CITY OF SAINT PETER, MINNESOTA
AGENDA AND NOTICE OF MEETING

Regular City Council Meeting of Monday, May 14, 2018
Community Center Governors' Room - 7:00 p.m.

I. CALL TO ORDER
II. APPROVAL OF AGENDA
III. APPROVAL OF MINUTES

IV. VISITORS
   A. Scheduling of Visitor Comments on Agenda Items
   B. General Visitor Comments

V. APPROVAL OF CONSENT AGENDA ITEMS

VI. UNFINISHED BUSINESS
   A. 2017 Jefferson Avenue/Gardner Road Project Change Order #1

VII. NEW BUSINESS
   A. Transit Drug and Alcohol Policy Update
   B. Transit Wage Scale Approval
   C. Business License Applications
   D. Hospital Equipment Purchase
   E. Windsor Pond 3rd Additional – Preliminary/Final Plats/Agreement
   F. 2018 Crack Sealing Project Bid Award
   G. Parks Board Membership Modification

VIII. EXECUTIVE SESSION
   A. Resolution Calling For Executive Session
      ADJOURN TO CLOSED SESSION
   B. 2018 Police Officer Union Contract Negotiations

NEW BUSINESS (continued)
H. 2018 Law Enforcement Labor Services #241 (Police Officer)Contract

IX. REPORTS
   A. MAYOR
   B. CITY ADMINISTRATOR
      1. Goal Session Schedule
      2. Others

X. ADJOURNMENT

Office of the City Administrator
Todd Prafke
CALL TO ORDER
Mayor Zieman will call the meeting to order and lead the Pledge of Allegiance.

APPROVAL OF AGENDA
A motion to approve the agenda, as posted in accordance with the Open Meetings Law, will be entertained. A MOTION is in order.

APPROVAL OF MINUTES
A copy of the minutes of the April 23, 2018 regular Council is attached for approval. A MOTION is in order.

VISITORS
A. Scheduling of Visitor Comments On Agenda Items
Members of the audience wishing to address the Council with regard to an agenda item later in the meeting should be noted at this time.

B. General Visitor Comments
Members of the audience wishing to address the Council concerning items not on the agenda may do so at this time.

APPROVAL OF CONSENT AGENDA ITEMS
The consent agenda, including approval of the schedules of disbursements for April 19, 2018 through May 9, 2018 is attached. Please see the attached staff reports and RESOLUTION.

UNFINISHED BUSINESS
A. ADOPTION OF A RESOLUTION APPROVING CHANGE ORDER #1 FOR 2017 JEFFERSON AVENUE/GARDNER ROAD IMPROVEMENT PROJECT
The contractor for the 2017 Jefferson Avenue/Gardner Road Improvement Project has agreed to proposed modifications as a contract change order. The Public Works Director recommends approval of Change Order #1. Please see the attached staff report and RESOLUTION.

NEW BUSINESS
A. ADOPTION OF A RESOLUTION APPROVING UPDATED TRANSIT DRUG AND ALCOHOL POLICY

Following changes in Federal law related to opioids, MnDOT has recommended the City's Transit Drug and Alcohol Policy be modified. The requested changes have been made and approval is recommended. Please see the attached staff report and RESOLUTION.

B. ADOPTION OF A RESOLUTION ESTABLISHING WAGE SCALE FOR TRANSIT SUPPORT SPECIALIST POSITION

Staff recommends establishing a wage scale for the position of Transit Support Specialist that would mirror the Bus Driver wage scale. Please see the attached staff report and RESOLUTION.

C. ADOPTION OF A RESOLUTION APPROVING NEW BUSINESS LICENSES

Several new business license applications have been submitted. Following a background investigation of the applicant, nothing has been found which would prohibit issuance of the licenses. Please see the attached staff report and RESOLUTION.

D. ADOPTION OF A RESOLUTION APPROVING PURCHASE OF ANESTHESIA MACHINE FOR RIVER'S EDGE HOSPITAL

The Hospital Commission has requested authorization or purchase of a new anesthesia machine for use in the second operating room at River's Edge Hospital. Approval is recommended. Please see the attached staff report and RESOLUTION.

E. ADOPTION OF RESOLUTIONS APPROVING PRELIMINARY AND FINAL PLAT FOR WINDSOR POND 3RD ADDITION AND EXECUTION OF DEVELOPMENT AGREEMENT

The Planning and Zoning Commission recommends approval of the preliminary and final plats of Windsor Pond 3rd Addition. In addition, staff recommends authorization be provided for execution of a Development Agreement for the subdivision. Please see the attached staff report and RESOLUTION.

F. ADOPTION OF A RESOLUTION AWARDING BID FOR 2018 CRACK SEALING PROJECT

Formal bids were received for the 2018 Crack Sealing Project. Staff recommends award of the lowest cost bid submitted by Lot Pros LLC at
$1.40 per pound for a not to exceed price of $56,000. Please see the attached staff report and RESOLUTION.

G. ADOPTION OF AN ORDINANCE MODIFYING PARKS AND RECREATION ADVISORY BOARD MEMBERSHIP AND A RESOLUTION APPOINTING COUNCILMEMBER TO THE BOARD

Following 30 days posted notice as required by State Statute, a draft ordinance has been developed that would modify the membership structure of the Parks Board to eliminate one citizen position and replace the position with the appointment of a Councilmember for a one year term. In addition, as one vacancy currently exists on the Parks Board, Mayor Zieman will also recommend the appointment of Councilmember Carlin to fill the vacancy on the seat that, if the ordinance is approved, would not be slotted for a Councilmember. Please see the attached staff report ORDINANCE and RESOLUTION.

VIII. EXECUTIVE SESSION

A. ADOPTION OF A RESOLUTION CALLING FOR CLOSED SESSION TO DISCUSS POLICE OFFICER UNION CONTRACT NEGOTIATIONS

State law allows for public meetings to be closed to discuss labor union contract negotiations. Staff recommends the meeting be closed at this time to discuss negotiations with the Police Officer unions. Please see the attached RESOLUTION.

ADJOURN TO CLOSED SESSION

B. DISCUSSION OF POLICE OFFICER UNION CONTRACT NEGOTIATIONS

Discussion will take place at this time regarding negotiations with the Law Enforcement Labor Services Local No. 241 for the 2018 contract year.

RETURN TO OPEN SESSION

NEW BUSINESS (CONTINUED)

H. ADOPTION OF A RESOLUTION APPROVING EXECUTION OF LABOR SERVICES CONTRACT WITH LAW ENFORCEMENT LABOR SERVICES LOCAL NO. 241 (POLICE OFFICERS)

Following the closed session, staff may recommend execution of a labor services contract with the Police Officer Union for 2019. Please see the attached staff report and RESOLUTION.
IX. REPORTS

A. MAYOR

Any reports by the Mayor will be provided at this time.

B. CITY ADMINISTRATOR

1. REPORT ON GOAL SESSION DISCUSSION

A report will be provided on discussion at the April 30th goal session.

2. OTHERS

Any further reports by the City Administrator will be provided at this time.

X. ADJOURNMENT

Office of the City Administrator
Todd Prafke
Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Saint Peter was conducted in the Governors' Room of the Community Center on April 23, 2018.

A quorum present, Mayor Zieman called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Brand, Pfeifer, Kvamme, Grams, Johnson, and Mayor Zieman. Absent was Councilmember Carlin. The following officials were present: City Administrator Prafke, Assistant City Attorney Grean and City Engineer Domras.

Approval of Agenda – A motion was made by Pfeifer, seconded by Brand, to approve the agenda as modified. With all in favor, the motion carried.

Approval of Minutes – A motion was made by Johnson, seconded by Kvamme, to approve the minutes of the April 9, 2018 regular City Council meeting. With all in favor, the motion carried and the minutes were approved. A complete copy of the minutes of the April 9, 2018 regular City Council meeting is contained in the City Administrator’s book entitled Council Proceedings 19.

A motion was made by Kvamme, seconded by Brand, to approve the minutes of the April 17, 2018 Board of Appeal and Equalization meeting. With all in favor, the motion carried and the minutes were approved. A complete copy of the minutes of the April 17, 2018 Board of Appeal and Equalization meeting is contained in the City Administrator’s book entitled Council Proceedings 19.

A motion was made by Kvamme, seconded by Grams, to approve the minutes of the April 19, 2018 special City Council meeting. With all in favor, the motion carried and the minutes were approved. A complete copy of the minutes of the April 19, 2018 special City Council meeting is contained in the City Administrator’s book entitled Council Proceedings 19.

Public Hearing: Tobacco Regulation Modifications – City Administrator Prafke reviewed the City Council’s procedure for conducting a public hearing.

Mayor Zieman opened a public hearing at 7:04 p.m. on proposed changes to the City Code related to tobacco regulations. City Administrator Prafke indicated that, as per State law, notice of the proposed changes to the City Code to raise the minimum age for purchase of tobacco and tobacco related products to 21 had been posted and tobacco license holders had been provided at least 30 days’ notice of the proposed action. Prafke also pointed out that in 2013 the City Council had taken action to include electronic cigarettes (vaping) under the definition of tobacco products in the City Code.

Mary Hildebrandt, 204 North Fifth Street, expressed her appreciation to the City Council for the work they have done in considering raising the age to 21.

Sandy Renor, 1921 Rock Ridge, indicated her belief that raising the minimum age to 21 is the first step in being a “threat to big tobacco” and eliminating the next generation of tobacco users.
Michael Callahan, 38234 466th Lane, addressed the Council in support of increasing the minimum age and indicated he had chosen to live in Saint Peter because of the values of the community.

Gustavus Senior Leah Moat expressed her support for the increased minimum age and indicated her belief that doing so would make Saint Peter safer and healthier.

Dr. Lon Knutson, 573 Forest Lane, North Mankato, urged support for the increased age to "prevent a lifetime of addiction" for youths. Knutson expressed his belief that children’s brains are more vulnerable to the effects of nicotine which could create a stronger addiction in children.

Erin Simmons, 52698 Valley View Circle, North Mankato, also provided information on the fruit and mint flavored rechargeable e-cigarettes being used by youth which are easily hidden and produce no vapor cloud. Simmons also expressed her belief that communities which pass the higher minimum age regulation have seen a 25% reduction in tobacco use.

Dr. Keith Stelter, 355 North Welco Drive, stated that society is evolving in the way issues like smoking is accepted and encouraged the City Council to continue to be progressive and be a leader.

There being no further speakers, the hearing was declared closed at 7:27 p.m.

Consent Agenda – In motion by Grams, seconded by Brand, Resolution No. 2018-58 entitled “Resolution Approving Consent Agenda” was introduced. Councilmember Johnson asked about the low wage for Cashiers at the pool and concerns about minimum wage requirements. City Administrator Prafke indicated that the City’s seasonal employees are exempt from minimum wage requirements, but that the recent increases for Lifeguard positions were based on the cost of obtaining the Red Cross Lifeguard certifications and that was part of the reason for recommending higher wages for Lifeguards. Upon roll call, with all in favor, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2018-58 is contained in the City Administrator’s book entitled Council Resolutions 22.

City Code Tobacco Regulations – Following the public hearing, City Administrator Prafke indicated that if adopted, the changes to the City Code to, among other things, increase the minimum age for purchase of tobacco and tobacco related products to 21, would take effect upon publication in the St. Peter Herald on May 3, 2018. Councilmember Johnson questioned whether staff had any discussion with Mankato and North Mankato about those communities also making a change. Prafke noted that he had no contact with Mankato, but North Mankato’s change would take effect on the first of the year. Johnson expressed concerns about passing the ordinance when youths can just drive 10 minutes to Mankato to purchase tobacco.

Councilmember Pfeifer indicated he would be voting against the ordinance because 18 year olds are allowed to vote, drive and serve in the military and without allowing youth an opportunity to make a responsible decision they will not grow into responsible adults.

Councilmember Kvamme stated that while 18 year olds can drive, they cannot rent a car and they are often not able to control impulses.

Councilmember Grams asked about the penalty for violation of the ordinance. Prafke indicated it would be a misdemeanor offense.
Councilmember Brand supported the increased age and asked the Council to "consider being leaders among our peers". Brand indicated he would be voting in favor of the change and "against tobacco companies".

Councilmember Johnson indicated he had no problem with the increase if it was a state-wide change, but objected to Saint Peter being the only community with the increased age.

Mayor Zieman indicated he believed the first action considered by the Council, to make any change to Saint Peter minimum age contingent upon Mankato and North Mankato taking action to increase the minimum age for purchase, was a good compromise and he expressed concerns that Saint Peter taking the action alone would potentially chase people to Mankato to buy tobacco products. Zieman stated he supported state-wide or regional efforts, but would not support Saint Peter making the change alone and jeopardizing local businesses.

City Administrator Praffke noted that with only six Councilmembers present, a tie vote would be the same as the ordinance being defeated as by law, a majority vote is required to pass.

Councilmember Kvamme asked how, under Robert's Rules of Order, the ordinance could be brought back before the Council if it failed. Praffke stated that under the City Council operational rules any two Councilmembers can ask to have an item placed on the agenda.

A motion was made by Brand, seconded by Grams to table action on the ordinance until the next Council meeting. With Councilmembers Brand, Kvamme, and Grams voting aye; Councilmembers Pfeifer, Johnson and Mayor Zieman voting nay, the motion failed.

A motion was made by Brand, seconded by Kvamme, to introduce an Ordinance entitled "An Ordinance Amending Saint Peter City Code Chapter 12 "Business Licensing And Regulations" And Chapter 30 'Offenses And Miscellaneous Provisions' And Adopting By Reference Saint Peter City Code Chapter 1 Section 1-6, Which, Among Other Things, Contain Penalty Provisions" was introduced. Upon roll call, Councilmembers Brand, Kvamme and Grams voting aye; Councilmembers Pfeifer and Johnson and Mayor Zieman voting nay, the Ordinance was defeated.

69/13.8kV Front Street Substation Project Acceptance – Public Works Director Moulton requested final acceptance of the Front Street Substation project in the total cost of $420,630.60 and authorization to make final payment to the contractor in the amount of $37,738.45. Moulton also noted that Stage 2 of the improvements at the substation would take place in the future. In motion by Pfeifer, seconded by Grams, Resolution No. 2018-59 entitled "Resolution Accepting 69/13.8kV Front Street Substation Improvements Project And Authorizing Final Payment" was introduced. Upon roll call, with all in favor, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2018-59 is contained in the City Administrator's book entitled Council Resolutions 22.

2018 Seal Coating Project Bid Award – Public Works Director Moulton requested award of the bid for the 2018 Seal Coating Project to Caldwell Asphalt at $2.545 per gallon for a total price on 100 blocks of $132,818.46. In motion by Johnson, seconded by Brand, Resolution No. 2018-60 entitled "Resolution Awarding Bid For 2018 Seal Coating Project" was introduced. Upon roll call, with all in favor, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2018-60 is contained in the City Administrator's book entitled Council Resolutions 22.
2018 Asphalt Purchase Bid Award – Public Works Director Moulton requested award of the bid for the 2018 Asphalt Purchase to Southern Minnesota Construction (SMC) at the price of $52.73 per ton based on $2.15 per mile transportation charges to the City. Moulton noted that the base price submitted by W.W. Blacktopping was actually lower than SMC’s base price, but with the additional distance to drive to obtain materials from W.W. Blacktopping, the overall lower price was actually from SMC. In motion by Kvamme, seconded by Grams, Resolution No. 2018-61 entitled “Resolution Awarding Bid for 2018 Asphalt Purchase” was introduced. Upon roll call, with all in favor, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2018-61 is contained in the City Administrator’s book entitled Council Resolutions 22.

TH 99 Reconstruction Project Change Orders – Public Works Director Moulton recommended approval of two change orders for the TH 99 Reconstruction Project and extension of the completion date to June 1, 2018. Moulton reviewed the additional work orders for the project as well as the change orders and a supplemental agreement for the planter wall. Moulton also provided information on the funding sources for the change orders. In motion by Pfeifer, seconded by Brand, Resolution No. 2018-62 entitled “Resolution Approving Change Orders On Broadway Avenue (TH99) From Minnesota Avenue (TH169) To The Minnesota River” was introduced. Upon roll call, with all in favor, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2018-62 is contained in the City Administrator’s book entitled Council Resolutions 22.

Recreation and Leisure Services Director Job Description – City Administrator Prafke recommended modifications to the job description for Recreation and Leisure Services Director which hadn’t been modified for over 25 years. Prafke noted essential physical requirements and desired qualifications were being added to the descriptions. Councilmember Kvamme requested changes to the description to indicate the Director would be the City’s representative with area organizations such as Gustavus Adolphus College and School District #508 and for State and regional sporting groups. Prafke noted that those responsibilities would normally be assigned by his office under “other duties as assigned”. Kvamme asked to have the information included in the description. In motion by Pfeifer, seconded by Brand, Resolution No. 2018-63 entitled “Resolution Authorizing Modifications To Director Of Recreation And Leisure Services Director Job Description” was introduced with Councilmember Kvamme’s requested changes. Upon roll call, with all in favor, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2018-63 is contained in the City Administrator’s book entitled Council Resolutions 22.

Reports

“Police Officer Memorial Week/Day” Proclamation – Mayor Zieman proclaimed May 15, 2018 as “Police Officer Memorial Day” in Saint Peter and May 15-21, 2018 as “Police Officer Memorial Week” in recognition of the services provided by the Officers of the Saint Peter Police Department.

Goal Session Schedule – City Administrator Prafke reminded the Council of the goal session scheduled for April 30, 2018 at 3:00 p.m. in the Governors' Room.

Director of Finance – City Administrator Prafke reported new Finance Director Sally Vogel had begun work.

City Administrator Prafke reported the Public Works Department, which had started spring street sweeping three times but was unable to complete the work due to the late spring snowstorms,
was attempting, for the third time, to do complete sweeping which helps prevent pollutants from entering the Minnesota River.

Public Works Director Moulton reminded everyone that hydrant flushing, which had also been delayed due to all the late spring snowstorms, would begin on April 30th.

There being no further business, a motion was made by Pfeifer, seconded by Brand, to adjourn. With all in favor, the motion carried and the meeting adjourned at 8:29 p.m.

______________________________
Charles Zieman
Mayor

ATTEST:

______________________________
Todd Prafke
City Administrator
TO: Todd Prafke  
City Administrator  
DATE: April 24, 2018  
FROM: Pete Moulton  
Director of Public Works  
RE: Stainless Steel Light Poles Purchase  

ACTION/RECOMMENDATION

Approve the purchase of (70) 16' Satin Brushed Aluminum Street Light Poles from JT Services of North Mankato, Minnesota in the amount of $18,543.

BACKGROUND

As part of the Ameresco street light project, the Electric Utility plans to replace 108 wooden poles with new aluminum bases and 16' spun aluminum poles. Ameresco will supply the new heads as part of the approved contract, which Electric staff will install.

A request for formal written proposals was initiated and published on the City’s website for seventy (70) 16' Satin Brushed Aluminum Street Light Poles with freight included. Four vendors submitted proposals as follows:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Unit Price</th>
<th>Quantity</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>JT Services</td>
<td>$264.90</td>
<td>70</td>
<td>$18,543.00</td>
</tr>
<tr>
<td>RESCO</td>
<td>$280.38</td>
<td>70</td>
<td>$19,626.60</td>
</tr>
<tr>
<td>WESCO</td>
<td>$295.66</td>
<td>70</td>
<td>$20,696.20</td>
</tr>
<tr>
<td>GraybaR</td>
<td>$299.00</td>
<td>70</td>
<td>$20,930.00</td>
</tr>
</tbody>
</table>

JT Services submitted the lowest cost proposal and I recommend accepting their proposal with funding from the Electric Fund.

Please feel free to contact me should you have any questions or concerns about this agenda item.

PM/amg
Memorandum

TO: Todd Prafke
   City Administrator

DATE: May 4, 2018

FROM: Pete Moulton          Tim Mayo
      Director of Public Works  Maintenance Superintendent

RE: Community Spirit Park Water Fountains

ACTION/RECOMMENDATION

Authorize purchase of three (3) powder coated stainless steel pedestal water fountains with bottle filler and ADA accessible for Community Spirit Park in the amount of $11,419.60 from St. Croix Recreation Fun Playgrounds, Inc. of Stillwater, Minnesota.

BACKGROUND

As Community Spirit Park becomes active this spring, staff from both the City and School District #508 have discussed the need for water fountains in the park. Early in 2018 it was agreed upon by both groups that fountains would be placed throughout the park to accommodate the planned activities.

Per the City’s purchasing policy, a request for written proposals was issued and advertised on the City’s website. Three proposals were received as follows:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. Croix Recreation Fun Playgrounds, Inc.</td>
<td>$11,419.60</td>
</tr>
<tr>
<td>Ferguson Enterprises</td>
<td>$11,973.45</td>
</tr>
<tr>
<td>Ryan Plumbing</td>
<td>$13,416.00</td>
</tr>
</tbody>
</table>

I recommend accepting the proposal submitted by St. Croix Recreation Fun Playgrounds, Inc. of Stillwater, Minnesota. Funding for this purchase is allocated through the 2018 Parks Budget and our pending agreement with the School District.

Please feel free to contact me should you have any questions or concerns about this agenda item.

PM/TM/amg
Memorandum

TO: Todd Prafke  
City Administrator

FROM: Pete Moulton  
Director of Public Works

Tim Mayo  
Maintenance Superintendent

RE: Community Spirit Park Bleachers

DATE: April 30, 2018

ACTION/RECOMMENDATION

Authorize purchase of four 5 row 15’ aluminum bleachers for Community Spirit Park in the amount of $12,927.25 from BSN Sports of Maple Grove, Minnesota

BACKGROUND

As Community Spirit Park becomes active this spring, City staff and the School District have discussed the need for bleachers. Early in 2018 it was agreed upon by both entities to place bleachers by the ball parks to accommodate the planned activities. These bleachers will be portable for accommodating other sports activities at the park or at other locations.

As per the City’s purchasing policy, a request for formal written proposals was sought and the notice was included on the City’s website. Three vendors supplied proposals as follows:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>BSN Sports, Maple Grove, MN</td>
<td>$12,927.25</td>
</tr>
<tr>
<td>Thepark and Facilities, Boca Raton, FL</td>
<td>$14,422.00</td>
</tr>
<tr>
<td>Summit Supply Corpo, Durango, CO</td>
<td>$14,569.28</td>
</tr>
</tbody>
</table>

Staff is recommending accepting the proposal from BSN Sports of Maple Grove, Minnesota. Funding for this purchase is allocated through the 2018 Parks Budget and our pending agreement with School District #508.

Please feel free to contact me should you have any questions or concerns about this agenda item.

PM/TM/amg
Memorandum

TO: Todd Prafke  
City Administrator

FROM: Pete Moulton  
Director of Public Works

RE: Purchase of Change Street Light Foundations

DATE: April 23, 2018

ACTION/RECOMMENDATION

Approve the purchase of (70) "Chance Street Light Foundations" #T112-0142 from JT Services of North Mankato, Minnesota in the amount of $17,080.

BACKGROUND

As part of the Ameresco street light project the City has committed to replacing all wooden poles within the City. The Electric Utility plans to replace 108 wooden poles with new aluminum bases and 16’ spun aluminum poles. Ameresco will supply the new heads which Electric staff will install.

The materials request was posted on the City website with the specifications requesting (70) Chance Street Light Foundations #T112-0142 with freight included. Five vendors responded to the City’s request; all of whom are capable of supplying the bases.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Unit Price</th>
<th>Quantity</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>JT Services</td>
<td>$244.00</td>
<td>70</td>
<td>$17,080.00</td>
</tr>
<tr>
<td>RESCO</td>
<td>$244.35</td>
<td>70</td>
<td>$17,104.50</td>
</tr>
<tr>
<td>Border States</td>
<td>$252.00</td>
<td>70</td>
<td>$17,640.00</td>
</tr>
<tr>
<td>WESCO</td>
<td>$254.35</td>
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<td>$17,804.50</td>
</tr>
<tr>
<td>GraybaR</td>
<td>$258.56</td>
<td>70</td>
<td>$18,099.20</td>
</tr>
</tbody>
</table>

JT Services supplied the lowest written proposal in the amount of $17,080 and I recommend approval of their proposal. The purchase will be funded from the Electric Fund.

Please feel free to contact me should you have any questions or concerns about this agenda item.

PM/amg
Memorandum

TO: Todd Prafke
   City Administrator

FROM: Cindy Moulton
      Administrative Secretary

RE: Renewal License Applications

ACTION/RECOMMENDATION

Provide approval for renewal of certain license applications.

BACKGROUND

Fabian Seafood has submitted a six Month Peddler Permit application in order to sell seafood in the parking lot at 624 South Minnesota Avenue. The company began sales on April 1, 2018 without having a current permit/license. You approved the license contingent upon City Council approval. The licensing period will be retroactive beginning April 1, 2018 – September 30, 2018.

Saint Peter currently has seven companies that are licensed to trim trees within the city. An additional Tree Worker License renewal application has now been submitted by Brad Haack dba Haack Tree Service. The license will be in effect May 15, 2018 – April 30, 2019.

Several non-profit organizations have submitted temporary license applications to cover their special events that will be taking place during the summer in St. Peter. The St. Peter Chamber of Commerce has applied for licenses for Temporary Gambling, Soft Drink and On Sale Liquor for the July 4, 2018 celebration in Minnesota Square Park.

Gustavus Adolphus College has applied for a Temporary Gambling license for two raffles (October 6 and December 14) on campus at 800 College Avenue.

The annual BluesFest event will be taking place at Minnesota Square Park on June 9, 2018. The St. Peter Ambassadors have applied for a Temporary Soft Drink, Show and On Sale Liquor license in order to cover the event activities.

The Red Men Club will be hosting two dances in their fenced-in parking lot located at 412 South Third Street on July 3rd and August 18th. They have applied for Temporary On-Sale Liquor and Dance licenses for the event.

In addition, the Club will again sponsor the fireworks display on July 4, 2018, at the Nicollet County Fairgrounds. They have applied for a Fireworks Permit application for City Council approval.

CM/
To: Honorable Mayor Zieman
   Members of the City Council

From: Todd Prafke
      City Administrator

Re: Seasonal Employee Wage Correction

Date: 5/10/18

Action/Recommendation

Provide approval for a corrected wage for Public Works Seasonal Laborer Frank Dorzinsky.

Background

The Council previously appointed Frank Dorzinsky as a seasonal Laborer in the Public Works Department at the wage of $10.50. This is Mr. Dorzinsky's third season in the position and as such, and as provided by the seasonal wage scale adopted by the City Council, his correct wage should be $10.75 per hour.

A correction to this wage has been included on the consent agenda for Council consideration.

Please feel free to contact me if you have any questions or concerns on this agenda item.

TP/bal
Memorandum

TO: Todd Prafke  
   City Administrator

FROM: Jane Timmerman  
   Recreation Department Director

DATE: 05/10/18

RE: Seasonal Pool Manager Appointment

ACTION/RECOMMENDATION

Approve the appointment of Nicole Ruhland as Outdoor Pool Manager.

BACKGROUND

I recommend the appointment of Nicole Ruhland to the position of Seasonal Outdoor Pool Manager for the Roy T. Lindenberg Memorial Outdoor swimming pool for the 2018 summer season.

The Recreation Department provides outdoor swim lessons, family swim time, rentals, and open swim opportunities to the community each summer. We continue to be very satisfied with the performance of Nicole Ruhland as our seasonal Pool Manager. Cleanliness and safety issues are of primary importance and staff is held accountable for their actions on a daily basis. Nicole also maintains the certifications necessary for her to train and certify our pool staff. Additional programs and activities continue to be included.

I am projecting Ms. Ruhland will work approximately 608 hours for the 2018 summer season. Those hours include time spent interviewing potential staff (April), re-certifying pool staff (May), training pool staff, preparations for opening, twelve weeks of management/supervision during the 2018 season, head guard meetings, pool staff meetings and tasks associated with opening and closing the pool.

Total cost would be $11,400.00. Payment is to be spread over eight pay periods with the first pay date being May 25, 2017 and the last pay date being Friday, August 31, 2018.

Please feel free to contact me if you have any questions about this agenda item.

JT/
TO: Honorable Mayor Zieman  
Members of the City Council

FROM: Todd Prafke  
City Administrator

RE: Hospital Project Building Committee Appointments

ACTION/RECOMMENDATION

Provide for the appointment of Mayor Zieman and Councilmember Pfeifer as the City Council’s representatives on the Hospital Project Building Committee.

BACKGROUND

Members may recall the plan to have the Hospital Commission establish a Building Committee to oversee certain processes related to the Hospital Expansion Project. Membership of that Building Committee will be two members of the Commission (Nelson and Harty as appointed by the Commission) two Members of the Council and the Hospital CEO.

As a part of the plan the Council was to appoint two members of its body to that committee. You discussed having Mayor Zieman and Councilmember Pfeifer as those appointees. These appointments have been included on the consent agenda for the May 14, 2018 regular meeting.

Please feel free to contact me if you have any questions or concerns on this agenda item.

TP/bal
<table>
<thead>
<tr>
<th>VENDOR SRT KEY</th>
<th>DESCRIPTION</th>
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**LEAGUE OF MN CITIES INSURANCE TRUST**

- work comp 3rd & 4th qtr | GENERAL FUND | MAYOR & COUNCIL | 73.12
- 2017 property & liability | GENERAL FUND | MAYOR & COUNCIL | 277.48
- work comp 3rd & 4th qtr | GENERAL FUND | CITY ADMINISTRATION | 315.80
- 2017 property & liability | GENERAL FUND | CITY ADMINISTRATION | 1,093.15
- work comp 3rd & 4th qtr | GENERAL FUND | CITY CLERK | 145.06
- 2017 property & liability | GENERAL FUND | FINANCE | 479.52
- work comp 3rd & 4th qtr | GENERAL FUND | MUNICIPAL BUILDING | 574.02
- 2017 property & liability | GENERAL FUND | MUNICIPAL BUILDING | 604.52
- 2017 property & liability | GENERAL FUND | MUNICIPAL BUILDING | 37.00
- work comp 3rd & 4th qtr | GENERAL FUND | POLICE | 19,167.18
- 2017 property & liability | GENERAL FUND | POLICE | 11,941.68
- 2017 property & liability | GENERAL FUND | POLICE | 7,006.00
- work comp 3rd & 4th qtr | GENERAL FUND | FIRE | 11,537.50
- work comp 3rd & 4th qtr | GENERAL FUND | FIRE | 681.36
- 2017 property & liability | GENERAL FUND | FIRE | 2,258.20
- 2017 property & liability | GENERAL FUND | FIRE | 1,470.00
- work comp 3rd & 4th qtr | GENERAL FUND | BUILDING INSPECTOR | 283.12
- 2017 property & liability | GENERAL FUND | BUILDING INSPECTOR | 1,188.94
- 2017 property & liability | GENERAL FUND | EMERGENCY MGMT | 5.12
- work comp 3rd & 4th qtr | GENERAL FUND | COMMUNITY SERVICE | 110.84
- 2017 property & liability | GENERAL FUND | COMMUNITY SERVICE | 463.80
- work comp 3rd & 4th qtr | GENERAL FUND | PUBLIC WORKS ADMIN | 532.80
- 2017 property & liability | GENERAL FUND | PUBLIC WORKS ADMIN | 596.27
- work comp 3rd & 4th qtr | GENERAL FUND | PUBLIC WORKS ADMIN | 328.00
- work comp 3rd & 4th qtr | GENERAL FUND | STREETS | 11,297.63
- 2017 property & liability | GENERAL FUND | STREETS | 6,085.28
- 2017 property & liability | GENERAL FUND | STREETS | 328.00
- 2017 property & liability | GENERAL FUND | STREETS | 1,785.00
- vehicle damaged by city pl | GENERAL FUND | STREETS | 1,000.00
- work comp 3rd & 4th qtr | GENERAL FUND | SENIOR COORDINATOR | 69.22
- 2017 property & liability | GENERAL FUND | SENIOR COORDINATOR | 174.45
- work comp 3rd & 4th qtr | GENERAL FUND | RECREATION/LEISURE SER | 1,883.46
- 2017 property & liability | GENERAL FUND | RECREATION/LEISURE SER | 1,921.24
- work comp 3rd & 4th qtr | GENERAL FUND | SWIMMING POOL | 1,837.96
- 2017 property & liability | GENERAL FUND | SWIMMING POOL | 3,472.51
- work comp 3rd & 4th qtr | GENERAL FUND | SKATING RINKS | 52.12
- 2017 property & liability | GENERAL FUND | SKATING RINKS | 94.63
- work comp 3rd & 4th qtr | GENERAL FUND | PARKS | 7,412.92
- 2017 property & liability | GENERAL FUND | PARKS | 21,062.39
- 2017 property & liability | GENERAL FUND | PARKS | 328.00
- 2017 property & liability | GENERAL FUND | PARKS | 705.00
- work comp 3rd & 4th qtr | GENERAL FUND | ECONOMIC DEVMT | 221.68
- 2017 property & liability | GENERAL FUND | ECONOMIC DEVMT | 895.81
- 2017 property & liability | GENERAL FUND | INSURANCE-UNALLOCATED | 11,457.74
- vehicle damaged by city pl | GENERAL FUND | PROPERTY INSURANCE | 2,875.29
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| VON ESSEN TOWING | fencing program instructio | GENERAL FUND | RECREATION/LEISURE SER          | 1,380.00 |
| YOUTH ENRICHMENT LEAGUE | fencing program instructio | RESTRICTED CONTRIB | RECREATION/LEISURE SER         | 132.00   |

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=============== FUND TOTALS ================

GRAND TOTAL: 856,720.15

TOTAL PAGES: 15
CITY OF SAINT PETER, MINNESOTA

RESOLUTION NO. 2018 -

STATE OF MINNESOTA)  
COUNTY OF NICOLLET)  
CITY OF SAINT PETER)

RESOLUTION APPROVING CONSENT AGENDA

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA, THAT:

1. The following budgeted purchases in excess of $7,500 are hereby approved:

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<thead>
<tr>
<th>VENDOR</th>
<th>ITEM</th>
<th>PRICE</th>
<th>FUNDING</th>
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<tr>
<td>JT Services</td>
<td>70 16' Aluminum Streetlight poles</td>
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<tr>
<td>St. Croix Recreation</td>
<td>3 powder coated pedestal water fountains</td>
<td>$11,419.60</td>
<td>General</td>
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<tr>
<td>BSN Sports</td>
<td>Four 5-row 15' bleachers</td>
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<tr>
<td>JT Services</td>
<td>Streetlight foundations – 70</td>
<td>$17,080</td>
<td>Electric</td>
</tr>
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</table>

2. The following renewal licenses are hereby approved contingent upon payment of the licensing fee and compliance with City Code regulations:

- **Temporary Gambling License**
  - St. Peter Chamber of Commerce
  - Gustavus Adolphus College
  - MN Square Park
  - 800 College Ave.
  - 7/4/18
  - 10/6/18 and 12/14/18

- **Peddler License**
  - Fabian Seafood
  - 624 S MN
  - 4/1/18 – 9/30/18

- **Tree Worker License**
  - Haack Tree Service
  - 5/15/18 – 4/30/19

- **Temporary Soft Drink License**
  - St. Peter Ambassadors
  - MN Square Park
  - 6/9/18

- **Temporary On Sale Liquor License**
  - St. Peter Ambassadors
  - 412 S 3rd
  - MN Square Park
  - 6/9/18

- **Temporary Show License**
  - St. Peter Ambassadors
  - MN Square Park
  - 6/9/18
Memorandum

TO: Todd Prafke  
City Administrator

FROM: Pete Moulton  
Public Works Director

RE: 2017 Jefferson Avenue/Gardner Road Project - Change Order No. 1

**ACTION/RECOMMENDATION**

Approve Change Order No. 1 to OMG Midwest, Inc. (SMC) of Mankato, Minnesota for improvements to the 2017 Jefferson Avenue/Gardner Road Project in the amount of $3,938.40.

**BACKGROUND**

In the spring of 2017 OMG Midwest, Inc. (SMC) was awarded the Jefferson Avenue/Gardner Road project that was in conjunction with the new High School construction. Change Order No. 1 is for the addition of two items of work that were not included with the original bid. They include; 1.) Erosion Control Blanket and 2.) 4” Bituminous Roadway patch.

The erosion control blanket was needed to stabilize three areas after grading and seeding were completed. The areas were steep and without the blanket, rain would have caused soil to erode. The total cost for this erosion control blanket was $2,858.40. The 4” bituminous patch was used to patch back the roadway on the south side of Jefferson Avenue when existing curb and gutter was removed to make the existing pedestrian ramps ADA compliant. The cost for the 4” bituminous patch was $1,080.00.

The total change order amount is $3,938.40. Once turf is established, a final pay estimate will be prepared to accept the project and release retainage.

**FISCAL IMPACT:**

Funding will come from the project budget which includes grant funds, Municipal State Aid and the General Fund monies.

**ALTERNATIVES AND VARIATIONS:**

Do not act: No further action will be taken without additional direction from the City Council.

Negative Vote: This is one of those items where I am not sure what we would do if the City Council did not approve. This is within our purchase policy and is one that we have traditionally approved administratively as the work is ongoing and the cost to stop them and restart the work is higher than the Change Order, but a final approval is needed by the Council.

Modification of the Resolution: This is always an option of the City Council.

Please feel free to contact me should you have any questions or concerns on this agenda item.

PM/amg
February 23, 2018

Mr. Pete Moulton
Director of Public Works
405 W. St. Julien Street
Saint Peter, MN 56082

RE: 2017 Jefferson Avenue / Gardner Road Improvements
   SAP # 165-101-006, SAP # 165-592-001
   Project No.: M14.109982

Dear Mr. Moulton:

Enclosed is Change Order No. 1 and Partial Pay Estimate No. 3 for the 2017 Jefferson Avenue / Gardner Road improvement project. Change Order No. 1 is for the addition of two items of work that were not included with the original bid - Erosion Control Blanket and 4” Bituminous Roadway Patch.

The Erosion Control Blanket was needed to stabilize three areas after grading and seeding were completed. The areas were steep and without the blanket, rain would have caused soil to erode. The total cost of the erosion control blanket was $2,858.40.

The 4” Bituminous Patch was used to patch back the roadway on the south side of Jefferson Avenue when existing curb & gutter was removed to make the existing pedestrian ramps ADA compliant. The cost of the 4” Bituminous Patch was $1,080.00.

The total change order amount is $3,938.40. We request the City Council approve this work. If approved, the Change Order must be sent to the District State Aid Engineer for his approval to utilize MSA funds for this work.

Pay Estimate No. 3 is also included. This represents payment for all work with exception of 5% withheld until turf is adequately established. Once turf is established, a final pay estimate will be prepared to accept the project and release retainage.

Please let me know if you have any questions.

Sincerely,

Jeffrey A. Domras, P.E.
Project Engineer

Bolton & Menk, Inc.
CITY OF SAINT PETER, MINNESOTA

RESOLUTION NO. 2018 –

STATE OF MINNESOTA
COUNTY OF NICOLLET
CITY OF SAINT PETER

RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR 2017 JEFFERSON AVENUE/GARDNER ROAD PROJECT

WHEREAS, Jefferson Avenue has been extended to tie into the Broadway Avenue roundabout as part of the new high school project; and

WHEREAS, additional work was needed on the project; and

WHEREAS, the additional work included an Erosion Control Blanket stabilize three areas after grading and 4” Bituminous Roadway Patch to patch back the roadway on the south side of Jefferson Avenue when existing curb and gutter was removed to make the existing pedestrian ramps ADA compliant.; and

WHEREAS, the contractor, OMG Midwest, Inc. (SMC) agreed to the work as Change Order #1 to the original project contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA, THAT: the City Council approves Change Order No. 1 for the 2017 Jefferson Avenue/Gardner Road Project in the amount of $3,938.40.

Adopted by the City Council of the City of Saint Peter, Nicollet County, Minnesota, this 14th day of May, 2018.

______________________________
Charles Zieman
Mayor

ATTEST:

______________________________
Todd Prafke
City Administrator
TO:            Honorable Mayor Zieman
            Members of the City Council
FROM:          Todd Prafke
            City Administrator
RE:            Transit Drug and Alcohol Policy Review

ACTION/RECOMMENDATION

Approve the attached resolution approving the modified Drug and Alcohol Policy for your transit
employees.

BACKGROUND

The Minnesota Department of Transportation Office of Transit (OT) has recommended that all
Transit organizations do a review and update of their current policies related to drug and alcohol
use, rules, procedures and discipline. This latest round of changes is primarily driven by the
Federally announced opioid crisis.

OT has developed model policies, which we have used, and recommended a number of
changes to their models, some of which apply to us as the employer of all MRVT transit
personnel. Those changes mainly deal with opioids and a few clarifications related to the type
of testing and pass/fail levels in the tests.

At a workshop about a month ago you reviewed some of the changes, which I do not view as
substantive policy changes, so you have a general understanding of the processes used with
your transit personnel in the event we have a drug or alcohol test fail.

Please note these changes are not applicable to your non-transit Commercial Licensed Drivers.

FINANCIAL IMPACT:

There is no impact to the changes that are proposed, but should you have a policy that does not
conform with the minimum OT standards, they would have the option of withholding transit
funding.

ALTERNATIVES/VARIATIONS:

Do not act. Staff will wait for further direction. While this is not urgent, it is ready.
Negative Vote. Staff will wait for further direction.
Modification of the Resolution. This is always an option of the Council.

Please feel free to contact me if you have any questions or concerns about this agenda item.

TP/bal
FTA DRUG AND ALCOHOL TESTING POLICY

FOR

The City of Saint Peter

*Policy Adopted on August 13, 2007

Policy Revised on April 8, 2013 and ____________
Policy Effective on April 8, 2013 and ____________

Todd Prafke
City Administrator

* See the policy adoption resolution signed by the employer’s governing body or chief executive officer(s) at the end of this policy.

All provisions set forth in regular print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. All underlined provisions are set forth under the authority of the transit system.
FTA Drug and Alcohol Testing Program

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All provisions set forth in regular print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. All underlined provisions are set forth under the authority of the transit system.
All provisions set forth in regular print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. All underlined provisions are set forth under the authority of the transit system.
1. PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect employees, passengers, and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing drug and alcohol testing programs in the transit industry. The Federal Transit Administration (FTA) of the U.S. Department of Transportation has published Title 49 Code of Federal Regulations (CFR) Part 655, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. The U.S. Department of Transportation (DOT) has also published Title 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Office of Drug & Alcohol Policy & Compliance's website.

2. APPLICABILITY

This Policy applies to all covered employees (full- or part-time) while performing any safety-sensitive functions. A safety-sensitive function is any duty related to the safe operation of mass transit service including the operation of a revenue service vehicle whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles, and any other transit employee who is required to hold a Commercial Driver's License. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment. Supervisors are only safety-sensitive if they perform one of the above functions.

3. DEFINITIONS

**Accident.** An occurrence associated with the operation of a vehicle, if as a result:

- An individual dies;
- An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- One or more vehicles incur disabling damage as the result of the occurrence and are transported away from the scene by a tow truck or other vehicle.

**Adulterated specimen.** A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

All provisions set forth in regular print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. All underlined provisions are set forth under the authority of the transit system.
Alcohol. The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, or medication.

Alcohol Concentration. Expressed in terms of grams of alcohol per 210 liters of breath as measured by a breath-testing device.

Canceled Test. A drug or alcohol test that has been declared invalid by a Medical Review Officer. A canceled test is neither positive nor negative.

Commercial Driver's License (CDL). Vehicles with sixteen or more passengers (including the driver) are considered a commercial motor vehicle, which requires the driver to have a commercial driver's license to operate that vehicle.

Covered Employee. An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (see the SAFETY-SENSITIVE POSITIONS section of this policy for a list of covered positions).

Designated Employer Representative (DER). An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 655 and 40, as amended.

Department of Transportation (DOT). These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of this part, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes only since the USCG regulation does not incorporate Part 40 for its alcohol testing program. These terms include any designee of a DOT agency. Dilute specimen. A specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage. Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated, but would have been further damaged if so operated. It does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that make them inoperative.

Evidentiary Breath Testing Device (EBT). A device that is approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the .02 and .04 alcohol concentrations, and appears on ODAPC's Web page for "Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA.

All provisions set forth in regular print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. All underlined provisions are set forth under the authority of the transit system.
Medical Review Officer (MRO). A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute. A drug test result which is negative for the five drug/drug metabolites, but has creatinine and specific gravity values lower than expected for human urine.

Negative test result. A verified presence of the identified drug or its metabolite below the minimum levels or absence of same as specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC is a negative test result.

Non-negative drug test result. A test result found to be adulterated, substitute, invalid, or positive for drug metabolites. Non-negative results are considered a positive test or refusal to test if MRO cannot determine legitimate medical explanation.

Performing a safety-sensitive function. A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive test result. A verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.

Prohibited drug. The drugs for which tests are required under this part and DOT agency regulations are marijuana, cocaine, Opioids, amphetamines, phencyclidine (PCP) and opioids at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Revenue Service Vehicles. All transit vehicles that are used for passenger transportation service or that require a CDL to operate. Includes all ancillary vehicles used in support of the transit system.

Safety-sensitive functions means any of the following duties, when performed by employees of recipients, subrecipients, operators, or contractors:

(a) the operation of a transit revenue service vehicle even when the vehicle is not in revenue service;

(b) the operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Driver’s License (CDL);

(c) maintaining a revenue service vehicle or equipment used in revenue service;

(d) controlling the movement of a revenue service vehicle; and,

(e) carrying a firearm for security purposes.

All provisions set forth in regular print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. All underlined provisions are set forth under the authority of the transit system.
Contractor employees that stand in the shoes of Transit System employees also have to comply.

Substance Abuse Professional (SAP). A licensed physician (medical doctor or doctor of osteopathy) or state licensed or certified family and marriage therapist, psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen. A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Verified negative drug test. A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (DHHS).

Verified positive drug test. A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40, as amended.

Validity testing. The evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants of foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

4. EDUCATION AND TRAINING

Every covered employee will receive a copy of this policy and will have access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training includes manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel or company officials who are in a position to determine covered employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable illegal/prohibited drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

Information on the signs, symptoms, health effects, and consequences of alcohol misuse is presented in Appendix A.

5. PROHIBITED SUBSTANCES

All provisions set forth in regular print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. All underlined provisions are set forth under the authority of the transit system.
Prohibited substances addressed by this policy include the following.

A. The illegal use of Controlled Substances is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, Opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Food and Drug Administration. Prohibited use includes use of any prohibited drug, misuse of legally prescribed drugs, and the use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which can cause drug or drug metabolites to be present in the body above the minimum thresholds, is a violation of this policy.

Federal Transit Administration regulations (49 CFR Part 655) require that all covered employees be tested for marijuana, cocaine, amphetamines, Opioids, and phencyclidine as described in the TESTING REQUIREMENTS section of this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

B. Prescription and Over-the-Counter Medications (Rx/OTC): The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a supervisor and the covered employee is required to provide a written release from their doctor or pharmacist indicating that the employee can perform their safety-sensitive functions.

Effective January 1, 2018, a MRO may review the use of Rx/OTC medications that may create a “significant safety risk” and may deem the employee to be “medically unqualified”. In the event of a verified negative result, the MRO must provide the employee up to 5 business days in which to facilitate a discussion with the prescribing physician in order to determine if the medication can be changed to one that does not make the employee medically unqualified, or that does not pose a significant safety concern to the employer.

C. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions.

6. PROHIBITED CONDUCT

A. All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

B. Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge
the use of alcohol at the time that they are called to report to duty. The covered employee will subsequently be relieved of their on-call responsibilities.

C. The City of Saint Peter shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.

D. Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having a breath alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.

E. No covered employee shall consume alcohol for eight (8) hours following an involvement in an accident or until they submit to the post-accident drug/alcohol test, whichever occurs first.

F. No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

Consequences of Violations- Each situation will be reviewed on a case-by-case basis evaluating the severity and the circumstances involved. An employee violating this policy may be referred to treatment in accordance with Minnesota Statutes 181.950-957 and/or subject to disciplinary action up to and including termination.

7. TESTING REQUIREMENTS

All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment. Any covered employee who refuses to comply with a request for testing shall be removed from duty and referred for evaluation by a Substance Abuse Professional (SAP) in accordance with Part 40, as amended.

Consequences of Violations- Each situation will be reviewed on a case-by-case basis evaluating the severity and the circumstances involved. An employee violating this policy may be referred to treatment in accordance with Minnesota Statutes 181.950-957 and/or subject to disciplinary action up to and including termination.

Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40, as amended. All covered employees shall be subject to testing prior to employment, for reasonable suspicion, following an accident, and random as defined in the PRE-EMPLOYMENT TESTING, REASONABLE SUSPICION TESTING, POST-ACCIDENT TESTING, and RANDOM TESTING sections of this policy. All covered employees who have tested positive for drugs or alcohol on a random, reasonable suspicion or post-accident will be tested prior to returning to duty after completion of the Substance Abuse Professional's recommended treatment program and subsequent release to duty. Follow-up testing will also be conducted following return-to-duty for a period of one to five years, with at least six tests performed during the first year. The duration and frequency of the follow-up testing above the minimum requirements will be at the discretion of the Substance Abuse Professional.

A drug test can be performed any time a covered employee is on duty. An alcohol test
can be performed just before, during, or just after the performance of a safety-sensitive job function.

Covered employees who are suspected of providing false information in connection with a drug test, or are suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of the above listed actions will be considered a test refusal and will result in the employee's removal from duty and referred for evaluation by a Substance Abuse Professional (SAP) in accordance with Part 40, as amended. Refer to the City of Saint Peter's personnel policy to determine the ramifications for policy violations.

Refusal can also include an inability to provide sufficient urine specimen or breath sample without a valid medical explanation, as well as verbal or written declaration, obstructive behavior, physical absence resulting in the inability to conduct the test within the specified time frame, or refusing to undergo observed testing when requested by the collector or the MRO.

8. DRUG TESTING PROCEDURES

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedures, and the validity of the test result.

The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a DHHS certified laboratory.

For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.

The test results from the DHHS certified laboratory will be reported to a Medical Review Officer (MRO). An MRO is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records, as appropriate, to determine whether there is a legitimate medical explanation.

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for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM and no further action will be taken. If the test is invalid without a medical explanation, a retest will be conducted under direct observation.

Any covered employee who questions the results of a required drug test may request that the split sample be tested. The split sample test must be conducted at a second DHHS-certified laboratory with no affiliation with the laboratory that analyzed the primary specimen. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The covered employee’s request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Employees do not have access to a test of their split specimen following an invalid result.

If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled and will direct the transit system to retest the covered employee under direct observation.

The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if so requested by the covered employee through the MRO. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year.

The City of Saint Peter will guarantee that the cost for the split specimen test is covered to provide for a timely analysis of the sample. If the result of the split specimen is negative, the City of Saint Peter will bear the cost for the split sample testing. If the specimen split tests positive, the City of Saint Peter will seek reimbursement for the cost of the split sample test from the employee.

OBSERVED COLLECTIONS:

Consistent with 49 CFR Part 40, as amended, observed collections are required in the following circumstances:

A. Anytime the laboratory reports to the MRO that a specimen is invalid and the MRO reports that there was not an adequate medical explanation for the result;

B. Anytime that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;

C. Anytime the collector observes materials brought to the collection site or the covered employee’s conduct clearly indicates an attempt to tamper with a
specimen;

D. Anytime the temperature on the original specimen was out of the accepted temperature range of 90°F – 100°F;

E. Anytime the specimen is negative-dilute with a creatinine concentration greater than or equal to 2 mg/dl but less than or equal to 5 mg/dL, and the MRO reports the specimen as negative-dilute and requires a second collection under direct observation (see §40.197(b)(1)); or

F. All Return-To-Duty and Follow-up Tests

The covered employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the collector, by turning around that they do not have a prosthetic device.

9. ALCOHOL TESTING PROCEDURES

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing Device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device, which is also approved by NHTSA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee.

The test will be performed in a private, confidential manner as required by 49 CFR Part40, as amended. The procedure will be followed as prescribed to protect the covered employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

A covered employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The employee will be immediately removed from safety-sensitive duties and will be referred to a SAP for evaluation. Any covered employee who refuses to comply with a request for testing shall be removed from duty. For the consequences of a positive alcohol test, refer to the City of Saint Peter’s personnel policy to determine the ramifications for policy violations.

A test result for a covered employee who has a confirmed alcohol concentration of 0.02 to 0.04 is not considered positive, however the employee shall still be removed from duty for at least eight (8) hours, unless a retest results in employee's alcohol concentration of less than 0.02. Refer to the City of Saint Peter’s personnel policy to determine the ramifications for policy violations.

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An alcohol concentration of less than 0.02 will be considered a negative test.

The City of Saint Peter affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not cancel the test.

10. PRE-EMPLOYMENT TESTING

All applicants for covered safety-sensitive positions shall undergo urine drug testing prior to hire or transfer into a covered position that requires the performance of a safety-sensitive function.

A. All offers of employment of covered positions shall be extended conditional upon the applicant passing a drug test. An applicant shall not be hired into a covered position unless the applicant takes a drug test with verified negative results.

B. A non-covered employee shall not be placed, transferred or promoted into a covered position until the employee takes a drug test with verified negative results.

C. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded. Evidence of the absence of drug dependency from a Substance Abuse Professional that meets with 49 CFR Part 40, as amended, and a negative pre-employment drug test will be required prior to further consideration for employment.

D. When an employee, being placed, transferred, or promoted from a non-covered position to a covered position, submits a drug test with a verified positive result, the employee shall be subject to a review on a case-by-case basis evaluating the severity and the circumstances involved. An employee in violation of this policy may be referred to treatment in accordance with Minnesota Statutes 181.950-957 and/or subject to disciplinary action up to and including termination.

E. If a pre-employment/pre-transfer test is canceled, the applicant will be required to take another pre-employment drug test with a verified negative result.

F. In instances where a covered employee is on extended leave for a period of 90 consecutive calendar days or more and is taken out of the random testing pool, the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have a verified negative test result prior to the conduct of safety-sensitive job functions.

G. Applicants are required to report previous DOT covered employer drug and alcohol test results. Failure to do so will result in the employment offer being rescinded.

H. All applicants that have previously failed or refused a DOT drug or DOT alcohol test must provide the City of Saint Peter with proof of having successfully
completed a referral, evaluation, and treatment administered under DOT regulations.

11. **REASONABLE SUSPICION TESTING**

All covered employees will be subject to a reasonable suspicion drug or breath alcohol test when there are reasons to believe that drug or alcohol use is impacting job performance and safety. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee’s appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by at least one supervisor or other official who is trained to detect the signs and symptoms of drug use and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in their work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. A reasonable suspicion drug test can be performed any time the covered employee is on duty. Examples of reasonable suspicion include, but are not limited to, the following:

A. Physical signs and symptoms consistent with prohibited substance use or alcohol misuse.

B. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, prohibited drugs, alcohol, or other prohibited substance.

A covered employee who refuses an instruction to submit to a drug or breath alcohol test shall not be permitted to finish his or her shift and shall be referred for evaluation by a Substance Abuse Professional (SAP) in accordance with Part 40, as amended. The employee will be placed on administrative leave pending disciplinary action. Refer to City of Saint Peter policy to determine the ramifications for policy violations.

A written record of the observations which led to a drug or breath alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor or other company official trained in making these observations, prior to the release of the test results. This written record shall be submitted to the Drug and Alcohol Program Manager (DAPM) for the City of Saint Peter, and shall be attached to the forms reporting the test results.

12. **POST-ACCIDENT TESTING**

All covered employees will be required to undergo urine and breath testing if they are involved in an accident with a transit revenue service vehicle that results in a fatality regardless of whether or not the vehicle is in revenue service. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance cannot be completely discounted as a contributing factor to the accident. In addition, post-accident testing will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility or one or more vehicles incurs disabling damage; unless the operator's performance can be completely discounted as a contributing factor to the accident. The accident definition may include

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some incidents where an individual is injured even though there is no vehicle collision.

A. As soon as practicable following an accident, as defined in 49 CFR Part 655, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for testing. The supervisor will make the determination using the best information available at the time of the accident.

B. The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than 8 hours after the accident for alcohol, and within 32 hours for drugs. If a drug or alcohol test is not performed within two hours of the accident, the supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within 8 hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

C. Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until they undergo a post-accident alcohol test.

D. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of their location if they leave the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

E. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

F. In the rare event that the employer is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), the transit system may use drug and alcohol post-accident test results administered by state and local law enforcement officials in lieu of the FTA test. The state and local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with state and local law.

13. RANDOM TESTING

All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.

A. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year.

B. The number of safety-sensitive employees randomly selected for drug/alcohol test...
testing during the calendar year shall be not less than the percentage rates established by Federal regulations identified in 49 CFR Part 655.45(b).

C. Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of employer in the selection and notification of the individuals who are to be tested.

D. Random drug tests can be conducted at any time during an employee's shift. Alcohol random tests can be performed just before, during, or just after the performance of a safety-sensitive function. Tests can occur during the beginning, middle, or end of an employee's shift.

E. Employees are required to proceed immediately to the collection site upon notification of their random drug or alcohol test.

F. Random testing may occur anytime a covered employee is on duty so long as the employee is notified prior to the end of the shift. Employees who provide advance, verifiable notice of scheduled medical or childcare commitments will be random drug tested no later than three hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift. Verifiable documentation of previously scheduled medical or childcare commitments, for the period immediately following an employee's shift, must be provided at least (insert company decision about how far in advance they must be notified) hours before the end of the employee's shift.

14. RETURN-TO-DUTY TESTING

All covered employees who previously tested positive on a DOT drug or breath alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the SAP in accordance with 49 CFR Part 40, Subpart O before returning to work. For an initial positive drug test, a return-to-duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test, a return-to-duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual.

Before scheduling the return-to-duty test, the SAP must assess the employee and determine if the required treatment has been completed. The SAP should schedule the return-to-duty test only when the employee is known to be drug-and alcohol-free and there is no risk to public safety.

15. FOLLOW-UP TESTING

Covered employees will be required to undergo frequent, unannounced drug and alcohol testing following their return-to-duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined.

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by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

16. RESULT OF A NEGATIVE DILUTE DRUG TEST

When a negative dilute drug result of 2-5 mg/dL is reported by the Medical Review Officer the covered employee will be required to undergo another test. The MRO will direct the test to be conducted under direct observation. Should the second test result in a negative dilute result, the test will be considered negative and no additional testing will be required unless directed to do so by the MRO.

A drug test with the result of a negative dilute (dilute level > greater than 5 mg/dl) will be re-tested. Collection will be unobserved. The result of the second test will be the test of record. No additional testing will be conducted unless directed to do so by the MRO.

17. BEHAVIOR THAT CONSTITUTES A TEST REFUSAL

As noted below, refusal to submit to a drug/alcohol test shall be considered a positive test result.

<table>
<thead>
<tr>
<th>Behavior that Constitutes a Test Refusal</th>
<th>Drug Test</th>
<th>Alcohol Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Failure to appear for a test in the time frame specified by the employer**</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>2) Failure to remain at the testing site until the testing process is complete**</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>3) Failure to provide a urine specimen, saliva, or breath specimen, as applicable.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>4) Failure to permit the observation or monitoring of specimen donation when so required</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>5) Failure to provide sufficient amount of urine or volume of breath without a valid medical explanation for the failure.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>6) Failure to take an additional test when directed by the employer or collector</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>7) Failure to undergo a medical examination when directed to do so by the MRO or employer</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>8) Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>9) For an observed collection, failure to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>10) Possess or wear a prosthetic or other device that could be used to</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th></th>
<th>interferes with the collection process.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>11)</td>
<td>Admit to the collector or MRO that you adulterated or substituted the specimen</td>
<td>X</td>
</tr>
<tr>
<td>12)</td>
<td>Failure to sign the certification on Step 2 of the Alcohol Test Form</td>
<td>X</td>
</tr>
<tr>
<td>13)</td>
<td>Failure to refrain from the use of alcohol for eight (8) hours following an accident without first having submitted to post-accident drug and alcohol testing.</td>
<td>X</td>
</tr>
<tr>
<td>14)</td>
<td>Failure to remain readily available for post-accident testing, including notifying a supervisor of their location if they leave the scene of the accident prior to submission to such tests.</td>
<td>X X</td>
</tr>
</tbody>
</table>

**For pre-employment tests only, failure to appear, aborting the collection before the test commences, or failure to remain at site prior to commencement of test is NOT a test refusal.**

18. **RESULT OF POSITIVE DRUG OR ALCOHOL TEST**

Any covered employee who tests positive for the presence of illegal drugs, tests positive for alcohol with a BAC at or above .04, or refuses to submit to testing, will be immediately removed from safety sensitive duties and referred for evaluation by a Substance Abuse Professional (SAP) in accordance with Part 40, as amended. A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional, a state-licensed or certified marriage and family therapist, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders. No employee will be allowed to return to duty requiring the performance of safety-sensitive job functions without the approval of the SAP.

A. As soon as practicable after receiving notice of a verified positive drug test result, a confirmed alcohol test result at or above 0.04, or a test refusal, the Drug and Alcohol Program Manager will contact the employee’s supervisor to have the employee cease performing any safety-sensitive function.

B. The employee shall be referred to a SAP for an assessment. In accordance with 49 CFR Part 40, Subpart O, the SAP will evaluate the employee to determine what assistance is necessary to resolve problems associated with prohibited drug use or alcohol misuse.

C. Refusal to submit to a drug or breath alcohol test shall be considered a positive test result. Refer to City of Saint Peter’s personnel policy to determine the ramifications for policy violations.

19. **DISCIPLINARY ACTION**

Following an drug or breath alcohol test result 0.02 or greater, but less than 0.04 – the covered employee is immediately removed from safety sensitive duties for at least eight hours, unless a retest results in the employee’s alcohol concentration of less than 0.02.

Following a positive drug or alcohol (BAC at or above 0.04) test result or a test refusal, for the first time, the covered employee is immediately removed from safety-sensitive duty.

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duties, referred to a substance abuse professional (SAP) and subject to the City of Saint Peter's disciplinary policy.

Disciplinary action against the employee shall include:

A. Mandatory referral to a Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return-to-work agreement;

B. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from employment. Compliance with the return-to-work agreement means that the employee has submitted to an observed drug and/or alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP the employee is cooperating with his/her SAP recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing.

C. Refusal to submit to a periodic unannounced follow-up observed drug or breath alcohol test shall be considered a direct act of insubordination and shall result in termination.

D. A periodic unannounced follow-up observed drug or breath alcohol test which results in a verified positive shall result in termination from employment.

The second instance of a verified positive result from a drug test or breath alcohol (≥ 0.04 BAC) test shall result in termination from employment.

The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. The employee will be permitted to take accrued sick leave or administrative leave to participate in the SAP prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the SAP has determined that the employee has successfully completed the required treatment program and releases him/her to return-to-duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act.

20. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 40, § 40.149 paragraph (a) (5) and paragraph (c) for a positive test or test refusal are not subject to arbitration.

21. INFORMATION DISCLOSURE

Drug and breath alcohol testing records shall be maintained by the Designated Employer Representative and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the covered employee.

A. The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to

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any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP referrals and follow-up testing plans.

B. Records of a verified positive drug or breath alcohol test result shall be released to the Drug and Alcohol Program Manager, or Department Supervisor on a ‘need to know’ basis.

C. Records will be released to a subsequent employer only upon receipt of a written request from the employee.

D. Records of an employee’s drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug or breath alcohol test. The records will be released to the decision maker in the proceeding. The information will only be released with binding stipulation from the decision maker that employer will only make it available to parties in the preceding.

E. Records will be released to the National Transportation Safety Board during an accident investigation.

F. Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.

G. Records will be released if requested by a Federal, state or local safety agency with regulatory authority over the City of Saint Peter or the employee.

H. If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of CFR Part 40, as amended, necessary legal steps to contest the issuance of the order will be taken.

I. In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

22. **DRUG AND ALCOHOL PROGRAM MANAGER (DAPM) AND DESIGNATED EMPLOYER REPRESENTATIVE (DER)**

FTA regulations require that a single contact person be identified to answer questions for this policy. Any questions regarding this policy or any other aspect of the substance abuse program should be addressed to the following transit system representatives:

**Drug and Alcohol Program Manager (DAPM)**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Todd Prafke</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>City Administrator</td>
</tr>
<tr>
<td>Address:</td>
<td>227 South Front St.</td>
</tr>
<tr>
<td></td>
<td>Saint Peter MN 56082</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Telephone number:</th>
<th>507 934 0663</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fax Number:</td>
<td>507 934 4917</td>
</tr>
</tbody>
</table>

**Designated Employer Representative (DER):**

(if different from the DAPM)

<table>
<thead>
<tr>
<th>Name:</th>
<th>Wayne Albers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>Transit Compliance Manager</td>
</tr>
<tr>
<td>Address:</td>
<td>227 South Front St.</td>
</tr>
<tr>
<td></td>
<td>Saint Peter MN 56082</td>
</tr>
<tr>
<td>Telephone number:</td>
<td>507 934 0663</td>
</tr>
<tr>
<td>Fax Number:</td>
<td>507 934 4917</td>
</tr>
</tbody>
</table>

A complete copy of regulation 49 CFR Part 40, as amended, is available for review.

23. **MEDICAL REVIEW OFFICER**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Horacio Marafioti</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>MD,MRO</td>
</tr>
<tr>
<td>Address:</td>
<td>3895 Jeffco Blvd</td>
</tr>
<tr>
<td></td>
<td>Arnold MO 63010</td>
</tr>
<tr>
<td>Telephone number:</td>
<td>337-837-1616</td>
</tr>
<tr>
<td>Fax Number:</td>
<td>337-837-2406</td>
</tr>
</tbody>
</table>

24. **SUBSTANCE ABUSE PROFESSIONAL**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Mankato Clinic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>Occupational Medicine</td>
</tr>
<tr>
<td>Address:</td>
<td>1230 East Main St</td>
</tr>
<tr>
<td></td>
<td>Mankato, MN 56001</td>
</tr>
<tr>
<td>Telephone number:</td>
<td>507-389-8689</td>
</tr>
<tr>
<td>Fax Number:</td>
<td></td>
</tr>
</tbody>
</table>

25. **CONSORTIUM**

<table>
<thead>
<tr>
<th>Name:</th>
<th>MN Municipal Utilities Association</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>3025 Harbor Lane North</td>
</tr>
<tr>
<td></td>
<td>Suite 400</td>
</tr>
<tr>
<td></td>
<td>Plymouth, MN 55447-5142</td>
</tr>
</tbody>
</table>

All provisions set forth in regular print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. All underlined provisions are set forth under the authority of the transit system.
26. DHHS CERTIFIED LABORATORY

| Name:       | Quest                      |
| Title:      |                           |
| Address:    | 10101 Renner Blvd          |
|             | Lenexa, Ks. 66219          |
| Telephone number: | 800-728-4064       |
| Fax Number: |                           |

27. EMPLOYEE ASSISTANCE PROGRAM

| Name:       | BSC/BS of Minnesota        |
| Address:    | St Paul, MN               |
| Telephone Number: | 800 432 5155     |
| Fax Number: |                           |

28. SAFETY-SENSITIVE POSITIONS *

Listed below are the job titles of those that perform safety-sensitive job functions:

1. Bus Drivers
2. Transit Compliance Manager
3. Transit Operations Manager

** or any others who operate a revenue service vehicle (whether or not the vehicle is in revenue service), dispatch (anyone who controls revenue service vehicles’ movement), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, and any other employee who is required to hold a Commercial Driver’s License.

29. POLICY MODIFICATION

The City of Saint Peter has the right to modify this policy as changes in regulation or law occurs.

All provisions set forth in regular print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. All underlined provisions are set forth under the authority of the transit system.
APPENDIX A

Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

♦ Dulled mental processes
♦ Lack of coordination
♦ Odor of alcohol on breath
♦ Possible constricted pupils
♦ Sleepy or stuporous condition
♦ Slowed reaction rate
♦ Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer (12 ounces), whiskey (1 ounce), or wine (6 ounce glass) over time may result in the following health hazards:

♦ Decreased sexual functioning
♦ Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
♦ Fatal liver diseases
♦ Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma.
♦ Kidney disease
♦ Pancreatitis
♦ Spontaneous abortion and neonatal mortality
♦ Ulcers
♦ Birth defects (up to fifty-four percent [54%] of all birth defects are alcohol related).

Social Issues

♦ Two-thirds of all homicides are committed by people who drink prior to the crime.
♦ Two to three percent of the driving population is legally drunk at any one time. This rate has doubled at night and on weekends.
♦ Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
♦ The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.

All provisions set forth in regular print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. All underlined provisions are set forth under the authority of the transit system.
Forty percent of family court cases are alcohol problem related.

Alcoholics are 15 times more likely to commit suicide than are other segments of the population.

More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver.
- 12,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.
RESOLUTION ADOPTING UPDATED FTA DRUG AND ALCOHOL TESTING POLICY FOR
CITY OF SAINT PETER TRANSIT EMPLOYEES

WHEREAS, the City of Saint Peter, in cooperation with the City of Le Sueur, operates the Minnesota River Valley Transit; and

WHEREAS, City employees working for Minnesota River Valley Transit are subject to Federal Transit Administration (FTA) drug and alcohol policies; and

WHEREAS, the FTA has requested updates to the drug and alcohol testing policies for entities under its’ jurisdiction to address, among other things, the opioid crisis; and

WHEREAS, the City’s policy has been updated to comply with new FTA guidelines.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA, THAT: the FTA Drug and Alcohol Testing Policy, as updated to comply with FTA regulations, is hereby adopted.

Adopted by the City Council of the City of Saint Peter, Nicollet County, Minnesota, this 14th day of May, 2018.

Charles Zieman
Mayor

ATTEST:

Todd Prafke
City Administrator
Memorandum

TO: Honorable Mayor Zieman
    Members of the City Council
FROM: Todd Prafke
       City Administrator
RE: Transit Support Specialist Wage Scale Approval

ACTION/RECOMMENDATION

Approve the attached resolution establishing a wage scale for Transit Support Specialists effective on July 1, 2018.

BACKGROUND

As a part of our transition from two Transit providers to one Joint Powers (JPA) entity, we have made a number of adjustments to policies, wages, classifications including, for the City of Saint Peter, new positions reflective of the fact that we provide for all the employees for Minnesota River Valley Transit (MRVT).

Transit positions include Bus Drivers and Transit Support Specialists and our Transit Operations and Compliance Managers. The Bus Driver and Transit Support Specialist positions are paid at different, but very similar levels. Bus Drivers and Transit Support Specialists also have Pay Equity Points that are very similar in your compensation plan.

Based on the ongoing effort to unify the operations of the Le Sueur and Saint Peter system operations and current policies I am proposing that some modifications be made to pay for the Transit Support Specialist position by mid-year.

Our goals for the proposed modification include:
- Standardization of pay
- Having a clear process for pay changes based on experience with the two cities and Minnesota River Valley Transit.
- Having the ability to temporarily transfer employees from the Bus Driver position to Transit Support Specialist on occasion and clarify pay. Another way to say that is that on occasion or in a pinch, we would like to be able to use Bus Drivers as Transit Support Specialists.

The part-time Bus Driver’s wage schedule is currently:

<table>
<thead>
<tr>
<th>Step D Probation</th>
<th>$15.76</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step C (Probation completed 6 months to 12 months minimum of 520 hours)</td>
<td>$16.14</td>
</tr>
<tr>
<td>Step B (12 months after completion of probation)</td>
<td>$16.34</td>
</tr>
<tr>
<td>Step A (24 months after completion of probation)</td>
<td>$16.50</td>
</tr>
<tr>
<td>Gus Bus Route</td>
<td>$18.36</td>
</tr>
</tbody>
</table>
The Transit Support Specialist position does not have an established scale and creating one would help us meet some of our goals. The pay for this position varies from $15.00 per hour up to $17.93. I see the $17.93 as an anomaly and being outside of what I believe the top end pay should be for that position. That pay, which is provided for just one employee, has been kept in place as a part of the combination of the two entities. In Le Sueur, prior to the JPA Bus Drivers and Transit Support Specialists (called Dispatchers in Le Sueur's system) were paid on the same scale and the Le Sueur top end pay was higher than Saint Peter.

The scale policy that I propose would allow that employee to be "grandfathered" as a part of our ongoing process to solve system "quirks" or differences related to our Joint Powers Agreement.

The scale I am recommending would be the same as the scale for part-time Bus Drivers, excluding Gus Bus Route, and would look like this:

<table>
<thead>
<tr>
<th>Step</th>
<th>Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step D Probation</td>
<td>$15.76</td>
</tr>
<tr>
<td>Step C (Probation completed 6 months to 12 months minimum of 520 hours)</td>
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<tr>
<td>Step B (12 months after completion of probation)</td>
<td>$16.34</td>
</tr>
<tr>
<td>Step A (24 months after completion of probation)</td>
<td>$16.50</td>
</tr>
</tbody>
</table>

With one exception, all of our current Support Specialists are very new to the position and this will provide additional definition to how pay will work.

**FISCAL IMPACT:**

There is not a significant financial impact to this change. Because the Transit Support Specialist position did not have an established scale before now, I can't accurately predict the cost impact of the change, but as you can see from the information provided, the pay is very similar.

**ALTERNATIVES/VARIATIONS:**

Do not act. Staff will wait for further direction from the Council.
Negative vote. Staff will make no changes and pay will remain as it is currently established.
Modification of the resolution. This is always an option of the Council.

If you have any further questions or need any additional information please contact me.

TP/bal
RESOLUTION ESTABLISHING WAGE SCALE FOR TRANSIT SUPPORT SPECIALIST POSTIONS

WHEREAS, the Saint Peter City Council provides all employees for the Minnesota River Valley Transit System that operates in Saint Peter and Le Sueur; and

WHEREAS, establishing a pay system for employees is a benefit to the City through clarifying pay amounts, procedures and progression of pay; and

WHEREAS, part of the merging of the Saint Peter and Le Sueur Transit System changes have been made to accommodate differences in operation, pay, and other standards; and

WHEREAS, the City of Saint Peter pays one Transit Support Specialist outside of the proposed scale.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA, THAT:

1. The Transit Support Specialist wage scale shall be as follows:
   - Step D Probation: $15.76
   - Step C (Probation completed 6 months to 12 months minimum of 520 hours): $16.14
   - Step B (12 months after completion of probation): $16.34
   - Step A (24 months after completion of probation): $16.50

2. The wage scale shall be effective July 1, 2018.

3. Transit Support Specialist Jody Sippo is excluded from this scale as her pay is already outside of the developed scale.

Adopted by the City Council of the City of Saint Peter, Nicollet County, Minnesota, this 14th day of May, 2018.

______________________________
Charles Zieman
Mayor

ATTEST:

______________________________
Todd Prafke
City Administrator
TO: Honorable Mayor Zieman  
Members of the City Council  
FROM: Todd Prafke  
City Administrator  
RE: New Business License Applications  

ACTION/RECOMMENDATION  

Provide approval of business license applications submitted by Northern Tier Retail, dba SuperAmerica.

BACKGROUND  

Northern Tier Retail, LLC, dba SuperAmerica #5046, is in the process of purchasing the property at 123 West St. Julien Street from Alimentation Couche-Tard Inc., a Canadian public company, and Circle K Stores, Inc. The closing will take place sometime after July 1, 2018.

Northern Tier Retail, LLC dba SuperAmerica #5046 has submitted an application for Tobacco, Soft Drink and Off Sale 3.2 Beer licenses for what will be their new store at 123 West St. Julien Street.

The General Corporate Licensing Department for Holiday Stationstores, LLC, has indicated to the City that Holiday will be renewing their license in June for their Off Sale 3.2 Beer for the same location and time frame as SuperAmerica. Holiday currently holds a Soft Drink and Tobacco license.

It is my recommendation that the licensing periods be effective on the date that coincides with the establishment of SuperAmerica operations on the property.

A background check has been completed by the St. Peter Police Department and nothing was found that would prohibit SuperAmerica #5046 from obtaining a license. The licensing period will be in effect one day after closing on sale of the property through June 30, 2019.

FISCAL IMPACT:

None other than receipt of the permit fees.

ALTERNATIVES/VARIATIONS:

Do Not Act: No further action will be taken without Council direction.
Denial: The applicants will be informed of the Council decision.
Modification of the Resolution: This is always an option of the Council.

Please feel free to contact me if you have any questions or concerns about these agenda items.
RESOLUTION NO. 2018 -

RESOLUTION APPROVING NEW BUSINESS LICENSE APPLICATIONS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA, THAT:

1. The Tobacco, Soft Drink and Off Sale 3.2 Beer business license applications, submitted by Northern Tier Retail, LLC, dba SuperAmerica #5046 at 123 West St. Julien Street, are hereby approved subject to compliance with all requirements of the City Code and payment of the licensing fee.

2. The effective dates of the licenses shall be the date that coincides with the establishment of SuperAmerica operations on the property through the following dates:

   • Tobacco – 12/31/2018
   • Soft Drink – 12/31/2018
   • Off Sale 3.2 Beer – 6/30/2019

Adopted by the City Council of the City of Saint Peter, Nicollet County, Minnesota, this 14th day of May, 2018.

______________________________
Charles Zieman
Mayor

ATTEST:

______________________________
Todd Prafke
City Administrator
TO: Todd Prafke  
City Administrator  
FROM: George Rohrich  
REHC CEO  
RE: Mindray A7 Anesthesia Machine Purchase  

ACTION/RECOMMENDATION  

Authorize purchase of one Mindray A7 Anesthesia Machine in the amount of $55,113.93 from Mindray North America.

BACKGROUND  
The anesthesia electronic documentation module to our electronic health record system will be available to REHC effective 7/1/18. Currently we have one Mindray A7 machine that will interface into the electronic documentation and two older anesthesia machines that will not interface. We are requesting the replacement of one older machine with Mindray A7 to match technology in both surgical suites and integrate the electronic health record documentation.

We need the machine by June 1st for training and documentation in "test" mode prior to going live on July 1st.

FISCAL IMPACT:  
There is no fiscal impact to the City of Saint Peter. The fiscal impact is a total cost of $103,205 less a trade-in allowance of $1,687.37 and a Group Purchasing Organization discount of $46,403.70 resulting in a net cost of $55,113.93. Bids for this purchase were not obtained as other makes and models are not compatible with our system.

COMMUNITY IMPACT: This continues our efforts to provide quality care for our patients.

ALTERNATIVES/VARIATIONS:  
Do Not Act: Delay would result in inconsistent documentation with possible quality implications.  
Negative Vote: Denial would stop our ability to adequately document anesthesia services provided.  
Modification of the Resolution: This is always an option of the Council.

Please feel free to contact me if you have any questions.

GR/
CITY OF SAINT PETER, MINNESOTA

RESOLUTION NO. 2018 -

STATE OF MINNESOTA)
COUNTY OF NICOLLET)
CITY OF SAINT PETER)

RESOLUTION APPROVING PURCHASE OF ANESTHESIA MACHINE FOR RIVER'S EDGE HOSPITAL AND CLINIC

WHEREAS, the City Code requires City Council approval for all Hospital purchases exceeding $35,000; and

WHEREAS, the Hospital is in need of a second new anesthesia machine; and

WHEREAS, a quote was received from the manufacturer of the most recently purchased machine; and

WHEREAS, the Hospital recommends purchase of a Mindray A7 anesthesia machine.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA, THAT:

1. River's Edge Hospital and Clinic is authorized to proceed with purchase of a Mindray A7 Anesthesia Machine in the amount of $55,113.93, including trade-in of the old machine from Mindray North America.

2. Funding for the purchase shall be from Hospital funds.

Adopted by the City Council of the City of Saint Peter, Nicollet County, Minnesota, this 14th day of May, 2018.

Charles Zieman
Mayor

ATTEST:

Todd Prafke
City Administrator
Memorandum

TO: Todd Prafke
   City Administrator

FROM: Russ Wille
       Community Development Director

RE: Windsor Pond Third Addition (Preliminary Plat, Final Plat and Development Agreement)

ACTION/RECOMMENDATION

Approve the Preliminary and the Final Plat of Windsor Pond Third Addition as well as the associated Development Agreement by and between Windsor Homes, LLC and the City of Saint Peter.

BACKGROUND

Valley View Land Company (VVL) undertook the development and construction of Windsor Pond Subdivision in 2002. By 2004 the original 22 single-family lots were completed or substantially under construction so VVL petitioned for the creation of an additional 34 single-family lots in Windsor Pond Second Addition.

Subsequent to the completion of Windsor Pond Second Addition, Mike Volk (Windsor Homes, LLC) has purchased the remaining undeveloped property from VVL and is proposing the creation of Windsor Pond Third Addition.

The submitted plat indicates the creation of an additional 14 lots to accommodate the construction of the slab-on-grade, single-family homes that predominate in the neighborhood. The balance of the undeveloped property would be designated as "Outlot A, Windsor Pond Third Addition" which would not be developable until plated.

The preliminary plat has been reviewed by the Public Works Department as well as the City Engineer at Bolton and Menk. The Public Works Director and City Engineer concur with my determination that the petitioned plat meets the requirements and standards adopted by the City of Saint Peter.

The Public Works Director is also of the opinion that the appropriate water, sanitary sewer and stormwater drainage systems can be installed and extended to provide sufficient capacities and volumes to the new lots within the Third Addition. The Public Works Director has also indicated that the appropriate electrical services can be readily extended to the new portion of Windsor Pond with no adverse impact on the remaining electrical generation or distribution system.
Finally, the system of roads currently constructed within Windsor Pond and the planned extension of Windsor Lane will adequately serve the new properties with no anticipated congestion or adverse impact upon the existing residents within the vicinity.

To enhance pedestrian circulation within and through Windsor Pond, an existing walkway between Lot 6, Block 1 and Lot 1, Block 2, Windsor Pond Second Addition will be extended to the south. The walkway will terminate at the northern property line of the Church of Saint Peter. At some time in the future, the Church has indicated a desire to construct a walkway upon their property.

The Planning and Zoning Commission considered the Preliminary and Final Plats of Windsor Pond Third Addition at their regular March meeting. At that meeting, and following public notice as prescribed by Statute, the Commission held a public hearing regarding the plats. No members of the general public appeared to speak at the hearing.

Subsequently, the Planning Commission voted to recommend approval of both the Preliminary and Final Plats of Windsor Pond Third Addition as presented and petitioned by Windsor Homes, LLC.

As is the City's practice, the subdivision approval should be provided subject to the execution of a Development Agreement between the Developer and City.

As such, a Development Agreement has been drafted to require that the physical development of the subdivision be undertaken in a manner consistent with the City's standards, requirements and best practices.

The Agreement also addresses the financial issues related to the development. For instance, the agreement requires that the Developer reimburse the City for legal expenses related to the subdivision approval and development. Such fees are billed based upon actual legal invoices and capped at $1,000.

The Agreement requires the payment of $11,300.63 in Parkland Dedication fees. The Parkland Dedication fee is based on a formula included in the adopted Subdivision Ordinance. The $11,300.63 is the value of 12% of the net developable area of Windsor Pond Third Addition. Additional Parkland Dedication fees will be applied as Outlot A, Windsor Pond Third Addition is subdivided for development.

The Agreement requires payment of $9,208.46 for future regional stormwater ponds planned to serve the drainage area. This amount is calculated based upon the Development Agreement for Windsor Pond Second Addition. An additional $15,302 will be paid as Outlot A, Windsor Pond Third Addition is platted for future development. Future assessments will be applied at a rate of $1,946.82 per acre of land.

Mr. Volk has reviewed the draft Development Agreement and has consented to the terms and conditions contained within. As is City policy, Mr. Volk has executed a copy of the Agreement in advance of the meeting so that negotiations are not undertaken at the public City Council meeting.

Two resolutions have been prepared for your consideration and adoption. The first would provide approval of the Preliminary Plat as recommended by the Planning and Zoning Commission. The second resolution would provide for approval of the Final Plat and authorize
the Mayor and City Administrator to execute the Development Agreement with Windsor Homes, LLC.

FISCAL IMPACT:

Mr. Volk has paid the appropriate fee for consideration of the Preliminary and Final Plat. The Development Agreement stipulates the financial obligations of Windsor Homes LLC.

ALTERNATIVES/VARIATIONS:
Do not act: No further action will be taken without additional direction from the Council.
Denial: Mr. Volk will be notified of the Council's denial. Modification of the Resolution: Any modification to the plat or Development Agreement would need to be acceptable to the developer given that he has already executed a copy prior to the Council meeting.

Please contact me if you have any questions.

RJW
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Saint Peter is not responsible for any inaccuracies herein contained.
CITY OF SAINT PETER
NICOLLET COUNTY, MINNESOTA

DEVELOPMENT AGREEMENT
WINDSOR POND THIRD ADDITION

THIS AGREEMENT, Made and entered into this 14th day of May, 2018, by and between the City of Saint Peter, a municipal corporation organized under the laws of the State of Minnesota, hereinafter called “City” and Windsor Homes, LLC, hereafter called “Developer”.

WITNESSETH that:

WHEREAS, the Developer has made application to the City Council for approval of a plat of land within the corporate limits of the City described as follows: Windsor Pond Third Addition hereafter called the “Subdivision” and legally described on Exhibit A; and

WHEREAS, the Developer is proposing to construct a development that will accommodate the construction of single-family residential dwellings within the Subdivision; and

WHEREAS, on the 14th day of May, 2018, the City Council granted approval to the final plat of the Subdivision on the condition that the Developer enters into this Agreement to provide for the installation of streets, water, sewer, stormwater and other improvements as described herein.

NOW, THEREFORE, in consideration of the premises and of the mutual promises and conditions hereinafter contained, it is hereby agreed as follows:

I. **Improvements**: In accordance with the policies and ordinances of the City, the public improvements (hereinafter collectively called the “Improvements”) shall be constructed and installed on the terms and conditions set forth in the construction plans included as Exhibit “B”.

II. **Warranty of Developer**: The Developer hereby warrants and represents to the City as inducements to the City’s entering into this Agreement, that Developer’s interest in the Project is that of Fee Owner of the property being platted in the final plat of the Subdivision. The Developer warrants that it will obtain executed consents to this Agreement from any and all lien holders.
III. **Conditions of Final Plat Approval:** The City agrees to approve the final plat contingent upon the addition of easements to provide satisfactory access for the maintenance, repair, and replacement of utilities and on the condition that the Developer enters into this Agreement and furnishes the security and other documentation of performance required herein.

IV. **Designation of Improvements:** Improvements to be installed at Developer’s expense as provided herein are hereinafter referred to as the “Exhibit ‘B’ Improvements.”

VI. **Exhibit “B” Improvements:**

A) **Construction Plan and Approval Thereof:** The Developer will engage, at Developer’s expense an Engineer to prepare detailed plans and specifications for complete installation of all Exhibit “B” Improvements, in accordance with City standards. Developer agrees to submit said plans and specifications to the City accompanied by lists of the quantities of construction items, and estimates of their costs for approval by the Public Works Director and City Engineer prior to the start of construction of any improvements.

B) **Developer Expenses:** The Developer will construct and install at Developer’s expense the Exhibit “B” Improvements as approved by the city and identified in Exhibit “B”. The Developer agrees that all costs for all Exhibit “B” Improvements and final street improvements shall be the sole responsibility of the Developer.

The Developer shall also be responsible for securing and financing the cost of all applicable State and/or Federal permits required as a result of the development.

C) **Contractor:** The Developer shall engage a licensed contractor to construct the Exhibit “B” Improvements. The Director of Public Works shall approve said contractor prior to the commencement of the proposed construction and utility installation. Developer may appeal the determination of the Director of Public Works to the City Administrator.

The City reserves the right to require evidence of competency and adequate financial status of any such contractor, together with such other requirements as may be imposed by law or ordinance. The contractor shall have experience in the installation of municipal water and sanitary sewer mains. The contractor shall demonstrate the successful completion of at least three such installations and municipal acceptance thereof.

D) **Paved Driveways:** If building permits are issued based on the above conditions, no permanent paved driveway will be permitted until the street construction (curb, gutter, and paving) has been completed.

E) **Attorney/Legal:** A maximum of $1,000 will be charged by the City for legal expenses incurred in connection with the approval, review, construction and development of the Subdivision. The City shall bill the Developer on a monthly basis for these costs.

F) **Construction of Improvements:**
1) **Completion Date:** Weather permitting, all Exhibit “B” Improvements, with exception of the installation of the second bituminous lift shall be completed not later than November 30, 2018.

2) **Construction:** The construction, installation, materials, and equipment shall be in accordance with the approved plans, specifications and current City utility policy.

3) **Easements:** The Developer shall dedicate to the City, at no cost to the City, all permanent or temporary easements necessary for the installation and perpetual maintenance of said Exhibit “B” Improvements.

   The City of Saint Peter shall be granted access across, above, over and under the recorded drainage and utility easement lying within the Subdivision for the purposes of maintaining, operating and repairing any municipal utility service.

G) **Insurance:** The Developer shall cause each person with whom Developer contracts for the construction and installation of any Exhibit “B” Improvements to furnish the City with evidence of complete insurance coverage, including but not limited to worker’s compensation insurance, liability and property damage insurance in amounts acceptable to the City.

H) **Faithful Performance of Construction Contracts and Bond:** The Developer will fully and faithfully comply with all terms of any and all contracts entered into by the Developer for the installation and construction of all Exhibit “B” Improvements and hereby guarantees the workmanship and materials for a period of one (1) year following the City Council’s final acceptance of the Exhibit “B” Improvements.

I) **As-Built Drawings:** Within 90 days after completion of said Exhibit “B” Improvements, the Developer shall supply the City with a complete set of “As-Built” plans.

VII. **Sanitary Sewer Service Lines:** Developer acknowledges that all residences in the Subdivision shall be required to connect to City sanitary sewer prior to occupancy. Developer and City acknowledge that the sanitary sewer service line for any residence shall be installed by a licensed installer, and that the owner of said residence is financially responsible for such installations. Developer agrees that all sanitary sewer service lines shall be installed in such a manner that each residence shall have a separate sewer service line connected to the City sanitary sewer main, and that sanitary sewer service lines shall not cross lot lines.

VIII. **Water Service Lines:** All residences in the Subdivision shall be required to connect to the City water supply prior to occupancy. Developer and City acknowledge that the water service line shall be installed by a licensed installer, and that the owner is responsible for the cost of the installation. Developer agrees that water service lines shall be installed in such a manner that each residence shall have a separate water service line connected to the City water main, and that water service lines shall not cross lot lines.
IX. **Erosion Control:** Developer agrees to take erosion control measures during grading of the site and construction of the street and other improvements, as indicated on the grading and erosion control plan submitted to the City. Developer agrees to seed with an appropriate vegetative ground cover and/or mulch or cover with straw all exposed areas, as may be deemed necessary by the Developer and the City as work in progress and upon completion of street and site grading.

X. **Improvements Prior to Occupancy:** The Developer shall install a drivable street with at least one lift of bituminous, curb and gutter, and connections of sanitary sewer and water prior to requesting a certificate of occupancy for any residential dwelling within the project.

XII. **Final Street Improvements:** Weather permitting, the Developer shall complete the installation of the second bituminous lift prior to July 31, 2019. The Developer shall notify the City prior to installation of the second bituminous lift. The Developer shall notify the City of completion of the second bituminous lift in writing within ten (10) days of actual completion.

The City shall accept or reject each phase of the bituminous street paving in writing.

Developer agrees to warranty the completed street improvements for one year after the date of City acceptance of the second and final bituminous lift. Prior to the installation of the second bituminous lift, the Developer agrees to pay the first $1,000.00 in repairs resulting from damage done to the street and/or curb improvements resulting from snow removal activities.

XIII. **Ownership of Improvements:** Upon completion of the work and construction required by this Agreement, and following the City Council's acceptance of the project, the improvements lying within the public right-of-way and all municipal utilities within easements shall become City property without further notice or action.

XIV. **Restrictive Covenants:** The Developer's private restrictive covenants, if any, shall be submitted to the City for review. Developer agrees to reasonably enforce said covenants to the best of developer's ability; the City shall assume no responsibility for enforcement thereof.

XV. **Parkland Dedication:** Developer and City agree that the parkland dedication requirement associated with development of Windsor Pond Third Addition will be through the payment of $11,300.63 as per the regulations of the adopted Subdivision Ordinance.

XVI. **Regional Stormwater Improvements.** The Developer shall pay $9,208.46 to the City of Saint Peter for the anticipated assessments associated with the development, acquisition and construction of a regional stormwater pond benefiting the development property.

The Developer agrees to pay a fee of $15,302.00 for anticipated assessments associated with the development of a regional stormwater pond benefiting the development property. The fee will be paid at a rate of $1,946.82 per acres of land, as subsequent development of the remaining 7.86 acres of Outlot “A” occurs.
XVII. **Future Improvements:** Future assessments will be levied against properties within Windsor Pond Third Addition for stormwater detention improvements that may be constructed as deemed necessary by the City and which benefit the development property.

XVIII. **General:**

A) **Binding Effect:** The terms and the provisions hereof shall be binding upon and inure to the benefit of the representatives, successors and assigns of the parties hereto and shall be binding upon all future owners of all or any part of the subdivision and shall be deemed covenants running with the land. Reference herein to Developer, if there be more than one, shall mean each and all of them. This Agreement shall be placed on record so as to give notice to subsequent purchasers and encumbrances of all or any part of the subdivision and all recording fees shall be paid by the Developer. Upon the filing of a release from the City, all agreements contained herein shall thereafter be inapplicable to any property covered by said release.

B) **Notices:** Any notices permitted or required to be given or made pursuant to this Agreement shall be delivered personally or mailed by United States Mail to the addresses hereinafter set forth by certified or registered mail. Such notices, demand or payment shall be deemed timely given or made when delivered personally or when deposited in the United States Mail in accordance with the above. Addresses of the parties hereto are as follows:

If to the City:  
City of Saint Peter  
ATTN: City Administrator  
227 South Front Street  
Saint Peter, MN 56082  
And  
City Attorney  
219 Nassau Street  
Saint Peter, MN 56082

If to the Developer:  
Windsor Homes, LLC  
38186 Fort Road  
Saint Peter, MN 56082

C) **Final Plat Approval:** The City has agreed to give final approval to the plat of subdivision upon execution and delivery of this Agreement and all required petitions, bonds and securities; and fulfillment of all other conditions required by the City within the time required by the City.

D) **Incorporation by Reference:** All General and Special Condition Plans, special provisions, proposals, specifications and contract for the Improvements furnished and let pursuant to this Agreement by reference as fully as if set out herein in full.

XIX. **Previous Assessments:** All assessments, fees and taxes currently owed by the Developer resulting from the development of Windsor Pond Second Addition shall be
paid in full. If any assessments, fees or taxes of the Developer are unpaid or otherwise delinquent, the Developer shall provide payment upon the execution of this agreement.

XX. **Indemnification:** The Developer shall hold the City and its officers, agents and employees harmless from claims made by the Developer and third parties for damage sustained or alleged to be sustained, or costs incurred resulting from plat approval and development. The Developer shall indemnify the City and its officers, agents and employees for all costs, damages or claims, including attorney's fees.

XXI. **Default:** The Developer shall reimburse the City for costs paid or incurred in the enforcement of this Agreement, including engineering and attorney's fees.

In the event of default by the Developer as to any of the work to be performed by it hereunder, the City may at its option, perform the work and the Developer shall promptly reimburse the city for any expense incurred by the city, provided the Developer is first given notice of the work in default and has not cured said default within a reasonable amount of time which shall not exceed 30 days. This Agreement is a license for the City to act, and it shall not be necessary for the City to seek a court order for permission to enter the land. When the City does any such work, the City may, in addition to its other remedies, assess the cost in whole or in part to the Development property.

XXII. **Miscellaneous:**

A) Third parties shall have no recourse against the City or Developer under this Agreement.

B) Breach of the terms of this Agreement by the Developer shall be grounds for denial of building permits, including lots sold to and owned by third parties.

C) If any portion, section, subsection, sentence, clause, paragraph or phrase of this agreement is for any reason held invalid, such decision shall not affect the validity of the remaining portion of this Agreement.

D) If building permits are issued prior to completion and acceptance of public improvements, the Developer assumes all liability and costs resulting from delays in completion of public improvements and damage to public improvements caused by the Developer, its contractors, subcontractors, material persons, employees, agents or third parties.

E) The action or inaction of the City shall not constitute a waiver or amendment to the provisions of this Agreement. To be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. The City's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.

F) This Agreement shall run with the land and may be recorded against the title to the property. After the Developer has completed the work required of it under this Agreement as to any lot or the entire Development, at the Developer's request the City will execute and deliver to the Developer a full or partial release, whichever is applicable.
G) Each right, power or remedy herein conferred upon the City is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, available to the City. Any such right, power or remedy may be exercised from time to time as often and in such order as may be deemed expedient at any time thereafter any other right, power or remedy.

H) The Developer may not assign this Agreement without the written permission of the City Council.

IN WITNESS WHEREOF, the City and Developer have caused this agreement to be duly executed on the day and year first above written.

CITY OF SAINT PETER: WINDSOR HOMES, LLC

__________________________  ________________________________
Charles Zieman               Mike Volk
Mayor                        

__________________________
Todd Prafke
City Administrator

STATE OF MINNESOTA  )
)SS
COUNTY OF NICOLLET  )

The foregoing instrument was acknowledged before me this _____ day of May, 2018, by Charles Zieman and Todd Prafke, the Mayor and City Administrator, respectively, of the City of Saint Peter, on behalf of the City.

__________________________
Notary Public

STATE OF MINNESOTA  )
)SS
COUNTY OF NICOLETTE  )

The foregoing instrument was acknowledged before me this _____ day of May, 2018, by Mike Volk, Chief Manager of Windsor Homes, LLC and that he has executed this document as his free will and deed.

__________________________
Notary Public
### PUBLIC ESTIMATED QUANTITIES

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### PRIVATE ESTIMATED QUANTITIES

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**Windsor Pond**

**Phase 3**

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**ISG**
CITY OF SAINT PETER, MINNESOTA
RESOLUTION NO. 2018 -

STATE OF MINNESOTA)
COUNTY OF NICOLLET)
CITY OF SAINT PETER)

RESOLUTION ACCEPTING PRELIMINARY PLAT OF WINDSOR POND THIRD ADDITION
AS PETITIONED BY WINDSOR HOMES, LLC

WHEREAS, Windsor Homes, LLC has submitted the required forms and plans for a Preliminary Plat review of Windsor Pond Third Addition; and

WHEREAS, the owner of the property is seeking to plat the land in anticipation of future development of single-family, slab-on-grade, residential dwelling units; and

WHEREAS, the submitted plat identifies the creation of an additional fourteen (14) parcels with the balance of the property being designated as Outlot A, Windsor Pond Third Addition; and

WHEREAS, the subject property is zoned (R-2) One and Two Family Residential; and

WHEREAS, a public hearing was conducted by the Planning and Zoning Commission and interested parties were provided an opportunity to comment on the proposed Preliminary Plat of Windsor Pond Third Addition; and

WHEREAS, no members of the public spoke at the hearing; and

WHEREAS, subsequent to the public hearing, the Planning and Zoning Commission voted to recommend that the City Council accept the Preliminary Plat as petitioned by Windsor Homes, LLC; and

WHEREAS, the City Council has reviewed the recommendation of the Commission and has considered the Preliminary Plat of the Windsor Pond Third Addition pursuant to the requirements of City Code; and

WHEREAS, the Preliminary Plat conforms to the Comprehensive Plan of the City and the City Council has considered the requirements of the community so that the Plat will provide a consistent and unified scheme for the development of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA, THAT: The Preliminary Plat of Windsor Pond Third Addition is hereby approved.

Adopted by the City Council of the City of Saint Peter, Nicollet County, Minnesota, this 14th day of May, 2018.

Charles Zieman
Mayor

ATTEST:

Todd Prafke
City Administrator
RESOLUTION NO. 2018 -

RESOLUTION ACCEPTING FINAL PLAT OF WINDSOR POND THIRD ADDITION AND AUTHORIZING EXECUTION OF DEVELOPMENT AGREEMENT

WHEREAS, Windsor Homes, LLC has submitted the required forms and plans, and has paid the appropriate fee for a Final Plat review of Windsor Pond Third Addition; and

WHEREAS, the owners of the property are seeking to plat the land in anticipation of future development of slab-on-grade, single-family residential dwelling units; and

WHEREAS, the property subject to the plat is zoned (R-2) One and Two Family Residential; and

WHEREAS, the submitted plat identifies the creation of an additional fourteen (14) parcels with the balance of the land designated as Outlot A, Windsor Pond Third Addition; and

WHEREAS, the Planning and Zoning Commission has reviewed the Final Plat of the Windsor Pond Third Addition pursuant to the requirements of the adopted City Code and have recommended that the City Council approve the plat as petitioned; and

WHEREAS, in consideration of the Planning and Zoning Commission's recommendation and after review of the Final Plat, the City Council has found that the Final Plat of Windsor Pond Third Addition conforms to the Comprehensive Plan of the City and that the Final Plat will provide a consistent and unified scheme for the development of the community.

WHEREAS, to regulate the construction of the subdivision in a manner consistent with the adopted municipal standards, a Development Agreement has been drafted; and

WHEREAS, the Development Agreement establishes the expectation and commitments of both the Developer and City of Saint Peter as well as identifying the financial obligations of the Developer; and

WHEREAS, the Developer, Windsor Homes, LLC, has consented to the terms of the proposed Development Agreement and has executed a copy prior to City Council consideration of the same.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA, THAT:

1. The Final Plat of Windsor Pond Third Addition is hereby approved.

2. The Mayor and City Administrator are authorized to execute the associated Development Agreement by and between the City of Saint Peter and Windsor Homes, LLC.
Adopted by the City Council of the City of Saint Peter, Nicollet County, Minnesota, this 14th day of May, 2018.

Charles Zieman
Mayor

ATTEST:

Todd Prafke
City Administrator
Memorandum

TO: Todd Prafte
City Administrator

FROM: Pete Moulton
Director of Public Works

RE: 2018 Street Crack Sealing Project Bid Award

ACTION/RECOMMENDATION

Award the bid for 2018 Street Crack Sealing project to Lot Pros LLC of Fergus Falls, Minnesota in the amount of $1.40 per pound; with a total not to exceed price of $56,000.

BACKGROUND

Crack sealing is an important part of our street maintenance program as it helps to prevent water from getting down into the sub-base of our roadways. Preventing water penetration allows for longer lasting streets. Varying winter weather conditions have an impact on level of crack sealing maintenance required and severe weather requires a higher degree of maintenance. It is not uncommon for crack sealing not to be completed on an annual basis if there is a mild winter.

Formal bids were solicited for the 2018 project. Five bids were received as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Price –Per Pound</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Pros LLC</td>
<td>$1.40</td>
</tr>
<tr>
<td>Kamco</td>
<td>$1.44</td>
</tr>
<tr>
<td>Fahrner Asphalt</td>
<td>$1.48</td>
</tr>
<tr>
<td>Allied Blacktop</td>
<td>$1.89</td>
</tr>
<tr>
<td>Bargen</td>
<td>$2.70</td>
</tr>
</tbody>
</table>

The lowest bid was submitted by Lot Pros, LLC. Staff will monitor the amount of work completed to assure the contractor is completing the work according to City standards. A detailed map of the proposed work area is attached. Lot Pros, LLC has indicated that they will be ready to proceed with the work after May 20th contingent upon execution of a contract and the City receiving the payment and performance bonds as well as a certificate of insurance. Please note that exact locations could vary based on a number of factors we have discussed previously with the Council.

FISCAL IMPACT:

Funds will come from the 2018 General Funds out of the Maintenance Program.
ALTERNATIVES AND VARIATIONS:
Do not act: No further action will be taken without additional direction from the City Council.
Negative Vote: No purchases will be made.
Modification of the Resolution: This is always an option of the City Council.

Please feel free to contact me should you have any questions or concerns on this agenda item.

PTM/TM/amg
## 2018 Crack Sealing

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Ends</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Old Mn Ave</td>
<td>Center St to Hwy 169</td>
</tr>
<tr>
<td>2. St. Julien</td>
<td>Complete</td>
</tr>
<tr>
<td>3. Union St</td>
<td>Complete</td>
</tr>
<tr>
<td>4. Traverse Rd</td>
<td>Complete</td>
</tr>
<tr>
<td>5. N Washington Av</td>
<td>Complete</td>
</tr>
<tr>
<td>6. S Washington Av</td>
<td>Complete</td>
</tr>
<tr>
<td>7. Broadway</td>
<td>Mn Ave to Sunrise Dr</td>
</tr>
<tr>
<td>8. Grace St</td>
<td>S Third to Gustavus</td>
</tr>
<tr>
<td>9. Sunrise Dr</td>
<td>Grace to Traverse Rd</td>
</tr>
<tr>
<td>10. S Front St</td>
<td>Broadway to Walnut</td>
</tr>
<tr>
<td>11. Mill Pond</td>
<td>Complete</td>
</tr>
<tr>
<td>13. S 7th St</td>
<td>College Av to Broadway</td>
</tr>
<tr>
<td>14. Windsor Addition</td>
<td>Complete</td>
</tr>
<tr>
<td>15. Country View Ridge/Niemeyer</td>
<td>Complete</td>
</tr>
<tr>
<td>16. Sunrise Dr</td>
<td>Stratford to Dodd Rd</td>
</tr>
<tr>
<td>17. Westview/Enz Addition</td>
<td>Complete</td>
</tr>
<tr>
<td>17. Rock Ridge</td>
<td>Complete</td>
</tr>
<tr>
<td>18. West Welco</td>
<td>Complete</td>
</tr>
<tr>
<td>20. Myrtle</td>
<td>S 3rd to S 7th</td>
</tr>
<tr>
<td>21. N Front St</td>
<td>Mn Ave to Broadway</td>
</tr>
<tr>
<td>22. S 3rd St</td>
<td>Broadway to Mulberry St</td>
</tr>
<tr>
<td>23. Park Row</td>
<td>S Front St to S 3rd</td>
</tr>
<tr>
<td>24. Nassau</td>
<td>S Front St to S 3rd</td>
</tr>
<tr>
<td>25. Grace St</td>
<td>S Front St to S 3rd</td>
</tr>
<tr>
<td>26. Mulberry St</td>
<td>S Front to S 3rd</td>
</tr>
</tbody>
</table>

**Streets will be done in the order listed.**

**Extra area**

1. Rivers Edge Hospital          | West side of building

**Contractor will keep track of pounds used at hospital site for separate funds.**
RESOLUTION AWARDING BID FOR 2018 STREET CRACK SEALING PROJECT

WHEREAS, the City is continuing its program of crack sealing on City streets to help prevent water from getting down into the sub-base; and

WHEREAS, five formal bids for the 2018 project were received as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Price -Per Pound</th>
</tr>
</thead>
<tbody>
<tr>
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<td>$1.89</td>
</tr>
<tr>
<td>Bargen</td>
<td>$2.70</td>
</tr>
</tbody>
</table>

WHEREAS, the lowest responsible bid was submitted by Lot Pros LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA, THAT:

1. The City Council hereby awards the bid for the 2018 Crack Sealing Project to Lot Pros, LLC of Fergus Falls, Minnesota in the amount of $1.40 per pound with a total cost not to exceed $56,000.

2. Funding for the project shall be from the General Fund.

Adopted by the City Council of the City of Saint Peter, Nicollet County, Minnesota, this 14th day of May, 2018.

Charles Zieman
Mayor

ATTEST:

Todd Prafke
City Administrator
TO: Honorable Mayor Zieman  
Members of the City Council

FROM: Todd Prafke  
City Administrator

RE: Parks Board Membership Structure

ACTION/RECOMMENDATION

Approve the attached Ordinance providing for a change in the membership on the Parks and Recreation Advisory Board.

BACKGROUND

At a February workshop Councilmembers reviewed the current membership structure of the parks Board and directed staff to work towards an additional designated seat for Council on the Board. Although that can be done in any number of ways, your discussion was to review what may be the three most logical and direct changes. Members would then provide direction and staff would then respond by putting in place the process or take the actions that are needed.

This discussion was first initiated at a goal session in 2017 while members reviewed all Boards and Commission for membership, attendance and expertise.

The list of possible modifications looks like:

- With a current vacancy you could just appoint another member who happens to be on the Council. This might be considered more of an interim solution as the new member would have the "normal" term and just happen to also be a Councilmember. A slight twist on this option would be to change the open seat to one designated for the Council with the same term provision as with the current Council designated seat. This would mean that you would have fewer "citizen" seats.

- You have another designated seat. That seat is set aside for the School District. You could change that designation. With the development of Community Spirit Park we may wish to be thoughtful about how a change of this type can impact future cooperative planning although there is no formal process for that relationship within the Parks Board structure. The City and School have a separate agreement that manages that relationship.

- Modify the Ordinance to provide for an additional seat for the Council increasing from one designated seat to two. This could be done by just an addition of one seat to the
Board. However, that would then mean there would be an even number of members. It is not a best practice to have an even number of members on a Board that votes, but there is no rule that says you cannot. As an alternative, you could add two seats; one for Council and one for another citizen appointee. While one could argue we are starting to get a bit too big, that is certainly at the discretion of the Council to decide.

Certainly there are other variations on this theme. All of the ideas explored here, except one, would require a modification of the City Code.

The direction from the Council was to modify the Ordinance to take a currently vacant seat and designate it for a second Councilmember on the Commission. The attached Ordinance follows that direction.

In addition, the Council had discussion and seemed to agree that Councilmember Carlin should fill that seat so a resolution follows the Ordinance that provides for that appointment.

**FISCAL IMPACT:**

There is no fiscal impact to this change other than the cost of publication and code modification.

**ALTERNATIVE AND VARIATIONS:**

Do not act. Staff will wait for additional or new direction from the Council.
Negative vote. Staff will make no changes and work to help fill the vacant seat.
Modification of the Ordinance. Please allow time for a review of any proposed modification.

Please feel free to contact me if you have any questions or concerns on this agenda item.

TP/bal
ORDINANCE NO. ___, THIRD SERIES

AN ORDINANCE AMENDING SAINT PETER CITY CODE CHAPTER 2 “ADMINISTRATION” DIVISION 4 “PARKS AND RECREATION ADVISORY BOARD” SECTION 2-461 “COMPOSITION” AND ADOPTING BY REFERENCE SAINT PETER CITY CODE CHAPTER 1 SECTION 1-6, WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS

WHEREAS, the City Code includes a provision for operation of a Parks and Recreation Advisory Board consisting of eleven (11) members; and

WHEREAS, the City Council wishes to modify the composition of the board to include an additional Councilmember as a regular member of the board; and

WHEREAS, it is necessary to modify the City Code to account for this change to the board membership.

NOW, THEREFORE, THE CITY COUNCIL OF CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA, DOES HEREBY ORDAIN:

Section 1. City Code Chapter 2 “Administration”, Division 4 “Parks and Recreation Advisory Board:”, Section 2-461 “Composition” is hereby modified as follows:

Sec. 2-461. Composition. The Parks and Recreation Advisory Board shall consist of 11 members. Two members shall be members of the City Council and each of these members shall be appointed for a one-year term. One member shall be recommended by the Saint Peter School District #508 Board from their members or staff and shall be appointed for a one-year term. All remaining members shall be appointed for three-year terms. All members of this Board shall be appointed by the City Council. *In addition to these 11 members, ex-officio nonvoting members of the Board shall be the Recreation and Leisure Services Director, the Public Works Director and the City Clerk-Administrator. Vacancies during the term of any member shall be filled by the Council for the unexpired portion of the term.

Section 2. All provisions of Chapter 1 of the Saint Peter City Code are made a part hereof and applicable to this Ordinance.

Adopted by the City Council of the City of Saint Peter, Nicollet County, Minnesota, this 14th day of May, 2018.

ATTEST:

Todd Prafke
City Administrator

Charles Zieman
Mayor

The foregoing Ordinance was adopted by the following votes:
Ayes:
Nayes:
Absent:

Published in the Saint Peter Herald on ____________, 2018.
RESOLUTION NO. 2018 -

RESOLUTION APPOINTING PARKS AND RECREATION ADVISORY BOARD MEMBER

WHEREAS, the City Council has taken action to modify the City Code to provide for an additional City Council member to serve on the Parks and Recreation Advisory Board in place of a citizen member.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA, THAT: Councilmember Carlin is hereby appointed to the Parks and Recreation Advisory Board for a term that shall expire on December 31, 2018.

Adopted by the City Council of the City of Saint Peter, Nicollet County, Minnesota, this 14th day of May, 2018.

____________________________________
Charles Zieman
Mayor

ATTEST:

______________________________
Todd Prafke
City Administrator
STATE OF MINNESOTA
COUNTY OF NICOLLET
CITY OF SAINT PETER

RESOLUTION CALLING FOR CLOSED SESSION

WHEREAS, Minnesota Statutes 13D.03 allows for closure of a public meeting "to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals"; and

WHEREAS, the City Administrator is currently in negotiations with Law Enforcement Labor Services Local No. 241 (Police Officers) for renewal of their union labor contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA, THAT: The City Council will meet in closed session as provided for under Minnesota Statutes 13D.03 related to labor contract negotiations with Law Enforcement Labor Services No. 241 (Police Officers).

Adopted by the City Council of the City of Saint Peter, Nicollet County, Minnesota, this 14th day of May, 2018.

Charles Zieman
Mayor

ATTEST:

Todd Prafke
City Administrator
Memorandum

TO: Honorable Mayor Zieman
   Members of the City Council

FROM: Todd Prafke
      City Administrator

RE: Law Enforcement Labor Services (LELS) #241 Police Officers

ACTION/RECOMMENDATION

Approve the attached resolution providing for a Collective Bargaining agreement with the Law Enforcement Labor Services Local # 241 (Police Officers) for 2018.

BACKGROUND

As the Council is aware, Staff and the Police Officers local have been in negotiations on a collective bargaining agreement.

The Union has voted to approve a contract with the most significant changes being:
   • One year contract for the 2018 year.
   • An increase in wage of 2.7% across the board in 2018.
   • Technical changes related to dates and typos.

This is slightly more than has been provided to our other bargaining units. That is driven by two primary factors. First is the relative wage of market place has been driven up based on a couple of pretty big increases in similar sized jurisdictions and our relative ranking among similar sized jurisdictions going back to the 2011 negotiation year.

FISCAL IMPACT:

This impact of this agreement is within the budget parameters set for the 2018 budget.

ALTERNATIVES/VARIATIONS:
Do not act. Staff will wait for further direction from the Council. A lengthy delay may cause the Union to reconsider its’ position.
Negative vote. Staff will wait for further direction. The Union may request arbitration.
Modification to the resolution. This is always an option of the Council.

Please feel free to contact me if you have any questions or concerns about this agenda item.

TP/bal
CITY OF SAINT PETER, MINNESOTA

RESOLUTION NO. 2018 –

STATE OF MINNESOTA)
COUNTY OF NICOLLET)
CITY OF SAINT PETER)

RESOLUTION APPROVING CONTRACT BY AND BETWEEN THE CITY OF SAINT PETER
AND LAW ENFORCEMENT LABOR SERVICES LOCAL NO. 241 (POLICE OFFICERS) FOR
CALENDAR YEAR 2018

WHEREAS, the City has previously entered into a contract with Law Enforcement Labor
Services Local No. 241 (Police Officers); and

WHEREAS, the current contract expired on December 31, 2017; and

WHEREAS, staff has entered into negotiations with representatives of Local No. 241; and

WHEREAS, the discussion has reached a proposed settlement; and

WHEREAS, the terms of the contract fall within the budget parameters for the 2018 general
fund budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAINT
PETER, NICOLLET COUNTY, MINNESOTA, THAT: the contract for 2018 between the City of
Saint Peter and Law Enforcement Labor Services Local No. 241 (Police Officers) is hereby
approved.

Adopted by the City Council of the City of Saint Peter, Nicollet County, Minnesota, this 14th day
of May, 2018.

Charles Zieman
Mayor

ATTEST:

Todd Prafke
City Administrator
TO:      Honorable Mayor Zieman 
         Members of the City Council
FROM:   Todd Prafke 
         City Administrator
RE:     Goal Session Report and Takeaways

ACTION/RECOMMENDATION

None needed. For your information and review.

BACKGROUND

The goal of this memo is to provide a basic outline of the principal discussion points and 
priorities as the Council provided direction as a part of its' Goal Session on April 30, 2018.

In writing this memo it is not my objective to provide a complete or full review of the discussion 
held by the Council, but rather it is to list, with some explanatory information, the priorities for 
efforts and big thoughts of the meeting. The listing is done based on topics within the body of 
the meeting. These are not in prioritized order.

- **Downtown Development** - A review of the priorities that you set a number of years ago and 
  seeing if they still meet your needs or whether some changes are needed. Two small 
  changes were made to the priorities and will be reflected in the next documents.
- **Commercial Creep** - A review of this issue that got its' start with discussion about Dunkin 
  Donuts and the direction you gave us at your last workshop.
- **Weed/Nuisance Rules And Regulations** – Was not covered.
- **EDA Funding Update** - An update on this from a compliance perspective. Direction was 
  provided to staff related to the allocation of resources. In addition, Members discussed use 
  of funding to incent or regulate ADA improvement in the downtown area.
- **Hospital Expansion Project** - Overview of construction work and timelines; financial 
  update/project funding; discussion on a few process issues. The Council reviewed the 
  internal rules for Change Orders and processing of Bid Alternates as well as appointment of 
  members to the Building Committee.
- **Big Five Projects** - A review of these big issues and what planning needs to go on. 
  Prioritization for funding is still as indicated with Pavilion being first, Fire Hall second, City 
  Hall enhancement third, Park improvements four and indoor recreation facilities fifth. Council 
  provided additional direction to staff of the process to acquire land for a new Fire Hall.
- **Fire Hall Update** - An update on the work done. Direction was given to initiate opportunities 
  for acquisition of land for a future Fire Hall based on the study done previously by Five 
  Bugles.
- **Pavilion Update** - An update from the discussion of the committee, some of the things that 
  are currently being reviewed, some ideas to help reduce the cost of the project and an
updated timeline from staff. Council was informed of timeline modifications with the start of any construction being moved to after second week of September in an effort to provide more time for analysis, design and review of value opportunism.

- **Community Spirit Park Update** - A discussion on where you are at with School. Further discussion on school and community and a review of the perceived value and use and how cost is attributed.
- **Organizational Health** - An inside look at how you are doing; how staff is doing; and how we are doing together
- **Council/Commission Quorum Challenges** - This is an item we have reviewed before. This relates to a number of issues including are we keeping you too busy; can people run and serve based on the demands that are in place; what happens with Board, Commission and Council members when we struggle to meet those quorum needs; and are there things we can systematically do about that to still meet your goals for knowing, talking about and providing answers to all the information and projects you have going on. The Council indicated that it is their wish to maintain the level of information provision and access through meetings, but anything we can do to stack meetings is helpful. Members also discussed the ongoing need to review their membership and participation on committees and commissions based on schedules and ability to serve continues to be part of the discussion we regularly have in the fall of each year.
- **North Third Street Infrastructure Update/Process** - An update on this project, upcoming meetings, process and some important philosophical discussion on what to do if you have property owners that are not too excited about the project or its costs. Discussion was held about the process and challenges and concerns about maintaining substandard roadways and the cost to the taxpayers in the City.
- **Firefighter Benefits/Insurance** - This is an item that was requested by the Council and includes a review of what your Firefighters get for benefits. This was borne out of your Relief Association benefit increase action. No additional tasks were assigned and a better understanding of the entity of benefits provided was of value.
- **Ash Tree Removal Rules** - Emerald Ash Borer is moving our way. We need a plan and rules to deal with it if it gets this far south. A draft plan was discussed and will be taken back to the Tree Board and then to the Council. Concerns were raised about priority for removal and the value of removal before trees show signs of contamination.
- **Recreation Director Recruitment Update** - An update of this process, a few dates and establishing a plan. Council discussed a few small tweaks as compared to the Finance Director process to make sure to include a more public meet and greet opportunity since this is more “outward facing” than the other recent position recruitment.
- **Communications/Data Practices** - This was not covered.
- **ADA Transition Plan** - A short update on this effort including use of students and when we need to do it
- **Load Management Rules** - A short review of the rules here and why it is still important.
- **Dewild Grant And Reckert Report** - A short reminder of this report and the importance of what we learned and its use.
- **Solar Program Update** - An update on panels subscribed and a few other smallish items was provided.
- **Chickens, And Bees, And Goats Oh My!** - A attempt on my part to remind you of where we are on these issues and discussion of social issues and thinking about how times seem to be changing; how items such and your Wells Fargo action and how does the Council wish to sort when, how, and in what manner these items come to the Council. While no solution was found, it was decided that issues like these may be better suited for Goal Session discussion as a start to a process of evaluation of the community's best interests.
How Do Issues Make It To A Meeting For Action? – A review on who, what, how things get to be on an agenda and what happens if you vote, you don't get what you want, and some of you want to revisit it. The Council discussed options for clarification of the policy and asked that this item be placed on a Goal Session agenda later in the year so that all could think a bit more and ensure that this process issue is not entangled as a part of the Tobacco Ordinance modification discussion.

The meeting concluded at about 10 p.m.

Please feel free to contact me if you have any questions or concerns about this report.

TP/bal