



# CITY COUNCIL REGULAR MEETING - AMENDED 2.6.24

**Monday, February 05, 2024 at 6:30 PM**

City Hall 8319 Co. Rd. 11 Breezy Point, MN 56472

(218) 562-4441 | Office Hours 8:00 a.m. - 4:00 p.m. | [cityadmin@cityofbreezypointmn.us](mailto:cityadmin@cityofbreezypointmn.us)

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## AGENDA

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**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVAL/AMENDMENT OF THE AGENDA**

**5. OPEN FORUM**

**6. PRESENTATIONS**

[A.](#) Community Garden - Sandra Logelin

**7. ITEMS OF PUBLIC INTEREST**

[A.](#) City Hall Design

**8. CONSENT AGENDA**

One action, topics will not be discussed unless removed from consent agenda. Items requiring the expenditures of funds are budgeted items or have been previously discussed by the City Council.

[A.](#) January 2, 2024 Regular City Council Meeting Minutes

[B.](#) January 16, 2024 City Council Workshop Minutes

[C.](#) January 23, 2024 City Council Workshop Minutes

[D.](#) Approval of Claims in the Amount of \$1,469,881.70

[E.](#) Resolution 07-2024 Donation to Police Department

[E.](#) PD Workstation Purchase

**9. ITEMS REMOVED FROM CONSENT AGENDA**

**10. NEW BUSINESS**

[A.](#) Police Officer Hiring

[B.](#) Lift Stations 6 & 7 Rehabilitation

[C.](#) Personnel Committee Discussion

[D.](#) Resolution 08-2024 Supporting Ideal Township's Efforts to Improve Transfer Station

**11. OLD BUSINESS**

**12. STAFF REPORTS**

**13. MAYOR AND CITY COUNCIL REPORTS**

**14. AGENDA FORECAST**

[A.](#) Draft February 20, 2024 City Council Workshop Agenda

**15. ADJOURN TO FEBRUARY 20 CITY COUNCIL WORKSHOP @ 5:00P.M.**

TO: Mayor and City Council  
FROM: David Chanski, City Administrator  
RE: Community Garden Presentation  
DATE: February 5, 2024

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Ms. Sandra Logelin presented a proposal for a community garden at the November 2023 City Council meeting. At that meeting, the City Council requested that Ms. Logelin return with additional information. She will present additional information on the community garden proposal at the February 5 City Council meeting as requested.

TO: Mayor and City Council  
FROM: David Chanski, City Administrator/Clerk  
RE: City Hall Design  
DATE: February 5, 2024

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**Background**

The final design for the proposed new city hall building was presented at the City Council Workshop on January 23<sup>rd</sup>. After a few questions were raised by the City Council, no direction to alter the design in any way was given. However, there was discussion among the Council about wanting to see what a remodel & expansion design for the existing city hall may look like and cost before committing to constructing the proposed new building. Staff and consultants with Widseth stated they would bring a design proposal for a remodel & expansion of the existing city hall before the City Council for consideration at the February 5 City Council meeting.

**Remodel & Expansion Design Proposal**

The attached proposal is an expedited design phase for a remodel & expansion of the existing city hall., which has a cost of \$32,875. This is possible since the Design Team will be able to pull a lot from the new building design process. Should the City Council approve this proposal on February 5, the Design Team will be back on March 4 with a remodel & expansion design (and associated cost estimate). At that time, it will be incumbent on the City Council to decide between new build or remodel & expansion to still take advantage of the most competitive time of the year for bidding. Even using the Gordian process, pricing does fluctuate as Gordian is continually updating their pricing based on market changes.

One significant element in this proposal is for the City Council to provide the Design Team with a project budget. After the completion of the workshop on the 23<sup>rd</sup>, staff, Widseth, and Building Official Scott Sadusky had an hour long “round table” discussion about the remodel & expansion concept prior to going home. During that discussion, it became evident that \$2 million is likely not sufficient for a remodel & expansion that addresses the City’s long-term needs. The primary reason for this is that Building Official Scott Sadusky and Architect Mike Angland are moving away from expanding the footprint of the existing building and toward building a new “administrative wing” on the north side of the building that would connect to the existing building which would become dedicated community space. This is due to the anticipated extreme difficulty of expanding the existing building because of how it was constructed and lack of designs. However, nothing has been decided and may fluctuate based on Council desires.

As a result, City Administrator Chanski is requesting that the City Council consider providing the Design Team a budget of at least \$3 million. Andy Pickar with Hy-Tec

Construction previously gave the Design Team a remodel figure of \$135/sq ft and a new build figure of \$300/sq ft. Based on these numbers, a remodel of the existing 4,000 sq. ft. building would be approximately \$600,000 and a 6,000 sq ft expansion (a rough estimate taking from current new build designs) would be approximately \$1.8 million. Add in site work, FF&E, and design, and City Administrator Chanski estimates such a project would be right around \$3 million. Andy Pickar has concurred with this high-level estimate. That being said, the Design Team would still like to hear what the Council's desire would be for a remodel & expansion budget and goals.

**Council Action**

Staff is looking for direction from the City Council whether to proceed with the development of construction documents and bidding of the proposed new city hall building or execute the attached proposal from Widseth to design a remodel & expansion of the existing city hall to be presented in March.

**Project Communication and Documentation**

Up to the date of this publication,

- 4 press releases related to city hall have been issued.
  - o June 7, June 9, November 13, and January 9
- 11 social media posts related to city hall have been published.
  - o May 9, June 2, June 6, June 8, June 16, September 5, October 9, November 7, November 13, January 17, and January 24.
- 4 City Council workshops have been conducted where city hall was a significant item on the agenda.
  - o May 16, August 1, October 17, and January 23
- 8 Regular City Council meetings have contained published agenda items related to city hall.
  - o January 3, May 1, June 5, August 7, October 2, November 6, December 4, and February 5.
- 7 updates related to city hall have been published to the city website.
  - o June 16, September 5, October 17, November 7, November 13, January 17, and January 24
- 3 open houses related to city hall have been conducted.
  - o June 14, November 27, and January 23.

Additionally, staff has been maintaining and updating the city hall project page on the city website with all related documentation throughout the process. Staff has also been maintaining and updating the city hall entry display throughout the process. Staff

publishes reminders and links to council agenda packets the week before each meeting, and staff has made use of the city hall sign to announce workshops and open houses.

Below are links to the following documents related to the city hall project, all of which may be found on the City's website:

- [City Hall Facility Assessment Report](#)
- [Facility Assessment Estimated Budgetary Cost Summary](#)
- [Facility Assessment Presentation](#)
- [BakerTilly Financial Analysis](#)
- [Buschmann Road and City Hall Project Funding Memo](#)
- [City Hall Schematic Designs](#)
- [Updated City Hall External Rendering](#)
- [Widseth City Hall Final Design Proposal](#)
- [Letter of Intent with Hy-Tec Construction and IQCC Process Information](#)
- [2022 City of Breezy Point Financial Statements](#)
- [December 4, 2023 Project Funding Memo](#)
- [Geotechnical Report](#)
- [Design Development Package](#)
- [January 16, 2024 Updated Project Funding Memo](#)
- [January 23, 2024 Hy-Tech New City Hall Estimate Budget Breakdown](#)
- [January 23, 2024 City Hall Project Presentation](#)

January 24, 2024



David Chanski, City Administrator  
City of Breezy Point  
8319 Co. Rd. 11  
Breezy Point, MN 56472

**Brainerd/Baxter**  
7804 Industrial Park Road  
PO Box 2720  
Baxter MN 56425-2720

**Re: Breezy Point City Hall Remodel & Addition Schematic Design Proposal**

218.829.5117  
Baxter@Widseth.com  
Widseth.com

Dear Mr. Chanski and Members of the City Council,

Per your request at the city council workshop held on January 23, 2024, Widseth is pleased to provide you with this proposal for schematic design services for a potential remodel and addition to the existing city hall building. As discussed during the workshop, this design exercise will provide you and the residents of Breezy Point with an additional option to consider for addressing the needs of a city hall building. Widseth and HyTec Construction will work closely with the building committee to establish a schematic design and approximate project cost, similar to what we've provided you thus far on this project. Please refer to the following scope of work:

**Schematic Design**

1. Programming
  - a. The programming for the city hall building has been firmly established throughout the design process for the new city hall building. Widseth will apply this information to remodeling and adding on to the existing city hall building.
2. Schematic Design
  - a. Widseth will meet with the building committee to review design concepts and confirm that key design elements and priorities are integrated into this design that were established within the new city hall design, which include the following:
    1. Site access, parking, connectivity to exterior amenities and the buildings relationship with existing and future pedestrian trails.
    2. Security and access control systems.
    3. Mechanical and electrical systems.
    4. Exterior building materials with an emphasis on durability and low maintenance.
    5. Providing the city staff and community with designated spaces.
  - b. Widseth will work closely with Scott Sadusky to confirm the scope of work required for remodeling the existing building. As was discussed during the city council meeting, changing the use of the spaces will determine the extent of work required to bring the building up to current building code.
3. Project Cost
  - a. Prior to the commencement of design, Widseth requests that the City of Breezy Point provide a budget for this project in order to establish clear direction and expectations for what is expected for the schematic design deliverables.
  - b. The project cost will be determined by utilizing the recent bids received for the new city hall for the addition portion of project and a cost per square foot will be utilized for the remodel portion of the project,
  - c. The project cost will be similar to the new city hall design, where it will provide a comprehensive analysis of all costs for the project, which include the following:
    - Soft costs: permits, A/E fees, insurance, etc.
    - Construction costs.
    - Owner provided furniture, fixtures, and equipment (FF&E)
    - Contingency.

- Temporary office provisions.

4. Project Schedule

- a. Upon approval of this proposal at the February 5, 2024, city council meeting, Widseth and HyTec Construction will begin work immediately.
- b. The intention has been to procure bids for this project in February to capitalize on the most competitive time of year to bid a project. Due to the timing of this request, Widseth is proposing to complete schematic design services for this design option in time for the March 4, 2024, city council meeting.
- c. Upon review of the remodel and addition design option, the city council may elect to either proceed with the new city hall building or the remodel and addition option.
- d. Upon receiving direction from the city council, Widseth will prepare construction documents for the project and HyTec will send it out for bid. The anticipated timing of bidding this project within this scenario will be in May of 2024.

5. Deliverables

- a. Site design.
- b. Building floor plans, exterior renderings, and building code review.
- c. Mechanical and electrical narrative.
- d. Project cost.

**Proposed Schedule**

The following is a schedule outline for the proposed project:

- February 5, 2024
  - City council to review Widseth proposal for schematic design services.
  - Pending approval, Widseth will begin work immediately.
- February 13, 2024
  - Widseth will present design concepts to the building committee for review and comment. The design concepts will include building code implications that will have been discussed with Scott Sadusky.
  - Widseth will proceed with revising the design concepts that reflect the design committee's review and comment.
- February 20, 2024
  - Widseth and HyTec will present revised design concepts and preliminary pricing to the building committee.
- February 28, 2024.
  - Widseth will submit schematic design deliverables to be incorporate into the city council packets for the March 4, 2024, city council meeting.

**Proposed Fee**

Widseth proposes the outlined schematic design scope of services and schedule for a fixed fee of \$32,875. Our team is available to complete the listed scope of services on the schematic design phase upon your approval of this proposal, and we look forward to continuing our relationship with the City of Breezy Point. Please contact us if you have any questions or desire additional information.

Sincerely,



Lindsey Kriens, CID, Vice President

Cc: Mike Angland, AIA, LEED AP, Vice President



**Proposed by Widseth Smith Nolting & Assoc., Inc.**



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Lindsey Kriens, CID  
Certified Interior Designer, Vice President  
Widseth Smith Nolting & Assoc., Inc.

**Accepted by The City of Breezy Point**

The above proposal is satisfactory and Widseth is authorized to do the work as specified.

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Name

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Date

TO: Mayor and City Council  
FROM: David Chanski, City Administrator/Clerk  
RE: Ballot Question Information  
DATE: February 5, 2024

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There has been discussion going around the community whether the city hall decision should be a ballot question this fall. In preparation for that discussion, City Administrator Chanski conduct research as to the ballot question process to help inform the Council incase that's a direction you choose to go down. Such research included the Minnesota Secretary of State's Office, the League of Minnesota Cities, and even reaching out to Crow Wing County Administrative Services Director Debby Erickson, who is one of the most respected election officials in the State.

State Statute is rather specific about what items can be placed on a ballot and the requirements for them to be placed on the ballot. The decision whether or not to build (or remodel) a city hall would be considered an "advisory election." Unfortunately, "advisory elections" are prohibited in Minnesota. Quoting the League of Minnesota Cities on Page 6 of the attached informational memo on special elections, "Voters and city councils often ask about holding an advisory election on controversial or politically sensitive decisions. Statutory cities can only exercise powers explicitly given or implied by the legislature. Without specific legislative authority, cities may not hold an advisory special election. Minnesota courts have determined that a city council has no authority to pass their decision-making power to voters when the legislature delegates that power solely to city councils."

LMC defines special election as "any city election held to fill a vacancy or on a city-specific question. Special elections may be held at the same time as the general city or state election. Alternatively, special elections may be held at other times according to state law, if the city holding the election meets the timelines and posting requirements, also found in state law. City councils cannot hold special elections on questions unless authorized to do so by state law."

To summarize, the decision whether or not to build or remodel city hall is prohibited by State Statute from being placed on the ballot.

## INFORMATION MEMO

# City Special Elections

*Understand which election questions are authorized or required by state law and which are not. Learn about several other aspects of special elections, including the procedures to call and hold special elections; how general election law applies; the form and effect of recalls and other resident petitions; elections to fill a council vacancy; and ballot form requirements.*

### RELEVANT LINKS:

[Minn. Stat. § 205.01, subd. 2.](#)

[Minn. Stat. § 200.02, subd. 4.](#)

[Minn. Stat. § 205.10.](#)

[Minn. R. 8250.1810, subp. 10.](#)

[Secretary of State: City Clerk Election Guide.](#)

[Minn. Stat. § 205.02, subd. 1.](#)

## I. Special Election Purposes

Special elections are held so local voters can weigh in on a city-specific issue. There are two basic special elections:

- An election to fill a vacancy in public office.
- An election to decide a question relating to the city that is lawfully submitted to the local voters.

For simplicity, this document uses “special election” or “ballot question” to describe any city election held to fill a vacancy or on a city-specific question. Special elections may be held at the same time as the general city or state election. Alternatively, special elections may be held at other times according to state law, if the city holding the election meets the timelines and posting requirements, also found in state law. City councils cannot hold special elections on questions unless authorized to do so by state law.

When a special election is held in conjunction with a regular election, it is still called a special election. In other words, a special election does not become part of the regular election just because it is held at the same time. For example, a special election to fill a vacancy has a special heading on the general election ballot that says, “Special election for council member to fill vacancy in term expiring .....”.

Best practice suggests, and on some election issues the law requires, that any city holding a special election on a city-specific issue consult the city attorney as far in advance as possible.

## II. General election law applies

Cities must follow any requirements in the statute authorizing the special election. In addition, cities must follow general election procedures, as far as practicable. For example, a city must ensure that all general election-related deadlines can be met before scheduling the election. For ballot question elections, consider both general election law and the specific statute authorizing the ballot question.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

**RELEVANT LINKS:**

[Minn. Stat. § 205.16, subd. 1.](#)

[Minn. Stat. § 473.121, subd. 2.](#)

[Minn. Stat. § 205.16.](#)

[Minn. Stat. § 205.16, subd. 4.](#)

[Minn. Stat. § 205.10, subd. 6.](#)  
[Minn. Stat. § 205.16, subd. 4.](#)

[Minn. Stat. § 410.21.](#)

[Minn. Stat. § 205.16, subd. 2.](#)

[Minn. Stat. § 473.121, subd. 4.](#)

[Minn. Stat. § 205.16, subd. 3.](#)

[Minn. Stat. § 412.02, subd. 2a.](#)  
[Minn. Stat. § 205.10, subd. 2.](#)  
[Minn. Stat. § 645.44, subd. 16.](#)

This means notice, publication, and posting requirements for elections on filling vacancies and ballot questions are the same as those for a general city election. Special elections on questions must be preceded by two weeks’ published notice. Ten days’ posted notice is optional. Fourth-class cities (under 10,000 in population) in non-metropolitan cities (generally outside of the seven-county metro area) may choose to give 10 days’ posted notice instead of publishing notice. Election judges who served at the last election may serve for the special election.

When a special election is to be held at the same time as the general election, the notice of the general election and the special election may be included in the same notice. The notice should include wording to indicate that a special election will be held in conjunction with the regular election. In other words, the notice would state: the date of the election; voting hours; the locations of the polling places; the offices to be filled and the questions to be voted on in the regular election; and the offices to be filled and the questions to be voted on at the special election.

The city clerk must provide written notice at least 74 days before every municipal election to the county auditor, including the date of the election and the office and questions to be voted on.

The notice must include the date of the election, the offices to be voted on, and the title and language for each ballot question.

A special election ordered by the city council on its own motion may be canceled by motion of the city council if written notice is provided to the county auditor at least 74 days before the municipal election.

Where general election laws and charter provisions dealing with nominations, primary elections, and municipal office elections are inconsistent, the charter provisions control. In this case, general election laws apply only as far as they are consistent with the charter.

The same ballot publication and posting requirements also apply. At least two weeks before the election, the clerk must publish a sample ballot in the city’s official newspaper. (A Fourth-Class city not in the metropolitan county may dispense with publication).

At least two weeks before the election, the clerk must also prepare a sample ballot and make them available for public inspection in the clerk’s office.

### **III. Filling Vacancies in Elective Offices**

When a vacancy occurs in a statutory city council, the statutes provide that a vacancy “shall” be filled by appointment, generally indicating that the action is mandatory.

**RELEVANT LINKS:**

A.G. Op. 471-M (Oct. 18, 1951).

Handbook, *Elected Officials and Council Structure and Role*.

*Accepting Council Member Resignation and Declaring a Vacancy*, LMC Model Resolution.

Minn. Stat. § 412.02, subd. 2a.  
Handbook, *Elected Officials and Council Structure and Role*, Section I-E; Section 1-F.

Minn. Stat. § 412.02, subd. 2a.  
Handbook, *Elected Officials and Council Structure and Role*, Section I-E; Section 1-F.

Minn. Stat. § 205.02, subd. 2.  
Minn. Stat. § 205.10.  
A.G. Op. 63-A-11 (Dec. 20, 1966).  
A.G. Op. 63-A-11 (April 24, 1979).  
Minn. Stat. § 205.02.

Minn. Stat. § 410.33.  
Minn. Stat. § 412.02, subd. 2a.

Minn. Stat. § 412.02, subd. 2a.

The attorney general has held that it is mandatory to fill vacancies in office. In certain situations, the city must hold a special election in addition to making an appointment.

When a special election is necessary, the council must appoint a person to hold the vacant position until voters elect a candidate to serve in that position at the special election. Procedurally, the council should adopt a resolution that declares the vacancy. After considering interested and qualified residents, the council must appoint an eligible person to fill the vacancy. Where appropriate, the city council then calls for a special election.

**A. Determining need**

In deciding whether a special election is necessary in a statutory city, look at when the vacancy occurred, and the amount of time left on the unexpired term. To determine if a special election is necessary, the city must answer the following two questions:

- Did the vacancy occur before the first day to file affidavits of candidacy for the next regular city election?
- Do more than two years remain in the unexpired term?

When the answer to both questions is “yes,” a special election to fill the vacancy is necessary. If the answer to either or both questions is “no,” a special election is not necessary. Where no special election is necessary, the appointed person serves for the duration of the term.

In a charter city, look to the charter to determine how a vacancy should be filled. City charter provisions may govern how to fill the vacancy over general state law. For example, if a charter provides that a vacancy is filled by appointing a replacement for the remainder of the term (regardless of when the vacancy occurs or how much time is left on the term), the charter provision overrides the requirement in state law that calls for a special election. Certain election law provisions do not apply to charter cities, so charter cities should work with their city attorney on election issues.

If the charter is silent on how to fill vacancies, the city may follow the same process as statutory cities. Consult the city attorney for specific advice on how to fill a vacancy.

**B. Timing**

A special election to fill a council vacancy may be held at or before the next regular city election. Many cities hold this type of special election at the same time as the next regular city election.

**RELEVANT LINKS:**

[Providing for Special Elections to Fill Council Vacancies](#), LMC Model Ordinance.

[Minn. Stat. § 205.10, subd. 3a.](#)

[Minn. Stat. § 205.10, subd. 3a.](#)

[Minn. Stat. § 351.055.](#)

[A.G. Op. 471-M \(June 6, 1958\).](#)

[Handbook, Election Procedures](#), Secretary of State City Clerk Election Guide.

In order to hold a special election before the next regular city election, the council must adopt an ordinance that specifies under what circumstances it will hold a special election to fill a vacancy before the next regular city election. The city may choose to adopt an ordinance that addresses all future special elections on vacancies.

An example of this would be an ordinance that requires a special election every time a vacancy occurs within a specified period of time before the filing period for the next regular election. A different option would be to adopt an ordinance that addresses only one election; this type of ordinance would not apply to all future special elections.

Generally, if an ordinance allows the city to hold a special election before the next regular city election, an election to fill a vacancy may be held on any of the days allowed by statute.

Cities must have a special election on one of uniform election dates:

- The second Tuesday in February.
- The second Tuesday in April.
- The second Tuesday in May.
- The second Tuesday in August.
- The first Tuesday after the first Monday in November.
- On another date if the special election is held in response to an emergency or disaster. “Emergency” means an unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring. “Disaster” means a situation that creates an actual or imminent serious threat to the health and safety of persons or a situation that has resulted or is likely to result in catastrophic loss to property or the environment.

A home rule charter city must not designate additional dates in its charter.

If it is certain that a vacancy will occur in the future and there must be a special election for the position, the city council may begin the special election process so that a successor may be elected at the earliest possible time. For prospective vacancies that will occur as a result of a resignation, preparations for the special election may begin immediately after the written resignation is received by the council. Cities should not appoint a person to a vacancy before the vacancy exists.

### C. Election administration

A special election to fill a vacancy is administered in the same manner as a general election. This means that the same notice requirements must be followed. Similarly, filing for the office takes place in the same way for both general and special elections.

**RELEVANT LINKS:**

[Minn. Stat. § 204D.02, subd. 2.](#)  
[A.G. Op. 471-M \(Nov. 23, 1999\).](#)

[Minn. Stat. § 205.10, subds. 1, 5.](#)  
[Minn. Stat. § 205.02, subd. 2.](#)

[Minn. Stat. § 211A.01, subd. 2.](#)

[A.G. Op. 484e-1 \(Oct. 5, 2000\).](#)

[Minn. Stat. § 205.10, subd. 1.](#)

[Samuels v. City of Minneapolis](#), 964 N.W.2d 158 (Minn., 2021).

[A.G. Op. 159a-3 \(May 24, 1966\).](#)  
[A.G. Op. 476-B-2 \(Apr. 29, 1954\).](#)  
[A.G. Op. 442-A-20 \(Jul. 10, 1952\).](#)  
[LMC information memo, Public Purpose Expenditures.](#)  
[State auditor’s Statement of Position Expenditure of Public Funds on Ballot Issue Advocacy \(April 2014\).](#)  
[A.G. Op. \(June 30, 2006\) \(informal letter opinion\).](#)

**D. Taking office**

Generally, the terms of elected city offices begin on the first Monday in January following the election. However, in a special election to fill a vacancy, the new council member is eligible to qualify and take office upon receipt of an election certificate.

**IV. Special elections on ballot questions**

**A. Authorized questions**

State law refers to “special elections on questions,” “public questions,” and “ballot questions” when discussing citywide votes on questions voters have legal authority to decide. A “ballot question” is a proposition placed on the ballot to be voted on by the voters of one or more political subdivisions but not by all the voters of the state. The secretary of state uses the term “city question ballot” on the example ballot. This memo uses the terms “ballot question election” and “special election on a question” to refer to a local special election on a city-specific question.

All of these terms mean an election, or vote, on a city-specific issue. Even though this election may coincide with a statewide election, it is a separate or special election. One example of a ballot question is whether a city will issue licenses allowing local restaurants to sell liquor with meals on Sundays, sometimes called a “Sunday liquor” election.

Most statutes giving local voters the power to vote on a ballot question contain some additional information, from phrasing the question on the ballot to the number of votes required to pass the ballot question. As to phrasing, the Supreme Court noted judicial review is very deferential to the legislative judgments regarding the word and form choices made in fixing the language of a ballot question.

Cities may spend a reasonable amount of money to educate voters on relevant facts relating to the ballot question. In putting out materials to educate the voters, the city cannot promote a certain outcome of the vote. This is because cities generally cannot expend public funds to support or oppose a ballot question. However, there is a limited exception to this general rule where a state act or proposal could have a “direct and substantial effect” on the interests of a specific city. If the city is considering whether or not to spend public funds on promoting or opposing a ballot question, the city should seek specific legal advice from the city attorney.

**RELEVANT LINKS:**

Minn. R. 8250.1810, subp. 10  
See Section VIII: *Ballots*.  
Minn. Stat. § 645.44, subd. 5.  
Minn. Stat. § 205.10, subds. 1, 5.

Secretary of State City Clerk Election Guide. See also, Handbook, *Election Procedures*.

Minn. Stat. § 205.16, subd. 1.

A.G. Op. 640 (Sept. 27, 1972).  
Minn. Stat. § 205.02, subd. 2.  
Minn. Stat. § 410.33.

*Borgelt v. City of Minneapolis*, 271 Minn. 249, 135 N.W.2d 438 (1965).  
*Alexander v. City of Minneapolis*, 267 Minn. 155, 125 N.W.2d 583 (1963).  
A.G. Op. 476-B-15 (Dec. 17, 1940). A.G. Op. 472-0 (Mar. 20, 1961). A.G. Op. 185b-2 (January 19, 1956). A.G. Op. 59a-32 (January 25, 2002).  
*City of Birchwood Village v. Simes*, 576 N.W.2d 458 (Minn. Ct. App. 1998).  
*Village of Brooklyn Center v. Rippen*, 255 Minn. 334, 96 N.W.2d 585 (1959).

*Muehring v. School Dist. No. 31 of Stearns County*, 224 Minn. 432, 28 N.W.2d 655 (1947).

A.G. Op. 185b-2 (May 3, 1967).  
A.G. Op. 185b-2 (August 22, 1961).  
See LMC information memo, *Public Purpose Expenditures*.

A ballot question must have a title and the city attorney must review that title to determine whether it accurately describes the question asked; the title cannot be used on the ballot until approved by the city attorney. A special election on a ballot question may be held at the same time as a general election or at any other time allowable by law.

The notice of a special election (whether published or posted) must clearly state the question. As under general election law, the clerk must also publish a sample ballot at least two weeks before the election in the official newspaper, except that Fourth-Class cities may dispense with publication. The clerk must post a sample ballot in the clerk’s office at least ten days before the combined special and general election and in each polling place on election day. The city must follow all other requirements for the city general election.

The law relating to ballot question elections generally applies to both statutory and charter cities. If charter provisions specifically provide for ballot question elections then, generally speaking, the city can hold the special election pursuant to the charter rather than state law. If the charter is silent on the issue, the city may apply statutory law governing special and general elections. Consult the city attorney for specific legal advice on charter interpretation.

**B. Unauthorized elections on questions**

Voters and city councils often ask about holding an advisory election on controversial or politically sensitive decisions. Statutory cities can only exercise powers explicitly given or implied by the legislature. Without specific legislative authority, cities may not hold an advisory special election.

Minnesota courts have determined that a city council has no authority to pass their decision-making power to voters when the legislature delegates that power solely to city councils.

In addition, a city council has no authority to spend public funds on an unauthorized special election. No matter how minimal the cost and even if money to hold an unauthorized election is donated to the city, the attorney general finds it is an invalid use of public funds. Neutral surveys sent out by a city seeking feedback from city residents on generic topics such as city services generally are not special elections.



**RELEVANT LINKS:**

A.G. Op. 63-A-11 (Aug. 26, 1965).  
A.G. Op. 185b-2 (Jan. 19, 1956).

[Minn. Stat. § 412.221, subd. 33.](#)

Secretary of State [City Clerk Election Guide](#).

Appendix A: Special elections on questions required by law.

[Minn. Stat. § 340A.504, subd. 3\(c\).](#)  
Appendix A: Special elections on questions required by law.

Appendix B: Statutorily authorized special elections called by council or subject to petition.

[Minn. Stat. § 205.10.](#)  
A.G. Op. 476-B-15 (Dec. 17, 1940).  
A.G. Op. 472-0 (Mar. 20, 1961).  
[Minn. R. Ch. 8205.](#)  
See Section IV: *Petitions*.

Likewise, charter cities may hold an election on a topic only if the charter or statutory law specifically allows it. The attorney general repeatedly finds that charter cities must find specific authority for a special election in either the charter or statutory law. Best practice suggests charter cities consult the city attorney for specific legal advice and interpretation of the charter provisions relating to special elections.

There are two exceptions to the rule prohibiting advisory elections. First, a statutory city council has authority to hold a special election on whether the city should join a special district or similar independent governmental body having taxing powers. This question may be submitted to city voters at a general or special election, but the results are only advisory, not binding on the council. Second, the Secretary of State’s Office considers a vote to adopt a city charter an exception to the rule against advisory elections. Note that state law specifically authorizes these advisory elections.

## V. Types of ballot question elections

In statutory cities, and in charter cities where the charter is silent on the method, ballot question elections on authorized subjects occur in several ways.

### A. Ballot question elections required by law

A number of subjects require a special election before the council finalizes an action on a particular matter.

The council proposes the action in a question, a proposition, or an ordinance and voters either adopt or reject the council’s action.

One common example of a ballot question election required by law is the sale of intoxicating liquor on Sundays. A city may issue licenses to sell intoxicating liquor on Sundays only if the voters approve the council action at a special election on that question.

### B. Ballot question elections called by council or by petition

On other topics, there are two ways that a special election may arise:

- The council may pass, by a majority vote of a quorum, a motion calling for a special election on an authorized question.
- The council must order a vote on a ballot question if it receives a sufficient petition. State rules govern petitions.

**RELEVANT LINKS:**

[Minn. Stat. § 205.10.](#)  
[Minn. Stat. § 205.16.](#)

[Minn. Stat. § 413.02.](#)  
Appendix C: Statutorily permitted special elections.

Appendix D: Council action subject to reversal by voters.

Section VI: *Petitions.*

Section IV: *Unauthorized elections on questions.*  
[Minn. Stat. § 351.02 \(5\).](#)  
[Minn. Stat. § 410.20.](#)  
[Minn. Const. art. VIII, § 6.](#)  
*Jacobsen v. Nagel*, 255 Minn. 300, 96 N.W. 2d 569 (1959).

[Minn. Stat. § 351.01.](#)  
[Minn. Const. art. VIII, § 5.](#)  
[Minn. Stat. § 410.20.](#)  
*State ex rel. Martin v. Burnquist*, 141 Minn. 308, 170 N.W. 201 (1918).  
*State ex rel. Kinsella v. Eberhart*, 116 Minn. 313, 133 N.W. 857 (1911).

A special election ordered by the city council on its own motion may be cancelled by motion of the governing body. However, the council may not cancel a special election less than 74 days before the election. If the special election is cancelled, the clerk must provide written notice to the county auditor not less than 74 days before the election.

**C. Optional ballot question elections**

A few statutes allow ballot question elections after receiving a petition, but do not require them. Changing the name of a city is one example where the council may submit a ballot question to local voters after receiving a petition, but the statute does not require it.

**D. Reverse referenda or elections to revoke council action**

In narrowly applicable situations, eligible voters may petition for a special election to reverse a particular council action. Referenda are votes of the electorate on a particular subject. Because voters petition for the chance to reverse a council action, this type of special election is commonly known as a reverse referendum.

The particular statute allowing a petition to reverse the council governs these special elections. State rules govern the form of petitions. Typically, voters have only a certain number of days to submit a petition calling for a vote to reverse a previous council action. Reverse referenda are unusual; consult the city attorney for specific legal advice.

**E. Recall or removal from office**

Local voters often ask if the city can hold a vote to remove a local official from office in a special election. As discussed previously, voters in statutory cities have only those powers delegated to them by the state legislature. Currently, voters in statutory cities have no authority to petition for, or vote on, removing an elected official from the city council. In some situations, councilmembers lose office by operation of law, for example if a person is convicted of a felony; but there is no authority to remove officers by a vote.

Charter cities may have limited authority in the charter to remove elected officials. Recall elections in charter cities are limited by the Minnesota Constitution. The charter may allow for a recall election to remove an elected official due to malfeasance or nonfeasance in the performance of his or her duties. To constitute malfeasance or nonfeasance the conduct must affect the person’s performance of official duties rather than conduct that affects their personal character as a private individual.

**RELEVANT LINKS:**

[Minn. Stat. § 204B.071.](#)

[Minn. Stat. § 205.10.](#)

[Minn. R. Ch. 8205.](#)

[Minn. R. 8205.1010.](#)

[Minn. R. 8205.1020.](#)

[Minn. R. 8205.1010.](#)

[Minn. R. 8205.1010.](#)

[Minn. R. 8205.1010.](#)

All of this is a fact specific determination, so charter cities must consult the city attorney before seeking an election to recall or remove a city official from office.

## **VI. Petitions**

In statutory cities, petitions submitted by voters requesting an election on a legally authorized question must comply with state law and rules. State rules set by the Minnesota secretary of state govern the form, circulation, signing, filing and inspection of petitions. If a city charter specifically addresses petitions, the charter provisions may prevail over state law and rules.

### **A. Form of petition**

Minnesota state rules include detailed requirements regarding petitions. This section is only intended as a general overview of petitions, so be sure to consult the rules when working with a petition.

A petition must be prepared on paper no larger than 8-1/2 inches wide and 14 inches long. Each petition page must have both a short title describing the purpose of the petition and a statement summarizing the purpose of the petition.

For petitions seeking to get a question on the ballot, each petition page may have a statement of 75 words or less summarizing the ballot question. Each petition page must include the following statement: “All information on this petition is subject to public inspection.” The language on the petition must be no smaller than 10-point type. Petitioners may circulate photocopies of a sample petition page.

Each petition page must have no more than 10 signature lines. The signature lines must be consecutively numbered. Each signature line must have space for the date of signature; a signature; the signatory’s year of birth; printed first, middle, and last name; and residence address, municipality, and county.

Each petition page must have a signer’s oath in no smaller than 12-point bold type. The signer’s oath and the signature lines must be on the same side of the paper. If the form of the signer’s oath is not specified by statute, the following oath must be used: “I swear (or affirm) that I know the contents and purpose of this petition and that I signed this petition only once and of my own free will.”

Each petition page must include the following statement immediately above the signature lines: “All information must be filled in by person(s) signing the petition unless disability prevents the person(s) from doing so.”

**RELEVANT LINKS:**

[Minn. R. 8205.1040.](#)  
[Minn. Stat. § 211A.01, subd. 7.](#)

[A.G. Op. 185-b \(June 15, 2007\).](#)

[Minn. R. 8205.1040.](#)

[Minn. R. 8205.1040.](#)

[Minn. Stat. § 205.10.](#)

[Minn. Stat. § 645.26, subd. 1.](#)

[Minn. Stat. § 200.039.](#)

### **1. Filing a petition**

The city clerk accepts petitions as the filing officer. State law defines the “filing officer” as the officer authorized by law to accept affidavits of candidacy or nominating petitions for an office or the officer authorized by law to place a ballot question on the ballot.

The person filing the petition must submit the entire petition at one time to the clerk. The petitioners may submit the petition by mail, messenger, or similar delivery service. Filing of a petition is effective upon receipt by the clerk. Petition pages must not be altered by anyone except the clerk for verification purposes after the petition has been filed.

The clerk must provide the person filing the petition with a receipt for the petition. The receipt must include the type of petition filed; the name, address, and telephone number of the person submitting the petition; the date on which the petition was filed; and the total number of pages in the petition submitted.

### **2. Number of signatures required on petition**

As used here, a “sufficient petition” means a petition with the required number of voter signatures.

Typically, this is a percentage of voters from a previous election. Sometimes the specific statute authorizing a petition does not indicate what percentage of voter signatures a sufficient petition needs. The default in state law requires that the petition contain the signatures of a number of voters equal to 20 percent of the total number of people who voted at the last city general election. However, a number of statutes authorizing petitions for special elections provide a different number of signatures needed for a sufficient petition.

The more specific law prevails and acts as an exception to the general law. Practically speaking cities should consult the city attorney if a question arises regarding the number of signatures required on a petition.

### **3. Counting percentage of voters required for sufficient petitions**

Even where the specific state statute lists a particular percentage of voter signatures, state law provides guidance for tabulating that percentage:

- If a statute requires that a specific number of people who voted in a previous election sign a petition, then the statute must be read to mean that any currently eligible voter may sign the petition-- and their signature counts when tabulating the percentage of voter signatures required.

RELEVANT LINKS:

[Minn. R. 8205.1050.](#)

[Anderson v. City of Duluth](#), 279 Minn. 50, 155 N.W.2d 281 (1967).

[Williams v. Donovan](#), 253 Minn. 493, 92 N.W.2d 915, (1958).

[Minn. Stat. § 201.091. Secretary of State Frequently Asked Questions - Petition Signatures.](#)

[Butler v. City of St. Paul](#), 923 N.W.2d 478 (Minn. 2019).

[Minn. R. 8205.1050.](#)

[Minn. R. 8205.1050.](#)  
[Minn. R. 8205.1010.](#)

[Minn. R. 8205.1050.](#)

[In re Referendum to Amend City of Grand Rapids, Minnesota Mun. Elections Ordinance No. 04-08-11](#), No. 31-CV-05-3798 (Minn. Ct. App. July 18, 2006) (unpublished decision).  
[Bogen v. Sheedy](#), 304 Minn. 62, 229 N.W.2d 19 (1975).

- Thus, the statute must not be read to restrict eligibility to only those individuals who were eligible to cast ballots or who actually did cast ballots in the previous election.

#### 4. Sufficiency of petition

The clerk must inspect the form of the petition to determine if it complies with all form and filing requirements. The clerk need only determine substantial compliance with regard to any type size on the form. The clerk must also inspect the petition to determine whether it has been signed by the required number of signatories and whether the signatories meet the applicable eligibility requirements. The rule does not address how the clerk verifies eligibility of the signatories, but case law states that eligibility to sign the petition may be restricted to registered voters in the Statewide Voter Registration System whose address in the SVRS is located within the city to which the petition is filed. Cities may rely on the SVRS to determine whether to reject signatures on a petition of those who are registered to vote but are at an address outside of the city in the SVRS.

If the petition has not been signed by the required number of qualified signatories, the clerk must notify the person who filed the petition:

- That the petition has not been signed by the required number of signatories.
- The number of additional signatures needed for a sufficient petition.

If the time for circulating the petition has not expired, the petitioners may collect additional signatures and submit them at one time to the clerk before the circulation period expires.

If the petition satisfies the form requirements and has been signed by the required number of qualified signatories during the applicable time period, the clerk must notify the person whose name is on the petition receipt that the petition is sufficient.

The clerk must complete the verification of a petition as soon as practicable, but no later than 10 working days after the day on which the petition was filed.

Courts take notice of how difficult it is to prepare and to circulate petitions. Frequently citizens, not skilled in the technical aspects of the law, prepare such petitions. Courts typically exercise extreme caution in ruling petitions out on mere technicalities and view petitions as the result of democracy working at the grassroots level. Consider working with the city attorney on handling any petition irregularities.

**RELEVANT LINKS:**

A.G. Op. 472-O (Jul. 31, 1959).

[Minn. Stat. § 204B.46.](#)  
[Minn. R. 8210.3000.](#)  
Secretary of State [Mail Voting Guide](#).

[Minn. Stat. § 204B.46.](#)  
[Minn. R. 8210.3000.](#)  
Secretary of State [Mail Voting Guide](#).

[Minn. Stat. Ch. 203B.](#)

[Minn. Stat. § 204B.46.](#)  
[Minn. Stat. § 205.075,](#)  
[subd.4.](#)  
[Minn. Stat. § 205A.10.](#)

[Minn. Stat. § 204B.46.](#)

[Minn. Stat. § 203B.121,](#)  
[subd. 4.](#)

**B. Petitions with no legal effect**

Citizens have the right to petition the city council on any issue. Such petitions may have a political effect but unless a state statute or city charter authorizes the petition, it has no legal effect.

In other words, the council does not have an obligation to act on the petition, but it may certainly discuss the issue.

**VII. Ballot question special elections held by mail**

A city may hold a ballot question special election by mail. (This is a slightly different process than holding a regular election by mail.) The only required location for a polling place in a ballot question special election held by mail is the office of the county auditor or city clerk. No offices may be voted on. Notice of the election must be given to the county auditor at least 74 days prior to the election. The special mail ballot procedures must be posted at least six weeks before the election.

The city clerk must mail ballots by non-forwardable mail to all registered voters in the city no earlier than 46 days or later than 14 days before a special election on a question.

No later than 14 days before the election, the clerk must make another mailing of ballots to those voters who registered to vote after the initial mailing, but before the 20th day before the election. Eligible voters who are not registered at the time the ballots are mailed may still apply for ballots in the same manner that one applies for an absentee ballot under Chapter 203B.

The clerk must appoint a ballot board. The board may consist of staff trained as election judges. Election judges must be from different major political parties unless the law provides otherwise. The ballot board examines the return envelopes and marks them “accepted” or “rejected” within three days of receipt if there are 14 or fewer days before the election, or within five days of receipt if there are more than 14 days before election day.

If the ballot is accepted, the clerk must mark the roster to indicate the voter has cast a ballot in that election. After the close of business on the seventh day before the election, the accepted signature envelopes may be opened, duplicated as needed, initialed by the ballot board, and deposited in the ballot box. In all other respects, state election laws governing deposit and counting ballots applies. No vote totals may be made public before the close of voting on election day.

**RELEVANT LINKS:**

[Minn. Stat. § 204B.46.](#)

[Minn. Stat. § 204B.18, subd. 1\(b\).](#)  
[Help America Vote Act, Public Law 107-252, 301\(a\)\(3\)\(B\).](#)  
[Minn. Stat. § 204B.36, subd. 1.](#)  
[Secretary of State City Clerk Election Guide.](#)  
[Secretary of State Sample City General Election Ballot.](#)

[Minn. Stat. § 206.90, subd. 1.](#)

[Minn. Stat. § 206.90, subd. 6.](#)  
[Minn. Stat. § 204B.36, subd. 1.](#)  
[Minn. R. 8250.1810.](#)

[Secretary of State City Clerk Election Guide.](#)

[Minn. Stat. § 205.02, subd. 2.](#)

[City of Bloomington Ranked Choice Voting.](#)

If an envelope has been rejected at least five days before the election, the ballots in the envelope must remain sealed and the clerk must provide the voter with a replacement ballot and return envelope. If the ballot is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or email to notify the voter that the voter’s ballot has been rejected. The official must document the attempts to contact the voter.

## VIII. Ballots

Cities must use optical scan ballots for all elections, even if the city will hand count the ballots. Also, each precinct must have at least one AutoMARK™ system, which allows voters with disabilities to vote independently. AutoMARK™ systems only read optical scan ballots. Because optical scan ballots must be used for the AutoMARK™ systems and because every voter must use the same ballot, all cities must now use optical scan ballots for all elections.

An optical scan voting system is an electronic voting system where the voter records votes by marking with a pencil or other device, including an electronic ballot marker, a ballot on which the names of candidates, office titles, party designation in a partisan primary or election, and a statement of any question accompanied by the words “Yes” and “No” are printed.

When using an optical scan voting system, all offices and questions appear on the same ballot. The ballot must be printed in black ink on white paper except those marks not to be read by the automatic tabulating equipment may be printed in another color ink.

Ballots are no longer printed on blue or green paper. The paper used for ballots should be of sufficient weight to prevent the printing from being discernible from the back, as close as possible to thirty-pound paper.

Contact the county election official to coordinate ballot responsibilities. During state election years, the county auditor must coordinate city and township ballot preparation. The auditor provides specific instruction to cities as to ballot preparation.

There are certain election law provisions that may not apply to charter cities, so charter cities should work with their city attorney on formatting the ballots.

### A. Ranked Choice Voting

Ranked choice voting allows voters to rank their choices for each individual office.

**RELEVANT LINKS:**

[City of St. Louis Park Ranked Choice Voting.](#)

[Ramsey County Elections Ranked Voting.](#)

After first choice votes are counted, if no candidate has a majority of the votes (more than 50%), the candidate with the least number of first-choice votes is eliminated. For those voters that picked the eliminated candidate as their first choice, their second-choice vote would be counted instead. This process continues until one candidate has a majority.

An example of a ranked choice ballot is below. You pick your first choice by completely filling in the box next to that candidate’s name. If you have a second and third choice, you would repeat the first step. However, a voter is not required to have a second and/or third choice.

1st choice Select one	2nd choice (if any) Select one	3rd choice (if any) Select one
<input checked="" type="checkbox"/> Candidate 1	<input type="checkbox"/> Candidate 1	<input type="checkbox"/> Candidate 1
<input type="checkbox"/> Candidate 2	<input checked="" type="checkbox"/> Candidate 2	<input type="checkbox"/> Candidate 2
<input type="checkbox"/> Candidate 3	<input type="checkbox"/> Candidate 3	<input checked="" type="checkbox"/> Candidate 3
<input type="checkbox"/> Candidate 4	<input type="checkbox"/> Candidate 4	<input type="checkbox"/> Candidate 4

In Minnesota, ranked-choice voting is currently approved for use in Bloomington, Saint Louis Park, Minnetonka, Saint Paul and Minneapolis for municipal elections. In order for a charter city to adopt Ranked Choice voting, the charter must be amended via ordinance or have it voted on by city residents. Statutory cities do not have the authority to implement ranked-choice voting.

**B. Offices**

When more than one of the following offices is on the ballot, the offices must appear in this order:

- FEDERAL OFFICES.
- STATE LEGISLATIVE OFFICES.
- CONSTITUTIONAL AMENDMENTS.
- COUNTY OFFICES AND QUESTIONS.
- CITY OFFICES AND QUESTIONS.
- TOWN OFFICES AND QUESTIONS.
- SCHOOL DISTRICT OFFICES AND QUESTIONS.
- SPECIAL DISTRICT OFFICES AND QUESTIONS.
- JUDICIAL OFFICES.

The name or number of the appropriate municipality, school district, or special district may be added directly under the types of offices. Election rules further spell out how this section of the ballot must be designed, as well as the order of offices and questions under each general category.

[Minn. Stat. § 206.90, subd. 6.](#)

[Minn. R. 8250.1810.](#)



**RELEVANT LINKS:**

[Minn. R. 8250.1810.](#)  
[Minn. Stat. § 205.17, subd. 5.](#)

When a special election is held in conjunction with a regular election, the vacant offices must be listed with the offices of the same type but after any offices for which candidates will be elected for a full term.

The names of the candidates to fill a vacancy in the office of a council member in a statutory city shall be listed under the separate heading “Special election for council member to fill vacancy in term expiring .....,” with the date of expiration of the term and any other information necessary to distinguish the office. Under the heading for the office of mayor shall be the words “To fill vacancy in term expiring .....,”

For charter cities, consult the charter to see if the charter provides the process for special election candidates to be placed on the ballot. If the charter is silent, the city may follow the provisions for statutory cities. Consult the city attorney for specific legal advice.

[Minn. R. 8250.1810.](#)

Under each of the offices listed above, one of the following instructions must be printed:

- VOTE FOR ONE TEAM
- VOTE FOR ONE
- VOTE FOR UP TO . . . (followed by the number of candidates to be elected).

Handbook, *Election Procedures*, Section V-H Ballots.  
[Minn. Stat. § 204B.36, subd. 2.](#)  
[Minn. Stat. § 206.90, subd. 6.](#)

Below the instruction, the candidates’ names should be listed. Below the name of the last candidate for each office, there must be write-in lines equal to the number of candidates to be elected for that office, allowing voters to write in the names of persons not on the ballot.

The line for write-in votes must contain the words “write-in, if any.” If no one has filed for an office, only write-in lines appear below the title of that office in a number equal to the candidates to be elected for that office.

**C. Questions**

[Minn. R. 8250.1810.](#)

Ballot questions appear after offices on an optical scan ballot. The heading must read “CITY QUESTIONS” and be printed in uppercase letters. Below this caption, the instructions must read: “To vote for a question, fill in the oval next to the word “YES” on that question. To vote against a question, fill in the oval next to the word “NO” on that question.”

Depending on the type of ballot used, the instructions may instead read: “To vote for a question, fill in the arrow next to the word ‘YES’ on that question. To vote against a question, fill in the arrow? next to the word ‘NO’ on that question.”

[Minn. R. 8250.1810.](#)

When there is more than one question on the ballot, each question must be designated by a number. Each question must be labeled “CITY QUESTION” followed by the number assigned to the question.

**RELEVANT LINKS:**

[Minn. R. 8250.1810.](#)

[Minn. Stat. § 204B.36, subd. 3.](#)  
[Minn. Stat. § 206.90, subd. 6.](#)  
[Minn. R. 8250.1810.](#)

[Minn. Stat. § 275.60.](#)

[Minn. Stat. § 275.61, subd. 1.](#)  
[Minn. Stat. § 275.61.](#)

Appendix E: Sample question titles and language

[Minn. Stat. § 200.02, subds. 3, 5. Handbook, \*Election Procedures\*.](#)  
[Secretary of State City Clerk Election Guide.](#)  
[Secretary of State Sample Primary Ballot.](#)

[Minn. Stat. § 204C.34.](#)

The city clerk or council must also provide a title for each question on the ballot. The title must not contain more than 10 words.

The city attorney must review the title to determine whether it accurately describes the question asked and the title cannot be used on the ballot until approved by the city attorney. The title must be printed in uppercase letters and must be printed above the question to which it refers. The body of the question must be printed in uppercase and lowercase letters.

A concise statement of the question must be printed on the ballot. The words “yes” and “no” must be printed as close to their corresponding vote targets as possible. Be sure to check the statute that authorizes the ballot question to see if the statute specifies how the question must be asked.

Any question submitted to the voters that authorizes issuing a general obligation bond, a property tax levy, or tax rate increase must include on the ballot the following notice, in bold type: “BY VOTING ‘YES’ ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE.” This statement is printed in addition to any other provisions that govern the contents of ballots questions. Where the question is about issuing debt obligations, the statement may be supplemented by a description of revenues pledged to payment of the obligations that are intended as the primary source of payment.

Any ballot questions about a levy must state the maximum amount of the increased levy as a percentage of market value and the amount that will be raised by the new referendum tax rate in the first year it is to be levied.

This does not apply to tax levies for the payment of debt obligations that are approved by the voters after June 30, 2008.

See Appendix E for sample language from common questions recently placed on the ballot by cities.

## D. Primary ballots

Some cities hold primary elections for city offices. In a primary election, voters choose the nominees for the offices to be filled at a general election. When a city with primaries holds a special election to fill a vacancy, a special primary may be necessary. Optical scan primary ballots are very similar to general election optical scan ballots.

## IX. After the election

### A. Ties

Under Minnesota law, when an election results in a tie, state law requires the canvassing board to declare the winner of the tie “by lot.”

**RELEVANT LINKS:**

Handbook, *Election Procedures*.  
Secretary of State City Clerk  
Election Guide.

Minn. Stat. § 204C.36, subd.  
3.

Minn. Stat. § 204C.36, subd.  
3.

Handbook, *Election Procedures*.

Minn. Stat. § 204B.40.  
Handbook, *Records Management*. General  
Records Retention Schedule  
for Minnesota Cities (2021).

By lot means determining the winner of a tie by any game of chance in which both candidates have an equal chance of winning—like flipping a coin or drawing straws.

**B. Recounts**

As with any election, a special election candidate may request a recount. Any candidate or voter may also contest the special election. A recount or contest of a special election should be handled in the same manner as a regular election contest

A discretionary recount may be conducted at city expense for a ballot question when the vote is close, meaning a difference between the votes for and the votes against the question is less than or equal to one-half of one percent of the total votes counted for that question or 10 votes or less when the number of votes cast on that question is 400 or less.

The recount may be requested by any person eligible to vote on the ballot question and must be accompanied by a petition signed by 25 voters also eligible to vote on the question. When the written request is received and the difference between the votes for and the votes against is less than that mentioned above, the city must recount the votes for the question at its own expense. If the difference is greater, the person requesting the recount must also file a bond, cash, or surety in an appropriate amount set by the council. The written request, petition, and any bond, cash, or surety must be filed during the time for notice of contest for the election for which the recount is requested.

**C. Other procedures**

The same post-election steps and procedures that the city follows for general elections should also be followed for a special election. The city clerk must retain all special election materials returned to them after any election. All records and materials must be stored in a locked container or other secured and locked space. State law and the records retention schedule require retention of election materials for at least 22 months from the date of that election unless otherwise ordered by a court order. If someone challenges the results of a special election in an election contest, all materials involved must be retained for 22 months or until the contest has been finally determined, whichever is later.

Abstracts filed by canvassing boards must be permanently retained by the officer with whom the abstracts are filed. Sealed envelopes containing voted ballots must be retained unopened, unless law otherwise provides. The ballots must be stored in a secure location. The clerk must not permit any voted ballots to be tampered with or defaced.

RELEVANT LINKS:

**X. Conclusion**

Conducting elections is one of the most important responsibilities local officials have, particularly city clerks. Working through both state election law and the specific statute authorizing a special election provides cities guidance on how to hold special elections and hear directly from local voters on city special election issues.

## Appendix A: Special elections on questions required by law

Topic	Statute	Procedure	Other information
Issuance of general obligation bonds (commonly called GO bonds).	<a href="#">Minn. Stat. § 475.57-.59.</a>	When council resolves to issue such bonds it must submit the question to the voters at a general or special election. If it fails, the question must not be resubmitted for 180 days.	Notice of election may contain one or more ballot question for acquisition, construction, or improvement of any facilities at one or more locations. Ballot question shall state maximum amount and purpose of the proposed bond issue.
May city with municipal liquor store issue licenses to sell on-sale intoxicating liquor to hotels, clubs and restaurants.	<a href="#">Minn. Stat. § 340A.601, subd. 5.</a>	Special election required before city can issue certain on-sale private licenses in cities with a municipal liquor store.	Commonly known as “split liquor” election. (For sample ballot, see LMC information memo, <i>Liquor Licensing and Regulation</i> .)
License to sell intoxicating liquor on Sundays.	<a href="#">Minn. Stat. § 340A.504, subd. 3(c).</a>	City may issue Sunday liquor license only if vote on question passes at general or municipal election.	See LMC information memo, <i>Liquor Licensing and Regulation</i> .
Imposition of local sales tax permitted by special law.	<a href="#">Minn. Stat. § 297A.99, subd. 3.</a>	Council adopts specific resolution on local sales tax.	Question must be submitted to voters at general or special election before approval to collect the tax is requested from the state legislature.
Increase or decrease number of city council members.	<a href="#">Minn. Stat. § 412.02, subd. 6.</a>	Council must submit question to voters to increase or reduced the number on council to 7 or 5 members.	Council adopts ordinance at least 60 days before the next regular city election. Ordinance must include a schedule of new elections and terms. Change effective if majority of those voting on the question are in favor of it.
Combining cities.	<a href="#">Minn. Stat. § 465.82.</a> <a href="#">Minn. Stat. § 465.84.</a>	During 1 <sup>st</sup> or 2 <sup>nd</sup> year of cooperation, special election must be held on combination.	Vote held according to general election law, on same day in each city. May repeat election once in following year if it fails.
Charter election.	<a href="#">Minn. Stat. § 410.10.</a>	Notice of election must contain complete charter; publish once a week for two successive weeks in the official newspaper or legal newspaper of general circulation.	See statute for ballot question. Charter election must be held within 6 months of delivery of draft charter to council. If no general or city election, within 90 days of delivery of the draft charter.
Construct, purchase or lease municipal gas, light power, or heat utility.	<a href="#">Minn. Stat. § 412.321, subd. 2.</a>	Questions on the establishment of utility and bond questions may be combined or separated. Election may apply to a particular utility service or group of services.	Law requires separate election for manufacture of gas or generation of electricity unless voters approved both generation or production and distribution within the last two years.
Lease, sale of abandonment of municipal utility.	<a href="#">Minn. Stat. § 412.321, subd. 4.</a>	Must submit ordinance or resolution to lease, sell or abandon to voters at general or municipal election.	Approval requires 2/3 vote of those voting on the question. Election may apply to any specific part of utility as described in ordinance or resolution.
City acquisition of a public utility.	<a href="#">Minn. Stat. § 216B.45-46.</a>	Council resolution effective only if ratified by voters at a special election.	Election must be held not less than 60 or more than 120 days after council resolution.

Municipal utility in first class cities.	<a href="#">Minn. Stat. § 452.11 - .12.</a>	City of first class must submit question to voters before acquiring or constructing any public utility. May submit question of certificates at same election.	Council must pass ordinance stating question or proposal. Vote must occur within 30 days of ordinance passage.
Municipal telecommunications services.	<a href="#">Minn. Stat. § 237.19.</a>	Must submit question before purchase, acquisition or construction.	Approval by majority of those voting unless proposal is to construct a new exchange where an exchange already exists, then 65% must approve.
Additional tax levy pursuant to this law.	<a href="#">Minn. Stat. § 275.73.</a>	Council shall provide for submission of question on additional levy at a general or municipal election.	Notice of election must be given and must state purpose and maximum yearly amount of the additional levy.
Tax levy for municipal airport.	<a href="#">Minn. Stat. § 360.037.</a>	Must submit question on ordinance or resolution to voters unless bonds are authorized by a resolution of the city council adopted by a vote of not less than 60 percent of its members.	Ordinance or resolution referred to must list amount of levy or bonds.
Establishment of merit system.	<a href="#">Minn. Stat. § 44.02.</a>	Any 2 <sup>nd</sup> , 3 <sup>rd</sup> or 4 <sup>th</sup> class city must submit a question to voters on an ordinance establishing a merit system.	See statute.
Amendment to merit system.	<a href="#">Minn. Stat. § 44.03.</a>	No police or fire civil service commission may, by ordinance, exclude a position unless 2/3 of voters so vote.	See statute.

## Appendix B: Statutorily authorized special elections called by council or petition

Note: In all statutory and home rule charter cities, the primary, general and special elections held for choosing city officials and deciding public questions relating to the city shall be held as provided in Chapter 205. Some of the provisions in Chapter 205 do not apply in charter cities if the charter specifically addresses them. Minn. Stat. 205.02, subd. 2.

Topic	Statute	Procedure <sup>1</sup>	Percentage of voters required on petition	Other information
Fate of municipal liquor store with net loss in any 2 of 3 consecutive years.	<a href="#">Minn. Stat. § 340A.602.</a>	Council motion or upon sufficient petition council shall submit question to voters.	5% of registered voters.	See statute for ballot question form. Continue or discontinue municipal liquor store within 30 months of election, according to results.
Additional on-sale liquor licenses above statutory limit.	<a href="#">Minn. Stat. § 340A.413, subd. 3(a).</a>	Council decision to submit question to voters.	30% of voters in last city election or 200 registered voters residing in the city whichever is less.	See statute for ballot question form. Clerk must certify results of a referendum within ten days of the election.
Issuing intoxicating liquor licenses.	<a href="#">Minn. Stat. § 340A.416.</a>	Upon sufficient petition, council must submit question to voters.	30% of voters in last city election or 200 registered voters residing in the city whichever is less.	See statute for ballot question form. Clerk must certify results of a referendum within ten days of the election.
Abolition or transfer of a statutory city utilities commission.	<a href="#">Minn. Stat. § 412.391.</a>	Council decision or upon sufficient petition council must submit question to the voters.	15% of the electors voting at the last previous city election.	See statute for ballot question form.
Adoption or abandonment of an optional plan A or B form of government.	<a href="#">Minn. Stat. § 412.551.</a>	Council decision or upon sufficient petition council must submit question to the voters. <sup>2</sup>	15% of the electors voting at the last previous city election.	See statute for ballot question form. City clerk must file certificate of election (including question submitted and vote on question) with county auditor and secretary of state.
Authorization or revocation of a tax levy for a municipal band, orchestra or chorus.	<a href="#">Minn. Stat. § 449.10 –.13.</a>	Upon sufficient petition, council must submit question to voters. Authority may be revoked by same process.	10% of voters from last general municipal election.	See statutes for ballot question form.

<sup>1</sup> Council may initiate many of these actions and act as prescribed by the various statutes cited. However, if a sufficient petition is submitted the council generally must put the question to voters on a separate ballot in a municipal election.

<sup>2</sup> City must wait three years after adoption of plan A or B before submitting question to voters proposing abandonment of either plan.

Dissolution of a city.	<a href="#">Minn. Stat. § 412.091.</a>	Voters petition of Office of Strategic and Long-Range Planning (now the Chief Administrative Law Judge). <sup>3</sup> If sufficient, director holds hearing orders election.	1/3 of those voting in the last preceding city election.	The ballots used at such election shall be substantially in the following form: "Shall the city of ...be dissolved?". See statute for additional procedures.
Charter amendment.	<a href="#">Minn. Stat. § 410.12.</a>	Charter commission motion or upon sufficient petition charter, commission must submit question on amendment.	5% of the total votes cast at the last previous state general election in the city.	Many procedural requirements in the law. See statute and Chapter 4 of the Handbook for Minnesota Cities.
Abolition of police civil service commission.	<a href="#">Minn. Stat. § 419.16 –.17.</a>	Sufficient petition initiates election on question to abolish.	25% of voters in last general city election.	See statute for ballot question. Commission abolished only if two-thirds of votes cast in election are in favor of abolishment.
Abolition of firefighter’s civil service commission.	<a href="#">Minn. Stat. § 420.14 -.15.</a>	Upon sufficient petition - unless commission has existed for 8 years continuously.	25% of voters in last general city election.	See statute for ballot question. Commission abolished only if two-thirds of votes cast in election are in favor of abolishment.
Abandonment of merit system.	<a href="#">Minn. Stat. § 44.16.</a>	Council may initiate or upon sufficient petition, council must submit question to voters.	25% of electors voting at the last general municipal election.	See statute for ballot question. Requires majority vote to abolish unless board supplanted a police or firefighter's civil service commission – then two-thirds vote to abolish required.
City consolidation.	<a href="#">Minn. Stat. § 414.041.</a>	Council resolution of each affected city or upon sufficient petition council must submit question to voters.	A number equal to 5% of resident voters who voted for governor at the last general election.	See statute for information petition must include regarding the consolidation and names of parties entitled to mailed notice; Petitioners serve copies of the petition or resolution on all of the included municipalities.
Resolution to create a hospital district.	<a href="#">Minn. Stat. § 447.31, subd. 3.</a>	Council of each city so resolves or upon sufficient petition council must hold special election within 30 days of petition filing.	10% of the number of voters voting at the last general election.	See statute for ballot language. Petition must present text of proposed resolution and request an election. Special election may be held at a regular municipal election that falls within the 30-day period.
Separate assessment and election districts from town.	<a href="#">Minn. Stat. § 412.081, subd. 2.</a>	Council motion or upon sufficient petition council must submit question to voters.	25% of those voting at the last preceding city election.	Election judges present certificate of result to council. Clerk must file certificate with the county auditor and, if vote to separate prevails, with the secretary of state. Separation takes effect 30 days from date of election.

<sup>3</sup> In 2003, Reorganization Order No. 188, transferred all functions of the Director of the Office of Strategic and Long Range Planning pertaining to municipal boundary adjustments, to the Department of Administration. In 2005, Department of Administration Reorganization Order No. 192, transferred all functions to the Commissioner of Administration to the Office of Administrative Hearings. The Chief Administrative Law Judge is the ultimate decision-maker in boundary adjustment proceedings.



Discharging a charter commission.	<a href="#">Minn. Stat. § 410.05, subd. 5.</a>	Petition requesting a referendum to discharge the charter commission is filed with city clerk.	At least 5 % of the registered voters in the city.	Commission is discharged if a majority of the votes cast support the referendum.  Another charter commission may not be formed sooner than one year from the date of discharge.
Establishing public library service (alternative to Minn. Stat. 134.07).	<a href="#">Minn. Stat. § 134.08, subd. 1.</a>	Upon sufficient petition, council must submit question of establishment or provision of public library services to the voters at the next general election.	Not less than 5 % of the number of persons who voted at the last general election in the city or county.	If a majority of the votes cast on the question are in the affirmative, the governing body shall establish the library or shall provide public library service and levy an annual tax for its support.
Discontinuing public library service.	<a href="#">Minn. Stat. § 134.08, subd. 2.</a>	Upon sufficient petition, the question of discontinuance of public library service shall be placed on the ballot at the next general election.	Not less than 5 % of the number of persons who voted at the last general election in the city or county.	Only applies if the public library service was established under Minnesota Statute § 134.08, subd. 1.  If a majority of the votes cast on the question are in the affirmative, the library service is discontinued.
Starting mosquito abatement program.	<a href="#">Minn. Stat. § 18G.14, subd. 3.</a>	Upon sufficient petition, council must hold public hearing. If council does not adopt resolution to start program within 15 days, council must order a vote to be taken at next regular election.	5% or 250 property owners whichever is less.	Ballot must read ""Shall the (governmental unit) of ..... engage in mosquito abatement?" If a majority votes in favor, the council must take appropriate mosquito abatement actions as soon as possible. If the proposal is rejected, the question must not be resubmitted to voters for 2 years.
Discontinuing mosquito abatement program that began after election.	<a href="#">Minn. Stat. § 18G.14, subd. 4, 5.</a>	Upon sufficient petition, council must hold public hearing. If council does not adopt resolution to discontinue program within 15 days, the council must order a vote to be taken at next regular election.	5% or 250 property owners whichever is less.	The ballot must read "Shall the (governmental unit) of ..... discontinue mosquito abatement?" If a majority votes in favor, the council must take appropriate actions to discontinue mosquito abatement as soon as possible. If the proposal is rejected, the question must not be resubmitted to voters for 2 years.

## Appendix C: Statutorily permitted special elections

Topic	Cite	Procedure	Other information
Special (local) laws. <sup>4</sup>	<a href="#">Minn. Stat. § 645.021, subd. 2.</a>	Council may submit to voters question on adopting special law.	City must file certificate with secretary of state before first day of next regular legislative session. Certificate must state facts necessary to validate approval, including a copy of the resolution or if submitted to the voters, votes for and against.
Changing city name.	<a href="#">Minn. Stat. § 413.02.</a>	When 20% of voters petition for name change, council may submit question to voters at general or special election.	City may by ordinance change the name if majority vote in favor of changing city name. Applies to charter and statutory cities.
Funding community hospital from municipal liquor funds.	<a href="#">Minn. Stat. § 447.045.</a>	Council may submit question to voters on contributing from city liquor store funds toward acquisition, construction, improvement, maintenance and operation of community hospital.	Held at a general or municipal election.
Divert public works reserve fund.	<a href="#">Minn. Stat. § 471.57, subd. 3.</a>	Council may submit question to divert funds for other purpose.	Must state how funds will be used.

<sup>4</sup> See INFORMATION BRIEF: Minnesota House of Representatives Research Department, [Special Legislation](#).

## Appendix D: Council action subject to reversal by voters

Action	Cite	Procedure	Percentage of voters required on petition	Other information
Council adopts ordinance increasing initial council salaries.	<a href="#">Minn. Stat. § 412.021, subd. 5.</a>	Voters must submit petition within 10 days of ordinance publication.	10% of the number of voters at the incorporation election.	Held at general or special election.
If councils of 2 or more cities resolve to consolidate.	<a href="#">Minn. Stat. § 414.041, subd. 6.</a>	Special election required where councils of combining cities approve consolidation but voters petition to vote on the action.	Number equal to 10% of voters who voted for governor at the last general election.	Petition must be submitted within 90 days of vote to consolidate or date of final order, whichever is later.
Council adopts charter amendment by ordinance.	<a href="#">Minn. Stat. § 410.12, subd. 7.</a> <a href="#">Minn. Stat. § 410.12</a>	Petition submitted within 60 days of passage and publication of ordinance.	At least 5 % of the registered voters in the city or 2,000, whichever is less.	If the city has a system of permanent registration of voters, only registered voters are eligible to sign the petition.
Council adopts ordinance to change year of city election.	<a href="#">Minn. Stat. § 205.07, subd. 3.</a>	Within 180 days after passage and publication of ordinance, petition requesting a referendum on the ordinance may be filed with city clerk.	10% of total number of votes cast at the last municipal general election.	Special election must be held within 60 days.
Council action to buy real property where contract price on certain contracts exceeds 0.24177 percent of the estimated market value of the city.	<a href="#">Minn. Stat. § 412.221, subd. 2.</a>	Special election must be held if, after publication of council resolution to purchase property by such contract, voters petition for an election the action.	Number equal to 10% of the number of voters at the last regular city election.	
If council resolves to issue certificates of indebtedness in an amount that exceeds 0.25 percent of the estimated market value of taxable property in the city.	<a href="#">Minn. Stat. § 412.301.</a>	Special election must be held if, after publication of council resolution to issue such certificates, voters petition for an election on the action.	A number of voters equal to 10% of those voting at the last regular municipal election.	A majority of the voters must approve a question on issuance of such certificates at a regular or municipal election.
If a city council passes a resolution to issue bonds to fund or refund bonds where the outstanding gross debt as defined in law exceeds 1.62% of its estimated market value.	<a href="#">Minn. Stat. § 475.58, subd. 2.</a>	Special election must be held if, after publication of council resolution to issue such bonds, voters petition for an election on the action.	10 voters must submit petition for an election on issuing the bonds within ten days after the second publication of the resolution.	City shall issue no such bonds unless a majority of the electors approve the action.
If a city council passes a resolution to issue bonds for street reconstruction.	<a href="#">Minn. Stat. § 475.58, subd. 3b.</a>	City may issue bonds only after successful vote on the question to issue same.	5% of votes cast in last general city election.	Petition must be filed with city clerk within 30 days of public hearing.
City council passes a resolution-increasing levy for port authority over statutory amount of 0.01813% of estimated market value.	<a href="#">Minn. Stat. § 469.053, subd. 5.</a>	Law requires specific published notice, public hearing and 2 <sup>nd</sup> published notice. Petition for election must come within 30 days of 2 <sup>nd</sup> notice.	5% of voters in the last general election.	Commissioner of revenue prepares suggested form of question. Referendum must occur at municipal or general election before Oct. 1 of applicable tax year.

City council passes a resolution-increasing levy for economic development over statutory amount of 0.01813% of estimated market value.	<a href="#">Minn. Stat. § 469.107, subd. 2.</a>	Law requires specific published notice, public hearing and 2 <sup>nd</sup> published notice. Petition for election must come within 30 days of 2 <sup>nd</sup> notice.	5% of voters in the last general election.	Notice of election must state the purpose and amount of the levy. The election must be held at a general or municipal election.
Any two or more cities and towns pass resolution by 2/3 vote of council members to create a hospital district. <sup>5</sup>	<a href="#">Minn. Stat. § 447.31.</a>	Resolution takes effect in 40 days unless, in that time, a petition for a referendum is filed with the city.	5% of the number of voters voting at the last election of officers.	
City council votes to establish, by a two-thirds vote of all its members, by ordinance or resolution an infrastructure replacement reserve fund and may levy for such fund.	<a href="#">Minn. Stat. § 471.572, subd. 2.</a>	Resolution or ordinance takes effect unless, within 10 days, a petition for an election is filed with the clerk.	A number of qualified voters greater than 10% of the number who voted in the city at the last general election.	Vote held at regular or municipal election. See statute for publication and notice requirements.
City council passes by 3/5 vote <sup>6</sup> to issue capital improvement bonds for specific purposes.	<a href="#">Minn. Stat. § 475.521, subd. 2(c).</a>	Published notice and public hearing required. Petition for election must come within 30 days after hearing.	5% of votes cast in last general city election.	Cannot issue bonds after receiving petition until approved by a majority vote.

<sup>5</sup> Except a city of the first class. See Minn. Stat. § 4447.31, subd. 1.

<sup>6</sup> In the case of a governing body having more or less than five members, the bonds must be approved by a vote of at least two-thirds of the members of the governing body. Minn. Stat. § 475.521, subd. 2.

## Appendix E: Sample question titles and language

Note: These samples are actual ballot questions used by cities in recent years. It is not an all-inclusive list of language for all types of ballot questions. These samples are intended to be a starting point only and each city should consult with its city attorney to ensure the legality and appropriateness of the language drafted.

Topic	Title	Language
Issuing GO Bonds	Acquisition and Betterment of an Aquatic Facility	Shall the City of Byron, Minnesota be authorized to issue its general obligation bonds in an amount not to exceed \$9,100,000 to finance the acquisition and betterment of an aquatic facility? "BY VOTING "YES" ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE.
Issuing GO Bonds	Approval of City Park Bond Issue	Shall the City of Lakeville be authorized to issue its general obligation bonds in the amount not to exceed \$38,000,000 to develop recreational trails, construct new community park facilities, improve existing parks and athletic courts, construct an outdoor ice sheet at Hasse Arena, and make improvements to arts and environmental learning centers? BY VOTING "YES" ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE.
Issuing GO Bonds	Issuance of Bonds for Reconstruction of Certain Streets	On July 23, 2018, the City Council of the City of Lake Shore gave preliminary approval for the issuance of up to \$1,595,000.00 in general obligation bonds (the "Bonds") to finance the reconstruction of certain roads in the City including Point Narrows Road, Whitstrom Road, Pohl Road, Bass Lake Road, Bass Lake Trail, Birchwood Hills, Timber Lane, Gullwood Road, Schaefers Point Road and Jacobs Road (the "Street Reconstruction Projects"). Shall the City of Lake Shore be authorized to issue its Bonds, including any bonds to refund such Bonds, in an amount not to exceed \$1,595,000.00 to provide funds to finance the Street Reconstruction Projects? BY VOTING "YES" ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE
Issuing GO Bonds	Parks and Recreation Improvements General Obligation Bonds	In the City of St. Cloud, shall general obligation bonds be issued in a principal amount not to exceed \$20,000,000 to provide funds to improve and develop recreational trails, neighborhood and community parks, improve and enhance park quality, access and safety, activate residents through improvements, amenities, maintenance and operations to existing parks, special use facilities, natural areas and recreational facilities for children, adults, families and seniors? BY VOTING "YES" ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE.
Sales Tax	Imposition of Sales Tax for Police Facility	Shall the City of Detroit Lakes, Minnesota be authorized to impose a temporary sales and use tax of one-half of one percent for a period of approximately ten years or until approximately \$6,700,000, plus an amount equal to interest and the costs of issuing any bonds is raised, to finance all or a portion of the costs of construction of the new Detroit Lakes Police Department Facility to be located in the City; provided that such tax shall terminate sooner if the City Council determines that all such costs have been paid?
Sales Tax	West St. Paul Sales and Use Tax	Shall the City of West St. Paul, Minnesota be authorized to impose a sales and use tax of one-half of one percent (0.5%) to finance street projects identified in the City's Pavement Management Plan?
Sales Tax	Proposed Scanlon Sales Tax	Shall the City of Scanlon, Minnesota (the "City") be authorized to impose a sales and use tax of one-half percent (0.5%) to finance the cost of city street improvements, and utility infrastructure?
Sales Tax	Sales and Use Tax for the Municipal Athletic Complex	In the City of St. Cloud, shall the proceeds of a one-half of one percent sales and use tax be collected for a period of five years to fund up to \$21,100,000 of improvements and renovations to the Municipal Athletic Complex?



## First Children's Finance

### Supporting Family and Center Child Care Programs

For nearly 30 years, First Children's Finance has worked with communities, family providers and child care centers to increase the supply and sustainability of early care and education in urban and rural areas. We do this through business management training, one-on-one coaching, financing, and community consulting. Dependent upon the project, our work may be available to providers at no cost due to funding from the MN Department of Human Services and other regional funders.

#### Right Size Solutions for Start-Up, Existing or Expansion: (brief explanation of services are on the back)

[Financial Modeling & Analysis](#) | [Business Planning](#) | [Marketing Assistance](#) | [Loans](#) | [Grants](#)  
[Contract & Policy Review](#) | [Rate Structure](#) | [Enrollment Study](#) | [Supply & Demand Gap Analysis](#)  
[DEVELOP Trainings](#) | [Business Leadership Cohort](#) | [Board Governance](#) | [Community Consultation](#)

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For more information contact:

Shelly Kunz

Business Development Specialist

507-218-2265

[shellyk@FirstChildrensFinance.org](mailto:shellyk@FirstChildrensFinance.org)

**Services Include: (\*common ones for providers to use)**

**Multiple Sessions**

- **\*Financial Modeling** (start-up or expansion): looking at the financial viability of a new business. Will use FCF tools and look at income and expenses to determine profitability. In completing this process, we can look at what a Child Care Program could potentially earn each year after expenses, what a provider could earn for an hourly wage, and other financial supports that are available to become more profitable.
- **\*Financial Analysis** (existing programs): look at where you are now financially, where you would like to be, and determine adjustments that can be made to get you there
- **\*Business Planning**: high-level consultation to give client tools needed to begin writing a business plan
- **\*Marketing Assistance**: help clients realize areas to market the business- look for ways to showcase the business and draw in new families or build upon a waitlist.
- **\*Contract & Policy Review**: Be the second set of eyes on policies and contracts to recommend enhancements and adjustments
- **\*Rate Structure Consultation**: Look at current rates/rate you are considering and compare them to the regional market and CCAP rates to see if there are areas to make changes to increase profitability.
- **Board Governance Consultation**: with boards to do an assessment and spur conversations and activities to get the board to understand the business model and fiduciary responsibilities.
- **Enrollment Consultation**: look at enrollment and determine if the current enrollment maximizes profitability.
- **Loans**: Forgivable and traditional loans
- **FREE Develop Approved Training**: statewide training offered on various business and professional development topics.
- **Business Leadership Cohorts**: 4-part training session to include two consultations. By completing the entire cohort can will receive an FCC/CCC Business Leadership credential that can be used for extra points for your Parent Aware rating under the Director’s credential area! The Business Leadership credential is education that will be applied to your Develop learning record.



# CHILD CARE NEEDS SUMMARY

Central Minnesota

2023

First Children's Finance Minnesota  
1-866-562-6801  
infomn@firstchildrensfinance.org



First Children's Finance



# Background Information



This report was prepared by First Children's Finance through generous funding from the Minnesota Department of Human Services.

## This report covers the following geographic area:

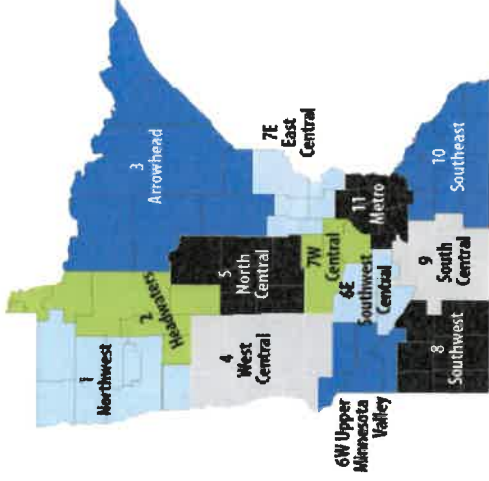
MN Economic Development Regions 5, 7E & 7W sorted by county

### Central Minnesota Counties:

Benton	Kanabec	Stearns
Cass	Mille Lacs	Todd
Chisago	Morrison	Wadena
Crow Wing	Pine	Wright
Isanti	Sherburne	

### Data Sources:

- 2017-2021 U.S. Census American Community Survey, 5-year estimates
- Minnesota Department of Human Services
- Minnesota Department of Health
- Minnesota Department of Education
- U.S. Postal Service



### Assumptions

1. If a zip code falls in more than one city and/or county, data was placed in the primary city and/or county as determined by the U.S. Postal Service.
2. All programs offering less than all day, every-day child care were excluded.
3. Due to lack of publicly available capacity data, all certified and non-certified programs (generally school-based programs) were excluded.

\* Capacity is an internal calculation of First Children's Finance based upon historical data collection

\*\* Children under 5 is an adjusted calculation from 2017-2021 U.S. Census American Community Survey, 5-year estimates

# Central Minnesota Child Care Need Summary by County

June 2023

## Totals:

Child Care Centers	CCC Capacity	Family Child Care	FCC Capacity	Total Capacity	Capacity*	Under '6' Working	Children Under 5**	Child Care Need
119	10,186	1,134	14,017	24,203	20,573	43,944	37,352	(16,780)

Zip Code	City	County	CCC #	CCC Capacity	FCC #	FCC Capacity	Total Capacity	Capacity*	Under '6' Working	Children Under 5**	Child Care Need
56329	Foley	Benton	2	160	24	288	448	381	709	603	-222
56333	Gilman	Benton	0	0	0	0	0	0	0	0	0
56357	Oak Park	Benton	0	0	6	72	72	61	78	66	-5
56367	Rice	Benton	0	0	26	308	308	262	461	392	-130
56379	Sauk Rapids	Benton	1	50	47	554	604	513	1167	992	-479
55785	Swatara	Cass	0	0	0	0	0	0	0	0	0
56435	Backus	Cass	0	0	4	46	46	39	131	111	-72
56452	Hackensack	Cass	0	0	0	0	0	0	27	23	-23
56473	Pillager	Cass	2	119	4	42	161	137	141	120	17
56474	Pine River	Cass	1	67	4	48	115	98	210	179	-81
56484	Walker	Cass	0	0	8	100	100	85	120	102	-17
56626	Bena	Cass	0	0	0	0	0	0	8	7	-7
56633	Cass Lake	Cass	0	0	4	50	50	43	445	378	-336
56641	Federal Dam	Cass	0	0	0	0	0	0	29	25	-25
56655	Longville	Cass	0	0	0	0	0	0	42	36	-36
56662	Outing	Cass	0	0	0	0	0	0	11	9	

Section 7, Item A.

Zip Code	City	County	CCC #	CCC Capacity	FCC #	FCC Capacity	Total Capacity	Capacity*	Under '6' Working	Children Under 5*	Child Care Need
56672	Remer	Cass	0	0	1	12	12	10	72	61	-51
55012	Center City	Chisago	0	0	0	0	0	0	55	47	-47
55013	Chisago City	Chisago	2	183	3	34	217	184	436	371	-186
55032	Harris	Chisago	0	0	5	60	60	51	132	112	-61
55045	Lindstrom	Chisago	0	0	7	88	88	75	526	447	-372
55056	North Branch	Chisago	2	179	19	232	411	349	375	319	31
55069	Rush City	Chisago	0	0	10	134	134	114	180	153	-39
55074	Shafer	Chisago	0	0	2	26	26	22	129	110	-88
55078	Stacy	Chisago	0	0	0	0	0	0	0	0	0
55079	Stacy	Chisago	0	0	5	58	58	49	511	434	-385
55084	Taylor Falls	Chisago	0	0	0	0	0	0	58	49	-49
55092	Wyoming	Chisago	6	348	12	158	506	430	418	355	75
56401	Brainerd	Crow Wing	8	585	44	524	1109	943	1951	1658	-716
56425	Baxter	Crow Wing	1	74	12	150	224	190	424	360	-170
56441	Crosby	Crow Wing	0	0	3	32	32	27	97	82	-55
56442	Crosslake	Crow Wing	1	57	1	14	71	60	46	39	21
56444	Deerwood	Crow Wing	0	0	4	44	44	37	111	94	-57
56447	Emily	Crow Wing	0	0	0	0	0	0	15	13	-13
56448	Fifty Lakes	Crow Wing	0	0	0	0	0	0	0	0	0
56449	Fort Ripley	Crow Wing	0	0	2	22	22	19	121	103	-84
56450	Garrison	Crow Wing	1	38	1	12	50	43	20	17	26
56455	Ironton	Crow Wing	0	0	4	48	48	41	87	74	-33
56456	Jenkins	Crow Wing	0	0	0	0	0	0	0	0	0
56459	Lake Hubert	Crow Wing	0	0	0	0	0	0	0	0	0
56465	Merrifield	Crow Wing	0	0	4	48	48	41	94	80	-14

Section 7, Item A.

Zip Code	City	County	CCC #	CCC Capacity	FCC #	FCC Capacity	Total Capacity	Capacity*	Under '6' Working	Children Under 5*	Child Care Need
56468	Nisswa	Crow Wing	1	66	4	48	114	97	165	140	-43
56472	Pequot Lakes	Crow Wing	2	151	4	50	201	171	470	400	-229
55006	Braham	Isanti	0	0	4	50	50	43	150	128	-85
55008	Cambridge	Isanti	3	247	12	134	381	324	663	564	-240
55017	Dalbo	Isanti	0	0	1	10	10	9	47	40	-31
55029	Grandy	Isanti	0	0	0	0	0	0	33	28	-28
55040	Isanti	Isanti	3	303	10	116	419	356	731	621	-265
55080	Stanchfield	Isanti	0	0	0	0	0	0	116	99	-99
55051	Mora	Kanabec	2	72	16	206	278	236	318	270	-34
56358	Ogilvie	Kanabec	0	0	3	36	36	31	127	108	-77
55371	Princeton	Mille Lacs	3	285	21	244	529	450	884	751	-302
56313	Bock	Mille Lacs	0	0	0	0	0	0	3	3	-3
56330	Foreston	Mille Lacs	0	0	3	32	32	27	110	94	-66
56342	Isle	Mille Lacs	0	0	4	50	50	43	84	71	-29
56353	Milaca	Mille Lacs	1	129	11	132	261	222	540	459	-237
56359	Onamia	Mille Lacs	0	0	3	38	38	32	198	168	-136
56363	Pease	Mille Lacs	0	0	1	12	12	10	11	9	1
56386	Wahkon	Mille Lacs	0	0	0	0	0	0	21	18	-18
56314	Bowlus	Morrison	0	0	1	12	12	10	51	43	-33
56317	Buckman	Morrison	0	0	0	0	0	0	0	0	0
56328	Flensburg	Morrison	0	0	1	10	10	9	4	3	5
56338	Hillman	Morrison	0	0	2	26	26	22	58	49	-27
56344	Lastrup	Morrison	0	0	0	0	0	0	0	0	0
56345	Little Falls	Morrison	2	92	31	354	446	379	821	698	-319
56364	Pierz	Morrison	0	0	24	282	282	240	345	293	-

Zip Code	City	County	CCC #	CCC Capacity	FCC #	FCC Capacity	Total Capacity	Capacity*	Under '6' Working	Children Under 5*	Child Care Need
56373	Royalton	Morrison	0	0	11	126	126	107	190	162	-54
56382	Swanville	Morrison	0	0	3	34	34	29	64	54	-26
56384	Upsala	Morrison	0	0	0	0	0	0	15	13	-13
56443	Cushing	Morrison	0	0	2	26	26	22	47	40	-18
56466	Motley	Morrison	0	0	4	50	50	43	74	63	-20
56475	Randall	Morrison	0	0	6	76	76	65	97	82	-18
55007	Brook Park	Pine	0	0	2	26	26	22	62	53	-31
55030	Grasston	Pine	0	0	1	14	14	12	108	92	-80
55036	Henriette	Pine	0	0	0	0	0	0	0	0	0
55037	Hinckley	Pine	0	0	4	50	50	43	179	152	-110
55063	Pine City	Pine	3	208	18	216	424	360	431	366	-6
55067	Rock Creek	Pine	0	0	0	0	0	0	0	0	0
55072	Sandstone	Pine	1	81	1	14	95	81	117	99	-19
55704	Askov	Pine	0	0	2	24	24	20	55	47	-26
55712	Bruno	Pine	0	0	1	14	14	12	2	2	10
55735	Finlayson	Pine	0	0	1	14	14	12	104	88	-77
55756	Kerrick	Pine	0	0	0	0	0	0	12	10	-10
55783	Sturgeon Lake	Pine	0	0	2	28	28	24	103	88	-64
55795	Willow River	Pine	0	0	2	28	28	24	70	60	-36
55308	Becker	Sherburne	1	148	20	239	387	329	648	551	-222
55309	Big Lake	Sherburne	1	120	31	364	484	411	1189	1011	-599
55319	Clear Lake	Sherburne	0	0	6	70	70	60	430	366	-306
55330	Elk River	Sherburne	8	1074	65	786	1860	1581	2857	2428	-847
55377	Santiago	Sherburne	0	0	0	0	0	0	0	0	0
55398	Zimmerman	Sherburne	3	203	34	402	605	514	1103	938	-4

Section 7, Item A.

Zip Code	City	County	CCC #	CCC Capacity	FCC #	FCC Capacity	Total Capacity	Capacity*	Under '6' Working	Children Under 5*	Child Care Need
56304	Saint Cloud	Sherburne	3	213	11	131	344	292	819	696	-404
56353	Kimball	Stearns	0	0	1	10	10	9	165	140	-132
56301	Saint Cloud	Stearns	10	791	28	328	1119	951	2207	1876	-925
56302	Saint Cloud	Stearns	0	0	0	0	0	0	0	0	0
56303	Saint Cloud	Stearns	6	506	24	292	798	678	1342	1141	-462
56307	Albany	Stearns	2	71	14	166	237	201	389	331	-129
56310	Avon	Stearns	1	32	21	246	278	236	324	275	-39
56312	Belgrade	Stearns	0	0	7	82	82	70	172	146	-77
56316	Brooten	Stearns	1	40	1	14	54	46	64	54	-9
56320	Cold Spring	Stearns	2	78	16	188	266	226	604	513	-287
56321	Collegeville	Stearns	0	0	0	0	0	0	0	0	0
56325	Elrosa	Stearns	0	0	1	10	10	9	13	11	-3
56331	Freeport	Stearns	1	50	11	136	186	158	262	223	-65
56335	Greenwald	Stearns	0	0	1	12	12	10	36	31	-20
56340	Holdingford	Stearns	0	0	12	140	140	119	129	110	9
56352	Melrose	Stearns	1	61	17	206	267	227	418	355	-128
56356	New Munich	Stearns	0	0	0	0	0	0	36	31	-31
56362	Paynesville	Stearns	0	0	9	108	108	92	308	262	-170
56368	Richmond	Stearns	4	211	7	82	293	249	201	171	78
56369	Rockville	Stearns	2	59	1	12	71	60	69	59	2
56371	Roscoe	Stearns	0	0	0	0	0	0	12	10	-10
56372	Saint Cloud	Stearns	0	0	0	0	0	0	0	0	0
56374	Saint Joseph	Stearns	1	163	18	220	383	326	410	349	-23
56375	Saint Stephen	Stearns	0	0	1	10	10	9	58	49	-41
56376	Saint Martin	Stearns	0	0	2	22	22	19	23	20	

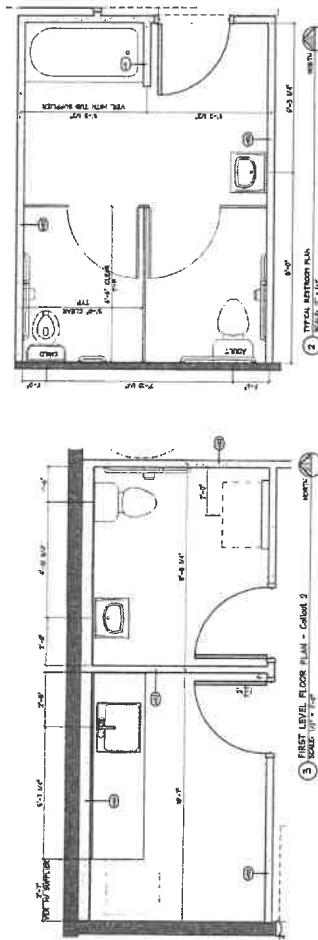
Zip Code	City	County	CCC #	CCC Capacity	FCC #	FCC Capacity	Total Capacity	Capacity*	Under '6' Working	Children Under 5*	Child Care Need
56377	Sartell	Stearns	3	438	5	596	1034	879	1543	1312	-433
56378	Sauk Centre	Stearns	1	67	21	246	313	266	443	377	-111
56387	Waite Park	Stearns	0	0	8	100	100	85	501	426	-341
56388	Saint Cloud	Stearns	0	0	0	0	0	0	0	0	0
56393	Saint Cloud	Stearns	0	0	0	0	0	0	0	0	0
56395	Saint Cloud	Stearns	0	0	0	0	0	0	0	0	0
56396	Saint Cloud	Stearns	0	0	0	0	0	0	0	0	0
56397	Saint Cloud	Stearns	0	0	0	0	0	0	0	0	0
56398	Saint Cloud	Stearns	0	0	0	0	0	0	0	0	0
56399	Saint Cloud	Stearns	0	0	0	0	0	0	0	0	0
56318	Burtrum	Todd	0	0	1	12	12	10	34	29	-19
56336	Grey Eagle	Todd	0	0	3	34	34	29	78	66	-37
56347	Long Prairie	Todd	0	0	14	164	164	139	327	278	-139
56389	West Union	Todd	0	0	0	0	0	0	6	5	-5
56437	Bertha	Todd	0	0	1	10	10	9	52	44	-36
56438	Browerville	Todd	0	0	6	76	76	65	113	96	-31
56440	Clarissa	Todd	0	0	2	22	22	19	76	65	-46
56446	Eagle Bend	Todd	0	0	0	0	0	0	87	74	-74
56453	Hewitt	Todd	0	0	2	22	22	19	37	31	-13
56434	Aldrich	Wadena	0	0	0	0	0	0	0	0	0
56464	Menahga	Wadena	0	0	2	24	24	20	228	194	-173
56477	Sebeka	Wadena	0	0	6	70	70	60	155	132	-72
56479	Staples	Wadena	1	49	5	60	109	93	185	157	-65
56481	Verndale	Wadena	1	102	2	26	128	109	124	105	3
56482	Wadena	Wadena	1	49	16	188	237	201	459	390	-1

Section 7, Item A.

Zip Code	City	County	CCC #	CCC Capacity	FCC #	FCC Capacity	Total Capacity	Capacity*	Under '6' Working	Children Under 5*	Child Care Need
55301	Albertville	Wright	2	341	25	290	631	536	692	588	-52
55302	Annandale	Wright	2	201	7	80	281	239	505	429	-190
55313	Buffalo	Wright	2	579	28	324	903	768	1328	1129	-361
55320	Clearwater	Wright	0	0	11	124	124	105	296	252	-146
55321	Cokato	Wright	1	35	4	50	85	72	230	196	-123
55328	Delano	Wright	1	151	11	117	268	228	678	576	-349
55341	Hanover	Wright	1	60	5	58	118	100	250	213	-112
55349	Howard Lake	Wright	0	0	5	60	60	51	159	135	-84
55358	Maple Lake	Wright	0	0	8	88	88	75	302	257	-182
55362	Monticello	Wright	2	166	34	404	570	485	1430	1216	-731
55363	Montrose	Wright	1	48	6	70	118	100	367	312	-212
55373	Rockford	Wright	2	145	6	72	217	184	164	139	45
55376	Saint Michael	Wright	3	441	32	370	811	689	1404	1193	-504
55382	South Haven	Wright	0	0	8	96	96	82	125	106	-25
55390	Waverly	Wright	0	0	9	102	102	87	161	137	-50
55592	Maple Plain	Wright	0	0	0	0	0	0	0	0	0
<b>Totals</b>			<b>119</b>	<b>10,186</b>	<b>1,134</b>	<b>14,017</b>	<b>24,203</b>	<b>20,573</b>	<b>43,944</b>	<b>37,352</b>	<b>(16,780)</b>





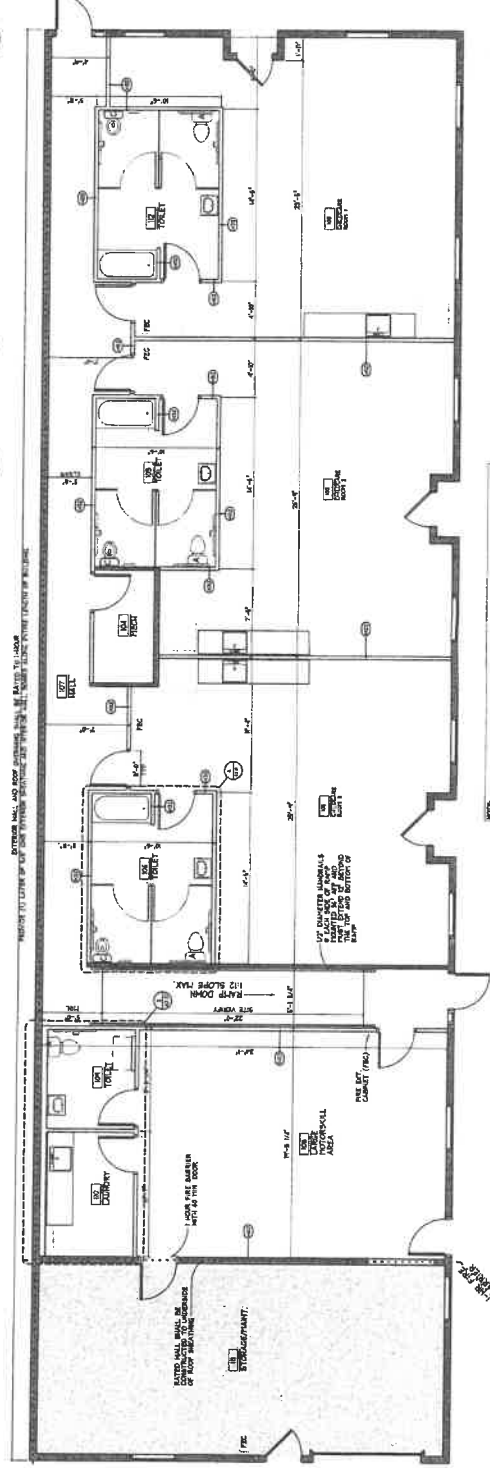


**WALL TYPE KEY**

1	STRUCTURAL CONCRETE
2	CONCRETE
3	WOOD STUD WALL
4	WOOD STUD WALL WITH INSULATION
5	WOOD STUD WALL WITH INSULATION AND GYPSUM BOARD
6	WOOD STUD WALL WITH INSULATION AND GYPSUM BOARD AND FINISH
7	WOOD STUD WALL WITH INSULATION AND GYPSUM BOARD AND FINISH WITH EXTERIOR FINISH
8	WOOD STUD WALL WITH INSULATION AND GYPSUM BOARD AND FINISH WITH EXTERIOR FINISH AND WINDOW/DOOR
9	WOOD STUD WALL WITH INSULATION AND GYPSUM BOARD AND FINISH WITH EXTERIOR FINISH AND WINDOW/DOOR AND FINISH
10	WOOD STUD WALL WITH INSULATION AND GYPSUM BOARD AND FINISH WITH EXTERIOR FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR
11	WOOD STUD WALL WITH INSULATION AND GYPSUM BOARD AND FINISH WITH EXTERIOR FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH
12	WOOD STUD WALL WITH INSULATION AND GYPSUM BOARD AND FINISH WITH EXTERIOR FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR
13	WOOD STUD WALL WITH INSULATION AND GYPSUM BOARD AND FINISH WITH EXTERIOR FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH
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15	WOOD STUD WALL WITH INSULATION AND GYPSUM BOARD AND FINISH WITH EXTERIOR FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH
16	WOOD STUD WALL WITH INSULATION AND GYPSUM BOARD AND FINISH WITH EXTERIOR FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR
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18	WOOD STUD WALL WITH INSULATION AND GYPSUM BOARD AND FINISH WITH EXTERIOR FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR
19	WOOD STUD WALL WITH INSULATION AND GYPSUM BOARD AND FINISH WITH EXTERIOR FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH
20	WOOD STUD WALL WITH INSULATION AND GYPSUM BOARD AND FINISH WITH EXTERIOR FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR AND FINISH AND WINDOW/DOOR

**REVISION SCHEDULE**

NO.	DATE	DESCRIPTION
1	11/14/2023	ISSUED FOR PERMIT



**HILLS CHILD CARE FACILITY**  
 MAIN LEVEL FLOOR PLAN  
 SHEET NO. A3.01  
 DATE: 11/14/2023  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO.: [Number]

1. OVERALL MAIN LEVEL FLOOR PLAN

Scale: 1/8" = 1'-0"



**Breezy Point City Council  
January 2, 2024 - 6:30 pm  
Regular Meeting Minutes**

The meeting of the Breezy Point City Council was called to order by Angel Zierden at 6:30 p.m. Roll Call was taken by City Administrator Chanski. Councilmembers present were Rebecca Ball, Steve Jensen, Michael Moroni, and Brad Scott. Staff present included City Administrator/Clerk David Chanski, Assistant City Administrator Daniel Eick, Deputy Clerk Deb Runksmeier, Police Chief Brian Sandel, Planning & Zoning Administrator Peter Gansen, and Public Works Supervisor Joe Zierden. Also present was City Engineer Joe Dubel. All present stood for the pledge of allegiance.

Approval/Amendment of the Agenda

Councilmember Ball motioned to approve the agenda, which was seconded by Councilmember Moroni. Councilmember Scott requested to remove item 8.F, the 2024 Fee Schedule, from the consent agenda for further discussion. Councilmembers Ball and Moroni agreed to amend the motion accordingly. Mayor Zierden was opposed to the motion as she felt Councilmember Scott should have asked questions about the fee schedule prior to the meeting.

MOTION BALL/MORONI TO APPROVE THE AGENDA, MOVING ITEM 8.F. FEE SCHEDULE TO 9.A., MOTION CARRIED 4-1, ZEIRDEN OPPOSED

Open Forum

Shane Humphry, Breezy Point Disc Golf Club  
Bill Toft, 31877 Green Scene Drive  
Tracy Kurten, 31709 Green Scene Drive  
Debra Buckner, 7712 Chickasaw Circle

Life Saving Awards

Life Saving Awards were presented to Officer Salvevold and Officer Rustad.

Region 5 Development Commission

Candice Zimmermann spoke about the energy and environment planning program and took comments from the Council regarding their level of interest in program participation.

Petition to Remove Holes 4-12 from Disc Golf Course Expansion

Representing the Breezy Point Neighborhood Alliance, Jonathan Kurten presented the group’s petition to have hole 4 through 12 removed from the disc golf course expansion. The City Council debated the request.

MOTION JENSEN TO REMOVE HOLES 4 THROUGH 12 FROM THE DISC GOLF

COURSE EXPANTION, MOTION FAILED DUE TO LACK OF SECOND

Councilmember Moroni distributed and presented a list of recommendations that he believed would address concerns.

MOTION BALL/MORONI TO APPROVE RECOMMENDATIONS PRESENTED BY COUNCILMEMBER MORONI WITH INSTRUCTION FOR THE PARKS AND RECREATION COMMITTEE TO WORK ON BULLET ITEMS, MOTION CARRIED 4-1, SCOTT OPPOSED

Consent Agenda

- A. December 4, 2023 City Council Minutes
- B. Approval of Claims Totaling \$109,883.78
- C. Resolution 01-2024 Electronic Funds Transfers
- D. Resolution 02-2024 Setting Polling Place
- E. Resolution 03-2024 Appointment of Election Judges
- G. 2024 Tort Liability Waiver

MOTION MORONI/JENSEN TO APPROVE THE CONSENT AGENDA WITH ITEM F. FEE SCHEDULE REMOVED, MOTION CARRIED 5-0

Resolution 04-2024 Fee Schedule

Councilmember Scott asked Administrator Chanski about the proposed fee increases. Administrator Chanski explained that fees related to the columbarium in the Cemetery are adjusted every year based on the City’s cost to have the niche plaques engraved. E-911 and equipment contract costs were also increased due to increased material and labor costs.

MOTION BALL/MORONI TO APPROVE RESOLUTION 04-2024 FEE SCHEDULE FOR 2024, MOTION CARRIED 5-0

Request to Use City Property for Event Parking

City Administrator Chanski explained the event request for use of the land to the east of the City Hall baseball field as event parking for a fishing tournament on July 14, 2024.

MOTION BALL/JENSEN TO APPROVE PARKING REQUEST FOR JULY 14, MOTION CARRIED 5-0

2024 Organizational Resolution and Committee Appointments

City Administrator Chanski discussed that State Statute requires cities to pass an organizational resolution each year. He stated that the Mayor did not make any liaison appointments prior to the meeting as there have been comments from councilmembers to eliminate committee liaisons. Additionally, City Administrator

Chanski proposed that the City Council consider moving to bi-monthly meetings and/or setting standing workshops to help reduce the length of meetings. He stated that multiple meetings would also allow the Council more time to consider issues as a full month in between meetings often means that the City Council must make a decision on an issue as tabling the item would result in missing a deadline, costs increases, etc.

After discussion, the City Council decided that they would eliminate committee liaisons, stating that councilmembers can still choose to attend meetings if they'd like (as long as they communicate with Administrator Chanski to ensure there isn't an unnoticed quorum of the Council present) or watch the meeting videos.

As for council meetings, the City Council decided to stick with the current meeting Schedule as schedule workshops as needed.

MOTION BALL/JENSEN TO APPROVE RESOLUTION 05-2024 FOR APPOINTMENTS TO COMMITTEE AND COMMISSIONS, COUNCIL MEETINGS THE FIRST MONDAY OF THE MONTH, WORKSHOPS AS NEEDED, ELIMINATION OF LIAISONS, AND APPOINT BALL TO JOINT POWERS BOARD WITH JENSEN ALTERNATE AND MORONI TO HEARTLAND CABLE COMMISSION, MOTION CARRIED 5-0

The City Council conducted a short recess from 8:21p.m. to 8:27p.m.

Communications Recommendations

Assistant City Administrator Eick explained staff recommendations for communication improvements including a monthly e-newsletter and quarterly mailer. Council discussed direct mailers and time of staff to implement the new ideas. Assistant City Administrator Eick stated that if staff's recommendations are implemented, approximately 30% of his time will be spent on communications. Council requested staff to report back with statistics on communication processes.

MOTION MORONI/BALL TO APPROVE THE THREE COMMUNICATIONS OF MONTHLY E-NEWSLETTER, QUARTERLY BULLETIN, AND WEBSITE RECOMENATIONS PRESENTED, MOTION CARRIED 5-0

Chip Sealing for 2024

Public Works Supervisor Joe Zierden explained the request of Chip Sealing specific roads in 2024.

MOTION MORONI/BALL TO APPROVE AUTHORIZATION FOR CHIP SEALING OSSAWINNAKEE ROAD, GRAF ROAD, AND SUNSET STRIP WITH PARTNERSHIP OF IDEAL TOWNSHIP IN 2024, MOTION CARRIED 5-0

Terminal and Red Oak Lane Sewer Extension Discussion

Administrator Chanski explained that staff has identified an opportunity to expand sewer along CSAH 11 from Airport Road to Red Oak Lane. Such an expansion would serve a commercial development in progress as well as allow the smaller lots on Terminal Road and Red Oak Lane. Next step in process would be to conduct a feasibility study on the proposed expansion.

MOTION MORONI/SCOTT TO APPROVE FEASIBILITY STUDY WITH COST UP TO \$6,500 FOR PROPOSED EXTENSION OF SEWER SERVICE TO AIRPORT ROAD AND RED OAK LANE, MOTION CARRIED 5-0

Chickasaw Sewer and Rezoning

City Administrator Chanski spoke about the recommendation from the Planning and Zoning Commission to rezone properties along Chickasaw Circle owned by Whitebirch Inc., and City Engineer Dubel discussed the feasibility and costs of expanding sewer along Chicksaw.

David Landecker, representing Whitebrich, Inc., explained what they are planning to develop on Chickasaw Circle. He indicated that if the City chooses not to expand sewer into Chickasaw, Whitebirch will pursue a cheaper alternative that will service just the proposed townhome development.

Michael Buckner of 7712 Chickasaw Circle was recognized by Mayor Zierden and stated that he and most of his neighbors are happy with their septic systems (the majority of which are relatively new) and have no desire for sewer.

Ultimately, the City Council was in agreement not to pursue extending sewer into Chickasaw at this time.

MOTION MORONI/JENSEN TO REZONE PARCELS 10171421, 10171422, 10171423 FROM R-1 LOW DENSITY RESIDENTIAL TO R-4 MULTI FAMILY RESIDENTIAL, MOTION CARRIED 5-0

Ladder Truck Joint Powers Agreement

City Administrator Chanski provided the details of the joint powers agreement between the City of Breezy Point, City of Pequot Lakes, and the Pequot Lakes Fire District for the purpose of purchasing a ladder truck. He explained the two payments options (bonding or cash) but stated that he recommends that the City bond for the truck so that the City maintains its cash on hand for future projects.

Fire Chief Schwankl explained how the costs of the District’s Capital Improvement Plan is divided up and reported that the Pequot Lakes Council approved the joint powers agreement before the Breezy Point meeting.

MOTION SCOTT/MORONI TO APPROVE RESOLUTION 06-2024 OF THE JOINT

POWERS AGREEMENT WITH INTENT OF THE CITY OF BREEZY POINT TO REIMBURSE CERTAIN CAPITAL EXPENDITURES, MOTION CARRIED 5-0

Rules of Conduct and Procedure

City Administrator Chanski presented the City Attorney’s opinion on the handling of allegations of misconduct by elected officials. Councilmember Scott then presented the City Council with a document containing social media posts involving the Mayor that he was given by concerned residents. When asked if he is making an allegation of misconduct against Mayor Zierden or if he has read the document provided, Councilmember Scott stated that he was not making any allegations at that time and had not read the document in its entirety. However, he felt it was important for the Council to have the information. Councilmember Ball stated that she did not understand why the document was being present if no allegations were being made and would not read the document unless formal allegations were made. The City Council took no action and did not provide staff any further direction.

Staff Reports

Council Workshops are scheduled for January 16 and January 23.

Council Reports - None

Agenda Forecast

City Administrator Chanski stated that, following the discussion on meetings, he did not have anything to provide for an agenda forecast and would be reevaluating how further agenda forecasts are presented.

Adjourn

MOTION JENSEN/MORONI TO ADJOURN, CARRIED 5-0

Meeting was adjourned at 10:08 p.m.

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David C. Chanski, City Administrator/Clerk



**Breezy Point City Council  
January 16, 2024 – 5:00 pm  
City Council Workshop Minutes**

A workshop of the Breezy Point City Council began at 5:00pm. Councilmembers present were Rebecca Ball, Steve Jensen, Michael Moroni, Brad Scott, and Mayor Angel Zierden. Staff present included City Administrator David Chanski, Assistant City Administrator Daniel Eick, and Public Works Supervisor Joe Zierden. The purpose of the workshop was to receive the final report for the 2023 Organizational Assessment from Mr. Sheldon Cohen of Resource Management Associates.

Following an introduction by City Administrator Chanski, Mr. Cohen outlined how the assessment was conducted and then provided a detailed walkthrough of his observations and recommendations.

During his introduction, Mr. Cohen discussed that, for the purpose of the assessment, efficiency was defined as “the City’s application of resources – human, financial, physical or information – to achieve a specified goal or objective,” and effectiveness was defined as “the quality of the delivery of services.” Additionally, he listed 7 characteristic of Breezy Point the provided context for the assessment:

- Small, rural city of 2,813 with the population density of 240 persons per square mile.
- Relatively high rate of population growth: 3%/year.
- Vacation/destination city: 3x summer population.
- No distinctive natural or human-made features or risks.
- Full-service municipality.
- Intergovernmental relationships.
- Option B statutory council-manager city.

Following his introduction, Mr. Cohen presented his findings and recommendations for each of the following areas of operation:

- Policy and Administration
- Financial Management
- Public Works
- Police
- Fire
- Planning & Zoning
- Human Resources
- IT and Systems

Mr. Cohen also provided summaries on staffing, services, the organization as a whole, facilities, and financial considerations as well as a brief discussion on implementation.

While the full assessment listed 53 total recommendations, Mr. Cohen concluded with his recommended top 11 priorities driven by risk and impact. There were:

- 1) Resolve City Hall decision.
- 2) Procure and implement new ERP.
- 3) Revise chart of accounts.
- 4) Implement purchase-order-based encumbrance accounting.
- 5) Police summer staffing.
- 6) New Public Works garage.
- 7) Committing a percentage of the annual budget for roadway funding.
- 8) Implement Capital Improvement Program (CIP).
- 9) Revise Personnel Policy.
- 10) Robust City Council minutes.

Following Mr. Cohen’s presentation, multiple members of the Council thanked Mr. Cohen for his work, the City Council had a short period of discussion. Councilmember Jensen asked City Administrator Chanski about the replacement status of the 2003 fire engine stationed in Breezy Point in the Fire District’s new CIP. Administrator Chanski stated that it is the next engine scheduled to be replaced.

Councilmember Moroni stated that he is excited to see where the City goes with the ERP and CRM recommendations, and Councilmember Ball said that the items listed from staff were very helpful.

Mayor Zierden asked what staff’s thoughts on the assessment were, and Administrator Chanski said that he saw the assessment as very helpful. It helped solidify some things that staff already knew but also shined the spotlight on things staff weren’t as aware of or emphasized that some items should be a higher priority than where staff had them.

Mayor Zierden also stated that she thought it important that the City figure out ways to effectively communicate about the assessment and why the recommendations from it are important, and Councilmember Jensen mentioned that he believes executive summaries are an important piece to communication. City Administrator Chanski stated that a project page for the organizational assessment has already been created and the full report and executive summary were published on the project page as well as a social media post made in December. He encouraged the City Council not to post the priorities from Mr. Cohen until the City Council has the opportunity to work with staff on priorities as they may differ from Mr. Cohen’s recommendations.

The workshop was adjourned at 6:01pm.

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David Chanski, City Administrator/Clerk

**Breezy Point City Council  
January 23, 2024 – 5:00 pm  
City Council Workshop Minutes**

A workshop of the Breezy Point City Council began at 5:01pm. Councilmembers present were Rebecca Ball, Steve Jensen, Michael Moroni, Brad Scott, and Mayor Angel Zierden. Staff present included City Administrator David Chanski, Assistant City Administrator Daniel Eick, Planning & Zoning Administrator Peter Gansen, and Building Official Scott Sadusky as well as Mike Angland and Lindsey Kriens with Widseth. The purpose of the workshop was to receive the final design of the proposed new city hall building.

City Administrator Chanski started the meeting by providing a visual walkthrough of the building design process, starting with the City Hall Facility Assessment that was conducted in early 2023 and presented at a workshop on May 16, 2023. He then walked through the progression from the facility assessment to consideration of a remodel and expansion of the existing city hall building or the construction of a new building from June 2023 to August 2023 to the decisions to conduct schematic design a new city hall building in August 2023 (which was presented in October 2023) and commence final design in November 2023.

Administrator Chanski explained that the design being presented has changed over the last month-and-a-half from a multi-level, 15,000 square foot building to a single level, 12,000 square foot building. Additionally, the exterior of the building was altered considerably. The driving considerations for the changes were costs and comments received during the November 27, 2023 open house and December 4, 2023 City Council meeting.

Following Administrator Chanski's walkthrough, Lindsey Kriens with Widseth conducted a presentation of each area of the proposed city hall: administrative offices, city council chambers, community room, library, and circulation spaces. Throughout her presentation, Ms. Kriens described how the administrative offices were designed to be able to accommodate additional staff in the future and how the community room and library can be programmed for different uses as well.

After the completion of her presentation, City Administrator Chanski presented the 70% project estimate obtained from Hy-Tec Construction. He discussed how at a total of roughly \$4.2 million (which includes building construction, FF&E, development of construction documents, bidding administration, and construction administration), this estimate is not only right in line with the preliminary estimate provided by Widseth in May 2023, but the proposed building is also almost 5,000 square feet larger than the preliminary design Widseth proposed in May 2023. Administrator Chanski clarified that this is only a 70% estimate and full construction documents would have to be developed before Hy-Tec can provide a full formal bid. However, Hy-Tec did indicate

that they are very comfortable with this estimate and would not anticipate the final cost being higher.

After all was presented, the City Council held discussion on the proposed design. Mayor Zierden asked if energy rebates or grant opportunities would be pursued to which Mike Angland with Widseth stated they would be if they fit the project.

Councilmember Jensen ask City Administrator Chanski to explain the information received about placing city hall as a ballot question during the 2024 General Election as well as what cost might be for a remodel & expansion of the existing city hall. Administrator Chanski explained that such a ballot question would be considered an "advisory election," which are prohibited in Minnesota. Therefore, the decision whether to build a new city hall or remodel the existing city hall cannot be placed on the ballot and must be decided by the City Council. As to remodel costs, Administrator Chanski stated that the very high-level estimate received from Hy-Tec for a remodel was right in line with the \$2 million estimate provided by Widseth in May 2023. However, this estimate was provided without any actually designs to go off of.

Mayor Zierden spoke to look at the big picture when deciding to build a new city hall, not just costs numbers. Additionally, she spoke to opportunities to reuse the existing city hall if a new building is constructed.

Councilmember Scott asked for further description of what the proposed sidewalk ice melt system was and how much it cost, and said the he felt that the City needs to really look at remodel costs before it can be ruled out.

Building Official Scott Sadusky fielded various questions from the City Council regarding the ability to remodel the existing building and stated that he believes the estimate from Hy-Tec for the new building is a great deal as the estimate was around \$300 per square foot when he is currently seeing \$400-\$450 per square foot for most commercial building projects.

Councilmember Moroni gave a history of why the City Council chose to pursue the design of a new building over a remodel and expansion of the existing city hall.

Following discussion, Mayor Zierden opened the floor for public comment. Gail Arne of 32672 Northwoods Circle was the only member of the public to speak. She stated that she thinks the proposed building was well thought through and a good plan. She said that maybe the City should consider a ground mounted solar array since a rooftop solar system was deemed to be not cost effective. Finally, she stated that the City Council should consider using the existing building as a rec center since a full community center is likely many years off.

City Administrator Chanski then asked the City Council if they had any further comments or direction, stating that, unless otherwise directed, the City Council would vote do procedure into construction document development at the February 5 City

Council meeting. After some brief additional discussion, the City Council had consensus that they would like to see a proposal for the design of a remodel and expansion of the existing building at the February 5 meeting. They would then decide whether to move ahead with the new building or have a remodel designed first. Mayor Zierden also asked staff to post a follow-up to the workshop on the City's social media.

The workshop was adjourned at 6:40pm.

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David Chanski, City Administrator/Clerk

DRAFT

**CITY OF BREEZY POINT**

**\*Check Detail Register©**

Batch: 010124PAY

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
<b>10100 Primary</b>					
<b>139034</b>	12/28/23	<b>COMPENSATION CONSULTANTS LTD</b>			
E 100-41900-313		Benefits Administration	\$250.00	231	Flexible Benefit Cafeteria Re-enrollment Fees 2024
		Total	\$250.00		
<b>139035</b>	12/28/23	<b>CRIME STOPPERS OF MN</b>			
E 100-42100-300		Professional Svcs (GENE	\$200.00	2024	PD Law Enforcement Partnership Program 2024
		Total	\$200.00		
<b>139036</b>	12/28/23	<b>Crow Wing County Attorney</b>			
E 100-41900-304		Legal/Prosecution Fees	\$8,978.96	2024	Prosecution Contract - 2024
		Total	\$8,978.96		
<b>139037</b>	12/28/23	<b>Driver and Vehicle Services</b>			
E 100-43000-200		General Operating (Suppli	\$20.25	2024	2015 Ford DRW #98968
E 600-43250-200		General Operating (Suppli	\$20.25	2024	2020 Sewer Equip Trailer #81569
E 100-43000-200		General Operating (Suppli	\$20.25	2024	2010 Int'l 70S #75129
E 100-43000-200		General Operating (Suppli	\$20.25	2024	2008 Ford #57899
E 100-43000-200		General Operating (Suppli	\$20.25	2024	2003 Towmaster Trailer #60315
E 600-43250-200		General Operating (Suppli	\$24.25	2024	2022 RdIn Util616 #62067
E 600-43250-200		General Operating (Suppli	\$31.25	2024	2014 Felling Trailer #00259
E 100-43000-200		General Operating (Suppli	\$20.25	2024	2020 Ford Explorer #77990
E 100-43000-200		General Operating (Suppli	\$20.25	2024	2020 Frht 114SD #S6850
E 600-43250-200		General Operating (Suppli	\$20.25	2024	2016 GMC Sierra #80637
		Total	\$217.50		
		<b>10100</b>	\$9,646.46		

**Fund Summary**

<b>10100 Primary</b>	
100 GENERAL FUND	\$9,550.46
600 SEWER OPERATING FUND	\$96.00
	\$9,646.46

CITY OF BREEZY POINT

\*Check Detail Register©

Batch: 011024SAFEDEPOSITBOX

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
<b>10100 Primary</b>					
3456 e	01/18/24	<b>PINE RIVER STATE BANK</b>			
E 100-41300-200		General Operating (Suppli	\$35.00	SDB 2024	2024 Safe Deposit Box #1076
		Total	\$35.00		
		<b>10100</b>	<b>\$35.00</b>		

Fund Summary

<b>10100 Primary</b>	
100 GENERAL FUND	\$35.00
	<b>\$35.00</b>

CITY OF BREEZY POINT

\*Check Detail Register©

Batch: 011624PAY

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
<b>10100 Primary</b>					
<b>139068</b>	01/16/24	<b>Aramark Uniform Services</b>			
E 100-41900-401		Maint Buildings	\$103.28	2530226163	CH Mats
E 100-42100-401		Maint Buildings	\$112.19	2530226164	PD Mats
		Total	\$215.47		
<b>139069</b>	01/16/24	<b>AUTO VALUE PEQUOT LAKES</b>			
E 100-43000-220		Repair/Maint Supply (GEN	\$56.29	66239113	Fuel Constr & Rotella
E 100-43000-220		Repair/Maint Supply (GEN	\$189.04	66239167	Oil Fleet, Fuel Water Separator, Air Filter
E 100-43000-220		Repair/Maint Supply (GEN	\$96.99	66239168	5 gal Delvac
		Total	\$342.32		
<b>139070</b>	01/16/24	<b>BOBCAT OF BRAINERD</b>			
E 100-43000-220		Repair/Maint Supply (GEN	\$127.29	64478	Skidsteer Repair
E 600-43250-220		Repair/Maint Supply (GEN	\$402.01	64560	Sewer Skidsteer Oil Change & Maintenance
		Total	\$529.30		
<b>139071</b>	01/16/24	<b>BREEZY POINT HARDWARE</b>			
E 600-43250-220		Repair/Maint Supply (GEN	\$44.99	31534	Sewer Pliers
		Total	\$44.99		
<b>139072</b>	01/16/24	<b>David Chanski</b>			
E 100-41300-208		Training and Education	\$399.46	2024 MCMA	MCMA Conference Lodging Reimbursement
		Total	\$399.46		
<b>139073</b>	01/16/24	<b>CHARTER COMMUNICATIONS - PA</b>			
E 100-42100-381		Combined Utilities	\$30.88	17560430101	PD Cable TV 1/2/24 - 2/1/24
		Total	\$30.88		
<b>139074</b>	01/16/24	<b>CROW WING CO TREASURER</b>			
E 100-41910-302		E911 / Permit Exp	\$25.00	6655	E911 Addressing - Peony Ln
		Total	\$25.00		
<b>139075</b>	01/16/24	<b>FORUM COMMUNICATIONS COMPANY</b>			
E 100-41910-351		Legal Notices Publishing	\$28.93	286652-1	Planning PH 1/9/24 Ad #286652-1 published 1/3/24
		Total	\$28.93		
<b>139076</b>	01/16/24	<b>LAW ENFORCEMENT LABOR SERVICES</b>			
G 100-21710		Other Deductions	\$211.50	JAN 2024	PD Union Dues - JAN 2024
		Total	\$211.50		
<b>139077</b>	01/16/24	<b>LEAGUE OF MINNESOTA CITIES</b>			
E 100-41300-208		Training and Education	\$225.00	398080	D. Chanski & D. Eick 2024 MCMA Winter Workshop
E 100-41300-208		Training and Education	\$998.00	398199	D. Chanski & D. Eick 2024 MCMA Annual Conference
		Total	\$1,223.00		
<b>139078</b>	01/16/24	<b>NAPA OF CROSSLAKE</b>			
E 100-43000-220		Repair/Maint Supply (GEN	\$27.89	172024	PW 5 pc 8" Drive Bolt
E 100-43000-220		Repair/Maint Supply (GEN	\$192.67	172043	PW Fuel Stabilizer & Fuel Filters
E 100-42100-220		Repair/Maint Supply (GEN	\$26.94	172175	PD All in 1



## CITY OF BREEZY POINT

# \*Check Detail Register©

Batch: 011624PAY

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
Total			\$247.50		
<b>139079</b>	01/16/24	<b>OMNI-SITE</b>			
E 600-43250-321		Telephone	\$2,030.00	91858	Sewer Lift Stations Cellular Service 2024
Total			\$2,030.00		
<b>139080</b>	01/16/24	<b>ON SYSTEMS INC</b>			
E 401-41300-590		Capital Outlay	\$1,672.00	10602	Planning & Zoning Laptop, Docking Station, Monitors, Keyboard, Mouse
E 401-41300-590		Capital Outlay	\$2,290.00	10603	Deskop Scanners & Printer
E 100-41900-308		Software / IT Support	\$608.15	10613	IT Support - JAN 2024
E 100-41910-308		Software / IT Support	\$243.26	10613	IT Support - JAN 2024
E 100-42100-308		Software / IT Support	\$1,702.82	10613	IT Support - JAN 2024
E 100-43000-308		Software / IT Support	\$182.45	10613	IT Support - JAN 2024
E 600-43250-308		Software / IT Support	\$304.08	10613	IT Support - JAN 2024
Total			\$7,002.76		
<b>139081</b>	01/16/24	<b>PEQUOT LAKES SANITATION</b>			
E 100-41900-324		Recycling	\$40.00	JAN 2024	Recycling Service - JAN 2024
E 100-41900-381		Combined Utilities	\$77.72	JAN 2024	CH Garbage Service - JAN 2024
E 100-42100-381		Combined Utilities	\$51.81	JAN 2024	PD Garbage Service - JAN 2024
Total			\$169.53		
<b>139082</b>	01/16/24	<b>PRATT, ROBERT C.</b>			
E 100-43000-417		Uniforms	\$141.32	JAN 2024	PW Clothing Allowance - 2024
Total			\$141.32		
<b>139083</b>	01/16/24	<b>PREMIER AUTO REPAIR</b>			
E 100-42100-220		Repair/Maint Supply (GEN	\$96.58	42499	PD 2017 Ford Explorer Oil Change & Rotate Tires
Total			\$96.58		
<b>139084</b>	01/16/24	<b>QUADIENT LEASING USA, INC.</b>			
E 100-41900-400		Equipment	\$107.38	Q1135570	Postage Machine Lease 2/3/24 - 5/2/24
E 600-43250-200		General Operating (Suppli	\$26.84	Q1135570	Postage Machine Lease 2/3/24 - 5/2/24
Total			\$134.22		
<b>139085</b>	01/16/24	<b>QUESTICA LTD</b>			
E 401-41300-590		Capital Outlay	\$11,500.00	INV119557	Questica Budgeting Software & Support 2024
E 100-41900-300		Professional Srvs (GENE	\$9,187.50	INV119557	Questica Budgeting Software & Support 2024
E 600-43250-300		Professional Srvs (GENE	\$9,187.50	INV119557	Questica Budgeting Software & Support 2024
Total			\$29,875.00		
<b>139086</b>	01/16/24	<b>TDS TELECOM</b>			
E 100-42100-308		Software / IT Support	\$47.59	JAN 2024	Internet Service 1/13/24 - 2/12/24
E 100-43000-308		Software / IT Support	\$5.10	JAN 2024	Internet Service 1/13/24 - 2/12/24
E 600-43250-308		Software / IT Support	\$8.50	JAN 2024	Internet Service 1/13/24 - 2/12/24
E 100-41900-308		Software / IT Support	\$17.00	JAN 2024	Internet Service 1/13/24 - 2/12/24
E 100-41910-308		Software / IT Support	\$6.80	JAN 2024	Internet Service 1/13/24 - 2/12/24
Total			\$84.99		
<b>139087</b>	01/16/24	<b>THE OFFICE SHOP</b>			
E 100-41300-200		General Operating (Suppli	\$48.08	1136620-0	CH Office Supplies

### CITY OF BREEZY POINT

## \*Check Detail Register©

Batch: 011624PAY

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 100-43000-200		General Operating (Suppli	\$16.92	1136620-1	PW Office Supplies
E 100-41300-200		General Operating (Suppli	\$7.08	1136620-2	CH Office Supplies
		Total	\$72.08		
<b>139088</b>	01/16/24	<b>ZIEGLER INC</b>			
E 100-43000-220		Repair/Maint Supply (GEN	\$47.58	IN001312791	PW Parts
		Total	\$47.58		
		<b>10100</b>	<b>\$42,952.41</b>		

#### Fund Summary

**10100 Primary**

100 GENERAL FUND	\$15,486.49
401 Revolving Capital Fund	\$15,462.00
600 SEWER OPERATING FUND	\$12,003.92
	<u>\$42,952.41</u>

CITY OF BREEZY POINT

\*Check Detail Register©

Batch: 011624PAYFIRETRUCK

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
<b>10100 Primary</b>					
139089	01/16/24	ROSENBAUER MINNESOTA LLC			
E 401-41300-590		Capital Outlay	\$1,409,470.00	68657	FD Rosenbauer 101' King Cobra Aerial Truck
		Total	\$1,409,470.00		
		<b>10100</b>	<b>\$1,409,470.00</b>		

Fund Summary

<b>10100 Primary</b>	
401 Revolving Capital Fund	\$1,409,470.00
	<u>\$1,409,470.00</u>

**CITY OF BREEZY POINT**

**\*Check Detail Register©**

Batch: 012424PAY

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
<b>10100 Primary</b>					
<b>139098</b>	01/24/24	<b>AMERICAN STEEL SUPPLY INC</b>			
E 100-41900-401		Maint Buildings	\$31.99	119001	CH Table Repair
		Total	\$31.99		
<b>139099</b>	01/24/24	<b>AUTO VALUE PEQUOT LAKES</b>			
E 100-43000-220		Repair/Maint Supply (GEN	\$137.27	66239195	PW HD Air Construction
E 100-43000-220		Repair/Maint Supply (GEN	\$415.00	66239211	PW LED Heated Snow Plow
E 100-43000-212		Motor Fuels	\$83.94	66239519	PW Diesel Exhaust Fuel
		Total	\$636.21		
<b>139100</b>	01/24/24	<b>BEST OIL COMPANY</b>			
E 100-43000-212		Motor Fuels	\$1,017.69	5640	PW Dyed Diesel Fuel
E 100-43000-212		Motor Fuels	\$447.52	5671	PW Dyed Diesel Fuel
		Total	\$1,465.21		
<b>139101</b>	01/24/24	<b>BREEZY POINT HARDWARE</b>			
E 100-43000-240		Small Tools/Minor Equipm	\$449.99	31599	PW Pole Saw Kit
E 100-43000-220		Repair/Maint Supply (GEN	\$19.14	31602	PW Hardware
E 100-41900-401		Maint Buildings	\$29.98	31704	CH Command Strips
		Total	\$499.11		
<b>139102</b>	01/24/24	<b>CHARTER COMMUNICATIONS</b>			
E 100-43000-200		General Operating (Suppli	\$0.71	41845010824	Internet 1/8/24 - 2/7/24
E 100-42100-308		Software / IT Support	\$56.00	41845010824	Internet 1/8/24 - 2/7/24
E 600-43250-200		General Operating (Suppli	\$27.00	41845010824	Internet 1/8/24 - 2/7/24
E 100-41910-200		General Operating (Suppli	\$0.42	41845010824	Internet 1/8/24 - 2/7/24
E 100-41900-381		Combined Utilities	\$54.03	41845010824	Internet 1/8/24 - 2/7/24
E 100-41300-200		General Operating (Suppli	\$1.40	41845010824	Internet 1/8/24 - 2/7/24
E 100-41100-100		Compensation (GENERAL	\$0.42	41845010824	Internet 1/8/24 - 2/7/24
		Total	\$139.98		
<b>139103</b>	01/24/24	<b>COLD SPRING GRANITE COMPANY</b>			
E 270-49010-439		Markers	\$338.00	RI 2152981	Ronald Ries Niche Plaque
E 270-49010-439		Markers	\$338.00	RI 2153638	Ronald Hendrickson Niche Plaque
E 270-49010-439		Markers	\$338.00	RI 2159626	Daniel Willette Niche Plaque
		Total	\$1,014.00		
<b>139104</b>	01/24/24	<b>CROW WING CO TREASURER</b>			
E 100-41910-300		Professional Srvs (GENE	\$1,000.00	6699	2024 WCA Annual Admin Fee
		Total	\$1,000.00		
<b>139105</b>	01/24/24	<b>CTC</b>			
E 100-41300-321		Telephone	\$208.05	21317483	Phone Service 1/12/24 - 2/11/24
E 100-43000-321		Telephone	\$28.37	21317483	Phone Service 1/12/24 - 2/11/24
E 100-42100-321		Telephone	\$471.14	21317483	Phone Service 1/12/24 - 2/11/24
		Total	\$707.56		
<b>139106</b>	01/24/24	<b>FASTENAL Company</b>			
E 100-42100-220		Repair/Maint Supply (GEN	\$2.43	MNBAX2656	PD Side-by-side bolts

**CITY OF BREEZY POINT**  
**\*Check Detail Register©**  
Batch: 012424PAY

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
Total			\$2.43		
<b>139107</b>	01/24/24	<b>GARCIA, JOSEF E</b>			
E 100-42100-208		Training and Education	\$24.46	010424	Shipping VR Computer Warranty Service
E 100-42100-208		Training and Education	\$180.90	010524	Oral Fluid Test Training Mileage Reimbursement
E 100-42100-208		Training and Education	\$191.62	011924	EM Training Mileage Reimbursement
E 100-42100-208		Training and Education	\$308.82	011924	EM Training Lodging
Total			\$705.80		
<b>139108</b>	01/24/24	<b>LAKES PRINTING INC</b>			
E 100-41910-200		General Operating (Suppli	\$80.30	219594	Peter Gansen Business Cards
Total			\$80.30		
<b>139109</b>	01/24/24	<b>MID-STATES ORG CRIME INFO CTR</b>			
E 100-42100-300		Professional Svcs (GENE	\$100.00	3776-IN	Membership Dues 2024
Total			\$100.00		
<b>139110</b>	01/24/24	<b>MINNESOTA CHIEFS OF POLICE</b>			
E 100-42100-208		Training and Education	\$550.00	15422	2024 Full Conference B. Sandell
Total			\$550.00		
<b>139111</b>	01/24/24	<b>MINNESOTA MUNICIPAL UTILITIES ASSN</b>			
E 600-43250-208		Training and Education	\$366.00	63271	2024 Water Utility Member Dues
Total			\$366.00		
<b>139112</b>	01/24/24	<b>S-N-K CARWASH &amp; OIL CHANGE</b>			
E 600-43250-220		Repair/Maint Supply (GEN	\$45.25	58769	Sewer 2016 Ford Explorer Oil Change
Total			\$45.25		
<b>139113</b>	01/24/24	<b>THE OFFICE SHOP</b>			
E 100-42100-200		General Operating (Suppli	\$65.41	1136998-0	PD Office Supplies
E 100-42100-200		General Operating (Suppli	\$67.60	1136998-1	PD Office Supplies
E 600-43250-200		General Operating (Suppli	\$57.98	1137371-0	Sewer Office Supplies
Total			\$190.99		
<b>139114</b>	01/24/24	<b>ZIEGLER FINANCIAL CORPORATION</b>			
E 100-43000-220		Repair/Maint Supply (GEN	\$64.50	IN001315720	PW Skidsteer Oil & Bolt
Total			\$64.50		
<b>10100</b>			<b>\$7,599.33</b>		

**Fund Summary**

<b>10100 Primary</b>	
100 GENERAL FUND	\$6,089.10
270 CEMETERY Special Revenue Fund	\$1,014.00
600 SEWER OPERATING FUND	\$496.23
	\$7,599.33

CITY OF BREEZY POINT

\*Check Detail Register©

Batch: 020124LIFEINSPREMS

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
<b>10100 Primary</b>					
<b>3465 e</b>	01/19/24	<b>RELIANCE STANDARD LIFE INS</b>			
E 100-41300-130		Life Insurance	\$33.58	FEB 2024	Life Ins Premiums - Feb 2024
E 100-41910-130		Life Insurance	\$11.56	FEB 2024	Life Ins Premiums - Feb 2024
E 100-42100-130		Life Insurance	\$73.50	FEB 2024	Life Ins Premiums - Feb 2024
E 100-43000-130		Life Insurance	\$26.77	FEB 2024	Life Ins Premiums - Feb 2024
E 100-45100-130		Life Insurance	\$3.17	FEB 2024	Life Ins Premiums - Feb 2024
E 600-43250-130		Life Insurance	\$29.92	FEB 2024	Life Ins Premiums - Feb 2024
		Total	\$178.50		
		<b>10100</b>	<b>\$178.50</b>		

Fund Summary

<b>10100 Primary</b>	
100 GENERAL FUND	\$148.58
600 SEWER OPERATING FUND	\$29.92
	<b>\$178.50</b>

CITY OF BREEZY POINT  
RESOLUTION 07-2024

A RESOLUTION ACCEPTING THE DONATION OF \$100.00 FROM JOAN ANDERSTON FOR  
THE CITY OF BREEZY POINT POLICE DEPARTMENT

WHEREAS, Joan Anderson has donated \$100.00 to the City of Breezy Point Police  
Department.

NOW THEREFORE BE IT RESOLVED by the Breezy Point City Council that they accept  
the donation of the \$100.00

Rebecca Ball: \_\_\_

Brad Scott: \_\_\_

Steve Jensen: \_\_\_

Angel Zierden: \_\_\_

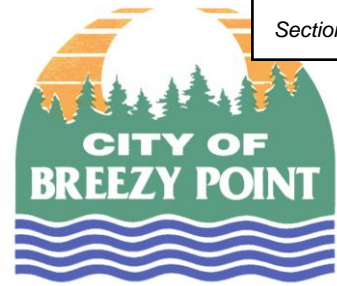
Michael Moroni: \_\_\_

Adopted this 5<sup>th</sup> Day of February 2024

\_\_\_\_\_  
Mayor Angel Zierden

Attest:

\_\_\_\_\_  
David C. Chanski, City Administrator/Clerk



TO: Mayor and Council

FROM: Police Chief Brian Sandell

DATE: January 30, 2024

MEETING DATE: February 5, 2024

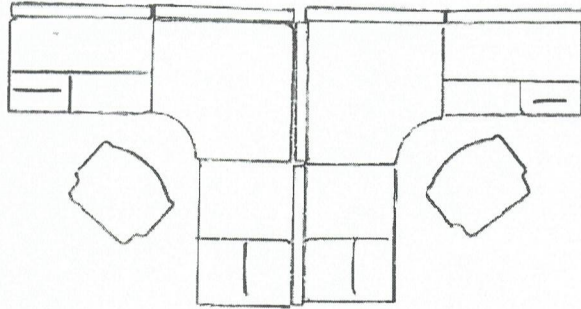
Agenda Item: Workstations

Background: With the hire of a seventh full-time officer an additional workstation is needed. Our part-time officer also did not have a dedicated workstation.

A quote was obtained from The Office Shop for two additional workstations, which match our current workstations. Our current workstations have been in use for twenty years and have held up well. The quote contains panels, file cabinets, shelves, chairs, desktops, and brackets. The quote after a 50% discount is \$7,909.00.

Requested Action: Approve the purchase of two workstations. Recommend using building maintenance funds for the purchase.

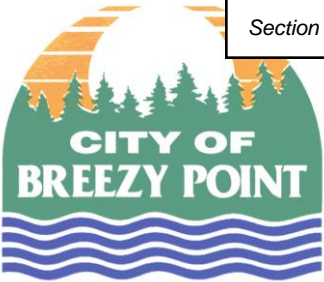




	<u>LIST PRICE EA</u>
4 ea # P-DLFRPM6636 - 66x36w Panel	\$ 962.00
2 ea # P-DLFRPM5036 - 50x36w Panel	\$ 846.00
2 ea # W-WSOC2436 - 24x36 curved corner work surface	\$ 765.00
4 ea # W-WS2436 - 24x36 work surface	\$ 461.00
2 ea # S-PedFFJ24 - F/F support Pedestal	\$ 1072.00
2 ea # S-PedBBFJ24 - B/B/F support Pedestal	\$ 1072.00
2 ea # S-SHFLW36 - 36w open shelf	\$ 326.00
3 ea # P-DLSEOR - End of Run Panel Trim	\$ 36.00
1 ea # P-DLBS3W - 3 way Panel Trim	\$ 26.00
2 PR # WPS-UNCT24SP - Shared cabinet level	\$ 266.00 PR
1 PR # WPS-SSSA - Rear Bracket pair	<u>\$ 132.00 PR</u>
	TOTAL LIST PRICE: \$ 14622.00
	50% disc - 7311.00
	NET PRICE \$ 7311.00
2 ea # 86001 - TASK CHAIR (\$299.00 ea)	\$ 598.00
	<u>TOTAL PRICE \$ 7909.00</u>

ASSEMBLY & delivery are NO charge

Thank You!  
JW



TO: Mayor and Council

FROM: Police Chief Brian Sandell

DATE: January 23, 2024

MEETING DATE: February 5, 2024

Agenda Item: Hiring Marshall Garbe as a Full-Time Police Officer

Background: The former candidate has withdrawn from the hiring process and is no longer being considered for the police officer position.

During the week of October 9, an interview committee comprised of Sergeant Garcia, City Administrator Chanski, and Fire Chief Schwankl interviewed 8 candidates for the vacant police officer position. Upon recommendation by the interview committee, Police Chief Sandell interviewed Marshall Garbe.

Marshall was one of the finalists selected by the interview committee, and Chief Sandell agreed with the recommendation. Marshall completed his law enforcement training at Central Lakes College.

Marshall is currently employed by the Crow Wing County Sherriff's Office as a correctional officer in the jail.

Marshall also worked for the Crow Wing County Sherriff's Office Boat and Water division during the summer of 2023.

Requested Action: Recommend hiring Marshall Garbe as a full-time police officer contingent on a successful background investigation, phycological, and physical evaluation. Recommend a starting wage of P-1 Step A. This position requires a 12-month probationary period.

**TO:** CITY COUNCIL  
**FROM:** PUBLIC WORKS SUPERVISOR JOE ZIERDEN  
**MEETING OF:** FEBRUARY 5, 2024  
**SUBJECT:** LIFT STATION 6 AND 7 REHABILITATION

**BACKGROUND:** The 2023 lift station inspections identified the need of new base elbows and guide posts to eliminate pump leaning/associated leakage in station 6 and 7. The lift stations are approximately 20 years old and the wear/tear seen is not unusual. A quote was obtained from Quality Flow Systems to rehabilitate lift station 6 (**\$22,100**) and 7 (**\$18,750**) for a total of **\$40,850**. The rehabilitation was budgeted for 2024.

**REQUESTED ACTION:** A motion to approve rehabilitation of lift station 6 and lift station 7 from Quality Flow Systems for **\$40,850.00** would be appreciated.

TO: Mayor and City Council  
FROM: David Chanski, City Administrator/Clerk  
RE: Personnel Committee Discussion  
DATE: February 5, 2024

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**Background**

The City Council chose to formally dissolve council committees and committee liaisons as part of the 2024 organizational resolution process. Following the January 2 meeting, however, Councilmember Jensen brought a concern to City Administrator Chanski regarding the impact not having a personnel committee may have on employment issues. Specifically, the grievance procedure as outlined in Chapter 27 of the Personnel Policy.

**Grievance Procedure**

The Personnel Policy outlines a procedure by which employees may formally raise disputes. The first step in the process is for the employee to bring the dispute formally before their immediate supervisor or the City Administrator. If the employee is not satisfied by the response from their supervisor or the City Administrator, then the employee may escalate the dispute to the personnel committee (now dissolved). If the employee is not satisfied by the personnel committee’s response, it may then be escalated to the City Council as a whole, who will make an ultimate decision.

With the dissolution of the personnel committee, the second step in the grievance procedure cannot happen.

**Potential Remedies**

One of City Administrator Chanski’s goals for 2024 has been to rewrite the Personnel Policy to ensure that it is in compliance with statute, generally accepted HR procedures, and recent changes to the City’s salary plan. Chapter 27 is a section that would get rewritten to address the dissolution of the personnel committee. However, it will likely be some months before a draft of a new personnel policy is completed.

In the meantime, there are a few options to remedy this discrepancy if a grievance arises that cannot be addressed by the City Administrator:

- A) Simply skip Step 2 in the grievance procedure and allow the employee to go straight from the City Administrator to the full City Council.
  
- B) Reestablish a personnel committee strictly for the purpose of hearing grievances.

- C) Amend the language in the Personnel Policy to state something other than “personnel committee” in Step 2 (example: mayor or any two councilmembers).
- D) Wait for Personnel Policy to be rewritten and address the situation if one should arise beforehand.

**Council Action**

Staff is looking for direction as to how the City Council would like to address this grievance procedure discrepancy.

Breezy Point Personnel Policy

# CITY OF BREEZY POINT PERSONNEL POLICY

Approved by City Council: June 5, 2006  
Amended June 4, 2007  
Amended November 5, 2007  
Amended April 6, 2009  
Amended April 1, 2013  
Amended May 19, 2015  
Amended February 5, March 12, 2018  
Amended January 6, 2020  
Amended September 8, 2020  
Amended May 3, 2021  
Amended December 5, 2022

Breezy Point Personnel Policy

PERSONNEL POLICY  
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## Breezy Point Personnel Policy

**Chapter 1. INTRODUCTION**

The City of Breezy Point has prepared this manual to provide general information about some of the city's employment related policies and programs, and to describe the city's view of the employment relationship. It is not intended to be a legal statement of benefits. This policy shall be known as the "Personnel Policy" and shall be referred to in the following sections as "this plan, the plan, or the policy".

These policies and employment related benefits and programs will likely change from time to time. Although this policy will periodically be revised to reflect changes, the city may implement changes immediately, without advance notice. The city is authorized to revise, delete or otherwise change policies, and to make the final determination in interpreting or applying policies.

If any policy in this manual is in conflict with Federal, state, or local law, such law will govern.

*Nothing contained herein or in any other or supplementary description of policies or employee benefits shall be construed as either a contract of employment or a contract to provide any benefit. Employees are employed "at will", and either the city or the employee may terminate the employment relationship at any time, with or without notice and for no reason or any reason not prohibited by law. The city reserves the right to add to, eliminate, or change the policies contained herein at any time and at its sole discretion.*

This personnel policy supersedes, replaces, and revokes any and all other handbooks, policies or manuals made available to or applicable to the City of Breezy Point. No policy manual other than this manual adopted by the City Council on April 1, 2013, has any force or effect. However, employees hired prior to June 5, 2006 will refer to the policy as it relates to Compensatory, Sick and Vacation time accrual, usage and pay-out which is articulated in Chapter 28. All provisions of this policy will apply to employees, except those provisions covered by a collective bargaining agreement.

This policy applies to employees and interns but does not apply to elected officials.

**Chapter 2. EQUAL EMPLOYMENT OPPORTUNITY**

Policy Statement. It is the policy of the City of Breezy Point to provide equal employment opportunity to all employees and applicants in accordance with applicable equal opportunity laws and regulations. In accordance with that commitment, all



## Breezy Point Personnel Policy

decisions regarding employment shall occur without regard to any characteristic protected by law.

All employees have an obligation to perform their duties and to conduct themselves in the workplace and while engaged in work for the city in accordance with this policy.

**Reporting Procedure.** Any individual who believes that he/she has experienced or observed behavior contrary to this policy is expected to report that information to the City Administrator, Mayor or City Attorney. All such reports of action contrary to this policy will be taken seriously and investigated promptly. Individuals found to have violated the city's equal employment opportunity policy will be subject to discipline up to and including termination of employment. No individual shall be retaliated against for making a good faith report of behavior contrary to this policy.

### **Chapter 3. DEFINITIONS**

*Contractual Individual:* Individuals who offer their services to the public and technically are not city employees according to IRS regulations. Contractual individuals are appointed by the City Council or City Administrator and are paid under a fee basis.

*Employee:* For purposes of this manual, the word employee includes regular full, part-time, and seasonal/temporary employees and interns.

*Employment status:* Defined by eligibility for overtime in accordance with the Fair Labor Standards Act as non-exempt or exempt from overtime. All employees, regardless of category, are employed at-will.

*Immediate Family:* Spouse, spouse's mother or father, children, adult children, step-children, grandchildren, step parents, parents, grandparents, brothers or sisters, step-brothers or sisters.

*Intern:* Students who are working for credit to gain practical experience.

*Non-exempt positions:* Those subject to the minimum wage and overtime provisions of the Fair Labor Standards Act. Wage payments for these positions are governed by that Act, and also by various state wage laws.

*Non-Immediate Family:* Cousin, aunt, uncle, etc.

*Regular Full-time Employee:* Any person employed by the city who is regularly

## Breezy Point Personnel Policy

scheduled to work at least forty (40) hours a week or 2,080 hours in a year and does not have a defined termination date.

*Regular Part-time Employee:* Any person employed by the city who is regularly scheduled to work less than forty (40) hours a week and does not have a defined termination date.

*Seasonal/Temporary Employee:* Any person employed by the city in any department or function of the city, where the duty is of definite and limited duration regardless of the number of hours worked.

*Volunteers:* Individuals who are not employees that perform work for the city on a voluntary basis without compensation.

Employees who have questions about the employment category for their position should contact the City Administrator.

#### **Chapter 4. HOURS OF WORK , OVERTIME, AND COMPENSATORY TIME**

Standard Work Schedules. The standard work day consists of 8 hours of work within a 24-hour period and for licensed peace officers the standard work day consists of 10-12 hours of work within a 24-hour period. The standard work week consists of a week that shall commence 12:01 am on Sunday and run through 12 midnight Saturday, and it shall consist of 40 hours. For licensed peace officers the standard work week (an actual two-week period) shall commence at 12:01 AM on Sunday and run through 12 midnight Saturday 14 days (2 weeks) later, and it shall consist of 14 consecutive day period in which officers shall work a total of 80 hours, not necessarily on consecutive days. Business demands may sometimes require employees to work extra hours beyond those for which they are usually scheduled. When possible, the city will notify employees in advance if overtime will be necessary. However, employees are expected to be available, and to work the extra time when needed, regardless of what notice has been given. If a non-exempt employee anticipates a need to work extra hours, he or she must receive the supervisor's approval in advance.

Overtime. For the purposes of this Chapter, hours worked include actual hours worked, sick time, vacation time, compensatory time, and holiday time.

Overtime Rates. Employees in non-exempt positions are eligible to be paid for overtime at a rate of time and one-half (1.5) their regular pay for all hours over 40 worked in a work week. Employees in an exempt position are not eligible for overtime. Licensed

Breezy Point Personnel Policy

Peace Officers will be eligible for overtime only for hours over 80 in a 14-day work week.

Compensatory Time. Full-time non-exempt employees who work more than forty (40) hours per week may elect the use of compensatory time at time and one-half (1.5) hours for each additional hour worked. Non-exempt Licensed Peace Officers may elect the use of compensatory time at time and one-half (1.5) hours for each additional hour worked over 80 per work week. Full-time exempt employees are expected to work the number of hours required to perform their job which at times requires working in excess of 40 hours a week. The City will allow a carryover of no more than 40 hours of compensatory time at year end. The city reserves the right to deny the use of Compensatory time off if the organizational needs of the city necessitate the employee work.

Exempt Employees: It is recognized that full-time exempt employees are not eligible for overtime and compensatory time for work that exceeds forty (40) hours per week and may, therefore, absent themselves from the office to a reasonable extent in consideration of such additional time expenditures. To this extent, exempt employees are not required to track their hours worked on an hour by hour basis except for the usage of vacation and sick time.

Call Back Time. An employee who is called back for work during the employee's scheduled time off shall receive a minimum of two (2) hours pay. An extension or early report to a regularly scheduled shift for duty does not qualify the Employee for the two-hour minimum.

**Chapter 5. HOLIDAYS**

Eligibility. All regular full and part-time employees scheduled to work at least 20 hours per week are eligible for paid holidays. Full-time employees will be eligible for holiday pay, while part-time employees will be eligible for a pro-rated number of hours based upon the typical number of hours per day or days of the week scheduled to work.

Observed Holidays. The following days will be observed as paid holidays for all regular full and part-time employees:

Holiday

- New Year's Day
- Martin Luther King Day
- Presidents Day

## Breezy Point Personnel Policy

Memorial Day  
 Independence Day  
 Labor Day  
 Veterans Day  
 Thanksgiving Day  
 Day after Thanksgiving  
 Christmas Day  
 Juneteenth  
 One floating Holiday – must be used during the year that it is earned

If any holiday should fall on a Sunday, the following Monday will be considered the paid holiday, and if any holiday should fall on a Saturday, the preceding Friday will be considered the holiday.

Holiday Pay. Holiday pay shall be the employee's regular hourly rate of pay multiplied by the number of hours in his/her normal work day. Part-time employees shall have their holiday pay pro-rated according to their regularly scheduled work days and/or hours. In payroll periods that include a holiday, the City Administrator may allow part-time employees to arrange their work schedules to avoid a reduction in salary due to the pro-ration of holiday pay, provided such rescheduling does not result in the payment of overtime.

Work on a Holiday. On designated holidays, regular employees shall be paid straight time for the number of hours normally worked. This would be Holiday Pay as paid time off. Additionally, on a designated holiday, regular employees shall be paid at a rate of time and a half for actual hours worked.

Weekend Holiday Lift Pay. Checking lift stations when a holiday occurs in the work week provides for compensation to be paid for the two-hour minimum at double time.

Religious Holidays. When a religious holiday, not observed as one of those holidays listed above, falls on an employee's regularly scheduled work day, the employee may request that day off to observe the religious holiday.

Time to observe a religious holiday shall be taken without pay unless the employee uses accumulated vacation leave, compensatory time or by mutual consent with the City Administrator, is able to work an equivalent number of hours at some time during the same pay period to compensate for the hours lost. An employee shall notify the City Administrator of his/her intention to observe a religious holiday in advance of the holiday. Use of this provision shall not entitle an employee to overtime compensation

as provided in Chapter 4.

**Chapter 6. VACATION LEAVE**

Eligibility. All regular full and part-time employees, scheduled to work at least 20 hours per week and are in active payroll status, will accrue vacation.

Accruals and Accumulation. Employee shall accrue vacation leave each pay period according to the annual rates provided below. Regular part-time employees scheduled to work at least 20 hours per week shall earn vacation on a pro-rata basis.

Full-time employees are allowed to carry over up to 240 hours of vacation leave at the end of the calendar year. Hours over 240 will be forfeited. Part-time employees will be allowed to carry over a pro-rated number of hours (i.e. an employee working 20 hours per week, 50% of an FTE, may carry over 120 hours.) In emergency situations, the City Council may temporarily suspend the maximum number of hours which may be accumulated.

As used below, " Years of Service" includes all time served but does not include time on suspension or unpaid non-medical leaves of absence which exceed one full pay period in duration.

Changes in accrual rates shall be made effective at the beginning of the next payroll period following completion of the specified years of service requirement.

**VACATION ACCRUAL SCHEDULE FOR REGULAR FULL-TIME EMPLOYEES**

- A. An employee shall be credited with vacation leave starting with the date of employment and accrue with each pay period. The amount of vacation leave available to regular full-time employees shall be earned according to the following schedule, determined by years of service and established at the anniversary date of the first day of employment. Vacation leave may be used only to the extent that it is earned.

Year 1	80 hours
Year 2	88 hours
Year 3	96 hours
Year 4	104 hours
Year 5	112 hours
Year 6	120 hours

Breezy Point Personnel Policy

Year 7	128 hours
Year 8	136 hours
Year 9	144 hours
Year 10	152 hours
Year 11+	160 hours

Vacation Usage. Vacation leave shall not be used during or prior to the pay period in which the hours are accrued. Employees shall submit written requests to use vacation leave prior to the absence. The City Administrator or Police Chief shall respond within a reasonable period and shall deny the request only to meet job-related organizational needs. Except in emergencies, no employee shall be required to work during the employee's vacation once the vacation request has been approved.

Vacation accrued while on paid leave may be used by the employee with the approval of the City Administrator without returning to work prior to the usage of such accrued leave.

Should an employee become ill or disabled while on vacation, vacation leave shall be changed to sick leave, effective the date of the illness or disability, upon timely notice to the City Administrator and verification by a medical provider.

Vacation Charges. Holidays that occur during vacation periods shall be paid as holidays and not charged as vacation leave.

**Chapter 7. SICK LEAVE**

Eligibility. All regular full and part-time employees who are scheduled to work 20 or more hours per week and are in active payroll status are eligible to accrue sick leave.

Accruals and Accumulations. A full-time employee shall accrue on a regular basis, sick leave based on an annual allocation of ten (10) days of sick leave at a rate of eight (8) hours per day until 700 hours have been accumulated. Part-time employees scheduled to work at least 20 hours per week shall have his/her sick leave accrual prorated according to the number of hours scheduled to work until 350 hours have been accumulated. An employee shall be credited with sick leave starting with the date of employment and accrue with each pay period. An employee whose sick leave balance falls below the maximum allowable accrued hours shall again accrue sick leave at the appropriate full or part-time base rate until his/her accumulation again reaches the maximum.

## Breezy Point Personnel Policy

Usage. Whenever practicable, an employee shall submit a written request for sick leave in advance of the period of absence. When advance notice is not possible, an employee shall notify the City Administrator or Supervisor by telephone or other means at the earliest opportunity. An employee shall be granted sick leave to the extent of his/her accumulation for the following:

- ◆ illness, injury or disability; or
- ◆ medical, chiropractic, or dental care for the employee, spouse and children; or
- ◆ exposure to contagious disease which endangers the health of other persons; or
- ◆ illness, injury or disability of immediate family members of the employee or spouse for such reasonable periods as the employee's attendance may be necessary; or
- ◆ the employee or spouse for such reasonable periods as the employee's attendance may be necessary; or
- ◆ to arrange for necessary nursing care for members of the immediate family, not to exceed three days.
- ◆ Safety Leave - for the purpose of providing assistance to immediate family members or receiving assistance because of sexual assault, domestic abuse, or stalking. Safety leave for other than employee or employee's child is limited to 160 hours in a 12-month period.

An employee using sick leave may be required to furnish a statement from his/her medical practitioner or a medical practitioner designated by the City Administrator to verify the illness and expected duration of the illness or disability or to approve of time off for the employee's care of a member of his/her immediate family.

Sick leave hours shall not be used during or prior to the pay period in which the hours are accrued. Sick leave accruals earned while on paid leave may be used by the employee without returning to work prior to the usage of accrued sick leave.

Sick Leave Charges. An employee using sick leave shall be charged for only the number of hours that the employee was scheduled to work during the period of sick leave. Sick leave shall not be granted for periods of less than one-half hour except to permit usage of lesser fractions that have been accrued. Holidays that occur during sick leave periods will be paid as holidays and not charged as sick leave.

## **Chapter 8. LEAVES OF ABSENCE**

Application for Leave. An employee shall submit a request for a leave of absence in

## Breezy Point Personnel Policy

writing to the City Administrator as far in advance of the requested absence as is practicable. The request shall state the reason for, and the anticipated duration of, the leave of absence.

Paid Leaves of Absence. Paid leaves of absence shall not exceed the employee's normal work schedule and may be granted as follows:

- ◆ Court appearance leave for appearances before a court or other judicial or quasi-judicial body in response to a subpoena or other direction by proper authority for purposes related to the employee's city job. The employee shall receive regular pay for such appearances or attendances, including necessary travel time, provided that any fee received, exclusive of paid expenses using a personal vehicle, is returned to the city. Any employee who must appear and testify in private litigation, not as an officer of the city but as an individual, shall be required to use vacation leave, compensatory time or leave of absence without pay unless, by mutual consent with the City Administrator, the employee is able to work an equivalent number of hours during the pay period to compensate for the hours lost. Use of this provision shall not entitle an employee to overtime compensation as provided in Chapter 4.
- ◆ Paid jury duty leave for time to serve on a jury is provided for regular full and part-time employees up to a maximum of 15 days per calendar year. During jury duty the employee will be paid the employee's regular base pay. Following completion of jury service, an employee shall reimburse the city for compensation received for jury services. An employee shall be allowed to keep any funds paid by the court for mileage using a personal vehicle and expenses.

Employees shall notify their supervisor as soon as possible after receiving notice to report for jury duty.

An employee who has been excused or released from jury duty during the employee's regular work hours shall report to their supervisor for assignment to duty as soon as possible.

- ◆ Regular full and part-time employees shall be provided paid military leave for reserve training or active service, not to exceed 15 working days (shifts) per calendar year. Employees must give reasonable prior written notice.
- ◆ Voting time leave in accord with M.S. 204C.04 for employees eligible to vote in any state primary or general election or an election to fill the vacancy in the



Breezy Point Personnel Policy

office of United States Senator, United States Representative, State Senator or State Representative, or a presidential primary or general election provided that the leave is for a period of time long enough to vote during the forenoon of the election day.

- ◆ Emergency leave in the event of a natural or man-made emergency. If the City Administrator, after consultation with the City Council, determines that continued operation would involve a threat to the health or safety of individuals, the City Administrator may grant emergency leave. The length of such leave shall be determined by the City Administrator.
  
- ◆ Funeral leave with pay shall be extended to regular full and part time employees scheduled to work at least 20 hours per week upon the death of a member of the immediate family of the employee or the employee's spouse for attendance at the funeral or other related demonstrated need. Funeral leave benefits are pro-rated for part-time employees. Any funeral leave for the immediate family beyond one day, up to a maximum of three (3) days, is to be approved by the City Administrator. The City Administrator may grant a funeral leave of one day with pay to the employee upon the death of a member of the non-immediate family of the employee or the employee's spouse. This does not include a family friend, neighbor, etc. Funeral Leave is not for absences to aid bereaved relatives or to attend to the estate of the deceased.

Unpaid Leaves of Absence.

- ◆ School Conference and Activities Leave. Per Minnesota statute, 181.9412, employees may be eligible for a total of 16 hours during any 12-month period to attend school conferences or school related activities related to the employee's child, provided the conferences or school related activities cannot be scheduled during non-work hours. Employees must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the city. An employee may choose to substitute accrued vacation or compensatory time for any part of this unpaid leave.
  
- ◆ Political process leaves in accord with M.S. 202A.135 and 202A.19, subdivision 2, for the purpose of attending a precinct caucus, a meeting of the State central or executive committees of a major political party if the employee is a member of the committee, or any convention of major political party delegates including meetings of official convention committees if the employee is a convention delegate or alternate, provided that the leave is requested ten days prior to the

## Breezy Point Personnel Policy

leave start date.

- ◆ All employees will receive unpaid military leave in accordance with applicable laws.

General Unpaid Leaves of Absence – Discretionary Unpaid leaves of absence may be granted by the City Council upon an employee's request for reasons as follows:

- Medical/Disability leave.
- Leave for personal reasons.

General unpaid leaves of absence, not required by law, are not guaranteed. Requests for such leave of absences will be evaluated based on the specific facts and circumstances along with the employee's service record with the city.

Certification. Medical leaves may require medical certification. The city may request a second medical examination and verification by a physician of the city's choosing. Such examination, if required, will be at the city's expense. The city may require the employee to provide additional information from his or her physician at reasonable intervals.

Pay While on Leave. Leave will generally be granted without pay. However, earned vacation time, compensatory time (and sick leave, if appropriate) will be paid until the balance is exhausted.

Length of General Leave. A general leave may be granted by the City Council for up to 90 days. Under special circumstances, leaves may be extended at the discretion of the City Council an additional 90 days. Requests for leave extensions must be made within 45 days prior to the expiration of the original leave of absence to allow for City Council action.

An employee who returns from a general medical leave will be required to provide a doctor's release that states s/he is medically fit to return to work and can perform the essential functions of the position.

An employee returning from a general leave may be reinstated to his/her former position or a comparable position if one is available. However, the city does not guarantee that a person's job will be held open while on a general leave.

Parenting Leave. Employees who have completed 12 consecutive months of

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employment and worked at least 1040 hours during that 12-month period are entitled to up to twelve (12) weeks of unpaid parental leave. Female employees will be afforded pregnancy leave for prenatal care or incapacity due to pregnancy. Parenting leave is provided to natural or adoptive parents in conjunction with the birth or adoption of a child. The leave must begin within 12 months of the birth or adoption of the child. If a child needs hospital care longer than the mother, the 12-month window within which the parent can take leave begins when the child leaves the hospital.

Employees are required to make a written request for parenting leave to the City Administrator at least thirty (30) days before the leave is to begin, if practicable.

Employees taking parenting leave will be continued on the city's insurance policies if the employee was covered prior to the leave. An employee will continue to be responsible for his/her portion of the premiums while on leave and will be responsible for the total premium(s) should the employee elect not to return from leave.

Upon returning from parenting leave, an employee will generally be placed in the same position or a position of equivalent seniority, duties, hours, and pay that s/he had before the leave. Sick pay, vacation time and other benefits will not accrue during parenting leave taken without pay.

Family and Medical Leave. Regular full-time and part-time employees who have been employed by the city for at least 12 months and have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave are entitled to a total of 12 work weeks of unpaid family or medical leave during the applicable 12-month period as determined by the city, plus any additional leave as required by applicable law. FMLA Leaves will be granted for a period of up to twelve weeks in any rolling 12-month period running backward from the date an employee uses FMLA Leave. Leave may be taken for one or more of the following reasons in accordance with applicable law:

1. Birth of the employee's child;
2. Placement of an adopted or foster child with the employee;
3. To care for the employee's immediate family with a serious health condition; and/or
4. A serious health condition that makes the employee unable to perform the functions of the employee's job. A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider. Family and medical leave generally is not intended to cover short-

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term conditions.

Depending on the type of leave, intermittent or reduced schedule leave may be granted at the discretion of the city or when medically necessary. However, part-time employees are only eligible for a pro rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the city may, if available, transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.

If an employee requests a leave for the serious health condition of the employee or the employee's immediate family, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.

If the city has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the city's expense. If the opinions of the first and second health care providers differ, the city may require certification from a third health care provider at the city's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.

Employees must give 30 days' written notice of a leave of absence where practicable. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the city, subject to the approval of the health care provider.

During the period of a leave permitted under this policy (which does not exceed a total of 12 work weeks in the applicable 12-month period), the city will maintain health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution, if applicable, to continue group health insurance coverage during the leave. Failure to make necessary and timely contributions may result in termination of coverage.

Employees returning from a leave permitted under this policy (which does not exceed a total of 12 work weeks in the applicable 12-month period) are eligible for reinstatement in the same or an equivalent position as provided by applicable law. However, the

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employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.

The provisions of this Family and Medical Leave Policy are intended to comply with applicable law, including the Family and Medical Leave Act of 1993 ("FMLA") and applicable regulations.

Return From Leave. An employee returning from a leave of absence of two months or more shall notify the City Administrator at least two weeks prior to the intended date of return. An employee on a general leave of absence must return to work following the expiration of the leave. Failure to return on the agreed upon date will be considered as a voluntary resignation.

Termination of Leaves. An employee may terminate his/her leave of absence prior to the previously agreed upon date of expiration of the leave with the approval of the City Administrator. Leaves of absence or extensions of leaves which are subject to the discretionary authority of the City Council may be canceled by the City Council upon reasonable notice to the employee. Such notice shall ordinarily be in writing except in case of emergency.

### **Chapter 9: Leave Donation**

Leave Donation Policy. All regular employees of the city who are eligible to accrue sick and/or vacation leave, will be allowed to voluntarily donate a portion of accrued regular sick and/or vacation leave to fellow employees experiencing a debilitating illness or injury suffered by the employee or the employee's immediate family members as described on the Usage section of the Sick Leave Policy. Donated hours will be transferred (deducted) from and added to eligible recipients Sick Leave balance upon written request and subject to approval by the City Administrator. When such a need arises, the employee in need of additional sick leave or their Supervisor shall contact the City Administrator. Upon approval of a request, a posting of such need will be sent to all departments. Employees who choose to make a donation will submit an "Accrued Leave Donation Authorization Form" to the City Administrator for approval.

#### Administration of Donated Leave

- ◆ An employee is only eligible to receive donated leave for normal regular work hours lost due to a debilitating illness or injury as described above.

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- ◆ No employee will be eligible to receive donated leave if they have already been compensated for 2080 hours or more in the current calendar year regardless of the type of hours paid.
- ◆ An employee will be eligible to receive donated leave only after the employee's own accrued sick, compensatory and vacation leave have been completely exhausted.
- ◆ No single employee may donate more than 16 hours of leave for any single debilitating illness or injury without approval from the City Administrator.
- ◆ Donated hours must be used in the same manner as is currently established by the Sick Leave Policy.
- ◆ Any unused donated leave hours will be returned to the donating employee in increments of not less than 1 hour.
- ◆ Donated leave will not be used for any severance pay, or paid out to an employee in the form of cash, or used in any manner other than what is stated in this section of the policy.
- ◆ The value of the donated leave will be paid according to the salary or wages of the recipient, regardless of the salary or wage of the donor.

**Chapter 10. EMPLOYMENT**

Reemployment of Former Employees: The City of Breezy Point will consider past employees for rehire if they meet minimum position requirements and previously resigned from the city on a voluntary basis or lost their position due to no fault of their own. Normally, former employees will not be considered for rehire if they were terminated for conduct or performance reasons or left the job without giving appropriate notice. Previous employment with the city does not guarantee future employment; selection for open positions will be based on individual merit and qualifications.

Employment of Relatives. Relatives of present employees will be hired on the same basis as other applicants; that is on the basis of their qualifications. No Immediate or Non-Immediate Family member will be permitted to work directly for another, or in his or her chain of command.

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Pregnancy Accommodation. A pregnant employee is entitled to the following upon request: more frequent restroom, food, and water breaks; seating, and limits on lifting over 20 pounds. The employer will consider reasonable accommodation for pregnant employee, if requested under the advice of her licensed care provider. A less stressful or hazardous position may be considered unless the employer demonstrates that the accommodation would impose an undue hardship. The employer is not required to create a new or additional position or to discharge or transfer other employees to accommodate the employee.

Nursing Mother Accommodation. Nursing mothers are afforded reasonable unpaid break times to express breast milk in a non-bathroom private area with an electrical outlet.

### **Chapter 11. PROMOTION INTRODUCTORY PERIOD**

An employee who is promoted shall serve an introductory period of no less than 3 months, to determine his or her suitability for the new position. The introductory period can be lengthened as necessary. Such introductory status shall not affect the employee's use of vacation and sick leave.

### **Chapter 12: PERSONNEL FILES**

In accordance with the Minnesota Data Practices Act, personnel records shall be open for inspection and review by the employee during office hours, in accordance with such procedures as the City Administrator may prescribe. Review of such records shall be at reasonable times as determined by the City Administrator and under the direct supervision of a city representative. The City Administrator shall have records maintained as necessary for the proper administration of the personnel system.

### **Chapter 13. EMPLOYEE DEVELOPMENT AND CAREER ADVANCEMENT**

Job Descriptions. A job description outlines the essential duties and responsibilities of all jobs for the city. The job description is intended to be a guideline, and it is not intended to be all inclusive of duties and responsibilities for a particular job. This job description outlines the essential duties and responsibilities of a job as it exists at the present time. Due to changes in job content and department organization, job descriptions may need revision in the future. A copy of a job description will be given to each employee by his or her supervisor when an employee begins work on an assigned job. The supervisor shall use this job description in training, annual performance appraisals, transfers, and promotions. Generally, job descriptions will be reviewed on an annual basis or otherwise as determined by the City Administrator.

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Performance Appraisal. The city values each employee's contribution and recognizes it is important to inform employees about how well they are performing or in certain cases not performing their job. Accordingly, the city will conduct formal performance appraisals of employees at periodic intervals.

Performance appraisals provide an opportunity for employees to make sure they know what is expected of them, and to discuss how they are doing in meeting those expectations.

Employees are encouraged to talk to their supervisor at any time if they have questions about performance or performance expectations, without waiting for a scheduled performance appraisal.

Such performance reviews will provide an opportunity for work planning and the establishment of personal growth objectives. The review discussion provides the groundwork for future discussions throughout the review period. Supervisors will appropriately address performance issues as they occur rather than waiting for the formal review discussion.

The City Administrator will be reviewed periodically and at least annually by the City Council.

Individual Development Planning. As part of the performance appraisal, the employee shall be notified of any gaps between current levels of performance and those required for satisfactory performance. The employee shall also be given an opportunity to explore with the City Administrator or Supervisor any perceived developmental needs or interests to improve performance in the current job or to expand capability to achieve higher levels of responsibility within the agency and city service.

Assigned Training. Training and education may be necessary to meet the goals of the city to have employees function appropriately in their positions and to prepare employees to accept expanded responsibilities. Employees who are required by the city to participate in training programs shall be released from their work assignments and shall be paid for the time spent in training and/or other time as required by the Fair Labor Standards Act. With the prior approval of the City Administrator or Supervisor, an employee required to attend continuing education courses in order to maintain professional licensure necessary to his/her city employment shall be released from work to attend courses determined to be relevant to the job.



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Non-assigned Training. A regular full or part-time employee may request to attend a specific training activity. If, in the judgment of the City Administrator or Police Chief, the requested course, workshop, or seminar will better prepare an employee to perform his/her current or projected responsibilities and if staffing needs and budgetary resources permit, the City Administrator or Police Chief may approve the employee's request for training and provide released time and/or reimbursement. An employee must successfully complete the training to be eligible for reimbursement. Successful completion means the employee will present a certificate of completion or in the case of an educational course, receive a grade of "C" or higher. Employees engaged in this type of training shall not be eligible for additional work time compensation.

Membership in Professional Organizations. In each fiscal year, the City Administrator may authorize payment for a regular full or part-time employee the full or partial costs of membership dues and conference fees paid to a professional organization related to the employee's job provided that the organization offering the membership does not directly influence agency policies, exist primarily for social reasons, have as its primary purpose the advancement of individual employee interests, or restrict membership on the basis of sex, race, religion or any other protected class status. The employee may attend meetings and seminars of a professional organization during work hours if the amount of time required is reasonable, the City Administrator approves such attendance as related to the work assignment, and staffing requirements permit. The employee may hold office in a professional organization if s/he receives no stipend or direct payment other than expense reimbursement from the organization.

Subscriptions. The City Administrator may authorize payment for the cost of a regular full or part-time employee's individual subscriptions to magazines or other professional publications provided that the publications meet organizational needs.

**Chapter 14. LAYOFF and RECALL**

Layoff. Any employee may be laid off because of elimination of the employee's position, shortage of work or funding, a management-imposed reduction in a full-time employee's normal work hours which continues longer than two consecutive weeks, ineligibility for appointment to a reclassified position, or other reasons outside the employee's control. Any employee who has voluntarily requested and been authorized to reduce his/her hours shall not be considered to have been laid off.

Recall. The city will make every attempt to recall the most productive employees if the workload resumes; however, work performance and attendance are factors in considering the priority for individuals to be recalled.

## **Chapter 15. DISCIPLINARY ACTION**

The city requires standards of conduct and behavior that will best ensure that the public is provided with efficient and effective service. It is the city's expectation that employees will perform their jobs satisfactorily, and comply with city rules and policies. However, this may not always happen. Normally, supervisors would like to work with employees in communicating and attempting to correct employee work-related problems.

However, when work performance is unsatisfactory or when an employee violates the rules or regulations of the city, appropriate disciplinary action may be taken, up to and including termination of employment, without prior warning or notice.

Forms of Discipline. Disciplinary action may take many forms including, but not limited to, oral warnings, written warnings, suspension and termination. However, the city will take whatever disciplinary action it determines appropriate in response to the circumstances of any given situation, and termination may result from the first incident if the city believes that this action is warranted under the circumstances.

Oral warning. In incidents where an employee is not meeting the city's expectations for conduct or work performance, the supervisor should meet with the employee to discuss the matter and inform the employee of the issue as well as the action that is necessary to correct the problem. The employee should also be given an opportunity to respond to the disciplinary action verbally and in writing. A written, dated and signed (by both the supervisor and employee) record of this conversation will be placed in the personnel file.

Written warning. Employees may receive a written warning when there have been repeated incidents, or when the supervisor believes that the nature of the first incident is serious enough to warrant a written warning. The supervisor should meet with the employee to discuss the matter and inform the employee of the issue as well as the action that is necessary to correct the problem. The employee should also be given an opportunity to respond to the disciplinary action verbally and in writing. The warning should be signed by the supervisor and the employee. The warning will then be placed in the employee's personnel file.

Suspension with or without pay. A suspension is generally used as a disciplinary measure after an employee fails to correct performance/conduct after repeated incidents and warnings or when the supervisor believes that the nature of the first incident is serious enough to warrant a suspension with or without pay. Investigatory

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suspensions may also be used when time is needed to further assess a situation. An employee on unpaid investigatory suspension shall continue to receive city paid insurance benefits as provided in this Plan.

Discharge. Termination of employment normally will occur when the city has tried to assist the employee in correcting his/her performance or conduct without the desired results. However, when there is an incident that the City Administrator, with concurrence of the City Council, believes is so severe in nature that termination is warranted, termination may occur without prior warning.

Procedure for Discharge of Employee With Regular Status. Discharge requires a written notice, no later than one day prior to effective date of discharge. The notice of discharge shall include the following:

1. Nature of the disciplinary action;
2. Specific reasons for the action;
3. Effective date of the action;
4. Statement of the employee's right to request an opportunity to hear an explanation of the evidence against him/her, and present his/her side of the story while still in pay status, and notice that this right expires at the end of the next scheduled day of work after the notice of discharge is delivered unless the employee and the city agree otherwise; if the employee was not in pay status at the time of the notice, for reasons other than an investigatory suspension, the requirement to be in pay status does not apply;
5. Statement of the employee's right to reply in writing.

Authority. The employee's immediate supervisor has the authority to take action in the form of oral and written warnings and to effectively recommend suspension without pay, or discharge.

After conferring with the City Administrator the employee's immediate supervisor may suspend an employee **with** pay pending completion of an investigation which may result in disciplinary action.

The City Administrator may recommend to the City Council termination of an employee. The city reserves the right to terminate employment at any time, with or without notice for any reason not prohibited by law.

The City of Breezy Point retains the right to take whatever corrective action it determines appropriate in response to the circumstances of any given situation. Termination may result from the first incident if the City believes that this action is

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warranted under the circumstances. Further, nothing in this policy changes an employee's rights to terminate his/her employment with the City of Breezy Point at any time, for any or no reason, nor does it modify the City's right to terminate any employee's employment at any time, with or without notice, for any reason not prohibited by law.

## **Chapter 16: EMPLOYMENT SEPARATION**

Policy Statement: It is the city's policy that all instances of separation of employment, whether initiated by the employee or the city, will be conducted with due regard for the rights and obligations of both parties, and in accordance with all applicable Federal, state and local laws.

Veterans Preference. The city will comply with laws regulating the termination of employees who have claimed Veterans Preference. If a veteran is to be terminated, the city will notify the veteran that he/she has a right to request a hearing in writing within 60 days of the termination. The veteran loses his/her right to a hearing if it is not requested in writing within 60 days of the termination. If a veteran is removed from employment prior to requesting a hearing, the veteran will continue to be paid until the hearing is completed and a determination made on the status of employment.

Resignations/Retirement. Any employee wishing to leave employment with the city in good standing shall submit written notice to the City Administrator a *minimum* of ten (10) working days before leaving stating the effective date of his/her resignation. Failure to comply with this procedure may be considered cause for denying such employee future employment with the city and result in the forfeiture of vacation and severance payments if authorized.

Vacation Leave Upon Separation. An employee who separates from city service in good standing shall be paid at the employee's current rate of pay, for all vacation leave credited at the time of separation. Vacation leave may not be used alone or in combination with unpaid leave on separation from the city service to extend insurance coverage.

Sick Leave Upon Separation. An eligible employee who retires after working the minimum time period as outlined in the City's current Health Care Savings Plan (HCSP) contract shall be paid the employee's current rate of pay for accumulated but unused sick leave balance at the time of separation not to exceed 240 hours. Employees who separate employment from the City but do not retire as defined by the Minnesota State Retirement System shall not be paid for any accumulated but unused sick leave.

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Termination of Seasonal/Temporary Employees, Contractual Individuals or Student Interns. Any person working in a seasonal/temporary, contractual or student intern appointment may be terminated at any time by the City Council and shall have no further rights to city employment.

Absence Without Notice. Any unauthorized absence from duty is an absence without notice and shall be without pay. Any employee who is absent for three consecutive days without notifying the City Administrator (or other management representative if the City Administrator is not available) shall be considered to have voluntarily terminated his/her employment.

**Chapter 17: EMPLOYEE GROUP INSURANCE BENEFITS/ELIGIBILITY**

The city currently provides insurance protection to employees through a combination of employer, employee/employer shared cost, and employee-paid plans. These plans are subject to modification or withdrawal at any time at the city's discretion. Details of the plans and required Summary Plan Descriptions, forms and procedures are available from the City Administrator. The summary plan documents will be the final determinant of eligibility and coverage.

Health Insurance. The city currently offers medical coverage to eligible employees and their dependents, under a cost share structure.

Eligibility. Regular full or part-time employees meeting the work hours requirement are eligible to participate in the city's group insurance benefits immediately upon their start date. (Subject to various waiting periods and plan provisions.) Group insurance benefits will be provided to each employment status as follows:

*Contractual:* Receive no employment benefits.

*Interns:* Receive no employment benefits.

*Regular Full-time:* All benefits are currently made available to regular full-time employees as described in the personnel plan. (Subject to the various waiting periods and plan provisions.)

*Regular Part-time:* Regular part-time employees scheduled to work at least 32 hours but less than 40 hours are eligible for group insurance benefits. Part-time employees scheduled to work less than 32 hours per week are not eligible for group insurance

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benefits.

*Seasonal/Temporary Employees:* Receive no employment benefits.

Health Insurance Alternative. For eligible employees not choosing city sponsored Health Insurance, the city will provide \$360 per month. Said payment will only be authorized if the employee has health insurance coverage from another provider and provides proof of coverage.

Flexible Spending Account & Health Savings Account (HSA) The city makes available to employee's participation in a flexible spending account and/or health savings account (HSA) which allows the pre-tax deduction of money from payroll for qualified expenses, dependent on the type of insurance the City offers or employee selects.

Basic Life Insurance. The city currently provides life insurance coverage in a fixed amount at no cost to the employee.

Dental Insurance. The city currently offers dental insurance to employees and their dependents, under a cost share structure.

The city reserves the right to change benefit providers and/or eligibility and coverage provisions and to delete benefits at any time, in its sole discretion.

Continuation of Coverage (COBRA) and Certificate of Portability (HIPAA). Federal and state laws provide some opportunities for employees to continue coverage in the group health insurance and life insurance plans, at their own expense, after they leave their employment with the city. Employees who are eligible for insurance continuation at the time their employment terminates will be provided specific information about availability and cost. When coverage under the group health insurance plan ceases, employees will also be provided with a Certificate of Insurance Portability as required by federal law (HIPAA). This certificate may help eliminate or reduce the waiting periods for coverage of preexisting conditions under other insurance plans.

**Employee Paid Benefits**

Supplemental Life Insurance/Employee, Spouse and Dependent. Employees may purchase additional life insurance by completing an enrollment application which may include a health history form.

Short-term disability. Employees may purchase, through the city, short-term disability insurance. Details of the plan can be obtained from the City Administrator.

## **Chapter 18. SALARY ADMINISTRATION**

Salary Ranges. Each position is assigned to a specific job class/pay grade at the time a position is established. If no appropriate class exists, a new one will be created. New classes will be evaluated and assigned appropriate points. Based on points and comparison to other jobs within the city, a range will be established.

Salary Rates and Limits. The salary rate for each employee shall be set by the City Council within the limits of the salary range to which the employee's class is assigned.

Compensation Plan. Non-union employees are compensated based on a compensation plan. Under the plan, salary adjustments fall into 3 general categories.

- ◆ A cost of living increase (COLA) is given at the discretion of the council. It is generally provided to address the higher costs of goods and services over a period of time. These are across the board increases and result in a corresponding adjustment to the salary schedule.
- ◆ A wage (step) increase is given to represent a threshold being met. Steps are generally based on longevity but are also to recognize greater knowledge and efficiency in fulfilling the requirements of the position. For a step to be given the employee must show a positive performance review and good work history in terms of performance and goal obtainment, since the previous adjustment. In the event these criteria are not met, a step would not be granted at that time with reconsideration upon a subsequent review. This policy provides for step considerations every other year to be given at the employee's anniversary date. If the city experiences extreme fiscal stress, the granting of steps may be suspended.
- ◆ Periodically the schedule needs to be adjusted. These adjustment needs are caused by market factors in one or more job category or can be the result of percentage increases tipping the higher wage rates too high over a period of time. Other factors may also influence the salary schedule but regardless of the contributing factor, a schedule adjustment is a tool used to bring wage rates into compliance with existing conditions. These adjustments can be accomplished at any time and at the discretion of the city.

Change in Job Descriptions or Promotions. As job descriptions change, with added or reduced responsibilities, a review will be accomplished under pay equity to determine if a salary grade change has occurred. If a grade change is warranted, the employee will be moved to the appropriate grade in the pay plan. If the change results in a higher

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grade, the employee will be slotted into the wage rate that is the next higher wage rate closest to current pay. If the grade change results in a lowering of the pay grade, the employee will be slotted into the wage rate that is consistent with the grade and the work to be accomplished.

Changes in wage rates (steps). Employees' performance will be reviewed on or about their anniversary date of employment on an annual basis. A step increase in accordance with the intervals as specified in the pay plan is available based on longevity and meeting satisfactory performance standards. The new wage rate if given will be applied to the next full pay period following the anniversary date.

Compensation plan subject to employer limitations. As a matter of policy it is the goal of the city to maintain the employee compensation plan. The plan is subject to limitations posed by extreme fiscal stress of the city. The suspension of this policy will not be accomplished lightly as employees have a vested interest in their compensation. Any suspension of the compensation plan will result in an across the board suspension for all non-union employees. The suspension action shall be accomplished by resolution of the City Council indicating the reasons for such action. Said action would be accompanied by a request to meet with labor unions associated with the city to discuss the possibility of concessions to address the situation.

Wage Disclosure Protections. An employee may not be restrained from discussing or disclosing wages. The employer may not retaliate against an employee for asserting their right to discuss their wage or another employee's wage which has been disclosed voluntarily.

## **Chapter 19. EXPENSE REIMBURSEMENT**

General. The Administrator may authorize payment of travel and other expenses and reimbursement of special expenses for regular full and part-time employees scheduled to work at least 20 hours per week in accord with the provisions of this Chapter for the effective conduct of the city's business.

Privately-Owned Vehicles. An employee shall be reimbursed for the use of privately owned vehicles under the situations as provided for from time to time by the City Council and at the rates utilized by the IRS.

Other Travel Expenses. Upon approval of the City Administrator, employees in travel status may be reimbursed for expenses in the amounts actually incurred and subject to reasonableness of expense. All business-related expenses must be substantiated by



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receipts, cancelled checks, or other documentation.

## **Chapter 20. EMPLOYEE SAFETY**

Policy: The city seeks to provide a safe working environment for all employees and the public. To support this intent, the city will aim to comply with all applicable federal, state and local health and safety regulations.

Employee Responsibility. All employees share in the responsibility to make and keep a safe working environment at the city. All employees are expected to comply with health and safety requirements, whether established by law or city policy, and to be familiar with safety policies and practices for their work areas and work responsibilities. Employees are also responsible for alerting their supervisor or some other member of management about any unsafe condition or practices in the workplace.

Violations of the city's safety rules, regulations, and/or deliberate or careless conduct endangering the safety of others may result in disciplinary action up to and including termination of employment.

Protective Equipment. The city shall provide and maintain protective equipment or clothing, including safety glasses, safety helmets, and safety vests whenever such equipment is required as a condition of employment.

Medical Examinations. If required by the city as part of general health and safety programs or to comply with State and Federal health and safety requirements, medical examinations shall be provided at no cost to the employee.

## **Chapter 21. WORKERS' COMPENSATION; INJURED ON DUTY PAY, JOB REQUIREMENTS**

Work-Related Injuries. An employee who is injured or who is involved in an accident during the course of his/her employment shall report the accident to his/her immediate supervisor as soon as possible after the injury or accident occurs. A first report of injury form should be filled-out by any employee injured during work regardless of the severity of the injury. Forms can be obtained through the employee's supervisor.

Job-Related Injury Compensation. An employee incurring an on-the-job injury shall be paid his/her regular rate of pay for the remainder of the scheduled work day without deduction from vacation or sick leave accruals. The following shall apply to an employee who incurs a compensable illness or injury and receives workers'

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compensation benefits.

- ◆ The employee retains the workers' compensation benefit check and takes an unpaid workers' compensation leave during the time s/he is unable to work.
- ◆ An employee shall return from workers' compensation leave upon appropriate release from workers' compensation status provided the employee is able to perform the work satisfactorily and safely as determined by competent medical authority. A return to work notice is required to be provided to the employer.

Vacation and Sick Leave Accruals. An employee receiving workers' compensation benefits shall accrue vacation and sick leave for the time in workers' compensation status. An employee on unpaid workers' compensation leave does not accrue vacation or sick leave.

Insurance. For employees who are off the city payroll due to a work-related injury or disability, group benefits provided under this Plan shall continue as long as the employee is receiving workers' compensation payments or is using disability leave up to a maximum of one year.

Unable to Perform Job Requirements. When an employee is unable to perform the essential requirements of the employee's job due to a temporary disability, the employee will notify the City Administrator or Department Head in writing as to the nature and extent of the disability and the reason why the employee is unable to perform the essential functions, duties, and requirements of the position. This notice must be accompanied by a physician's report containing a diagnosis, current treatment, and any work restrictions related to the temporary disability. Said notice shall also include the expected time frame regarding return to work full time with no restrictions, meeting all essential requirements and functions of the city's position description along with a written request for light duty.

The city may require an independent evaluation conducted by a physician selected by the city to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

Return to Work/Light Duty. It is the commitment of the city to encourage the return to work of employees in allowing the city to benefit from the employees' knowledge, skills and abilities while temporarily limited by illness or injury. The city may establish guidelines for temporary assignment of work to temporarily disabled employees who are medically unable to perform their regular work duties. The City of Breezy Point's

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Light Duty Program is for short-term, temporary disability-type purposes. The City Administrator or Police Chief reserves the right to determine when and if light duty work will be assigned. Although this policy is handled on a case-by-case basis, light duty is recommended to last no longer than six months. This policy does not guarantee assignment to light duty.

The circumstances of each disabled employee performing light duty work will be reviewed regularly.

## **Chapter 22: EMPLOYEE RESPONSIBILITY**

General Policy. For the effective administration and implementation of city policy, and to serve the citizens, each individual employee must cooperate to the fullest with all fellow employees and the public. Public employees have a high degree of visibility to the general public, and therefore, must exercise particular care and caution to ensure that all work undertaken is accomplished expediently, professionally and with efficiency. To achieve this goal, employees must adhere to established rules and procedures and follow the instructions of their supervisors.

Therefore, employees are required to:

- ◆ Perform their assigned duties to the best of their ability at all times and continually strive to improve their performance;
- ◆ Provide prompt, accurate and courteous service to the public at all times;
- ◆ Read, understand and comply with the rules and regulations as set forth in this personnel plan as well as those of their department; and
- ◆ Conduct themselves with decorum and respond to inquiries and information requests with patience and every possible courtesy.

Attendance and Tardiness. The city's ability to meet the public's needs is dependent on employees being at work every day as scheduled and completing work in a timely fashion. Therefore, it is important for all employees to be at work when scheduled (or as required) and be at their workstation ready to work at the appointed time.

Employees need to contact their immediate supervisor every day they are absent. Absence or tardiness that the city considers excessive, or which appears to occur with some pattern, may result in disciplinary action up to and including termination of employment.

Employee Grooming and Dress Code. It is the policy of the city that each employee shall be dressed and groomed appropriate to their specific work situation. Employees,

Breezy Point Personnel Policy

in general, are expected to present themselves in a professional manner. A well-groomed employee conveys an impression of efficiency to the public. This enhances the public's confidence that their business with the city will be handled efficiently.

The city reserves the right to determine appropriate work attire and appearance.

Confidentiality. Employees have access to confidential and/or sensitive information only because of their employment with the city and because they need the information to do their job. Employees are expected to respect the confidentiality and sensitive nature of such information and use it only for the required business purposes. This includes data that is not yet considered to be public information.

No confidential or sensitive city information is to be communicated to other employees, unless they have a business need to know such information, or to persons outside of the city without specific authorization of the City Administrator.

Employees are also responsible for assuring the security of information to which they have access. Be aware of information left on desks, including computer printouts and information displayed on video display screens. Employees should log off of their computers if away from their desk for an extended period of time.

Policy Change Requests. All employees wanting policy changes for individual or group benefits, wages go directly to the City Administrator/Clerk in writing. The Administrator/Clerk, within ten calendar days, will notify employee in writing if the request will proceed.

Conflict of Interest. It is impossible to write a policy statement that will cover every conceivable conflict of interest. In general, employees are expected to avoid placing themselves in a position where others may seek to take advantage of their employment relationship with the city or to obtain information or preferential treatment in their dealings with the city. Specifically, it is a conflict of interest:

- ◆ For an employee to have any other interest in or relationship with an outside organization or individual having business dealings with the city if this interest or relationship might tend to impair the ability of the employee to serve the best interests of the city;
- ◆ For an employee to do business with a relative, or a company with which a relative is associated, on behalf of the city unless the facts are disclosed and the City Administrator approves the business dealings;

## Breezy Point Personnel Policy

- ◆ For an employee to accept a loan, gift or favor of more than a nominal value from a source having a business relationship with the city. Under no circumstance shall an employee accept any loan, gift or favor, regardless of the amount, when it is granted or accepted with the expectation of granting a favor, or better treatment than accorded other persons.

Any potential conflict of interest must be disclosed to the City Administrator. Failure to do so may result in disciplinary action up to and including termination of employment.

Identification of Employment: It shall be the policy of the city to provide all city employees an identification badge. Badges are provided to ensure that city employees, given their on-going contact with people in the community, can be readily identified as city employees. The badge is a required part of the employees' dress attire unless safety concerns are raised in wearing the badge or job necessity dictates that the employee is to not identify themselves as determined by their Supervisor. If an employee does not physically have the badge on his or her person, it shall be within close enough proximity to allow the employee to identify him or herself upon request.

### **Chapter 23: WORK RULES**

Work Rule Offenses: It is the city's policy to establish rules of conduct and standards of behavior in order to protect the health and safety of all employees and the public, to maintain an effective and productive flow of work, and to protect the city's property. In addition to other misconduct provisions stated in this plan, the following conduct is prohibited:

1. Gross neglect of duty.
2. Insubordination, which is the refusal to comply with the supervisor's instructions.
3. Misconduct or conduct unbecoming a city employee.
4. Intentional falsification of applications, personnel records, time reports or other city records or reports.
5. Indulging in offensive conduct or using offensive language toward the public, or in public, or toward city officials, supervisors or other employees.
6. Carelessness or negligence with the monies or the property of the city.
7. Theft or intentional destruction of city property or another employee's property.
8. Sleeping or inattention on the job.
9. Intoxication, or being under the influence of intoxicants, drugs or narcotics while on duty. Being under the influence of alcohol or drugs or of use,

## Breezy Point Personnel Policy

- possession, manufacture, distribution or dispensation of alcohol or drugs on the city's premises or property or while on the city's business.
10. Inducing or attempting to induce any employee in the service of the city to commit an unlawful act or to act in violation of any lawful departmental or official regulation or order.
  11. Soliciting political contributions from city employees, and engaging in political activities on or with city property or on city time.
  12. Possession of a weapon while on city property, a vehicle or while on city business except:
    - ◆ In carrying out the duties of the position.
    - ◆ Or the keeping of weapons in an employee's motor vehicle. Guns shall be unloaded and cased.
  13. Horseplay - actions adversely affecting safety of normal operations of the department or other employees.
  14. Inattentiveness to work, failing to start work at designated time, abuse of break or meal periods, or quitting work before proper time.
  15. Smoking in posted or unauthorized areas.
  16. Abusive, threatening or coercive treatment of another employee or the public on employer's time or premises.
  17. Failure to fulfill employee responsibilities as listed in job duties.
  18. Vending, soliciting or collecting contributions on the employee's time or premises.
  19. Inappropriate dress for employee's work duties.
  20. Misusing city communication systems including telephones, cell phones, Internet, e-mail and computers, etc.
  21. Any other action or behavior that the city determines is detrimental to the efficient and/or economical operation of the city.

This list is not all inclusive. It may be changed at any time and additional prohibited behaviors may be added. An employee may be subject to immediate disciplinary action, without prior warning, up to and including termination for any of the above work rule offenses.

## **Chapter 24. WORKPLACE VIOLENCE**

Purpose. The purpose of this policy is to set forth the City of Breezy Point's policy on workplace violence and to outline the actions that must be taken if a threat or incident of violence occurs. This policy applies to all employees, elected officials, and volunteers of the city and to all locations in which the city does business. If there is a conflict between this policy and any state, local or federal law, such law will govern.

## Breezy Point Personnel Policy

Policy Statement. The City of Breezy Point is concerned about and committed to the safety of all employees and the public and will strive to maintain a workplace that is free of violent behavior. The city will not tolerate any employee's acts or threats of violence. Violence includes, but is not limited to, threatening or hostile behaviors, verbal or written threats of violence or physical assault against any person or employee property.

In conjunction with this commitment, the city will take prompt remedial action if an employee is found to have engaged in violent behavior. Disciplinary action may include, but is not limited to, written warnings, suspension or termination of employment. In addition, appropriate action will also be taken if a member of the public engages in violent behavior.

Employee Responsibilities. All employees are expected to comply with this policy and assist the city in maintaining a safe working environment. Employees must immediately report any incident of violence to their immediate supervisor or the City Administrator. This includes situations where an employee observes or otherwise has knowledge of a violation of this policy. No individual shall be retaliated against for making a good faith report of behavior contrary to this policy.

Reporting Procedures. An employee who encounters violent behavior that may be a serious threat to his/her well-being should call 911. Employees are also required to report any incident of violence to the City Administrator for further investigation. Failure to report such incidents may result in disciplinary action.

If there is any type of evidence that would be helpful in an investigation, it must be maintained. Employees who witness violent situations will be required to complete a detailed description of the event and participate in an interview.

Consequences. Disciplinary action in response to a situation in which an employee is violent may include, but not be limited to, written warnings, suspension or termination. The city will take whatever disciplinary action it determines appropriate in response to the circumstances of any given situation.

If an employee engages in behavior that endangers another person's well-being, the employee will be immediately suspended pending further investigation. Appropriate legal action may also be pursued.

## **Chapter 25: HARASSMENT AND OFFENSIVE BEHAVIOR**

## Breezy Point Personnel Policy

Policy Statement. The City of Breezy Point is committed to providing a workplace that is free of discrimination, illegal harassment and offensive behavior. In accordance with that commitment, the city will not tolerate harassment in the workplace based on race, color, religion, national origin, sex, age, disability, marital status, creed, sexual orientation, status with regard to public assistance, or membership, activity in a local commission or any other characteristic protected by applicable local, state or federal law.

Applicability: This policy applies to all city officials, employees, volunteers, interns, applicants for employment, and contract workers, as well as customers, suppliers, vendors or any other person associated with the City of Breezy Point. City employees shall participate periodically as needed in educational programs concerning legal compliance and workplace applications.

Definitions. Harassment includes, but is not limited to, offensive, abusive or degrading comments or other verbal behavior, as well as written or pictorial materials. It also includes behavior that is personally offensive, impairs morale and interferes with work effectiveness.

Sexual harassment in the workplace is specifically prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact and other verbal or physical conduct or communication of a sexual nature where:

- ◆ submission to the conduct or communication is made, either explicitly or implicitly, a term or condition of employment;
- ◆ submission to or rejection of the conduct or communication by an individual is used as a factor in decisions impacting that individual's employment;
- ◆ conduct or communication with the purpose or effect of substantially interfering with an individual's employment or creating a hostile, intimidating or offensive work environment.

Examples of behavior that could be sexual harassment include, but are not limited to:

- ◆ gender based stereotyping
- ◆ sexual flirtation, or unnecessary touching, patting, pinching;
- ◆ sexual advances, propositions or requests for sexual favors;
- ◆ verbal abuse of a sexual nature;



Breezy Point Personnel Policy

- ◆ graphic or suggestive comments about an individual's dress, body or sexual activities;
- ◆ using sexually degrading words to describe an individual;
- ◆ displaying, in the workplace, sexually suggestive objects or pictures;
- ◆ sexually explicit or offensive jokes;
- ◆ physical assault.

Sexual harassment includes unwelcome sexual or gender based behavior by either males or females toward either males or females.

No individual will be denied nor receive special employment opportunities based on tolerating or rejecting sexual advances or other conduct of a sexual nature contrary to this policy.

Employee Responsibility. Every employee of the City of Breezy Point is to support this commitment to a workplace free from harassment and offensive behavior by conducting him/herself in a manner that is consistent with the intent and spirit of this policy.

Reporting Procedure. Any individual who believes s/he has experienced or observed hostile or offensive behavior contrary to this policy is encouraged, but not required to make it clear to the offender that such behavior is offensive and unwelcome, and request that it stop. It is not necessary that the offender be directly confronted if the employee does not feel comfortable doing so. However the employee is expected to report that information to the City Administrator or Mayor. In the event that the alleged harasser is the City Administrator the employee should contact the Mayor. If the alleged is an elected or appointed member of the City Council or a committee, the employee should contact the City Administrator. If the alleged is the City Administrator and the Mayor, the employee must contact the Acting Mayor. Once the situation is understood, the contact person should contact the City Attorney.

All such reports of action contrary to this policy will be taken seriously and investigated promptly, thoroughly and impartially and in as confidential a manner as possible. All employees are expected to cooperate with any investigation of potential hostile or offensive behavior. Failure to do so may result in corrective action up to and including termination of employment. Information provided by employees in the course of an investigation will be treated as discreetly as possible. However, confidentiality cannot be guaranteed.

Individuals found to have violated the city's harassment/offensive behavior policy will be subject to disciplinary action, up to and including termination of employment. No

## Breezy Point Personnel Policy

individual shall be retaliated against for making a good faith report of behavior contrary to this policy.

## **Chapter 26: USE OF CITY PROPERTY**

General Statement. City employees will be provided with various city property and equipment that they need to perform their job, including cellular telephones, pagers and computers. Employees are responsible for using such property and equipment for its intended business purposes. Employees may not use city owned equipment and supplies for purposes other than in the conduct of official city business.

City Vehicles: Certain police employees, because of the nature of their job, are provided with vehicles that are kept at the employee's residence while off duty. Personal use of city vehicles is prohibited. Use of city vehicles is for official business only.

Employees driving city vehicles for city business must have a valid driver's license. Employees who drive city vehicles shall comply with all traffic laws. Employees are responsible for any driving violations/fines that result from their driving a city vehicle. All driving violations must be reported to the immediate supervisor.

Bulletin Boards. The city maintains bulletin boards to post official notices, job openings and other important information. Posting of literature by employees on any city bulletin board that is reserved for this purpose is prohibited.

Electronic Communications. The city provides electronic mail (e-mail) for the primary purpose of business correspondence to facilitate efficient communication. By using the city's electronic and technological equipment, an employee is voluntarily consenting to being monitored, and voluntarily authorizing the city to inspect, monitor, and access all information or communications he/she has made with that equipment. The city must reserve the right to monitor and access any and all communications made through its equipment, and the contents of any city computer, as needed for compliance with policies and for any other business reason. E-mail is not a private communication system. Improper use of the e-mail system could expose employees to personal liability as well as disciplinary action. E-mail is not to be used to send jokes or other comments that may be discriminatory, harassing or offensive to others, or to send material that defames an individual, company, business, municipality etc. It is important to note that e-mail is discoverable as evidence in legal proceedings. Employees should be aware that even though a message may be deleted from the e-mail system, a record of it may remain on the computer system.

## Breezy Point Personnel Policy

Internet access is provided to those who need it for their job duties. The city recognizes that some personal use of city owned computers and related equipment has and will occur. Reasonable use of city email and internet for personal reasons is allowable provided it doesn't interfere with normal work requirements. This is recognized as a privilege much like the ability to have personal phone calls during work hours. Abuse of this privilege will not be tolerated and may result in disciplinary action. Downloading from the Internet (other than by authorized personnel for legitimate business reasons) is restricted to information files (i.e. federal regulations, statutes, etc.) and required software updates. Downloading any other programs, software, non-work related graphics or pictures of any kind is prohibited as they may carry computer viruses or may violate the city's license agreement. If downloading is necessary, employees need to obtain prior approval from the City Administrator.

Use of Electronic and Technological Communications. Electronic and technological communications, such as cell phones and mobile devices, are not to be used in ways that may be disruptive, offensive or harmful to others or in ways that conflict with any of the city's policies, including equal employment, harassment/offensive behavior, and security policies. Violation of these policies may lead to disciplinary action up to and including termination.

It is not the city's practice or intent to eavesdrop on private communications or data. However, the city must protect its legitimate business interests and remind employees that the equipment and services available in the workplace are to be used to support the city's legitimate business needs.

## **Chapter 27: GRIEVANCE PROCEDURE**

Grievance Procedure. Disputes can often be satisfactorily resolved without instituting a formal grievance process. Therefore, the City of Breezy Point encourages employees to discuss disputed matters with their immediate supervisor prior to submitting a written grievance. If the matter cannot be resolved in this manner, the employee can present his/her concerns verbally to the City Administrator (if not the immediate supervisor) or in the manner as described below. However, should an employee decide to use the grievance procedure, s/he may do so at any time without prior consultation with his/her supervisor.

A dispute between the employee and the city relative to the application, meaning or interpretation of the Personnel Plan shall be settled in accordance with the following procedure:

## Breezy Point Personnel Policy

Step 1: The grievance shall be presented in writing setting forth the nature of the grievance, the facts on which it is based, the provision or provisions of the Personnel Plan allegedly violated, and the remedy requested, by the employee to the City Administrator within ten (10) working days after the alleged violation or dispute has occurred. Upon receipt, the immediate supervisor or City Administrator will respond to the employee in writing within ten (10) calendar working days.

Step 2: If the grievance has not been settled in accordance with Step 1, it shall be presented in writing, setting forth the nature of the grievance, the facts on which it is based, the provision or provisions of the Personnel Plan allegedly violated, and the remedy requested, by the employee to the Personnel Committee within ten (10) calendar working days after the immediate supervisor's or City Administrator's response was due. The Personnel Committee shall provide a written response within 30 days of the receipt of the written appeal

Step 3: If the grievance has not been settled in accordance with Step 2, it shall be presented in writing, setting forth the nature of the grievance, the facts on which it is based, the provision or provisions of the Personnel Plan allegedly violated, and the remedy requested, by the employee to the City Council within ten (10) calendar working days after the Personnel Committee's response is due. The City Council shall provide a written response within 30 days of the receipt of the written appeal

The decision of the City Council shall be the final response to the grievance.

Note: If the grievance is unsettled in accordance with Step 1 because the grievance involves the City Administrator, the employee may, within ten (10) working days of the incident proceed with the procedure described in step 2.

**WAIVER:**

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

**Chapter 28: Grandfathered Provisions**

## Breezy Point Personnel Policy

Certain Employees. Those employees hired prior to June 5, 2006 were grandfathered certain benefits with the adoption of a revised Personnel Plan.

Sick Leave. Every regular employee is entitled to sick leave with pay at a rate of one (1) day for each calendar month of full-time service or major fraction thereof. Sick Leave may be accumulated to a maximum of 90 days (720 hours). Regular part time employees, who are employed for no less than twenty (20) hours per week, shall accrue sick leave in proportion to the percentage of work week for which they are engaged.

Compensatory Time. The accrual of compensatory time is not capped.

Severance Pay. All full time employees shall receive accrued sick leave pay as severance pay up to a maximum of ninety (90) days upon retirement if they have been continuously employed for a minimum period of five (5) years. Employees who must terminate their employment because of a disability (as supported by a physician) need not meet the five-year requirement. In the event of an employee's death, benefits are payable to the beneficiary.

## City of Breezy Point Conflict of Interest and Ethics Policy

### **Purpose**

The citizens of Breezy Point are entitled to local government that serves the people with integrity, trust and the public’s best interest in mind. The purpose of this policy is to articulate a standard of conduct for elected and appointed officials of the City of Breezy Point. In recognition of the purpose and goals there is hereby established a policy for all public officials of the City of Breezy Point in addressing ethical standards of conduct. This policy is intended to supplement but not replace statutory requirements, attorney general opinions and court rulings.

### **Expected Conduct**

Public elected or appointed officials must put the public interest ahead of their own personal advancement and financial interests, disclose conflicts of interest, and refrain from participating in decisions where a financial interest exists. Public officials must avoid actions that might impair independence of judgment or give the appearance of impropriety or a conflict of interest. Public officials must not use their position to gain privileges or special treatment. Public officials of the City shall avoid any situation that might give rise to or even suggest the potential for a conflict of interest. Public elected or appointed officials shall abstain from participation in discussions, deliberations and voting on a City contract in which the public elected or appointed official’s or any member of that official’s immediate family has a direct, indirect or pecuniary interest. When a non-contract matter comes before the City in which a public elected or appointed official or anyone in the official’s immediate family has a direct, indirect or pecuniary interest, the official shall abstain from participation in discussions, deliberations and voting on that matter.

### **Definition of Terms**

*Anything of value or Gift:* Money, real or personal property, a permit or license, a favor, a service, forgiveness of a loan or promise of future employment, the payment or receipt of anything that is given and received without the giver receiving consideration of equal or greater value in return. It does not mean reasonable compensation or expenses paid to a public official by the City for work performed.

*Association:* A business entity of any kind, a labor union, a club or any other group of two or more persons other than the immediate family.

*Conflict of Interest.* A conflict of interest is present when, in the discharge of official duties, an elected or appointed official participates in a governmental decision, action or transaction in which he or she has a financial interest, except for those interests when the financial interest is no greater than that of another member of his or her business classification, profession or occupation.

- a. *Financial Interest.* A financial interest is any interest, including loans, directly or indirectly, a monetary or other material benefit to the elected or appointed official (other than monetary or material benefits authorized by the City). A financial interest of a local

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public official's employer (other than the City) his or her associated business, or his or her immediate family as more specifically defined below, and their employers of associated businesses shall also be considered a financial interest of the local official or volunteer.

- b. *Exception.* The following assets shall not be considered a financial interest for purposes of this policy: (1) ownership of shares in a diversified mutual fund; (2) membership in a pension plan or employee benefit plan; (3) de minimis ownership of bonds or publicly traded securities.

*Immediate Family:* Immediate family shall be defined as spouse, domestic partner, parents, children, siblings, father and/or mother in-law, son and/or daughter in-law, sister and/or brother in-law, step children, step siblings and half-brother and/or sister.

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

*Public Official:* Any person that has been elected to office, appointed by the City Council, appointed to a city committee or commission, or hired by the city to serve as a department head.

**Ethical Considerations and Standards of Conduct**

Public Officials are to serve all persons fairly and equitably without regard to their personal or financial benefit. Public officials must maintain integrity and independence in their judgments and actions without consideration of personal gain or bias. A public official shall consider ethical implications in fulfilling their responsibilities.

The list below is not all encompassing but establishes rules, standards and guides ethical actions.

1. Public Officials shall not use their positions to secure special privileges or exemptions for themselves.
2. An elected public official shall not hold another "incompatible office" while at the same time being an elected official. Employed public officials shall not hold such incompatible office without notice and approval by the city council. Elected and appointed public officials shall not hold another office or employment which compromises the performance of their elected or appointed duties.
3. No public official shall use information gained as a public official which is not generally made available to and/or is not known by the public.
4. A public official shall not solicit or receive anything of value from a person or association, directly or indirectly.
5. A public official shall not participate in discussions, deliberations and voting on any financial matters that affects the public official or public officials immediate family directly or indirectly; or those of a business, profession or occupation which the public official is associated.
6. Investments. Except for exceptions stated above, a public official shall disclose any investment which may compromise a decision and disqualify him from that particular action.

## Breezy Point Personnel Policy

7. A public official shall not represent persons or associations in dealing with the city in consideration of any matter before the city.
8. No public official shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
9. No public official shall exceed his or her authority, breach the law, or ask others to do so.
10. In accordance with MN Statutes 471.895 an interested person may not give a gift or request another to give a gift to a local official. A local official may not accept a gift from an interested person. The following are permitted under the exceptions to the law.
  - a. Lawful campaign contributions.
  - b. Services to assist an official in the performance of official duties.
  - c. Services of insignificant monetary value.
  - d. A plaque or similar item.
  - e. A trinket or item of insignificant monetary value.
  - f. Informational material of unexceptional value.
  - g. Food or beverage given at a reception, meal, or meeting by an organization before whom the recipient makes a speech or answers questions as part of a program (this exception is only available if the location of the reception, meal, or meeting is away from the recipient's place of work).
  - h. Gifts given because of the recipient's membership in a group.
  - i. Gifts between family members.
11. No elected public official shall give anything of value to potential voters in return for their votes, promises or financial considerations.
12. No public official shall use public funds, personnel, facilities, or equipment for political activities or private gain.
13. Public officials shall provide complete documentation to support expense reimbursements.
14. Public officials shall take no action to benefit a person or entity because of a donation made to the city.
15. No public official shall take official action which will benefit any person or entity where such public official would not have otherwise taken such action but for a family relationship, friendship, or other business relationship.
16. Public officials shall disclose to the governing body any relationship to another person or entity in any instance where there is a real or perceived conflict of interest.



## Breezy Point Personnel Policy

17. Public officials shall not have a personal financial interest in any sales, lease, or contract that they are authorized to make in their official capacities except as authorized by law.
18. Public officials shall comply with all local ordinances, state and federal statutes including, but not limited to, criminal code, Fair Campaign Practices Act, and laws governing municipalities.
19. Public officials have a responsibility to guard against discrimination in hiring, employee relations and decision making. Public officials shall not discriminate against race, creed, color, religion, national origin, gender, sexual or affectional orientation, marital status, familial status, age, disability, or status with regard to public assistance.
20. Public officials must adhere to the requirements of the Open Meeting Law under MN Statutes §13D keeping all deliberations in a public forum with proper notice.
21. Appointed public officials who are hired may not seek or accept appointments to any city committee or commission but may serve in an ex-officio capacity.

### **Conflict of Interest in Contracts**

(From the League of MN Cities)

Generally, public officers may not have a personal financial interest in a sale, lease or contract they are authorized to make in their official capacity. A "public officer" includes the Mayor and any Councilmember. In some circumstances, the designation may also include appointed officers and employees who are able to influence contracting decisions.

The attorney general has advised that the conflict of interest law applies to any Councilmember "who is *authorized* to take part in any manner" in the making of the contract. Simply abstaining from voting on the contract will not allow the contract to be made. The attorney general reasoned that if the Legislature had only wanted to prohibit a contract with an interested officer who votes on the contract, it would not have used the word "authorized."

A literal reading of the statute might suggest that it does not apply to City officers who are unable to make a contract on behalf of the City. However, the attorney general has given the statute a broad interpretation, which could mean the statute affects more officials than just those who actually make the decision to enter into the contract. As a result, it may be wise to take a conservative approach regarding contracts with any City official.

The law would appear to prohibit a contract with a public official who has had the opportunity to influence the terms of the contract or the decision of the governing body.

## Breezy Point Personnel Policy

Exceptions are found in MN Statutes 471.88 regarding contracts and if an exception is to be considered, the legal basis for the exception needs to be identified which may require a city attorney review.

### **Special Considerations**

**Required Decisions.** Situations can arise when a public official abstains from voting because of a conflict of interest, but the vote requires a super majority to take action. This can happen where a four-fifths vote is needed to pass an issue or a split vote doesn't pass or reject it, as examples. The disqualified public official is required to act providing a disclosure is made concerning the nature of the conflict prior to the action taken. The record of the meeting shall clearly state the conflict, the reasons for the required vote and its resolution.

**No Financial Interest.** A local public official may participate in a City government decision, action, or transaction involving an association or entity if the public official or immediate family member is an officer, director, board member, or trustee but does not have a financial interest in the governmental decision, action or transaction. However, the public official must disclose his or her affiliation with the organization or entity as though it was a conflict of interest.

**Related Person.** A local public official may participate in a City governmental decision involving a related person, other than his or her immediate family, if the public official does not have a financial interest in the governmental decision, action, or transaction. However, the public official must disclose his or her relationship with the related personnel as though it were a conflict of interest.

### **Disclosure**

If a public official, in the discharging of his or her duties, recognizes that a conflict of interest could occur the public official shall disclose the conflict as soon as they are aware of it. This disclosure shall include the nature of the conflict and may be made orally during the meeting or if unable to attend the meeting a written disclosure shall be provided and read into the record at this or a subsequent meeting and recorded in the minutes.

Upon disclosure the member must abstain from deliberation, discussion and voting on the issue.

### **Compliance and Enforcement**

Council, Commissioners and Committee members themselves have the primary responsibility to assure that the code of conduct is understood and followed. It is the responsibility of the public official to police its members. When inappropriate behaviors are observed, any member of the council, commission or committee can intervene. If inappropriate behavior is observed, the city council will discuss the matter.

By direction of the council, it will be determined whether:

- a. A letter is sent to the offending public official stating that they have been found operating outside the established conflict of interest policy, requesting them to correct the behavior identified as inappropriate; or
- b. The public official is formally sanctioned by resolution at a council meeting.
- c. Other messages as the city attorney may advise.

Adopted by Breezy Point City Council – April 2, 2012

Breezy Point Personnel Policy

**EMPLOYEE AFFIRMATION**

**I have received a copy of the City of Breezy Point's Personnel Policy amended September 8, 2020 and I acknowledge receipt and my responsibility to read and understand the policy in its entirety.**

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

cc: Personnel File

CITY OF BREEZY POINT  
RESOLUTION 08-2024

A RESOLUTION SUPPORTING THE EFFORTS OF IDEAL TOWNSHIP TO IMPROVE THEIR  
TRANSFER STATION

WHEREAS, the Transfer Station serves the public without regard to Township residence; and

WHEREAS, it is the intent of Ideal Township to continue to serve the broader community; and

WHEREAS, the Transfer Station works closely with Crow Wing County in maintaining the Station in its collection and disposal of waste products; and

WHEREAS, the Transfer Station does serve the residents of Breezy Point,

NOW THEREFORE BE IT RESOLVED by the Breezy Point City Council supports the efforts of Ideal Township in improving its Transfer Station in seeking a grant from Sourcewell’s Community Impact Fund to improve the efficiency and effectiveness of the Station.

Rebecca Ball: \_\_\_

Brad Scott: \_\_\_

Steve Jensen: \_\_\_

Angel Zierden: \_\_\_

Michael Moroni: \_\_\_

Adopted this 5<sup>th</sup> Day of February 2024

\_\_\_\_\_  
Mayor Angel Zierden

Attest:

\_\_\_\_\_  
David C. Chanski, City Administrator/Clerk



# CITY COUNCIL WORKSHOP

**Tuesday, February 20, 2024 at 5:00 PM**

City Hall 8319 Co. Rd. 11 Breezy Point, MN 56472

(218) 562-4441 | Office Hours 8:00 a.m. - 4:00 p.m. | [cityadmin@cityofbreezypointmn.us](mailto:cityadmin@cityofbreezypointmn.us)

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## AGENDA

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- 1. GOLF CART RULES
- 2. COMMUNICATIONS
- 3. MARCH AGENDA REVIEW

DRAFT