

CHAPTER 2 ADMINISTRATION

Article I	In General
Article II	Finance Director
Article III	City Council
Article IV	City Administrator
Article V	Personnel
Article VI	Custody and Disposal of Unclaimed Property
Article VII	Partial Prepayment of Special Assessments
Article VIII	Public Improvement Revolving Fund
Article IX	Street Lighting Enterprise Fund

ARTICLE 1. IN GENERAL

Sec. 2-01. Offices of Clerk and Administrator Combined. Pursuant to the power granted to the city by Minnesota Statutes, Section 412.541, Subdivision 1, the office of the City Clerk is hereby combined with the office of the City Administrator.

Sec. 2-02. Charge for Administrative Services for Improvement Projects.

- (a) **Purpose.** The city provides certain city administrative services whenever city improvement projects are undertaken. Such administrative services result in real costs sustained by the city general fund. The City Council desires to recover a portion of said administrative costs.
- (b) **Establishment of charge.** After all regular construction contract costs have been determined for each improvement project, one (1%) percent of the final contract cost, exclusive of engineering, legal, and contingent costs, shall be added to said total as a charge for administrative services. Such administrative charges shall be transferred from the construction account for each improvement project to the city general fund as soon as it is convenient to do so. The City Administrator, or agent, shall be responsible for making the transfer.
- (c) **Violation.** Any person who shall violate any portion of this section shall be guilty of a misdemeanor.

Sec. 2-03. Election - Date Held. The regular city election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year, beginning with the 1974 election.

Sec. 2-04. Same - Voters to be Registered. No person shall be permitted to vote at any election in the city unless that person is registered as provided by Minnesota Statutes.

Sec. 2-05. Same - Permanent Registration System Adopted. The system for the permanent registration of voters provided for by Minnesota Statutes, Chapter 201 is hereby adopted and made a part of this Code by reference as if fully set forth herein.

ARTICLE II. FINANCE DIRECTOR

Sec. 2-06. Finance Director. There is hereby created within the city the position of Finance Director.

Sec. 2-07. Bookkeeping Duties. All bookkeeping duties of the City Clerk are hereby transferred to the Finance Director.

Sec. 2-08. Treasurer - Same As. The Finance Director shall also be the Treasurer.

Sec. 2-09. Audit. The financial affairs of the city shall be audited annually, under the direction of the City Administrator.

Sec. 2-10. Fidelity Bond. The Finance Director shall furnish a fidelity bond to the city in such amount as the City Council shall direct, which shall be paid for by the city.

Sec. 2-11. Duties and Responsibilities. The Finance Director shall have such other duties and responsibilities as the City Council may assign to such position.

ARTICLE III. CITY COUNCIL

Sec. 2-12. Composition; Filling of Vacancies. The City Council shall consist of the mayor and four (4) council members. Vacancies in office shall be filled for the remainder of the term by the City Council. In case of a tie vote on such appointments, the Mayor shall fill the vacancy by appointment for the unexpired term. The Mayor shall serve a term of four (4) years and until a successor is elected and qualifies.

Sec. 2-13. Compensation. Commencing January 1, 2007, the salary of the Mayor of the city shall be \$700 per month and the salary for each council member shall be \$585 per month.

Sec. 2-14. Special Powers. The City Council may preserve order at its meeting and shall be the judge of the election and qualifications of its members. The City Council shall have the power to regulate its own procedure. Every current contract, conveyance, license, or other written instrument shall be executed on behalf of the city by the Mayor and Clerk, with the corporate seal affixed, and only pursuant to authority from the City Council.

Sec. 2-15. Appointment of Acting Mayor. At its first meeting each year, the City Council shall choose an acting mayor from the council members. This person shall perform the duties of Mayor during the disability or absence of the Mayor from the city or, in case of vacancy in the office of Mayor, until a successor has been appointed and qualifies.

Sec. 2-16. Authority to Create Departments and Boards, Make Appointments, Fix Compensation, etc. The City Council may create such departments and advisory boards and appoint such officers, employees and agents for the city as may be deemed necessary for the proper management and operation of municipal affairs. The City Council may prescribe the duties and fix the compensation of all officers, both appointive and elective, employees and agents, when not otherwise prescribed by law. The City Council may, except as otherwise provided, remove any appointive officer or employee when, in its judgment, the public welfare will be promoted by the removal. Such power of removal is subject to veteran's preference, contracts, and other laws that may be applicable.

Sec. 2-17. Employment of Accountant. The City Council shall employ a public accountant on a yearly basis for the purpose of auditing, examining, and reporting upon the books and records of the city.

Sec. 2-18. Designation of Official Newspaper. At its first meeting each year, the City Council shall designate a legal newspaper that shall be the official newspaper for the city.

Sec. 2-19. Designation of Depository. At its first meeting each year, the City Council shall designate the depository for municipal funds.

Sec. 2-20. Time and Place of Regular Meetings. Regular meetings of the City Council shall be held on the second and fourth Tuesdays of each month commencing at 7 p.m. at the Oakdale City Hall. If any such Tuesday is a legal holiday, the meeting will be canceled or held on another date and time as established by City Council action.

Sec. 2-21. Agenda for Regular Meetings.

- (a) An agenda for each regular City Council meeting shall be prepared and filed in the office of the Clerk and available to the public no later than two (2) days next preceding the regular meeting. Agendas, together with all other relevant data, as determined by the City Administrator, that the City Council needs to consider an item on the agenda, shall be delivered to the council members at their regular place of residence no later than two (2) days prior to the regular meeting.
- (b) The City Council may consider items not appearing on the agenda as normal business, if an objection is not raised by a Council member. If an objection is raised by a council member to considering an item not appearing on the agenda, a vote shall be taken by the City Council to determine the appropriateness of further consideration of the matter at that time.

Sec. 2-22. Call of Special Meetings. Special Council meetings may be called by the Mayor or by any two (2) members of the City Council by a written notice filed with the Clerk, who shall mail a notice to all members of the time and place of the meeting at least two (2) days before the meeting; or the special meeting may be called by action of the City Council at a regular meeting; or by the Mayor when all members are present at the meeting or have consented either verbally or in writing to the meeting and a quorum is present.

Sec. 2-23. Workshop Meetings. Workshop meetings of the City Council may be held at the Oakdale City Hall at such times as the City Council may establish by majority vote. The purpose of such a meeting is to discuss administrative business and familiarize each council member with items that may be presented for a regular or special meeting. No official City Council action will be taken at workshop meetings.

Sec. 2-24. Attendance of Members at Meetings. The attendance at City Council meetings of each member of the City Council is deemed to be one of the most important duties imposed by law upon the City Council. The council member's presence to participate in the hearings, deliberations, and decisions of the City Council is essential to the proper discharge of the official duties. Recognizing that it is not always possible for each member of the City Council to be present at all meetings, occasional excusable absence for valid reasons is acceptable. The City Council may compel the attendance of members and punish nonattendance by a resolution adopted by a majority.

Sec. 2-25. Quorum. At all City Council meetings, a majority of all council members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Sec. 2-26. Rules of Order.

- (a) **Presiding Officer.** The Mayor, or in the Mayor's absence, the acting mayor, shall preside at a council meeting, preserve order and decorum, and decide questions of order. In the absence of both, the Clerk shall call the meeting to order and shall preside until the council members present at the meeting choose one of their members to act temporarily as presiding officer. The Mayor's duties under this subsection shall be in addition to the duties, rights, and privileges as a council member.
- (b) **General Rules.** In all matters of parliamentary procedures, the City Council shall be governed by the latest printed edition of "Robert's Rule of Order."
- (c) **Special Rules.** The following special rules shall be applied:
 - (1) A motion before the City Council shall be reduced to writing by the Clerk at the request of any council member.
 - (2) Such other special rules may be adopted and included in this subsection as the City Council, from time to time, deems necessary.
- (d) **Suspension of Rules.** The operation and effect of any rule established or followed pursuant to this section may be suspended upon a majority vote of the City Council.

Sec. 2-27. Order of Business. At the hour appointed for a City Council meeting, the members shall be called to order by the Mayor, and in the Mayor's absence, by the Acting Mayor. The Clerk shall call the roll and note the absentees. If a quorum is present, the City Council shall then proceed with its business, including, but not limited to, the following items and not necessarily in this order:

- (1) Call to Order/Call of Roll
- (2) Pledge of Allegiance
- (3) Approval of Minutes
- (4) Open Forum
- (5) Consensus Motions
- (6) Economic Development Commission
- (7) Environmental Management Commission
- (8) Parks and Recreation Commission
- (9) Planning Commission
- (10) Old Business
- (11) Hearings
- (12) Public Works Director/City Engineer
- (13) Development/Planning/Redevelopment
- (14) Other Staff
- (15) City Attorney
- (16) Administrator's Report
- (17) Council Presentations
- (18) Award of Bids
- (19) Claims
- (20) Adjournment

If a special meeting is required, the time shall be established at a prior meeting.

Sec. 2-28. Voting.

- (a) **Procedure.** The votes of the members on any motion pending before the City Council shall be by voice vote. If the vote is not unanimous, the names of those voting for and against shall be recorded in the minutes. If any council member does not vote, their abstention shall be recorded as "name - abstention." The Mayor shall call for roll call votes whenever a voice vote of the City Council is not clear as to the disposition of the action before the City Council or whenever the Mayor feels a roll call vote should be taken. In the event of a roll call vote, the Clerk shall call for the vote in the following order: member presenting the motion, member seconding the motion, remaining members at random, and Mayor. Except as otherwise provided by law, a majority vote shall prevail where at least a quorum is present.
- (b) **Two-thirds vote required.** A two-thirds vote of all members of the City Council shall be required to adopt or amend the zoning ordinance.
- (c) **Four-fifths vote required.** A four-fifths vote of all members of the City Council shall be required in the following instances:
 - (1) To adopt a resolution vacating any alley, street, public grounds, public way, or any part thereof, when a petition to vacate is not submitted by a majority of the owners of the land abutting the land to be vacated.
 - (2) To adopt a resolution ordering any public improvement not petitioned for by the owners of at least thirty-five (35%) percent in frontage of the real property abutting on the streets named in the petition as the location of the improvement.

Sec. 2-29. Ordinances and Resolutions.

- (a) All legislation of the city shall be by ordinance or resolution. Ordinances, resolutions, and other matters requiring City Council action shall be prepared at the direction of the City Council; provided however, that the City Administrator or Attorney may present ordinances, resolutions and other matters for consideration. Prior to the proposed enactment of any ordinance, the document shall be posted on the city's web site for a minimum of ten (10) days during which time the public may provide input to the City Clerk. (Ord. 837, 04/10/18).
- (b) A majority vote of all members of the City Council shall be necessary for approval of any ordinance, unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases. Every ordinance shall be signed by the Mayor, or in the Mayor's absence, by the Acting Mayor, attested to by the City Clerk, and published once in the legal newspaper. Proof of publication shall be attached to and filed with the ordinance. Every ordinance shall be recorded in the ordinance book within forty-five (45) days after its publication. All ordinances shall be suitably entitled.
- (c) The City Council may determine that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance and may, by four-fifths vote, direct publication of only the title and summary. Council must approve of the text of the summary prior to publication. The summary must include notice that a printed copy of the ordinance is available for inspection during regular business hours. A copy of the entire ordinance must be posted in the community library. If no community library exists, the entire ordinance is to be posted in any other public location that the City Council designates.

Sec. 2-30. Minutes of Meetings - Generally. The City Clerk shall provide a printed copy of the minutes of each meeting to each council member. Amendments or corrections proposed by any member of the City Council may be made by the Clerk, but no amendment to which objection is raised by any council member shall be made without the approval of a majority of the City Council.

Sec. 2-31. Same - Contents. The City Clerk shall record all material matters considered by the City Council in the minutes. Ordinances, resolutions, communications, and claims considered by the City Council need not be recorded in full in the minutes if they appear in other permanent records of the Clerk and can be accurately identified from the description given in the minutes. The City Council may, at its discretion, direct that any one of the above be fully set out in the minutes or made a part thereof.

Sec. 2-32. Same - Posting. Minutes of all regular and special City Council meetings shall be posted for a minimum of one (1) week following their approval in the place designated for posting official notices in the City Hall.

ARTICLE IV. CITY ADMINISTRATOR

Sec. 2-33. Position Established; Purpose. By authority vested in the City Council under Minnesota Statutes 412.111, the office and position of City Administrator is hereby created for the purpose of assisting the City Council in carrying out the administrative functions of the city and to advise the City Council in matters of general policy.

Sec. 2-34. Appointment, Tenure. The Administrator shall be appointed by the City Council for an indefinite term.

Sec. 2-35. Duties and Responsibilities.

- (a) **Executive office.** The Administrator shall be the chief executive officer for the City Council. The Administrator shall perform all functions of the Clerk and Administrator as are imposed upon by Minnesota Statutes and city ordinances.
- (b) **Laws and policies.** The Administrator shall be responsible directly to the City Council for the enforcement of all ordinances, regulations and law enforcement policies of the City Council and all laws of the State of Minnesota that may apply within the boundaries of the city. The Administrator shall advise the City Council, when requested, on matters of governmental and public policy.
- (c) **Budget and Finance.** The Administrator shall be directly responsible to the City Council for the preparation, recommendation, and execution of the annual city budget and shall be chief fiscal, financial, and purchasing officer of the city.
- (d) **Programs and projects.** The Administrator shall be directly responsible to the City Council for carrying out all capital improvement projects and service programs and shall be chief project and program director for the city.
- (e) **Administrator and personnel.** The Administrator shall be the chief administrative and personnel officer of the city. The Administrator shall be directly responsible to the City Council for administration of all departments and divisions of the city and shall be directly responsible to the City Council for the supervision of all full-time and part-time personnel of the city, except those appointed by the City Council to serve on advisory boards and commissions and those personnel appointed by the City Council to act as advisors and consultants to the City Council.

- (f) **General.** The Administrator shall attend all meetings as may be required by the City Council; perform all reasonable tasks set by the City Council, furnish all such verbal and written reports concerning assigned responsibilities as the City Council may desire, and maintain good and proper relations with the public.

Sec. 2-36. Authority.

- (a) **Administrative policy.** The City Council hereby authorizes the Administrator to establish such administrative policies and procedures as may be necessary to insure the proper and efficient operation of all departments and divisions of the city, and to issue administrative orders to carry out such administrative policies and procedures. Such administrative policies and procedures shall be consistent with Minnesota Statutes, city ordinances and City Council policy. All proposed administrative policies and procedures shall be subject to City Council approval before becoming effective.
- (b) **Fiscal control.** The City Council hereby authorizes the Administrator to exercise limited control over the fiscal expenditures of all the departments and division of the city and such appropriations that may appear in the annual city budget. The Administrator shall have limited control over fiscal expenditures not addressed in the city budget. For non-budgeted expenditures, the Administrator may make purchases of up to one thousand dollars (\$1,000), subject to ratification by the City Council. The City Council shall audit all claims and shall retain its power to disaffirm any order or contract entered into by the Administrator on behalf of the City Council.
- (c) **Personnel.** All department heads, supervisors, and administrative personnel shall report directly to the Administrator. The Administrator shall recommend to the City Council the hiring, promotion, demotion, or dismissal of any employee of the city. The City Administrator may suspend any employee without pay for disciplinary reasons. Such suspensions shall not exceed ten (10) working days for any one incident. The City Council shall make all final determinations with regard to the employment, promotion, suspension or dismissal of city employees.

ARTICLE V. PERSONNEL

Division 1. Generally

Sec. 2-37. Purpose. It shall be the purpose of this article to establish a uniform and equitable system of personnel administration to employees of the city.

Sec. 2-38. Scope. This article shall establish the employment relationship of all municipal employees except the following:

- (a) All elected officials and members of committees and commissions.
- (c) The Administrator, City Attorney.
- (d) Temporary employee hired or full-time or part-time on a temporary basis.
- (e) Consultants and others rendering temporary professional services.
- (f) Volunteer personnel and personnel appointed to serve without pay.

Sec. 2-39. Application to Personnel. Article V shall be applicable to all regular full-time and part-time positions, unless otherwise noted. All leaves and benefits shall be pro-rated for regular part-time positions. In the event of conflict between any other section of this article and a written contract

between the city and an exclusive bargaining representative as defined by Minnesota Statutes, the written contract shall prevail.

Sec. 2-40. Definitions. As used in this article, unless the context clearly indicates otherwise:

- **Benefits** mean vacations, paid holidays, and any other benefits approved by the City Council.
- **Employee** means only an employee subject to the terms of this article.
- **Fiscal year** is the period January first through December thirty-first inclusive.
- **Intern** means one who have been assigned to a temporary full-time or part-time position created to assist with the day-to-day activities in a specific department. Interns do not qualify for any benefits.
- **Probationary employee** means one who has been assigned to a regular full-time or part-time position but who has not completed the probationary period.
- **Promotional probationary employee** means one who has been promoted to a regular full-time or part-time position and is required to complete a probationary period.
- **Regular full-time employee** means one who has successfully completed the required probationary period and who is employed on a schedule of at least forty (40) hours per week.
- **Regular part-time employee** means one who has successfully completed the required probationary period and is employed on a schedule of more than twenty (20) hours but less than forty (40) hours per week.
- **Temporary employee** means one who has been appointed for full-time or part-time on a temporary basis.
- **Workday** means the usual number of work hours an employee works per day as established by the City Council.

Sec. 2-41. Veterans' Preference Preserved. Nothing in this article shall be effective to the extent that it is inconsistent with the "Veterans' Preference" law, Minnesota Statutes Chapter 197.

Sec. 2-42. Residence. No employee shall be required to become a resident of the municipality at any time. However, they are encouraged to do so.

Sec. 2-43. Council to Make or Ratify Appointments. All probationary and regular appointments for municipal service shall be made by the City Council. All temporary appointments in the municipal service shall be made by the City Administrator subject to ratification by the City Council.

Sec. 2-44. Appointment Procedures. Taking into account the City's Affirmative Action Program, all appointments in the municipal service shall be made according to merit and fitness.

- (a) **By examination.** When required by law or by the City Council, merit and fitness may be ascertained by written, oral or other examinations that shall relate to those matters that will test fairly the capacity and fitness of the candidate to discharge efficiently the duties of the position for which such examinations are held.
- (b) **Without examination.** In case of appointments for positions for which examinations are not required, the City Council may appoint any person who appears to meet the requirements listed in the class specifications and whom the City Council deems qualified to perform the duties of the position.
- (c) **Relation to other municipal personnel and residents.** Whenever possible, and with due regard for merit and fitness, the City Council shall avoid the appointment of any person when

such person is related to any elected or appointed officer or employee of the city. Appointment or assignment of persons related to any elected or appointed officer or employee in the same department is prohibited unless the appointed or assigned person is the spouse of an elected or appointed officer or employee.

Sec. 2-45. Pre-employment Examinations and Investigation.

- (a) **Purpose.** The purpose of this section is to establish regulations that will allow the requirement for examinations and allow law enforcement access to the Minnesota Bureau of Criminal Apprehension's Computerized Criminal History information for the purpose of conducting background checks for city employment.
- (b) **Examinations.** If so required, and if permitted by law, all final applicants for municipal service shall be subject to the successful completion of a physical examination or a psychological examination. The examinations shall be conducted by an appropriate service provider selected by the city. The full cost of the examination shall be borne by the city.
- (c) **Criminal History Employment Background Investigations.** The Oakdale Police Department is hereby required to conduct a criminal history background investigation on the applicant for all regular part-time or full-time employees of the City of Oakdale and other positions that work with children or vulnerable adults.

In conducting the criminal history background investigation for screening employment applicants, the Oakdale Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension's Computerized Criminal History information system in accordance with BCA policy. All such data accessed and acquired through the Minnesota Justice Information Services (MNJIS) shall be maintained at the Oakdale Police Department under the care and custody of the chief law enforcement official or his or her designee. Criminal History Records Information shall be stored in a secure records environment and may be stored for extended periods only when the information is deemed a key element for the integrity and/or maintenance of case files and/or criminal record files. When no longer usable or qualified for extended storage, diskettes, tape cartridges, ribbon, hard-copy, print-outs, and other similar items used to process Criminal Justice Information System (CJIS) data shall be destroyed by shredding, incineration, and/or degaussing. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the hiring authority, including the City Council, City Administrator, and other city staff involved in the hiring process.

Before the investigation is undertaken, the applicant must complete a written informed consent authorizing the Oakdale Police Department to undertake the investigation. The written informed consent must fully comply with the provisions of Minnesota Statutes Chapter 13 regarding the collection, maintenance, and use of the information. The City will not reject an applicant based solely on a prior conviction unless the crime is directly related to the position of employment sought or the conviction is for a felony, gross misdemeanor, or misdemeanor punishable by a term of incarceration. If the City rejects the employment request on this basis, the City shall notify the applicant in writing of the following:

- (1) The grounds and reason for the denial.
- (2) The complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- (3) The earliest date for reapplication.
- (4) That all competent evidence of rehabilitation will be considered upon reapplication.

Sec. 2-46. Probationary Period.

- (a) **Purpose.** The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of the employee to the position, and for rejecting any employee whose performance does not meet the required work standards.
- (b) **Duration.** All original and promotional appointments shall be probationary and subject to a probationary period of twelve (12) months service after appointment. At any time during the original probationary period, a probationary employee may be transferred or dismissed at the city's sole discretion. At any time during the promotional probationary period, a probationary employee may be placed in the position that they occupied previous to promotion at the city's sole discretion.
- (c) **Performance reports.** At the end of the first three (3), six (6), and nine (9) months of the probationary period, the employee's supervisor shall conduct an evaluation of the employee's work and the probationary employee's willingness and ability to perform their duties satisfactorily.
- (d) **How completed.** At least fifteen (15) days prior to the expiration of an employee's probationary period, the probationary employee's supervisor shall make a written report to the City Administrator recommending the probationary employee to be retained, dismissed or placed in their previous position. This recommendation will be finalized on the expiration date, at which time it will be forwarded to the City Council for action.
- (e) **Sick leave and other benefits during probation.** During the initial probationary period, but not during a promotional probationary period, an employee will not be paid for an absence from work with the exception of legal paid holidays. After six (6) months of service, an employee will be entitled to sick leave and vacation leave to be accrued from the start of probationary employment. Group health and welfare benefits shall start the first day of the month following appointment; however, any waiting periods shall be according to the terms of the group health policy.
- (f) **Employees reassigned within or between position classes.** A regular employee reassigned to a position within a position class or between position classes shall be considered a promotional probationary employee and all benefits or position requirements shall apply to that employee the same as applied to a promotional probationary employee.

Sec. 2-47. Promotion Policy. It is the policy of the city to fill vacancies in municipal service by promotion of regular employees when possible. In case of equal qualifications, considerations will be given to the length of service.

Sec. 2-48. Layoffs. The City Council may lay-off any employee whenever such action is made necessary by reason of shortage of work or funds, the abolition of a position or because of changes in organization; provided, however, that a two-week advance written notice be given. No regular employee shall be laid off while there are temporary or probationary employees serving in the same class of positions for which the regular employee is qualified, eligible, and available. In the case of equal qualifications, length of service in the same position class and performance shall determine the order of making layoffs.

Sec. 2-49. Suspension Authorized; Duration. The City Administrator may suspend any employee without pay for disciplinary reasons. Such suspensions shall not exceed ten (10) working days for any one incident.

Sec. 2-50. Demotions Authorized. An employee may be demoted by the City Council for insufficient performance of their duties, for disciplinary reasons, or for other good and sufficient reasons.

Sec. 2-51. Dismissals Authorized; Grounds. Any employee subject to the provisions of this article may be dismissed from the municipal service by the City Council. Evidence of the following shall be sufficient cause for dismissal:

- (a) Incompetence or inefficiency of the performance of duties.
- (b) Conviction of a criminal offense.
- (c) Violation of any lawful or official regulation or order or failure to obey any lawful direction made and given by the employee's supervisor where such violation or failure to obey amounts to an act of insubordination or breach of proper discipline or has resulted or reasonably might be expected to result in loss or injury to the municipality or to the public.
- (d) Excessive absenteeism or absence from work without authorization.
- (e) Intoxication by reason of alcohol or drugs while on duty.
- (f) Physical or mental defect which, in the judgment of the City Council, based on medical evidence, if available, incapacitates the employee for the proper performance of the duties of the employee's position.
- (g) The use of offensive conduct or language toward the public, municipal officer, or employees.
- (h) Carelessness or negligence of the handling and control of municipal property.
- (i) Inducing or attempting to induce any officer or employee of the municipality to commit an unlawful act or to act in violation of any lawful or reasonable official regulation or order.
- (j) Taking any fee, gift, or other valuable thing in the course of work or in connection with it, from any person for the employee's personal use, when such fee, gift, or thing is given in the hope or expectation of receiving a favor or better treatment than that accorded to other persons or citizens.
- (k) Proven dishonesty in the performance of duties.
- (l) Violation of the provisions of this article, with willful knowledge.

Sec. 2-52. Appeal from Demotion or Dismissal. In all cases of demotion, or dismissal, the reasons for such action must be presented in a dated, written statement to the affected employee. Upon a regular employee's dated written request to the City Council filed within five (5) working days of receipt of the statement of reasons of demotion or dismissal, a regular employee shall be granted a hearing before the City Council. Said hearing is to be held no later than fifteen (15) days from the date of filing of the request for the hearing. If the cause for dismissal or demotion is not substantiated before the City Council, the employee shall be reinstated in the employee's former position and shall receive all payments and benefits that would have been earned during the period of dismissal or demotion. The appeal procedures of this section do not apply to probationary or temporary employees.

Sec. 2-53. Conflicts of Interest. It is expected that every employee shall exercise good judgment in avoiding becoming involved with conflicting outside business interests. These include, but are not limited to, the following:

- (a) Those in which an employee has a financial interest in, or receives benefits from, a business in which the employee occupies a position which may enable the employee to influence the placing of municipal business either inside or outside the municipal government.
- (b) Those in which an employee accepts a full- or part-time work elsewhere, where such activity interferes with the employee's duties and job performance for the city.

Sec. 2-54. Election to City Office. Any employee who is a candidate to any elective office in the city and becomes elected to the position, for which he or she is a candidate, shall automatically receive a leave of absence without pay and shall perform no duties connected with the employment position until the employee is no longer elected to that position. If the needs of the city services require, the vacancy created by his or her absence may be filled and the employee's services terminated.

Sec. 2-55. Work Day and Work Week.

- (a) The normal workday for regular, full-time employees shall be eight (8) hours. The work hours shall be established by the City Council.
- (b) The normal workweek for regular, full-time employees shall be five (5) days, Monday through Friday.
- (c) Section 2-55 does not apply to fulltime firefighters.

Sec. 2-56. Grievance Procedures: Appeal from Suspension.

- (a) **Initiation.** An employee claiming violation concerning the application or interpretation of this article or wishing to appeal a suspension shall, within fifteen (15) calendar days after such alleged violation has occurred, present said grievance to the employee's immediate supervisor. The supervisor will discuss and give answers to the employee within ten (10) calendar days following receipt of the grievance.
- (b) **Appeal to administrator.** A grievance not resolved by the above answer, may be appealed, within thirty (30) calendar days after such alleged violation has occurred, by the employee in writing to the City Administrator stating the nature of the grievance, the facts on which it is based, the provision of the article allegedly violated, and the remedy requested. The City Administrator will discuss and give answers to the employee within ten (10) calendar days after receipt of the appeal.
- (c) **Appeal to council.** A grievance not resolved by the appeal procedure to the City Administrator, may be appealed, within forty-five (45) calendar days after such alleged violation has occurred, to the City Council by furnishing written notice to the City Administrator of the employee's request to have a decision made by the City Council in the matter. The City Council will notify the employee, within fifteen (15) calendar days following receipt of the employee's appeal of the City Administrator's decision, either that the City Council will meet and discuss further with the employee the alleged grievance or that the decision of the City Administrator in the matter will stand as final.

Sec. 2-57. City to Pay for Uniforms. Payment or reimbursement for uniforms shall be in accordance with union contracts.

Sec. 2-58. Health and Life Insurance. The city will pay a specified amount of the total premium per regular employee and dependents, to the authorized insurance company, for health and life insurance benefits. Any additional premiums will be paid by the employee through payroll deduction.

Sec. 2-59. Rest Periods. All regular employees, when working under conditions where the use of a break period is practical, shall be granted a fifteen (15) minute break in the forenoon and a fifteen (15) minute break in the afternoon of each workday. Travel time, if any, will be included in the break period.

Sec. 2-60. Acts Prohibited. No employee shall willfully or corruptly make any false statement, certificate, mark, reading or report in regard to any test, certificate or appointment held or made under the municipal personnel system or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions of this article. No person or employee seeking employment to or promotion in the municipal service shall either directly or indirectly give, render, or pay any money, service, or other valuable consideration to any person, for or on account of, or in connection with their test, proposed appointment or promotion.

Sec. 2-61. Municipal Tools and Equipment.

- (a) Municipal tools and equipment shall not be used for anything other than municipal purposes unless approved by the City Administrator or City Council.
- (b) Municipal tools and equipment charged out to any employee upon written receipt which are lost or broken through misuse of the employee shall be replaced by the city at the employee's expense.

Division 2. Position Classification Plan

Sec. 2-62. Purposes. A position classification plan is hereby established as a system of identifying and describing the various employment positions in the city.

Sec. 2-63. Definitions. The following words and phrases shall be defined as follows for the purposes of this division:

- **Job Description** shall mean the official description of the duties, responsibilities, and qualification requirements of the position included in a class. The job description shall consist of the following:
 - (a) A title that is descriptive, brief, and consistent with other titles in the plan.
 - (b) A definition consisting of a brief overall statement of the kind and level of work included in the class.
 - (c) Examples of typical duties performed in a position in the class; however, the listed examples will not be exhaustive of the duties of any particular position.
 - (d) Qualifications, requirements, consisting of the experience, education, licenses, or other special requirements and the knowledge, skill, and abilities needed in order to perform the work.
- **Position classification/pay plan** shall mean a schedule of all the classes which have been established, together with the procedures for maintaining the plan and the specifications or descriptions of each the classes in the plan.

Sec. 2-64 to 2-66. Repealed.

Division 3. Compensation

Sec. 2-67. Council to Set Rates of Pay. Rates of pay for all employees shall be set by the City Council.

Sec. 2-68. Frequency of Payment. All regular employees shall be paid twenty-six (26) times per year, every other week.

Sec. 2-69. Payroll Deductions. The automatic payroll deductions shall be made as required for federal and state government taxes and the various pension plans. All employees may elect to have payroll deductions made for a municipal employee group insurance plan (if eligible), charity drives, contributions, and union dues, if mechanically possible.

Sec. 2-70. Repealed.

Sec. 2-71. Vacation pay on termination. Any regular employee who terminates employment will be compensated for accumulated vacation time, provided in the event of a voluntary termination the employee submits a notice to the city two weeks in advance of the effective date of the separation.

Sec. 2-72. Make-up Time Authorized. A regular employee that does not work their regularly scheduled hours within any given work week due to lost time because of sick leave, personal leave, and funeral leave, may make up the actual hours absent from work and not have the hours that the employee was absent from work deducted from accumulated sick leave or personal leave and funeral leave provided the make up hours are at straight time and the employee has the prior approval of their department head.

Sec. 2-73. Unauthorized Absences. Except as provided in this article, no employee shall be paid if absent from work.

Sec. 2-74. Overtime Pay. Overtime work is work in addition to the established schedule for hours of work and shall only be performed with the approval of the employee's supervisor. Regular employees will be compensated at a rate of time and one-half for all hours worked in excess of forty (40) hours in any one-calendar week, unless by agreement between the employee and the employee's supervisor, the employee consents to take compensatory time off at the rate of one and one-half times the hourly rate. Overtime pay is applicable only after an employee has worked the scheduled hours. Unworked hours, such as leave (vacation, sick, etc.) will not be included in the calculation to satisfy the scheduled hours worked. Section 2-74 does not apply to fulltime firefighters.

Sec. 2-75. When Compensatory Time Must be Taken. Compensatory time off must be taken within the pay period for which the overtime is granted.

Sec. 2-76. Call-out Pay. A regular employee called back to work after completing a regular work day or called out on the employee's day off shall receive overtime pay with a minimum of two (2) hours compensation at one and one-half the employee's base pay rate. Section 2-76 does not apply to fulltime firefighters.

Sec. 2-77. Reimbursement of Travel Expenses. An employee on city-authorized business will be reimbursed for travel expenses. The City Council shall determine such rate. In order to receive such reimbursement, the employee shall immediately upon return to work, fill out the appropriate claim form and submit it to the Finance Director.

Sec. 2-78. Reimbursement of Vehicle Expenses. Employees who are required to use their personal vehicles for city business shall be entitled to reimbursement for said use at a rate that may be determined by the following Federal guidelines or by the City Council. Claims presented for mileage reimbursement shall designate date of travel, purpose of travel, and miles traveled.

Sec. 2-79. Reimbursement for Meals and Lodging. An employee on city-authorized business will be allowed meal reimbursement as determined by the City Council.

Sec. 2-80. Severance Pay.

- (a) Regular employees leaving the service of the city under honorable conditions after ten (10) years or more of continuous service shall be eligible for Level One severance pay. Level One severance pay is based upon the employee’s unused, accumulated sick leave, up to a maximum balance of 960 hours, and shall begin at twenty-five (25) percent of the sick leave balance. Level One severance pay will increase at a rate of one (1) percent for every year after ten (10) years of service, to a maximum of fifty (50) percent of the unused balance, up to 960 hours.
- (b) Regular employees leaving the service of the city under honorable conditions after fifteen (15) years or more of continuous service shall also be eligible for Level Two severance pay. Level Two severance pay is based upon the employee’s unused, accumulated sick leave in an employee’s sick leave “bank” (defined by Sec. 2-85(f). The same percentage of severance entitlement in (a) above shall be applied to Level Two “banked” hours up to a maximum of 480 hours.

Division 4. Leaves, Vacations and Holidays

Sec. 2-81. Vacation Policy and Schedule.

- (a) Vacation pay is intended to provide employees with a period of rest and relaxation. Vacation will be granted to regular employees according to the following schedule:

0 through 5 years of service	0.833 days per calendar month
6 through 10 years of service	1.25 days per calendar month
11 years of service	1.333 days per calendar month
12 years of service	1.416 days per calendar month
13 years of service	1.5 days per calendar month
14 years of service	1.583 days per calendar month
15 years of service	1.666 days per calendar month
16 years of service	1.75 days per calendar month
20 years of service	1.833 days per calendar month
21 years of service	1.916 days per calendar month

- (b) Employees must submit a request for vacation exceeding five (5) consecutive days in writing thirty (30) days in advance of the leave, if the need for the vacation is foreseeable. If the employee fails to give 30 days notice for foreseeable leave with no reasonable excuse for the delay, the city may delay the taking of vacation until at least 30 days after the date the employee provides notice to the city of the need for vacation.

Sec. 2-82. Eligibility for Vacation Use. A new probationary employee may use accrued vacation benefits after the completion of six months of employment with the city, provided the employee received a satisfactory 6-month performance evaluation from the employee's supervisor. However, any vacation leave time used and paid for on behalf of an employee who does not complete the probationary period and attain permanent status shall be reimbursed to the city by the employee out of monies due and owing the employee as of the employee's date of termination prior to successful completion of the employee's probationary period.

Sec. 2-83. Maximum Accumulation of Vacation Time Established. A regular employee shall be permitted to accumulate vacation time up to a maximum accrual equal to 1.5 times the vacation schedule, as determined annually on the employee's anniversary date.

Sec. 2-84. Holidays Occurring During Vacation. When a legal holiday falls on a working day during an employee's vacation, the day of the holiday will be counted as holiday time and not vacation.

Sec. 2-85. Sick Leave.

- (a) **Eligibility.** Sick leave pay shall be granted to all regular and promotional probationary employees. A new probationary employee may use accrued sick leave after the completion of six months of employment with the city, provided the employee received a satisfactory performance evaluation from the employee's supervisor. Any sick leave used and paid for on behalf of an employee who does not complete the probationary period and attain permanent status shall be reimbursed by the employee to the city out of monies due and owing the employee as of the employee's date of termination of employment prior to successful completion of the probationary period. If a promotional probationary employee uses in excess of five (5) days of sick leave, the probationary period for the employee shall be extended automatically for an equivalent period of time.
- (b) **Sick leave use.** Sick leave may be granted to regular employees only for absence from duty because of personal illness or disability, legal quarantine, doctor or dental appointments, or serious illness in the immediate family. The immediate family is defined as the following kin of either the employee or the employee's spouse: spouse, children, parent, sibling, or grandparents.
- (c) **Proof required.** In order to be eligible for sick leave with pay, an employee must:
 - (1) Report promptly to the supervisor or to the city offices, the reason for the absence.
 - (2) Inform the supervisor of the condition of the illness if the employee's absence is more than five (5) days duration.
 - (3) Submit a request for sick leave exceeding five (5) consecutive days in writing thirty (30) days in advance of the leave, if the need for the sick leave is foreseeable. If the employee fails to give thirty (30) days notice for foreseeable leave with no reasonable excuse for the delay, the city may delay the taking of sick leave until at least thirty (30) days after the date the employee provides notice to the city of the need for medical leave.
 - (4) Submit a medical certificate of any absences exceeding five (5) days if required by the City Administrator or the employee's supervisor.
- (d) **Misuse.** Claiming sick leave when physically fit, except as permitted in this section may be cause for disciplinary action, including transfer, suspension, demotion or dismissal.
- (e) **Worker's Compensation benefits.** A regular employee who meets the other requirements of this section and who is eligible to receive Minnesota Worker's Compensation benefits shall be

granted accrued sick leave benefits in the amount of the difference between the employee's workers compensation payments and regular base pay rate.

- (f) **Banked sick leave.** A regular employee who has accumulated the maximum nine hundred sixty (960) hours sick leave shall be permitted to accrue additional "banked" sick leave at the rate of eight (8) hours per month. "Banked" sick leave may be used only after regular sick leave has been exhausted and only for the employee's personal illness or disability. Once "banked" sick leave has been used for the employee's personal illness or disability, the employee must again accrue nine hundred sixty (960) hours regular sick leave before being eligible to use "banked" sick leave.
- (g) **Rate of Sick Leave Accrual; Accumulation.** Sick leave shall be granted at a rate of one workday for each calendar month of full time service, or fraction thereof, and may be accumulated to a maximum of nine hundred sixty (960) hours.

Sec. 2-86. Medical Leaves of Absence.

- (a) Section 2-86, 2-87, and 2-88 are not intended either to expand or to narrow the rights set forth in the Family and Medical Leave Act of 1993 (FMLA). To the extent that these sections differ from, or are inconsistent with the FMLA or the regulations promulgated pursuant to the FMLA, the FMLA and regulations shall control.
- (b) A regular employee is "eligible" for medical leave if he or she has been employed by the city as an employee for at least twelve (12) months and has worked no fewer than 1,250 hours during the year preceding the start of the leave.
- (c) Unless otherwise required by law, the combined total of leave available under Sections 2-86, 2-87, and 2-88 is twelve (12) weeks in any twelve (12) month period measured backward from the date an eligible regular employee uses family, parental, or medical leave.
- (d) An unpaid medical leave of absence will be provided to an eligible employee so long as he or she has a "serious health condition" that makes him or her unable to perform the functions of his or her job. For the purposes of this section, "serious health condition" is defined in the same manner as in 29 C.R.F. § 825-114.
- (e) An eligible employee may elect, or the city may require, the employee to substitute any available paid vacation leave, sick leave, or any other paid leave as may be provided by contract or collective bargaining agreement for any part of the twelve (12) week period. Accrued vacation, sick leave, or other paid leave may not be used to extend a medical leave of absence beyond twelve (12) weeks.
- (f) An eligible employee may elect, or the city may require, any short- or long-term disability or worker's compensation benefits to run concurrently with the employee's twelve (12) week leave.
- (g) Eligible employees shall provide the city with written notice at least thirty (30) days before medical leave is to begin if the need for the leave is foreseeable based on planned medical treatment for a serious health condition of the employee. If thirty (30) days is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. If the employee fails to give thirty (30) days notice for foreseeable leave with no reasonable excuse for the delay, the city may delay the taking of medical leave until at least thirty (30) days after the date the employee provides notice to the city of the need for medical leave.
- (h) Prior to granting medical leave, the city will require medical certification from the employee's health care provider. When the leave is foreseeable and at least thirty (30) days notice has been provided, the employee should provide the medical certification before the leave begins. When

this is not possible, the employee shall provide the requested certification upon the city's request. If the city has reason to doubt the validity of the medical certification, the city may require the employee to obtain a second opinion for the health care provider designated or approved by the city. In the case of conflicting opinions, the city may require a third opinion from a health care provider jointly approved or designated by the city and employee. The third health care provider's opinion is final and binding.

- (i) When eligible employee has a medical need for leave that can best be accommodated through an intermittent or reduced leave schedule, he or she may take leave intermittently or on a reduced work schedule. In such cases, the city may require the employee to transfer temporarily to an available alternative position which better accommodates recurring periods of absence or a part-time schedule, provided that the position has equivalent pay and benefits.
- (j) When planning medical treatment, the eligible employee shall consult with the city and make a reasonable effort to schedule the leave so as not to disrupt unduly the city's operations. In the case of an intermittent leave or leave on a reduced schedule which is medically necessary, the employee shall advise the city of the reasons why the intermittent or reduced leave schedule is necessary and the schedule for treatment, if applicable. The employee must attempt to work out a schedule that meets the city's needs without unduly disrupting the city's operations.
- (k) Should changed circumstances require an eligible employee to take more or less leave than originally anticipated, the employee shall provide the city notice of the changed circumstances within two (2) business days of learning of the changed circumstances, where foreseeable.
- (l) Group health plan benefits shall be maintained on the same basis as coverage would have been provided if the eligible employee had been continuously employed during the medical leave period. Therefore, any share of group health plan premiums which had been paid by the employer prior to medical leave must continue to be paid by the employee during the medical leave period. If the employee's premium payment is more than thirty (30) days late, the city shall stop maintaining the employee's health insurance coverage.
- (m) Benefits other than group health benefits will continue pursuant to the city's policy for providing such benefits when the eligible employee is on other forms of leave (paid or unpaid, as appropriate).
- (n) An eligible employee returning from a medical leave of absence of more than one (1) month shall notify his or her immediate supervisor at least two (2) weeks in advance of returning to work. The city shall require the employee to provide certification from the employee's health care provider that the employee is able to resume work. If certification is not provided prior to the employee's return date, the city may delay the employee's restoration to employment until such certification is provided.

Sec. 2-87. Parental Leave.

- (a) A regular employee is "eligible" for parental leave if he or she has been employed by the city as an employee for at least twelve (12) months and has worked no fewer than 1,250 hours during the year preceding the start of the leave or if the employee has been employed by the city for at least twelve (12) months preceding the request and has worked an average number of hours per week equal to one-half the full-time equivalent position in the employee's job classification during those months.
- (b) Eligible employees shall be provided an unpaid leave of absence of up to twelve (12) weeks for the birth or adoption of a child, or for the placement of a child in foster care, in accordance with the Minnesota Parenting Leave Act and the FMLA.
- (c) The parental leave may begin at a time designated by the eligible employee, but the employee's entitlement to parental leave expires at the end of the twelve (12) month period beginning on

the date of the birth or placement of the child. Any state and FMLA leave shall run concurrently.

- (d) The city, in its discretion, may allow an intermittent or a reduced leave schedule for parental leave. In such cases, the city may require the eligible employee to transfer temporarily to an available alternative position that better accommodates recurring periods of absence or a part-time schedule, provided that the position has equivalent pay and benefits. If the city grants an intermittent leave or reduced leave schedule, the employee must attempt to work out a schedule that meets the city's needs without unduly disrupting the city's operations.
- (e) An eligible employee may elect, or the city may require the employee, to substitute any available paid vacation leave for any part of the twelve (12) week period. Accrued vacation may not be used to extend a parental leave of absence beyond twelve (12) weeks.
- (f) Eligible employees shall provide the city with written notice at least thirty (30) days before parental leave is to begin. If thirty (30) days is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. If the employee fails to give thirty (30) days notice for foreseeable leave with no reasonable excuse for the delay, the city may delay the taking of parental leave until at least thirty (30) days after the date the employee provides notice to the city of the need for parental leave.
- (g) Should changed circumstances require an eligible employee to take more or less leave than originally anticipated, the employee shall provide the city notice of the changed circumstances within two (2) business days of learning of the changed circumstances, where foreseeable.
- (h) Group health plan benefits shall be maintained on the same basis as coverage would have been provided if the eligible employee had been continuously employed during the parental leave period. Therefore, any share of group health plan premiums that have been paid by the employee prior to parental leave must continue to be paid by the employee during the parental leave period. If the employee's premium payment is more than thirty (30) days late, the city shall stop maintaining the employee's health insurance coverage.
- (i) Benefits other than group health benefits will continue pursuant to the city's policy for providing such benefits when the eligible employee is on other forms of leave (paid or unpaid, as appropriate).

Sec. 2-88. Family Care Leave.

- (a) The city shall grant eligible employees an unpaid leave if that employee is needed to care for a spouse, child, parent, sibling, or grandparent, as provided in 29 C.F.R. § 825.116.
- (b) A regular employee is "eligible" for family care leave if he or she has been employed by the city as an employee for at least twelve (12) months and has worked no fewer than 1,250 hours during the year preceding the start of the leave.
- (c) An eligible employee may elect, or the city may require the employee, to substitute any available paid vacation leave or sick leave for any part of the twelve (12) week period. Accrued vacation or sick leave may not be used to extend a family leave of absence beyond twelve (12) weeks.
- (d) Eligible employees shall provide the city with written notice at least thirty (30) days before family care leave is to begin if the need for family care leave is foreseeable based on planned medical treatment for a serious health condition of the employee's family member. If thirty (30) days is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. If the employee fails to give thirty (30) days notice for foreseeable leave with no reasonable excuse for the delay, the city may delay the taking of

family care leave until at least thirty (30) days after the date the employee provides notice to the city of the need for family care leave.

- (e) Prior to granting family care leave, the city will require medical certification from the family member's health care provider. When the leave is foreseeable and at least thirty (30) days notice has been provided, the eligible employee should provide the medical certification before the leave begins. When this is not possible, the employee shall provide the requested certification upon the city's request. If the city has reason to doubt the validity of the medical certification, the city may require the employee to obtain a second opinion from a health care provider designated or approved by the city. In the case of conflicting opinions, the city may require a third opinion from a health care provider jointly approved or designated by the city and employee. The third health care provider's opinion is final and binding.
- (f) When an eligible employee needs leave to care for a spouse, child, parent, sibling, or grandparent with a medical need that can best be accommodated through an intermittent or reduced leave schedule, he or she may take leave intermittently or on a reduced work schedule. In such cases, the city may require the employee to transfer temporarily to an available alternative position that better accommodates recurring periods of absence or a part-time schedule, provided that the position has equivalent pay and benefits.
- (g) When planning medical treatment for a spouse, child, parent, sibling, or grandparent, the eligible employee shall consult with the city and make a reasonable effort to schedule the leave so as not to disrupt unduly the city's operations. In the case of an intermittent leave or leave on a reduced leave schedule that is medically necessary, the employee shall advise the city of the reasons why the intermittent or reduced leave schedule is necessary and the schedule for treatment, if applicable. The employee must attempt to work out a schedule that meets the city's needs without unduly disrupting the city's operations.
- (h) Should changed circumstances require an eligible employee to take more or less leave than originally anticipated, the employee shall provide the city notice of the changed circumstances within two (2) business days of learning of the changed circumstances, where foreseeable.
- (i) Group health plan benefits shall be maintained on the same basis as coverage would have been provided if the eligible employee had been continuously employed during the family care leave period. Therefore, any share of group health plan premiums that have been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period. If the employee's premium payment is more than thirty (30) days late, the city shall stop maintaining the employee's health insurance coverage.
- (i) Benefits other than group health benefits will continue pursuant to the city's policy for providing such benefits when the eligible employee is on other forms of leave (paid or unpaid, as appropriate).

Sec. 2-89. Bone Marrow Leave. A regular employee, who seeks to undergo a medical procedure to donate bone marrow, shall be granted paid leaves of absence. The combined length of the leaves shall be determined by the employee, but may not exceed forty (40) hours during any twelve (12) month period, unless agreed to by the employer. The city may require verification by a physician of the purpose and length of each leave requested by the employee to facilitate the donation of bone marrow. If there is a medical determination that the employee does not qualify as a bone marrow donor, the paid leave of absence granted to the employee prior to such medical determination is not forfeited.

Sec. 2-90. School Conferences and Sick Children Leave. To be eligible for School Conferences and Sick Children leave, a regular employee must have been employed by the city for at least twelve (12) consecutive months preceding the request for school conference and sick children leave, and for an average of twenty (20) or more hours per week during those twelve months.

Parents of school-aged children will be provided an unpaid leave of up to sixteen (16) hours during any twelve (12) month period to attend school conferences, classroom, or pre-school activities related to the employee's child if the conferences, classroom/pre-school activities cannot be scheduled during non-work hours. The employee may use vacation time for this purpose. The employee should notify their immediate supervisor, as far in advance as possible, when time off is needed.

Employees with children may use their own sick leave in order to care for the employee's sick child. The use of sick leave to take care of a child who is ill must be used in the same manner as the employee would use the sick time policy for his/her own illness.

Sec. 2-91. Special Leave to Attend Conferences. The Administrator may allow a regular employee special leave at full pay for attendance at conferences benefiting the city.

Sec. 2-92. Military Leave. The city shall comply with all applicable state and federal laws and regulations regarding military leaves and reinstatement of employees returning from military leave. Employees on military leave may keep military pay.

Sec. 2-93. Leave for Jury Duty. Any regular employee who is required to serve as a juror or who is under subpoena as a witness in court shall be granted leave with pay while serving in such capacity, contingent upon the employee paying to the municipal treasury the fees received for such services.

Sec. 2-94. Personal and Funeral Leave. All regular employees who have completed the probationary period, shall be entitled to a maximum of twenty-four (24) hours of personal or funeral leave with pay per year. Personal leave or funeral leave shall be used by the employee for attendance at funerals of immediate family members (as defined in Section 2-85(b)), or for extraordinary circumstances and situations in which vacation or other forms of leave cannot be used. Personal leave must be approved by the employee's department head, who will then submit the request to the City Administrator for his/her approval. Personal or funeral leave will not be accumulative from calendar year to calendar year.

Sec. 2-95. Leave Without Pay. Upon request of a regular employee to the City Administrator, leave of absence without pay may be granted by the City Administrator. Employees must submit a request for unpaid leave exceeding five (5) consecutive days in writing thirty (30) days in advance of the leave, if the need for the unpaid leave is foreseeable. Failure to submit the request in writing thirty (30) days in advance of the leave may result in the leave being denied or delayed. Group health plan benefits may be maintained on the same basis as coverage would have been provided if the employee had been continuously employed during the unpaid leave period. Therefore, any share of group health plan premiums that had been paid by the employee prior to unpaid leave must continue to be paid by the employee during the unpaid leave period. No vacation or sick leave benefits shall accrue during a period of leave of absence without pay.

Sec. 2-96. Holidays. The following shall be legal holidays for all regular employees subject to this article: New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Christmas Eve Day, Christmas Day, Thanksgiving Day, and the Friday following Thanksgiving Day. When New Year's Day, Independence Day, or Christmas Day fall on Sunday, the following day shall be a holiday and, provided, when New Year's Day, Independence Day, or Christmas Day falls on Saturday, the preceding day shall be a holiday. In addition to legal holidays enumerated above, one (1) floating holiday will be allowed each year with the option of being

designed by employees at the beginning of the year subject to approval of the City Administrator. Employees shall observe the days designated as legal holidays and receive compensation as though worked, but such skeleton crews shall maintain essential operations, as the department head deems necessary. An employee working on a holiday shall receive regular pay in addition to the holiday compensation herein given, unless the employee is receiving call-out pay (applicable only to employee's working a normal work week).

Section 2-97 through 2-101 repealed

ARTICLE VI. CUSTODY AND DISPOSAL OF UNCLAIMED PROPERTY

Sec. 2-102. Custody. The City Clerk shall establish administrative provisions for receiving and safekeeping money and property, except motor vehicles and animals, coming into possession of the city in the course of its municipal operations. A receipt shall be issued to any person finding such property or money and causing it to be delivered to the custody of the city. Such property shall be stored in a safe place and such money deposited with the Finance Director for a period of three (3) months unless claimed by the true owner. Upon expiration of the three (3) month period, said property or money shall be subject to disposal under this article as unclaimed property or money.

Sec. 2-103. Claim by Owner. During such three (3) month period, the City Clerk may deliver such property or order such money paid to the true owner thereof upon proof of ownership satisfactory to the City Clerk, after ten (10) days notice by mail to other persons who may have asserted a claim of true ownership. In the event ownership cannot be determined to the satisfaction of the City Clerk, the City Clerk may refuse to deliver such property or order payment of such money to anyone until ordered to do so by a court.

Sec. 2-104. Claim by Finder. If the true owner does not claim property or money during the three (3) month period, the City Clerk may release such unclaimed property or order such unclaimed money to be paid to the person who found same, if at the time of delivery to the city such finder indicated in writing that they wished to assert a claim to the property or money as a finder.

Sec. 2-105. Transfer of Unclaimed Monies to General Fund. If any money is not claimed by the true owner or by the finder within the three (3) month period, the City Clerk shall cause such money to be transferred to the general fund of the city.

Sec. 2-106. Public Use or Sale. Upon expiration of the three (3) month period, unclaimed property remaining in the possession of the city shall be appropriated for city use or, may be sold at public sale by the City Clerk. The City Clerk shall cause one week published notice of the public sale in the official newspaper, prescribing therein the date, time and place of sale. Any unclaimed property offered for public sale, but not sold, and not suitable for appropriation for city use, shall be deemed to be of no value and shall be disposed of in such manner as the City Clerk directs.

Sec. 2-107. Disposition of Proceeds of Sale. Upon completion of a public sale of unclaimed property, the City Clerk shall cause the proceeds therefrom to be deposited in the general fund of the city.

Sec. 2-108. Claim by Former Owner After Sale. The former true owner of property sold at public sale according to the provisions of Section 2-106 shall, upon application to the City Clerk within six

(6) months of the date of public sale and upon furnishing satisfactory proof of former ownership, be paid the respective sale price proceeds from the general fund of the city.

Sec. 2-109. Summary Disposal. The City Clerk may, without notice and in such manner as the City Clerk determines to be in public interest, dispose summarily of any property coming into the City Clerk's possession which the City Clerk determines to be dangerous or perishable. The City Clerk shall make a record of the pertinent facts of the receipt and disposal of such property.

ARTICLE VII. PARTIAL PREPAYMENT OF SPECIAL ASSESSMENTS

Sec. 2-110. Definitions. As used in this article:

- **Local Improvements** shall be any type of improvement made under authority granted by Minnesota Statutes 429.021.
- **Special assessments** are those assessments levied pursuant to Minnesota Statutes Chapter 429.

Sec. 2-111. Authorized. Prior to the certification of any special assessment or the first installation thereof to the County Auditor pursuant to Minnesota Statutes 429.061, Subdivision 3, there is hereby granted the right to make a partial prepayment of such special assessment subject to the following conditions:

- (a) Such partial prepayment shall be a minimum of three hundred dollars (\$300.00).
- (b) Such partial prepayment shall be no greater than seventy-five (75) percent of the amount assessed.
- (c) Any owner so electing to partially prepay shall pay the administrative costs incurred by the city in recalculation of the assessment roll, such costs to be determined by the City Council.
- (d) Interest shall be computed from the date of the resolution levying the assessment until the date of such partial prepayment at the rate set by the City Council for the balance of the assessment roll. However, if such partial prepayment is made within thirty (30) days of the resolution levying the assessment, no interest shall be charged upon the portion so prepaid.
- (e) Any partial prepayment made pursuant to this article shall be made prior to October first of the calendar year in which such special assessment or first installment thereof is certified to the County Auditor of Washington County.

ARTICLE VIII. PUBLIC IMPROVEMENT REVOLVING FUND

Sec. 2-112. Established. There is hereby established and created a separate and special fund designated as the public improvement revolving fund, which the Finance Director shall maintain on the official books and records of the city and administer in accordance with this article.

Sec. 2-113. Purpose. It is declared to be the purpose of this article to provide funds to finance any public improvement ordered by the City Council pursuant to the applicable Minnesota Statutes. Upon letting of a construction contract, the City Council may order the Finance Director to make payments under the contract from this fund. Immediately thereafter, the City Council shall take steps to reimburse this fund by the proceeds of a special assessment or general tax levy or revenue sources in such a manner as prescribed by law.

Sec. 2-114. Assets and Deposits. There shall be deposited in the public improvement revolving fund such sums as may be added to the fund from general funds as directed by the City Council plus the

accumulation of interest from investments plus any proceeds from special assessments or general tax levies that are designated to be deposited in said fund.

Sec. 2-115. Use; Investment. The public improvement revolving fund shall be used to finance all or portions of any public improvements ordered by the City Council. It shall be used for no other purpose and its proceeds may be invested in accordance with the applicable Minnesota Statutes.

Sec. 2-116. Transfer to General Fund. Upon resolution of four-fifths of all of the members of the City Council, the public improvement revolving funds, or any portion thereof, accumulated under this article, shall be declared surplus and deposited in the general fund of the city.

ARTICLE IX. STREET LIGHTING ENTERPRISE FUND

Sec. 2-117. Purpose. The City Council has determined that it is in the best interest of the residents to operate a street lighting system throughout the city to promote the general health, safety and welfare of the residents.

Sec. 2-118. Initiation. The City Council, in all new subdivisions or upon a petition by a developer or a petition of at least 60% of the property owners within 150 feet of the proposed location, or upon its own initiative or recommendation of the Public Works Director/City Engineer based on traffic or safety considerations, shall determine the street, parks or other public areas on which the city shall install and operate a street lighting system.

Sec. 2-119. Location. Streetlights shall be located consistent with the design standards established in the street light policy manual.

Sec. 2-120. Costs.

- (a) **Installation Costs.** The cost of installation of the street lighting system in all new subdivisions shall be included in the cost of all required public improvements and may be assessed against the benefiting property owners. In existing developments, 100% of the project cost associated with installing streetlights is to be assessed to all benefiting property owners within 150 feet of each streetlight. All assessments for this public improvement will be in full accordance with the provision of Minnesota Statutes, Chapter 429.
- (b) **Operating Costs.** The Finance Director shall establish an Enterprise Fund in which to keep a record of the costs of operation of the street lighting system, including but not limited to, maintenance, electrical, clerical, administrative, capital replacement and incidental costs. Every parcel of property, whether or not the property abuts the street or other public or private area in which the system is located, benefits from the safety and convenience of lighting in arterial and collector streets and shall receive a service charge to support the operation of the street lighting system. The City Council shall have the authority to prescribe by resolution the service charge to be charged to the benefiting residents from time to time and may prescribe the date of billing, and a penalty for failure to pay within the period set for payment, and such further rules and regulations relative to the system as it may deem necessary from time to time, including a special assessment pursuant to Minnesota Statutes, 429.101 for non-payment.