



**AGENDA FOR
ORGANIZATIONAL/REGULAR CITY COUNCIL MEETING
JANUARY 2, 2024 – 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. December 19, 2023
5. **Audience Participation** (10-minute time limit for items not on the agenda)
6. **Organizational Business**
 - A. Elect Council President (verbal)
 - B. Appointments to Commissions
 - C. Appointments to Council Committees
 - D. Appointments to Fire Relief Association Board of Trustees
 - E. Procedural Items
 1. Designate Meeting Day and Time (1st and 3rd Tuesday at 5:00 p.m.)
 2. Designate Redwood Gazette as Official Newspaper (verbal)
 3. Designate Official Depositories
 4. Designate Electronic Funds Transfers
 5. Designate Bolton & Menk as Consulting City Engineer (verbal)
7. **Consent Agenda** (items approved with one motion)
 - A. Approve Temporary Liquor License Application – Redwood Area Chamber & Tourism
8. **Scheduled Public Hearings**
9. **Old Business**
10. **Regular Agenda**
 - A. Donation to Police Department from Farmers Union Industries – Resolution #1
 - B. Power Plant Roof Repair
 - C. Substation and Power Plant Switchgear Testing
 - D. Updated Non-DOT Drug and Alcohol Work-Place Policy
11. **Other Items and Communications**
 - A. Council Items
 - B. Staff Items
12. **Paid Bills and Claims – For Informational Purposes**
 - A. City of Redwood Falls Accounts Payable Summary
13. **Adjournment**

**NOTICE for Meeting pursuant to Minn. Stat. § 13D.02
City of Redwood Falls**

**City Council Meeting
Notice of Meeting by Interactive Technology**

NOTICE IS HEREBY GIVEN that the City Council of the City of Redwood Falls will hold an organizational/regular meeting on January 2, 2024, at 5:00 p.m. at Redwood Falls City Hall in the City Council Chambers.

In accordance with the requirements of Minn. Stat. Section 13D.02, Mayor Tom Quackenbush will appear remotely via interactive technology from the following public location:

19203 29th Ave N. Phoenix AZ 85027

Members of the public may monitor the meeting by Microsoft Teams:

Join on your computer, mobile app or room device.

[Click here to join the meeting](#)

Meeting ID: 287 778 803 824

Passcode: AqHubm

[Download Teams](#) | [Join on the web](#)

**MINUTES
REGULAR COUNCIL MEETING
CITY OF REDWOOD FALLS, MINNESOTA
TUESDAY, DECEMBER 19, 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, December 19, 2023, at 6:00 p.m.

Roll call indicated Council Members Matt Smith, Jim Sandgren, Denise Kerkhoff, Larry Arentson, and John T. Buckley were present, constituting a quorum. Mayor Tom Quackenbush attended remotely via interactive technology.

Also present were City Administrator Keith Muetzel, Public Works Project Coordinator Jim Doering, Finance Director Kari Klages, and Deputy City Clerk Caitlin Kodet. City Attorney Trenton Dammann was absent.

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

A motion was made by Council Member Smith and seconded by Council Member Arentson to approve the December 5, 2023, minutes as presented. Motion passed by unanimous vote.

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

1. 2024 Business License Renewals
2. A Workplace Accident and Injury Reduction (AWAIR) Program Update

Motion passed by unanimous vote.

Mayor Quackenbush opened the Truth-in-Taxation public hearing at 6:03 p.m.

Finance Director Klages presented an overview of Resolution No. 77 of 2023 – Resolution Levying Ad Valorem Taxes for the Year 2024 for the City of Redwood Falls, Resolution No. 78 of 2023 – Resolution Approving 2024 Payments in Lieu of Taxes, and Resolution No. 79 of 2023 – Resolution Approving 2024 Final Budgets.

Ms. Klages stated the 2024 Total City Budget receives 91% of the total budget, or \$36,300,571, from non-tax revenue sources. Property taxes fund 9% of the total budget, or \$3,525,047. The total 2024 Levy increased by 6.95%.

No public comments were received at the hearing.

Mayor Quackenbush closed the Truth-in-Taxation hearing at 6:21 p.m.

A motion was made by Council Member Buckley and seconded by Council Member Kerkhoff to waive the reading of Resolution No. 77 of 2023 – A Resolution Levying Ad Valorem Taxes for the Year 2024 for the City of Redwood Falls. Motion passed by unanimous vote.

A motion was made by Council Member Smith and seconded by Council Member Arentson to approve Resolution No. 77 of 2023 – A Resolution Levying Ad Valorem Taxes for the Year 2024 for the City of Redwood Falls. Motion passed by unanimous vote.

A motion was made by Council Member Buckley and seconded by Council Member Arentson to waive the reading of Resolution No. 78 of 2023 – A Resolution Approving 2024 Payments in Lieu of Taxes. Motion passed by unanimous vote.

A motion was made by Council Member Kerkhoff and seconded by Council Member Arentson to approve Resolution No. 78 of 2023 – A Resolution Approving 2024 Payments in Lieu of Taxes. Motion passed by unanimous vote.

A motion was made by Council Member Buckley and seconded by Council Member Arentson to waive the reading of Resolution No. 79 of 2023 – A Resolution Approving 2024 Final Budgets. Motion passed by unanimous vote.

A motion was made by Council Member Arentson and seconded by Council Member Kerkhoff to approve Resolution No. 79 of 2023 – A Resolution Approving 2024 Final Budgets. Motion passed by unanimous vote.

Human Resources Coordinator Sheila Stage was present to introduce Resolution No. 80 of 2023 – A Resolution Setting and Adopting the 2024 Pay Plans and Pay Step Structure for Non-Union Employees.

Ms. Stage highlighted the changes to the 2024 Pay Plans. All regular part-time employees will be eligible for a \$1.25 base pay increase. Part-time Liquor Store clerks will see an increase to the step pay plan by \$1.00 for each step progression which will be received on the employee's anniversary date. The Liquor Store Clerk step plan was also changed to reduce the top of the pay plan from nine years to six years while also increasing the hourly rate for years of service, as an employee retention incentive. Seasonal employees that are returning will receive a \$0.50 per hour increase plus a base pay increase of \$1.00 per hour for 2024.

A motion was made by Council Member Buckley and seconded by Council Member Sandgren to waive the reading of Resolution No. 80 of 2023 – A Resolution Setting and Adopting the 2024 Pay Plans and Pay Step Structure for Non-Union Employees. Motion passed by unanimous vote.

A motion was made by Council Member Arentson and seconded by Council Member Smith to approve Resolution No. 80 of 2023 – A Resolution Setting and Adopting the 2024 Pay Plans and Pay Step Structure for Non-Union Employees. Motion passed by unanimous vote.

Public Works Project Coordinator Jim Doering introduced Resolution No. 81 of 2023 – Authorization to Execute Memorandum of Agreement for Watershed Planning.

Mr. Doering stated Resolution No. 81 executes the Memorandum of Agreement for the development of the "One Watershed, One Plan (1W1P)" on the Redwood River. The Memorandum of Agreement lists responsibilities for the Cities involved and outlines basic objectives to be accomplished to prioritize sub-watersheds, target implementation practices and measure improvements. The development of the plan will provide the foundation for accessing implementation dollars to reduce priority pollutants from reaching the Redwood River. Ultimately the reduction of those pollutants will help to improve water quality in Lake Redwood and reduce sedimentation rates that will prolong the success of the recent dredging project.

Mr. Doering stated the fiscal agent for plan development will be the Redwood Cottonwood Rivers Control Area (RCRCA). Planning partners will include Lincoln County and SWCD, Lyon County and SWCD, Murray County, Pipestone County and SWCD, Redwood County and SWCD, Area II Minnesota River Basins Project JPO, City of Marshall, and RCRCA for a total of 13 LGUs. The term for this plan development will start upon execution and is slated to terminate June 30, 2026. The City can opt out at any time upon 30-day notice. There are no costs other than travel and staff time to participate in its development. RCRCA has received a grant and budget of \$238,700.00 to complete the planning process.

A motion was made by Council Member Arentson and seconded by Council Member Buckley to waive the reading of Resolution No. 81 of 2023 – Authorization to Execute Memorandum of Agreement for Watershed Planning. Motion passed by unanimous vote.

A motion was made by Council Member Kerkhoff and seconded by Council Member Sandgren to approve Resolution No. 81 of 2023 – Authorization to Execute Memorandum of Agreement for Watershed Planning. Motion passed by unanimous vote.

Library Director Connie Lechner was present to introduce Resolution No. 82 of 2023 – A Resolution Accepting A Donation To The City.

Ms. Lechner stated Resolution No. 82 of 2023 accepts two financial donations in the amount of \$4,334.31 from the Redwood Area Library Foundation (RALF) and the amount of \$2,700 from the Friends of the Library. It was determined by an inspection from Brighter Homes Store that there was not an option to repair the existing carpet in the meeting room. It was causing large air bubbles in high traffic areas causing safety concerns. Because the flooring is considered part of the Expansion Plan, the Library Foundation was willing to pay a portion of the expense, after the Friends of the Library committed to \$2,700. The billed total is \$7,034.31 of which RALF would pay the balance of \$4,334.31.

Ms. Lechner stated due to a last-minute cancellation, the carpet has been installed. Library Staff were assured by Brighter Homes Store that the same carpet will be available for any Expansion carpet needs. Staff is requesting approval to accept the financial donations from the Redwood Area Library Foundation and the Friends of the Library to fund the replacement of the meeting room carpet.

A motion was made by Council Member Smith and seconded by Council Member Arentson to waive the reading of Resolution No. 82 of 2023 – A Resolution Accepting A Donation To The City in the amount of \$7,034.31. Motion passed by unanimous vote.

A motion was made by Council Member Buckley and seconded by Council Member Kerkhoff to approve Resolution No. 82 of 2023 – A Resolution Accepting A Donation To The City in the amount of \$7,034.31. Motion passed by unanimous vote.

City Administrator Muetzel introduced the Housing Development Proposal – Southwest MN Housing Partnership.

Mr. Muetzel stated in April of 2023, the Port Authority requested proposals from housing developers to develop a 12-acre parcel in the Reflection Prairie Addition. The Request for Proposals sought to identify a developer to construct a mix of privately owned, market rate, single-family and multi-family housing units along with the possibility of some light retail space. There were two proposals submitted, one of which was from the Southwest MN Housing Partnership. The Southwest MN Housing Partnership is a non-profit community development corporation serving communities throughout Southwest and South-Central Minnesota. The Mission of the Partnership is to “partner with communities to develop places for people to call home.” The Southwest MN Housing Partnership carries out its mission by supporting and developing high quality housing services and products.

Mr. Muetzel stated the first phase of the proposal submitted by Southwest MN Housing Partnership includes the development of a mix of single-story townhomes (28 units) and single-family homes (4 units) that will be available for sale or rent. Future phases included the possibility of apartment buildings for rental housing. As a non-profit housing developer, the Southwest MN Housing Partnership is requesting the following assistance from the Port Authority to ensure affordability of the proposed project:

1. Transfer of land ownership at no cost for each phase of the project.
2. Provide short-term loan funding to subdivide the property for phase 1 construction.
3. Provide up to \$1,000,000 in low interest revolving construction loan funding.
4. Install the necessary infrastructure and assess those costs to each lot that is developed.
5. Consider future financial support for future construction phases.

Mr. Muetzel stated the Port Authority has reviewed and discussed the proposed development and assistance requests. After carefully considering the potential benefits of providing much needed additional housing stock that will be available to households of all ages and size, the Port Authority recommends approval of the proposal.

A motion was made by Council Member Buckley and seconded by Council Member Smith to approve the Housing Development Proposal – Southwest MN Housing Partnership as presented. Motion passed by unanimous vote.

Public Works Project Coordinator Jim Doering introduced Resolution No. 83 of 2023 – Authorization to Execute Master Agreement for Professional Services 2024 City of Redwood Falls and Bolton & Menk, Inc.

Mr. Doering stated Resolution No. 83 executes the Master Service Agreement for 2024. The Master Service Agreement lists responsibilities for both parties and outlines basic services to be provided by Bolton & Menk Inc. as assigned by the City of Redwood Falls. This will be done on a project-by-project basis that is to be outlined by individual “Task Orders” presented to Council for subsequent approval throughout the year. The term for this Master Agreement will have a start of January 1, 2024 and is slated to terminate December 31, 2024 but roll over annually if both parties agree. This does not supersede the Council from formerly appointing Bolton & Menk Inc. Owen Todd P.E. as our City Engineer at their first business meeting of the new year. This Agreement has been reviewed by Bolton & Menk Inc. with no changes suggested and Staff also recommends approval.

A motion was made by Council Member Smith and seconded by Council Member Kerkhoff to waive the reading of Resolution No. 83 of 2023 – Authorization to Execute Master Agreement for Professional Services 2024 City of Redwood Falls and Bolton & Menk, Inc. Motion passed by unanimous vote.

A motion was made by Council Member Arentson and seconded by Council Member Buckley to approve Resolution No. 83 of 2023 – Authorization to Execute Master Agreement for Professional Services 2024 City of Redwood Falls and Bolton & Menk, Inc. Motion passed by unanimous vote.

Finance Director Klages introduced Resolution No. 84 of 2023 – Resolution Establishing Rates for Purchased Power Avoidance Cost.

Ms. Klages stated Resolution No. 84 of 2023 would enact the electric utility purchased power avoidance cost rates as of Jan 1, 2024. The City of Redwood Falls will reimburse using the Annual All Hours rate of \$.03123 per kilowatt hour. Staff recommends approval.

A motion was made by Council Member Smith and seconded by Council Member Buckley to waive the reading of Resolution No. 84 of 2023 – Resolution Establishing Rates for Purchased Power Avoidance Cost. Motion passed by unanimous vote.

A motion was made by Council Member Arentson and seconded by Council Member Kerkhoff to approve Resolution No. 84 of 2023 – Resolution Establishing Rates for Purchased Power Avoidance Cost. 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 Kerkhoff and seconded by Council Member Arentson to adjourn the meeting at 7:07 p.m. Motion passed by unanimous vote.

ATTEST:

Keith Muetzel
City Administrator

Tom Quackenbush
Mayor

2024 CITY COUNCIL AND COMMISSIONS

- City Council & Mayor – 4 year terms with no limit on number of terms.
- Commissioners - 3 year terms for Commissioners unless otherwise noted, not to exceed 3 consecutive full terms.
- Housing & Redevelopment Authority – 5 year terms; 5 to 7 Board Members, not to exceed 3 consecutive full terms.
- Port Authority – 6 year terms and not to exceed 12 consecutive years except for Planning Commission and City Council which coincides with their Planning Commission and City Council terms.

| | <u>CURRENT TERM</u> | <u>EXPIRES</u> |
|---------------------|---------------------|----------------|
| <u>MAYOR</u> | | |
| Tom Quackenbush | 2 nd | January 2027 |

| | | | |
|----------------------------|-------------|-----------------|--------------|
| <u>CITY COUNCIL</u> | | | |
| Larry Arentson | Third Ward | 2 nd | January 2027 |
| Jim Sandgren | At-Large | 5 th | January 2027 |
| Matt Smith | Second Ward | 2 nd | January 2025 |
| John T. Buckley | At-Large | 6 th | January 2025 |
| Denise Kerkhoff | First Ward | 1 st | January 2025 |

| | | |
|----------------------------------|-----------------|--------------|
| <u>AIRPORT COMMISSION</u> | | |
| Jim Tersteeg | 3 rd | January 2027 |
| Ernie Fiala | 3 rd | January 2027 |
| Pete U'Ren | 1 st | January 2026 |
| Jim Hildebrandt | 3 rd | January 2025 |
| Alan Olson | 2 nd | January 2025 |

CHARTER COMMISSION
15 positions = ALL VACANT

| | | |
|---|-----------------|--------------|
| <u>HOUSING & REDEVELOPMENT AUTHORITY</u> | | |
| Stephen Plaetz | 2 nd | January 2029 |
| Phil Johanneck | 3 rd | January 2028 |
| Lowell Peterson | 3 rd | January 2027 |
| Tammy Enge (*Resident) | Partial Term | January 2026 |
| Jeannette Mertens | 1 st | January 2025 |

| | | |
|----------------------------------|-----------------|--------------|
| <u>LIBRARY COMMISSION</u> | | |
| Sandra Swartz | 2 nd | January 2027 |
| Robin Stegner | 3 rd | January 2027 |
| Royce Heffelfinger | 2 nd | January 2026 |
| Jeff Gunderson | 3 rd | January 2025 |
| VACANT | VACANT | VACANT |

PARKS & RECREATION COMMISSION

| | | |
|-------------------|-----------------|--------------|
| Travis Fluck | 3 rd | January 2027 |
| Bob Kaupang | 3 rd | January 2027 |
| Larry Swann | 2 nd | January 2026 |
| Stephen Vannelli | 2 nd | January 2025 |
| Jeannette Mertens | 3 rd | January 2025 |

PLANNING COMMISSION

| | | |
|------------------|-----------------|--------------|
| Anne Johnson | 2 nd | January 2027 |
| Brad Franklin | 2 nd | January 2026 |
| Valerie Stephens | 2 nd | January 2025 |
| Dave Steinkraus | 1 st | January 2025 |
| VACANT | VACANT | VACANT |

POLICE COMMISSION

| | | |
|--------------|-----------------|--------------|
| James Darr | 2 nd | January 2027 |
| Mike Mohr | 3 rd | January 2027 |
| Holly Larsen | 2 nd | January 2025 |
| VACANT | VACANT | VACANT |
| VACANT | VACANT | VACANT |

PORT AUTHORITY

| | | |
|---|---|--------------|
| Ben Swanson | 1 st | January 2030 |
| Jeanne Limoges | 2 nd | January 2029 |
| Jim Sandgren (Council Rep) | 5 th (coincides with Council term) | January 2027 |
| Doug Prins (Finish Jackson Koster term) | Partial Term | January 2027 |
| Craig LaBrie | 2 nd | January 2026 |
| Denise Kerkhoff (Council Rep) | 1 st (coincides with Council term) | January 2025 |
| Anne Johnson | 2 nd (coincides with Planning Commission term) | January 2027 |

PUBLIC UTILITIES COMMISSION

| | | |
|----------------|-----------------|--------------|
| Jody Radel | 2 nd | January 2027 |
| Mike Davis | 3 rd | January 2027 |
| Tony Madsen | 3 rd | January 2026 |
| David Klabunde | 2 nd | January 2025 |
| Mike Neudecker | 3 rd | January 2025 |



2024 City Council Committee Assignments

Standing Committees:

| | |
|-----------------|---|
| Budget: | John Buckley, Matt Smith, and Tom Quackenbush |
| Personnel: | John Buckley, Matt Smith, and Tom Quackenbush |
| Public Works: | Larry Arentson and Jim Sandgren |
| Port Authority: | Denise Kerkhoff and Jim Sandgren |

Issues:

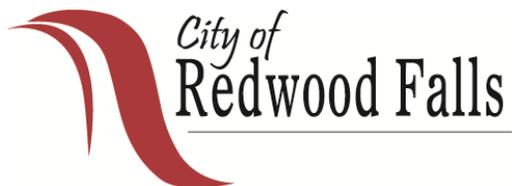
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|---|----------------------------------|
| Environmental (garbage, compost, wetlands): | Jim Sandgren and Denise Kerkhoff |
|---|----------------------------------|

Individual Assignments:

| | |
|--|-----------------|
| Joint Powers/School: | Larry Arentson |
| Airport Commission Liaison | Jim Sandgren |
| Library Commission Liaison | Denise Kerkhoff |
| Parks & Recreation Commission Liaison | Larry Arentson |
| Police Commission Liaison | Denise Kerkhoff |
| Public Utilities Commission Liaison: | John Buckley |
| Housing & Redevelopment Authority Liaison: | Matt Smith |

(By Council Member)

| | |
|-----------------|--|
| Larry Arentson: | Public Works, Joint Powers/School, and Parks & Recreation Commission Liaison |
| John Buckley: | Budget, Personnel, and Public Utilities Commission Liaison |
| Denise Kerkhoff | Port Authority, Environmental, Library Commission Liaison, and Police Commission Liaison |
| Jim Sandgren: | Public Works, Port Authority, Environmental, and Airport Commission Liaison |
| Matt Smith: | Budget, Personnel, and Housing & Redevelopment Authority Commission Liaison |



Keith Muetzel
City Administrator
Phone: 507-616-7400
Fax: 507-637-2417
kmuetzel@ci.redwood-falls.mn.us

Meeting Date: January 2, 2024

AGENDA RECOMMENDATION

Agenda Item: Appointments to Fire Relief Association Board of Trustees

Recommendation/Action Requested: Approve the following appointments for a term ending December 31, 2024.

Elected Official:

John Buckley

Appointed Official:

Kari Klages

CITY COUNCIL MEETING DATES

City Council Chambers - 1st and 3rd Tuesday at 5:00 p.m.

January 2, 2024
January 16, 2024
January 30, 2024 City Council Work Session

February 6, 2024
February 20, 2024

March 5, 2024 – Cancel due to Presidential Nominating Primary Election

March 19, 2024

April 2, 2024
April 16, 2024
April 30, 2024 City Council Work Session

May 7, 2024
May 21, 2024

June 4, 2024
June 18, 2024

July 2, 2024
July 16, 2024
July 30, 2024 City Council Work Session

August 6, 2024
August 20, 2024

September 3, 2024
September 17, 2024

October 1, 2024
October 15, 2024
October 29, 2024 City Council Work Session

November 5, 2024 – Cancel due to General Election

November 12, 2024 – Special Meeting to canvass election results

November 19, 2024

December 3, 2024

December 17, 2024 – Start at 6:00 p.m.

December 31, 2024 City Council Work Session – Cancel due to New Year's Eve Holiday

Memo

To: City Council
From: Kari Klages, Finance Director
Date: December 26, 2023
Re: Designation of Official Depositories in 2024

As per MN Statute 118A.02 and the City Investment Policy in place (excerpts follow), the City Council has authorized the City Finance Director the ability to designate all institutions and financial dealers for all City checking and investment deposits. Staff requests that the City Council reaffirm authorization to continue with past practice.

118A.02 DEPOSITORIES; INVESTING; SALES, PROCEEDS, IMMUNITY.

118A.02

Subdivision 1. Designation; delegation.

- (a) The governing body of each government entity shall designate, as a depository of its funds, one or more financial institutions.
- (b) The governing body may authorize the treasurer or chief financial officer to:
- (1) designate depositories of the funds;
 - (2) make investments of funds under sections [118A.01](#) to [118A.06](#) or other applicable law; or
 - (3) both designate depositories and make investments as provided in this subdivision.

Subd. 2. Sale; proceeds; immunity, if loss.

- (a) The treasurer or chief financial officer of a government entity may at any time sell obligations purchased pursuant to this section and the money received from such sale, and the interest and profits or loss on such investment shall be credited or charged, as the case may be, to the fund from which the investment was made.
- (b) Neither such official nor government entity, nor any other official responsible for the custody of such funds, shall be personally liable for any loss sustained from the deposit or investment of funds in accordance with the provisions of sections [118A.04](#) and [118A.05](#).

History:

[1996 c 399 art 1 s 3](#)

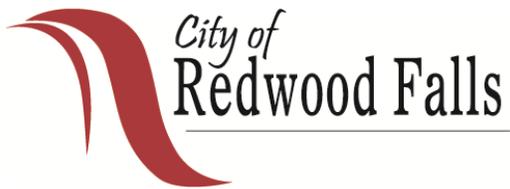
Excerpt from Investment Policy:

DESIGNATED DEPOSITORIES

In accordance with Minnesota Statutes, Section 118.A02 and 427.02, it shall be the policy of the City to authorize the Investment Official the ability to designate all institutions and financial dealers for all City checking and investment deposits. The Investment Official shall select and maintain a list of financial institutions authorized to be public depositories and/or provide investment services. In addition, a list of approved security broker/dealers will be maintained selected by credit worthiness, who maintain an office in the State of Minnesota. A broker includes anyone who transfers, purchases, sells, or obtains securities for or on behalf of a government entity. No public deposit shall be made except in a qualified public depository as established by Minnesota laws. At the Investment Official's discretion the number of depositories shall be limited as needed to eliminate inefficiencies in dealing with multiple representatives while still being able to tap into the best markets for maximizing the rate of return on investments. Depositories must have the following as applicable:

- *have FDIC or SIPC insurance;*
- *have been organized for a minimum of five years;*
- *have its prior year's audited financial report, the most relevant to financial condition available to City staff for the purpose of analyzing financial condition.*
- *Capital of no less than \$10,000,000*
- *Registered as a dealer under the Security Exchange Act of 1934*
- *A member of the National Association of Securities Dealers (NASD)*
- *Registered to sell in Minnesota*
- *The firm and assigned broker have been engaged in business of effecting transactions in U. S. government and agency obligations for at least five (5) consecutive years*

All brokers, dealers and financial institutions deemed to be Authorized Institutions shall be provided with current copies of this Investment Policy and shall provide in return to the City, certification of having read, understood and agreement to comply with the Investment Policy.



Kari Klages
 Finance Director
 Phone: 507-616-7400
 Fax: 507-637-2417

kklages@ci.redwood-falls.mn.us

Memo

To: City Council
From: Kari Klages, Finance Director
Date: December 26, 2023
Re: **Designation of Electronic Funds Transfers in 2024**

As per MN Statute 471.38, Subd. 3 and the City Electronic Funds Transfer Policy in place, the City Council has authorized the City Finance Director the ability to authorize electronic funds transfers for various types of claims, including payment of contributions to pension or retirement funds and vendor payments. Staff requests that the City Council approve this annual authorization.

471.38 CLAIMS.

§

Subdivision 1. Itemization; declaration.

Except as provided in subdivision 2, if an account, claim, or demand against a local government for any property or services can be itemized in the ordinary course of business, the board or officer authorized by law to audit and allow claims shall not audit or allow the claim until the person claiming payment, or the person's agent, provides to the board or officer an itemized list in writing or in an electronic transaction record. By making the claim for payment, the person making the claim is declaring that the account, claim, or demand is just and correct and that no part of it has been paid. The board or officer may in its discretion allow a claim prepared by the clerk or secretary of the board or officer prior to the declaration by the claimant if the declaration is made on the check or order-check by which the claim is paid, as provided in section [471.391, subdivision 2](#). For the purposes of this section, "local government" means any county, local social services agency, school district, town, or home rule charter city of the second, third, or fourth class, or any park district.

Subd. 2. Application.

The provisions of this section do not apply to any claim or demand for an annual salary or fees of jurors or witnesses, fixed by law, nor to the salary or wages of any employee whose salary or wages have been fixed on an hourly, daily, weekly or monthly basis, by the governing board of the municipality, and which is now authorized by law to be paid on a payroll basis.

Subd. 3. Electronic funds transfer.

Electronic funds transfer is the process of value exchange via mechanical means without the use of checks, drafts, or similar negotiable instruments. A local government may make an electronic funds transfer for the following:

- (1) for a claim for a payment from an imprest payroll bank account or investment of excess money;
- (2) for a payment of tax or aid anticipation certificates;
- (3) for a payment of contributions to pension or retirement fund;
- (4) for vendor payments; and
- (5) for payment of bond principal, bond interest and a fiscal agent service charge from the debt redemption fund.

Subd. 3a. Eligibility.

The authorization in subdivision 3 extends only to a local government that has enacted all of the following policy controls:

- (a) the governing body shall annually delegate the authority to make electronic funds transfers to a designated business administrator or chief financial officer or the officer's designee;
- (b) the disbursing bank shall keep on file a certified copy of the delegation of authority;
- (c) the initiator of the electronic transfer shall be identified;
- (d) the initiator shall document the request and obtain an approval from the designated business administrator, or chief financial officer or the officer's designee, before initiating the transfer as required by internal control policies;
- (e) a written confirmation of the transaction shall be made no later than one business day after the transaction and shall be used in lieu of a check, order check or warrant required to support the transaction;
- (f) a list of all transactions made by electronic funds transfer shall be submitted to the governing body at its next regular meeting after the transaction.

History:

(766) RL s 438; 1949 c 416 s 1; 1951 c 350 s 1; 1953 c 50 s 1; 1955 c 312 s 1; 1959 c 56 s 1; 1961 c 5 s 1; 1976 c 44 s 68; 1979 c 334 art 6 s 25; 1986 c 444; 1989 c 329 art 9 s 29; 1994 c 631 s 31; 2001 c 13 s 1; 2017 c 52 s 1

AGENDA RECOMMENDATION

Meeting Date: January 2, 2024

Agenda Item: Redwood Area Chamber & Tourism Temporary On-Sale Liquor License Application

Recommendation/Action Requested:

Approve the Redwood Area Chamber & Tourism's Temporary On-Sale Liquor Application.

Summary/Overview:

The Redwood Area Chamber & Tourism has completed the necessary application process for a temporary on-sale liquor license. The Chamber After Hours event will be held at HomeTown Bank located at 1000 East Cook Street on Tuesday, January 23, 2024. Staff recommends approval of the 1-day Temporary On-Sale Liquor License.

Meeting Date: January 2, 2024

Agenda Recommendation

Agenda Item: Accept Donation From Farmers Union Industries

Recommendation/Action Requested: Staff recommends acceptance of the donation

Summary/Overview:

On December 20, 2023, Police Chief Jason Cotner received a check from representatives of Farmer's Union Industries in the amount of \$1000.00. The donation was made with no stipulations for how the funds were to be utilized.

Attachments:

Resolution No. 1 of 2024

RESOLUTION NO. 1 OF 2024
A RESOLUTION ACCEPTING DONATIONS TO THE CITY.

WHEREAS, the City of Redwood Falls is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 et seq. for the benefit of its citizens and is specifically authorized to accept gifts; and

WHEREAS, the following persons and entities have offered to contribute the cash amounts set forth below to the City:

| <u>Name of Donor</u> | <u>Amount</u> |
|---------------------------|---------------|
| Farmer's Union Industries | \$1,000.00 |

WHEREAS, the terms or conditions of the donations, if any, are as follows:

Terms or Conditions
Contribution to be used by the Redwood Falls Police Department.

WHEREAS, all such donations have been contributed to the City for the benefit of its citizens, as allowed by law; and

WHEREAS, the City Council finds that it is appropriate to accept the donations offered.

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

1. The donations described above are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.
2. The city clerk is hereby authorized, if requested, to issue receipts to each donor acknowledging the city's receipt of the donor's donation.

PASSED AND ADOPTED by the City Council of the City of Redwood Falls, Minnesota this 2nd day of January.

ATTEST:

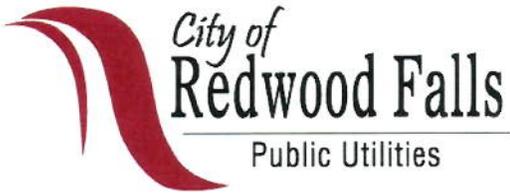
Keith Muetzel
City Administrator

Tom Quackenbush
Mayor

(City Seal)

Subscribed and sworn to before me this
2nd day of January 2024.

Notary Public



Jason Halvorson
Public Utilities Superintendent
Phone: 507-616-7490
Cell: 507-430-2114
jhalvorson@ci.redwood-falls.mn.us

AGENDA RECOMMENDATION

Meeting Date: January 5, 2024

Agenda Item: Approve Power Plant South Roof Repair

Recommendation/Action Requested: Staff requests approval of West Central Roofing Contractors, Inc to repair Power Plant South Roof in the amount of \$44,137.09.

Summary/Overview: The 2024 operating budget includes \$65,000 to replace the south portion of the Power Plant roof. Two quotes were received and staff requests approval of the West Central Roofing Contractors, Inc. quote of \$44,137.09.

Attachments: West Central Roofing Contractors quote- \$44,137.09
GSM quote- \$49,050.00



West Central Roofing Contractors, Inc.

PO Box 1292 ~ 4030 Hwy 71 NE
Willmar MN 56201

Telephone (320) 235-8748 Fax (320) 214-7334

License# RR627812

CONTRACT# 7013

| | | | |
|--|-------------|---|------------------|
| PROPOSAL SUBMITTED TO: City of Redwood Falls P.O. Box 526 Redwood Falls, MN 56283 | | WORK TO BE PERFORMED AT: Power Plant south roof, 2184 SqF, EPDM Redwood Falls, MN 56283 | |
| HOME PHONE: | WORK PHONE: | ESTIMATOR: Kal Torkelson | DATE: 12/18/2023 |

We hereby submit specifications and estimates for: **Option #2**

1. Tear off old membrane to the deck and dispose of
2. Remove Penetrations that are not needed
3. Remove loose rock from the roof
4. Sweep and clean debris from the roof
5. Installation of Tapered Insulation average R30
6. Insulation fastened with screws and plates
7. Fully Adhered EPDM Rubber Roofing System, Black only
8. By Genflex Roofing Systems
9. Flash in drains
10. Flash Scuppers
11. Install new colored metal copings
12. Installation of new scuppers
13. Owner to provide plumber (if needed)
14. Owner to provide mechanical contractor (if needed)
15. 20 year Labor and Materials Warranty by Manufacturer
16. Building permit included

60 mil + 24 gauge

NOTE: Due to volatility of the roofing market, prices are subject to change without notice.
Lead times and changes to deliveries are dictated by the manufacturer

WE PROPOSE hereby to furnish material and labor for the sum of:
Forty Four Thousand One Hundred Thirty Seven Dollars And Nine Cents dollars (**\$44,137.09**).

Payable as follows:

50% down payment is required, balance due upon completion, if down payment is not received with signed contract, we cannot guarantee material pricing and may change due to the volatile material prices

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specification involving extra costs will be secured only upon written orders, and will become an extra charge over and above the estimate. Replacement of damaged decking or insulation to be completed on a labor and materials basis. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance.

Authorized
Signature

Kal Torkelson

NOTE: This proposal may be withdrawn
by us if not accepted within 30 days.

CONTRACT TERMS AND CONDITIONS OF SALE:

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. A 1 1/2% (18% APR) late fee will be charged on all unpaid balances over 60 days. In event of default by buyer, buyer agrees to pay all costs of collection including reasonable attorneys fees in addition to other damages incurred by seller.

ACCEPTANCE OF PROPOSAL: The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date _____

CONTRACT# 7013

| | | | |
|--|-------------|---|------------------|
| PROPOSAL SUBMITTED TO: City of Redwood Falls P.O. Box 526 Redwood Falls, MN 56283 | | WORK TO BE PERFORMED AT: Power Plant south roof, 2184 SqF, EPDM Redwood Falls, MN 56283 | |
| HOME PHONE: | WORK PHONE: | ESTIMATOR: Kal Torkelson | DATE: 12/18/2023 |

We hereby submit specifications and estimates for:

A) ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THIS IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY IF THAT PERSON OR COMPANY IS NOT PAID FOR THE CONTRIBUTIONS.

B) UNDER MINNESOTA LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIALS FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE THEM FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIAL FOR THE IMPROVEMENT AND WHO GAVE YOU TIMELY NOTICE.

WE PROPOSE hereby to furnish material and labor for the sum of:
Forty Four Thousand One Hundred Thirty Seven Dollars And Nine Cents dollars (**\$44,137.09**).

Payable as follows:

50% down payment is required, balance due upon completion, if down payment is not received with signed contract, we cannot guarantee material pricing and may change due to the volatile material prices

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specification involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. Replacement of damaged decking or insulation to be completed on a labor and materials basis. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance.

Authorized
Signature _____

NOTE: This proposal may be withdrawn
by us if not accepted within 30 days.

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The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. A 1 1/2% (18% APR) late fee will be charged on all unpaid balances over 60 days. In event of default by buyer, buyer agrees to pay all costs of collection including reasonable attorneys fees in addition to other damages incurred by seller.

ACCEPTANCE OF PROPOSAL: The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____ Date _____



1500 North Front Street New Ulm, Minnesota 56073
507-354-3813 Fax 507-354-7847

December 11, 2023

Expiration Date: 1-11-24

RE: Roofing Proposal- Redwood Falls Power Plant- 11 Bridge St.

EPDM ROOFING SCOPE OF WORK:

- The area included is further defined as re-roofing approx. 2,050 square feet.
- Remove the existing roofing assembly to the deck and dispose of properly. Includes patching holes in the deck from obsolete roof penetrations. Includes removal and disposal of clay tile cap.
- Furnish and install two layers of 2.6" polyisocyanurate insulation. Meets code MIN R-30. Includes a sump at the roof drain. Insulation layers are to be simultaneously mechanically fastened to the deck.
- Furnish and install new standard plywood sheathing at the parapets so there is an adequate substrate to adhere the new membrane up and over the wall.
- **NOTE: Replace any existing damaged or deteriorated wood blocking on a time and material basis.**
- Furnish and install a black 60mil fully adhered EPDM Roofing membrane.
- Furnish and install new shop fabricated prefinished 24ga coping cap and flashings with a Kynar finish in any standard 2-coat non-metallic color. Color Matching/Custom Colors is excluded. Colors to be chosen from manufacturer's standard range.
- Roof-in (2) pipe penetrations.
- Roof-in (1) roof drain.
- Roof-in (1) overflow scupper.
- Provide a 20yr manufacturer's warranty.

EXCLUSIONS:

- Building permit.
- This proposal is contingent upon the approval by the local building official having jurisdiction.
- Interior dust or debris protection.
- Asbestos abatement.
- Damage to conduit and/or wires on or below the roof deck.
- Mechanical, electrical, or plumbing disconnect or reconnect.
- Landscaping and or lawn repair/replacement.
- Replacement/Repair of deteriorated parapet wall, roof decking, or structural members.
- Roof decking, roof curb insulation, roof curbs, spotting of roof curbs/VTR's, or cutting of roof decking.
- Skylights, roof hatch, smoke hatches, etc.
- Sheet metal that is not connected to the roofing system or specifically mentioned above (i.e. door sills, window sills, brick flashing, EIFS flashing, ledge flashing, etc.)
- Snow or ice removal.
- Future roofing penetrations.
- Walkway pads or Pavers.

We propose to furnish material and labor complete in accordance with the above itemized scope of work for the sum of:

Forty-nine thousand fifty Dollars

\$49,050.00

Payment to be made as follows: 10% due upfront with signed proposal. Material cost is due upon GSM taking receipt of materials and remainder to be billed as job progresses. Payment is due within 10 days of receiving each of our invoices. A finance charge of 1.5% will be assessed after 30 days and

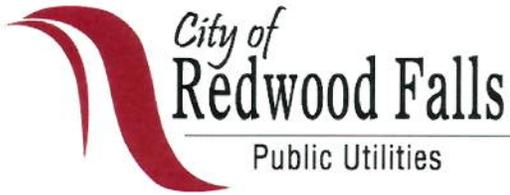
every 30 days thereafter. If paying with a credit card owner is to pay for all credit card fee's. Please plan prior to construction.

Authorized Signature: _____
Andrew Forstner – Estimator
507-276-5748

The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined.

Authorized
Signature _____

Date: _____



Jason Halvorson
Public Utilities Superintendent
Phone: 507-616-7490
Cell: 507-430-2114
jhalvorson@ci.redwood-falls.mn.us

AGENDA RECOMMENDATION

Meeting Date: January 5, 2024

Agenda Item: Approve Substation and Power Plant switchgear testing and maintenance services. Five (5) locations.

Recommendation/Action Requested: Staff requests approval to have Ziegler Power Systems conduct electrical testing in the amount of \$76,336.00.

- **Summary/Overview:** This project is being done to ensure that all of the Substation Equipment is operating safely and within their designed parameters. This also helps to ensure that the equipment in the substation is reliable and functioning as intended. Testing will help identify any problems before they cause major damage or failure. This includes Substation Battery testing and cleaning.

Attachments: Ziegler Power Systems Quote

Issue Date: 12/14/2023
Exp. Date: 1/13/2024



Proposal #: MN23-387

To: Jason Halvorson
CITY OF REDWOOD FALLS
PO BOX 526
REDWOOD FALLS MN 56283-0526

Ziegler Power Systems
8050 County Rd 101 East
Shakopee, MN 55379
952-445-4292 888-320-4292

Re: Electrical Services
Location: Substation/Power Plant
Equipment:
Switchgear

WE PROPOSE TO FURNISH IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS, TERMS AND CONDITIONS

Ziegler Inc. will provide electrical testing for the your equipment per the scope of work described on subsequent pages. A detailed report will be included upon completion of work. **PLEASE BE AWARE ALL QUOTES ARE ONLY VALID FOR 30 DAYS.**

For further information on this service, please contact Matt Schwartz at 612.618.8543, or Matt.Schwartz@zieglercat.com.

Cost: \$76,336.00

Description of Equipment and Service:

Substation and power plant switchgear testing and maintenance services. Five (5) locations. See attached description of services and equipment.

Proposed Schedule: Up to two (2) weeks (estimated) of testing onsite to complete services at all five (5) locations. Prior to initiating work, we will plan a day to visit the sites, build test reports and download settings from each protective relay in the system.

* Upon completion of this work, you will be invoiced for the agreed upon amount plus any applicable taxes, service supplies and environmental charges.

ACCEPTED BY:

Respectfully submitted,

Please Sign Name: _____

ZIEGLER POWER SYSTEMS

Please Print Name: _____

By: *Matt Schwartz*

Date: _____

Matt Schwartz AES Sales Representative

Date: 12/14/2023

Proposal #: MN23-387

Description of Service

Medium-Voltage Switchgear Inspection, Maintenance, and Testing - Level 61

- o Clean and Inspect physical/mechanical condition
- o Inspect anchorage, alignment, grounding, and required clearances
- o Verify that all equipment corresponds to drawings and coordination
- o Inspect electrical connections for high resistance
- o Confirm correct operation and sequencing of electrical and mechanical interlocks
- o Verify appropriate lubrication on moving parts, current- carrying and mechanical
- o Inspect insulators for evidence of physical damage or contaminated surfaces
- o Exercise all active components and inspect mechanical indicating devices operation
- o Perform ground-resistance tests for switchgear and station batteries
- o Determine accuracy of all meters and calibrate, if applicable
- o Verify correct function of control transfer relays located in the switchgear
- o Perform system function tests allowable to the system

Medium-Voltage Circuit Breaker Maintenance, and Testing - Level 62

- o Perform testing on Air or Vacuum MV circuit breakers
- o Physical and mechanical condition
- o Inspect cell alignment, grounding, and required clearances
- o Verify that all maintenance devices, special tools, gauges are available
- o Verify and clean unit and components
- o Perform all mechanical operation tests in accordance of manufacturer's specifications
- o Measure critical distances as recommended by manufacturer
- o Inspect electrical connections for high resistance
- o Confirm correct operation and sequencing of electrical and mechanical interlocks
- o Verify appropriate lubrication on moving parts, current- carrying and mechanical
- o Inspect insulators for evidence of physical damage or contaminated surfaces
- o Perform contact-travel analysis, if applicable
- o Verify racking mechanism for proper operation

Switchgear Electromechanical/Solid-State Protective Relay Maintenance and Testing - Level 64

- o Compare equipment nameplate data with drawings and specifications
- o Inspect relays and cases for physical damage
- o Verify and clean each unit
- o Verify, document and reset any trip targets
- o Relay inspections:
 - Inspect relay for foreign material in disk slots and electromagnets
 - Verify disk, contact and spring bias clearances
 - Inspect spiral spring convolutions, movement freedom of disk and contacts
 - Verify tightness of mounting hardware and connections
 - Inspect bearings and pivots
- o Verify relays are set in accordance of the coordination study, where applicable
- o Perform insulation-resistance test to manufacturer's specifications
- o Test and document all target functions (pickup, dropout, time delays, etc....)
- o Verify that each of the relay contacts performs its intended function
- o When critical test points are specified, the relay will be calibrated to the intended points

Switchgear Microprocessor Relay Maintenance and Testing - Level 65

- o Record model number, style number, serial number, firmware revisions, software revisions and rated control voltage
- o Download the sequence of events recorder prior to testing the relay.
- o Verify operation of light-emitting diodes, display and targets.
- o Record all passwords for all access levels.
- o Clean the front panel and remove foreign material from case.
- o Check tightness of connections.
- o Verify that the frame is grounded in accordance with manufacturer's instructions.
- o Download settings from the relay. Print and copy of the settings for the report and compare settings to those specified in the coordination study.
- o Perform insulation-resistance test to manufacturer's specifications
- o Apply voltage or current to all analog inputs and verify correct registration of the relay meter functions.
- o Check operation of all active digital inputs.
- o Test and document all target functions (pickup, dropout, time delays, etc....)
- o Verify that each of the relay contacts performs its intended function
- o When critical test points are specified, the relay will be calibrated to the intended points

Station Batteries – Inspection & Impedance Testing - Level 20

o Perform Internal and External Ohmic impedance measurements and document results.

o Inspection:

- Clean and Inspect physical/mechanical condition
- Inspect battery support racks or cabinets, mounting, anchorage, clearances, alignment, seismic structure, and grounding.
- Neutralize acid on exterior surfaces and rinse, if applicable
- Clean corroded/oxidized terminals and apply an oxide inhibitor (as-needed)
- Measure temperatures, voltage levels, alarms and connections on batteries / chargers
- Perform as found and as left testing
- Verify and re-torque as necessary strap connections and rack and cabinet assembly. (as-needed)
- Visual inspection and functional test of UPS operation in accordance with EC 02.05.07.

Station Batteries – Battery Performance Testing - Level 21

o -Includes level 20 scope of work

o -Battery load (capacity) testing

Customer Responsibilities

- Provide access to facility and equipment as required to perform this scope of work.
- Provide facility contact name and phone number for all scheduling and related activities.
- Provide a clean, safe, and well lighted work environment for Ziegler and their sub-contractors, if any.
- Provide auxiliary power during the project (if necessary), unless noted above.
- Provide 480v 200A connection point for test set (low-voltage primary injection circuit breaker testing only)
- In order to perform many of the proposed electrical services below a planned outage may be required. Parts of your electrical system will need to be de-energized to protect your equipment and for the safety of Ziegler's Advanced Electrical Services technicians.

Project Cost

- This pricing is based on all work being performed during normal business hours with minimal standby time unless noted above.

Proposal Notes

- Payment Terms: Net 10th (payment is due on the 10th of the next month following the month of the invoice date)
- This pricing is based on all work being performed normal business hours (M-F: 7:30am - 4:00pm) unless otherwise noted above.
- A signed agreement and Purchase Order is required to confirm initiation of the project.
- All work will be scheduled/completed on consecutive days. Added trips are subject to additional labor and travel expenses.
- This proposal is based on providing the items and labor as required to complete the scope of this work. It does not include any additional parts or labor to repair any unknown or hidden damage to existing equipment or material. Ziegler Power Systems will request authorization to proceed prior to making and remedial repairs.
- If tax exempt, please provide a copy of your tax exemption certificate. Otherwise sales and any other applicable taxes will be added.
- Order will be invoiced 100% upon completion.
- This proposal is valid for 30 days from date shown.



Equipment By Location

East Substation

| Service | Equipment | Notes |
|-------------------|-----------------------|-----------------------|
| 61: MV INSP | Med. Voltage Section | Controls Inspect & PM |
| 62: MV CB | MV BKR AIR or VAC | (7) Vac Breakers |
| 65: RELAY MULTI | Microprocessor Type | (9) Units |
| 21: BATT CAPACITY | Station/UPS Batteries | (1) 120v String |

Power Plant #2

| Service | Equipment | Notes |
|-------------------|-----------------------|-----------------------|
| 61: MV INSP | Med. Voltage Section | Controls Inspect & PM |
| 62: MV CB | MV BKR AIR or VAC | (8) Air Breakers |
| 65: RELAY MULTI | Microprocessor Type | (9) Units |
| 21: BATT CAPACITY | Station/UPS Batteries | (1) 120v String |

South Power Plant

| Service | Equipment | Notes |
|-----------------|-------------------------|-----------------------|
| 61: MV INSP | Med. Voltage Section | Controls Inspect & PM |
| 62: MV CB | MV BKR AIR or VAC | (5) Vac Breakers |
| 65: RELAY MULTI | Microprocessor Type | (1) Units |
| 64: RELAY SS/EM | SS or Electromechanical | (5) Units |

South Substation

| Service | Equipment | Notes |
|-------------------|-----------------------|-----------------------|
| 61: MV INSP | Med. Voltage Section | Controls Inspect & PM |
| 62: MV CB | MV BKR AIR or VAC | (8) Vac Breakers |
| 65: RELAY MULTI | Microprocessor Type | (11) Units |
| 21: BATT CAPACITY | Station/UPS Batteries | (1) 120v String |

West Substation

| Service | Equipment | Notes |
|-------------------|-----------------------|-----------------------|
| 61: MV INSP | Med. Voltage Section | Controls Inspect & PM |
| 62: MV CB | MV BKR AIR or VAC | (7) Air Breakers |
| 65: RELAY MULTI | Microprocessor Type | (9) Units |
| 21: BATT CAPACITY | Station/UPS Batteries | (1) 120v String |

Meeting Date: January 2, 2024

AGENDA RECOMMENDATION

Agenda Item: Proposed Changes to Non-Commercial Drivers Drug & Alcohol and Cannabis Testing & Drug Free Work-Place Act Policy

Recommendation/Action Requested: Approval for proposed changes to the Non-DOT Drug & Alcohol Work-Place Policy.

Summary/Overview:

With the recent changes to Minnesota law that legalized lawful consumable products pursuant to Minn. Stat. 191.938, including alcohol, cannabis, lower potency hemp edibles, and hemp derived consumer products, except with respect to the categories of positions listed in the definition of “Drug” or if otherwise required by state or federal law.

The City is updating it’s Non-Commercial Drivers Drug & Alcohol and Cannabis Testing & Drug Free Work-Place Policy based on these law changes.

Attachments: Updated Proposed Changes to the City’s Non-Commercial Drivers Drug & Alcohol Testing & Drug Free Work-Place Act Policy.

The changes to this policy are noted in **red** and follow the League of Minnesota City’s Non-DOT Drug Testing and Drug Free Workplace template policy.



**NON-COMMERCIAL DRIVERS
DRUG, ALCOHOL AND CANNABIS
TESTING AND DRUG FREE WORKPLACE
ACT POLICY**

AMENDED: January 2, 2024

TABLE OF CONTENTS

| | |
|--|------------|
| PURPOSE AND OBJECTIVES..... | 2 |
| DEFINITIONS..... | 3-4 |
| PERSONS SUBJECT TO TESTING & WHEN TESTING IS REQUIRED | 4 |
| Pre-Employment Testing | 4-5 |
| Reasonable Suspicion Testing | 7 |
| Treatment Program Testing | 7 |
| Cost of Testing..... | 7 |
| REFUSAL..... | 7 |
| Right of Refusal | 7 |
| What is a Refusal | 7 |
| What is not a Refusal | 7 |
| PROHIBITION AGAINST DRUGS , ALCOHOL, AND CANNABIS..... | 8 |
| On Duty Use and Possession of Drugs and/or Alcohol | 8 |
| Exceptions for On Duty Use | 8 |
| Cannabis and Medical Cannabis | 8 |
| Off Duty Use and Possession of Drugs and/or Alcohol | 9 |
| Driving While Impaired..... | 9 |
| Failure to Disclose Lawful Drugs | 9 |
| REVIEW AND NOTIFICATION OF TEST RESULTS | 10 |
| Notification of Negative Test Results..... | 10 |
| Notification of Positive Test Results | 10 |
| Further Instructions with Positive Test Results | 10-11 |
| Right to Confirmatory Retest..... | 11 |
| Right to Access Reports..... | 11 |
| CONSEQUENCES FOR ENGAGING IN PROHIBITED CONDUCT | 12 |
| Job Applicants..... | 12 |
| Employees..... | 12 |
| Suspension Pending Test Result | 12 |
| Discipline and Discharge | 12 |
| Dilute Specimens..... | 13 |
| Emergency Call Back to Work | 14 |
| Appeals Procedure | 14 |
| CITY'S EMPLOYEE ASSISTANCE PROGRAM | 14 |
| SEVERABILITY | 14 |
| POLICY CONTACT FOR ADDITIONAL INFORMATION..... | 14 |
| | |
| Acknowledgment of Policy Form..... | Appendix 1 |
| Tennessee Warning..... | Appendix 2 |
| Reasonable Suspicion Record..... | Appendix 3 |

PURPOSE AND OBJECTIVES

The City of Redwood Falls (“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 does not intend to intrude into the private lives of its employees, but strongly believes that a drug, alcohol and cannabis-free workplace is in the best interest of employees and the public alike. Alcohol, drug, and cannabis 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’s Drug, Alcohol and Cannabis Testing and Drug Free Workplace Policy (“Policy”) is 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 Drug 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 and to comply with state law, employees and applicants are required to review this Policy and sign the “Policy Acknowledgement Form.” (Appendix 1). A job applicant will also acknowledge in this form that he/she understands that passing the drug test is a requirement of the job.

Employees who are requested to provide private data pursuant to this Policy shall receive and be asked to sign a Tennessee Warning indicating: 1) the purpose for collecting the data; 2) the intended use of the data; 3) whether the person can refuse or is legally required to supply the requested data; 4) the consequences of supplying or refusing to supply the requested data; and 5) who will have access to the requested data. (Appendix 2).

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 any employee convicted of any criminal drug statute must notify his or her supervisor and the City’s Human Resources Coordinator in writing of such conviction no later than five (5) 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. 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.

The City of Redwood Falls Policy on work-related substance abuse is non-discriminatory in intent and application; however, in accordance with Minn. Stat. §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 of the safety of individuals. Furthermore, the City will not retaliate against any employee for asserting his or her rights under this Policy.

DEFINITIONS

- A. **“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.
- B. **“Alcohol use or usage”** means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
- C. **“Applicant”** means a person applying for a job with the City.
- D. **“Cannabis”** Means cannabis and its metabolites, including cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.
- E. **“Cannabis testing”** Means 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.
- F. **“City”** means the City of Redwood Falls.
- G. **“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.
- H. **“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.
- I. **“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.
- J. **“Confirmatory test”** Means a drug, alcohol or **cannabis** test on a sample to substantiate the results of a prior drug, alcohol test or cannabis 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.
- K. **“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.

- L. **“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.
- M. **“Drug paraphernalia”** has the meaning set forth in Minn. Stat. § 152.01, subd. 18.
- N. **“Employee”** means a person who performs services for compensation for the City and includes fulltime, part-time, temporary, seasonal, paid on call, and independent contractors.
- O. **“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.
- P. **“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.
- Q. **“Policy”** means this Drug and Alcohol Testing and Drug Free Workplace Act Policy.
- R. **“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.
- S. **“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.
- T. **“Reasonable suspicion”** means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
- U. **“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.
- V. **“Under the influence”** means (1) the employee tests positive for alcohol with a concentration of 0.04 or greater or drugs or cannabis with a concentration of 0.00 concentration or greater, 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.

PERSONS SUBJECT TO TESTING & WHEN TESTING IS REQUIRED

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

W. Pre-Employment Testing

1. Every job applicant offered employment with the City may receive the offer conditioned upon successful completion of a drug test, and/or an alcohol or cannabis test, if applicable, among other conditions.
2. **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 in the definition of “Drug” or if otherwise required by state or federal law.**
3. If the job offer is withdrawn based on **drug** test results, the City will inform the applicant of the reasons for the withdrawal. A failure of the drug or other applicable 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.
4. 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.

X. Reasonable Suspicion Testing

1. 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:
 - a) Is under the influence of alcohol, **drugs or cannabis**; or
 - b) 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
 - c) Has sustained a personal injury as defined in Minn. Stat. § 176.011, subd. 16 or has caused another employee to sustain an injury or;
 - d) Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.
2. Reasonable suspicion may be based upon, but is not limited to:
 - a) Facts regarding appearance, behavior, speech, breath, or odor;
 - b) Possession, proximity to or use of alcohol, **drugs, or cannabis**;
 - c) Containers or paraphernalia,
 - d) Poor safety record,
 - e) Excessive absenteeism,
 - f) Impairment of job performance, or
 - g) Any other circumstances that would cause a reasonable employer or supervisor to believe that a violation of the City's Policy **concerning alcohol, drugs, or cannabis may have occurred**. These observations will be reflected in writing on a Reasonable Suspicion Record Form. (Appendix 3)
3. Collection of Sample based upon Reasonable Suspicion
 - a) For off-site collection, employees will be driven to the employer-approved medical facility by their supervisor or a designee.
 - b) 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.
 - c) At the end of the testing, the employee will be driven home by the supervisor or other arrangements will be made for the employee to get a ride.

Y. Treatment Program Testing

1. 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 (2) years following completion of any prescribed chemical dependency treatment program.

Z. Cost of Required Testing

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

REFUSAL

AA. Right of Refusal

1. 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.

BB. What is considered a refusal?

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

2. 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.

CC. What is not considered a refusal?

1. 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.

PROHIBITION AGAINST DRUGS, ALCOHOL, AND CANNABIS

DD. On Duty Use and Possession of Drugs and/or Alcohol

1. Employees are prohibited from being under the influence of, as well as the use, possession, transfer, transportation, manufacture, distribution, sale, purchase, solicitation to sell or purchase, or dispensation of alcohol, drugs, including cannabis, or drug paraphernalia and are also prohibited from having a detectable amount of an illegal drug in the blood or urine:

- a) When reporting to work,
- b) While on duty, including during breaks for lunch or rest purposes;
- c) While on City premises;
- d) While operating any City vehicle, machinery, or equipment; or
- e) When performing any City business.

EE. Exceptions for On Duty Use

1. Employees are allowed to use or possess drugs under the following exceptions:
- a) Pursuant to a valid medical prescription used as properly instructed.
 - b) The use of over-the-counter drugs used as intended by the manufacturer; or
 - c) When necessary for approved law enforcement activity.

FF. Cannabis and Medical Cannabis

1. Besides the City 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.

2. 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 cannabis may be lawfully purchased and consumed 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. 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, alcohol and cannabis testing policy.

3. Applicants and employees are subject to being tested under this Policy and are therefore 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 City premises or during the hours of employment.

GG. Off Duty Use and Possession of Drugs, Cannabis, and/or Alcohol

1. It is a violation of City Policy for off duty on-call employees to be in possession of or under the influence of a drugs, including cannabis; or to be under the influence of or use alcohol in a manner which could adversely affect work performance or safety at work.

2. Alcohol may only be possessed and/or consumed on City premises and/or City sponsored events by off duty employees if specifically authorized by the City Administrator.

HH. Driving While Impaired

1. 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 termination.

II. Failure to Disclose Lawful Drugs

1. 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.

2. 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

JJ. Notification of Negative Test Results

1. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the City within three (3) working days of the confirmatory test result.
2. 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 (3) days of receipt of result by the City, and the hiring process will resume. 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.
3. In the case of 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 (3) days of receipt of the result by the City. A “Negative Test Results Notification” form will be sent to the job applicant or employee, and the job applicant or employee may request a copy of the test result report from Human Resources.

KK. Notification of Positive Test Results

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

LL. Further Instructions with a Positive Test Result

1. Right to Provide Additional Information
 - a) Within three (3) 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.
 - b) In accordance with Minn. Stat. § 181.953, subd. 10, if an employee submits information either before a test or within three (3) 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.

REVIEW AND NOTIFICATION OF TEST RESULTS (Continued)

LL. Further Instructions with a Positive Test Result (Continued)

2 Right to Confirmatory Retest

- a) 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.
- b) Within five (5) 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.
- c) Within three (3) 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.
- d) 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 (6) months. The confirmatory retest will use the same drugs and/or alcohol threshold detection levels as used in the original confirmatory test.
- e) 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.
- f) 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.

3. Right to Access Reports

- a). 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.

CONSEQUENCES FOR ENGAGING IN PROHIBITED CONDUCT

MM. Job Applicants

1. 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, if a pre-employment test is required.

NN. Employees

2. No Adverse Action Without Confirmatory Test
 - a) 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.
3. Suspension Pending Test Result
 - a) 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.
 - b) The employee will be asked to return home and will be provided appropriate arrangements for return transportation to his or her residence.
 - c) 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.
4. Discipline and Discharge
 - a) Confirmatory Positive Test Result
 - (1) The City will not discharge an employee for a first confirmatory positive test unless the following conditions have been met:

CONSEQUENCES FOR ENGAGING IN PROHIBITED CONDUCT (Continued)

Confirmatory Positive Test Result (Continued)

- a) The City has first given the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the City after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency. Participation by the employee in any recommended substance abuse treatment program will be at the employee's own expense or pursuant to the coverage under an employee benefit plan. The certified chemical use counselor or physician trained in the diagnoses and treatment of chemical dependency will determine if the employee has followed the rehabilitation program as prescribed; and
 - b) The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a refusal to test or positive test result on a confirmatory test after completion of the program.
- (2) An employee required to take time off in order to participate in a rehabilitative program will be offered FMLA and permitted to use sick leave, vacation time and/or unpaid leave. FMLA and the use of sick and vacation leave will run concurrently.
- (3) Dilute Specimens
- a) A negative or positive dilute test result (following a second collection) which has been confirmed will subject an employee to immediate termination.
- (4) Other Misconduct
- a) 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.

C CONSEQUENCES FOR ENGAGING IN PROHIBITED CONDUCT (Continued)

- (5) Emergency Call Back to Work Provisions
 - a) 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.
 - b) 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 may be subject to the testing procedures of this Policy, will be subject to discipline and will not be allowed to work. Appropriate arrangements for return transportation to the employee's residence will be made.
- (6) Appeals Procedure
 - a) Discipline which is imposed under this Policy may be appealed in the same manner as discipline imposed under other City policies.

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, cannabis, 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 the Human Resources Coordinator.

SEVERABILITY

Should any part of this Policy be found to violate State or Federal law, the remaining parts of the policy shall be in full force and effect.

POLICY CONTACT FOR ADDITIONAL INFORMATION

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



ACKNOWLEDGEMENT OF POLICY FORM

I acknowledge that I received the City’s Drug, Alcohol and Cannabis Testing and Drug Free Workplace Act Policy. I acknowledge that I am responsible for reading, understanding, and complying with this Policy, and that I must abide by this Policy as a condition of my employment.

I understand that, because changes in applicable law and the City’s practices and procedures may occur from time to time, the terms of this Policy may change without prior notice, and that nothing in this Policy is intended to be a contract, promise, or representation of any specific term or condition of employment except to the extent required by law.

I further understand and/or consent to the following:

1. I acknowledge that passing pre-employment testing, if required, may be a requirement of the job.
2. I agree that Quest Diagnostics, or a designated testing laboratory, may collect these specimens for these tests and analysis.
3. I further agree to and hereby authorize the release of the results of said test(s) to the City.
4. I further understand that upon a positive drug or alcohol test, I may submit additional information regarding any medications I am taking or recently took and/or any other information that might affect the reliability of the result.
5. I further agree to hold harmless the City and its agents from any liability arising in whole or in part, out of the collection of specimens, testing, and use of the information from said testing in connection with employment with the City.
6. I further agree that a reproduced copy of this consent and release form shall have the same force and effect as the original.
7. I further agree to comply with the City’s Policy and understand failure to comply with any portion of the Policy is grounds for disciplinary action, up to and including termination.
8. I acknowledge that my signing of this consent and release form is a voluntary act on my part and that I have not been coerced into signing this document.

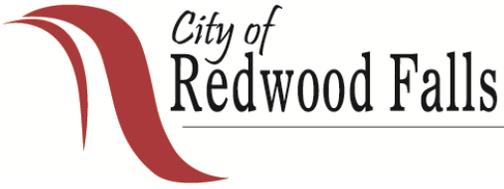
APPLICANT/EMPLOYEE:

Print Name: _____ Date: _____

Signature: _____

To be placed in employee’s personnel file.

APPENDIX 1



TENNESSEN WARNING

Some or all of the information you are asked to provide on the attached form is classified by State law as either private or confidential. Private data is information which generally cannot be given to the public but can be given to the subject of the data. Confidential data is information which generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is: _____

You are are not legally required to provide this information.

If you refuse to supply the information, the following may happen: _____

Other persons or entities authorized by law to receive this information are: _____



REASONABLE SUSPICION RECORD

Employee's Name: _____

Job Title: _____ Department: _____

Date of Observation: _____ Time Observed: _____

Location: _____ Employee performing safety-sensitive duties? Yes No

Record employee observed behavior for reasonable suspicion for the use of alcohol or drugs. Check **ALL** that apply and include descriptions of any *changes* in behavior:

BEHAVIOR

- stumbled
- drowsy, sleepy, lethargic
- agitated, anxious, restless
- hostile, erratic, withdrawn
- unresponsive, distracted
- clumsy, uncoordinated
- tremors, shakes
- flu-like illness complaints
- suspicious, paranoid, moody
- hyperactive, fidgety
- inappropriate, uninhibited behavior
- frequent use of mints, mouthwash, breath sprays, eye drops

APPEARANCE

- flushed complexion
- sweating
- cold, clammy
- bloodshot eyes
- tearing, watery eyes
- dilated (large) pupils
- constricted (pinpoint) pupils
- unfocused, blank stare
- disheveled clothing
- unkept grooming

SPEECH

- slurred, thick
- incoherent
- exaggerated enunciation
- loud, boisterous
- rapid, pressured
- excessively talkative
- nonsensical, silly
- cursing, inappropriate speech

BODY ODOR

- alcohol
- marijuana

Other Observations: _____

The observations documented above were made of the employee.

Supervisor Name (Printed) Supervisor Signature Date Time

Witness Name (Printed) Witness Signature Date Time

Test Determination:

- | | |
|---|--|
| <input type="checkbox"/> Reasonable Suspicion Alcohol Breath Test | <input type="checkbox"/> Employee transported for medical care |
| <input type="checkbox"/> Reasonable Suspicion Drug Urine Test | <input type="checkbox"/> 8 Hours elapsed. |
| <input type="checkbox"/> No Test Required | <input type="checkbox"/> No Collection Available |
| <input type="checkbox"/> Employee Refused Test | <input type="checkbox"/> Other (explain) _____ |

Employee transported to collection site by: _____

Time Transported: _____ Collection Site: _____