



City Council – Meeting Agenda
November 7, 2023 – 5:30 P.M. – Foley City Hall

1. Call the meeting to order.
2. Pledge of Allegiance.
3. Approve the agenda.
4. Consent Agenda:
 - Approve minutes of October 3, 2023.
 - Adopt Resolution #2023-14 Accepting Donations.
 - Accept resignation of full-time police officer Eric Vickstrom.
 - Approve part-time police hiring process.
 - Approve payment of bills.
5. Mayors Comments & Open Form
6. Update on Wastewater Regionalization Project
7. Public Hearing – Fee Schedule
 - Adopt Ordinance #476 -2023 Fee Schedule (Includes new water & sewer rates)
8. Public Hearing – Special Assessments – I/I & Snow/Weeds
 - Adopt Resolution #2023-15 Assess I/I Penalties
 - Adopt Resolution #2023-16 Assess Weeds/Snow Charges
9. TIF Decertification Resolution
 - Adopt Resolution #2023-13 Decertifying TIF District
10. Department Reports:
 - Police Department –Katie McMillin
 - Update on cannabis ordinance.
 - City Attorney – Adam Ripple/Ashley Bukowski
 - City Engineer – Jarod Griffith
 - Update on Highway 23 Project
 - Discuss and Approve 2025 Street & Utility Feasibility (Broadway, 4th, Etc.)
 - Adopt Resolution #2023-17 Ordering Preparation of Report
 - Public Works/Fire – Mark Pappenfus
 - Discuss & approve purchase of SnowWolf Plow for 906 CAT (State Bid).



**City Council – Meeting Agenda
November 7, 2023 – 5:30 P.M. – Foley City Hall**

- Administration – Sarah Brunn
 - Provide final direction on Ordinance #475 Sewer Rates – Winter Use
 - 2024 Budget Update
 - Overview of health insurance renewal.
 - Approve changes to personnel policy.
 - Implementation of Earned Sick & Safe Time – as required by new state law.
 - Changes to employer H.S.A. contributions and safety boots/glasses allowance.
 - Full personnel policy provided – summary of changes also provided.
 - Request permission to apply for county variance for east end welcome sign to be located at Hwy 23 & County Road 66.
 - Discussion/Update on County Building Potential Acquisition
- 11. Old Business
- 12. New Business
- 13. 2nd Mayor’s Comments & Open Forum
- 14. Adjourn

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – October 3, 2023

The Foley City Council held their regular meeting on Oct. 3, 2023, at 5:30 p.m. at Foley City Hall.

Members Present: Mayor Jack Brosh, Councilmembers Jeff Gondeck, Deb Mathiowetz, Gary Swanson, and Brandon Voit.

The pledge of allegiance was recited.

Motion by Swanson, seconded by Gondeck, to approve the agenda.

Motion carried, unanimous.

Motion by Gondeck, seconded by Mathiowetz, to approve the consent agenda:

- Approve minutes of September 5th & 19th, 2023.
- Approve request from CROSS Center to display/sell paintings in City Hall.
- Approve disposal of minor excess/unused city property (bikes, lockers, hoses, etc..)
- Approve payment of bills.

Gondeck asked why Pay Agreement #13 was listed in the bills to be paid.

Sarah Brunn, City Administrator, explained it's typically included because it's part of what the auditors check.

Motion carried, unanimous.

Annual Fire Relief Report

Bryan Moshier gave an overview to the council as the treasurer of the special/retirement fund for the Fire Department. He directed the council to the sheet in their packets. The fund currently stands at \$28,000 and is stable. Questions and discussion followed.

Swanson asked where the department stood regarding retirements. Moshier said that one had already retired. Until he is officially informed on a member's decision to retire there are no disclosures. Brosh asked how many members currently have twenty years of service. Mark Pappenfus, Fire Chief, stated there are two members with twenty years of service.

Moshier stated that the algorithm the fund uses assumes it's already paying out so the funds are covered. He isn't expecting anything too crazy to happen with the markets.

Motion by Swanson, seconded by Gondeck, to approve the Annual Fire Relief report.

Motion carried, unanimous.

Wastewater Regionalization Project Update

Jacob Humburg from Bolton & Menk gave an overview to the council. He recommended approval of Payment Agreement #13 of \$238,047.96 which includes the odor control building, infrastructure at the St. Cloud end, and lift stations for work completed through Sept. 23. Discussion and questions followed.

Gondeck mentioned we've had some standing water on Hwy 25. Humburg said they would look into it. Pappenfus added they had a discussion with Geislinger earlier in the day and they've talked with homeowners. Brosh asked how things are progressing for Dec. 31. Humburg commented on the completion date. Most of the controls components were still on order, but hopefully would arrive by Dec. 31. The transformers for the lift stations were expected to arrive next spring.

Motion by Gondeck, seconded by Swanson, to approve Pay Agreement #13.

Brunn added that staff had received the PSIG reimbursement. Staff also met with St. Cloud to discuss bringing forward revisions to the sewer ordinance as required by the connection. The revisions are in process. The city will need to maintain the same treatment standards as St. Cloud.

Motion carried, unanimous.

Mayor's Communications and Open Forum

Debra Olson, 600 Dewey Street, addressed the council regarding her email. She said the downtown development packet mentioned parking. She stated she believed the city was not in compliance with state law. She said since the council was talking about growth and development that it should focus more on parking regulations (e.g. people parking too close to stop signs).

Linda Freedom, 205 Dale Avenue, addressed the council asking that the city pass ordinance to treat stray cats the same as dogs. Freedom stated that cat owners let their cats outside to roam free and don't take care of them. The cats kill birds, make messes in other people's yards, and are generally very destructive and have become a nuisance. Freedom also expressed her frustration with residents who had their vehicles up on jacks and didn't take care of their yards (e.g. trash and junk in yards).

Department Reports

Police Department

Chief Katie McMillin gave an overview of the stat report for the month of September. Calls were up to 379. Thefts and gas drive offs were up. Domestic violence and assaults were up. She stated that domestic calls were one of the most dangerous calls for officers to respond to. The department had also received many calls about dogs and cats. City ordinances don't regulate cats as much as dogs. There are also a lot of stray cats in town. McMillin also said that miscellaneous calls are also up. Registered sex offender checks are down twice a year. Record checks were also up.

McMillin gave an update on the SRO legislation. The attorney general came out with another opinion that was much better. You have to distinguish between a school rule and the law. If it's a law enforcement matter, then you can use force. Officers are instructed to document everything in their report.

McMillin also gave an update on the county ordinance on cannabis. The public hearing was today. The ordinance passed was not a border-to-border ordinance which means they're leaving it up to the individual cities to adopt what the county has or make a new ordinance. McMillin said she would bring a copy of the county's ordinance to the next meeting. It states that you can't smoke cannabis at county parks, pools, or other public places. If you are fined it is a payable tiered offence. First time \$300.

McMillin reminded the council that Halloween safety program in the schools is coming up. She also reminded the council that Winter Parking Enforcement begins on Nov. 1. No parking on city alley's or streets from 2 a.m. – 6 p.m.

Questions and discussion followed regarding the stray cat problem.

Brunn asked the council to keep in mind that the city does not have an animal control officer. It is difficult for the officers to take animals to the animal shelter in St. Cloud. That's why the city has a contract with the Tri-County Humane Society.

City Engineer

Jarod Griffith gave the council updates on the Hwy 23 project. The pedestrian push button crossing poles were installed. The city and state are also working together with the contractor to get the trail resurfacing resolved. The contractor proposed a micro-pave like a chip seal. The city proposed a one inch overlay. The project completion date was Sept. 30. Questions and discussion followed.

Griffith mentioned there was discussion at the staff level to add a sidewalk to the north side of the roundabout at Penn Street. Pappenfus said it was a good idea, but was not part of the original project. It would need to wait until the Hwy 23 project was complete.

Public Works and Fire Department

Mark Pappenfus gave an overview to the council regarding fall projects for the Public Works. The department has been hydrant flushing and jetting. He also stated that the idea of adding an electronic compost gate would probably take two years. It could be made compatible with the card reader system. Staff is working toward completing the first part. He asked for a motion to approve the bid for the compost gate which is a start to more security at the compost site.

Motion by Voit, seconded by Mathiowetz, to approve the bid for the compost gate.

Motion carried, unanimous.

Pappenfus also presented a bid for a backup generator for the maintenance shop. It would help keep the computers, lights, and heaters running in the winter in case of a power outage. The shop does not currently have a backup generator. It would be placed on the parking lot side next to the siren tower. It would also help run the siren in case of power failure.

Motion by Gondeck, seconded by Mathiowetz, to approve the bid for the purchase of the backup generator for the maintenance shop.

Motion carried, unanimous.

Pappenfus also reminded the council the Fire Department's Open House was this coming Saturday from 11 a.m. to 1 p.m. and invited them to stop by. He also gave an update on the Tahoe vehicle search. There is one in Nebraska that he's waiting on maintenance records from. He planned to talk about it at the department meeting this week. The council had previously authorized a purchase of a vehicle with reimbursement from the fire relief to follow.

Administration

Sarah Brunn gave an overview to the council. Expenditures were up for the pool this year driven by

staff wages. Staff is looking at increases to the fee schedule to help minimize the gap. Staffing costs will most likely not decrease.

Brunn directed the council to the downtown development plan in their packets. There are valuable things in the plan to look at. The city needs to think about our vision and what we want to see in downtown before we make changes and ask what we're willing to do. Discussion and questions followed. Brunn suggested doing another council workshop as staff gets more info.

With the closure of Kent Foods, it would have an impact on the winter sewer rate numbers. The loss of the revenue is not incorporated in the original calculations. Staff is already getting inquiries on the building. Council needs to be aware and consider the impact before passing a winter sewer ordinance. It would need to pass before the end of the year. We don't know how water habits will change if the ordinance is passed.

Discussion and questions followed. Brosh stated a decision would need to be made on the proposed winter sewer ordinance for sure by next month.

Old Business

No old business.

New Business

Mathiowetz stated she spoke to a resident regarding the runoff pond at the storage facility. She expressed concerns that the owner is not taking care of the pond and it could be impacting the neighbors.

Pappenfus stated staff made multiple tours and inspections. The contractor made changes so it would be in compliance. Griffith added that all drainage from the side should stay on the site and go to the pond. When we looked at it everything was flowing as it should. More discussion and questions followed.

Mayor's Comments and Open Forum

No one spoke.

Motion by Gondeck, seconded by Voit, to adjourn.

Motion carried, unanimous.

Meeting adjourned at 6:42 p.m.

Sarah A. Brunn, Administrator
(Minutes By: Sara Judson Brown, Administrative Assistant)

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2023-14

A RESOLUTION ACCEPTING DONATIONS FOR THE FIRE DEPARTMENT

WHEREAS, the City of Foley encourages public donations to help defray the costs of the general public of providing services and improve the quality of life in Foley, and

WHEREAS, Grand Champion Meats, Svihel Vegetable Farm, Harren Homes, SAL Unit #298, Midstate Sales & Service, Murphy Chevrolet, Frandsen Bank & Trust, Falcon National Bank, State Farm Ins. Toni Nadeau Agency, Hardware Hank, and Bernick's have donated funds for the fire department and for the 2023 Fire Prevention Week Fire Department Open House; and

WHEREAS, Minnesota Statutes 465.03 requires that all gifts and donations of real or personal property be accepted only with the adoption of a resolution approved by two-thirds of the members of the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Foley, Benton County, Minnesota, that these donations are hereby accepted for use by the City of Foley.

BE IT FURTHER RESOLVED that the City extends its sincere appreciation to these businesses for their generous donations.

PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota, this 7th day of November 2023.

Jack Brosh, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

From: Vickstrom, Eric
To: Katie McMillin
Cc: Sarah Brunn
Subject: The Letter
Date: Tuesday, October 24, 2023 8:40:01 AM

10/24/2023

Chief Katie McMillin

Please accept this letter as my official Letter of Resignation. My final work day will be December 22nd, 2023.

I would like to assist in the transition of the new SRO.

I appreciate the offer of staying part time but at this time I will have to decline.

If there is anything further I need to do on my part please let me know.

Respectfully
Eric Vickstrom

| Bills List -November 2023 | | | |
|---------------------------|--|--|--|
|---------------------------|--|--|--|

| | | | |
|---------------------------|----------------------------|----|-----------|
| Gross Salaries | Payroll - 10/5/23 | \$ | 35,917.83 |
| EFTPS | Federal Withholding | \$ | 6,194.66 |
| MN Dept of Revenue | State Withholding | \$ | 1,250.56 |
| State Treas. PERA | PERA | \$ | 7,016.66 |
| Nationwide | Deferred Comp | \$ | 1,062.36 |
| Pacific Life Ins | Deferred Comp/Roth IRA | \$ | 80.00 |
| Further | HSA Contribution | \$ | 1,070.00 |
| MN Dept of Human Services | Child Support Garnishments | \$ | 395.38 |

| | | | |
|--------------------------------|----------------------------|----|-----------|
| Gross Salaries | Payroll - 10/19/23 | \$ | 36,344.03 |
| EFTPS | Federal Withholding | \$ | 6,240.69 |
| MN Dept of Revenue | State Withholding | \$ | 1,265.67 |
| State Treas. PERA | PERA | \$ | 7,132.38 |
| Nationwide | Deferred Comp | \$ | 1,062.36 |
| Pacific Life Ins | Deferred Comp/Roth IRA | \$ | 80.00 |
| Further | HSA Contribution | \$ | 1,070.00 |
| Law Enforcement Labor Services | Union Dues | \$ | 202.50 |
| MN Dept of Human Services | Child Support Garnishments | \$ | 395.38 |

| | | | |
|---------------------------|----------------------------|----|-----------|
| Gross Salaries | Payroll - 11/3/23 | \$ | 35,321.30 |
| EFTPS | Federal Withholding | \$ | 6,099.95 |
| MN Dept of Revenue | State Withholding | \$ | 1,224.86 |
| State Treas. PERA | PERA | \$ | 6,863.91 |
| Nationwide | Deferred Comp | \$ | 1,087.36 |
| Pacific Life Ins | Deferred Comp/Roth IRA | \$ | 80.00 |
| Further | HSA Contribution | \$ | 1,120.00 |
| MN Dept of Human Services | Child Support Garnishments | \$ | 395.38 |

Already Paid 11/7/2023

| | | | |
|---------------------|-------------------|----|------------|
| First National Bank | 10/23 CC invoices | \$ | 2,816.22 |
| | | \$ | 161,789.44 |

To Be Paid -11/7/2023

| | | | |
|-------------------------------------|---|----|------------|
| Alex Air Apparatus 2, LLC | FD 19 Sets of Wildland Gear | \$ | 18,560.00 |
| Allspec Services | 10/23 Building Permit Fee's | \$ | 927.60 |
| Arrow Building Supplies | Shop Supplies | \$ | 860.00 |
| Auto Value | Pool/Park/Street Maint | \$ | 2,286.01 |
| Banyon Data Services | Software Support | \$ | 1,775.00 |
| BCA | PD CJDN Access Fee | \$ | 600.00 |
| Bemboom's Fence | Compost - New Fence/Gate | \$ | 13,570.00 |
| Benton County Attorney | Legal Fee's 09/2023 | \$ | 814.00 |
| Benton County Highway Department | 09/23 PD Fuel | \$ | 1,387.18 |
| Benton County News | 10/23 Public Publications | \$ | 91.33 |
| Bolton & Menk | WW Expansion | \$ | 63,292.75 |
| Brindlee Mountain Fire Apparatus | FD Purchase 2017 Chev Tahoe Command Unit | \$ | 38,900.00 |
| Central McGowan | PD Medical Supplies | \$ | 12.25 |
| Cintas | Uniforms | \$ | 348.59 |
| Cloudnet | 10/23 Server Fee | \$ | 10.00 |
| Coborns | Supplies | \$ | 89.95 |
| Core & Main | PW Hydrant | \$ | 4,000.00 |
| Delta Dental | 10/23 Dental Premiums | \$ | 1,187.30 |
| Design Electric | Hwy 23 Signs | \$ | 1,959.94 |
| East Central Energy | Utilities | \$ | 976.26 |
| Electric Motor Service | City Hall Maint - Furnace Belts | \$ | 42.06 |
| Foley Hardware | Shop/Water /Sewer Supplies | \$ | 201.35 |
| Further | 10/23 Employer HSA contributions and Admin Fee | \$ | 380.35 |
| GearGrid | FD Supplies | \$ | 1,414.00 |
| GearGrid Corp | FD Hose Cart | \$ | 1,414.00 |
| Gopher State One Call | 09/23 & 10/23 Email Tickets | \$ | 68.85 |
| Granite Electronic's | FD Bench Repair/2 way Radios | \$ | 159.00 |
| Hawkins | Water Chemicals | \$ | 3,713.57 |
| Health Partners | 10/2023 Insurance Premiums | \$ | 17,029.29 |
| Hook-Fast Specialties, Inc | FD Years of Service Pins | \$ | 239.69 |
| K&K Tire and Auto | Pd 2019 & 2021 Chev Tahoe maint PW 2016 Chev Tires | \$ | 4,929.61 |
| Knife River | Street Maint | \$ | 819.00 |
| Larsen Dirt Works | Screen Compost / YD | \$ | 3,172.00 |
| League of MN Cities | 2023 Adobe License Fee's | \$ | 230.88 |
| Marco | 09/23 Copier Lease | \$ | 271.51 |
| Midco Communications | 10/23 Phone and Internet Service | \$ | 959.32 |
| Midway Iron and Metal | PW Maint | \$ | 52.18 |
| Midwest Playscapes Inc. | Lion's Park Play Structure | \$ | 4,955.78 |
| MN Fire Service Certification Board | Fire Fighters Recertification | \$ | 472.50 |
| MN Pollution Control Agency | Moshier Class D certification | \$ | 45.00 |
| Municipal Emergency Services | FD Supplies | \$ | 149.13 |
| Murphy Chev | PW Vehicle Maint and PD 2021 Squad maint Windshield wiper | \$ | 697.62 |
| North Central DBA RW&B | PD Squad Decals | \$ | 71.00 |
| Nuss Truck & Equipment | FD Vehicle Maint | \$ | 92.99 |
| Quality Flow Systems | Eastview Lift Station | \$ | 250.00 |
| RevTrak, Inc | 09/23 CC fee's | \$ | 1,707.53 |
| Rinke Noonan | Pd Legal & General Legal | \$ | 1,838.50 |
| RMB Environmental Lab | Water Maint | \$ | 615.28 |
| SEH - Short Elliott Hendricks | Pouchtec Sewer, Hwy 23 General | \$ | 2,167.25 |
| Shift Technologies | PW IT, 09/23 Antivirus and Antispam | \$ | 3,885.23 |
| SOS Chamberlain Oil, Co | FD and Street Vehicle Maint | \$ | 812.54 |
| Staples | PD supplies | \$ | 54.98 |
| Streicher's | FD Misc Uniforms | \$ | 79.94 |
| Sun Life Assurance | 10/23 Employee LTD | \$ | 292.84 |
| USABLE Life | 10/23 Life Insurance | \$ | 282.00 |
| USI | Fees for Fire Relief Valuation | \$ | 2,450.00 |
| Verizon | FD,PD,PW 10/23 Cell phone | \$ | 317.99 |
| Victory | Grey Storage Shed | \$ | 396.00 |
| Wex Bank | Fuel - FD, PW | \$ | 2,172.95 |
| Xcel Energy | Utilities | \$ | 5,546.56 |
| Zoll Medical Corporation | FD Supplies | \$ | 253.78 |
| | | \$ | 378,141.65 |

Additional To Be Paid - 11/7/2023

\$ 378,141.65



Real People. Real Solutions.

2040 Highway 12 East
Willmar, MN 56201-5818

Ph: (320) 231-3956
Fax: (320) 231-9710
Bolton-Menk.com

MEMORANDUM

Date: November 3, 2023
To: Honorable Mayor Brosch
Members of the City Council, City of Foley
From: Jared Voge, P.E.
Principal Engineer
Subject: Wastewater Regionalization Improvements
Foley, Minnesota
BMI Project No.: R21.120226

Construction continues with the Wastewater Regionalization Improvements project. The contractor is currently seeding disturbed areas and testing the piping. Work also continues at the Odor Control building and various work areas are being prepared for winter.

As previously discussed with council, material delivery has been a challenge and as a result delayed the project. The following is a summary of the key materials needed to complete the project and the anticipated completion timeline.

Main Lift Station

| | |
|----------------------------------|-------------------------------|
| Control Panel Delivery | Anticipated December 29, 2023 |
| Generator Delivery | Anticipated June/July 2024 |
| Xcel Energy Transformer Delivery | Anticipated April 2024 |
| Lift Station Start – up | Anticipated July 2024 |

Golf Lift Station

| | |
|-------------------------|-------------------------------|
| Control Panel Delivery | Anticipated December 29, 2023 |
| Generator Delivery | Anticipated June/July 2024 |
| Lift Station Start – up | Anticipated July 2024 |

Lange Lift Station

| | |
|-------------------------|-------------------------------|
| Control Panel Delivery | Anticipated December 29, 2023 |
| Power Installed to Site | Anticipated April 2024 |
| Lift Station Start – up | Anticipated July 2024 |

Broadway Lift Station

| | |
|-------------------------|-------------------------------|
| Control Panel Delivery | Anticipated December 29, 2023 |
| Generator Delivery | Anticipated June/July 2024 |
| Lift Station Start – up | Anticipated July 2024 |

Honorable Mayor Brosch
Members of the City Council, City of Foley
November 3, 2023
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Birch Lift Station

Demolition and Sewer Connections Following Broadway Lift Station Start-up

Odor Control Building

Finish Grading/Paving Anticipated June 2024

St. Cloud Connection

Control Panel Delivery Anticipated March 2024

Flow Meter Delivery Anticipated May 2024

SCADA

Control Panel Delivery Anticipated December 29, 2023

Programming Complete Following Lift Station Start-ups

Pending actual delivery dates of the various items mentioned above, the project is expected to be substantially complete September 6, 2024. As additional information becomes available regarding material delivery schedules, we will keep the City Council informed.

If you have any questions on the above, please call.

JAV/kp

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

ORDINANCE NUMBER 476

AN ORDINANCE ADOPTING THE CITY'S
SCHEDULE OF FEES, RATES AND CHARGES

The following is the official summary of Ordinance No. 476 approved by the Foley City Council on November 7, 2023:

The Foley City Council adopted the City's fee schedule with Ordinance No. 476. The fee schedule provides all of various fees, charges, fines and penalties imposed or required by the City's Code and Ordinances, including but not limited to fees and charges for planning and zoning; building permits; fences; demolitions; mechanical installation permits; plumbing permits; excavations; driveways; park shelter rental; pool admissions; sewer and water charges and rates; liquor, beer, tobacco and gambling licenses; animal and dog license fees; garbage hauling; parking; and other such fees.

A complete, printed copy of the Ordinance (Fee Schedule) is available for inspection by any person during regular office hours at the Foley City Hall.

Jack M. Brosh, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

ORDINANCE NUMBER 476

AN ORDINANCE ADOPTING THE CITY'S
SCHEDULE OF RATES, FEES AND CHARGES

The Foley City Council ordains as follows:

SECTION 1. The City adopts the attached fee schedule as the City's official fee schedule.

SECTION 2. The attached fee schedule amends any previous fee schedules adopted by resolution.

SECTION 3. The City Council determines that the text of the summary of this Ordinance, a copy of which is attached, clearly informs the public of this Ordinance's intent and effect. The City Council further determines that publication of the title and such summary will clearly inform the public of this Ordinance's intent and effect.

SECTION 4. A complete, printed copy of the Ordinance will be available for inspection by any person during regular office hours at the City Clerk's Office.

SECTION 5. Four-fifths (4/5) of the City Council's members direct the City Clerk to publish only the title and a summary of this Ordinance.

SECTION 6. This Ordinance will be effective upon its passage and publication.

Passed and adopted by the Foley City Council this 7th day of November, 2023.

Jack M. Brosh, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

City of Foley Schedule of Current Fees, Charges and Rates

(PROPOSED 1-1-24)

| Type | Section | Requirements | Amount |
|---|---|---|--|
| Annexation | 105:00 | Application Filed | \$400 plus actual costs |
| Assessment Search | | Authorized Request | \$10.00 |
| Auctioneers | 530:02 | Per Day | \$5.00 |
| Auction License | 530:25 | Auction License Fee & \$1,000 Bond | Cost determined by City Council and paid at the time application for license or its renewal submitted. |
| Barbed Wire | 1100:02, Subd 10 | Application Fee Public Hearing Required | \$5.00 |
| Beer License | 425:00 | Also See Liquor Licenses | |
| Beer – Off-Sale | 425:08 (B) | Annual Application | \$20.00 |
| Beer – On-Sale | 425:08 (A) | Annual Application | \$60.00 |
| Beer – Temporary | 425:08 (C) | 3 Day Maximum | \$25.00 |
| Bingo | 550:04, Subd 3 | Annual Application & Bond (Taken over by the State) | \$10.00 |
| Building Permit | 605:02 & Ord. 319, Sect 3 | Application Filed | Refer to attached building permit fee schedule |
| Cannabis Licensing Fee | TBD | *Waiting for state guidance | \$500 – Initial \$1,000 – Renewal *or half of OCM fee (whichever is less) |
| Cigarettes | 520:04 | Annual Application | \$150.00 |
| City Council Salary | 110:00 | Mayor Council | \$150.00 per meeting |
| City Office Copies | | | \$0.25 per page |
| Civil Defense Officer | 210:00 | Council Appointed | \$120.00 |
| Conditional Use Permit | Ord. 312, Sect 22 Subd 2, 3 | Application Filed | \$250.00 |
| Council Room Rent | | By Reservation | \$50.00 |
| Certification Fee (for tax collection) | | Per Assessment | \$35.00 |
| Demolition Permit | 605:08 | Application Filed | \$25.00 |
| Dog License | 1120:04 1120:08 | (One-time license fee) Fee Per Dog Duplicate Tag Impound Fee Boarding Fee | \$20.00 \$5.00 \$50.00 plus boarding fee \$25.00 per day |
| Driveway Permit | Ord. 319, Sect 7 Subd 3, 18 | Application Filed | \$50.00 |
| Engineering Fee | | On Permit Application | \$100.00 |
| Excavating Fee | 800:06 & Ord. 319, Sect 9 Subd 1, 4 | Application Filed | Determined by cost of project based on attached building permit fee schedule |

City of Foley
Schedule of Current Fees, Charges and Rates

| Type | Section | Requirements | Amount |
|----------------------------------|-------------------------------|--|---|
| Fence Permit | Ord. 319, Sect 5 Subd 2, 3 | Application Filed | Refer to attached building permit fee schedule |
| Fire Calls | 602:04 | Medical Calls Emergency or Rescue Calls | \$150.00 Billed once to recipient, then to township \$300.00 for 1 st hour or fraction thereof \$250.00 for additional hours or fraction thereof |
| Fire Call Report | | Signed Authorization Form | \$5.00 per report |
| Gambling | 540:00, Subd 1 | Annual Application & Bond (Taken over by the State) | \$100.00 Paddle Wheel \$10.00 Tipboard \$10.00 Raffle \$50.00 Premises Permit |
| Garbage Hauling Contract | 510:06 | Annual Application | \$25.00 |
| Handgun Permit to Carry | | Application Filed | \$10.00 |
| Handicap Parking | 1010:00 | | \$100.00 |
| Health Officer | 215:15 | Council Appointed | \$100.00 |
| I/I Penalty | 310:34 | | \$75.00/month |
| Junk Dealers | 535:02 | Annual Application & \$2,000 Bond | \$100.00 |
| Liquor License | 425:15 | Review, First Time Investigation Fee | \$500.00 |
| 3.2% Malt On-sale | 425:08 (A) | Annual Application | \$60.00 |
| 3.2% Malt Off-sale | 425:08 (B) | Annual Application | \$20.00 |
| Temp 3.2% Malt | 425:08 (C) | 3 Day Maximum | \$50.00 |
| Off-sale Liquor | 425:08 (D) | Annual Application | \$150.00 |
| On-sale Liquor | 425:08 (E) | Annual Application | \$1,750.00 |
| Sunday On-sale | 425:08 (F) | Annual Application | \$150.00 |
| Combo On/Off-sale | 425:08 (G) | Annual Application | \$1,900.00 |
| Temp On-sale Liquor | 425:08 (H) | Application Filed | \$100.00 |
| On-sale Wine | 425:08 (I) | Annual Application | \$150.00 |
| 1 Day Consumption and Display | 425:08 (J) | Application Filed | \$100.00 |
| Approval of 1-Day Consumption | 425:08 (K) | Application Filed | \$100.00 |
| Culinary Class On-sale | 425:08 (L) | Application Filed | \$100.00 |
| Temp Off-sale Wine | 425:08 (M) | 3 Day Maximum | \$100.00 |
| Brew Pub On-sale | 425:08 (N) | Application Filed | \$500.00 |
| Brewer Off-sale | 425:08 (O) | Application Filed | \$100.00 |

City of Foley
Schedule of Current Fees, Charges, and Rates

| Type | Section | Requirements | Amount |
|-----------------------------------|------------------------------|--|---|
| Brewer Temp On-sale | 425:08 (P) | Application Filed | \$100.00 |
| Non-enclosed On-sale | 425:08 (Q) | Application Filed | \$100.00 |
| Temp Non-enclosed On-sale | 425:08 (R) | Up to 4 Days, 3 times per year | \$100.00 |
| Liquor – Community Festival Event | 425:08 (S) | Application Filed | \$100.00 per event |
| Liquor Violation | 425:29 | | 1 st Violation: \$500.00 2 nd Violation: \$1,000.00 3 rd Violation: \$2,000.00 |
| Livestock Keeping | 1125:00 | Prohibited Effective 7-6-10 | |
| Manufactured Home Park | Ord. 319, Sect 20 Subd 10 | Application Filed | |
| Manufactured Home Relocation | Ord. 319, Sect 20 Subd 3 | Application Filed | |
| Mechanical Permit | 702:00 | Application Filed | Refer to attached mechanical permit fee schedule |
| Meter Maintenance Fee (Monthly) | | | |
| Minor Subdivision | Ord. 320, Sect 11 Subd 1 (6) | Application Filed | \$250.00 |
| Non-Sufficient Funds Fee | | | \$35.00 |
| Park Dedication Fee | | On Permit Application | \$150.00 per lot |
| Park Shelter Rent | | By Reservation No option of Lion main w/o kitchen | \$150.00 Holdridge #1 or Lion #4 \$75.00 Holdridge #2 or #3 (Non-Refundable) |
| Parking Ticket | 1010:00 | | \$25.00 |
| Planned Unit Development | Ord. 319, Sect 21 Subd 4, 2 | Application Filed | \$250.00 |
| Plat Review Fee | Ord. 320, Sect 4 & Sect 6 | | \$500.00 Preliminary Plat Fee |
| Planning/EDA Committee Member | Resolution | | \$60.00/year annual stipend |
| Plumbing Permit | 701:00 | Application Filed | Refer to attached plumbing permit fee schedule |
| Police Accident Report | | Signed Authorization Form | \$5.00 per report |
| Police Report | | Signed Authorization Form | \$0.25 for each page \$4.00 for each photo |
| Preliminary Plat | Ord. 320 Sect 5 Subd 1 | Application Filed | \$500.00 plus actual costs |
| Public Land Dedication | Ord. 320 Sect 10, Subd 1 | | \$1000.00 per lot or 1,000.00 sq ft per single family \$300.00 per unit or 400 sq ft per multi family |
| Razing/Demolishing | 605:08 | Permit Required | \$25.00 |
| Recording Fee | | | \$46.00 |

City of Foley

Schedule of Current Fees, Charges and Rates

| Type | Section | Requirements | Amount |
|---|-------------------------------------|--|--|
| Rental Property License | 730:03 Subd 1 & Resolution 2007 - 7 | Application Filed | Dwelling License: \$30.00 for 1 st unit PLUS \$10.00 per unit thereafter Dwelling Inspection Fee: \$50.00 per unit (inspection + 1 follow up, \$100.00 min) Add'l Inspection Fee: \$50.00 per inspection Late Fees/Penalties: \$25.00 Reinstatement Fee: \$100.00 for 1 st unit reinstated PLUS \$20.00 each add'l unit Background Checks: per Police/Sheriff Dept. |
| Rezoning | Ord. 319, Sect 23 | Application Filed | \$250.00 |
| Sewer Hookup Fee | 609:00 | On Permit Application | \$1,200.00 |
| Sewer Rates *new minimum (2,000 gallons per month) | 610:00 | Metered off water | \$1.95 per 100 gallons or portion thereof. (2023) \$2.44 per 100 gallons or portion thereof. (2024) \$2.93 per 100 gallons or portion thereof. (2025) Multi-family charged one minimum per unit. |
| Signs | Ord. 319, Sect 8 | Application Filed | Refer to attached building permit fee schedule |
| Small Animals | 1130:08 | Application Filed | \$25.00 |
| Small Cell Facility | 815:01 | Application Filed | \$500.00 |
| Special Building Official Inspection/Facility Compliance | State of Minnesota | Application Filed | \$300.00 |
| Storm Sewer Fee | TBD | | \$1.00/utility billing account/month *apartments/trailers – per unit |
| Subdivision Developer Agreement | Ord. 320, Sect 9 | | Escrow deposits to cover improvement costs |
| Swimming Pool Fees | Ord. 408 | | Age 15 & under: \$5.00 Age 16 & above: \$6.00 |
| Swimming Lessons | | | 25 min sessions: \$41.00 50 min sessions: \$82.00 |
| Sewer Winter Rate | 610:00 | | Months of May, June, July, August charged sewer based on prior January actual use. |
| Tax Abatement | Policy | Application Filed | \$15,000 – Projects which require additional professional services in excess of \$15,000 shall be required to reimburse the city for additional expenses. |
| TIF – Tax Increment Financing | Policy | Application Filed | \$15,000 – Projects which require additional professional services in excess of \$15,000 shall be required to reimburse the city for additional expenses. |
| Tower Permit | Ord. 319, Sect 9 | Application Filed | Refer to attached building permit fee schedule |
| Transient Merchant | 532:00 | Application Filed & \$1,000 Bond | \$100.00 |
| Trunk Fees | 609:00 Article III (C) | Subdivision or Property Improvement Area Trunk Fee | See 609:00 Article III C Exhibit A, Sewer & Water Area Trunk Fees Schedule Attached |
| Water Meter & Hookup | 620:00 | On Permit Application | \$1,500.00 |

| | | | |
|--|------------------------------------|------------------------|--|
| Water Rates *new minimum (2,000 gallons per month) | 615:0 0 | Metered | \$0.69 per 100 gallons or portion thereof. *Multi-family charged one minimum per unit. |
| Water Bulk Rate | | | \$1.50 per 100 gallons - \$30.00 minimum billing |
| Water Disconnect & Re-Connect Fee | 615:00 | | \$100.00 each (one for turn-off, one for turn-on) |
| Water Meter Reading | 615:00 | By Public Works | \$35.00 per reading |
| Water Payment | 615:00 | Late Penalty Fee | \$25.00 |
| Water Test Fee | Mn Dept of Health State Statute | | \$1.59 per meter |
| Winter Parking | 1010:14, Subd 4 | | \$25.00 |
| Variance | Ord. 319, Sect 24 | Application Filed | \$250.00 |
| Zoning Amendment | Ord. 319, Sect 23 | Application Filed | \$250.00 |

Exhibit A: City of Foley Trunk Water and Sewer Rates
Established in 2005

| Land Use | Water Rates | | | | Sewer Rates | | | |
|---|-------------|------|----------|------|-------------|------|----------|------|
| | Trunk Fee | | WAC | | Trunk Fee | | SAC | |
| | Rate | Unit | Rate | Unit | Rate | Unit | Rate | Unit |
| Single Family Residential, Manufactured Housing | \$ 1,510 | Ac | \$ 1,500 | Unit | \$ 3,130 | Ac | \$ 1,200 | Unit |
| Commercial, General Commercial | 2,520 | Ac | 2,520 | Ac | 5,220 | Ac | 4,810 | Ac |
| Industrial, Multi Family | 3,860 | Ac | 3,860 | Ac | 6,260 | Ac | 5,780 | Ac |
| Public/Golf/Park | 630 | Ac | 630 | Ac | 1,300 | Ac | 1,200 | Ac |

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2023 - 15

A RESOLUTION ASSESSING UNPAID I/I SURCHARGES

WHEREAS, the properties identified in Exhibit A have unpaid surcharges for compliance failure of the requirements set for in City of Foley Code of Ordinances Section 610 – Sewer Rates and Charges and Section 615 Water Charges and Rates and Section 310 – Prohibiting Storm Water Disposal into The Sanitary Sewer System;

WHEREAS, notice of unpaid surcharges and invoice was provided to the owners of record for each of the properties;

WHEREAS, the City has invoiced the owners of record for each property and provided notice of the City's intent to certify the unpaid charges for services; and

WHEREAS, the invoiced charges remain unpaid for each property in Exhibit A.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Foley:

1. Unpaid charges shall be assessed against the properties identified in Exhibit A for the balance of unpaid, delinquent charges including a certification fee of \$25.
2. The entire assessment shall be included with 2023 property taxes, payable in 2024.
3. The City Administrator shall transmit a certified duplicate of this assessment resolution to the Benton County Auditor. Such assessments shall be collected and paid over in the same manner as other property taxes.

PASSED AND ADOPTED by the City Council of the City of Foley this 7th day of November 2023.

Jack M. Brosh, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

**I&I Penalty and Water/Sewer Assessments
Exhibit A**

| PID | Service Address | I&I Penalty | Fee | Charge* |
|-----------|-------------------------|-------------|---------|----------|
| 130044300 | 440 3 rd Ave | \$75.00 | \$25.00 | \$100.00 |
| 130076700 | 264 Balsam Dr. | \$824.99 | \$25.00 | \$849.99 |
| 130061600 | 262 Elm Dr. | \$824.98 | \$25.00 | \$849.98 |

TOTAL: \$1,799.97

*** Charge includes a \$25 administrative fee**

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2023 - 16

A RESOLUTION ASSESSING UNPAID CHARGES

WHEREAS, the properties identified have been in violation of the City of Foley Code of Ordinances Chapter XI, Section 1145:02 concerning weeds and tall grasses;

WHEREAS, the properties identified have been in violation of the City of Foley Code of Ordinances Section 805 concerning sidewalk shoveling;

WHEREAS, notice of violation was provided to the owners of record for each of the properties;

WHEREAS, in the best interest of safety and health, and in accordance with City Ordinance, each property was mowed or shoveled and cleaned after failure of the owners to do so;

WHEREAS, the City did clean up the properties identified in Exhibit A and charged such properties for services;

WHEREAS, the City has invoiced the owners of record for each property for the cleanup costs and provided notice of the City's intent to certify the unpaid charges for services; and

WHEREAS, the invoiced charges remain unpaid for each property.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Foley:

1. Unpaid charges shall be assessed against the properties identified in Exhibit A for costs of the cleanup including a certification charge of \$25.
2. The entire assessment shall be included with 2023 property taxes, payable in 2024.

3. The City Administrator shall transmit a certified duplicate of this assessment resolution to the Benton County Auditor. Such assessments shall be collected and paid over in the same manner as other property taxes.

PASSED AND ADOPTED by the City Council of the City of Foley this 7th day of November 2023.

Jack M. Brosh, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

INSERT LIST

Exhibit A

| PID NUMBER | PROPERTY ADDRESS | SHOVEL/MOWING | DATES | CHARGE |
|------------|------------------------------|----------------|----------|----------|
| 130040300 | 721 Dewey Street | Snow Shoveling | 03/06/23 | \$75.00 |
| 130047000 | 441 Broadway Avenue N | Mowing | 07/07/23 | \$135.00 |
| 130015900 | 170 Dewey Street | Mowing | 07/07/23 | \$80.00 |
| 130046500 | 500 4 th Avenue N | Mowing | 09/20/23 | \$80.00 |

TOTAL w/ \$25 Admin Fee: \$370.00

**EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF THE CITY OF
FOLEY, MINNESOTA**

HELD: November 7, 2023

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Foley, Benton County, Minnesota, was duly held at the Foley City Hall on the 7th day of November, 2023 at 5:30 p.m.

The following members of the Council were present: Mayor Jack Brosh, Councilmembers Jeff Gondeck, Deb Mathiowetz, Gary Swanson and Brandon Voit

And the following were absent: None

Member _____ introduced the following resolution and moved its adoption:

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2023-13

A RESOLUTION DECERTIFYING
TAX INCREMENT FINANCING (HOUSING) DISTRICT NO. 1-8
OF THE CITY OF FOLEY

WHEREAS, on July 10, 2012, the City of Foley (the “City”) established its Tax Increment Financing Redevelopment District No. 1-8 (the “District”); and

WHEREAS, Minnesota Statutes, Section 469.174 to 469.1794 (the “TIF Act”) authorizes the City Council to decertify a tax increment financing district on any date after all the bonds and other obligations have been satisfied.

WHEREAS, the specific development expected to occur within the District as defined in the Tax Increment Financing Plan for the District did not occur as planned and the City Council desires to act to decertify the District.

WHEREAS, the City desires by this resolution to decertify the District effective December 31, 2018, by which all taxing jurisdictions will benefit from an increased tax base effective for taxes payable in 2019.

WHEREAS, the City Council acknowledges such action will be taken by Benton County to decertify the District as a tax increment district and to no longer remit tax increment from the District to the City after December 31, 2018.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Foley that:

1. The City Administrator is authorized and directed to provide Benton County with documents related to decertification of the District, to submit the Confirmation of Decertified TIF District form to the Office of the State Auditor and take any other steps required for decertification by December 31, 2023.
2. The City Administrator is authorized and directed to determine the amount of excess tax increment in the account for the District and to return all excess tax increment to Benton County for redistribution to other taxing jurisdictions within nine months after the end of the year.

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof:

and the following vote against the same:

Whereupon said resolution was declared duly passed and adopted.

Jack Brosh, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

STATE OF MINNESOTA
COUNTY OF BENTON
CITY OF FOLEY

I, the undersigned, being the duly qualified and acting City Administrator of the City of Foley, Minnesota, DO HEREBY CERTIFY that the attached resolution is a true and correct copy of an extract of minutes of a meeting of the City Council of the City of Foley, Minnesota, duly called and held, as such minutes relate to the decertification of Tax Increment Financing Redevelopment District No. 1-8.

WITNESS my hand this 7th day of November, 2023.

City Administrator

**A COUNTY OF BENTON ORDINANCE LIMITING THE USE OF CANNABIS IN
PUBLIC PLACES**

ORDINANCE NO. 489

Be it ordained by the Benton County Board of Commissioners, Benton County, Minnesota:

I

STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization contained in Minn. Stat. Ch. 342 or successor statute chapter, Minn. Stat. §§ 145A.04 and 145A.05 or successor statute, Minn. Stat. § 144.414 or successor statute, and Minn. Stat. § 152.0263 or successor statute, that allows County Boards to limit the use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place.

II

INTENT

- A. It is the purpose of the Board of County Commissioners of Benton County, Minnesota, to regulate the use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place in order that the health, safety and welfare of all persons in Benton County, residents and visitors alike, may be protected.
- B. Benton County recognizes the risks of cannabis use especially for youth. According to the Mayo Clinic, “marijuana use among adolescents and young adults can affect normal brain development, leading to problems learning, memory, coordination, reaction time and judgment.” In addition to use by youth, “excessive and frequent use of marijuana is associated with hallucinations, paranoia, and a range of emotional problems.”¹

¹ <https://www.mayoclinichealthsystem.org/hometown-health/speaking-of-health/how-teen-marijuana-use-impacts-brain-development#:~:text=Marijuana%20use%20among%20adolescents%20and,a%20range%20of%20emotional%20problems.>

- C. According to the CDC, “secondhand marijuana smoke contains many of the same toxic and cancer-causing chemicals found in tobacco smoke and contains some of those chemicals in higher amounts.” “Those chemicals associated with secondhand tobacco smoke are associated with risks to hearts and lungs.” “Secondhand marijuana smoke also contains tetrahydrocannabinol (THC), the compound responsible for most of marijuana’s psychoactive effects (or the “high”). THC can be passed to infants and children through secondhand smoke, and people exposed to secondhand smoke can experience psychoactive effects, such as feeling high.”²
- D. The Benton County Community Health Board has the duty to promote healthy communities and healthy behavior, to promote positive health and prevent adverse health, to protect against environmental health hazards, and to reduce exposure to environmental health risks and promote healthy environments.
- E. It is the County’s goal to be consistent with Minnesota Statute. Pursuant to Minn. Stat. § 342.09, an individual may not:
- (1) Vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol or vapor would be inhaled by a minor, or
 - (2) In a manner that involves the inhalation of smoke, aerosol, or vapor at any location where smoking is prohibited under section 144.414, the Clean Indoor Air Act.
- F. State legislation authorizes enforcement of local government ordinances which are more stringent than state law in protecting individuals from secondhand smoke or from involuntary exposure to aerosol or vapor from electronic delivery devices, including in areas outside of restaurants and bars. See Minn. Stat. 144.417, subd. 4.
- G. Pursuant to Minn. Stat. 145A.05, subd.1, a county board may adopt ordinances for all or part of its jurisdiction to regulate actual or potential threats to public health. Pursuant to Minn. Stat. 152.0236, local units of government are authorized to adopt ordinances regulating the use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in public places. Cities in Benton County have adopted public use ordinances or are in the process of adopting ordinances and/or resolutions addressing public use in their own jurisdictions. As a result, Benton County chooses at this time, to limit the jurisdiction of this ordinance to the unincorporated areas of the County, County leased and owned property, and County parks.
- H. It is the intent of this Board that all sections and provisions of this ordinance have an independent existence; and, should any section or provision be declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of this Board that any

² <https://www.cdc.gov/marijuana/health-effects/second-hand-smoke.html>

section or provision so declared shall be severable from and shall not affect the validity of the remainder of the ordinance.

III

COORDINATION WITH CITY AND TOWN ORDINANCES

This ordinance shall regulate the unincorporated areas of the County. This ordinance will also regulate any Benton County owned or leased property and Benton County parks regardless of any local government adopted ordinance in a city or town. A town that is subject to this ordinance may adopt its own ordinance, but it must not be in conflict with or be less restrictive than this ordinance.

IV

DEFINITIONS

A. As used in this ordinance:

1. "Board" means the Benton County Board of Commissioners.
2. "County" means the County of Benton.
3. "Person" means any individual natural human being, partnership, corporation, firm, company, association, society, or group.
4. "Cannabis Flower" shall have the same meaning as defined in Minn. Stat. §342.01, subd. 16, or successor statute
5. "Cannabis Products" shall have the same meaning as defined in Minn. Stat. §342.01, subd. 20, or successor statute.
6. "Hemp-derived consumer products" shall have the same meaning as defined in Minn. Stat. §342.01, subd. 37, or successor statute.
7. "Lower-potency hemp edibles" shall have the same meaning as defined in Minn. Stat. §342.01, subd. 50, or successor statute.
8. "Park" shall mean:
 - (a) any park, parkway, zoological or horticultural garden, recreation open space, lake or other waters, golf course, swimming pool, athletic field, trails and pathways, or
 - (b) any other area owned, improved, maintained, operated or otherwise controlled by the County of Benton for recreation and natural resource preservation purposes.
9. "Place of Public Accommodation" means a business or a refreshment, entertainment, recreation or transportation facility of any kind, whose goods, services, facilities,

privileges, advantages, or accommodations are extended, offered, sold or otherwise made available to the public.

10. "Public Place" means:

- (a) Any outdoor area or indoor area, whether privately or publicly owned, to which the public have access by right of invitation, expressed or implied. This includes but is not limited to theaters, restaurants, bars, food establishments and their decks, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings, public shopping areas, auditoriums, arenas, or other places of public accommodation.
- (b) Any Park or Public Recreation Area,
- (c) Any County owned or leased property.
- (d) A "Public Place" does not include the following:
 - (1) a private residence, including the person's curtilage or yard;
 - (2) private property not generally accessible by the public, unless the person is explicitly prohibited from consuming regulated products on the property by the owner of the property; or
 - (3) the premises of an establishment or event licensed to permit on-site consumption.

11. "Regulated Products" means cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

12. Smoking. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products. Smoking includes carrying or using an activated electronic delivery device for human consumption through inhalation of aerosol or vapor from the product.

V

RESTRICTION OF USE OF REGULATED PRODUCTS

- A. A Person shall not use regulated products in a Public Place.
- B. A Person shall not vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol or vapor would be inhaled by a minor.

VI

CRIMINAL PENALTY

Violation of this Ordinance shall be a petty misdemeanor. A fine of \$300.00 shall be imposed.

VII

SEVERABILITY

The provision of this ordinance shall be severable and should any court of competent jurisdiction adjudge any provision of this ordinance to be invalid, such judgement shall not affect any other provisions of this ordinance not specifically included in said judgement.

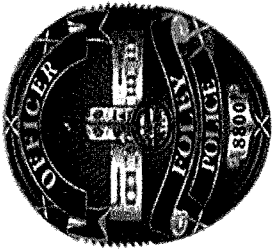
Approved and adopted by the Benton County Board of Commissioners this
_____ day of _____ in the year of _____.

This ordinance shall be in full force and effect from and after its passage and publications as required by law.

Scott Johnson, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator



Foley Police Department

Calls for Service - 2023

| | Jan. | Feb. | March | April | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | Total |
|-----------------------|---------|---------|---------|--------|--------|---------|----------|---------|----------|----------|------|------|-------|
| Driving Conduct | 24 | 22 | 13 | 23 | 27 | 29 | 32 | 28 | 30 | 25 | | | |
| Equipment Vio. | 48 | 31 | 45 | 71 | 58 | 38 | 52 | 71 | 52 | 46 | | | |
| Speed | 20 | 34 | 23 | 48 | 76 | 47 | 86 | 45 | 34 | 31 | | | |
| DWI/DUI | 0 | 0 | 1 | 0 | 2 | 0 | 1 | 1 | 0 | 1 | | | |
| DAR/S/C | 2 | 2 | 1 | 2 | 3 | 5 | 3 | 5 | 1 | 4 | | | |
| # Citations Issued | *6 | *3 | *3 | *7 | *11 | *6 | *16 | *11 | *12 | *13 | | | |
| Accidents | 1 | 1 | 3 | 3 | 5 | 2 | 0 | 1 | 1 | 4 | | | |
| Hit and Run | 0 | 0 | 0 | 2 | 1 | 3 | 1 | 0 | 1 | 4 | | | |
| Gas Drive Offs | 1 | 2 | 5 | 3 | 1 | 1 | 4 | 1 | 5 | 4 | | | |
| Thefts | 8 | 4 | 3 | 4 | 4 | 3 | 4 | 3 | 5 | 1 | | | |
| Child | 19 | 12 | 13 | 14 | 26 | 5 | 4 | 1 | 5 | 12 | | | |
| Controlled Substance | 1 | 5 | 3 | 0 | 4 | 0 | 1 | 0 | 3 | 1 | | | |
| Suspicious Activity | 33 | 35 | 29 | 22 | 29 | 39 | 42 | 32 | 26 | 34 | | | |
| Burglaries/Robbery | 1 | 1 | 1 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | | | |
| Medicals/Welfare | 29 | 18 | 25 | 13 | 20 | 27 | 23 | 23 | 32 | 21 | | | |
| Assaults/Domestics | 8 | 10 | 8 | 7 | 7 | 3 | 3 | 3 | 9 | 5 | | | |
| Harassment | 0 | 4 | 3 | 0 | 1 | 6 | 5 | 3 | 1 | 1 | | | |
| CDP/Vandalism | 1 | 0 | 1 | 3 | 8 | 6 | 1 | 0 | 1 | 2 | | | |
| Animal Complaints | 7 | 5 | 11 | 10 | 12 | 13 | 11 | 19 | 21 | 13 | | | |
| City Ordinance | 3 | 1 | 3 | 12 | 5 | 26 | 17 | 17 | 5 | 14 | | | |
| Parking Tickets | 38 | 45 | 40 | 7 | 6 | 7 | 4 | 5 | 1 | 5 | | | |
| Disturbing the Peace | 8 | 2 | 4 | 5 | 8 | 6 | 14 | 10 | 9 | 8 | | | |
| Gun Permits | 2 | 4 | 2 | 6 | 1 | 0 | 3 | 2 | 0 | 2 | | | |
| Warrant Arrests | 1 | 0 | 1 | 5 | 1 | 0 | 2 | 0 | 4 | 2 | | | |
| Civil | 4 | 6 | 9 | 7 | 4 | 6 | 5 | 8 | 5 | 7 | | | |
| Lockout | 0 | 0 | 0 | 2 | 2 | 1 | 3 | 1 | 4 | 3 | | | |
| Assist other Agencies | 19 | 21 | 27 | 26 | 16 | 19 | 32 | 32 | 22 | 21 | | | |
| Special Events | 3 | 6 | 6 | 4 | 7 | 8 | 4 | 3 | 3 | 9 | | | |
| Misc. | 73 | 74 | 73 | 71 | 90 | 85 | 63 | 77 | 99 | 83 | | | |
| TZD Hours | 0 Hours | 0 Hours | 4 Hours | 18 HRS | 17 HRS | 3 Hours | 24.5 Hrs | 6 Hours | 6.75 HRS | 4.75 HRS | | | |
| Total: | 354 | 345 | 353 | 370 | 425 | 387 | 420 | 391 | 379 | 363 | 0 | 0 | 3787 |

Misc Includes: Alarms, Extra Patrols, House watches, Matter of Info, Records Checks, etc.



Building a Better World
for All of Us®

November 2, 2023

RE: City of Foley, Minnesota
2025 Street & Utility Improvements
Feasibility Study
SEH No. P-FOLEY 171511 10.03

Honorable Mayor and City Council
c/o Sarah Brunn, City Administrator
City of Foley
251 4th Avenue North
PO Box 709
Foley, MN 56329-0709

Dear Mayor and Council Members:

Short Elliott Hendrickson Inc (SEH®) is pleased to provide this proposal for professional services relating to the 2025 Street & Utility Improvements project in Foley, MN. Please review our proposal letter and if acceptable we will provide an agreement for execution referencing this letter.

Project Understanding:

The City of Foley is considering making improvements to the following streets:

- 3rd Avenue from John Street to Murphy Street
- 4th Avenue North from TH 23 to Norman Avenue North
- Broadway Avenue North from TH 23 to Penn Street
- Murphy Street from 3rd Avenue to Broadway Avenue North
- Parent Street from 4th Avenue North to Broadway Avenue North
- 4th Avenue North Alley from Penn Street to Murphy Street

The City is seeking a proposal for preparation of a feasibility study. Construction of these improvements are planned to occur in 2025. The anticipated scope of the improvements includes full reconstruction of the streets, sidewalks, sanitary sewer, water, sewer & water services, storm water, and fiber improvements. The City intends to special assess a portion of the project costs to benefiting property owners following Minnesota Statutes Chapter 429. The statute requires preparation of a feasibility study.

SEH will complete the following tasks:

- **Feasibility Report:** Our services will consist of conducting a study and investigation, preparing a feasibility report containing the findings of the study and investigation along with our recommendations for the Project, preparing a preliminary opinion of probable cost for the Project, and calculating preliminary special assessment rates. Our project manager will lead a team that includes project engineer, graduate engineer, lead technician, and senior administrative assistant. We are estimating 147 staff hours to complete this task.

SEH proposes to complete the above services for a Lump Sum fee of \$19,000.00, including expenses and equipment.

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 2351 Connecticut Avenue, Suite 300, Sartell, MN 56377-2485

320.229.4300 | 800.572.0617 | 888.908.8166 fax

SEH is 100% employee-owned | Affirmative Action–Equal Opportunity Employer

Honorable Mayor and City Council
November 2, 2023
Page 2

Additional Services requested by Client not included in the scope above will be provided on an hourly basis including direct expenses. If requested, an estimate of the fee can be provided ahead of completing the work.

Our team is ready to begin work upon authorization of the contract. We anticipate presenting the feasibility report to the City Council in March of 2024 contingent upon receiving notice to proceed in November.

Thank you for the opportunity to provide a proposal. Please contact me at jgriffith@sehinc.com or 218.849.0539 to discuss.

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.

A handwritten signature in blue ink, appearing to read "Jarod Griffith", is positioned above the printed name.

Jarod Griffith, PE
City Engineer
(Lic. MN)

jrg/mrb
Attachment

x:\fj\foley\common\2023.11.02 | city 2025 street & utility improvements feasibility study proposal.docx

Supplemental Letter Agreement

In accordance with the Master Agreement for Professional Services between City of Foley ("Client"), and Short Elliott Hendrickson Inc. ("Consultant"), effective January 1, 2016, this Supplemental Letter Agreement dated November 7, 2023 authorizes and describes the scope, schedule, and payment conditions for Consultant's work on the Project described as: **2025 Street & Utility Improvements – Feasibility Report.**

Client's Authorized Representative: Sarah Brunn, City Administrator

Address: PO Box 709, Foley, Minnesota, 56329

Telephone: 320.968.7260

email: sbrunn@ci.foley.mn.us

Project Manager: Jarod Griffith

Address: 2351 Connecticut Avenue, Suite 300, Sartell, Minnesota 56377

Telephone: 320.229.4304

email: jgriffith@sehinc.com

Project Understanding: Per the attached SEH proposal letter dated November 2, 2023.

Scope: The Services to be provided by Consultant:

Our services will consist of conducting a study and investigation, preparing a feasibility report containing the findings of the study and investigation along with our recommendations for the Project, preparing a preliminary opinion of probable cost for the Project, and calculating preliminary special assessment rates.

Task 1 – Feasibility Report

- Prepare exhibits showing project limits utilizing County GIS data.
- Develop draft typical section drawing(s).
- Develop preliminary opinion of probable cost.
- Prepare preliminary assessment worksheet and map.
- Assist the City with negotiating a cost share agreement with the County.
- Prepare report.
- Present report to City Council – one (1) meeting.
- Neighborhood informational meeting – one (1) meeting.

Exclusions:

- Improvement Hearing.
- Surveying – topographic, boundary.
- Detailed research of existing right of way limits.
- Geotechnical exploring, evaluation, testing, engineering.
- Environmental site assessments (ESA).
- Design and construction services.
- Assessment Hearing.
- Meetings not listed above.

Deliverables:

- Task 1: Feasibility Report – electronic PDF.

Schedule:

We anticipate presenting the feasibility study to the City Council in March of 2024 contingent upon receiving notice to proceed in November.

Payment:

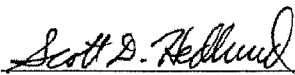
The lump sum fee is \$19,000.00 including expenses and equipment.

The payment method, basis, frequency, and other special conditions are set forth in attached Exhibit A-2. Additional work, if required, shall be compensated in accordance with the rate schedule.

Other Terms and Conditions: Other or additional terms contrary to the Master Agreement for Professional Services that apply solely to this project as specifically agreed to by signature of the Parties and set forth herein: None.

Short Elliott Hendrickson Inc.

City of Foley

By: 
Full Name: Scott Hedlund
Title: Principal

By: _____
Full Name: _____
Title: _____

Exhibit A-2
to Supplemental Letter Agreement
Between City of Foley (Client)
and
Short Elliott Hendrickson Inc. (Consultant)
Dated November 7, 2023

Payments to Consultant for Services and Expenses
Using the Lump Sum Basis Option

The Agreement for Professional Services is amended and supplemented to include the following agreement of the parties:

A. Lump Sum Basis Option

The Client and Consultant select the Lump Sum Basis for Payment for services provided by Consultant. During the course of providing its services, Consultant shall be paid monthly based on Consultant's estimate of the percentage of the work completed. Necessary expenses and equipment are provided as a part of Consultant's services and are included in the initial Lump Sum amount for the agreed upon Scope of Work. Total payments to Consultant for work covered by the Lump Sum Agreement shall not exceed the Lump Sum amount without written authorization from the Client.

The Lump Sum amount includes compensation for Consultant's services and the services of Consultant's Consultants, if any for the agreed upon Scope of Work. Appropriate amounts have been incorporated in the initial Lump Sum to account for labor, overhead, profit, expenses and equipment charges. The Client agrees to pay for other additional services, equipment, and expenses that may become necessary by amendment to complete Consultant's services at their normal charge out rates as published by Consultant or as available commercially.

B. Expenses Not Included in the Lump Sum

The following items involve expenditures made by Consultant employees or professional consultants on behalf of the Client and shall be paid for as described in this Agreement.

1. Expense of overtime work requiring higher than regular rates, if authorized in advance by the Client.
2. Other special expenses required in connection with the Project.
3. The cost of special consultants or technical services as required. The cost of subconsultant services shall include actual expenditure plus 10% markup for the cost of administration and insurance.

The Client shall pay Consultant monthly for expenses not included in the Lump Sum amount.

2025 STREET & UTILTY IMPROVEMENTS

FOLEY, MINNESOTA

FOLEY 171511

AUGUST 1, 2023

PRELIMINARY PROJECT MILESTONE SCHEDULE

Below is the anticipated project schedule, subject to change:

- November 2023, Authorize SEH to prepare Feasibility Report
- March 2024, Accept Feasibility Report
- April 2024, Authorize SEH to proceed with Topo Survey and Design
- May 2024 – June 2024, Topographical Survey and Geotechnical Evaluations
- July 2024 – December 2024, Project Design
- January 2025, Plan Approval
- February 2025, Start Bidding Project
- March 2025, Award Project
- May 2025, Start Construction
- October 2025, Construction Substantially Complete
- June 2026, Construction Final Completion

Below is the anticipated public engagement schedule, subject to change:

- February 2024, Early Notification Letter to Property Owners
- April 2024, Improvement Hearing
- August 2024, Neighborhood Meeting
- October 2025 – August 2026, Assessment Hearing

ArcGIS Web Map

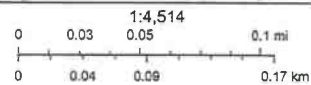


7/28/2023, 10:38:39 AM

Benton_Co_Data - Benton Parcels

Benton_Co_Data - House Number

Municipal Boundary



Esri, HERE, Garmin, INCREMENT P, NOAA, USGS

Street, Storm, Sanitary, & Water Services

Street, Storm, Sanitary, & Water

Street, Storm, & Water

Street & Storm

40% Storm, Sanitary, & Water

Web AppBuilder for ArcGIS
Esri, HERE, Garmin, INCREMENT P, NOAA, USGS

Foley CIP Planning Estimates
 2025 Construction
 7/28/2023

| Broadway Avenue North | | | | |
|---|--------------------|---------|----------------------|----------------------|
| | Estimated Cost Per | | | |
| | Length | Foot | Estimated Total Cost | Estimated Assessment |
| Street (42' wide with sidewalks) | 1140 | \$950 | \$1,083,000 | \$324,900 |
| Storm | 1140 | \$305 | \$347,700 | \$104,310 |
| 8" Sewer | 1140 | \$255 | \$290,700 | \$87,210 |
| Jack and Bore SAN under TH 23 | | \$695 | \$0 | \$0 |
| Jack and Bore WM under TH 23 | | \$695 | \$0 | \$0 |
| 8" Water Main | 790 | \$340 | \$268,600 | \$80,580 |
| Water Services (Outside of Full Reconstruct Area) | 4 | \$5,800 | \$23,200 | \$6,960 |
| Fiber Conduit | 1140 | \$5 | \$5,700 | \$1,710 |
| Total Estimated Cost | | | \$2,018,900 | \$605,670 |

Assumptions:

diagonal parking area of Broadway between Parent and Penn can be left in place
 wm between Parent and Penn can be left in place, and just replace the services
 sanitary will be replaced down the center of the road (Parent to Penn)

| 3rd Avenue | | | | |
|----------------------------------|--------------------|---------|----------------------|----------------------|
| | Estimated Cost Per | | | |
| | Length | Foot | Estimated Total Cost | Estimated Assessment |
| Street (42' wide with sidewalks) | 650 | \$950 | \$617,500 | \$185,250 |
| Additional Sidewalk | 650 | \$48.00 | \$31,200 | \$9,360 |
| Bridge | | | \$10,000 | |
| Storm | 650 | \$305 | \$198,250 | \$59,475 |
| 8" Sewer (only north of TH23) | 380 | \$255 | \$96,900 | \$29,070 |
| Jack and Bore WM under TH 23 | 140 | \$695 | \$97,300 | \$29,190 |
| Fiber Conduit | 650 | \$5 | \$3,250 | \$975 |
| 8" Water Main | 650 | \$340 | \$221,000 | \$66,300 |
| Total Estimated Cost | | | \$1,275,400 | \$379,620 |

Assumptions:

10K match for Bridge
 Sidewalks on both sides
 Replace 6" water to John Street

| Parent Street | | | | |
|----------------------------------|--------------------|-------|----------------------|----------------------|
| | Estimated Cost Per | | Estimated Total Cost | Estimated Assessment |
| | Length | Foot | | |
| Street (32' wide with sidewalks) | 290 | \$815 | \$236,350 | \$70,905 |
| Storm | 290 | \$305 | \$88,450 | \$26,535 |
| Total Estimated Cost | | | \$324,800 | \$97,440 |

| Alley | | | | |
|----------------------|--------------------|-------|----------------------|----------------------|
| | Estimated Cost Per | | Estimated Total Cost | Estimated Assessment |
| | Length | Foot | | |
| Alley (14' wide) | 850 | \$380 | \$323,000 | \$96,900 |
| Storm | 850 | \$160 | \$136,000 | \$40,800 |
| Total Estimated Cost | | | \$459,000 | \$137,700 |

Assumptions:
Storm Sewer is a run of 15" pipe down the center with 3 structures

| Murphy Street (3rd to Broadway) | | | | |
|----------------------------------|--------------------|-------|----------------------|----------------------|
| | Estimated Cost Per | | Estimated Total Cost | Estimated Assessment |
| | Length | Foot | | |
| Street (32' wide with sidewalks) | 530 | \$815 | \$431,950 | \$129,585 |
| 8" Sewer | 110 | \$255 | \$28,050 | \$8,415 |
| Storm | 530 | \$305 | \$161,650 | \$48,495 |
| Total Estimated Cost | | | \$621,650 | \$186,495 |

| 4th Avenue North (Utilities only from TH 23 to Norman) | | | | |
|--|--------------------|-------|----------------------|----------------------|
| | Estimated Cost Per | | Estimated Total Cost | Estimated Assessment |
| | Length | Foot | | |
| Storm | 1350 | \$122 | \$164,700 | \$49,410 |
| 8" Sewer | 1170 | \$255 | \$298,350 | \$89,505 |
| Jack and Bore SAN under TH 23 | 100 | \$695 | \$69,500 | \$20,850 |
| Jack and Bore WM under TH 23 | 100 | \$695 | \$69,500 | \$20,850 |
| 8" Water Main | 1110 | \$340 | \$377,400 | \$113,220 |
| Fiber Conduit | 1350 | \$5 | \$6,750 | \$2,025 |
| Total Estimated Cost | | | \$986,200 | \$295,860 |

Assumptions:
60 / 40 split for storm sewer costs (City is 40%)
County will pay for all surface removals and restorations
Sanitary from Norman to Casey's Structure
8" DIP south of TH 23

| CIP Estimate Summary | | | |
|----------------------|----------------------|----------------------|---------------------|
| | Estimated Total Cost | Estimated Assessment | Estimated City Cost |
| Broadway Ave | \$2,018,900 | \$605,670 | \$1,413,230 |
| 3rd Avenue | \$1,275,400 | \$379,620 | \$895,780 |
| Parent Street | \$324,800 | \$97,440 | \$227,360 |
| Alley | \$459,000 | \$137,700 | \$321,300 |
| Murphy Street | \$621,650 | \$186,495 | \$435,155 |
| 4th Ave (Utilities) | \$986,200 | \$295,860 | \$690,340 |
| Total | \$5,685,950 | \$1,702,785 | \$3,983,165 |

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2023 - 17

RESOLUTION ORDERING PREPARATION OF REPORT OF STREET AND UTILITY
IMPROVEMENTS ON BROADWAY AVENUE N, 4TH AVENUE N, 3RD AVENUE, PARENT
STREET, AND MURPHY STREET (2025 STREET AND UTILITY IMPROVEMENTS)

WHEREAS, it is proposed to improve 3rd Avenue from John Street to Murphy Street, 4th Avenue North from 200 feet south of the south right of way of Highway 23 to Norman Avenue North, Broadway Avenue North from Highway 23 to Penn Street, Murphy Street from 3rd Avenue to Broadway Avenue North, Parent Street from 4th Avenue North to Broadway Avenue North, 4th Avenue North Alley from Murphy Street to Penn Street, by Reconstruction of the Streets, Sidewalks, Drainage System, Water Main, and Sanitary Sewer, and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429,

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

That the proposed improvement, called the 2025 Street and Utility Improvements be referred to the City Engineer, SEH Inc. for study and that that person is instructed to report to the council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

Passed by the City Council of Foley, Minnesota this 7th day of November, 2023.

Jack M. Brosh, Mayor

ATTEST:

Sarah A. Brunn, City Administrator



SnowWolf®

15100 Business Parkway
Rosemount, MN 55068

1 800 905 2265 / Call or Text

service@snowwolfplows.com
snowwolfplows.com

facebook.com/snowwolfplows
instagram.com/snowwolfplows

YOU

MARK PAPPENFUS
CITY OF FOLEY
251 4TH AVE N
FOLEY, MN 56329
mpappenfus@ci.foley.mn.us
(320) 968-4082

YOUR DEALER

John Riebel
Ziegler Cat - St. Cloud, MN
2225 255th St
St. Cloud, MN 56301
320-423-8969
john.riebel@zieglercat.com

WHAT YOU INQUIRED ABOUT

YOUR SNOWWOLF CONTACT

Adam Stevenson
adam.stevenson@snowwolfplows.com
651-271-4865

YOUR MACHINE(S)

CAT 906M

| QTY | PART NO. | DESCRIPTION | SUGGESTED RETAIL PRICE * | EST. PAYMENT PER/MO. * | TOTAL * |
|-----------------------------------|-----------|--|--------------------------------|------------------------------|-------------|
| RECOMMENDED SOLUTION | | | | | |
| 1 | QPXT-126B | 126" AutoWing Plow (9' Moldboard, 13' wide angle) with FlexFrame™®, Steel Sideplate Shoes, AR400 ActivEdge, and SpillGuard | \$16,315.00 | \$304.27 | \$16,315.00 |
| MSRP SUB-TOTAL BEFORE ACCESSORIES | | | | | \$16,315.00 |
| RECOMMENDED ACCESSORIES | | | | | |
| 1 | P60093-K | QP Powered Wing Manifold Upgrade Kit (For QP and QPXT models)* Machine side controls/harnesses not included | \$3,370.59 | \$93.63 | \$ 3,370.59 |
| 1 | P60262 | Cat 14 pin adapter harness | \$510.55 | \$14.18 | \$ 510.55 |
| MSRP TOTAL WITH ACCESSORIES | | | | \$412.08 | \$20,196.14 |
| Less State Bid Discount | | | | | \$1,010.73 |
| Total Price | | | | | \$19,185.41 |

NEXT STEPS

- * Prices quoted are Suggested Retail Prices in USD. Your final price with tax is set by your SnowWolf Dealer. Contact them now.
- Need financing? Apply here: <https://gefinances.com/snowwolf>
- Pick up your new SnowWolf gear!
- Join the exclusive SnowWolf Owners Group on Facebook: www.facebook.com/groups/snowwolfplows
- Make money - lots of it. Repeat. Repeat. Repeat.

Quote Date: 10/5/2023

Valid Through: 11/4/2023

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

ORDINANCE NUMBER 475

AN ORDINANCE AMENDING THE FOLEY CITY ORDINANCES
CHAPTER VI, SECTION 610
SEWER RATES AND CHARGES

The Foley City Council hereby ordains:

SECTION 1:

That Section 610:00, Subdivision 2 is hereby repealed in its entirety and replaced with the following:

Subd. 2. Rates, Fees and Charges. The City Council shall adopt by resolution schedules of sewer rates, fees and charges which schedules shall be known as the sewer rate schedule. All water usage is subject to sewer rate charges except for the months of May, June, July and August where the sewer rate charge will be based on the prior January sewer charge known as the winter sewer charge. Under no circumstances will any sewer charge be lower than the established minimum monthly charge.

SECTION 2:

Upon approval by at least 4/5th of all of the members of the City Council, the Council determines that the following summary clearly informs the public of the intent and effect of this ordinance and authorizes the publication of the summary in place of the entire text thereof:

AN ORDINANCE AMENDING SEWER CHARGES AND RATES.

The Sewer Charges and Rates were amended to allow for the establishment of winter sewer charges. A copy of the ordinance is available at City regular business hours.

Passed and adopted by the City Council of the City of Foley this 5th of December, 2023.

Jack M. Brosh, Mayor

ATTEST:

Sarah A. Brunn, Administrator

~As recommended by personnel committee:

- Increase H.S.A. contribution up to \$100/month with corresponding \$100/month match by employee.
 - *The City of Foley provides a high-deductible insurance plan with the option of opening a health savings account as part of enrollment with the City health insurance plan. The Employer will contribute up to \$100 per month match for each city employee that is on the City health insurance plan as long as the employee matches dollar for dollar. The maximum contribution is \$1200 per year per employee.*
- Change safety allowance to an annual \$500 for both prescription safety eyewear and steel toed boots rather than \$250 each. Receipts must be provided for the reimbursement.
 - *The City will also reimburse full-time Public Works employees for prescription safety eyewear and steel toed safety shoes. Each full-time public works employees will be allowed an annual reimbursement of up to \$500.00.*
- Approve migration from Delta Dental plan to Health Partners Dental Plan effective 1/1/24.
 - Better coverage for dental work.
 - Lower premiums because we are an existing health plan customer.

Earned Sick and Safe Leave

Earned sick and safe leave shall be accrued for full-time employees at a rate of four (4) hours per pay period or ninety-six (96) hours per year of continuous employment beginning with the date of hire until one thousand two-hundred and forty (1240) hours have been accrued. All other part-time, temporary and seasonal employees shall accrue Earned Sick & Safe leave at a rate of one hour per 30 hours worked by an employee, up to a maximum of 48 hours of sick and safe leave per year. Part-time, temporary and seasonal workers must work for at least eighty (80) hours before becoming eligible for earned sick and safe leave.

Earned sick and safe leave may be used as it is accrued in quarter (.25) hour increments for the following circumstances:

- An employee's own:
 - Mental or physical illness, injury or other health condition.
 - Need for medical diagnosis, care or treatment, or a mental or physical illness.
 - Injury or health condition
 - Need for preventative care
 - Closure of the employee's place of business due to weather or other public emergency
 - The employee's inability to work or telework because the employee is prohibited from working by the city due to health concerns related to the potential transmission of communicable illness related to a public emergency, or seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public health emergency and the employee has been exposed to a communicable disease or the city has requested a test or diagnosis.
 - Absence due to domestic abuse, sexual assault, or stalking of the employee provided the absence is to:
 - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
 - Obtain services from a victim services organization
 - Obtain psychological or other counseling
 - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
 - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking
 - Need to take off due to death in the family if not covered by the City of Foley's Bereavement Policy.
- Care of a family member:
 - With mental or physical illness, injury or other health condition Who needs medical diagnosis, care or treatment of a mental or physical illness, injury or other health condition Who needs preventative medical or health care Whose school or place of care has been closed due to weather or other public emergency When it has been determined by health authority or a health care professional that the

presence of the family member of the employee in the community would jeopardize the health of others because of the exposure of the family member of the employee to a communicable disease, whether or not the family member has actually contracted the communicable disease

- Absence due to domestic abuse, sexual assault or stalking of the employee's family member provided the absence is to:
 - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
 - Obtain services from a victim services organization
 - Obtain psychological or other counseling
 - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
 - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking

For Earned Sick and Safe Leave purposes, family member includes an employee's:

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

Advance Notice for use of Earned Sick and Safe Leave

If the need for sick and safe leave is foreseeable, the city requires seven days' advance notice. However, if the need is unforeseeable, employees must provide notice of the need for Earned Sick and Safe time as soon as practicable. When an employee uses Earned Sick and Safe time for more than three consecutive days, the city may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records or related documentation to support safety leave). However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable

documentation may include a written statement from the employee indicating that the employee is using, or used, Earned Sick and Safe Leave for a qualifying purpose. The city will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition. In accordance with state law, the city will not require an employee using Earned Sick and Safe leave to find a replacement worker to cover the hours the employee will be absent.

Retaliation Prohibited

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

Benefits and Return to Work Protections

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

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

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

Carry Over of Earned Sick and Safe Leave

Part-time, Temporary and Seasonal Employees are eligible for carry over accrued but unused Earned Sick and Safe time into the following year, but the total of Earned Sick and Safe Leave carry over hours shall not exceed 80 hours.

Full-time employees who have accumulated the maximum number of earned sick and safe time (1240 hours) will receive payment, on the last pay date of the year, of 60% (not to exceed 57.60 hours) of accrued sick hours exceeding 1240 hours during the current year and the remaining 40% is forfeited.

A full-time employee covered by this handbook shall be entitled to a percentage of their unused sick leave as severance pay:

After 2 through 5 years of service 20% Severance

After 6 through 10 years of service 35% Severance

After 11 through 14 years of service 60% Severance

After 15 through 19 years of service 80% Severance

After 20 through 24 years of service 90% Severance

Over 25 years of service 100% Severance

For those full-time employees leaving in good standing, one hundred percent of the allowable severance (see schedule above) will be deposited into the Health Care Savings Plan (HCSP). One hundred percent of unused vacation shall also be considered severance and deposited into the Health Care Savings Plan (HCSP).

Full-time City of Foley employees are eligible to participate in the Minnesota Post Employment Health Care Savings Plan (HCSP) established under Minnesota Statutes, section 352.98 (Minn. Supp. 2001) and as outlined in the Minnesota State Retirement System's Trust and Plan Documents. All funds collected by the employer on behalf of the employee will be deposited into the employee's post-employment health care savings plan account.

If an employee dies while still employed and is eligible for severance pay, such severance pay cannot be deposited in to the Health Care Savings Plan (HCSP). The employee's severance pay will be paid to eligible beneficiaries and is taxable income.



City of Foley

251 4th Avenue North • P.O. Box 709
Foley, Minnesota 56329
(320) 968-7260 • Fax (320) 968-6325
contactus@ci.foley.mn.us

Employee Personnel Policy

Approved by the City Council on 11-07-2023

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SECTION 1-GENERAL

Purpose

The purpose of this policy is to establish a uniform and equitable system to govern the relationship between employees and the City of Foley. The employment policy defines how employees are recognized and compensated and explains what is expected from individual employees. The City Council has the right to amend, in whole or in part, any or all of the provisions contained in this employment policy.

It is the policy and intent of the City of Foley to provide equality in employment to all persons. This policy expressly prohibits discrimination because of race, creed, color, religion, national origin, political affiliation, sex, sexual orientation, marital status, status with regard to public assistance, disability, or age (except where sex, disability, relationship, or age is a bona fide occupational qualification) in all aspects of its personnel policies, programs, practices, and operations.

This policy applies to all phases of full-time and part-time, temporary, and seasonal employment including, but not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training.

The policies within are for informational purposes only and are not intended to create a contract of employment. The policies are not intended to cover every situation that might arise and may be amended, repealed, or modified at any time by the City of Foley. Your employment is “at will” and may be terminated at any time by either you or the City with or without cause.

In accepting City employment, employees become representatives of the City and are responsible for assisting and serving the citizens for whom they work. An employee's primary responsibility is to serve the residents of Foley. Employees should exhibit conduct that is ethical, professional, responsive, and of standards becoming of a City employee. To achieve this goal, employees must adhere to established policies, rules, and procedures and follow the instructions of their supervisors.

The following are job requirements for every position at the City of Foley. All employees are expected to:

1. Perform assigned duties to the best of their ability at all times
2. Render prompt and courteous service to the public at all times.
3. Read, understand, and comply with the rules and regulations as set forth in this Employee Personnel Policy as well as those of their departments.
4. Conduct themselves with decorum toward both residents and staff and respond to inquiries and information requests with patience and every possible courtesy.
5. Report any and all unsafe conditions to the immediate supervisor.
6. Properly care for city property.
7. Maintain good attendance.

This policy does not apply to elected officials or consultants.

SECTION 2-EMPLOYMENT PROCEDURES

Appointment Procedure

All administrative appointments to municipal services shall be made by the City Council on the basis of merit and fitness, and without regard to race, color, creed, religion, national origin, marital status, disability, status with regard to public assistance, political affiliation, sex, sexual orientation, and age, except when a bona fide occupational qualification. Seasonal and department appointments will be made by the Department Head, in coordination with the City Administrator, and with the consent of the City Council.

Personnel shall be divided into five categories as follows:

Full-time - City employees who are scheduled for no less than forty (40) hours per work week shall be considered full-time and shall be granted all benefits as stated in this policy.

Regular Part-time - City employees who are scheduled for less than forty (40) hours per work week on a regular basis shall be considered regular part-time. Employees in this category shall not be eligible for benefits stated in this policy.

Temporary Part-time - City employees who are employed on an irregular basis and who work less than twenty (20) hours per work week. Employees in this category shall not be eligible for benefits stated in this policy.

Temporary Full-time - City employees who are scheduled for no less than forty (40) hours per work week, and are hired for a predetermined period of at least six months shall be classified as temporary full-time employees. Employees in this category shall be PERA eligible, but shall not be otherwise benefit eligible. Any probationary status otherwise applicable to an employee, shall not apply to temporary full-time.

Seasonal - Position in which the nature of the work or its duration are tied to a specific season or seasons of the year and is less than 185 days within a 12-month period. (P.E.R.A. definition). Employees in this category shall not be eligible for benefits stated in this policy.

Testing and Examinations

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

The City Council or designee will establish minimum qualifications for each position with input from the appropriate supervisor. To be eligible to participate in the selection process, a candidate must meet the minimum qualifications.

Pre-Employment Medical Exams

The city administrator or designee may determine that a pre-employment medical examination, which may include a psychological evaluation, is necessary to determine fitness to perform the

essential functions of any city position. Where a medical examination is required, an offer of employment is contingent upon successful completion of the medical exam.

When a pre-employment medical exam is required, it will be required of all candidates who are finalists and/or who are offered employment for a given job class. Information obtained from the medical exam will be treated as confidential medical records.

When required, the medical exam will be conducted by a licensed physician designated by the city with the cost of the exam paid by the city. (Psychological/psychiatric exams will be conducted by a licensed psychologist or psychiatrist). The physician will notify the city administrator or designee that a candidate either is or isn't medically able to perform the essential functions of the job, with or without accommodations, and whether the candidate passed a drug test, if applicable. If the candidate requires accommodation to perform one or more of the essential functions of the job, the city administrator or designee will confer with the physician and candidate regarding reasonable and acceptable accommodations. If a candidate is rejected for employment based on the results of the medical exam, he/she will be notified of this determination.

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. 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.

Probation Period

The probation period is the final part of the selection process. All employees (except firefighters and police) shall remain on a probationary status for the first six months of employment. During this time period the employee may be dismissed for any reason and this period may be extended if warranted. Police employees shall serve a probationary period of one year. Firefighters shall serve a probationary period of 18 months. During this time period the employee may be dismissed for any reason and this period may be extended if warranted.

Residency Requirements

Pursuant to M.S. 415.16, Subdivision 2, the City of Foley has the authority to request certain employees to live within a reasonable distance of the community if there is a demonstrated job-related necessity. In the interest of the safety and health of the citizens of Foley and others in the area, all Public Works employees are required to live within a fifteen (15) minutes response time of the city as determined by the City Administrator (Resolution 2002-8). Compliance must occur within 6 months of employment.

All police officers shall live within a thirty (30) minutes response time of the city as determined by the City Administrator. New police officer hires will have 90 days following the end of the probationary period to meet the required response time.

Please refer to the Foley Fire Department Personnel Policies, Appendix I, for details regarding the Foley Fire Department residency requirements.

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

Performance Evaluations

Employees will normally have their performance evaluated annually. Performance evaluations are based on job descriptions and result-oriented performance standards; the evaluation is intended to assist the employee in reaching their maximum potential. Copies of the performance evaluation are kept in the employee's personnel file as long as the employee is employed with the City of Foley. An employee who disagrees with their evaluation has the right to respond in writing; the employee's response will be attached to the evaluation. An employee may also appeal to the City Administrator or Personnel Committee (if supervised by the City Administrator) if they have concerns over their employment evaluation.

SECTION 3-COMPENSATION

Hours Worked

The work week and work day for all City employees shall be determined by the Department Head and approved by the City Council and fairly reflect the demands and allocation of the work of each department or activity. The regular work schedule shall conform to the provisions of the Fair Labor Standards Act of 1974. The normal work year consists of two-thousand eighty (2080) hours for full time employees, including all authorized absences. The normal work week consists of five (5) eight (8) hour work days. The work week within the Police Department is found in Appendix II.

Telework Policy

Telework is a work arrangement that allows an employee to perform scheduled regular functions at a telework location that is not the employee's permanent work location.

The City of Foley hereby establishes policy that intermittent telework may be arranged by those positions properly equipped with technology and where the job position allows for the capability of telework. Telework must be planned in advance and approved by both the employee's direct supervisor and the City Administrator.

Telework arrangements must comply with state and federal employment laws. The teleworker also remains responsible for all job duties of the position while teleworking. Work schedules must be arranged in advance. Employee is also subject to use of vacation and sick leave during

times not working and leave requests must be submitted in the same manner as if working from the permanent work location.

The teleworker is responsible for additional supplies and expenses necessary to telework at the location, including but not limited to internet and telephone connection equipment and costs. The teleworker is responsible for being reachable by co-workers, supervisors and customers during telework hours. Any violation of telework policies could result in immediate termination of the telework arrangement.

Time Reporting

Employees will be paid according to the time reported on their timesheets. To comply with the provisions of the federal and state Fair Labor Standards Acts, hours worked and any leave time used by non-exempt employees are to be recorded daily and submitted to payroll on a biweekly basis. Each time reporting form must include the signature of the employee and immediate supervisor.

Full-time, exempt employees are expected to work the number of hours per week as established for their position. In most cases, this will be 40 hours per workweek.

Reporting false information on a time sheet may be cause for immediate termination.

Compensation

Wages

Employees of the City will be compensated according to the provisions set under the City of Foley's Wage Implementation Plan, Appendix I. Placement of positions on the salary schedule will be determined by the Department Head and City Administrator with approval of the City Council. The criteria used for placement on the schedule may include: previous experience, educational requirements and duties and responsibilities of the position.

Employees who are off the step schedule will be eligible for a longevity increase as provided below:

- After 10 thru 15 years of service - .10 per hour.
- After 15 thru 20 years of service - .20 per hour.
- After 20 thru 25 years of service - .35 per hour.
- After 25 thru 30 years of service - .45 per hour.
- After 30+ years of services - .60 per hour.

Longevity is added to base pay on January 1st after completion of each year of service. It is not cumulative each year.

Overtime Pay

Overtime hours are defined as hours worked in excess of 40 hours per workweek. The work week within the Police Department is found in Appendix II. An accumulated record of overtime worked shall be kept by each employee. For any overtime accumulated the employee shall receive one (1) of the following:

- Compensatory time off at one- and one-half hours off for each hour of overtime worked with a maximum accumulation of 100 hours.
- Payment of one- and one-half times the employee's hourly rate of pay.

Unscheduled Call-In Time

Employees who are called into work for emergency or unscheduled work during their off-duty time shall receive a minimum of one (1) hour pay. Saturday, Sunday and holiday emergency work will be paid at an employee's regular rate times one and one half. Overtime rates will not apply to the day after Thanksgiving holiday, unless the employee works beyond the 40-hour weekly threshold. Weekend and holiday equipment checks, which cannot be scheduled during the regular workweek, will be paid at one (1) hour overtime.

The City recognizes the need for irregular schedules, emergency call-ins and overtime. However, the Department Head will ensure that overtime expenses are justified and equitably dispersed among all employees to ensure the most efficient operation possible for the department and the City.

Compensatory Time

The City of Foley has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime.

All overtime-eligible employees will be compensated at the rate of time-and-one-half for all hours worked over 40 in one workweek. Vacation, sick leave and paid holidays do not count toward "hours worked." Compensation will take the form of either time-and-one-half pay or compensatory time. The City encourages the use of compensatory time to be used in lieu of overtime whenever possible. The maximum accumulation of comp time is 100 hours. Upon termination of employment, an employee shall be paid for unused compensatory time.

Other Compensatory Time

Exempt (non-hourly) employees are expected to work the hours necessary in order to meet the performance expectations in their department. For reasons of accountability, exempt employees must track all hours worked. For excess hours worked in a pay period, exempt employees may accrue compensatory time on an hour for hour basis. The maximum accumulation of compensatory time for an exempt employee is 50 hours. Accrued compensatory time may be used in lieu of other accrued benefit leave time. Compensatory time will not be paid out as additional compensation to exempt employees. Upon termination, unused compensatory time is forfeited.

Shift Differential

Full-time non-exempt Public Works employees shall receive shift differential pay in the amount of an additional \$1.00/hour for those hours worked between 12:01 a.m. – 7:00 a.m.

Training/Development

Educational expenses for the attendance of a conference, meeting, or courses shall be paid by the Employer where said conferences, meetings or courses are attended by Employees with the prior permission of the Department Head and City Administrator and directly job-related and relevant to the performance of the employee's work responsibilities.

Time spent traveling to and from, as well as time spent attending training sessions or a 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.

If employees are required to travel outside of the area in performance of their duties as a city employee, they can receive reimbursement of expenses for meals, lodging and necessary expenses incurred. No reimbursement will be made for alcoholic beverages. Meal expense reimbursement shall not exceed \$35 per day. A full reimbursement, over the maximum defined, may be authorized only if a lower cost meal is not available.

Employees who find it necessary to use their private automobiles for city travel will be reimbursed at the prevailing mileage rate as established by the IRS.

Safety Equipment

Each full-time public works employee will receive the benefit of uniform service provided at no cost to the employee. The City will also reimburse full-time Public Works employees for prescription safety eyewear and steel toed safety shoes. Each full-time public works employees will be allowed an annual reimbursement of up to \$500.00. Receipts are required in order to receive such reimbursement. Police safety equipment is addressed in Appendix II.

Pay Day

Payroll is calculated bi-weekly. The pay period begins on a Sunday and ends on a Saturday with timecards due on the Monday following. The City of Foley requires all employees to use direct deposit for payment of payroll checks. Direct Deposit forms are received in new hire packets or may be obtained from the City Administration office. Pay days that fall on a holiday or weekend are paid the business day prior to the occurrence.

Cell Phone Stipend

Department heads who do not have a city provided cell phone are eligible to receive a \$10 per pay period stipend. Department heads who already have a city issued phone are not eligible for this benefit. Hourly employees are not eligible for this benefit.

City Apparel

An annual budget of \$500 will be provided for nonunion, non-department head employees for City of Foley apparel to use while at trainings, when using city volunteer hour or other time they are representing the City of Foley when their uniform/dress code is not necessary.

Department heads will be provided with 2 city apparel items upon taking the role as department head. They will also be allowed to order 1 additional item with city logo for each calendar year thereafter.

SECTION 4-TIME OFF

Attendance and Absences

The operations and standards of service in the City of Foley require that employees be at work unless valid reasons warrant absence. In order for a team to function efficiently and effectively, employees must be on the job. Attendance is an essential function of every City position. Employees who are going to be absent from work are required to notify their supervisor as soon as possible in advance of the absence. In case of unexpected absence, employees should call their supervisor before the scheduled starting time. If the supervisor is not available at the time, the employee should leave a message that includes a telephone number where the employee can be reached and contact any other individual who was designated by the supervisor. Failure to use established reporting process will be grounds for disciplinary action. Departments may establish more specific reporting procedures. The employee must call the supervisor on each day of an absence extending beyond one day unless arrangements otherwise have been made with the supervisor. Employees who are absent for three days or more and who do not report the absence in accordance with this policy, will be considered to have voluntarily resigned not in good standing. The City may waive this rule if extenuating circumstances warranted such behavior. This policy does not preclude the City from administering discipline for unexcused absences of less than three days. Non-exempt employees (eligible for overtime pay) are not authorized to take work home or work through lunch without prior approval from their supervisor.

Vacation Leave

Full-time employees will be eligible to earn vacation benefits. A new full-time employee must work the first six (6) consecutive months before they are eligible to take vacation pay. Full-time employees who maintain continuous employment shall be eligible for pro-rated vacation benefits on a semi-weekly accrual basis. Full-time employees shall earn vacation according to the following schedule:

| | |
|-------------------------|--------|
| 0 year – 1 year | 5 days |
| 1 year through 2 years | 12 |
| 2 years through 3 years | 13 |
| 3 years through 4 years | 14 |
| 4 years through 5 years | 15 |
| 5 years through 7 years | 16 |
| 7 years through 8 years | 17 |
| 8 years through 9 years | 18 |

Note: 1 day = 8 hours

| | |
|---------------------------|----|
| 9 years through 10 years | 19 |
| 10 years through 15 years | 20 |
| 15 years through 16 years | 21 |
| 16 years through 17 years | 22 |
| 17 years through 18 years | 23 |
| 18 years through 20 years | 24 |
| 20 years through 25 years | 25 |
| 25 years through 30 years | 30 |
| After 30 years | 35 |

An employee may only carry a balance of up to five (5) weeks (200 hours) of vacation. Overages must be approved by administration or it may be lost.

For those full-time employees leaving in good standing, one hundred percent of unused vacation shall also be considered severance and deposited into the Health Care Savings Plan (HCSP).

Personal Day

Each full-time employee will be allowed one (1) personal day off per year with pay. This personal day is intended to be used for matters which can not be consummated outside the normal business day. This day shall be scheduled in advance with the appropriate supervisor and mutually agreed to.

Earned Sick and Safe Leave

Earned sick and safe leave shall be accrued for full-time employees at a rate of 3.69 hours per pay period or ninety-six (96) hours per year of continuous employment beginning with the date of hire until one thousand two-hundred and forty (1240) hours have been accrued. All other part-time, temporary and seasonal employees shall accrue Earned Sick & Safe leave at a rate of one hour per 30 hours worked by an employee, up to a maximum of 48 hours of sick and safe leave per year. Part-time, temporary and seasonal workers must work for at least eighty (80) hours before becoming eligible for earned sick and safe leave.

Earned sick and safe leave may be used as it is accrued in quarter (.25) hour increments for the following circumstances:

- An employee's own:
 - Mental or physical illness, injury or other health condition.
 - Need for medical diagnosis, care or treatment, or a mental or physical illness.
 - Injury or health condition
 - Need for preventative care
 - Closure of the employee's place of business due to weather or other public emergency
 - The employee's inability to work or telework because the employee is prohibited from working by the city due to health concerns related to the potential transmission of communicable illness related to a public emergency, or seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public health emergency and the employee has been exposed to a communicable disease or the city has requested a test or diagnosis.

- Absence due to domestic abuse, sexual assault, or stalking of the employee provided the absence is to:
 - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
 - Obtain services from a victim services organization
 - Obtain psychological or other counseling
 - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
 - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking
 - Need to take off due to death in the family if not covered by the City of Foley's Bereavement Policy.
- Care of a family member:
 - With mental or physical illness, injury or other health condition Who needs medical diagnosis, care or treatment of a mental or physical illness, injury or other health condition Who needs preventative medical or health care Whose school or place of care has been closed due to weather or other public emergency When it has been determined by health authority or a health care professional that the presence of the family member of the employee in the community would jeopardize the health of others because of the exposure of the family member of the employee to a communicable disease, whether or not the family member has actually contracted the communicable disease
 - Absence due to domestic abuse, sexual assault or stalking of the employee's family member provided the absence is to:
 - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
 - Obtain services from a victim services organization
 - Obtain psychological or other counseling
 - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
 - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking

For Earned Sick and Safe Leave purposes, family member includes an employee's:

- Spouse or registered domestic partner
- Child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis
- Sibling, step sibling or foster sibling
- Biological, adoptive or foster parent, stepparent or a person who stood in loco parentis when the employee was a minor child
- Grandchild, foster grandchild or step grandchild
- Grandparent or step grandparent
- A child of a sibling of the employee
- A sibling of the parent of the employee or
- A child-in-law or sibling-in-law

- Any of the above family members of a spouse or registered domestic partner
- Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship
- Up to one individual annually designated by the employee

Advance Notice for use of Earned Sick and Safe Leave

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

Retaliation Prohibited

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

Benefits and Return to Work Protections

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

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

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

Carry Over of Earned Sick and Safe Leave

Part-time, Temporary and Seasonal Employees are eligible for carry over accrued but unused Earned Sick and Safe time into the following year, but the total of Earned Sick and Safe Leave carry over hours shall not exceed 80 hours.

Full-time employees who have accumulated the maximum number of earned sick and safe time (1240 hours) will receive payment, on the last pay date of the year, of 60% (not to exceed 57.60 hours) of accrued sick hours exceeding 1240 hours during the current year and the remaining 40% is forfeited.

A full-time employee covered by this handbook shall be entitled to a percentage of their unused sick leave as severance pay:

After 2 through 5 years of service 20% Severance

After 6 through 10 years of service 35% Severance

After 11 through 14 years of service 60% Severance

After 15 through 19 years of service 80% Severance

After 20 through 24 years of service 90% Severance

Over 25 years of service 100% Severance

For those full-time employees leaving in good standing, one hundred percent of the allowable severance (see schedule above) will be deposited into the Health Care Savings Plan (HCSP). One hundred percent of unused vacation shall also be considered severance and deposited into the Health Care Savings Plan (HCSP).

Full-time City of Foley employees are eligible to participate in the Minnesota Post Employment Health Care Savings Plan (HCSP) established under Minnesota Statutes, section 352.98 (Minn. Supp. 2001) and as outlined in the Minnesota State Retirement System's Trust and Plan Documents. All funds collected by the employer on behalf of the employee will be deposited into the employee's post-employment health care savings plan account.

If an employee dies while still employed and is eligible for severance pay, such severance pay cannot be deposited in to the Health Care Savings Plan (HCSP). The employee's severance pay will be paid to eligible beneficiaries and is taxable income.

Bereavement and Leave of Absence

Full time employees shall be allowed three (3) working days with pay as funeral/bereavement leave, without deduction from sick leave time. This shall apply only for the death of an immediate family member; mother, father, wife, husband, child, stepchild, grandmother, grandfather, grandchild, sister, brother, mother-in-law, and father-in-law, and step-parent.

A full-time employee selected as a pall-bearer for a deceased employee of the City will be allowed adequate time to serve up to one (1) funeral leave day with pay, not to be deducted from sick leave, or up to four (4) hours of leave with pay when serving as an honorary pall-bearer.

Jury Duty Leave

Employees required to appear for jury duty shall be paid the difference between their normal earnings and the stipend received for such jury duty.

Military Leave

Pursuant to Minnesota Statutes 192.26 to 192.261 a municipal employee who is a member of the national guard, or any other component of the militia of the state, or who is a member of the officer's reserve corps, the enlisted reserve corps, the naval reserve, the marine corps reserve, or any other component of the military or naval forces of the United States, shall be entitled to leave of absence without loss of pay, seniority status, efficiency rating, vacation, sick leave, or other benefits for the time which employee is engaged in training or active service not exceeding a total of any 15 days in any calendar year. Thus, such employee with full-time status shall receive their regular rate of pay for a period of fifteen (15) days. The employee has the option to use accrued vacation or similar paid leave during the period of military leave extending past fifteen (15) days. For up to thirty (30) days, insurance benefits will be maintained under the same conditions and at the same level of City contribution levels and premium rates while the employee is on leave. Unpaid military leave will be considered hours worked for the purpose of vacation leave and sick leave accrual.

Volunteer Hours

The City will provide up to 4 hours of paid leave for volunteer activities within the community. These activities must be directly benefiting the community of Foley and approved by administration prior. These hours will not roll over year-to-year and are considered a "use it or lose it" benefit.

Leave of Absence without Pay

Unpaid leave of absence may be granted for reasonable periods as determined by the employer and shall be in accordance with State and Federal laws. In no case will any leave exceed 12 months.

Family Medical Leave Act

The Family Medical Leave Act (FMLA) requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition;
- for a serious health condition that makes the employee unable to perform the employee's job; or
- for any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active-duty status.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months and have 1,250 hours of service in the previous 12 months.

Substitution of Paid Leave for Unpaid Leave

Employees may choose to use accrued paid leave while taking FMLA leave. This is not a requirement by the City of Foley.

Appendix III

Refer to Appendix III for general notice of employee rights and responsibilities under FMLA.

Parenting Leave

Employees who work twenty (20) hours or more per week and have been employed more than one year are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota. Female employees for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions as well as a biological or adoptive parent in conjunction with after the birth or adoption of a child as eligible for up to 12 weeks of unpaid leave and must begin within twelve (12) months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital. Employee should provide reasonable notice. If the leave must be taken in less than three days, the employee should give as much notice as practicable.

Employees are required to use accrued leave (i.e., sick leave, vacation leave, etc.) during Parenting Leave. If the employee has any FMLA eligibility remaining at the time this leave commences, this leave will also count as FMLA leave. The two leaves will run concurrently. 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 while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, but the employee will be responsible for the entire premium unless otherwise provided in this policy (i.e., where leave is also FMLA qualifying). For employees on an FMLA absence as well, the employer contributions toward insurance benefits will continue during the FMLA leave absence.

Returning to Work After Medical Leave

After a medical absence, a physician's statement may be required on the employee's first day back to work, indicating 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. Sick leave may be denied for any employee required to provide a doctor's statement until such a statement is provided. The City has the right to obtain a second medical opinion to determine the validity of an employee's worker's compensation or sick leave claim, or to obtain information related to restrictions or an employee's ability to work. The City will arrange and pay for an appropriate medical evaluation when it has been required by the City.

Holidays

The following days shall be observed as paid holidays for all full-time employees:

- New Year's Day
- Martin Luther King Jr. Day
- Presidents Day
- ½ Day for Good Friday
- Memorial Day
- Independence Day
- Juneteenth
- Labor Day
- Columbus/Indigenous People's Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- ½ Day for Christmas Eve
- Christmas Day

When a holiday falls on a Saturday or Sunday, the holiday is celebrated on Friday or Monday respectively. If a designated holiday falls within an employee's vacation period, he/she shall receive an additional day of vacation.

To be eligible to receive a paid holiday, an employee must be in payroll status on the work day immediately preceding and the work day immediately following the holiday.

All work performed on a day designated as a holiday shall be paid at one and one-half times the employee's regular hourly rate, except on the day after Thanksgiving where only straight time would be paid.

Lunch and Breaks

A paid fifteen-minute paid break is allowed within each four consecutive hours of work. An unpaid thirty-minute lunch period is provided when an employee works eight or more consecutive hours. Employees are expected to use these breaks as intended and will not be

permitted to adjust work start time, end time or lunch time by saving these breaks. Employees working in City buildings will normally take their break at the place provided for that purpose in each building. Employees working outdoors will normally take their break at the location of their work. Employees whose duties involve traveling throughout the City may stop along the assigned route at a restaurant or other public accommodation for their fifteen-minute break. Exceptions must be approved by the supervisor or City Administrator. Departments with unique job or coverage requirements may have additional rules, issued by the supervisor and subject to approval of the City Administrator, on the use of meal breaks and rest periods.

SECTION 5-EMPLOYEE BENEFITS

Insurance

The Employer shall make available to the regular, full-time Employees (40 hrs per week) a group program of insurance which may include health and hospitalization, dental, and life insurance. The Employer shall be the final determiner of the group insurance program and the terms and benefits thereof.

An employee is eligible for participation in the group insurance after the employee has worked in a full-time permanent status for thirty (30) days. An employee is eligible for the city contribution as provided in this article as long as the employee is employed full-time by the City. Upon termination of employment, all city contributions shall cease.

The Employer agrees to contribute the entire cost of the insurance program for each regular, full-time employee except for health insurance in which employer contribution will be at the rates indicated below:

Insurance Contribution Rates

Single Coverage Premium: Paid in full by the Employer.

Family Coverage Premium: 90% paid by Employer.

The health insurance contribution rates shall be reviewed annually.

Health differential pay will be provided for those full-time employees choosing not to enroll in the group health insurance policy. Employees shall receive 80% of the single premium rate plus employer H.S.A contribution in cash. This differential pay shall be paid bi-weekly with an employee's regular paycheck and will be taxable income.

Any premium costs exceeding the Employer's contribution shall be paid by the Employee by a bi-weekly payroll deduction.

Upon retirement, employees may continue health insurance coverage through the City policy at the full premium purchase rate. Retirement is considered removal in good-standing from occupation or service and pension collecting.

Flexible Spending Account Plan

The employer shall make available to full-time employees a reimbursement plan program which allows the employee to make pretax deductions to be put into a flexible spending account and be used for dependent care expenses, eligible medical, dental, and vision expenses not covered by other insurance.

Health Savings Accounts

The City of Foley provides a high-deductible insurance plan with the option of opening a health savings account as part of enrollment with the City health insurance plan. The Employer will contribute up to \$100 per month match for each city employee that is on the City health insurance plan as long as the employee matches dollar for dollar. The maximum contribution is \$1200 per year per employee. The employer contribution is combined with the employee contribution as part of the overall maximum allowed by Internal Revenue Service guidelines. See City Hall for more details on the I.R.S. guidelines.

Public Employees Retirement Association

All eligible city employees shall participate in the public employee's retirement plan. Under the rules of PERA, both the employee and employer contribute a percentage of the employee's wage toward the retirement fund. Students and certain temporary or seasonal employees may not be covered by PERA.

Employee Recognition Program

As determined by the City Administrator, full time employees shall receive an additional end of year benefit, not to exceed a value of \$100.00.

As determined by the City Administrator, Active Foley Fire Department Firefighters shall receive a benefit during the calendar year, not to exceed a value of \$25.00.

SECTION 6—ACCIDENTS/INJURIES AND WORKER'S COMPENSATION

Accidents/Injuries

The City of Foley recognizes the need and responsibility to maintain a safe and healthy work environment. To that end, it is expected that all employees will report any unsafe working conditions to their immediate supervisor. Every reasonable effort will be made to correct these situations. Unresolved matters should be brought to the attention of the City Administrator.

Any accident an employee is involved in or injury incurred needs to be reported as soon as practical to their supervisor. In no case shall an accident or injury requiring medical attention go unreported for more than 24 hours.

Worker's Compensation Act

It is the policy of the City of Foley to provide all employees with worker's compensation benefits when injury/illness is a direct result of a work-related incident. This benefit is at no cost to the employee.

SECTION 7-EMPLOYMENT POLICIES

Data Practices

Generally

The Minnesota Government Data Practices Act (MGDPA) governs all data maintained by the City, including information about city employees. Most data is public, although personnel data is subject to a number of protections. Employees should take great care to communicate in a professional manner, maintain appropriate documentation, and avoid writing anything that would be embarrassing to the employee or the City if disclosed to the public. No private personal information should be maintained on city computers or in city files because it could become subject to the MGDPA and may have to be disclosed to the public.

Employee Records

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.

Data Requests

All city employees have a responsibility to help communicate accurate and timely information to the public in a professional manner. Requests for private data or information outside of the scope of an individual's job duties should be routed to the City Administrator. Any employee who identifies a mistake in reporting should bring the error to the City Administrator or other appropriate staff. Regardless of whether the communication is in the employee's official city role or in a personal capacity, employees must comply with all laws related to trademark, copyright, software use etc.

Media Requests

With the exception of routine events and basic information that is readily available to the public, all requests for interviews or information from the media are to be routed through the City Administrator. No City employee is authorized to speak on behalf of the City without prior authorization from the City Administrator. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, and web sites. When responding to media requests, employees should follow these steps:

1. If the request is for routine or public information (such as a meeting time or agenda) provide the information and notify the City Administrator of the request.
2. If the request is regarding information about city personnel, potential litigation, controversial issues, an opinion on a city matter, or if an employee is unsure if the request is

a “routine” question, forward the request to the City Administrator. An appropriate response would be, “I’m sorry, I don’t have the full information regarding that issue. Let me take some basic information and forward your request to the appropriate person who will get back to you as soon as he/she can.” Then ask the media representative’s name, questions, deadline and contact information.

All news releases concerning City personnel will be the responsibility of the City Administrator. If the City Administrator authorizes a staff person to communicate on behalf of the city in interviews, publications, news releases, on social media sites, and related communications, employees must:

1. Identify themselves as representing the city.
2. All information must be respectful, professional and truthful. Corrections must be issued when needed.
3. Personal opinions generally don’t belong in official city statements.

Communications

The following guidelines apply to all communications from employees whether internal or to the public (email, telephone, written correspondence):

1. Remember that what you write is public, and will be so for a long time. It may also be spread to large audiences. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information that you would not want your boss or other employees to read, or that you would be embarrassed to see in the newspaper.
2. The City of Foley expects its employees to be truthful, courteous and respectful towards supervisors, co-workers, citizens, customers and other persons associated with the city. Do not engage in name-calling or personal attacks.
3. City resources, working time, or official city positions cannot be used for personal profit or business interests, or to participation in personal political activity.

Respectful Workplace

The intent of this policy is to provide general guidelines about the conduct that is and is not appropriate in the workplace. The City acknowledges that this policy cannot possibly predict all situations that might arise, and also recognizes that some employees are exposed to disrespectful behavior, and even violence, by the very nature of their jobs.

Applicability

Maintaining a respectful work environment is a shared responsibility. This policy is applicable to all City personnel including regular and temporary employees, volunteers, and firefighters.

Abusive Customer Behavior

While the City has a strong commitment to customer service, the City does not expect that employees accept verbal abuse from any customer. An employee may request that a supervisor intervene when a customer is abusive, or they may defuse the situation themselves, including ending the contact. If there is a concern over the possibility of physical violence, a supervisor

should be contacted immediately. When extreme conditions dictate, 911 may be called. Employees should leave the area immediately when violence is imminent unless their duties require them to remain. Employees must notify their supervisor about the incident as soon as possible.

Types of Disrespectful Behavior

The following types of behaviors cause a disruption in the workplace and are, in many instances, unlawful:

1. **Violent behavior** includes the use or threat of physical force, harassment, or intimidation.
2. **Discriminatory behavior** includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, or status with regard to public assistance.
3. **Offensive behavior** includes rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disrespectful language, or any other behavior regarded as offensive to a reasonable person. It is not possible to anticipate in this policy every example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and supervisor what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction. Although the standard for how employees treat each other and the general public will be the same throughout the city, there may be differences between work groups about what is appropriate in other circumstances unique to a work group. If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from their supervisor or the City Administrator.
4. **Sexual harassment** includes 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:
 - a. Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - b. Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or
 - c. 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: (1) 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; (2) 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; (3) 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.

Employee Response to Disrespectful Workplace Behavior

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

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

Step 1(b). If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, go to your supervisor or the City Administrator if the issue involves your supervisor. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter no later than ten business days after your report.

Step 1(c). In the case of violent behavior, all employees are required to report the incident immediately to their supervisor, City Administrator or Police Department. Any employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must immediately report it to a supervisor or the City Administrator.

Step 2. If, after what is considered to be a reasonable length of time (for example, 30 days), you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident to the City Administrator or the Mayor.

Supervisor's Response to Allegations of Disrespectful Workplace Behavior

All complaints of disrespectful workplace behavior will be taken seriously. In the case of sexual harassment or discriminatory behavior, a supervisor must immediately report the allegations to the City Administrator, who will determine whether an investigation is warranted. A supervisor must act upon such a report even if requested otherwise by the victim. In situations other than sexual harassment and discriminatory behavior, supervisors will use the following guidelines when an allegation is reported:

Step 1.

If the nature of the allegations and the wishes of the victim warrant a simple intervention, the supervisor may choose to handle the matter informally. The supervisor may conduct a coaching session with the offender, explaining the impact of the employee's actions and requiring that the conduct not reoccur. This approach is particularly appropriate when there is some ambiguity about whether the conduct was disrespectful.

Step 2.

If a formal inquiry is warranted, the individual alleging a violation of this policy will be asked to discuss the nature of the allegations. The employee being interviewed may have someone of his/her own choosing present during the interview. The supervisor or City Administrator will obtain the following description of the incident, including date, time and place, corroborating evidence, a list of witnesses, identification of the alleged offender.

Step 3.

The supervisor must notify the City Administrator about the allegations.

Step 4.

As soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations. The alleged violator will have the opportunity to answer questions and respond to the allegations.

Step 5.

After adequate investigation and consultation with the appropriate personnel, a decision will be made regarding whether or not disciplinary action will be taken.

Step 6.

The alleged violator and complainant will be advised of the findings and conclusions as soon as practicable.

Special Reporting Requirements

When the supervisor is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the City Administrator who will assume the responsibility for investigation and discipline. If the City Administrator is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the City Attorney who will confer with the Mayor and City Council regarding appropriate investigation and action.

Pending completion of the investigation, the City Administrator may at his/her discretion take appropriate action to protect the alleged victim, other employees, or citizens.

Confidentiality

A person reporting or witnessing a violation of this policy cannot be guaranteed anonymity. The person's name and statements may have to be provided to the alleged offender. All complaints and investigative materials will be contained in a file separate from the involved employees' personnel files.

If disciplinary action does result from the investigation, the results of the disciplinary action will then become a part of the employee(s) personnel file(s).

Retaliation

Consistent with the terms of applicable statutes and City personnel policies the City may discipline

any individual who retaliates against any person who reports alleged violations of this policy.

The

City may also discipline any individual who retaliates against any participant in an investigation, proceeding or hearing relating to the report of alleged violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Possession and Use of Firearms

Possession or use of a firearm by an employee while working is prohibited on City property, in City vehicles, or in any personal vehicle, which is being used for City business. This includes employees with valid permits to carry firearms.

The following exceptions to the firearms prohibition are as follows:

1. Employees legally in possession of a firearm for which the employee holds a valid permit, if required, and said firearm is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on City property.
2. A person who is showing or transferring the weapon or firearm to a police officer as part of an investigation.
3. Police officers and employees who are in possession of a weapon or firearm in the scope of their official duties.

Policy Regarding Alcohol and Drug Use by City of Foley Employees

A. Introduction:

The Foley City Council recognizes that alcoholism and other drug dependencies are a significant social problem with a potential for causing severe effects to the City's workforce. The City recognizes that it has a responsibility to maintain a drug free workplace in accordance with federal and state laws. The City also recognizes that alcohol and drug dependency may be an illness. Consistent with this understanding, the City has an obligation to ensure that its employees perform their jobs efficiently, safely and in a professional business-like manner.

The purpose of this document is to set forth the City's policy regarding alcohol and other drug use, including unlawful drug use or abuse, in the workplace.

B. Application:

This policy shall be applicable to all employees of the City of Foley and shall be enforced by all supervisors and department heads.

C. Definitions:

1. "Work-related Alcohol and Other Drug Abuse" is defined as the use of mood-altering drugs, including all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana, controlled substances or the use of prescription drugs when resulting behavior or appearance adversely affects work performance.

2. "Adversely Affects Work Performance" and "Under the Influence" shall be determined to be present if the employee is perceptibly impaired; has impaired alertness, coordination, reactions, responses, or effort; if the employee's condition or behavior presents the appearance of unprofessional or irresponsible conduct detrimental to the public's perception of the City as an employer as determined by the supervisor or department head.

3. "Controlled Substances" means those substances whose distribution is controlled by regulation or statute including, but not limited to, narcotics, depressants,

stimulants, hallucinogens and cannabis (marijuana).

4. "Mood Altering" or "Alter" means changed behavior which may limit an employee's ability to safely and efficiently perform employee's job duties, or poses a threat to the safety of the employee or others.

D. Non-Discrimination:

The City's policy on work-related substance abuse is non-discriminatory in intent and application. However, in accordance with Minnesota Statutes, Chapter 363A, disability does not include any condition resulting from alcohol and other drug abuse which prevents a person from performing essential functions of the job or creates a direct threat to property or the safety of individuals.

E. Consequence of Violations:

Violations of this policy may constitute misconduct and be subject to discipline, up to and including discharge. Each situation will be evaluated on a case-by-case basis depending upon the severity and circumstances involved.

F. Prohibitions:

No employee shall report to work under the influence of alcohol, marijuana, controlled substances, or other drug which affects employee's alertness, coordination, reaction, response, judgment, decision-making or safety.

No employee shall operate, use or drive any equipment, machinery or vehicle on the job while under the influence of alcohol, marijuana, controlled substances, or other mood-altering drugs. Such employee is under an affirmative duty to immediately notify employee's supervisor that employee is not in appropriate mental or physical condition to operate, use or drive equipment on the job.

No employee shall unlawfully manufacture, distribute, dispense, possess, transfer or use a controlled substance in the workplace or wherever the City's work is being performed.

When an employee is taking medically authorized drugs or other substances which may alter job performance, the employee is under an affirmative duty to notify employee's supervisor of the temporary inability to perform the job duties of employee's position.

Each employee is required to notify their department head of any criminal drug statute conviction for a violation occurring in the workplace no later than (5) five days after such conviction. Upon receiving notice of such a conviction, the City of Foley shall take appropriate personnel action up to and including termination or shall require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program.

Any alcohol or drug testing undertaken by appointing authorities shall be in accordance with Minnesota Statutes 181.950-957, the Minnesota Drug and Alcohol Testing in the Workplace Act.

Sexual Harassment Policy

It is the policy of the City of Foley that sexual harassment of employees is prohibited. The City of Foley believes that every employee has the right to a work environment free from sexual harassment. Any employee found to have acted in violation of this policy will be subject to appropriate disciplinary action, which may include termination. "Sexual Harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

- 1.) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an individual's employment; or
- 2.) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
- 3.) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creates an intimidating, hostile, or offensive work environment; and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action; or
- 4.) such conduct is based on sex and would have not occurred "but for" the sex of the victim even though it is not clearly sexual in nature or an explicit sexual advance.

Any claims of sexual harassment should be reported to the employee's supervisor, the personnel department, the city administrator, or anyone else in a position of authority at the City of Foley. Any claims of sexual harassment or violations of the Sexual Harassment Policy will be reported to and investigated by the City of Foley's personnel director or city administrator, unless another individual is more appropriate. If the facts appear to support the allegations of sexual harassment or violation of this policy, disciplinary action up to and including termination may result. All reports of harassment will be handled as confidentially as possible by the City of Foley. This policy applies to all of the City of Foley's employees while performing their duties as employees within or outside the workplace.

Acceptable Use Policy for Computer and Network Systems

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

PURPOSE:

To provide clear guidelines to all employees regarding access to and disclosure of computer and network systems, including electronic communications involving electronic-mail (email), the internet, and downloading of computer files which are sent or received by City employees with the use of any City computer communications systems.

SCOPE:

These policies, standards and guidelines apply to all employees of the City. The variety of computing and electronic communication access and tools that the City provides its employees include desktop, laptop, mobile and central computers, internal and external networks, email, modems and facsimile systems, cellphones and other wireless devices. These tools are City owned and publicly funded; the computer systems and the software information contained on or conveyed through them is the property of the City. Access and use are restricted by this Acceptable Use Policy. Equipment that is the property of another entity, but used by City employees in the course of their work, is also encompassed in this policy.

By addressing the issues of use for computer communications, the City ensures maximum benefits by recognizing a critical and defined balance between the need for open communications and the protection of City assets. Each system may, at times, have its own set of policies and procedures.

A. This Policy is Governed by the Following:

1. Administration of department owned servers and equipment will be performed under the discretion and approval of department head.
2. The City reserves the right to access, inspect, review, and monitor computers and network communications systems at any time. Employees have no expectation for privacy when using City computers.

B. Personal Use of Computers, Networks, Electronic Mail, and the Internet:

1. Incidental and occasional personal business use of City computers or networks is permitted only as determined by individual department heads; however, such use will be in accordance with this and other City policies and is restricted to use during general office hours.
2. The personal usage privilege will be determined by the supervisor and follow these guidelines:
 - A. Is done on the employee's personal time.
 - B. Does not interfere with business usage.
 - C. Does not interfere with the employee's job activities.
 - D. Does not interfere with other employee's job activities.
 - E. Is not for political, religious, personal financial profit, or other promotional activities, or does not result in consumption of City resources.
 - F. Does not result in incremental expense for the City.
 - G. Does not contain or infer threatening, obscene or abusive language.
 - H. Does not involve harassing behavior, pornographic content, or constitute gambling.
3. Employees using computers or networks for personal use waive any claims to privacy.

4. Excessive personal use will be determined by the employee's department head or supervisor and may subject the employee to disciplinary action.
5. Employees must not download software or engaging in activity that exposes City computers or database to viruses or hacking.

C. Electronic Mail (email) and Internet Use:

1. The City's computer communication systems are for the use of persons legitimately affiliated with the City.
2. Under no circumstances should City electronic communications systems be used to send offensive, racist, or sexist messages. Examples of uses of email that will not be tolerated include:
 - a. Illegal activities
 - b. Wagering, betting or selling chances
 - c. Commercial activities
 - d. Personal business
 - e. Solicitation, except on city sanctioned activities
 - f. Promotion of political or private causes, positions or activities, and/or other unethical activities
 - g. Harassing email
 - h. Pornographic or vulgar content.
3. Employees are advised that email and internet use is not private and can be traced. Once created, email messages may be stored in many ways and in many places. A message deleted locally may continue to exist in other places in the network. This data may be subject to public disclosure under the MGDPA and may discoverable in legal proceedings.
4. Employees shall exercise prudent use of list services, downloads, and on-line activities that may have a detrimental affect on network traffic.
5. Email should be routinely filed as necessary or regularly deleted and purged from the system but those emails subject to data practices and retention records must be retained per the adopted records retention schedule.
6. Email received that is threatening or inappropriate should be reported to the supervisor.
7. All email messages should be signed or otherwise clearly identify the sender.

D. Questions Regarding this Policy:

City employees who have concerns or are uncertain about ethical, legal, or security issues regarding their use of data communications tools are expected to discuss their concerns with their supervisor who will act as the employee's first point of contact.

SECTION 8-DICIPLINE

Disciplinary Action

Supervisors are responsible for maintaining compliance with City standards of employee conduct. City employees will be subject to disciplinary action for failure to fulfill their duties and responsibilities at the level required, including observance of work rules and standards of conduct and applicable city policies.

Oral and written reprimands will be determined at the discretion of each department head and administered in a non-discriminatory manner. The City is not obligated to use progressive discipline. The Supervisor or the City Administrator will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

Unresolved matters or severe performance problems may result in suspension or termination of employment. Employees who have engaged in overtly negligent behavior, gross insubordination, theft or moral acts which negatively impacts the City or their ability to perform their jobs, may be suspended immediately.

SECTION 9-EMPLOYMENT SEPERATION

Termination of Employment

Employment is terminable at will by either the employer or employee.

Employees who resign their position are expected to give a two (2) week written notice to their supervisor. Failure to comply with this personnel policy may be considered cause denying such employee future employment. Council reserves the right to waive the notice period.

At the discretion of the City, an employee may be terminated at any time during the probationary period if, in the council's opinion, the employee is unable or unwilling to perform the duties of the position satisfactorily or that his or her habits and dependability do not merit continuance in the position. The employee so terminated shall not have the right to appeal unless he or she is a veteran, in which case the procedure prescribed in Minn. Stat. 197.46 shall be followed.

APPENDIX I

City of Foley's Wage Implementation Plan (1999)

The City of Foley pay plan is a step plan – it is based on years of service and satisfactory performance. If performance is satisfactory, employees move to the next step in the pay plan with each year of service. Guidelines for administering a traditional step plan are as follows:

Guidelines are based on two assumptions:

1. The City will update its pay scale once annually on January 1.
2. The City will adjust all current employees' wages effective January 1 of each year.

Administrative Rules

1. For new hires the start rate will be determined based on the month of hire.
2. All employees will need to have a performance review prior to receiving their next pay adjustment. A rating of satisfactory will be necessary if an increase is to be granted. This includes annual schedule adjustment related increases.
3. New hires and promoted employees may be assigned to an advanced step at the discretion of the City. Previous related employment or previous work within the City will be considered when making a decision about step placement.

APPENDIX II

Foley Police Department

Work Schedule - Normal work year shall consist of 2,080 hours to be accounted for by each full-time police officer through the following:

Nothing in this appendix shall be interpreted to be a guarantee of a minimum or maximum number of hours that the City may assign to the officers.

Scheduled hours of work- Full-time officers will work 12-hour shifts with one 10 hour shift every two weeks to make up a total of 80 hours every two weeks.

Compensatory Time Carry Over – a full-time police officer shall be limited in the carryover of compensation time. Compensation time shall be calculated at the **first of every year** to ensure that the officer carryover does not exceed 100 hours, any time over 100 hours the officer will have 1 full pay period to reduce their hours to the required amount with no penalty.

Overtime – Full-time officers shall be compensated at (1.5) one and one half times the officer's regular base rate for any hours worked in excess of the officer's extended hours allotment Overtime will be distributed as equally as practicable. Overtime shall be

calculated to the nearest (15) fifteen minutes. Officers are encouraged to take compensatory time instead of paid overtime.

Shift Differential - In general an exempt employee is not eligible to receive overtime compensation, under this provision an exempt employee shall be eligible for Shift Differential compensation but only to the extent that full reimbursement is available through an outside source. The exempt employee shall receive compensation as described in the contract or grant agreement. Full-time employees are allowed Shift Differential as compensation for working grant or contract events. Some examples include but are not limited to School Contracts, Safe & Sober grant, Towards Zero Death grant, any National Highway Traffic Safety Administration (NHTSA) grant etc. Shift differential shall be equivalent to 1.5 times the employee's hourly rate or the employee's overtime rate.

Holidays - Officers will work holidays as scheduled, all full-time officers will receive eight (8) hours of compensation time for the holidays listed below. If the officer works the holiday they will be compensated for that shift at their overtime rate. A part-time officer who works any of the listed holidays will be paid at their overtime rate (1.5 times their regular rate) for hours worked.

- New Year's Day
- Martin Luther King Jr. Day
- Presidents Day
- Easter
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day

* note that the Police Department has chosen to exchange the ½ day Christmas Eve and the ½ day for Good Friday per the City of Foley Personal Policy for the holiday of Easter.

Training - Every attempt will be made to schedule officers for training on their scheduled days of work. In the event that the training falls on the officer's days off, the Chief of Police has the discretion to adjust the officer's schedule to ensure that the officer is not exceeding their regular hours in a workweek, or allowing the officer to take the training time as compensation time at one and one half (1.5) times the officers regular time. Mandatory P.O.S.T. Board required training will be compensated at the officer regular rate of time even if exceeds 40 hours.

Post Training and Dues – The City will pay for all P.O.S.T. required training. The City will also pay for all P.O.S.T. license renewals for full-time officers. The City will also pay membership in the (FOP) Fraternal Order of Police as well as cover all costs associated with the enrollment and membership in the (FOP) Legal Defense Fund.

Court Time – An officer who is required to appear, and does appear in court during their scheduled days off shall receive a minimum of (2) two hours at the officers overtime or compensation rate of pay. If an officer is called off prior to the appearance and advised that they are not required for court then no compensation shall apply. An extension or early report for a regularly scheduled shift does not qualify that officer for the two-hour minimum unless approved by the Chief of Police.

Call Back – An officer called back to work outside their regularly posted schedule shall be paid for a minimum of (2) two hours at the officers' base rate of pay. An extension or early report for a regularly scheduled shift does not qualify that officer for the two hour minimum unless approved by the Chief of Police.

Standby Time – Officers required by the City to standby or be on call as a replacement for a regularly scheduled shift of on-duty or a portion thereof shall be paid for such standby time at the rate of \$3.25 for each hour they are placed on standby. This time will only be compensated when the officer is directed to be on standby by the Chief of Police. Their time will only be compensated at the start time and end time directed by the Chief of Police.

Part-time Officers – Part time officers will be used to offset the current patrol schedule. All part-time officers must currently hold a full-time Peace Officers License in the State of Minnesota. Part-time officers do not receive benefits other than payment of P.E.R.A. (public employees' retirement association) Police and Fire Fund. Part-time officers will receive overtime pay at a rate of (1.5) one and one half times their regular wage when working holidays. Part time officers that are eligible will be allowed to work Safe & Sober (TZD) or other contracted shifts at their regular rate of pay. First priority for all overtime opportunities will be first given to the full-time officers. Part-time officers are required to submit all training records to the department training officer or the Chief of Police to insure that all POST mandated training and continuing education requirements are being met. If a part-time officer fails to meet the P.O.S.T. mandated training requirements, that part-time officer will not be allowed to work shifts and failure to become compliant within 30 days of notification may result in the termination of the part-time officer. Part-time officers will be issued (1) long sleeve shirt, (1) short sleeve shirt, and (1) pair of uniform pants.

Uniform/Equipment – Full-time officers will be issued (2) long sleeve shirts, (2) short sleeve shirts, (2) pairs of duty pants, (1) jacket, (1) pair of boots, (1) bullet resistant vest (if allowed by state reimbursement), and all required duty gear <define> that is needed at the discretion of the Chief of Police. Officers will be required to provide their own service weapon. **All** weapons for on-duty or off-duty use must be approved by the Chief of Police prior to the use of the weapon for qualification and duty purposes. Officers are required to maintain their uniforms in good serviceable condition and purchase any additional personal equipment that they deem necessary

for them to perform their job more efficiently and effectively. Each officer shall provide and maintain a personal firearm. Each full-time officer shall receive a uniform allowance of \$450.00 per year for the purpose of replacement or additional equipment as the officer deems necessary to perform their duties as a police officer. Officers will be allowed to charge the items to the police department and provide the Chief of Police a copy of the invoice to ensure the proper amount is being deducted from their allowance. All items purchased should be considered a law enforcement tool or for law enforcement purposes. If the officer has any questions about a purchase, the officer should discuss the purchase with the Chief of Police prior to the purchase of the item.

APPENDIX III

Employee Rights & Responsibilities Under The Family and Medical Leave Act

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

***The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

***Special hours of service eligibility requirements apply to airline flight crew employees.**

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a

regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

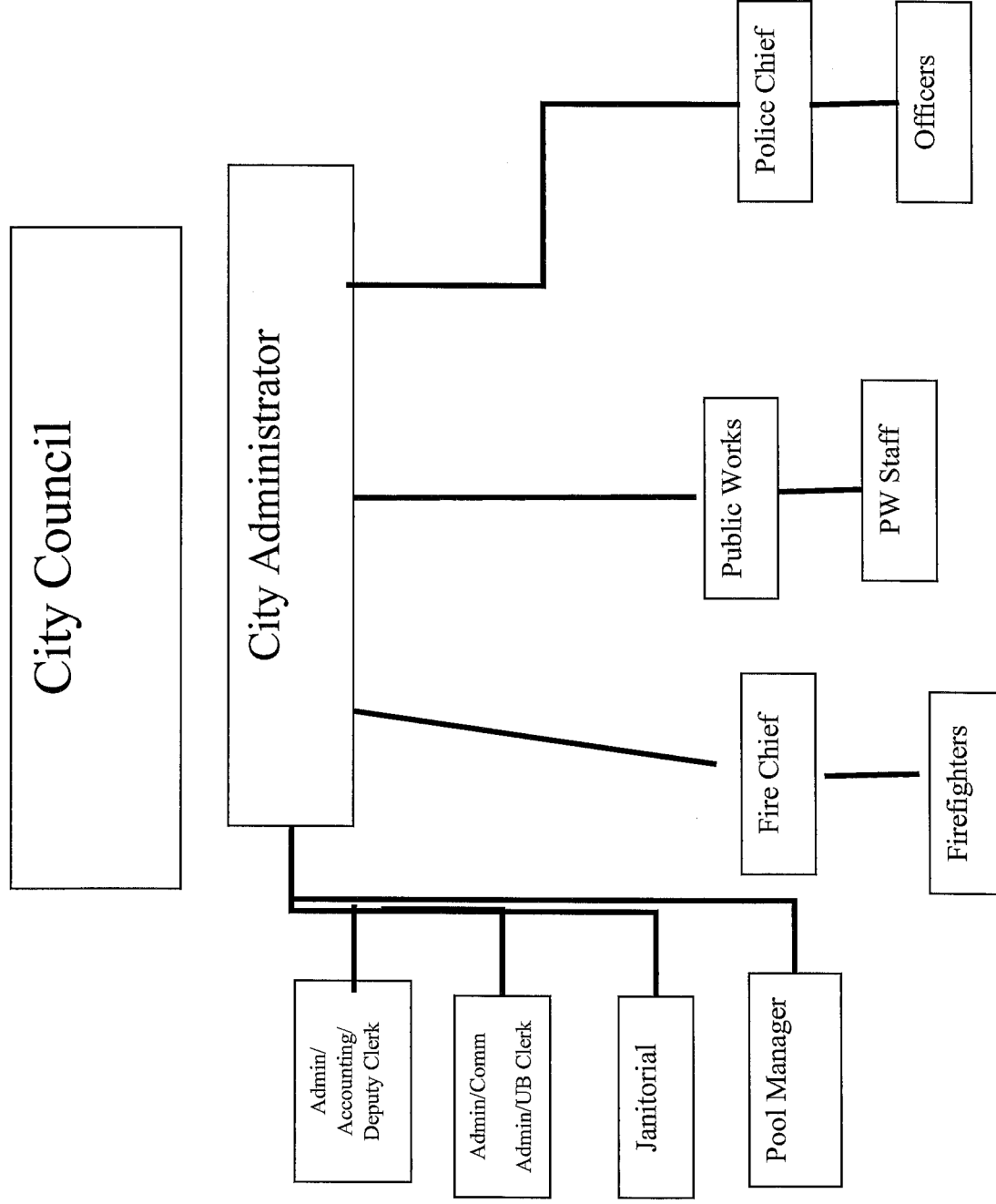
- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

City of Foley Organizational Chart



EMPLOYEE ACKNOWLEDGMENT

I have received and read the City of Foley Personnel Policy and I am familiar with its terms. I understand that I am an at-will employee. I understand that this document is not a binding contract, but is a set of guidelines to establish a uniform and equitable system of personnel administration for employees of the City of Foley. I also understand that the City may modify any of the provisions of this policy at any time.

Employee

Date



Welcome Sign: Winning Concept

TO: FOLEY CITY COUNCIL
FROM: SARAH BRUNN, CITY ADMINISTRATOR
SUBJECT: 11-07-23 -COUNCIL MEETING
DATE: NOVEMBER 3, 2023

Consent Agenda

Police Officer Eric Vickstrom is resigning. Personnel will be meeting on Tuesday prior to the meeting to discuss options on filling this position with an existing part-time employee. We will update the council on those discussions at the meeting. We anticipate losing 1-2 part-time officers in the coming weeks so are requesting council authorize opening up a part-time hiring process as well.

Public Hearing – Fee Schedule & Special Assessments

Following the public hearing the council should address the fee schedule and special assessments which are included in your packet. This does include increases to the water and sewer rates but does not approve the winter sewer rate ordinance. That change is made with a different ordinance and will be discussed later in the meeting. If the council wishes to proceed with winter sewer rates, we will hold another public hearing in December to finalize.

TIF Decertification

We had established a TIF district a number of years ago next to the county courthouse along Hwy 23. This district was established because a memory care facility was to be built at that location. The facility was never built and property has been re-sold and is currently for sale again. State law requires us to decertify districts after an extended period of time so after consulting with our attorney I am moving the resolution forward to clean this up. We may also have to reimburse property tax payments we collected as part of this process but the first step is the resolution and filing with the county auditor.

Cannabis Ordinance

A copy of the final county ordinance is included in your packet. Staff wants to confirm if the council wishes to proceed with the same ordinance or make additional changes. The county ordinance did not include cities as originally presented so we must adopt our own ordinance if we wish to ban use in public places.

2025 Street & Utility Improvements (Broadway, 4th Avenue N, etc.)

The city engineer will present information to the council to move ahead with a feasibility study for the 2025 improvements. The feasibility is a planning process that provides more information to the council and also allows us to move forward with the 429 special assessment process. Once completed, the city engineer will present more details on the project and updated cost estimates.

Public Works SnowWolf Plow

Public Works Director Mark Pappenfus will present a state bid plow quote. This item is planned for in our capital improvement plan for 2023.

Winter Sewer Rates Ordinance

The council will need to provide direction on if they wish to proceed with the winter sewer rates ordinance. We can also still make changes to the ordinance as well. A public hearing will be required in December prior to adoption.

2024 Budget Update/Personnel Policy Updates

We did receive the health insurance renewal which was an 8% increase and within our budgeted amount. We are also requesting to migrate to a different dental plan which will provide better coverage and save the city on premium costs.

In addition, some employees requested us to consider increasing the health care savings contribution. When we migrated to the high deductible health plan a number of years ago, we indicated we would try to increase the health care savings employer contributions over time. We have never increased it and this is a good year to do so with manageable premium increase. We also need to keep in mind that the deductible of the plan also rises over time so it requires additional dollars from the health care savings accounts. I have included the specific request in the council packet and can answer any questions you have at the meeting.

We also were requested to change the safety glasses/boots allowance. Instead of two separate \$250 reimbursements for each item the employees have requested one safety allowance of \$500 per year. All employees must provide receipts for equipment purchases.

Lastly, I have provided the new Earned Sick & Safety Time policy which is required by new state law effective January 1, 2024. We used the League policy as a guidance and incorporated it into our existing sick time policy. A copy of the policy is included in your packet.

The entire personnel policy is also in your packet – but all the changes requested are separated out so you know exactly what you are acting upon for changes. We have some new members on the council so I wanted to make sure they were aware of the existing policies as well.

Welcome Sign Variance

We ran into an issue with the county ordinance requiring us to obtain a variance for the proposed welcome sign in MnDOT right-of-way on the intersection of Hwy 23/County Road 66. I am going to be requesting a wavier of fees for this request from the county board but also need permission to apply for this county variance on behalf of the City.

County Building Acquisition

The committee has met again and we have also had the opportunity to review plans provided by the county. City staff also had some conversations with our building official regarding the building and potential code requirements in the future. The committee will be recommending we do not proceed with an acquisition of the county building. We have concerns with taking on that large of a building at this time when we have so many other projects we need to be focusing our time and resources on. The council can discuss this further at the meeting on Tuesday.

Upcoming Reminders:

November 10th – Holiday – City Offices Closed

November 23rd & 24th – Holiday – City Offices Closed

December 5th – Council Meeting/Final Budget (TNT Hearing)