

SHERBURN CITY COUNCIL MEETING

December 18, 2023

CITY HALL, 21 E 1ST STREET

CALL TO ORDER

OPEN PUBLIC COMMENTS

- Persons may take one opportunity to address the council for three minutes about a topic not on the agenda. No notification of the mayor is required.
- Persons commenting on consent agenda may use this opportunity to speak.
- Persons who wish to speak about a regular agenda item must register with the clerk before the meeting.

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. Regular Meeting – Monday, December 4, 2023 A

CONSENT AGENDA (Persons commenting on consent item may speak under open public comments)

REGULAR AGENDA

1. Schedule January meeting – 1st of year A
2. ESST (Earned Sick and Safe Time) A

POLICE CHIEF REPORT

ADMINISTRATOR'S UPDATE

REPORT FROM THE MAYOR AND COUNCILMEMBERS

ADJOURN

BUDGET WORKSESSION – IMMEDIATELY FOLLOWING COUNCIL MEETING

Next Regular Meeting Tuesday, January 2, 2024 @ 5:00 p.m.??

MINUTES OF COUNCIL MEETING – 12.4.23

A regular council meeting was duly called to order by Mayor Robert Roesler at 5:00 p.m. Council members present: Brad Ringnell, Kurt Olson, Matt Larson, and Sarah Kramer. Also present was Leslie Heffele, City Administrator and Andrea Ballard, Deputy Clerk.

Open Public Comments:

- Mary Studer from the C&C spoke about how unhappy she was with the City in regards to the turn out of the vendor show over the past weekend. There was no heat as the furnace was not working and the lift was inoperable. She got numerous complaints in regard to the “freezing temperature” and the vendors not being able to utilize the lifts. Mary mentioned that she felt disappointed and embarrassed.

Motion to add Derek Behrens from Bolton & Menk to update on LRIP by Ringnell, second by Larson. Meeting Minutes - Motion by Ringnell to approve. Second by Olson. Carried.

Consent Agenda – Motion by Ringnell to approve. Second by Kramer.

Regular Agenda

1. Liquor & Cigarette Licenses for Kum and Go, Caseys, Dollar General, and Cup & Saucer. No issues to report by Chief Trevor Yochim, SWPD. Motion to renew by Olson. Second by Ringnell. Carried.
2. Derek Behrens with Bolton and Menk. Application for LRIP funds due by December 8th, there is no charge to submit the application. Behrens discussed that no numbers had been updated and explained that LRIP covers street and storm costs. Motion by Ringnell to accept Resolution 2023-17. Second by Olson. 5-0 vote. Approved. Discussion included to get estimates for curb and gutter from Bolton and Menk as well as to request letters for support from the EDA and SFD. Behrens also talked about hoping that Holtmeyer would have things wrapped up and contracts closed by the end of 2023.

Police Chief Report:

- December 9th – SWPD will be assisting with Santa Days in Welcome.
- December 14th – Shop with a Cop event, looking at 12 children. Pizza donated by Welcome PD family and gift wrapping will occur at Temperance Lake Ridge.
- Vehicles were towed due to ordinance violations.
- Question by public on if there is an ordinance for the number of vehicles or where they are parked on a person’s property. Chief Yochim explained that the city does not have an ordinance against the amount of vehicles, however they do need to be operable and have current tabs/insurance.

Administrator Update:

- Waiting on quote for furnace at Community Hall/Theater to come in.
- Friday after Thanksgiving there was a water main break that was fixed with no issues to date.
- Northland Securities update on the different accounts as follows: 600 – cash, 100 – bonds with small amount of cash, 301 – cash. Discussion: auditors suggested waiting until November financials come back. Suggested that \$250,000 transfer comes from the 4M fund. Council agreed to what the auditors think.

Report from Mayor and Council Members:

Earned sick and safe time as of Jan. 1, 2024

WHAT IS SICK AND SAFE TIME?

Sick and safe time is paid leave employers must provide to employees in Minnesota that can be used for certain reasons, including when an employee is sick, to care for a sick family member or to seek assistance if an employee or their family member has experienced domestic abuse.



WHO IS ELIGIBLE?

An employee is eligible for sick and safe time if they:

- work at least 80 hours in a year for an employer in Minnesota; and
- are not an independent contractor.

Temporary and part-time employees are eligible for sick and safe time. Sick and safe time requirements will not apply to building and construction industry employees who are represented by a building and construction trades labor organization if a valid waiver of these requirements is provided in a collective bargaining agreement.

HOW MUCH LEAVE CAN EMPLOYEES EARN?

An employee earns one hour of sick and safe time for every 30 hours worked and can earn a maximum of 48 hours each year unless the employer agrees to a higher amount.

AT WHAT RATE MUST THE LEAVE BE PAID?

Sick and safe time must be paid at the same hourly rate an employee earns when they are working.

WHAT CAN THE LEAVE BE USED FOR?

Employees can use their earned sick and safe time for reasons such as:

- the employee's mental or physical illness, treatment or preventive care;
- a family member's mental or physical illness, treatment or preventive care;
- absence due to domestic abuse, sexual assault or stalking of the employee or a family member;
- closure of the employee's workplace due to weather or public emergency or closure of a family member's school or care facility due to weather or public emergency; and
- when determined by a health authority or health care professional that the employee or family member is at risk of infecting others with a communicable disease.

WHICH FAMILY MEMBERS ARE INCLUDED?

Employees may use earned sick and safe time for their following family members:

1. their child, including foster child, adult child, legal ward, child for whom the employee is legal guardian or child to whom the employee stands or stood in loco parentis (in place of a parent);
2. their spouse or registered domestic partner;
3. their sibling, stepsibling or foster sibling;
4. their biological, adoptive or foster parent, stepparent or a person who stood in loco parentis (in place of a parent) when the employee was a minor child;
5. their grandchild, foster grandchild or step-grandchild;
6. their grandparent or step-grandparent;
7. a child of a sibling of the employee;
8. a sibling of the parents of the employee;
9. a child-in-law or sibling-in-law;
10. any of the family members listed in 1 through 9 above of an employee's spouse or registered domestic partner;
11. any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and
12. up to one individual annually designated by the employee.

Earned sick and safe time as of Jan. 1, 2024

WHAT ADDITIONAL SICK AND SAFE TIME RESPONSIBILITIES DO EMPLOYERS HAVE?

In addition to providing their employees with one hour of paid leave for every 30 hours worked, up to at least 48 hours each year, employers are required to:

- include the total number of earned sick and safe time hours accrued and available for use, as well as the total number of earned sick and safe time hours used, on earnings statements provided to employees at the end of each pay period;
- provide employees with a notice by Jan. 1, 2024 — or at the start of employment, whichever is later — in English and in an employee's primary language if that is not English, informing them about earned sick and safe time; and
- include a sick and safe time notice in the employee handbook, if the employer has an employee handbook.

The Minnesota Department of Labor and Industry will prepare a uniform employee notice that employers can use and will make it available in the five most common languages spoken in Minnesota.

CURRENT SICK AND SAFE TIME LOCAL ORDINANCES

Earned sick and safe time local ordinances already exist in the cities of Bloomington, Duluth, Minneapolis and St. Paul, Minnesota. When Minnesota's statewide earned sick and safe time law goes into effect Jan. 1, 2024, employers must follow the most protective law that applies to their employees.



Sick time

For physical or mental health conditions, illness or injury



Safe time

To address domestic abuse, sexual assault or stalking



Labor Standards • 443 Lafayette Road N. • St. Paul, MN 55155
651-284-5075 • 800-342-5354 • dli.mn.gov • dli.laborstandards@state.mn.us

Notice: This is a brief summary of Minnesota law. It is intended as a guide and is not to be considered a substitute for Minnesota Statutes regarding earned sick and safe leave.

Earned Sick and Safe Time

Earned Sick and Safe Time is paid time off for the medical care of yourself and family member or the use for a weather related closure. This specific leave applies to all employees (including part-time, seasonal and temporary employees) performing work for at least 80 hours in a year for the City. Earned Sick and Safe Time policy is in accordance with Minn. Stat. § 181.9445 – 181.9448.

a) Eligibility/Accrual

All Employees, except Council Members, are entitled to Earned Sick and Safe Time.

Full-Time, Part-Time, Temporary, Seasonal, volunteer firefighter employees will earn Sick and Safe Time at the rate of one (1) hour for every thirty (30) hours worked, up to a maximum of forty-eight (48) hours accrued yearly. When the 48-hour yearly limit is reached, accrual does not restart until the following year.

Sick leave may be used only for days when the employee would otherwise have been at work. It cannot be used for scheduled days off.

The year starts on January 1 and ends on December 31.

An employee who is exempt from the overtime provisions of the Fair Labor Standards Act is assumed to work 40 hours per week.

b) Use/Purpose

All employees are permitted to use the leave in increments of no less than fifteen (15) minutes. Earned Sick and Safe Time can be used as it is accrued.

Paid Earned Sick and Safe Time hours will be compensated at the employee's regular rate of pay.

Employees may only use Earned Sick and Safe Time for one of the authorized reasons listed below.

Illness

- The employee or family members:
 - Mental or physical illness, injury or other health condition
 - Need for medical diagnosis, care or treatment, of a mental or physical illness
 - injury or health condition
 - Need for preventative care
 - When it has been determined by health authority or a health care professional that the employee or family member is at risk of infecting others with a communicable disease. Whether or not the employee or family member has actually contracted the communicable disease.
 - The employee's inability to work or telework because the employee is:
 - Prohibited from working by the City due to health concerns related to the potential transmission of a communicable illness related to a public emergency; or
 - Seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and such employee has been exposed to a communicable disease or the City has requested a test or diagnosis;

Safety

- The employee or family members:
 - Absence due to domestic abuse, sexual assault, or stalking of the employee or family member provided the absence is to:

- Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking.
- Obtain services from a victim service organization.
- Obtain psychological or other counseling.
- Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking.
- Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.

Closure

- Closure of the employee's workplace due to weather or other public emergency
- A family member's school or place of care has been closed due to weather or other public emergency.

c) Family member includes an employee's:

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

d) Advance Notice for use of Earned Sick and Safe Time

If the need for Earned Sick and Safe Time is foreseeable, the city requires seven days' advance notice. However, if the need is unforeseeable, employees must provide notice of the need for Sick and Safe time as soon as practicable.

When an employee uses Earned Sick and Safe Time for more than three consecutive days, the city may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records or related documentation to support safety leave). However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using, or used, Earned Sick and Safe Time for

a qualifying purpose. The city will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition.

In accordance with state law, the city will not require an employee using Earned Sick and Safe Time to find a replacement worker to cover the hours the employee will be absent.

The City must maintain the confidentiality of Earned Sick and Safe Time records, medical certifications, histories and documents information pertaining to domestic abuse, sexual assault or stalking, and any statement from the employee about the need for leave. Medical records will be maintained confidentially and apart from personnel files. Per the statute, employees may request the city to destroy or return records under Earned Sick and Safe Time that are older than three years prior to the current calendar year.

e) Retaliation Prohibited

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

f) Benefits and Return to Work Protections

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

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

g) Separation of Employment

Full-Time, Part-Time, temporary, seasonal, volunteer firefighter Employees will not be paid for any accrued but unused Earned Sick and Safe Time upon termination of employment.

Effective January 1, 2024

Adopted _____

Sherburn/Welcome Police Department

November 2023 Department Statistics

Total (year) Calls For Service 2262
 Actual Monthly CFS's 153

Within Sherburn 66
 Within Welcome 81
 Outside City Limits 6

Types of Calls:

Alarm	1
Animal Complaint	7
Assist MCSO	2
Assist Other	3
Child Abuse (suspected)	3
Civil Issue	3
Directed Patrol	46
Disturbance	2
Driving Complaint	1
Fire – Other	1
Funeral Escort	1
Haz-Mat (Non-fire)	1
House Watch	42
Informational	2
Medical – Sherburn	1
Medical – Welcome	1
Miscellaneous	1
Missing Person – JV	1
Ordinance Violation	4
Parking Complaint	1
Suicide (& Attempts)	1
Suspicious Circumstances	2
Suspicious Vehicle	2
Theft	1
Threats	1
Traffic Stops	15
Warrant Service	2
Welfare Check	4
Weapons	1

Total Arrests: 1

Warrant 1

Total Citations issued (each violation): 9

Traffic: 2

No Insurance 1

No MN DL 1

Other: 7

Domestic Assault 2

Disorderly Conduct 2

Acc. Of Garbage 3

DP Welcome: 185.00 hrs

(Daily Average of 6.2 hrs)