

AGENDA

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Approval of Agenda**

Any additions, deletions, modifications to the agenda will be done at this time.

 - a. November 17, 2025 City Council Agenda Cover Page
- 4. Citizen Input**
- 5. Consent Agenda**
 - a. Consider Approving Council Meeting Minutes from the October 20, 2025 Council Meeting.
 - b. Consider Accepting all Reports & Payment of Claims.
 - c. Consider Various Personnel Appointments.
 - d. Consider Downtown Revitalization Grant for Burkstrand Agency.
 - e. Consider Approving Business Licenses for 2026 - Liquor Licenses & Tobacco Licenses.
- 6. Presentations, Public Hearings & Related Approvals**
- 7. New Business**
 - a. Consider Resolution 25-30 Certifying Delinquent City Fees and Charges.
 - b. Consider Various LMCIT Insurance Approvals.
 - c. Consider MOU with Wright County for Compost Grinding Services.
 - d. Consider LOU with Community Asset Foundation for Apartment Development
 - e. Consider Ordinance 25-07 Modifications to City Code Part 8 Licensing Certain Occupations and Games.
 - Consider Resolution 25-31 Summary Publication of Ordinance 25-07.
 - f. Consider Ordinance 25-08 Point of Sale Water & Sewer Line Inspections.
 - Consider Resolution 25-32 Summary Publication of Ordinance 25-08.
 - g. Consider Various Personnel Policy Updates & Modifications.
- 8. Old Business**
- 9. Department Reports**

- a. Engineering Update: 2025 Street Reconstruction Project, City Engineer Halvorson

10. Administrator's Report

11. Council/Committee Report

12. Adjourn

The City Council will adjourn to a Workshop following the regular meeting.



CITY OF HOWARD LAKE

City Council Meeting

*The City of Howard Lake strives to build upon its good neighbor traditions –
A welcoming community for all, supported by vibrant and engaged businesses and community organizations, involved
citizens, and diverse amenities that provide a well-rounded quality of life.*

TENTATIVE AGENDA November 17, 2025 – 7:00 pm

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

Any additions, deletions, modifications to the agenda will be done at this time.

D. CITIZEN INPUT

E. CONSENT AGENDA

- a. Consider Approving Council Meeting Minutes from the October 20, 2025 Regular Meeting.
- a. Consider Accepting all Reports & Payment of Claims.
- b. Consider Various Personnel Appointments.
- c. Consider Downtown Revitalization Grant for Burkstrand Agency.
- d. Consider Approving 2026 Business Licenses – Liquor Licenses & Tobacco Licenses

F. PRESENTATIONS, PUBLIC HEARINGS & RELATED APPROVALS

G. NEW BUSINESS

- a. Consider Resolution 25-30 Certifying Delinquent City Fees and Charges.
- b. Consider Various LMCIT Insurance Approvals.
- c. Consider MOU with Wright County for Compost Grinding Services.
- d. Consider LOU with Community Asset Foundation for Apartment Development.
- e. Consider Ordinance 25-07 Modifications to City Code Part 8 Licensing Certain Occupations and Games.
 - Consider Resolution 25-31 Summary Publication of Ordinance 25-07.
- f. Consider Ordinance 25-08 Point of Sale Water & Sewer Line Inspections.
 - Consider Resolution 25-32 Summary Publication of Ordinance 25-08.
- g. Consider Various Personnel Policy Updates & Modifications.

H. OLD BUSINESS

I. DEPARTMENT REPORTS

- a. Engineering Update: 2025 Street Reconstruction Project, City Engineer Halvorson

J. ADMINISTRATOR'S REPORT

K. COUNCIL/COMMITTEE REPORT

L. ADJOURN

The City Council will adjourn to a Workshop following the regular meeting.

CITY COUNCIL
MEETING MINUTES
CITY OF
HOWARD LAKE
— Est. 1878 —

OCTOBER 20, 2025

Call to Order

Pledge of Allegiance

Approval of Agenda

Council Reviewed the Agenda.

Council Member Kutz moved to moved to approve the Council Agenda as presented. The motion was seconded by Council Member Deiter and Passed unanimously.

Citizen Input

Dawn Johnson - 280 Orchard Court — Inquiring about making Co. Rd. 7, a no-whistle-blowing intersection.

Haggenmiller shared the study that was conducted in 2015, about what was determined at that time — including cost and structure changes.

There are other options to explore at a lower rate.

Kirby Moynagh, County Commissioner District 5, wanted to touch base with the Council. He stated there was a reduction in the tax rate for 2026. Shared various Federal Government cuts that will affect the State/County. The countrywide e-newsletter came out again recently. Howard Lake had an 8.2% population growth in the last five years, according to a half-decade census conducted in Wright County.

Pastor Paul Koch — 1217 7th Street — Asking if there have been any updates on the cannabis store proposed on HWY 12. He stated that the playground falls within the 250-foot radius of the proposed location. The playground is required for the childcare facility that meets in their church and the store cannot be within 250 feet of a childcare facility.

Consent Agenda

Mayor Zimmerman read through the items included in the consent agenda. He thanked Planning Commissioner Barb Guenigsmann for her years of service on the Parks and Planning Commission.

Council Member Kutz moved to approve the items on the Consent Agenda. The motion was seconded by Council Member Gilbert and Passed unanimously.

1. **Consider Approving Council Meeting Minutes from the September 15, 2025 Council Meeting.**
2. **Consider Accepting all Reports & Payment of Claims.**
3. **Consider Approving Various City Holiday Events**
4. **Declare Vacancy on Parks and Planning Commission: Direct Advertisement for Replacement.**

Presentations, Public Hearings & Related Approvals

1. **Public Hearing: Reeds and Rushes Event Center - CUP Amendment**

Mayor Zimmerman closed the regular meeting and opened the public hearing at 7:24 pm.

Haggenmiller shared the a recap of the Parks and Planning public comment on the Reeds and Rushes CUP Amendment.

Haggenmiller reviewed the staff report and highlighted the specific changes to the CUP.

Mayor Zimmerman opened the floor to public comment.

Gary Hagemann — 520 9th Ave — He stated that the event center is good for the city and they have not had any issues with noise or traffic.

Bob Padden — 210 Orchard Court — Shared that he is in support of the pickleball courts indoors.

Dawn Johnson - 280 Orchard Court - stated they have only had one minor issue with guests from an event and the owners addressed it quickly.

Closed public hearing at 7:34 pm.

New Business

1. **Consider Resolution 25-28 Approving CUP Amendment for Reeds and Rushes Event Center**

Following discussion during the public hearing. Council Members moved to approve Resolution 25-28 CUP Amendment for Reeds and Rushes Event Center.

Council Member Gilbert moved to Approve Resolution 25-28 CUP Amendment for Reeds and Rushes Event Center. The motion was seconded by Council Member Deiter and Passed unanimously.

2. **Consider Approval of Liquor License for Reeds and Rushes Event Center**

Theisen reviewed the staff report and the associated fees, \$2000 for the liquor license plus an additional \$200 if they are "opting-in" for Sunday sales.

Council Member Kutz moved to Approve full Liquor License for the Reeds and

Rushes Event Center. The motion was seconded by Council Member/Commissioner Gilbert and Passed unanimously.

3. Consider Scope and Fee for Services for Lobbyist for 2026 Legislative Session

Haggenmiller reviewed the staff report related to retaining former Representative Dean Urdahl as a lobbyist to help our efforts in obtaining a funding package for public infrastructure projects. The session fee would come from our reserves, if approved.

Council Member Kutz moved to Approve the scope and fees for services for Lobbyist, Dean Urdahl, for the 2026 Legislative Session.. The motion was seconded by Council Member Munson and Passed unanimously.

4. Consider Quotes for Maintenance Repairs at Fire Hall

Haggenmiller reviewed the staff report, highlighting the various maintenance requests from the fire department.

Council reviewed the quotes and selected contractors.

Council Member Deiter moved to Approve quotes for Maintenance Repairs at the Fire Hall. The motion was seconded by Council Member Munson and unanimously.

5. Consider Resolution 25-29 Decertifying Foresman Farms TIF District

Haggenmiller reviewed the staff report. Highlighting funds currently left over in the TIF Fund.

Council Member Kutz moved to Approve Resolution 25-29 Decertifying Foresman Farms TIF District. The motion was seconded by Council Member Deiter and unanimously.

Old Business

Department Reports

Josh Halverson, Bolton and Menk, provided an update on the various street projects throughout the city.

1. Howard Lake Wine and Spirits - Financial Reports

Recieve and File.

Mayor Zimmerman asked if we can get these on a more timely basis.

Haggenmiller is trying to see if we can get them more frequently.

Administrator's Report

Council/Committee Report

Waste Water Commission Meeting on Thursday, October 23.

Adjourn

Adjourn meeting at 8:00 pm.

Council Member Kutz moved to Adjourn Meeting at 8:00 pm. The motion was seconded by Council Member Gilbert and unanimously.

Attest - City Administrator/Clerk

Mayor

CITY OF HOWARD LAKE

CLAIMS & DONATIONS APPROVED

DATE - November 17, 2025

GENERAL FUND	CHECKS: 65031-65163	\$732,671.27
PAYROLL	27748-27765, 504522-504627	\$106,619.02
ELECTRONIC	2070-2081	\$64,690.29
TOTAL		\$903,980.58

AMBULANCE CLMS	CHECKS: 6237-6254	\$11,051.54
ELECTRONIC		
TOTAL		\$11,051.54

CITY OF HOWARD LAKE

11/14/25 9:43 AM

Page 1

***Check Summary Register©**

Checks 10/17/2025-11/17/2025

Name	Check Date	Check Amt		
1010 CITIZEN ALLIANCE				
2070e	INTERNAL REVENUE SERVICE	10/20/2025	\$10,288.31	
2071e	MN DEPT OF REVENUE	10/20/2025	\$1,980.34	
2072e	PERA	10/20/2025	\$8,800.92	
2073e	LEAP-WEX	10/20/2025	\$884.84	
2074e	INTERNAL REVENUE SERVICE	10/29/2025	\$9,886.91	
2075e	MN DEPT OF REVENUE	10/29/2025	\$1,981.59	
2076e	PERA	10/29/2025	\$9,027.33	
2077e	LEAP-WEX	10/29/2025	\$135.00	
2078e	INTERNAL REVENUE SERVICE	11/12/2025	\$10,313.46	
2079e	MN DEPT OF REVENUE	11/12/2025	\$1,889.38	
2080e	PERA	11/12/2025	\$8,667.13	
2081e	LEAP-WEX	11/12/2025	\$835.08	
27748	GOEPFERT, THOMAS	10/17/2025	\$288.51	
27749	MONSON, ANIKA	10/17/2025	\$116.34	
27750	BALDWIN, ALIC	10/17/2025	\$83.11	
27751	DICKENS, CHRISTENA M	10/17/2025	\$166.23	
27752	DRUSCH, JACOB D	10/17/2025	\$138.52	
27753	PETERSON, JEREMY	10/17/2025	\$55.41	
27754	ROKOLA, MARQUESE W	10/17/2025	\$138.52	
27755	BONNICK, STEVEN	10/17/2025	\$651.90	
27756	MONSON, ANIKA	10/31/2025	\$171.65	
27757	BONNICK, STEVEN	10/31/2025	\$80.37	
27758	GOEPFERT, THOMAS	11/14/2025	\$14.28	
27759	MONSON, ANIKA	11/14/2025	\$145.22	
27760	BALDWIN, ALIC	11/14/2025	\$13.85	
27761	DICKENS, CHRISTENA M	11/14/2025	\$55.41	
27762	DRUSCH, JACOB D	11/14/2025	\$304.75	
27763	PETERSON, JEREMY	11/14/2025	\$110.82	
27764	ROKOLA, MARQUESE W	11/14/2025	\$124.67	
27765	BONNICK, STEVEN	11/14/2025	\$1,090.40	
65031	AMAZON CAPITAL SERVICES	10/23/2025	\$394.95	City Hall Cleaning Supplies
65032	ANDRES, RENEE	10/23/2025	\$99.66	Overpayment on Utility Bill 197 12th Street
65033	B & E RECYCLING	10/23/2025	\$369.20	Pickup from Spring Clean up Days
65034	CAPITOL BEVERAGE SALES	10/23/2025	\$636.12	Missing remainder of payment invoice #319343
65035	CENTERPOINT ENERGY	10/23/2025	\$309.12	817 7th Street FIRE
65036	DAHLHEIMER BEVERAGE GREE	10/23/2025	\$6,344.17	Carbliss Lime
65037	EARTHLINK INC	10/23/2025	\$19.34	Fire Dept Email
65038	EMERYS TRUCK & TRAILER REP	10/23/2025	\$615.88	Fuel Line Repairs 1996 Ford
65039	ESS BROTHERS & SONS, INC	10/23/2025	\$3,757.00	Water Plant Materials
65040	NICK HAGGENMILLER	10/23/2025	\$16.98	Reimbursement for doughnuts for treatment pl
65041	HLWW THEATRE ART BOOSTER	10/23/2025	\$50.00	Cocktail for a Cause Proceeds
65042	JOE'S SPORT SHOP	10/23/2025	\$1,514.91	Slip #997085
65043	JOHNSON BROTHERS LIQUOR C	10/23/2025	\$1,706.56	Credit on RonDiaz
65044	KAMSTRUP WATER METERING	10/23/2025	\$2,233.27	READY Software License Yearly
65045	LEAGUE OF MN CITIES INSURA	10/23/2025	\$71.00	Account #40008756
65046	MN DEPT OF AGRICULTURE	10/23/2025	\$30.00	Tree Care Registry Renewal
65047	NAPA AUTO PARTS COKATO	10/23/2025	\$59.73	Battery for HLWS
65048	NCPERS GROUP LIFE INS	10/23/2025	\$48.00	Coverage for 11/2025
65049	PAUMEN COMPUTER SERVICES	10/23/2025	\$3,966.22	Support at HL City Hall
65050	PHILLIPS WINE & SPIRITS	10/23/2025	\$369.71	Credit on Peppermint Schnapps
65051	PRECISION UTILITIES	10/23/2025	\$8,654.00	Repairs at 1100 6th Street
65052	RED BULL DISTRIBUTION CO, IN	10/23/2025	\$151.40	Misc Red Bull Products
65053	ROERS AND SONS WELDING AN	10/23/2025	\$1,500.00	Tailgate repair on trailer
65054	SIGNATURE POOLS	10/23/2025	\$34,450.00	Installation of Equipment & Epoxy

CITY OF HOWARD LAKE

11/14/25 9:43 AM

Page 2

***Check Summary Register©**

Checks 10/17/2025-11/17/2025

Name	Check Date	Check Amt	
65055	THEIN WELL	10/23/2025	\$315.00 Annual Inspection on Pumps & Wells
65056	WASTEWATER COMMISSION	10/23/2025	\$21,000.00 SAC Fees for 100 Robbie Lane
65057	WRIGHT COUNTY FINANCE DEP	10/23/2025	\$400.00 Omni Ballot and DS200
65058	WRIGHT HENNEPIN ELECTRIC	10/23/2025	\$1,179.00 STREET LIGHTS
65059	SETH BRAVINDER	10/23/2025	\$288.80 Firefighter Training
65060	JACOB DRUSCH	10/23/2025	\$202.04 Reimbursement for training burn materials
65061	GALLS LLC	10/23/2025	\$461.70 Mens Trousers
65062	MES SERVICE COMPANY LLC	10/23/2025	\$673.49 Materials for HL Fire Dept
65063	AMAZON CAPITAL SERVICES	10/30/2025	\$138.66 Thermal Paper Rolls
65064	Autumn Ridge Landscaping	10/30/2025	\$20,370.00 Replacement Wall 817 6th Street
65065	BELLBOY CORPORATION	10/30/2025	\$504.44 Misc Liquors
65066	BLOOM, ISABELLE	10/30/2025	\$7.07 Overpayment on Utility Bill
65067	CAPITOL BEVERAGE SALES	10/30/2025	\$2,432.15 Mich Ultra
65068	DAHLHEIMER BEVERAGE GREE	10/30/2025	\$3,137.73 Carbliss
65069	DAKOTA SUPPLY GROUP	10/30/2025	\$4,803.75 Kamstrup Meters
65070	ESS BROTHERS & SONS, INC	10/30/2025	\$825.00 Catch basin behind Love Inc
65071	JOHNSON BROTHERS LIQUOR C	10/30/2025	\$1,236.88 Delivery Charge
65072	MIDWEST MACHINERY CO	10/30/2025	\$14.93 Red Armor Oil
65073	MUMFORD SANITATION	10/30/2025	\$12,424.15 COMPOST LEASE
65074	NORTHLAND BOND SERVICES	10/30/2025	\$404,971.25 Principal on Series 2011A
65075	PHILLIPS WINE & SPIRITS	10/30/2025	\$1,025.46 Delivery Charge
65076	PLUNKETT'S PEST CONTROL	10/30/2025	\$228.92 Acct #846104 City Hall
65077	RINKE NOONAN	10/30/2025	\$1,977.50 Legal Services with Couri
65078	SHUN, REBECCA	10/30/2025	\$250.00 Sod Replacement
65079	SIGNATURE POOLS	10/30/2025	\$9,900.00 Veteran's Memorial Pool Install
65080	SOUTHERN GLAZER WINE & SPI	10/30/2025	\$941.18 Misc Liquors
65081	TIMMYS PUB CLUB, LLC	10/30/2025	\$80.00 Tap Cleaning at R&R
65082	T-MOBILE	10/30/2025	\$387.83 Account # 973663744
65083	VERIZON	10/30/2025	\$120.03 Acct #342365904-00001
65084	VISA	10/30/2025	\$5,511.95 Items for Fire Training
65085	WSB LLC	10/30/2025	\$250.00 Remainder of Invoice
65086	AMAZON CAPITAL SERVICES	11/7/2025	\$176.74 Rags for Street Shop
65087	ARCO BUSINESS SOLUTIONS	11/7/2025	\$263.92 Fuel for PD Acct #2846087
65088	AUTUMN RIDGE LANDSCAPING	11/7/2025	\$2,165.00 Paver Repairs by Post Office
65089	BELLBOY CORPORATION	11/7/2025	\$1,057.27 Shipping and Handling
65090	BREAKTHRU BEVERAGE	11/7/2025	\$929.68 Misc Liquors
65091	CAPITOL BEVERAGE SALES	11/7/2025	\$5,982.95 Misc Beer
65092	CENTERPOINT ENERGY	11/7/2025	\$193.47 Acct #12032215-1 817 8th Ave
65093	CENTURYLINK	11/7/2025	\$675.96 Acct #313493414
65094	CINTAS	11/7/2025	\$383.02 SSEC Acct #12854181
65095	DAHLHEIMER BEVERAGE GREE	11/7/2025	\$6,585.57 Misc Liquors
65096	FINKEN WATER CENTERS, INC	11/7/2025	\$52.40 City Hall Water Refills
65097	FLATOUT TIRE SERVICE LLC	11/7/2025	\$293.00 O-Rings, Tire Sealer, Service Call
65098	GOPHER STATE ONE-CALL, INC	11/7/2025	\$128.60 Fax Tickets
65099	NICK HAGGENMILLER	11/7/2025	\$365.00 Cell Allowance
65100	HERALD JOURNAL PUBLISHING	11/7/2025	\$138.75 Notice of PAT
65101	HOWARD LAKE TIRE & AUTO	11/7/2025	\$199.99 Battery for Striper
65102	IUOE LOCAL 49 FRINGE BENEFI	11/7/2025	\$48.00 November Weekly Dues
65103	JOE'S SPORT SHOP	11/7/2025	\$1,152.68 Slip #997091
65104	JOHNSON BROTHERS LIQUOR C	11/7/2025	\$3,752.41 Misc Liquors
65105	JP BROOKS	11/7/2025	\$5,400.00 Driveway Escrow 100 Robbie Lane
65106	KARELS TOWING	11/7/2025	\$130.53 Towing on Squad #523
65107	KING OF PORTABLES CORPORA	11/7/2025	\$2,070.00 GND Portables
65108	MYRA LAWAY	11/7/2025	\$355.28 Cell Allowance
65109	ALEX MAGES	11/7/2025	\$56.00 Reimbursement for Vehicle Registration

CITY OF HOWARD LAKE

11/14/25 9:43 AM

Page 3

***Check Summary Register©**

Checks 10/17/2025-11/17/2025

Name	Check Date	Check Amt	
65110	MARCO TECHNOLOGIES LLC	11/7/2025	\$485.16 City Hall Phone
65111	DEBRA MCALPINE	11/7/2025	\$65.00 Car Allowance
65112	MEDIACOM LLC	11/7/2025	\$176.90 Account #83894923160090330
65113	MEREDITH, ANGELA & MARK	11/7/2025	\$19.05 Overpayment on Utility Bill
65114	JARED MERGES	11/7/2025	\$65.00 Cell Allowance
65115	METRO WEST INSPECTION SER	11/7/2025	\$3,093.66 Finalized Permits October 2025
65116	METRO WEST IRRIGATION	11/7/2025	\$200.00 Winterize System
65117	MIDWEST MACHINERY CO	11/7/2025	\$83.01 Blades
65118	JIM OTTENSTROER	11/7/2025	\$65.00 Cell Allowance
65119	PHILLIPS WINE & SPIRITS	11/7/2025	\$4,222.04 Shanky's Whip
65120	PLUNKETT'S PEST CONTROL	11/7/2025	\$84.53 Service Location#846103
65121	CLAYTON PRESTIDGE	11/7/2025	\$65.00 Cell Allowance
65122	REEDS AND RUSHES	11/7/2025	\$660.99 Revenue Share October 2025
65123	REMER, TANYA	11/7/2025	\$65.00 Monthly Phone Stipend
65124	SARKINEN, DUANE	11/7/2025	\$900.00 Driveway Escrow for 242 Paradise Place
65125	SOUTHERN GLAZER WINE & SPI	11/7/2025	\$177.48 Chi Chis Mexican Mudslide
65126	ERIC STOLL	11/7/2025	\$65.00 Monthly Phone Stipend
65127	STREICHER'S	11/7/2025	\$45.99 Buckle for Uniform
65128	THEISEN, MEAGAN	11/7/2025	\$231.46 Cell Allowance
65129	TRILOGY PROPERTIES	11/7/2025	\$371.80 Overpayment on utility bill
65130	US BANK	11/7/2025	\$600.00 Fiscal Agent Fee for 2019A
65131	VIKING COCA-COLA	11/7/2025	\$226.90 Soda for HLWS
65132	VINOCOPIA, INC	11/7/2025	\$316.25 John C Wines
65133	WASTEWATER COMMISSION	11/7/2025	\$59,978.56 Total City WWTP Discharge
65134	XCEL ENERGY	11/7/2025	\$543.00 Acct #51-0014150019-5 HL Foods
65135	ABDO LLP	11/13/2025	\$8,708.33
65136	AMAZON CAPITAL SERVICES	11/13/2025	\$153.03 AAA batteries
65137	BAERTSCHI, PAUL	11/13/2025	\$195.00 Yearly subscription to MN Police Briefs
65138	BBG LAW	11/13/2025	\$1,717.70 Legal Services Oct 2025
65139	BELLBOY CORPORATION	11/13/2025	\$466.38 Pineapple Juice for R&R
65140	BICKMANN, CHRISTOPHER	11/13/2025	\$48.15 Overpayment on Utility Bill
65141	BIRCHDALE FIRE & SECURITY, L	11/13/2025	\$149.01 Monitoring at 733 6th St
65142	DRAIN PROS	11/13/2025	\$14,550.00 Repair and excavation of city hall sewer line
65143	FARM-RITE EQUIPMENT, INC	11/13/2025	\$6,916.79 Oil and Filters
65144	GLESSING, DELORES	11/13/2025	\$210.92 Overpayment on utility bill
65145	GUTZKE, DEAN & TRACY BURLO	11/13/2025	\$40.50 Overpayment on utility bill
65146	INTL UNION OF OPERATING EN	11/13/2025	\$105.00 Monthly Dues November
65147	JP BROOKS	11/13/2025	\$2,700.00 Driveway Escrow 133 Terning Way
65148	KWIK TRIP INC.	11/13/2025	\$487.54 Fuel for HL PD
65149	LATZIG, MARTIN	11/13/2025	\$10.33 Overpayment on utility bill
65150	MADDEN GALANTER HANSEN	11/13/2025	\$282.00 Legal Services for October 2025
65151	MARCO	11/13/2025	\$426.72 Copier Agreement
65152	MEDIACOM LLC	11/13/2025	\$294.90 Acct 8384923160090439
65153	MIDWEST MACHINERY CO	11/13/2025	\$14,000.00 2024 Pronovost Snowblower
65154	MN DEPT OF PUBLIC SAFETY	11/13/2025	\$100.00 MN Hazardous Materials Fees
65155	MN VALLEY TESTING LAB, INC	11/13/2025	\$54.00 Water Testing
65156	PREMIUM WATERS- WILLMAR	11/13/2025	\$48.09 Service at HLWS
65157	RUSSELL SECURITY RESOURC	11/13/2025	\$2,027.00 Library Project
65158	TK ELEVATOR	11/13/2025	\$583.45 Maintenance at Historic City Hall
65159	WRIGHT COUNTY RECORDER	11/13/2025	\$46.00 Document A 1588308
65160	XCEL ENERGY	11/13/2025	\$7,129.18 Acct #51-6197060-3
65161	GALLS LLC	11/14/2025	\$1,729.80 Men's Apparel
65162	MN STATE FIRE DEPT ASSOC	11/14/2025	\$225.00 2026 MSFDA Membership Dues
65163	RIDGEVIEW MEDICAL CENTER	11/14/2025	\$477.32 Fire Burn Training
504522e	HAGGENMILLER, NICHOLAS A	10/17/2025	\$4,366.71

CITY OF HOWARD LAKE

11/14/25 9:43 AM

Page 4

***Check Summary Register©**

Checks 10/17/2025-11/17/2025

Name	Check Date	Check Amt	
504523e	MERGES, JARED M	10/17/2025	\$2,433.56
504524e	MIELKE, SARAH B	10/17/2025	\$91.21
504525e	REMER, TANYA M	10/17/2025	\$1,840.36
504526e	THEISEN, MEAGAN	10/17/2025	\$2,630.90
504527e	ZANDER, SHARI	10/17/2025	\$627.05
504528e	OTTENSTROER, JAMES D	10/17/2025	\$1,990.50
504529e	PRESTIDGE, CLAYTON P	10/17/2025	\$1,599.20
504530e	DRUSCH, ZACHARY R.	10/17/2025	\$277.05
504531e	ELMER, DANIEL J	10/17/2025	\$180.08
504532e	KING, ELLIOTT	10/17/2025	\$138.52
504533e	KITTOCK, BRIAN	10/17/2025	\$166.23
504534e	KITTOCK, NICOLE D	10/17/2025	\$221.79
504535e	LOEBERTMANN, AMANDA G	10/17/2025	\$83.11
504536e	LOEBERTMANN, CRAIG	10/17/2025	\$138.52
504537e	MAGES, ALEX	10/17/2025	\$249.34
504538e	PETERSON, DAVID T	10/17/2025	\$83.11
504539e	SCHUELKE, ANDREW L	10/17/2025	\$526.39
504540e	STOLL, ERIC	10/17/2025	\$166.23
504541e	WIECH, KYLE	10/17/2025	\$55.41
504542e	BORRELL, JENNIFER M	10/17/2025	\$168.29
504543e	BORRELL, JOSHUA K	10/17/2025	\$168.29
504544e	DAHL, LORI	10/17/2025	\$283.72
504545e	HORSTMANN, REBECCA A	10/17/2025	\$125.03
504546e	JENSEN, LUCAS	10/17/2025	\$280.15
504547e	LAWAY, MYRA	10/17/2025	\$2,470.15
504548e	MAGES, LAURA A	10/17/2025	\$155.83
504549e	MCALPINE, DEBRA-ANN	10/17/2025	\$1,400.60
504550e	MILLER, EDWARD M	10/17/2025	\$491.32
504551e	SOTHAN, LAURIN B	10/17/2025	\$319.15
504552e	VIRNALA, TASIA, R	10/17/2025	\$560.54
504553e	CHAFFINS, GORDON	10/17/2025	\$288.72
504554e	HARTNECK, SEAN M.	10/17/2025	\$245.07
504555e	JOHNSON, JACOB D	10/17/2025	\$2,266.00
504556e	PREUSSE, MITCHELL D	10/17/2025	\$1,550.94
504557e	SZCZEPANIK, DARIUSZ J	10/17/2025	\$2,643.05
504558e	THOMPSON, DAVID G	10/17/2025	\$3,066.88
504559e	CARGILL, ZACHARY C	10/31/2025	\$96.13
504560e	HAGGENMILLER, NICHOLAS A	10/31/2025	\$4,597.35
504561e	HALL, JUSTIN D	10/31/2025	\$456.65
504562e	MERGES, JARED M	10/31/2025	\$2,542.71
504563e	MIELKE, SARAH B	10/31/2025	\$149.59
504564e	REMER, TANYA M	10/31/2025	\$2,108.87
504565e	THEISEN, MEAGAN	10/31/2025	\$2,825.74
504566e	ZANDER, SHARI	10/31/2025	\$541.84
504567e	OTTENSTROER, JAMES D	10/31/2025	\$2,080.60
504568e	PRESTIDGE, CLAYTON P	10/31/2025	\$1,873.46
504569e	DAHL, LORI	10/31/2025	\$206.26
504570e	HORSTMANN, REBECCA A	10/31/2025	\$294.07
504571e	JENSEN, EMMA	10/31/2025	\$123.46
504572e	JENSEN, LUCAS	10/31/2025	\$645.37
504573e	KOOSMAN, HOPE A	10/31/2025	\$251.65
504574e	LAWAY, MYRA	10/31/2025	\$2,620.50
504575e	MCALPINE, DEBRA-ANN	10/31/2025	\$1,456.27
504576e	MILLER, EDWARD M	10/31/2025	\$349.10
504577e	SOTHAN, LAURIN B	10/31/2025	\$134.90

CITY OF HOWARD LAKE

11/14/25 9:43 AM

Page 5

***Check Summary Register©**

Checks 10/17/2025-11/17/2025

Name	Check Date	Check Amt	
504578e	VIRNALA, TASIA, R	10/31/2025	\$468.90
504579e	CHAFFINS, GORDON	10/31/2025	\$345.51
504580e	HARTNECK, SEAN M.	10/31/2025	\$333.19
504581e	JOHNSON, JACOB D	10/31/2025	\$2,301.70
504582e	PREUSSE, MITCHELL D	10/31/2025	\$1,606.22
504583e	SZCZEPANIK, DARIUSZ J	10/31/2025	\$2,711.68
504584e	THOMPSON, DAVID G	10/31/2025	\$3,102.31
504585e	THOMPSON, KYLE	10/31/2025	\$100.67
504586e	HAGGENMILLER, NICHOLAS A	11/14/2025	\$4,366.71
504587e	MERGES, JARED M	11/14/2025	\$2,380.53
504588e	MIELKE, SARAH B	11/14/2025	\$156.89
504589e	REMER, TANYA M	11/14/2025	\$1,814.26
504590e	THEISEN, MEAGAN	11/14/2025	\$2,630.90
504591e	ZANDER, SHARI	11/14/2025	\$572.28
504592e	OTTENSTROER, JAMES D	11/14/2025	\$1,824.43
504593e	PRESTIDGE, CLAYTON P	11/14/2025	\$1,681.13
504594e	BRAVINDER, SETH Z	11/14/2025	\$138.52
504595e	DRUSCH, ZACHARY R.	11/14/2025	\$304.75
504596e	ELMER, DANIEL J	11/14/2025	\$55.41
504597e	KING, ELLIOTT	11/14/2025	\$152.38
504598e	KITTOCK, BRIAN	11/14/2025	\$55.41
504599e	KITTOCK, NICOLE D	11/14/2025	\$170.28
504600e	LOEBERTMANN, AMANDA G	11/14/2025	\$55.41
504601e	LOEBERTMANN, CRAIG	11/14/2025	\$27.70
504602e	MAGES, ALEX	11/14/2025	\$110.82
504603e	PETERSON, DAVID T	11/14/2025	\$166.23
504604e	SCHUELKE, ANDREW L	11/14/2025	\$249.34
504605e	STOLL, ERIC	11/14/2025	\$110.82
504606e	STUEVEN, MARK J	11/14/2025	\$27.70
504607e	WIECH, KYLE	11/14/2025	\$277.05
504608e	BORRELL, JENNIFER M	11/14/2025	\$177.80
504609e	BORRELL, JOSHUA K	11/14/2025	\$177.80
504610e	DAHL, LORI	11/14/2025	\$212.45
504611e	HORSTMANN, REBECCA A	11/14/2025	\$364.58
504612e	JENSEN, EMMA	11/14/2025	\$231.74
504613e	JENSEN, LUCAS	11/14/2025	\$630.92
504614e	KOOSMAN, HOPE A	11/14/2025	\$202.84
504615e	LAWAY, MYRA	11/14/2025	\$2,558.34
504616e	MCALPINE, DEBRA-ANN	11/14/2025	\$1,455.00
504617e	MILLER, EDWARD M	11/14/2025	\$183.17
504618e	MONSON, ALYSHA	11/14/2025	\$162.07
504619e	SOTHAN, LAURIN B	11/14/2025	\$315.87
504620e	VIRNALA, TASIA, R	11/14/2025	\$459.05
504621e	CHAFFINS, GORDON	11/14/2025	\$468.56
504622e	HARTNECK, SEAN M.	11/14/2025	\$245.07
504623e	JOHNSON, JACOB D	11/14/2025	\$2,266.00
504624e	PREUSSE, MITCHELL D	11/14/2025	\$654.32
504625e	SZCZEPANIK, DARIUSZ J	11/14/2025	\$2,677.76
504626e	THOMPSON, DAVID G	11/14/2025	\$3,066.88
504627e	THOMPSON, KYLE	11/14/2025	\$356.19
	Total Checks		\$903,980.58

CITY OF HOWARD LAKE

11/14/25 9:43 AM

Page 6

*Check Summary Register©

Checks 10/17/2025-11/17/2025

Name	Check Date	Check Amt
1010 CITIZEN ALLIANCE		
100 GENERAL FUND		\$109,597.21
203 GOOD NEIGHBOR DAYS FUND		\$300.00
391 2010A GO IMP BOND-DL/T.TR		\$56,017.50
393 2019A VILLAS BOND		\$600.00
398 2011A BOND STORM SEWER		\$46,105.00
500 CAPITAL EQUIPMENT FUND		\$41,682.37
503 CAPITAL PROJECT FUND		\$9,000.00
517 DT ENHANCEMENT PROJECT		\$22,535.00
541 LIBRARY PROJECT		\$5,049.32
542 2021 METER PROJECT		\$4,803.75
550 VETERANS MEMORIAL FUND		\$44,358.83
558 BAYVIEW APTS		\$1,977.50
602 WATER ENTERPRISE FUND		\$178,757.31
603 SEWER ENTERPRISE FUND		\$219,788.98
610 MUNICIPAL LIQUOR		\$56,788.79
		<hr/>
		\$797,361.56

FILTER: [Check Date] between #10/17/2025# and #11/17/2025# and [Check Nbr]>0 and [Cash Act]='1010'

CITY OF HOWARD LAKE

11/14/25 9:52 AM

Page 1

***Check Summary Register©**

Checks 10/17/2025-11/17/2025

Name	Check Date	Check Amt	
1012 CAB - AMBULANCE			
6237	ALLINA HEALTH EMS	10/23/2025	\$600.00 A. Tesmer 413 13th Ave
6238	BOUNDTREE MEDICAL LLC	10/23/2025	\$736.21 Supplies for HL Ambulance
6239	CENTRAL MCGOWAN, INC	10/23/2025	\$43.54 Cylinder Rental
6240	CITY OF HOWARD LAKE	10/23/2025	\$3,135.00 September Ambulance Pay
6241	JACOB DRUSCH	10/23/2025	\$127.66 Reimbursment for the lifesaver award frames
6242	JOE'S SPORT SHOP	10/23/2025	\$272.45 Fuel for Ambulance
6243	ZOLL MEDICAL CORPORATION	10/23/2025	\$603.18 CPR Electrodes
6244	T-MOBILE	10/30/2025	\$48.14 Account #973663744
6245	VISA	10/30/2025	\$187.22 Fuel for Ambulance
6246	ALLINA HEALTH EMS	11/14/2025	\$200.00 I. Ortiz 10.2.25
6247	CENTRAL MCGOWAN, INC	11/14/2025	\$44.79 Cylinder Rental
6248	CITY OF HOWARD LAKE	11/14/2025	\$2,745.00 October Ambulance Pay
6249	JANIKULA, BRIAN	11/14/2025	\$60.00 Refund on payments made
6250	JOE'S SPORT SHOP	11/14/2025	\$290.60 Fuel for Amb
6251	KEAVENY PHARMACY	11/14/2025	\$594.00 Supplies for HL Ambulance
6252	MSR	11/14/2025	\$900.00 EMR Refresher, Extrication Training
6253	DAVID PETERSON	11/14/2025	\$63.75 Reimbursement for Amb Fuel
6254	RIDGEVIEW MEDICAL CENTER	11/14/2025	\$400.00 Amb Assist 9-19-25
		Total Checks	\$11,051.54

1012 CAB - AMBULANCE

202 AMBULANCE FUND	\$11,051.54
	<u>\$11,051.54</u>

FILTER: [Check Date] between #10/17/2025# and #11/17/2025# and [Check Nbr]>0 and [Cash Act]='1012'



HOWARD LAKE CITY COUNCIL MEETING

November 17, 2025

AGENDA ITEM: Consider Various Personnel Appointments

SECTION: New Business

FROM: City Administrator, Nick Haggemiller

BACKGROUND: Per statute, the City Administrator appoints and the City Council confirms employment classification as part of the official record. The following individuals are submitted for approval:

Confirm Appointments

- David Marks – Parks and Planning Commission
- Nickeem Lawrence – Fire Department
- Jordan Holmquist – Fire Department

Advertise and Recruit

- General Maintenance Worker
This is a new position, dedicated primarily to public works but is intended to provide maintenance support to all city departments. We are hopeful to see a larger applicant pool related to the reduced experience and certification requirements. It is our intention to post, recruit but likely not see the selected hire start work until closer to the new year. This position is included in the 2026 Preliminary Budget.

DECISION MAKING METRICS:

FINANCIAL: This position is budgeted as part of the 2025 General Fund Budget.

LEGAL: All personnel appointments are contingent upon successful background check.

STRATEGIC PLAN: Deliver High Quality, Reliable Infrastructure and Public Services

COUNCIL ACTION REQUESTED: Approve appointments as presented.

ATTACHMENTS: N/A



HOWARD LAKE CITY COUNCIL MEETING

November 17, 2025

AGENDA ITEM: Consider Awarding Downtown Revitalization Grants

SECTION: Consent

FROM: Nick Haggemiller, City Administrator

BACKGROUND: The City has had an established Downtown Revitalization Grant program since 2016. The program was intended to spur façade improvements coinciding with the renovation of the Historic City Hall. The program has been used by a handful of property owners per year. This program was further expanded and touted in 2025 as means to assist business owners who are experiencing hardship related to the US12 MNDOT Project.

The following businesses have submitted applications for review/approval:

- **Burkstrand Agency – Retaining Wall & Landscaping**

The businesses have submitted applications that are deemed complete and fit the guidelines of the program.

FINANCIAL: The applicant is requesting for a grant in the amount of \$5,000 to be paid from the general fund.

STRATEGIC INITIATIVE → Foster Robust Business Community and Vibrant Downtown
Strategic Objective → Vibrant Storefronts and Preserved Historic Buildings

LEGAL: The City is able to fund programs such as this under the economic development provision.

COUNCIL ACTION REQUESTED: Approve Downtown Revitalization Grants as presented.

ATTACHMENTS: Application



APPLICANT NAME: Nancy Burkstrand
 BUSINESS NAME: Burkstrand Agency Inc.
 PROPERTY ADDRESS: 1005 6th St - Howard Lake
 PROPERTY OWNER: Nancy Burkstrand Trust
 OWNER ADDRESS: PO Box 875 - Coakley MN 55321
 EMAIL: pburkstrand@gmail.com
 PHONE: 320-543-3177
 DATE SUBMITTED: 11/12/2025

PROJECT DESCRIPTION (Include details of improvements, scope, design, timeline and cost estimates)

Remove existing timber wall and replace with a two tiered block wall. This will improve the overall condition and look of the NW corner of Hwy 12 & CR 6 North,

PROPOSED USE OF FUNDS

Directly pay for the labor and materials of the project

AMOUNT REQUESTED \$5,000 TOTAL PROJECT ESTIMATE \$20,110

CONTRACTOR(S) INFORMATION Nagel LICENESSE NUMBER BC745810
Landscaping and Construction

SIGNATURES & ACKNOWLEDGEMENTS

PROJECT LEAD [Signature] _____
 PROPERTY OWNER Nancy Burkstrand _____

By signing this application, you acknowledge that is full and accurate to the best of your knowledge. That funds obtained under the grant agreement must be approved by the City prior to releasing funds unless otherwise noted. The City reserves the right to reject part or all of applications as deemed appropriate. Finally, the funds received under the program will be used in a manner consistent with the terms presented and failure to do so may result in the applicant not receiving funding or having to pay back grant proceeds. Receiving funding does not negate the need to obtain any other city approvals related to planning, zoning or building permits.

GENERAL SUBMITALS

1. Property Information
2. Project Estimates/Bids
3. Pictures, design sketches etc



HOWARD LAKE CITY COUNCIL MEETING

NOVEMBER 17, 2025

AGENDA ITEM: Consider Various 2026 Business License Renewals

SECTION: New Business

FROM: Meagan Theisen, Assistant City Administrator

BACKGROUND: The City requires permits for business operations including tobacco and liquor. The following business licenses expire 12/31/2025 and need approval for renewed licenses for 2026.

Business

License Type

RECEIVED:

Maria's Mexican Restaurant

On Sale Intoxicating & Sunday Liquor Sales - \$2,200

The Lake Bowl

3.2 Malt Liquor - \$200

Howard Lake Wine & Spirits

On Sale Intoxicating Liquor, Off Sale Liquor - \$0

Joe's Sport Shop

Tobacco - \$50

ALREADY APPROVED:

Reeds and Rushes Event Center

On Sale Intoxicating & Sunday Liquor Sales - \$2,200

NOT RECEIVED:

American Legion Post #145

On Sale Intoxicating & Sunday Liquor Sales - \$2,200

Troubles

On-sale Intoxicating & Sunday Liquor Sales - \$2,200

Celine Stop Inc.

Tobacco - \$50 (reached out and said they mailed theirs on 11/13/2025)

**Howard Lake Orphans – they are exploring a full liquor license for the 2026 Season.

DECISION MAKING METRICS:

FINANCIAL: The proposed business license renewals would generate \$9,100 in revenue for the general fund.

LEGAL: The license renewal periods are aligned with city ordinances.

STRATEGIC PLAN: Foster a Robust Business Community and Vibrant Downtown

COUNCIL ACTION REQUESTED: Approve licenses as presented.

ATTACHMENTS: N/A



HOWARD LAKE CITY COUNCIL MEETING

NOVEMBER 21, 2022

AGENDA ITEM: Consider Resolution 25-30 Certifying Delinquent Utility Fees and Charges to 2026 Property Taxes

SECTION: Consent

FROM: Meagan Theisen, Assistant City Administrator

BACKGROUND: The resolution and attached list identify properties to be assessed for delinquent utilities as outlined in Chapter 10.01 of the City Code. Utility accounts are more than 60 days past due. All property owners included on the assessment roll were sent notices and given the opportunity to pay their bill by Noon on November 14, 2025. A current list of outstanding charges is included in Exhibit A of the resolution, which will be made available at the meeting.

DECISION MAKING METRICS:

FINANCIAL: Included on Exhibit A of the attached Resolution.

LEGAL: The assessment procedure is stipulated in Chapter 10.01 of City Code.

STRATEGIC PLAN: Deliver High Quality, Reliable Infrastructure and Public Services

COUNCIL ACTION REQUESTED: Adopt Resolution 25-30 Certifying Delinquent Utility Fees and Charges to 2025 Property Taxes.

ATTACHMENTS:

1. Resolution 25-30

CITY OF HOWARD LAKE
Resolution 25-30

RESOLUTION ADOPTING ASSESSMENT LIST FOR UNPAID CHARGES

WHEREAS, the City of Howard Lake has the ability to levy assessment for certain unpaid items;
and

WHEREAS, notices were sent to property owners with delinquent utilities and/or unpaid invoices,
and property owners were allowed to respond; and

WHEREAS, the properties listed in the attached Exhibit A have unpaid charges as noted.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Howard
Lake hereby assesses unpaid charges against properties as listed in Exhibit A and made a part
hereof, with an interest rate of 12.5% to be payable with 2026 property taxes.

PASSED AND ADOPTED this 17th day of November 2025.

Peter Zimmerman, Mayor

ATTEST:

Nicholas Haggemiller, City Administrator-Clerk



HOWARD LAKE CITY COUNCIL MEETING

November 17, 2025

AGENDA ITEM: Consider Various LMCT Insurance Approvals

SECTION: New Business

FROM: Nick Haggemiller, City Administrator

BACKGROUND: The City has property and auto coverage through the League of Minnesota Cities Insurance Trust (LMCIT). Our policy renews annually in February. Work on our renewal is already underway. There are several matters that council should provide direction to staff for the renewal.

1. Tort Liability Waiver

Historically, we do NOT waive this provision. The same is recommended for the renewal. This is a standard annual approval.

2. Property Valuations

A desktop valuation of all city facilities and properties was completed. Historic City Hall had less than \$2Million of coverage. I have requested additional coverage up to \$5Million for the building based on more accurate replacement figures in the event of a total loss. This additional coverage comes with an estimated premium of \$4,000 annually.

3. Additionally Insured

Currently, the city administrator and assistant city administrator are listed as “additionally insured” in the event of a vehicle accident while performing work of the city. It is suggested to add the office manager as she uses her personal vehicle to collect water meter readings.

ALTERNATIVE OPTIONS: Council may approve each independently or reject each independently.

FINANCIAL IMPACT: Up to \$4,000 more than our current premiums.

LEGAL ISSUES: Legal counsel recommends not waiving the tort liability.

COUNCIL ACTION REQUESTED: Make individual motions of approval for each of the items listed.

ATTACHMENTS: Open



HOWARD LAKE CITY COUNCIL MEETING

November 17, 2025

AGENDA ITEM: Consider MOU with Wright County for Compost Chipping Services

SECTION: New Business

FROM: Nick Haggemiller, City Administrator

BACKGROUND: The City contracts with a private vendor for chipping and hauling of material from the City's compost site. As recent as 5 years ago, there was not a material expense to the City for these services. However, this has steadily increased to be significant.

Under the proposed MOU with Wright County, Wright County staff would come to Howard Lake with a tub grinder, grind the material and leave on site. We estimate this to provide a substantial savings to the City provided we are able to confirm terms with a trucking company to haul and dispose of the wood chips. At the time this agenda item was written we were awaiting said terms. The fee for this service has varied greatly depending on the amount of material. However, it ranges from a low of \$7,000 to a high of nearly \$20,000 with an average of about \$13,000.

ALTERNATIVE OPTIONS: The City could maintain the existing service provider.

FINANCIAL IMPACT: Under the MOU, the County charges per hour basis whereas our current vendor invoices based on amount of material. Therefore, estimating a cost is difficult, but based on conversations with County staff, we believe this could potentially save several thousand dollars annually.

LEGAL ISSUES: The City would be required to sign a 5 year agreement with Wright County for this services.

COUNCIL ACTION REQUESTED: Approve MOU with Wright County for Compost Chipping Services.

ATTACHMENTS:

1. Memorandum of Understanding

**MEMORANDUM OF UNDERSTANDING
BETWEEN
WRIGHT COUNTY, MINNESOTA
AND
[NAME OF MUNICIPALITY]**

This Memorandum of Understanding (“Agreement”) is made this ___ day of _____, 2025, by and between Wright County, Minnesota (“County”) and [Name of Municipality] (“Partner”).

RECITALS

WHEREAS, the County owns and operates specialized equipment to assist partners with residential brush chipping and compost processing; and

WHEREAS, the County and Partner desire to cooperate in the development and implementation of a more cost-effective program for residential brush chipping and compost processing for the residents of Wright County; and

WHEREAS, Partner anticipates scheduling service [redacted] day(s) per year;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Term

This Agreement shall remain in effect for five (5) years, concluding on December 31, 2031. The Agreement may be extended for one additional five-year term upon mutual consent, subject to review and update of the pricing structure set forth in *Exhibit A*. Written notice of intent to extend must be provided at least six (6) months prior to the expiration of the initial term.

2. County’s Obligations

The County agrees to:

- A. Purchase, maintain, and operate specialized equipment necessary to perform:
 - 1. On-site mobile brush chipping, and
 - 2. Compost processing of yard waste and other organic materials.
- B. Invoice participating partners based on the pricing structure in *Exhibit A*.
- C. Coordinate scheduling with Partners for operational dates between April 15 and November 15 of each contract year.

3. Partner’s Obligations

The Partner agrees to:

- A. Enter into this Five-Year Memorandum of Understanding for Services.
- B. Retain chipped material on-site, arrange private hauling, or haul materials independently.

- C. Provide suitable staging areas for operations. County staff will review each site with Partner before mobilization and may request modifications as needed.
- D. Manage the drop-off site to exclude stumps, plastic bags, and other non-compostable materials.
- E. Set aside or split any tree trunks larger than 24 inches in diameter.
- F. Cooperate with the County in regional scheduling to reduce mobilization costs.
- G. Complete final staging area clean-up of smaller debris not manageable by County equipment.
- H. Assist at the site in stockpiling chipped and composted material.
- I. Submit payment to the County within thirty (30) days of receiving an invoice.

4. Hold Harmless and Indemnification

In the performance of this agreement the County and Partner each agree to defend, indemnify and hold harmless the other, its board members, officers, employees, and contractors, from any claims, losses, costs, expenses, or damages to the extent resulting from the negligent or willful act or omission of the indemnifying party, or its board member, officer, employee, or contractor, under this Agreement. Nothing herein is a waiver by either party of an immunity, defense, or liability limit set forth in Minnesota Statutes, Chapter 466, or any other provision of law. Neither party intends to be responsible for the acts of the other within the meaning of Minnesota Statutes § 471.59, subdivision 1a.

5. Termination

This Agreement shall terminate automatically upon the expiration of the term specified in Article 1, unless extended in accordance with its provisions.

6. Equipment

Upon termination of this Agreement, all equipment and property purchased by the County shall remain the sole property of the County.

7. Assignment

Neither the County nor Partner may assign its rights or obligations under this Agreement to any other person, corporation, or entity without the prior written consent of the other party.

8. Entire Agreement and Amendments

This Agreement contains the entire understanding between the parties and supersedes all prior negotiations, representations, or agreements. It may be amended only by a written instrument signed by authorized representatives of both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding as of the date first written above.

WRIGHT COUNTY, MINNESOTA

By: _____

Name: _____

Title: _____

Date: _____

By: _____

Name: _____

Title: _____

Date: _____

[NAME OF MUNICIPALITY]

By: _____

Name: _____

Title: _____

Date: _____

By: _____

Name: _____

Title: _____

Date: _____

Exhibit "A" - Pricing Structure (Will Be Reviewed and Adjusted on An Annual Basis)

Service	Cost-Share Rate
<ul style="list-style-type: none">• Basic Brush Chipping (4/6-inch screen)	<ul style="list-style-type: none">• \$450/hr.
<ul style="list-style-type: none">• Improved Brush Chipping (2/3-inch screen)	<ul style="list-style-type: none">• \$475/hr.
<ul style="list-style-type: none">• Compost Processing	<ul style="list-style-type: none">• \$525/hr.
<ul style="list-style-type: none">• Mobilization	<ul style="list-style-type: none">• \$200/hr.



HOWARD LAKE CITY COUNCIL MEETING

November 17, 2025

AGENDA ITEM: Consider Letter of Understanding with Community Asset Foundation for Apartment Development.

SECTION: New Business

FROM: Nick Haggemiller, City Administrator

BACKGROUND: The City sought and successfully obtained a \$1.4 Million Grant from Minnesota Housing Finance Agency in 2024 for the development of a 20 unit apartment complex proposed to be built on the site of the current Public Works Street Shop.

Subsequently, as the project formation began, we unearthed numerous title issues with the property that have required fairly extensive surveying, and time investment of city administrator, planner and attorney. These issues have largely been resolved and we then transitioned to a standard entitlement process to bring forward the project, specifically negotiate the purchase agreement. During these conversations, it was revealed that the developer had assumed the sale price of the property would be \$1. However, this was inconsistent with earlier conversations on the same topic in which the City would receive fair market value of the property and use sale proceeds to offset debt service anticipated with constructing a new public works facility. With that option off the table, the consideration of the site pivoted to land owned by the city adjacent to the Lodge of Howard Lake in the Terning Trails Campus.

Letter of Understanding

- Sell the parcel to community asset for \$250,000 but transact at \$1. The balance of the sale would be recouped following the TIF proceeds needed for the project. Anticipated to be years 15-24.
- Establish a TIF district and provide increment to the project for the first 14 years of the project.
- Defer trunk fees and recoup in years 15+ of the TIF district.
- Community Asset Foundation develops a 20 unit apartment project inclusive of all necessary activities such as engineering, construction and operation costs.
- Reserve a minimum of 20% of the units for renters with income less than 50% of the area median income.

ALTERNATIVE OPTIONS:

1. The City Council reserves the right to continue pursuit of a project on the site of the street shop.
2. The City Council has the opportunity revise the proposed LOU and specific terms listed.
3. The City Council has the right to reject the grant and project in full.

FINANCIAL IMPACT: The specific action of approving the LOU does not have a cost consequence.

LEGAL ISSUES: If agreeable to move forward, various city consultants would be engaged to draft purchase agreement, establish TIF district.

COUNCIL ACTION REQUESTED: Approve LOU with Community Asset Foundation for the development of a 20 unit apartment project at the Terning Trails Campus.

ATTACHMENTS:

1. Letter of Understanding
2. Concept Plan

LETTER OF UNDERSTANDING

The purpose of this non-binding letter is to serve as the basis for an agreement between the City of Howard Lake (City) and the Community Asset Development Group (CADG) relative to a 20-unit market rate apartment. The parties agree that the elements of the agreement will be based on the following responsibilities:

Community Asset Development Group agrees to:

- Acquire the “Property” described as Lot 1, Block 2 Tarning Trails Plat 4 as shown in the following map from the



- Develop a market rate apartment on the site consisting of 20 units generally consistent with the following site plan:



- Prepare, at its cost, architectural plans, obtain financing and complete all required pre development activities
- Develop the building generally consistent with the building elevations as shown on Exhibit A
- Pay all required City building permit fees
- Reserve a minimum of 20% of the units for renters with incomes of 50% or less of the area median income

- Execute a tax increment agreement guaranteeing a minimum assessed value in a form acceptable to the City
- Comply with the State Housing Grant requirements including assuring compliance with Residential Prevailing Wage reporting
- Obtain site and building plan approvals from the City of Howard Lake
- Execute a management agreement with an apartment management firm experienced in market rate rental operations for the ongoing operation of the facility
- Initiate construction of the facility prior to 7/1/26 completing construction within 11 months

The CITY agrees to:

- Deed to the CADG the Property for \$1 conditioned upon the CADG constructing the facility as proposed and complying with the terms of this understanding, City approvals and the development agreement
- Create a housing tax increment district and execute a tax increment agreement whereby the City rebates to the CADG 90% of the annual tax increment generated by the Project over a 14-year period
- Defer City utility trunk fees with these fees to be pays from tax increment revenues after the CADG drebates expire

The parties agree that prior to May 30,2026 they will enter into a development agreement which will remain enforce provided the following schedule is meet by the developer

- Prior to December 30, 2025 has submitted concept plans to City for its review and approval
- Prior to April 30, 2026 has obtain a preliminary financing commitment for the project
- Prior to June 1, 2026 has obtained final City site plan approvals

These dates can be adjusted by mutual agreement of the CITY and CADG

City of Howard Lake

David Pokorney
Community Asset Development Group

**EXHIBIT A
BUILDING IMAGES**



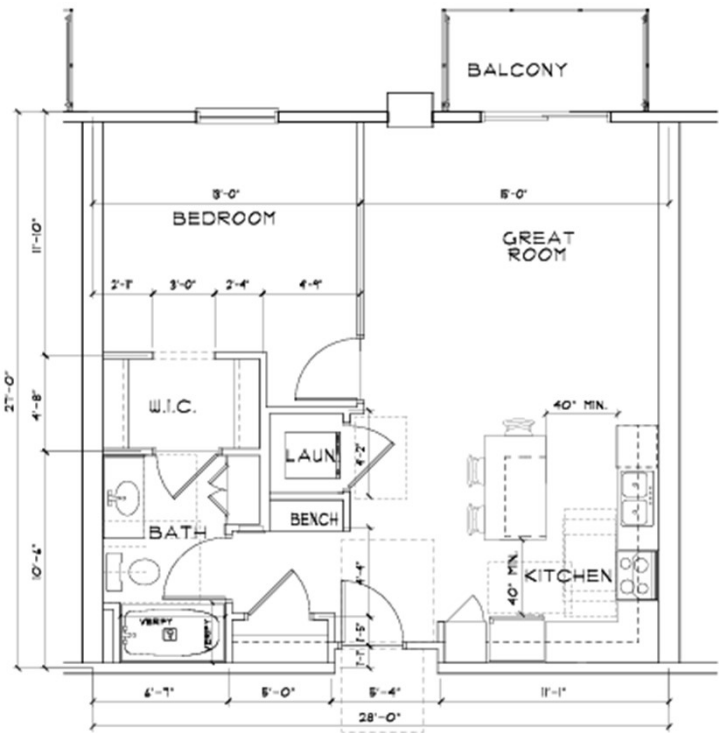
The apartment complex would be a three story building with 19 two bedrooms and two baths 1 one bedroom units Amenities will include:

- Outdoor patio. fire pit and grilling area);
- Fitness Room with basic equipment; • Bike storage
- Community room/ Business center
- Pet-friendly
- Complimentary common area Wi-Fi;

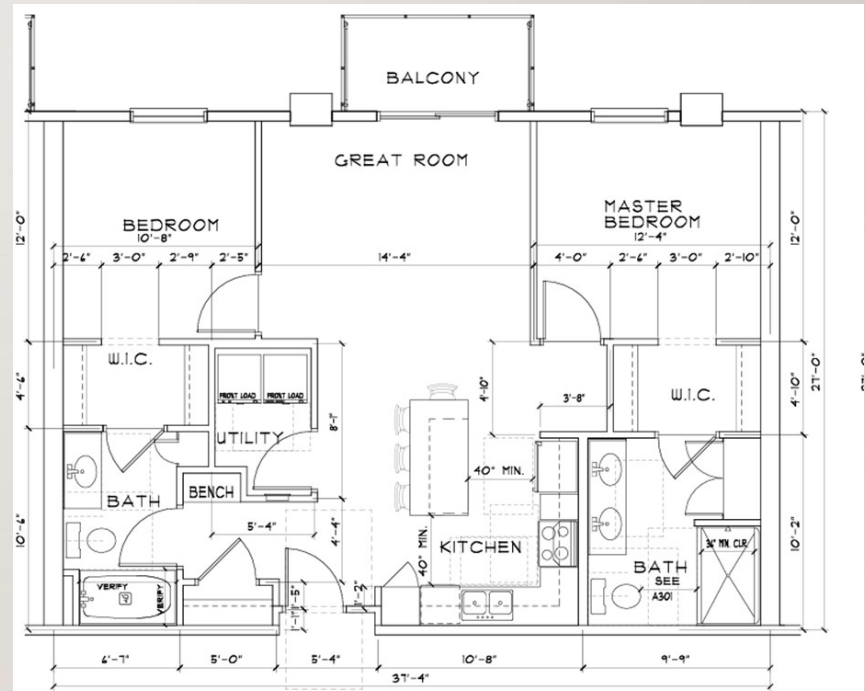
Units will feature kitchen appliance package and center kitchen island; • Open floor plan with high ceilings (9 feet or higher); Balconies or patios; Secure entry; Walk-in closets; In-unit full size washer and dryer;; • Laminate wood-plank flooring



CONCEPT ELEVATION

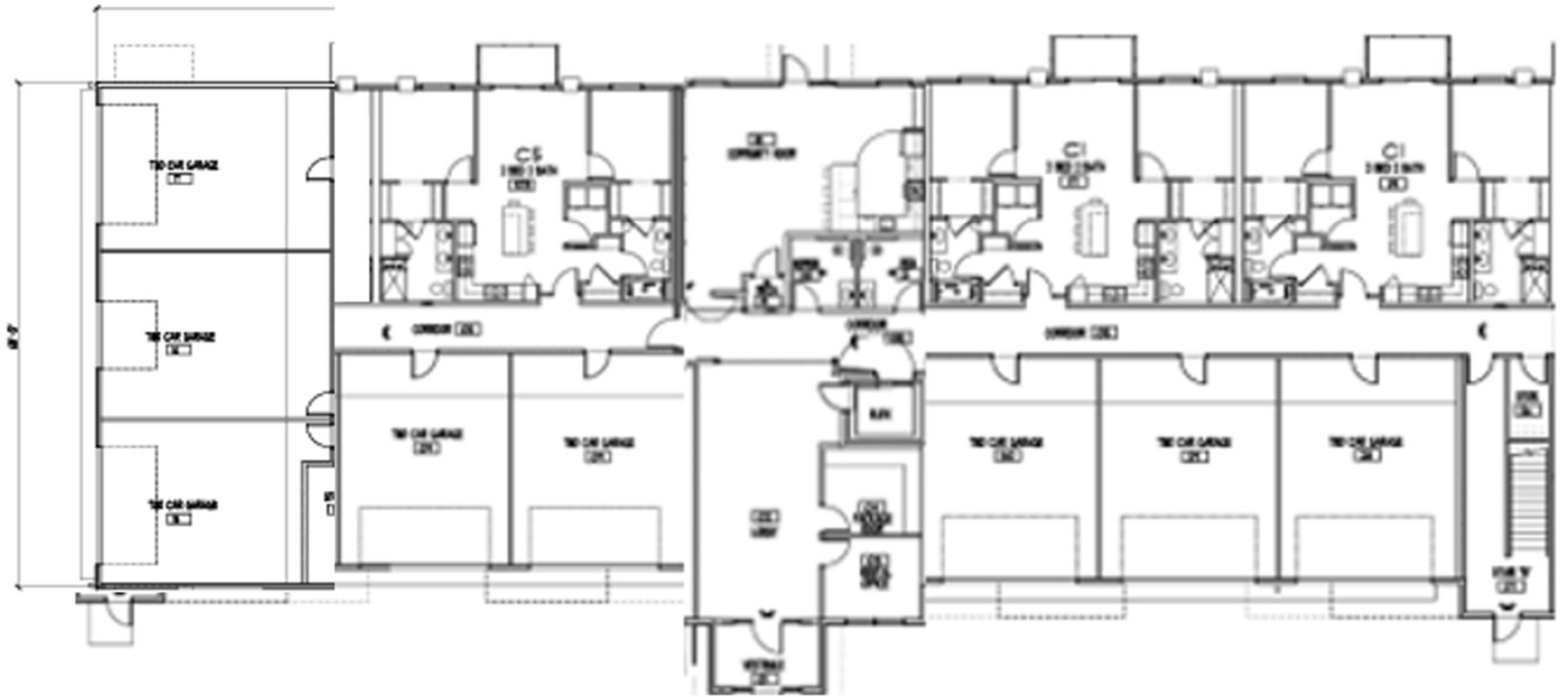


UNIT "B1" FLOOR PLAN
 SCALE: 1/4" = 1'-0" TYPE "B" 150 S.F.
 1 BED 1 BATH (8 TOTAL)

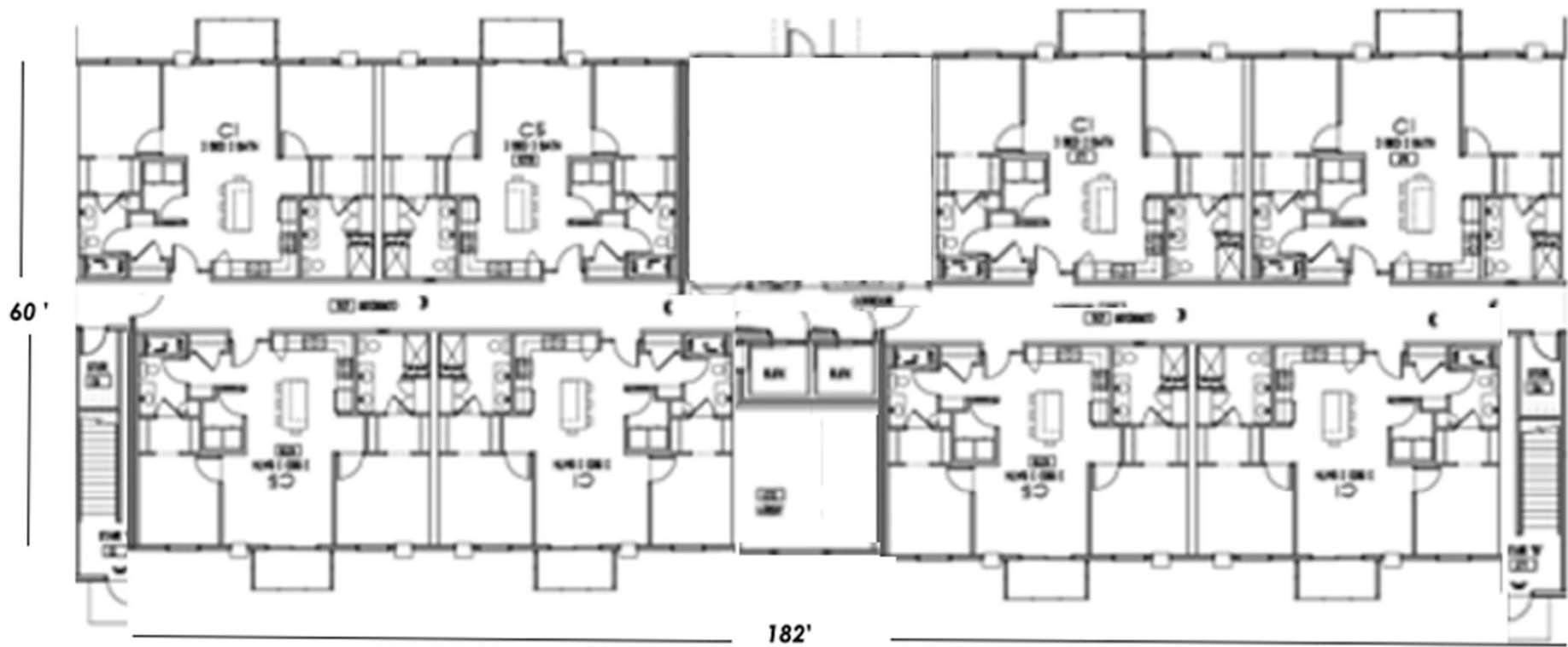


UNIT "C1" FLOOR PLAN
 SCALE: 1/4" = 1'-0" TYPE "B" 1002 S.F.
 2 BED 2 BATH (11 TOTAL)

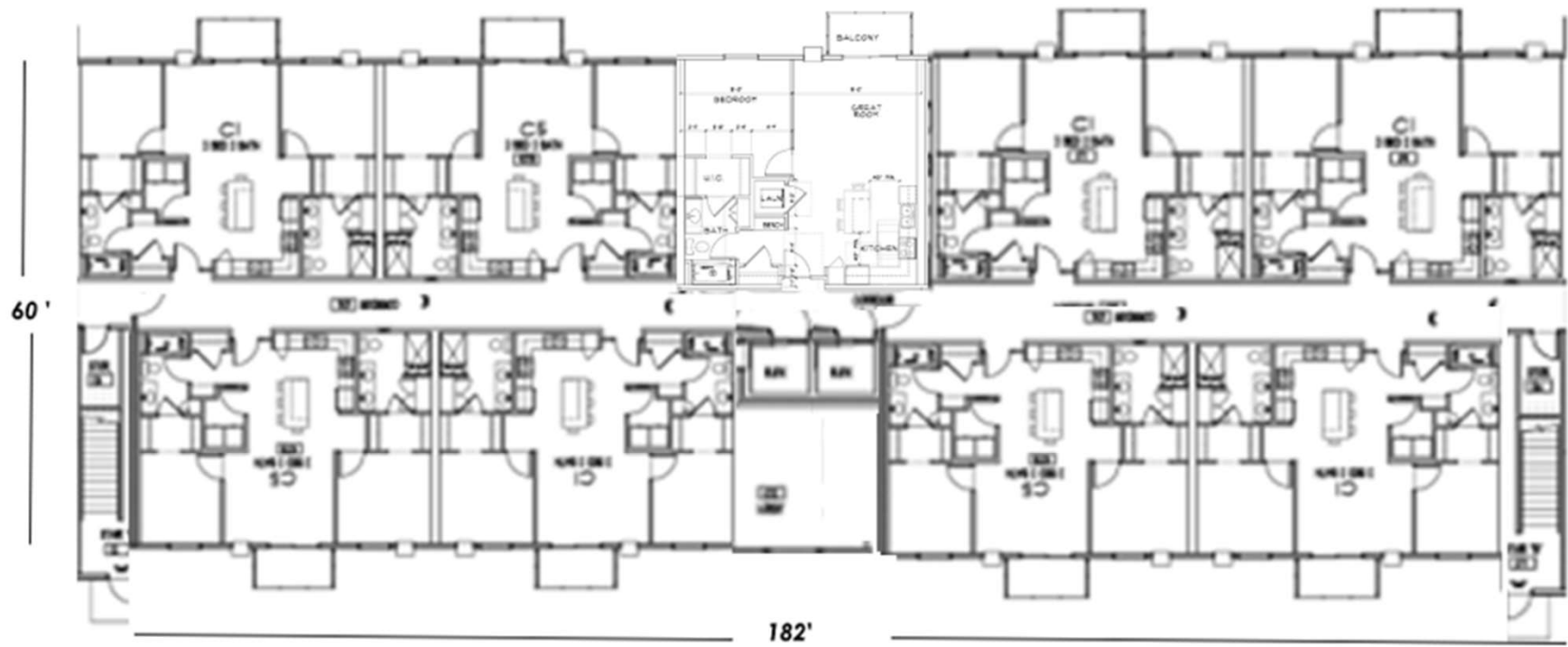
FLOOR PLANS



First Floor



Second Floor



Third Floor

BUILDING SPECIFICATIONS

•Exterior

- James Hardie Siding
- Alum. Soffit & Fascia
- 30 Year Architectural Shingles
- Vinyl windows
- Raised panel insulated garage doors
- Garage door openers
- Aluminum storefront doors on 2 main entry doors, 2 stairwell doors, and rear patio door
- Maintenance free deck w/ aluminum rail
- Masonry per plan
- Design build landscaping package
-

•Mechanical/Plumbing/HVAC/Fire/Elevator

- Design Build Electrical, Plumbing, HVAC and Fire Sprinkler
- Hot water baseboard heat w/ thru wall window A/C units
- 13R Fire Sprinkler System w/ Fire Alarm Panel
- 100 amp electrical panel to each unit on separate meters. Common area to have its own meter.
- Entry system
- Wiring for camera system (no equipment)
- Site lighting
- Sleeves for future electric car charging stations (no equipment)
- Hydrofit elevator
- Chrome plumbing package
- Fiberglass tub/shower units
- Ice maker line to refrigerator

•Interior

- Solid flat profile poplar base 2 3/4" casing 2 1/4"
- Professionally finished woodwork
- Paneled white solid core interior doors
- Custom modular poplar cabinets w/ molding
- Shaker cabinet doors
- Granite countertops in the kitchen w/ stainless undermount sink
- Cultured marble vanity tops in the bathrooms w/ integral bowl
- Full vanity mirrors
- Interior walls smooth w/ textured ceilings
- Vinyl window coverings
- Full appliance package each unit
- Electric fireplace with tile/stone surround and mantle community room
- Acoustical ceiling tile in the corridors
- Carpet Bedrooms, Corridors, Stairs, Walk off carpet main entryways
- Ceramic Tile Common Bath Floors/Wet walls
- LVP Flooring Kitchen, Dining, Entry, Living, bathrooms, lobby, community room, business centers
-



HOWARD LAKE CITY COUNCIL MEETING

November 17, 2025

AGENDA ITEM: Consider Ordinance 25-08 Modifications to City Code Part 8 Licensing Certain Occupations and Games.

SECTION: New Business

FROM: Nick Haggenmiller, City Administrator

BACKGROUND: City Code Part 8 “Licensing Certain Occupations and Games” describes and regulates various occupations and games, including: public dances, sale of soft drinks, pinball machines, etc. Many of these are outdated and no longer included in our fee schedule to be regulated by the City.

Proposed Modifications:

1. Revoke the following chapters:
 - a. Chapter 8.01 Licensing Billiard Tables
 - b. Chapter 8.02 Licensing of Exhibitions
 - c. Chapter 8.03 Licensing of Public Dances
 - d. Chapter 8.04 Licensing Sale of Soft Drinks
 - e. Chapter 8.05 Licensing of Pinball Machines
 - f. Chapter 8.06 Licensing of Mechanical Music Machines
 - g. Chapter 8.10 Licensing for Welding and Cutting (included in zoning regulations)
2. Renaming Part 8 “Licensing Certain Occupations and Games” to “Administration”
3. Renumbering the Chapters as needed.

FINANCIAL: Open

LEGAL: If these changes are deemed acceptable, council is asked to approve this ordinance modification as well as a summary publication for the newspaper.

STRATEGIC INITIATIVE: Deliver High Quality Services

COUNCIL ACTION REQUESTED: Approve Ordinance 25-08 Modifications to City Code Part 8 Licensing Certain Occupations and Games/Administration.

ATTACHMENTS: 1. City Code Part 8 Administration.

Part 8. ~~Licensing Certain Occupations and Games Administration~~

~~Chapter 8.01 Licensing Of Billiard Tables~~

~~**Section 1. License Required.** No person shall keep or maintain for public use within the limits of the City of Howard Lake any billiard table, or pool table, pigeon hole table, nine pin, ten pin, or bowling alley, or any other device whereon or whereby games of any kind are played for reward, without first obtaining license therefore in accordance with the provision of this ordinance.~~

~~**Section 2. Fees.** Any person requiring a license under Section 1 of this ordinance shall apply therefore to the City Council of the City of Howard Lake and shall pay to the Clerk of said City for such license a fee in the amount determined by City Council resolution.~~

~~**Section 3. Expiration Date.** Upon payment of said license fee to the City Clerk, the City Council may grant a license to the person so applying therefore, for the term of one year from and after the date of issuance; provided that all license issued under the provisions of this ordinance shall expire on the first Monday in January after their issuance.~~

~~**Section 4. Penalties.** Any person convicted of violating any of the provisions of this ordinance shall be guilty of a misdemeanor.~~

~~Chapter 8.02 Licensing Of Exhibitions~~

~~**Section 1. Coverage.** No person shall make or exhibit any show, caravan, circus, play game of concert; or any legerdemain, wax figures, paintings, statuary, theatrical plays, or any other public exhibition of any type whatsoever, for pay, within the limits of the City of Howard Lake, without first obtaining a license in accordance with the provisions of this ordinance.~~

~~**Section 2. Fees and Exceptions.** Any person requiring a license under Section 1 of this ordinance shall apply to the City Council therefore, and shall pay to the City Clerk for such license a fee in the amount determined by City Council resolution. Provided however, that no license shall be required for lectures on scientific, historical or literary subject, or for home concerts or other home entertainments given for educational, benevolent, or charitable purposes.~~

~~**Section 3. One Week Limit.** Upon payment of said license fees to the City Clerk, the City Council may grant a license to the person so applying therefore, for a time not exceeding one week.~~

~~**Section 4. Penalties.** Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor.~~

~~Chapter 8.03 Licensing Of Public Dances~~

~~**Section 1. Definitions.** The term "public dance" shall be taken to apply to any place in which dancing may be or is carried on, other than a private residence. The term "public dance" shall be taken to apply to every dance held in a public place, open to the public, whether an admission fee is charged or not.~~

~~**Section 2. License Required and Fee.** No person shall conduct a public dance in Howard Lake unless a license and permit for said public dance shall have been obtained from the City Clerk. The permit fee shall be in such amount as determined by City Council resolution. The Council may grant a permit without charge where it is satisfied that the giving of the dance is not a money making enterprise and or does not involve the use of City services and resources.~~

~~**Section 3. Application for License.** Any person desiring a permit to hold or conduct a public dance in the City shall make application therefore on forms furnished by the City Clerk. The application shall set forth the~~

name and address of the person, persons, committee or organization which is to conduct the dance; time and place where such dance is to be held. The application shall also show affirmatively that each of the applicants is a person of good moral character and reputation in the community in which he lives.

Section 4. License Shall Be Displayed. The City Clerk shall refer such application to the City Council, which in its discretion may grant or refuse the permit applied for. An issued permit shall be posted in a public place in the dance area described in the permit application during the time the dance is being given. The persons named in the permit shall be responsible under the law for the manner in which such dance is to be held and conducted. Section 5. Penalty. Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor.

Chapter 8.04 Licensing Sale Of Soft Drinks

Section 1. Definitions. The term “soft drinks” shall include liquids, liquors, or compounds commonly known as “soft drinks”, to be used for beverage purposes. A “vending machine” under this ordinance shall mean any machine which delivers soft drinks in any form in return for the deposit in such device of a coin or token placed therein, either by the automatic or manual operation of such machine, except that any machine or device placed on any premises not generally open to the public, but restricted to a limited group of persons such as employees or paid up members of an organization shall not be included in the definition thereof.

Section 2. License Required. No person, except a wholesaler or manufacturer, shall directly or indirectly deal in, sell or keep for sale, any soft drinks without first having obtained a license to do so, as provided in this ordinance. The person in possession or control of the premises on which any vending machine has been placed for use, shall be considered as the seller of soft drinks delivered by such machine for the purpose of this ordinance. Licenses shall be of two kinds: “On and Off Sale” and “Vending Machine”. No vending machine license shall be required for the premises for which an “On and Off Sale” license has been issued.

Section 3. Forms. Every application for a license to sell soft drinks shall be on a form to be supplied by the City Clerk, and shall state the full name and address of the applicant, the location of the premises on which the soft drinks are intended to be sold, and such other information as may be required by the application form. Such application shall be signed, verified, and shall be filed with the City Clerk before the issuance of such license.

Section 4. Fees. The fee for an “On and Off Sale” and the fee for a “Vending Machine” license shall be in the amount determined by City Council resolution. Such fees shall be paid at the time the application for such license is filed. All licenses shall expire on the last day of June of each year.

Section 5. Display of License. Every such license shall be kept conspicuously posted about the place for which the license is issued, and shall be exhibited to any person upon request.

Section 6. Approval, Temporary License. No license shall be issued until after approval by the City Council of the application for such license. Licenses shall be issued only to persons of good moral character. No license shall be transferred to another person, or to another place, without the approval of the City Council. The Council, in its discretion, shall have the right to issue a temporary license to any person, persons or organization, without payment of a license fee, for a period not to exceed three days in duration.

Section 7. Suspension—Hearing. The City Council may suspend or revoke any soft drink license for violation of any provision or condition of this ordinance, or for any violation of an ordinance or state law regulating the sale of beer or intoxicating liquor. Except in the case of a suspension, pending a hearing on revocation, revocation or suspension by the Council shall be preceded by a written notice to the licensee, and a public hearing if requested by the licensee.

The notice shall give at least fourteen days notice of the time and place of hearing, and shall state the nature of the charges against the licensee. The council may, without any advance notice, suspend any license pending a hearing on revocation for a period not exceeding thirty days.

~~Section 8. Penalties.~~ Any person violating any provision of this ordinance shall be guilty of a misdemeanor.

Chapter 8.05
Licensing Of Pin Ball Machines

~~Section 1. Application.~~ No person shall use, offer for use or display any pin ball machine for amusement or otherwise without obtaining for each such machine so placed in any public place of business in the City of Howard Lake a license therefore from the City Council.

~~Section 2. Fee.~~ The license fee for each such pin ball machine shall be the amount determined by City Council resolution and shall be issued by the City Clerk upon application made therefor by the owner or operator thereof and each such license shall be displayed on the machine for which such license has been issued.

~~Section 3. Penalty.~~ Any person convicted of violating any of the provisions of this ordinance shall be guilty of a misdemeanor.

Chapter 8.06
Licensing Of Mechanical Music Machines

~~Section 1. License Required.~~ It shall be unlawful for any person to operate or display for operation any mechanical music machine in the City of Howard Lake unless a license be first granted by the City Council for the display or operation thereof.

~~Section 2. Fee.~~ A license may be granted to any owner of any said mechanical music machine upon application therefore and after said owner pays the license fee in such amount as determined by City Council resolution.

~~Section 3. Penalties.~~ Any person convicted of violating any of the provisions of this ordinance shall be guilty of a misdemeanor.

Chapter 8.06
Licensing Of Mechanical Music Machines

~~Section 1. License Required.~~ It shall be unlawful for any person to operate or display for operation any mechanical music machine in the City of Howard Lake unless a license be first granted by the City Council for the display or operation thereof.

~~Section 2. Fee.~~ A license may be granted to any owner of any said mechanical music machine upon application therefore and after said owner pays the license fee in such amount as determined by City Council resolution.

~~Section 3. Penalties.~~ Any person convicted of violating any of the provisions of this ordinance shall be guilty of a misdemeanor.

Chapter 8.08 8.01
Licensing Of Cigarette Retail Sales

Section 1. License.

A. Application for a cigarette retail sales license shall be made to the City Clerk on a form supplied by the City Clerk. Such application shall state the full name and address of the applicant, the location of the building and the part intended to be used by the applicant under such license, the kind of business conducted at such location, and such other information as shall be required by the application form. Upon filing such application with the City Clerk, it shall be presented to the City Council for its consideration, and if granted by the Council, a license shall be issued by the City Clerk upon payment of the required fee.

B. No license shall be issued to any applicant for sale of cigarettes at any place other than his established place of business. No license shall be issued for the sale of cigarettes at a movable place of business, nor shall any license be issued for the sale of cigarettes at more than one place of business. No person shall sell or give away any cigarette, cigarette paper or cigarette wrapper to any person below the age of 18 years. No person shall keep for sale, sell, or dispose of any cigarette containing opium, morphine, jimson weed, balla donna, strychnia, cocaine, marijuana, or any other deleterious or poisonous drug except nicotine.

C. No person shall keep for retail sale, sell at retail or otherwise dispose of any tobacco product at any place in the City without first obtaining a license from the City. "Tobacco" is defined as and includes: cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff, snuff flour; Cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts, refuse scraps, clippings, cuttings and sweeping of tobacco; and other kinds and forms to tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices. [Source: Minnesota Statutes Section 609.685]

D. The annual license fee for a retail tobacco license shall be in the amount determined by City Council resolution. All retail tobacco licenses shall be valid for one calendar year from the date that the license is issued.

E. Every license shall be conspicuously posted at the place for which the license is issued and shall be exhibited to any person upon request. Section 2. Sales Prohibited to Minors. No person shall sell or offer to sell any tobacco or tobacco product to any person under eighteen (18) years of age. [Source: Minnesota Statutes Section 608.685].

Section 3. Administrative Penalties.

A. If a licensee or employee of a licensee sells tobacco to a person under the age of eighteen (18) years, or violates any other provision of this ordinance, the licensee shall be charged an administrative penalty of \$75. An administrative penalty of \$200 shall be imposed for a second violation at the same location within twenty-four (24) months after the initial violation.

For a third violation at the same location within twenty-four (24) months after the initial violation, an administrative penalty of \$250 shall be imposed, and the licensee's authority to sell tobacco at that location shall be suspended for not less than seven (7) days. No suspension or penalty shall take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the City to conduct the hearing. [Source: Minnesota Statutes Section 461.12(2)].

B. An individual who sells tobacco to a person under the age of eighteen (18) years shall be charged an administrative penalty of \$50. No penalty shall be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the City to conduct the hearing. [Source: Minnesota Statutes Section 461.12(3)].

C. It is an affirmative defense to the charge of selling tobacco to a person under the age of eighteen (18) years in violation of this ordinance that the licensee or individual making the sale relied in good faith upon proof of age as follows: 1. A valid driver's license or identification card issued by the State of Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the license person; or 2. A valid military identification card issued by the United States Department of Defense; or 3. In the case of a foreign national, from a nation other than Canada, by a valid passport. [Source: Minnesota Statutes Section 461.12(6), Minnesota Statutes Section 340A.503, by reference].

D. Every such license shall be revoked by the City Council for a violation of any provision of this ordinance if the licensee has been given reasonable notice and an opportunity to be heard.

Section 4. Self-Service Sales.

A. No licensee shall offer for sale single packages of cigarettes or smokeless tobacco or cartons and other multi pack units in open displays which are accessible to the public without the intervention of a store employee. [Source: Minnesota Statutes Section 461.18 Subdivision 1 (a)].

B. The self-service restrictions described in this Section 4 shall not apply to retail stores which derive at least 90% of their revenue from tobacco and tobacco-related products and which cannot be entered at any time by persons younger than eighteen (18) years of age. [Source: Minnesota Statutes Section 461.18, Subdivision 1 (d)].

Section 5. Vending Machine Sales. No person shall sell tobacco products from vending machines. This section does not apply to vending machines in facilities that cannot be entered at any time by persons younger than eighteen (18) years of age. [Source: Minnesota Statutes Section 461.18, Subdivision 2].

Section 6. Compliance Checks. The City shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco is sold to test compliance with Minnesota Statutes Section 609.685. Compliance checks shall utilize minors over the age of 15, but under the age of 18, who, with the prior written consent of a parent or guardian, attempt to purchase tobacco under the direct supervision of a law enforcement officer or an employee of the licensing authority. [Source: Minnesota Statutes Section 461.12, Subdivision 5].

Chapter ~~8.09~~ 8.02 **Licensing Of Peddlers, Solicitors, And Transient Merchants**

Section 1. Definitions. When used in this ordinance, the following terms have the following meanings:

Subdivision 1. “Peddler” means any person, whether a resident of the City of Howard Lake or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers. It does not include vendors of milk, bakery products, groceries or ice who distribute their products to regular customers on established routes.

Subdivision 2. “Solicitor” means any person, whether a resident of the City of Howard Lake or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for sale of goods, wares or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders. Such definition includes any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop, or other place within the City for the primary purpose of exhibiting samples and taking orders for future delivery. Such definition includes any person who solicits, encourages, or accepts monetary considerations for himself, another person, firm, corporation, or other religious, charitable, patriotic or philanthropic organization.

Subdivision 3. “Transient merchant” includes any person, firm or corporation, whether as owner, agent, consignee, or employees, whether a resident of the City of Howard Lake or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad boxcar, boat, public room in hotels, lodging houses, apartments, shops, or any street, alley or other place within the City, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition does not include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person, firm or corporation so engaged is relieved from complying with the provisions of this ordinance merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer.

Section 2. Permit Required. It is unlawful for any peddler, solicitor or transient merchant to engage in any such business within the City of Howard Lake without first obtaining a permit therefore in compliance with the provisions of this ordinance.

Section 3. Exemptions. The terms of this ordinance do not include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newsboys, nor to the acts of merchants or their

employees in delivering goods in the regular course of business. Nothing contained in this ordinance prohibits any sale required by statute or by order of any court, or to prevent any person conducting a bona fide auction sale pursuant to law.

Section 4. Application. Applicants for a permit under this ordinance shall file with the City Clerk a sworn application in writing on a form to be furnished by the City Clerk which shall give the following information

- A. Name and physical description of applicant;
- B. Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made;
- C. A brief description of the nature of the business and the goods to be sold; or, in the case of solicitation of monetary contributions, a brief description of the entity accepting said contributions;
- D. The name and address of the employer, principal or supplier of the applicant, together with credentials therefrom establishing the exact relationship;
- E. The length of time for which the right to do business or to solicit contributions is desired;
- F. The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
- G. A recent photograph of the applicant which picture shall be approximately 2" by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;
- H. The names of at least two property owners of Wright County, Minnesota, who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
- I. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefore;
- J. The names of the last three cities where applicant carried on business or solicited contributions immediately preceding date of application and the addresses from which such activity was conducted in those cities.

Section 5. Investigation and Issuance.

Subdivision 1. Upon receipt of each application, it shall be referred to the Chief of Police, who shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good and shall endorse the application in the manner prescribed in this section within 72 hours after it has been filed by the applicant with the Clerk.

Subdivision 2. If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the said application to the City Clerk, who shall notify the applicant that his application is disapproved and that no permit will be issued.

Subdivision 3. If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval and return the application to the City Clerk, who shall deliver to the applicant the permit. Such permit shall contain the signature of the issuing officer and shall show the name, address and photograph of said permittee, the type of permit issued and the kinds of goods to be sold thereunder, the date of issuance and the length of time, not to exceed 1 year from the date of issuance that the same shall be operative, as well as the permit number and other identifying description of any vehicle used in such licensed business. Each

peddler, solicitor, or transient merchant must secure a personal permit. No permit shall be used at any time by any person other than the one to whom it is issued. The Clerk shall keep a permanent record of all permits issued.

Section 6. Loud Noises and Speaking Devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the streets, alleys, parks or other public places of the City or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

Section 7. Use of Streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this ordinance, the judgment of a police officer, exercised in good faith shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

Section 8. Exhibition of Permit. Permittees are required to exhibit their permit at the request of any citizen.

Section 9. Duty of Police to Enforce. It shall be the duty of the Police Department of the City of Howard Lake to require any person seen peddling, soliciting or canvassing, and who is not known by such officer to have obtained a permit hereunder to produce his permit and to enforce the provisions of this ordinance against any person found to be violating the same.

Section 10. Revocation of License.

Subdivision 1. Permits issued under the provisions of this ordinance may be revoked by the Council of the City of Howard Lake after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation, or incorrect statement contained in the application of permit;
2. Fraud, misrepresentation or incorrect statement made in the course of carrying on his business as solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor;
3. Any violation of this ordinance;
4. Conviction of any crime or misdemeanor;
5. Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to health, safety or general welfare of the public.

Subdivision 2. Notice of the hearing for revocation of a permit shall be given by the City Clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his last known address at least five days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three days prior to the date set for hearing.

Section 11. Appeal. Any person aggrieved by the action of the Chief of Police or the City Clerk in the denial of a permit as provided in Section 5 of this ordinance may appeal to the Council. Such appeal shall be taken by filing with the Council within fourteen days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided in Section 10 of this ordinance for notice of hearing on revocation.

Section 12. Reapplication. No permittee whose permit has been revoked shall make further application until at least six months have elapsed since the last previous revocation.

Section 13. Expiration of Permit. All annual permits issued under the provisions of this ordinance shall expire at midnight the 31st day of December in the year when issued. Other than annual licenses shall expire at midnight on the date specified in the license.

Section 14. Penalty. Any person convicted of violating any of the provisions of this ordinance shall be guilty of a misdemeanor.

Chapter 8.10 Licensing For Welding And Cutting

Section 1. Approval. Approved means accepted by the chief of the Fire Department as a result of their investigation and experience or by reason of test, listing or approval by Underwriters' Laboratories, Inc. or other nationally recognized testing agency. ~~Welding or Cutting shall include gas or electric arc welding or cutting or any combination thereof.~~

~~**Section 2. Permits.**~~

~~Subdivision 1. A permit shall be required of each company, corporation, co-partnership or owner-operator performing welding or cutting operations except as provided in Subdivision 2, below. This permit shall not be required for each welding or cutting job location. The Company, corporation, co-partnership or owner operator shall notify the Chief of the Fire Department in advance where such work is taking place, except where such work is done in response to an emergency call that does not allow time for the Chief to be notified in advance of the work.~~

~~Subdivision 2. A permit shall not be required of any company, corporation, co-partnership or owner operator:~~

- ~~A. Where the welding or cutting is performed in areas specifically designed or approved for the purpose, or;~~
- ~~B. Having an approved permit system established for control of the fire hazards involved.~~

~~Subdivision 3. Application. Application for a permit required by this ordinance shall be made by the company, corporation, co-partnership or owner-operator performing the welding or cutting operation or by his duly authorized agent. Such application shall be made to the Chief of the Fire Department in such form and detail as he shall prescribe.~~

~~Subdivision 4. Issuance. The Chief of the Fire Department shall not issue a permit for welding or cutting operations unless he is satisfied that the individuals in charge or performing such operations are capable of doing such work in a safe manner. Demonstration of a working knowledge of the provisions of this ordinance shall constitute acceptable evidence of compliance with this requirement.~~

~~Subdivision 5. Permits. A permit shall constitute permission to perform welding or cutting operations as indicated thereon and shall not be transferable. Such permit shall not take the place of any license required by law.~~

~~Subdivision 6. Renewal. Permits shall be renewed annually.~~

~~Subdivision 7. Display of Permit. Permits shall at all times be kept on the premises designated therein, and shall at all reasonable times be subject to inspection by any officer of the fire or police department.~~

~~Subdivision 8. Records. Companies, corporations, co-partnerships and owner operators required to have a permit shall maintain a record of all locations where welding or cutting operations are performed and have it available for inspection by the Chief of the Fire Department.~~

~~Subdivision 9. Inspection. The Chief of the Fire Department may revoke a permit or approval issued if any violation of this ordinance is found upon inspection or in case there has been any false statement or misrepresentation made as to a material fact in the application on which the permit or approval was based.~~

Section 3. In the performance of welding or cutting operations only approved equipment shall be used and the equipment shall be installed and operated in accordance with nationally recognized good practice. The standards of the National Board of Fire Underwriters N. 51, Gas System for Welding and Cutting, and American Standard Z49.1, Safety in Welding and Cutting, shall be considered as nationally recognized good practice.

Section 4. Approval.

Subdivision 1. Before welding or cutting operations are begun in areas not designed or approved for the purpose, specific authorization shall be obtained from the owner of the premises or his duly authorized agent.

Subdivision 2. Areas. When welding or cutting operations are performed above, or within 35 feet or combustible construction or material exposed to the operation, or within 35 feet of floor, ceiling or wall opening so exposed:

Shields—Such combustible construction or material shall be protected by noncombustible shields or covers from possible sparks, hot metal or oxide.

Shields—Such floor, ceiling or wall openings shall be protected by noncombustible shields or covers.

Fire Watcher—A fire watcher shall be provided to watch for fires, make use of portable fire extinguishers or fire hose, and perform similar fire prevention and protection duties. The fire watcher shall remain on the job at least thirty minutes after the welding or cutting operations have been completed to insure that no fire exists. A signed inspection report attesting to that fact shall be filed and available for inspection by the Chief of the Fire Department.

Subdivision 3. Extinguishers. One or more portable fire extinguishers of approved type and size shall be kept at the location where welding or cutting is to be done.

Subdivision 4. Explosions. Welding or cutting shall not be done in or near rooms or locations where flammable gases, liquids or vapors, lint, dust, or loose combustible stocks are present when sparks or hot metal from the welding or cutting operations may cause ignition or explosion of such materials.

Subdivision 5. Containers. Except as provided in Subdivision 6 below, welding or cutting shall not be performed on containers and equipment which contain or have contained flammable liquids, gases or solids until these containers and equipment have been thoroughly cleaned or inerted or purged.

Subdivision 6. Hot Tapping. "Hot tapping" may be permitted on tanks and pipe lines provided such operations are performed by companies, corporations, co-partnerships or owner operators not required to have a permit under Section 2, Subdivision 1.

Subdivision 7. Sprinkler. Sprinkler protection shall not be shut off while welding or cutting work is being performed. When welding or cutting is done close to automatic sprinkler heads, sheet asbestos or damp cloth guards may be used to shield the individual heads but shall be removed when the work is completed.

Section 5.

Subdivision 1. Combustion. Devices or attachments facilitating or permitting mixture of air or oxygen with combustible gases prior to consumption, except at the burner or in a standard torch or blow-pipe, shall not be allowed unless approved for the purpose.

Subdivision 2. Gas Cylinders. The user shall not transfer gases from one cylinder to another or mix gases in a cylinder.

Subdivision 3. Pressure. Acetylene gas shall not be generated, piped (except in approved cylinder manifolds and cylinder manifold connections), or utilized at a pressure in excess of 15 pounds per square inch gauge unless dissolved in a suitable solvent in cylinder manufactured according to Interstate Commerce Commission requirements.

Subdivision 4. Torch. Acetylene gas shall not be brought in contact with unalloyed copper except in a blowpipe or torch.

~~Subdivision 5. Pressure Regulators. A cylinder or cylinder manifold for oxygen shall be provided with a pressure regulating device intended for use with oxygen, and so marked.~~

~~Subdivision 6. Cylinders. Cylinders permitted inside of buildings shall be stored away from highly combustible materials and in locations where they are not subject to excessive rise in temperature, physical damage or tampering by unauthorized persons. Empty cylinders shall have their valves closed in storage and when shipped.~~

~~Subdivision 7. Valves. When a cylinder is not in use, the valve shall be closed and the valve protection cap shall be in place, hand tight.~~

~~Subdivision 8. Tests. Tests for leaks in any piping system or equipment shall be made with soapy water. Flames shall not be used.~~

~~Subdivision 9. Cylinders. Welding or cutting work shall not be supported on compressed gas cylinders or other containers.~~

~~**Section 6. Cylinders.** Fuel gas cylinders shall be placed with valve end up whenever they are in use.~~

~~**Section 7. Pressure Regulation.** Fuel gas shall not be used from cylinders through torches or other devices equipped with shut-off valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.~~

~~**Section 8. Oil and Grease.** Cylinders, valves, regulators, hose and other apparatus and fittings containing or using oxygen shall be kept free from oil or grease. Oxygen cylinders, apparatus and fittings shall not be handled with oily hands or gloves or greasy tools or equipment.~~

~~**Section 9. Cranes.** When moving compressed gas cylinders by crane, suitable cradles shall be used to prevent the possibility of dropping them. Ordinary rope slings or electromagnets shall not be used.~~

~~**Section 10. Heat.** Oxygen and fuel gas cylinders and acetylene generators shall be placed far enough away from the welding area to prevent them from being heated by radiation from heated materials, by sparks or slag, or by misdirection of the torch flame.~~

Section 11.

~~Subdivision 1. Grounding. The frame or case of the welding machine except internal combustion engine driven machines shall be grounded. Ground connections shall be mechanically strong and electrically adequate for the required current.~~

~~Subdivision 2. Return Circuits. Welding current return circuits from the work to the machine shall have proper electrical contact at all joints and periodic inspection shall be made to ascertain that proper electrical contact is maintained.~~

~~Subdivision 3. Discontinued Periods. When electric arc welding or cutting is to be discontinued for any substantial period of time, such as during lunch hour or overnight, all electrodes shall be removed from the holders, the holders shall be carefully located so that accidental contact cannot occur, and the machines shall be disconnected from the power source.~~

~~**Section 12. Modification of Ordinance.** The Chief of the Fire Department shall have power to modify any of the provisions of this ordinance upon application in writing by the person affected, when there are practical difficulties in the way of carrying out the strict letter of the ordinance, provided that the spirit of the ordinance shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.~~

~~**Section 13. Appeal of Disapproval.** Whenever the Chief of the Fire Department shall disapprove an~~

application or refuse to grant a permit applied for, or when it is claimed that the provisions of the ordinance do not apply or that the true intent and meaning of the ordinance have been misconstrued or wrongly interpreted, the applicant may appeal from the decisions of the Chief of the Fire Department to the City Council within 30 days from the date of the decision of the appeal.

Section 14. Penalties. Any person violating any of the provisions of this ordinance or failing to comply therewith, or who shall violate or fail to comply with any order or regulation made thereunder, or who shall act in violation of any detailed statement of specifications or plans submitted and approved thereunder, shall be guilty of a misdemeanor.

Chapter 8.11 Regulating And Licensing Bingo

Section 1. Statutes Incorporated By Reference. The provisions of Minnesota Statutes, Sections 349.11 through 349.23 are incorporated by reference and made a part hereof as fully set out herein.

Section 2. Additional Regulations. The following regulations shall apply to the conduct of bingo within the City of Howard Lake in addition to the provisions of Minnesota Statutes, Sections 349.11 through 349.23.

_____ Subdivision 1. License Required. The unlicensed conduct of bingo within the City of Howard Lake is prohibited. Any organization authorized by law to conduct bingo occasions may do so only after applying for and receiving a license from the City Council as hereafter provided.

_____ Subdivision 2. Application. Application for a bingo license shall be made to the City Council upon forms prepared by the City Clerk for that purpose. The application shall state where the games will be played and the dates and the hours for which permission to play the game is requested. The organization shall not conduct bingo at any place, date or time other than those specified in the application. The application shall be verified by a duly authorized officer of the organization and by the designated bingo manager. No application shall be accepted by the City unless accompanied by the full annual license fee.

_____ Subdivision 3. License Fee and License Year. The annual license fee shall be in the amount set by City Council resolution. Licenses shall expire on December 31 next after the date of issue.

_____ Subdivision 4. Fidelity Bond. No bingo license shall be issued until the bingo manager gives a fidelity bond in the sum of \$10,000 in favor of the organization. Such bond shall be conditioned on the faithful performance by the manager of his duties. The bond shall not be cancelable except upon 30 days written notice to the City. The City Council may, by unanimous vote, agree to waive the fidelity bond requirement. If such waiver is granted, the license must be endorsed to indicate such action.

_____ Subdivision 5. Revocation. No licensee shall have a vested right in any license issued hereunder, and licenses issued hereunder may be revoked by the Council at any time. The license shall be revoked upon a showing that the licensee violated or caused to be violated any provisions of this section, or of state law regulating the licensing or conduct of bingo. The license shall also be revoked in the event of any misrepresentation in the license application or any reports required of the licensee to be made.

Section 3. Penalties. Any person convicted of violating any of the provisions of this ordinance shall be guilty of a misdemeanor.

Chapter 8.03
Regulating The Display, Sales, Storage, And Use Of Consumer Fireworks

Section 1. Storage and Sale of Fireworks.

Subdivision 1. Fireworks are regulated by Minnesota Statutes §624.20 - 624.25. In addition to these state laws, all display, sales, storage, and use of fireworks shall comply with this Section.

Subdivision 2. No person shall do any of the following without obtaining a permit:

- (A) Store or sell any fireworks;
- (B) Make a public display of fireworks.

Subdivision 3. The application for a permit to store or sell fireworks shall be made to the City Administrator. A criminal record check of all applicants will be performed. The fire chief or his/her designee will inspect the proposed location for selling and/or storing fireworks to determine if it is a suitable location. The fire chief or his/her designee will also determine if the applicant is competent and trained to handle fireworks.

The application for a permit must include:

- (A) A letter from the property owner granting permission to the applicant to sell and/or store fireworks on the property.
- (B) A floor plan designating the area where the fireworks will be sold and/or stored.
- (C) A list of fireworks that will be sold. The list must include the name, weight and quantity of the fireworks, and Tier II Material Safety Data Sheets.

Subdivision 4. The fee for the permit shall be in the amount determined by City Council resolution.

Subdivision 5. A permit for the storage and/or retail sale of fireworks shall be issued only upon the following terms and conditions:

- (A) The applicant shall not have been convicted of a “crime of violence” as defined by MN STAT §624.712, Subd. 5 or any fire/fireworks related crime within the last 5 years.
- (B) The sale of fireworks shall occur only on property located in commercial zones. No sale of fireworks shall occur on property zoned residential, or properties used for educational purposes or assemblies. No sale of fireworks shall occur on required parking areas for permanent commercial structures.
- (C) The storage and/or retail sales of fireworks in a non-permanent structure shall be conducted in compliance with Chapter 17 of the City Code except as otherwise provided herein.
- (D) Fireworks sales and/or storage areas shall have “no smoking” signs in red letters not less than two (2) inches in height on white background. All signs shall be maintained in legible condition. Signage must be approved by the fire chief or his/her designee.
- (E) The discharge of fireworks shall be prohibited within one hundred (100) feet of any location in which fireworks are being sold or stored.
- (F) Each permit holder shall have at least two (2) water-type or equivalent fire extinguishers of not less than two and one-half gallon capacity in the area where fireworks are sold or stored.
- (G) There shall be at least two (2) exits from all buildings where fireworks are sold or

stored.

- (H) In buildings without an approved automatic sprinkler system, fireworks sales displays and/or storage shall be limited to fifty (50) lbs. net pyrotechnic composition or two hundred (200) lbs. gross weight, if the pyrotechnic composition weight is not known.
- (I) In buildings with an approved automatic sprinkler system, fireworks sales displays and/or storage shall be limited to one hundred (100) lbs. net pyrotechnic composition or four hundred (400) lbs. gross weight, if the pyrotechnic composition weight is not known.
- (J) A list of all fireworks displayed for sale and stored on the property must be posted in a conspicuous location near the display/storage area. The list shall include the name, weight, and quantity of the fireworks and be accompanied by the Tier II Material Safety Data Sheets. Upon request, samples of the fireworks shall be made available to the fire chief or his/her designee for testing.
- (K) A permit granted pursuant to this section is not transferable. It is valid only for the calendar year in which it is issued.

Subdivision 6. It shall be unlawful to do any of the following:

- (A) To use or discharge any fireworks along a parade route prior to, during, or after any parade, or at any place of public assembly, park, or government property except such discharge of fireworks as may be permitted in connection with an officially sanctioned public celebration or event.
- (B) To throw or toss any fireworks at any person, animal, vehicle, or other thing or object.
- (C) To discharge fireworks within one hundred (100) feet of any building in which fireworks are sold or stored.
- (D) To discharge fireworks in an area without a water source connected to a hose, fire extinguisher, and/or other means of putting out a fire that is acceptable to the fire chief or his/her designee.
- (E) The fire chief or his/her designee may ban fireworks for any period of time for any public safety reason.
- (F) To sell, distribute or furnish any permitted consumer fireworks to a person under the age of eighteen (18) years, any person who is obviously intoxicated, chemically impaired or incompetent, or any person who fails to present competent age identification in the form of a current, valid Minnesota driver's license, current, valid Minnesota identification card, or current, valid photo driver's license or photo identification issued by another state.

Subdivision 7. In addition, the City Council may suspend or revoke a permit issued pursuant to this Section on any of the following grounds:

- (A) Fraud, misrepresentation, or false statement contained in a license application or a renewal application.
- (B) Fraud, misrepresentation, or false statement made in the course of carrying on the permitted activity.
- (C) Any violation of this section or state law.

- (D) Conducting the permitted activity in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the community.
- (E) Any significant unauthorized deviation, enlargement or alteration of the approved site plan for the storage and sales display areas of the premises.

Subdivision 8. All signage used or employed in connection with the display, sale, storage and use of fireworks shall be in strict conformance with the provisions in the City Zoning Code and shall be approved by the Zoning Administrator.

Subdivision 9. A violation of this section is a misdemeanor. Fireworks materials that are kept, possessed or stored in violation of state statutes or of this section may be confiscated and destroyed. The costs associated with disposal shall be paid by the violator and/or be assessed back to the property on which the fireworks are being stored, displayed or sold.

Section 2. Penalties. Any person convicted of violating any of the provisions of this ordinance shall be guilty of a misdemeanor.

**CITY OF HOWARD LAKE
RESOLUTION 25-31**

AUTHORIZING THE SUMMARY PUBLICATION OF ORDINANCE 25-08 Modifications to City Code Part 8 Licensing Certain Occupations and Games.

WHEREAS, the following is a summary of Ordinance 25-08 adopted by the Howard Lake City Council at the November 17, 2025 meeting; and

WHEREAS, the City is publishing this notice as a summary publication; and

WHEREAS, the following serves as the summary of the ordinance for publication purposes:

**CITY OF HOWARD LAKE
SUMMARY OF ORDINANCE NO. 25-08
AMENDING THE ORDINANCE RELATED TO COUNCIL MEETINGS**

The City of Howard Lake adopted Ordinance 25-08 amending the City Ordinance to modify the requirement for licensing certain occupations and games in part 8 of the City Code.

The complete ordinance is available for examination at the Howard Lake City Hall.

PASSED AND ADOPTED this 17th day of November, 2025.

Pete Zimmerman, Mayor
Attest: Nicholas Haggenmiller, City Administrator-Clerk

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Howard Lake that Ordinance 25-08 is hereby adopted November 17, 2025 and effective upon this publication.

PASSED AND ADOPTED this 17th day of November, 2025.

Pete Zimmerman, Mayor

ATTEST:

Nicholas Haggenmiller, City Administrator-Clerk



HOWARD LAKE CITY COUNCIL MEETING

November 17, 2025

AGENDA ITEM: Consider Ordinance 25-08 Modifications to City Code Part 10.

SECTION: New Business

FROM: Nick Haggenmiller, City Administrator

BACKGROUND: Over the past two years, the City has been collecting photos and information regarding the private water service lines that run from the municipal water main into each structure in Howard Lake. This initiative stems from a **State of Minnesota requirement** mandating that all municipalities maintain a complete inventory of private water service line materials. The purpose of this effort is to identify and ultimately replace all **lead water service lines by 2033** in compliance with State and Federal regulations.

Despite multiple outreach efforts, **the City has only received this information from approximately 30% of properties** connected to the municipal water system. Participation has been lower than anticipated, making it difficult to achieve the State's data collection requirements within the mandated timeframe.

Proposal

To help improve compliance and progress toward a complete inventory, staff is recommending an **amendment to City Code Part 10, Chapter 10.07** to include:

1. Move section to newly created Part 8. Administration
2. Rename section to **Chapter 8.04** Point of Sale Requirements
 - a. This opens this section up to additional requirements for the sale of a home in the future.
3. Add Section 2. Point of Sale Private Water Line Identification

FINANCIAL: Open

LEGAL: If these changes are deemed acceptable, council is asked to approve this ordinance modification as well as a summary publication for the newspaper.

STRATEGIC INITIATIVE: Deliver High Quality Services

COUNCIL ACTION REQUESTED: Approve Ordinance 25-08 Modifications to the City Code Part 10.

ATTACHMENTS:

1. Ordinance 25-08 Modifications to City Code Part 10
2. Resolution 25-32 Summary Publication of Ordinance 25-08

Ordinance 25-08
Modifications to City Code, Part 10, Section 10.07
Point of Sale Sanitary Sewer Service Compliance

City Code
Part 10. Sewer and Water
Ordinance 10.07. Point of Sale Sanitary Sewer Service Compliance

Part 8 Administration
Chapter 8.04 Point of Sale Requirements

SECTION 1. Point-of-Sale Sanitary Sewer Compliance. No property owner with a connection to the City sanitary sewer shall sell, transfer or assign, or contract to sell the property without providing a copy of a Certificate of Sanitary Sewer Compliance to the buyer prior to the sale in accordance with the following requirements:

1. Time of sale means within 14 days following execution of a written purchase agreement, and in no event later than the time of the execution of any document providing for the conveyance by deed or contract for deed.
2. Prior to closing, the seller must obtain and provide a Certificate of Sanitary Sewer Compliance to the City of Howard Lake.
3. Application for a Certificate of Sanitary Sewer Compliance shall be made to the City of Howard Lake, upon forms furnished by the City of Howard Lake.
4. Upon receipt of a properly executed application for Certificate of Sanitary Sewer Compliance, the **Public Works Supervisor City** shall determine whether the sewer service line is in compliance with City guidelines. The sanitary service lines shall be deemed to be in compliance with City guidelines for sanitary services if the sanitary line is in proper working order, as demonstrated by televising the sanitary service to the City's sanitary sewer line; also there shall be no sump pumps, roof drains, foundation drains or other non-domestic sewer connection to the sanitary line. The applicant shall be responsible for the cost of and scheduling of the inspection.
- ~~5. The City shall maintain a list of Contractors that are approved by the Public Works Supervisor to perform the Certificate of Sanitary Sewer Compliance inspection.~~
6. In the event that the transaction takes place when the ground is frozen or the purchaser cannot make the appropriate corrections, the proposed purchaser may take occupancy of the dwelling or structure prior to the issuance of a Certificate of Sanitary Sewer-Compliance by the City of Howard Lake, by filing an executed written agreement by the present and prospective owners, which agreement sets the date by which the new owner will complete the necessary corrective action and which agreement and corrective action dates are approved by the **Public Works Supervisor City** and found to be adequate in his or her discretion,. In order to obtain approval of a pending Certificate of Sanitary Sewer Compliance, the applicant shall escrow 1.5 times the estimated cost to conduct the corrective action with **the City or with** the title company conducting the closing.
7. A Certificate of Sanitary Sewer Compliance issued under this ordinance shall be effective for 3 years. Once a sewer line has been televised and the line is deemed to be in good working order by the Contractor and Public Works Department Head, the line does not need to be re-televised for 10 years. The water line verification must be provided every property sale.
8. For houses constructed in the past 10 years, the City may, at his or her discretion, approve the Certificate of Sanitary Sewer Compliance without requiring televising the service line. A walk through inspection will still be required.

9. Any property owner who fails to obtain a Certificate of Sanitary Sewer Compliance shall be subject to a civil penalty as determined by the City Council from time to time.

SECTION 2. Point-of-Sale Private Water Line Identification. To comply with State and Federal requirements mandating the identification and eventual replacement of lead water service lines by the year 2033, the City of Howard Lake requires the identification of private water service line materials for all properties connected to the municipal water system.

No property owner with a connection to the City water system shall sell, transfer or assign, or contract to sell the property without providing a copy of a Certificate of Water Line Compliance to the buyer prior to the sale in accordance with the following requirements:

1. Time of sale means within 14 days following execution of a written purchase agreement, and in no event later than the time of the execution of any document providing for the conveyance by deed or contract for deed.
2. Prior to closing, the seller must obtain and provide a Certificate of Water Line Compliance to the City of Howard Lake. The seller must provide the City with the following to obtain the Certificate of Water Line Compliance:
 - a. A clear, colored photograph of the private water service line, where enters the building and connects to the water meter; and
 - b. Identification of the water service line material (e.g., copper, galvanized steel, plastic/pvc, lead, or other).
3. The City will review the submitted documentation and may require an on-site inspection by City staff or a professional plumber if the photo is not clear enough or if the material cannot be identified.
4. Any private water line determined to be non-compliant (e.g., lead or galvanized steel) will receive information from the City to provide to the new homeowners on how to move forward with getting the water line replaced through a state funded grant program.

**CITY OF HOWARD LAKE
RESOLUTION 25-32**

**AUTHORIZING THE SUMMARY PUBLICATION OF ORDINANCE 25-08 MODIFICATIONS
TO THE CITY CODE PART 8 POINT OF SALE WATER & SEWER LINE INSPECTIONS**

WHEREAS, the following is a summary of Ordinance 25-08 adopted by the Howard Lake City Council at the November 17, 2025 meeting; and

WHEREAS, the City is publishing this notice as a summary publication; and

WHEREAS, the following serves as the summary of the ordinance for publication purposes:

**CITY OF HOWARD LAKE
SUMMARY OF ORDINANCE NO. 25-08
MODIFICATIONS TO THE CITY CODE PART 8 POINT OF SALE WATER & SEWER LINE
INSPECTIONS**

The City of Howard Lake adopted Ordinance 25-07 Modifying the City Code Part 10 by moving the Point of Sale Sewer Requirements to Part 8 Administration. As well as, adding an additional Point of Sale Requirement to include the identification of the private water line.

The complete ordinance is available for examination at the Howard Lake City Hall.

PASSED AND ADOPTED this 17th day of November, 2025

Pete Zimmerman, Mayor
Attest: Nicholas Haggenmiller, City Administrator-Clerk

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Howard Lake that Ordinance 25-07 is hereby adopted November 17, 2025 and effective upon this publication.

PASSED AND ADOPTED this 17th day of November, 2025.

Pete Zimmerman, Mayor

ATTEST:

Nicholas Haggenmiller, City Administrator-Clerk



HOWARD LAKE CITY COUNCIL MEETING

November 17, 2025

AGENDA ITEM: Consider Various Personnel Policy Updates & Modifications

SECTION: New Business

FROM: Nick Haggemiller, City Administrator

BACKGROUND: The State of Minnesota has made paid family leave law effective January 1, 2026. Doing so impacts various parts of our personnel policy. The following have been modified:

Section 5 Benefits

Language added to clarify that ESST or MNPL may be used for the same purposes. Further that PTO may backfill and combine for full payment.

Section 10 Other Types Of Leave

With additional coverage provided for leave under ESST and MNPL there were several redundancies that are no longer needed to be specifically called out. We are proposing a full repeal/replacement of this section as shown in the document.

Section 11 MN Paid Leave

Provides definition of paid leave and eligibility which is broad as defined in statute as nearly every employee who works at least 50% of the time in Minnesota and makes at least \$3,900 per year from all employment sources. As this is the most critical update the full text is included below:

Overview

Beginning January 1, 2026, the City of Howard Lake will participate in the State of Minnesota's Paid Leave Program as established under Minn. Stat. §§268B.01–268B.29. The program provides paid time off benefits to eligible employees for qualifying family and medical leave events. Premium contributions will be paid in full by the City to the State of Minnesota.

Eligibility

Employees are eligible for Minnesota Paid Leave benefits as determined by the Minnesota Department of Employment and Economic Development (DEED) and its contracted administrator. Generally, eligibility requires the employee to:

- Perform at least fifty percent (50%) of work duties in Minnesota, including remote work; and
- Meet the state's minimum earnings threshold during the base period (approximately \$3,900 in wages).

Leave Entitlements

- **Medical Leave:** Up to twelve (12) weeks to care for the employee's own serious health condition, including pregnancy, childbirth, recovery, or surgery.
- **Family Leave:** Up to twelve (12) weeks to care for a family member with a serious health condition, bond with a new child, support a military family member, or address domestic abuse, sexual assault, or stalking.
- **A maximum of twenty (20) weeks may be used in a single benefit year.**

Intermittent Leave

Employees may request intermittent leave when medically appropriate. Intermittent leave must be taken in increments consistent with DEED rules, generally one (1) calendar day or more, unless otherwise permitted by the City.

Notice and Application

Employees must notify their supervisor or the City Administrator of the intent to apply for Minnesota Paid Leave as soon as practicable, and not less than two (2) weeks in advance if foreseeable. Employees must also apply directly through the State's claims administrator for benefits.

Coordination with Other Leave

Minnesota Paid Leave runs concurrently with Family and Medical Leave Act (FMLA) and Minnesota Parental Leave when applicable. Employees may elect to use accrued Paid Time Off (PTO) or Earned Sick and Safe Time (ESST) to supplement MNPL benefits, provided total compensation does not exceed the employee's regular wage. Use of accrued leave to supplement MNPL benefits is voluntary and cannot be required by the City.

Health Insurance and Benefits Continuation

The City will continue group health insurance coverage during any approved MNPL leave under the same terms as if the employee were actively working, provided the employee continues to pay their share of the premium. Coverage will lapse if the employee's premium payment is more than thirty (30) days late. Written notice will be provided at least fifteen (15) days prior to termination of coverage. Coverage will be reinstated upon the employee's return to work.

Reinstatement and Job Protection

Upon returning from MNPL, an employee will be reinstated to the same or an equivalent position with equivalent pay, benefits, and seniority. The City will engage in an interactive process if the employee is unable to perform essential job duties due to a medical condition, consistent with the Americans with Disabilities Act (ADA) and Minnesota Human Rights Act (MHRA).

Non-Retaliation

The City of Howard Lake will not discharge, discipline, interfere with, or otherwise retaliate against any employee for requesting, applying for, or taking leave under Minnesota Paid Leave.

ALTERNATIVE OPTIONS:

FINANCIAL IMPACT: The City has about \$5,000 budgeted for the insurance related to this coverage. Additional costs will result in having to backfill staff time if necessary. However, its difficult to tell how much this program will be used. Under this proposed policy, the city pays 100% of the premium. The City could elect to have employees pay a small portion of the premiums. Most cities are not requiring employees to pay.

LEGAL ISSUES: The City is legally required to be compliant with Minnesota Paid Leave.

COUNCIL ACTION REQUESTED: Approve Personnel Policy Updates as presented.

ATTACHMENTS:

1. Full Personnel Policy - Updates are highlighted on pages 18-29



Personnel Policy

Amended December 12, 2023

Table of Contents

SECTION 1: INTRODUCTION.....	1
I. PURPOSE	1
II. ADMINISTRATION	1
III. SCOPE AND APPLICATION.....	1
IV. EMPLOYEE RESPONSIBILITIES.....	1
V. APPOINTMENTS.....	2
VI. DEFINITIONS	2
SECTION 2: EMPLOYMENT POLICY	4
I. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT	4
II. DATA PRACTICES ADVISORY.....	4
III. DISCIPLINE	4
IV. GRIEVANCE.....	6
V. RECRUITMENT AND SELECTION	7
VI. BACKGROUND CHECKS.....	7
VII. PRE-EMPLOYMENT MEDICAL EXAMS	7
VIII. PROMOTIONS AND TRANSFERS.....	7
IX. LAYOFF	8
X. RESIGNATION	8
XI. SEVERANCE PAY	8
SECTION 3: ATTENDANCE AND WORK SCHEDULES.....	10
I. INTRODUCTION.....	10
II. ATTENDANCE	10
III. WORK SCHEDULES.....	10
IV. BREAKS	10
V. TIME REPORTING.....	10
VI. FLEX TIME	11
VII. INCLEMENT WEATHER	11
VIII. TRAINING TIME.....	11
SECTION 4: COMPENSATION.....	12
I. OVERVIEW	12
II. COMPENSATION AND CLASSIFICATION PLAN	12
III. PAY PERIODS AND PAY CHECKS.....	12
IV. OVERTIME/COMPENSATORY TIME.....	12
V. PUBLIC WORKS ON-CALL.....	13
VI. CALL BACK PAY	14
VII. CELL PHONE ALLOWANCE	14
VIII. VEHICLE ALLOWANCE.....	14
SECTION: 5 BENEFITS.....	16
I. OVERVIEW	16
II. ELIGIBILITY AND ENROLLMENT.....	16
III. MEDICAL, DENTAL, AND LIFE INSURANCE.....	16

IV.	COBRA	16
V.	UNEMPLOYMENT INSURANCE AND WORKERS COMPENSATION	17
VI.	PAID TIME OFF (PTO) & EARN SICK & SAFE TIME (ESST).....	17
VII.	HOLIDAYS	18
VIII.	RETIREMENT.....	19
IX.	FAMILY AND MEDICAL LEAVE.....	19
X.	OTHER TYPES OF LEAVE	21
XI.	REASONABLE ACCOMODATIONS.....	24
SECTION 6: EMPLOYEE DEVELOPMENT		25
I.	TRAINING	25
II.	PERFORMANCE APPRAISALS	25
SECTION 7: CITY POLICIES		26
I.	ETHICAL CONDUCT	26
II.	CONFLICT OF INTEREST	26
III.	HARASSMENT PREVENTION AND RESPECTFUL WORKPLACE.....	27
IV.	COMMUNICATION (OPEN-DOOR) POLICY	30
V.	POLITICAL ACTIVITY OF EMPLOYEES.....	30
VI.	TRAVEL POLICY.....	31
VII.	CITY VEHICLE DRIVING.....	32
VIII.	EMPLOYEE SAFETY	33
IX.	DRUG FREE WORKPLACE	34
X.	DRUG & ALCOHOL TESTING.....	34
XI.	ALCOHOL/CONTROLLED SUBSTANCE PROHIBITIONS	38
XII.	USE OF TECHNOLOGY	39
POLICY ACKNOWLEDGEMENT		42

SECTION 1: INTRODUCTION

I. PURPOSE

The purpose of these Personnel Policies is to establish a uniform and equitable system of personnel administration for employees of the City of Howard Lake. None of these Personnel Policies constitute a contract between the employee and the City. These Personnel Policies are not a guarantee of continued or future employment or intended to alter the employment at will relationship in any manner. Except as otherwise prohibited by law, the City of Howard Lake has the right to terminate any employee at any time for any or no reason. Employees may similarly terminate employment at any time for any reason.

These policies are not intended to be all-inclusive or to cover every situation that may arise. These policies may be amended at any time at the sole discretion of the City and they will supersede all previous personnel policies. Revisions and amendments shall become effective upon approval by the City Council. Employees are responsible for complying with current city policy at all times.

II. ADMINISTRATION

The City Administrator, who is directly accountable to the City Council, administers these Policies. The City Administrator may develop and provide the necessary forms, procedures and interpretation, subject to final review and approval by the City Council, for the implementation of these Policies.

III. SCOPE AND APPLICATION

These Rules and Regulations shall apply to every City level of public employment position for which the Appointing Authority is the City Council, City Administrator, an elected City official, and appointed City Department Head, or a commission appointed by the City Council. This includes:

1. All Elected Officials
2. Members of the City Boards, Commissions, and Committees
3. Volunteer firefighters
4. All full-time, part-time, and seasonal employees.

In accordance with these Policies, each Department Head may establish departmental rules or procedures, which do not conflict with these Policies. Such department rules shall be filed with the City Administrator and approved by the City Council prior to implementation.

With respect to employees whose positions are included in a collective bargaining unit, provisions of the applicable collective bargaining agreements negotiated pursuant to the Public Employment Labor Relations Act, Minn. Stat. 179A.01 – 179A.25, shall supersede these policies on any subject area covered by both the collective bargaining agreement and these Policies.

IV. EMPLOYEE RESPONSIBILITIES

Employees subject to these Policies shall comply with and carry out the provisions of these Policies. Any employee who fails to comply with any of the provisions of these Policies shall be subject to disciplinary action.

V. APPOINTMENTS

The appointing authority on the basis of merit and fitness for the position shall make every appointment to municipal service. When required by law or by the Council, merit and fitness shall be ascertained by written, oral, or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held.

VI. DEFINITIONS

Class – One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used to designate each position allocated to the class, that the same general qualifications are needed for performance of the duties and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

Classification – The act of grouping positions into classes with regard to duties and responsibilities.

Completion – An employee who has completed the period of probationary service and who has not received, before completion of that period, a written notice from that department head (or administrator) that his services are terminated shall be considered to have successfully completed the probationary period and attained the status of a permanent employee.

Days – Unless otherwise indicated, this means working days.

Demotion – A change by an employee from a position in one class to a position in another class with less responsible duties and a lower salary range.

Emergency, Intermittent, Temporary or Seasonal Employees – Individuals who are not employed on a regular basis or are not working in an ongoing position of indefinite duration or who fill positions with an average work week of less than 20 hours or sixty-seven (67) work days in a calendar year. Temporary and seasonal employees include all individuals who do not meet the definition of public employee as used in Minn. Stat. §179A.03, subd. 14 because their positions are basically temporary or seasonal in character and the positions do not last for more than 67 working days in any calendar year or 100 days for individuals who are full-time students who have indicated an intention to continue as students following their temporary employment. Emergency, intermittent, temporary and seasonal individuals are not eligible for benefits except as required by statute, state administrative rule or City policy.

Employer – The City of Howard Lake City Council.

ESST – Earned Sick & Safe Time

Exempt Positions – Those employees not covered by the Federal Fair Labor Standards Act (i.e.: executive, professionals, administrative).

Good Standing – Employees who resign in good standing and has given at least two weeks' notice, and have returned all city owned keys, tools, cell phones, pagers, or other equipment.

Non-Exempt Employees – Those employees covered by the FLSA Act (i.e.: clerical, technical, manual, etc.).

Performance Appraisal – A systematic review of an employee's job performance.

Personnel Committee – A review Committee appointed by the Howard Lake City Council to hear appeals and complaints as prescribed in these regulations and make recommendations on hiring and firing employees.

Probationary Employee – Individuals who are working under a probationary period as a result of an appointment to a new position.

Probationary Period – A working test period during which a new employee is required to demonstrate fitness for the position to which he/she is appointed by actual performance of the duties of the position.

Probationary Period Duration – A period of time set by the City Administrator upon hire and/or performance evaluation to be from three months to one year for most positions within the organization. Police, fire and EMS employees may be subject to longer period of probation based on requirements of their specific position and as detailed within department bylaws and/or policy.

Promotion – A change of an employee from a position of one class to a position of another class with more responsible duties and a higher salary range.

Reclassification – A reassignment or change in classification of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level on a basis of significant change in the work performed in such a position.

Regular Full-Time Employees – Individuals who have successfully completed the probationary period and are working in an ongoing position of indefinite duration that requires a regularly scheduled thirty-three to forty (33-40) hours in each week.

Regular Part-Time Employees – Individuals who have successfully completed the probationary period and are working in an ongoing position of indefinite duration that requires a regularly scheduled work week of at least 20 hours, but less than 40 hours per week. These individuals are not eligible for the health insurance or other benefits except as required by statute, state administrative rule, or City policy.

Paid on Call Fire/Ambulance/EMS Employees – Individuals who serve on the fire/ambulance service but may not meet the traditional definition of regular, full- or part-time employees. These employees are still subject to the terms and conditions of the Howard Lake Personnel Policy as well as relevant department policies, bylaws, and procedures. These individuals are not eligible for the health insurance or other benefits except as required by statute, state administrative rule, or City policy.

Seasonal Employee

Employees who work only part of the year (130 days or less) to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule. Seasonal employees do not earn benefits or credit for seniority.

SECTION 2: EMPLOYMENT POLICY

I. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

The City of Howard Lake is committed to providing equal opportunity in all areas of employment in accordance with applicable state and federal laws. The City of Howard Lake will not discriminate against any employee or applicant with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, age, marital status, disability, status with regard to public assistance, veteran status, or familial status.

II. DATA PRACTICES ADVISORY

Employee records are maintained in a location designated by the city administrator. Personnel data is retained in personnel files, finance files, and benefit/medical files. Information is used to administer employee salary and benefit programs, process payroll, complete state and federal reports, document employee performance, etc.

Employees have the right to know what data is retained, where it is kept, and how it is used. All employee data will be received, retained, and disseminated according to the Minnesota Government Data Practices Act.

III. DISCIPLINE

The objective of this policy is to establish a standard disciplinary process for employees of the City of Howard Lake. City employees will be subject to disciplinary action for failure to fulfill their duties and responsibilities at the level required, including observance of work rules and standards of conduct including those described in departmental rules or procedures and applicable city policies.

Discipline will be administered in a non-discriminatory manner. An employee who believes that discipline applied was either unjust or disproportionate to the offense committed may pursue a remedy through the grievance procedures established in the city's personnel policies. The supervisor and/or the city administrator will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken. Probationary employees are not entitled to progressive discipline unless a Veteran's Preference has been established.

a) **DISCIPLINE PROCESS**

The city may elect to use progressive discipline, a system of escalating responses intended to correct the negative behavior rather than to punish the employee. If discipline is necessary, the following items shall be addressed in a progressive order unless the severity of the incident warrants more severe and immediate discipline.

- a) **Oral Reprimand** – This is an action taken by the Department Head and/or City Administrator. Oral reprimands are normally given for first infractions on minor offenses to clarify expectations and put the employee on notice that the performance or behavior needs to change, and what the change must be. The Department Head and/or City Administrator will document the oral reprimand including date(s) and a summary of discussion and corrective action needed.

- b) **Written Reprimand** – This action is taken by the Department Head and/or City Administrator. A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected, or the behavior has not consistently improved in a reasonable period of time. Written reprimands may also be issued for first infractions that are more significant than those infractions which would justify an oral reprimand. Written reprimands are issued by the Department Head and/or City Administrator supervisor with prior approval from the City Administrator.

A written reprimand will: (1) state what did happen; (2) state what should have happened; (3) identify the policy, directive or performance expectation that was not followed; (4) provide history, if any, on the issue; (5) state goals, including timetables, and expectations for the future; and (6) indicate consequences of recurrence.

Employees will be given a copy of the reprimand to sign acknowledging its receipt. Employees' signatures do not mean the employee agrees with the reprimand. Written reprimands will be placed in the employee's personnel file.

- c) **Suspension** – The City Administrator may suspend an employee without pay for disciplinary reasons. Suspension without pay may be followed with immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans, who have completed their initial probationary period, will not be suspended without pay in conjunction with a termination.

The employee will be notified in writing of the reason for the suspension either prior to the suspension or shortly thereafter. A copy of the letter of suspension will be placed in the employee's personnel file.

An employee may be suspended or placed on involuntary leave of absence pending an investigation of an allegation involving that employee. The leave may be with or without pay depending on a number of factors including the nature of the allegations. If the allegation is proven false after the investigation, the relevant written documents will be removed from the employee's personnel file and the employee will receive any compensation and benefits due had the suspension not taken place.

- d) **Discharge** – The City Council, upon the recommendation of the City Administrator/Personnel Committee, may discharge an employee for substandard work performance, multiple and recurring minor infractions that continue to occur in a manner that indicates prior progressive discipline procedures have not been effective in significantly reducing such infractions, misconduct in which the employee's intentional actions expose the City to potential liability from another employee or member of the public, serious misconduct, or behavior not in keeping with City standards.

If the disciplinary action involves the removal of a qualified veteran, who has completed his/her initial probationary period, the appropriate hearing notice will be provided, and all rights will be afforded the veteran in accordance with Minnesota law.

IV. GRIEVANCE

A grievance is a dispute or disagreement raised by any employee, or group of employees, against the City because of the application, meaning, interpretation or alleged violation of these policies.

The following actions are not subject to the grievance procedure: the classification or rate assigned to the employee's position, the results of the employee's performance evaluation, any salary decisions, the legitimacy of any of the provisions of the personnel policies, actions proposed but not taken, any investigative activity provided that no action has been taken.

a) GRIEVANCE PROCESS

Any employee who commences a grievance proceeding under the provisions of a collective bargaining agreement or a statutorily created process such as the Minnesota Department of Human Rights or the United States Department of Labor is precluded from grieving the same issue a second time under these rules. Similarly, commencement of a grievance proceeding under these policies shall preclude the employee from grieving the same issue under a collective bargaining agreement.

Processing of Group Grievances - The City may elect to treat a grievance raised by a group of employees relating to the same issue as a single grievance proceeding.

It shall be the City's policy to address all grievances promptly. In order to facilitate the processing of employee grievances in an orderly manner, and to provide the employee access to all levels of management and a fair and impartial hearing, the following procedures are to be used:

Step 1 – The employee must present the grievance in writing, stating the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated and the remedy requested, to their Department Head within five (5) working days after the alleged violation or dispute has occurred. The supervisor will respond to the employee in writing within ten (10) calendar days.

Step 2 – A grievance not resolved by the Department Head in Step 1 may be appealed to the City Administrator. The employee shall place the grievance in writing setting forth the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated and the remedy requested. The grievance shall be served to the City Administrator within ten (10) working days from the time of the Department Head's final answer.

Step 3 – The City Administrator will issue a written decision to the employee and the Department Head within 10 days of receipt of the written appeal. The decision of the City Administrator will be final.

Step 4 – Time Limits – If the grievance is not presented within the time period set forth above, it shall be considered waived. If a grievance is not appealed to the next step within the specified time limit, it shall be considered settled on the basis of the City's last answer. If the proper authority does not answer a grievance or appeal thereof within the specified time limits, the employee shall treat the grievance as denied, and may immediately appeal the grievance to the next step. The time limit in each step may be

extended by mutual agreement of the employee and authority involved in the step at the request of either party. An employee who has filed four grievances within the prior twelve months and has had all grievances denied shall forfeit any pending grievances and shall not be permitted to file additional grievances for six months from the date of denial of the fourth such grievance.

V. RECRUITMENT AND SELECTION

Advertising for applicants shall be performed through the City Administrator's Office. Each advertisement will normally specify a time period within which an application may be submitted. Completed applications for employment, meeting minimum qualifications will be referred to the City Administrator for review prior to selection for interview.

Applicant qualifications will be evaluated in one or more of the following ways: training and experience rating; written test; oral test or interview; performance or demonstrative test; physical agility test; or other appropriate job-related exam.

The selection process will be a cooperative effort between the city administrator or designee, subject to final hiring approval of the City Council. Any, all, or none of the candidates may be interviewed. The city has the right to make the final hiring decision based on qualifications, abilities, experience and City of Howard Lake's needs.

VI. BACKGROUND CHECKS

All finalists for employment with the city will be subject to a background check to confirm information submitted as part of application materials and to assist in determining the candidate's suitability for the position. Options for background checks include but are not limited to a criminal background check, a credit check, civil judgements, and reference check. Except where already defined by state law, the city administrator will determine the level of background check to be conducted based on the position being filled.

VII. PRE-EMPLOYMENT MEDICAL EXAMS

Some applicants may also be required to complete a physical examination, psychological examination and/or drug and alcohol test as a condition of employment. When required, the City will select a licensed physician or psychologist to assess the candidate's ability to perform the essential functions of the job. The initial cost of the pre-employment examination or drug and alcohol test will be paid by the City.

VIII. PROMOTIONS AND TRANSFERS

There are periodic opportunities for promotions and/or transfers within various departments. Employees may be promoted or transferred by responding to and being selected for a posted position. Employees responding to a posting must apply to be considered for the position. It is in the best interest of all employees to have the most qualified person on each job. Consideration for promotion is given to employees who have the best combination of education, aptitude, training, and experience to fill the job vacancy. An employee must meet the minimum qualifications for the position in order to be eligible for promotion or transfer. Employees must maintain certification and/or licenses where required to continue to hold the position.

IX. LAYOFF

The city administrator will make decisions about layoffs based on the city's needs and on the performance, knowledge, skills, and abilities of employees first, and seniority will be used as a secondary consideration. The city administrator will submit a list of employees to be laid off to the City Council for final approval.

X. RESIGNATION

Employees who choose to resign in good standing must give at least a fourteen (14) calendar days' notice to the department head. The written notice must specify the last day that the employee will be at work. Employees who are retiring or in a management position are encouraged to give the City thirty (30) or more calendar days' notice in order to allow the City adequate time to find a replacement.

An employee who is absent from work for a period of three (3) consecutive working days or more without notifying the Department Head or City Administrator of the reasons for the absence may be deemed to have voluntarily resigned not in good standing. An employee who fails to return from a leave of absence on the prescribed date without notice shall be deemed to have voluntarily resigned not in good standing unless the resignation is waived by appropriate City Council action.

Pursuant to State and Federal Law, employees may extend insurance coverage for up to 18 months (36 months in some cases as provided by statute) following termination. The employee will be responsible for the total cost of monthly premium and it shall be payable monthly to the City.

XI. SEVERANCE PAY

a) PAY FOR TIME WORKED; COMPENSATORY TIME

Employees who leave the employ of the City for any reason shall be paid for time worked and for Compensatory Time that remains unpaid at the time of separation of employment with the City. Pay shall be at the employee's regular hourly rate of pay at the time of separation.

b) PAID HOLIDAY COMP TIME

Employees who leave the employ of the City for any reason shall be paid for accrued holiday compensatory time worked that remains unpaid at the time of separation of employment with the City. Pay shall be at the employee's regular hourly rate of pay at the time of separation.

c) PAID TIME OFF & ESST

Paid Time Off (PTO) shall only be paid at the time of separation of employment with the City if all of the following criteria are met:

1. The employee leaves the employ of the City due to resignation, elimination of position, death, or retirement; and
2. The employee is in good standing at the time of separation from the City. An employee shall not be considered in good standing if that employee resigns without giving two weeks' written notice to the City prior to such resignation; and

3. The employee was not terminated for misconduct, other disciplinary reasons or inability to perform the job not related to a physical condition or diagnosed medical ailment; and
4. The employee was not separated from employment with the City during the initial or extended probationary period.

Employees meeting such conditions shall be paid PTO at the employee's regular hourly rate of pay at the time of separation.

5. Unused ESST hours are paid out on a prorated basis upon employment completion at the employee's hourly rate.

d) EMPLOYEES HIRED PRIOR TO MAY 20, 2019

Employees hired prior to 5/20/2019 shall receive payment for up to 144 hours of their Extended Illness Bank at their regular hourly rate on their final paycheck if all of the following criteria are met:

1. The employee leaves the employ of the City due to resignation, elimination of position, death, or retirement; and
2. The employee is in good standing at the time of separation from the City. An employee shall not be considered in good standing if that employee resigns without giving two weeks' written notice to the City prior to such resignation; and
3. The employee was not terminated for misconduct, other disciplinary reasons or inability to perform the job not related to a physical condition or diagnosed medical ailment; and
4. The employee was not separated from employment with the City during the initial or extended probationary period

SECTION 3: ATTENDANCE AND WORK SCHEDULES

I. INTRODUCTION

The City Administrator and department heads may establish specific department level policies and requirements deemed necessary and reasonable for the safe and efficient delivery of services. The policies related to attendance, work schedules etc. must be written and must be provided to the affected employees with reasonable advance notification prior to the time such changes become effective. Employees who fail to adhere to the rules, regulations and policies will be subject to the City's discipline policy.

II. ATTENDANCE

Attendance and punctuality are essential to the daily operations of the City and it is critical that employees strive for the best attendance possible. Attendance and punctuality are an essential component of employee performance and may be considered when making recommendations for promotions, transfers, salary increases or disciplinary action.

Employees who are going to be absent from work are required to notify their supervisor as early as possible in advance of the absence. Absences, which may be planned, must be arranged with the employee's supervisor in advance.

III. WORK SCHEDULES

Work schedules are based on organization needs as determined by Department Heads and the City Administrator and therefore may vary between positions and departments. Department Heads are accountable for the hours worked by their employees. The regular workweek shall be established as Monday through Friday from 8:00 AM to 4:30 PM and consist of forty (40) hours for full time employees. The above is the usual work hours and except as otherwise established by the department head in accordance with the needs of the department and in compliance with the FLSA.

All non-exempt public works employees that are required to work outside of their normal workday, except weekend shifts, in a non-emergency situation, shall flex their weekly schedule to accommodate hours worked so that overtime hours are not incurred. These hours do not qualify to be authorized as overtime.

Short-term variances (i.e. less than two weeks) for individuals or groups may be authorized upon approval by the Department Head or City Administrator.

IV. BREAKS

The normal day shall include two fifteen-minute breaks and one unpaid lunch break of thirty (30) minutes.

V. TIME REPORTING

Non-Exempt employees are required to punch in on their timesheet at the beginning of their shift not more than 6 minutes before their shift starts and punch out at the end of their shift not more than 6 minutes after their shift ends unless authorized by their supervisor.

Time worked is rounded to the nearest quarter hour. All timesheets are approved by an employee's supervisor. Falsification of time entry is grounds for termination of employment.

VI. FLEX TIME

The City of Howard Lake recognizes that employees may need to work at times that depart from normal work hours on a recurring, scheduled basis. Flextime is a planned alteration from normal work hours to meet specific needs.

Employees may request an ongoing flexible work schedule in writing. It will be evaluated on an individual basis. Prior approval by their Department Head and City Administrator is required before implementation. An employee may be granted his/her request for a flexible work schedule if it is determined that the request for such schedule:

- a. shall not adversely affect the work or services of the City
- b. provides adequate supervision
- c. serves the mutual benefit of the employee, City, and department
- d. does not detract from meeting the department's workload

An employee's request for a flexible schedule may be disapproved, discontinued, or altered based on the above criteria, the employee's current or past performance, or upon request of the employee.

All employees remain accountable for working their regularly scheduled hours per week in accordance with the terms of their assignment. Employees on flextime schedules are expected to make themselves available for scheduled conferences, meetings, and any employer-required training.

Approved flex-time hours must be reviewed at least every six (6) months and must be renewed (with notice to their personnel file) at least every twelve (12) months.

VII. INCLEMENT WEATHER

City facilities will generally be open during adverse weather and employees will be expected to be at work. Employees who do not provide services that are determined essential may, with approval of their supervisor, choose not to come into work or to leave early. Police officers and public works employees are generally determined to be essential. Exempt employees should contact their supervisor to determine an appropriate way to handle the absence. With supervisor approval, non-exempt employees have the following options to account for the lost time due to inclement weather: use of accrued compensatory time, use of accrued PTO, or working additional hours within the same week.

VIII. TRAINING TIME

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

Travel and other related training expenses will be reimbursed subject to the employee providing necessary receipts and appropriate documentation.

SECTION 4: COMPENSATION

I. OVERVIEW

The City of Howard Lake recognizes the importance of aligning our compensation with the market and providing equitable pay for employees in accordance with Minnesota Statutes, Sections 471.991 to 471.999 (Minnesota Pay Equity Act) and therefore has established a Compensation Plan for employees. Positions are assigned pay ranges which corresponds to their job classification. The following policies set for the conditions of compensation and salary advancement for full and part-time employees.

II. COMPENSATION AND CLASSIFICATION PLAN

Employees will be paid according to the established Classification and Compensation Plan (also referred to as the Step Plan) and benefits package determined by the City Council. As the Plans may be amended from time to time by the City Council, the City maintains these Plans separate from this policy and employees may review the Plans upon request.

Employees may also eligible for the following additional forms of compensation: overtime, on-call, call back and holiday pay. Eligibility for each form of additional compensation is detailed in each of their respective policies.

a) STEP INCREASES (FULL TIME EMPLOYEES)

Department Heads complete performance reviews for employees on an annual basis. With positive performance, full-time employees on the Step Plan may be eligible for a step increases effective the pay period in which their anniversary date falls.

b) STEP INCREASES (PART-TIME EMPLOYEES)

Department Heads complete performance reviews for part-time employees on an annual basis. Once a part-time employee has reached 2080 hours of service or every two years of service, and they have achieved positive performance, they may be eligible for a step increase effective the pay period in which their 2080 hours of service falls. If a step increase occurs at the two-year anniversary, hours worked calculation starts over at zero at the new step.

III. PAY PERIODS AND PAY CHECKS

The normal workweek for pay purposes for all employees will be Monday through Sunday. There are two weeks per pay period. Employees shall be paid biweekly on every other Friday. When a payday falls on a holiday, employees shall receive their pay the preceding workday.

The City offers enrollment in direct deposit as an easy, safe, and convenient way for employees to receive their paychecks. The money is deposited in employee accounts the morning of pay day and pay stubs are issued electronically. Hard copies of pay stubs can be generated upon request.

IV. OVERTIME/COMPENSATORY TIME

The City of Howard Lake has established this overtime and compensatory time policy to comply with applicable state and federal laws governing accrual and use of overtime. The City Administrator will

determine whether each employee is designated as “exempt” or “non-exempt” from earning overtime and compensatory time in accordance with the Fair Labor Standards Act (FLSA).

a) NON-EXEMPT (OVERTIME ELIGIBLE) EMPLOYEES

All overtime-eligible employees will be compensated at a rate of 1.5 for all hours worked over 40 in one workweek. Compensation will take the form of either 1.5 times hourly rate of pay or 1.5 hours off (compensatory time) for each hour of overtime worked. Compensatory time may be given to non-exempt employees required to work overtime by mutual agreement between the employee and his/her supervisor. Paid time off and paid holidays do not count toward “hours worked.”

Except in an emergency, overtime may only be worked with specific approval from or at the direction of the Supervisor and/or City Administrator in advance. Employees are expected to work overtime when requested. An employee who works overtime in a non-emergency situation without prior authorization may be subject to disciplinary action.

1. **PUBLIC WORKS** - Non-exempt public works employees are eligible for overtime pay when they have worked more than 40 hours in a given workweek. Those hours over 40 spent on an emergency situation and/or snow removal and/or repair of water/sewer main breaks will be paid overtime. Any hours over 40 spent on other maintenance tasks will be given to the employee as compensatory time.
2. **POLICE OFFICERS** – All non-exempt police officers are eligible for overtime pay when they have worked more than 80 hours in a pay period. All police officers shall be paid for overtime or given compensatory time, regardless of FLSA classifications, if required by law.

Any employee with Compensatory Time off in excess of sixty (60) hours will be required to meet with their Department Head or City Administrator to schedule the use of Compensatory Time off.

b) EXEMPT (NON-OVERTIME ELIGIBLE) EMPLOYEES

Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their supervisors which is anticipated to be 40 or more hours per week. Exempt employees are not eligible for overtime or compensatory time for the hours worked over 40 in one workweek.

In keeping with the City of Howard Lake’s commitment to comply with the Fair Labor Standards Act (FLSA) the City will pay exempt employees their full salary for any workweek in which they perform work, regardless of the number of days or hours worked, subject only to deductions that are permitted by law. Full-day deductions from pay that are permitted by law include, but are not limited to, use of intermittent leave under the Family and Medical Leave Act, deductions for infractions of written policy, and first and last weeks of employment.

V. PUBLIC WORKS ON-CALL

All non-exempt public works employees are expected to take a rotating weeklong on-call shift that runs Friday-Thursday. The on-call is compensation for an employee who must remain available to be called back to work on short notice if an emergency arises. In addition to remaining available to respond to emergencies, the on-call shift also includes regular duties that must be completed every weekend day and

holiday. These duties include opening City facilities including park bathrooms and the compost site, completing daily record logs and maintenance at the Water Plant, checking lift stations, etc.

Employees will be compensated for the week they are on call in an amount determined by the City Council. If employees are called in for an emergency (excluding regular weekend and holiday duties) they will be compensated according to the Call Back Pay Policy (see below).

VI. CALL BACK PAY

Public Works employees called back to work following the completion of the regular working day or their weekend/holiday on-call duties, or on a scheduled day off will receive a minimum of one hour pay at the overtime rate. Call backs must be approved by the employee's supervisor. Call back pay is intended to compensate employees for emergencies and unforeseen circumstances. Reporting early for a shift, shift extensions or schedule changes do not qualify for call back pay.

VII. CELL PHONE ALLOWANCE

Some employee's job duties include the frequent need for a cell phone. These employees may choose a city issued cell phone or they may opt to use their personal cell phone and receive a monthly cell phone allowance in an amount determined by the City Council. No further reimbursement for cell phone costs is available to employees who receive such an allowance.

a) ELIGIBILITY

Employees eligible for a cell phone allowance generally include department heads, supervisors, and full-time employees whose job duties regularly require emergency call back, irregular work hours or other job related factors that require the employee to routinely utilize a cell phone to enhance their ability to perform their job duties. The City Administrator shall determine which positions are eligible for cell phone allowances.

b) EMPLOYEE RESPONSIBILITIES

The employee must retain an active cell phone contract as long as a cell phone allowance is in place. The employee must provide their department head with their current cell phone number and immediately notify their department head if the number changes. Employees receiving a cell phone allowance are expected to carry the cell phone on their person both on and off duty and respond when called for city business.

Because the employee owns the cell phone personally, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes, as needed. Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the cell phone allowance.

VIII. VEHICLE ALLOWANCE

Designated employees may receive a monthly vehicle allowance to cover vehicle expenses related to travel in their personal vehicle in an amount determined by the City Council. No further reimbursement for vehicle use or mileage is available to employees who receive such an allowance.

a) ELIGIBILITY

The City Administrator shall determine which positions are eligible for vehicle allowances.

c) EMPLOYEE RESPONSIBILITIES

All employees driving a personal vehicle on City business must maintain a valid driver's license or be driven by a licensed driver and maintain current registration for the vehicle.

SECTION: 5 BENEFITS

I. OVERVIEW

The information in this section is intended to provide employees with a general overview of the City of Howard Lake's benefits. Some benefit programs require contributions from employees. The benefits identified in this policy are subject to change at any time.

II. ELIGIBILITY AND ENROLLMENT

Benefits eligibility is dependent upon a variety of factors. Regular full-time employees are eligible for the City's benefit program while other state and federal programs, all employees are eligible for.

III. MEDICAL, DENTAL, AND LIFE INSURANCE

The City offers medical, dental, and life insurance to benefit eligible employees. The carrier, type of health, dental or life insurance policy, and any contributions made towards individual Health Savings Accounts is determined by the City Council. Premium coverage amounts are detailed below.

a) ELIGIBILITY AND ENROLLMENT

Employees deemed eligible for health insurance may enroll upon hire date. To ensure minimum pool diversification and size and general legal compliance with the Affordable Care Act, the city requires all employees to be covered by a council adopted plan. Employees reserve the right to waive family coverage.

b) MEDICAL AND DENTAL INSURANCE

PREMIUMS

The City Council will set employer contributions and establish policies and procedures surrounding coverage as needed.

HSA PLAN CONTRIBUTIONS

Employees that select the HSA plan will receive a contribution from the City per pay period towards their HSA account in the amount determined by the City Council.

IV. COBRA

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility.

Some common qualifying events include: resignation, termination of employment, death of an employee, a reduction in an employee’s hours resulting in loss of insurance coverage, a leave of absence, an employee’s divorce or legal separation, dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City’s group rates. City provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage.

V. UNEMPLOYMENT INSURANCE AND WORKERS COMPENSATION

Employees are eligible for unemployment compensation as outlined in M.S. Chapter 268 and workers' compensation as outlined in M.S. Chapter 176. For further information about coverage limits and eligibility, see the City Administrator.

VI. ANNUAL LEAVE/PAID TIME OFF (PTO) AND EARN SAFE & SICK TIME (ESST)

a) ACCRUAL RATES

Regular full-time employees shall receive paid time off hours in accordance with the following schedule:

Years of Service	Accrual Rates	Annual Accrual	PTO-ESST	Maximum Accrual
0-1	5.23 hours per pay period	136 hours	48	204 hours
2 – 4	6.00 hours per pay period	156 hours	48	234 hours
5 – 9	6.92 hours per pay period	180 hours	48	270 hours
10 – 14	8.31 hours per pay period	216 hours	48	324 hours
15 - 19	9.85 hours per pay period	256 hours	48	384 hours
20+	10.77 hours per pay period	280 hours	48	420 hours

b) PTO & ESST

All eligible non-union employees will accrue Paid Time Off (PTO) based on years of service with the City of Howard Lake.

The City of Howard Lake’s PTO program exceeds the requirements of the State of Minnesota’s Earned Sick & Safe Time (ESST) law required under state statute, both in terms of accrual amounts and authorized uses.

The accrual of ESST will vary based on employee classification and is subject to review and modification of the city council.

Full Time, Part Time (Including Fire & EMS) Employees

All employees will receive 48 hours of PTO put into a bank labeled PTO – ESST on January 1 of each year. These hours are part of the employee’s standard accrual and are to be used prior to the use of PTO, Admin Leave, or Compensatory Time. Bi-weekly PTO accruals will be adjusted accordingly to accommodate for the front-loading of 48 hours of PTO-ESST. These hours can be used for any time-off that is allowed under the City’s PTO and ESST policy.

New hires will receive a pro-rated number of hours in the bank based on their start date at a rate of 1 hour for every 30 hours remaining in the calendar work year, capped at 48 hours. Every regular full-time employee shall earn PTO on a per-pay-period basis, as follows, unless otherwise negotiated at the time of hire. The scale for earning PTO is as follows: PTO hours will be accrued to the employees PTO bank on a per-pay-period basis, apart from the 48 hour PTO-ESST bank provided on January 1. Hours worked in excess of 40 per week will not count in any accrual of PTO but will be subject to the City Compensatory Time/Overtime Policy for applicable employees. Unused ESST hours are paid out at the end of the year at the employee's hourly rate.

Annual leave will not accrue during unpaid leaves. Annual leave will accrue on a pay-period basis up to a maximum of one-and-one-half times the employee's maximum annual accrual rate as noted above. Employees can carry over any annual leave that does not exceed the stated cap. No additional accrual will occur above the cap. Changes in the accrual rate of annual leave shall be made effective at the beginning of the payroll period following completion of the specified service requirement.

Part-Time (including police, liquor, general admin and public works)

Employees will accrue one hour of ESST for every 30 hours worked. After 80 hours worked, employee will receive 2.66 hours of ESST. Employees are permitted to accrue up to 48 hours. Employees may carry over unused ESST into the next year. However, at no time can an employee's accrued ESST exceed 80 hours. Severance and/or payout of this benefit is prohibited.

City Council & Other City Committees

Employees will accrue one hour of ESST for every 30 hours worked. After 80 hours worked, employee will receive 2.66 hours of ESST. Employees are permitted to accrue up to 48 hours. Employees may carry over unused ESST into the next year. However, at no time can an employee's accrued ESST exceed 80 hours. Severance and/or payout of this benefit is prohibited.

Seasonal Employees & Reserve Police Officers

Employees will accrue one hour of ESST for every 30 hours worked. After 80 hours worked, employee will receive 2.66 hours of ESST. Employees are permitted to accrue up to 48 hours. Employees may carry over unused ESST into the next year if they return to work within 180 days. However, at no time can an employee's accrued ESST exceed 80 hours. Severance and/or payout of this benefit is prohibited.

c) Use of PTO/PTO-ESST

If the need for PTO/PTO-ESST is foreseeable, the City requires seven days' advance notice. However, if the need is unforeseeable, employees must provide notice of the need for PTO/PTO-ESST as soon as practicable. If the leave is to be for one day or less, permission will be granted without notice if the department head feels that City service will not be adversely affected. Leave scheduling for employees is the responsibility of their supervisor.

PTO & ESST

The City's Paid Time Off (PTO) program exceeds state minimum Earned Sick and Safe Time (ESST) requirements. Employees who qualify for Minnesota Paid Leave may coordinate use of accrued PTO or ESST to supplement MNPL benefits in accordance with state law. Use of accrued leave to supplement MNPL benefits is voluntary and cannot be required by the City.

To ensure clarity and compliance:

- ESST leave may be used for the same reasons as outlined under MNPL, including personal or family illness, medical care, domestic abuse, or school closures.
- PTO continues to serve as the City's primary paid leave program, with accrual rates exceeding statutory minimums.
- Employees may elect to draw from ESST first before using PTO, or combine the two in a manner consistent with MNPL coordination.
- All leave requests must be approved and recorded according to City procedures.

d) EXTENDED ILLNESS BANK

Employees hired prior to 5/20/2019 were hired under sick leave and vacation leave policies. In order to convert those accrued leave balances to paid time off (PTO), remaining sick leave hours were reserved in an individual extended illness bank. The extended illness bank can be used to cover absences requiring an employee to be out of work for more than three (3) consecutive days that would have been covered under the sick leave policy including:

- Employee illness, injury, or disability (including pregnancy)
- Family illness, injury or disability
- medical, dental, or other care provider appointments and procedures for the employee or other family members

Once the extended illness bank is exhausted, employees will use annual leave for all absences covered by the annual leave program. Upon termination of employment, up to 144 hours in the extended illness bank will be paid out at the employee’s current rate of pay, subject to restrictions contained in Section 2, XI (Severance Pay) of this personnel policy.

e) MEDICAL CERTIFICATION

After a medical absence, a physician’s statement may be required on the employee’s first day back at work to indicate the nature of the illness or medical condition and attesting to the employee’s ability to return to work and safely perform the essential functions of the job with or without reasonable accommodation.

Any work restrictions must be stated clearly on the return-to-work form. Employees who have been asked to provide such a statement may not be allowed to return to work until they comply with this provision.

VII. HOLIDAYS

Regular full-time employees receive a total of 10.5 paid holidays per year. All official holidays shall be considered to commence at the beginning of the first shift on the day on which the holiday is observed and continue for 24 hours thereafter. All observed holidays will consist of 8 hours of pay except for the ½ day on Christmas Eve will consist of 4 hours. Employees on an unpaid leave of absence shall not receive paid holidays. City offices are closed in observance of the holidays listed below.

Holiday	Date
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Half Day/Christmas Eve	December 24 th (beginning at noon)
Christmas Day	December 25

If a designated holiday falls on Saturday, it will be observed on the preceding Friday. If a designated holiday falls on Sunday, it will be observed on the following Monday. If Christmas falls on Saturday, both the preceding Thursday (1/2 day) and Friday shall be holidays; if Christmas falls on a Sunday, both the preceding Friday (1/2 day) and the following Monday shall be holidays. If Christmas falls on Monday, the preceding Friday (1/2 day) and Monday itself shall be a holiday.

a) WORKING ON A HOLIDAY

Some positions in the City of Howard Lake may require employees to work on holidays. All employees are expected to work on holidays as required if necessary, to provide municipal services. Employees may only work on a holiday at the direction of their Department Head or City Administrator. Employees who are scheduled work on a holiday and fail to work will not be eligible for holiday pay and may be subject to disciplinary action. Any non-exempt employee working on an official holiday shall receive a rate of pay at time and one-half their regular straight hourly rate for all work performed on the official holiday. Any full-time non-exempt employee working on a holiday shall also receive the corresponding holiday hours as compensatory time or may request the holiday pay to be paid as Holiday Comp Time. Salaried exempt employees who work on holidays will be granted compensatory time for the hours worked on an observed holiday.

VIII. RETIREMENT

a) PERA

The City of Howard Lake is an active member of the Public Employees Retirement Association (PERA), to provide pension benefits for its eligible employees to help plan for a successful and secure retirement. Participation in PERA is mandatory for most employees, and contributions into PERA begin immediately. The city and the employee contribute to PERA each pay period as determined by state law. Most employees are also required to contribute a portion of each paycheck for Social Security and Medicare (the city matches the employee's Social Security and Medicare withholding for many employees). Contact the City Administrator for information about PERA eligibility and contribution requirements.

b) CONTINUING HEALTH INSURANCE

Employees electing early retirement after having attained at least age fifty-five (55) and with at least ten (10) years of service with the City of Howard Lake shall be allowed continuing health coverage, both personal and dependent. Full premium cost will be paid by the employee. Coverage terminates at age sixty-five (65) or the death of the employee whichever occurs first, subject only to COBRA continuation, as applicable. (see COBRA Policy)

IX. FAMILY AND MEDICAL LEAVE

The City of Howard Lake will grant up to 12 weeks of family and medical leave during any 12 month period to eligible employees in compliance with the Family and Medical Leave Act (FMLA).

- a) ELIGIBILITY** – To be eligible for FMLA leave employees must have worked for the City for at least 12 months and for at least 1,250 hours over the previous 12 months.

- b) **EMPLOYEE NOTICE** – The employee is required to provide thirty (30) days advance leave notice when the leave is “foreseeable”. The written request must include the reasons for the leave and the anticipated length of absence.
- c) **ENTITLEMENT - FMLA** provides eligible employees with up to a combined total of 12 weeks, or 26 weeks for leave related to military service, of unpaid family or medical leave during a 12-month period for any of the following reasons:
1. In conjunction with the birth of a son or daughter or placement of a child in the employee’s household by adoption or foster care
 2. To care for the employee’s spouse, son or daughter or parent, who has a serious health condition.
 3. For a serious health condition that makes the employee unable to perform the functions for the employee’s job.
 4. A covered family member’s active duty or call to active duty in the Armed Forces or Reserves.
 5. To care for an injured or ill service member.
- d) **MAXIMUM PERIOD** - The length of family and medical leaves from employment without pay shall be limited to no more than twelve (12) weeks within any twelve-month period measured forward from the date the employee’s family and medical leave begins. The right to take the birth of placement leave expires at the end of the twelve (12) week period following the birth of placement and must be a continuous leave unless the City and employee agree that the leave may be taken intermittently. The Twelve (12) week leave to care for the employee’s child, spouse or parent or because of the employee’s serious health condition may be taken intermittently or on a reduced work schedule when medically necessary. In the event this leave is taken intermittently or on a reduced work schedule and the leave is foreseeable based on planned medical treatment (such as therapy), the City may require the employee to temporarily transfer to an alternative position of equivalent pay and benefits as required by law.
- e) **REINSTATEMENT** - Employees who are granted a family or medical leave will be reinstated to the same position or an equivalent position as the one they held prior to the commencement of their leave.
- e) **EFFECT ON BENEFITS** - The City will continue to maintain its contribution to the City’s health and dental insurance plan during periods of unpaid leave without interruption on the same basis as though the employee was not on leave. The City reserves the right to recover from the employee all contributions to the City’s health insurance plan paid during the unpaid leave period. If the employee fails to return to work because they are unable to perform the functions of their job because of their own serious health condition or because of the continued necessity of caring for a seriously ill family member, the employee may be exempt from the recapture provision.
- g) **SUBSTITUTION OF PAID LEAVE** - If the employee takes leave for the birth or placement of a child, the employee may substitute paid time off for the unpaid leave. If the employee takes leave for their own or a family member’s illness, the employee must use paid time off to substitute for unpaid leave.

- h) **MEDICAL CERTIFICATION** - If an employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the City does require that the request be supported by a medical certification issued by the health care provider of the eligible employee or the family member as appropriate. The City will provide a form for the healthcare provider to complete. The City may also require recertification at reasonable intervals. The City reserves the right to require, at the City's expense, a second opinion from a different health care provider chosen by the City. All medical certifications will be treated as confidential and privileged. In the event the employee fails to provide the requested certification, the employee may be denied the leave until the certification is provided.
- i) **FITNESS FOR DUTY** - The City may require a fitness for duty examination issued by the employee's health care provider to verify the employee's ability to resume work before a return to work is granted.
- j) **ANNIVERSARY DATE** - An employee shall not accrue seniority during unpaid FMLA leave. The employee's anniversary date shall be adjusted for salary and benefit purposes according to the length of the absence.

X. OTHER TYPES OF LEAVE

Any request for leave of absence without pay shall be submitted in writing by the employee to his/her immediate Department Head or the City Administrator. The request shall state the reason the leave of absence is being requested and the approximate length of time off the employee desires. The City Council or City administrator shall approve leaves of absence.

a) PAID ON CALL FIRE/AMBULANCE EXEMPTION

Paid on Call Fire/Ambulance may not meet the specific requirements listed within the City's Personnel Policy for qualifying leave allowances as traditionally classified employees. However, the Howard Lake Fire Department Bylaws specify intended types, durations and regulations for approved leave. Please refer to HLF D Bylaws Section on Leave.

b) PARENTING LEAVE

An employee who works 20 or more hours per week and has been employed at least twelve (12) consecutive months is entitled to take an unpaid leave of absence in connection with the birth or adoption of a child. Parenting leave may not exceed six weeks and must begin not more than six (6) weeks after the birth or adoption of the child.

Employees are not required to use paid time off during parental leave but may use paid time off at their option for any period of this leave.

The Employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage will remain available during the unpaid leave, with the employee being responsible for his/her share of the costs.

c) BEREAVEMENT LEAVE

All full time employee may be allowed up to three consecutive working days off with pay for bereavement leave for the death of an immediate family member such as the employee's spouse.

child, father, mother, father-in-law, mother-in-law, or grandparent. If the employee desires more than three (3) days off, he/she may ask for time without pay.

The number of days taken for bereavement leave in all cases will be at the discretion of the City Administrator and/or Department Head.

d) MILITARY LEAVE

Any employee shall be entitled to a leave of absence, without loss of pay, seniority status, efficiency rating, paid time off, or other benefits for all the time when he or she is engaged with a reserve force of the United States or the State of Minnesota or other component of the military of the United States in training or active service ordered or authorized by proper authority pursuant to law, whether for State or Federal purposes, but not exceeding a total of fifteen (15) working days in any calendar year.

The leave of absence is only in the event the employee returns to employment with the city as required upon being relieved from service, or is prevented from returning by physical or mental disability or other cause not the fault of the employee, or is required by the proper authority to continue in military or naval service beyond the fifteen (15) day paid leave of absence. Employees on extended unpaid military leave will receive fifteen (15) days paid leave of absence in each calendar year, not to exceed five years.

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

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

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

Employees will be granted up to ten (10) working days of unpaid leave whose immediate family member is a member of the United States armed forces who has been injured or killed while engaged in active service. The 10 days may be reduced if an employee elects to use appropriate accrued paid leave.

Unless the leave would unduly disrupt the operations of the city, employees whose immediate family member, as a member of the United States armed forces has been ordered into active service in support of a war or other national emergency, will be granted an unpaid leave of absence, not to exceed one day's duration in any calendar year, to attend a send-off or homecoming ceremony for the mobilized service member.

e) JURY DUTY AND COURT LEAVE

Regular employees shall be granted a paid leave of absence anytime they are required to report for jury duty or to appear before a court, legislative committee, other judicial or quasi-judicial body as a witness in action involving the federal government, State of Minnesota, or a political subdivision

thereof in response to a subpoena or other direction by proper authority service, except that an employee shall not be compensated for appearing at a criminal trial in which the employee is a defendant. Employees shall be paid the difference between any jury duty compensation they receive and their regular wage for each day of jury service. Time spent on jury duty will not be counted as time worked in computing overtime.

Any absence, whether voluntary or in response to a legal order to appear and testify in private litigation to which the employee is a party, not as an employee of the City, but as an individual, shall be taken without pay. Employees may choose to use paid time off or compensatory time and may keep any per diem payments.

f) SCHOOL CONFERENCES AND ACTIVITY LEAVE

Employees who have worked for 12 consecutive months preceding the request and for an average of twenty (20) or more hours per week during that period, may take unpaid leave of up to sixteen (16) hours during any school year, to attend school conferences or classroom activities related to the employee's child, provided the conference or classroom activities cannot be scheduled during non-work hours. When the need for leave during work hours is foreseeable, the employee shall provide reasonable prior notice and make a reasonable effort to schedule the leave to minimize any work disruptions. Employees may choose to use paid time off for this absence but are not required to do so.

g) BONE MARROW DONATION LEAVE

Employees who average twenty (20) or more hours per week may take paid leave, not to exceed (40) hours, and subject to verification, to undergo medical procedures to donate bone marrow.

h) SICK OR INJURED CHILD LEAVE

An employee who works twenty (20) or more hours per week and has been employed at least twelve (12) consecutive months may use paid time off benefits for absences due to an illness or injury of his/her child for such reasonable periods as the employee's attendance with the child may be necessary on the same terms the employee is able to use paid time off benefits for the employee's own illness or injury. Paid time off benefits do not include short or long term disability or other salary continuation benefits.

i) ELECTIONS/VOTING LEAVE

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off without pay for purposes of serving as an election judge, provided that the employee gives the city at least twenty (20) days written notice.

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

j) UNPAID LEAVE OF ABSENCE

In situations not covered by the Family and Medical Leave and other statutory leaves, an unpaid leave of up to six (6) months with a possible extension of up to one (1) year with approval of the City Council. Denial of such a leave request shall not be subject to the grievance process.

Personal leaves may be cancelled by the City Council at any time it is found the employee is using the leave for purposes other than those specified at the time of approval or when the interests of the City, as determined by the City Council, require the employee to return to employment.

1. **REINSTATEMENT AFTER LEAVE**— Except as provided by the Family and Medical Leave, any employee returning from an approved unpaid leave of absence as covered by this section shall be entitled to return to employment in his/her former position or another position with job duties and pay if such a position is available.

2. **LIMITATIONS**— Paid time off will not accumulate during any leave of absence without pay; accrued amounts of paid time off if not used by the employee shall remain on the record at the inception of the leave of absence and shall continue to remain on with the employee and shall be available to the employee upon his/her return. Except under FMLA, if the leave extends for more than thirty one (31) days, health and dental coverage and life insurance premiums must be paid in full by the employee during such leave or the coverage will lapse. For leaves without pay of thirty one (31) days or less, the City will continue its normal premium contributions. Failure on the part of the employee to request and receive authorization for an extension before expiration or to notify the Department Head or City Administrator three (3) working days after the expiration of such leave shall be considered a resignation.

3. **AUTHORIZATION**— Authorization for or disapproval of a leave of absence shall be furnished to the employee in writing by the City Administrator.

SECTION X: OTHER TYPES OF LEAVE (Revised, Effective January 1, 2026)

The City of Howard Lake provides various forms of leave in accordance with state and federal law. Minnesota Paid Leave (MNPL) and Earned Sick and Safe Time (ESST) now cover most medical, family, and safety-related absences. This section identifies additional forms of leave that remain available to employees or are required by law.

A. Bereavement Leave

Employees may be granted up to three (3) consecutive paid working days for bereavement following the death of an immediate family member, including a spouse, child, parent, sibling, grandparent, grandchild, or other relative residing in the same household. Additional unpaid time off may be granted at the discretion of the City Administrator.

B. Military Leave

Employees who are members of the uniformed services are entitled to military leave in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Minnesota Statutes §192.261. Employees shall receive leave without loss of seniority or benefits as provided by law.

C. Jury Duty and Court Leave

Employees will be granted leave with pay when required to serve as a juror or when subpoenaed to

appear in court or other legal proceedings on behalf of the City. Employees must provide notice and documentation of jury summons or subpoena. Any compensation received for jury duty may be retained by the employee.

D. School Conference and Activity Leave

Employees may take up to sixteen (16) hours of unpaid leave during any twelve (12)-month period to attend school conferences or activities related to their child, consistent with Minnesota Statute §181.9412. Employees may choose to use accrued Paid Time Off (PTO) or Earned Sick and Safe Time (ESST) to cover such absences.

E. Bone Marrow and Organ Donation Leave

Employees are entitled to leave for bone marrow or organ donation as required under Minnesota Statute §181.945. Such leave will be granted with no loss of seniority or benefits. Employees may choose to use accrued PTO or ESST to receive pay during this leave.

F. Voting Leave

Employees are allowed paid time off to vote in any state or federal election, without penalty or deduction from pay, as provided by Minnesota Statute §204C.04. Employees should notify their supervisor in advance of the need for such leave.

G. Unpaid Leave of Absence

Employees may request an unpaid leave of absence for personal or family reasons not otherwise covered under the City's leave policies or applicable law. Requests must be submitted in writing to the City Administrator, specifying the reason for the leave and the expected duration. Approval is at the City's discretion and subject to operational needs.

H. Paid On-Call Fire and Ambulance Exemption

Paid On-Call Firefighters and Ambulance/EMS personnel are subject to the Howard Lake Fire Department Bylaws and applicable departmental policies regarding leave eligibility and duration. These provisions supplement, and do not replace, the City's general leave policies.

Note: Parenting leave, sick or injured child leave, and other family medical absences previously outlined in this section are now covered under the City's Paid Time Off (PTO), Earned Sick and Safe Time (ESST), and Minnesota Paid Leave (MNPL) provisions.

XI. Minnesota Paid Leave (MNPL)

Overview

Beginning January 1, 2026, the City of Howard Lake will participate in the State of Minnesota's Paid Leave Program as established under Minn. Stat. §§268B.01–268B.29. The program provides paid time off benefits to eligible employees for qualifying family and medical leave events. Premium contributions will be paid in full by the City to the State of Minnesota.

Eligibility

Employees are eligible for Minnesota Paid Leave benefits as determined by the Minnesota Department of Employment and Economic Development (DEED) and its contracted administrator. Generally, eligibility requires the employee to:

- Perform at least fifty percent (50%) of work duties in Minnesota, including remote work; and

- Meet the state's minimum earnings threshold during the base period (approximately \$3,900 in wages).

Leave Entitlements

- Medical Leave: Up to twelve (12) weeks to care for the employee's own serious health condition, including pregnancy, childbirth, recovery, or surgery.
- Family Leave: Up to twelve (12) weeks to care for a family member with a serious health condition, bond with a new child, support a military family member, or address domestic abuse, sexual assault, or stalking.
- A maximum of twenty (20) weeks may be used in a single benefit year.

Intermittent Leave

Employees may request intermittent leave when medically appropriate. Intermittent leave must be taken in increments consistent with DEED rules, generally one (1) calendar day or more, unless otherwise permitted by the City.

Notice and Application

Employees must notify their supervisor or the City Administrator of the intent to apply for Minnesota Paid Leave as soon as practicable, and not less than two (2) weeks in advance if foreseeable. Employees must also apply directly through the State's claims administrator for benefits.

Coordination with Other Leave

Minnesota Paid Leave runs concurrently with Family and Medical Leave Act (FMLA) and Minnesota Parental Leave when applicable. Employees may elect to use accrued Paid Time Off (PTO) or Earned Sick and Safe Time (ESST) to supplement MNPL benefits, provided total compensation does not exceed the employee's regular wage. Use of accrued leave to supplement MNPL benefits is voluntary and cannot be required by the City.

Health Insurance and Benefits Continuation

The City will continue group health insurance coverage during any approved MNPL leave under the same terms as if the employee were actively working, provided the employee continues to pay their share of the premium. Coverage will lapse if the employee's premium payment is more than thirty (30) days late. Written notice will be provided at least fifteen (15) days prior to termination of coverage. Coverage will be reinstated upon the employee's return to work.

Reinstatement and Job Protection

Upon returning from MNPL, an employee will be reinstated to the same or an equivalent position with equivalent pay, benefits, and seniority. The City will engage in an interactive process if the employee is unable to perform essential job duties due to a medical condition, consistent with the Americans with Disabilities Act (ADA) and Minnesota Human Rights Act (MHRA).

Non-Retaliation

The City of Howard Lake will not discharge, discipline, interfere with, or otherwise retaliate against any employee for requesting, applying for, or taking leave under Minnesota Paid Leave.

XIII. REASONABLE ACCOMODATIONS

The City of Howard Lake will provide an equal opportunity for disabled persons in their employment with the City as well as provide a bias-free environment for disabled employees, or for disabled persons who seek employment with the City.

The City, upon the employee's request, will engage in an interactive process to determine if a reasonable accommodation can be provided in compliance with the Americans With Disabilities Act (ADA) and the Minnesota Human Rights Act unless such accommodations impose an undue hardship on the city. Potential accommodations will be determined on a case-by-case basis utilizing information such as the employee's job description, a medical examination, review of medical information, or a medical certification that is job-related and consistent with the City's legitimate needs and interests.

SECTION 6: EMPLOYEE DEVELOPMENT

I. TRAINING

The City of Howard Lake is committed to the training of its personnel on a continued basis. This includes both on the job training, classroom study, seminars, conferences, and workshops. Department Heads will be responsible for determining appropriate training of employees for the purpose of improving the quality of services rendered to the City and to assist employees to prepare themselves for advancement.

Conferences, workshops, and training sessions must be job related and used to develop the information and skills of City staff and may be attended upon approval of the Department Head and/or City Administrator. Any cost incurred for an educational course directed by the City shall be reimbursed in total to the employee.

II. PERFORMANCE APPRAISALS

The City performance appraisal system is a tool designed to provide the employee and City with a means to identify strengths, correct deficiencies and thereby improve performance. The performance appraisal system will be primarily based on the employee's position description.

a) PROCEDURE

1. Performance reviews are to be scheduled on a regular basis, at least annually, and as needed following a probationary period or performance improvement plan. The form, with all required signatures, will be retained as part of the employee's personnel file.
2. Immediate supervisors may conduct employee evaluations. They will hold individual, personal conferences with the employees they evaluate to discuss the performance review.
3. Evaluations will address job strengths, progress, needed improvements and goals for the next evaluation period. Performance standards will be specific, measurable, related to quality, quantity, timeliness of work and other criteria identified by the employee's supervisor or department head.
4. The Department Head and/or City Administrator and the employee must sign and date the performance review before filing it in the Personnel file. If the employee refuses to sign his/her review, the Department Head will sign for the employee stating the employee's refusal to sign.
5. During the probationary period supervisors will monitor employee's performance. Probationary employees, including newly hired, promoted, transferred, demoted, and reclassified or reinstated employees, will normally receive a written evaluation prior to completing the probationary period. A written notice is sent to the employee if their performance is unsatisfactory. A timeline to correct the problem will be established. If the employee does not show satisfactory improvement, dismissal will follow.
6. The City may choose to provide a written evaluation at any time it determines that it is in the best interest of the City or the employee. The City may choose to place employees who have previously had performance difficulties or deficiencies on a performance improvement plan, which includes periodic performance appraisals within the period of the performance improvement plan.
7. Employees will receive a copy of the performance appraisal if requested.

SECTION 7: CITY POLICIES

I. ETHICAL CONDUCT

The City of Howard Lake employees become representatives of the city and are responsible for assisting and serving the citizens for whom they work. An employee's primary responsibility is to serve the residents of Howard Lake. Employees should exhibit conduct that is ethical, professional, responsive, and of standards becoming of a city employee. To achieve this goal, employees must adhere to established policies, rules, and procedures and follow the instructions of their supervisors. Each of the following policies gives further guidance on the expectations of City employees.

Misconduct generally can fall into two categories: behavior that adversely impacts the employee's ability to perform job duties with the trust of the organization and/or public; and behavior that adversely impacts the City's reputation and diminishes the trust of the public.

II. CONFLICT OF INTEREST

Employees shall notify the City Administrator before engaging in any outside employment, activity, or enterprise so the City Administrator and/or the City Attorney may determine if a conflict of interest exists between said employment, activity, or enterprise and the employee's primary employment with the City.

In determining whether such outside employment or activities for private gain constitute a conflict of interest with public duties or are inconsistent or incompatible with public employment, the following shall be considered:

- a) Outside employment must not interfere with a full-time employee's availability during the city's regular hours of operation or with a part-time employee's regular work schedule.
- b) Outside employment must not interfere with the employee's ability to fulfill the essential requirements of his/her position.
- c) The employee must not use city equipment, resources or staff in the course of the outside employment.
- d) The employee must not violate any city personnel policies as a result of outside employment.
- e) The employee uses information not generally available to the public in the employee's private affairs, which allows him or her to directly or indirectly gain something of value.
- f) If an employee's personal relationships may have inappropriate influence on business decisions.
- g) The employee must not receive compensation from another individual or employer for services performed during hours for which he/she is also being compensated by the city. Work performed for others while on approved paid time off or compensatory time is not a violation of policy unless that work creates the appearance of a conflict of interest.
- h) Excessive entertainment or other similar activities with City employees from any outside concern, which does or is seeking to do business with the City, may be concern of conflict of interest.

- i) All confidential information performed by employees shall be treated on that basis and shall not be disclosed except for the extent necessary for the protection or interest of the City.
- f) The City Council, in its discretion, will be the final arbitrator of whether a conflict of interest exist. The City expects each of its employees, whether or not involved in other activities or places or employment, to continually and successfully meet the performance and other work expectations of his/her position.

III. HARASSMENT PREVENTION AND RESPECTFUL WORKPLACE

The City strives to maintain a working environment free from offensive or degrading remarks or conduct. Offensive behavior can include but is not limited to: inappropriate remarks about someone's physical characteristics, age, gender, personal activities, race, national origin, or religion. Offensive behavior may also involve requests to engage in illegal, immoral, or unethical conduct, or it could include inappropriate physical contact or physical injury to another person.

It is the policy of the City of Howard Lake to ensure that the workplace and City facilities are free of any form of sexual harassment and discrimination. Such harassment is a violation of the Minnesota Human Rights Act and Title VII of the Civil Rights Act of 1964.

Sexual harassment of or by City employees is strictly prohibited and will not be tolerated. It is the City's policy that all employees are responsible for assuring that the workplace and facilities are free from sexual harassment and discrimination. Engaging in any sexual harassment or discrimination will be considered just cause for disciplinary action up to and including termination. The City of Howard Lake recognizes the continued need to educate its employees and elected/appointed officials on the subject of sexual harassment and discrimination.

a) **TYPES OF DISRESPECTFUL BEHAVIOR**

The following behaviors are unacceptable and therefore prohibited, even if not unlawful in and of themselves:

1. **Violent behavior:** includes the use of physical force, harassment, bullying or intimidation.
2. **Discriminatory behavior:** includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, pregnancy, gender-biased statements, such as stereotypes about women or men, marital status, age, sexual orientation, gender identity, or gender expression, familial status, or status with regard to public assistance.
3. **Offensive behavior:** may include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disparaging language, or any other behavior regarded as offensive to a reasonable person based upon violent or discriminatory behavior as listed above. It is not possible to anticipate in this policy every example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and supervisor what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction.

If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from their supervisor or the city administrator.

4. **Sexual harassment:** can consist of a wide range of unwanted and unwelcome sexually directed behavior such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or
 - Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment includes, but is not limited to, the following:

- Unwelcome or unwanted sexual advances. This means stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by another individual.
- Verbal or written abuse, kidding, or comments that are sexually oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos or actions that offend others. The harassment policy applies to social media posts, tweets, etc., that are about or may be seen by employees, customers, persons with whom the offending employee has worked with in their capacity as a City employee, etc.
- Requests or demands for sexual favors. This includes subtle or obvious expectations, pressures, or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job.

b) COMPLAINTS

Any employee or member who believes he or she is being subjected to (or if they see or overhear) disrespectful workplace behavior prohibited by this policy, are encouraged to respond to the situation in one of the ways below. If an immediate threat to our safety or the safety of others may exist, contact law enforcement. Contact your supervisor as soon as possible.

Step 1 (a) - If you feel comfortable doing so, immediately demand that the offender(s) stop no matter who the offender is or what position(s) of authority they have.

Step 1 (b) – If you fear adverse consequences or if the matter is not resolved, report the incident or behavior to your supervisor or the City Administrator. Any supervisor who receives an offensive complaint, or who has reason to believe this type of behavior is occurring, is responsible for reporting these concerns to the City Administrator. If the complaint involves an individual in the employee's direct line of command, then the employee may go to another supervisor with the complaint.

Step 1 (c) - If you feel that reporting offensive behavior to the City Administrator is either ineffective or impossible, or if they are the cause of the offensive behavior, report the situation to the Assistant City Administrator and/or Chief of Police. You

have the right and responsibility to inform a member of the management staff about any problem so appropriate action can be taken.

- Step 2 –** The employee or member making the complaint will be asked to document the nature of the complaint relating to the offensive conduct or communication in writing. The complaint will be reported to the City Administrator to determine whether an investigation is warranted.
- Step 3 –** If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. Typically, the investigator will obtain the following description of the incident, including date, time and place:
- Corroborating evidence.
 - A list of witnesses.
 - Identification of the offender.
- Step 4 -** In most cases, as soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations, and the alleged violator will have the opportunity to answer questions and respond to the allegations. The City will follow any other applicable policies or laws in the investigatory process.
- Step 5 -** After adequate investigation and consultation with the appropriate personnel, a decision will be made regarding whether or not disciplinary action will be taken.
- Step 6 -** The alleged violator and complainant will be advised of the findings and conclusions as soon as practicable and to the extent permitted by the Minnesota Government Data Practices Act.

c) CONFIDENTIALITY

A person reporting or witnessing a violation of this policy cannot be guaranteed anonymity. The person's name and statements may have to be provided to the alleged offender. All complaints and investigative materials will be contained in a file separate from the involved employees' personnel files. If disciplinary action does result from the investigation, the results of the disciplinary action will then become a part of the employee(s) personnel file(s).

d) PENALTIES

Violations, substantiated through a proper investigation, of this policy may result in discipline, up to and including termination, depending on the severity of the offense and circumstances involved. Discipline will be determined on a case-by-case basis, after a review of the information.

Retaliation against any person who complains, reports or participates in an investigation of harassment or other misconduct is strictly prohibited and may result in discipline up to and including termination.

IV. COMMUNICATION (OPEN-DOOR) POLICY

The City is interested in maintaining a workplace that fosters open communication and encourages productive dialogue between employees, their supervisors and their co-workers. An employee's immediate supervisor, the Department Head, the City Administrator, and the City Council all represent important channels of communication. Employees are able to utilize all of these levels to make suggestions, provide work-related input, and express concerns. When voicing a concern, it is expected that an employee will initially contact his/her supervisor and after that, the City Administrator. The Mayor and City Council are available when appropriate, particularly to ensure that workplace concerns are, as much as possible, responded to in a manner that is mutually satisfactory to employees and the City.

V. POLITICAL ACTIVITY OF EMPLOYEES

Absent a conflict of interest, employees are permitted to engage in political activity and hold elected office. The limitations on the exercise of this right are statutory. Specific prohibitions include the following:

- a) No person shall in any manner during hours of employment use their authority or official influence to compel any employee to apply for membership in or become a member of a political organization; to pay or promise to pay a political contribution; or to take part in any political activity.

Any officer or employee who violates these provisions and is found guilty of a violation under Minnesota Statute Section 211B.09 shall be automatically terminated.

- b) No person covered by the rules shall, during their hours of employment, participate in any manner in soliciting, receiving, or paying any assessment, subscription, or contribution for any candidate, party or political purpose. Any person violating this rule will be dealt with under the City of Howard Lake's discipline process.
- c) No officer or employee whose principal employment is in connection with an activity financed in whole or in part by loans or grants made by the United States or a Federal agency, shall:
 1. use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office
 2. directly or indirectly coerce, attempt to coerce, command, or advise a State or Local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or
 3. be a candidate for partisan elective office if restricted by the Federal Hatch Act (5 USC Sections 1501-1508). (Generally, this restriction applies only to individuals who are not holding elective office or are not a duly elected head of an executive department of a municipality and are not classified under a State or Municipal merit system). Specific questions on Political Activity should be addressed to the City Attorney.
- d) An employee must notify the City Administrator and his or her Department Head upon filing for elective office. The Department Head and City Administrator will determine whether the candidacy creates a conflict of interest or the appearance of a conflict of interest. In the event of a conflict of interest, the employee must take an unpaid personal leave of absence or resign from

City employment. The leave of absence will continue until the conflict of interest or appearance of conflict of interest is no longer present.

- e) An employee who is not successful in the bid for public office will not be deemed to have a conflict of interest following the results of election or the formal end to the candidacy. In the event that an employee is elected to a position, the City Council will determine whether a conflict of interest exists with the elected position and continued employment with the City. In the event the City Council determines that there is a conflict, the leave of absence will continue until the employee no longer occupies the elected position or the City Council subsequently determines that there is no conflict of interest, unless this provision is preempted by State law.
- f) An employee may request a leave of absence upon becoming a candidate, or during the course of candidacy, for any elected public office.

VI. TRAVEL POLICY

The City of Howard Lake recognizes that its employees and elected officials may at times receive value from traveling within or out of the state for workshops, conferences, events and other assignments. This policy sets forth the conditions under which travel expenses will be reimbursed by the City.

All travel requests must be approved in advance by the department head and City Administrator. For travel lasting more than one day a Travel Request Form should be completed. The form should be a complete listing of the total expense for the trip, including expenses paid directly by the city for transportation, lodging, and registration/conference fees. The form must be completed and approved by the city administrator prior to booking.

a) TRAVEL AND MEAL ALLOWANCE

If employees are required to travel outside of the area in performance of their duties as a city employee, they will receive reimbursement of expenses for meals, lodging and necessary expenses incurred. Department heads may use their best judgement for eligibility to attend, and pre-payment vs reimbursement for expenses.

The city will not reimburse employees for the following expenses:

- meals connected with training or meetings within city limits, unless the training or meeting is held as a breakfast, lunch or dinner meeting,
- alcoholic beverages
- attendance at events sponsored by or affiliated with political parties
- costs associated with the attendance of a family member
- recreational expenses.

Airfare will be reimbursed at the coach rate. Employees who find it necessary to use their private automobiles for city travel and who do not receive a car allowance will be reimbursed at the IRS mileage rate. Mileage will be recorded beginning and ending the trip at the City Hall. If the actual departure point is other than the City Hall, mileage will be reimbursed from the departure point or City Hall, whichever is less of a distance. It is expected that trips for the same place will be pooled whenever possible.

Expenses for meals, including sales tax and gratuity, will be reimbursed according to this policy. No reimbursement will be made for alcoholic beverages. Requests for reimbursement under this provision shall include an itemized receipt.

Receipts are required for lodging, airfare, transportation, and meals and should accompany an expense report form.

VII. CITY VEHICLE DRIVING

City-owned vehicles are to be used only for City business. Only City employees, officials and committee members may drive City vehicles, and all drivers must comply with the following guidelines:

a) REQUIREMENTS

The City expects all employees who are required to drive as part of their job to drive safely and legally while on city business and to maintain a good driving record. All drivers should comply with the following requirements:

1. All drivers must be City employees.
2. All drivers must be properly licensed.
3. All drivers must record driver's license information with the City Administrator.
4. Persons other than City employees are allowed as passengers only when it is necessary for conducting City business.
5. All drivers must obey local and state motor vehicle laws when operating a vehicle. This includes department level policies and methods deemed necessary for the safe delivery of services and incident response.

b) DRIVERS LICENSE COMPLIANCE

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

c) ACCIDENTS

When a City vehicle is involved in an accident, the following procedure will be followed:

1. Check for injury and possible hazardous conditions.
2. Call law enforcement and appropriate emergency help.
3. Remain at the scene of the accident until released by authorities.

4. Get a copy of “Minnesota Accident Report” from the law enforcement officer in charge.
5. Inform your Department Head or City Administrator of accident details immediately upon being released from the accident scene.
6. An accident report must be filed with the City Administrator’s office immediately if possible and in no case more than forty-eight (48) hours from the time of the accident.

d) TRAFFIC VIOLATIONS

When a City vehicle is involved in traffic violations, the following procedure will be followed:

1. Traffic violations, including parking violations shall be the sole responsibility of the employee involved.
2. The City Administrator must be notified of all violations.
3. The employee must show documentation of the paid ticket.

VIII. EMPLOYEE SAFETY

The City of Howard Lake recognizes its responsibility to provide a workplace in which safety is promoted and hazards are removed, prevented or minimized. Employees are responsible for observing all safety rules and procedures. Some departments may have additional safety rules and procedures specific to their operation in a separate document.

a) TRAINING REQUIREMENTS

Any employee routinely exposed to hazardous substances or harmful physical agents as defined in the Minnesota Employee Right to Know Act of 1983 (Laws 1983, Minn. Stat. 182.65- 182.675) shall be trained before being assigned or reassigned work exposing the employee to such substances or agents and shall be given training annually thereafter. Training shall include an explanation of how and where information about hazards is stored in the workplace, how the hazards are labeled, and where to obtain specific information. The City Administrator, shall provide for such training and for the City’s compliance with the Employee Right-to-Know Act, the Workplace Accident and Injury Reduction Act, and other state and federal OSHA-related requirements including: the establishment of a written program, the identification of all hazardous substances, the acquisition and maintenance of Material Safety Data Sheets, and the monitoring of containers for proper labels.

An employee acting in good faith has the right to refuse to work under conditions, which the employee reasonably believes present, an imminent danger of death or serious physical harm to the employee.

b) SAFETY EQUIPMENT

Where safety equipment is required by federal, state, or local rules and regulations, it is a condition of employment that such equipment be worn by the employee. If an employee fails to use the proper safety equipment or devices, department heads will report violation to the City Administrator.

c) REPORTING ACCIDENTS AND ILLNESSES

Both Minnesota workers' compensation laws and the state and federal Occupational Safety and Health Acts require that all on the job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to his/her supervisor. The employee's immediate supervisor is required to complete a First Report of Injury and any other forms that may be necessary related to an injury or illness on the job.

IX. DRUG FREE WORKPLACE

The City of Howard Lake recognizes that alcoholism and other drug dependencies are a significant problem that has the potential to cause severe effects in the workplace. In an effort to continue to maintain a drug-free workplace the City adopts the following policy:

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the City's intent to provide a drug-free, safe and secure work environment.

The unlawful manufacture, distribution, possession, or use of a controlled substance on City property or while conducting City business is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

The City recognizes drug dependency as an illness and a major health problem. The City also recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use their health insurance plans, as appropriate.

Employees must, as a condition of employment, abide by the terms of the above policy and must report any conviction under a criminal drug statute for violations occurring on or off the work premises while conducting City business. A report of the conviction must be made within five days after the conviction as required by the Drug-Free Workplace Act of 1988.

X. DRUG & ALCOHOL TESTING

The abuse of drugs and alcohol is a nationwide problem, which affects persons of every age, race and gender. The City of Howard Lake recognizes that work performance and safety problems are created when employees use or abuse illegal drugs and/or alcohol. The City will provide a safe workplace for its employees and maintain a drug and alcohol-free workplace. The City has established the following policy on drugs and alcohol with drug and alcohol testing provisions mandated by the Omnibus Transportation Employee Testing Act of 1991.

a) DEFINITIONS

- a. Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
- b. Confirmation (or confirmatory) test - In drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. (Gas chromatography) mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine). In alcohol testing, a second test, following a

screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.

- c. Drug - any substance (other than alcohol) that is a controlled substance as defined in Minnesota Statutes Section 152.01 Subd. 4.
- d. Random selection - a mechanism for selection of employees for testing where each employee has an equal chance of being tested each time selections are made.
- e. Reasonable suspicion - the Employer believes the appearance, behavior, speech, or body odors of an employee are indicative of the use of a controlled substance or alcohol based on the observation of at least one (1) Department Head or official who has received training in the identification of behaviors indicative of drug and alcohol use.
- f. Substance Abuse Professional (SAP) - means a licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of the clinical experience in the diagnosis and treatment of alcohol and controlled substance–related disorders.
- g. Removed from duty - employee is relieved from working in a safety sensitive function and all responsibility for performing safety sensitive work.

b) APPLICABILITY

The City may request or require alcohol and/or drug testing of the following individuals and under the following circumstances:

1. Job applicants for positions which require a pre-employment physical, including volunteer firefighters, and applicants for positions which require contact with City vehicles. Testing will not be required or requested unless a job offer has been made to the applicant.
2. The City may test persons in safety-sensitive positions on a random selection basis.
3. Employees who violate provisions of this Policy or the Drug Free Workplace Policy.
4. Employees whom a supervisor has reasonable suspicion to believe are under the influence of drugs or alcohol during employment.
5. Employees who have sustained a personal injury, as that term is defined in Minnesota Statutes Section 176.011, Subd. 16, or have caused another employee to sustain a personal injury.
6. Employees who have caused a work-related accident or who were operating or helping to operate machinery, equipment, or vehicles involved in such a work-related accident.
7. The City may request or require an employee to undergo drug and alcohol testing if the employee has been referred by the City for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo drug and alcohol testing

without prior notice during the evaluation or treatment period and for a period of up to two (2) years following completion of any prescribed chemical dependency treatment program.

8. **Return – To – Duty Testing.** An employee found to have violated this policy should not return to work until after undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a verified negative result for controlled substances.

c) TESTING PROCEDURE

1. **Notification Form.** Before requesting an employee or job applicant to undergo drug or alcohol testing, the employer shall provide the individual with a form on which to acknowledge that they have seen a copy of the City’s drug and alcohol testing policy and indicate consent to undergo the drug and alcohol testing. Employees in safety-sensitive positions are subject to a random selection drug and alcohol testing and will sign consent to participate in this program.

If the request is due to reasonable suspicion and consent to testing is provided, the employee must be driven to the designated collection facility.

2. **Test Sample.** All test samples shall be taken at the designated collection facility. Split urine samples will be collected according to FHWA regulation. The collection facility shall be responsible for establishing a reasonable chain of custody procedures. The procedure utilized for collecting samples for testing shall ensure privacy to the extent practicable, considering the need to prevent tampering with the sample.
3. **Laboratory.** The City will use a testing laboratory for drug and/or alcohol testing which is licensed by the Commissioner. The testing laboratory shall use methods of analysis and procedures to ensure reliable drug and alcohol testing results, including standards for initial screening tests and confirmatory tests. The designated testing laboratory will automatically perform a confirmatory test on all samples which test positive. No adverse personnel action will be taken on an initial screening test that has not been verified by a confirmatory test.
4. **Test Report.** Within three business days of the City’s receipt of the results, the City will notify the employee/job applicant of the result of the alcohol and drug test and of the individual’s rights as specified in this policy and Minnesota Statutes Section 181.953, Subd. 10 or 11.

d) REFUSAL TO UNDERGO TESTING

Refusal to submit to an alcohol or controlled substance test means that an employee or job applicant fails to consent to undergo testing, fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, fails to provide adequate urine for controlled substances testing without valid medical explanation after he or she has received notice of the requirement for urine testing; or engages in conduct that clearly obstructs the testing process.

Employees: If an employee refuses to undergo drug or alcohol testing requested or required by the City, no such test shall be given and the employee’s Department Head may recommend to the City Administrator that the employee be disciplined up to an including termination from employment.

Job Applicants: If a job applicant refuses to undergo drug or alcohol testing requested or required by the City, no such test shall be given, and the job applicant shall be deemed to have withdrawn their application for employment.

e) EMPLOYEE/JOB APPLICANT RIGHTS AFTER A TEST

Negative Test Result.

In the event of a negative test result, the employee has the right to request and receive from the City a copy of the test results report.

Positive Test Result.

Within five (5) days after receiving notification of a positive test result, an individual may submit any information to explain the result and request, in writing, a confirmatory retest of the original sample at the employee's or job applicant's own expense. At the same time, the individual may request, in writing, release of the frozen sample if the option was chosen. The individual may request that the designated laboratory perform the confirmatory retest or request transfer of the sample to a state licensed testing laboratory of the individual's choosing.

The City shall comply with the employee's request to retest or transfer the sample within three (3) business days. No adverse personnel action will be taken if the confirmatory retest does not confirm the original test.

An employee or job applicant may request and receive from the City a copy of the drug or alcohol test result report.

f) DISCIPLINE

Any person found to be in violation of this policy is subject to discipline up to and including discharge. Disciplinary actions taken pursuant to this policy are appeal-able pursuant to the procedures established in the Employer's personnel policy and rules or any applicable collective bargaining agreement, but not both.

Nothing in this policy limits or restricts the right of the employer to discipline or discharge an employee for conduct on grounds other than a positive test result in a confirmatory test

Job Applicants:

The City's conditional offer of employment will be withdrawn from any job applicant who refuses to be tested or tests positive for illegal drugs as verified by a confirmatory test.

Employees:

- No Adverse Action without Confirmatory Test. The City will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee based on a positive test result from an initial screening test that has not been verified by a confirmatory test.
- Suspension Pending Test Result. The City may temporarily suspend a tested employee with or without pay, or transfer that employee to another position at the same rate of pay pending the outcome of the requested confirmatory retest, provided the City believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, or the public. The employee will be asked to return home and will be provided appropriate arrangements for return transportation to his or her residence. In accordance with Minn. Stat.

§ 181.953, subd. 10, an employee who has been suspended without pay will be reinstated with back pay if the outcome of the requested confirmatory retest is negative.

- Discharge. The City will not discharge an employee for a first confirmatory positive test unless the following conditions have been met:
 - a) The City has first given the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the City after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency. Participation by the employee in any recommended substance abuse treatment program will be at the employee's own expense or pursuant to the coverage under an employee benefit plan. The employee must use accumulated paid time off, compensatory time and unpaid leave, as needed until the substance abuse professional determines that the employee may return to duty. The certified chemical use counselor or physician trained in the diagnoses and treatment of chemical dependency will determine if the employee has followed the rehabilitation program as prescribed; and
 - b) The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a refusal to test or positive test result on a confirmatory test after completion of the program.

g) DISCLOSURE

Test result reports and other data acquired in the drug or alcohol testing process is private data on individuals pursuant to Chapter 13 of the Minnesota Statutes. The information will not be released to any third party without the written consent of the tested individual except under the following circumstances:

- The information may be used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Chapter 43A or other applicable state or local law, or a judicial proceeding, provided that the information is relevant to the hearing or proceeding.
- The information may be disclosed to a federal agency or other unit of the United States government as required by federal law, regulation, order, or in accordance with compliance requirements of a federal government contract.
- The information may be disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

XI. ALCOHOL/CONTROLLED SUBSTANCE PROHIBITIONS

1. Police/Fire/EMS personnel are prohibited from operating city vehicles if they have consumed any alcohol within 4 hours of an emergency call.
2. Call Back/Call Out/Paid on Call – Employees subject to call backs/call out or are on scheduled paid on call are prohibited from consuming intoxicating beverages or controlled substances that may inhibit performance, response or safe delivery of services.

3. Strict Scrutiny – employees with department policies or driver’s license requirements that provide stricter adherence for conformance are obligated to comply with the most restrictive requirements applicable to such employees.

XII. USE OF TECHNOLOGY

The City provides employees with technology to assist them with their job responsibilities. This policy establishes guidelines for employee use of technology including but not limited to computers, voicemail, e-mail, cell phones, personal recording devices, the internet, and other information systems.

a) ACCESS

All City technology systems are the property of the City of Howard Lake. The City reserves the right to access, retrieve and read any data, messages or files stored on City technology and the right to disclose any data, messages or files without prior consent. The City may restrict access of certain users to various applications and/or the internet. Use of City technology is not private, including use of e-mail and the internet. By using City technology, employees consent to any monitoring of technology that may take place.

b) EMPLOYEE RESPONSIBILITIES

Employee use of technology can be associated with the City and should reflect the professionalism of the City. Use of technology should follow the City’s guidelines regarding conduct as outlined in the City Policies section of this Personnel Policy. This is intended to include the use of both private and city-managed accounts and posting information or materials that may be private, confidential or otherwise sensitive in nature.

Prohibited Behavior. Examples of prohibited behavior include:

- Displaying, printing, or transmitting material that contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, threatening, racially offensive, or otherwise violates the City’s Harassment Prevention and Respectful Workplace Policy.
- Using the City’s technology or allowing someone else to use it for personal profit, commercial product advertisement, or partisan political purposes.
- Posting inappropriate comments or confidential information on social networking sites.
- Using the City’s technology including equipment, software and records for personal use or in a manner inconsistent with the professional, ethical delivery of services.
- Use of cell phones, radios and communication equipment in a manner contrary to state law (e.g. texting/talking while operating a vehicle without hands free technology).

Limit Personal Use. Employees may use technology for personal use provided that it does not interfere with or preempt City business and is done at appropriate times. Personal use of City technology is not private and must comply with all City policies.

Maintain Security. It is extremely important that the City’s information systems are secure. Employees are responsible for:

- Protecting passwords against unauthorized use.
- Not leaving their computer unattended when confidential information is visible.
- Ensuring private and confidential information is appropriately safeguarded.

A violation of this policy can be the cause for discipline. The disciplinary action imposed will be based on the severity of the violation and not necessarily follow the City disciplinary policy stated elsewhere in this policy manual.

POLICY ACKNOWLEDGEMENT

Employee Handbook/Personnel Policy Acknowledgement

I have received a copy of the City of Howard Lake's Personnel Policy as amended October 31, 2023 and understand that it is my responsibility to read and comply with the policies and any revisions. I understand that the purpose of the Personnel Policy is to provide employees with information regarding employment with the City of Howard Lake, and that it is not an employment contract.

Print Name

Signature

Date

UPDATE CONTACT INFORMATION

NAME: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____