



**AGENDA FOR
REGULAR CITY COUNCIL MEETING
TUESDAY, FEBRUARY 21, 2023 – 5:00 P.M.**

1. **Pledge of Allegiance**
2. **Call to Order**
 - Roll Call and Establishment of Quorum
3. **Approval of Agenda**
 - Council Changes
 - Staff Changes
4. **Approval of Minutes**
 - A. February 7, 2023
5. **Audience Participation** (10-minute time limit for items not on the agenda)
6. **Consent Agenda**
 - A. Approve 2022 Fixed Asset Disposal List
 - B. Approve therapeutic Massage License Application
 - C. Approve Security Camera Upgrades at RACC and Aquatic Center
7. **Scheduled Public Hearings**
8. **Old Business**
9. **Regular Agenda**
 - A. Establishment of Library Expansion Committee
 - B. Seal Coating Professional Services Agreement – Resolution #11
 - C. Public Facilities Authority Clean Water Revolving Loan Fund Application – Res. #12
 - D. Joint Resolution with Paxton Township for Orderly Annexation – Resolution #13
 - E. Criminal History Background Check Policy
10. **Other Items and Communications**
 - A. Council Items
 - B. Staff Items
11. **Paid Bills and Claims – For Informational Purposes**
 - A. City of Redwood Falls Accounts Payable Summary
12. **Adjournment**

**MINUTES
REGULAR COUNCIL MEETING
CITY OF REDWOOD FALLS, MINNESOTA
TUESDAY, FEBRUARY 7, 2023**

Pursuant to due call and notice thereof, a regular meeting of the Redwood Falls City Council was called to order in the Municipal Chambers on Tuesday, February 7, 2023, at 5:00 p.m.

Roll call indicated Council Members Matt Smith, Larry Arentson, Jim Sandgren, John T. Buckley, and Denise Kerkhoff were present constituting a quorum. Mayor Tom Quackenbush was absent.

Also present were City Administrator Keith Muetzel, City Attorney Trenton Dammann, Public Works Project Coordinator Jim Doering, and Deputy City Clerk Caitlin Kodet.

A motion was made by Council Member Smith and seconded by Council Member Buckley to approve the agenda. Motion passed by unanimous vote.

A motion was made by Council Member Arentson and seconded by Council Member Kerkhoff to approve the January 17, 2023, minutes as presented. Motion passed by unanimous vote.

A motion was made by Council Member Smith and seconded by Council Member Buckley to approve the following items on the Consent Agenda.

1. Purchase of Police Department Radios
2. Report and Update of Distributed Electric Generation Rules
3. Update of Electric Generation Interconnection Rules

Motion passed by unanimous vote.

City Attorney Dammann introduced Resolution No. 4 of 2023 – Resolution to Adopt a Comprehensive Schedule of Offenses and Establish Administrative Penalties.

Mr. Dammann stated Council previously adopted Ordinance 91, Third Series, an ordinance establishing a procedure for adjudicating administrative offenses and providing for a schedule of offenses and administrative penalties. Over the years, Council has supplemented Ordinance 91 with several Resolutions adopting a schedule of offenses and establishing administrative penalties. The last resolution to do so was Resolution No. 30 of 2021. Following staff discussion, to streamline the processing of those types of citations, it is recommended that the language providing for the doubling of fines for repeat violations of Chapters 7, 8, and 9, be removed. This recommendation requires that Resolution No. 30 of 2021 be updated. Even with this change, the City will retain the ability to charge most repeat offenders through the District Court citation process if needed.

A motion was made by Council Member Smith and seconded by Council Member Buckley to waive the reading of Resolution No. 4 of 2023 – Resolution to Adopt a Comprehensive Schedule of Offenses and Establish Administrative Penalties. Motion passed by unanimous vote.

A motion was made by Council Member Kerkhoff and seconded by Council Member Arentson to approve Resolution No. 4 of 2023 – Resolution to Adopt a Comprehensive Schedule of Offenses and Establish Administrative Penalties. Motion passed by unanimous vote.

Finance Director Klages introduced Resolution No. 5 of 2023 – Resolution Approving Cash Contributions and Interfund Transfers for the Reflection Ridge and Reflection Prairie Development Project.

Ms. Klages stated on April 5, 2022, Council awarded the Reflection Ridge and Reflection Prairie project bids along with approving a project financing plan. That plan included cash contributions from several different funds and sources. As we close out the fiscal year, we will now make the official cash transfers within the financial system. Staff requests approval of the modified cash amounts in Resolution No. 5 of 2023 and the summary of cash contributions. The modified amounts are based on present fund balances and updated grant awards. These amounts will be transferred into Capital Project Fund 403 to fund the streets portion of the Reflection Ridge and Reflection Prairie project as was approved in the original financing plan. The updated cash contributions no longer include a contribution from the Revolving Loan Fund, leaving this fund available for other economic development needs.

A motion was made by Council Member Buckley and seconded by Council Member Kerkhoff to waive the reading of Resolution No. 5 of 2023 – Resolution Approving Cash Contributions and Interfund Transfers for the Reflection Ridge and Reflection Prairie Development Project. Motion passed by unanimous vote.

A motion was made by Council Member Arentson and seconded by Council Member Smith to approve Resolution No. 5 of 2023 – Resolution Approving Cash Contributions and Interfund Transfers for the Reflection Ridge and Reflection Prairie Development Project. Motion passed by unanimous vote.

Finance Director Klages introduced Resolution No. 6 of 2023 – Resolution Approving Interfund Transfer for Security Information Event Management Services.

Ms. Klages stated in 2022, IT funds were budgeted for Security Information Event Management (SIEM) services in the amount of \$19,170. The project was delayed due to timing constraints, and a decision between the IT Committee and Thriveon in which an agreement was made that implementation was not yet critical. Staff recommends these funds be moved to the capital projects fund, to be available for future use when policies or circumstances warrant implementation. The funds would be used to implement real-time monitoring, detection, and logging across all electronic devices owned by the City. This gives intelligence to real-time threats, monitors the environment, and would be available for audit purposes.

A motion was made by Council Member Arentson and seconded by Council Member Buckley to waive the reading of Resolution No. 6 of 2023 – Resolution Approving Interfund Transfer for Security Information Event Management Services. Motion passed by unanimous vote.

A motion was made by Council Member Smith and seconded by Council Member Kerkhoff to approve Resolution No. 6 of 2023 – Resolution Approving Interfund Transfer for Security Information Event Management Services. Motion passed by unanimous vote.

City Administrator Muetzel introduced Resolution No. 7 of 2023 – Authorization to Execute the Development Agreement with Kwik Trip, Inc. Related to the Construction of a New Convenience Store, Gas Station, and Car Wash.

Mr. Muetzel stated representatives from the City of Redwood Falls and Kwik Trip, Inc. have negotiated the terms of the development agreement for the construction of a convenience store, gas station, and car wash. The purpose of the development agreement is to establish each party's responsibility relating to the design and construction of public and private improvements needed for the project. Examples of public improvements include water/sanitary sewer lines and structures.

Mr. Muetzel stated significant terms of the development agreement include: Kwik Trip will be responsible for all customary City plan review and building permit fees; The City of Redwood Falls will be responsible for the design, construction, and expense of all municipal infrastructure required for the project; and Kwik Trip will make a lump sum payment to the City of Redwood Falls in the amount of \$44,328.90 to offset a portion of the municipal infrastructure costs. Approval of the development agreement is the next step in the development process for this project.

A motion was made by Council Member Smith and seconded by Council Member Kerkhoff to waive the reading of Resolution No. 7 of 2023 – Authorization to Execute the Development Agreement with Kwik Trip, Inc. Related to the Construction of a New Convenience Store, Gas Station, and Car Wash. Motion passed by unanimous vote.

A motion was made by Council Member Arentson and seconded by Council Member Buckley to approve Resolution No. 7 of 2023 – Authorization to Execute the Development Agreement with Kwik Trip, Inc. Related to the Construction of a New Convenience Store, Gas Station, and Car Wash. Motion passed by unanimous vote.

City Administrator Muetzel introduced Resolution No. 8 of 2023 – Authorization to Execute the Construction and Maintenance Cooperative Agreement with Redwood County for CSAH 1 and CSAH 24.

Mr. Muetzel stated representatives from the City of Redwood Falls and Redwood County have negotiated the terms of the cooperative agreement for the construction of future right-turn and bypass lanes on CSAH 1 and CSAH 24 relating to the Reflections Development Project. The purpose of the cooperative agreement is to establish each party's responsibility relating to the design and construction of road improvements needed for the project.

Mr. Muetzel stated significant terms of the cooperative agreement include: Redwood County is requiring the installation of right turn lanes and left turn bypass lanes for all entrances to the Reflections development site off CSAH 1 and CSAH 24; and the City of Redwood Falls will be responsible for the design, construction, and expense of constructing the required right-turn lanes and bypass lanes prior to October 31, 2027. Staff recommends approval of the cooperative development agreement.

A motion was made by Council Member Buckley and seconded by Council Member Kerkhoff to waive the reading of Resolution No. 8 of 2023 – Authorization to Execute the Construction and Maintenance Cooperative Agreement with Redwood County for CSAH 1 and CSAH 24. Motion passed by unanimous vote.

A motion was made by Council Member Smith and seconded by Council Member Arentson to approve Resolution No. 8 of 2023 – Authorization to Execute the Construction and Maintenance Cooperative Agreement with Redwood County for CSAH 1 and CSAH 24. Motion passed by unanimous vote.

Public Works Project Coordinator Jim Doering introduced Resolution No. 9 of 2023 – Support for US Hwy 71 Corridors of Commerce Funding.

Mr. Doering stated this is a resolution of support for the Corridors of Commerce application to be submitted by Redwood County. The application is for the rehabilitation and reconstruction of the segment of US Highway 71 between the Redwood River bridge in Redwood Falls and Minnesota River bridge near Morton, MN. This project, if funded, is in excess of \$11 million dollars. This will include a white top resurfacing of the concrete portion from the Redwood River bridge to where it ends at the 800 block of E. Bridge Street (US Hwy 71). Then starting at that point, a full reconstruction of the bituminous portion, converting to concrete out to Quality Drive, and from that point reconstruct or white top resurfacing down to the Minnesota River bridge. The project request includes new bituminous shouldering throughout where applicable.

Mr. Doering stated if funded, the project must be let by June 30, 2028. The City will have additional utility replacement costs including water, sanitary sewer, and storm sewer where it crosses the bituminous reconstruction area. Staff recommends the approval of the resolution.

A motion was made by Council Member Kerkhoff and seconded by Council Member Arentson to waive the reading of Resolution No. 9 of 2023 – Support for US Hwy 71 Corridors of Commerce Funding. Motion passed by unanimous vote.

A motion was made by Council Member Buckley and seconded by Council Member Smith to approve Resolution No. 9 of 2023 – Support for US Hwy 71 Corridors of Commerce Funding. Motion passed by unanimous vote.

Public Utilities Superintendent Chuck Heins was present to introduce Resolution No. 10 of 2023 – Authorization to Execute Purchase of Materials for the 2023 Distribution Improvements.

Mr. Heins stated DGR Project No. 421125 - 2023 Distribution Improvements was approved by Council on November 1, 2022. In order to complete the projects, certain materials needed to be bid. Those bids were received and opened on Wednesday, February 1, 2023 at 1:15 p.m. in the City Council Chambers. Three (3) bids were received, and the results of the bids have been reviewed by DGR and were tabulated and provided for Council consideration.

A Summary of Bids has been provided by DGR for Council review. Bid #1 (Padmount Switchgear) and Bid #2 (Padmount Switchgear Box Pads) are recommended to be awarded to WESCO for a total of \$93,392.00. For Bid #3 (15 KV Primary Power Cable) the only bidder was Irby Utilities in the amount of \$277,262.55. The recommendation to Council for Bid #4 (Pull Boxes) is to reject all bids. The total cost of all the bid packages is \$370,654.55. Staff recommends that the contracts be awarded to the stated companies for Bids #1-3 and to reject all bids for Bid #4.

A motion was made by Council Member Buckley and seconded by Council Member Smith to waive the reading of Resolution No. 10 of 2023 – Authorization to Execute Purchase of Materials for the 2023 Distribution Improvements. Motion passed by unanimous vote.

A motion was made by Council Member Arentson and seconded by Council Member Kerkhoff to approve Resolution No. 10 of 2023 – Authorization to Execute Purchase of Materials for the 2023 Distribution Improvements. Motion passed by unanimous vote.

Finance Director Klages introduced the Request to Waive Sanitary Sewer Charges.

Ms. Klages stated City Staff received a request from Barbie Skogstad, utility account holder at 409 South Minnesota Street, requesting that \$52.17 in sanitary sewer charges be waived. Staff review of these requests focuses on whether the water entered the sanitary sewer, which requires treatment. Water introduced into the sanitary sewer system is treated regardless of the cause. Staff was able to determine that the water did not enter the sanitary sewer system and recommends waiving the sanitary sewer charge as is consistent with past practice.

A motion was made by Council Member Smith and seconded by Council Member Buckley to approve the Request to Waive Sanitary Sewer Charges in the amount of \$52.17. Motion passed by unanimous vote.

Bills and Claims were presented to the Council for informational purposes. No questions, comments or concerns were raised.

There being no further business, a motion was made by Council Member Arentson and seconded by Council Member Smith to adjourn the meeting at 5:44 p.m. Motion passed by unanimous vote.

ATTEST:

Keith Muetzel
City Administrator

Tom Quackenbush
Mayor



Kari Klages
Finance Director
Phone: 507-616-7400
Fax: 507-637-2417
kklages@ci.redwood-falls.mn.us

Date: February 21, 2023

To: Mayor and Council

From: Kari Klages, Finance Director

RE: Ratification of 2022 Fixed Asset Disposal List

The City's Capital Asset Policy requires that the City Council ratify all annual fixed asset disposals or trades. Attached is the list of the 2022 fixed asset disposals and trades for the City.

CITY OF REDWOOD FALLS									
2022 FIXED ASSET DISPOSALS									
	DATE			TOTAL	TOTAL	OTHER PERIODS	CURRENT PERIOD		
	ACQUIRED	DESCRIPTION	ID	LIFE	COST	ACCUM DEPR	01/2022-12/2022	NET VALUE	
901	12/31/2017	KONICA BIZHUB C368 COLOR COPIER	201709	60	\$11,308.00	\$ 9,046.42	\$ 2,261.58	\$0.00	
901	12/31/1989	PLAY UNIT, MULTI STATION	000624	180	\$5,340.00	\$ 5,340.00	\$ -	\$0.00	
901	12/31/2004	POOL P.O.S./INVENTORY	001288	60	\$6,359.25	\$ 6,359.25	\$ -	\$0.00	
603	12/31/2010	GPS GEOCOLLECTOR	201013	60	\$15,304.79	\$ 15,304.79	\$ -	\$0.00	
901	12/31/2016	2016 EQUIPMENT FOR NEW SQUAD	201605	60	\$6,860.00	\$ 6,860.00	\$ -	\$0.00	
901	12/31/1992	AERIAL FIRE TRUCK 1992	000363	180	\$310,000.00	\$ 310,000.00	\$ -	\$0.00	
901	12/31/2004	GARNETTE GARDENS LAND-	001285		\$60,000.00	\$ -	\$ -	\$60,000.00	
901	12/31/2011	2010 POLARIS RANGER	201114	120	\$11,200.00	\$ 11,200.00	\$ -	\$0.00	
901	1/1/2019	400 VEDA DRIVE	201957	132	\$202,326.03	\$ 166,768.11	\$ 4,444.74	\$31,113.18	
703	12/31/2019	JOHN DEERE Z945M Z TRACK ZERO TURN MOWER	201907	120	\$10,100.00	\$ 2,020.08	\$ 1,010.04	\$7,069.88	
703	12/31/2021	NEW HOLLAND 320L SKIDSTEER	202111	120	\$40,916.00	\$ -	\$ 4,091.64	\$36,824.36	
703	12/31/2021	NEW HOLLAND L328 SKIDLOADER	202112	120	\$47,504.00	\$ -	\$ 4,750.44	\$42,753.56	
703	12/31/2021	NEW HOLLAND C345 SKID LOADER	202118	120	\$63,500.00	\$ -	\$ 6,350.04	\$57,149.96	
703	12/31/2022	NEW HOLLAND C345 SKID LOADER	202205	120	\$72,000.00	\$ -	\$ -	\$72,000.00	
602	1/1/1989	INFLUENT STRUCTURE & LAGOONS	000066	400	\$6,200.00	\$ 6,137.98	\$ 62.02	\$0.00	Under New Capitalization Threshold
602	7/1/1989	SENSOR MANHOLE	000073	400	\$3,600.00	\$ 3,509.95	\$ 90.05	\$0.00	Under New Capitalization Threshold
602	1/1/1989	24' DISCHARGE ASSEMBLIES	000076	400	\$2,000.00	\$ 1,979.98	\$ 20.02	\$0.00	Under New Capitalization Threshold
602	1/1/1989	24' TERMINAL OUTFALL	000077	400	\$4,000.00	\$ 3,959.98	\$ 40.02	\$0.00	Under New Capitalization Threshold
602	1/1/1989	24' INTAKE ASSEMBLY	000078	400	\$8,000.00	\$ 7,919.98	\$ 80.02	\$0.00	Under New Capitalization Threshold
602	1/1/1989	48' SCREENED INTAKE	000079	400	\$9,000.00	\$ 8,909.98	\$ 90.02	\$0.00	Under New Capitalization Threshold
602	1/1/1989	72' SCREENED INTAKE	000080	400	\$8,500.00	\$ 8,414.98	\$ 85.02	\$0.00	Under New Capitalization Threshold
602	1/1/1989	24' INFLUENT ASSEMB	000081	400	\$2,100.00	\$ 2,078.98	\$ 21.02	\$0.00	Under New Capitalization Threshold
609	1/1/2003	WINE SHELVING	001158	240	\$4,712.89	\$ 4,477.27	\$ 235.62	\$0.00	Under New Capitalization Threshold
901	12/31/1997	VALLEYVIEW DRIVE	001268	300	\$16,566.00	\$ 15,903.36	\$ 662.64	\$0.00	Under New Capitalization Threshold
604	12/31/1997	TRANSMISSION & DISTRIBUTION	900565	300	\$2,070.08	\$ 1,987.34	\$ 82.74	\$0.00	Under New Capitalization Threshold
604	12/31/1997	ADDITIONS 1997	900790	300	\$5,184.74	\$ 4,977.32	\$ 207.42	\$0.00	Under New Capitalization Threshold
604	12/31/2002	2002 ADDITIONS	902775	240	\$22,731.76	\$ 21,595.18	\$ 1,136.58	\$0.00	Under New Capitalization Threshold
604	12/31/2002	2002 ADDITIONS	902780	240	\$1,385.65	\$ 1,316.35	\$ 69.30	\$0.00	Under New Capitalization Threshold
604	12/31/2002	GOLF COURSE JOB 223	902820	240	\$2,815.19	\$ 2,674.49	\$ 140.70	\$0.00	Under New Capitalization Threshold
604	12/31/2002	ASPENWOOD JOB 226	902825	240	\$12,300.04	\$ 11,685.00	\$ 615.04	\$0.00	Under New Capitalization Threshold
604	12/31/2002	LIQUOR STORE JOB 232	902840	240	\$5,067.37	\$ 4,813.99	\$ 253.38	\$0.00	Under New Capitalization Threshold
604	12/31/2002	ATHLETIC FIELD JOB 233	902850	240	\$8,750.80	\$ 8,313.22	\$ 437.58	\$0.00	Under New Capitalization Threshold
604	12/31/2002	NEW ULM TELECOM JOB 234	902855	240	\$1,446.81	\$ 1,374.51	\$ 72.30	\$0.00	Under New Capitalization Threshold
604	12/31/2002	BRIGHTER HOMES STORE JOB 235	902860	240	\$6,038.69	\$ 5,736.71	\$ 301.98	\$0.00	Under New Capitalization Threshold
604	12/31/2002	WESTFALLS TOWNHOMES JOB 236	902865	240	\$7,587.28	\$ 7,207.90	\$ 379.38	\$0.00	Under New Capitalization Threshold
					\$1,002,775.37	\$667,873.10	\$27,991.33	\$306,910.94	



Caitlin Kodet
Deputy City Clerk
Phone: 507-616-7400
Fax: 507-637-2417
ckodet@ci.redwood-falls.mn.us

AGENDA RECOMMENDATION

Meeting Date: February 21, 2023

Agenda Item: 2023 Therapeutic Massage Application

Recommendation/Action Requested: Staff recommends issuance of a license to Samantha Saffert employed by The Mane on 2nd located at 135 E. 2nd Street, to conduct therapeutic massage from February 22, 2023 to December 31, 2023.

Summary/Overview: We have received all documents and fees associated with the application for a Therapeutic Massage License. A background check and premise inspection have been completed with no issues revealed.



Ross Nachreiner
Redwood Falls Parks & Rec Director
Phone: 507-616-7444
Fax: 507-644-2199
rnachreiner@ci.redwood-falls.mn.us

AGENDA RECOMMENDATION

Council Meeting Date: February 21st, 2023

Agenda Item: Camera Replacement at RACC & Pool NVR Replacement

Recommendation/Action Requested: Approve Quotes for Camera & NVR Updates

Summary/Overview:

With the 2023 budget city staff planned to upgrade some of our oldest cameras at the RACC as well as add an additional camera near the north entrance of the facility. Also during this process, we identified a need to upgrade the NVR at the Pool. The NVR is a computer system that records video footage and stores it on a hard disk, a mass storage device, or cloud storage. This NVR is paired with our video surveillance cameras.

Staff feel that it is very important to continue to upgrade the cameras and NVR to avoid issues later on. Within the IT budget we budgeted \$26,000 to make upgrades to the RACC and Aquatic Center. Total price on this project is \$20,512.62.

Attachments:

Alpha Wireless Quote for Equipment

Klabunde Electric Labor Quote to run Cat 6 Cable



Phone:

Email:

donnier@alpha-wireless.com

Web:

www.alpha-wireless.com



We have prepared a quote for you

Camera Upgrades

Quote # 004953
Version 1

Prepared for:

Redwood Falls City Of

Ross Nachreiner
machreiner@ci.redwood-falls.mn.us



Phone:

Email: donnier@alpha-wireless.com

Web: www.alpha-wireless.com

Products

Description	Price	Qty	Ext. Price
Installation/Setup/Configuration	\$3,575.00	1	\$3,575.00
Shipping	\$200.00	1	\$200.00
NVR appliance to be used at the Pool 3x8MP In-ceiling for Fitness Studio Hallway 3x8MP In-ceiling for Front Entrance Doorway 3x8MP Wall mount - Arena 3x8MP Corner for North Parking Lot area 4x8MP Field House Court 1 Klabunde Electric to provide/install CAT6 cabling for Arena and North Parking lot camera.			
Subtotal:			\$19,306.39

Klabunde Electric Inc
 PO Box 13
 Redwood Falls, MN 56283 US
 klabundeelectric@nutelecom.net

Estimate

ADDRESS

City of Redwood Falls
 PO Box 526
 Redwood Falls, MN 56283

ESTIMATE #	DATE
1149	02/10/2023

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
Cat 6	Cat 6 Data Cable	410		0.00
EMT 1/2"	1/2" EMT	40		0.00
1/2" Bushing	1/2" insulating bushing	4		0.00
EMT 1/2" Coupling	1/2" EMT coupling	2		0.00
EMT 1/2" Connector	1/2" EMT connector	2		0.00
EMT 1/2" LB	1/2" Steel LB	1		0.00
1/2" Bell Box	3 Hole 1/2" Bell Box	1		0.00
Bell Blank	Bell box gasket blank cover	1		0.00
Tapcon	2"x1/4" concrete tapcon screw	6		0.00
Beam clamp	1/4" beam clamp	12		0.00
8" zip tie	8" sun-resistant zip tie	30		0.00
Labor and Material	Labor and material to complete job	1	1,206.23	1,206.23

ice arena cameras:
 dry land mezzanine
 NW exterior corner-parking lot coverage

TOTAL

\$1,206.23

Accepted By

Accepted Date

AGENDA RECOMMENDATION

Meeting Date: February 21, 2023

Agenda Item: Approval for the formation of an Expansion Committee for the Library. This is the pre-design plan and cost estimate the City Council has previously approved from Engan Associates.

Recommendation/Action Requested: The Redwood Falls Public Library requests approval for the formation of an Expansion Committee to oversee the fundraising and options for the building of the expansion space for the Public Library.

Summary/Overview: The Redwood Falls Public Library, with support and approval from the Redwood Falls Library Commission and Redwood Area Library Foundation, requests approval from Council for the formation of an Expansion Committee so a project may be started to expand the library space. The pre-design plan and cost estimate previously approved are the goal for the group and all involved to raise the funds and begin construction of the library expansion in 2024.

Our Commission, and the Redwood Area Library Foundation members have met to determine how many members, what other committees may need to be formed, and who is willing to serve on the main Expansion committee. Those who have agreed to serve are:

Co- Chairs: Teri Smith and Pamela Prouty

Members: Anna Vannelli
Steven Vannelli
Mary Easley
Dean Reiman
Pat Boggess
Denise Kerkhoff



Jim Doering
 Public Works Project Coordinator
 Phone: 507-616-7400
 Fax: 507-637-2417
 jdoering@ci.redwood-falls.mn.us

Meeting Date: February 21, 2023

AGENDA RECOMMENDATION

Agenda Item: Resolution No. 11 of 2023

Recommendation/Action Requested: Read the proposed Resolution or make a motion to waive the reading of the Resolution. Discuss the proposed Resolution. If no concerns, adopt proposed Resolution by motion in accordance with Chapter 4 of the City Charter.

Summary/Overview: Resolution No. 11 Authorizes Task Order No. 2023-2 with Bolton and Menk, Inc. (BMI) to provide the listed scope of services for 2023 in the amount not to exceed \$9,850.00 without further Council approval. This resolution also approves the solicitation of bids once the bid documents and specifications are ready for publishing.

Project Scope: The Task Order project scope is listed in the attached task order. Completion of the project scope is anticipated for August 2023

The 2023 Seal Coat Improvement Project has a budget of \$200,000.00 for streets, alley ways and parking lots. Due to the continued rising costs of oil and aggregate, the task order includes splitting the previous area into a base bid and alternate to remain within budget. Also, as a result of the rising costs, parking lots, trails and park parking lots will be pushed out into the future.

Best practice is to complete a seal coat rotation every 5 years with no more than 7 years apart. For years the City has been on a 5 year rotation with 5 distinct seal coat areas. In order to compensate for the rising costs of inflation, cost saving measures like resizing to 6 (six-year rotation) or 7 (seven-year rotation) areas may be needed to bring quantities back into budget range. These decisions will need to be weighed against increased patching and repair costs.

The attached map shows the same area from 2018 which is the area north of Broadway and then everything on the west side of CSAH 101.

Attachments:

- Resolution No. 11 of 2023
- Task Order No. 2023-2
- Map of Project Scope

RESOLUTION NO. 11 OF 2023
AUTHORIZATION TO EXECUTE TASK ORDER NO. 2023-2
FOR ENGINEERING SERVICES FOR THE 2023 SEAL COAT PROJECT

WHEREAS, the City of Redwood Falls (“City”) is authorized to enter into a contract with Bolton & Menk Inc, pursuant to Minnesota Statutes Section 412.221, subd. 2 for the benefit of its citizens; and

WHEREAS, Bolton & Menk, Inc. of Mankato, MN is the designated Redwood Falls Municipal Civil Engineer under a Professional Service Contract also known as the “Master Agreement;” and

WHEREAS, Task Order No. 20223-2 outlines the specific professional tasks to be completed by Bolton & Menk, Inc. and is estimated to be \$9,850.00 which is not to be exceeded without prior authorization; and

WHEREAS, with approval, the Council authorizes the solicitation of bids once the bid documents and specifications are completed as reflected in the scope of Task Order No. 2023-2; and

FURTHERMORE, the Public Works Project Coordinator shall be listed as the Project Representative on behalf of the City of Redwood Falls; and

FURTHERMORE, the Mayor and/or City Administrator are authorized to execute this contract, pre-applications, grant applications, subsequent federal and state grant agreements and amendments and negotiate in good faith, as are necessary to implement the project pursuant to the Redwood Falls Procurement Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF REDWOOD FALLS, MINNESOTA, AS FOLLOWS:

1. The task order described above is approved and shall be executed in the form submitted to the City Council and made a part of this Resolution by reference.
2. The task order described above shall be maintained and insured as allowed by law.

BE IT FURTHER RESOLVED that the City Council of the City of Redwood Falls, Minnesota, approves the request contingent upon compliance with all the requirements of the Minnesota State Statutes.

PASSED AND ADOPTED by the City Council of the City of Redwood Falls, Minnesota this 21st day of February 2023.

ATTEST:

Keith Muetzel
City Administrator

Tom Quackenbush
Mayor

(City Seal)

Subscribed and sworn to before me this
21st day of February 2023.

Notary Public

**CITY OF REDWOOD FALLS AND BOLTON & MENK, INC.
TASK ORDER TO AGREEMENT FOR PROFESSIONAL SERVICES**

TASK ORDER NO: 2023-2

CLIENT: City of Redwood Falls

CONSULTANT: Bolton & Menk, Inc.

DATE OF THIS TASK ORDER: February 21, 2023

DATE OF MASTER AGREEMENT FOR PROFESSIONAL SERVICES: January 1, 2023

Whereas, CLIENT and CONSULTANT entered into a Master Agreement for Professional Services (“Master Agreement”) as dated above; and CONSULTANT agrees to perform and complete the following Services for CLIENT in accordance with this Task Order and the terms and conditions of the Master Agreement. CLIENT and CONSULTANT agree as follows:

1.0 Scope of Services:

CONSULTANT shall perform the Services listed below or in the attached Scope. All terms and conditions of the Master Agreement are incorporated by reference in this Task Order, except as explicitly modified in writing herein.

2.0 Fees:

CLIENT shall pay CONSULTANT in accordance with Section III of the Master Agreement and as follows or as described in the attached Scope. Total cost of services provided by CONSULTANT for this Task Order shall not exceed \$9,850 without prior approval of CLIENT.

3.0 Schedule:

Schedule for performance of Services will be as follows or as set forth in attached Scope, such that all services will be completed by December 1, 2024 depending on schedule of the construction contractor.

4.0 Deliverables

Deliverables will be as follows or as set forth in the attached Scope.

5.0 Term

In the event that the Schedule for this Task Order extends beyond the term of the Master Agreement, either intentionally or unintentionally by Task Order Scope or by Task Order extension, then this Task Order shall operate to extend the Master Agreement through the completion of CONSULTANT’S obligations under this Task Order or until a new Master Agreement is executed incorporating this Task Order.

6.0 Other Matters

7.0 Project Managers

Project managers and contact information for the CLIENT and CONSULTANT for this Task Order, if different than the Master Agreement, are as follows:

CITY OF REDWOOD FALLS
Attn: Jim Doering
333 S. Washington St.
P.O. Box 526
Redwood Falls, MN 56283
Office Phone: 507-616-7400
Email: jdoering@ci.redwood-falls.mn.us

BOLTON & MENK, INC.
Attn: Owen J. Todd, P.E.
1243 Cedar Street NE
Sleepy Eye, MN 56085
Office Phone: 507-794-5541
Email: Owen.Todd@Bolton-Menk.com

CLIENT: City of Redwood Falls

CONSULTANT: Bolton & Menk, Inc.

ATTACHMENTS TO THIS TASK ORDER:
PROJECT SCOPE

PROJECT SCOPE:
2023 Seal Coat Improvement Project

Professional services for seal coat improvements include the following:

Provide preliminary engineering planning and study.

Assist with determining scope of base bid and potential ad alternates based on project budget.

Prepare the bid documents including plans and specifications for the work to be completed.

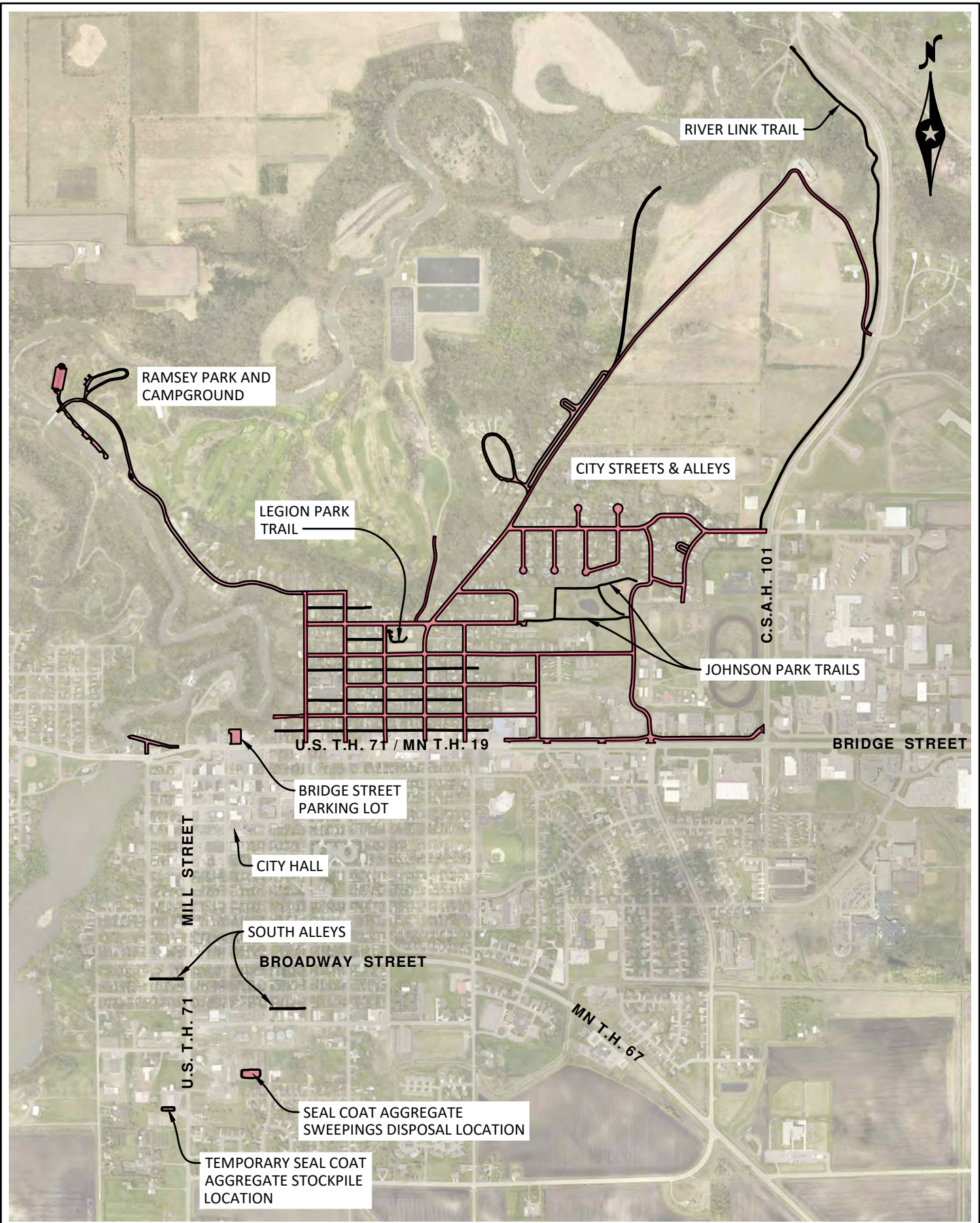
Answer contractors' questions during the bidding process.

Evaluate and tabulate all received bids for compliance with the bidding documents.

Prepare contracts for successful bidder when awarded by City.

Facilitate preconstruction meeting with selected contractor and city staff.

Provide assistance during construction as requested by staff.



1243 CEDAR STREET NE
 SLEEPY EYE, MINNESOTA 56085
 Phone: (507) 794-5541
 Email: SleepyEye@bolton-menk.com
 www.bolton-menk.com

CITY OF REDWOOD FALLS, MINNESOTA
 2018 SEAL COAT IMPROVEMENTS
 PROJECT LOCATIONS

MARCH, 2018

FIGURE No. 1

Meeting Date: February 21, 2023

AGENDA RECOMMENDATION

Agenda Item: Resolution No. 12 of 2023

Recommendation/Action Requested: Read the proposed Resolution or make a motion to waive the reading of the Resolution. Discuss the proposed Resolution. If no concerns, adopt proposed Resolution by motion in accordance with Chapter 4 of the City Charter.

Summary/Overview: Resolution No. 12 authorizes the loan application to the Clean Water Revolving Fund administered by the Minnesota Public Facilities Authority for \$9,960,000.00.

Currently a Council approved facility plan has been submitted to MPCA and the PFA for a new filter plant and municipal wastewater upgrade. Pursuant to Resolution No. 50 of 2022, Council also approved the application for grant funding of up to seven million to offset project costs. The purpose of this application is to have the opportunity to consider two funding sources and the possible combination of the grant with the option of a low interest loan to fund the remaining balance.

The loan application needs to be packaged as part of the certification processes of the project by PFA. The Council will have additional reviews in which to act upon, which include approval of the PFA loan award, anticipated grant approval and subsequent contracts with the State.

Staff recommends the approval of the loan application to finance the project as listed in the 2023 Budget and approved by Council.

Attachments: Resolution No. 12 of 2023

RESOLUTION NO. 12 of 2023

**APPLICATION TO THE PUBLIC FACILITIES AUTHORITY
CLEAN WATER REVOLVING FUND**

WHEREAS, the City of Redwood Falls is hereby applying to the Minnesota Public Facilities Authority for a loan from the Clean Water Revolving Fund for improvements to its municipal wastewater treatment system as described in the loan application; and

WHEREAS, the City of Redwood Falls estimates the loan amount to be \$9,960,000 or the as-bid cost of the project; and

WHEREAS, the City of Redwood Falls has the legal authority to apply for the loan, and the financial, technical, and managerial capacity to repay the loan and ensure proper construction, operation and maintenance of the project for its design life; and

WHEREAS, the City of Redwood Falls hereby expresses its official intent to use proceeds of this loan to reimburse construction expenditures made prior to the issuance of its general obligation bond to the Public Facilities Authority.

BE IT FURTHER RESOLVED, that upon approval of its application by the PFA, the City of Redwood Falls may enter into an agreement with the PFA for the above referenced project, and that the City of Redwood Falls certifies that it will comply with all applicable laws and regulations as stated in all contract agreements described in the Compliance listing of the grant application; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF REDWOOD FALLS, MINNESOTA, AS FOLLOWS:

1. The Mayor or City Administrator or their successors in office, are hereby authorized to execute such grant/loan applications, grant/loan awards, grant/loan agreements and subsequent contracts, amendments and negotiate changes in the scope of thereto, as are necessary to implement the above project on behalf of the City of Redwood Falls.

PASSED AND ADOPTED by the City Council of the City of Redwood Falls this 21st day of February 2023.

ATTEST:

Keith Muetzel
City Administrator

Tom Quackenbush
Mayor

(City Seal)

Subscribed and sworn to before me this
_____ day of _____, 2023.

Notary Public

AGENDA MEMO

Meeting Date: February 21, 2023

Agenda Item: Resolution No. 13 of 2023 - Joint Resolution with Paxton Township for Orderly Annexation Pursuant to Minn. Stat. § 414.0325.

Recommendation/Action Requested: Read the proposed Resolution or make a motion to waive the reading of the Resolution. Discuss the proposed Resolution. If no concerns, staff recommends approval of the proposed Resolution by motion in accordance with Chapter 4 of the City Charter.

Summary/Overview: Howard and Eleanor Scott, the owners of 140 Woodhill Road, located in the Ponderosa Addition, have filed a petition requesting annexation into the City of Redwood Falls in order to be connected to City water upon completion of new residential construction on the parcel. The total area to be annexed is approximately 3.2 acres and the lump sum payment due to Paxton Township for the lost property taxes is estimated to be \$184.93. The property to be annexed is contiguous with another parcel within the Ponderosa Addition that has already been annexed into the City.

Pursuant to Minn. Stat. §414.0325, annexing the property can occur without notice of a public hearing so long as all the property owners file a petition requesting the annexation and the respective township is in agreement with the annexation. Keith Muetzel, City Administrator, had conversations with Tammy Houle, Clerk of Paxton Township, regarding the request from the property owners to be annexed into the City limits. Paxton Township addressed the proposed annexation at their last board meeting, and they are not opposing the annexation.

Attachment:

- Resolution No. 13 of 2023 - Joint Resolution with Paxton Township for Orderly Annexation Pursuant to Minn. Stat. § 414.0325
- Maps of the proposed area to be annexed provided by Bolton and Menk
- Ponderosa Addition Plat Map

RESOLUTION NO. 13 OF 2023

JOINT RESOLUTION

**IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN
THE CITY OF REDWOOD FALLS AND PAXTON TOWNSHIP
PURSUANT TO MINNESOTA STATUTES § 414.0325**

WHEREAS, a request from all of the property owners of the area proposed for designation and immediate annexation was received; and

WHEREAS, the City of Redwood Falls (“City”) and the Township of Paxton (“Township”) jointly agree to designate and request the immediate annexation of the following described land located within Paxton Township to the City of Redwood Falls, County of Redwood, Minnesota;

Lots Four (4) and Five (5) of “The Ponderosa”, a subdivision in the County of Redwood and State of Minnesota, according to the recorded plat thereof;

(Hereafter, the “Annexed Property.”); and

WHEREAS, the City and Township are in agreement as to the orderly annexation of the unincorporated land described; and orderly annexation will be in the best interests of the Annexed Property; and

WHEREAS, Minnesota Statutes § 414.0325 provides a procedure whereby the City and Township may agree on a process of orderly annexation of a designated area; and

WHEREAS, the City and Township have agreed to all the terms and conditions for the annexation of the Annexed Property within this document, and the signatories hereto agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary. The Chief Administrative Law Judge may review and comment, but shall within thirty (30) days order the annexation in accordance with the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED, jointly by the City Council of the City of Redwood Falls and the Board of Supervisors of the Township of Paxton as follows:

1. **Property.** That the following described lands in Paxton Township are subject to orderly annexation pursuant to Minnesota Statutes § 414.0325, and that the parties hereto designate those areas for orderly annexation, and agree that the land be immediately annexed:

Lots Four (4) and Five (5) of “The Ponderosa”, a subdivision in the County of Redwood and State of Minnesota, according to the recorded plat thereof;

2. **Acreage/Population/Usage.** That the Annexed Property consists of approximately 3.2 acres, the population in the subject area is zero, and the land use type is currently unimproved/vacant residential.

3. **Jurisdiction.** That the Township and the City, by submission of this joint resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confers jurisdiction upon the Chief Administrative Law Judge so as to accomplish said orderly annexation of the Annexed Property in accordance with the terms of this resolution and Minnesota Statutes § 414.0325.

4. **Need.** The Annexed Property is urban or suburban or about to become so and since the City is capable of providing services to this area within a reasonable time, the annexation would be in the best interests of the area.

5. **Tax Rate Step-Up.** Upon annexation, the tax rate for the Annexed Property shall be the same as if it were located within the City limits.

6. **Municipal Tax Reimbursement.** Pursuant to Minnesota Statutes § 414.036, the parties agree that the Township shall be reimbursed for lost property taxes for the Annexed Property at the rate and scheduled set forth in this paragraph. The City shall reimburse the Township based on the rate and classification of property taxes collected by the Township for the Annexed Property in 2023. Said reimbursement shall be paid by the City to the Township in accordance with the following schedule:

First Year	(taxes payable 2023)	100%
Second Year	(taxes payable 2024)	80%
Third Year	(taxes payable 2025)	60%
Fourth Year	(taxes payable 2026)	40%
Fifth Year	(taxes payable 2027)	20%
Thereafter	(payable 2028 and thereafter)	0%

Said amounts shall be paid by the City to the Township in a lump sum payment at any time prior to December 31, 2023. There are no special assessments, deferred taxes, or other debt attributable to the Annexed Property requiring any adjustments.

7. **Review and Comment.** That the City and Township agree that upon receipt of this resolution, passed and adopted by each party, the Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the Resolution.

8. **Payment of OAH's Expenses.** The City of Redwood Falls shall pay all filing fees required by the Office of Administrative Hearings ("OAH") in order to file and give full effect to this Orderly Annexation Agreement. Further, the City of Redwood Falls shall pay any other expenses OAH attributes to either the City or the Township as a result of the filing and processing of this Orderly Annexation Agreement, including, but not limited to, Administrative Law Judge fees and OAH staff attorney fees.

Adopted by affirmative vote of all the members of the Paxton Township Board of Supervisors this _____ day of _____ 2023.

PAXTON TOWNSHIP

ATTEST:

By: _____
Chairperson
Board of Supervisors

By: _____
Township Clerk

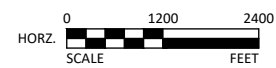
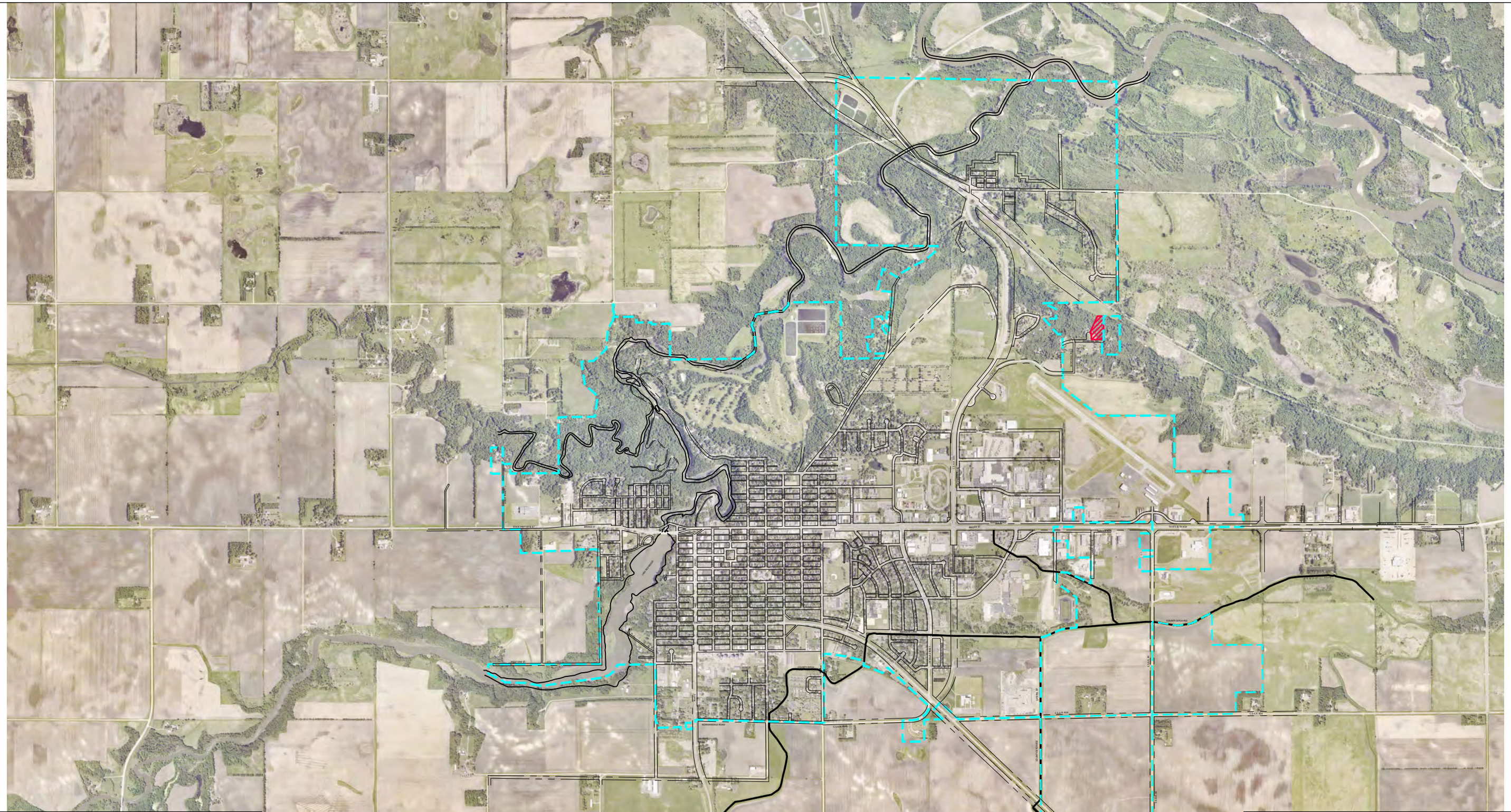
Adopted by affirmative vote of the City Council of the City of Redwood Falls, this _____ day of _____ 2023.

CITY OF REDWOOD FALLS



ATTEST:

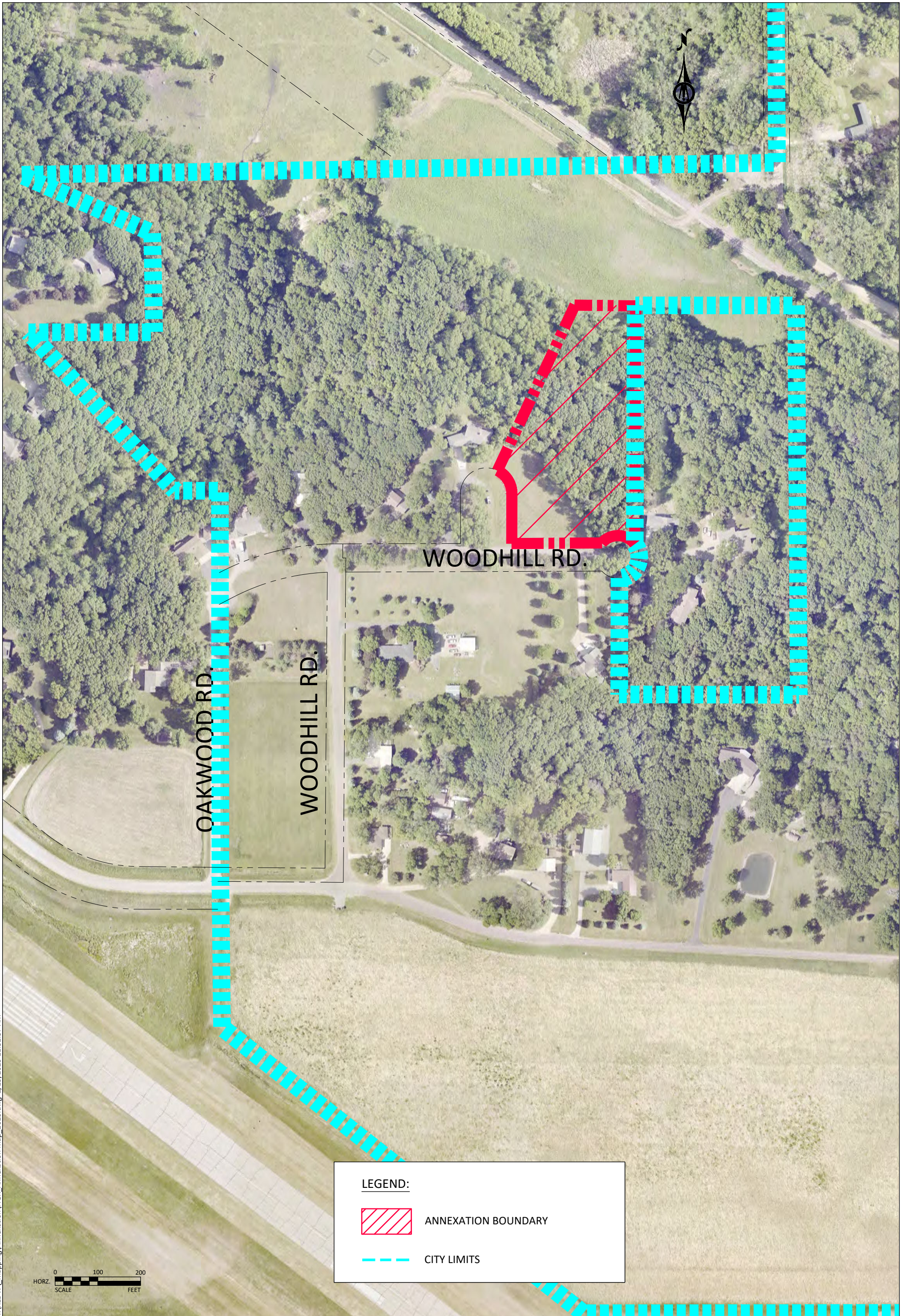
By: _____
Tom Quackenbush
Mayor

By: _____
Keith Muetzel
City Administrator



LEGEND:

-  ANNEXATION BOUNDARY
-  CITY LIMITS



"The PONDEROSA"

REDWOOD COUNTY MINNESOTA

Henner Twp.

DEDICATION CERTIFICATE

Know all men by these presents that Robert E. Gray and Mary Ann E. Gray, husband and wife, and Paul Duckstad and Marita I. Duckstad, husband and wife, and Phillip Hall and Patricia J. Hall, husband and wife, owners and proprietors of the following described property situated in the State of Minnesota and County of Redwood, to wit: All that part of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 32, Township 113 North, Range 35 West of the Fifth Principal Meridian, described as follows: Beginning at a point 1745.5 feet North and 278.2 feet East of the center of said Section 32; thence East, at right angles to the North Quarter line, for a distance of 643.1 feet; thence South for a distance of 308.1 feet; thence East for a distance of 387.31 feet to the east line of the Northeast Quarter of the Northeast Quarter of said Section 32; thence North 60 degrees 30 minutes West along the east line of the Northeast Quarter of the Northeast Quarter of said Section 32 for a distance of 927.11 feet to the southerly right-of-way line of the Chicago and Northwestern Railway; thence North 57 degrees 00 minutes West along said Railway right-of-way line for a distance of 41.75 feet; thence West for a distance of 724.6 feet; thence South for a distance of 641.7 feet to the point of beginning. Having caused the same to be surveyed as "The PONDEROSA", a sub-division to the County of Redwood, State of Minnesota, and do hereby donate and dedicate to the public for public use forever the land as shown on the annexed plat, and also the Utility and Drainage Easements as shown on the annexed plat, for use of municipality or other public utilities, for installation and maintenance of facilities installed in and over said easements to serve adjacent or other premises in the vicinity. In witness whereof we have hereunto set our hands and seals this 22nd day of April A.D. 1972.

In Presence of:

<u>Paul H. Videman</u>	<u>Robert E. Gray</u> Robert E. Gray	<u>Mary Ann E. Gray</u> Mary Ann E. Gray
<u>Phyllis Stangley</u>	<u>Paul Duckstad</u> Paul Duckstad	<u>Marita I. Duckstad</u> Marita I. Duckstad
	<u>Phillip Hall</u> Phillip Hall	<u>Patricia J. Hall</u> Patricia J. Hall

STATE OF MINNESOTA } S.S.
COUNTY OF REDWOOD } S.S.

On this 22nd day of April 1972, before me, a Notary Public, personally appeared Robert E. Gray and Mary Ann E. Gray, husband and wife, and Paul Duckstad and Marita I. Duckstad, husband and wife, and Phillip Hall and Patricia J. Hall, husband and wife, to me known to be the persons described in and who executed the foregoing instrument, and they acknowledge that they executed the same as their own free act and deed.

Phyllis Stangley
Notary Public, Redwood County, Minnesota
My Commission Expires March 16, 1975

SURVEYORS CERTIFICATE

I hereby certify that I surveyed and platted the property described on this plat as "The PONDEROSA", a sub-division to the County of Redwood, State of Minnesota; that this plat is a correct representation of said survey; that all distances are correctly shown on the plat in feet and decimals of a foot; that the monuments for guidance of future surveys are correctly placed in the ground as shown on the plat; that the outside boundary lines are correctly designated on said plat other than as shown thereon.

STATE OF MINNESOTA } S.S.
COUNTY OF REDWOOD } S.S.

Above certificate subscribed and sworn to before me, a Notary Public, this 22nd day of April 1972.

Harry E. Knudsen
Harry E. Knudsen - Redwood County Surveyor

Phyllis Stangley
Notary Public, Redwood County, Minnesota
My Commission Expires March 16, 1975

APPROVAL CERTIFICATE

The foregoing plat of "The PONDEROSA", a sub-division to the County of Redwood, State of Minnesota, was approved and accepted by the Redwood County Planning Commission and the Board of County Commissioners at their respective meetings.

Approved by the Redwood County Planning Commission this 25th day of April 1972.

Signed: Ronald Jensen
Chairman

Attest: Effie Holmberg
Secretary

Approved by Redwood County, Minnesota this 2nd day of May 1972.

Signed: Oliver Kiser
Chairman, Board of County Commissioners

Attest: Phyllis Stangley
County Auditor

STATE OF MINNESOTA } S.S.
COUNTY OF REDWOOD } S.S.

I hereby certify that the taxes payable in the year _____ on the lands described and platted are paid. Recorded this _____ day of _____ 1972.

County Treasurer

STATE OF MINNESOTA } S.S.
COUNTY OF REDWOOD } S.S.

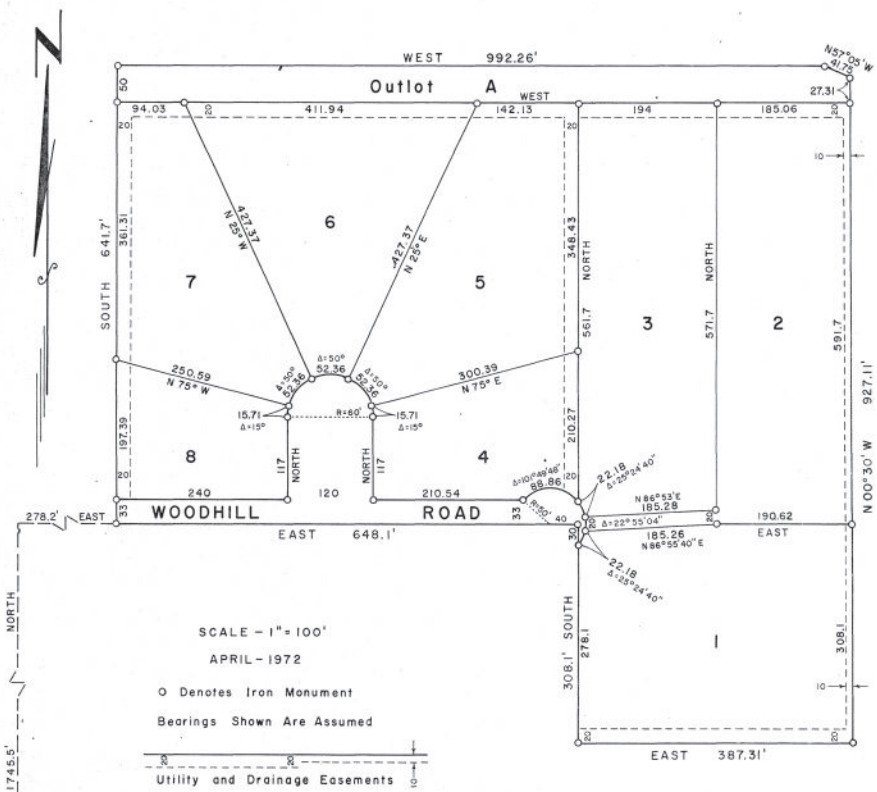
I hereby certify that a copy of this plat has been filed in my office, that taxes payable in the year _____ and prior years have been paid, and transfer of lands described in the instrument of dedication entered on my records this _____ day of _____ 1972.

County Auditor

STATE OF MINNESOTA } S.S.
COUNTY OF REDWOOD } S.S.

I hereby certify that the foregoing plat and instrument was filed in my office for record on the _____ day of _____ A.D. 1972, at _____ o'clock and was duly recorded to book _____ of Plate on Page _____.

Register of Deeds



SCALE - 1" = 100'
APRIL - 1972

O Denotes Iron Monument
Bearings Shown Are Assumed

Utility and Drainage Easements

HARRY KNUDSEN
REDWOOD COUNTY SURVEYOR

FILED IN OFFICE OF
COUNTY AUDITOR
REDWOOD COUNTY, MINN.

JUN - 5 RECD '72

Phyllis Stangley
County Auditor



Trenton Dammann
City Attorney
Phone: (507)616-7400
Fax: (507)637-2417

tdammann@ci.redwood-falls.mn.us

AGENDA MEMO

Meeting Date: February 21, 2023

Agenda Items: City of Redwood Falls Criminal History Background Check Policy for Employment and License Applicants

Recommendation/Action Requested: Staff is recommending Council adopt the attached background check policy. Discuss the policy and if there are no concerns, make a motion to adopt the City of Redwood Falls Criminal History Background Check Policy for Employment and License Applicants in accordance with Chapter 4 of the City Charter.

Summary/Overview: Following a BCA Audit that began in June of 2022 it was determined that the City Attorney does not have statutory authority to access data maintained in the Minnesota Bureau of Criminal Apprehension's (BCA) criminal history information data base. City Code Sections 2.84, 2.85, 5.02, and 6.32 purport to give this authority to the City Attorney. Current guidance from the League of Minnesota Cities advises that a City ordinance is not required, however the league recommends that a city adopt a policy with similar provisions. Through Staff research and discussion the attached policy was formulated to not only fulfill the League's advice but to also clarify the roles and responsibilities of the City Attorney, the HR Department, the Police Department, and the Fire Chief in the background check process as well as to clarify the background check processes for the different types of applicants for city employment and city licensure.

Attachments: City of Redwood Falls Criminal History Background Check Policy for Employment and License Applicants

City of Redwood Falls, Minnesota
Criminal History Background Check Policy for Employment and License Applicants

PURPOSE

The purpose of this policy is to provide guidance to the City's Human Resources department and Police Department when conducting criminal history background checks for applicants for City employment and City issued licenses as well as accessing Minnesota's criminal history information database for purposes of employment and licensing background checks under Minn. Stat. § 299C.72, § 299F.035, § 340A.402, and § 626.87.

BACKGROUND CHECK PROCESS

The City Attorney's Office shall no longer conduct criminal history background investigations on any applicants for City employment or City issued licenses. All City Ordinances which would assume to regulate the background check process for City employment and license purposes that are contradictory to this policy shall be repealed within a reasonable time after the adoption of this policy.

EMPLOYMENT

APPLICANTS FOR EMPLOYMENT - GENERAL

Unless the City's hiring authority concludes that a background investigation is not needed: all finalists for regular part-time and full-time employment, volunteers, and independent contractors of the City of Redwood Falls shall be subject to a background investigation performed for the City by a third-party vendor chosen by the City's hiring authority. Individuals under the age of 18 are excluded from this requirement.

Applicants for certain specific employment positions listed within this Policy are subject to a more in-depth background investigation, including a Minnesota criminal history check performed by the Redwood Falls Police Department, consistent with the provisions of Minn. Stat. § 299C.72, § 299F.035, or § 340A.402; and/or a National criminal history background check processed through the Minnesota Bureau of Criminal Apprehension (BCA) as described hereafter within this policy.

Before any investigation is undertaken, an applicant must authorize the City by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Ch. 13 regarding the collection, maintenance, and use of the information.

Results from a check performed under Minn. Stat. § 299C.72, including criminal history data, may be released by the Police Department to the hiring authority, including the City Council, the City Administrator or other City staff involved in the hiring process.

Once a background investigation is successfully completed, for an employee of the City of Redwood Falls, another background investigation will not be needed as long as the employee is rehired for another seasonal or part-time position. However, if the employee leaves employment and is not rehired within 24 months from their initial application and background check another

background investigation will need to be completed. (This limitation does not apply to an individual subject to a National or Minnesota criminal history check pursuant to the following: Minn. Stat. § 299C.62, § 299C.72, § 299F.035, and § 626.87.)

CHILDREN'S SERVICE WORKERS

Due to the nature of the resources and programs offered to the public by the City, The City meets the definition of a "Children's Service Provider," providing "Children's Services," under Minn. Stat. § 299C.61.

Individual applicants (including independent contractors and volunteers) meet the definition of "Children's Service Worker," under Minn. Stat. § 299C.61, if they have, may have, or seek to have access to children to whom the City provides Children's Services, examples include but are not limited to: youth recreational league coaches and referees, pool lifeguards, youth program supervisors/directors, and youth gymnastic instructors. An applicant meeting this definition who has lived in Minnesota for less than five years prior to application, is required to submit to National criminal history record check conducted through the BCA pursuant to Minn. Stat. § 299C.62. The City must access these additional records by using the service provided by the BCA and paying the associated fee.

Before any investigation is undertaken, an applicant must authorize the City by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Ch. 13 regarding the collection, maintenance, and use of the information.

Upon review of an application and associated consent form and determination by the City's hiring authority that an applicant is subject to this requirement, the applicant shall be provided the following:

- BCA's National Child Protection Act/Volunteers for Children Act Waiver and Consent Form; and
- fingerprint card.

An applicant subject to this requirement shall not be hired or volunteer until after the form is returned to the hiring authority and sent to the BCA along with the appropriate fee and the results of that check are returned from the BCA.

Individual applicants may provide the City with all criminal history data collected by a school hiring authority as part of a background check completed within the 24 months preceding their application as a Children's Service Worker if that background check was statutorily required and completed pursuant to Minn. Stat. § 123B.03. If such criminal history data is provided to the City during the applicant's hiring process, the applicant is required only to submit to a background investigation performed for the City by a third-party vendor chosen by the City's hiring authority and will be considered exempt from the requirement of submitting to a background check pursuant to Minn. Stat. § 299C.62.

Before any such criminal history data is received by the City, an applicant must authorize the City by written consent to receive the criminal history data. The written consent must fully comply with the provisions of Minn. Stat. Ch. 13 regarding the collection, maintenance, and use of the information.

LICENSED PEACE OFFICERS

Pursuant to Minn. Stat. § 626.87, the Redwood Falls Police Department will conduct a thorough background investigation on all applicants for employment as a licensed peace officer with the City or any applicant for a position leading to employment as a licensed peace officer with the City before the applicant may be employed. The background investigation must determine at a minimum whether the candidate meets the following standards: 1) standards established by the Minnesota Board of Peace Officer Standards and Training; and 2) established security standards for access to state and national computerized record and communication systems.

FIREFIGHTERS

Consistent with the provisions of Minn. Stat. § 299F.035, the Redwood Falls Police Department shall conduct a criminal history background investigation on all applicants for the position of Firefighter within the City.

In conducting the criminal history background investigation, in order to screen firefighter applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension's criminal history information data base in accordance with Minn. Stat. §299C.72.

Before any investigation is undertaken, the applicant must authorize the Police Department by written informed consent to undertake the investigation.

- For a Minnesota criminal history record check, the Fire Chief must ensure and verify that the signed informed consent is submitted to the Chief of Police. The written informed consent must fully comply with the provisions of Minn. Stat. Ch. 13 regarding the collection, maintenance, and use of the information.
- For firefighter applicants who have lived in Minnesota for less than five years, or on the request of the Fire Chief, a National criminal history record check must also be conducted. For a National criminal history record check, the Fire Chief must ensure and verify that the signed informed consent and fingerprints of the applicant or employee, and the required fee, are submitted to the BCA Superintendent.
- For firefighter background checks, the results must be returned directly to the Fire Chief for review per Minn. Stat. 299F.035, subd 2(b).

If the Fire Chief has reason to believe that criminal history data is directly related to the position of employment sought or currently held, the Fire Chief shall confer with the City's Hiring Authority, including the City Administrator and HR Coordinator to determine the relationship of the criminal history data to the position sought.

All criminal history data must be maintained securely and consistent with section Minn. Stat. §364.05. All criminal history data obtained by the Fire Chief through this process shall be kept and stored at City Hall.

DETERMINATION OF RELATIONSHIP - FIREFIGHTERS

Criminal history data may be used in assessing fire department job applicants or employees only if the criminal history data are directly related to the position of employment sought or currently held. In determining if criminal history data are directly related to the position of employment, the hiring or employing authority may consider: 1) the nature and seriousness of the criminal history data on the job applicant or employee; 2) the relationship of the criminal history data to the purposes of regulating the position of employment; and 3) the relationship of the criminal history data to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment.

RELATION OF CRIMINAL HISTORY RECORDS TO CITY EMPLOYMENT

Except for the positions set forth in Minn. Stat. § 364.09, the City will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence.

In determining if a conviction directly relates to the position of public employment sought or the occupation for which the license is sought, the hiring or licensing authority shall consider: 1) the nature and seriousness of the crime or crimes for which the individual was convicted; 2) the relationship of the crime or crimes to the purposes of regulating the position of public employment sought or the occupation for which the license is sought; 3) the relationship of the crime or crimes to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment or occupation.

If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minn. Stat. § 364.06.
- C. The earliest date the applicant may reapply for employment.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

LICENSES

APPLICANTS FOR CITY LICENSES

Consistent with the authority provided in Minn. Stat. § 340A.402, the Redwood Falls Police Department will conduct a criminal history background investigation on all applicants for retail liquor licenses.

In conducting the criminal history background investigation for retail liquor licenses, in order to screen license applicants, the Police Department is authorized to access data maintained in the

Minnesota Bureau of Criminal Apprehension's criminal history information systems data base in accordance with Minn. Stat. §340A.402. Any data that is accessed and acquired shall be maintained securely and consistently with Minn. Stat. §364.05 by the Police Department, or the hiring or licensing authority of the City. The results of the criminal history data may be released by the Police Department to the licensing authority, including the City Council, the City Administrator, or other city staff involved in the license approval process.

For liquor license applicants who have lived in Minnesota for less than five years prior to application, a National criminal history record check shall be conducted through the BCA. The City must access these additional records by using the service provided by the BCA. The license applicant is responsible for paying the associated fees, including fingerprint card fees.

Applicants for all other City issued licenses shall be subject to a background investigation performed for the City by a third-party vendor chosen by the City's licensing authority.

Before any investigation is undertaken for a license applicant, the applicant must authorize the City and/or Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Ch. 13 regarding the collection, maintenance, and use of the information.

RELATION OF CRIMINAL HISTORY RECORDS TO CITY LICENSURE

Except for the positions set forth in Minn. Stat. § 364.09, the City will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minn. Stat. § 364.06.
- C. The earliest date the applicant may reapply for the license.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

OTHER ELIGIBILITY FACTORS AND GUIDANCE

EVIDENCE OF REHABILITATION

A person who has been convicted of a crime or crimes which directly relate to the public employment sought or to the occupation for which a license is sought shall not be disqualified from the employment or occupation if the person can show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the public employment sought or the occupation for which the license is sought. Competent evidence of sufficient rehabilitation may be established by the production of the person's most recent certified copy of a United States Department of Defense form DD-214 showing the person's honorable discharge, or separation under honorable conditions, from the United States armed forces for military service rendered following conviction for any crime that would otherwise disqualify the person from the public employment sought or the occupation for which the license is sought, or:

- (1) a copy of the local, state, or federal release order; and

- (2) evidence showing that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime; and evidence showing compliance with all terms and conditions of probation or parole; or
- (3) a copy of the relevant Department of Corrections discharge order or other documents showing completion of probation or parole supervision.

In addition to the documentary evidence presented, the licensing or hiring authority shall consider any evidence presented by the applicant regarding:

- (1) the nature and seriousness of the crime or crimes for which convicted;
- (2) all circumstances relative to the crime or crimes, including mitigating circumstances or social conditions surrounding the commission of the crime or crimes;
- (3) the age of the person at the time the crime or crimes were committed;
- (4) the length of time elapsed since the crime or crimes were committed; and
- (5) all other competent evidence of rehabilitation and present fitness presented, including, but not limited to, letters of reference by persons who have been in contact with the applicant since the applicant's release from any local, state, or federal correctional institution.

The certified copy of a person's United States Department of Defense form DD-214 showing the person's honorable discharge or separation under honorable conditions from the United States armed forces ceases to qualify as competent evidence of sufficient rehabilitation for purposes of this section upon the person's conviction for any gross misdemeanor or felony committed by the person subsequent to the effective date of that honorable discharge or separation from military service.

INDIVIDUALIZED ASSESMENT

Pursuant to the United States Equal Employment Opportunity Commission's Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act:

In determining whether an applicant's prior conviction(s) is directly related to the position of employment sought, if determined as needed by the hiring authority, the City may inform an individual applicant that they may be excluded because of past criminal conduct; but provide an opportunity to the individual to demonstrate that the exclusion does not properly apply to them; and consider whether the individual's additional information shows that this policy as applied is not job related and consistent with business necessity.

The individual's showing may include information that they were not correctly identified in the criminal record, or that the record is otherwise inaccurate. Other relevant individualized evidence includes:

- (1) The facts or circumstances surrounding the offense or conduct;
- (2) The number of offenses for which the individual was convicted;
- (3) Older age at the time of conviction, or release from prison;
- (4) Evidence that the individual performed the same type of work, post-conviction, with the same or a different employer, with no known incidents of criminal conduct;

- (5) The length and consistency of employment history before and after the offense or conduct;
- (6) Rehabilitation efforts, e.g., education/training;
- (7) Employment or character references and any other information regarding fitness for the particular position; and
- (8) Whether the individual is bonded under a federal, state, or local bonding program.

If the individual does not respond to the City's attempt to gather additional information about their background, the City may make its employment decision without the information.

Effective date: This policy shall take effect upon _____.