improvements to be discussed in this report include bituminous street resurfacing, spot curb and gutter repair, adjusting storm and sanitary sewer castings, fire hydrant replacement, and adjusting water valves.

II. EXISTING CONDITIONS

A. SANITARY SEWER

Sanitary sewer is installed under the roadway within the proposed project area and city staff has determined it is in good condition.

B. WATERMAIN

Watermain is installed under the roadway within the proposed project area and city staff has determined it is in good condition.

C. STORM SEWER

Storm sewer is installed under the roadway within the proposed project area and city staff has determined it is in good condition.

D. STREET

The streets within the proposed project area are bituminous surfaced roadways with concrete curb and gutter. The street segments to be resurfaced were originally constructed from 1967 to 1980. Seal coating operations took place on the majority of the segments while the segment of Graydon Avenue had a bituminous overlay project completed in 1997. Existing concrete curb and gutter are generally in good condition.

The existing surfacing section on Graydon Avenue is 3 inches of bituminous pavement and 4 inches of aggregate base, class 5. The existing surfacing section on the remaining streets is 2 inches of bituminous pavement and 4 inches of aggregate base, class 5.

E. RIGHT-OF-WAY

The properties and rights of way in the improvement area are platted. The existing street right-of-way is 66 feet wide and additional right-of-way acquisition is not needed.

III. PROPOSED IMPROVEMENTS

A. SANITARY SEWER

No improvements to the sanitary sewer system are included in the project.

B. WATERMAIN

No improvements to the water main and water services are included in the project. The top elevation of water valve boxes will be adjusted as needed to match the new bituminous surface.

There are 10 fire hydrants proposed to be removed and new hydrants installed. Gate valves on the hydrant leads will be installed so that hydrants can be isolated without shutting down watermain.

C. STORM SEWER

No improvements to the storm sewer drainage structures or conveyance piping are included in the project. 2 storm sewer castings at the north end of Carol Lane are proposed to be replaced with new castings to improve drainage to storm sewer structures.

D. STREETS

Proposed improvements include a 2-inch-thick mill and overlay of Graydon Avenue and remove 2-inch of existing bituminous, shaping and grading of existing aggregate base, and place 2-inch new bituminous section on remaining segments.

The intersections of Ridge Drive and Aspen Court and Ridge Drive and Ridge Court will be improved with concrete valley gutters to improve drainage in the intersections.

IV. ESTIMATED COSTS

A. GENERAL

Published and unpublished data on cost for similar kinds of construction were utilized to prepare the preliminary construction cost estimates presented below. These costs include a 10% Construction Contingency and cost for Planning, Preliminary Engineering, Engineering Design, Bid Process, Construction Observation / Administration, Legal, Permits, Administration, Testing, and Financing costs.

B. ESTIMATED PROJECT COSTS

The estimated costs below are based on recent construction costs and increases in construction costs due to inflation and market changes are not taken into account. The cost estimate presented here are meant to be used as a guideline in the decision-making process.

More refined costs will be used as they become available during the design and preparation of the final plans and specifications. A detailed breakdown of the Preliminary cost estimate is included in **Appendix A**.

The total estimated project cost is \$809,575. Project costs have been split into two sections consisting of construction related to the bituminous resurfacing of the streets and construction related to the replacement of fire hydrants.

	City of Brainerd Resurfacing	Brainerd Public Utilities Hydrant Replacement
Construction Subtotal:	\$460,930	\$183,615
Construction Contingency (10%):	\$46,090	\$18,360
Construction Total:	\$507,020	\$201,975
Engineering:	\$68,450	\$32,130
Total Estimated Project Cost:	\$575,470	\$234,105

Cost estimates are based upon public construction cost information. Since the consultant has no control over the cost of labor, materials, competitive bidding process, weather conditions and other factors affecting the cost of construction, all cost estimates are opinions for general information of the Client and no warranty or guarantee as to the accuracy of construction cost estimates is made. Project financing should be based upon actual, competitive bid prices with reasonable contingencies.

V. PROJECT FINANCING

A. FINANCING

A portion of the project will be financed by special assessments. The City assessment policy calls for assessing benefiting owners 50% of the costs associated with street resurfacing on a front foot basis. If you live on a corner lot, your property is subject to assessments for improvements on both streets. The City Council has adopted a side-yard deduction assessment policy to help reduce the burden for the owners of corner lots or reconstruction or resurfacing projects. Your side-yard is defined as the side of your lot with the most street frontage. Improvements made to your side-yard street result in the city paying for the cost of one-half of your side-yard footage and the property owner being assessed for one-half (1/2) of the side-yard footage. Project costs associated with the replacement of fire hydrants will not be assessed and will be paid by Brainerd Public Utilities. The City Assessment Policy is included in **Appendix B**.

The Preliminary Assessment Roll and exhibit of properties proposed to be assessed are included in **Appendix C**. The project includes 14,263.27 feet of front footage and 3,100.14 feet of side yard footage for a total length of 17,363.41 feet of assessable footage.

The City of Brainerd Assessment Policy results in the following assessment rate.

Total Assessable Project Cost: \$575,470.00

Assessable Amount (50%): \$287,735.00

Total Front Footage: 17,363.41

Front Footage Assessment Rate: \$16.57

Side Yard Footage Assessment Rate: \$8.29

VI. RECOMMENDATION

A. SUMMARY

In summary, there are street deficiencies that need to be addressed. The improvements proposed herein restore the City's Street infrastructure in the improvement area to a new condition.

B. RECOMMENDATIONS

It is recommended that the City conduct a Public (Improvement) Hearing with benefiting property owners to determine the need for the proposed improvements.

We recommend that, prior to the sale of bonds for the project, the council pass a resolution stating the intent to reimburse itself for the payment of expenditures out of bond proceeds to be made after the date of payment of the expenditures.

C. NEXT STEPS

A detailed project schedule is included in **Appendix D**. From the proposed schedule the next steps are:

1. Accept Preliminary Engineering Report (PER).
2. Schedule an Improvement Hearing for the February 3, 2024 City Council Meeting.

D. CONCLUSIONS

From an engineering standpoint, this project is feasible, cost effective and necessary and can best be accomplished by letting competitive bids for the work.

Figures

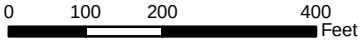


H:\BRND\24X135884000\CAD\C3D\MISC-135884-ASSESSMENT EXHIBIT.dwg 11/5/2024 3:48:27 PM



**BRAINERD PUBLIC UTILITIES
PROPOSED WATER CONSTRUCTION MAP**

This map is intended for reference purposes only and is not a legally recorded map nor survey. Brainerd Public Utilities shall not be liable for any damages or claims that arise due to accuracy, availability, use, or misuse of the information herein pursuant to MN Statutes 466.03 Subd 21.



Date: 9/17/2024

FIGURE 2

Appendix A: Preliminary Cost Estimate

PRELIMINARY COST ESTIMATE

2025 SOUTH BRAINERD RESURFACING PROJECT

CITY IMPROVEMENT 23-16

CITY OF BRAINERD, MN

BMI PROJECT NO. 24X.135884



Date: 12/17/2024

Item No.	MnDOT Spec No.	Item	Estimated Quantity	Unit	Unit Price	City of Brainerd Resurfacing		BPU Hydrant Replacement		Total Amount
						Quantity	Cost	Quantity	Cost	
1	2021.501	MOBILIZATION	1	LUMP SUM	\$35,000.00	0.72	\$ 25,200.00	0.28	\$ 9,800.00	\$35,000.00
2	2104.501	REMOVE CURB AND GUTTER	500	LIN FT	\$5.00	200	\$ 1,000.00	300	\$ 1,500.00	\$2,500.00
3	2104.502	REMOVE CASTING	2	EACH	\$500.00	2	\$ 1,000.00		\$ -	\$1,000.00
4	2104.502	REMOVE HYDRANT	10	EACH	\$500.00		\$ -	10	\$ 5,000.00	\$5,000.00
5	2104.505	REMOVE BITUMINOUS PAVEMENT	27100	SQ YD	\$3.00	27100	\$ 81,300.00		\$ -	\$81,300.00
6	2232.504	MILL BITUMINOUS SURFACE	6810	SQ YD	\$2.20	6810	\$ 14,982.00		\$ -	\$14,982.00
7	2105.501	COMMON EXCAVATION (P)	120	CU YD	\$12.00	50	\$ 600.00	70	\$ 840.00	\$1,440.00
8	2211.507	AGGREGATE BASE (CV) CLASS 5	120	CU YD	\$35.00	50	\$ 1,750.00	70	\$ 2,450.00	\$4,200.00
9	2504.602	CONNECT TO EXISTING WATERMAIN	10	EACH	\$1,000.00		\$ -	10	\$ 10,000.00	\$10,000.00
10	2504.602	HYDRANT	10	EACH	\$9,000.00		\$ -	10	\$ 90,000.00	\$90,000.00
11	2504.602	6" GATE VALVE & BOX	10	EACH	\$4,000.00		\$ -	10	\$ 40,000.00	\$40,000.00
12	2504.603	6" WATERMAIN	50	LIN FT	\$60.00		\$ -	50	\$ 3,000.00	\$3,000.00
13	2531.501	CONCRETE CURB & GUTTER DESIGN B618	500	LIN FT	\$30.00	200	\$ 6,000.00	300	\$ 9,000.00	\$15,000.00
14	2531.604	7" CONCRETE VALLEY GUTTER	650	SQ FT	\$23.00	650	\$ 14,950.00			\$14,950.00
15	2360.509	TYPE SP 9.5 WEARING COURSE MIX (2,B)	3900	TON	\$75.00	3900	\$ 292,500.00		\$ -	\$292,500.00
16	2357.506	BITUMINOUS MATERIAL FOR TACK COAT	3391	GAL	\$3.00	3391	\$ 10,173.00		\$ -	\$10,173.00
17	2506.502	CASTING ASSEMBLY	2	EACH	\$1,500.00	2	\$ 3,000.00		\$ -	\$3,000.00
18	2563.601	TRAFFIC CONTROL	1	LUMP SUM	\$1,500.00	0.75	\$ 1,125.00	0.25	\$ 375.00	\$1,500.00
19	2573.503	SEDIMENT CONTROL LOG TYPE WOOD FIBER	500	LIN FT	\$2.00	300	\$ 600.00	200	\$ 400.00	\$1,000.00
20	2573.530	STORM DRAIN INLET PROTECTION	20	EACH	\$150.00	20	\$ 3,000.00		\$ -	\$3,000.00
21	2575.501	TURF ESTABLISHMENT	1	LUMP SUM	\$15,000.00	0.25	\$ 3,750.00	0.75	\$ 11,250.00	\$15,000.00
ESTIMATED CONSTRUCTION SUBTOTAL:						\$460,930.00		\$183,615.00		\$644,545.00
CONSTRUCTION CONTINGENCY (10%):						\$46,090.00		\$18,360.00		\$64,450.00
TOTAL ESTIMATED CONSTRUCTION COST:						\$507,020.00		\$201,975.00		\$708,995.00
DESIGN, ADMINISTRATION AND CONSTRUCTION ENGINEERING:						\$68,450.00		\$32,130.00		\$100,580.00
TOTAL ESTIMATED PROJECT COST:						\$575,470.00		\$234,105.00		\$809,575.00

Appendix B: Special Assessment Policy

City of Brainerd, Minnesota Street and Sewer Assessment Policy

1. Introduction

Special assessments are a charge imposed on properties for an improvement that benefits the owners of that selected property. The authority to use special assessments originates in the state constitution which allows the state legislature to give cities and other local government units the authority “to levy and collect assessments for local improvements upon property benefitted hereby”. The legislature designates that authority to cities in Minnesota Statutes Chapter 429.

A charter city (in which Brainerd is) may choose to use either Chapter 429 or provisions of the charter to assess for local improvements, however, even the state law requires that charter cities follow state law in certain steps of the proceedings.

Special Assessments have three distinct characteristics:

- They are a levy the City uses to finance, or partially finance, a public improvement program.
- The city levies the charge only against those parcels of property that receive some special benefit from the program.
- The amount of the charge bears a direct relationship to value of the benefits the property receives.

The City of Brainerd, Minnesota finds it beneficial to fund portions or all the 5-year street and sewer capital plan using special assessments. Special assessment proceedings will follow the procedures as outlined in Minnesota Statute 429 and any modifications thereto.

2. Assessable Improvements

How Much is Being Assessed?

Developer New Construction

On projects where utilities and roadways are being constructed for the first time, the developer is responsible for installing the watermain, sanitary sewer, grading, surfacing, storm sewers, and any other incidental features it sees fit. The city requires developers to construct all facilities to city standards and be approved by the City engineering department. While it is ultimately up to the developer to decide how the development costs incurred are recouped, the developer will typically split these costs to the number of parcels developed and recoup its cost through the sale price of the lots.

Petitioned New Construction

On projects where the city is petitioned to install the new improvements, the entire project cost being constructed is assessed to the abutting properties, as either by a per lot basis or by a front-foot basis.

Petitioned or Council Authorized Reconstruction of Resurfacing

Whether the city acts upon its own authority to make an improvement or it is petitioned by property owners, the city assesses one-half (1/2) of the cost of the reconstruction or resurfacing improvement including construction and engineering of the said improvement on a front-foot or per lot basis. The other one-half (1/2) of the resurfacing or reconstruction cost is paid by the city. If utilities such as sanitary sewer, water mains, or storm sewers are being reconstructed along with the project, the cost of this work is not assessed, but rather is covered through user fees and rates set by council or public utilities commission. If a project consisting of overlaying a street is proposed, the entire project cost is assessed to abutting properties. The City does not typically assess for new sidewalks, but may from time to time, assess for the entire costs of repairs thereto.

Pursuant to Petition – Properties Abutting the City but outside City Corporate Boundaries

The City does not construct municipal utilities outside of its corporate boundaries until such time the properties are annexed and within the City of Brainerd corporate boundaries. Once annexation is completed, the utilities are installed and the entire cost of installation of said utilities are assessed to abutting property owners.

Pursuant to Council Action – Properties not Abutting the City Corporate Boundaries

The City does not construct municipal utilities outside of its corporate boundaries until such time the properties are annexed and within the City of Brainerd corporate boundaries. Once annexation is completed, the utilities are installed and the entire cost of installation of said utilities are assessed to abutting property owners.

In prior years, the City Council authorized the construction of utility improvements outside its corporate boundaries and not abutting the city. To pay for such costs, the council established a Water Connection Charge (WCC) and Sewer Connection Charge (SCC). This charge, as initially set by council resolution, represents the average costs of constructing such utility improvements and is payable immediately upon connection to the system. This charge is enacted if the property owner elects to divide the property in which assessments were imposed and deferred. If a lot is split and the owner elects to connect to sewer and water, the WCC and SCC are charged to the property owner, with the balance of the deferred assessment remaining on the other parcel created from the split.

The WCC and SCC set by council resolution will remain in effect until repealed by the council. Said resolution may be adjusted periodically by the city council.

3. Initiation of an Improvement

By Petition from Property Owners

Per Minnesota Statute 429, if the council chooses to proceed with an improvement based on a petition, it must have the signatures of at least 35 percent in frontage of the property bordering the proposed improvements. If the council relies upon a petition as its basis for proceeding, it cannot make substantial change the improvement from what is asked for in the petition. The council must pass a resolution determining whether the petition is legally sufficient or not.

By Council Action

Per City of Brainerd Charter Section 92, in the first instance in which the council desires to levy a special assessment for an improvement, it shall require a two-thirds (2/3) vote of the members elect except in the case of sidewalks, in which a majority is sufficient.

4. Proceedings

Minnesota Statute 429

The City of Brainerd has elected to utilize Minnesota Statute 429 for its assessment proceedings, as amended and incorporated by reference into this policy.

Interest Rates

The council determines the interest rate on the special assessments, along with any other repayment provisions. The interest rate is typically set by ensuring a reasonable relationship between the assessments interest rate and the bond interest rate if the city issued bonds for the project. If the city finances the project with funds on hand, the council will look at the interest rate the city would otherwise have earned on the funds.

5. Payments

Once the assessments have been adopted, property owners originally have numerous options for repayment:

1. Pay the total amount of the assessment within 30 days after the council adopts the assessment rolls. This this situation, the city cannot charge interest; or
2. Pay the assessments in annual installments (with interest) under the terms set by the council; or
3. Pay the entire amount at any time after the 30 days, but before any certification to the county auditor. The property owner pays only the amount of interest accrued as of the date of payment; or
4. At any time after certification to the County Auditor, the property owner may still pay the entire remaining unpaid amount to the County Treasurer. However, the property owner must pay the entire remaining unpaid amount of the assessment before November 15 of any year and must also pay all interest accrued until the end of that calendar year.

6. Deferments

The City Council has adopted policy which allows for assessment deferments for elderly person and for all other persons who fall within the economic hardship criteria. A deferred assessment is not forgiven but is postponed until such time that the property owner either elects to resume making the annual installments as certified, no longer meets the economic hardship criteria, or sells the property. Persons interested in deferring assessments must apply each year to have the following year assessment installment deferred. After 10 years, no further applications are necessary, and the deferred installments will remain permanently deferred without accrual of additional interest, until such time that the deferred assessment is voluntarily paid of the property is sold. The most current deferment criteria passed by council resolution can be requested from the City Clerk and a copy provided to the requestor.

7. Other Frequently Asked Questions

Will Improvements Affect my Property Taxes?

While it is well documented within the real estate industry that streets and utilities that are in poor condition decrease the marketability and sale prices of homes, improvements to the streets and utilities do not automatically increase the taxes on the property. Property market valuations, as determined by the County Assessor, are based on the recent sale prices of comparable properties within the neighborhood. Following improvements to streets and utilities, the marketability of properties tends to increase, and the properties can demand a higher sale price. As years pass and the history of sale prices in the neighborhood show increases, the County Assessor will adjust the market valuation of properties to more closely reflect the price the property would sell for. If the market valuations in the neighborhood are increasing at a faster rate than the City, County, and School District averages, the property taxes will tend to increase over time.

Why is There a Difference Between my Front Footage and Assessable Footage?

If you live on a corner lot, your property is subject to assessments for improvements on both streets. The City Council has adopted a side-yard deduction assessment policy to help reduce the burden for the owners of corner lots or reconstruction or resurfacing projects. Your side-yard is defined as the side of your lot with the most street frontage. Improvements made to your side-yard street result in the city paying for the cost of one-half of your side-yard footage and the property owner being assessed for one-half (1/2) of the side-yard footage. The most common assessment notices for side-yard street improvements will list the front-footage as 140 feet and the assessable front-footage as 70 feet.

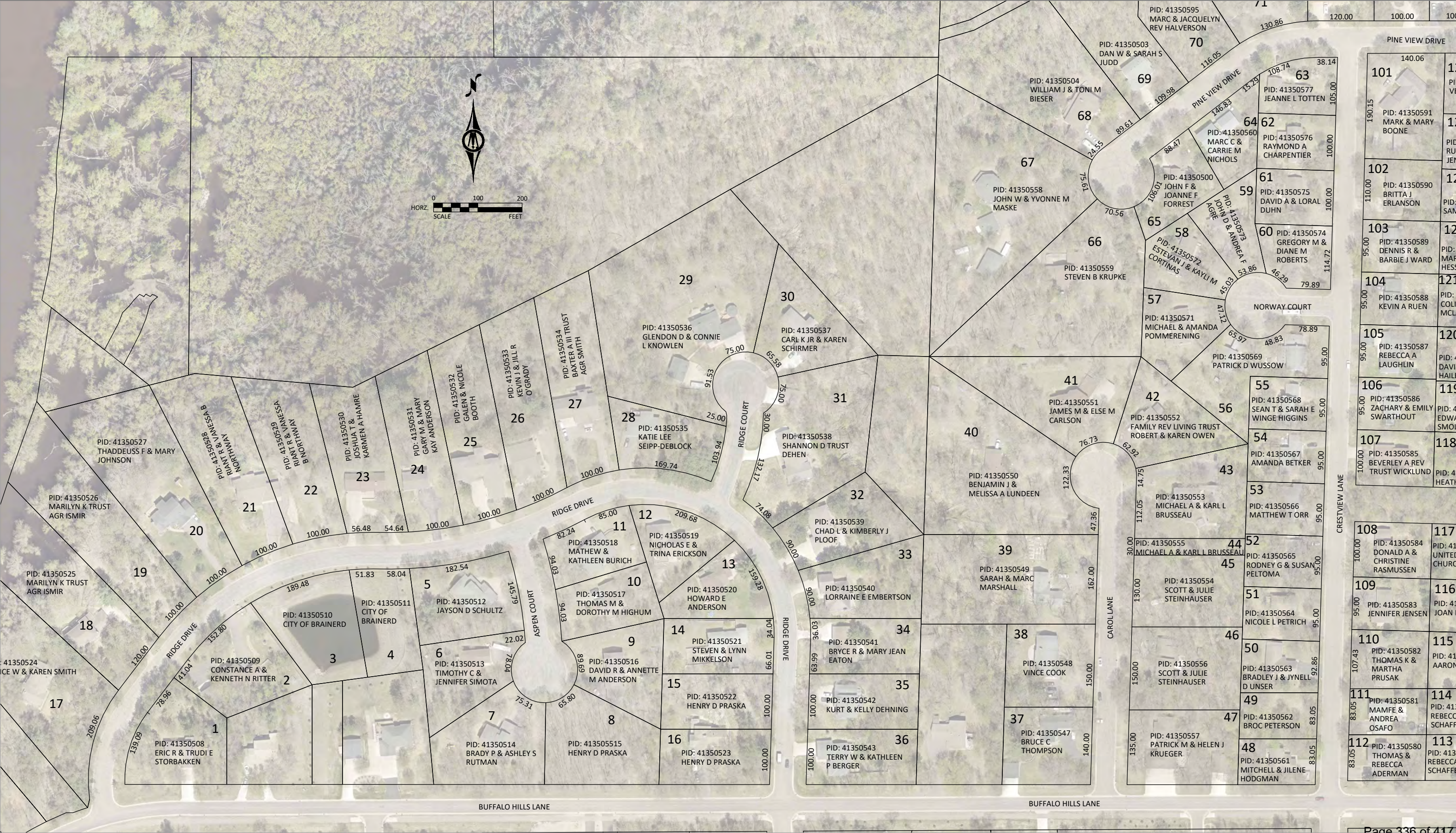
Appendix C: Preliminary Assessment Roll

PRELIMINARY ASSESSMENT ROLL																	
2025 SOUTH BRAINERD RESURFACING PROJECT																	
CITY IMPROVEMENT 23-16																	
BMI Project No. 24X.135884.000																	
12/17/2024																	
PARCEL LABEL	PID	OWNER'S NAME	PROPERTY ADDRESS	OWNER ADDRESS	LEGAL DESCRIPTION	PLAT	STREET IMPROVEMENTS								ESTIMATED ASSESSMENT		
							CORNER LOT (Y/N)	FRONT (SHORT SIDE) FOOTAGE	SIDE (LONG SIDE) FOOTAGE	ASSESSABLE FOOTAGE							
										RESIDENTIAL STREET							
										FRONT	COST	SIDE	COST				
							LF	\$ 16.57	LF	\$ 8.28							
1	41350508	STORBAKKEN, ERIC R & TRUDI E	524 BUFFALO HILLS LN W	BRAINERD MN 56401	524 BUFFALO HILLS LN W	BRAINERD MN 56401	LOT 17 BLOCK 2	BUFFALO HILLS	Y		218.05	0	\$ -	218.05	\$ 1,805.45	\$ 1,805.45	
2	41350509	RITTER, CONSTANCE A & KENNETH N	221 RIDGE DR	BRAINERD, MN 56401	221 RIDGE DR	BRAINERD, MN 56401	LOT 16 BLOCK 2	BUFFALO HILLS			193.84	193.84	\$ 3,211.93	0	\$ -	\$ 3,211.93	
3	41350510	CITY OF BRAINERD			501 LAUREL ST	BRAINERD, MN 56401	LOT 15 BLOCK 2	BUFFALO HILLS			189.48	189.48	\$ 3,139.68	0	\$ -	\$ 3,139.68	
4	41350511	CITY OF BRAINERD			501 LAUREL ST	BRAINERD, MN 56401	LOT 14 BLOCK 2	BUFFALO HILLS			109.87	109.87	\$ 1,820.55	0	\$ -	\$ 1,820.55	
5	41350512	SCHULTZ, JAYSON D	302 ASPEN CT	BRAINERD MN 56401	302 ASPEN CT	BRAINERD MN 56401	LOT 13 BLOCK 2 & ALSO INCLUDING THE FOLLOWING THAT PART OF LOT 12 BLOCK 2 WHICH LIES N'LY OF THE FOLLOWING DESCRIBED LINE; COMMENCING	BUFFALO HILLS	Y		145.79	182.54	145.79	\$ 2,415.74	182.54	\$ 1,511.43	\$ 3,927.17
6	41350513	SIMOTA, TIMOTHY C & JENNIFER J	318 ASPEN CT	BRAINERD, MN 56401	318 ASPEN CT	BRAINERD, MN 56401	LOT 11 BLOCK 2, EXCEPT THAT PART WHICH LIES S'LY OF THE FOLLOWING DESC LINE, COMM AT THE SW CORNER OF SAID LOT 11, THEN N 06 DEG 18	BUFFALO HILLS			100.06	100.06	\$ 1,657.99	0	\$ -	\$ 1,657.99	
7	41350514	RUTMAN, BRADY P & ASHLEY S	332 ASPEN CT	BRAINERD MN 56401	332 ASPEN CT	BRAINERD MN 56401	LOT 10 BLOCK 2 & ALSO INCLUD PT OF LOT 11 BLK 2 WHICH LIES S'LY OF THE FOL DESC LINE; COMM AT SW CORN OF SD LOT 11, THEN N 6D 18'6" W	BUFFALO HILLS			75.31	75.31	\$ 1,247.89	0	\$ -	\$ 1,247.89	
8	41350515	PRASKA, HENRY D &	402 BUFFALO HILLS LN W	BRAINERD MN 56401	402 BUFFALO HILLS LN W	BRAINERD MN 56401	LOT 9 BLOCK 2	BUFFALO HILLS			65.8	65.8	\$ 1,090.31	0	\$ -	\$ 1,090.31	
9	41350516	ANDERSON, DAVID R & ANNETTE M	323 ASPEN CT	BRAINERD MN 56401	323 ASPEN CT	BRAINERD MN 56401	LOT 8 BLOCK 2	BUFFALO HILLS			89.69	89.69	\$ 1,486.16	0	\$ -	\$ 1,486.16	
10	41350517	HIGHUM, THOMAS M & DOROTHY M	313 ASPEN CT	BRAINERD MN 56401	313 ASPEN CT	BRAINERD MN 56401	LOT 7 BLOCK 2	BUFFALO HILLS			94.03	94.03	\$ 1,558.08	0	\$ -	\$ 1,558.08	
11	41350518	BURICH, MATHEW & KATHLEEN	303 ASPEN CT	BRAINERD MN 56401	303 ASPEN CT	BRAINERD MN 56401	LOT 6 BLOCK 2	BUFFALO HILLS	Y		94.03	167.24	94.03	\$ 1,558.08	167.24	\$ 1,384.75	\$ 2,942.82
12	41350519	ERICKSON, NICHOLAS E & TRINA M	123 RIDGE DR	BRAINERD, MN 56401	123 RIDGE DR	BRAINERD, MN 56401	LOT 5 BLOCK 2	BUFFALO HILLS			209.68	209.68	\$ 3,474.40	0	\$ -	\$ 3,474.40	
13	41350520	ANDERSON, HOWARD E	115 RIDGE DR	BRAINERD MN 56401	115 RIDGE DR	BRAINERD MN 56401	LOT 4 BLOCK 2	BUFFALO HILLS			159.28	159.28	\$ 2,639.27	0	\$ -	\$ 2,639.27	
14	41350521	MIKKELSON, STEVEN & LYNN	111 RIDGE DR	BRAINERD, MN 56401	111 RIDGE DR	BRAINERD, MN 56401	LOT 3 BLOCK 2	BUFFALO HILLS			100.05	100.05	\$ 1,657.83	0	\$ -	\$ 1,657.83	
15	41350522	PRASKA, HENRY D &	402 BUFFALO HILLS LN W	BRAINERD MN 56401	402 BUFFALO HILLS LN W	BRAINERD MN 56401	LOT 2 BLOCK 2	BUFFALO HILLS			100	100	\$ 1,657.00	0	\$ -	\$ 1,657.00	
16	41350523	PRASKA, HENRY D &	402 BUFFALO HILLS LN W	BRAINERD MN 56401	402 BUFFALO HILLS LN W	BRAINERD MN 56401	LOT 1 BLOCK 2	BUFFALO HILLS	Y		100	0	\$ -	100	\$ 828.00	\$ 828.00	
17	41350524	SMITH, LANCE W & KAREN	224 RIDGE DR	BRAINERD MN 56401	224 RIDGE DR	BRAINERD MN 56401	LOT 22 BLOCK 1	BUFFALO HILLS			209.06	209.06	\$ 3,464.12	0	\$ -	\$ 3,464.12	
18	41350525	ISMIR, MARILYN K TRUST AGR	222 RIDGE DR	BRAINERD, MN 56401	222 RIDGE DR	BRAINERD, MN 56401	LOT 21 BLOCK 1	BUFFALO HILLS			120	120	\$ 1,988.40	0	\$ -	\$ 1,988.40	
19	41350526	ISMIR, MARILYN K TRUST AGR	222 RIDGE DR	BRAINERD, MN 56401	222 RIDGE DR	BRAINERD, MN 56401	LOT 20 BLOCK 1	BUFFALO HILLS			100	100	\$ 1,657.00	0	\$ -	\$ 1,657.00	
20	41350527	JOHNSON, THADDEUS F & MARY	218 RIDGE DR	BRAINERD MN 56401	218 RIDGE DR	BRAINERD MN 56401	LOT 19 BLOCK 1	BUFFALO HILLS			100	100	\$ 1,657.00	0	\$ -	\$ 1,657.00	
21	41350528	NORTHWAY, RIAN R & VANESSA B	216 RIDGE DR	BRAINERD MN 56401	216 RIDGE DR	BRAINERD MN 56401	LOT 18 BLOCK 1	BUFFALO HILLS			100	100	\$ 1,657.00	0	\$ -	\$ 1,657.00	
22	41350529	NORTHWAY, RIAN R & VANESSA B	216 RIDGE DR	BRAINERD MN 56401	216 RIDGE DR	BRAINERD MN 56401	LOT 17 BLOCK 1	BUFFALO HILLS			100	100	\$ 1,657.00	0	\$ -	\$ 1,657.00	
23	41350530	HAMRE, JOSHUA T & KARMEN A	212 RIDGE DR	BRAINERD MN 56401	212 RIDGE DR	BRAINERD MN 56401	LOT 16 BLOCK 1	BUFFALO HILLS			111.12	111.12	\$ 1,841.26	0	\$ -	\$ 1,841.26	
24	41350531	ANDERSON, GARY M & MARY KAY	210 RIDGE DR	BRAINERD MN 56401	210 RIDGE DR	BRAINERD MN 56401	LOT 15 BLOCK 1	BUFFALO HILLS			100	100	\$ 1,657.00	0	\$ -	\$ 1,657.00	
25	41350532	BOOTH, GALEN & NICOLE	208 RIDGE RD	BRAINERD MN 56401	208 RIDGE RD	BRAINERD MN 56401	LOT 14 BLOCK 1	BUFFALO HILLS			100	100	\$ 1,657.00	0	\$ -	\$ 1,657.00	
26	41350533	O'GRADY, KEVIN J & JILL R	206 RIDGE DR	BRAINERD MN 56401	206 RIDGE DR	BRAINERD MN 56401	LOT 13 BLOCK 1	BUFFALO HILLS			100	100	\$ 1,657.00	0	\$ -	\$ 1,657.00	
27	41350534	SMITH, BAXTER A III TRUST AGR	204 RIDGE DR	BRAINERD, MN 56401	204 RIDGE DR	BRAINERD, MN 56401	LOT 12 BLOCK 1	BUFFALO HILLS			100	100	\$ 1,657.00	0	\$ -	\$ 1,657.00	
28	41350535	SEIPP-DEBLOCK, KATIE LEE	202 RIDGE DR	BRAINERD MN 56401	202 RIDGE DR	BRAINERD MN 56401	LOT 11 BLOCK 1	BUFFALO HILLS	Y		103.94	169.74	103.94	\$ 1,722.29	169.74	\$ 1,405.45	\$ 3,127.73
29	41350536	KNOWLEN, GLENDON D & CONNIE L	223 RIDGE COURT	BRAINERD MN 56401	223 RIDGE COURT	BRAINERD MN 56401	LOT 9 & 10 BLOCK 1	BUFFALO HILLS			191.53	191.53	\$ 3,173.65	0	\$ -	\$ 3,173.65	
30	41350537	SCHIRMER, CARL K JR & KAREN	222 RIDGE CT	BRAINERD MN 56401	222 RIDGE CT	BRAINERD MN 56401	LOT 8 BLOCK 1	BUFFALO HILLS			65.58	65.58	\$ 1,086.66	0	\$ -	\$ 1,086.66	
31	41350538	DEHEN, SHANNON D TRUST	212 RIDGE CT	BRAINERD MN 56401	212 RIDGE CT	BRAINERD MN 56401	LOTS 6 AND 7 BLOCK 1	BUFFALO HILLS	Y		74.08	237.17	74.08	\$ 1,227.51	237.17	\$ 1,963.77	\$ 3,191.27
32	41350539	PLOOF, CHAD L & KIMBERLY J	118 RIDGE RD	BRAINERD, MN 56401	118 RIDGE RD	BRAINERD, MN 56401	LOT 5 BLOCK 1	BUFFALO HILLS			90	90	\$ 1,491.30	0	\$ -	\$ 1,491.30	
33	41350540	EMBRETSON, LORRAINE E	114 RIDGE DR	BRAINERD, MN 56401	114 RIDGE DR	BRAINERD, MN 56401	LOT 4 BLOCK 1	BUFFALO HILLS			90	90	\$ 1,491.30	0	\$ -	\$ 1,491.30	
34	41350541	EATON, BRYCE R & MARY JEAN	110 RIDGE DR	BRAINERD MN 56401	110 RIDGE DR	BRAINERD MN 56401	LOT 3 BLOCK 1	BUFFALO HILLS			100.02	100.02	\$ 1,657.33	0	\$ -	\$ 1,657.33	
35	41350542	DEHNING, KURT & KELLY	106 RIDGE DR	BRAINERD, MN 56401	106 RIDGE DR	BRAINERD, MN 56401	LOT 2 BLOCK 1	BUFFALO HILLS			100	100	\$ 1,657.00	0	\$ -	\$ 1,657.00	
36	41350543	BERGER, TERRY W & KATHLEEN P	102 RIDGE DR	BRAINERD, MN 56401	102 RIDGE DR	BRAINERD, MN 56401	LOT 1 BLOCK 1, EXCEPT MINERALS.	BUFFALO HILLS	Y		100	0	\$ -	100	\$ 828.00	\$ 828.00	
37	41350547	THOMPSON, BRUCE C & CYNTHIA	113 CAROL LN	BRAINERD MN 56401	113 CAROL LN	BRAINERD MN 56401	LOT 11 BLOCK 1	KRIHA ADDITION TO BRAINERD	Y		140	0	\$ -	140	\$ 1,159.20	\$ 1,159.20	
38	41350548	COOK, VINCE	123 CAROL LN	BRAINERD, MN 56401	123 CAROL LN	BRAINERD, MN 56401	LOT 10 BLOCK 1	KRIHA ADDITION TO BRAINERD			150	150	\$ 2,485.50	0	\$ -	\$ 2,485.50	
39	41350549	MARSHALL, SARAH & MARC	133 CAROL LN	BRAINERD MN 56401	133 CAROL LN	BRAINERD MN 56401	LOT 9 BLOCK 1	KRIHA ADDITION TO BRAINERD			162	162	\$ 2,684.34	0	\$ -	\$ 2,684.34	
40	41350550	LUNDEEN, BENJAMIN J & MELISSA A	143 CAROL LN	BRAINERD MN 56401	143 CAROL LN	BRAINERD MN 56401	LOT 8 BLOCK 1	KRIHA ADDITION TO BRAINERD			169.69	169.69	\$ 2,811.76	0	\$ -	\$ 2,811.76	
41	41350551	CARLSON, JAMES M & ELSE M	153 CAROL LN	BRAINERD MN 56401	153 CAROL LN	BRAINERD MN 56401	LOT 7 BLOCK 1	KRIHA ADDITION TO BRAINERD			76.73	76.73	\$ 1,271.42	0	\$ -	\$ 1,271.42	
42	41350552	OWEN FAMILY REV LIVING TRUST, ROBERT J & KAREN J OWEN	154 CAROL LN	BRAINERD, MN 56401	154 CAROL LN	BRAINERD, MN 56401	LOT 6 BLOCK 1	KRIHA ADDITION TO BRAINERD			62.92	62.92	\$ 1,042.58	0	\$ -	\$ 1,041	

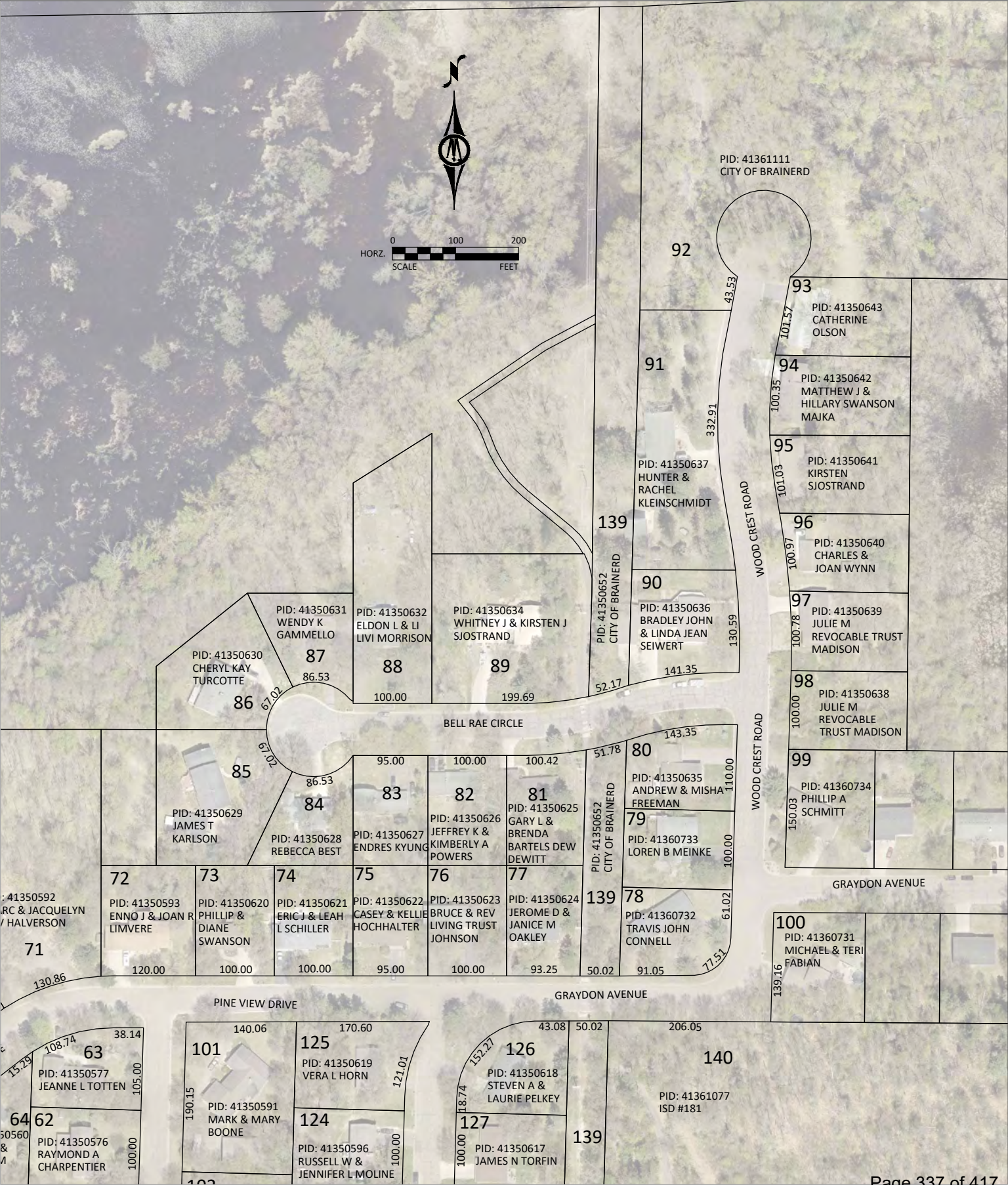
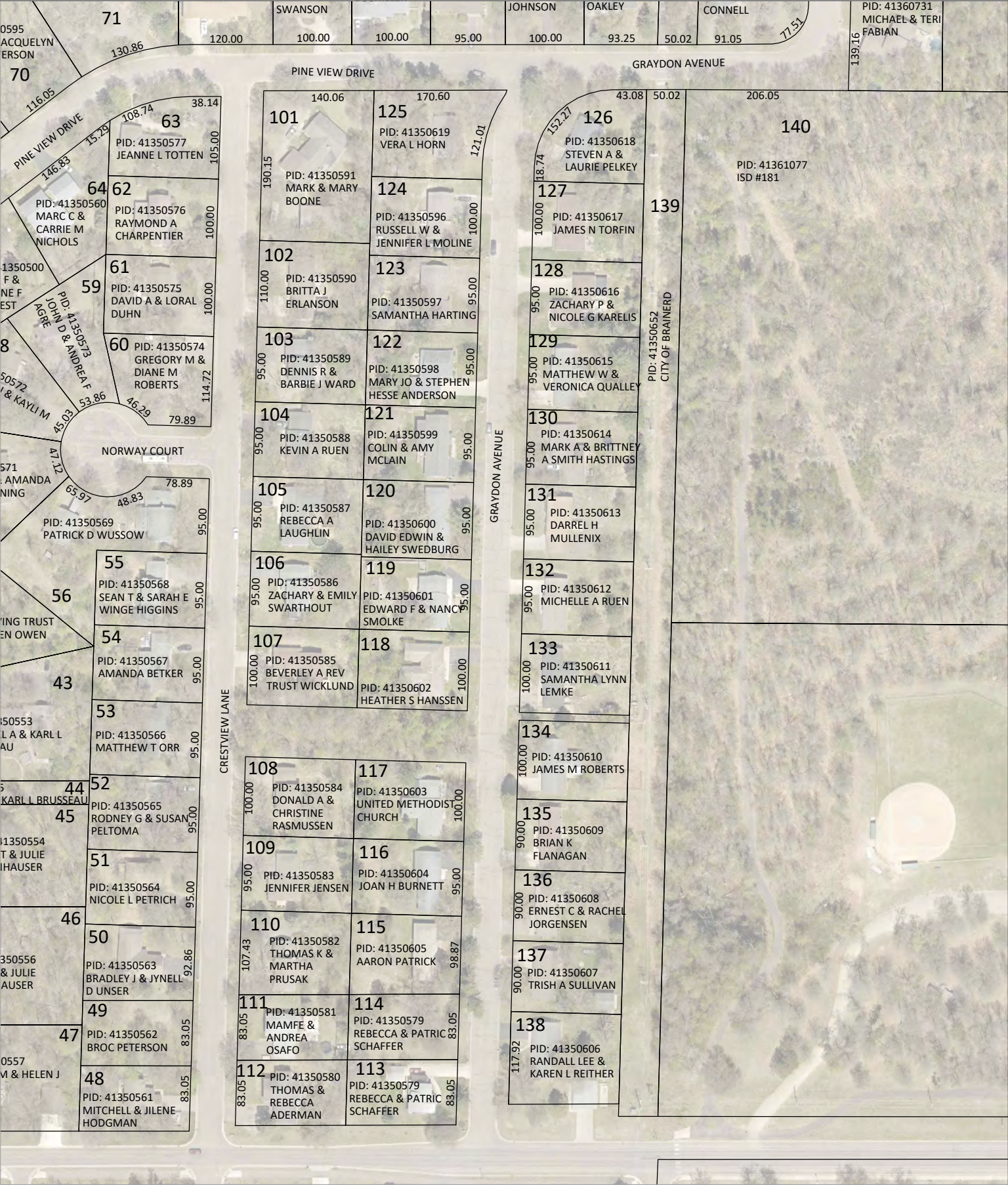
PRELIMINARY ASSESSMENT ROLL																
2025 SOUTH BRAINERD RESURFACING PROJECT																
CITY IMPROVEMENT 23-16																
BMI Project No. 24X.135884.000																
12/17/2024																
PARCEL LABEL	PID	OWNER'S NAME	PROPERTY ADDRESS	OWNER ADDRESS	LEGAL DESCRIPTION	PLAT	STREET IMPROVEMENTS								ESTIMATED ASSESSMENT	
							CORNER LOT (Y/N)	FRONT (SHORT SIDE) FOOTAGE	SIDE (LONG SIDE) FOOTAGE	ASSESSABLE FOOTAGE						
										RESIDENTIAL STREET						
										FRONT	COST	SIDE	COST			
										LF	\$ 16.57	LF	\$ 8.28			
64	41350560	NICHOLS, MARC C & CARRIE M	157 PINE VIEW DR	BRAINERD MN 56401	157 PINE VIEW DR	BRAINERD MN 56401	THAT PART OF LOT 1 BLOCK 1 LYING NE'LY OF THE FOL DESCRIBED LINE, BEG. AT A POINT ON THE S'LY LINE OF SAID LOT 1, WHICH BEARS N. 56	SHIRMAR WOODS ADDITION TO BRAINERD		162.12		162.12	\$ 2,686.33	0	\$ -	\$ 2,686.33
65	41350500	FORREST, JOHN F & JOANNE F	159 PINE VIEW DR	BRAINERD MN 56401	159 PINE VIEW DR	BRAINERD MN 56401	THAT PART OF LOT 1 BLOCK 1 LYING SW'LY OF THE FOL DESCRIBED LINE, BEG. AT A POINT ON THE S'LY LINE OF SAID LOT 1, WHICH BEARS N. 56	SHIRMAR WOODS ADDITION TO BRAINERD		194.48		194.48	\$ 3,222.53	0	\$ -	\$ 3,222.53
66	41350559	KRUPKE, STEVEN B	161 PINEVIEW DR	BRAINERD, MN 56401	161 PINEVIEW DR	BRAINERD, MN 56401	LOT 2 BLOCK 1	SHIRMAR WOODS ADDITION TO BRAINERD		70.56		70.56	\$ 1,169.18	0	\$ -	\$ 1,169.18
67	41350558	MASKE, JOHN W & YVONNE M	162 PINE VIEW DR	BRAINERD MN 56401	162 PINE VIEW DR	BRAINERD MN 56401	LOT 3 BLOCK 1	SHIRMAR WOODS ADDITION TO BRAINERD		75.61		75.61	\$ 1,252.86	0	\$ -	\$ 1,252.86
68	41350504	BIESER, WILLIAM J & TONI M	160 PINEVIEW DR	BRAINERD MN 56401	160 PINEVIEW DR	BRAINERD MN 56401	LOT 1 BLOCK 1 EXC PT OF LOT 1 BLOCK 1 WHICH LIED NW'LY OF & 10 FT SE'LY OF FOL DESC LINE COMM AT NE COR OF LOT 2 BLK 1 MEYER ADDN TO	SHIRMAR WOODS FIRST ADDITION		114.16		114.16	\$ 1,891.63	0	\$ -	\$ 1,891.63
69	41350503	JUDD, DAN W & SARAH S	158 PINEVIEW DR	BRAINERD, MN 56401	158 PINEVIEW DR	BRAINERD, MN 56401	LOT 2 BLOCK 1	SHIRMAR WOODS FIRST ADDITION		109.98		109.98	\$ 1,822.37	0	\$ -	\$ 1,822.37
70	41350595	HALVERSON, MARC & JACQUELYN REV			156 PINEVIEW DR	BRAINERD MN 56401	OUTLOT A EX PART PLATTED SHIRMAR WOODS ADD'N TO BRAINERD, & EXCEPT THAT PART OF OUTLOT A DESCRIBED AS FOLLOWS; BEG. AT THE SW CORNER	MEYER ADDITION TO BRAINERD		116.05		116.05	\$ 1,922.95	0	\$ -	\$ 1,922.95
71	41350592	HALVERSON, MARC & JACQUELYN REV	156 PINEVIEW DR	BRAINERD MN 56401	156 PINEVIEW DR	BRAINERD MN 56401	LOT 2 BLOCK 1	MEYER ADDITION TO BRAINERD		130.86		130.86	\$ 2,168.35	0	\$ -	\$ 2,168.35
72	41350593	LIMVERE, ENNO J & JOAN R	152 PINEVIEW DR	BRAINERD, MN 56401	152 PINEVIEW DR	BRAINERD, MN 56401	LOT 1 BLOCK 1 EXC PT OF LOT 1 BLOCK 1 MEYER ADDN TO BRD DESC: COMM AT SW COR OF LOT 15 BLK 4 1ST ADDN TO MADISON HEIGHTS THEN N 0D	MEYER ADDITION TO BRAINERD		120		120	\$ 1,988.40	0	\$ -	\$ 1,988.40
73	41350620	SWANSON, PHILLIP C & DIANE	140 PINEVIEW DR	BRAINERD MN 56401	140 PINEVIEW DR	BRAINERD MN 56401	LOT 15 BLOCK 4	FIRST ADDITION TO MADISON HEIGHTS		100		100	\$ 1,657.00	0	\$ -	\$ 1,657.00
74	41350621	SCHILLER, ERIC J & LEAH L	132 PINEVIEW DR	BRAINERD, MN 56401	132 PINEVIEW DR	BRAINERD, MN 56401	LOT 14 BLOCK 4	FIRST ADDITION TO MADISON HEIGHTS		100		100	\$ 1,657.00	0	\$ -	\$ 1,657.00
75	41350622	HOCHHALTER, CASEY & KELLIE	124 PINEVIEW DR	BRAINERD, MN 56401	124 PINEVIEW DR	BRAINERD, MN 56401	LOT 13 BLOCK 4	FIRST ADDITION TO MADISON HEIGHTS		95		95	\$ 1,574.15	0	\$ -	\$ 1,574.15
76	41350623	JOHNSON, BRUCE A REV LIVING TRUST	1952 GRAYDON AVE	BRAINERD, MN 56401	16348 AHRENS RD	BRAINERD, MN 56401	LOT 12 BLOCK 4	FIRST ADDITION TO MADISON HEIGHTS		100		100	\$ 1,657.00	0	\$ -	\$ 1,657.00
77	41350624	OAKLEY, JEROME D & JANICE M	1948 GRAYDON AVE	BRAINERD MN 56401	1948 GRAYDON AVE	BRAINERD MN 56401	LOT 11 BLOCK 4	FIRST ADDITION TO MADISON HEIGHTS		93.25		93.25	\$ 1,545.15	0	\$ -	\$ 1,545.15
78	41360732	CONNELL, TRAVIS JOHN	1942 GRAYDON AVE	BRAINERD MN 56401	1942 GRAYDON AVE	BRAINERD MN 56401	LOT 11	SECOND EDGEWOOD ROAD ADDN TO THE CITY OF BRAINERD	Y	99.78	129.8	99.78	\$ 1,653.35	129.8	\$ 1,074.74	\$ 2,728.10
79	41360733	MEINKE, LOREN B	1938 GRAYDON AVE	BRAINERD, MN 56401	1938 GRAYDON AVE	BRAINERD, MN 56401	LOT 10	SECOND EDGEWOOD ROAD ADDN TO THE CITY OF BRAINERD		100		100	\$ 1,657.00	0	\$ -	\$ 1,657.00
80	41350635	FREEMAN, ANDREW & MISHA	1934 WOOD CREST RD	BRAINERD MN 56401	1934 WOOD CREST RD	BRAINERD MN 56401	LOT 1 BLOCK 3	FIRST ADDITION TO MADISON HEIGHTS	Y	110	143.35	110	\$ 1,822.70	143.35	\$ 1,186.94	\$ 3,009.64
81	41350625	DEWITT, GARY L & BRENDA BARTELS DEW	107 BELLE RAE CIR	BRAINERD MN 56401	107 BELLE RAE CIR	BRAINERD MN 56401	LOT 10 BLOCK 4	FIRST ADDITION TO MADISON HEIGHTS		100.42		100.42	\$ 1,663.96	0	\$ -	\$ 1,663.96
82	41350626	POWERS, JEFFREY K & KIMBERLY A	115 BELLE RAE CIR	BRAINERD MN 56401	115 BELLE RAE CIR	BRAINERD MN 56401	LOT 9 BLOCK 4, SUBJECT TO AN EASEMENT OF RECORD.	FIRST ADDITION TO MADISON HEIGHTS		100		100	\$ 1,657.00	0	\$ -	\$ 1,657.00
83	41350627	ENDRES, KYUNG	123 BELLE RAE CIR	BRAINERD MN 56401	123 BELLE RAE CIR	BRAINERD MN 56401	LOT 8 BLOCK 4, TOGETHER WITH AN EASEMENT OF RECORD.	FIRST ADDITION TO MADISON HEIGHTS		95		95	\$ 1,574.15	0	\$ -	\$ 1,574.15
84	41350628	BEST, REBECCA	131 BELLE RAE CIRCLE	BRAINERD MN 56401	131 BELLE RAE CIRCLE	BRAINERD MN 56401	LOT 7 BLOCK 4	FIRST ADDITION TO MADISON HEIGHTS		86.53		86.53	\$ 1,433.80	0	\$ -	\$ 1,433.80
85	41350629	KARLSON, JAMES T	139 BELLE RAE CIR	BRAINERD MN 56401	139 BELLE RAE CIR	BRAINERD MN 56401	LOT 6 BLOCK 4	FIRST ADDITION TO MADISON HEIGHTS		67.02		67.02	\$ 1,110.52	0	\$ -	\$ 1,110.52
86	41350630	TURCOTTE, CHERYL KAY	140 BELLE RAE CIRCLE	BRAINERD MN 56401	140 BELLE RAE CIRCLE	BRAINERD MN 56401	LOT 5 BLOCK 4	FIRST ADDITION TO MADISON HEIGHTS		67.02		67.02	\$ 1,110.52	0	\$ -	\$ 1,110.52
87	41350631	GAMMELLO, WENDY K	132 BELLE RAE CIR	BRAINERD, MN 56401	132 BELLE RAE CIR	BRAINERD, MN 56401	LOT 4 BLOCK 4	FIRST ADDITION TO MADISON HEIGHTS		86.53		86.53	\$ 1,433.80	0	\$ -	\$ 1,433.80
88	41350632	MORRISON, ELDON L & LI, LIVI	124 BELLE RAE CIR	BRAINERD MN 56401	124 BELLE RAE CIR	BRAINERD MN 56401	LOT 3 BLOCK 4 AND THAT PART OF SE1/4 DESCRIBED COMM. AT THE SE COR.OF SAID SE1/4 THEN S. 89 DEG. 25 MIN. 35 SEC. W. ASSM/BEAR 50.02 FT, ALONG THE S. LINE OF SAID SE1/4, THEN N.	FIRST ADDITION TO MADISON HEIGHTS		100		100	\$ 1,657.00	0	\$ -	\$ 1,657.00
89	41350634	SJOSTRAND, WHITNEY J & KIRSTEN J	108 BELLE RAE CIRCLE	BRAINERD, MN 56401	108 BELLE RAE CIRCLE	BRAINERD, MN 56401	LOTS 1 & 2 BLK 4 & PT OF NESE DESC: BEG AT NE COR OF LOT 1 BLK 4 1ST ADDN TO MADISON HEIGHTS, THEN S 89D 44'39"W CW COORD SYST ALG N LINE	FIRST ADDITION TO MADISON HEIGHTS		199.69		199.69	\$ 3,308.86	0	\$ -	\$ 3,308.86
90	41350636	SEIWERT, BRADLEY JOHN & LINDA JEAN	102 BELLE RAE CIR	BRAINERD MN 56401	102 BELLE RAE CIR	BRAINERD MN 56401	LOT 4, BLK 2 AND THAT PART OF LOT 3, BLK 2, DESC AS FOLLOWS: BEG AT THE SW COR OF SAID LOT 3, THEN N ON THE W LINE THEREOF 20 FT,	FIRST ADDITION TO MADISON HEIGHTS	Y	130.59	141.35	130.59	\$ 2,163.88	141.35	\$ 1,170.38	\$ 3,334.25
91	41350637	KLEINSCHMIDT, HUNTER & RACHEL	1912 WOODCREST RD	BRAINERD MN 56401	1912 WOODCREST RD	BRAINERD MN 56401	LOTS 1, 2 AND 3 BLOCK 2, EXCEPT THE S 20 FT OF LOT 3 BLOCK 2.	FIRST ADDITION TO MADISON HEIGHTS		332.91		332.91	\$ 5,516.32	0	\$ -	\$ 5,516.32
92	41361111	CITY OF BRAINERD			501 LAUREL STREET	BRAINERD, MN 56401	UNPLATTED PT OF NW1/4 OF SW1/4 LYING N OF 2ND EDGEWOOD RD ADDN TO BRD EXC E 401.4 FT & ALSO EXC 1ST ADDN TO MADISON HEIGHTS & ALSO	FIRST ADDITION TO MADISON HEIGHTS		43.53		43.53	\$ 721.29	0	\$ -	\$ 721.29
93	41350643	OLSON, CATHERINE	1901 WOODCREST RD	BRAINERD, MN 56401	1901 WOODCREST RD	BRAINERD, MN 56401	LOT 1 BLOCK 1	FIRST ADDITION TO MADISON HEIGHTS		101.57		101.57	\$ 1,683.01	0	\$ -	\$ 1,683.01
94	41350642	MAJKA, MATTHEW J & HILLARY SWANSON	1909 WOODCREST RD	BRAINERD, MN 56401	1909 WOODCREST RD	BRAINERD, MN 56401	LOT 2 BLOCK 1	FIRST ADDITION TO MADISON HEIGHTS		100.35		100.35	\$ 1,662.80	0	\$ -	\$ 1,662.80
95	41350641	SJOSTRAND, KIRSTEN	108 BELLE RAE CIR	BRAINERD MN 56401	108 BELLE RAE CIR	BRAINERD MN 56401	LOT 3 BLOCK 1	FIRST ADDITION TO MADISON HEIGHTS		101.03		101.03	\$ 1,674.07	0	\$ -	\$ 1,674.07
96	41350640	WYNN, CHARLES & JOAN	1923 WOODCREST RD	BRAINERD, MN 56401	1923 WOODCREST RD	BRAINERD, MN 56401	LOT 4 BLOCK 1	FIRST ADDITION TO MADISON HEIGHTS		100.97		100.97	\$ 1,673.07	0	\$ -	\$ 1,673.07
97	41350639	MADISON, JULIE M REVOCABLE TRUST	1927 WOODCREST RD	BRAINERD, MN 56401	1927 WOODCREST RD	BRAINERD, MN 56401	LOT 5 BLOCK 1	FIRST ADDITION TO MADISON HEIGHTS		100.78		100.78	\$ 1,669.92	0	\$ -	\$ 1,669.92
98	41350638	MADISON, JULIE M REVOCABLE TRUST			1927 WOODCREST RD	BRAINERD, MN 56401	LOT 6 BLOCK 1	FIRST ADDITION TO MADISON HEIGHTS		100		100	\$ 1,657.00	0	\$ -	\$ 1,657.00
99	41360734	SCHMITT, PHILIP A	1934 GRAYDON AVE	BRAINERD, MN 56401	1934 GRAYDON AVE	BRAINERD, MN 56401	LOT 9	SECOND EDGEWOOD ROAD ADDN TO THE CITY OF BRAINERD	Y		150.03	0	\$ -	150.03	\$ 1,242.25	\$ 1,242.25
100	41360731	FABIAN, MICHAEL & TERI	1941 GRAYDON AVE	BRAINERD MN 56401	1941 GRAYDON AVE	BRAINERD MN 56401	LOT 12	SECOND EDGEWOOD ROAD ADDN TO THE CITY OF BRAINERD	Y		139.16	0	\$ -	139.16	\$ 1,152.24	\$ 1,152.24
101	41350591	BOONE, MARK & MARY	2001 CRESTVIEW LN	BRAINERD, MN 56401	2001 CRESTVIEW LN	BRAINERD, MN 56401	ALL OF LOT 1 BLOCK 1 & LOT 2 BLOCK 1 EXCEPT THE S. 15 FT THEREOF.	SECOND ADDITION TO MADISON HEIGHTS	Y	140.06	190.15	140.06	\$ 2,320.79	190.15	\$ 1,574.44	\$ 3,895.24
102	41350590	ERLANSON, BRITTA J	2009 CRESTVIEW LN	BRAINERD, MN 56401	2009 CRESTVIEW LN	BRAINERD, MN 56401	S 15 FT OF LOT 2 BLOCK 1 & ALL OF LOT 3 BKL 1	SECOND ADDITION TO MADISON HEIGHTS		110		110	\$ 1,822.70	0	\$ -	\$ 1,822.70
103	41350589	WARD, DENNIS R & BARBIE J	2013 CRESTVIEW LANE	BRAINERD MN 56401	2013 CRESTVIEW LANE	BRAINERD MN 56401	LOT 4 BLOCK 1	SECOND ADDITION TO MADISON HEIGHTS		95		95	\$ 1,574.15	0	\$ -	\$ 1,574.15
104	41350588	RUEN, KEVIN A	2017 CRESTVIEW LN	BRAINERD MN 56401	2017 CRESTVIEW LN	BRAINERD MN 56401	LOT 5 BLOCK 1	SECOND ADDITION TO MADISON HEIGHTS		95		95	\$ 1,574.15	0	\$ -	\$ 1,574.15
105	41350587	LAUGHLIN, REBECCA A	2021 CRESTVIEW LANE	BRAINERD MN 56401	2021 CRESTVIEW LANE	BRAINERD MN 56401	LOT 6 BLOCK 1	SECOND ADDITION TO MADISON HEIGHTS		95		95	\$ 1,574.15	0	\$ -	\$ 1,574.15
106	41350586	SWARTHOUT, ZACHARY & EMILY	2025 CRESTVIEW LN	BRAINERD, MN 56401	2025 CRESTVIEW LN	BRAINERD, MN 56401	LOT 7 BLOCK 1	SECOND ADDITION TO MADISON HEIGHTS		95		95	\$ 1,574.15	0	\$ -	\$ 1,574.15
107	41350585	WICKLUND, BEVERLEY A REV TRUST	2029 CRESTVIEW LN	BRAINERD, MN 56401	2029 CRESTVIEW LN	BRAINERD, MN 56401	LOT 8 BLOCK 1	SECOND ADDITION TO MADISON HEIGHTS		100		100	\$ 1,657.00	0	\$ -	\$ 1,657.00
108	41350584	RASMUSSEN, DONALD A & CHRISTINE	2103 CRESTVIEW LANE	BRAINERD, MN 56401	2103 CRESTVIEW LANE	BRAINERD, MN 56401	LOT 1 BLOCK 2	SECOND ADDITION TO MADISON HEIGHTS		100		100	\$ 1,657.00	0	\$ -	\$ 1,657.00
109	41350															

PRELIMINARY ASSESSMENT ROLL 2025 SOUTH BRAINERD RESURFACING PROJECT CITY IMPROVEMENT 23-16 BMI Project No. 24X.135884.000 12/17/2024									
---	--	--	--	--	--	--	--	--	--

PARCEL LABEL	PID	OWNER'S NAME	PROPERTY ADDRESS	OWNER ADDRESS	LEGAL DESCRIPTION	PLAT	STREET IMPROVEMENTS								ESTIMATED ASSESSMENT		
							CORNER LOT (Y/N)	FRONT (SHORT SIDE) FOOTAGE	SIDE (LONG SIDE) FOOTAGE	ASSESSABLE FOOTAGE							
										RESIDENTIAL STREET							
										FRONT	COST	SIDE	COST				
										LF	\$ 16.57	LF	\$ 8.28				
118	41350602	HANSSEN, HEATHER S	2030 GRAYDON AVE	BRAINERD, MN 56401	2030 GRAYDON AVE	BRAINERD, MN 56401	LOT 17	MADISON HEIGHTS			100		100	\$ 1,657.00	0	\$ -	\$ 1,657.00
119	41350601	SMOLKE, EDWARD F & NANCY	2026 GRAYDON AVE	BRAINERD MN 56401	2026 GRAYDON AVE	BRAINERD MN 56401	LOT 18 EX. N'LY 3 FT.	MADISON HEIGHTS			95		95	\$ 1,574.15	0	\$ -	\$ 1,574.15
120	41350600	SWEDBURG, DAVID EDWIN & HAILEY	2022 GRAYDON AVE	BRAINERD MN 56401	2022 GRAYDON AVE	BRAINERD MN 56401	THE N'LY 3 FT. OF LOT 18 AND ALL OF LOT 19	MADISON HEIGHTS			95		95	\$ 1,574.15	0	\$ -	\$ 1,574.15
121	41350599	MCCLAIN, COLIN & AMY, C/O ROBERT MCLEAN & DOUG SWANSON	2018 GRAYDON AVE	BRAINERD MN 56401	2331 DANCING WIND RD	PINE RIVER MN 56474	LOT 20	MADISON HEIGHTS			95		95	\$ 1,574.15	0	\$ -	\$ 1,574.15
122	41350598	ANDERSON, MARY JO & STEPHEN HESSE	2014 GRAYDON AVE	BRAINERD MN 56401	2014 GRAYDON AVE	BRAINERD MN 56401	LOT 21	MADISON HEIGHTS			95		95	\$ 1,574.15	0	\$ -	\$ 1,574.15
123	41350597	HARTING, SAMANTHA L	2010 GRAYDON AVE	BRAINERD MN 56401	2010 GRAYDON AVE	BRAINERD MN 56401	LOT 22	MADISON HEIGHTS			95		95	\$ 1,574.15	0	\$ -	\$ 1,574.15
124	41350596	MOLINE, RUSSELL W & JENNIFER L	2006 GRAYDON AVE	BRAINERD MN 56401	2006 GRAYDON AVE	BRAINERD MN 56401	LOT 23	MADISON HEIGHTS			100		100	\$ 1,657.00	0	\$ -	\$ 1,657.00
125	41350619	HORN, VERA L	2002 GRAYDON AVE	BRAINERD, MN 56401	2002 GRAYDON AVE	BRAINERD, MN 56401	LOT 1 BLOCK 5	FIRST ADDITION TO MADISON HEIGHTS	Y	121.01	170.6	121.01	\$ 2,005.14	170.6	\$ 1,412.57	\$ 3,417.70	
126	41350618	PELKEY, STEVEN A & LAURIE	2001 GRAYDON AVE	BRAINERD MN 56401	2001 GRAYDON AVE	BRAINERD MN 56401	LOT 1	MADISON HEIGHTS	Y	94.88	119.21	94.88	\$ 1,572.16	119.21	\$ 987.06	\$ 2,559.22	
127	41350617	TORFIN, JAMES N &	2005 GRAYDON AVE	BRAINERD MN 56401	2005 GRAYDON AVE	BRAINERD MN 56401	LOT 2	MADISON HEIGHTS			100		100	\$ 1,657.00	0	\$ -	\$ 1,657.00
128	41350616	KARELIS, ZACHARY P & NICOLE G	2009 GRAYDON AVE	BRAINERD, MN 56401	2009 GRAYDON AVE	BRAINERD, MN 56401	LOT 3	MADISON HEIGHTS			95		95	\$ 1,574.15	0	\$ -	\$ 1,574.15
129	41350615	QUALLEY, MATTHEW W & VERONICA	2013 GRAYDON AVE	BRAINERD MN 56401	2013 GRAYDON AVE	BRAINERD MN 56401	LOT 4	MADISON HEIGHTS			95		95	\$ 1,574.15	0	\$ -	\$ 1,574.15
130	41350614	HASTINGS, MARK A & BRITTNEY A SMITH	2017 GRAYDON AVE	BRAINERD, MN 56401	2017 GRAYDON AVE	BRAINERD, MN 56401	LOT 5	MADISON HEIGHTS			95		95	\$ 1,574.15	0	\$ -	\$ 1,574.15
131	41350613	MULLENIX, DARRELL H	2021 GRAYDON AVE	BRAINERD MN 56401	2021 GRAYDON AVE	BRAINERD MN 56401	LOT 6	MADISON HEIGHTS			95		95	\$ 1,574.15	0	\$ -	\$ 1,574.15
132	41350612	RUEN, MICHELLE A	2025 GRAYDON AVE	BRAINERD MN 56401	2025 GRAYDON AVE	BRAINERD MN 56401	LOT 7	MADISON HEIGHTS			95		95	\$ 1,574.15	0	\$ -	\$ 1,574.15
133	41350611	LEMKE, SAMANTHA LYNN	2029 GRAYDON AVE	BRAINERD MN 56401	2029 GRAYDON AVE	BRAINERD MN 56401	LOT 8	MADISON HEIGHTS			100		100	\$ 1,657.00	0	\$ -	\$ 1,657.00
134	41350610	ROBERTS, JAMES M	2103 GRAYDON AVE	BRAINERD MN 56401	2103 GRAYDON AVE	BRAINERD MN 56401	LOT 9	MADISON HEIGHTS			100		100	\$ 1,657.00	0	\$ -	\$ 1,657.00
135	41350609	FLANAGAN, BRIAN K	2109 GRAYDON AVE	BRAINERD MN 56401	2109 GRAYDON AVE	BRAINERD MN 56401	LOT 10	MADISON HEIGHTS			90		90	\$ 1,491.30	0	\$ -	\$ 1,491.30
136	41350608	JORGENSEN, ERNEST C & RACHEL J	2117 GRAYDON AVE	BRAINERD MN 56401	2117 GRAYDON AVE	BRAINERD MN 56401	LOT 11	MADISON HEIGHTS			90		90	\$ 1,491.30	0	\$ -	\$ 1,491.30
137	41350607	SULLIVAN, TRISH A	2123 GRAYDON AVE	BRAINERD, MN 56401	2123 GRAYDON AVE	BRAINERD, MN 56401	LOT 12	MADISON HEIGHTS			90		90	\$ 1,491.30	0	\$ -	\$ 1,491.30
138	41350606	REITHER, RANDALL LEE & KAREN L	2131 GRAYDON AVE	BRAINERD MN 56401	2131 GRAYDON AVE	BRAINERD MN 56401	LOT 13	MADISON HEIGHTS	Y	117.92		117.92	\$ 1,953.93	0	\$ -	\$ 1,953.93	
139	41350652	CITY OF BRAINERD			501 LAUREL ST	BRAINERD, MN 56401	E. 50 FT OF E. 1/2 OF SE1/4 EX. A STRIP 66 FT WIDE TO CITY.				203.99	203.99	\$ 3,380.11	0	\$ -	\$ 3,380.11	
140	41361077	IND SCHOOL DIST, # 181			804 OAK ST	BRAINERD, MN 56401	N. 1/2 OF SW1/4 OF SW1/4				206.05	206.05	\$ 3,414.25	0	\$ -	\$ 3,414.25	



H:\BRND\24X135884000\CAD\C3D\MISC-ASSESSMENT EXHIBIT.dwg 12/5/2024 8:39:46 AM



Appendix D: Project Schedule

PROJECT SCHEDULE
2025 SOUTH BRAINERD RESURFACING PROJECT
CITY OF BRAINERD, MN
12/17/2024

PROJECT TASKS	DATES	NOTES
Council Approves Engineering Design Proposal	Monday, August 19, 2024	City Council Meeting
Council Orders Feasibility Study	Tuesday, September 3, 2024	City Council Meeting
Public Neighborhood Information Meeting	Tuesday, November 26, 2024	
Feasibility Report accepted and Order Improvement Hearing - Resolution	Monday, January 6, 2025	City Council Meeting
City Mailed Notice for Improvement Hearing	Monday, January 13, 2025	One notice at least 10 days prior to hearing
First Published Notice for Improvement Hearing	Sunday, January 12, 2025	Twice in local newspaper, one week apart, last notice must
Second Published Notice for Improvement Hearing	Sunday, January 19, 2025	must be at least three days prior to hearing.
Improvement Hearing Conducted	Monday, February 3, 2025	City Council Meeting
Ordered Project and Preparation of Final Plans and Specifications - Resolution	Monday, February 3, 2025	City Council Meeting
Approved Plans and Authorized Advertisement for Bids - Resolution	Tuesday, February 18, 2025	City Council Meeting
Bidding Publication	Sunday, February 23, 2025	Publication must be made at least three weeks before last day to submit bids, at least once in official newspaper and once in trade paper or First Class city newspaper.
Bids Opened	Thursday, March 20, 2025	By default bid remains subject to acceptance for 60 days after the Bid opening.
Awarded Contract - Resolution	Monday, April 7, 2025	City Council Meeting
Notice of Award	Wednesday, April 9, 2025	Contractor has 15 days to deliver signed agreement, bonds and insurance certificates.
Construction	May 2025 to July 2025	6 week construction period to be specified
Preconstruction Conference held	Thursday, May 8, 2025	
Begin Construction	Monday, May 19, 2025	
Substantial Completion	Friday, June 27, 2025	
Final Completion	Friday, July 11, 2025	
Declared Costs to be Assessed - Resolution	Monday, July 21, 2025	City Council Meeting
Order Assessment Hearing - Resolution	Monday, July 21, 2025	City Council Meeting
City Mailed Notice for Assessment Hearing	Wednesday, July 30, 2025	One notice at least two weeks prior to hearing
City Published Notice for Assessment Hearing	Wednesday, July 30, 2025	Once in local newspaper at least two weeks prior to hearing.
Assessment Hearing Conducted	Monday, August 18, 2025	City Council Meeting
Adopt Special Assessments - Resolution	Monday, August 18, 2025	City Council Meeting
End of Assessment Appeal Period	Thursday, September 18, 2025	Appeals to district court must be made within 30 days after adoption of the assessment roll.

City Council Meetings held on 1st and 3rd Monday @ 7:30 p.m.
Safety and Public Works Commission Meetings 1st and 3rd Monday @ 7:00 p.m.
All dates are subject to change, this is a living document.

RESOLUTION
NO. _____

**RESOLUTION RECEIVING FEASIBILITY REPORT
CALLING HEARING ON IMPROVEMENT 23-16
2025 SOUTH BRAINERD RESURFACING PROJECT**

WHEREAS, pursuant to resolution of the Council adopted September 3, 2024, a report has been prepared by Bolton and Menk, Inc. with reference to the proposed 2025 South Brainerd Resurfacing Project, to consider the making of improvements on the following streets:

Graydon Avenue from Buffalo Hills Lane to Woodcrest Road
Crestview Lane from Buffalo Hills Lane to Pineview Drive
Woodcrest Road from Graydon Avenue to Dead End
Belle Rae Circle from Cul-de-sac to Woodcrest Road
Pineview Drive from Cul-de-sac to Graydon Avenue
Norway Court from Cul-de-sac to Crestview Lane
Carol Lane from Buffalo Hills Lane to cul-de-sac
Ridge Drive from Buffalo Hills Lane to Buffalo Hills Lane
Ridge Court from Ridge Drive to cul-de-sac
Aspen Court from Cul-de-sac to Ridge Drive

by resurfacing streets, spot curb and gutter repair, adjusting storm and sanitary sewer castings, fire hydrant replacement, and adjusting water valves.

WHEREAS, the report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

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

1. The Council will consider the improvement of such streets in accordance with the report and the assessment of abutting property and properties directly served via these streets for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$809,575.
2. A Public Hearing shall be held on such proposed improvement on the 3rd day of February 2025, in the Council Chambers of the City Hall at 7:30 p.m. and the City Administrator shall give mailed and published notice of such hearing and improvement as required by law.

Adopted this 6th day of January 2025

President of the Council

Approved this 7th day of January 2025

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

December 17, 2024

Mr. Jessie Dehn, P.E.
City Engineer
501 Laurel Street
Brainerd, MN 56401

RE: Bolton & Menk, Inc. Fee Amendment #1
2025 South Brainerd Resurfacing Project

Dear Mr. Dehn,

Bolton & Menk, Inc. is under contact with the City of Brainerd to deliver the 2025 South Brainerd Resurfacing Project in the amount of \$68,450. The scope of the project is to provide design, bidding, and construction administration services as well as assist the city with administering the Minnesota Statute 429 Special Assessment process for the following:

- 2" Mill and Overlay on Graydon Avenue from Buffalo Hills Lane to Woodcrest Road
- Remove 2" of existing bituminous, shape and grade aggregate base, spot curb repair as needed, drainage improvements at street intersections as needed, adjust sanitary manhole lids, gate valves, and storm sewer castings as needed, and place 2" of new bituminous pavement on the following streets:
 - o Crestview Lane (Buffalo Hills Lane to Pineview Drive)
 - o Woodcrest Road (Graydon Avenue to Dead End)
 - o Belle Rae Circle (Cul-de-sac to Woodcrest Road)
 - o Pineview Drive (Cul-de-sac to Graydon Avenue)
 - o Norway Court (Cul-de-sac to Crestview Lane)
 - o Carol Lane (Buffalo Hills Lane to cul-de-sac)
 - o Ridge Drive (Buffalo Hills Lane to Buffalo Hills Lane)
 - o Ridge Court (Ridge Drive to cul-de-sac)
 - o Aspen Court (Cul-de-sac to Ridge Drive)

The original scope includes street and surface improvements with no improvements to underground utilities proposed. During the preparation of the Preliminary Engineering Report (PER) and your discussions with Brainerd Public Utilities (BPU) it has been requested to add to the project scope the removal and replacement of 10 fire hydrants and the installation of gate valves on these hydrant leads such that they can be isolated without shutting water service off to customers in this area. Attached for reference is a map of the location of the proposed hydrant replacements.

To assist the City of Brainerd add these hydrant replacements to the project, we propose to provide the following scope of work:

Task 1: Data Collection

Description: Complete topographic survey of 50-foot radius of the proposed hydrants. The survey will include identification of right-of-way, location of landscaping adjacent to hydrants, and location and identification of private utilities adjacent to hydrants. Topographic data collected will be added to the existing project base map for use in preparation of construction bidding documents.

Task 2: Preliminary Engineering Report and Special Assessment

Process

Description: We understand the cost of the proposed water system improvements will not be assessed to project property owners. The proposed improvements will be added to the PER and preliminary cost estimate prepared for City of Brainerd and BPU review.

Task 3: Final Design Construction Plans and Specifications

Description: Like the original proposal Bolton & Menk will submit final design plans and other documents to the city for review and project approval at the following stages of completion to include the proposed hydrant replacements and surface restorations:

- **60% Plan Review** – submittal to include design plans and a format/index for the special provisions.
- **100% Plan Review** – submittal to include final design plans, special provisions, and engineer's estimate; we will incorporate responses to city comments from the 60% plan review.
- **Final Plan Approval** – submittal of final design plans, specifications, and engineer's estimate for approval and signatures; we will incorporate responses to any final city comments in this submittal.

The city shall provide standard city details for hydrant replacements, record drawings, of previous improvements, shapefiles for valves, hydrants, watermain, sanitary sewer, and storm sewer in the project area.

Task 4: Bidding Services

Description: Solicit construction bids for the project.

- No added fee is requested for this task.

Task 5: Construction Services

Description: Bolton & Menk will provide construction contractor oversight to verify they are completing the work in compliance with the plans and specifications. Construction administration activities will include project diaries, and preparation of change orders or supplemental agreements as necessary. Bolton & Menk will report daily diaries, pay quantities, partial and final pay estimates, change orders, supplemental agreements, and other related contract documents.

We will mark removals associated with the hydrant and gate valve installation, provide staking of the proposed hydrant and valve location and elevation, and provide staking of concrete curb and gutter location and elevation to be removed and replaced.

With underground utility construction we propose providing a full-time RPR to observe that the contractor's work is in conformance with the project plans and specifications. The RPR will also

coordinate with property owners regarding private improvements in city right-of-way that will be affected by excavation for the hydrant replacements.

Estimated Fee

We request authorization for an amendment to the contract in the amount of \$32,130 further broken down by task as follows:

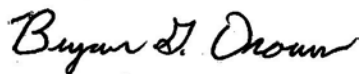
City of Brainerd, Minnesota South Brainerd Resurfacing Project Fee Amendment #1		Bolton & Menk, Inc.							
Task No.	Work Task Description	Project Manager	Project Engineer	Design Engineer/RPR	Survey Lead	Survey Support	Admin/Coordination	Total Hours	Total Cost
Survey and Engineering Design									
1.0	Data Collection	2	0	0	16	22	0	40	\$7,354
2.0	Preliminary Engineering Report & Chapter 429 Process	4	0	8	0	0	0	12	\$1,912
3.0	Final Design Plans and Specifications	8	12	48	0	0	0	68	\$10,692
4.0	Bidding Services	0	0	0	0	0	0	0	\$0
Tasks 1-4 Subtotal									\$19,958
Contract Administration, Construction Staking, and Inspection									
5.0	Construction Administration	2	8	40	8	16	0	74	\$12,172
Tasks 5 Subtotal									\$12,172
Total Hours		16	20	96	24	38	0	194	
Subtotal		\$2,976	\$3,660	\$14,016	\$3,840	\$7,638	\$0		
Total Fee									\$32,130

Any additional services (or increase of scope thereof) identified beyond those noted above will be discussed and negotiated prior to commencement of any work.

Thank you for your consideration of this amendment, please don't hesitate to contact me if you have any questions.

Sincerely,

Bolton & Menk, Inc.



Bryan G. Drown, P.E.

Municipal Project Manager

Amendment #1: 2025 South Brainerd Resurfacing Project

Date: December 17, 2024

Page: 4

Accepted on behalf of the City of Brainerd, MN by:

Signed

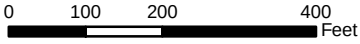
Date

Printed Name



**BRAINERD PUBLIC UTILITIES
PROPOSED WATER CONSTRUCTION MAP**

This map is intended for reference purposes only and is not a legally recorded map nor survey. Brainerd Public Utilities shall not be liable for any damages or claims that arise due to accuracy, availability, use, or misuse of the information herein pursuant to MN Statutes 466.03 Subd 21.



Date: 9/17/2024



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Adopt Resolution - Imp 21-13 - Beech/Oakridge Reconstruction Project - Order Feasibility Report

AGENDA: Main

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Jessie Dehn, Public Works Director, **DEPARTMENT:** Public Works
Mike Habighorst, Public Works Director

PRESENTER: Mike Habighorst, Public Works
Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: Attached to this request is a resolution for the Council to order the feasibility report for Improvement 21-13 - Beech/Oakridge Reconstruction Project. This resolution authorizes staff to prepare the feasibility report to be presented to the Council at a future meeting.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: This project includes reconstruction of the following streets:

- Beech Street from Oakridge Road to Oak Street
- Oakridge Road from Beech Street to 28th Street SE

A neighborhood informational meeting is planned for Tuesday, January 7th at 6 p.m. at City Hall. The purpose of the meeting will be to provide residents and property owners an informal meeting to get information on the project, ask questions and meet staff, and provide any feedback. Property owners will be mailed notification of the meeting.

RECOMMENDED ACTION/MOTION: Staff recommends adopting the attached resolution ordering the feasibility report for Improvement 21-13 - Beech/Oakridge Reconstruction Project.

FINANCIAL IMPACT: N/A

RESOLUTION
NO. _____

RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT

IMPROVEMENT 21-13 – BEECH/OAKRIDGE RECONSTRUCTION PROJECT

WHEREAS, it is proposed to improve the following streets:

Beech Street from Oakridge Road to Oak Street
Oakridge Road from Beech Street to 28th Street Southeast

by reconstructing streets including, but not limited to, replacement of bituminous pavement surface, curb and gutter, watermain, storm sewer, new sidewalk, and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429,

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

That the proposed improvement, called Improvement No. 21-13 – Beech/Oakridge Reconstruction Project be referred to the City Engineer for study and that that person is instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

Adopted this 6th day of January 2025

President of the Council

Approved this 7th day of January 2025

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Adopt Resolution - Imp 17-12 - Wright/S. 10th Reconstruction Project - Order Feasibility Report

AGENDA: Main

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Jessie Dehn, Public Works Director, **DEPARTMENT:** Public Works
Mike Habighorst, Public Works Director

PRESENTER: Mike Habighorst, Public Works
Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: Attached to this request is a resolution for the Council to order the feasibility report for Improvement 17-12 - Wright/S. 10th Reconstruction Project. This resolution authorizes staff to prepare the feasibility report to be presented to the Council at a future meeting.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: This project includes reconstruction of the following streets:

- Wright Street from S. 6th Street to 13th Street SE (County Road 45)
- S. 10th Street from Industrial Park Road (County Road 117) to Wright Street

A neighborhood informational meeting is planned for Wednesday, January 8th at 6 p.m. at City Hall. The purpose of the meeting will be to provide residents and property owners an informal meeting to get information on the project, ask questions and meet staff, and provide any feedback. Property owners will be mailed notification of the meeting.

RECOMMENDED ACTION/MOTION: Staff recommends adopting the attached resolution ordering the feasibility report for Improvement 17-12 - Wright/S. 10th Reconstruction Project.

FINANCIAL IMPACT: N/A

RESOLUTION
NO. _____

RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT

IMPROVEMENT 17-12 – WRIGHT/S. 10TH STREET RECONSTRUCTION PROJECT

WHEREAS, it is proposed to improve the following streets:

Wright Street from South 6th Street to 13th Street Southeast
South 10th Street from Industrial Park Road (County Road 117) to Wright Street

by reconstructing streets including, but not limited to, replacement of bituminous pavement surface, curb and gutter, watermain, storm sewer, and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429,

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

That the proposed improvement, called Improvement No. 17-12 – Wright/10th Street Reconstruction Project be referred to the City Engineer for study and that that person is instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

Adopted this 6th day of January 2025

President of the Council

Approved this 7th day of January 2025

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Direction on Active Code Enforcement Cases

AGENDA: SPW Committee

ACTION REQUESTED: Direction Requested

SUBMITTED BY: James Kramvik, Community
Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community
Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

Section 320 of the City Code dictates that violations of the City Code shall, after receiving a notice of violation, be issued up to three administration citations for non-compliance. Once three citations have been issued, the violation shall be brought before the Safety & Public Works Committee for review. The Committee shall then make a recommendation to the City Council as to how to proceed with enforcement of the violations. Staff is bringing one (1) property before the Committee for review. Staff is looking for direction from the Council as to how to proceed with the case.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Attached is the case file for:
823 Willow St

Section 320, action that could be taken against these properties include:

- 1) Continued administrative citations for an amount determined by the City Council
- 2) Abatement of the offense (depending on the type of offense)
- 3) Legal action (at the recommendation of the City Attorney depending on the type of the offense)
- 4) Cease corrective action

RECOMMENDED ACTION/MOTION:

Staff recommend obtaining an administrative warrant to abate the garbage/junk/debris at 823 Willow St.

FINANCIAL IMPACT: N/A

MEMO



TO: Mayor and City Council

FROM: James Kramvik, Community Development Director

DATE: January 6th, 2025

RE: Recommendations for Active Code Enforcement Cases

Staff recommend the following actions for the active code enforcement cases brought before the City Council:

- **823 Willow St – Junk/Debris – Repeat Offender**
 - Received one (1) Notice of Citation and one (1) immediate \$300 Citation 12/11/2024
 - \$300 in open citations

This property had a previous abatement on January 17, 2024. Per Council motion, an immediate \$300 fine and request to abate if another occurrence occurs within one year.

Staff recommend obtaining an administrative warrant and abating the property.

Running Summary of Actions Taken

1005 3rd Ave NE – Administrative warrant received, and property was abated 5/4/23 - junk and debris - \$825 in open fines to be assessed.

915 Laurel Street – Administrative warrant received 5/30/23. Abated 6/9/23 - \$1,925 in open fines to be assessed.

1306 Oak Street – Immediate \$300 fine for garbage – Administrative warrant received 5/23/23. Abated 6/2/23.

1306 Oak Street – Repeat grass issue – Immediate \$300 fine and immediate abatement for long grass/weeds took place 6/2/23.

1201 Norwood – Repeat grass issue – Immediate \$300 fine and immediate abatement for long grass/weeds took place 6/2/23.

924 7th Ave NE – Repeat grass issue – Immediate \$300 fine and immediate abatement for long grass/weeds took place 6/2/23.

408 2nd Ave NE – Repeat grass issue – Immediate \$300 fine and immediate abatement for long grass/weeds took place 6/2/23.

1113 Rosewood St – Administrative warrant received, and property was abated for garbage and junk/debris/blight 6/22/23.

924 7th Ave NE – 3rd citation for tree limbs, brush pile sent to property owner – abated 6/30/23.

1812 Oak St – Administrative warrant received, and property was abated for garbage and junk/debris 7/26/23.

1306 Oak Street – Immediate \$300 fine for garbage – received administrative warrant 8/14/23 to abate garbage. Abated 8/21/23.

1306 Oak Street – Received administrative warrant 8/14/23 to abate broken fence. Abated 8/21/23.

412 J St NE – Requested administrative warrant 8/18/23 to abate junk/debris. Abated 8/23/23.

1113 Rosewood St – Immediate \$300 fine for garbage - requested administrative warrant 8/1; 8/28 to abate garbage. Abated 9/5/23.

609 11th Ave NE – Sent final 10-day letter to correct 8/22/23. Will obtain an administrative search warrant to abate after the deadline if no action. Requested warrant 9/12/23. Abated 10/2/23.

PID 41191502 – exterior structure - Issuing \$300 citation each month thru 12/1/2023. \$1,800 open citations. Recheck in May 2024.

PID 41241233 and 301 9th St S – Sent 10-day letters to correct 8/22/23. Will work on abatement after that deadline if no action has been taken. Issue has been resolved.

1623 Emma St – Requested administrative search warrant to abate 9/6/23. Resident resolved-no abatement needed.

1005 3rd Ave NE– Requested administrative search warrant to abate 9/6/23. Abated 9/29/23.

915 Laurel St– Requested administrative search warrant to abate 9/6/23. Abated 9/26/23.

823 Willow St – Issuing \$300 citation monthly for non-licensed rental. Requested legal action from City Attorney 9/6/23.

701 4th St SW– Issuing \$300 citation monthly for non-licensed rental. Requested legal action from City Attorney 9/6/23. The property owner has submitted an application for a short-term rental to be heard at Planning Commission 12/20/23.

1424 8th St S – Requested administrative search warrant to abate 9/19/23. Property owners complied-no abatement needed.

15284 Beaver Dam Rd – Issuing \$300 citations for non-licensed rental. Have been working with the tenants who signed a lease with the property owner. Property manager applied for and received a Rental License on 12/5/23.

303 J St NE – Issuing a \$300 citation each month until the fence is corrected.

1306 Oak St – Repeat garbage issue. Obtained warrant 11/16/23 to abate the garbage.

1113 Rosewood St. – Repeat garbage issue. Obtained warrant 11/22/23 to abate the garbage.

319 9th St N. – Sent 10-day letter of abatement 11/21/23. Warrant was received due to non-compliance on 12/8/23. The vehicle was towed 12/11/23.

1306 Oak St – Repeat garbage issue. Obtained warrant 02/06/24 to abate the garbage.

804 19th St SE – Obtained administrative warrant and abated junk/debris 3/21/2024.

1017 10th Ave NE – Obtained administrative warrant and abated junk/debris 3/22/2024.

1420 Quince St – Administrative warrant to abate junk/debris received 5/6/2024. Owner removed junk and debris.

1424 8th St S – Final 10-day letter sent to property owner for junk/debris 5/7/2024 prior to administrative warrant. Owner complied prior to abatement. No action taken.

1119 13th St SE – Final 10-day letter sent to property owner 5/7/2024 for unlicensed/inoperable vehicles. Property owner paid the fines and will have everything cleaned up by June 1st. Reinspection scheduled for June 3rd. Owner complied, and the case was closed.

813 Holly St. – Final 10-day letter sent to the property owner for animal feces 5/7/2024 – no action needed, as owner complied and cleaned up. Another nuisance letter went out 5/16/2024 with action needed again to clean up dog feces. Owner was told that they need to address the issue every two days.

1306 Quince St – Sent 10-day final letter 6/18 for abatement; Issued was resolved by mortgage company.

918 4th Ave NE – Sent letter of monthly citations 6/18 until resolved.

401 Holly – Requested administrative warrant to abate the outdoor storage issue 6/18. Homeowner removed items under tarp.

523 Grove St – Spoke to homeowner – submitting a remodel permit. Reinspection September 1st.

319 9th St N. – Abated junk/debris and hazardous materials 7/8/24

401 4th Ave NE – Homeowner took care of the issues – no action taken

408 2nd Ave NE – Obtained a warrant on 7/17/24 to abate the Japanese Knotweed.

813 Holly St – Repeat offense animal feces. Issued a letter to owner of abatement and requesting an administrative warrant to abate.

917 7th St S – Long grass will be abated.

1701 Maple St – Property owner trying to evict

608 9th St N – Dead/hazardous tree was removed on Monday November 4th.

1812 Oak St – Garbage/Junk/Debris – property was abated first week of November.



This citation charges you with one or more violations of the
Property Maintenance Code, Ordinance No. 1338

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Administrative Citation

Department of Building Safety – 218-828-2307

EN24-0700

Date of Violation: 12/11/2024

Parcel ID: 41251054

Violator(s): PETERSEN, TROY A
1106 BROADWAY ST
BRainerd, MN 56401

Location/Address of Violation: **823 WILLOW ST**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
IPMC 308.1	Junk/Debris/Blight	\$300.00

If the owner fails to correct the nuisance within the timeframe stipulated in the first notice, the City of Brainerd shall cause such action to correct such nuisance by means of, but not limited to, cutting grass or collecting garbage or junk. The expense thereof shall be billed to the property owner and shall constitute a lien upon such realty. An Administrative Citation is separate and in no way defrays the expense of correcting the nuisance.

Citation Amount Due: \$300.00

Payment Due By: 30 Days from Date of Violation

**Payment may be presented in person or by way of First Class Mail in the form of cash, check or money order, payable to:
City of Brainerd, submitted to the Department of Building Safety, City Hall - 501 Laurel Street; Brainerd, MN 56401.**

Re-inspection Date: 12/21/2024

For uncorrected or continued violations, the City may correct the violation and assess the charges for doing so.

An additional citation will be issued if the violation is not corrected by the re-inspection date.

Failure to pay the fine will result in it being assessed against the property as provided in Minnesota Statute 429.

Unpaid fines, including an administrative charge of \$25.00 plus interest of the total balance, will be assessed against the property of the owner charged with the violation.

When a citation is issued, you must correct the violation and pay the fine. If you decide to contest the violation, you may request a hearing, responding within 10 days from the date of the citation issuance. The purpose of a hearing is to determine whether or not a violation(s) of the city code existed. If you request a hearing and the citation stands, you will be responsible for the hearing costs and fines as determined by the hearing officer as well as correction of the violation. If the citation is contested and a hearing is scheduled, a notice will be mailed to you with the date/time/location of the hearing. If you cannot attend on the scheduled date or wish to request the Hearing Officer be removed from the case, you must do so no later than 15 days prior to the date of the hearing. A new hearing date will be set and another notification will be sent to the party contesting the citation.

Representative: Jason Stockinger, Building Inspector

Date: 12/11/2024

Representative's Signature: 

(served via first class mail)





City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Consider Variance from Fence Height Requirements at 303 J St NE

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

Nichole Rees has submitted a variance request at 303 J St NE to exceed the fence height on the side yard (corner) setback requirement for 6 ft. high fences. The applicant is requesting the fence extend 59 ½" beyond the façade of the house. The facade is the required setback for 6 ft. high fences. The applicant states this variance is needed due to the existing sidewalk. The fence was moved to its current location in November of 2024 as staff has been working with the applicant to correct the issue and obtain a permit since October 12, 2022.

The property owner did request waiving of their nuisance assessments totaling \$4,950 for the fence, junk and debris, and off-street parking violations. Fence violation letters totaled \$3,000 plus admin fees. Staff did not recommend waiving the assessment as the fence was not compliant with City Code. I did inform the property owner that City Council could consider waiving fees at a later meeting if the fence was legally constructed.

See memo for additional information and property history.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

The Planning Commission considered this request at their December 18th meeting and motioned to recommend approval of the variance at 303 J St NE as presented. Members Peterson and Grecula voted "aye". Members Duval, Gorham, and Stenglein voted "nay". The Chair declared the motion failed. No other motion was presented.

No one from the public spoke at the public hearing and no one reached out to staff regarding the variance request.

COMMENTS:

Community Development Director: *The existing sidewalk constitutes a practical difficulty. It would make it difficult to place the fence in line with the facade and it would make access to the backyard much more difficult. The location has nothing to do with economic considerations. When viewing the*

location, the fence does not abut to another property or extend to the alley, so there is no impact to neighboring properties or public rights-of-way. Staff does recommend approval of the variance request as presented.

Commissioner Stenglein: She does not see a practical difficulty; they just put it in the wrong place. If they would have come earlier, we could have worked something out where the fence angles for a while and then moves out for the sidewalk.

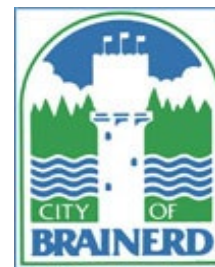
Commissioner Duval: This fence was placed inconsistent with the ordinance and is in violation. In the concept of minimizing the non-conformity, the gate provides the access and the sidewalk angles away from the street. Conceivably, the applicant could extend that fence line out for the gate and the sidewalk but then would have to return at some distance to what is allowed by code.

Commissioner Gorham: He stated he has a problem that they knew there was an issue with the fence, and they went ahead and moved it without cooperating with the City. He does not see a lot of cooperation with the City, and he is not inclined to vote for it.

RECOMMENDED ACTION/MOTION: As the planning commission motion failed, staff recommends approval of the variance request as presented.

FINANCIAL IMPACT: If approved, staff will bring a request by the property owner to remove some or all of the nuisance assessment fees.

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: December 18th, 2024

RE: Variance from Fence Height Setback Standards – 303 J St NE

REQUEST

PUBLIC HEARING. Variance at 303 J St NE to exceed the fence height on the side yard (corner) setback requirement.

Nichole Rees has submitted a variance request at 303 J St NE to exceed the fence height on the side yard (corner) setback requirement for 6 ft. high fences. The applicant is requesting the fence extend 59 ½” beyond the façade of the house, which is the required setback for 6 ft. high fences. The applicant states this variance is needed due to the existing sidewalk.

CONTEXT

Parcel Number(s): 41190954

Zoning District: TN-1 (Traditional Neighborhood One) District

Property Area: 7,000 SQFT

Adjacent Uses: North: Residential
East: Residential
South: Residential
West: Residential

Adjacent Zoning: North: TN-1 (Traditional Neighborhood 1) District
East: TN-1 (Traditional Neighborhood 1) District
South: TN-1 (Traditional Neighborhood 1) District
West: TN-1 (Traditional Neighborhood 1) District

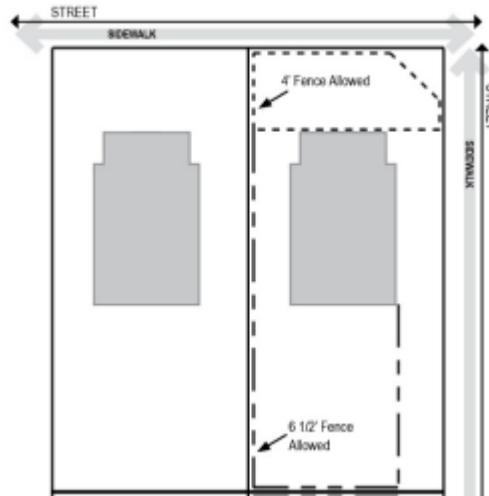
AERIAL MAP



FINDINGS OF FACT

1. The property owners erected a 6' wood privacy fence in the fall of 2022 without a permit from the Community Development Director. The following occurred:
 - a. 10/12/2022 – Staff sent a letter making the property owners aware that a permit is required for their fence.
 - b. 10/27/2022 – Staff received a fence permit application with the required fee; however, staff returned the check and sent a letter that the fence is non-compliant with zoning regulations as a six-foot fence cannot extend beyond the front façade of the primary structure.
 - c. Staff worked with the property owners throughout the summer of 2023 in an attempt to correct the fence. The property owners reached out to Council and Planning Commission members to request a change to the code. Staff were not directed to review the ordinance.
 - d. 09/09/2023 – Staff sent an order to correct letter and after 10 days began sending citations.
 - e. After receiving three citations, City Council directed staff to send a \$300 citation every month until the fence was corrected.
 - f. The property owners sent letters to staff that they were registered American National's and not a member of the corporation that is the United States and that our ordinances do not apply. The property owner received their proposed assessment letter and reached out to staff for a solution.
 - g. 11/20/2024 - The property owners submitted a fence permit after moving the six-foot fence. After moving the fence, it was still non-compliant.
 - h. The property owners applied for a variance for the fence location due to the existing sidewalk.

2. The property at 303 J St NE is located in a TN-1 (Traditional Neighborhood 1) District.
3. According to Section 515-4-11.F Fence Height. Fences may be located in any yard up to a height of four (4) feet except as prohibited by Section [D] a fence up to six and one half (6½) feet high may be erected from a line extended from the front façade of the principal building to the side lot lines, and then along the side lot lines and the rear lot line (see Figure 515-4-11.1).



4. The applicants have applied for a Variance from Section 515-4-11.F Fence Height due to an existing sidewalk that was not installed by them. The applicant is requesting the fence extend 59 ½" beyond the façade of the house into the side corner yard.
5. Section 515-5-4.B.3 – Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the ordinance
 - i. The purpose of a TN-1 (Traditional Neighborhood 1) District is to “allow and preserve areas in the City of quiet neighborhoods of one and two family homes, free from other uses except those which are compatible with residents of such a district.”
 1. *Fences are an accessory use in the TN-1 (Traditional Neighborhood 1) as regulated by Section 515-4 of this Ordinance.*
 - b. When the variances are consistent with the Comprehensive Plan
 - i. Staff believes this variance request is supported by Goal 3 of Chapter 3 of the Comprehensive plan which states, “Ensure quality living conditions for all residents.”
 1. *Policy 2 under Goal 3 states, “Promote the maintenance and rehabilitation of all properties.”*
 - c. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - i. *The location of an existing sidewalk would make it difficult to place the fence in line with the side corner façade as the fence would be placed on top of the walkway as pictured in the aerial map. An alternative fence location would make access much more difficult to the backyard.*

6. Section 515-5-4 Practical Difficulties – As used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by the Zoning Code.
- a. The plight of the landowner is due to circumstances unique to the property not created by the landowner
 - i. *The applicant is requesting a variance to allow a 6-foot fence due to an existing sidewalk that was not installed by the current landowner.*
 - b. The variance, if granted, will not alter the essential character of the locality.
 - i. *The fence location will not cover the façade of the single-family home, and 6-foot wood privacy fences are very common in the northeast Brainerd. The fence does not abut a neighboring property owner and does not extend to the alley. There is no impact on neighboring public or private properties.*
 - c. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - i. *The location of the fence was not dictated by economic considerations.*

At the time of this writing, no party has contacted the Community Development Department regarding the variance request.

STAFF RECOMMENDATION

Staff recommends approval of the variance request to allow the six-foot wood fence to extend 59 ½" beyond the façade of the house as currently constructed.



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2307

www.ci.brainerd.mn.us

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$350.00)	☐ (\$500.00 + \$500.00 escrow deposit)
REZONING	☐ (\$350.00)	☐ (\$500.00)
VARIANCE	☒ (\$350.00)	☐ (\$500.00 + \$500.00 escrow deposit)
ZONING TEXT AMENDMENT	☐ (\$250.00)	☐ (\$400.00)

PROPERTY ADDRESS: 303 5th NE

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: Nichole Rees

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: Exceed fence height on side corner yard
59 1/2 inches from facade due to existing
side walk.

[Signature]

Property Owner Signature

Dec 2 2024

Date

(Please print name)

Applicant Signature

Date

(Please print name)

(OVER)

Frm:
To:
Subject:
Date:
Attachments:

Regards,
James Kramvik



James Kramvik | Community Development Director
City of Brainerd | 501 Laurel Street Brainerd MN 56401
218-454-3408 | jkramvik@ci.brainerd.mn.us

From: Nikki Rees
Sent: Monday, December 2, 2024 1:39 PM
To: James Kramvik <jkramvik@ci.brainerd.mn.us>
Subject: Fence

*** **Warning:** External sender, use extreme caution with attachments and links ***

Good afternoon,

Below are pictures of the fence to show the reason for the variance request. It is 59.5 inches from the facade of the house due to a preexisting sidewalk and also the entrance to my art shed is right off that side walk. I would not be able to access it otherwise. This has been an absolute nightmare that I desperately need resolved. We moved here 8 years ago and have been non stop harassed from a few months after we moved in. We have gotten rid of our pool and playground for our grandchildren to comply with your rules I truly hope that you can approve this and remove the fees. I have a disability hearing end of March I have not worked since Sept of 2022. My husband works 6 days a week and that barely covers living expenses. Our roof desperately needs to be replaced as well as all the windows and painting the outside needs to be done but I can not even attempt to do that with all these fees and just plain nonsense. We keep our lawn kept up and snow removal as well. We do not have trash laying about our yard we have complied with everything you asked the only reason we have fought so hard about the fence is because it is our sanctuary and with all the people that roam the streets and are constantly breaking into our vehicles which at this point we don't even report because it does no good. In our eyes making us move our fence because the city finds it more aesthetically pleasing and making half of our yard unusable that we still are required to maintain and pay taxes on is in violation of our rights and freedom and with all due respect that is a fact. Since we are barely surviving financially we have complied and would hope that this comes to an end of the constant harassment so that we may just live peacefully. If I had my choice I

would walk away from this house and town as I am so disgusted with the way people that pay your salaries are treated. Unfortunately I am not financially stable enough to leave or stay if these charges are not dropped...so that could potentially leave us homeless due to fighting for what we believe are our rights to privacy. I understand the need to keep the city clean and eye appealing but not to the violation of civil rights and something so ridiculous as a fence height and placement. I truly hope this is the end of this situation as it has been a huge stress on my mental health, my marriage and my finances.

As a side note when you make your weekly drive by please note the disassembled play ground will be moved as well as the 2 structures on the side of the garage as they were parts of the pool deck, storage of pool toys and a little playhouse for our grandkids. The red truck in the driveway is being sold so that will be gone as well. The structures we have listed for free but if no one comes to get them they will be taken apart and gotten rid of with winter now here it may be this spring I can not give an exact date but they will be gone.

Thank you
Nikki



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Nichole Rees has submitted a variance request at 303 J St NE to exceed the fence height on the side yard (corner) setback requirement for 6 ft high fences. The applicant is requesting the fence extend 59 ½" beyond the façade of the house, which is the required setback for 6ft high fences. The applicant states this variance is needed due to the existing sidewalk. The property included in this application is described as:

*SCHWARTZ ADDITION TO THE CITY OF BRAINERD LOT 12 BLOCK 16
P.I.N. 41190954
Section 19, Township 045, Range 030*

The property is located in the TN-1 (Traditional Neighborhood 1) District. A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, December 18th, 2024 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the variance request.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 3rd day of December, 2024



James Kramvik
Community Development Director

Publication Date: December 7th, 2024

October 22, 2024

REES, NICHOLE & TONY
303 J ST NE
BRAINERD, MN 56401



www.ci.brainerd.mn.us

RE: Nuisance Abatement and/or Administrative Citation Assessment

Dear Property Owner(s):

An assessment roll covering the above work has been prepared and filed in the City Administrator's office. The amount assessed against the property recorded in your name described as:

RE CODE: 41190954
LEGAL DESCRIPTION:
PROPERTY ADDRESS: 303 J ST NE

Is \$4,950. This amount or partial payments may be paid in the City Administrator's office without interest through November 21, 2024. After that date, interest will be charged at the annual rate of four and nine hundredths (4.90%) percent. Any unpaid balance will be certified to the Crow Wing County Auditor and collected over a one (1) year period along with your property taxes.

\$4,950 plus interest = \$5,240.40 sent to CWC

Please feel free to call me at 218-828-2307 if you have any questions.

Sincerely,

CITY OF BRAINERD

James L. Kramvik
Community Development Director

CITY OF BRAINERD



ASSESSMENT DISPUTE REQUEST

Property
Address &
Parcel ID#
(if known)

303 J St
41190954

Property Owner
Name

Anthony Rees

Property Owner
Mailing Address

Property Owner
Phone Number

Hardship

Y / N

Deferral

(circle one)

Request?

(separate application)

Reason for Contesting/Disputing Assessment

See letter

OCT 25 2024

CITY OF BRAINERD
ADMINISTRATION

City Council Meeting Monday, Oct. 21st 2024

Hi, My name is Tony Rees. My wife and I live at 303 J. St. NE. Brainerd, MN. We have done so for 7-8 years now.

We are here to address the "nuisance abatement" that is being alleged and continues to be an issue. First of all I want to

give you the definition of the word "nuisance" Nuisance is a person or a thing causing inconvenience or annoyance.

So there city or whomever it may be, seems to define my privacy fence that is around a portion of my yard, as a nuisance.

So, secondly I want to say that our fence is not on any city right of way or does not impede any views of anyone. It does not bother anyone, nor does it hurt or even effect anyone. We have a pool, playground area, small pond, with waterfall and flowing water. We very much need and enjoy the privacy when doing things in the yard and being in the pool. We also have two small grandchildren and friends that visit that want to enjoy the pool in privacy. Also, for safety and security we need to have the fence.

Thirdly, if you want to call anything a nuisance, it the constant harassing and getting complaint letter and repeated fines from the city. For a fence that is on my own property, dont effect or hurt anyone. Definitely don't look bad at all. But apparently a fence such as ours is ok for some people, but not for us, because we live on corner lot. How stupid of a thing is that? At this point it is almost like a spoiled brat kid that cant get his way, so has to keep pushing and pushing till they get what they want. They say our fence is in violation of some "ordinance" but we have seen many other fences that are even taller and cover more of peoples yards. So basically what I am getting to is that the situation to a normal citizen (such as my wife and I) that this here is the exact definition of a nuisance. Not a harmless, but useful fence.

So lastly, I wanted to add that I have written to congressman and legislators and a couple of state representatives about this issue.

We have been dealing with this issue for years now. We have even been told that there would be no reason for the city to send

letters / violations unless someone complained or made it an issue. We know all of our neighbors. We get along with all of our neighbors.

None of them would have or have complained or even commented on the fence. So, we, and all of our neighbors agree that there is no nuisance here except for the harrassment non-stop drive-bys, picture taking, letters and fines.

Thank you

Anthony Rees

303 J St NE

Brainerd , MN 56401

To Whom it May Concern,

*James Kramvik
Nicholas Broyles*

I am writing to you as a concerned homeowner seeking your assistance with an ongoing issue that has been deeply affecting my family's quality of life and our right to privacy. Since we moved into our home 8 years ago , we have been subjected to constant harassment by city officials, and this harassment has not ceased despite our compliance with their numerous demands.

Almost daily, city officials drive by our home, taking pictures of our property. This invasive behavior is unsettling and has created a hostile environment for us in our own neighborhood. We have complied with the requests, paid thousands in fines, and yet the harassment continues, primarily focusing on the height of our fence. We have been told that many homes with fences similar to ours are "grandfathered in," yet we are singled out and pressured to lower our fence, which we believe is a violation of our right to privacy.

As taxpayers, we find this situation extremely unfair. We are expected to pay a significant amount for our home, including high taxes and utility bills, yet we are not afforded the same freedoms or respect as others who live here. It seems as though the city's decisions are not being made in the best interest of all residents but are instead catering to a select few who wish to dictate the appearance and use of private property to suit their preferences.

This brings us to a broader issue: when will politicians start addressing the real concerns of homeowners rather than catering to the highest bidders or the interests of a small group of board members? The purpose of your office is to protect the freedoms and rights of all constituents, not just a privileged few. We believe that our right to privacy in our own yard,

a space we pay for and maintain, should be respected. The current actions of the city officials are infringing on that right, and it's causing significant distress for my family.

It is disheartening to see that, in our city, it feels as though homeless individuals and criminals have more rights and freedoms than homeowners who are simply trying to enjoy the privacy of their property that we rarely get to use because I work 6 days a week to pay for it. This is not just a matter of policy but one of fairness and basic respect for the rights of all citizens.

I urge you to take action to address this situation. We need policies that protect homeowners' rights to privacy and the enjoyment of their property without fear of undue harassment or biased enforcement of rules. I would appreciate the opportunity to discuss this matter further and look forward to your prompt attention to this issue.

Thank you for your time and consideration.

Sincerely,

Anthony Rees

Anthony Rees

303 J St NE

Brainerd, MN

Dear Members of the Brainerd City Council,

/ James Kramvik
Nicholas Broyles

I am writing to address a matter of significant concern regarding the height of the fence surrounding my property. Recently, I have been approached by the city with demands to reduce the height of my fence to four feet. I strongly oppose this directive and believe it is unjust for several reasons. Firstly, the safety and security of my family and home are my top priorities. Crime in our area has been on the rise, with increasing reports of break-ins and homeless camps being established nearby. Most alarmingly, a dead body was found close to my home on May of this year. Given these circumstances, my fence provides a necessary barrier, ensuring the safety of my family, particularly the children who come to play in our yard, which includes a pool. Lowering my fence to four feet would not only diminish our privacy but also leave my property vulnerable. It would strip us of the peace of mind that comes with having a secure and private space to enjoy our home and yard. This is a direct infringement on our right to privacy and our constitutional right to the pursuit of happiness. It is unreasonable to expect residents to feel safe and secure in their homes without the proper means to protect them, especially when the city has not been able to adequately address the growing crime problem in our neighborhood. Furthermore, I am aware of several other residents within Brainerd who have similar fences, yet they do not seem to be facing the same demands. This selective enforcement raises questions about fairness and consistency in the application of city regulations. I want to emphasize that my property is well-maintained. The lawn is always mowed, the yard is clean, and the sidewalks and driveway are promptly plowed during the winter. We take great care in ensuring that our home is a positive reflection of our neighborhood, and none of our neighbors have expressed any concerns regarding our fence. I do not believe that the City of Brainerd functions as a homeowners' association, and as such, I do not see how the city has the authority to dictate the specifics of how I maintain my property, particularly when it involves measures taken for security and privacy. I have not signed any agreement that would give the city such control over my property, and since the city does not contribute to my mortgage, I do not believe it is within its rights to impose such restrictions. Given the circumstances, I request a reconsideration of this matter. I believe that the current height of my fence is both reasonable and necessary to ensure the safety, privacy, and well-being of my family. I respectfully urge the city to take into account the unique challenges and

In addition to the violation of rights under the 14th Amendment, there are other constitutional principles that would be considered in this situation. :

1. Right to Privacy (Implied by the Constitution) Although not explicitly stated, the right to privacy has been inferred from various amendments, including the First, Third, Fourth, and Ninth Amendments. This right to privacy extends to personal and family matters, including the enjoyment of your home. The demand to lower your fence, compromising your privacy, could be argued as an infringement on this right.

2. Fourth Amendment: Protection Against Unreasonable Searches and Seizures The Fourth Amendment protects individuals from unreasonable searches and seizures by the government. While this typically applies to law enforcement, it could be argued that reducing our fence height might lead to a reduction in our ability to secure our home and property from unreasonable intrusions or surveillance.

3. Ninth Amendment: Rights Retained by the People The Ninth Amendment states that the enumeration of certain rights in the Constitution does not mean that people do not have other rights that are not explicitly listed. Our right to protect our home and family, maintain privacy, and pursue happiness could be seen as rights retained by the people under this amendment.

4. Tenth Amendment: States' Rights and Limits on Federal Power The Tenth Amendment reserves powers not delegated to the federal government to the states or the people. We could argue that local governments, while having some regulatory authority, should not overreach into personal matters that affect your ability to protect your property and family.

5. Fourteenth Amendment: Equal Protection Clause The Equal Protection Clause of the 14th Amendment ensures that no state shall "deny to any person within its jurisdiction the equal protection of the laws." If others in the city have similar fences but are not being asked to reduce their height, this could be considered unequal treatment, and thus a violation of this clause.

6. Right to Pursue Happiness While not explicitly stated in the Constitution, the concept of the pursuit of happiness is often associated with the Declaration of Independence. Your ability to enjoy your property and maintain the safety and privacy of your home might be seen as integral to this right.

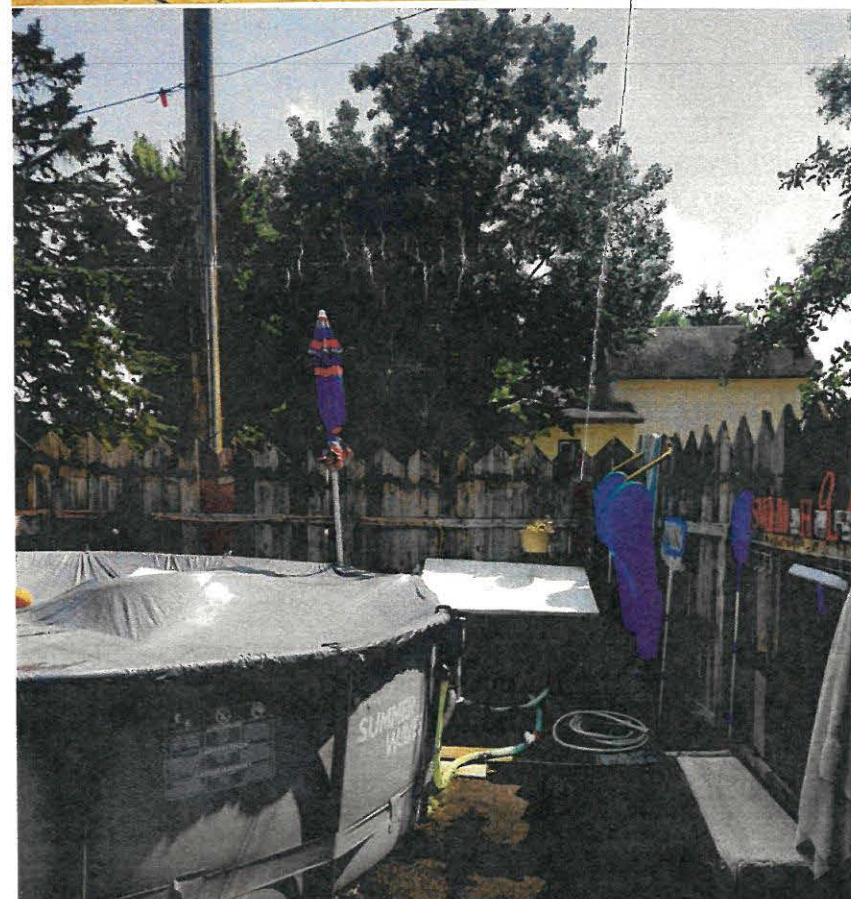
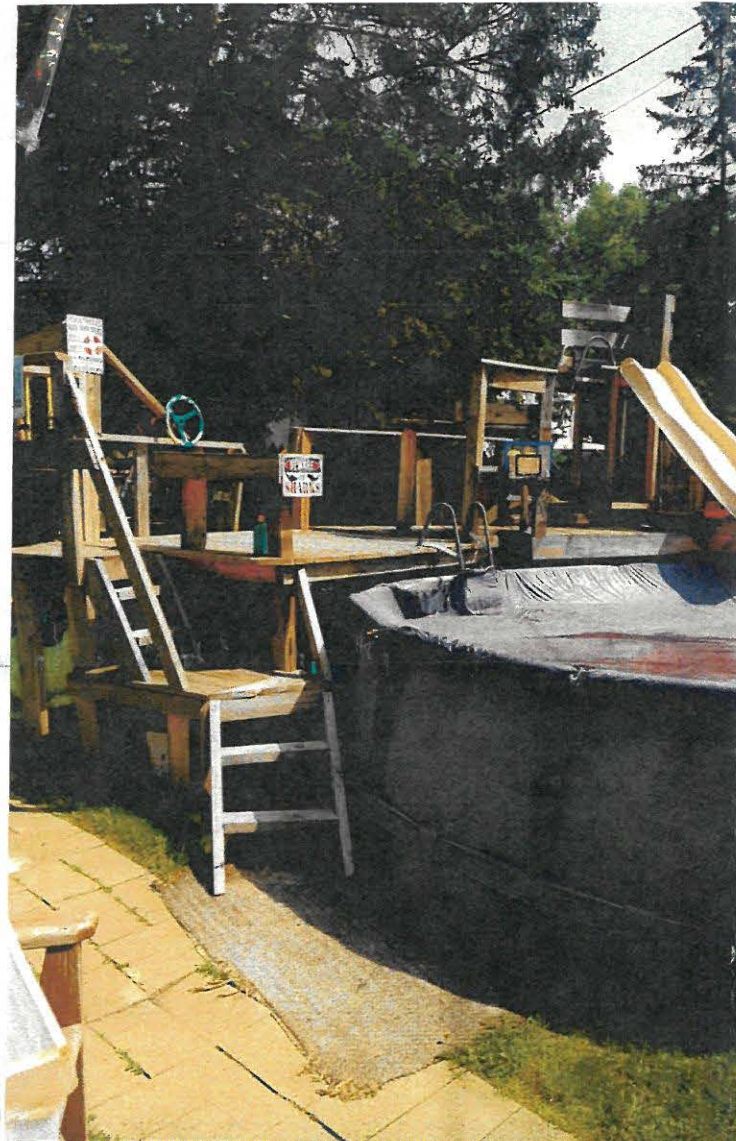
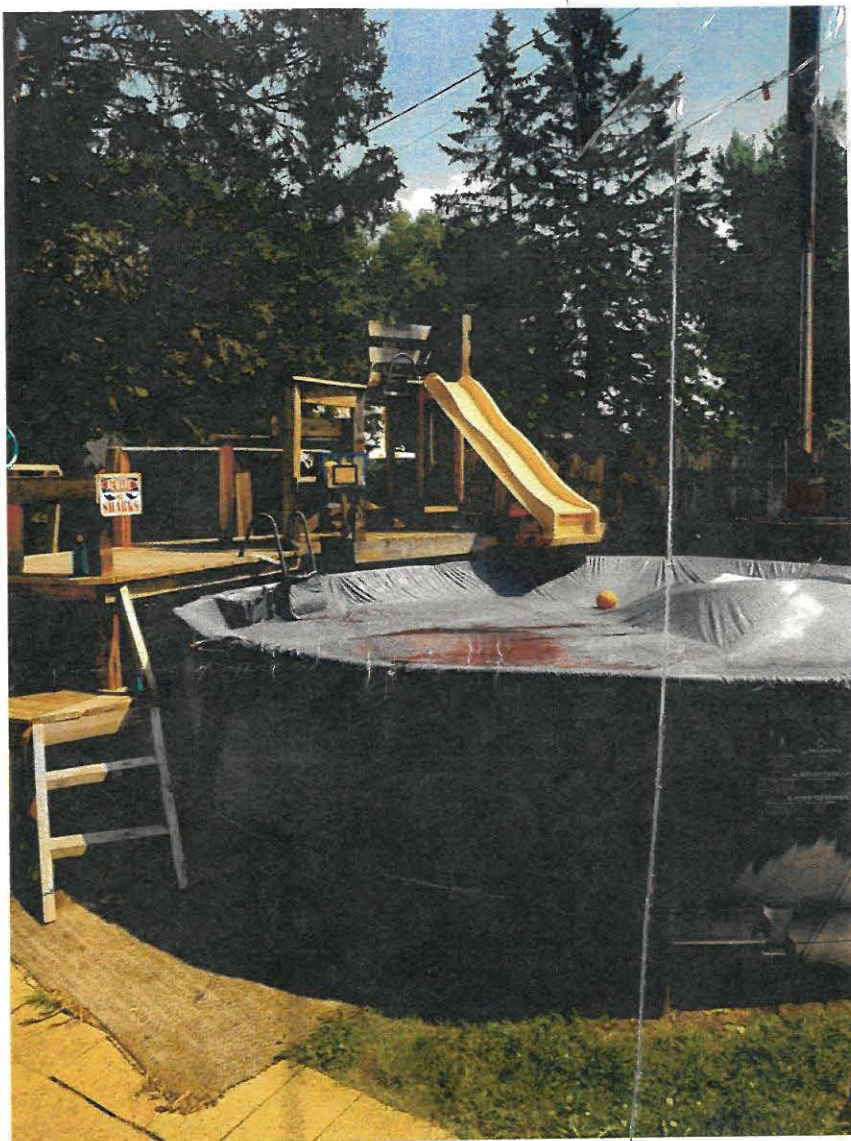
risks faced by residents in our neighborhood before making decisions that could compromise our safety and quality of life. Thank you for your attention to this matter. I look forward to your response and hope for a resolution that respects the rights and concerns of homeowners in Brainerd.

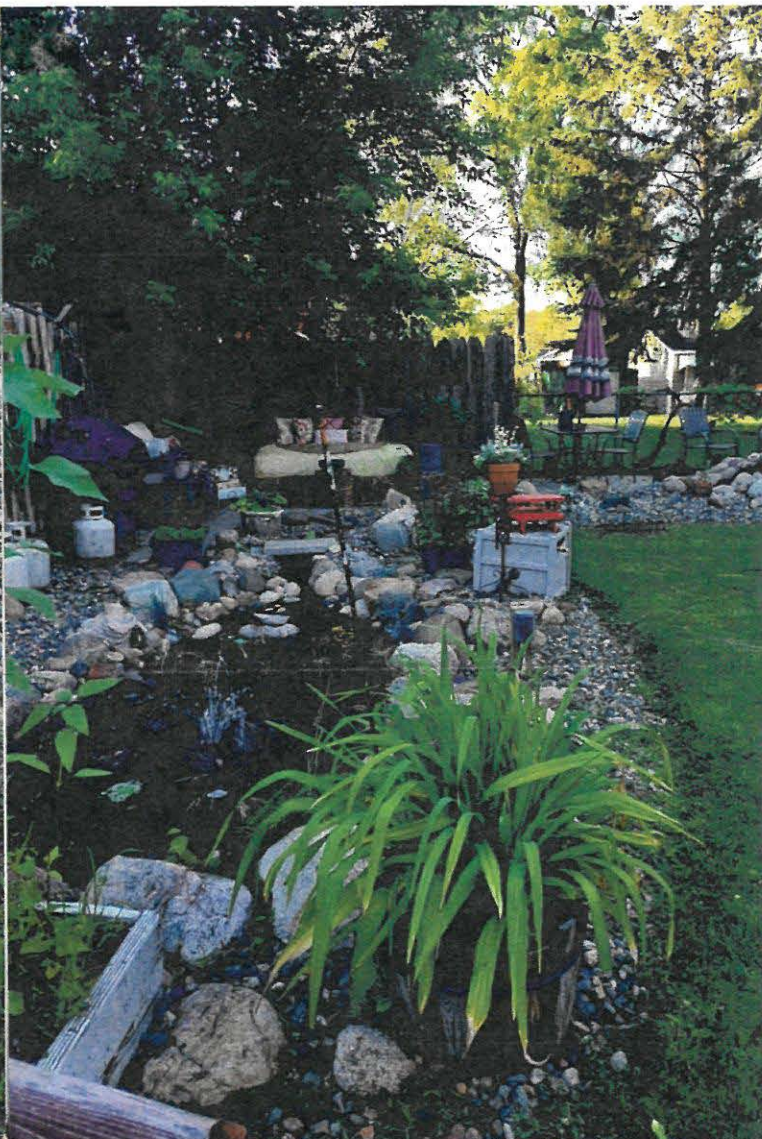
Sincerely,

Anthony Rees

These pics. are to show
exactly why we have
a fence around our
yard / property.

Thank You!







This citation charges you with one or more violations of the
Property Maintenance Code, Ordinance No. 1338

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Administrative Citation

Department of Building Safety – 218-828-2307

EN23-0441

Date of Violation: 06/03/2024

Parcel ID: 41190954

Violator(s): REES, ANTHONY
303 J ST NE
BRainerd, MN 56401

Location/Address of Violation: **303 J ST NE**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
515-4-11 Fence Standards.	Zoning Code Violation	\$300.00

If the owner fails to correct the nuisance within the timeframe stipulated in the first notice, the City of Brainerd shall cause such action to correct such nuisance by means of, but not limited to, cutting grass or collecting garbage or junk. The expense thereof shall be billed to the property owner and shall constitute a lien upon such realty. An Administrative Citation is separate and in no way defrays the expense of correcting the nuisance.

Citation Amount Due: \$300.00

Payment Due By: 30 Days from Date of Violation

Payment may be presented in person or by way of First Class Mail in the form of cash, check or money order, payable to:
City of Brainerd, submitted to the Department of Building Safety, City Hall - 501 Laurel Street; Brainerd, MN 56401.

Re-inspection Date: 06/13/2024

For uncorrected or continued violations, the City may correct the violation and assess the charges for doing so.

An additional citation will be issued if the violation is not corrected by the re-inspection date.

Failure to pay the fine will result in it being assessed against the property as provided in Minnesota Statute 429.

Unpaid fines, including an administrative charge of \$25.00 plus interest of the total balance, will be assessed against the property of the owner charged with the violation.

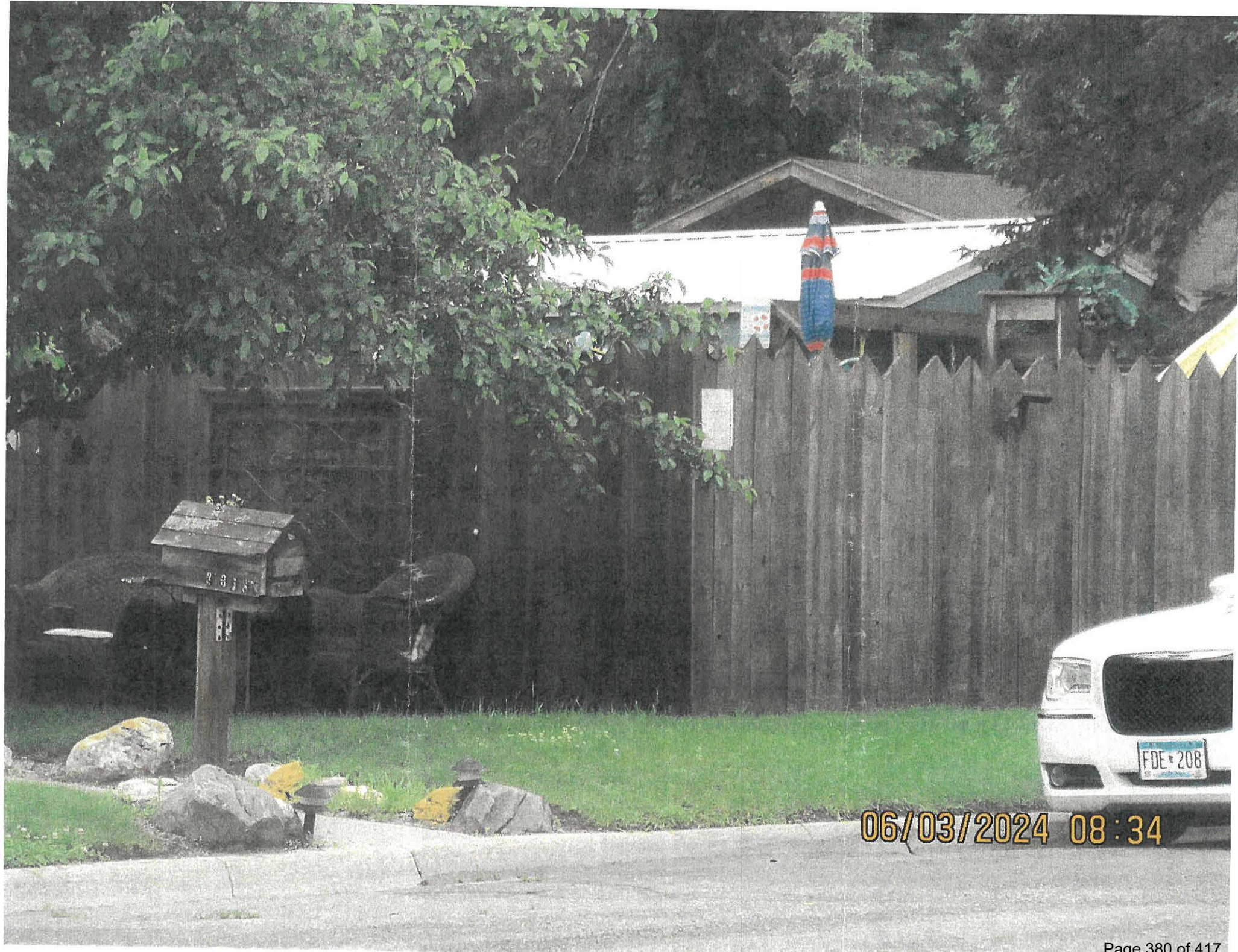
When a citation is issued, you must correct the violation and pay the fine. If you decide to contest the violation, you may request a hearing, responding within 10 days from the date of the citation issuance. The purpose of a hearing is to determine whether or not a violation(s) of the city code existed. If you request a hearing and the citation stands, you will be responsible for the hearing costs and fines as determined by the hearing officer as well as correction of the violation. If the citation is contested and a hearing is scheduled, a notice will be mailed to you with the date/time/location of the hearing. If you cannot attend on the scheduled date or wish to request the Hearing Officer be removed from the case, you must do so no later than 15 days prior to the date of the hearing. A new hearing date will be set and another notification will be sent to the party contesting the citation.

Representative: Jason Stockinger, Building Inspector

Date: 06/03/2024

Representative's Signature:

(served via first class mail)



August 09, 2023

Anthony and Nicole Rees
303 J St.
Brainerd, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Anthony and Nicole Rees,

Despite communication on your behalf to members of the City Council of Brainerd and The Planning Commission, the Community Development Department has received no direction to cease corrective action or amend existing fence codes. Given these developments we are resuming corrective action against the Code violations present at the property listed below with the following violation.

Property Address: 303 J ST NE
Real Estate Code: 41190954

Violation: Zoning Code Violation

515-4-11 Fence Standards.

F.2. Except as prohibited by Section [D] a fence up to six and one half (6.5) feet high may be erected from a line extended from the front facade of the principal building to the side lot lines, and then along the side lot lines and the rear lot line.

To review City Codes on the web, go to www.ci.brainerd.mn.us/153/City-Code.

Action should be taken on or before 09/9/2023

Action in this case will be considered the reduction of the fence along J St's height to four feet in height within one month. For your benefit the citation procedure is included below.

Per the above-mentioned code section and City Code 320 – Administrative Citations, failure to comply with this ordinance will result in citation(s) according to the following schedule:

1st Citation - \$100.00 | 2nd Citation - \$200.00 | 3rd Citation - \$300.00

After the issuance of three (3) citations, the offense shall be brought before the Safety & Public Works Committee for determination of further action to correct the violation. Such actions may include but are not limited to abatement, issuance of further administrative citations in an amount determined by the Committee, or legal action. The determination of the Safety & Public Works Committee shall then be referred as a recommendation to the City Council for final approval.

If you are unable to make the correction please call this office to discuss corrective actions. Office hours are 7:30 to 4:30, Monday through Friday. **Feel free to contact Assistant Planner, Dylan Edwards if you have questions.**

Respectfully,
By Order of:
THE CITY OF BRAINERD



PERMIT REQUIRED

10/12/2022

REES, ANTHONY & NICOLE
303 J ST NE
BRAINERD, MN 56401

RE: **ORDER TO CORRECT**
Subject Property: 303 J ST NE
Parcel Number: 41190954

Project Description: Fencing installed without a permit issued.

Dear Property Owner:

A fencing permit is required for this type of improvement according to Section 19 of the Brainerd Zoning Code. **All work shall be stopped and shall not continue until approval is granted and a permit issued by the Department of Community Development. You are expected to reply within 10 days.**

Brainerd Zoning Code, Section 515-4-11 requires a fencing permit be secured prior to construction of any fence, partition, structure, wall, or gate with the required yard. A double fee is required when a person begins work without a permit (Brainerd City Code Section 1015.07 Subd. 2).

Applications are available at our office at 501 Laurel Street in Brainerd or on our website at www.ci.brainerd.mn.us. Violations may be enforced as administrative offenses pursuant to Chapter 320 of the Brainerd City Code. (Brainerd Zoning Ordinance 515-5-11)

Please call James Kramvik if you have questions or comments. I can be reached during regular business hours at 218-454-3408.

Respectfully,

CITY OF BRAINERD
Department of Community Development

October 27th, 2022



www.ci.brainerd.mn.us

Anthony & Nicole Rees
303 J St NE
Brainerd, MN 56401

You are receiving this letter from the City of Brainerd because corrections must be made to your fence at 303 J St NE. The fence installed on the west side of the property was never permitted in 2021 and corrections have not been made. A six-foot fence cannot extend beyond the front façade of the primary structure. The allowed placement of six-foot fences is indicated with a red line on the provided site plan. Four-foot-high fences are allowed up to the property line, which is indicated by the blue square. The fence on the west side of the property is also placed in the city right of way which must be corrected as all fences must be placed on the property. I have included a blank site plan and a permit application. The City of Brainerd will work with you to correct these issues with a final correction date of **07/01/2023**. Please apply for a fence permit with the proper location and height indicated on the site plan according to the Brainerd Code of Ordinances. The city will not issue any more permits on this property, to the current owner or subsequent owners, until the issue with the fence is resolved.

Please contact the Community Development Department at (218) 828-2309 if you have any questions.

Respectfully,

James L. Kramvik

Community Development Director

Crow Wing County

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--



Scale 1: 300

November 14, 2023

REES, NICHOLE & TONY
303 J ST NE
BRainerd, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

Brainerd residents have consistently expressed that clean, well-maintained residential neighborhoods and commercial districts are a high priority. Maintaining these areas has proven to increase property values, provide a higher standard of living, and promotes community pride. A code violation was observed on the property described below. Understanding that you might not be aware of what the City codes require, I am sending you this courtesy notice to give you an opportunity to correct this matter.

Property Address: 303 J ST NE
Real Estate Code: 41190954

Violation: Zoning Code Violation

515-3-28 Outdoor Storage

2. Outdoor Storage is as regulated by the Appendix A: Table of Uses. Outdoor storage is not permitted in any Residential Zoning District.

To review City Codes on the web, go to www.ci.brainerd.mn.us/153/City-Code.

Action should be taken on or before 11/24/2023

Per the above-mentioned code section and City Code 320 – Administrative Citations, failure to comply with this ordinance will result in citation(s) according to the following schedule:

1st Citation - \$100.00 | 2nd Citation - \$200.00 | 3rd Citation - \$300.00

After the issuance of three (3) citations, the offense shall be brought before the Safety & Public Works Committee for determination of further action to correct the violation. Such actions may include but are not limited to abatement, issuance of further administrative citations in an amount determined by the Committee, or legal action. The determination of the Safety & Public Works Committee shall then be referred as a recommendation to the City Council for final approval.

If you are unable to make the corrections by the date above or believe this violation is in error, please call this office to discuss or make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. **Feel free to contact Assistant Planner, Dylan Edwards at 218-454-3409 if you have questions.**

Respectfully,
By Order of:
THE CITY OF BRAINERD





City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: First Reading Proposed Ordinance 1578 - Lot Standards and Building Design Standards

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

At the June 20th Planning Commission meeting, the Commission directed staff to begin reviewing Section 515-4 General Building Development and Design Standards, District Lot Standards, and consider mixed-use development in the Commercial Corridor District. The new Zoning Code was adopted July 18th of 2022 and since adoption, staff have encountered instances that the new code has worked well and other instances that potentially hindered development. The purpose of this review is to ease the burden of development while creating stronger language to ensure new construction conforms with existing neighborhoods.

Highlights of the proposed ordinance include the following:

- Adjust lot sizes and lot frontage requirements in the CN-1, CN-2, TN-1, TN-2 Zoning Districts
- In the TN-1 and TN-2 Zoning Districts, if the garage is front loaded, it must be inline or setback behind the façade of principal structure.
- In the CN-1 and CN-2 Zoning Districts, if the garage is front loaded, it must extend no further than 2' beyond the façade into the front yard or side yard (corner).
- Increased façade standards for 1–4-unit buildings.
- Single-family homes should only allow standing seam metal roofs and the accessory structures under 200 SQFT may have metal roofs with exposed fasteners.
- Allowing larger accessory structures in the General Industrial Zoning District.
- Allow 85% metal siding on facades in the General Industrial Zoning District.
- Permit duplex dwellings in the Rural Living 2 Zoning District.
- Permit accessory dwelling units on rental properties.
- The conversion of a single-family home into a multi-family home requires a CUP.
- Create more visual interest in multi-family homes.
- Allow mixed-use development in the Commercial Corridor District, similar to the Mainstreet District which prohibits ground floor residential units.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

The Planning Commission first reviewed the proposed ordinance at their August 21st, 2024, meeting. Subsequent meetings involved discussion and direction to staff for amendments to the proposed ordinance. The Planning Commission conducted the public hearing at their regularly scheduled December 18th, 2024, meeting and unanimously recommended approval of the proposed ordinance. No one from the public spoke at the public hearing.

The proposed ordinance allows for mixed-use development in the Commercial Corridor (CC) District which may have an impact on collection of future SAC and WAC charges. The City Council approved the Central Business District Incentive Policy which forgives SAC and WAC in certain areas of Brainerd. The policy includes commercial properties along Washington Street, which reside in the CC District. If approved, a new mixed-use building in the CC District could have a substantial SAC and WAC charge forgiven. Staff are in favor of mixed-use development in the CC District and the incentive policy to forgive SAC and WAC in order to entice development in this area of Brainerd. Staff would like direction from City Council on whether the Public Utilities Commission should review and make a recommendation on the impact of the proposed ordinance.

RECOMMENDED ACTION/MOTION:

Conduct the first reading of Proposed Ordinance 1578 and dispense with the actual reading.

Note: A vote to dispense with the actual reading of the ordinance must be unanimous

OPTIONS

Option 1: Direct Staff to bring Proposed Ordinance 1578 to the January 21st City Council meeting to conduct the second reading and consider the ordinance.

Option 2: Direct Staff to bring Proposed Ordinance 1578 to the Public Utilities Commission meeting on January 28th for a recommendation and to conduct the second reading at the February 3rd City Council meeting.

Option 3: If Proposed Ordinance 1578 is approved, bring it to the attention of the PUC at the January 28th meeting and have them review and make a recommendation on the Central Business District Incentive Policy.

FINANCIAL IMPACT: N/A

**ORDINANCE
NO. 1578**

AN ORDINANCE AMENDING SECTIONS 515-2-4 RURAL LIVING ZONING DISTRICTS, 515-2-6 CONTEMPORARY NEIGHBORHOOD 1, 515-2-7 CONTEMPORARY NEIGHBORHOOD 2, 515-2-8 TRADITIONAL NEIGHBORHOOD 1, 515-2-9 TRADITIONAL NEIGHBORHOOD 2, 515-2-14 COMMERCIAL CORRIDOR, 515-2-16 GENERAL INDUSTRIAL, AND 515-4 GENERAL BUILDING, DEVELOPMENT AND DESIGN STANDARDS OF THE ZONING CODE AND CITY CODE ARTICLE III RENTAL DWELLING LICENSES – SECTION 425.3002.

WHEREAS, a public hearing was held by the Planning Commission as required by the Zoning Code, on December 18, 2024.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Brainerd, Minnesota, as follows:

SECTION ONE: The purpose of this ordinance is to promote higher density dwelling units within the City while emphasizing the physical characteristics of buildings, including their height, setbacks, facade design, and relationship to the street and existing neighborhoods.

SECTION TWO: RL-1 and RL-2 Dimensional Standards – Density, Lot Size, Coverage and Height Standards - Table 515-2-4.1 is hereby amended as indicated, with the following added language underlined and deleted language struck out:

Coverage and Height Standards		
	Principal structure height/accessory (maximum) See Section [515-4-3]	35'
	Accessory structure height (maximum)	Up to 35' but may not exceed height of principal structure

SECTION THREE: Figure 515-2-6.1. CN-1 Density and Lot Dimensional Standards Diagram shall be amended to reflect changes in this Section. CN-1 Dimensional Standards – Density, Lot Size, Coverage and Height Standards - Table 515-2-6.1 is hereby amended as indicated, with the following added language underlined and deleted language struck out:

Lot Dimensions		
A	Lot Size (range) Density (range)	10,000 SF – 21,780 SF (21,780+ SF requires CUP) 3 – 5 DU/AC
C	Lot Frontage on All Roads (range)	75'-70'-90' <u>100' (100'+ requires CUP)</u>
Other Standards		
K	Garage	Must be setback behind façade of principal structure a minimum of 5' <u>If front loaded, must</u>

		<u>extend no further than 2' beyond the façade into the front yard or side yard (corner).</u>
--	--	---

SECTION FOUR: Figure 515-2-7.1. CN-2 Density and Lot Dimensional Standards Diagram shall be amended to reflect changes in this Section. CN-2 Zoning District Dimensional Standards – Density, Lot Size, Coverage and Height Standards - Table 515-2-7.1 is hereby amended as indicated, with the following added language underlined and deleted language struck out:

Lot Dimensions		
A	Lot Size (range) Density (range)	Up to 15,000 SF <u>5,000 SF – 15,000 SF (15,000+ SF requires CUP)</u> 4 – 12 DU/AC
C	Lot Frontage on All Roads (range)	65' – 80' maximum <u>50' – 80' (80'+ requires CUP)</u>
Principal Building & Attached Accessory Building Standards		
E	Side Yard Setback (minimum)	10'–5' /20' corner
Other Standards		
K	Garage	Must be setback behind façade of principal structure a minimum of 5' <u>If front loaded, must extend no further than 2' beyond the façade into the front yard or side yard (corner).</u>

SECTION FIVE: Figure 515-2-8.1. TN-1 Density and Lot Dimensional Standards Diagram shall be amended to reflect changes in this Section. TN-1 Dimensional Standards – Density, Lot Size, Coverage and Height Standards - Table 515-2-8.1 is hereby amended as indicated, with the following added language underlined and deleted language struck out:

Lot Dimensions		
A	Lot Size (range) Density (range)	5,000– 7,500 <u>11,250 SF (11,250+ SF requires CUP)</u> 4 – 9 DU/AC
C	Lot Frontage on All Roads (range)	50'– 60 <u>75' (75'+ requires CUP)</u>
Other Standards		
K	Garage	If front loaded, must be <u>in line or</u> setback behind façade of principal structure. a minimum of 5'

SECTION SIX: Figure 515-2-9.1. TN-2 Density and Lot Dimensional Standards Diagram shall be amended to reflect changes in this Section. TN-2 Dimensional Standards – Density, Lot Size, Coverage and Height Standards - Table 515-2-9.1 is hereby amended as indicated, with the following added language underlined and deleted language struck out:

Lot Dimensions		
A	Lot Size (minimum) Density (range)	4,000 – 25,000 <u>SF (25,000+ SF requires CUP)</u> 9 – 20 DU/AC (20+ DU/AC requires CUP)

C	Lot Frontage on All Roads (minimum)	45'
Other Standards		
K	Garage	If front loaded, must be <u>in line or</u> setback behind façade of principal structure, a minimum of 5'

SECTION SEVEN: CC Zoning District Dimensional Standards – Density, Lot Size, Coverage and Height Standards - Table 515-2-14.1 is hereby amended as indicated, with the following deleted language struck out:

Coverage , Glazing, and Height Standards		
	Principal Façade Glazing, Avenue (minimum)	65%
	Secondary Façade Glazing, Washington (minimum)	50%

SECTION EIGHT: General Industrial Dimensional Standards – Density, Lot Size, Coverage and Height Standards – Table 515-2-16.1 is hereby amended as indicated, with the following added language underlined and deleted language struck out:

Accessory Building Standards	
Size (maximum)	Not to exceed 30 <u>100</u> % of gross floor area

SECTION NINE: Building Design Standards – Section 515-4-2.A Single-Family Detached Residential Structure Standards is hereby amended as indicated, with the following added language underlined and deleted language struck out:

A. Single-Family Detached Residential Structure Standards.

1. All single-family detached dwellings in the Rural Living, Garden Living, Contemporary Neighborhood and Traditional Neighborhood Base Zoning Districts shall meet the following design criteria:

~~c. Building orientation on lots shall match the predominant orientation of other buildings along the block front. Building primary entrance shall be orientated towards a public street.~~

g. Front façade shall incorporate two design elements for one story structures and three design elements for two story structures. The following design elements may be used in any combination to satisfy the requirements:

- i. porch (enclosed or non-enclosed)
- ii. covered entry
- iii. window shutters
- iv. alternative siding or color patterns

v. brick/ stone

vi. other design elements may be approved by the Zoning Administrator such as a chimney, roof design and angles, window patterns, dormers, corbels, etc...

h. Metal roofs are allowed provided they are constructed with standing seams and concealed fasteners.

SECTION TEN: Building Design Standards – Section 515-4-2.B Attached Single-Family Residential Structures is hereby amended as indicated, with the following added language underlined and deleted language struck out:

B. Attached Single-Family Residential Structures (duplex, triplex, fourplex).

2. Attached single-family dwelling units shall have a minimum finished habitable floor area of ~~five~~-hundred (~~500~~400) square feet.

4. Any conversion of an existing single-family detached residential structure into a duplex, triplex or fourplex shall meet the lot and dimensional requirements of the Base Zoning District for the total number of units. Such conversion shall also comply with the following standards:

a. All conversions shall require a conditional use permit and comply with all standards of the Base Zoning District. ~~be subject to a Sketch Plan review, which shall be reviewed and approved by the Zoning Administrator. If the proposed conversion does not comply with any standards of the Base Zoning District the conversion shall be denied.~~

5. ~~Building Materials.~~ Attached single-family dwelling units shall be designed to create visual interest through a variety of materials, colors, textures, installation direction or other characteristics ~~that create articulation either between units or floors.~~ The exterior of the principal structure must be finished with materials that are typical of single-family construction. All edges, fasteners, and other structural elements must be finished and/or covered.

a. Building common entrance or unit entrances shall be orientated towards a public street.

b. Front façade shall incorporate two design elements for one story structures and three design elements for two story structures. The following design elements may be used in any combination to satisfy the requirements:

i. porch (enclosed or non-enclosed)

ii. covered entry

iii. window shutters

iv. alternative siding or color patterns

v. brick/ stone

vi. other design elements may be approved by the Zoning Administrator such as a chimney, roof design and angles, window patterns, dormers, corbels, etc...

SECTION ELEVEN: Building Design Standards – Section 515-4-2.C Multi-family attached dwelling units is hereby amended as indicated, with the following added language underlined:

- C. Multi-family attached dwelling units (5 dwelling units or more): All multi-family buildings constructed within the City shall conform to the following:

2. Exterior Building Materials. Multi-family dwelling units shall be designed to create visual interest through a variety of materials, colors, textures, installation direction, structural elements such as balconies, porches, and wall patterns, or other characteristics that create articulation either between units or floors.

SECTION TWELVE: Building Design Standards – Section 515-4-2.D Commercial Use Design Construction Standards is hereby amended as indicated, with the following added language underlined:

- D. Commercial Use Design Construction Standards. All buildings constructed within TN-2, TN-3, CC, TC, ME, PSP, and GC Zoning Districts shall conform to the following:

4. Exterior Building Materials – For all business and commercial districts.

a. New buildings constructed in the CC, TN-2, TN-3, ME, GC, PSP, and TC Zoning Districts should be consistent with the character of surrounding structures. Typical and permitted materials include: brick, dimensioned stone, or their replicas, rock face block, decorative concrete panels, stone, stucco, wood, glass, or Exterior Finish Installation (EFIS). Material such as metal panels, window trim, flashing, accent features and the like that make up the exterior of a building shall not exceed twenty-five (25) percent unless allowed upon approval of a Conditional Use Permit.

i. Metal siding with exposed fasteners shall be prohibited.

6. Principal Façade Glazing. The following standards shall apply in the MS, TC, and CC Zoning District

a. A minimum of 75 percent of the front facade between two and eight feet above the sidewalk must be comprised of transparent, non-reflective windows into the commercial space. A minimum of 25 percent of the windows shall have views directly into and out of the ground floor occupied space.

SECTION THIRTEEN: Building Design Standards – Section 515-4-2.E Industrial Use Design Construction Standards is hereby amended as indicated, with the following added language underlined and deleted language struck out:

- E. Industrial Use Design Construction Standards. All buildings constructed within the General Industrial Zoning Districts shall conform to the following:

2. Exterior Building Materials.

a. New buildings constructed in the GI Zoning District should be constructed using durable and lasting materials. Permitted typical materials include: brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood,

glass, EFIS, or metal panels. Metal panels shall not encompass more than an average of ~~fifty-eighty-five~~ (5085) percent of street side building elevations combined.

b. Any structure in the Industrial District ~~within three hundred (300) feet of adjacent to~~ Business T.H. 371, T.H. 210, T.H. 25, T.H. 18, Oak Street, or County Road 3 shall comply with the Commercial Exterior Building Material Standards established in the preceding Subsection [D].

SECTION FOURTEEN: Accessory Buildings, Uses and Equipment – Section 515-4-6.C Design Standards is hereby amended as indicated, with the following added language underlined and deleted language struck out:

Design Standards. No plastic, canvas or vinyl tarps shall be used in the construction of any accessory buildings. All buildings over 200 square feet shall designed to be compatible with the Principal Structure. ~~Metal roofs are allowed provided they are constructed with standing seams and concealed or exposed fasteners.~~ All buildings that are 200 square feet or less may include a variety of building materials, may be metal sided, may be metal roofed, but shall have a pitched roof.

SECTION FIFTEEN: Accessory Buildings, Uses and Equipment – Section 515-4-6.E Industrial Accessory Building Use is hereby amended as indicated, with the following added language underlined and deleted language struck out:

E. Industrial Accessory Building Use.

1. Industrial accessory buildings shall not exceed ~~thirty-one hundred~~ (30100) percent of the gross floor space of the principal building and shall comply with the standards established in the Base Zoning District

SECTION SIXTEEN: Appendix A: Table of Uses.– Section 515-3 Allowed Uses is hereby amended as indicated, with the following added language underlined:

Zoning District	Section Reference	RL-1	RL-2	CC
Residential Uses				
<u>Single Family Attached Dwelling Unit (2 Units)</u>	<u>515-4-2</u>		<u>P</u>	
Mixed-Use Building, including residential uses not on main floor				<u>C</u>

SECTION SEVENTEEN: City Code Article III Rental Dwelling Licenses – Section 425.3002.e Applicability and Exceptions hereby amended as indicated, with the following added language underlined and deleted language struck out:

425.3002 Applicability and Exceptions

(e) Accessory Dwelling Units permitted by the Zoning Administrator shall only be licensed as rental dwellings if ~~the primary structure is owner occupied~~ and the accessory dwelling unit complies with all other conditions of this ordinance and those set forth in Sections 400 and 515 of the City Code.

SECTION EIGHTEEN: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this _____ day of _____, 2025

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2025

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

Published: One Time – _____

NOTICE OF HEARING

Notice is hereby given that the City of Brainerd Planning Commission will be conducting a public hearing to consider a proposed ordinance amending Section 515-4-2 (Building Design Standards) of the Brainerd Zoning Code relating to building orientation, façade standards, single-family home conversion, industrial accessory structure size, and roofing standards. In addition, the proposed ordinance will allow rental properties to construct accessory dwelling units, allow mixed-use development in the Commercial Corridor District, permit duplexes in the Rural Living 2 District, and amend the Dimensional Standards of the Rural Living 1&2, Contemporary Neighborhood 1&2, Traditional Neighborhood 1&2, Commercial Corridor, and General Industrial Zoning Districts. A full copy of the proposed ordinance is available at City Hall in the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, December 18th, 2024 in the Brainerd City Hall Council Chambers, 501 Laurel Street.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 3rd day of December, 2024



James Kramvik
Community Development Director

Publication Date: December 7th, 2024



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Discuss Future of City Hall Annex Building

AGENDA: Main

ACTION REQUESTED: Direction Requested

SUBMITTED BY: Nick Broyles, City Administrator

DEPARTMENT: Administration

PRESENTER: Nick Broyles, City Administrator

ESTIMATED TIME (MIN): 10 min

SUMMARY OF ISSUE:

Region 5 previously considered a long-term lease agreement in 2022 to include improvements to the building. However, with increased construction costs, and the distribution of funds from the DEED Main Street Grant, Region 5 decided not to pursue a tenant build-out of the Annex. No one is currently occupying the Annex. Regarding maintenance of the building, a new roof was installed in 2020, but the Annex is in considerable need of HVAC updates and repairs, new or refurbished windows, elevator repair, and various cosmetic updates. City Council did allocate \$160,000 in the capital plan that has been rolling over in the budget.

At their 4 Apr 24 meeting, the EDA recommended approval to enter into a brokerage agreement with Kamp for sale or lease of the Annex. At the 6 May 24 meeting, the City Council unanimously authorized the EDA to enter into a brokerage agreement with Kamp Real Estate and Development for the sale or lease of the Annex. Staff is receiving renewed interest from potential buyers and would like to get a sense from the Council of their vision for the future of the building.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Staff anticipates future growth for Brainerd and additional office space may be limited. Furthermore, if City Council continues with efforts to integrate functional areas within the city, there may be significant benefit to retaining the Annex. Making necessary repairs to an existing building that we already own would be significantly more cost effective than new construction. If Council desires to sell the Annex, staff will work with potential buyers and present to Council when appropriate. However, if Council desires to retain the Annex for future office space, staff recommends making the necessary repairs soonest as the building will deteriorate more quickly without HVAC repairs, environmental controls and stabilization.

RECOMMENDED ACTION/MOTION:

Staff requests direction from Council regarding the future use of the Annex and your interest is selling or retaining. Staff recommends the following options.

1. Work with Kamp Real Estate and Development to aggressively pursue selling the Annex.

2. Retain ownership of the Annex and direct staff to provide cost estimates and timelines for needed improvements.

FINANCIAL IMPACT: TBD



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Adopt Resolution Calling a Public Hearing on a Property Tax Abatement for Certain Property in the City of Brainerd

AGENDA: Main

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

The developer initially applied for tax abatement assistance in January 2022 with a revised request submitted in fall/winter of 2023. The request in 2023 had been recommended by the EDA and granted by the City Council as 45% of the City share of taxes related to the project. The developer's most recent request for assistance is for 65% of the City's share of annual tax abatement revenues for \$1,200,000 for up to 20 years. Should the City choose to grant the updated request, it may also consider more of a blended structure of tax abatement assistance, providing a higher percentage in the earlier years and lesser percentage in later years with total assistance remaining the same as if equally granted over up to 20 years.

Before the City may grant the Abatement under the Abatement Act, the City must conduct a duly noticed public hearing. Attached is a resolution to authorize and direct staff to publish a notice in a newspaper of general circulation in the City setting a public hearing before the City Council on Monday, February 3rd, 2025, at or after 7:30 p.m. at City Hall on the Abatement.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

The EDA considered this request at their December 5th meeting and recommended approval of the updated request with 100% tax abatement for the first three years after the facility opens. Country Manor stated that their most financially vulnerable time is within the first few years of operation, as they are hiring staff and filling apartment units. The tax abatement as recommended by the EDA would average 65% providing a higher percentage in the earlier years and lesser percentage in later years with total assistance remaining the same as if equally granted over up to 20 years.

A new memo will be prepared for the February 3rd City Council meeting that will reflect a blended tax structure, updated estimated taxable value from the County, and the City's payable 2025 tax capacity rate.

RECOMMENDED ACTION/MOTION:

Approve attached resolution authorizing and directing staff to publish a notice setting a public hearing before the City Council on Monday, February 3rd, 2025, at or after 7:30 p.m. at City Hall on the Abatement.

FINANCIAL IMPACT: See Memo

CITY OF BRAINERD, MINNESOTA

RESOLUTION NO. _____

**RESOLUTION CALLING A PUBLIC HEARING ON A
PROPERTY TAX ABATEMENT FOR CERTAIN PROPERTY IN
THE CITY OF BRAINERD, MINNESOTA**

WHEREAS, The Foundation For Health Care Continuums, a Tennessee nonprofit corporation, or an affiliate thereof or entity related thereto (the “Developer”), owns certain property (the “Property”) located in the City of Brainerd, Minnesota (the “City”) and proposes to construct and equip thereon a mixed-use development consisting of an approximately 106-unit senior living campus and attached daycare facility (the “Project”); and

WHEREAS, the City is considering granting a property tax abatement of all or a portion of the City’s share of property taxes generated by improvements on the Property in a maximum amount of \$1,200,000 for up to 20 years in order to facilitate the Project (the “Abatement”), all pursuant to Minnesota Statutes, Sections 469.1812 through 469.1815, as amended (the “Abatement Act”); and

WHEREAS, before the City may grant the Abatement under the Abatement Act, the City must conduct a duly noticed public hearing thereon; and

NOW, THEREFORE, BE IT RESOLVED by the City Council (the “City Council”) of the City of Brainerd, Minnesota that:

1. The City Administrator is authorized and directed to publish a notice in a newspaper of general circulation in the City setting a public hearing before the City Council on Monday, February 3rd, 2025, at or after 7:30 p.m. at City Hall on the Abatement. The notice, attached as EXHIBIT A, shall be published in the newspaper at least once more than ten (10) but not more than thirty (30) days prior to the public hearing, and shall be in substantially the form attached hereto.

2. The City Administrator is authorized and directed to take all other actions necessary to bring the Abatement before the City Council at the time of the public hearing.

This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this _____ day of _____, 2025

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2025

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

Published: One Time – _____

EXHIBIT A

NOTICE OF PUBLIC HEARING

TAX ABATEMENT CITY OF BRAINERD, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council (the “City Council”) of the City of Brainerd, Minnesota (the “City”) will meet at or after 7:30 p.m. on Monday, February 3rd, 2025, in the City Council Chambers of City Hall, located at 501 Laurel Street in the City, to conduct a public hearing to consider granting a property tax abatement under Minnesota Statutes, Sections 469.1812 through 469.1815, as amended (the “Abatement Act”), for all or a portion of the City’s share of property taxes for certain property located in the City (the “Property”) to be developed by The Foundation For Health Care Continuums, a Tennessee nonprofit corporation, or an affiliate thereof or entity related thereto (the “Developer”). The Developer owns the Property and proposes to construct and equip thereon a mixed-use development consisting of an approximately 106-unit senior living campus and attached daycare facility (the “Project”).

The Property consists of an approximately 54-acre site in the City, including the land described as property identification numbers 41330800, 41330803, and 41330799. Following the public hearing, the City Council will consider a resolution granting an abatement of all or a portion of the City’s share of property taxes on the Property for a maximum amount of \$1,200,000 and a period of up to twenty (20) years.

At the time and place fixed for the public hearing, the City Council will give all persons who appear at the hearing an opportunity to express their views with respect to the Project and the proposed abatements. In addition, interested persons may direct any questions or file written comments regarding the Project and the proposed abatements with the City Administrator at or prior to said public hearing.

Dated: January 11, 2025

BY ORDER OF THE CITY COUNCIL OF THE
CITY OF BRAINERD, MINNESOTA

/s/ Nick Broyles
City Administrator
City of Brainerd, Minnesota

Memo

To: Connie Hillman, James Kramvik, City of Brainerd

From: Mikaela Huot, Director, BTMA

Date: December 5, 2024

Subject: Updated Revenue Projections for Country Manor Tax Abatement Project and Request for Public Assistance for EDA review

Executive Summary

The City of Brainerd (the “City”) received an application for financial assistance through tax abatement from Foundation for Health Care Continuums (the “developer”) related to the proposed construction of a 112-unit senior living campus with attached childcare facility. The total development cost for the project is approximately \$49,335,000 and the estimated taxable value is approximately \$21,928,000. The developer has applied for tax abatement assistance to offset a portion of the extraordinary costs associated with construction of the project. The developer’s most recent request for assistance is for 65% of the City’s share of annual tax abatement revenues for \$1,200,000 for up to 20 years. Using the taxable value of \$21,928,000 and the City’s payable 2024 tax capacity rate of 54.183%, the estimated annual city share of tax abatement would be \$97,395. Based on these assumptions, the projected maximum term of the tax abatement assistance would 12 years.

The developer initially applied for tax abatement assistance in January 2022 with a revised request submitted in fall/winter of 2023. The request in 2023 had been recommended by the EDA and granted by the City Council as 45% of the City share of taxes related to the project. The updated request is for 65% of the City share of taxes over up to 20 years. Should the City choose to grant the updated request, it may also consider more of a blended structure of tax abatement assistance, providing a higher percentage in the earlier years and lesser percentage in later years with total assistance remaining the same as if equally granted over up to 20 years.

Tax abatement is a financing tool the City may consider utilizing to provide cash flow assistance and close a funding gap for a project. All or a portion of the incremental taxes generated from the new development may be rebated back to the developer. Actual tax abatement amounts are subject to 1) generation of taxes by each participating entity and 2) approval by respective Board/Council. Terms of tax abatement assistance based on individual Board/Council approvals are included within a tax abatement agreement and provide for maximum number of years and abatement amounts. Each taxing entity chooses to participate on its own following a public hearing that is noticed more than ten days prior to the public hearing.

Prior to granting a tax abatement, a finding is made to determine that the benefits gained equal or exceed the cost and that the granting of a tax abatement is in the public interest. There is not a statutorily required ‘but-for test; however, many communities consider incorporating a determination that the project as proposed would not proceed without public assistance (meeting the “but-for” test) as well as consideration of increased market value of the property to be developed. When reviewing requests for financial assistance it is important to understand how the level of financial assistance would impact the ability of the project to proceed as proposed and maximize new value created on the current project site.

The City has asked that we prepare updated tax abatement revenue projections based on the developer's revised request for assistance and updated timeline for development. Following EDA review and possible recommendation, the anticipated structure of the tax abatement assistance is anticipated to be based on similar terms. The purpose of this memo is to provide a summary of the updated projected tax abatement revenues generated by the City based on the materials submitted in the application with an outline of the assumptions used to prepare the estimates provided below.

Tax Abatement Analysis

The following assumptions were used to estimate the projected tax abatement revenues (City share only):

- Total project area (3 parcels)
 - Parcel ID: 41330745
 - Parcel ID: 41330755
 - Parcel ID: 41330744
- Total estimated base value and original net tax capacity (assess 2024/pay 2025)
 - \$252,000 base value
 - \$3,174 original net tax capacity
- Estimated total taxable value and net tax capacity upon completion
 - \$21,079,400 residential rental
 - \$848,600 commercial-industrial (Daycare)
 - \$21,928,000 total taxable value
 - \$279,715 estimated total net tax capacity
- Maximum term of tax abatement
 - Up to 20 years with one or two participating taxing entities
 - Up to 15 years with all three taxing entities
- Anticipated term of tax abatement based on initial review
 - ***Up to 20 years with 65% pledged***
 - ***Original request/recommendation was 45%***
- Construction commences in 2025 and completed in 2026
 - 100% assessed in January of 2027 for taxes payable in 2028
- Tax rates, class rates and future market values remain constant
 - Tax rates
 - City share: 54.183%
 - Class rates
 - 1.25% residential rental senior units
 - 1.5% first \$150,000 value and 2% value above \$150,000 for commercial-industrial (daycare)
 - 0% annual market value inflator

Tax Abatement Revenue Estimates

Tax Abatement Revenue Projections	
Total Estimated Taxable Value	\$21,928,000
Total Estimated Annual Abatement City Share (year 1)	\$97,395
Estimated Total Net Revenues over 20 years @ 65%	\$1,947,900
Developer Request for Assistance	\$1,200,000
Projected 'Surplus' Abatement Revenues – resulting in reduced number of years of assistance	\$747,900
Estimated Total Number of Years	12 Years

The developer has requested financial assistance that equates to 65% of annual City share tax abatement over 20 years. This is also assuming no participation from the School District or County. We are unsure if the applicant intends to request participation from the School District and County, which, subject to participation, may result in a reduction in the annual and/or total projected abatement amounts for the City.

There is a statutory limit on the total amount of property taxes that may be abated by a political subdivision. The City's annual property tax abatement may not exceed (1) ten percent of the net tax capacity of the political subdivision for the taxes payable year to which the abatement applies, or (2) \$200,000, whichever is greater. We estimate the total City share of tax abatement from this project to be approximately \$97,395 (assuming 65%). We recommend consideration for both existing abatements and potential future abatements as it relates to the City's maximum participation level on an ongoing basis. The abatement under consideration would account for approximately 8.7% of the total capacity. The City's 2023 adjusted taxable net tax capacity is \$11,083,664 allowing for the City's total tax abatement capacity of approximately \$1,108,366.

Thank you for the opportunity to be of assistance to the City of Brainerd. Please contact me at 651-223-3036 or mikaela.huot@bakertilly.com with any questions or to discuss.

Projected Tax Abatement Report

City of Brainerd, Minnesota

Proposed Tax Abatement Assistance

Country Manor Abatement

Draft Abatement Revenues: \$21.9M new taxable value

Annual Period Ending	Total Market Value ⁽¹⁾	Total Net Tax Capacity ⁽²⁾	Less: Non- Abated Net Tax Capacity ⁽³⁾	Retained Captured Net Tax Capacity	Times: Tax Capacity Rate ⁽⁴⁾	Estimated Annual Property Taxes	Maximum Tax Abatement City * 54.18%	Maximum Tax Abatement County *	Maximum Tax Abatement School *	Estimated Project Abatement
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
12/31/26										
12/31/27	0	0	0	0	54.183%	0	0	0	0	0
12/31/28	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/29	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/30	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/31	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/32	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/33	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/34	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/35	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/36	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/37	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/38	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/39	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/40	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/41	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/42	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/43	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/44	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/45	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/46	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
12/31/47	21,928,000	279,715	3,174	276,540	54.183%	149,838	65%	97,395	0%	0
						\$2,996,760	\$1,947,891	\$0	\$0	\$1,947,891
							\$1,200,000	Maximum Tax Abatement		
							747,891	Surplus Tax Abatement		
							12	Estimated Number of Years		

⁽¹⁾ Total estimated market value based on preliminary value estimate following review by County Assessor
very preliminary and subject to further review. Includes 0% annual market value inflator

⁽²⁾ Total net tax capacity based on residential rental class rate of 1.25% and commercial-industrial class rate of 1.5% first \$150,000 value and 2% value above \$150,000

⁽³⁾ Original net tax capacity based on existing land value

⁽⁴⁾ Local tax capacity rate for the City of Brainerd for taxes payable 2024



City Council Agenda Request

MEETING DATE: January 6, 2025

TITLE OF ITEM: Informational - City Issuing Conduit Debt

AGENDA: Main

ACTION REQUESTED: Information Only

SUBMITTED BY: Connie Hillman, Finance Director

DEPARTMENT: Finance

PRESENTER: Connie Hillman, Finance Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE: The City has been requested to issue conduit debt for the Country Manor project. Issuing conduit debt is something that the City has not done in a number of years. Attached is a memo from the City's Bond Counsel explaining the request, the legal background on how the City is able to issue conduit debt for the project, as well as the impact to the City.

The current schedule is for the City to call for a public hearing at the February 3, 2025 council meeting to be held at the March 3, 2025. The March 3rd council meeting is when the Council could pass the resolution to issue the debt.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: As noted in the memo, if the City were to issue the conduit debt, there is no obligation for the City to pay the debt, there is no impact on the City's credit rating, and the conduit debt does not go towards the City's debt limit.

The debt however does count towards the City's annual \$10 million limit to issue bank-qualified bonds (BQ bonds). This could result in the City paying a higher interest rate if the City issues bonds in 2025. However, as noted in the memo under number 5, it is not uncommon for a city and the conduit debt borrower to enter into an agreement, where the conduit debt borrower compensates the City for an increased interest rate.

All expenditures that the City incurs with issuing the conduit debt will be paid for by the borrower. In addition, the City can charge an administrative fee. As mentioned in the memo it can be a flat fee for the transaction or a percentage of the par amount of the bonds, which is commonly between .125% and 1.00%. However, in the City's debt policy (attached) it states it is the City's practice is to charge fees that range from .25% to 2.00% of the bond offering to cover the City's cost. With the \$50 million conduit debt issue, the City's fee would range between \$125,000 and \$1,000,000. Based on additional discussion with bond counsel, the highest fee the City could charge is 1.5%. Even a 1.5% fee could result in the tax-exempt bonds becoming taxable. Staff will work with bond counsel and will bring a proposal of an administrative fee at the next council meeting.

RECOMMENDED ACTION/MOTION: This item is informational, but overall discussion of the issuance of conduit debt should be held. If the City is completely opposed, County Manor needs to know to find an alternative municipality to serve as the issuer.

FINANCIAL IMPACT:



150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300 telephone
(612) 337-9310 fax
www.kennedy-graven.com
Affirmative Action, Equal Opportunity Employer

MEMORANDUM

TO: Connie Hillman, Finance Director
City of Brainerd, Minnesota

FROM: Sofia Lykke, Bond Counsel for the City

DATE: December 5, 2024

RE: Conduit Revenue Bonds for Country Manor Campus Brainerd, LLC

Introduction

Country Manor Campus Brainerd, LLC, a Minnesota limited liability company (the “Borrower”), the sole member of which is The Foundation for Healthcare Continuums, a Minnesota nonprofit corporation (the “Foundation”), has requested that the City of Brainerd, Minnesota (the “City”) issue conduit revenue bonds in an amount not to exceed \$50,000,000 (the “Bonds”) to finance the acquisition, construction and equipping of an independent living, assisted living, and memory care facility, as well as a day care in the City (the “Project”). This memorandum is intended to provide background information on conduit revenue bonds.

Legal Background

Tax-exempt municipal bonds fall into two general categories: “governmental purpose bonds,” issued to finance general governmental projects, including for example public buildings and infrastructure; and “private activity bonds,” issued to finance facilities owned and operated by certain kinds of private entities. The term “private activity bonds,” also often called “conduit bonds” or “conduit revenue bonds,” involves the issuer municipality acting as the conduit for financing by the conduit borrower.

Under the Internal Revenue Code of 1986, as amended (the “Tax Code” or “Code”), Congress has determined that certain kinds of activities should be promoted, and to that end, permits certain private borrowers to obtain tax-exempt financing for certain types of projects, resulting in lower interest costs for such borrowers. These private entities cannot issue their own debt to finance their projects; rather, such debt must be issued by municipalities. Conduit bonds allow a municipality to achieve a public purpose. In this case, by assisting in the financing for construction of an independent living, assisted living, and memory care facility and daycare.

The Bonds are proposed to be issued as qualified 501(c)(3) bonds within the meaning of Section 145 of the Tax Code.¹ In order to issue qualified 501(c)(3) bonds, the facilities to be financed must be owned for federal tax purposes by a 501(c)(3) organization (or a disregarded entity whose sole member is a 501(c)(3) organization) or a governmental unit and used for the exempt purposes of the 501(c)(3) organization. A limited liability company whose sole member is a 501(c)(3) organization and that has not elected to be taxed as a separate entity for federal tax purposes is considered a disregarded entity for federal tax purposes.

Based on the information I have been provided to date, this is the situation presented: the Borrower is a limited liability company and a disregarded entity whose sole member (the Foundation) is a 501(c)(3) organization, and the Project is proposed to be used for the Foundation's exempt purpose of acquiring, owning and operating healthcare and housing facilities.

Impact on City

1. ***Process.*** If the City decides to move forward with issuing the Bonds, the City would be required to publish a notice of public hearing and thereafter hold a public hearing under Minnesota law and the Tax Code. After the public hearing, the City Council would adopt a resolution authorizing the issuance of the Bonds and the execution of related documents. Prior to closing, bond counsel would send a package of all documents and closing certificates to which the City is a party for the City to sign. During the course of the transaction, the Bonds would be marketed and sold to a bond purchaser pursuant to an indenture of trust and bond purchase agreement (if publicly offered) or sold to a bank in accordance with negotiated terms between such bank and the conduit borrower (if privately placed). At closing, the City would issue the Bonds and loan the proceeds of the sale of the Bonds to the Borrower in accordance with a loan agreement (the "Loan Agreement"), pursuant to which the Borrower would be required to repay principal and interest on the Bonds. The Loan Agreement is assigned to a trustee (if the Bonds are publicly offered) or a bank (if the Bonds are privately placed) as the holder of the Bonds and all disbursements and bond payments are handled by the trustee or such bank, and the City has little or no further involvement after closing.
2. ***No obligation to make payments.*** The key feature of private activity bonds is that they are revenue bonds, payable solely from the private borrower's loan payments made in accordance with the Loan Agreement and are typically secured by a first mortgage on the facility being financed and/or guarantees or other security. In addition, the bond documents will require the Borrower and not the City to repay the Bonds directly. No money actually flows through the City (neither the sale proceeds of the Bonds, nor the debt service payments on the Bonds). The bond documents will include provisions requiring the Borrower to indemnify the City for any potential liability incurred by the City with respect to the Bonds and the Project. The bond documents and the resolution adopted by the City approving their issuance will recite that the Bonds, if and when issued, will not to be payable from nor charged upon any of the City's funds, other than the revenues received under the Loan Agreement and pledged to the payment of the Bonds, and the City will not be subject to any liability on the Bonds. No holder of the Bonds will ever have the right to compel any exercise by the City of its taxing powers to pay any of the principal of the Bonds or the interest or premium thereon, or to enforce

¹ Qualified 501(c)(3) bonds are just one type of private activity bonds. Other common types of private activity bonds include exempt facility bonds, qualified mortgage bonds, qualified student loan bonds, qualified redevelopment bonds, qualified small issue bonds, and qualified veterans' mortgage bonds.

payment of the Bonds against any property of the City except the interests of the City in payments to be made by the Borrower under the Loan Agreement.

3. ***No adverse impact on the City's credit rating or debt limit.*** The Bonds will not count towards any debt limitations imposed on the City pursuant to Minnesota state law and the issuance of the Bonds will not have any adverse impact on the City's credit rating, even in the event that the Borrower encounters financial difficulties. If the Bonds were to go into default, the bondholders look to the holder and owners of the Bonds to develop a work-out strategy, not the City.
4. ***City may be contacted by the IRS in the event of an audit.*** While it is generally true that conduit issuers have no financial liability for private activity bonds, it is important to note that if the IRS audits a conduit bond issue, the City would be contacted directly by the IRS. The documentation related to the conduit bonds requires the Borrower to handle the audit and pay all of the costs of the audit. If, following the conclusion of an audit, the conduit bonds are determined to be taxable bonds, a declaration that the bonds are taxable would not directly impact the City; it would adversely affect the holders of the bonds. It is unlikely that any private activity bond issued by the City would be audited, and even more unlikely that any such audit would result in a tax problem.
5. ***The Bonds count towards the City's "bank-qualified bond" limit.*** Section 265(b)(3) of the Tax Code permits each issuer of tax-exempt obligations to designate up to \$10,000,000 of tax-exempt bonds as "qualified tax-exempt obligations" (also sometimes referred to as "bank-qualified bonds" or "BQ" bonds). Bank-qualified bonds are tax-exempt bonds that allow financial institutions to deduct interest expenses incurred to acquire or hold tax-exempt bonds. Such bonds have a broader market, and therefore carry slightly lower interest rates.

The Borrower has not requested that any Bonds issued by the City be designated as bank qualified. The principal amount of the Bonds, however, would be included with the City's own governmental purpose bonds in calculating the \$10,000,000 annual limit for issuance of bank-qualified bonds. I understand that the City anticipates issuing up to \$5,000,000 in tax-exempt general obligation bonds in calendar year 2025 for its own projects (the "City Bonds"). If the City moves forward with issuing the Bonds for the Project in 2025, the City could not designate the City Bonds as bank-qualified bonds.

Where an issuer loses its ability to designate their own governmental purpose bonds and bank-qualified bonds because it issues qualified 501(c)(3) bonds in the same calendar year in an amount that causes it to exceed the \$10,000,000 annual limitation, it is not uncommon for such issuer and conduit borrower to enter into some form of agreement that compensates the issuer for any increased interest cost. The Borrower has indicated that it would like the City of Brainerd to issue the Bonds and that it is prepared to find a solution that works for both the City and the Borrower.

6. ***City Staff Impact.*** Bond counsel or other attorneys involved in the financing will draft all documents necessary for the financing including the public hearing notice, authorizing resolution, bond documents, and closing certificates. Bond counsel will also review all financing documents that are prepared by other parties in the transaction. There would be some involvement by City staff, including the preparation of a staff report for the public hearing and facilitation of the execution of documents by the City. Bond Counsel is available to assist City staff in these efforts. The Borrower will be required to pay all the

expenses paid or incurred with respect to the Bonds by the City including newspaper publication costs and legal fees, including the fees of Bond Counsel.

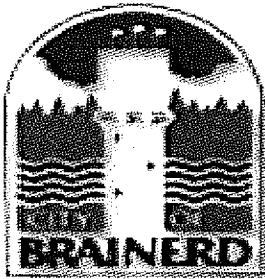
Many cities and other political subdivisions in the State of Minnesota impose issuer administrative fees on conduit borrowers in connection with the issuance of conduit revenue obligations in order to reimburse the issuer for the time such transactions impose on city staff and council members, consulting with the parties and counsel with respect to such transactions, monitoring such transactions, and related expenses. Administrative fees for conduit bonds are set by each municipality and range from a flat fee (e.g., \$25,000 or \$50,000 for the transaction or a percentage of the par amount of the Bonds (commonly somewhere between 0.125% or 1.00%). Some larger issuers, like the Cities of Minneapolis and St. Paul, also charge ongoing fees because they issue multiple series of conduit bonds each year and expend significant staff time on their conduit bond programs. If the City charges an administrative fee (or would like to do so), setting up a simple conduit bond policy may be appropriate. Bond Counsel is available to assist in this effort, if the City has not already adopted such a policy.

7. **Alternatives.** If the City declines to issue the Bonds, the Borrower will find alternative municipalities to serve as issuers (including for example Crow Wing County or a near-by city). If an alternate municipal issuer is used for this conduit bond financing, under the Tax Code, the City would still need to hold a duly noticed public hearing and pass a resolution granting “host approval” for the issuance of the Bonds by such alternate municipal issuer (the “Host City”). State law may also require that the City and the Host City enter into a Joint Powers Agreement, pursuant to which the City authorizes the Host City to issue the Bonds for a project within the City. Like serving as the issuer of the Bonds, granting host approval for the issuance of the Bonds by the Host City and entering into a Joint Powers Agreement would not obligate the City to make any payments on the Bonds, levy any taxes for payment of the Bonds, or have any adverse impact on the City’s credit rating or debt limit. Granting host approval, however, would have no impact on the City’s ability to issue the City Bonds as bank-qualified bonds since such conduit bonds would be issued by the alternative municipal issuer and would not count towards the City’s annual \$10,000,000 BQ limit.

Following your review of this memorandum, please contact me with any questions you may have.

Sincerely,

Sofia E. Lykke



CITY OF BRAINERD
FINANCIAL MANAGEMENT POLICIES
DEBT MANAGEMENT

I. Policy Limits

The City won't finance projects for longer than 100% or 90% of their useful life. The City will avoid using debt for cash flow borrowing, operations, or repairs.

When possible, the City will not use debt to finance equipment purchases when it is possible to purchase the equipment on a pay-as-you-go basis with equipment replacement program or capital goods replacement plan reserves.

The City shall use its bonding authority to facilitate private development only when the development merits special consideration.

II. Legal Limits

Minnesota Statutes, Section 475 prescribes the statutory debt limit that outstanding principal of debt cannot exceed 3% of taxable market value. This limitation applies only to debt that is wholly tax-supported. The type of debt included is either general obligation debt of any size bond issue (G.O.) or lease revenue bond issues that were over \$1,000,000 at the time of issuance. However, there are also several other types of debt that do not count against the limit. G.O. tax increment, G.O. special assessment, G.O. utility revenue, G.O. recreational facility revenue, and HRA-issued debt are considered to have a separate revenue source other than just taxes and are excluded from the legal debt limit calculation. Local ordinances do not limit the City's ability to issue debt.

III. Issuance Practices

The City uses the competitive sale method for its general obligation bond sales unless factors such as structure, size or market conditions compel the use of a negotiated sale.

The City may use an outside bond attorney, an independent financial advisor, and/or other service providers to assist with the structuring and sale of the bonds.

IV. Debt Structuring

The City's collective debt shall amortize at least 50% of its principal within 15 years. In all cases, the maturity shall not exceed the life of the related assets.

V. Conduit Debt

The City may participate in conduit debt financings. Development proposals are reviewed to determine if they meet program objectives and whether the proposals are financially feasible.

It is the practice of the City to charge fees that range from, 0.25% to 2.00% of the Bond offering to cover the City's cost.

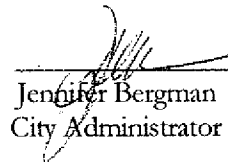
VI. Refunding

Current refunding bonds may be utilized when present value savings of 3% of refunded principal is achieved or in concert with other bond issues to save costs of issuance.

Refunding bonds in advance of their call date may be utilized when present value savings of 3% of refunded principal is achieved.

Adopted by the Brainerd City Council on this 18th day of May, 2009.

Amended by Brainerd City Council on this 2nd day of March, 2020



Jennifer Bergman
City Administrator

ARMED FORCES TRIBUTE EVENT

NATIONAL RECOGNIZED POW /MIA DAY

All Veterans Memorial By CWC Historic Courthouse | Brainerd MN
September 20, 2024



NATIONAL ANTHEM

By Legacy Chorale of Greater Minnesota

BRAINERD VFW, DAV & AMERICAN LEGION HONOR GUARD
RIFLE SALUTE & TAPS & AREA COLOR GUARDS

MC - REVEREND JESSE JONES

Director of Ministry & Outreach Lighthouse Beginnings

DAVE BADEAUX

Brainerd, MN Mayor
PROCLAMATION

PASTOR MARK SKINNER

Bethlehem Church Pastor and Served as US Army & Brainerd Legion Chaplain
OPENING PRAYER

JOSH JACOBSON

Ironton, MN Mayor

LETTER FROM THE OFFICE OF THE GOVERNOR, TIM WALZ

RACHEL LOFFLER-KEMP

Regional Out Reach Director U.S. Senator Amy Klobuchar

REVEREND EUSEBIA RIOS

Chaplain, United States Air Force, Retired
CLOSING PRAYER

GOD BLESS AMERICA

MINNESOTA ADULT AND TEEN CHALLENGE
CLOSING SONG



AN ARMED FORCES TRIBUTE EVENT *to Remember* SEPTEMBER 20, 2024



Photos by
Kelly Humphrey,
Brainerd Dispatch

GUEST SPEAKERS

MARK NESS

Retired Brigadier General USAF & Retired Commander
MN Air National Guard

JOHN PEARSON

Retired Colonel US Army National Guard, Representing
Freedom Flight POW/MIA Hot Air Balloon Team

SMSGT (RET) TIM McELROY

US Air Force Represent Minnesota Military Family Foundation

BRET SAMPLE

Served in US Army, Representing Forgotten
Heroes Ranges & Retreat

KRISTA KNUDSEN

Forgotten Heroes Ranges & Retreat

MARY RONO

Army National Guard & Reserve 1977-2007
and Current Commander Ironton Legion Post 443

PAYTON MADDOX

Crowned June 14, 2024, National Pageant Miss
International Preteen JR

ALISSA STALOGH

Mrs. Minnesota American 2024

KATINA SCHROEDER

Mrs. Minnesota America 2024

KATHY THOMPSON

Mrs. Minnesota America 2001

A FEW WORDS SHARED BY...

BRIAN ANDREWS

Executive Director, Lakes Area
Restorative Justice Project

HEIDI FAIRCHILD

Executive Director, Sexual Assault Services

MICHAEL KYLOCHKO

Minnesota Adult and Teen Challenge
& New Women's Program

RACHEL ALBERTSON

Justice North

Short Performance by Hudson Magic



Serving Military Families



A very **BIG THANK YOU** to all those who have played a role in
this Armed Forces Tribute today, it does not go unrecognized!
-Tammy Ebertowski, Volunteer Coordinator

NEVER FORGOTTEN



Number of Americans Still Missing and Unaccounted for by State, July 12, 2024

Alabama 30	Maine 11	Pennsylvania 89
Alaska 2	Maryland 23	Rhodelsland 7
Arizona 15	Massachusetts 39	South Carolina 27
Arkansas 15	Michigan 48	South Dakota 7
California 160	Minnesota 33	Tennessee 26
Colorado 24	Mississippi 12	Texas 99
Connecticut 25	Missouri 35	Utah 13
Delaware 4	Montana 16	Vermont 5
District of Columbia 8	Nebraska 15 Civilians* 7	Virginia 45
Florida 55	Nevada 6	Washington 36
Georgia 28	New Hampshire 6	West Virginia 17
Hawaii 7	New Jersey 39	Wisconsin 26
Idaho 8	New Mexico 12	Wyoming 4
Illinois 65	New York 101	Canada 2
Indiana 51	North Carolina 38	Panama 1
Iowa 25	North Dakota 9	Philippines 4
Kansas 24	Ohio 75	PuertoRico 1
Kentucky 14	Oklahoma 30	Civilians* 7
Louisiana 24	Oregon 35	

TOTAL MISSING AND UNACCOUNTED FOR: 1,574

*These 7civilians do not have a listed home of record

Information provided by National League of POW-MIA Families



VETERANS ROUNDTABLE Wednesdays at 1:00 PM

8053 Industrial Park Rd., Baxter, MN

Our Promise:

Above all, Lighthouse Beginnings loves its veterans without judgment or discrimination. Through a brotherhood of watchful caring, mutual respect and the love of God which does not fail, we will ultimately succeed and grow strong together.