



CITY COUNCIL AGENDA

Monday, October 27, 2025

Broadcast on Cable TV Channel 16
and northmetrotv.com/lino-lakes-stream

***Mayor Rafferty, Councilmembers Cavegn, Lyden, Ruhland and Stoesz
City Administrator: Karen Anderson***

CITY COUNCIL WORK SESSION, 6:00 P.M. Community Room (not televised)

- A. Call to Order and Roll Call
- B. Setting the Agenda: Addition or Deletion of Agenda Items
- C. Review Regular Agenda
- D. Adjourn

CITY COUNCIL MEETING, 6:30 PM Council Chambers (televised)

- Call to Order and Roll Call
- Pledge of Allegiance
- Public Comment (*sign-in prior to start of meeting per Rules of Decorum*)
- Setting the Agenda: Addition or Deletion of Agenda Items

SPECIAL PRESENTATION

- A. Lino Lakes Ambassadors 2025-2026 Programming

1. Consent Agenda

- A. Approval of Expenditures for October 27, 2025 (Check No. 123732 through 123831) in the Amount of \$690,918.81
- B. Approval of October 13, 2025, City Council Work Session Minutes
- C. Approval of October 13, 2025, City Council Meeting Minutes
- D. Approval of October 20, 2025, City Council Special Work Session Minutes

- E. Approval of Resolution No. 25-152 Authorize Termination of Assessment Deferral, Outlot A, ALINO Addition,
- F. Approval of Hiring of Part-Time Staff for the Rookery Activity Center
- G. Approval of Exempt Gambling Permit

2. Finance Department Report

3. Administration Department Report

- A. Public Hearing, First Reading Ordinance No. 19-25, Amending City Code Chapter 218, Fee Schedule, Roberta Colotti
- B. Adopt Personnel Policy Updates, Meg Sawyer

4. Police Department Report

- A. Approval of Donation of Unclaimed Property, Curt Boehme

5. Fire Department Report

- A. Second Reading and Adoption of Ordinance No. 18-25, Amending Chapter 1002.01, Fire Code Adoption, Dan L'Allier

6. Public Services Department Report

7. Community Development Report

- A. Resolution No. 25-150, Adopting Assessments, Hampton Addition, Diane Hankee
- B. Resolution No. 25-151, Adopting Assessments, 2025 Individual Properties, Diane Hankee
- C. Second Reading and Adoption of Ordinance No. 17-25 Zoning Ordinance Text Amendment Relating to Cannabis Microbusiness and Mezzobusiness, Michael Grochala

8. Unfinished Business

9. New Business

10. Notices and Communications

- A. Environmental Board Meeting, Wednesday, October 29th at 6:30 p.m.
- B. City Council Work Session, Monday, November 3rd at 6 p.m.

- C. The 2025 General Election is Tuesday, November 4th. Polls will be open from 7 a.m. to 8 p.m. Find more information on the City's website.

ADJOURNMENT



Expenditures

October 27, 2025

Check #123732 to #123831

\$690,918.81

CHECK REGISTER FOR CITY OF LINO LAKES

CHECK NUMBER 123732 - 123831

- CHECK TYPE: PAPER CHECK

Check Date	Check	Vendor Name	Description	Amount
Bank CKING POOLED CHECKING				
10/10/2025	123732	AFSCME COUNCIL #5	Remittance Check	612.20
10/10/2025	123733	INTERNATIONAL UNION OF OPERAT	Remittance Check	560.00
10/10/2025	123734	LAW ENFORCEMENT LABOR SERVICE	Remittance Check	1,752.00
10/10/2025	123735	U.S. DEPARTMENT OF THE TREASU	Remittance Check	153.86
10/27/2025	123736	1ST CHOICE DOCUMENT DESTRUCTI	OCTOBER SHREDDING EVENT	840.00
10/27/2025	123737	AARP	AARP CLASS - OCT. 2025	250.00
10/27/2025	123738	ACE SUPPLY COMPANY, INC.	BOILER RAIN CAP	139.48
10/27/2025	123739	ADVANCED GRAPHIX INC.	DECALS - MOURNING BADGES	112.50
			GRAPHICS REBRAND - SQUADS 308, 314	1,142.50
			GRAPHICS REBRAND - SQUADS 328, 330	1,467.50
			CLAIM #CA391481 SQUAD #322 ADVERSE DRIV	29.17
				2,751.67
10/27/2025	123740	AFLAC	OCTOBER 2025 INSURANCE PREMIUMS	419.48
10/27/2025	123741	ANOKA COUNTY TREASURY OFFICE	SPEAKER MICS (2) & STATE ACCESS FEE	3,791.52
10/27/2025	123742	ASPEN MILLS, INC.	UNIFORM DUTY CREW	58.95
			UNIFORM ALLOW & DEPT EXP - K. TRACY	272.90
			UNIFORM ALLOWANCE - K. WILLS	361.83
				693.68
10/27/2025	123743	BUREAU OF CRIMINAL APPREHENSI	PREEMPLOYMENT FINGERPRINTING	32.00
10/27/2025	123744	BUREAU OF CRIMINAL APPREHENSI	PREEMPLOYMENT FINGERPRINTING	32.00
10/27/2025	123745	BUREAU OF CRIMINAL APPREHENSI	PREEMPLOYMENT FINGERPRINTING	32.00
10/27/2025	123746	BUREAU OF CRIMINAL APPREHENSI	PREEMPLOYMENT FINGERPRINTING	32.00
10/27/2025	123747	BUREAU OF CRIMINAL APPREHENSI	PREEMPLOYMENT FINGERPRINTING	32.00
10/27/2025	123748	BUREAU OF CRIMINAL APPREHENSI	PREEMPLOYMENT FINGERPRINTING	32.00
10/27/2025	123749	BUREAU OF CRIMINAL APPREHENSI	PREEMPLOYMENT FINGERPRINTING	32.00
10/27/2025	123750	BUREAU OF CRIMINAL APPREHENSI	PREEMPLOYMENT FINGERPRINTING	32.00
10/27/2025	123751	BUREAU OF CRIMINAL APPREHENSI	PREEMPLOYMENT FINGERPRINTING	32.00
10/27/2025	123752	BUREAU OF CRIMINAL APPREHENSI	PREEMPLOYMENT FINGERPRINTING	32.00
10/27/2025	123753	BUREAU OF CRIMINAL APPREHENSI	CJDN ACCESS FEE	1,560.00
10/27/2025	123754	C.W. HOULE, INC.	ASH ST CULVERT REPLACEMENT WEST OAKS	16,350.00
10/27/2025	123755	CAMFIL USA, INC	AIR FILTERS	634.22
10/27/2025	123756	CENTENNIAL SCHOOL DISTRICT 12	ACTIVE ADULT MN TWINS GAME TRIP	420.00
			FALL 2025 SENIOR TRIP TO CHANHASSEN	545.00
				965.00
10/27/2025	123757	CENTENNIAL UTILITIES	NATURAL GAS	2,316.07
10/27/2025	123758	CENTURYLINK	TELEPHONE - CIVIC COMPLEX FIRE PROTECTI	71.08
			TELEPHONE - ROOKERY POOL EMERGENCY PHON	147.86
			TELEPHONE - ROOKERY FIRE PROTECTION EQU	70.00
				288.94
10/27/2025	123759	CHOSEN VALLEY TESTING, INC.	SOIL BORINGS - BIRCH ST TRUNK SWR	3,665.00
10/27/2025	123760	CINTAS CORPORATION	MATS AND SHOP TOWELS	509.23
10/27/2025	123761	CITY OF BLAINE	4TH QTR 2025 UTILITIES	4,611.54

CHECK REGISTER FOR CITY OF LINO LAKES

CHECK NUMBER 123732 - 123831

- CHECK TYPE: PAPER CHECK

Check Date	Check	Vendor Name	Description	Amount
Bank CKING POOLED CHECKING				
10/27/2025	123762	CITY OF ST. PAUL	TUITION - A. HALVERSON	300.00
10/27/2025	123763	COMCAST	PHONE & INTERNET SERVICES	167.71
10/27/2025	123764	CORE & MAIN LP	SENSUS PROPAGATION STUDY	0.01
			WATER METERS	11,318.01
			METER HORNS	7,186.83
			TOUCH PADS	1,236.50
				19,741.35
10/27/2025	123765	CUSTOM FIRE APPARATUS, INC.	CLAIM #CA405820 ENGINE 3 #625 STRUCK FE	8,313.97
10/27/2025	123766	CUSTOM MANUFACTURING, INC	SWAMP BOARDWALK PANS	16,475.00
10/27/2025	123767	DAVID KOCH	REFUND FOR AARP MEMBERSHIP CLASS	5.00
10/27/2025	123768	DAYAA A EL-NAGAR	TOBACCO LICENSE REFUND	250.00
10/27/2025	123769	DELTA DENTAL OF MINNESOTA	DENTAL INSURANCE PREMIUMS	5,275.35
10/27/2025	123770	EMERGENCY AUTOMOTIVE TECHNOLO	EMERGENCY LIGHTING #623	3,269.32
			CLAIM #CA453726 SQUAD #319 DEER STRIKE	600.00
			SQUAD BUILD #328/STRIP #303	5,829.54
			SQUAD BUILD #330/STRIP #316	5,936.31
			SQUAD BUILD #330	244.19
				15,879.36
10/27/2025	123771	ENDURANCE FITNESS OF MN, LLC	Q3 2025 REVENUE SHARE	2,621.25
10/27/2025	123772	FIRE SAFETY U.S.A.	STORZ HYDRANT ADAPTERS	747.80
10/27/2025	123773	FRATTALLONES HARDWARE & GARDE	MOUSE TRAPS	30.82
			5 GALLON BUCKETS	29.97
				60.79
10/27/2025	123774	HAWKINS, INC.	CHLORINE CYLINDERS	70.00
			WATER CHEMICALS	14,832.16
				14,902.16
10/27/2025	123775	IMAGE PRINTING & GRAPHICS, IN	BUSINESS CARDS - A. MOZ	20.00
			WINDOW GRAPHICS (5)	503.57
			BLUE HERON DAYS PARADE SIGN - CREDIT	(243.53)
				280.04
10/27/2025	123776	IMPERIAL DADE	BRUSH	72.70
			TOILET BOWL CLEANER	89.25
			TOILET BOWL CLEANER, TRASH CAN LINER (2	302.91
			JANITORIAL SUPPLIES	315.76
				780.62
10/27/2025	123777	INNOVATIVE HIGH PERFORMANCE C	MANHOLE REHAB	10,965.00
10/27/2025	123778	LANDFORM	MAIN STREET CPA	2,493.25

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Bank CKING POOLED CHECKING				
10/27/2025	123779	LEAST SERVICES/COUNSELING, LL	COUNSELING SERVICES & MONTHLY RETAINER	1,320.00
10/27/2025	123780	LENNAR MN DIVISION	ESCROW RELEASE - 2123 NORWAY LN	900.00
			ESCROW RELEASE - 2102 NORWAY LN	2,400.00
			ESCROW RELEASE - 2080 WATERMARK WAY	3,400.00
			ESCROW RELEASE - 2081 WATERMARK WAY	3,600.00
			ESCROW RELEASE - 2084 WATERMARK WAY	3,400.00
			ESCROW RELEASE - 2090 NORWAY LN	4,400.00
			ESCROW RELEASE - 2106 NORWAY LN	2,400.00
			ESCROW RELEASE - 2109 WATERMARK WAY	5,900.00
			ESCROW RELEASE - 2110 NORWAY LN	3,400.00
			ESCROW RELEASE - 7512 NORWAY LN	3,400.00
			ESCROW RELEASE - 7517 NORWAY LN	3,400.00
			ESCROW RELEASE - 2094 NORWAY LN	3,400.00
				<u>40,000.00</u>
10/27/2025	123781	LINDQUIST FORD INC	2024 FORD F350 TRUCK #277	54,086.30
10/27/2025	123782	M/I HOMES	ESCROW RELEASE - 8100 HAYWOOD DR	900.00
10/27/2025	123783	MACQUEEN EQUIPMENT, INC.	O RING REPLACEMENT	27.16
10/27/2025	123784	MANSFIELD OIL COMPANY	1,200 GALLONS DIESEL, 1,602 GALLONS GAS	8,160.75
10/27/2025	123785	MATT REHBEIN	LT ESCROW CLOSURE REHBEIN SITE DEV PREP	22,740.03
				<u>35,523.80</u>
10/27/2025	123786	Medica	HEALTH INSURANCE PREMIUMS NOVEMBER 2025	61,980.54
10/27/2025	123787	MEDICINE LAKE TOURS	ADULT DAY TRIP GANGSTER TOUR	2,635.00
10/27/2025	123788	MENARDS - BLAINE	COUPLINGS (6)	4.14
			BRUSH-ON BED LINER #276	210.41
				<u>214.55</u>
10/27/2025	123789	MET COUNCIL ENVIRONMENTAL SER	SEPT 2025 SAC	19,681.20
10/27/2025	123790	METRO SALES INCORPORATED	CITY HALL CD COPIER	168.97
			CITY HALL COPY ROOM COPIER	486.21
			CITY HALL WIDE FORMAT COPIER	88.07
			ROOKERY COPIER	401.15
			PUBLIC WORKS COPIER	160.50
				<u>1,304.90</u>
10/27/2025	123791	METRO-INET	0365 LICENSE - A. ZUREK	340.00
			0365 LICENSE - C. STIFTER	340.00
				<u>680.00</u>
10/27/2025	123792	MIDWEST MACHINERY CO.	ROLLER AND HARDWARE FOR DITCH MOWER ATT	819.59
10/27/2025	123793	MINNESOTA UNEMPLOYMENT INSURA	Q3 2025 UNEMPLOYMENT	957.97
10/27/2025	123794	MITCHELL DEMARS	MILEAGE REIMBURSEMENT	30.24
10/27/2025	123795	MN DEPARTMENT OF HEALTH	3RD QTR 2025 WATER CONNECTION FEE	14,230.00
10/27/2025	123796	MUELLNER BLACKTOP INC.	TRAIL EXTENSION WATERMARK PARK	4,300.00

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Bank CKING POOLED CHECKING				
10/27/2025	123797	MULCARE CONTRACTING LLC	LINO PARK SHELTER INSTALL	33,000.00
10/27/2025	123798	NORTHLAND RECREATION, LLC	LINO PARK SHELTER	95,243.00
10/27/2025	123799	NORTHWAY IRRIGATION/LANDSCAPE	IRRIGATION BLOWOUT - ROOKERY	160.00
10/27/2025	123800	NYSTROM PUBLISHING COMPANY	FALL 2025 NEWSLETTER	7,007.66
10/27/2025	123801	OCCUPATIONAL HEALTH CENTERS	NEW HIRE TESTING	396.00
			NEW HIRE TESTING	200.00
				596.00
10/27/2025	123802	OERTEL ARCHITECTS	PUBLIC WORKS DESIGN	29,446.65
10/27/2025	123803	OUT BACK NURSERY, INC.	ROTARY TREE PLANTING	360.00
10/27/2025	123804	PERFORMANCE PLUS LLC	ANNUAL RESPIRATOR QUALIFICATION - K. TR	45.00
10/27/2025	123805	POLICY CONFLUENCE, INC.	COMMUNITY SURVEY SUBSCRIPTION	27,500.00
10/27/2025	123806	POMP'S TIRE SERVICE, INC.	REPLACE TUBE & CALCIUM CHLORIDE IN LR W	805.17
			2 REAR WHEELS/TIRES #415	1,304.00
				2,109.17
10/27/2025	123807	PRESS PUBLICATIONS, INC.	PUBLIC COMMENT NOTICE MAIN ST AUAR	735.00
			PHN PROPOSED UTILITY RATES	120.37
			NOTICE OF PUBLIC ASSESS HEARING DEL UTI	107.70
				963.07
10/27/2025	123808	PRO HYDRO-TESTING LLC	HYDROTESTING SCBA BOTTLES	3,600.00
10/27/2025	123809	QUADIENT FINANCE USA, INC.	POSTAGE MACHINE POSTAGE	1,000.00
10/27/2025	123810	QUADIENT LEASING USA, INC.	POSTAGE MACHINE LEASE	527.04
10/27/2025	123811	QUALITY COUNTS, LLC	TRAFFIC COUNTS	320.00
10/27/2025	123812	RJ KOOL MIDWEST	REPLACE WASHER MOTOR	1,341.65
10/27/2025	123813	ROBERTA COLOTTI	MILEAGE REIMBURSEMENT	48.30
10/27/2025	123814	SEALTECH, INC.	CONTRACTED CRACK FILLING	10,000.00
10/27/2025	123815	STANDARD INSURANCE COMPANY	LIFE & DISABILITY INSURANCE PREMIUMS	2,501.52
10/27/2025	123816	STEPHANIE MANTERNACH	FALL 2025 PHOTO CONTEST WINNER	25.00
10/27/2025	123817	STREICHER'S, INC.	REPLACEMENT 40MM PIVOT SCREWS (4)	58.35
10/27/2025	123818	SYCOM, INC.	WELL SCADA SYSTEM MAINT AND UPGRADES	12,562.50
10/27/2025	123819	TASC - CLIENT INVOICES	ADMIN FEES SEPTEMBER 2025	93.80
10/27/2025	123820	TESSMAN COMPANY	MOLE POISON	110.00
				220.00
10/27/2025	123821	THE BANCORP BANK, N.A.	SUBPOENA PROCESSING	80.00
10/27/2025	123822	THE DAVEY TREE EXPERT COMPANY	WOOD MULCH	1,020.00
10/27/2025	123823	THOMAS MOTORS, INC.	REPAIR REAR BRAKES #413	796.02
10/27/2025	123824	TWIN CITIES TRANSPORT & RECOV	CLAIM #CA457674 PUBLIC WORKS TRUCK #268	675.00
			TOW CHARGE - DIRT BIKE	85.00
				760.00
10/27/2025	123825	TWIN CITY HARDWARE	BEST KEYS (6)	48.00

CHECK REGISTER FOR CITY OF LINO LAKES

CHECK NUMBER 123732 - 123831

- CHECK TYPE: PAPER CHECK

Check Date	Check	Vendor Name	Description	Amount
Bank CKING POOLED CHECKING				
10/27/2025	123826	U.S. BANK	UNIFORM ALLOWANCE - M. REINEKE	223.99
			FOAM HAND WASH	154.20
				<u>33,678.81</u>
10/27/2025	123827	VESSCO, INC	CHLORINE REPAIR SUPPLIES	55.01
10/27/2025	123828	WALTERS RECYCLING & REFUSE	TRASH & RECYCLING	1,738.78
			TRASH & RECYCLING	312.43
			DUMPSTER - PW CLEANUP	1,621.80
				<u>3,673.01</u>
10/27/2025	123829	WARREN PELTIER	UB REFUND FOR ACCOUNT: 009227-000	150.00
10/27/2025	123830	XCEL ENERGY	ELECTRIC	4,932.81
			ELECTRIC	27,366.82
				<u>32,299.63</u>
10/27/2025	123831	ZIEGLER, INC.	HYDRAULIC HOSES #218	335.08
CKING TOTALS:				
Total of 100 Checks:				690,918.81
Less 0 Void Checks:				0.00
Total of 100 Disbursements:				<u>690,918.81</u>



Electronic Funds Transfer
MN Statute 471.38 Subd. 3

Council Meeting October 27, 2025

Transfer In/(Out)

10/10/2025 Payroll #21	(218,510.24)
10/10/2025 Payroll #21 Federal Deposit	(61,569.64)
10/10/2025 Payroll #21 PERA	(63,987.92)
10/10/2025 Payroll #21 State	(14,313.45)
10/10/2025 Payroll #21 H.S.A. Bank Pretax	(4,388.24)
10/10/2025 Payroll #21 TASC Pretax	(1,145.03)
10/10/2025 Payroll #21 Wage Garnishment 216	(153.86)
10/10/2025 Payroll #21 Mission Sq 457 Def. Comp #301596	(2,850.00)
10/10/2025 Payroll #21 Mission Sq Roth IRA #706155	(869.23)
10/10/2025 Payroll #21 MSRS HCSP #98946-01	(5,797.68)
10/10/2025 Payroll #21 MSRS Def. Comp #98945-01	(2,455.00)
10/10/2025 Payroll #21 MSRS Roth IRA #98945-01	(1,430.00)
10/14/2025 Transfer from FRB Money Market	1,000,000.00
10/17/2025 Building Surcharge	(1,595.72)

**Lino Lakes City Council
Work Session
Minutes**

DATE: October 13, 2025
TIME STARTED: 6:00 P.M.
TIME ENDED: 6:26 P.M.
LOCATION: Community Room
MEMBERS PRESENT: Mayor Rafferty Councilmembers Ruhland, Lyden, Cavegn and Stoesz
MEMBERS ABSENT: None

Staff Members Present: City Administrator Karen Anderson, City Clerk Roberta Colotti, Human Resources and Communications Manager Meg Sawyer, Community Development Director Mike Grochala, City Planner Katie Larsen, City Engineer Diane Hankee, Chief of Police Curt Boehme and Fire Chief Dan L’Allier.

1. Call to Order and Roll Call

Mayor Rafferty called the meeting to order at 6:00 p.m.

2. Setting the Agenda: Addition or Deletion of Agenda Items

Mayor Rafferty requested that several event announcements to be added to the agenda.

The agenda was adopted as amended.

3. Community Events

There are two community events coming up. Waldock Farm is holding a neighborhood event on October 29, 2025, from 10 a.m. to 7 p.m. to share their long-range plans for the farm. ALDI is hosting a store Grand Opening on December 4, 2025 at 8 a.m.

Mayor Rafferty reported that the annual American Legion Booya fundraiser was recently held, and funds are used to support area non-profits.

The Fire Department recently held an open house with approximately 200 people attending.

4. Review Regular Agenda

The City Council reviewed the regular agenda.

Councilmember Ruhland stated that at a recent Work Session the Fire Department presented the Quarterly Report which included information on the current ambulance service provider and service levels. He recognized that there are constraints on the ability of a local entity to begin to offer ambulance service and that state legislation sets the framework for becoming a provider. However, he would like to review the

requirements to begin offering ambulance services, costs and revenues, and pros and cons of starting an ambulance service.

Councilmember Lyden concurred with this request to review the requirements and considerations for offering ambulance services.

5. Adjournment

Mayor Rafferty adjourned the meeting at 6:26 p.m.

These minutes were approved at the regular Council Meeting on October 27, 2025.

Roberta Colotti, CMC
City Clerk

Rob Rafferty,
Mayor

**LINO LAKES CITY COUNCIL
REGULAR MEETING
MINUTES**

DATE: October 13, 2025
TIME STARTED: 6:30 PM
TIME ENDED: 7:08 PM
LOCATION: City Council Chambers
MEMBERS PRESENT: Mayor Rafferty, Councilmembers Cavegn, Lyden, Ruhland and Stoesz
MEMBERS ABSENT: None

Staff Members Present: City Administrator Karen Anderson, City Clerk Roberta Colotti, Human Resources and Communications Manager Meg Sawyer, Community Development Director Mike Grochala, City Planner Katie Larsen, City Engineer Diane Hankee, Environmental Specialist Tom Hoffman, Chief of Police Curt Boehme and Fire Chief Dan L’Allier.

The meeting was called to order by Mayor Rafferty at 6:33 PM.

Mayor Rafferty provided an overview of the Rules of Decorum.

PUBLIC COMMENT

Mayor Rafferty opened the public comment period.

No one was present to speak at Public Comment.

Mayor Rafferty closed the public comment period.

SETTING THE AGENDA

The agenda was adopted as presented.

SPECIAL PRESENTATIONS

None

1. CONSENT AGENDA

- A. Approval of Expenditures for October 13, 2025 (Check No. 123612 through 123731) in the Amount of \$2,123,641.76
- B. Approval of September 22, 2025, City Council Work Session Minutes
- C. Approval of September 22, 2025, City Council Meeting Minutes
- D. Approval of October 6, 2025, City Council Work Session Minutes

- E. Approval of Resolution No. 25-136 Authorizing the Issuance of a Solicitor's License to Custom Remodelers Inc. (CRI)
- F. Approval of Resolution No. 25-138, Approving a Tobacco License for Nova Express
- G. Approval of Resolution No. 25-140 Extending Construction Start Date for Automobile Repair-Minor on Lot 1, Block 2, Java Lino Lakes
- H. Approval of Resolution No. 25-144 Extending Spargur Estates Final Plat Recording Date
- I. Resolution No. 25-146 Approving Assessment Agreement Abating Public Nuisance - 7253 Fall Drive
- J. Approval of Resolution No. 25-135 Stormwater Re-use Agreement, Natures Refuge North
- K. Approval of Resolution No. 25-148 Authorizing Release of Temporary Construction Easement and the Development Agreement for ALINO Addition

Motion to Approve Consent Agenda Items 1A through 1K as presented.

RESULT:	CARRIED [5-0]
MOVER:	Cavegn
SECONDER:	Stoesz
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

2. FINANCE DEPARTMENT REPORT

A. Public Hearing Assessment Roll Delinquent Utility Accounts

Mayor Rafferty Opened the Public Hearing at 6:35 p.m.

No one spoke at the Public Hearing.

Motion to close the Public Hearing at 6:35 p.m.

RESULT:	CARRIED [5-0]
MOVER:	Lyden
SECONDER:	Cavegn
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

Motion to adopt Resolution No. 25-139, Adopting the Assessment Roll for Delinquent Utility Accounts.

RESULT:	CARRIED [5-0]
MOVER:	Cavegn
SECONDER:	Lyden
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

3. ADMINISTRATION DEPARTMENT REPORT

Motion to appoint Gabrielle Krause to the part-time Community Service Officer (CSO) position with a start date of October 14, 2025.

RESULT:	CARRIED [5-0]
MOVER:	Ruhland
SECONDER:	Lyden
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

Motion to appoint Joseph Pothast to the Human Resources Assistant Position with a start date of October 15, 2025.

RESULT:	CARRIED [5-0]
MOVER:	Ruhland
SECONDER:	Cavegn
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

Motion to appoint Lucas Raska to the Utilities Maintenance Worker position with a start date of October 15, 2025.

RESULT:	CARRIED [5-0]
MOVER:	Cavegn
SECONDER:	Ruhland
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

4. POLICE DEPARTMENT REPORT

No Report

5. FIRE DEPARTMENT REPORT

Motion to waive full reading of Ordinance No. 16-25, Amending Chapter 1002.01, Fire Code Adoption.

RESULT:	CARRIED [5-0]
MOVER:	Cavegn
SECONDER:	Ruhland
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

Motion to provide first reading of Ordinance No. 16-25, Amending Chapter 1002.01, Fire Code Adoption.

RESULT:	CARRIED [5-0]
MOVER:	Cavegn
SECONDER:	Ruhland
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

6. PUBLIC SERVICES DEPARTMENT REPORT

No Report

7. COMMUNITY DEVELOPMENT REPORT

A. Public Hearing Assessment Role, 2025 Weed Abatement Charges

Mayor Rafferty Opened the Public Hearing at 6:44 p.m.

No one spoke at the public hearing.

Motion to Close the Public Hearing at 6:44 p.m.

RESULT:	CARRIED [5-0]
MOVER:	Ruhland
SECONDER:	Stoesz
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

Motion to adopt Resolution No. 25-137, Adopting Assessment Role, 2025 Weed Abatement Charges

RESULT:	CARRIED [5-0]
MOVER:	Cavegn
SECONDER:	Lyden
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

B. Ordinance No 17-25, Zoning Ordinance Text Amendment

Motion to waive full reading of Ordinance No. 17-25 Zoning Ordinance Text Amendment Relating to Cannabis Microbusiness and Mezzobusiness.

RESULT:	CARRIED [5-0]
MOVER:	Cavegn
SECONDER:	Lyden
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

Motion to provide first reading of Ordinance No. 17-25 Zoning Ordinance Text Amendment Relating to Cannabis Microbusiness and Mezzobusiness

RESULT:	CARRIED [5-0]
MOVER:	Cavegn
SECONDER:	Lyden
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

C. Resolution No. 25-141, Lake Amelia Woods

Motion to adopt Resolution No. 25-141 Approving Lake Amelia Woods Preliminary Plat Application Amendment

RESULT:	CARRIED [5-0]
MOVER:	Ruhland
SECONDER:	Lyden
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

D. Resolution No. 25-142, Hampton Addition

Motion to adopt Resolution No. 25-142 Approval of Hampton Addition Final Plat

RESULT:	CARRIED [5-0]
MOVER:	Stoesz
SECONDER:	Cavegn
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

Motion to adopt Resolution No. 25-143 Approval of Hampton Addition Development Agreement

RESULT:	CARRIED [5-0]
MOVER:	Cavegn
SECONDER:	Stoesz
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

E. Resolution No. 25-145, Test Well 7B

Motion to adopt Resolution No. 25-145, Change Order No. 1, Test Well 7B Well Drilling Project.

RESULT:	CARRIED [5-0]
MOVER:	Cavegn
SECONDER:	Stoesz
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

F. Resolution NO. 25-147, Ware Road Public Nuisance Abatement

Motion to adopt Resolution No. 25-147, 6367 Ware Road Public Nuisance Abatement.

RESULT:	CARRIED [5-0]
MOVER:	Cavegn
SECONDER:	Stoesz
AYES:	Rafferty, Cavegn, Lyden, Ruhland and Stoesz
NAYS:	None

8. UNFINISHED BUSINESS

None

9. NEW BUSINESS

None

10. NOTICES AND COMMUNICATIONS

- City Council Special Work Session on October 20th at 6 p.m. in the Community Room.

ADJOURNMENT

Mayor Rafferty adjourned the meeting at 7:08 p.m.

These minutes were approved at the City Council Meeting on October 13, 2025.

Roberta Colotti, CMC
City Clerk

Rob Rafferty,
Mayor

**Lino Lakes City Council
Special Work Session
Minutes**

DATE: October 20, 2025
TIME STARTED: 6:00 P.M.
TIME ENDED: 8:11 P.M.
LOCATION: Community Room
MEMBERS PRESENT: Mayor Rafferty Councilmembers Ruhland, Lyden, Stoesz and Cavegn
ABSENT: None

Staff Members Present: City Administrator Karen Anderson, City Clerk Roberta Colotti, Finance Director Tracy Thoma, Financial Consultant Kelly Horn, Community Development Director Mike Grochala, Chief of Police Curt Boehme, Fire Chief Dan L’Allier, Public Services Director Rick DeGardner, and Public Works Superintendent Justin Williams.

1. Call to Order and Roll Call

Mayor Rafferty called the meeting to order at 6:00 p.m.

2. Setting the Agenda: Addition or Deletion of Agenda Items

Councilmember Lyden requested to add three items to the agenda including discussion of a police garage, city survey question, and posting of the MN Flag.

The agenda was adopted as amended.

3. 2026 Budget Updates and Discussion

The Finance Director presented the updates to the 2026 Preliminary Budget and Levy recommended for inclusion in the 2026 Final Budget and Levy, scheduled for adoption on December 8th.

The City Council adopted the 2026 preliminary tax levy on September 22, 2025, in the amount of \$18,120,307. Staff updated the personal services budget, including reduced expenses for the MN Paid Leave budget and wage and benefits based on actual numbers vs. projections for new hires. As a result, 2026 Final Tax Levy is recommended to be reduced by \$50,642, bringing the revised total to \$18,069,665.

The City Council discussed the proposed final budget and levy.

Councilmember Ruhland requested that the City Council begin the process of reviewing options for providing ambulance services. He asked if the approximate \$50,000 should be retained in the final budget to study and prepare for the establishment of an ambulance service.

The City Administrator stated that based on prior discussion on the matter, the Fire Chief is currently working to prepare a report on the legislative rules, costs, staffing and other considerations related to offering ambulance services as part of the Fire Department operations and will be bringing that forward at a future meeting.

Councilmember Ruhland stated that the financial impact of operating an ambulance service was of interest as it is possible that the costs will be off set.

Councilmember Lynden stated that even with the reduction the impact is significant, and taxpayers will be facing a combined impact of the city and other taxing districts increases in the tax levy.

Mayor Rafferty stated that he supports reducing the amount of the final budget and levy as presented by staff, with recognition that the final budget and levy will be set in December and can be further amended if needed. With the total amount being able to be reduced but not increased from the preliminary levy amount.

Council Consensus

It was the consensus of the City Council to direct staff to remove the \$50,642 from the 2026 Final Budget & Levy report to be presented on December 8, 2025.

4. 2026 Utility Rates

The Finance Director presented the proposed 2026 Utility Rates. She stated that the rates are tied to the 2026 Enterprise budget and are based on the 2021 Utility Rate Study. She stated that the full fee schedule for city operations will be presented for first reading on October 27th and adoption on November 10, 2025. She stated that the planned public works facility has funding identified through future utility rates. She stated that a revised utility fee study is planned for 2026 as the current study runs from 2021 to 2026.

The City Council discussed the need for a utility fee study in 2026. Staff outlined that the 2026 study would provide updated numbers related to the number of users, consumption rates and revised costs for operations and capital costs such as the public works building.

Councilmember Ruhland stated that he would support a revised study if a preliminary report of the actual number of new homes compared to the estimated number presented in the 2021-2026 study could be prepared.

Councilmember Stoesz stated that the public should be advised of the 2025 legislative impact on water testing fees, with a 36% increase in the fees having been adopted by the state and passed through to the consumers.

Councilmember Stoesz asked if there should be additional categories/price points for the sewer fee.

The Public Works Superintendent stated that since the sanitary sewer fee is based on winter water use numbers, they generally stay within the first tier of the fee chart, so adding additional categories above that would have limited impact on revenues.

The Finance Consultant also provided clarification that there are customers with water service and not sanitary sewer service, that are excluded from the sanitary sewer fees.

Council Consensus

It was the consensus of the City Council to support the utility fees as presented. (Councilmember Ruhland stated that he would reserve an opinion until the report of the actual projected number of homes was presented.)

5. 2026-2030 Capital Improvement Program

The Financial Consultant presented the 2026-2030 Capital Improvement Program (CIP) for review prior to the final adoption in December. The CIP has been updated to reflect the proposed 2026 projects. She presented the number of projects by department, number of projects by year, cost vs. funding by year, funding summary, department summary projects by program, projects by type, projects by funding.

The Financial Consultant stated that the next item on the agenda this evening is the discussion of the funding plan for 2026 improvements, which includes the two large capital projects of the Public Works Facility and Otter Lake Road Extension project.

The Financial Consultant reported that under the current draft CIP the 10 encrypted radios for the fire department were moved from 2026 to 2027.

Mayor Rafferty confirmed that the public safety rescue boat had been moved. He requested that city staff set a meeting with Anoka County and Council representative to discuss the county's plans for providing a rescue boat for the area.

6. Funding Plan for 2026 Improvements

The Finance Consultant stated that in 2026 there are two significant projects planned including the public works facility at an estimated cost of \$31 million and the Otter Lake Road improvement project at an estimated cost of \$12.3 million. The city will be using a combination of bonds and cash on hand to pay for the public works facility. The public works facility bonds will be paid through the tax levy and utility fees. Otter Lake Road will be paid for using bonds, cash on hand and Municipal State Aid (MSA) funds. She presented the payment chart for the two projects.

The Community Development Director presented an overview of the City Charter, Chapter 8, requirements related to Special Assessments for the Otter Lake Road project.

It was identified that the nature of the bond under a special assessment would be taxable vs. non-taxable bonds. With special assessments the costs would be higher than without assessments. The net gain without assessments is \$30,750. Therefore, it was not recommended to include assessments with this project. It was also noted that the property owner's that would be assessed in this project area already have I-35 assessments which many have been deferred under Green Acres rules.

The Community Development Director stated that the timeline for the Otter Lake Road project is construction in 2026 with property owners being able to begin land development projects in 2027.

The Community Development Director noted that the City of Hugo was interested in paving up to 80th Street and that we have been in discussions with them regarding the proposed improvements to Otter Lake Road.

Councilmember Lyden asked for a status update on the City's negotiations to purchase the Winter Property to establish wetland banks.

The Community Development Director stated that based on the most recent Army Corp of Engineers report he did not believe the city would be closing on the property and that the current purchase agreement would expire.

Council Consensus

It was the consensus of the City Council to support the 2026 CIP projects and funding as presented, with no assessments for the Otter Lake Road project.

7. Franchise Fees

The City Administrator reported that the City Charter requires a franchise agreement with utility providers. She stated that city staff are working to draft new and renewal agreements as needed.

The City Administrator stated that another consideration is franchise fees. The City has a franchise fee ordinance for Centennial Utilities, which generated \$57,000 in revenue in 2024. The City also has a franchise fee for Comcast that is administered by North Metro TV, which provided the city with \$17,000 in revenue and the cable broadcast services.

The City Administrator presented a list of current utility providers. She presented information on franchise fee schedules for area cities for comparison. She asked if the Council would like to consider franchise fees as part of the discussion on franchise agreements.

The Council discussed the pros and cons of a franchise fee as presented in the presentation on franchise agreements. Noting that a matrix of the franchise fees and revenues for Xcel Energy would be useful in considering the matter further.

Council Consensus

It was the consensus of the City Council to continue the review of franchise fees and to direct staff to prepare additional information for future consideration.

8. Notices and Communications / General Business

Councilmember Lyden asked if there was interest in obtaining a cost estimate to build a 10-car garage space for police vehicles. He estimated that the cost would be around \$200,000 but the value would be to protect the investment in vehicles.

Councilmember Lyden suggested that the 2025 resident survey being prepared this fall, include a question regarding cannabis retail operations.

Mayor Rafferty stated that there was not enough time to include that question in the survey.

Councilmember Lyden asked the status of the plan to re-post the MN state flag.

Mayor Rafferty stated that the city should focus on posting the city flag as there currently isn't a city flag posted at the municipal campus.

9. Adjournment

Mayor Rafferty adjourned the meeting at 8:11 p.m.

These minutes were approved at the regular Council Meeting on October 27, 2025.

Roberta Colotti, CMC
City Clerk

Rob Rafferty,
Mayor

**CITY COUNCIL
REGULAR MEETING STAFF REPORT
AGENDA ITEM 1E**

STAFF ORIGINATOR: Michael Grochala, Community Development Director

MEETING DATE: October 27, 2025

TOPIC: Resolution No. 25-152, Authorize Termination of
Assessment Deferral on PIN #24-31-22-21-0003, Outlot A, ALINO
Addition

VOTE REQUIRED: Simple Majority

INTRODUCTION

Staff is requesting City Council authorization to terminate the deferral of assessments on Outlot A, ALINO Addition as part of the Clearwater Commons development.

BACKGROUND

On October 24, 2011, the City Council approved Resolution No. 11-108, Adopting Assessments for the I-35E/CSAH 14 Interchange improvements. A provision for the deferral of assessments on unplatted/undeveloped land was incorporated into the adopted resolution pursuant to Minn. Stat. § 429.061, subd. 2.

On September 8, 2025, the City Council approved the Final Plat for Clearwater Commons, which included Outlot A, ALINO Addition. Outlot A, ALINO Addition included \$254,897.48 in deferred assessments from the interchange project.

As part of the Clearwater Commons plat the deferral will be terminated and the existing assessment amount of \$254,897.48 will be reallocated over the new lots as follows:

Original Legal: Outlot A, ALINO ADDITION
PIN: 24-31-22-21-0003

Clearwater Commons

	Area (Acres)	Assessment
Lot 1	1.01	\$18,181.25
Lot 2	0.63	\$11,340.78
Lot 3	0.64	\$11,520.79

Outlot A	11.88	\$213,854.66
Total	14.16	\$254,897.48

The assessments for Lots 1-3, Block 1, Clearwater Commons will be paid, in full, as part of the Development Contract for the property. The property owner has requested that the remaining \$213,854.48, allocated to Outlot A, Clearwater Commons be placed on the tax roles, payable over a term of 10 years at an interest rate of 5% (this is the rate currently applicable to these assessments).

RECOMMENDATION

Staff is recommending approval of Resolution No. 25-152, Authorize Termination of Assessment Deferral on PIN #24-31-22-21-0003, Outlot A ALINO Addition.

ATTACHMENTS

1. Resolution No. 25-152

**CITY OF LINO LAKES
RESOLUTION NO. 25-152**

AUTHORIZING TERMINATION OF ASSESSMENT DEFERRAL ON PIN # 24-31-22-21-0003, Outlot A, ALINO ADDITION

WHEREAS, the City Council for the City of Lino Lakes previously approved Resolution No. 11-108, which adopted special assessments for the I-35E/CSAH 14 Interchange improvements; and

WHEREAS, several assessments against unimproved properties were deferred pursuant to Minn. Stat. § 429.061, subd. 2, including the assessment against PIN #24-31-22-21-0003 in the amount of \$159,310.92; and

WHEREAS, Outlot A, ALINO Addition is being platted and split into four lots as part of the Clearwater Commons Plat and the deferred assessments amount plus accrued interest will be redistributed; and

WHEREAS, with the platting of the property the deferral be terminated; and

WHEREAS, with accrued interest the total amount of special assessments on the property is now \$254,897.48.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Lino Lakes, Minnesota that:

1. The deferral of assessments on Outlot A, ALINO Addition shall be terminated, and the assessments reallocated as follows:

Original Legal: Outlot A, ALINO ADDITION
PIN: 24-31-22-21-0003

New Plat Name: Clearwater Commons

	Area (Acres)	Assessment
Lot 1, Blk 1	1.01	\$18,181.25
Lot 2, Blk 1	0.63	\$11,340.78
Lot 3, Blk 1	0.64	\$11,520.79
Outlot A	11.88	\$213,854.66
Total	14.16	\$254,897.48

2. The assessments for Lots 1-3, Block 1, Clearwater Commons will be paid, in full, as part of the Development Contract for the property. The remaining \$213,854.66, allocated to Outlot A, Clearwater Commons, shall be placed on the tax role as follows:

A. Amount: \$213,854.66

B. Duration: 10 Years

C. Interest Rate: 5%

Adopted by the City Council of the City of Lino Lakes this 27th day of October, 2025.

Rob Rafferty, Mayor

ATTEST:

Roberta Colotti, CMC, City Clerk

**CITY COUNCIL
STAFF REPORT
AGENDA ITEM 1.F.**

STAFF ORIGINATOR: Meg Sawyer, Human Resources and Communications Manager

MEETING DATE October 27, 2025

AGENDA ITEM: Approval of Hiring of Part-Time Staff for the Rookery Activity Center

VOTE REQUIRED: Simple Majority

INTRODUCTION

The Council is being asked to approve the hiring of part-time staff for The Rookery.

BACKGROUND

Staff is seeking approval to hire part-time personnel to work at The Rookery. The recruiting process has identified candidates that will be a great addition to our staff at The Rookery.

RECOMMENDATION

Staff Recommends the Council approve the hiring of the part-time personnel listed below:

First NameLast Name		Title
Lynn	Kaminski	Manager on Duty
Molly	Kulzer	Lifeguard

Start dates vary based on position and training schedule.

ATTACHMENTS

None

**CITY COUNCIL
STAFF REPORT
AGENDA ITEM 1.G.**

STAFF ORIGINATOR: Roberta Colotti, City Clerk

MEETING DATE October 27, 2025

AGENDA ITEM: Approval of Exempt Gambling Permit

VOTE REQUIRED: Simple Majority

INTRODUCTION

The Minnesota Department of Public Safety, Alcohol and Gambling Enforcement division issues Exempt Permits to nonprofit organizations that conduct lawful gambling on five or fewer days and that award less than \$50,000 in prizes during a calendar year. This is not a regular gambling permit which requires a City Council resolution. Instead, the City is asked to acknowledge the permit with either; no waiting period, require a 30-day waiting period or deny the application.

BACKGROUND

The City is in receipt of the following application:

- Bingo hosted by ARCHES (Aquinas Roman Catholic Home Education Services), at the Church of St. Joseph of the Lake, on November 22, 2025.

RECOMMENDATION

Motion to acknowledge and approve the application for Exempt and Excluded Gambling Permit for ARCHES (Aquinas Roman Catholic Home Education Services), as presented, with no waiting period.

ATTACHMENTS

None

**CITY COUNCIL
STAFF REPORT
AGENDA ITEM 3.A.**

STAFF ORIGINATOR: Roberta Colotti, City Clerk

MEETING DATE October 27, 2025

AGENDA ITEM: Public Hearing, First Reading Ordinance No. 19-25, Amending City Code Chapter 218, Fee Schedule

VOTE REQUIRED: Simple Majority

INTRODUCTION

The 2026 Fee Schedule is being presented for the review and approval of the City Council.

BACKGROUND

Fees are consolidated into one schedule, which has been codified by ordinance, to be reviewed and adopted on an annual basis to provide for an efficient and timely method of reviewing and adjusting the various fees charged by the city. Staff has reviewed the fees in place to ensure their ongoing equity and cost recovery ability.

City Charter Section 11.06 Notice of Public Hearing, requires a public hearing be held prior to setting the rates for municipal utilities, including water and sewer rates. Notice has been published as required.

No changes to the liquor license fees are proposed and, as a result, notice has not been provided to current license holders or published regarding any amendment to the liquor license fees.

Attached is the draft of Ordinance No. 19-25, Amending City Code Chapter 218, Fee Schedule with the proposed fee amendments provided for the consideration of the City Council.

RECOMMENDATION

Recommendations:

- Public Hearing on the proposed fee schedule amendments, specifically including the water and sewer rate amendments.
- Waive Full Reading of Ordinance No. 19-25, Amending City Code Chapter 218, Fee Schedule.
- Provide First Reading of Ordinance No. 19-25, Amending City Code Chapter 218, Fee

Schedule.

ATTACHMENTS

1. 2026 - Draft Fee Schedule 10-27-25

Lino Lakes - Council and Administration

Notice of Public Hearing: October 14, 2025	2 nd Reading: November 10, 2025
Public Hearing: October 27, 2025	Adoption: November 10, 2025
1st Reading: October 27, 2025	Publication: November 18, 2025
Website Notice: October 28, 2025	Effective: January 1, 2026

CITY OF LINO LAKES ORDINANCE NO. 19-25

AMENDING CITY CODE CHAPTER 218, FEE SCHEDULE

The City Council of Lino Lakes ordains:

That the following fee chart amendments shall be effective January 1, 2026.

CHAPTER 218: FEE SCHEDULE

Section

218.01 Fee schedule

§ 218.01 FEE SCHEDULE.

Pursuant to Minnesota law, the Lino Lakes City Charter, and the Lino Lakes City Code, and upon a review of a study conducted by city staff, a fee schedule for city services and licensing is hereby adopted as follows:

(1) *Alcoholic beverages.*

<i>Type</i>	<i>Amount</i>
3.2 beer off-sale	\$200/year
3.2 beer on-sale	\$300/year
3.2 beer on-sale temporary	\$50 plus \$5/day
Club license	\$300/year
Liquor license investigation (initial application only)	\$267.75 (1 or 2)
	\$ 471.75 (3+)
Liquor license on-sale	\$4,500/year
Liquor license off-sale	\$200/year
Liquor temporary permit	\$50
On-sale brewer taproom	\$500/year
Off-sale growler	\$200/year

Fee Schedule

Sunday liquor	\$200/year
Wine license	\$500/year

(2) *Amusement and commercial recreation.*

<i>Type</i>	<i>Amount</i>
Cabaret license	\$35
Dances	\$200/year
Gambling permit application	\$10

(3) *Business and miscellaneous.*

<i>Type</i>	<i>Amount</i>
Assessment search fee	\$20/search
Background check fee	\$35/background
Cannabinoid license investigation (initial application only)	\$267.75 (1 or 2)
	\$471.75 (3+)
Cannabinoid license	\$250/year
Cannabis retail registration fee (initial application)	\$500
Cannabis retail registration fee (renewal)	\$1,000
City Charter	\$ — first copy
	\$10 each additional copy
City Code book	\$140 no binder or tabs
City map	\$2.50
Comp. Plan	\$55
Copies: per page	\$ — /page (1 - 10 pages)
	\$0.25/page (11 - 100 pages)
	Actual cost 100+ pages
Copies: large scale (>11" x 17")	\$0.50/square foot
Copies: new resident labels	\$5/month flat fee
CD or DVD	\$7

Lino Lakes - Council and Administration

Dog kennel - private	\$20/year
Dog kennel – commercial	\$105/year

Fee Schedule

<i>Type</i>	<i>Amount</i>
Dog license (male/female)	\$11 (not spayed or neutered)
	\$6 (spayed or neutered)
Election filing fee	\$5
Fax charge	\$ — (1 - 10 pages)
	\$0.25/page (11+ pages)
Garbage hauler license	\$100 (first truck)
	\$45 each additional truck
Lower potency hemp retailer (initial application)	\$250
Lower potency hemp retailer (renewal)	\$250
Massage therapist license (individual)	\$50 annually
Massage business license	\$200 annually
Overweight permit	\$50
Pawn shop (Class A, Class B, and Class C)	\$10,000
Pawn shop, precious metal dealer, secondhand goods dealer Class A background investigation (in-state)	\$775 fee
	15,000 escrow deposit
Pawn shop, precious metal dealer, secondhand goods dealer Class A background investigation (out-of-state)	\$20,000 fee & escrow deposit
Peddler, solicitor, transient merchant	\$250/6 months
Precious metal dealer	\$10,000
Rental housing license (annual)	\$73 \$75 (1 or 2 units) plus \$15/unit for 3 or more units (fee to be reduced by 50% if issued less than 6 months from expiration date)
Rental license re-inspection fee	\$73 \$75
Return check charge	\$30
Secondhand goods dealer (Class A)	\$10,000
Secondhand goods dealer (Class B and Class C)	\$300
Special event permit	\$50

Lino Lakes - Council and Administration

Therapeutic <u>M</u> assage business license	\$200 annually
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Lino Lakes - Council and Administration

<i>Type</i>	<i>Amount</i>
Tobacco license	\$250
Weed and mowing violation	\$150 first hour
	\$75 each additional hour
Additional admin fee	\$100 (2nd offense in calendar year)
	\$200 (3rd and each additional offense in calendar year)
Non-payment certification fee	\$30
Zoning maps	\$5 large or colored
Zoning Ordinance	\$25

(4) *Fire regulations.*

<i>Type</i>	<i>Amount</i>
Annual permit for sale of consumer fireworks	\$350 exclusive retail seller
	\$100 in conjunction with existing retail store
Burning permit	\$50
Day care/foster care inspection	\$50
False fire alarms	\$ — /alarm (1 - 3) in calendar year
	\$100/alarm (4 - 10) in calendar year
	\$200/alarm (11+) in calendar year
Fire watch	\$50/hour
Fireworks display permit	\$100
Food truck inspection	\$50
	\$100
Inspection outside business hours	\$75 100 /hour (2 hour minimum)

Fee Schedule

(5) *Police fees.*

<i>Type</i>	<i>Amount</i>
Clearance letter	\$15
Copy of digital documentation only (Not the Subject of the Data)	Cost determined by request. Digital documentation such as photographs, video and audio. (You may be required to pay the actual costs of making copies of the data pursuant to MGDPA 13.03 subd. 3(c).)
Copy of digital documentation only (Subject of the Data)	Cost determined by request. Digital documentation such as photographs, video and audio. (You may be required to pay the actual costs of making copies of the data pursuant to MGDPA 13.04 subd 3.)
Copy of domestic abuse report	\$ - Free No fee for written police report, arrest data, request for service data, response or incident data pursuant to MGDPA 13.82, Subd 5.
Copy of reports only (Not the subject of the Data)	\$ Free - Inspection only of data \$ Free - Copy (to subject of data up to for first 3 pages) \$1 (for 4th page) \$0.25/page (5 - 100 pages) Pages 101+ (You may be

Lino Lakes - Council and Administration

	required to pay the actual costs of making copies of the data pursuant to MGDPA 13.03 subd. 3(c).
Copy of reports s only —mail in (Subject of the data)	\$ Free - Inspection only of data \$4 (up to 4 pages) \$ Free - for first 3 pages \$1 for 4 th page \$0.25/page thereafter Pages 5+ (You may be required to pay the actual costs of making copies of the data pursuant to MGDPA 13.04 subd 3.)
Copy of report – mail in	\$4 (up to 4 pages) \$0.25/page thereafter
Dangerous dog registration	\$255/year
Digital photographs	\$25 (up to 16gb flash drive)
False police alarms	\$ — /alarm (1 - 3) in calendar year \$52.50/alarm (4 - 10) in calendar year \$105/alarm (11+) in calendar year
Fingerprinting	\$15 (by appointment)
Other digital documentation/video	\$50 (up to 16gb flash drive)
Vehicle forfeiture fee	\$300/vehicle
Vehicle lockouts	\$ — (no fee)

(6) *Rentals and reservations.*

<i>Type</i>	<i>Amount</i>
Civic complex room reservations	
Non-residents and businesses—up to 4 hours	\$100

Fee Schedule

Non-residents and businesses—up to 8 hours	\$200
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<i>Type</i>	<i>Amount</i>
Field rental	<u>\$20-\$40</u>
Baseball/sSoftball <u>Rental and dDrag</u> only	\$25/ <u>evening</u>
Baseball/sSoftball <u>Rental, dDrag</u> and chalk	\$50/ <u>evening</u>
<u>Soccer, Football, Lacrosse Paint Lines</u>	<u>\$50-\$150</u>
Picnic shelter reservation	\$25

Lino Lakes - Council and Administration

(7) *Building: construction utilities.*

(a) *Building Permit Fee Schedule.* Building permit fees shall be based on the Fee Table below. A fire suppression permit fee shall also be based on the Fee Table. There shall be a minimum fee of \$73 for all permits.

(b) *Fee Table.*

<i>Total Valuation</i>	<i>Fee</i>
\$1 to \$1,360	\$73 \$75
\$1,361 to \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000; min. fee is \$73 \$75
\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$391.25 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000, or fraction thereof

Fee Schedule

(c) *Other inspections and fees.*

<i>Type</i>	<i>Amount</i>
Accessory building permit: 200 sq. ft. or under in size	\$73 \$75
Accessory building permit: over 200 sq. ft. in size	See Building Fee Table
Additional plan review required by changes, additions, or revisions	\$73 \$75/hour ²
Antenna, city owned property	\$250 plus \$6,000 escrow
Antenna, private property	See Building Fee Table
Change of use/occupancy inspections	\$73 \$75/trip
Contractor lead certification verification	\$5/permit
Contractor license	\$50
Contractor license verification	\$5/permit
Curb stop covers	\$70
Demolition permit	\$73 \$75
Driveway replacement permit	\$73 \$75
Easement encroachment fee	County recording fee plus \$25
Erosion control inspection fee	
Single, two-family, townhomes up to 8 units, multi-family >8 units	\$160
Commercial, industrial, and institutional	Determined by separate agreement
Fence permit: 6 feet or under in height	\$73 \$75
Fence permit: over 6 feet in height	See Building Fee Table
For use of outside consultants for plan checking and inspections, or both	Actual cost ³
Grading permit	\$160
Grading permit escrow deposit (if not included in dev. contract)	\$300
Surface water management plan (if applicable and not covered in site performance or dev. contract escrow)	\$3,500

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<i>Type</i>	<i>Amount</i>
Inspections for which no fee is specifically designed	\$73 \$75/trip
Re-inspection fee	\$73 \$75/trip
Inspections outside of normal business hours	\$73 \$75/hour ¹
Irrigating or watering of new landscaping permit (sod or seed)	\$ — (no fee)
Lawn sprinkler/irrigation system permit	\$73 \$75
Manufactured home permits	\$250
Mechanical (HVAC) fee: new construction residential	\$158 (does not include fireplaces)
Mechanical (HVAC) permit: commercial	2% of the contract price (\$73 \$75 minimum fee)
Mechanical (HVAC) permit: gas fireplace	\$73 \$75 plus \$34.50 for each additional fireplace
Mechanical (HVAC) permit: residential	\$73 \$75 except new construction (includes AC/furnace combined)
Metropolitan Council SAC (sewer availability charge)	Per Met Council
Plan review fee	65% of the building permit fee
	25% of the building permit fee for review of similar plans (master plan) in a 12 month period
Plumbing permit	\$11/fixture (\$73 \$75 minimum fee)
Retaining wall permit	\$73 \$75
Roofing permit	\$106 \$110
Septic installation or repair permit	\$250
Septic pumping permit	\$10
Sewer connection inspection fee	\$200
Siding permit	\$106 \$110
Sign permit: existing billboard	\$85/year
Sign permit: permanent	See Building Fee Table

Fee Schedule

Sign permit: sandwich board	\$35
Sign permit: temporary (portable/banner)	\$35/term

Fee Schedule

<i>Type</i>	<i>Amount</i>
Storm pond aeration permit	\$150
Swimming pool permit	\$160 (in ground)
	\$106 (above ground)
Touch pad	\$18
Water connection inspection fee	\$250
Water meter	City cost plus \$50
MXU unit	City cost plus \$50
Water meter + MXU unit	City cost plus \$50
Window/door replacement permit	\$79/unit (max \$158)
Work commencing before permit issuance	Double permit fee
¹ Inspections made outside of normal business hours are a three-hour minimum charge. ² Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved. ³ Actual costs include administrative and overhead costs.	

(d) *Fee refund.* Per applicant request, city staff may refund permit fees up to 80% for voided permits. Plan review fees and state surcharge fees are non-refundable. No refund shall be provided if permit has expired.

(e) All permits issued are subject to applicable state surcharge fees.

(f) An escrow may be required, as determined by the City Engineer, to cover all costs incurred by the city for plan revision and construction observation.

(8) *Escrow deposits.*

(a) In order to obtain a certificate of occupancy, escrow deposits shall be collected if exterior work cannot be completed due to inclement weather, as determined by city staff, whereupon a temporary certificate of occupancy would be issued subject to the execution of an escrow agreement and payment thereof. Any unfinished work must be completed within six months (weather permitting) from the date of issuance. The following escrow amounts are hereby established:

Lino Lakes - Council and Administration

As-built surveys	\$1,000
Driveway	\$1,000
Exterior concrete	\$1,000
Garage floor	\$1,000
Landscaping	\$2,500 (landscaping may be escrowed year-round per city staff)
Stucco (final coat only)	\$1,000
Other	Determined by city staff at a rate of 125% of the actual improvement costs

(b) Escrow deposits will be charged a \$100 non-refundable administrative fee.

(c) Escrow deposits can be submitted through one of the following procedures:

1. Escrow can be paid to the city upon execution of an agreement signed by both the payee and the city.
2. The title company or lending institution can hold the escrow upon execution of an agreement signed by both the title company or lending institution and the city.

(d) A partial release, of a multi-item escrow, will be charged a \$75 non-refundable administrative fee.

(9) *Right-of-way management.*

<i>Type</i>	<i>Amount</i>
Excavation permit fees	
Hole Base Permit (includes administration, plan review, inspection, testing and mapping)	\$150
Trench or Bore (includes administration, plan review, inspection, testing and mapping)	\$ 70 /100 lineal feet plus hole fee
Obstruction permit fee	\$50 plus \$0.50/lineal foot
Includes administration, recording, review and inspection	
Permit extension fee	\$55
Includes administration, recording and review	

Fee Schedule

<i>Type</i>	<i>Amount</i>
Delay penalty	
For up to three days of non-completion and non-prior notice before specified date. After three days an additional charge of \$10 per day will be levied. For up to three days of non-completion and non-prior notice before specified date. After three days an additional charge will be levied.	\$60 \$150 \$50 per day
Degradation fee Degradation fee formula: This formula covers degradation for the depreciation caused by intrusion into the right-of-way and to the overlays and seal-coats applied to the surface. The formula includes life expectancy schedules for each and has an estimated cost per square yard based on the quality of the right-of-way surface required for different levels of traffic. This formula creates a degradation fee which is determined by the cost per square yard per street, overlay, and seal-coat, multiplied by the depreciation schedule, multiplied by the area of the street patch.	(Cost per square yard for street overlay and seal-coat x depreciation schedule rates) x area of street patch = degradation fee

(10) *Utility fees.*

(a) *Water utility rates.*

<i>Type</i>	<i>Amount/ Rate</i>
<i>Residential</i>	
Base fee	\$25/quarter/REU ¹
Consumption fee	
0 - 20,000 gallons	\$2.19 \$2.28 per thousand gallons
20,001 - 40,000 gallons	\$2.43 \$2.53 per thousand gallons
40,001 - 80,000 gallons	\$3.04 \$3.16 per thousand gallons

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80,001 - 120,000 gallons	\$3.65 <u>\$3.80</u> per thousand gallons
Over 120,000 gallons	\$4.26 <u>\$4.43</u> per thousand gallons

<i>Type</i>	<i>Amount/ Rate</i>
<i>Non-Residential</i>	
Base fee	\$25/quarter/REU ¹
Consumption fee	
0 - 20,000 gallons	\$2.19 <u>\$2.28</u> per thousand gallons
20,001 - 40,000 gallons	\$2.43 <u>\$2.53</u> per thousand gallons
Over 40,000 gallons	\$2.75 <u>\$2.86</u> per thousand gallons
<i>Non-Residential Irrigation²</i>	
Consumption fee	
0 - 40,000 gallons	\$3.04 <u>\$3.16</u> per thousand gallons
40,001 - 80,000 gallons	\$3.65 <u>\$3.80</u> per thousand gallons
Over 80,000 gallons	\$4.27 <u>\$4.44</u> per thousand gallons
¹ REU = a residential equivalent connection: a. Residential - a single housing unit b. Non-residential - per Met Council Service Availability Charge Procedures Manual ² Non-Residential users with irrigation systems that do not have a separate irrigation meter will be charged at residential rates until such time that a separate irrigation meter is installed and inspected.	

Fee Schedule

(b) *Sewer utility rates.*

<i>Type</i>	<i>Amount/Rate</i>
<i>Metered Sewer</i>	
Base fee <u>& up to 10,000 Gallons</u>	\$61.48 <u>\$63.02</u> /quarter/REU ¹
Consumption fee	
Over 10,000 gallons (based on winter average)	\$1.18 <u>\$1.21</u> per thousand gallons
Flat sewer	\$72.52 <u>\$74.33</u> /quarter/REU ¹
¹ REU = a residential equivalent connection: 1. Residential - a single housing unit 2. Non-residential - per Met Council Service Availability Charge Procedures Manual	

Fee Schedule

(c) *Storm water utility rates.*

<i>Type</i>	<i>Amount</i>
<i>Quarterly Base Rate</i>	
Residential fee	\$12/parcel
Non-residential fee	\$175/acre of impervious (\$12 minimum)

(d) *General utility fees.*

<i>Type</i>	<i>Amount</i>
Late penalty	10% of unpaid balance, assessed per billing cycle
Non-payment certification fee	\$30
Meter testing (our cost, delivered to Minneapolis)	
5/8" - 3/4" meter test	\$100
1" meter test	\$150
1-1/2" - 2" meter test	\$250
Water meter rental	\$600 deposit
	\$25/month
Additional accessories	\$25/month
Water usage fee	\$5/thousand gallons
Water use violation	\$25 (first violation)
	\$50 (second and subsequent violations)

(e) *City trunk utility connection fees.* The trunk utility connection fee consists of two components: a trunk charge and an availability charge.

1. *Trunk charge.* The trunk charge shall be paid at the time of subdivision approval or at the time of hook-up, whichever is first. Residential trunk charges are based on one unit per dwelling unit. Commercial/industrial/institutional (CII) trunk charges are based on a factor of 2.92 units per acre.

Sanitary sewer	\$1,801 \$1,855 /unit
Water	\$2,588 \$2,666 /unit

Fee Schedule

2. *Availability charge.* For residential properties, the availability charge shall be paid at the time of subdivision approval or at the time of hook-up, whichever is first. Commercial/industrial/institutional availability charges shall be paid at the time of building permit. Fees are based on the number of sanitary access charge (SAC) units assigned by Metropolitan Council Environmental Services (MCES). Residential uses shall be assigned one unit per dwelling unit unless otherwise noted by MCES.

City sewer (CSAC)	\$1,686 <u>\$1,737</u> /SAC unit
City water (CWAC)	\$1,628 <u>\$1,677</u> /SAC unit

3. *Special Connection Fees*

In addition to the charges above, the following projects shall have special connection fees:

2025 Street Reconstruction and Municipal Sewer and Water Extension

- i. Colonial Woods
 - Sewer \$4,000
 - Water \$3,908
- ii. Pine Haven
 - Sewer \$2,647
 - Water \$3,280

(f) *Lateral service connection fees.* The lateral service connection fee shall be in addition to the city trunk utility connection fees. If the lot or tract of land, or portion thereof, to be served by a lateral connection has not been assessed for the cost of construction, then the applicant shall pay, upon hook-up, a lateral connection in accordance with Resolution No. 02-149 (Bisel Amendment) based on the following front foot charges:

Sanitary Sewer	\$80.10 <u>82.50</u> /front foot
Watermain	\$75.10 <u>78.00</u> /front foot

(g) *Vacant buildings.* Owners of a commercial/industrial building(s) connected to city water and/or sewer utilities that are vacant due to business closures or other reasons may apply to have the number of billed REUs reduced to one REU for purposes of calculating utility fees effective from the date the building(s) was vacated for as long as the building(s) remains unoccupied. When the building(s) again becomes occupied, the owner must inform the city of such occupation, at which time the number of REUs will be determined and utility fees assessed according to the current fee structure.

REU = a residential equivalent connection:

- 1. Residential - a single housing unit
- 2. Non-Residential REU = per Met Council Service Availability Charge Procedures Manual

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(h) *Surface water management.*

	<i>Single/Two Family Lots</i>	<i>Multi Family Lots</i>	<i>Commercial/Industrial/Institutional Property</i>
Fee charge per acre of development	\$8,217 8,464	\$11,051 11,382	\$12,241 12,608
Fees are based on developable land in accordance with the policy provisions established in Resolution No. 92-70. Credits may be earned for sub-watershed trunk improvements.			

(11) *Culvert prices.* All culvert prices are based on market prices and include tax and delivery and 15% administration fee.

(12) *Land use.*

(a) *Fees.*

<i>Type</i>	<i>Amount</i>
Alternative Urban Area-wide Review (I-35E AUAR) To be charged at the time of land use approval for projects within the respective project I-35E Corridor AUAR area that require preliminary plats; conditional use permits; site and building plans; and planned unit developments. Once paid, the same land will not be charged again.	\$325/acre
I-35E Corridor AUAR	\$341/acre
Main Street AUAR	\$450/acre
Administrative permit (no fee for transient merchant if issued by City Clerk)	\$73 \$75
Zoning confirmation letter	\$75

(b) *Escrow deposits (application fee required with each submittal).*

<i>Type</i>	<i>Amount</i>
Application fee	\$200
Comprehensive plan amendment	\$5,000 (40 acres or less)
	\$7,500 (over 40 acres)
Conditional use permit	\$1,000 residential/rural
	\$7,500 commercial/industrial/institutional

Fee Schedule

Environmental assessment review	\$12,500
Interim use permit	\$7,500
Ordinance amendment	
Map amendment (rezone)	\$1,500 (40 acres or less)
	\$5,000 (over 40 acres)
Text amendment	\$1,500
Planned unit development	\$5,000 (general concept plan)
	\$12,500 (preliminary plan)
	\$7,500 final plan
Site plan review	\$7,500

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<i>Type</i>	<i>Amount</i>
Subdivision	
Concept plan review	\$1,500
Minor subdivision	\$3,000
Preliminary plat	\$5,000 (less than 5 acres)
	\$7,500 (5 - 40 acres)
	\$12,500 (over 40 acres)
Final plat	\$1,500 (less than 5 acres)
	\$5,000 (5 - 40 acres)
	\$7,500 (over 40 acres)
Vacation (street, utility, drainage)	\$1,500
Variance or appeal	\$750

1. An escrow account shall be established as indicated above to cover all expenses incurred by the city as part of the plan review. In the case of applications including multiple requests, the highest escrow deposit amount will be the only one initially required. The applicant is responsible for all costs incurred by the city during plan review. If the escrow account drops below 10% of the original deposit amount, the city will require the submittal of an additional escrow deposit sufficient to cover any anticipated expenses. Upon city determination that the project is complete or expired, the city will return the remaining escrow deposit to the applicant.

(13) *Development fees.*

<i>Type</i>	<i>Amount</i>
GIS mapping fee	\$90/lot
Park dedication	
Commercial/industrial/assisted-living/skilled nursing	\$2,600 <u>2,725</u> /acre
Residential	\$3,500 <u>3,800</u> /unit
Street lighting operation fee (new development)	\$120/light (\$8/mo/light x 15 months)
Tree preservation mitigation fee	\$500/tree

Fee Schedule

(14) *Economic development assistance.*

<i>Type</i>	<i>Amount</i>
Tax increment financing or tax abatement	\$12,500 escrow deposit
Tax exempt financing	\$2,500 application fee, plus 1% administration fee

(15) *Staff time.* Staff time for chargeable event/projects shall be charged as the employee's hourly rate of pay plus benefits plus calculated overhead costs (when applicable). Overtime will be charged at 1.5 times the calculated hourly rate.

(16) *Late fee.* A late charge of 10% or \$25, whichever is greater, will be charged for fees not paid when due.
(Ord. 14-23, passed 11-13-2023; Am. Ord. 16-24, passed 11-12-2024; Am. Ord. 03-25, passed 3-10-2025)

Adopted by the Lino Lakes City Council this 10th day of November, 2025.

Rob Rafferty, Mayor

ATTEST:

Roberta Colotti, CMC,
City Clerk

**CITY COUNCIL
STAFF REPORT
AGENDA ITEM 3.B.**

STAFF ORIGINATOR: Meg Sawyer, Human Resources and Communications Manager

MEETING DATE October 27, 2025

AGENDA ITEM: Adopt Personnel Policy Updates

VOTE REQUIRED: Simple Majority

INTRODUCTION

The City Council is being asked to approve an updated version of the Personnel Policy.

BACKGROUND

Staff has updated the City's Personnel Policy to ensure compliance with the new Minnesota Paid Leave law. The full, redlined policy is provided for your review and consideration.

RECOMMENDATION

Staff is recommending approval of the revised City's Personnel Policy.

ATTACHMENTS

1. Personnel Policy - Redlined 10272025

City of Lino Lakes Personnel Policy



~~September-October~~ 2025

Previous Versions:

September 2025

September 2024

May 2024

January 2024

August 2022

April 2022

February 2022

September 2020

April 2019

August 2016

December 2013

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SECTION 1: PURPOSE AND SCOPE

1.1 Purpose

The purpose of this policy is to establish a consistent and equitable system of personnel administration for employees of the City of Lino Lakes. Terms and conditions of employment not specifically established in this Personnel Policy shall remain solely within the discretion of the City to modify, establish, or eliminate. The City retains the full and unrestricted right to operate and manage all personnel, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct, and determine the number of personnel; to establish work schedules; and to perform any inherent managerial functions not specifically referred to in this policy.

1.2 Scope

This handbook contains policies and procedures for supervisors and employees and does not apply to the following:

- Elected officials
- City attorney
- Members of city boards, commissions, and committees
- Consultants and contractors
- Volunteers, except as specifically noted for paid-on-call firefighters

If a section in this personnel policy is held invalid by judicial or legislative action, the remainder of these policies will not be affected.

1.3 Applicability to Union Personnel

The provisions of these policies and procedures shall also apply to all organized personnel who work under a collective bargaining agreement with the City. In the event of a conflict between the terms of a collective bargaining agreement and this policy, the terms of the collective bargaining agreement shall take precedence. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

1.4 Statement of Non-Discrimination

The City of Lino Lakes is committed to providing equal opportunity in all areas of employment, including but not limited to recruitment, hiring, demotion, promotion, transfer, selection, lay-off, disciplinary action, termination, compensation and selection for training. The City of Lino Lakes will not discriminate against any employee or job applicant on the basis of race (including traits associated with race, including, but not limited to, hair texture and hair styles such as braids, locs and twists) color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, or gender expression, disability, age, marital status, genetic information, status with regard to public assistance, veteran status, familial status, or membership on a local

human rights commission or lawful participation in the Minnesota Medical Cannabis Patient Registry.

1.5 Confidentiality / Data Practices Advisory

During the course of City employment, an employee will likely be asked to provide personal information classified by state law as either private or confidential. Private data is information that generally cannot be given to the public but can be given to the subject of the data. Confidential data is information that generally cannot be given to either the public or to the subject of the data.

The requested information will be used to evaluate the employee's job performance, eligibility, and abilities. If the employee provides false, incomplete or misleading information, the employee may be subject to discipline.

A. Types of Data

- *Public Data*. Information about a person that must be made available to the public or to the subject of the data.
- *Private Data*. Information that can be given to the subject of the data upon request, but is not available to the public without permission or as specifically authorized by law.
- *Confidential Data*. Information that generally cannot be given to the public or the subject of the data.
- *Personnel Data*. Data on individuals collected because the individual is or was an employee, an applicant for employment, performs service on a voluntary basis, acts as an independent contractor with the City, or is a member of an advisory board, committee, or commission.
- *Summary Data*. Data about a person used to develop statistics or reports are considered public information, but the data does not identify any individual.

B. Public Personnel Data

With the exception of undercover law enforcement personnel, the following personnel data are public: name, gross salary, salary range, gross pension, contract fee, benefits, expense reimbursements, job title, job description, education and training background, previous work experience, dates of employment, status of complaints or charges against employees, outcome of complaints or disciplinary actions, work location, work telephone number, badge number, city and county of residence.

C. Access to Personnel Files

Other persons or entities that are authorized by law to receive information in the employee's personnel file are:

- Employees, agents and officials of the city who have a need to know about the information in the course of their duties or responsibilities;
- The person who is the subject of private data;

- People who have permission from the subject of the data;
- The Internal Revenue Service and Minnesota Department of Revenue;
- The Immigration and Naturalization Service;
- The Minnesota Department of Economic Security in any claim for reemployment benefits;
- The Worker's Compensation Court in any claim for worker's compensation benefits;
- Various insurance companies in any claim for insurance benefits;
- Individuals who have obtained a court order for the information;
- Participant in any litigation, mediation, veteran's preference hearing, grievance arbitration, or other administrative proceeding that involves the employee;
- Labor organizations and the Bureau of Mediation Services.

D. Private Data

The following personnel data are considered private data on individuals and are not accessible to the public: social security number, age, sex, marital and family status, employee's home address and telephone number, criminal record, race and ethnic data, insurance status, references, college transcripts (except for name of institution, degrees, and years attended), reference checks, medical records, psychological examinations, workers' compensation reports, physical limitations related to job, sick leave forms, medical reports, data collected from disciplinary proceedings, opinion questionnaires, names of applicants for employment until finalists are announced, employee assistance programs and exit interview responses. Private data is accessible to the subject employee, the employee's authorized representative, the immediate supervisor and department director, and other City staff persons or officials who have a legitimate need to know such data.

No employee may disclose the home address, telephone number, or personal information about another employee to any third party without prior consent of the affected employee, as per the section on "Informed Consent."

Employment selection instruments and answer keys to such instruments are protected non-public data, except pursuant to a valid court order.

E. Access to Data

- *Public Data*. Access shall be provided to any person, without regard to the nature of the person's interest. Access must be provided by Administration or other persons authorized by the City Administrator. Access must be provided within a reasonable time period. Interpretation shall be provided if requested. A fee may be charged for copying and mailing and for the time it takes to collect the information.
- *Private Data*. Access to private data is available only to: (1) the subject of the data; (2) City employees who need access to the data; (3) agencies authorized by state or federal law who need access to specific data; and (4) agencies or individuals with written consent from the subject of the data.

Personnel files will be maintained by the Administration Department. The City Administrator shall assure that access is provided only to the parties listed above. The identity and authority of an individual who seeks to gain access to private data must be confirmed. The time that access is available is limited to city hall business hours. No fees shall be charged in cases where the data subject only wishes to view private data. Fees may be charged for providing copies.

1.6 Minnesota Personnel Record Review and Access Act

The Minnesota Personnel Record Review and Access Act provide the following rights and remedies to employees regarding their personnel files:

- Employees have a right to review their file, upon a written request made in good faith, once every six months while employed.
- After termination, employees may review their records once annually for as long as the City maintains the record.
- The City must comply with an employee's written request to review his or his file within seven work days from date of request.
- After the review, the employee may request, in writing, a copy of the record at no charge to the employee.
- If the employee disputes information contained in the record and the City does not agree to remove or revise the disputed information, the employee may submit a written statement of up to five pages explaining the employee's position. This statement will be included in the personnel file for as long as the City maintains it.
- If the City violates the statute, employees may bring a civil action to compel compliance and for actual damages and costs.
- The City may not retaliate against employees for asserting their rights or remedies under the statute. If the City unlawfully retaliates against an employee, the employee may bring a civil action to compel compliance and for actual damages, back pay, reinstatement, equitable relief, and attorney fees.

1.7 Personal Communications and Use of Social Media

It is important for City employees to remember the personal communications of employees may reflect on the City, especially if employees are commenting on city business or commenting on issues that implicate their city employment. As city representatives, employees share in the responsibility of earning and preserving the public's trust in the City. An employee's own personal communications, such as on social media, can have a significant impact on the public's belief that all city staff will carry out City functions faithfully and impartially and without regard to factors such as race, sex/gender, religion, national origin, disability, sexual orientation, or other protected categories. Non-personal communications (performed within one's job duties) to members of the public must be professional at all times. The following guidelines apply to personal communications, including various forms such as social media

(Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers, and personal endorsements:

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

hours even though he or she may have a key; a clerk, while working at City Hall, should not campaign for a friend who is running for City Council.

- Personal social media account name or email names should not be tied to the City (e.g., (Lino Lakes Police Officer)).

SECTION 2: DEFINITIONS

2.1 Definitions

The following words and phrases will have the meaning as defined herein:

1. Absent without Leave. Any absence of an employee from duty, including any absence for a single day or part of a day, which is not authorized by a specific leave of absence or time off under the provisions of this policy.
2. Administrative Leave. Paid leave granted to an employee, who is the subject of an investigation, when the City Administrator determines it is in the best interest of City employees and the public that the employee be removed from duty until the investigation is complete.
3. Anniversary Date. The month and day of initial hiring or promotion of a regular full-time or regular part-time employee.
4. Child. Stepchild, biological, adopted, or foster child under 18, or under 20 if still attending secondary school.
5. Compensation Plan. A schedule of pay ranges for all job classifications within the City.
6. Exempt Employee. Executive, administrative, and professional employees who are exempt from overtime pay as defined by the federal Fair Labor Standards Act.
7. Full-Time Employee. Employees who are required to work forty (40) or more hours per week year-round in an ongoing position.
8. Immediate Family Member. An immediate family member shall be defined as spouse, parent, spouse's parent, child, brother, sister, brother-in-law, sister-in-law, niece, nephew, grandparent of the employee or employee's spouse, and grandchild.
9. Job Classification. A position assigned to its appropriate pay range based on the duties performed and the responsibilities assumed.
10. Job Reclassification. A change in a class of an individual position on the basis of revisions to job duties and responsibilities, which places the position in a higher or lower pay grade.
11. Non-Exempt Employee. Not exempt from the provisions of the Fair Labor Standards Act and is subject to overtime pay.
12. Part-Time Employee. Employees who are required to work less than (40) hours per week year-round in an ongoing position.
13. Pay Grade. A grouping of positions considered substantially equal and are paid the same wage.
14. Pay Range. A schedule of minimum and maximum pay rates, which are established for each job classification.

SECTION 3: APPOINTMENTS AND EMPLOYMENT

3.1 Physical & Psychological Examination

An applicant or employee appointed to a position must be sufficiently healthy to satisfactorily perform the essential duties and responsibilities of the position.

After a conditional offer of employment has been made, applicants may be required to undergo a physical and/or psychological examination prior to appointment to a position. The City will pay the total cost of pre-employment examinations. A medical evaluation report shall be prepared and filed in the employee's medical file.

If a medical evaluation indicates that an applicant has a mental or physical condition that causes such applicant to be considered a serious health risk, or whenever the applicant is reported to have a condition that may substantially affect the applicant's ability to perform the essential functions of the position, the City may declare the applicant ineligible for consideration for appointment to the position.

3.2 Background Investigations

Upon the request of the City Administrator or designee, the Police Department shall provide certain criminal history data contained in the Minnesota Criminal Justice Information System. This applies only to finalists for City employment. The City Administrator or designee must obtain the consent of the finalists before requesting the data, but an applicant's failure to provide consent may disqualify the applicant from an offer of employment.

3.3 Probationary Period

Newly hired full-time and part-time employees will serve a one-year probationary period. During the probationary period, an employee may be transferred or dismissed at the City's sole discretion for any reason. A probationary employee cannot appeal this decision. Prior to the expiration of the probationary period, the employee's performance will be evaluated in writing by the employee's supervisor and given to the City Administrator with a recommendation that the employee be retained as a regular employee or dismissed.

3.4 Work Schedule

The regular work week normally consists of 40 hours. The regular 40-hour work week includes two paid 15-minute breaks each work day. All employees will be provided with one unpaid meal period of 30 minutes each work day.

Payment for time worked in excess of the regular work week shall be compensated at 1½ times the regular rate of pay. This section does not apply to exempt employees.

A department director, with approval from the City Administrator, may establish a modified work schedule for an employee if it benefits the City.

3.5 Performance Evaluations

Employees generally receive an annual performance appraisal. The purpose of the performance review is to evaluate an employee's performance, to communicate supervisor's expectations, and to establish future goals and objectives.

The supervisor will conduct an interview following the written evaluation. The written evaluation shall be filed in each employee's personnel file. An overall evaluation of "satisfactory performance" will be required prior to the granting of any step adjustment.

3.6 Promotions

A department director and the City Administrator shall be responsible for determining whether an employee possesses the necessary qualifications for promotion to a particular position. Appropriate tests may be given to aid in this determination. Length of full-time employment with the City will be considered in promotions only when all other qualifications are equal.

It shall be the policy of the City to fill vacancies by promoting current employees from within where practicable. This policy shall not be construed to preclude the City from external recruitment and selection of applicants from outside the municipal service, nor as a guarantee of promotion from within to any position for which job openings occur.

All promotions shall be subject to a six-month probationary period. If the employee who has been promoted is found unsuited for the position to which promoted, such employee may be reinstated to his/her former position and rate of pay, or to another position in the same class if a vacancy exists.

3.7 Veteran's Preference

The City's veteran's preference program shall be in accordance with state and federal law.

3.8 Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) protects qualified individuals with a disability against employment discrimination. The term "disability" includes physical or mental impairments that substantially limit one or more major life activities, or where an individual has a record of impairment or is regarded as having impairment.

3.9 Disciplinary Steps

City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities, including observance of work rules and conditions of employment. It is the policy of the City to administer disciplinary penalties without discrimination. Every disciplinary action shall be for "just cause" and the employee may use the grievance procedures as outlined in Section 3.10 of this Personnel Policy with respect to any disciplinary action that he/she believes is unjust or disproportionate to the offense committed. The City Administrator or a department director may direct an investigation into any alleged violation before any disciplinary action is taken.

Any employee subject to the provisions of this policy or any other departmental policy may be terminated from City employment only for cause. The particular dismissal, demotion, or suspension shall be based on the individual facts and circumstances involved.

Steps

Except for severe infractions, disciplinary action will generally be progressive and follow the steps listed below:

1. Coaching. Any violation of rules and regulations will be explained to the employee by his/her supervisor, indicating the corrective action necessary to prevent recurring violations.
2. Written Reprimand. A written reprimand states that the employee is being disciplined for misconduct, describes the misconduct and past actions taken by the department director or City Administrator to correct the problem, and outlines future disciplinary action if the misconduct continues. The employee shall be given a copy of the reprimand and sign the original acknowledging that he/she has received the reprimand. The employee's signature does not mean that he/she agrees with the reprimand.
3. Suspension without Pay. Prior to the suspension, or as soon thereafter as possible, the employee shall be notified in writing of the reason for the suspension, its duration, and further disciplinary actions should the misconduct continue. An employee may be suspended pending investigation of an allegation. A copy of each written statement shall be placed in the employee's personnel file. If an allegation is proved to be false, the statement will be removed and the employee will receive back pay.
4. Demotion. The City Council may, upon recommendation of the City Administrator, demote an employee for just cause. The employee will be provided with a written statement of the reason for the demotion. The written statement will be furnished to the employee prior to the effective date of the demotion. An employee who is demoted shall not be required to serve a probationary period in the position in which the employee is being demoted.

A regular employee who is demoted for disciplinary reasons may appeal the demotion through Section 3.10 of this policy.

5. Paid Administrative Leave. Paid administrative leave is granted in conjunction with an ongoing investigation or any time the City Administrator feels it is in the best interest of employees and the public to remove an employee from active duty.
6. Discharge. The City Administrator may discharge a non-probationary employee for just cause only, subject to City Council approval. A discharged employee will be notified at termination that he/she has a right to make a written request for reason of dismissal. If requested, the City will provide reasons, in writing, within five work days. This notice will include rights contained in the veterans' preference law, if applicable, a statement indicating that the employee may respond to the charges both orally and in writing, and that he/she may appear personally before the City Council.

3.10 Grievance Procedures

The procedure established herein will be followed by an employee in presenting a grievance to the City. Failure to follow the steps within the stated time limits may result in a denial of the grievance on procedural grounds.

Steps

1. An employee claiming a violation concerning the interpretation or application of a City policy shall, within 21 calendar days after such alleged violation has occurred, present the grievance in writing to the employee's immediate supervisor. Such written grievance shall set forth the nature of the grievance, the facts on which it is based, the provisions of the policy allegedly violated, and identify the remedy requested. A grievance not resolved in Step 1 shall be appealed to Step 2 within 15 calendar days after the supervisor's response in Step 1. Any grievance not appealed in writing to Step 2 by the employee within 15 calendar days shall be considered waived.
2. A grievance unresolved in Step 1 and appealed to Step 2 shall be submitted in writing to the City Administrator within 15 days. The City Administrator will give an answer to Step 2 within 15 calendar days after receipt. The written response of the City Administrator shall constitute the City's final response to the employee's grievance.
3. If the grievance is not resolved in Step 2, and if the grievance relates to the interpretation of the City's Personnel Policy, the employee may appeal the grievance in writing to the City Council within 15 calendar days of receipt of the City Administrator's response in Step 2. Any grievance not appealed in writing to Step 3 within 15 calendar days shall be considered resolved. If appealed to the City Council, the Council may establish a date for hearing the employee's grievance. Following determination by the City Council, a written response shall be provided to the employee within 15 calendar days of receipt of the written grievance. The written response of the City Council shall constitute the city's final response to the employee's grievance.
4. Employees considered essential employees as defined by FLSA guidelines, not already covered by a collective bargaining agreement are entitled to appeal a grievance, not resolved in Step 3, to the Minnesota Bureau of Mediation Service. The employee has 15 days following receipt of the city's Step 3 answer to submit for mediation. The city will discuss and respond in writing to the Step 3 grievance at the mediation session scheduled by the Bureau of Mediation Services. If the grievance is submitted to mediation and is not resolved, it may be appealed to arbitration within 15 calendar days following the city's Step 3 answer.
5. A grievance unresolved in Step 4 and appealed to Step 5 by the employee shall be submitted to arbitration subject to the provisions of the Public Employment Labor Relations Act of 1971, as amended. The employee shall notify the city of its intention to arbitrate the grievance within 15 calendar days following the city's final Step 4 answer. If the parties are unable to agree on the selection of an arbitrator, the employee shall request a list of arbitrators to be submitted to the parties by the Bureau of Mediation Services. The selection of an arbitrator shall be made in accordance with the "Rules

Governing the Arbitration of Grievances" as established by the Bureau of Mediation Services.

The arbitrator shall have no right to amend, modify, nullify, ignore, add to, or subtract from the terms and conditions of this policy. The arbitrator shall consider and decide only the specific issue(s) submitted in writing by the city and the employee, and shall have no authority to make decisions on any other issue not so submitted.

The fees and expenses for the arbitrator's services and proceedings shall be borne equally by the city and the employee.

SECTION 4: COMPENSATION

4.1 Position Classifications

The City shall establish and maintain a position classification plan for all positions covered in this policy. Each position with the city shall be assigned to a class on the basis of duties and responsibilities, authority, and complexity of position. The class may contain more than one position. A new class may be added when a new position is created and no class exists for the new position.

4.2 Compensation Plan

The pay of City employees will be in accordance with the salary ranges approved by the City Council. The Council may make adjustments to any or all of the salary ranges in the City's compensation plan on an annual basis or for other pertinent reasons such as a job reclassification.

Positions in the City's job classification system are assigned a pay range or grade based on the value of the tasks performed. The annual compensation plan is applicable to full-time and part-time employees and does not include elected officials, appointed officials, temporary employees, and those covered by collective bargaining agreements.

A new employee may start at any step of the salary range based on his/her qualifications and experience at the time of hire. Employees are eligible for step increases on their anniversary date in accordance with the City's compensation plan or union wage schedules.

SECTION 5: EMPLOYEE BENEFITS

5.1 Health Care Benefits

The City provides a combination of health care benefits to regular full-time employees, such as health, dental, long-term disability, and life insurance. Regular full-time employees are eligible for the health care benefit package commencing on the first of the month following date of hire.

The City offers health insurance to part-time employees who work on average or are expected to work 30 or more hours per week or 130 hours or more per month and to their dependents. The type of coverage and contributions will be determined annually by the City Council.

Employees are responsible for participating in the cost of health care benefits pursuant to the City's annual review of participation levels.

Regular full-time employees who work 80 hours in a pay period and provide proof of insurance through an immediate family member, or who are eligible for Medicare, may waive insurance coverage and receive a monthly cash payment, which is established by the City Council annually.

5.2 Pre-Tax Benefits

On the first day of the month following date of hire, employees are eligible to participate in the City's Health Care and Dependent Day Care Expense Reimbursement Plan. Under this program, employees may authorize the City to deduct, before taxes, expenses associated with the following:

1. Premium Conversion. This plan allows you to automatically pay your portion of the premiums for the City's health and dental insurance program with pre-tax dollars.
2. Health Care Flex Account. The employee may pay eligible "uncovered" medical and dental expenses with pre-tax dollars (e.g. deductibles and eyewear).
3. Dependent Day Care Flex Account. The employee may pay day care expenses with pre-tax dollars.

Employees will be reimbursed for expenses incurred during the plan year, which runs from January 1 to December 31. Employees will be advised that money not spent during the plan year will be forfeited according to federal law.

5.3 Health Insurance Continuation (COBRA)

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

Qualifying events include resignation, termination of employment, death of an employee, a reduction in an employee's hours, a leave of absence, an employee's divorce or legal separation, and a dependent child no longer meeting eligibility requirements. Under COBRA,

the employee or beneficiary pays the full cost of coverage at the City's group rates plus any additional administrative fee, if applicable.

The Human Resources Department will provide each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for COBRA coverage plan. The notice contains important information about the employee's rights and obligations.

5.4 Deferred Compensation

The City will provide regular full-time employees the opportunity to participate in a pre-tax retirement savings program through payroll deductions. This voluntary retirement saving plan is designed to allow tax savings for employees.

Full-time employees will be permitted to receive a cash payment for 50 percent of their unused annual Sick Leave/Earned Sick and Safe Time accrual exceeding 720 hours at the conclusion of each calendar year. The balance of the unused Sick Leave/Earned Sick and Safe Time will be added to the employee's Sick Leave/Earned Sick and Safe Time bank up to the maximum accrual of 960 hours. The cash payment will be paid at the conclusion of each calendar year into the employee's designated deferred compensation plan as authorized by the City.

5.5 Long-Term Disability

Long-term disability insurance is provided to regular full-time employees Long-term disability benefits are available based upon the terms and conditions contained in the contract with the long-term disability insurer. Terms and benefits under the program are subject to change from time to time.

5.6 Safety Committee

The City of Lino Lakes recognizes its responsibility to provide the safest conditions for its employees by ensuring all reasonable safeguards are established in the workplace. Employees are responsible for observing all safety rules and for using all available safety equipment. Employees are also responsible for reporting any unsafe condition to their supervisor. The efficiency of any municipal operation can be measured directly by its ability to control unnecessary loss. To that end, the Lino Lakes Safety Committee was established. The Safety Committee is made up of employees who meet and examine the City's policies and procedures and review accident and injury reports. The Safety Committee also reviews and updates the City of Lino Lakes Safety Policies and Rules.

5.7 Employee Wellness

Employees may convert accrued Sick Leave/ESST or PTO/ESST leave to pay for their monthly health club membership dues or online subscriptions up to a maximum of \$60 per month, provided that the employee maintains a Sick Leave/ESST balance or PTO/ESST balance of 80 hours.

Reimbursements are made on a monthly basis upon receipt of a completed form and evidence of payment to the health club. Forms are available in the Finance Department. The reimbursement is subject to federal, state and FICA tax withholdings.

5.8 Employee Assistance Program (EAP)

Understanding that an employee's personal life may affect job performance, the City has contracted with an insurance provider to offer an Employee Assistance Program. This program is available to full and part-time employees and their immediate family members.

Individuals can call a toll-free number 24 hours a day any day of the year and speak with a professional counselor who will assess the personal or family issue and provide ideas for resolution.

5.9 Post Employment Health Care Saving Account

The City has established a Post Employment Health Care Savings Account (HCSA) for eligible non-union regular full-time employees. The purpose of this program is to allow such employees to save money on a tax-free basis to pay for health-related expenses after separation from service with the City. The terms for participation are as follows:

1. Participation. All non-union regular full-time employees are required to participate in the HCSA program.
2. Unused Compensation. Any unused Vacation, Sick Leave/ESST, or PTO/ESST severance pay will be contributed into the HCSA upon separation.
3. Salary Contributions. Eligible non-union employees having 25 years of PERA membership shall contribute three percent of their salary into their HCSA. Those with less than 25 years of PERA membership shall contribute two percent of their salary into the HCSA. Contributions shall be calculated and submitted each pay period.
 - a. Years of service for PERA membership will be reflective of the employee's date of hire with the City unless the employee provides payroll with documentation from PERA indicating additional membership years.

All other terms and conditions of this plan are outlined in the plan documents.

5.10 College Savings Plan

Regular full-time employees may elect to contribute to the 529 Minnesota College Savings Plan through payroll deductions. The plan has special tax advantages that are designed to help college savings grow. All investment earnings and gains are income tax-free if used to pay for qualified higher education expenses. The Human Resources Department has more information on the 529 Minnesota College Savings Plan.

SECTION 6: LEAVES

6.1 Holidays

Regular full-time employees are entitled to the paid holidays listed in the table below. Part-time, temporary, and seasonal employees are not entitled to holiday pay.

New Year's Day	Juneteenth	Thanksgiving Day
Martin Luther King, Jr. Day	Independence Day	Day after Thanksgiving
President's Day	Labor Day	Christmas Eve Day
Memorial Day	Veteran's Day	Christmas Day
		New Year's Eve Day

When a holiday falls on a Sunday, the following Monday is considered the holiday. When a holiday falls on a Saturday, the preceding Friday is considered a holiday. In order to be eligible for paid holidays, employees must work on the day before and the day after such holiday, unless on paid leave.

Rookery Activity Center employees who are required to work on a holiday recognized by the City will accrue a floating holiday to be used within the same pay period. Use of a floating holiday outside of the pay period accrued, requires approval from the City Administrator. Accrued floating holidays are not paid out at time of separation.

Part-time firefighters who work a holiday shift shall be compensated at two times the employee's base rate of pay. Part-time firefighters must bid for a holiday shift and will be approved based on the last 90 day work period of hours worked. If two part-time firefighters have the same total of hours worked in the previous 90 days, seniority will be used to determine which part-time firefighter will pick shifts first. If a holiday shift is not taken, the shift will be assigned to the lowest hours worked employee from the last 90 day work period. This applies only to the holidays recognized by the City and are listed in the table above.

6.2 Sick Leave/Earned Sick and Safe Time

Sick Leave/Earned Sick and Safe Time (ESST) is paid leave employees can use when an employee is sick, to care for a sick family member or to seek assistance if an employee or their family member has experienced domestic abuse, sexual assault or stalking.

Full-time, part-time, and temporary employees (including seasonal and interns) are eligible for ESST.

A. Earned Sick and Safe Time for Part-time and Temporary Employees

For all part-time and temporary employees, Earned Sick and Safe Time (ESST) is accrued at one hour for every 30 hours worked by an employee, up to a maximum of 48 hours per year.

Part-time, temporary employees are eligible for carry over of accrued but unused ESST into the following year, but the total of ESST carry over hours shall not exceed 80 hours.

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

B. Sick Leave/Earned Sick and Safe Time for Full-Time Employees

Full-time, benefit eligible employees on Sick and Vacation Leave will continue to accrue sick time at a rate of one day per month (accrue at 3.69 hours per pay period). They will be able to use their Sick Leave/Earned Sick and Safe Time for all ESST eligible uses. The maximum accumulation for Sick Leave/ESST is 960 hours. For payout applicability to Sick Leave/ESST see Deferred Compensation Section 5.4 and Severance Section 9.4.

Sick Leave/Earned Sick and Safe Time does not accrue during an unpaid leave of absence.

C. Sick Leave/Earned Sick and Safe Time Use

Sick Leave/ESST may be used as it is accrued, in the smallest increment of time tracked by the city's payroll system of ¼ hour (15 minutes) increments. Sick Leave/ESST may be used only for days when the employee is scheduled to work.

Sick Leave/ESST may be used for the following circumstances:

- An employee's own:
 - Mental or physical illness, injury or other health condition
 - Need for medical diagnosis, care or treatment, of a mental or physical illness, injury or health condition
 - Need for 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 a communicable illness related to a public emergency, or seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and the employee has been exposed to a communicable disease or the city has requested a test or diagnosis.
 - 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
- 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.

D. For Sick Leave/Earned Sick and Safe Time 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

E. Advance Notice for Use of Sick Leave/Earned Sick and Safe Time

If the need for Sick Leave/ESST is foreseeable, the city requires seven days' advance notice. However, if the need is unforeseeable, employees must provide notice of the need for Sick Leave/ESST as soon as possible. When an employee uses Sick Leave/ESST 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, Sick Leave/ESST for a qualifying purpose. The city will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition. In accordance with state law, the city will not require an employee using ESST to find a replacement worker to cover the hours the employee will be absent.

Sick Leave/ESST will normally not be approved after an employee gives notice that he or she will be terminating employment. Exceptions must be approved by the City Administrator.

F. Retaliation prohibited

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

Any employee who makes a false claim for Sick Leave/ESST will be subject to discipline up to and including termination.

G. Benefits and return to work protections

During an employee's use of Sick Leave/ESST, 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 Sick Leave/ESST 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 Sick Leave/ESST absences will continue to accrue as if the employee has been continually employed.

The City has the right to obtain a second medical opinion to determine the validity of an employee's workers' compensation or Sick Leave/ESST 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 is required by the City.

6.3 Vacation Leave

Paid Vacation leave is available to eligible regular full-time employees in accordance with the schedule below. Part-time, temporary, and seasonal employees will not earn or accrue Vacation leave.

<u>Years of Continuous Service</u>	<u>Per Year</u>	<u>Per Pay Period</u>
Start through 4 th Year	80 hours	3.08 hours
Beginning 5 th Year	120 hours	4.62 hours
Beginning 11 th Year	128 hours	4.92 hours
Beginning 12 th Year	136 hours	5.23 hours
Beginning 13 th Year	144 hours	5.54 hours
Beginning 14 th Year	152 hours	5.85 hours
Beginning 15 th Year	160 hours	6.15 hours
Beginning 16 th Year	168 hours	6.46 hours
Beginning 17 th Year	176 hours	6.77 hours
Beginning 18 th Year	184 hours	7.08 hours
Beginning 19 th Year	192 hours	7.38 hours
Beginning 20 th Year	200 hours	7.69 hours

Employees may not carry over more than 240 hours of accrued vacation time into the next calendar year without approval from the City Administrator.

Employees may elect to use up to four weeks of accrued vacation at the end of their employment with the City, but are not eligible for holidays, leave accruals, or paid benefits during this period.

6.4 Leave Donation Program

The purpose of this program is to provide an opportunity for employees to voluntarily donate a portion of their accrued Vacation, Sick Leave/ESST, PTO/ESST, or compensatory time to assist an employee who has exhausted paid leave due to a serious illness, injury, or impairment.

A. Program Eligibility

Only regular, non-probationary employees may participate in this program as a leave donor or recipient. An employee may request donated leave to care for an “immediate family” member when he or she is within one pay period of depleting all paid leave and is expected to be absent from work for more than five work days after exhausting all paid leave.

To be eligible to donate leave time to another employee, the donating employee shall maintain a minimum leave balance as set forth in this policy.

B. Leave Recipient Conditions

The terms and conditions governing the Leave Donation Program are as follows:

Recipients must provide documentation to Administration from a treating physician regarding the illness or injury and the expected duration of the condition.

No employee will be allowed to receive more than 400 hours of donated leave for any serious health condition. This cap is prorated for part-time employees based on full-time equivalency status.

An employee is eligible to receive donated leave one time in a 12-month period.

No employee who has historically maintained a minimal Sick/ESST leave balance, or who has previously been warned or disciplined for abusing Sick/ESST leave, will be eligible to receive donations.

Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family Medical Leave Act (FMLA).

C. Leave Donor Conditions

Employees may donate a minimum of eight hours or a maximum of 40 hours paid leave provided they maintain a minimum balance of 80 hours of Sick Leave/ESST and 40 hours of Vacation leave or 80 hours of PTO/ESST.

Employees who donate leave shall adhere to the confidentiality requirement set forth within the Leave Donation Form. Donations will remain anonymous to the recipient and other employees.

No provisions of this policy or its administration shall be subject to a grievance under a collective bargaining agreement.

D. Administrative Procedures

Eligible employees wishing to participate in this program should contact Administration and request a "Donated Leave Request Form." If the employee is physically unable to apply, a member of the applicant's family may apply on his or her behalf.

Appropriate documentation concerning the nature, severity, and anticipated duration of the medical condition is required with the Donated Leave Request Form.

If the employee is found to be eligible for donated leave, Administration will notify employees only giving the person's name and estimated number of days needed. The notification shall not include confidential medical information.

Employees wishing to donate accrued leave shall submit a Leave Donation Authorization Form to Administration.

Each hour of donor leave will be credited as an hour of leave for the recipient, regardless of any differences in pay levels.

Finance will subtract surrendered leave from the donor's accrued balance and credit the donated hours to the recipient's Sick Leave/ESST balance.

Donated leave hours will be processed in the order of the date on the Leave Donation Program Authorization Form in eight hour increments, starting with the recipient's department. Unused donated leave will be returned to the donor. If there are multiple donors, the excess leave will be returned on a prorated basis according to the amounts donated.

Recipients will continue to accrue Sick Leave/ESST and Vacation or PTO/ESST during the period of donated leave. The recipient's accrued paid leave during the absence shall be utilized prior to the donated leave.

E. Program Exceptions

Exceptions to these requirements may be approved by the City Administrator in rare circumstances. The City Administrator shall have the right to deny or limit the donation of leave or use of donated leave if it is determined to be in the best interests of the City of Lino Lakes.

F. Program Parameters

The City reserves the right to modify or discontinue this policy at any time, with or without notice. No employee will be guaranteed access to donated leave and any employee may be denied based on the administrative discretion of the City of Lino Lakes.

G. Confidentiality

All information provided in leave donation request applications, leave donation forms, verification of medical conditions, and additional related information is confidential.

6.5 *Workers' Compensation*

The City provides a comprehensive workers' compensation insurance program in accordance with Minnesota law. The City's policy regarding workers' compensation is as follows:

1. Workers' compensation benefits take effect after a waiting period of three calendar days following an on the job injury. Any time lost within the first three calendar days due to an injury will be paid through an employee's Sick Leave/ESST or PTO/ESST accrual. If no leave is available, any lost time will be without pay.
2. If time away from work due to the job-related injury extends beyond three calendar days, workers compensation pay will begin for those scheduled work days lost beginning on day four. If time away from work extends ten calendar days, workers' compensation will pay the initial three-day waiting period. The City will reimburse the employee for Sick Leave/ESST or PTO/ESST used during the initial waiting period.
3. All doctor appointments and long-term therapy appointments due to a work-related injury will be treated as leave without pay, with workers' compensation paid directly to the employee.
4. The City will pay the difference between an employee's gross salary and any workers' compensation reimbursement for up to 90 days. This difference will be paid for consecutive lost time for any time over the three-day waiting period. The City will not pay the difference for doctor or therapy appointments.

5. An employee who sustains a work-related injury or illness must inform their supervisor immediately. A First Report of Injury form must be filed with the City.
6. Neither the City nor its insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in off-duty recreational, social, or athletic activities sponsored by the City.

6.6 Sick Child/School Child Leave

In accordance with state law, the City provides the following leave for eligible employees. An eligible employee is any regular full-time or part-time employee who has been employed with the City for 12 months and has worked a minimum of 20 hours per week. For this section, "child" is defined as being less than 18 years of age, or under 20 years of age and attending secondary school.

1. *Sick Child*. City employees may use Sick Leave/ESST or PTO/ESST for absences due to the illness of a child in the same way that employees are able to use Sick Leave/ESST or PTO/ESST for their own illness.
2. *School Child*. City employees are granted up to 16 hours per school year to attend their child's school conferences or classroom activities when they cannot be scheduled during non-work hours. Employees may take unpaid time or use paid leave for this purpose.

6.7 Funeral Leave

Regular full-time employees shall be granted paid funeral leave of up to: (1) five days for the death of a spouse, child, or stepchild; (2) up to three days for a parent, stepparent, sibling, or grandchild of the employee or employee's spouse; and (3) one day for a grandparent, niece, or nephew of the employee or employee's spouse.

6.8 Military Leave

State and federal laws provide protection and benefits to city employees who are called to military service, whether in the reserves or on active duty. Such employees are entitled to a leave of absence without loss of pay, seniority status, efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding a total of 15 workdays in any calendar year. City compensation is in addition to the military pay for these 15 days, as per MN Attorney General's Opinion.

The leave of absence is only in the event the employee returns to employment with the city as required upon being relieved from service or is prevented from returning by physical or mental disability or other cause not the fault of the employee or is required by the proper authority to continue in military or naval service beyond the fifteen-day paid leave of absence. Employees on extended unpaid military leave will receive fifteen days paid leave of absence in each calendar year, not to exceed five years. Where possible, notice is to be provided to the city at least ten working days in advance of the requested leave. A training notice, signed orders, or battle assembly schedule are examples of typical written notification to share with the city.

If an employee has not yet used his/her fifteen days of paid leave when called to active duty, any unused paid time will be allowed for the active-duty time, prior to the unpaid leave of absence.

Employees returning from military service will be reemployed in the job they would have attained had they not been absent for military service and with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Unpaid military leave will be considered hours worked for the purpose of Vacation Leave and Sick Leave/ESST and PTO/ESST accruals.

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

A. Military Leave for Family Members

The city will not discharge from employment or take adverse employment action against an employee because an immediate family member is in the military forces of the United States or Minnesota.

Nor will the city discharge from employment or take adverse employment action against an employee because they attend departure or homecoming ceremonies for deploying or returning personnel, family training or readiness events or events held as part of official military reintegration programs. Employees may substitute paid leave if they choose to do so.

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

B. Military Leave for Family Member Injured or Killed in Active Service

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

6.9 Time off to Vote

Employees who are eligible to vote in an election have the right to be absent from work for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election without penalty or a wage deduction. Time off to Vote includes time off to cast an early or absentee ballot in the employee's registered polling location.

6.10 Jury Duty

Regular full-time employees called to serve as a juror, or subpoenaed as a court witness, shall receive their regular pay as if they were working. Any compensation the employee may receive as a result of jury duty or a witness fee, excluding mileage reimbursement if provided by the court, shall be turned over to the City. Employees are expected to report to work when they are released from court during regular office hours when practicable, and to make every effort to complete the work assigned to them during the time they are serving as jurors or witnesses.

6.11 Serving as an Election Judge

An employee who has been selected to be an election judge may be absent from work without penalty while serving as an election judge. In addition to a 20-day written notice, the employee will also submit a certification from the appointing authority stating the hourly compensation to be paid the employee for service as an election judge and the hours during which the employee will serve. The City will pay the difference between the employee's regular hourly rate of pay for an eight-hour shift and the pay received for serving as an election judge. The employee may retain mileage expenses, if applicable. The city may restrict the number of employees who are absent from work to no more than 20 percent of the total work force at any single work site.

Employees should check the "other allowable leave" portion of the Authorization for Time Off card, and write in "election judge."

6.12 Family & Medical Leave (FMLA)

Pursuant to the Family Medical Leave Act (FMLA), the City provides up to 12 weeks of unpaid leave to eligible employees for reasons related to medical and family care. In the case of a military caregiver leave, FMLA allows up to 26 weeks.

A. Eligible Employees

Employees are eligible for family or medical leave if they meet all of the following conditions:

- Have worked for the City for at least 12 months (or 52 weeks) prior to the date the leave is to commence. The 12 months or 52 weeks need not have been consecutive. However, the City will not consider any service 7 years prior to the employee's most recent hire date, unless the break in service was due to a military service obligation.
- Have worked at least 1,250 (on-the-clock) hours during the 12-month period preceding the start of the leave. Hours worked does not include time spent on paid or unpaid leave.

B. Qualifying Events

An eligible employee will be granted up to 12 weeks leave during any 12-month period for any of the following qualifying events:

1. Birth of a child or placement of a child with the employee for adoption or foster care. This entitlement expires 12 months after the birth or placement.

2. To care for a spouse, child, stepchild, or parent who has a serious health condition. This includes psychological, physical care, and sharing care duties. A child is defined as a person less than 18 years of age (or a person incapable of self-care because of a physical or mental disability) who is biological, adopted, a foster child or step child, ward of the employee, or a person with whom the employee is charged with parental rights. An eligible parent includes a biological parent or a person who was charged with parental rights, duties, and responsibilities over the employee when the employee was under the legal age, but does not include in-laws.
3. Because of a serious health condition making the employee unable to perform the essential functions of their position. "Serious health condition" is defined in Federal law 29 C.F.R. 825.116, but generally includes incapacity requiring absence from work or more than five days that also involves continuing treatment by a health care provider (also includes prenatal care).
4. A covered military member's active duty or call to duty or to care for a covered military member.

C. Notice Requirements

Thirty (30) days written or verbal notice is required if the leave is foreseeable. If 30 days notice is not possible, as much notice as is practical must be given. Planned medical treatments should be scheduled so that they will not unduly disrupt the City's operations.

D. Insurance Benefits

Health insurance coverage will be continued at the same level and under the same terms as if the employee continued working. Arrangements for payment of the employee's portion of premiums must be made by the employee through the Finance Department.

If an employee fails to return from FMLA leave for reasons other than the continuation of the serious health condition of the employee or covered family member, the City may seek reimbursement for the premiums paid for group insurance benefits during the period of unpaid leave.

E. Intermittent/Reduced Schedule Leave

Leave requested because of a serious health condition of either a family member or the employee may be taken intermittently or on a reduced schedule if such leave is deemed to be medically necessary. Intermittent leave or a reduced schedule is not permitted for the birth, placement, or adoption of a child.

F. Use of Accrued Sick Leave/ESST, Vacation, and PTO/ESST

During leave, employees are required to use accrued Vacation, PTO/ESST or Sick Leave/ESST prior to taking unpaid leave unless their medical condition/injury is covered by worker's compensation. Employees are not required to substitute compensatory time for unpaid leave. When Vacation, Sick/ESST or PTO/ESST leave have been exhausted, any remaining time will be unpaid. Unpaid hours will not count towards seniority.

G. Medical Certification

Certification by a physician or practitioner is required for FMLA leave due to an employee's serious health condition or that of a family member's. The medical certification form must include the following information: (1) date that the qualifying event started; (2) duration of the qualifying event; (3) appropriate medical facts; and (4) purpose the leave is needed.

Administration may request additional medical information that provides an updated status of the employee's or family member's serious health condition and date of return. A second opinion from another health care provider may be requested by the City. If requested, the City will pay for the cost of a second opinion and will select a health care provider not regularly associated with the City. A "Certificate of Physician or Practitioner" form can be obtained from Human Resources.

H. Health Care Providers

"Health care providers" are defined as doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives, clinical social workers (within certain limitations), Christian Science practitioners, health care providers recognized by the City's group health plan, and health care providers as defined above who practices and is licensed in a country other than the United States. [Refer to 29 C.F.R. 825.118 for a complete list.]

I. Recertification

Recertification will be required if the employee requests an extension of the original length approved by the City or if the employee's circumstances change. Recertification may also be required if there is a question as to the validity of the certification if the employee is unable to return to work due to the serious health condition.

J. Fitness for Duty Certification

When leave is due to an employee's own serious health condition, a fitness for duty certification (FFD) may be required before an employee can return to work. Failure to timely provide such certification may eliminate or delay an employee's right to reinstatement under the FMLA.

K. Record Retention

Records on FMLA leave will be kept along with normal payroll records except that any medical record will be maintained separately in the employee's medical record file.

L. Affect on Pension

FMLA leave counts as continued service for purposes of retirement or pension plans.

M. Reinstatement

Employees returning from FMLA leave will return to their same position or an equivalent position upon return from FMLA leave (employees returning from FMLA leave due to a child with a serious health condition will be returned to the same position).

An employee's reinstatement rights are the same as they would have been had the employee not been on leave. Thus, if an employee's position would have been eliminated or an employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

N. Notice of Intent to Return from Leave

The City requires an employee on leave to report periodically on the employee's status and intent to return to work.

O. Additional Leave

Employees who cannot return from an approved FMLA leave may request an extension (up to the maximum of 12 weeks allowed under FMLA). If the 12 extended FMLA weeks have already been used, the employee can request to go on a regular unpaid leave of absence subject to approval.

If the unpaid leave of absence is not approved or the employee fails to request additional leave, the employee will be considered to have voluntarily resigned. If circumstances beyond the employee's control prevented the employee from requesting additional leave, a retroactive leave request may be allowed.

P. Reasonable Work Time for Nursing Mothers

Nursing mothers and lactating employees will be provided reasonable paid break times (which may run concurrently with already provided break times) to express milk.

The city will provide a clean, private and secure room (other than a bathroom) as close as possible to the employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting nursing rights or remedies.

Q. Reasonable Accommodations to an Employee for Health Conditions Relating to Pregnancy

The city will attempt to provide a female employee who requests reasonable accommodation with the following for her health conditions related to her pregnancy or childbirth without advice of a licensed health care provider or certified doula:

- More frequent or longer restroom, food, and water breaks
- Seating
- Limits on lifting over 20 pounds

Additionally, an employer must provide reasonable accommodations, including, but not limited to, temporary leaves of absence, modification in work schedule or job assignments, seating, more frequent or longer break periods and limits to heavy lifting to an employee for health conditions related to pregnancy or childbirth upon request, with the advice of a licensed health care provider or certified doula, unless the employer demonstrates the accommodation would impose an undue hardship on the operation of the employer's business. In accordance with

state law, no employee is required to take a leave of absence for a pregnancy nor accept a pregnancy accommodation.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting reasonable accommodations pregnancy rights or remedies.

6.13 Pregnancy and Parental Leave

Employees who work 20 hours or more per week and have been employed more than 12 months are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota.

The following qualifies for parental leave:

- Prenatal care or incapacity due to pregnancy, childbirth, or related health conditions (female employees)
- The birth or adoption of a child (biological or adoptive parents)
- Following the birth or adoption of a child (biological or adoptive parents)

Leave may be taken for up to 12 weeks. The leave must begin within 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. Employees should provide as much notice as practicable for the use of parental leave.

Employees are required to use accrued leave (i.e., Vacation Leave, Sick Leave/ESST, PTO/ESST) prior to taking unpaid 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 prior to commencement of the leave at the same rate of pay. 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.

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

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

A. Adoptive Parents

Adoptive parents will be given the same opportunities for leave as biological parents (see provisions for Parenting Leave). The leave must be for the purpose of arranging the child's

placement or caring for the child after placement. Such leave must begin before or at the time of the child's placement in the adoptive home.

B. School Conference Leave

Any employee may take unpaid leave for up to a total of sixteen hours during any 12-month period to attend school conferences or classroom activities related to the employee's child (under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the city. Employees may choose to use Vacation or PTO/ESST hours for this absence but are not required to do so.

6.14 Personal Leave of Absence

The City provides leaves of absence without pay to regular full-time and part-time employees who wish to take time off from work to fulfill personal obligations unrelated to family or medically-related circumstances not covered by existing law.

As soon as eligible employees become aware of the need for a personal leave of absence, they should request a leave in writing from their department director. Upon an affirmative recommendation from the department director, the City Administrator may approve a personal leave that does not exceed 90 days. Personal leave of up to one year, excluding military service or disability incurred while in the service of the City, requires City Council action. The minimum period for a personal leave shall be two weeks. Requests for personal leave will be evaluated based on a number of factors, including anticipated work load requirements, reasons for the requested leave, and staffing considerations during the proposed period of absence.

Vacation, Sick/ESST, and PTO/ESST leave accruals, seniority, and paid holidays will be suspended during the leave and will resume upon return to active employment. All City contributions towards employee insurance coverage's will cease for non-medical leaves without pay. Insurance benefits may continue if fully subsidized by the employee through COBRA. If the employee chooses not to continue insurance coverage during a non-medical leave of absence, reinstatement into the group insurance program will be subject to any conditions imposed by the insurance provider. When personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the City cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the expiration of the approved leave period, the City will assume the employee has resigned.

6.15 Bone Marrow Donation Leave

A regular or probationary full-time or part-time employee who averages 20 or more hours per week who seeks to undergo a medical procedure to donate bone marrow will be granted up to 40 hours of paid leave. The city may require verification by a physician of the purpose and length of each leave requested.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting bone marrow or organ donation leave rights or remedies.

6.16 Absence without Leave

Any absence of an employee from duty for one day or part of a day that is not authorized by a specific leave of absence, as provided for in Section 6.14, shall be deemed an absence without leave. Any such absence shall be without pay and may be subject to disciplinary action. Any employee absent without leave for three consecutive days shall be deemed to have voluntarily resigned.

6.17 Severe Weather

On days where severe weather conditions exist, the City's policy is to keep its offices and facilities open during regular work hours.

6.18 Personal Time Off (PTO) Leave/Earned Sick and Safe Time (ESST)

The Personal Time Off (PTO) program combines Vacation Leave, Sick Leave and Earned Sick and Safe Time into a single pool of paid time off benefits for regular full-time employees. PTO/ESST can be utilized for any purpose, subject only to necessary request and approval procedures consistent with City and departmental policies.

Full-time, benefit-eligible employees on Personal Time Off (PTO)/Extended Illness Leave (EIL) will be able to use accrued PTO hours for all ESST eligible uses.

See Section 6.2 - Sick Leave/Earned Sick and Safe Time for eligible uses and conditions under the earned sick and safe time law.

Employees can use EIL hours for a qualifying ESST event, but only if the leave is due to a certified illness or injury and after using three (3) consecutive PTO/ESST days.

A. Implementation

PTO/ESST leave will be implemented for newly hired benefit-earning non-union employees and for union employees who elect to receive such paid time off benefits within a specific time period.

B. Accrual Rates for Full-Time Employees

Regular full-time employees accrue PTO/ESST based on the schedule below.

Years of Service	Hours Earned Each Pay Period	Annual Accrual in Hours per Year	Annual Accrual in Days per Year
0-5	6.153	160	20
6	6.461	168	21
7	6.769	176	22
8	7.076	184	23
9	7.384	192	24
10	7.692	200	25
11	8.000	208	26
12	8.307	216	27
13	8.615	224	28
14	8.923	232	29
15+	9.230	240	30

PTO/ESST is accrued each pay period. The PTO/ESST year for each new employee will begin on the date of employment with the City, or if there is a change of status, on the date the employee is eligible for PTO/ESST.

Employees may not use PTO/ESST until it has been credited to the employee's bank in the payroll system. PTO/ESST may be used in increments of ¼ hour or more. The maximum amount of PTO/ESST that can be carried into the next year is 600 hours.

C. Use of Personal Time Off (PTO)/Earned Sick and Safe Time (ESST)

This PTO/ESST policy encourages advanced planning of absences from work. To ensure necessary departmental coverage, non-emergency (planned) use of PTO/ESST should be requested in advance. Employees should give their supervisor advance notice equal to the amount of requested time off. Unplanned use of PTO/ESST may require documentation (see Section 6.2 - Sick Leave/ESST). Established departmental rules and requirements concerning employee absences from work will be applied.

In order to allow coordination of PTO/ESST with Family Medical Leave, employees seeking to use PTO/ESST may be required to provide pertinent information as to the purpose of the time off to allow a determination of whether the time will also qualify for Family and Medical Leave. If the PTO/ESST qualifies for Family and Medical Leave, the employee must take both leaves simultaneously.

D. General Provisions

1. Maximum Accrual. An employee may not carry over more than 600 hours of PTO/ESST from one year to the next unless a written request has been submitted to and approved by the City Administrator prior to December 15. Such waiver may be considered in the event of a special circumstance.
2. Denial of PTO/ESST Leave. A department director may deny a request for planned PTO/ESST leave when granting such leave would result in insufficient personnel to carry out necessary functions of the City.

3. Impact on Other Benefits. Employees using PTO/ESST will be considered working for the purpose of accumulating additional personal leave. The City will continue to make its contribution toward an employee's group insurance benefits. PTO/ESST will not continue to accrue during a suspension or while an employee is on an unpaid leave of absence.

E. Severance Payment

Upon separation, employees will be compensated for any unused PTO/ESST balance provided the employee leaves the City in good standing.

F. Extended Illness Leave (EIL)

Regular benefit-earning employees who participate in the PTO/ESST plan will convert to the extended illness leave plan. The extended illness leave bank is designed to protect an employee's PTO/ESST balance in the event of an illness or injury. An employee may access extended illness leave in the event of an illness or injury, which extends beyond three work days.

G. Definitions of Extended Illness Leave

For the purposes of this extended illness leave policy, the following terms are defined as provided below.

1. Extended illness leave is an authorized absence from duty with pay that is granted to benefit-earning employees who have successfully completed the probationary period of employment with the City and who become ill or disabled for more than three work days.
2. Extended illness means a state of incapacity due to personal illness or bodily injury that requires medical treatment by a licensed physician or health care provider and prevents an employee from performing the duties of his/her position. Extended illness leave may also be used by an employee to provide care to a family member in accordance with Minnesota Statutes, Section 181.9413. If an employee exhausts his/her personal leave balance, extended illness leave will run concurrent with an authorized FMLA leave.
3. Extended illness leave is not a right an employee may exercise at the employee's discretion. Extended illness leave will be allowed by the City only in the case of verified necessity and actual need. The purpose of any extended illness leave is to provide income continuation during that period of time when the employee is unable to substantially perform the duties of his/her position.

H. Extended Illness Leave Accrual

Extended illness leave will be accrued from date of hire at the rate of two hours per pay period (52 hours per year to maximum of 520 hours). If an employee uses extended illness leave after attaining the full accrual of 520 hours, he/she will continue to accrue extended illness leave at two hours per pay period until reaching the maximum accrual.

I. Administration of Extended Illness Leave

Extended illness leave can be used only if an employee is on leave due to a certified illness or injury for three consecutive work days, except as provided below. Such extended illness leave will be administered as described below.

1. Employees may not use extended illness leave until it has been credited to the employee's bank in the payroll system.
2. To be eligible to receive extended illness leave benefits, an employee will inform his or her department director or Administration of his or her need to take extended illness leave. Employees are required to keep the City informed on a regular basis of their status to remain eligible for paid benefits.
3. The City reserves the right to have its own physician examine the employee periodically to render an opinion on whether the employee is able to return to work. If an employee is deemed to be able to resume productive work for the City, the employee will be directed to report to an appropriate work assignment. If the employee fails to report for work as directed, paid benefits may be terminated.
4. When an employee requests extended illness leave a physician's statement may be required by the City prior to the employee's return to work. The physician's statement must indicate the nature and length of the disability, any restrictions which the disability places upon the employee's ability to perform the work, and attest to the employee's ability to return to work. An employee who has been asked to provide such a statement will not continue receiving benefits until he/she has complied with this provision.
5. If an employee exhausts PTO/ESST leave before the 3-day "waiting period" has been completed during a period of incapacity (as defined in this policy), extended illness leave will not be granted until after the 3-day waiting period.
6. An employee who makes a false claim for extended illness leave benefits will be subject to disciplinary measures.
7. While receiving paid benefits under this section the employee will continue to accrue PTO/ESST leave and receive the City's contribution for health and dental insurance.
8. Extended illness leave balances will not be converted to any other form, such as severance pay, a health care savings account, or paid time off.

6.19 Minnesota Paid Leave

The City provides time off to eligible employees who qualify for Minnesota Paid Leave (MNPL) benefits under Minnesota law. The City of Lino Lakes is a participant in the State of Minnesota's Paid Leave program. MNPL benefits are funded through premium contributions payable to the State of Minnesota or an equivalent plan. The premium cost will be split between the City and employee as follows: The City of Lino Lakes will pay 50% of the required premium and employees will pay 50% of the premium cost through payroll deductions starting January 1, 2026.

Eligibility

Eligibility determinations for MNPL benefits are made by the State of Minnesota or an equivalent plan. Generally, to be eligible for MNPL, you must:

- Work at least 50% of the time from a location in Minnesota, including employees who work from home or spend time in other states occasionally.
- Meet the financial eligibility requirements by having earned over a specific amount of wages as defined by under Minnesota law at the time of your requested leave.

Benefit Amount

An employee's weekly MNPL benefits are calculated and determined by the Minnesota Department of Employment and Economic Development (DEED) or an equivalent plan.

Leave Entitlement and Usage

The State of Minnesota or an equivalent plan may approve MNPL leave for the following conditions in a benefit year:

- Up to 12 weeks of medical leave (for yourself) to take care of yourself for a serious health condition, including pregnancy, childbirth, recovery, or surgery.
- Up to 12 weeks of family leave to:
 - Bond with a child through birth, adoption, or foster placement
 - Care for a family member with a serious health condition
 - Support a military family member called to active duty
 - Receive covered types of care for yourself or a family member because of domestic abuse, sexual assault, or stalking

You can take both types of leave in the same year, but you cannot exceed 20 weeks total within a single benefit year. For example, an employee may be entitled to 12 weeks of family leave to bond with a child and another 8 weeks of medical leave for their serious health condition. Your benefit year starts the first day you take Paid Leave. There is no waiting period for MNPL if you are granted the benefit.

MNPL Intermittent Leave

Employees may apply for intermittent leave in most cases, provided the leave is reasonable and appropriate to the needs of the individual requiring care.

Intermittent Leave - Eligibility

In addition to the other eligibility requirements under the MN Paid Leave law, employees seeking intermittent leave must have at least eight hours of accumulated leave (unless more than 30 days have lapsed since taking the initial leave).

Intermittent Leave - Notice

In situations where employees seek MNPL on an intermittent basis, employees must make a reasonable effort to provide written notice to Human Resources of the need for intermittent leave *before* applying for MNPL benefits. As part of the notice, employees must provide the City with the following: 1) proposed intermittent leave schedule; and 2) a completed certification from a health care provider

identifying the leave as necessary and a reasonable estimate of the frequency and duration and treatment schedule for the leave.

Intermittent Leave - Increments of Leave & Maximum Number of Hours

Consistent with other forms of leave provided by the City, employees may take intermittent leave in increments of one calendar day. If eligible for intermittent leave, the City allows a maximum of 480 hours of intermittent leave in any 12-month period. After reaching the maximum amount of allowed intermittent leave, employees may request continuous MNPL provided the continuous leave does not exceed the maximum amount of MNPL allowed by law.

Definitions

- Family member includes:
 - Spouse or partner
 - Child (including biological, adopted, step, or foster children, or a child you raise even if you are not legally related)
 - Parent or person who raised you
 - Sibling
 - Grandchild or grandparent
 - In-laws (including son, daughter, father, or mother)
 - Anyone close to you who depends on you like family, even if not related by blood
- A serious health condition means a physical or mental illness, injury, impairment, condition, or substance use disorder. Taking care of yourself for this serious condition may involve evaluation, treatment, inpatient care, recovery, or not being able to perform regular work, attend school, or do regular daily activities. This includes childbirth, conditions related to pregnancy, or surgery.

Notice

Prior to starting a claim, employees should reach out to Human Resources to notify your intention to take leave. If the need is foreseeable, we ask that you provide at least two-weeks notice prior to taking leave. If the leave is not foreseeable you will still be able to take leave under MNPL and we ask that you provide as much notice as possible.

Interaction with Other Laws and Benefits

MNPL will run concurrently with any leave and/or wage supplement for which you may or may not be eligible for under local, state, or federal law: Family and Medical Leave Act (FMLA), Minnesota Parenting and Pregnancy Leave law, and Pregnancy and Parental Leave.

Supplementing MNPL Benefits with Accrued Paid Leave

If you are receiving MNPL benefits, the City allows you to supplement, or "top off," your MNPL benefits with any accrued but unused paid leave. If you choose to supplement your MNPL benefits in this way, the combined weekly sum of MNPL benefits and City-provided paid leave benefits cannot exceed your Individual Average Weekly Wage (IAWW). For more information, contact Human Resources.

Maintaining Health Coverage During Leave

Unless the employee revokes coverage while on MNPL, the City will continue to provide group health insurance coverage for an employee on MNPL under the same conditions as the coverage was provided before the employee took leave. You must continue to make timely payments of your share of the premiums for such coverage. If you are not using paid time off to cover part or all of the leave, you will be responsible for remitting your portion of health premiums to the City in order to ensure continuation of benefits.

Group health insurance may be cancelled if an employee's premium payment is 30 days late. Before terminating coverage, the City will provide written notice to the employee at least 15 days before the coverage is terminated listing the final date payment is due (30 days past the due date) to avoid cancellation and the date coverage will end if payment is not received.

An employee's share of premium payments for their group health insurance coverage may, at the employee's option, be:

1. prepaid at or before the start of the leave in which your health deductions may be modified to accept the agreed upon amounts and cadence of premium deductions;
2. arranged to write a check every 4 weeks for the duration that the employee may be out;

Reinstatement

Upon return from covered MNPL, you will be reinstated to your previous position or to an equivalent position, with the same status, pay, employment benefits, length-of-service credit, and seniority credit as of the date of leave as long as you have worked for the City for a minimum of 90 calendar days.

Upon return to work, if it becomes evident that the employee is unable to perform the key essential functions of their position (with or without reasonable accommodation), the City may engage in an interactive process, consistent with the American with Disability Act (ADA) and/or Minnesota Human Rights Act (MHRA) and other applicable workplace policies, including workplace safety protocols, to determine appropriate next steps.

Retaliation

The City will not interfere or retaliate against employees who request or take leave in accordance with the MN Paid Leave law.

SECTION 7: EDUCATION AND EXPENSE REIMBURSEMENT

7.1 Tuition Reimbursement

The City provides financial support to employees for educational courses taken at accredited academic institutions to enhance their professional development and to improve their job skills. This policy is an IRS tax-exempt program.

Full-time, non-probationary employees are eligible for this program. Eligibility for reimbursement of courses will be based on relevancy to the employee's current position and the availability of budgeted funds.

The City may reimburse eligible employees upon presentation of the final grades in accordance with the following schedule:

Grade of "A"	50% of tuition
Grade of "B"	50% of tuition
Grade of "C"	50% of tuition
Grade of "D"	0% of tuition
Grade of "F"	0% of tuition
Grade of Pass or Fail	50% of tuition for "passing"

In the event that an eligible employee receives a grade of "incomplete," no refund will be forthcoming until a final grade is earned. When the requisite course is completed and a final grade is issued, the employee will be reimbursed in accordance with the above schedule.

A maximum of \$2,000 per calendar year will be reimbursed for tuition, books, and student fees.

As a condition of this program, the employee must agree to pay back 100% of the amount reimbursed for the 12-month period preceding the employee's termination date if the employee voluntarily resigns with the City of Lino Lakes.

Eligible employees who receive assistance from other sources are eligible for reimbursement only if the cost of the tuition exceeds the amount of assistance received.

No reimbursement will be made without prior approval from the employee's department director and the City Administrator.

7.2 Travel Reimbursement

Employees who are authorized to travel for work-related purposes may be reimbursed for the actual cost of travel, meals, lodging, and other reasonable and necessary expenses. Eligible City employees include regular full-time and part-time employees and elected or appointed officials. It is the City's policy to prepay registration or out-of-state transportation costs whenever possible.

A. Approvals

Employees traveling overnight or outside the state must obtain prior approval by the department director, City Administrator, or City Council, whichever is applicable.

B. Transportation

Employees who use a personal vehicle for City business will be compensated for each business mile driven at the IRS Standard Mileage Rate. Business miles exclude commuting miles. Commuting miles are the distance an employee typically travels from their primary residence to their primary workplace and back. Commuting miles are not eligible for mileage reimbursement..

Employees traveling outside the state will be reimbursed only for an economy class airline ticket. Automobile travel may be authorized in lieu of commercial transportation, but the total cost, including meals and lodging while traveling, shall not exceed the cost of a single round-trip economy class airline ticket to the conference location.

The cost of a rental car may be reimbursable with prior approval of the City Administrator if transportation is necessary to and from the conference or if there is a cost savings to the City.

Reasonable expenses for taxi and transfer service, hotel gratuity, parking, and other related travel expenses will be reimbursed with a proper receipt. Employees are responsible for accurately documenting mileage and travel expense claims.

C. Meals

Meals are reimbursable while attending conferences, seminars, training sessions, or meetings of professional organizations, when a meal is not included in the registration fee for the event. Meals are reimbursable for overnight or out-of-state travel, which are not included in the registration fee for any event. Expenses for meals, including sales tax and gratuity, will be reimbursed according to the maximum \$10.00 for breakfast, \$15.00 for lunch, and \$25.00 for dinner. No reimbursement will be made for alcoholic beverages.

Submission of a receipt is required. Any reimbursement which exceeds the maximums defined must be approved by the City Administrator.

D. Lodging

The City will only reimburse for a single hotel accommodation rate, which is conveniently located near the conference. Lodging the night before the beginning of a conference is reimbursable. Lodging for conferences within the seven-county Twin Cities metropolitan area will not be reimbursed. Employees shall pay any additional costs for spouse and children.

E. Expenses and Reports

All travel expense vouchers must be submitted to the Finance Department within 30 days of the conference, seminar, or meeting. Expense receipts must accompany the voucher upon submission. Expenses not accompanied by a receipt will not be reimbursed.

7.3 Cellular Phones

This policy is intended to define acceptable and unacceptable uses of City issued cellular phones. Its application is to ensure cellular phone usage is consistent with the best interests of the city without unnecessary restriction of employees in the conduct of their duties.

This policy will be implemented to prevent the improper use or abuse of cellular phones and to ensure city employees exercise the highest standards of propriety in their use. Cellular phones are intended for the use of city employees in the conduct of their work for the city.

Supervisors are responsible for the cellular phones assigned to their employees and will exercise discretion in their use. Nothing in this policy will limit supervisor discretion to allow reasonable and prudent personal use of such phones or equipment provided:

- Its use in no way limits the conduct of work of the employee or other employees.
- No personal profit is gained, or outside employment is served.
- All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones at all times. Employees whose job responsibilities include regular or occasional driving and who are issued a cellular phone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances and in accordance with Minnesota law, employees are required to use hands-free operations or pull off into a parking lot and safely stop the vehicle before placing or accepting a call. Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times.

Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area. Hands-free equipment will be provided with city-issued phones to facilitate the provisions of this policy.

- Reading/sending text messages, making or receiving phone calls, emailing, video calling, scrolling/typing, accessing a webpage, or using non-navigation applications while driving is strictly prohibited.
 - In accordance with State law, there is an exception to hands free cell phone operations to obtain emergency assistance to report a traffic accident, medical emergency or serious traffic hazard or prevent a crime from being committed. There is also a state law exception for authorized emergency vehicles while in the performance of official duties.
- Employees who are charged with traffic violations resulting from the use of their cellular phone while driving will be solely responsible for all liabilities that result from such actions. See above “City Driving Policy” for more information on reporting driver’s license restrictions”.

A monthly stipend of \$30 will be provided to employees who use their personal mobile phone and need to make or receive work calls and respond to email while out of the office.

Employees who are provided a monthly stipend are responsible for all costs associated with the purchase, maintenance, replacement, and upgrade of their cellular phone and for the cost of personal cellular phone service agreements.

A City-owned cellular phone or City-paid monthly stipend for use of a personal cellular phone is a working condition fringe benefit and not taxable.

SECTION 8: CONDUCT AND ETHICS

8.1 Conduct as a City Employee

Chapter 204 of the Lino Lakes City Code outlines a Code of Conduct that applies to all “elected, appointed, and hired officials and employees of the City.” Public officials and employees hold office for the benefit of the public. Elected officials and employees are expected to support and uphold the objectives of the electorate and the policies that support those objectives.

Standards of conduct are as follows:

A. Disclosure of Confidential Information

No person covered by this code shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the City, nor shall a person use such information to advance their own financial or private interests or for any other person.

B. Gifts

Employees are prohibited from soliciting or accepting any gift or gratuity for more than \$5.00 from any interested person, whether in the form of money, services, loan, travel, entertainment, hospitality, promise or any other form. Any “interested person” is any person who has a direct financial or economic interest in a decision that a City employee is authorized to make.

C. Private Interests

No person covered by this code shall appear on behalf of another’s private interest before the council or a committee, commission or agency of the City, nor shall he or she represent another private interest in any action or proceeding against the interest of the City in which the City is a party.

D. Privileges

Persons covered by this code are prohibited from using their position to secure special privileges or exemptions.

E. City Property

No person covered by this code shall request or permit the use of city-owned vehicles, equipment, materials, or property for personal convenience or profit unless provided in City policy for use by officials or employees in the conduct of official business.

F. Equal Treatment

No person covered by this code shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

8.2 Political Activity

State law prohibits the City from imposing or enforcing limitations on the political activities of City employees beyond those established by state law. Employees are not prohibited from participating in local election campaigns or seeking appointment to public office.

No City employee or official may use their official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise to pay a political contribution, or to take part in a political activity.

An employee elected to a public office may be required to resign or take a leave of absence if the duties of the elected office interfere with the employee's duties as a City employee.

8.3 Conflict of Interest

The credibility of municipal government is based upon the confidence citizens have in how public employees and officials render fair and impartial services to all citizens without regard to personal interest or political influence. City employees and officials must avoid any activity that suggests a conflict of interest between their private interests and City responsibilities. When an employee believes the potential for a conflict of interest exists, it shall be the employee's responsibility to avoid the situation.

A. Outside Employment

The potential for conflicts of interest is lessened when individuals employed by the City of Lino Lakes regard the city as their primary employment responsibility. All outside employment is to be reported to the employee's immediate supervisor. If a potential conflict exists based on this policy or any other consideration, the supervisor will consult with the City Administrator.

Any city employee accepting employment in an outside position determined by the City Administrator to be in conflict with the employee's city job will be required to resign from the outside employment or may be subject to discipline up to and including termination.

For the purpose of this policy, outside employment refers to any non-city employment or consulting work for which an employee receives compensation, except for compensation received in conjunction with military service or holding a political office or an appointment to a government board or commission compatible with city employment. The following is to be considered when determining if outside employment is acceptable:

- Outside employment must not interfere with a full-time employee's availability during the city's regular hours of operation or with a part-time employee's regular work schedule.
- Outside employment must not interfere with the employee's ability to fulfill the essential requirements of his/her position.
- The employee must not use city equipment, resources or staff in the course of the outside employment.
- The employee must not violate any city personnel policies as a result of outside employment.

- The employee must not receive compensation from another individual or employer for services performed during hours for which he/she is also being compensated by the city. Work performed for others while on approved vacation or compensatory time is not a violation of policy unless that work creates the appearance of a conflict of interest.
- No employee will work for another employer, or for his/her own business, while using paid Sick Leave/ESST from the city for those same hours.
- Departments may establish more specific policies as appropriate, subject to the approval of the City Administrator.

City employees are not permitted to accept outside employment that creates either the appearance of or the potential for a conflict with the development, administration or implementation of policies, programs, services or any other operational aspect of the city.

B. Relationships within the City

The City of Lino Lakes strongly believes that a work environment where employees maintain clear boundaries between employee personal and work interactions is necessary for effective city operations. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted during working hours and within the working environment.

Individuals in supervisory or managerial roles, and those with authority over others' terms and conditions of employment, are subject to more stringent requirements under this policy due to their status, their access to sensitive information, and their ability to affect the employment of individuals in subordinate positions.

- This policy does not preclude or interfere with the rights of employees protected by the National Labor Relations Act or any other applicable statute concerning the employment relationship. During working time and in working areas, employees are expected to conduct themselves in an appropriate workplace manner that does not interfere with others or with overall productivity.
- During nonworking time, such as lunches, breaks, and before and after work periods, employees engaging in personal exchanges in non-work areas should observe an appropriate workplace manner to avoid offending other workers or putting others in an uncomfortable position.
- Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate in the workplace by a reasonable person while anywhere on city premises, whether during working hours or not.
- Employees who allow personal relationships with co-workers to adversely affect the work environment will be subject to disciplinary action. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.
- Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates.

- Any supervisor, manager, or other City official in a sensitive or influential position within the City of Lino Lakes must disclose the existence of a romantic or sexual relationship with another co-worker. Disclosure may be made to the individual's immediate supervisor or Human Resources. The City Administrator will review the circumstances to determine whether any conflict of interest exists.
- When a conflict-of-interest or potential risk is identified due to a City's official's relationship with a co-worker, the City will work with the parties involved to consider options for resolving the problem. The initial solution may be to make sure the parties no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, and financial transactions are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage. In some cases, other measures may be necessary, such as transfer of one or both parties to other positions or departments. If one or both parties refuse to accept a reasonable solution, such refusal will be deemed a voluntary resignation.
- Failure to cooperate with the City Administrator to resolve a conflict or problem caused by a romantic or sexual relationship between co-workers or among managers, supervisors or others in positions of authority in a mutually agreeable fashion may be deemed insubordination and result in disciplinary action up to and including termination.
- The provisions of this policy apply regardless of the sexual orientation of the parties involved.

Any concerns about this policy should be addressed to the City Administrator or Human Resources.

8.4 Nepotism

Employment with the City is based on merit and ability. Whenever possible, no appointment will be made to an immediate family member of an elected official or employee of the City if the appointment is inconsistent with City policy. This provision does not apply to marital status, as protected under the Minnesota Human Rights Act. Family members eligible for employment with the City may be hired only if they will not be working directly for or supervising a relative, or will not occupy a position in the same line of authority within the organization.

8.5 Omnibus Child Support Enforcement Act

The City of Lino Lakes complies with the guidelines established in the Omnibus Child Support Enforcement Act. Within 15 days of being hired, the City will submit certain information about the new employee to the Department of Human Services. Individuals are also required to voluntarily disclose information regarding court-medical support obligations.

8.6 Workplace Harassment

The City of Lino Lakes is committed to creating and maintaining a comfortable and productive work environment free of harassment and discrimination. Employees must be free to exercise their duties without fear of verbal or physical intimidation or duress. The city realizes the seriousness of harassment and expresses its earnest desire to prevent the occurrence of such incidents.

Title 7 of the Federal Civil Rights Act of 1964 and Chapter 363 of Minnesota State Statutes prohibit discrimination and harassment in the workplace. It is the policy of the City of Lino Lakes to maintain an environment that is free from offensive conduct, harassment, and discrimination based on race, national origin, gender, religion, disability, age, marital status, sexual orientation, or status with regard to public assistance.

It shall be a violation of this policy for any employee, agent, officer, council member or other City official to engage in offensive or harassing verbal or physical conduct of a sexual nature or regarding race, national origin, gender, religion, disability, age, marital status, sexual orientation, or status with regard to public assistance.

The City will investigate all complaints of offensive, harassing, or violent conduct of a sexual nature to the extent evidence is available to verify the alleged harassment or any related retaliation.

Sexual Harassment Prevention

It is the City's goal to provide employees with a workplace free from sexual harassment and conduct that leads to claims of sexual harassment. Because sexual harassment is sometimes difficult for employees to recognize, the following definition, as defined by the Equal Employment Opportunity Commission (EEOC), is provided:

Sexual or gender-based offensive conduct or harassment includes unwelcome physical or verbal conduct directed at an individual because of gender, unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or communication of a sexual nature when: (1) it's a condition of hiring or promotion; (2) it becomes a factor in an employee's job duties or assignment; or (3) it creates an intimidating, hostile, or offensive environment in which to work.

8.7 Reporting Workplace Harassment

Any person who believes he or she has been the victim of offensive conduct of a sexual nature or harassment based on race, national origin, gender, religion, disability, age, marital status, sexual orientation, or status with regard to public assistance, should report the alleged conduct immediately to the appropriate person, such as the department director or City Administrator.

In addition to notifying management, the employee is also urged to document any further harassment or reprisals that occur after the complaint is made.

The City encourages the reporting party or complainant to use the report form available from the City Administrator's office or available from the department director, but oral reports are considered complaints as well. Depending on the nature of the complaint, the City may take

immediate steps, at its discretion, to protect the complainant and other employees or members of the public pending the completion of an investigation.

8.8 Drug, Alcohol and Cannabis Testing – All Employees Except Public Works

The City of Lino Lakes (“City”) has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The City of Lino Lakes does not intend to intrude into the private lives of its employees, but strongly believes that a drug- and alcohol-free workplace is in the best interest of employees and the public alike. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers’ compensation claims, higher insurance rates, and an increase in theft of city property. The City of Lino Lakes’ Drug, Alcohol and Cannabis Testing Non-DOT policy has been established for the purpose of providing a safe workplace for all.

City employees and applicants required to hold a commercial driver’s license by the United States Department of Transportation (“DOT”) for their job will be tested under the City’s Policy on Controlled Substance and Alcohol Testing for Commercial Drivers (the “DOT Policy”). All other employees and job applicants offered employment with the city must undergo testing as described by this policy.

To ensure the policy is clearly communicated to all employees and applicants to whom offers of employment have been made, and to comply with state law, employees and applicants are required to review this policy and sign the “policy acknowledgement.” A job applicant will also acknowledge in this form that he/she understands that passing the drug test is a requirement of the job.

Persons Subject to Testing and Circumstances under Which Testing May Be Required

Under this policy, the city may test any applicant to whom an offer of employment has been made and may test employees for alcohol and/or drugs, including cannabis, under the following circumstances with a properly accredited or licensed testing laboratory, in accordance with Minn. Stat. § 181.953, subdivision 1.

(1) Pre-Employment Testing:

Every job applicant offered employment with the City receives the offer conditioned upon successful completion of an alcohol and/or drug test, or cannabis test, if applicable, among other conditions. The city will not request or require a job applicant to undergo cannabis testing related to “lawful consumable products” pursuant to Minn. Stat. § 181.938, including alcohol, cannabis, lower-potency hemp edibles, and hemp-derived consumer products, except with respect to the categories of positions listed below in the definition of “Drug” or if otherwise required by state or federal law. If the job offer is withdrawn based on alcohol and/or drug test results, the City will inform the applicant of the reasons for the withdrawal. A failure of the alcohol and/or drug test, a refusal to take the test, or failure to meet other conditions of the offer will result in a withdrawal of the offer of employment even if the applicant’s provisional

employment has begun. A negative or positive dilute test result (following a second collection), which has been confirmed, will also result in immediate withdrawal of an offer of employment to an applicant.

Part-time, temporary and seasonal employees are not subject to this policy except for those designated by the hiring department as safety-sensitive positions.

(2) Reasonable Suspicion Testing:

Consistent with Minn. Stat. § 181.951, subd. 5, employees will be subject to alcohol and/or drug testing, including cannabis testing when reasonable suspicion exists to believe that the employee:

- Is under the influence of alcohol drugs, or cannabis; or
- Has violated written work rules prohibiting the use, possession, sale or transfer of drugs alcohol, or cannabis, while working, while on city property, or while operating city vehicles, machinery or any other type of equipment; or
- Has sustained a personal injury as defined in Minn. Stat. § 176.011, subd. 16 or has caused another employee to sustain an injury or;
- Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

Reasonable suspicion may be based upon, but is not limited to, facts regarding appearance, behavior, speech, breath, odor, possession, proximity to or use of alcohol or drugs or containers or paraphernalia, poor safety record, excessive absenteeism, impairment of job performance, or any other circumstances that would cause a reasonable employer to believe that a violation of the City's policies concerning alcohol, drugs or cannabis may have occurred. These observations will be reflected in writing on a Reasonable Suspicion Record Form.

For off-site collection, employees will be driven to the employer-approved medical facility by their supervisor or a designee. For an on-site collection service, the employee will remain on site and be observed by the supervisor or designee. The medical facility or on-site collection service will take the urine or blood sample and will forward the sample to an approved laboratory for testing.

Pursuant to the requirements of the Drug-Free Workplace Act of 1988, all city employees, as a condition of continued employment, will agree to abide by the terms of this policy and must notify Human Resources of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction. If required by law or government contract, the City will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

(3) Treatment Program Testing:

In accordance with Minn. Stat. § 181.951, subd. 6., the City may request or require an employee to undergo drug, alcohol or cannabis testing if the employee has been referred by the City for chemical dependency treatment or evaluation or is participating in a chemical

dependency treatment program under an employee benefit plan. In such a case, the employee may be requested or required to undergo drug or alcohol testing, including cannabis testing, without prior notice during the evaluation or treatment period and for a period of up to two years following completion of any prescribed chemical dependency treatment program.

(4) Routine Physical Examination Testing:

The City may request or require an employee to undergo drug and/or alcohol testing—but not cannabis testing, except for the categories of positions listed above for which cannabis is considered a drug or unless otherwise required by state or federal law—as part of a routine physical examination. The City, in accordance with Minn. Stat. § 181.951, subd. 3, will request or require this type of testing no more than once annually, and the employee will be provided with at least two weeks' written notice that the test will be required as part of the physical examination.

(5) Random Testing:

In accordance with Minn. Stat. § 181.951, subd. 4, the City may require an employee to submit to random drug, alcohol, and cannabis testing, if the employee is in a safety-sensitive position.

Right of Refusal:

Employees and job applicants have the right to refuse to submit to an alcohol, drug or cannabis test under this policy. However, such a refusal will subject an employee to immediate termination. If an applicant refuses to submit to applicant testing, any conditional offer of employment will be withdrawn.

Any intentional act or omission by the employee or applicant that prevents the completion of the testing process constitutes a refusal to test.

An applicant or employee who substitutes, or attempts to substitute, or alters, or attempts to alter a testing sample is considered to have refused to take a drug, alcohol or cannabis test. In such a case, the employee is subject to immediate termination of employment, and in the case of an applicant, the job offer will be immediately withdrawn.

Refusal on Religious Grounds:

An employee or job applicant who, on religious grounds, refuses to undergo drug and/or alcohol testing, including cannabis testing, of a blood sample will not be considered to have refused testing, unless the employee or job applicant also refuses to undergo drug, alcohol or cannabis testing of a urine sample.

Cost of Required Testing:

The City will pay for the cost of all drug, alcohol or cannabis testing requested or required of all job applicants and employees, except for confirmatory retests. Job applicants and employees are responsible for paying for all costs associated with any requested confirmatory retests.

Prohibition against Drugs and Alcohol Use and Possession of Alcohol or Drug(s):

Employees are prohibited from the use, possession, transfer, transportation, manufacture, distribution, sale, purchase, solicitation to sell or purchase, or dispensation of alcohol, drugs, including cannabis, or drug paraphernalia while on duty; is on City premises; while operating any City vehicle, machinery, or equipment; or when performing any City business, except (1) pursuant to a valid medical prescription used as properly instructed; (2) the use of over-the-counter drugs used as intended by the manufacturer; or (3) when necessary for approved law enforcement activity.

Besides having a zero-tolerance policy for the use or possession of alcohol, illegal drugs, or misused prescription drugs on the worksite, we also prohibit the use, possession of, impairment by any cannabis or medical cannabis products (e.g., hash oils, edibles or beverages containing cannabinoids, or pills) on the worksite by a person working as an employee at the City or while “on call” and subject to return to work. Having a medical marijuana card, patient registry number, and/or cannabis prescription from a physician does not allow anyone to use, possess, or be impaired by that drug here. Likewise, the fact that cannabinoids may be lawfully purchased and consumed in some circumstances does not permit anyone to use, possess, or be impaired by them here. The federal government still classifies cannabis as an illegal drug, even though some states, including Minnesota, have decriminalized its possession and use in certain circumstances. There is no acceptable concentration of marijuana metabolites in the blood or urine of an employee who operates our equipment or vehicles or who is on one of our worksites. Applicants and employees are still subject to being tested under our drug and alcohol testing policy. And employees are subject to being disciplined, suspended, or terminated after testing positive for cannabis if the employee used, possessed, or was impaired by cannabis, including medical cannabis, while on the premises of the place of employment or during the hours of employment.

While Impaired of Alcohol, Drugs or Cannabis:

Employees are prohibited from being under the influence of alcohol or drugs, including cannabis, or having a detectable amount of an illegal drug in the blood or urine when reporting for work; while on duty; is on the City’s premises; while operating any city vehicle, machinery, or equipment; or when performing any City business, except (1) pursuant to a valid medical prescription used as properly instructed; or (2) the use of over-the-counter drug used as intended by the manufacturer.

Driving While Impaired:

A conviction of driving while impaired in a city-owned vehicle at any time during business or non-business hours, or in an employee-owned vehicle while conducting city business, may result in discipline, up to and including discharge.

Criminal Drug Convictions:

Any employee convicted of any criminal drug statute must notify his or her supervisor and Human Resources in writing of such conviction no later than five days after such conviction. Within 30 days after receiving notice from an employee of a drug-related conviction, the City

will take appropriate personnel action against the employee up to and including discharge or require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program as an alternative to termination. In the event notice is not provided to the supervisor and the employee is deemed to be incapable of working safely, the employee will not be permitted to work and will be subject to disciplinary action, including dismissal from employment. In accordance with the Federal Drug-Free Workplace Act of 1988, if the City is receiving federal grants or contracts of over \$25,000, the City will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

Failure to Disclose Lawful Drugs:

Employees taking a lawful drug, including prescription and over-the-counter drugs or cannabis, which may impair their ability to perform their job responsibilities or pose a safety risk to themselves or others, must advise their supervisor of this before beginning work. It is the employee's responsibility to seek out written information from his/her physician or pharmacist regarding medication and any job performance impairment and relay that information to his/her supervisor. In the event of such a disclosure, the employee will not be authorized to perform safety-sensitive functions.

Review and Notification of Test Results

Notification of Negative Test Results:

In the case of job applicants and in accordance with Minn. Stat. § 181.953, Human Resources will notify a job applicant of a negative drug result within three days of receipt of result by the City, and the hiring process will resume. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the City within three working days of the confirmatory test result. A "Negative Test Results Notification" form will be sent to the job applicant, and the job applicant may request a copy of the test result report from Human Resources.

In the case of current employees and in accordance with Minn. Stat. § 181.953, Human Resources will notify the employee of a negative drug and/or alcohol result within three days of receipt of result by the City. A "Negative Test Results Notification" form will be sent to the employee, and he or she may request a copy of the test result report from Human Resources.

Notification of Positive Test Results:

In the event of a confirmed positive blood or urine alcohol and/or drug, or cannabis test result, the City will notify the employee of a positive result within three days of receipt of the result. Human Resources will send to the employee or job applicant a "Positive Test Results Notification" letter containing further instructions. The employee or job applicant may contact Human Resources to request a copy of the test result report if desired. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the City within three working days of the confirmatory test result.

Right to Provide Information after Receiving Test Results:

Within three working days after notice of a positive drug, alcohol or cannabis test result on a confirmatory test, the employee or job applicant may submit information to the City to explain the positive result. In accordance with Minn. Stat. § 181.953, subd. 10, if an employee submits information either before a test or within three working days after a positive test result that

explains the positive test result, (such as medications the employee is taking), the City will not take an adverse employment action based on that information unless the employee has already been under an affirmative duty to provide the information before, upon, or after hire.

Right to Confirmatory Retest:

A job applicant or employee may request a confirmatory retest of the original sample at the job applicant's or employee's own expense after notice of a positive test result on a confirmatory test. Within five working days after notice of the confirmatory test result, the job applicant or employee must notify the City in writing of the job applicant's or employee's intention to obtain a confirmatory retest. Within three working days after receipt of the notice, the City will notify the original testing laboratory that the job applicant or employee has requested the laboratory to conduct the confirmatory retest or transfer the sample to another qualified laboratory licensed to conduct the confirmatory retest. The original testing laboratory will ensure the control and custody procedures are followed during transfer of the sample to the other laboratory. In accordance with Minn. Stat. § 181.953, subd. 3, the laboratory is required to maintain all samples testing positive for a period of six months. The confirmatory retest will use the same drug and/or alcohol threshold detection levels as used in the original confirmatory test.

In the case of job applicants, if the confirmatory retest does not confirm the original positive test result, the City's job offer will be reinstated, and the City will reimburse the job applicant for the actual cost of the confirmatory retest. In the case of employees, if the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test will be taken against the employee, the employee will be reinstated with any lost wages or salary for time lost pending the outcome of the confirmatory retest result, and the City will reimburse the employee for the actual cost of the confirmatory retest.

Access to Reports:

In accordance with Minn. Stat. § 181.953, subd. 10, an employee will have access to information contained in his or her personnel file relating to positive test results and to the testing process, including all information gathered as part of that process.

Dilute Specimens:

A negative or positive dilute test result (following a second collection) which has been confirmed will subject an employee to immediate termination.

Consequences for Employees Engaging in Prohibited Conduct

Job Applicants:

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

Employees:

- No Adverse Action without Confirmatory Test. The City will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee based on a

positive test result from an initial screening test that has not been verified by a confirmatory test.

- **Suspension Pending Test Result.** The City may temporarily suspend a tested employee with or without pay or transfer that employee to another position at the same rate of pay pending the outcome of the requested confirmatory retest, provided the City believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, or the public. The employee will be asked to return home and will be provided appropriate arrangements for return transportation to his or her residence. In accordance with Minn. Stat. § 181.953, subd. 10, an employee who has been suspended without pay will be reinstated with back pay if the outcome of the requested confirmatory retest is negative.

Discipline and Discharge

Confirmatory Positive Test Result:

The City will not discharge an employee for a first confirmatory positive test unless the following conditions have been met:

- The City has first given the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the City after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency. Participation by the employee in any recommended substance abuse treatment program will be at the employee's own expense or pursuant to the coverage under an employee benefit plan. The certified chemical use counselor or physician trained in the diagnoses and treatment of chemical dependency will determine if the employee has followed the rehabilitation program as prescribed; and
- The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a refusal to test or positive test result on a confirmatory test after completion of the program.

Other Misconduct:

Nothing in this policy limits the right of the City to discipline or dismiss an employee on grounds other than a positive confirmatory test result, including conviction of any criminal drug statute for a violation occurring in the workplace or violation of other City personnel policies.

Emergency Call Back to Work Provisions:

If an employee is called out for a City emergency and he or she reports to work and is suspected of being under the influence of drugs, alcohol, or cannabis he or she will not be subject to the testing procedures of this policy but may be subject to discipline and will not be allowed to work. Appropriate arrangements for return transportation to the employee's residence will be made. It is the sole responsibility of the employee who is under the influence of alcohol, drugs, or cannabis and who is called out for a city emergency, to notify his or her supervisor of this information and advise if he or she is unable to respond to the emergency call back.

Non-Discrimination

The City of Lino Lakes policy on work-related substance abuse is non-discriminatory in intent and application; however, in accordance with Minn. Stat., Ch. 363, disability does not include conditions resulting from alcohol or other drug or cannabis abuse which prevents an employee from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of individuals.

Furthermore, the City will not retaliate against any employee for asserting his or her rights under this policy.

City's Employee Assistance Program

The City has in place a formal employee assistance program (EAP) to assist employees in addressing serious personal or work-related problems at any time. The City's EAP provides confidential, cost-free, short-term counseling to employees and their families. Employees who may have an alcohol or other drug abuse problem are encouraged to seek assistance before a problem affects their employment status. Employee assistance program services are available by contacting Human Resources.

Policy Contact for Additional Information

If you have any questions about this policy or the City's drug and alcohol testing procedures, you may contact your immediate supervisor, Human Resources, or the City Administrator to obtain additional information.

By this policy, the City of Lino Lakes has established a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace and its policy of maintaining a drug-free workplace. Each City employee will receive a copy of this policy and will be required to read it.

Definitions

Alcohol: Means the intoxicating agent in beverage alcohol or any low molecular weight alcohols such as ethyl, methyl, or isopropyl alcohol. The term includes but is not limited to beer, wine, spirits, and medications such as cough syrup that contain alcohol.

Alcohol use or usage: Means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Applicant: Means a person applying for a job with the city.

Cannabis: Means cannabis and its metabolites, including cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.

Cannabis testing: Mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd.1, for the purpose of measuring their presence or absence of cannabis in the sample tested.

City: Means the City of Lino Lakes.

City premises: Means, but is not limited to, all city job sites and work areas. For the purposes of this policy, city premises also includes any other locations or modes of transportation to and from those locations while in the course and scope of employment of the city.

City vehicle: Means any vehicle which employees are authorized to use solely for city business when used at any time; or any vehicle owned or leased by the city when used for city business.

Collection site: Means a place designated by the city where job applicants and employees present themselves for the purpose of providing a specimen of their breath, urine, and/or blood to be analyzed for the presence of drugs and alcohol.

Confirmatory test: Means a drug and/or alcohol test on a sample to substantiate the results of a prior drug and/or alcohol test on the same sample, and that uses a method of analysis allowed under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

Drug: Includes any “controlled substance” as defined in Minn. Stat. § 152.01, subd. 4, and also includes all cannabinoids, including those that are lawfully available for public consumption that do not otherwise qualify as being a “controlled substance” as defined in Minn. Stat. § 152.01, subd. 4. Cannabis and its metabolites are considered a “drug” for positions in the following categories, regardless of the kind of testing involved: safety sensitive positions; peace officer positions; firefighter positions; positions requiring face-to-face care, training, education, supervision, counseling or medical assistance to children, vulnerable adults or patients receiving treatment, examination or emergency care for a medical, psychiatric or mental condition; positions requiring a commercial driver's license or requiring the employee to operate a motor vehicle for which state or federal law requires drug or alcohol testing; positions funded by a federal grant; or other positions for which state or federal law requires testing of a job applicant or employee.

Drug and/or alcohol testing, and drug and/or alcohol test: Mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd.1, for the purpose of measuring their presence or absence of drugs, alcohol, or their metabolites in the sample tested. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.

Drug paraphernalia: Has the meaning set forth in Minn. Stat. § 152.01, subd. 18.

Employee: Means a person who performs services for compensation for the city and includes independent contractors except where specifically noted in this policy.

Initial screening test: Means a drug, alcohol or cannabis test that uses a method of analysis under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

Job applicant: Means a person who applies to become an employee of the city and includes a person who has received a job offer made contingent on the person passing drug testing.

Positive test result: Means a finding of the presence of alcohol, drugs, cannabis or their metabolites that exceeds the cutoff levels established by the city. Minimum threshold detection levels are subject to change as determined in the city's sole discretion.

Random selection basis: Means a mechanism for selection of employees that (1) results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and (2) does not give an employer discretion to waive the selection of any employee selected under the mechanism.

Reasonable suspicion: Means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

Safety-sensitive position: Means a job, including any supervisory or management position, in which an impairment caused by drug, alcohol and/or cannabis usage would threaten the health or safety of any person.

Under the influence: Means (1) the employee tests positive for alcohol, drugs, or cannabis or (2) the employee's actions, appearance, speech, and/or bodily odors reasonably cause the city to conclude that the employee is impaired because of illegal drug use or alcohol use.

8.9 Drug and Alcohol Testing for Commercial Drivers (DOT)

The City of Lino Lakes ("City") has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The City is concerned about providing a safe workplace for its employees, and while the City does not intend to intrude into the private lives of its employees, it is the goal to provide a work environment conducive to maximum safety and optimum work standards. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers' compensation claims, higher insurance rates, and an increase in theft of city property. The use, possession, manufacture, sale, transportation, or other distribution of controlled substance or controlled substance paraphernalia and the unauthorized use, possession transportation, sale, or other distribution of alcohol is contrary to this policy and jeopardizes public safety.

In response to regulations issued by United States Department of Transportation ("DOT"), the City has adopted this Policy on Alcohol and Controlled Substances for employees who hold a commercial driver's license (CDL) to perform their duties.

The City also has a separate Policy on Controlled Substance and Alcohol Testing for employees not covered by DOT regulations.

Given the significant dangers of alcohol and controlled substance use, each applicant and driver must abide by this policy as a term and condition of hiring and continued employment.

Moreover, federal law requires the City to implement such a policy.

To ensure this policy is clearly communicated to all drivers and applicants, and in order to comply with applicable federal law, drivers and applicants are required to review this policy and sign the "Certificate of Receipt" portion.

Because changes in applicable law and the City's practices and procedures may occur from time to time, this policy may change in the future, and nothing in this policy is intended to be a contract, promise, or guarantee the City will follow any particular course of action, disciplinary, rehabilitative or otherwise, except as required by law. This policy does not in any way affect or change the status of any at-will employee.

Any revisions to the Federal Omnibus Transportation Employee Testing Act will take precedent over this policy to the extent the policy has not incorporated those revisions.

Persons Subject to Testing & Types of Tests

All employees are subject to testing who job duties include performing "safety-sensitive duties" on City vehicles that:

1. Have a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
2. Have a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds whichever is greater; or
3. Are designed to transport 16 or more passengers, including the driver; or
4. Are of any size and are used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

Firefighters are not covered under this DOT policy. The Federal Highway Administration (FHWA) has granted states the option of waiving CDL requirements for firefighters. Since the state of Minnesota is one that gives firefighters the option of obtaining either a CDL or a non-commercial license, the state has exercised the option not to require CDLs. Therefore, 49 CFR Part 382 is not applicable to City firefighters.

The following functions are considered safety-sensitive:

- All time waiting to be dispatched to drive a commercial motor vehicle
- All time inspecting, servicing, or conditioning a commercial motor vehicle
- All time driving at the controls of the commercial motor vehicle

- All other time in or upon a commercial motor vehicle
- All time loading or unloading a commercial motor vehicle, attending the same, giving or receiving receipts for shipments being loaded or unloaded, or remaining in readiness to operate the vehicle
- All time repairing, obtaining assistance, or attending to a disabled commercial motor vehicle.

The City may test any applicant to whom a conditional offer of employment has been made and any driver for controlled substance and alcohol under any of the following circumstances:

Pre-Employment Testing

All applicants, including current employees seeking a transfer, applying for a position where duties include performing safety-sensitive duties described above, will be required to take a drug test prior to the first time a driver performs a safety-sensitive function for the City. A driver may not perform safety-sensitive functions unless the driver has received a controlled substance test result from the Medical Review Officer ("MRO") indicating a verified negative test result. In addition to pre-employment controlled substance testing, applicants will be required to authorize in writing former employers to release alcohol test results of .04 or greater, positive controlled substance test results, refusals to test, other violations of drug and alcohol testing regulations, and completion of return to duty requirements within the preceding three years.

The City will contact the candidate's DOT regulated previous and current employers within the last three years for drug and alcohol test results as referenced above, and review the testing history if feasible before the employee first performs safety-sensitive functions for the city. The City will also conduct a limited query of the Federal Motor Carrier Safety Administration's Clearinghouse for all candidates. In addition, at least once a year, the City will conduct a limited query of the Clearinghouse for each currently employed CDL driver. If the limited query reveals that the Clearinghouse has information about resolved or unresolved drug and alcohol program violations by a candidate or current employee, he or she will be asked to provide electronic consent to a full query of the Clearinghouse (unless he or she has previously provided electronic consent). In the event a full query of the Clearinghouse reveals unresolved violation information for a candidate or current employee, the driver will not be permitted to perform safety-sensitive functions, including the operation of a Commercial Motor Vehicle and, in the case of a candidate, may have their conditional offer of employment rescinded or, in the case of a current employee, may be subject to discipline.

Post-Accident Testing

As soon as practicable following an accident involving a commercial motor vehicle operating on a public road, the City will test each surviving driver for controlled substances and alcohol when the following occurs:

- The accident involves a fatality or
- The driver receives a citation for a moving traffic violation from the accident and an injury is treated away from the accident scene or

- The driver receives a citation for a moving traffic violation from the accident and a vehicle is required to be towed from the accident scene.

The following chart summarizes when DOT post-accident testing needs to be conducted:

Type of accident involved	Citation issued to the DOT covered CDL driver?	Test must be performed by the City
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

A driver subject to post-accident testing must remain readily available or the driver will be deemed to have refused to submit to testing. This requirement to remain ready for testing does not preclude a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

Post – Accident Controlled Substance Testing

Drivers are required to submit a urine sample for post-accident controlled substance testing as soon as possible. If the driver is not tested within thirty-two (32) hours after the accident, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not promptly administered.

Post- Accident Alcohol Testing

Drivers are required to submit to post-accident alcohol testing as soon as possible. After an accident, consuming alcohol is prohibited until the driver is tested. If the driver is not tested within two (2) hours after the accident, the City will prepare and maintain on file a record stating why the test was not administered within that time. If eight hours have elapsed since the accident and the driver has not submitted to an alcohol test, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not administered.

The City may accept the results of a blood or breath test in place of an alcohol test and urine test for the use of controlled substances if:

- The tests are conducted by federal, state, or local officials having independent authority for the test, and
- The tests conform to applicable federal, state, or local testing requirements, and
- The test results can be obtained by the City.

Whenever such a test is conducted by a law enforcement officer, the driver must contact the City and immediately report the existence of the test, providing the name, badge number, and telephone number of the law enforcement officer who conducted the test.

Random Testing

Every driver will be subject to unannounced alcohol and controlled substance testing on a random selection basis. Drivers will be selected for testing by use of a scientifically valid method under which each driver has an equal chance of being selected each time selections are made. These random tests will be conducted throughout the calendar year. Each driver who is notified of selection for random testing must cease performing safety-sensitive functions and report to the designated test site immediately. It is mathematically possible drivers may be selected be picked and tested more than once, and others not at all.

If a driver is selected for a random test while he or she is absent, on leave or away from work, that driver may be required to undergo the test when he or she returns to work.

Federal law requires the City to test at a rate of at least fifty percent (50%) of its average number of drivers for controlled substance each year, and to test at a rate of at least ten percent (10%) of its average number of drivers for alcohol each year. These minimum testing rates are subject to change by the DOT.

Reasonable Suspicion Testing

When a supervisor has reasonable suspicion to believe a driver has engaged in conduct prohibited by federal law or this policy, the City will require the driver to submit to an alcohol and/or controlled substance test.

The City's determination that reasonable suspicion exists to require the driver to undergo an alcohol test will be based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver." In the case of controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

The required observations for reasonable suspicion testing will be made by a supervisor or other person designated by the City who has received appropriate training in identification of actions, appearance and conduct of a driver which are indicative of the use of alcohol or controlled substance. These observations leading to an alcohol or controlled substance test, will be reflected in writing and signed by the supervisor who made the observations. The record will be retained by the City. The person who makes the determination that reasonable suspicion exists to conduct testing, will not be the person conducting the testing, which shall instead be conducted by another qualified person.

Alcohol testing is authorized only if the observations are made during, just before, or just after the driver has ceased performing such functions. If a reasonable suspicion alcohol test is not administered within two (2) hours following the determination of reasonable suspicion, the City

will prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If a reasonable suspicion alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not administered, and will cease attempts to conduct the alcohol test.

Notwithstanding the absence of a reasonable suspicion test, no driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol use, nor will the City permit the driver to perform or continue to perform safety-sensitive functions until (1) an alcohol test is administered and the driver's alcohol concentration is less than .02; or (2) twenty-four (24) hours have elapsed following the determination of reasonable suspicion.

Return-to-Duty Testing

The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policy and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers for a first positive test result.

Should the City consider reinstatement of a DOT covered driver, the driver must undergo a Substance Abuse Professional ("SAP") evaluation and participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP determines if the driver has completed the education/treatment as prescribed.

The employee is responsible for paying for all costs associated with the return-to-duty test. The controlled substance test will be conducted under direct observation.

Follow-Up Testing

The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers.

Should the City reinstate a driver following a determination by a Substance Abuse Professional (SAP) that the driver is in need of assistance in resolving problems associated with alcohol use and/or use of controlled substance, the City will ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency of such follow-up testing will be directed by the SAP and will consist of at least six (6) tests in the first twelve (12) months following the driver's return to duty. Follow-up testing will not exceed sixty (60) months from the date of the driver's return to duty. The SAP may

terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines such test is no longer necessary. The employee is responsible for paying for all costs associated with follow-up tests.

Follow-up alcohol testing will be conducted only when the driver is performing safety-sensitive functions, or immediately prior to or after performing safety-sensitive functions.

Cost of Required Testing

The City will pay for the cost of pre-employment, post-accident, random, and reasonable suspicion controlled substance and alcohol testing requested or required of all job applicants and employees. The driver must pay for the cost of all requested confirmatory re-tests, return-to-duty, and follow-up testing.

Required Prior Controlled Substance and Alcohol Checks for Applicants

The City will conduct prior drug and alcohol checks of applicants for employment to drive a commercial motor vehicle. Applicants must execute a consent form authorizing the City to obtain the required information. The City will obtain (pursuant to the applicant's written consent) information on the applicant's alcohol test with a concentration result of 0.04 or greater, positive controlled substance test results, and refusals to be tested within the preceding three (3) years which are maintained by the applicant's previous employers. The City will obtain all information concerning the applicant which is maintained by the applicant's previous employers within the preceding three (3) years pursuant to DOT and FMCSA controlled substance and alcohol testing regulations. The City will review such records, if feasible, prior to the first time a driver performs safety-sensitive functions.

Prohibited Conduct

The following conduct is explicitly prohibited by applicable DOT and FMCSA regulations and therefore constitutes violation of City policy.

Under the Influence of Alcohol When Reporting for Duty or While on Duty

No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02, but less than 0.04, will be removed from duty for 24 hours, escorted home and placed on Vacation or PTO/ESST leave for hours missed from work.

On-Duty Use of Alcohol

No driver may use alcohol while performing safety-sensitive functions.

Pre-Duty Use of Alcohol

No driver may perform safety-sensitive functions within four (4) hours after using alcohol. If an employee has had alcohol within four hours they are to notify their supervisors before performing any safety-sensitive functions.

Alcohol Use Following an Accident

No driver required to take a post-accident alcohol test may use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.

Refusal to Submit to a Required Alcohol or Controlled Substance Test

No applicant or driver may refuse to submit to pre-employment, post-accident, random, reasonable suspicion or follow-up alcohol or controlled substance testing.

In the event an applicant or driver does in fact refuse to submit to required alcohol or controlled substance testing, no test will be conducted. Refusal by a driver to submit to controlled substance or alcohol testing will be considered a positive test result, will cause disqualification from performing safety-sensitive functions, and may appear on the driver's permanent record. Drivers who refuse to submit to testing will be subject to discipline, up to and including termination. In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements, the City will report a driver's refusal to submit to a DOT test for drug or alcohol use to the Clearinghouse within three business days. If an applicant refuses to submit to pre-employment controlled substance testing, any applicable conditional offer will be withdrawn.

For purposes of this section, a driver is considered to have refused to submit to an alcohol or controlled substance test when the driver:

- Fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
- Fails to provide adequate urine for controlled substance testing without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing.
- Fails to report for testing within a reasonable period of time, as determined by the City.
- Fails to remain at a testing site until testing is complete.
- In the case of directly observed or monitored collection, fails to permit observation or monitoring.
- Fails or declines to take a second test as required by the City and/or collector.
- Fails to undergo a medical examination as directed by the City pursuant to federal law.
- Refuses to complete and sign the alcohol testing form, to provide a breath or saliva sample, to provide an adequate amount of breath, or otherwise cooperate in any way that prevents the completion of the testing process.
- Engages in conduct that clearly obstructs the test process.

Altering or Attempting to Alter a Urine Sample or Breath Test

A driver altering or attempting to alter a urine sample or controlled substance test, or substituting or attempting to substitute a urine sample, will be subject to providing a specimen under direct observation. Both specimens will be subject to laboratory testing. In such case, the employee may be subject to immediate termination of employment and any job offer made to an applicant will be immediately withdrawn.

Controlled Substance Use

No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver in writing the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. Drivers must forward this information regarding therapeutic controlled substance use to the City immediately after receiving any such advice.

Having a medical marijuana card and/or a cannabis prescription from a physician does not allow anyone to use or possess that drug in the city's workplace. The City also prohibits the use, possession of, impairment by any cannabis or medical cannabis products (e.g., hash oils or pills) on the worksite by a person working as an employee at the City or while "on call" and subject to return to work. The federal government still classifies cannabis as an illegal drug. *There is no acceptable concentration of marijuana metabolites in the urine or blood of an employee who performs safety-sensitive duties for the City.* Employees are still subject to being tested under our policies, as well as for being disciplined, suspended or terminated after testing positive for cannabis while at work.

Controlled Substance Testing

No driver may report for duty, remain on-duty or perform a safety-sensitive function if the driver tests positive for controlled substance.

In addition to the conduct prohibited by applicable DOT and FMCSA regulations, the City also maintains other applicable policies regarding drug and alcohol that are applicable to all employees. For specifics regarding those requirements, refer to the City's policy for non-DOT related drug and alcohol policy.

Collection and Testing Procedures

Drivers are required to report immediately upon notification to the collection site. For random tests conducted off site, employees may use a City vehicle to drive to the collection site. Drivers will be expected to provide a photo ID card for identification to the collection staff. All drivers will be expected to cooperate with collection site personnel request to remove any unnecessary outer garments such as coats, sweaters or jackets and will be required to empty their pockets. Collection personnel will complete a Federal Custody and Control Form ("CCF") which drivers providing a sample will sign as well.

Alcohol Testing

Employees will be tested for alcohol just before, during, or immediately following performance of a safety-sensitive function. If a driver is also taking a DOT controlled substance test, generally speaking, the alcohol test is completed before the urine collection process begins. Screening tests for alcohol concentration will be performed utilizing a non-evidential screening device included by the National Highway Traffic Safety Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device ("EBT") operated by a trained breath alcohol technician ("BAT") at a collection site. An alcohol test usually takes

approximately 15 minutes if the result is negative. If a driver's first attempt is positive (with an alcohol concentration of .02 or greater), the driver will be asked to wait at least 15 minutes and then be tested again. The driver may not eat, drink or place anything in his/her mouth (e.g., cigarette, chewing gum) during this time. All confirmation tests will be conducted in a location that affords privacy to the driver being tested, unless unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident) make it impracticable to provide such privacy. Any results less than 0.02 alcohol concentration is considered a "negative" test result.

If the driver attempts and fails to provide an adequate amount of breath, he/she will be referred to a physician to determine if the driver's inability to provide a specimen is genuine or constitutes a refusal to test. Alcohol test results are reported directly to the City by the collection site staff.

Controlled Substance Testing

The City will use a "split urine specimen" collection procedure for controlled substance testing. Collection of urine specimens for controlled substance testing will be conducted by an approved collector and will be conducted in a setting and manner to ensure the driver's privacy.

Controlled substance testing generally takes about 15 minutes. At the collection site, the driver will be given a sealed container and must provide at least 45 ml of urine for testing. Once the sample is provided the collection personnel will check the temperature and color and look for signs of contamination. The urine is then split into two separate specimen containers (A, or "primary," and B, or "split") with identifying labels and security seals affixed to both. The collection facility will be responsible for maintaining a proper chain of custody for delivery of the sample to a DHHS-certified laboratory for analysis. The laboratory will retain a sufficient portion of any positive sample for testing and store that portion in a scientifically-acceptable manner for a minimum 365-day period.

If an employee fails to provide a sufficient amount of urine to permit a controlled substance test (45 milliliters of urine), the collector will discard the insufficient specimen, unless there is evidence of tampering with that specimen. The collector will urge the driver to drink up to 40 ounces of fluid, distributed reasonably over a period of up to three hours, or until the driver has provided a sufficient urine specimen, whichever occurs first. If the driver has not provided a sufficient specimen within three hours of the first unsuccessful attempt, the collector will cease efforts to attempt to obtain a specimen. The driver must then obtain, within five calendar days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. If the licensed physician concludes the driver has a medical condition, or with a high degree of probability could have, precluded the driver from providing a sufficient amount of urine, the City will consider the test to have been canceled. If a licensed physician cannot make such a determination, the City will consider the driver to have engaged in a refusal to test, and will take appropriate disciplinary action under this policy.

The primary specimen is used for the first test. If the test is negative, it is reported to the MRO who then reports the result, following a review of the CCF Form for compliance, to the City. If the initial result is positive or non-negative, a “confirmatory retest” will be conducted on the primary specimen. If the confirmatory re-test is also positive, the result will be sent to the MRO. The MRO will contact the driver to verify the positive result. If the MRO is unable to reach the driver directly, the MRO must contact the City who will direct the driver to contact the MRO.

Review of Test Results

The MRO is a licensed physician with knowledge and clinical experience in substance abuse disorders, and is responsible for receiving and reviewing laboratory results of the controlled substances test as well as evaluating medical explanations for certain drug test results. Prior to making a final decision to verify a positive test result, the MRO will give the driver or the job applicant an opportunity to discuss the test result, typically through a phone call. The MRO, or a staff person under the MRO’s supervision, will contact the individual directly, on a confidential basis, to determine whether the individual wishes to discuss the test result. If the employee or job applicant wishes to discuss the test result:

- The individual may be required to speak and/or meet with the MRO, who will review the individual’s medical history, including any medical records provided.
- The individual will be afforded the opportunity to discuss the test results and to offer any additional or clarifying information which may explain the positive test result. If the employee or job applicant, believes a mistake was made at the collection site, at the labor, on a chain-of-custody form, or that the drug test results are caused by lawful substance use, the employee should tell the MRO.
- If there is some new information which may affect the original finding, the MRO may request the laboratory to perform additional testing on the original specimen in order to further clarify the results; and
- A final determination will be made by the MRO that the test is either positive or negative, and the individual will be so advised.

If the MRO upholds the positive, adulterated or substituted drug determination, that test result will be provided to the City. There is no opportunity to explain a positive alcohol test provided in the DOT regulations.

The driver can request the MRO to have the split specimen (the second “B” container) tested at the driver’s expense. This includes all costs that may be associated with the re-test. There is no split specimen testing for an invalid result. The driver has 72 hours after they have been notified of the positive result to make this request. If the employee requests an analysis of the split specimen, the MRO will direct the laboratory to send the split specimen to another certified laboratory for analysis.

If an employee has not contacted the MRO within 72 hours, the employee may present information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the

employee from making timely contact. If the MRO concludes there is legitimate explanation for the employee's failure to contact within 72 hours, the MRO will direct the analysis of the split specimen.

If the results of the split specimen are negative, the City may pay for all costs associated with the test and there will be no adverse action taken against the employee or job applicant.

Notification of Test Results

Employees

The City will notify a driver of the results of random, reasonable suspicion, and post-accident tests for controlled substance if the test results are verified positive, and will inform the driver which controlled substance or substances were verified as positive. Results of alcohol tests will be immediately available from the collection agent.

Right to Confirmatory Retest

Within seventy-two (72) hours after receiving notice of a positive controlled substance test result, an applicant or driver may request through the MRO a re-analysis (confirmatory retest) of the driver's split specimen. Action required by federal regulation as a result of a positive controlled substance test (e.g., removal from safety-sensitive functions) will not be stayed during retesting of the split specimen. If the result of the confirmatory retest fails to reconfirm the presence of the controlled substance(s) or controlled substance metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO will cancel the test.

Dilute Specimens

Dilute Negatives Creatinine concentration of specimen is equal to or greater than 2 mg/dL, but less than or equal to 5 mg/dL. If the City receives information that a driver has provided a dilute negative specimen, the City will direct a recollection, pursuant to the MRO's direction, under direct observation.

Note: City can choose only to require retesting for dilute negatives where the Creatinine concentration of specimen is greater than 5 mg/dL for pre-employment testing, reasonable suspicion, post-accident, or random testing or for all of these tests.

Consequences for Drivers Engaging in Prohibited Conduct

Job Applicants

Any applicable conditional offer of employment will be withdrawn from a job applicant or employee seeking a transfer who refuses to be tested or tests positive for controlled substance pursuant to this policy.

Employees

Drivers who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substance, as defined earlier in this policy, are subject to the following consequences:

- **Removal from Safety-Sensitive Functions**

No driver may perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by federal law.

No driver who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 may perform or continue to perform safety-sensitive functions for the City, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty, but not less than twenty-four (24) hours following administration of the test.

If a driver tests positive under this policy, or is found to have an alcohol concentration of .02 or greater but less than .04, the driver will be removed from safety sensitive duties and escorted home; the driver should not drive home, but be escorted to his or her home. The driver will then be placed on Vacation or PTO/ESST, for hours missed from work.

- **Notification of Resources Available**

The City will advise each driver who has engaged in conduct prohibited by federal law or who has a positive alcohol or controlled substance test of the resources available to the driver, in evaluating and resolving problems associated with the misuse of alcohol and use of a controlled substance, including the names, addresses, and telephone numbers of Substance Abuse Professionals and counseling and treatment programs. The City will provide this SAP listing in writing at no cost to the driver.

- **Discipline**

The City reserves the right to impose whatever discipline the City deems appropriate in its sole discretion, up to and including termination for a first occurrence, against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers following a first positive confirmed controlled substance or alcohol test result.

- **Evaluation, and Return to Duty Testing**

Should the City wish to consider reinstatement of a driver who engaged in conduct prohibited by federal law and/or who had a positive alcohol or controlled substance test, the driver must undergo a SAP evaluation, participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP will determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substance use and will ensure the driver properly follows any rehabilitation program and submits to unannounced follow-up alcohol and controlled substance testing.

- **Follow-Up Testing**

If the driver passes the return-to-duty test, he/she will be subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency for such follow-up testing will be as directed by the SAP and will consist of at least six tests in the first twelve months. These tests will be conducted under direct observation.

- **Refusal to test**

All drivers and applicants have the right to refuse to take a required alcohol and/or controlled substance test. If an employee refuses to undergo testing, the employee will be considered to have tested positive and may be subject to disciplinary action, up to and including termination. Refer to Refusing to Test provided earlier in this policy.

- **Responsibility for Cost of Evaluation and Rehabilitation**

Drivers will be responsible for paying the cost of evaluation and rehabilitation (including services provided by a Substance Abuse Professional) recommended or required by the City or FMCSA or DOT rules, except to the extent that such expense is covered by an applicable employee benefit plan or imposed on the City pursuant to a collective bargaining agreement.

- **Reporting to the FMCSA's CDL Drug and Alcohol Clearinghouse**

In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements, the City will report the following information to the Clearinghouse within three business days:

- A DOT alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- A negative DOT return-to-duty test result;
- The driver's refusal to submit to a DOT test for drug or alcohol use;
- An "Actual knowledge" violation; and
- A report that the driver successfully completed all DOT follow-up tests as ordered by an SAP.

Loss of CDL License for Traffic Violations in Commercial and Personal Vehicles

Effective August 1, 2005, the FMCSA established strict rules impacting when CDL license holders can lose their CDL for certain traffic offenses in a commercial or personal vehicle. Employees are required to notify their supervisor immediately if the status of their CDL license changes in anyway.

Maintenance and Disclosure of Records

Except as required or authorized by law, the City will not release driver's information that is contained in records required to be maintained by this policy or FMCSA and DOT regulations. Beginning in 2020, the city will be required to query and report to the agency's Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse prior to hiring new drivers, will conduct annual checks of existing CDL-drivers, and will report certain violations of the DOT drug and

alcohol testing program for holders of CDLs. In addition, a driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or a controlled substance, including any records pertaining to his or her alcohol or controlled substance tests.

Policy Contact for Additional Information

If you have any questions about this policy or the City's controlled substance and alcohol testing procedures, you may contact human resources to obtain additional information.

Definitions

Accident:

Means an occurrence involving a commercial motor vehicle operating on a public road which results in a fatality; bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle. The term "accident" does not include an occurrence involving only boarding and alighting from a stationary motor vehicle; an occurrence involving only the loading or unloading of cargo; or an occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle unless the vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 C.F.R. § 177.823; 49 C.F.R. § 382.303(a); 49 C.F.R. § 382.303(f).

Alcohol Concentration (or Content):

Means the alcohol on a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. 49 C.F.R. § 382.107.

Alcohol Use:

Means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. 49 C.F.R. § 382.107.

Applicant:

Means a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

Breath Alcohol Technician or BAT:

Means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT). 49 C.F.R. § 40.3.

City:

Means City of Lino Lakes.

City Premises:

Means all job sites, facilities, offices, buildings, structures, equipment, vehicles and parking areas, whether owned, leased, used or under the control of the City.

Collection Site:

Means a place designated by the City where drivers present themselves for the purpose of providing a specimen of their urine or breath to be analyzed for the presence of alcohol or controlled substances. 49 C.F.R. § 40.3.

Commercial Motor Vehicle:

Means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle (1) has a gross combination weight rating or gross combination weight of 26,001 or more pounds, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or (2) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater; or (3) is designed to transport sixteen (16) or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulation. (49 C.F.R. part 172, subpart F) § 382.107.

Fire trucks and other emergency fire equipment are not considered to be commercial vehicles under this policy.

Confirmation (or Confirmatory) Test:

For alcohol testing means a second test, following a positive non-evidential test, following a positive non-evidential (e.g., saliva) screening test or a breath alcohol screening test with the result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substance testing, "Confirmation (or Confirmatory) Test" means a second analytical procedure to identify the presence of a specific controlled substance or metabolite which is independent of the screen test and which uses a different technique and chemical principal from that of the screen test in order to ensure reliability and accuracy. 49 C.F.R. § 382.107.

Controlled Substance:

Means those substances identified in 49 C.F.R. § 40.85. Marijuana, amphetamines, opioids, (including heroin), phencyclidine (PCP), cocaine, and any of their metabolites are included within this definition. 49 (C.F.R. § 382.107; 49 C.F.R. § 40.85.

Department of Transportation or DOT:

Means the United States Department of Transportation.

DHHS:

Means the Department of Health & Human Services or any designee of the Secretary, Department of Health & Human Services. 49 C.F.R. § 40.3.

Disabling Damage:

Means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven. Disabling damage does not include damage which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlight or tail light damage or damage to turn signals, horn or windshield wipers which make them inoperative. 49 C.F.R. § 382.107.

Driver:

Means any person who operates a commercial motor vehicle. This includes, but is not limited to full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to the City or who operate a commercial motor vehicle at the direction of or with the consent of the City. For purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

Drug:

Has the same meaning as “controlled substance.”

Employee seeking a transfer:

Refers to an employee who is not subject to DOT regulations seeking a transfer to a position that will subject them to DOT regulations in the sought after position.

Evidential Breath Testing Device or EBT:

Means a device approved by the National Highway Traffic Safety Administration (“NHTSA”) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices.” 49 C.F.R. § 40.3.

Federal Motor Carrier Safety Administration or FMCSA:

Means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

Medical Review Officer or MRO:

Means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by a controlled substance testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information. 49 C.F.R. § 40.3

Performing (a Safety-Sensitive Function):

Means any period in which a driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. 49 C.F.R. § 382.107.

Positive Test Result:

Means a finding of the presence of alcohol or controlled substance, or their metabolites, in the sample tested in levels at or above the threshold detection levels established by applicable law.

Reasonable Suspicion:

Means a belief a driver has engaged in conduct prohibited by the FMCSA controlled substance and alcohol testing regulations, except when related solely to the possession of alcohol, based on specific contemporaneous, articulable observations made by a supervisor or City official who has received appropriate training concerning the appearance, behavior, speech or body odors of the driver. The determination of reasonable suspicion will be made in writing on a Reasonable Suspicion Record Form during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this policy. In the case of a controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

Safety-Sensitive Function:

Means all time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- All time at a city plant, terminal, facility, or other property, or on any public property,
- waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- All time inspecting equipment as required by 49 C.F.R. § 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. 49 C.F.R. § 382.107.

Screening Test (also known as Initial Test):

In alcohol testing, mean an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in her or her system. Screening tests may be conducted by utilizing a non-evidential screening device included by the National Highway Traffic Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device ("EBT") operated by a trained breath alcohol technician ("BAT"). In controlled substance testing, "Screening Test" means an immunoassay screen to eliminate "negative" urine specimens form further consideration. 49 C.F.R. § 382.107.

Substance Abuse Professional” or “SAP”:

Means a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, licensed or certified social worker, licensed or certified employee assistance professional, or licensed or certified addiction counselor (certified by the National Association of Alcoholism and Controlled Substance Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders. 49 C.F.R. § 40.281.

8.10 Professional Appearance

Personal appearance should be appropriate to the nature of the work and contacts with other people and should present a positive image to the public. Clothing, jewelry, or other items that could present a safety hazard are not acceptable in the workplace. Dress needs vary by function. Employees who spend a portion of the day in the field need to dress in a professional manner appropriate to their jobs.

Dress for Your Day

The City of Lino Lakes Dress for Your Day policy allows for non-uniformed employees to use their best judgment when deciding what to wear to work every day, with some basic guidelines. The idea is that each employee should consider what their workday looks like and dress accordingly.

For example, employees are allowed to wear casual clothing on workdays when they do not have council meetings, work sessions, conferences, or meetings with residents or other outside third parties. Employees are still expected to wear clothing appropriate for an office environment, and traditional business attire is always acceptable.

There may be days when special visitors are expected at city facilities and all staff may be required to forgo Dress for Your Day and required to wear business casual attire. These days will be announced in advance so employees can plan accordingly.

In all instances clothing must be neat, clean, not ripped, heavily frayed or worn, and not expose an excessive amount of skin.

The following are examples of clothing and shoe choices that are never acceptable, but it is not an exhaustive list. When in doubt, consult with Human Resources.

- Clothing and/or accessories that include offensive/inappropriate images or words, including images/words that are discriminatory or sexual
- Sweatpants, sweatshirts, yoga pants and other exercise apparel
- Leggings unless combined with a skirt, dress or top that reaches at least mid-thigh
- Beach wear and shorts
- Overalls
- Very short skirts or dresses

- Clothing and accessories with writing or large logos (unless city or affiliated business organization logo)
- Spaghetti-strap tops or dresses unless covered by a jacket or sweater (at all times)
- Tank tops, halter tops, crop tops or any clothing showing midriffs
- Sheer or revealing clothing
- Hats or caps (excluding public services and building inspectors)
- Sports jerseys (unless part of a planned employee event/theme day)
- House slippers

Employees are allowed to wear jeans that are clean, not faded, free of rips, tears, fraying and not excessively tight or revealing.

Employees are allowed to wear tasteful sneakers that are clean, well kept, and in good condition.

Employees are allowed to wear dress sandals that are professional, clean, well kept, and in good condition. Beach flip flops are not allowed.

Employees who need an accommodation associated with a protected status such as religion or disability should speak with Human Resources to obtain approval to deviate from this policy.

8.11 IT Acceptable Use Policy

The City has adopted Metro-INET's Acceptable Use Policy to protect the security and integrity of electronic information systems. In addition to the terms of Metro-INET's Acceptable Use Policy, the following terms apply to all City employees.

All technology systems are the property of the City of Lino Lakes and/or Metro-INET. This includes, but is not limited to, all hardware, software, programs, applications, templates, documents, internal and external email messages, internet logs, and data files developed or stored on technology systems owned or leased by the City or Metro-INET. The City reserves the right to inspect, monitor, access, and retrieve any data, messages, settings, files, or other components of City or Metro-INET technology at any time without an employee's consent. Users should have no expectation of privacy in the use of City or Metro-INET technology. This includes personal email messages, files, Internet logs, or other data.

All email messages will be deleted from the electronic mail system 120 days after receipt. If retention of any message is warranted beyond that period, the message should be moved stored, and maintained in accordance with the City's Data Practices Policy and Records Retention Schedule.

Violations of this policy will be treated like other allegations of wrongdoing in the City in accordance with established procedures.

Employees may use low-risk data with Artificial Intelligence (AI) technology to perform their work. Low-risk data is defined by Minnesota Statutes Chapter 13 as 'public' and is intended to be available to the public. The use of AI technologies often relies on the transfer and collection

of data to third-party entities. If an employee is unsure of the data classification, they must review the data with the city's responsible authority or their designee, prior to using the technology. All data created with the use of AI is to be retained according to the city's records retention schedule.

8.12 Smoking and Tobacco Use Policy

The City of Lino Lakes observes and supports the Minnesota Clean Indoor Air Act. All city buildings and vehicles, in their entirety, shall be designated as tobacco free, meaning that smoking in any form (through the use of tobacco products such as pipes, cigars, and cigarettes) or "vaping" with e-cigarettes is prohibited while in a city facility or vehicle.

Smoking of any kind, including pipes, cigars, cigarettes, vaping with e-cigarettes, and the use of chewing tobacco, is prohibited for employees while on duty. Employees are allowed to smoke only during their breaks and lunch, and only in areas designated for that purpose.

SECTION 9: SEPARATION FROM CITY EMPLOYMENT

9.1 *Voluntary Resignation*

An employee wishing to leave City service in good standing must give two weeks written notice. Written resignations are considered effective upon receipt by the City. Failure to provide proper written notice may be cause for denying severance pay and future employment with the City. Unauthorized absences from work for a period of three consecutive work days may be considered a voluntary resignation not in good standing.

9.2 *Reduction in Force*

The City may lay off employees whenever such action is necessary based on budget considerations, shortage of work, or organizational changes. A two-week written notice of the layoff shall be given. Termination due to a reduction in force will be considered a final separation from that position. Human Resources will provide benefits counseling and answer any questions regarding separation payment for each employee affected by a reduction in force.

An employee affected by a reduction in force will be eligible for one week of severance pay for each year of employment with the City up to a maximum of 12 weeks' severance pay following an employee's last day of employment with the City.

Qualifications and job performance shall be the determining factor for lay-offs.

9.3 *Termination*

Any employee subject to the provisions of this personnel policy may be discharged by the City for just cause only. Evidence of the following may be sufficient cause for termination, demotion, or other disciplinary action:

1. Incompetence or misconduct in the performance of duties.
2. Violation of any lawful regulation or administrative order, or an act of insubordination that results or reasonably might be expected to result in loss or injury to the City or to the public.
3. Unsatisfactory conduct in job performance resulting from being under the influence of alcohol or drugs.
4. Use of offensive conduct of language towards the public, municipal officers, or employees.
5. Carelessness or negligence in the handling, control, or use of City property or unauthorized use of City property.
6. Inducing or attempting to induce an officer or employee of the City to commit an unlawful act or to act in violation of a regulation or order.
7. Dishonesty in the performance of duties.

8. Conviction of a crime directly related to the employee's position with the City.
9. Making false or misleading statements while conducting City business, or falsifying timesheets, reports, records, or documents.
10. Excessive tardiness or absenteeism, or abuse of leave.

The particular dismissal, demotion or suspension shall be based on the facts and circumstances involved. The City may take disciplinary action while pursuing criminal prosecution against an employee.

9.4 Severance Pay

Employees who have completed 10 years of service with the City and who leave employment in good standing shall receive severance pay equaling one-half of unused Sick Leave/ESST hours at their current hourly rate of pay. The maximum amount of severance pay shall be limited to 480 hours.

SECTION 10: DISCIPLINARY HEARINGS

10.1 Request for Hearing

When a regular full-time or part-time employee is dismissed or demoted for disciplinary reasons, the employee will be entitled to a hearing pursuant to this section of the Personnel Policy.

If the employee is exonerated and reinstated to his or her former position, the rights of the employee will be retroactive to the effective date of the disciplinary action.

10.2 Pre-Termination (Loudermill) Hearing

The *Loudermill* hearing, which serves as an initial check on the employment decision, will be conducted in accordance with federal law as provided in *Cleveland Board of Education v. Loudermill*. The employee will be given an opportunity to respond to the charges and present reasons to the City Council why the discharge should not occur. Probationary employees are not entitled to such a hearing.

10.3 Post-Discharge Hearing

For a post-discharge hearing, the employee must first submit a written request to the City Administrator within 15 calendar days after receiving written notice of the discharge. The hearing before the City Council will be held no later than 10 calendar days from the date City Administrator's receipt of the written request for a hearing.

If an employee is not satisfied with the decision of the City Council after the hearing, he or she may within seven calendar days submit the matter to a final hearing to be held by a board of three arbitrators: one appointed by the City Administrator, one by the employee, and the third selected by the two previously designated. By mutual agreement, the employee and the City Administrator may elect to appoint a single arbitrator through the Bureau of Mediation Services. The cost of the hearing shall be divided between the employee and the City.

10.4 Veterans' Preference Hearing

A discharge hearing for a veteran employed with the City will be in accordance with state and federal law. Any veteran who has been notified of the intent to discharge from City employment will be notified in writing of such intent to discharge and of the veteran's right to request a hearing within 60 days of receipt of notice. The failure of the veteran to request a hearing within the provided 60-day period will constitute a waiver of the right to a hearing and all other available legal remedies for reinstatement.

If a veteran is a member of a labor union whose collective bargaining agreement provides for binding arbitration, the veteran may take advantage of both hearing processes.

**CITY COUNCIL
STAFF REPORT
AGENDA ITEM 4.A.**

STAFF ORIGINATOR: Curt Boehme , Chief of Police

MEETING DATE October 27, 2025

AGENDA ITEM: Approval of Donation of Unclaimed Property

VOTE REQUIRED: Simple Majority

INTRODUCTION

City of Lino Lakes Ordinance 213.07 authorizes the Police Department to dispose of unclaimed property in a manner approved by a majority vote of the City Council.

BACKGROUND

As part of the ongoing management of the evidence room and property in police custody, staff have identified 11 bicycles that are eligible for disposal.

All related court and investigative matters have been resolved. Staff have also fulfilled all statutory obligations to notify the necessary parties and have received no responses or claims of ownership regarding the unclaimed bicycles.

RECOMMENDATION

Staff recommend that the council approve donating them to the non-profit organization Bikes for Kids, which is located in Ham Lake, MN or other similar charitable organizations.

ATTACHMENTS

1. List of bicycles to be disposed of.

List of unclaimed bicycles to be disposed of:

Case Number	Serial	Make	Model	Description
23286961	SNFSD20GJ2044	Roadmaster	R4046WMM	Black/Blue
24061903	10011671000	Galaxy Two	Precision	Red
24093319	E80325K6805	Huffy	Striber 5-2000	Blue
24133972	WSBC602236649M	Specialized	Vita Sport	Black/Teal
24152772	L980521453	Elk River	F.S. Elite	Purple-no Seat
24166493	DJLL019545	Dynacraft	Wipe Out	Red
24236161	6W726243	Giant	Rincon	Green
24236161	03TD3198387	Magna	Glacier Point	Pink
24264846	WTU347CS0881G	Trek	820	Silver/Black
25048720	96595-9051642F2205	Huffy	Canyon	Blue
25149714	SAAJG15429	Roadmaster	Mt. Sport SX	Pink/Black

**CITY COUNCIL
STAFF REPORT
AGENDA ITEM 5.A.**

STAFF ORIGINATOR: Dan L'Allier, Fire Chief

MEETING DATE October 27, 2025

AGENDA ITEM: Second Reading and Adoption of Ordinance No. 18-25, Amending Chapter 1002.01, Fire Code Adoption

VOTE REQUIRED: Simple Majority

INTRODUCTION

To amend the City's Fire Code adoption ordinance to include both the Minnesota State Fire Code and its referenced appendices.

BACKGROUND

The current ordinance has adopted the most recent version of the Fire Code. However, it doesn't include the appendices. The appendices provide critical operational details, clarifications, and local authority options that ensure public safety, effective emergency response, and consistent enforcement.

RECOMMENDATION

- Motion to waive the Full Reading of Ordinance No. 18-25, Amending Chapter 1002.01, Fire Code Adoption
- Motion to provide Second Reading and Adopt Ordinance No. 18-25, Amending Chapter 1002.01, Fire Code Adoption. (Roll Call Vote Required per City Charter) .

ATTACHMENTS

1. 18-25, Amending Chapter 1002 Fire Code

1 st Reading: October 13, 2025	Website Notice: October 14, 2025
2 nd Reading: October 27, 2025	Publication: November 4, 2025
Adoption: October 27, 2025	Effective: December 4, 2025

CITY OF LINO LAKES ORDINANCE NO. 18-25

AMENDING CHAPTER 1002.01, FIRE CODE ADOPTION

The Council of Lino Lakes ordains:

Section 1002.01. Chapter 1002: Fire Code, of the Lino Lakes Code of Ordinances, be amended to read as follows:

FIRE CODE

§ 1002.01 FIRE CODE ADOPTION.

The Minnesota State Fire Code and appendices, as adopted pursuant to M.S. § 299F.011, as it may be amended from time to time, and as modified by Minnesota Rules, Chapter 7511, shall be applicable within the City of Lino Lakes.

(Ord. 12-00, passed 8-14-2000; Am. Ord. 10-07, passed 8-27-2007)

§ 1002.02 DEFINITIONS.

(1) Whenever the word ***JURISDICTION*** is used in the Minnesota State Fire Code, it shall mean the City of Lino Lakes.

(2) Whenever the term ***THIS CODE*** is used in the Minnesota State Fire Code or this subchapter, it shall mean the code adopted pursuant to this subchapter.

(3) ~~Whenever the term ***FIRE DEPARTMENT*** or ***FIRE DIVISION*** is used, it shall mean the Lino Lakes Public Safety Department—Fire Division.~~

(Ord. 12-00, passed 8-14-2000; Am. Ord. 10-07, passed 8-27-2007; Ord. 02-16, passed 6-13-2016)

§ 1002.03 APPLICATION, ADMINISTRATION AND ENFORCEMENT.

The application, administration and enforcement of the code shall be in accordance with the Minnesota State Fire Code.

(1) ~~The Public Safety Director~~, The Fire Chief or his/her designee, is authorized to enforce the provisions of the Minnesota State Fire Code and this subchapter.

(2) ~~The Public Safety Director~~, The Fire Chief or his/her designee, may detail the members of the ~~Public Safety Department~~ Fire Department as may be necessary to administer and enforce the provisions of this subchapter.

(Ord. 10-07, passed 8-27-2007; Ord. 02-16, passed 6-13-2016)

§ 1002.04 PERMITS AND FEES.

The issuance of permits and the collection of fees shall be assessed for work governed by this code in accordance with the city's adopted fee schedule and as set forth in the Minnesota State Fire Code.

(Ord. 10-07, passed 8-27-2007)

Cross-reference:

City fee schedule, see § 218.01

§ 1002.05 PENALTIES.

A person who violates the provisions of the Minnesota State Fire Code or this subchapter after being given written notice shall be guilty of a misdemeanor. Each day's violation after notice thereof shall constitute a separate offense.

(Ord. 12-00, passed 8-14-2000; Am. Ord. 10-07, passed 8-27-2007)

§ 1002.06 CHAPTER SELF-PERPETUATING.

This subchapter shall perpetually include the most current edition of the Minnesota State Fire Code.

(Ord. 12-00, passed 8-14-2000; Am. Ord. 10-07, passed 8-27-2007)

Adopted by the Lino Lakes City Council on this 27th day of October, 2025.

Rob Rafferty, Mayor

ATTEST:

Roberta Colotti, CMC
City Clerk

**CITY COUNCIL
REGULAR MEETING STAFF REPORT
AGENDA ITEM 7A**

STAFF ORIGINATOR: Diane Hankee PE, City Engineer

MEETING DATE: October 27, 2025

TOPIC: Consider Resolution No. 25-150, Adopting Assessments, Hampton Addition

VOTE REQUIRED: Simple Majority

INTRODUCTION

Staff is requesting City Council consideration to adopt assessments for the Hampton Addition Development pursuant the Development Agreement for the project.

BACKGROUND

The City Council approved the Development Agreement for Hampton Addition dated October 13, 2025. The Agreement provides for the assessment of trunk water, sanitary sewer, and surface water fees.

The total amount to be assessed for Hampton Addition is \$147,036.96. In the above referenced Development Agreement, the developer has waived any and all procedural and substantive objections to the special assessments.

The developer has reviewed and approved the assessments. Attached is the proposed assessment roll.

RECOMMENDATION

Staff is recommending approval of Resolution No. 25-150, Adopting Assessments, Hampton Addition.

ATTACHMENTS

1. Resolution No. 25-150
2. Assessment Roll

**CITY OF LINO LAKES
RESOLUTION NO. 25-150**

ADOPTING SPECIAL ASSESSMENTS, HAMPTON ADDITION

WHEREAS, pursuant to the development agreement dated October 13, 2025 the developer waives all rights to a hearing on conducting of local improvements which will benefit the properties within the Hampton Addition development which requested connection to City utilities,

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

1. Such proposed assessment, a copy of which is attached hereto and made a part thereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of fifteen years, the first installment to be payable on or before the first Monday in January, 2026, and shall bear interest at the rate of five percent (5%) per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2025. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and the owner may, at any time thereafter, pay to the City the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
4. The clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of Lino Lakes, Minnesota this 27th day of October, 2025.

Rob Rafferty, Mayor

ATTEST:

Roberta Colotti, City Clerk

ASSESSMENT ROLL

October 27, 2025

HAMPTON ADDITION ASSESSMENTS
LINO LAKES, MINNESOTA

PIN	ADDRESS	SANITARY TRUNK	SANITARY ACCESS CHARGE (SAC)	WATER TRUNK	WATER ACCESS CHARGE (SAC)	SURFACE WATER	TOTAL ASSESSMENT
	(Lot 1 Block 1)	\$ 1,801.00	\$ 1,686.00	\$ 2,588.00	\$ 1,628.00	\$ 2,799.64	\$ 10,502.64
	(Lot 2 Block 1)	\$ 1,801.00	\$ 1,686.00	\$ 2,588.00	\$ 1,628.00	\$ 2,799.64	\$ 10,502.64
	(Lot 3 Block 1)	\$ 1,801.00	\$ 1,686.00	\$ 2,588.00	\$ 1,628.00	\$ 2,799.64	\$ 10,502.64
	(Lot 4 Block 1)	\$ 1,801.00	\$ 1,686.00	\$ 2,588.00	\$ 1,628.00	\$ 2,799.64	\$ 10,502.64
	(Lot 5 Block 1)	\$ 1,801.00	\$ 1,686.00	\$ 2,588.00	\$ 1,628.00	\$ 2,799.64	\$ 10,502.64
	(Lot 6 Block 1)	\$ 1,801.00	\$ 1,686.00	\$ 2,588.00	\$ 1,628.00	\$ 2,799.64	\$ 10,502.64
	(Lot 7 Block 1)	\$ 1,801.00	\$ 1,686.00	\$ 2,588.00	\$ 1,628.00	\$ 2,799.64	\$ 10,502.64
	(Lot 1 Block 2)	\$ 1,801.00	\$ 1,686.00	\$ 2,588.00	\$ 1,628.00	\$ 2,799.64	\$ 10,502.64
	(Lot 2 Block 2)	\$ 1,801.00	\$ 1,686.00	\$ 2,588.00	\$ 1,628.00	\$ 2,799.64	\$ 10,502.64
	(Lot 3 Block 2)	\$ 1,801.00	\$ 1,686.00	\$ 2,588.00	\$ 1,628.00	\$ 2,799.64	\$ 10,502.64
	(Lot 4 Block 2)	\$ 1,801.00	\$ 1,686.00	\$ 2,588.00	\$ 1,628.00	\$ 2,799.64	\$ 10,502.64
	(Lot 5 Block 2)	\$ 1,801.00	\$ 1,686.00	\$ 2,588.00	\$ 1,628.00	\$ 2,799.64	\$ 10,502.64
	(Lot 6 Block 2)	\$ 1,801.00	\$ 1,686.00	\$ 2,588.00	\$ 1,628.00	\$ 2,799.64	\$ 10,502.64
	(Lot 7 Block 2)	\$ 1,801.00	\$ 1,686.00	\$ 2,588.00	\$ 1,628.00	\$ 2,799.64	\$ 10,502.64
TOTAL		\$ 25,214.00	\$ 23,604.00	\$ 36,232.00	\$ 22,792.00	\$ 39,194.96	\$ 147,036.96

**CITY COUNCIL
REGULAR MEETING STAFF REPORT
AGENDA ITEM 7B**

STAFF ORIGINATOR: Diane Hankee PE, City Engineer

MEETING DATE: October 27, 2025

TOPIC: Resolution No. 25-151, Adopting Assessments, 2025 Individual Properties

VOTE REQUIRED: Simple Majority

INTRODUCTION

Staff is requesting that City Council adopt assessments for properties where the owners have requested connection to City utilities.

BACKGROUND

The property owners have submitted a signed Petition and Waiver Agreement, which waives their rights to a hearing and waives their rights to appeal under the Lino Lakes City Charter and/or Minnesota Statute 429 provided that the assessment associated with the improvement is levied against their property. The City will adopt assessments for the following individual properties:

- 904 81st Street
- 6317 Red Maple Lane
- 6340 Red Maple Lane
- 8032 Danube Street
- 6225 Red Maple Lane

The total amount to be assessed is \$74,093.00. Attached is the proposed assessment roll.

RECOMMENDATION

Staff is recommending approval of Resolution No. 25-151, Adopting Assessments, 2025 Individual Properties.

ATTACHMENTS

1. Resolution No. 25-151
2. Assessment Roll

**CITY OF LINO LAKES
RESOLUTION NO. 25-151**

ADOPTING INDIVIDUAL ASSESSMENTS

WHEREAS, pursuant to an executed Petition and Waiver Agreement, associated property owners waive all rights to a hearing on conducting of local improvements which will benefit the following properties which requested connection to City utilities:

- 904 81st Street
- 6317 Red Maple Lane
- 6340 Red Maple Lane
- 8032 Danube Street
- 6225 Red Maple Lane

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

1. Such proposed assessment, a copy of which is attached hereto and made a part thereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of fifteen years. The first installment to be payable on or before the first Monday in January, 2026, and shall bear interest at the rate of five percent (5%) per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2025. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and the owner may, at any time thereafter, pay to the City the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
4. The clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of Lino Lakes, Minnesota this 27th day of October, 2025.

Rob Rafferty, Mayor

ATTEST:

Roberta Colotti, City Clerk

ASSESSMENT ROLL

OCTOBER 27, 2025

2025 INDIVIDUAL ASSESSMENTS
LINO LAKES, MINNESOTA

PIN	ADDRESS	UNIT	SANITARY SEWER UNIT	WATERMAIN UNIT	SURFACE WATER MGMT	SUBDIVISION ASSESSMENT UNIT	SANITARY SPECIAL CONNECTION	WATER SPECIAL CONNECTION	STREET FRONT FOOTAGE	STORM SEWER FRONT FOOTAGE	TOTAL ASSESSMENT
04-31-22-33-0025	904 81st Street	1	\$3,487.00	\$4,216.00	\$ -	\$ -	\$ 2,647.00	\$ 3,280.00	\$ -	\$ -	\$ 13,630.00
04-31-22-34-0018	8032 Danube Street	1	\$3,487.00	\$4,216.00	\$ -	\$ -	\$ 2,647.00	\$ 3,280.00	\$ -	\$ -	\$ 13,630.00
32-31-22-14-0007	6317 Red Maple Lane	1	\$3,487.00	\$4,216.00	\$ -	\$ -	\$ 4,000.00	\$ 3,908.00	\$ -	\$ -	\$ 15,611.00
32-31-22-14-0021	6340 Red Maple Lane	1	\$3,487.00	\$4,216.00	\$ -	\$ -	\$ 4,000.00	\$ 3,908.00	\$ -	\$ -	\$ 15,611.00
TOTAL			\$ 13,948.00	\$ 16,864.00	\$ -	\$ -	\$ 13,294.00	\$ 14,376.00	\$ -	\$ -	\$ 58,482.00

*New PID to be assigned

**CITY COUNCIL
REGULAR MEETING STAFF REPORT
AGENDA ITEM 7C**

STAFF ORIGINATOR: Michael Grochala, Community Development Director

MEETING DATE: October 27, 2025

TOPIC: Approval of 2nd Reading of Ordinance No. 17-25 Zoning Ordinance Text Amendment Relating to Cannabis Microbusiness and Mezzobusiness

VOTE REQUIRED: Simple Majority

INTRODUCTION

The applicant, 2E Reality, LLC., submitted a land use application to amend the zoning ordinance to allow cannabis microbusinesses and mezzobusinesses within the R, Rural Zoning District.

Complete Application Date:	July 31, 2025
60-Day Deadline:	September 27, 2025
60-Day Extension:	November 28, 2025
EDAC Meeting:	August 7, 2025
Park Board Meeting:	N/A
Planning & Zoning Board Meeting:	September 10, 2025
City Council Work Session:	October 6, 2025
City Council Meeting:	October 13, 2025 October 27, 2025

The City Council approved the 1st reading of Ordinance No. 17-25 on October 13, 2025.

BACKGROUND

In March of 2025, the City amended City Code Section 1007 (Zoning Ordinance) to provide for Cannabis Businesses within the specific zoning districts of the City. Generally, the 13 license, types (now 14 based on 2025 legislation) were grouped with similar non cannabis related businesses. For example, cannabis cultivation was provided for in rural districts where agricultural uses are allowed, retail in commercial districts and production/manufacturing in industrial districts.

Two of the license categories, microbusiness and mezzobusiness, allow for cultivation, production and retail sales, at different intensities. Both license types were limited to the City's industrial districts because of the multiple use potential. Licensed businesses within these categories must also receive an "Endorsement" from the Office of Cannabis Management (OCM) to operate a specific use such as retail on a site.

The City recently rejected the certification of a microbusiness proposing to operate a cultivation business because of its location within a rural zoning district. The owner has since met with City staff to discuss the operation, which is currently a hemp growing operation in the City. While the owner has a microbusiness license from the state, they are only seeking the cultivation endorsement for the specific site. The owner has been joined by another interested party in seeking an amendment to the zoning ordinance to allow both microbusiness and mezzobusiness in the R, Rural District, limited to cultivation.

ANALYSIS

While microbusiness or mezzobusiness licenses allow multiple activities they are required to obtain a specific endorsement for each activity. A list of endorsements available for both a microbusiness and mezzobusiness is included as Attachment A.

Under the State's cannabis licensing requirements, the intensity of endorsed uses for microbusiness and mezzobusiness is less than or equivalent to what is already allowed under the specific license type. For example, cannabis cultivation, a permitted use in the City's R, Rural District, allows for up to 30,000 square feet of plant canopy indoors and 2 acres of mature flowering plants outdoors. A microbusiness with a cultivation endorsement is limited to 5,000 square feet indoors and one-half acre outdoors. A mezzobusiness with a cultivation endorsement is limited to 15,000 square feet indoors and one acre outdoors.

The purpose of microbusiness and mezzobusiness licenses is to create opportunities for small scale operators, by allowing a company to control multiple stages of its supply chain (vertical integration). Under Minnesota's regulatory framework, entrepreneurs can grow, process, and sell their own cannabis products, offering a path for smaller businesses to compete with larger commercial operations. This intent is also reflected in the State's application and licensing fees which are significantly lower than other license types.

After review by the City Attorney, it was determined that the statutory requirements allow for microbusinesses and mezzobusinesses to be zoned based on each endorsement received. Under the proposed ordinance a microbusiness or mezzobusiness specific endorsement would be the determining factor on zoning conformance. Accordingly, a cultivation endorsement

would be required to operate in a R, Rural District and the business would be limited to that use.

The same adjustment is recommended for microbusiness and mezzobusiness within the NB, Neighborhood Business District, the LB, Limited Business District, and the GB, General Business District zoning districts. Currently, a cannabis retail business is a permitted use within these business zoning districts. As proposed, a microbusiness or mezzobusiness licensed business with a retail operations endorsement would be allowed to operate in a business district and be limited to retail operations. On site consumption would not be allowed. These businesses would be subject to the limitation on retail registrations which is capped at 2 (1 per 12,500 per persons) in Lino Lakes.

EDAC Recommendation

The Economic Development Advisory Committee (EDAC) discussed allowing a microbusiness or mezzobusiness in the R, Rural District, limited to cultivation endorsement at their August 7, 2025 meeting. This discussion preceded the City Attorney review and did not include discussion on retail operations endorsement. The EDAC supported the change to allow microbusiness or mezzobusiness with cultivation endorsement in the R, Rural District provided sales were prohibited.

The Board also had concerns regarding the implications if a property were rezoned and whether that would potentially increase the number of potential retail registrations. The number of retail registrations are restricted under City Code and limited to one per 12,500 persons. A rural property with a cultivation endorsement, if rezoned to commercial zoning district, would not change those limitations.

Planning & Zoning Board Recommendation

The Planning & Zoning Board held a public hearing on September 10, 2025. The applicant, Jarod Anderson, spoke. There were no other public comments. The Board recommended approval 6-1 of the zoning ordinance text amendment with the confirmation that microbusiness and mezzobusiness cultivation in industrial zoning districts are only allowed indoors. Staff confirms this is correct.

RECOMMENDATION

Staff recommends approval of the 2nd Reading of Ordinance No. 17-25.

ATTACHMENTS

1. Microbusiness and Mezzobusiness Cannabis License and Endorsement Types

2. Zoning District Summary Table
3. Ordinance No. 17-25

Cannabis License and Endorsement Types

Under Minnesota Statutes, Chapter 342

The information in this document is not legal advice. Please review [Minnesota Statutes, Chapter 342 \(revisor.mn.gov/statutes/cite/342\)](https://mn.gov/statutes/cite/342) and/or consult with an attorney regarding the various license types prior to making any decisions. The information in this document is solely intended to provide a general overview of permitted activities under the various license types and is not exhaustive. For information on the costs associated with each license type, please visit <https://mn.gov/ocm/businesses/licensing/license-types.jsp>.

License type	Overview of activities and products allowed	Endorsements available	Additional licenses available (may be held simultaneously)
Microbusiness Minn. Stat. § 342.28 Cannabis microbusinesses can grow, make, sell, and buy cannabis (including plants and seedlings), lower-potency hemp edibles, and hemp-derived consumer products. They can also have an on-site space where customers can use cannabis.	Can operate: A single retail location. Can allow on-site consumption on a portion of its premises where customers can consume edible cannabis products and lower-potency hemp edibles. Can grow: Up to 5,000 square feet of plant canopy indoors or up to one-half acre of mature flowering plants outdoors. Can transport: Between facilities under same license holder. Can sell: Immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and customers.	• Cultivation • Extraction and concentration • Production of customer (consumer) products • Retail operations* • On-site consumption • Edible cannabinoid product handler endorsement • Medical cannabis - Medical cannabis cultivation - Medical cannabis processor - Medical cannabis retailer <i>* Must also have local registration per Minn. Stat. § 342.22.</i>	• Cannabis event organizer
Mezzobusiness Minn. Stat. § 342.29 Cannabis mezzobusinesses can grow, make, sell, and buy cannabis (including plants and seedlings), lower-potency hemp edibles, and hemp-derived consumer products. <i>This license type is available in limited quantities per state law, and licensees will be selected through a vetted lottery.</i>	Can operate: Up to three retail locations. Can grow: Up to 15,000 square feet of plant canopy indoors or up to one acre of mature flowering plants outdoors. Can transport: Between facilities under same license holder. Can sell: Immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and customers.	• Cultivation • Extraction and concentration • Production of customer (consumer) products • Retail operations* • Edible cannabinoid product handler endorsement • Medical cannabis - Medical cannabis cultivation - Medical cannabis processor - Medical cannabis retailer <i>Note: Must obtain at least two endorsements within 18 months of licensure.</i> <i>* Must also have local registration per Minn. Stat. § 342.22.</i>	• Cannabis event organizer

	Rural	Commercial District			Industrial Districts			Notes
Cannabis License Type	R, Rural	NB, Neighborhood Business	LB, Limited Business	GB, General Business	LI, Light Industrial	GI, Gen Industrial	BC, Business Campus	
Cannabis Microbusiness	p ¹	p ²	p ²	p ²	P	P	P	P - indoor cultivation of plants up to 5,000 sq ft + 1 retail license (same site). P ¹ – with cultivation endorsement P ² – with retail operations endorsement, no on-site consumption
Cannabis Mezzobusiness	p ¹	p ²	p ²	p ²	P	P		P - Indoor cultivation of plants up to 15,000 sq ft + 3 retail licenses (retail use is not on same site) P ¹ – with cultivation endorsement P ² – with retail operations endorsement, no on-site consumption
Cannabis Cultivator (indoor)	P				P	P		Indoor cultivation of up to 30,000 sq ft plant canopy
Cannabis Cultivator (outdoor)	P							Outdoor cultivation limited to 2 acres
Cannabis Manufacturer					P	P	P	Manufacture cannabis and hemp products
Cannabis Retailer		P	P	P				Cannabis retailer (342.27 stipulates display, storage, hours operation; security)
Cannabis Wholesaler					P	P	P	BUY and sell immature plants
Cannabis Transporter					P	P	P	Transport cannabis and hemp products between
Cannabis Testing Facility					P	P	P	Third-party testing any products grown or manufactured
Cannabis Delivery Service					P	P	P	Delivery with on-site vehicles
Medical Cannabis Cultivator	P				P	P		60,000 sq ft of plant canopy
Medical Cannabis Retailer		P	P	P				Purchase medical cannabis flower and products and sell or distribute
Medical Cannabis Combo Business					P	P		Cultivator, processor, and retailer
Lower-potency Hemp Edible Manufacturer					P	P	P	
Lower-potency Hemp Edible Retail		P	P	P				

1 st Reading: October 13, 2025	Website Notice: October 14, 2025
2 nd Reading: October 27, 2025	Publication: November 4, 2025
Adoption: October 27, 2025	Effective: December 4, 2025

**CITY OF LINO LAKES
ORDINANCE NO. 17-25**

**AMENDING CITY CODE CHAPTER 1007 (ZONING ORDINANCE)
CONCERNING THE REGULATION AND ZONING OF
CANNABIS BUSINESSES**

The City Council of Lino Lakes ordains:

Section 1. Section 1007.100(5) of the Zoning Ordinance (R, Rural District, Permitted Uses) is hereby amended to add the following provisions:

- (~~po~~) Medical cultivator, outdoor, limited to 2 acres in compliance with City Code Chapter 617.
- (p) Cultivation operations for a Microbusiness and Mezzobusiness with a cultivation endorsement.

Section 2. Section 1007.130(6) of the Zoning Ordinance (NB, Neighborhood Business District, Permitted Uses) is hereby amended to add the following provisions:

- (j) Retail operations for a Microbusiness and Mezzobusiness with a retail operations endorsement, no on-site consumption.

Section 3. Section 1007.131(6) of the Zoning Ordinance (LB, Limited Business District, Permitted Uses) is hereby amended to add the following provisions:

- (m) Retail operations for a Microbusiness and Mezzobusiness, with a retail operations endorsement, no on-site consumption.

Section 4. Section 1007.132(6) of the Zoning Ordinance (GB, General Business District, Permitted Uses) is hereby amended to add the following provisions:

- (s) Retail operations for a Microbusiness and Mezzobusiness with a retail operations endorsement, no on-site consumption.

Section 5. This ordinance shall be in force and effect from and after its passage and publication according to the Lino Lakes City Charter.

Adopted by the Lino Lakes City Council this 27th day of October, 2025.

Rob Rafferty, Mayor

ATTEST:

Roberta Colotti, CMC, City Clerk