



Regular Meeting of the City Council

April 6, 2020 – 7:00 p.m.

City Hall

PROPOSED AGENDA

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Approval of Agenda
- E. Approval of Minutes:
 - 1. March 16, 2020 Regular Meeting
 - 2. March 23, 2020 Emergency Meeting
 - 3. March 25, 2020 Emergency Meeting
 - 4. March 30, 2020 Special Meeting
- F. Agenda Items
 - 1. JEO Project Status Report – Discussion Only
 - 2. Live Stream Council Meetings – Discussion Only
 - 3. WCICC 28E Agreement - Motion
 - 4. Streeter Drive Cold Mill & Asphalt Overlay Bids – Motion
 - 5. Sidewalk from Centennial Dr to Rose Street - Discussion
 - 6. Lakeshore Estates - Discussion/Motion
 - 7. Handbook - Discussion/Motion
- G. Community and Council Input
 - 1. Thank you letter from Troy Rosenbaum
- H. Executive Session – Legal, Contractual, and Personnel
- I. Approval of Bills
- J. Adjournment

*SDCL 1-25-2 (sections 1-5) allows a majority of the body present to vote to close a meeting when discussion revolves around personnel, legal matters or contract negotiations. Meetings may also be closed for certain economic development matters (SDCL 9-34-19).

UNAPPROVED
North Sioux City, South Dakota
City Council Regular Meeting Minutes
March 16, 2020

Meeting called to order at 7:00 p.m. by Mayor Fredericksen. Benson, Berg, Blaeser, Carpenter, Cropley, Green, Parks, Slater were present. Also, in attendance was City Finance Officer Mike Hamm.

Mayor Fredericksen led the Pledge of Allegiance.

Motion by Parks, second by Berg, to approve the agenda as presented. All members present voted aye.

Motion by Green, second by Benson, to approve the minutes from the March 2, 2020 meeting. All members present voted aye.

Andrew Nilges from the North Sioux City Economic Development was on hand to present their Business Retention & Expansion Program to the Council. Each year they conduct formal sit-down interviews with North Sioux City Businesses. This year they met with eleven businesses. They shared this information with all their local partners so they have an idea of what they are hearing and how to help. 10 of the 11 companies stated they plan to introduce new products in the next 2 years. 10 of the 11 companies say they have plans for growth in the next 3 years. Businesses said that it is easy to do business in North Sioux City because of the responsiveness of the community. One issue they heard this year was the lack of affordable housing. Another issue businesses were having is attracting skilled workers to this area. Berg asked if this information was shared with the City of Sioux City. Nilges stated that it has not been shared. Berg said it would be a good idea to share it with them. Nilges stated this program is a MidAmerican program and they set what type of businesses can be interviewed. Berg said he didn't want the smaller businesses in the community to be left out.

Rusty Montagne presented the SD DENR Water Report to the council. The City of North Sioux City has supplied eleven consecutive years of safe drinking water to the public it serves and has been awarded the Secretary's Award for Drinking Water Excellence by the South Dakota Department of Environment and Natural Resources. Montagne said this year there will be some extra testing that needs done.

Tena Carpenter said they still have some things to work out on the handbook. They will have another meeting to figure these things out. Once complete they will ask the department heads to come in and present it to them and get their comments on it. Mayor Fredericksen said that he thinks it has changed a lot since the department heads sat in on the meeting and that the department heads should sit back in on a meeting. Carpenter said they don't want to present a non-finished product.

A discussion was held on the River Valley Plat Lots 90 thru 96. Cropley stated she did not like this from the beginning. She thinks this is the only place besides the twin homes and she wants to know what the city would do to avoid this in the future. Rusty Montagne said in future developments the city could stub the sewers.

Motion by Cropley, second by Blaeser, to approve the River Valley Plat Lots 90 thru 96. All members present voted aye.

Motion by Carpenter, second by Benson, to approve the Flynn Business Park Re-Plat Lot 3A and 4A. All members present voted aye.

Motion by Cropley, second by Slater, to approve the donation to the McCook Lake Association. All members present voted aye.

Motion by Cropley, second by Parks, to approve the acceptance of the Historic Flood Sign with a location to be determined at a later date. All members present voted aye.

Community Input:

1. Mayor Fredericksen said that on the last council meeting agenda there was a written complaint from a resident that he would like to address.

Motion by Cropley, second by Berg, to enter executive session at 7:51pm for Legal. Roll call taken, Benson, Berg, Blaeser, Carpenter, Cropley, and Slater voted aye. Green voted nay. Parks abstained.

Regular session resumed at 8:14pm.

Community Input:

1. Lesa Cropley said that beginning last Saturday sludge material was being dumped on Lakeshore Estates development property. Cropley said that in City Ordinance 8.16.010 any nauseous or offensive matter of any kind can not be dumped in city limits. Cropley said when it gets warm it will stink as bad as Royal Canin.
2. City Finance Officer Mike Hamm stated the Army Crops river management meeting will be held on April 9th at 11am at Stoney Creek in Sioux City. Cropley said she would attend if it is held.
3. Mayor Fredericksen said because of the coronavirus the government stated no more than 10 people at gatherings. Slater said that our next meeting is not until the 6th of April so let's wait and see what happens. Berg asked if we had adequate sanitizer. Carpenter said the City Hall staff should be wiping doors handles and places that get touched a lot with Clorox wipes.

Motion by Parks, second by Berg, to approve the bills as presented. All members present voted aye.

5678! DNC BOOSTER CLUB	2000.00	2020 DNTN-20 (\$100 PER CHILD)
ADAM'S TREE	5000.00	TREE RMVL-BOAT RMP (30)
AFLAC	1023.46	MAR2020 PRMS
AMRCB UNDRGRND SUPP	3271.18	VALVE (2), GSKT
AVERY BROS. SIGN CO.	29677.00	LIB SIGN
AXON ENTRPRS, INC.	3664.00	TASER (8)
BNFT ADMNSTRTN SELF EM	102.00	2020 HRA FEE
CLHN COMMNCTNS INC.	5007.86	WTR TWR LIGHTS
CITY OF SIOUX CITY	31909.68	FEB2020 SWR CHGS
CRNHSKR INTRNTNL	78699.26	2020 INTRNTNL TK
CRYSTAL CLN, INC	350.00	LIB-STRIP & WAX COMM ROOM
GWORKS	103.18	TAX FORMS
DAKOTA DUNES/NSC TIMES	469.80	FEB202 PUBLISHNG FEES
DEMCO, INC	102.68	LIB SUPP
THMPSN INNVTN	66.00	LIB-ALARM MNTRNG AGREEMENT
FOUR SEASONS NORTH	349.30	FITNESS CHGS
GILL HAULING	12282.87	FEB2020 RSDNTL WST
GREAT PLAINS ZOO	239.00	LIB SUMMER RDNG EVENT
H2O 4 U	55.50	BOTTLED WTR
HAMM, MIKE	273.43	EXP, FEB-MAR CELL REIMB
HAWKINS, INC	2153.84	CHLORINE (8)
INGRAM LIB SVCS	1144.28	BOOKS (125)
EKS OFFICE SLTNS	229.20	TISSUE PAPR (3CS), SIGN
JERRY BARLOW	275.00	LIB PRFRMNC
JIMS WTR TRTMNT	36.50	SR CNTR-WTR SFTNR SALT
JOHNSON FEED, INC.	4114.00	ROAD SALT
JUNIOR LIB GUILD	1360.48	BOOKS (75)
KALINS INDOOR CMFRT	89.00	LIB-AC REP
NEXTAR BRDCSTNG, INC	250.00	DV PNTRS AD
LEADER-COURIER	34.74	LIB SUBSCRPTN RNWL
LOCAL NO. 749	227.00	APR2020 DUES
LONG LINES	854.69	FEB2020 PHN & INT CHGS
MCCOOK LAKE ASSCTN	25000.00	2020 DNTN
MERCY BUSNSS HEALTH SVCS	53.33	MAR2020 EAP
MIDMRCN ENERGY	14664.37	UTLTY CHGS
MIDWEST TAPE	129.95	DVD'S (5)
O'REILLY ATMTV, INC.	286.18	HINGE KIT (3), FLTR (5), WIPER FLD (6)
QUALFD PRSORT SVC, LLC	756.16	PSTG UTLTY BILLS

ROBRSTN IMPLMNT CO	273.56	SPACER (6), BLADE MWR (6)
SD MNCPL LEAGUE	52.00	2020 DISTRICT MTG-PARKS (2)
SD ONE CALL	16.80	FEB2020 LOCATES (15)
SEAFOG	30.00	2020 MEMBRSHIP-HAMM
UTLTY EQUIPMNT CO	239.88	WTR SUPP-EMRGNC WTR BREAK
WAYNE LINDGREN	100.00	SR CNTR REFUND-CNCLD EVENT
WELLMARK BLUE CROSS	15773.35	INSUR PREM
ZEE MDCL SVC	563.15	MDCN CBNT SUPP

Motion by Slater, second by Green, to adjourn at 9:14pm. All members present voted aye.

Approved

Randy Fredericksen, Mayor

Attested

Mike Hamm, City Finance Officer

UNAPPROVED
North Sioux City, South Dakota
City Council Emergency Meeting Minutes
March 23, 2020

Meeting called to order at 6:00 p.m. by Mayor Fredericksen. Benson, Berg, Blaeser, Carpenter, Cropley, Green, Parks, Slater were present. Also, in attendance was City Finance Officer Mike Hamm and City Attorney Darrell Jesse.

Mayor Fredericksen led the Pledge of Allegiance.

Motion by Parks, second by Benson, to approve the amended agenda by adding Ordinance 2020-03 after executive session. All members present voted aye.

Motion by Cropley, second by Berg, to enter into executive session at 6:02pm for Legal. All members present voted aye.

Regular session resumed at 8:08pm.

Motion by Cropley, second by Parks, to recognize Governor Noem's Executive Order 2020-04 that was issued late afternoon of March 23rd, 2020 and declared South Dakota to be in a State of Emergency due to the Covid-19 pandemic. We, as the North Sioux City Council, request that all businesses and residents comply with the Governor's order. The Council recognizes this is a very fluid situation and can change daily. Any revisions or changes to the Governor's order will be addressed immediately by the Council. All members present voted aye.

Motion by Parks, second by Green, to table Ordinance 2020-03. All members present voted aye.

Council Member Parks said the City Council is watching this extremely closely with the Mayor and the local police department and that the Council plans to met on or before next Monday March 30th, 2020 at 6pm.

Motion by Cropley, second by Berg, to adjourn at 8:10pm. All members present voted aye.

Approved

Randy Fredericksen, Mayor

Attested

Mike Hamm, City Finance Officer

UNAPPROVED
North Sioux City, South Dakota
City Council Emergency Meeting Minutes
March 25, 2020

Meeting called to order at 6:00 p.m. by Mayor Fredericksen. Benson, Berg, Blaeser, Carpenter, Cropley, Green, Parks, Slater were present. Also, in attendance was City Finance Officer Mike Hamm and City Attorney Darrell Jesse.

Mayor Fredericksen led the Pledge of Allegiance.

Motion by Cropley, second by Benson, to approve the agenda as presented. All members present voted aye.

The Mayor thanked Joanie Christiansen for starting off closing bars but we still have a handful of business that are open. The Mayor said we are here for the people and we have to support the people.

A discussion was held on Resolution 2020-03. Green asked why daycares are not included in this. Police Chief Headid stated that daycares are classified as essential. Parks said that this is not directed at any Corporations. Cropley asked if a business has a beer or liquor licenses what ramifications can they face if they don't comply with the Resolution and Ordinance. City Attorney Jesse said that this would fall on the South Dakota Department of Revenue to enforce any punishment. Slater asked if the Council could resend the Ordinance after it was passed. City Attorney said they could resend it. Slater said he was not sure if the City needed to go this far out with the closures. Slater said the Governor asked cities to review how businesses are implementing her executive order and he raises these points not for one side or the other but to put the best Resolution and Ordinance out there because the City wants to do this right. Joanie Christiansen asked if the City was still going to allow restaurants to continue to do carryout orders. Parks stated that is the way the Resolution and Ordinance reads.

Motion by Benson, second by Berg, to approve Resolution 2020-03. All members present voted aye.

RESOLUTION NO. 2020-03

**AN EMERGENCY RESOLUTION TO ADDRESS A PUBLIC HEALTH CRISIS BY
IMPLEMENTING CERTAIN MEASURES WHICH HAVE BEEN DEEMED
NECESSARY TO SLOW THE COMMUNITY SPREAD OF CORONAVIRUS
(COVID-19).**

WHEREAS, the City of North Sioux City has the authority pursuant to SDCL 9-29-1 to pass resolutions for the purpose of promoting the health, safety, morals, and general welfare, of the community; and

WHEREAS, an outbreak of the disease COVID-19, which is caused by the novel coronavirus, has been confirmed in more than 100 countries, including the United States; and

WHEREAS, COVID-19 is a severe respiratory disease transmitted by person-to-person contact, or by contact with surfaces contaminated by the virus. In some cases, especially among older adults and persons with serious underlying health conditions, COVID-19 can result in serious illness requiring hospitalization, admission to an intensive care unit, and death; and

WHEREAS, the World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC), and the Secretary of the U.S. Department of Health and Human Services have declared the outbreak of COVID-19 as a public health emergency; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency in response to the global pandemic of COVID-19; and

WHEREAS, on the same day, Governor Kristi Noem, issued Executive Order 2020-04 which declared a state of emergency to exist in the State of South Dakota in response to the spread of COVID-19; and

WHEREAS, cases of COVID-19 have been confirmed in South Dakota; and

WHEREAS, the CDC and health experts have recommended social distancing to slow the spread of COVID-19; and

WHEREAS, social distancing is a method of slowing down or stopping the spread of a contagious disease by reducing the probability of contact between infected persons and those not infected in order to minimize disease transmission; and

WHEREAS, in response to the need to implement social distancing, all schools in the state of South Dakota have been closed for at least two weeks; and

WHEREAS, on March 16, 2020, the White House issued guidance recommending that social gatherings of more than ten (10) people be avoided and that people avoid eating or drinking at bars, restaurants, and food courts; and

WHEREAS, the guidance issued by the White House further recommended that in states with evidence of community transmission, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate should be closed; and

WHEREAS, many states and communities across the country have already implemented the White House recommendations by ordering all bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate be closed until the public health emergency is over; and

WHEREAS, the failure to successfully implement social distancing will likely result in higher numbers of infected individuals and has the potential to overwhelm the capacity of the City's health care providers; and

WHEREAS, it is important that control measures be taken to reduce or slow down the spread of COVID-19 in order to protect the health and safety of the City's residents, especially for seniors and those with underlying health conditions that make them particularly vulnerable to COVID-19; and

NOW THEREFORE, IT IS HEREBY RESOLVED, by the Common Council of the City of North Sioux City
that:

1. Effective at 8:00 a.m. on Thursday, March 26, 2020, all restaurants, food courts, coffee houses, bars, clubs, cafes and other similar places of public accommodation offering food and beverages for on-site consumption, including any alcohol licensees with on-sale privileges, are closed to on-site/on-sale patrons. These businesses may continue to operate in order to provide take-out,

delivery, curbside service, and drive-thru service. Any business continuing to operate in order to provide off-site service should implement procedures to ensure social distancing and operate in compliance with federal and state health guidance in order to prevent the spread of COVID-19. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through Saturday, May 2, 2020 at 8:00 a.m.

2. Effective at 8:00 a.m. on Thursday, March 26, 2020, all recreational facilities, health clubs, athletic facilities and music or entertainment venues are directed to close and cease operations. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through Saturday, May 2, 2020 at 8:00 a.m.
3. Effective at 8:00 a.m. on Thursday, March 26, 2020, all arcades, casinos, and other similar recreational or entertainment facilities are directed to close and cease operations. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through Saturday, May 2, 2020 at 8:00 a.m.
4. The prohibitions and closures in this order do not apply to the following businesses:
 - a. Places of public accommodation that offer food and beverages for off-site consumption, including grocery stores, markets, retail stores that offer food, convenience stores, pharmacies, drug stores, and food pantries, other than any portion of such business which offer on-site consumption which would be subject to the requirements of paragraph #1 above.
 - b. Room service in hotels.
 - c. Health care facilities, residential care facilities, congregate care facilities, and correctional facilities.
 - d. Crisis shelters, homeless shelters, soup kitchens, or other similar institutions.
 - e. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.
 - f. Official meetings of the city, schools, county, or state.
5. If the North Sioux City Council receives a recommendation from the State of South Dakota, it may pass a resolution limiting the size of any communal gathering as defined herein and prohibit any communal gathering in excess thereof for a period of time set forth in such resolution not to exceed the period of time this resolution remains in effect, which prohibition shall be governed by the following terms:
 - a. For purposes of this resolution, a "communal gathering" is any indoor or outdoor gathering of people, subject to the exceptions and clarifications below, that brings together or is likely to bring two or more persons at the same time in a single room or other single confined or enclosed space, including, but not limited to an office space or similar confined place of employment, a single-family residence, or a residential apartment unit.

- b. For purposes of this resolution, a "communal gathering" does not include larger gatherings in the following locations, so long as people take care not to be within arm's length of one another for extended periods:
 - i. public parks, sidewalks, and streets;
 - ii. parking lots and common areas of any hotel, office building or residential apartment buildings;
 - iii. grocery stores, shopping malls, manufacturing facilities, or other retail or business establishments where larger numbers of people may be present, but where it is unusual for people to be within arm's length of one another for extended periods;
 - iv. hospitals, mental health or substance abuse treatment facilities, and medical clinics and facilities; and
 - v. Any other location established by resolution of the North Sioux City Council.
 - c. A resolution limiting the size of a communal gathering passed by the North Sioux City Council in accordance with this resolution shall be deemed effective immediately upon its publication.
 - d. Each person participating in any communal gathering that violates a size restriction established by resolution of the North Sioux City Council in accordance with this resolution shall be deemed to be in violation of this resolution.
6. If the North Sioux City Council receives a recommendation from the State of South Dakota, it may pass a resolution requiring that all non-essential businesses within the city must close in-office or on-site personnel functions and cease all in-person customer contact for a period of time set forth in such resolution not to exceed the period of time this resolution remains in effect, which prohibition shall be governed by the following terms:
- a. For purposes of this Resolution, an "Essential Business" is not governed or limited by this a restriction. An "Essential Business" means:
 - i. Essential Health Care Operations, Including, research and laboratory services, hospitals, walk-in-care health facilities, veterinary and livestock services, elder care, medical equipment supply providers and distribution, home health care workers or aides for the elderly, physicians, emergency dental, nursing homes, or residential health care facilities or congregate care facilities
 - ii. Essential Infrastructure, Including all utility providers, fuel supply and transmission, public water and wastewater, solid waste transfer station, telecommunications facilities and data centers, airports, transportation infrastructure such as bus, rail, or for-hire vehicles, garages, hotels, and places of accommodation
 - iii. Manufacturing;
 - iv. Essential Retail, including grocery stores, pharmacies, convenience stores, gas stations, take-out/delivery restaurant service, hardware and building material stores;
 - v. Essential Services, including solid waste and recycling collection, processing and disposal, mail and shipping services, laundromats, building cleaning and maintenance, child care services, auto repair, warehouse/distribution and fulfillment, funeral homes, crematoriums and cemeteries, storage for essential businesses,

animal shelters, and Information Technology (IT) services providing support to Essential Business;

- vi. News Media;
 - vii. Financial Institutions, including banks, insurance agencies, brokerage firms, payroll and bookkeeping services, tax preparation and accounting services, and services related to financial markets
 - viii. Providers of Basic Necessities to Economically Disadvantaged Populations, including homeless shelters, crisis shelters, congregate care facilities, food banks, human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; and other critical human services agencies providing direct care or support;
 - ix. Construction, Including skilled trades such as electricians, plumbers, other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes;
 - x. Federal, State, or county agencies under direct control of any branch of the United States Federal Government, or of the State of South Dakota or of Union County.
 - xi. Essential Services Necessary to Maintain the Safety, Sanitation and Essential Operations of Residences or Other Essential Businesses, including law enforcement, fire prevention and response, building code enforcement, security, emergency management and response, building cleaners or janitors, general maintenance whether employed by the entity directly or as a vendor, automotive repair, or disinfection;
 - xii. An “Essential Business” shall also specifically include or exclude any business or organization type as clarified by resolution of the North Sioux City Council, even if the business or organization type is identified herein.
- b. A resolution requiring that all non-essential businesses close in-office or on-site personnel functions and cease all in-person customer contact passed by the North Sioux City Council in accordance with this resolution shall be deemed effective at 8:00 a.m., Thursday, March 26, 2020.
 - c. The owner and supervising manager of any non-essential businesses that refuses to close in-office or on-site personnel functions or to cease all in-person customer contact in violation of the North Sioux City Council in accordance with this resolution shall be deemed to be in violation of this resolution.
7. Any violation of this resolution is subject to the general penalty provision in Section 1.16 of the North Sioux City Municipal Code. Each day a violation of this resolution is allowed to occur is considered a separate offense.

BE IT FURTHER RESOLVED, that, pursuant to SDCL 9-19-13, this resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective immediately.

Dated this 25 day of March, 2020.

CITY OF NORTH SIOUX CITY

Randy Fredericksen, Mayor

ATTEST:

Michael Hamm, Finance Officer

Motion by Benson, second by Berg, to approve the 1st reading of Ordinance 2020-05 An Emergency Ordinance to Address a Public Health Crisis by Implementing Certain Measures Which Have Been Deemed Necessary to Slow the Community Spread of Coronavirus (COVID-19). All members present voted aye.

Motion by Cropley, second by Green, to adjourn at 6:26pm. All members present voted aye.

Approved

Randy Fredericksen, Mayor

Attested

Mike Hamm, City Finance Officer

UNAPPROVED
North Sioux City, South Dakota
City Council Special Meeting Minutes
March 30, 2020

Meeting called to order at 7:00 p.m. by Mayor Fredericksen. Benson, Berg, Blaeser, Carpenter, Crolley, Green, Parks, Slater were present. Also, in attendance was City Finance Officer Mike Hamm and City Attorney Darrell Jesse.

Mayor Fredericksen led the Pledge of Allegiance.

Motion by Parks, second by Benson, to approve the amended agenda by adding executive session for legal, personnel, and contractual after item E. All members present voted aye.

Crolley asked what time this would be effective. Benson stated it would be effective at 9:00pm on Monday March 30th.

Liane Welte gave the Council an update on what the City Library is currently doing. Welte asked what the Council thought about the Library recirculating books. She said that when books come back to the library, they are quarantined for 72 hours before they go back. Welte stated they could do curb side pick up of books. Berg asked what the Sioux City Library has done. Welte said they are still closed but she would call to see what they were planning. Carpenter said that if someone does not have internet they can go to the library parking lot and use theirs. Welte said she has posted the password their website. Crolley said she would be willing to put on gloves and a mask to help deliver books if she has to.

Motion by Benson, second by Berg, to approve the 2nd reading of Ordinance 2020-05 to take effective on March 30, 2020 at 9pm. All members present voted aye.

ORDINANCE NO. 2020-05

**AN EMERGENCY ORDINANCE TO ADDRESS A PUBLIC HEALTH CRISIS BY
IMPLEMENTING CERTAIN MEASURES WHICH HAVE BEEN DEEMED
NECESSARY TO SLOW THE COMMUNITY SPREAD OF CORONAVIRUS
(COVID-19).**

WHEREAS, the City of North Sioux City has the authority pursuant to SDCL 9-29-1 to pass ordinances for the purpose of promoting the health, safety, morals, and general welfare, of the community; and

WHEREAS, an outbreak of the disease COVID-19, which is caused by the novel coronavirus, has been confirmed in more than 100 countries, including the United States; and

WHEREAS, COVID-19 is a severe respiratory disease transmitted by person-to-person contact, or by contact with surfaces contaminated by the virus. In some cases, especially among older adults and persons with serious underlying health conditions, COVID-19 can result in serious illness requiring hospitalization, admission to an intensive care unit, and death; and

WHEREAS, the World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC), and the Secretary of the U.S. Department of Health and Human Services have declared the outbreak of COVID-19 as a public health emergency; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency in response to the global pandemic of COVID-19; and

WHEREAS, on the same day, Governor Kristi Noem, issued Executive Order 2020-04 which declared a state of emergency to exist in the State of South Dakota in response to the spread of COVID-19; and

WHEREAS, cases of COVID-19 have been confirmed in South Dakota; and

WHEREAS, the CDC and health experts have recommended social distancing to slow the spread of COVID-19; and

WHEREAS, social distancing is a method of slowing down or stopping the spread of a contagious disease by reducing the probability of contact between infected persons and those not infected in order to minimize disease transmission; and

WHEREAS, in response to the need to implement social distancing, all schools in the state of South Dakota have been closed for at least two weeks; and

WHEREAS, on March 16, 2020, the White House issued guidance recommending that social gatherings of more than ten (10) people be avoided and that people avoid eating or drinking at bars, restaurants, and food courts; and

WHEREAS, the guidance issued by the White House further recommended that in states with evidence of community transmission, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate should be closed; and

WHEREAS, many states and communities across the country have already implemented the White House recommendations by ordering all bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate be closed until the public health emergency is over; and

WHEREAS, the failure to successfully implement social distancing will likely result in higher numbers of infected individuals and has the potential to overwhelm the capacity of the City's health care providers; and

WHEREAS, it is important that control measures be taken to reduce or slow down the spread of COVID-19 in order to protect the health and safety of the City's residents, especially for seniors and those with underlying health conditions that make them particularly vulnerable to COVID-19.

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of North Sioux City

that:

1. Effective at 9:00pm, March 30, 2020, all restaurants, food courts, coffee houses, bars, clubs, cafes and other similar places of public accommodation offering food and beverages for on-site consumption, including any alcohol licensees with on-sale privileges, are closed to on-site/on-sale patrons. These businesses may continue to operate in order to provide take-out, delivery, curbside service, and drive-thru service. Any business continuing to operate in order to provide off-site service should implement procedures to ensure social distancing and operate in compliance with federal and state health guidance in order to prevent the spread of COVID-19.

The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through Saturday, May 2, 2020 at 8:00am.

2. Effective at 9:00pm, March 30, 2020, all recreational facilities, health clubs, athletic facilities and music or entertainment venues are directed to close and cease operations. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through Saturday, May 2, 2020 at 8:00am.

3. Effective 9:00pm, March 30, 2020, all arcades, casinos, and other similar recreational or entertainment facilities are directed to close and cease operations. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through Saturday, May 2, 2020 at 8:00am.

4. The prohibitions and closures in this order do not apply to the following businesses:
 - a. Places of public accommodation that offer food and beverages for off-site consumption, including grocery stores, markets, retail stores that offer food, convenience stores, pharmacies, drug stores, and food pantries, other than any portion of such business which offer on-site consumption which would be subject to the requirements of paragraph #1.
 - b. Room service in hotels.
 - c. Health care facilities, residential care facilities, congregate care facilities, and correctional facilities.
 - d. Crisis shelters, homeless shelters, soup kitchens, or other similar institutions.
 - e. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.
 - f. Official meetings of the city, schools, county, or state.

5. If the North Sioux City Council receives a recommendation from the State of South Dakota, it may pass a resolution limiting the size of any communal gathering as defined herein and prohibit any communal gathering in excess thereof for a period of time set forth in such resolution not to exceed the period of time this ordinance remains in effect, which prohibition shall be governed by the following terms:
 - a. For purposes of this ordinance, a "communal gathering" is any indoor or outdoor gathering of people, subject to the exceptions and clarifications below, that brings together or is likely to bring two or more persons at the same time in a single room or other single confined or enclosed space, including, but not limited to an office space or similar confined place of employment, a single-family residence, or a residential apartment unit.
 - b. For purposes of this ordinance, a "communal gathering" does not include larger gatherings in the following locations, so long as people take care not be within arm's length of one another

for extended periods:

- i. public parks, sidewalks, and streets;
 - ii. parking lots and common areas of any hotel, office building or residential apartment buildings;
 - iii. grocery stores, shopping malls, manufacturing facilities, or other retail or business establishments where larger numbers of people may be present, but where it is unusual for people to be within arm's length of one another for extended periods;
 - iv. hospitals, mental health or substance abuse treatment facilities, and medical clinics and facilities; and
 - v. Any other location established by resolution of the North Sioux City Council.
 - c. A resolution limiting the size of a communal gathering passed by the North Sioux City Council in accordance with this ordinance shall be deemed effective immediately upon its publication.
 - d. Each person participating in any communal gathering that violates a size restriction established by resolution of the North Sioux City Council in accordance with this ordinance shall be deemed to be in violation of this ordinance.
6. If the North Sioux City Council receives a recommendation from the State of South Dakota, it may pass a resolution requiring that all non-essential businesses within the city must close in-office or on-site personnel functions and cease all in-person customer contact for a period of time set forth in such resolution not to exceed the period of time this ordinance remains in effect, which prohibition shall be governed by the following terms:
- a. For purposes of this Ordinance, an "Essential Business" is not governed or limited by this a restriction. An "Essential Business" means:
 - i. Essential Health Care Operations, Including, research and laboratory services, hospitals, walk-in-care health facilities, veterinary and livestock services, elder care, medical equipment supply providers and distribution, home health care workers or aides for the elderly, physicians, emergency dental, nursing homes, or residential health care facilities or congregate care facilities
 - ii. Essential Infrastructure, Including all utility providers, fuel supply and transmission, public water and wastewater, solid waste transfer station, telecommunications facilities and data centers, airports, transportation infrastructure such as bus, rail, or for-hire vehicles, garages, hotels, and places of accommodation
 - iii. Manufacturing;
 - iv. Essential Retail, including grocery stores, pharmacies, convenience stores, gas stations, take-out/delivery restaurant service, hardware and building material stores;
 - v. Essential Services, including solid waste and recycling collection, processing and disposal, mail and shipping services, laundromats, building cleaning and maintenance, child care services, auto repair, warehouse/distribution and fulfillment, funeral homes, crematoriums and cemeteries, storage for essential businesses, animal shelters, and Information Technology (IT) services providing support to Essential Business;

- vi. News Media;
 - vii. Financial Institutions, including banks, insurance agencies, brokerage firms, payroll and bookkeeping services, tax preparation and accounting services, and services related to financial markets
 - viii. Providers of Basic Necessities to Economically Disadvantaged Populations, including homeless shelters, crisis shelters, congregate care facilities, food banks, human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; and other critical human services agencies providing direct care or support;
 - ix. Construction, Including skilled trades such as electricians, plumbers, other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes;
 - x. Federal, State, or county agencies under direct control of any branch of the United States Federal Government, or of the State of South Dakota or of Union County.
 - xi. Essential Services Necessary to Maintain the Safety, Sanitation and Essential Operations of Residences or Other Essential Businesses, including law enforcement, fire prevention and response, building code enforcement, security, emergency management and response, building cleaners or janitors, general maintenance whether employed by the entity directly or as a vendor, automotive repair, or disinfection;
 - xii. An “Essential Business” shall also specifically include or exclude any business or organization type as clarified by resolution of the North Sioux City Council, even if the business or organization type is identified herein.
- b. A resolution requiring that all non-essential businesses close in-office or on-site personnel functions and cease all in-person customer contact passed by the North Sioux City Council in accordance with this ordinance shall be deemed effective immediately upon its publication.
 - c. The owner and supervising manager of any non-essential businesses that refuses to close in-office or on-site personnel functions or to cease all in-person customer contact in violation of the North Sioux City Council in accordance with this ordinance shall be deemed to be in violation of this ordinance.
7. Any violation of this ordinance is subject to the general penalty provision in Section 1.16 of the North Sioux City Municipal Code. Each day a violation of this ordinance is allowed to occur is considered a separate offense.

BE IT FURTHER ORDAINED, that, pursuant to SDCL 9-19-13, this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective immediately upon passage.

Dated this 25th day of March, 2020.

CITY OF NORTH SIOUX CITY

Randy Fredericksen, Mayor

ATTEST:

Michael Hamm, Finance Officer

First Reading: March 25, 2020

Second Reading: March 30, 2020

Effective March 30, 2020

Motion by Parks, second by Benson, to enter into executive session for contractual, legal, and personnel at 7:16pm. All members present voted aye.

Regular session resumed at 7:49pm

Motion by Parks, second by Green, to adjourn at 7:49pm. All members present voted aye.

Approved

Randy Fredericksen, Mayor

Attested

Mike Hamm, City Finance Officer



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City, City Council
From: Mike Hamm
Date: 04/06/2020
Re: JEO Project Status Report

Background: Attached is an update Project Status Report from JEO. If there are any questions from the Council, I can forward them on to Ethan Joy at JEO.

Financial Consideration: None.

Recommendation: NA.

JEO Project Status Report

To: City of North Sioux City

Date: March 31, 2020

Report Prepared By: Ethan E. Joy, PE



JEO #	Project	Funding Source #	Current Status	JEO Action	City Action	Schedule
R161479	Big Sioux River Levee Certification Evaluation	Local funds	FEMA will need to finalize and issue the final flood plain maps. That schedule is unknown.		After FEMA issues the new maps, the city will have to update its ordinances to reflect the new map changes.	
R160368	Military Road Bridge Reconstruction	Sioux City Project	Tentative start date for the work is April 13 th , may changed due to weather and the pandemic.		None at this time	
R190926	Wastewater Study Addendum and Rate Study	Local Funds	Draft rate study submitted to Council for review.		Review and direction on any alternate rate schedules desired.	
R190597	Northshore Sewer CIPP	Local Funds	Work on hold due to availability of materials related to the pandemic.	JEO to continue to communicate with contractor to determine a start date.	None at this time	Project Completion Date: June 29, 2020

Items in red are new from the previous report

Thank you.

Ethan E. Joy, PE
Branch Manager

Your Goals, Our Team, One Vision





City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City, City Council
From: Mike Hamm
Date: 04/06/2020
Re: Live Stream Council Meetings

Background: There are many municipalities offering live streams of their Council Meetings so the public can still watch without having to attend. I sent out an email to the Council last week in regards to this. I would like to get direction from the Council if they would be interested in this or not. I have attached an email from Lori Martinec from SDML on this topic.

Financial Consideration: None.

Recommendation: NA.

From: [Lori Martinec](#)
To: [Lori Martinec](#)
Cc: [Lisa Nold](#); [Yvonne Taylor](#)
Subject: Instructions for Zoom Webinar Users and Attendees
Date: Friday, March 27, 2020 10:14:38 AM
Attachments: [Zoom - Meeting Organizer Instructions.docx](#)
[Zoom Login Instructions for City Attendees.docx](#)

Good morning,

We are aware that many of you are offering your open meetings and other meetings via webinar. The SDML uses the Zoom Meetings platform and have been doing so for many months now.

We thought it might be helpful for those of you who are using Zoom Meetings for the first time to have the attached instructional documents for both meeting organizers and attendees. These instructions are not from the Zoom website, but just from my own experience as a user, so please forgive if they are not perfect

We have found it helpful to email out the Login instructions for City Attendees document to remote attendees, if at all possible. That way, they can troubleshoot some of their own issues, if needed. Please modify these instructions to fit your city's needs.

The Meeting Organizer instructions are basic guidance on how to set up and run a Zoom meeting. There are a few features on Zoom that I did not address, simply because I don't use them, but you can feel free to experiment as much as you wish!

Please let me know if you run into any issues and I can certainly try to help. Please just email or give me a call.

Take care!

Lori Martinec

SOUTH DAKOTA MUNICIPAL LEAGUE

Director of Research and Training

Martinec@sdmunicipalleague.org

[208 Island Drive, Ft. Pierre, SD 57532](#)

Tel | 605.224.8654 or 800.658.3633 Fax | 605.224.8655

<http://www.sdmunicipalleague.org>

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City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City, Mayor Randy Fredericksen, and City Council
From: Chief Richard Headid
Date: 04/02/2020
Re: 28E Agreement between Woodbury County Information and Communications and the City of North Sioux City, SD

Background: Attached is the new 28E agreement between Woodbury County Information and Communication's and the City of North Sioux City, SD. This contract would extend the agreement through July 1, 2025 which allows the City of North Sioux City, SD to use Woodbury County Information and Communication's as the dispatch center to take calls from North Sioux City Police, Fire and EMS Agencies for emergency and non-emergency communications.

Financial Consideration: None.

Recommendation: To approve and sign the 28E agreement between Woodbury County Information and Communication's and the City of North Sioux City, SD.

Prepared by: Nicole DuBois, P.O. Box 447, Sioux City, Iowa 51102 Telephone No. (712) 279-6318
After recording return to: City of Sioux City, Iowa, P.O. Box 447, Sioux City, Iowa 51102

**WCICC/NORTH SIOUX CITY, SOUTH DAKOTA
IOWA CODE SECTION 28E AGREEMENT AND SDCL 1-24-2 AGREEMENT**

This Agreement made on the _____ day of _____, 2020, by and between the Woodbury County Information and Communications Commission (herein "WCICC") and the City of North Sioux City, South Dakota, (herein "North Sioux").

Recitals

WHEREAS, on July 1, 2007, the City of Sioux City, and Woodbury County, Iowa entered into an Agreement continuing the existence of the Woodbury County Information and Communications Commission (WCICC) which has been operated continuously since 1981, which Agreement was subsequently amended on September 1, 2015; and

WHEREAS, Iowa Code Chapter 28E and South Dakota Codified Laws Chapter 1-24 both provide authority for entry into joint agreements for the exercise of governmental powers; and

WHEREAS, one of the services provided by WCICC is emergency communications services which encompasses receiving calls from citizens and from public employees and officials for emergency services through radio and the 911 emergency number and dispatching local police officers, local fire fighters, and ambulance services; and

WHEREAS, the creators of WCICC have placed the operations of the Woodbury County Communications Center (herein "Center") under a committee known as the Woodbury County Communications and Criminal Information Committee (herein "Committee") pursuant to an Agreement dated October 12, 1992 and reestablished by Agreement July 9, 2007; and

WHEREAS, North Sioux desires to contract with WCICC to provide emergency and non-emergency Public Safety Communications activity to the North Sioux City Police, Fire and EMS Departments.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

AGREEMENT

1. WCICC, through the Center, agrees to receive calls from North Sioux police, fire and EMS agencies for emergency and non-emergency communications. The Center agrees to provide such information to North Sioux police, fire and EMS agencies, as appropriate. It is understood by the Parties that all dispatching operations shall be conducted in accordance with the general policies and rules governing the operation of the Center as adopted by WCICC and the Committee and that all Center personnel are under the exclusive direction and supervision of WCICC and the Commission. The North Sioux police will also use the Center to obtain NCIC information.

2. In compliance with Iowa Code Section 28E.5, the Parties declare:
 - A. This Agreement shall be referred to as the WCICC/NORTH SIOUX CITY, SOUTH DAKOTA: IOWA CODE SECTION 28E AGREEMENT AND SDCL 1-24-2 AGREEMENT
 - B. The duration of this Agreement shall be for a term to extend from the date of signing until July 1, 2025, unless sooner terminated as hereinafter provided.
 - C. No separate legal or administrative entity shall be created as a result of this Agreement.
 - D. The purposes of this Agreement are as stated herein.
 - E. The financing and budget for the undertaking shall be as stated herein.
 - F. No separate budget will be created because of this Agreement.
 - G. This Agreement may be terminated for any reason by either party upon one (1) year written notice.
 - H. Any amendment to the terms of this Agreement shall be in writing and shall take effect upon the date of the signature of the last party signing unless a different date is specified in the amendment.

3. In compliance with Iowa Code Section 28E.6, the Parties declare:
 - A. The WCICC Board and City Council of North Sioux City, South Dakota shall be the joint boards responsible for administering this joint undertaking.
 - B. There shall be no acquisition of either real or personal property under the terms and provisions of this Agreement unless by written amendment approved by the WCICC Board and the City Council of North Sioux City.

4. That pursuant to Iowa Code Section 28E.9 this Agreement shall not take full force and effect until approved by the Iowa Attorney General or his or her designee.

5. Pursuant to the authority provided in Iowa Code Section 28E.12, WCICC, through the Center, agrees to receive calls from North Sioux police, fire and EMS agencies for emergency and non-emergency communications. The Center agrees to provide such

information to North Sioux police, fire and EMS agencies, as appropriate. All dispatching operations shall be conducted in accordance with the general policies and rules governing the operation of the Center as adopted by WCICC and the Committee. The North Sioux police will also use the Center to obtain NCIC information.

6. For each year of service, North Sioux agrees to pay to WCICC a percentage of the net amount approved for the Communications Center Budget for the fiscal year equivalent to the percentage of the population of the City of North Sioux as compared to the population of Woodbury County established in the most recent decennial census population for the entities by the U.S. Census Bureau and provided on its web site plus a five (5) percent administrative fee, as set out in the following formula: $(\text{Total Communications Center Budget} - \text{STARCOMM} + \text{County TSI} - \text{Revenues}) \times (\text{North Sioux population} / \text{Woodbury County population}) \times 1.05 = \text{annual charge for services}$. Payments will be made quarterly. Fiscal years shall commence July 1st and end June 30th.
7. WCICC shall provide North Sioux with a copy of its fiscal year budget no later than February 1st of each year.
8. The Center will provide to North Sioux police, fire, and EMS departments with CAD information and logging recorder information upon the request from that agency's Chief or supervisor in charge.
9. This Agreement does not include maintenance and up keep of any transmitter or paging equipment owned and maintained by North Sioux for their public safety communications to the Center.
10. It is the Parties' intent that this Agreement is to confer no benefit on or to any third party.
11. The Parties, by this Agreement, do not waive or relinquish any defense or right bestowed on them by state law or case law should litigation be brought against either party.
12. Upon execution of this Agreement by all Parties and upon receipt of the approval of the Iowa Attorney General, the prior Agreement between the Parties dated August 13, 2014 shall be rescinded by mutual agreement.

This Agreement shall automatically expire in the event the WCICC Agreement between Sioux City and Woodbury County is terminated for any reason.

City of North Sioux City, South Dakota	Woodbury County Information and Communications Commission
By: _____ _____ (Print Name)	By: _____ _____ (Print Name)
Title: _____ Mayor	Title: _____ Chairperson
Date: _____	Date: _____

Attest:

By: _____

(Print Name)

Title: _____ City Clerk

Date: _____

APPROVED AS TO FORM:
Office of the Iowa Attorney General

By: _____

(Print Name)

Title: _____ Iowa Attorney General / Assistant Iowa Attorney General

Date: _____



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City, City Council
From: Mike Hamm
Date: 04/06/2020
Re: Streeter Drive Cold Mill & Asphalt Overlay Bids

Background: We received 3 bids for the Streeter Drive Cold Mill & Asphalt Overlay.

	Base Bid	Alternate #1	Total
Barkley Asphalt:	\$330,164.00	\$32,760.00	\$362,924.00
Seal Pros Inc:	\$335,431.65	\$34,165.00	\$369,596.65
Knife River Midwest	\$335,696.38	\$35,711.90	\$371,408.28

The lowest bidder on both the base bid and alternate #1 was Barkley Asphalt. These bids came in considerably better than what was anticipated. Stockwell Engineers estimated the project to come in around \$469,380. The Council can choose to accept the base bid only or accept both the base bid with alternate #1. The base bid would only go up to where the new S curve would be. Alternate #1 would include the section from where the S curve would be to River Dr.

Financial Consideration: There was \$400,000 budgeted for this project in 2020.

Recommendation: NA.

STOCKWELL ENGINEERS, INC.

TRANSMITTAL

Project: Street Drive – Cold Mill & Asphalt Overlay
Location: North Sioux City, SD



March 27, 2020
SEI No: 19025

To: Mike Hamm
North Sioux City
504 River Drive
North Sioux City, SD 57049

Copies: 1

Transmitted:

- 1 Letter of Recommendation

- 1 Notice of Award

- 1 Bid Tab

Action:

Please find enclosed transmitted documents as listed for the project. Below is a brief description of each item along with our recommendations and further action necessary.

Letter of Recommendation:

Upon review, we recommend award to Barkley Asphalt including Alternate #1.

Action: Please place on the April 6th council meeting agenda.

Notice of Award:

Action: If council elects to award the project, please have the Mayor sign the notice of award and return to our office.

Bid Tab:

The attached bid tab is for your records.

Action: No action needed.

Respectfully submitted,
STOCKWELL ENGINEERS, INC.

Jon Brown, PE
Project Engineer

STOCKWELL



19025 | SEI No.
Notice of Award | Encl
Bid Tabulation | Encl
Rusty Montagne, Public Works | Cc

March 27, 2020

Mr. Mike Hamm
North Sioux City
Mike.Hamm@northsiouxcity-sd.gov

Re: Cold Mill & Asphalt Overlay
Streeter Drive

Dear Mr. Hamm:

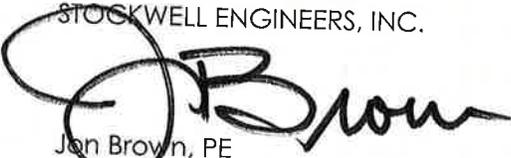
We have completed our review of bids received for the referenced project. The total bid amounts are as follows:

Bidders	Bid Security	Addendum	Base Bid	Alternate #1	Total Base & Alternate
Barkley Asphalt Sioux City, IA	X	X	\$330,164.00	\$32,760.00	\$362,924.00
SealPros Inc Harrisburg, SD	X	X	\$335,431.65	\$34,165.00	\$369,596.65
Knife River Midwest, LLC Sioux City, IA	X	X	\$335,696.38	\$35,711.90	\$371,408.28

Our estimate for the project was \$469,380. All three bids received were very competitive which may be a result of recent market changes. In regard to the low bidder, our office has researched their past history on similar type projects. No record of suspension or debarment was reported. We consider the bidder to be a responsible contractor.

Upon evaluation, the City may decide to award the contact or reject the bids. The City is not bound or obligated to award the contract and may reject all bids at their discretion. Should the city wish to move forward with the project, then we recommend award of the contract to the low bidder, Barkley Asphalt, in the amount of \$362,924.00 including Alternate #1. Our recommendation of award is contingent upon the availability of funds and approval required by appropriate funding agencies. Enclosed with this letter is a Notice of Award for the Council to consider. Please notify our office how the Council chooses to proceed so we can notify bidders appropriately. If there are questions, please contact our office at your earliest convenience.

Respectfully submitted,
STOCKWELL ENGINEERS, INC.


Jon Brown, PE
Project Engineer

ENGINEERING / LANDSCAPE ARCHITECTURE / SURVEYING

801N. Phillips Ave, Suite 100, Sioux Falls, SD 57104

stockwellengineers.com / 605.338.6668

Notice of Award

Project: Cold Mill & Asphalt Overlay – Streeter Drive

Owner: City of North Sioux City

Engineer's Project No.: 19025

Bidder: Barkley Asphalt, Inc.

Bidder's Address: 3320 Rustin St., Sioux City, IA 51105

You are notified that your Bid dated March 19, 2020 for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for Cold Mill & Asphalt Overlay – Streeter Drive.

The Contract Price of your Contract is \$362,924.00.

You must comply with the following conditions precedent within [15] days of the date you receive this Notice of Award.

1. Deliver to the Owner [3] fully executed counterparts of the Contract Documents.
2. Deliver with the executed Contract Documents the Contract security [Bonds] and insurance certificates as specified in the Instructions to Bidders (Article 20), General Conditions (Paragraph 5.01), and Supplemental Conditions (Paragraph SC-5.01).

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

City of North Sioux City

Owner

By: _____
Authorized Signature

Title

Date

Tabulation of Bids

STREETER DRIVE

COLD MILL & ASPHALT OVERLAY

SEI: 19025



Letting:
Cold Mill & Asphalt Overlay

Owner:

North Sioux City

Engineer:

Stockwell Engineers

Engineer's Estimate:

\$469,380

Letting:
3/19/2020
2:00:00 PM
City Hall
504 River Drive
North Sioux City, SD 57049

Bidders	Bid Security	Addendum	Base Bid	Alternate #1	Total Base & Alternate
Barkley Asphalt Sioux City, IA	X	X	\$330,164.00	\$32,760.00	\$362,924.00
SealPros Inc Harrisburg, SD	X	X	\$335,431.65	\$34,165.00	\$369,596.65
Knife River Midwest, LLC Sioux City, IA	X	X	\$335,696.38	\$35,711.90	\$371,408.28

BID TABULATION

STREETER DRIVE

COLD MILL & ASPHALT OVERLAY

SEI : 19025



March 19, 2020

ITEM NO.	DESCRIPTION	QUANTITY	Barkley Asphalt Sioux City, IA		SealPros Inc Harrisburg, SD		Knife River Midwest, LLC Sioux City, IA		
			UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	
General Items									
1	Mobilization	1	LS	\$25,600.00	\$25,600.00	\$18,520.00	\$18,520.00	\$8,012.08	\$8,012.08
2	Traffic Control	352	SqFt	\$5.00	\$1,760.00	\$4.45	\$1,566.40	\$5.88	\$2,069.76
3	Traffic Control Miscellaneous	1	LS	\$12,000.00	\$12,000.00	\$8,770.00	\$8,770.00	\$10,480.14	\$10,480.14
4	Type 3 Barricade, 8' Double Sided	24	Each	\$35.00	\$840.00	\$111.00	\$2,664.00	\$41.14	\$987.36
5	Saw Existing Asphalt	84	Ft	\$6.00	\$504.00	\$5.00	\$420.00	\$8.00	\$672.00
6	Remove Asphalt Concrete	980	SqYd	\$7.00	\$6,860.00	\$10.00	\$9,800.00	\$3.15	\$3,087.00
7	Unclassified Excavation	475	CuYd	\$22.00	\$10,450.00	\$20.00	\$9,500.00	\$17.50	\$8,312.50
8	Aggregate Base Course	700	Ton	\$24.00	\$16,800.00	\$25.00	\$17,500.00	\$34.00	\$23,800.00
9	Cold Milling Asphalt Concrete	21405	SqYd	\$2.40	\$51,372.00	\$1.85	\$39,599.25	\$1.21	\$25,900.05
10	Asphalt Concrete Composite	2355	Ton	\$84.00	\$197,820.00	\$93.50	\$220,192.50	\$104.09	\$245,131.95
11	Valve Box Adjustment	1	Each	\$200.00	\$200.00	\$250.00	\$250.00	\$124.43	\$124.43
12	Manhole Adjustment	1	Each	\$1,100.00	\$1,100.00	\$800.00	\$800.00	\$1,294.51	\$1,294.51
13	Pavement Marking Paint, 4" White	20700	Ft	\$20	\$4,140.00	\$25	\$5,175.00	0.24	\$4,968.00
14	Pavement Marking Paint, 4" Yellow	2590	Ft	\$20	\$518.00	\$25	\$647.50	\$0.24	\$621.60
15	Pavement Marking Paint, 24" White	20	Ft	\$10.00	\$200.00	\$1.35	\$27.00	\$11.75	\$235.00
Alternate 1					\$330,164.00		\$335,431.65		\$335,696.38
Total Gross Base Bid									
16	Cold Milling Asphalt Concrete	2800	SqYd	\$2.40	\$6,720.00	\$1.85	\$5,180.00	\$1.23	\$3,444.00
17	Asphalt Concrete Composite	310	Ton	\$84.00	\$26,040.00	\$93.50	\$28,985.00	\$104.09	\$32,267.90
Total Gross Alternate 1 Bid					\$32,760.00		\$34,165.00		\$35,711.90
Total Gross Base + Alternate Bid					\$362,924.00		\$369,596.65		\$371,408.28



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City, City Council
From: Mike Hamm
Date: 04/06/2020
Re: Sidewalk from Centennial to Rose Street

Background: The Mayor wanted this on the agenda and will have more information for the Council on this at Monday nights meeting.

Financial Consideration:

Recommendation: NA.



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City, City Council
From: Mike Hamm
Date: 04/06/2020
Re: Lakeshore Estates Discussion/Motion

Background: The Mayor requested that this be on the agenda.

Financial Consideration: None.

Recommendation: NA.



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City, City Council
From: Mike Hamm
Date: 04/06/2020
Re: Handbook

Background: Attached is the redline version of the revised Employee Handbook for discussion and possible motion.

Financial Consideration: NA.

Recommendation: NA.

PERSONNEL POLICY MANUAL

City of ***CITY OF NORTH SIOUX CITY
SOUTH DAKOTA***



Revised April~~September~~, 2016~~20~~

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POLICY 1: PURPOSE AND USE

1.1 Purpose of Policies and Procedures:

The policies and procedures for personnel administration are enacted by the City of North Sioux City (hereinafter “City”) in order to further the following goals:

1. To provide a uniform and sound personnel administrative system throughout the City;
2. To inform employees of the general policies and procedures of the City and the benefits and obligations of employment with the City;
3. To ensure that all personnel actions are based upon employee qualifications (knowledge, skills and abilities) and job performance and are in compliance with federal and state law;
4. To serve as written documentation of the City’s commitment to fair employment practices and equal employment opportunity;
5. To assist managers in carrying out sound, equitable and consistent personnel administration and in making effective use of their human resources;
6. To promote and encourage communication between the employer or supervisor and the employee;
7. To protect the rights of the employee and employer throughout the employment relationship and to ensure that the responsibilities of both parties are carried out.

1.2 Applications:

The personnel policies and procedures shall apply to all City employees unless specified in Policy 12 of this manual, elected officials, independent contractors and excluded classes as specified in the policy itself. Appointive officers, as defined in SDCL 9-14-1, are addressed in policy 12 of this manual. In the event of a conflict between these policies and any collective bargaining agreement or state and federal law, the terms and conditions of that agreement or law shall prevail.

1.3 Revision:

The City specifically reserves the right to repeal, modify or amend any of these policies at an aforementioned time with or without notice. Employees must acknowledge the receipt of each revision or inclusion of new pages of the employee handbook.

1.4 At-Will Employment:

The City recognizes that South Dakota is an employment at-will state and the intent of this City is to maintain that employment at-will status of all employees. **This manual does not confer a contract of employment. These policies are provided as a reference of present policies and not a guarantee of employment or specific employment benefits.** The City recognizes there may be other agreements in place with individual

employees or unions and that those agreements may impact certain sections of this manual.

POLICY 2: GENERAL POLICIES

2.1 Equal Employment Opportunity:

All employment opportunities will be advertised in the local newspaper, listed with the South Dakota Department of Labor and Regulation, posted in a visible location, and/or posted in relevant professional trade publications.

Application for any position with the municipality shall be made on forms provided by the municipality. These forms are available at City Hall and shall be maintained by the City Administrator or Human Resources Director.

- 1) It is the policy of the City to recruit, hire, train, promote, discipline, and discharge all applicants and employees equally and without regard to race, religion, creed, color, national origin, sex, sexual orientation, age, disability, political affiliation, marital, or any other basis prohibited by state or federal law. Violations of this policy by any City employee may be cause for immediate disciplinary action. Any employee who feels they have been discriminated against according to this policy should bring this concern to his/her supervisor or higher authority according to the procedure specified herein.
- 2) Employees hired after November 6, 1986 must attest to their legal status by presenting the municipality with documents establishing their identity and eligibility for employment. Employee identity can be established with a driver's license with picture or other documentation approved by the U.S. Attorney General. Employment eligibility can be established with a Social Security card, U.S. birth certificate, or other evidence approved by the U.S. Attorney General. Both identity and eligibility can be established with a U.S. passport certificate of U.S. citizenship, or naturalization, foreign passport stating authority to be employed, or alien card with picture and employment authorization.
- 3) In some cases, applicants may be required to submit to a comprehensive physical examination which include testing to determine substance use and/or abuse conducted by a licensed physician, and psychological evaluation conducted by a certified mental health professional. All costs related to the physical and psychological examination shall be borne by the City. The applicant shall furnish to the City a signed report of such examination which shall be filed and maintained by the City Administrator or Human Resources Director.
- 4) The City may require examination to determine the qualifications of applicants for employment or promotion in the municipal service. The nature of examinations used will differ with the position to be filled. Each applicant for the particular position will be given an identical examination including

job-related interview questions administered by an appropriate city official or department head.

Consideration will be given to any or all of the following factors: education, experience, physical illness, knowledge, skills, personality, character or other qualifications deemed necessary for the satisfactory performance of the duties of the position.

- 1) Appointed officials shall be appointed by the Mayor with the approval of the council on the first regular council meeting in May. At the time of making such appointments, the Mayor shall designate the length or term of the appointment which in no case shall exceed one year or the remaining length of the mayor's term, whichever is shorter. The mayor may make a probationary appointment for a period not to exceed six (6) months with the approval of the council. Any subsequent appointment for a longer period must again be approved by the council.
- 2) All new employees shall be hired as probationary employees for a period up to six (6) months during which they must exhibit their ability to learn and perform the job for which they were hired. At the discretion of the City Council, the probationary period may be extended for one additional period of up to six (6) months. At the end of the probationary period, the employee's employment must be terminated or the employee will be designated as a regular employee. All persons commencing a new job with the City shall serve the same probationary period in their new position as if they are new employees.
- 3) In order to avoid favoritism, or its appearance, the City restricts the circumstances under which immediate family members may be employed by the City. For purposes of this policy, immediate family shall include parents, spouse, children, siblings, grandparents, grandchildren, aunts, uncles, cousins, and their step- or in-law equivalent, as well as anyone residing the same household as the employee shall not be employed in the same department, if such employment would result in a department head supervising a member of their immediate family. If two employees in the same department get married, or otherwise become members of the same immediate family, the City may require one of the employees to transfer to a position in a different department, provided there is a vacancy and they are qualified for the same. This transfer may result in a decrease in pay.

2.2 Sexual Harassment/Discrimination:

The City is committed to providing a work environment that is free from discrimination and harassment. Harassment or discrimination on the basis of race, religion, color, national origin, sex, sexual orientation, gender identity, age, disability or any other basis prohibited by state or federal law will not be tolerated. Harassment and offensive behavior may take different forms and may be verbal, non-verbal or physical in nature.

Under this policy, sexual harassment is defined as behavior of a sexual nature which is unwelcome and personally offensive to its recipient. It is a form of employee misconduct

which is demeaning to another person and undermines the integrity of the employment relationship. This sexual harassment policy also applies to same-sex harassment.

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- 1) By threat or insinuation, either explicitly or implicitly, an employee's refusal to submit to sexual advances or refusal to tolerate or participate in unwanted conduct or communication of a sexual nature will adversely affect the employee's terms and conditions of employment, including but not limited to wages, advancement, evaluation, assigned duties, shift assignment, career development, etc.
- 2) Any conduct or communication of a sexual nature has the purpose or effect of substantially interfering with work performance or of creating a hostile, intimidating, or offensive employment environment that may be considered offensive to another employee, including but not limited to:
 - repeated sexual flirtations, advances, or propositions;
 - continual or repeated verbal abuse of a sexual nature;
 - foul language;
 - unwanted physical contact;
 - graphic verbal commentaries about an individual's body or manner;
 - sexually degrading words used to describe the individual;
 - the display of sexually explicit pictures, cartoons, or other materials.

Any employee who feels he/she has been harassed or discriminated against or that his/her personal rights have been violated should immediately report the matter to the immediate supervisor unless the supervisor is the offending party. If the supervisor is unavailable, or the employee believes that it would be inappropriate to contact his/her supervisor, the employee should immediately contact the City Administrator, the department head, mayor, Council president or city attorney.

A supervisor or manager who becomes aware of any possible harassment should advise the City Administrator, human resources, the department head, the mayor, or Council president. The City will make a thorough, confidential, and impartial investigation of the complaint. All employees must cooperate with any such investigation. The City will take prompt remedial measures to immediately end the offending action.

Discrimination and harassment in the work place is prohibited by Federal and State law, whether committed by elected officials or supervisory or non-supervisory employees, and will not be tolerated. Retaliation or intimidation directed toward a complaining party is also prohibited by law and will not be tolerated by the City. A legitimate complaint of sexual harassment or discrimination will not have any bearing on the terms and conditions of employment of the complaining party, including but not limited to wages, advancement, evaluations, assigned duties, shift assignments, career development, etc.

A formal complaint of harassment or discrimination may be initiated in lieu of, during, or following this informal process as provided by State or Federal law.

Violations of the above stated policy by any employee may be cause for immediate disciplinary action.

2.3 Americans with Disabilities Act:

2.3.1 General

The Americans with Disabilities Act (ADA) and Amendments provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs, and telecommunications. Title II of the ADA states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination” in programs or activities sponsored by a public entity.

2.3.2 Complaint Procedure

The City has adopted this procedure to provide prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the ADA or its Amendments.

Any individual who believes that (s)he or a specific class of individuals with disabilities has been subjected to unlawful discrimination on the basis of that disability by the City may, by himself or herself or by any authorized representative, file a complaint. Complaints should be addressed to the City Administrator who has been designated to coordinate ADA compliance efforts. The complaint process is as follows:

- 1) A complaint must be filed in writing and contain: the name and address of the individual or representative filing the complaint, a description of the alleged discriminatory action in sufficient detail to inform the entity of the nature and date of the alleged violation, and be signed by the complainant or authorized representative. Complaints filed on behalf of third parties must describe or identify the alleged victims of the discrimination.
- 2) The complaint must be filed within 180 days after the alleged violation occurs. This time may be extended for good cause shown.
- 3) The City Administrator shall promptly conduct an informal, but thorough, investigation of the complaint. All interested parties shall be afforded an opportunity to submit evidence relevant to the complaint.
- 4) A written determination of the validity of the complaint and a description of the resolution shall be issued and a copy forwarded to the complainant after completion of this investigation. The finding shall include: findings of fact and conclusions of law, a description of a remedy for any violation found, and a notice

of the rights available to both the entity and the complainant, including the complainant's right to file a private suit.

- 5) The complainant may request a reconsideration of the complaint in cases where (s)he is dissatisfied with the resolution. The request for reconsideration must be made to The City Council within 5 working days of the original finding.
- 6) Nothing in this procedure shall be construed as preventing an individual from pursuit of other remedies including filing the complaint with any federal agency (s)he believes is appropriate or with the U.S. Department of Justice. This procedure also does not preclude the individual's right to file a lawsuit in federal district court.

2.3.3 Disability Accommodation

The City is committed to the fair and equal employment of individuals with disabilities under the Americans with Disabilities Act (ADA) and all amendments thereto including, but not limited to, the Americans with Disabilities Act Amendments Act (ADAAA). It is the City's policy to provide reasonable accommodation to qualified individuals with disabilities unless the accommodation would impose an undue hardship on the organization. The employee or employment applicant shall inform the City Administrator or the department of the need for an accommodation, and the City shall engage in an interactive process regarding the request. The City may request documentation of the functional limitations to support the request. Such documentation shall be treated as a confidential record and not kept in the personnel file. The City prohibits any harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested a reasonable accommodation.

2.4 General Safety and Vehicle Safety:

- 1) The City is committed to preventing injury to employees, preventing damage to property and to protecting the employees and the public from the results of accidents. The City realizes that safety belts are an important and efficient means to accomplish this goal. Thus, it is the policy that all City employees and their passengers shall be required to use seat belts when driving any city owned or leased vehicle (if equipped with seat belts) or while driving their personal vehicle on official City business. Failure to comply with this policy may result in disciplinary action.
- 2) While driving in any city vehicles all speed limits and traffic laws must be followed. This may be overlooked in the case of an emergency acting on official City business such as an emergency law enforcement call or utilities emergency.
- 3) All proper clothing and eyewear must be worn at all times in the course of performing duties for the City.
- 4) All City employees are responsible for following proper safety standards of their department and should defer to their immediate supervisor regarding safety questions.
- 5) In the event of an emergency situation employees should contact the North Sioux City Police Department at 605-232-4301 or dial 911.

2.5 Tobacco Products:

It is the policy of the City that smoking or the use of other tobacco products shall not be permitted in city buildings, facilities, vehicles or enclosed equipment, except in designated areas. Employees are not allowed to tobacco products while using any city owned equipment.

2.6 Outside Employment:

Employees shall not accept additional outside employment except with the prior written approval of their immediate supervisor. Such approval will not be granted when additional employment will interfere, conflict with or adversely affect the employee's City duties and responsibilities. The supervisor may rescind prior approval if the additional outside employment begins to interfere with the employee's City duties. The supervisor shall provide the employee with notification if the approval is to be rescinded. This policy section shall not apply to part-time, seasonal, or temporary employees.

2.7 Performance Evaluations:

Performance evaluations are designed to provide the employee with a record of his/her performance, to encourage professional growth and to promote communication between the supervisor and employee. When conducted, the performance appraisal will be conducted by the employee's immediate supervisor. The immediate supervisor of the employee shall conduct the performance evaluation. Further, the City Administrator will be given the opportunity to comment on the evaluation. The purpose of the evaluation is to commend strengths, address weaknesses, suggest ways to improve, and discuss employee goals and objectives. If requested, employees are required to sign their evaluations and may obtain a copy upon request. Signing does not imply agreement with the evaluation, but simply agreement that the contents have been made known or discussed with the employee.

Performance Evaluations shall be conducted on a yearly basis before the time yearly incentive packages are discussed and approved by the City Council.

2.8 Personnel Records:

2.8.1 Personnel File

It is the policy of the City to maintain accurate and updated information on City employees in its personnel files. The personnel file may include the following documents, but will not include any information contained in the confidential file listing (see policy 2.9):

- personal data sheet
- letters of commendation
- payroll deduction authorizations

- W-4 form
- I-9 form
- leave and absence slips
- disciplinary actions
- termination or discharge record
- previous positions held with City and rate of pay
- performance appraisals

The City Administrator shall be responsible for maintaining personnel records. In the absence of the City Administrator, his/her designee shall assume responsibilities for such personnel records. The City Administrator may also delegate the maintenance and control of personnel records to the Finance Officer or Human Resources Officer. Employee records are confidential. Such records shall be accessible only to the individual employee, the decision-making authority affecting the individual employee's employment status, and any others with a demonstrated need to know. The employee or his/her representative shall have reasonable access to his/her personnel records upon request to the City Administrator. The file will be made available to the employee's representative only upon express written authorization by the employee and copying costs paid by the employee.

As to written disciplinary actions in the personnel file, the employee may submit a letter of rebuttal to his/her file regarding any information contained in his/her file that is in dispute.

2.8.2 Changes of Name, Address, Telephone and Withholding Status

It is the employee's responsibility to inform the City Administrator and Finance Officer of any changes in name, address, telephone number or withholding status. An employee must immediately report any of the above or other pertinent changes. Intentional failure to report such information is grounds for disciplinary action. The employee making changes may be required to complete and sign paperwork requesting any changes.

2.8.3 Personnel Record Retention

Personnel records are maintained in accordance with the records retention and destruction manual for cities published by the State Bureau of Administration.

2.9 Benefits, Medical and Confidential File:

The City maintains confidential file(s) on employees. The file may include:

- benefit forms (retirement, health and life insurance, etc.)
- injury reports and workers' compensation information
- necessary medical examinations and records
- harassment/discrimination investigatory documents.

Access to this file is limited to the City Administrator and on an absolute need to know basis only as deemed appropriate by the City Administrator. Employees may designate someone to have access to this file in the case of a life ending event.

2.10 Employment References:

Absent a written authorization from the employee, it is the City's policy to provide only the following information on both present and past employees:

- if an employee has been employed with the City in City government service;
- dates of employment;
- current position or position at the date of separation from employment and other positions held; and
- verification of salary information.

Any written information disclosed about the job performance of an employee or former employee to a prospective employer of that person at the written request of the employee or former employee is presumed to be done in good faith and, unless lack of good faith is shown by clear and convincing evidence, and the disclosing party and City may not be held liable for the disclosure or its consequences. Any written response to the written request shall be made available to the employee or the former employee upon written request.

Providing employment references, including off-the-record remarks, without authorization in violation of the above stated policy may result in disciplinary action.

2.11 Executive Session - Personnel Discussion:

It is the policy of the governing board to recess into executive session to discuss contractual or personnel issues such as employee qualifications, competence, performance, and character or fitness. However, in accordance with South Dakota's open meeting law, no official action will be taken except in an open official meeting.

2.12 Political Activity:

Employees are encouraged to exercise their right to vote in City elections. Employees are allowed to involved themselves in political campaigns during personal time. During working hours' employees shall not engage in or participate in any other way in said elections.

Any employee who intends to give testimony in a legislative process involving issues relevant to the City or the employee's position with the City, must get permission from their supervisor prior to providing the testimony. This does not prohibit the employee from taking leave and testifying for themselves or exercising their rights as citizens.

Employees should not have direct or indirect conversation with state or federal legislators

or their staff involving policies relating to the City without knowledge of the appropriate supervisor.

2.13 Public Relations:

All employees are responsible for providing their particular City services to the public in a courteous, polite manner. Employees are expected to maintain high standards of conduct and cooperation in their duties for the City.

Employees shall refer all requests for public interviews or quote requests to the City Administrator. If appropriate, employees may respond to these requests, but only after the request is made aware to the City Administrator. If the City Administrator is unavailable employees shall work with the Mayor or their immediate supervisor to provide comment.

2.14 City Property:

Property owned by the City shall only be used for city business. Any use of city property for personal use may result in disciplinary action, including termination, except those uses of City vehicles inherent with an approved travel request. Any items received as a result of doing business as the City is the property of the City. All mail or packages received at City offices may be opened by a supervisor or other appropriate person and there shall be no expectation of privacy in such matters. Employees who separate from employment shall return all City property. Where any outstanding debts for equipment loss or unauthorized charges exist, the City may consider the employee to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss. The City reserves the right to garnish the final paycheck of any employee who separates from the City for any City property or outstanding debt not returned to the City up on separation from City employment.

2.14.1 Telephone Policy

While personal phone calls and text messages are not prohibited, their frequency, duration, and volume should not interfere with on-going work nor distract fellow employees. Excessive personal calls and text messages during the work day, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are therefore asked to make personal calls and text messages on non-work time where possible and to ensure that friends and family members are aware of the City's policy. Flexibility will be provided in circumstances demanding immediate attention. Employees are not permitted to make personal long-distance telephone calls using the city's telephones or telephone credit card, except in emergencies. Employees may place personal long-distance calls if they use their personal calling card or call collect.

1. Personal Cellular Phones

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of City phones. The City will not be liable for the loss of personal cellular phones brought into the workplace.

2. Personal Use of City-Provided Cellular Phones

In its discretion, the City may issue a business cell phone to an employee for work-related communications. Employees' phones are expected to protect such cell phone from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested may be expected to bear the cost of a replacement.

3. Safety Issues for Cellular Phone Use

The city understands that the use of cellular devices is an essential function of some employees. Employees are expected to use their best discretion when using their phones while driving. Safety must come before all other concerns. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

2.15 Recordings:

Employees shall not record employment-related conversations without prior approval of a supervisor. All picture taking and video taping is prohibited unless approved by management.

2.16 Safety Rules:

The City desires to conduct all of its operations in the safest manner possible. Compliance with the General Safety Rules listed below will assist us in achieving this objective. These rules are minimum and your continued awareness and cooperation in providing a safe place to work is a vital part of your job.

- 1) Whenever you are involved in any accident that results in personal injury or damage to property, no matter how small, the accident must be reported. Get first aid promptly.
- 2) Report immediately any condition or practice you think might cause injury or damage to equipment.
- 3) Do not operate any equipment which, in your opinion, is not in a safe condition, and report the condition of the equipment to your supervisor.
- 4) All prescribed safety and personal protective equipment should be used as required and maintained in working condition.
- 5) When lifting, use the approved lifting technique, i.e. bend your knees, grasp the load firmly, and then raise the load keeping your back as straight as possible. Get help for heavy loads.

- 6) Do not horseplay; avoid distracting others; be courteous.
- 7) Use the right tools and equipment for the job. Use them safely and when authorized.
- 8) Good housekeeping should always be practiced. Return all tools, equipment, and material to their proper places.
- 9) The use of illegal drugs and/or intoxicating beverages during employment and/or at the workplace is prohibited.

2.16.1 Violence, Harassment and Bullying in the Workplace Prohibited

The City condemns harassing, intimidating, threatening, bullying or assaulting behavior, speech or actions by any elected official or City employee against any employee or the public at and away from the workplace. In addition, the City will not tolerate intentional damage to City property by City employees or elected officials. Any employee who violates this policy will be subject to discipline up to, and including, discharge. Employees having knowledge of violation of this policy shall report such violation to their supervisors, or through the City's procedure(s).

2.16.2 Weapons Prohibited

For the safety of City employees and the public, no person will be permitted to possess firearms, explosives, or other weapons on City property, except those individuals authorized to do so in the course of their duties with the City. Employees are allowed to keep firearms and other weapons safely in their personal vehicles ensuring they are locked in a place where others are not able to access them. Examples of prohibited weapons include, but may not be limited to:

1. All types of firearms, including rifles, shotguns, pistols.
2. Archery equipment, including arrows, hunting bows, crossbows.
3. Large hunting or weapons-style knives, including "bowie" knives, machetes, stilettos, or switchblades, etc. (This does not prohibit possession of personal, folding pocket or penknives or other bladed tools used in the course of work activities.)
4. All explosive devices or explosive materials used in such devices.
5. Other objects clearly designed or intended to be used as weapons, such as nunchucks, clubs, and brass knuckles.

Duly authorized educational programs, demonstrations, displays, dramatizations, competitions, or other similar public events as approved by the respective department may be exempted.

2.17 Accident Reporting and Investigation:

All work-related accidents and injuries, no matter how minor, should be reported to your supervisor or the City Administrator immediately. This is for your protection in case medical attention is necessary or in the event of some future complication caused by the

accident.

The city provides workers' compensation insurance for every employee. It protects you for loss of pay and time and for the cost of medical care for injuries sustained while working. For details, see the Workers' Compensation Policy in this handbook.

If you are involved in an automobile accident while working or while driving a city-owned or rented vehicle, you should:

- 1) Obtain all information relating to the accident in a professional manner, including the names and addresses of any witnesses.
- 2) Contact the North Sioux City Police Department, or local police, while still at the accident scene and direct them to come and take any appropriate statements and collect evidence.
- 3) Do not negotiate the settlement of any claim, promise payment for any injury or damage, or admit liability.

You should complete a written report for all accidents and injuries as soon as possible. Completed accident reports provide necessary information to allow the processing of claims with the City's or the other motorists' insurance companies. Any damage to the vehicle, no matter how slight, must be noted on the accident report.

Upon notice of an accident, an investigation may be conducted by a supervisor and if done, shall be documented. An employee involved in a motor vehicle accident in a City vehicle shall also report the accident to the Police Department.

2.18 Personal Appearance:

Employees are expected to exercise discretion and good taste in the matter of dress. Cleanliness and good grooming are expected.

Departments may require City issued uniform be worn as their standard to ensure consistency and public identification. Shirts shall be short-sleeved at a minimum. Clothing items purchased with city funds shall be worn or used during work hours, and generally worn by the employee while working. Employees will be required to replace missing work clothing at their own expense if the work clothing is lost, stolen or damaged due to the employee's own negligence. Employees are expected to report to work each day in a clean shirt. When a shirt is considered unwearable, the shirt will be returned to the appropriate supervisor, who will dispose of it first removing any logos.

The wearing of suggestive attire, soiled clothing or radical departures from conventional dress is not permitted. Tank tops with large baggy, gaping armholes are not permitted.

Supervisors are authorized to develop and implement additional policies and practices which relate to the provisions of this subject which are not inconsistent with the guidelines set forth herein. Employees wearing inappropriate attire will be instructed not

to wear the attire again and may be asked to return home and change. If an employee is asked to return home and change their attire that time shall be unpaid. Any subsequent offences of inappropriate attire may result in further disciplinary action.

2.19 Computer and Internet Policy:

The City may provide employees access to computers, networks, Internet and electronic mail (e-mail). Every employee has a responsibility to maintain and enhance the city's public image and to use the above listed tools in a productive, professional, and business-like manner. To ensure this, the City has established the following policy for using computer/electronic equipment. This policy does not supersede any local, state or federal laws, or any other city policy regarding confidential information dissemination or standards of conduct. The electronic equipment listed above is city owned property, thus its access and use, except in the limited circumstances listed below, is for **OFFICIAL USE ONLY**. Employees shall have **NO EXPECTATION OF PRIVACY**, regarding their use of e-mail or the Internet. All records created by Internet use or e-mail are subject to inspection and audit by management or its representatives at any time, without notice. When using city e-mail or Internet services, which include messages sent by home using the city's server, employees agree to allow the employer to review and monitor all messages they send, store or receive on the system or any searches they make on web sites they visit using the City's Internet Server. By use of this equipment/systems, the **employee** understands and consents to the **City's right to inspect, audit, and/or monitor**.

2.19.1 General Terms

City electronic equipment is to be used only for official City business; however, brief and occasional e-mail, browsing the Internet and use for non-business and/or personal matters within the confines of good judgment and within the guidelines herein described will not be deemed a violation of city policy. Usage for personal and/or non-business reasons must not impede the conduct of the City business and must not cause the City to incur any direct cost. An employee assumes full risk and responsibility for the exercise and application of good judgment; and all personal usage of the City electronic equipment is subject to later review and determination by the City, on a basis which may arguably be subjective, as to whether or not the personal usage was within the confines of good judgment and not an abusive misuse of public property.

2.19.2 Discrimination/Harassment

Employees are prohibited from using electronic equipment to violate City Policy 2.2, titled SEXUAL HARASSMENT/DISCRIMINATION relating to all forms of harassment and/or discrimination.

2.19.3 Specific Rules and Prohibition

- Unless authorized, employees may not use another employee's personally assigned account, password, login, logout, user name, etc., or lend use of any of these to another person.

- Employees must be aware of and comply with licensing and copyright restrictions applicable to software and data files they may access.
- Employee users must respect the privacy of others; employee users may not access private files or communications of others, even if unprotected, except by management as stipulated within this policy.
- The creation, dissemination, download, upload, installation or copying of illegal or pornographic documents or images is strictly forbidden. Certain work related situations will exclude the Police Department from this rule.
- Employees shall not use the electronic equipment in a manner which results in damage to any City property (hardware or software); employees shall use all City provided computer equipment in a manner which shall not knowingly result in the introduction of a computer virus or other destructive program or file to any City computer system.
- Accessing, posting, or sharing any racist, sexist, threatening, offensive, obscene or otherwise objectionable material (whether visual, textual, or auditory) via the Internet or e-mail is strictly prohibited.
- Electronic mail shall not be used to receive any type of regular personal communication such as direct mailings from commercial retail sites.
- Electronic equipment will not be used for personal commercial purposes, political purposes, illegal or unauthorized purposes.
- Employees with access to any northsiouxcity-sd.gov email address must constantly remain aware of the emails they are opening and should not open any email or any attachment which they do not believe is from a reliable source.

2.19.4 Monitoring, Violations, Penalties

- Violations of this policy shall be reported to the employee's supervisor.
- Monitoring individual usage of the electronic equipment by authorized individuals may occur.
- Violation of these policies may result in disciplinary action up to and including termination.

2.20 Blogging and Social Networking:

The City recognizes that Social Networking (such as personal web sites, blogs, Facebook, MySpace, Twitter, online group discussions, text messaging, message boards, chat rooms, etc.) can be used by employees for personal reasons as well as business purposes. The City also understands how the use of internet social network sites and blogs can shape the way the public views our products or services, employees, vendors, partners and clients. The City respects the right of any employee to maintain a blog or post a comment on social networking sites. However, the City is also committed to ensuring that the use of such communications serves the needs of our business by maintaining the City's identity, integrity, and reputation in a manner consistent with our values and policies. Therefore, the City has established the following rules and guidelines for communicating City-related information via Social Networking forums whether used in or outside the workplace:

2.20.1 Personal Blogging or Social Networking on City Time

Employees may not post on a personal blog or web page or participate in a personal social networking site during working time or at any time with City equipment or property. Working time is your scheduled time of work not including lunch time, breaks or time prior to or after your shift.

2.20.2 Disclaimer

If from your post in a blog or elsewhere in social media it is clear you are a City employee, or if you mention the City, or it is reasonably clear you are referring to the City or a position taken by the City, and also express a political opinion or an opinion regarding the City's positions or actions, the post must specifically note that the opinion expressed is your personal opinion and not the City's position. This is necessary to preserve the City's good will in the marketplace.

2.20.3 Right to Monitor

The City reserves the right to monitor all public blogs and social networking forums for the purpose of protecting its interests and monitoring compliance with City policies. The City reserves the right to access any City computers and electronic communication devices to monitor blogs and on-line websites. Employees should not maintain any expectation of privacy with respect to information transmitted over, received by, or posted on such sites.

2.20.4 Reporting

If an employee believes that a blog or other online communication violates any City policy, the employee should immediately report the blog or online communication to his or her supervisor. The City will investigate the matter, determine whether such blog, posting, website, or communication violates City policies, and take appropriate action.

2.20.5 Employee Rights

This policy is not intended to restrict an employee's rights to discuss wages and working conditions with co-workers or in any way limit employees' rights under the National Labor Relations Act.

2.21 Non-solicitation:

Solicitation on city property is not allowed.

POLICY 3: EMPLOYEE CLASSIFICATIONS

3.1 Definitions:

Appointive Official: An individual who holds a position in the City as specified by S.D.C.L. 9-14-3 (see policy 12).

City Employee: Anyone employed by the City who is not an appointive official.

Regular Full-Time Employee: (FTE = Full Time Employee) An employee who is employed by the City to work a predetermined schedule of at least 40 hours per week and has completed their employee-in-training period. Benefits for FTE are as follows:

Vacation Leave:	Full benefit
Sick Leave:	Full benefit
Holiday Pay:	Full benefit
Health (Dental) Insurance:	Full benefit
Life Insurance:	Full benefit
Personal Emergency Leave:	Full benefit
S.D. Retirement System:	Participating

Regular Part-time Employee: An employee who is employed by the City to work at least 20 hours but less than the full time hours per week as defined above on a regular basis [and has completed his/her employee-in-training period]. Benefits for these employees are as follows:

S.D. Retirement System:	Per SD State Retirement Rules and Regulations
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Temporary or Seasonal Employee: An employee who is employed by the City to work for less than 29 hours per week (part time) or less than 6 months. No benefits are provided.

Probationary Period: An employee who is newly hired by the City in a regular full or part time position who is completing his/her 6-month probationary period (see policy 4.14). Benefits for these employees are as follows:

Vacation Leave: Accrue full benefits but may not use leave until completion of probationary period.

All other benefits are the same as their respective classification above.

POLICY 4: RECRUITMENT, SELECTION AND PROMOTION

4.1 Recruitment and Hiring Policy:

It is the policy of the City to recruit and fill job vacancies with the most qualified individual for the position. The City has three methods of recruiting qualified applicants to fill job vacancies in City employment. These are: 1) promotion from within; 2) transfer from within; and/or 3) open announcement and advertisement. All selections shall be based on merit and fitness to fill the job vacancy. All recruitment efforts are based upon equal employment opportunity and conducted without regards to race, religion, creed, color, national origin, sex, sexual orientation, sexual identity, age, disability, political affiliation, and marital or veteran status.

City positions which are previously created can be advertised for without the approval of the City Council. The City Council shall approve the creation of all new positions within the city. The City Council may allow the department head, City Administrator, or a combination of both to approve hiring decisions. The City Council shall approve the hiring of all department heads and the City Administrator.

4.2 Job Announcement and Promotion

Announcements for regular full-time and part-time job vacancies shall be made according to the position. The City reserves the right to promote employees from within the current organizational structure. There is no official consideration given for seniority, and selection shall be made on a merit basis only. Public announcements for city employment should include the job title, a brief job summary, deadline for filing, and where applicants can obtain a full job description and employment details. Announcements shall also state the City is an “Equal Opportunity Employer.”

4.3 Applications for Employment:

Individuals interested in applying for a specific position with the City must complete and submit a City application form. In addition to the completed application form, a resume may be strongly encouraged.

4.4 Eligibility:

To be eligible for employment with the City the applicant must:

- 1) be legally eligible to be employed in the United States as shown on the required I-9 form. (Required by federal law)
- 2) if born after December 31, 1959 and male, be registered for the selective service. (Required by federal law and SDCL 3-1-1.1)
- 3) a valid driver’s license
- 4) other requirements made known to the applicant on the position announcement.
- 5) Employees may be required to submit to a background check, fingerprinting, and/or a driver’s license verification, drug screening, and a physical.

4.5 Veterans Preference:

Where all other qualifications are equal, preference in employment will be given to veterans who have served on active duty and been honorably discharged from the armed forces of the United States using the definition of veteran listed in SDCL 33-17-1 and the periods specified in 33-17-2.

4.6 Disqualification:

An applicant is disqualified from employment by the City if he/she 1) does not meet the minimum qualifications for appointment; 2) knowingly has made a false statement on the application form or resume; 3) has committed fraud during the selection process; or 4) has failed to register for the selective service where so required to do.

4.7 Selection:

Selection to fill a job vacancy is made on the basis of knowledge, skills, education, experience, and ability to perform the duties of the specific position. All selections are to be made without regard to race, religion, creed, color, national origin, sex, sexual orientation, sexual identity, age, disability, political affiliation, and marital or veteran status.

4.8 Appointment of City Employees:

Appointment of City employees is by the appointing authority with the approval of the City Council.

4.9 Employment Offers:

After the proper authorities have selected an individual to fill a job vacancy, the individual will be notified of their selection by the City Administrator or Direct Supervisor. An offer of employment shall be extended and a starting date established at this time. Employment offers are for at-will employment, under which the employment relationship may be terminated with or without cause, with or without prior notice, by either the City or the employee.

4.10 Acceptance of Employment:

After an individual has accepted employment with the City, the Finance Officer shall ensure that the necessary and proper paperwork is filed within the employee's personnel file.

4.11 Residency Requirement:

Public Works Employees	Within North Sioux City City Limits
Police Officers	Within 7 miles and in the State of SD
All Other Employees	Within 15 Miles of North Sioux City

An employee must obtain this residency within 6 months of the start of their employment. ~~The employee will not be removed from their 6-month probationary period until residency requirements are met. The City Council may grant an extension of this requirement in the case of the employee not being able to obtain housing.~~

4.12 Employment of Relatives (Nepotism):

The City's policy in employment is to hire and promote on the basis of an individual's merit, knowledge, skills, and abilities and avoid circumstances of favoritism. Thus, the employment of immediate family members where one member would hire, supervise, discipline or otherwise judge the performance of the above is prohibited. Immediate family is defined as: parents, step-parents, spouse, children, stepchildren, brothers, sisters, step-brothers, step-sisters, grandparents, grandchildren or an individual who has acquired any of the above status through marriage.

This shall not apply to elected officials, but elected officials should be aware of abstaining from decisions which would affect the direct well-being of immediate family members.

4.13 Probation Period:

Every employee hired by the City must complete a 6-month training period for the purpose of assessing the individual's ability to perform their assigned duties. Such employment may be terminated if either the City or the employee feels this is the appropriate action. There is no notice required of either party for such termination and no due process procedures will be held by the City for any disciplinary action during this time period. During this training period an employee shall accrue both sick and vacation leave at the regularly scheduled rate. Sick leave may be used as necessary at this time, however, the employee is not entitled to use their accrued vacation leave until completion of their training period. An employee-in-training is entitled to paid holidays as observed by the City. At the discretion of the employer, the training period may be extended by an additional 3 months.

POLICY 5: HOURS OF WORK

5.1 General Policy:

It is the City's intent to create a standard work week within which an employee is expected to perform City services. The City also realizes that emergency and extenuating circumstances may arise in which an employee is required to work variable hours. Nothing within this policy is meant as a guarantee to the number of hours, either daily or weekly, that an employee may be required to work. However, it is the City's policy that every employee be treated equally and fairly when expected to work odd or extended hours.

5.2 Standard Work Week:

The standard 40-hour work week, unless otherwise stated, for the purpose of calculating pay and overtime shall begin at 12:00 a.m. Sunday and end on 11:59 p.m. Saturday.

5.3 Standard Work Day:

The standard eight-hour work day for City employees will begin as set by the employing department, including a 60-minute break for lunch and a 15-minute break period in both the morning and afternoon. Certain departments may choose to use a 30-minute lunch break period. Break periods may not be accumulated for time off. Emergencies may require that employees work more than eight hours in a day. The Police Union contract shall supersede this section, 5.3, for work hours/periods.

5.3.1 Time Worked

If less than a full hour is worked, the amount of time recorded on the timesheet should be rounded to the nearest quarter-hour.

5.3.2 Daylight Savings Time

The hour an employee loses each spring (by working seven of a scheduled eight-hour shift) must be charged to vacation or, with supervisory approval, be made up within the same work week. The extra hour an employee works each fall (by working nine hours rather than the scheduled eight) must be paid to the employee within the guidelines for overtime provisions under the Fair Labor Standards Act.

5.4 On-Call Time:

A Department may make stand-by arrangements which will be rotated among qualified employees. The employees on stand-by shall keep themselves available for immediate service that may arise and shall furnish the supervisor with a telephone number where the employee can be reached or the employee may be required to carry a radio or cell phone.

An On-Call week shall run from Sunday to Saturday to coincide with the standard working week.

If On-Call responsibilities is divided between two employees, it shall be done for 24-hour day long periods and shall be approved by the supervisor.

For each call-out the employee on-call shall be compensated at their regular rate of pay (Overtime pay if they are putting in more than 40 hours worked during the work week) for a minimum of 2 hours, any additional time beyond the two hours will be at regular time. Example: if you get a call out for 1 hour you will be compensated for 2 hours. If you get a call out that takes 3 hours you will be compensated for 3 hours.

Any time an employee is on on-call time and the employee is not on a call-out the employee will be compensated at \$3.00 per hour.

~~A public works employee On Call shall receive 4 hours overtime pay for each weekend day On Call, overtime pay for each call out, and \$2 per hour for every hour on call in which the employee is not receiving overtime pay. An On-Call week shall run from~~

~~Sunday to Saturday to coincide with the standard working week. If On-Call responsibilities is divided between two employees it shall be done for 24-hour day long periods and shall be approved by the supervisor.~~

5.5 Overtime:

Employees may be required to work overtime when determined necessary by their supervisor or the City. Overtime is defined as time that is worked in excess of the first 40 hours within the standard work week and does include hours paid but not worked such as holidays, vacation days or sick days. Except in emergency situations and for on call employees, all overtime must be authorized by the employee's department head prior to the working of such hours. Overtime is to be authorized only if the work cannot be otherwise done during normal work hours. Insofar as possible, the opportunity to work overtime shall be distributed as equally as practicable by the City among the employees in each department.

Overtime compensation for all overtime eligible employees shall be at the rate of one and one-half (150%) of the employee's regular hourly rate. As stated above, time paid for but not worked (holidays etc.) does count toward hours worked for the purpose of calculating overtime hours. However, if an employee is required to work on a holiday the City will follow the holiday policy as found in 7.11.

Accrual of overtime without prior authorization may result in disciplinary procedures.

The police union contract shall state its own working week hours and overtime schedule.

5.6 Exemptions to Overtime:

The following employees are exempt from the overtime standards:

- 1) Appointive officers (if determined to be FLSA exempt)
- 2) Executive, Administrative, and Professional employees.

5.7 Attendance:

All City employees are expected to be at work on time and during their regularly scheduled hours. Employees who are unable to report for work on time are required to notify their immediate supervisor or the City Administrator prior to their being absent, unless an emergency exists. If an emergency situation exists, the employee is expected to notify the proper authority as soon as reasonably possible. Except in cases of an emergency, if an employee is absent more than 3 consecutive days without proper notification, the employee will be considered to have voluntarily resigned their position and/or may be discharged from City service.

5.8 Time Sheets/Cards:

For the purpose of calculating and issuing pay checks, each employee's time sheet is a record of their regular hours worked, overtime worked, and vacation or sick leave used. Timesheets are the responsibility of each individual employee to calculate their time correctly. Every employee and their supervisor must sign their time sheet to verify that all entries are accurate. Intentional falsification of time sheets may result in disciplinary action.

5.9 Time Clocks:

Time clocks may be used by the City for recording work time of all employees specified by the governing board. If used, each employee required to use a time clock must punch in and out promptly and have their supervisor or the City Administrator initial changes necessary to correct time records. Employees shall not punch another employee's time card. Such action may result in disciplinary action.

POLICY 6: COMPENSATION

6.1 Pay Period and Pay Day:

City employees are paid on a bi-weekly schedule. Paychecks are issued on the first Friday following the end of the bi-weekly pay period.

6.2 Early Pay Checks:

The City does not grant early paychecks to employees. If an employee is to be absent on payday, it is his/her responsibility to ensure that his/her paycheck is properly handled. If no arrangements are made prior to the employee leaving, the pay check shall be given to the employee at the earliest possible time upon his/her return.

6.3 Time Sheets:

Each employee is responsible to ensure that his/her time sheets are correct and submitted on time. Signed vacation and sick leave slips shall be turned into the appropriate personnel. Any misrepresentation of time worked or falsification of any time sheet may result in disciplinary action.

6.4 Payroll Deductions:

The City is required to withhold Federal Income Tax and Social Security (FICA) from each employee pay check, unless employee designates as exempt on W-4.

Other deductions include:

- 1) Employee contributions to the South Dakota Retirement System.
- 2) Employee contributions to Health Insurance

- 3) Any deduction an employee elects to make such as, but not limited to, union dues, gym memberships, supplemental insurance, or additional HSA contributions.
- 4) Those deductions brought to the city through some type of court order.

6.5 Benefits:

Benefits that follow are those offered by the City to employees. These benefits are afforded according to individual employee classifications (see policy 3). Applicable information will be provided separately to you by the City.

6.6 Workers' Compensation:

Workers' compensation is a "no fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill due to their employment. Some exceptions are injuries caused by willful and serious misconduct or by a worker's intoxication or by an employee's voluntary participation in recreational social activities. Employees may be required to fill out a full accident report detailing the situation in which the accident during working hours occurred.

The City pays the entire cost of workers' compensation insurance. The insurance will cover all related medical and rehabilitation expenses and a portion of lost wages. The insurance company will also authorize the length of stay, if any, away from work.

If an employee is injured on the job, work related medical costs are paid as well as the compensation rate for salary loss as set by the State of South Dakota. Injury on the job must be reported immediately to the employee's direct supervisor or the City Administrator. The injured employee must then complete the appropriate worker's compensation forms. State law requires any injury to be reported no later than three (3) business days after it occurred. If it is not reported within three days and the employee doesn't have a good reason, worker's compensation benefits could be denied.

In cases where worker's compensation wage reimbursement is paid to an employee, the employee may use sick leave to make up the difference between worker's compensation pay and their regular pay. When the sick leave is exhausted, annual paid leave may be used for this purpose. When all leave becomes exhausted, worker's compensation pay will be continued but participation by the City through wage supplementation will be discontinued and leave benefits will not accrue. Benefits of health, dental, and life insurance will be continued for the employee for a period of six months for City participation. The employee will have the option of two plans as to when the six months of participation by the City will begin:

- 1) If the employee chooses to use accumulated sick and annual leave to supplement worker's compensation pay, the six months of City participation will begin at the time all accumulated leave is used.
- 2) If the employee does not choose to use accumulated sick and annual leave, the six months begins at the time of the injury.

In either case, City participation of health, dental, and life insurance will not exceed one year from the date of injury. Retirement contributions shall be discontinued during the period of time the City is not participating in conjunction with worker's compensation. All benefits will continue upon return to work.

6.7 Travel and Reimbursement of Expenses:

6.7.1 General Policy

It is the policy of the City that employees be fully reimbursed for necessary and reasonable job related travel expenses.

6.7.2 Travel Approval Required

All travel must be approved by the City Administrator or designated authority prior to the date of travel except in emergency instances.

6.7.3 In-State Travel Expenses

Per diem rates for approved in-state travel shall be paid at the current state rate.

6.7.4 Out-of-State Travel Expenses

Per diem rates for approved travel outside the state of South Dakota shall be paid at the current state rate.

6.7.5 Meal Allowance - Schedule for Computation

The City will use the State of South Dakota per diem for meal allowances. The City may reimburse fully for meals where a full receipt is provided. Any tipping on meals shall not be over 18%. There shall be no reimbursement for a meal that is provided for the employee through the course of travel including, but not limited to, hotel provided breakfasts, conference provided meals, or meals paid for by a third party.

6.7.6 Receipts Required for Lodging

Receipts are required for all lodging expenses for reimbursement.

6.7.7 Mileage Rate

When employees may use their private vehicles for approved travel, mileage shall be paid at the current state rate.

6.8 Health Savings Account (HSA)

~~Subject to change annually as directed by the Mayor and City Council. A contribution amount of \$1,750 per employee on single insurance and \$3,500 per employee on family insurance shall be deposited to each employee's HSA account each year. This deposit shall be made available to each employee before the first payroll of the year. Subject to change annually.~~

~~If the status of the employee changes during the year, the contribution amount will be modified on a prorated basis from the month following the date of change. For example, if a single employee would get married on July 10th, the City will contribute the difference between the single rate and family rate prorated by the number of full calendar months remaining in the year.~~

~~If an employee changes from a family rate to a single rate, or if an employee leaves the employment of the City, the employee may be required to return the overpaid portion contributed to their HSA account to the City.~~

6.9 Longevity Pay

~~At the end of the fifth year of service with the City, employees shall be paid longevity pay based on their date of hire at the rates below for each year of completed services. To be paid annually in a separate check on the first payroll date in December.~~

~~5 - 9 Years - \$50.00 per year~~

~~10+ Years - \$75.00 per year~~

~~beginning of the sixth year of service with the City, employees shall be paid longevity pay based on their date of hire, at a rate of \$25.00 for each year of completed service, to be paid annually in a separate check on first payroll date of December.~~

6.10 State License Certification

Employees receiving and maintaining State License Certification in the following areas: water treatment, water distribution, waste water treatment, waste water collection, general spraying, mosquito spraying, and weed sprayer licenses shall receive an additional \$.25 per hour above their hourly wage.

POLICY 7: LEAVES OF ABSENCE

7.1 General Policy:

Leaves of absence for vacation and sick leave are considered a benefit and privilege offered by the City. Leaves are not granted automatically, but are to be requested by the employee. Reasonable effort will be made to ensure that all employees are treated equally and fairly. In some instances, it may not be possible to grant all leaves requested during busy times or emergency situations, however reasonable effort will be made to grant

requests. Employees anticipating a leave of absence are encouraged to apply for such leave as soon as possible.

7.2 Vacation Leave:

Paid vacation leave will be granted to all qualified employees (see policy 3).
Vacation leave will accrue at a rate according to the following schedule:

- 0 – 3 years 3.08 hours/pay period (2 weeks per year)
- 3 – 10 years 4.62 hours/pay period (3 weeks per year)
- > 10 years 6.15 hours/pay period (4 weeks per year)

Employees on leaves of absence without pay or suspensions without pay do not accrue vacation leave benefits. Employees-in-training (probationary employees) accrue vacation leave but may not take such leave until they have successfully completed such training period. Vacation hours not used during the calendar year in which they are earned may be carried over into successive years. Eligible employees may accrue a maximum of 200 hours or 5 working weeks of vacation leave. Upon accrual above the maximum vacation leave hours, hours accrued will automatically be subtracted down to the maximum allowable hours without time being granted for leave. It is the employee's responsibility to ensure that hours are used on a timely basis according to this policy.

When an employee's vacation time falls on a holiday, such time is not to be subtracted from an employee's vacation leave balance. Vacation leave must be scheduled with the employee's immediate supervisor at the earliest possible time prior to the use of such leave. The City reserves the right, within reason, to disapprove requested time for vacation leave for the purposes of maintaining the work force during heavy scheduled work periods. However, the City will make reasonable effort to accommodate employee requests for time off. Vacation leave will be granted on a first come first serve basis, based on operational needs. The minimum amount that may be charged to an employee's vacation leave is one hour per leave period.

Upon separation from employment, an employee will be paid for any accumulated vacation time. Reimbursement for vacation leave will be at the employee's salary rate per their last day of employment.

Approved requests for leave should be given to the Finance Officer for proper documentation and to be figured in to the proper payroll period.

7.3 Sick Leave:

Employees who are eligible for full benefits (see policy 3) shall accrue sick leave at a rate of 1 day of sick leave per month.

Employees on leaves of absence without pay or suspensions without pay who are absent for a full pay period do not accrue sick leave benefits. Sick leave benefits not used during

the calendar year in which they are earned may be carried over and used during the succeeding calendar years to a maximum accumulation of 60 days. Sick leave benefits shall be paid at the employee's regular rate of pay at the time the leave is taken. The minimum charge to sick leave is one hour per leave period.

An employee absent from work due to illness or disability shall notify his/her immediate supervisor before scheduled to work, or as soon as possible if an emergency situation exists, and indicate the nature of the illness or disability and the expected length of absence. Failure to report an illness in a timely manner may be cause to consider the absence as unauthorized and without pay.

After 3 days of continuous sick leave, medical doctor approval may be necessary to prove that a legitimate illness exists. However, the immediate supervisor may request a physician's statement concerning such absence at any time.

Any employee found to have abused their sick leave privileges may be subject to disciplinary action.

City employees are eligible to use sick leave time when needed for immediate family members. Please see section 7.9 for the definition of Immediate Family.

City employees are eligible to be paid for 50% of any unused sick leave after 10 years of continuous work for the City if they leave the employment of the City in good standing (non-termination).

7.4 Extended Leave for Illness or Temporary Disability:

Employees may request approval to use accumulated sick leave and vacation leave for the purpose of paid release time to recover from an extended illness or temporary disability. For extended periods of illness or temporary disability, a medical doctor's certification of illness may be required.

7.5 Maternity/Paternity/Adoption Leave:

The city is committed to assisting employees with welcoming new children into their family. An employee who is pregnant, adopting, or those whose spouse will be having a child is entitled to take up to 12 weeks of maternity/paternity/adoption leave if they choose to, irrespective of your length of service or earnings with the City. An employee who decides to take maternity/paternity/adoption leave can either take the leave as unpaid leave, sick leave, vacation leave, or a combination of the three types. An employee is allowed to take their 12 weeks of maternity/paternity/adoption leave within one year of the birth/adoption of their child. It is important for the employee to inform their immediate supervisor of maternity/paternity/adoption leave to allow the City to plan accordingly.

Upon return to their work with the City after maternity/paternity/adoption leave the employee will be reinstated to their position of employment. If the employee is not able to be reinstated in the exact previous position the employee will be placed in a position comparable in nature with the same wages and benefits.

7.6 Jury Duty/Litigation:

City employees will be granted leave with pay for jury duty or if they are subpoenaed to testify in court for city business. During such periods of absence, regular full-time or part-time employees will receive their regular rate of pay minus the jury duty pay or the employee may endorse the court payment, less documented mileage/expenses, to the City. Employees who are absent from work due to jury duty will not be dismissed or suspended from employment; and shall retain and be entitled to the same job status and pay as he/she had prior to performing jury duty. Persons who are to be absent due to jury duty must notify his/her immediate supervisor in advance. If no prior notification is given the employee may be subject to disciplinary procedures. Vacation and sick leave benefits shall accrue at the normal rate for eligible employees during jury duty.

City employees involved in their own litigation are required to use vacation leave or leave without pay.

7.7 Voting Leave:

City employees whose work schedule does not enable them time to vote during which time the polls are open shall be allowed up to one hour to vote. Such time shall be treated as regular work time for the purpose of pay and accrual of leaves.

7.8 Military Leave:

7.8.1 Request for Military Leave of Absence

An employee who wishes to be granted military leave of absence must submit the request and a copy of his/her official orders or other records from the military service to his/her immediate supervisor prior to the dates of attendance. If the reservist or National Guard member submits a copy of his/her official annual training schedule prior to beginning of the year's military activities, the employee need only submit separate requests and orders for those training duties not included on the annual schedule, or when the annual schedule is modified.

7.8.2 Active Duty

An employee who enlists or is called into Active Duty for the military service of the United States or who, in time of national emergency, voluntarily enlists for active duty, shall be granted military leave for the time necessary to permit completion of the military service. In order to have re-employment rights, a person leaving active duty in the military service of the United States must apply to the City for reemployment within 90

days after his/her separation from active duty, or within 90 days after his/her release from hospitalization continuing after such separation for not more than one year. This applies to inductees and enlistees, as well as to reservists and National Guard members performing full active duty, as opposed to initial duty for training, or active or inactive duty training, or other active duty where different re-employment rights are defined by Federal Statute.

7.8.3 Reserve or National Guard Training Leave

An employee who enlists as a Reservist or a member of the National Guard shall be granted time off with vacation pay or sick time for initial active duty for training, annual training encampment, weekend training drills, and other active and inactive training duty. The reservist or National Guard member must report back to his civilian job at the beginning of his first regularly scheduled shift on the first day after the completion of initial active duty for training or other training duty plus the necessary travel time to return from the training site to the place of employment. He/She is also entitled to a reasonable rest time, and a reasonable time thereafter if return is delayed by factors beyond his/her control. If an employee fails to report to his/her job within this specified time period, he/she may be subject to the penalties which would be imposed on any employee who is tardy or absent without permission. If an employee separates his/her employment with the City in order to enlist in the Reserves or National Guard, he/she must reapply to the City within 31 days after his/her separation from initial active duty for training in the Reserves or National Guard in order to retain re-employment rights.

7.8.4 Federal Statute

An employee who participates in any branch of the Military Service of the United States is covered by and subject to Federal Statute, US Code Title 38, Chapter 43, and all other applicable statutes.

7.9 Personal Emergency Leave:

If necessary, qualified City employees may use accrued sick leave for personal emergency leave. This leave may be used for the following:

- 1) Death in the immediate family. (Immediate family is defined as an employee's spouse, parents, step-parents, children, step-children, brothers, sisters, step-brothers, step-sisters, aunt, uncle, step-aunt, step-uncle, grandparents, grandchildren, great grandchildren, step-grandparents, step-grandchildren, and step-great grandchildren. The term also includes a spouse's equivalent of the above).
- 2) Emergency illness or scheduled surgery in the immediate family.

The amount of sick leave to be used for personal emergency leave is to be limited to 40 hours per year if previously accrued. This leave does not accumulate from year to year.

Employees may use vacation time for Personal Emergency

7.10 FMLA Leave:

The City complies with the Family Medical Leave Act (“FMLA”), which is unpaid leave. Any FMLA leave shall, however, run concurrent with any paid or other unpaid leave time, meaning you must use any available paid leave for any FMLA leave. The City applies the following 12-month leave cycle: January – December. FMLA leave forms are available from the City Administrator and FMLA must be authorized by City Administrator. If you are requesting leave for a serious health condition, whenever possible the medical certification from your healthcare provider should be supplied before leave begins.

Further, the City, at no expense to you, may require an examination by a second health care provider designated by the City except in the case of military leave. If the second health care provider’s opinion conflicts with the original medical certification, the City, at no expense to you, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The City may require a subsequent medical recertification. Failure to provide requested certification within 15 days, if such is practicable, may result in delay of further leave until it is provided, and/or may subject you to discipline up to and including termination for taking unauthorized leave or excessive absenteeism. We can also contact this health care provider to clarify information on the medical certification, but you must sign the appropriate authorization form for such contact.

7.10.1 While on Leave

If you take leave because of your own serious health condition or to care for a covered relation, you should contact City Administrator on the “first and third Monday” of each month regarding the status of the condition and your intention to return to work to see how you are progressing and so that we are up-to-date on any new developments. In addition, you must give notice to City Administrator as soon as practicable (within two business days, if feasible) if the dates of leave change, are extended or initially were unknown.

7.10.2 Intermittent and Reduced Scheduled Leave

Leave because of a serious health condition or military leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours you work each workday) if medically necessary. You will receive your current rate of pay for hours worked and time spent working will not count against your available FMLA leave. In addition, while you are on an intermittent or reduced schedule leave, the City may temporarily transfer you to an available alternative position which better accommodates your recurring leave and which has equivalent pay and benefits.

7.10.3 Medical and Other Benefits

During an approved FMLA leave, the City will maintain your health and other benefits as if you continued to be actively employed. However, you must continue to pay your portion, if any, of the group health plan premiums or your benefits may be cancelled. In order to accrue benefits such as Vacation or Sick Bank, an employee must be working, using Vacation, Sick Bank, or holiday hours to equal at least fifty percent (50%) of their regularly scheduled time for the pay period. If you return to work owing any employer-made contributions to your insurance premiums to maintain coverage during your leave, you will be required to reimburse the City through payroll deduction immediately upon return. If you elect not to return to work at the end of the leave period, you will be required to reimburse the City for contributions to the health insurance premiums made to maintain coverage during your leave, unless you cannot return to work because of a serious health condition or because of other circumstances beyond your control.

7.10.4 Returning from Leave

When you are able to return to work following a leave because of your own serious health condition, you should attempt to give the City at least one week's notice by mailing, hand delivering, or faxing to the City Administrator a medical certification stating that you are able to resume work. However, you should make sure that the City receives this notice no later than two business days before your return to work at the conclusion of your leave. If your FMLA leave resulted from a workers' compensation injury, your health care provider may send an updated medical work status form to the City Administrator as soon as your return to work date is known, even if less than two business days before your return to work.

7.11 Holidays:

The City recognizes and observes the following as paid holiday for eligible employees:

- New Year's Day, January 1
- Martin Luther King Jr. Day, 3rd Monday in January
- Presidents' Day, 3rd Monday in February
- Memorial Day, Last Monday in May
- Independence Day, July 4
- Labor Day, 1st Monday in September
- Native Americans' Day, 2nd Monday in October
- Veterans' Day, November 11
- Thanksgiving Day, 4th Thursday in November
- Christmas Day, December 25

When a holiday falls on a Saturday, the preceding Friday is observed as the paid holiday for eligible City employees. If a holiday falls on a Sunday, it is observed on the following Monday.

On occasion the President of the United States or the Governor of the State of South Dakota designates holidays. In the event that this occurs the City of North Sioux City shall also recognize these dates on the same date as recognized by the State of South Dakota.

Employees ineligible for paid holiday leave will be granted a day off without pay in observance of a holiday.

Individuals who perform work on a shift, or are called in to work, shall be paid the holiday pay and be compensated at one and one-half (1 ½) times the normal rate of pay for hours worked on the holiday.

7.12 Leave Slips:

The City requires that each leave of absence must be accompanied by a leave slip. Such leave slips must indicate the dates of the leave, type of leave to be taken or reason leave is taken and number of hours of leave to be taken. Each leave slip must be signed by the employee's immediate supervisor prior to the leave being taken. In circumstances such as an emergency or unexpected illness, the leave slip is to be submitted as soon as possible when the employee returns.

Leave slips shall be given from the immediate supervisor to the finance officer for processing.

7.13 Sick Leave Bank

The City allows employees to share Sick Leave time between employees in situations of unexpected life events. The employee receiving any Sick Leave shall first use all of their personal sick leave and vacation time before any transfer can be made. The employee receiving any Sick Leave must be away from work for longer than 1 week. The maximum allowable amount of time any individual can receive from the Sick Leave Bank is 45 days.

Employees are allowed to donate two days per year to the sick leave bank. The bank shall be administered by the City Administrator, City Finance Officer, and the Mayor. The administrators may ask for official medical records stating when the employees are expected to return to work.

Donated sick time shall be converted to a monetary value and shall be given to the employee receiving on a monetary basis. Sick Leave Bank hours shall only be used for unexpected life events and shall only be used for the individual employee not immediate family members.

Only employees participating in donating time to the Sick Leave Bank may make a request to use days from the Sick Leave Bank.

POLICY 8: SEPARATION FROM CITY SERVICE

8.1 General Policies:

8.1.1 Definitions

Voluntary Separation: Resignation, extended absence without proper notification, or retirement. Voluntary separation is initiated by the employee.

Involuntary Separation: Layoff or discharge. Involuntary separation is not initiated by the employee.

8.1.2 Return of City Property

City employees are expected to return all City property at the time of their departure from City service. The City reserves the right to withhold from the employee's final paycheck the amount for any property that is not returned or for which there is no explanation for the absence of the property. The City may take further action if necessary to recover City property.

For items issued through a clothing allowance the supervisor may allow the employee to keep items if the department does not desire to retain those items.

8.2 Voluntary Separation:

8.2.1 Resignation

A City employee may resign from City service by giving his/her direct supervisor, the appointing authority, or the City Administrator written notice of his/her resignation. Said resignation is requested at least two weeks in advance of their leaving City service. The direct supervisor, the appointing authority, or the City Administrator may accept the employee's resignation as taking effect immediately.

8.2.2 Un-notified Absence

If an employee is absent for more than 3 consecutive days without proper notification in accordance with the attendance policy, they shall be considered to have voluntarily resigned their position in City service. Re-instatement upon presentation of extenuating circumstances or reason for such absence shall be at the discretion of the appointing authority or the City Administrator. Any un-notified absence of less than 3 days may result in disciplinary action.

8.2.3 Retirement Age

There is no mandatory retirement age for City employees.

8.3 Unemployment Compensation:

The City follows the state of South Dakota Unemployment laws as found in SDCL Title 61.

8.4 Exit Interviews:

Upon notice of voluntary termination of employment, the City may, in its discretion, conduct an exit interview prior to an employee's separation from City employment. The exit interview is conducted for several purposes, including:

- 1) to resolve all outstanding matters between the City and the employee;
- 2) to advise the employee of the affect their separation will have upon all benefits and what benefits they have coming upon separation;
- 3) to aid the City in gathering information to help improve the City working environment and other employment relationships.

POLICY 9: DISCIPLINARY ACTION

Disciplinary actions shall be applied when the proper authority determines such actions are necessary. A disciplinary action may be in the form of oral reprimand, written reprimand, suspension, demotion or reassignment, or dismissal as defined below. The City may, but is not required to, apply these actions progressively, and for example, suspension or termination of employment may be applied as a first step of discipline. Employment is at-will and this disciplinary policy does not otherwise create any other employment relationship. The City reserves the right to suspend an employee with pay, however, such action is not deemed to be a disciplinary action. An employee's immediate supervisor or the City Administrator shall determine the disciplinary actions for each employee. If the immediate supervisor disciplines any employee the supervisor shall notify the City Administrator of the actions taken for purposes of documentation. The City Administrator shall be made aware of any action 9.2 through 9.6 of this policy before the action is taken.

9.1 Oral Reprimand:

An oral reprimand is a verbal statement, which may or may not be documented.

9.2 Written Reprimand:

A written reprimand is a written statement.

9.3 Suspension without Pay:

Removal from duties from City for specified period of time, without pay, for up to 10 working days.

9.4 Demotion or Reassignment:

Demotion or reassignment includes reduction in pay (possibly including benefits), job duties, placement or into a lower position; change of employee's duties within his/her current position; or use any combination.

9.5 Dismissal:

Dismissal is termination of employment.

9.6 Disciplinary Interview:

As to any employee who is not under an at-will employment relationship, before any disciplinary action of suspension without pay, demotion, or dismissal, the City Administrator shall:

1. Notify the employee of the proposed disciplinary action, providing the reason(s) for the action and the proposed discipline, and the employee shall be permitted a reasonable opportunity to respond to the allegations and proposed discipline; and
2. The City shall then after provide written notice to the employee of the discipline. An employee may appeal the discipline through the grievance procedure where the policy is applicable.

POLICY 10: GRIEVANCE PROCEDURE

The following is the City’s grievance policy. Employment with the City is at-will and adoption of this grievance policy does not otherwise create any other employment relationship. The following procedure is not available to an elected or appointed employee.

10.1 Grievance Claims:

An employee who is not in the employee-in-training period may file a written grievance with the immediate supervisor regarding a term or condition of employment. Such grievance must be filed within 5 working days (working days does not mean calendar days) from the date on which the employee became aware of the action or should have reasonably been aware of the action.

10.2 Appeal:

If not satisfied with the immediate supervisor’s response, the employee may appeal the decision to the City Administrator. If the City Administrator is the supervisor the employee may appeal the decision to the Governing Body. The appeal must be filed with the next level within 5 working days of notice of the decision upon which the appeal is based. If not satisfied with the Governing Board’s decision, then the requirements of SDCL 3-18-15.2 shall be followed.

10.3 Voluntary separations and grievances:

Except where protected activity is involved, employees who voluntarily terminate their employment will have any outstanding or unresolved grievances immediately dismissed.

POLICY 11: DRUG AND ALCOHOL ABUSE POLICY

11.1 City's Commitment to Drug and Alcohol Free Workplace:

The City has a strong commitment to its employees to provide a safe, healthful, and productive work environment and to promote high standards of employee health. Consistent with the spirit and intent of this objective the City will act to eliminate any substance abuse which could impair an employee's ability to safely and effectively perform a particular job and which increases the potential for accidents, absenteeism, substandard performance, and tends to undermine public confidence in the City's work force. The City's goals are to establish and maintain a work environment that is free from the effects of alcohol and drug abuse and to maintain the reputation and integrity of the City by preventing unacceptable behavior by its employees that discredits the City and its employees.

While the City has no intention of unreasonably intruding into the private lives of its employees, the City does expect employees to report for work in a condition to perform their duties, make the work environment safe for other employees, and represent a proper image to the citizens. It is clear that employee off-the-job, as well as on-the-job, involvement with drugs and alcohol can have an impact on the City's goals.

The City complies with the Drug-Free Workplace Act of 1988. The unlawful possession, use, distribution, dispensation, sale or manufacture of controlled substances including alcohol is prohibited while employees are on the City's property and while conducting business-related activities off the City's premises. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Any employee found to be in violation of this policy or any of the provisions set forth in the plan below will be subject to discipline up to and including termination of employment.

11.2 General Policies:

The following are the policies of the City regarding drug and alcohol abuse:

- 1) The unlawful manufacture, distribution, dispensing, possession or use of controlled drugs or substances, or the use of alcohol while on duty, on or off business property owned or leased by the City is proper cause for disciplinary action.
- 2) Any illegal controlled drug or substance possessed while on duty by employees will be turned over to the appropriate criminal justice agencies and may result in criminal prosecution. This does not apply to public safety officers who are in possession of an illegal controlled drug or substance while acting in the line of duty.

- 3) It is not permitted for an employee to be under the influence of controlled drugs or substances or alcohol on the job, except as provided for in item four (4).
- 4) The legal use of controlled drugs or substances prescribed by a licensed physician is not prohibited, but employees in positions where side effects of the prescribed medication could affect performance and safety on the job are required to make such use known to their supervisor.
- 5) The illegal use, sale, and possession of controlled drugs or substances while off duty and off City premises which results in a criminal conviction is unacceptable. Off-duty, alcohol-related, criminal convictions are also unacceptable. They may affect the job performance and the confidence of the public in the City's ability to meet its responsibilities. Such off-the-job conduct may be proper cause for disciplinary action.

11.3 Employee Responsibilities:

- 1) An employee must not report to work while his/her ability to perform his/her job duties is impaired due to on or off duty alcohol or drug use. Employees called in for emergency duty to work outside their regular work schedule must not report to work impaired by off-duty alcohol or drug use.
- 2) An employee must not possess or use alcohol or illegal drugs or prescription drugs without a prescription during working hours or while subject to duty, on breaks, or during meal periods.
- 3) An employee must notify his/her supervisor, before beginning work, when taking any medication or drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of City equipment.
- 4) An employee must notify his/her immediate supervisor of any drug or alcohol related criminal statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- 5) An employee must notify his/her immediate supervisor of any suspension of their driver's license before they use a city vehicle.

Any violations of the above stated may result in immediate disciplinary action.

11.4 Management Responsibilities and Guidelines:

- 1) Supervisors and department heads shall not physically search the persons of employees nor shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.
- 2) Supervisors and department heads shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area jointly or fully controlled by the City.
- 3) Any supervisor or department head encountering an employee who refuses to consent to a drug and/or alcohol analysis when "reasonable suspicion" has

been identified, shall remind the employee of the requirements of the policy and that he or she may be subject to disciplinary action. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the manager or supervisor should direct the employee to remain at work for a reasonable time until the employee can be safely transported home.

- 4) Whenever disciplinary action is used in this policy, it shall include but not be limited to: oral reprimand, written reprimand, suspension, demotion or discharge.

11.5 Testing for Drugs or Alcohol:

11.5.1 Post Offer/Pre-Employment

The City may require an individual post offer but pre-employment undergo controlled substance testing and if so, work shall not be permitted until testing is completed and results are given to the City Administrator.

11.5.2 Reasonable Suspicion

The City may request that the employee undergo drug and alcohol testing if there is a “reasonable suspicion” that the employee is under the influence of drugs or alcohol during work hours. Reasonable suspicion tests should be administered as soon as practical following the determination of reasonable suspicion. If the alcohol test is not administered within 2 hours of the determination of reasonable suspicion, the attending supervisor will document the reason for the delay. If the alcohol test is not administered within 8 hours of the determination of reasonable suspicion all attempts to conduct the alcohol test will cease and the attending supervisor will document the reasons for the failure to test. If the controlled substances test is not administered within 8 hours of the determination of reasonable suspicion, the test should still proceed. The attending supervisor must document the reasons for the delay. If the controlled substances test has not been administered within 32 hours of the determination of reasonable suspicion, all attempts to conduct the controlled substances test will cease and the reasons will be documented by the attending supervisor.

“Reasonable suspicion” means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

- 1) A pattern of abnormal or erratic behavior that is so unusual that it warrants summoning a supervisor, department head or other individual for assistance.
- 2) Information provided by a reliable and credible source with personal knowledge.
- 3) Direct observation of drug or alcohol use.

- 4) Presence of the physical symptoms of drug or alcohol use; (i.e. glossy or blood-shot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).
- 5) Possession of substances in violation of the City's drug and alcohol policy.

The employee, where "reasonable suspicion" exists, may be asked to submit to blood and/or urine testing by a qualified medical physician, qualified medical facility, or hospital at the City's expense. Prior to testing, the proper authority shall secure a signed release statement from the employee to have the hospital/physician release medical information to the City. An employee who refuses to consent to a drug and alcohol test when reasonable suspicion exists may be subject to disciplinary action. A positive result from the drug and/or alcohol test confirming the reasonable suspicion may result in disciplinary action. The proper authority is required to detail in writing the specific facts, symptoms, or observations that led to the reasonable suspicion. This documentation, which includes the results of the drug or alcohol test as confirmation of the use of drugs or alcohol on the job, shall be given to the City Administrator and placed in the employee's file only if confirmed by the drug and/or alcohol test.

11.5.3 Post-Accident

Any City employee involved in a work-related vehicular accident may be subject to post-accident testing. Nothing in this section, however, will be construed to require the delay of necessary medical attention for injured people 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.

11.5.4 Follow-Up Testing

If a medical provider determines that an employee is in need of assistance in solving problems with alcohol use and/or controlled substances use, an employee may be subject to unannounced follow-up alcohol and/or controlled substances testing if they are allowed to continue their employment with the City. Follow-up testing will not exceed 60 months from the date of the employee's return to duty, so long as the employee remains drug and alcohol free. It is preferred that the employee will have no less than 6 unannounced follow-up alcohol and controlled substances tests within the first 12 months following the employee's return to work, provided the employee remains employed and drug- and alcohol-free for that period.

11.6 Drugs to be Tested For:

The following drug groups were selected based on the ability of each drug to adversely affect physical/mental performance. All are controlled substances under state and federal law.

- 1) Alcohol, ethyl
- 2) Amphetamines/Methamphetamines; i.e., speed

- 3) Barbiturates; i.e., to include but not limited to amobarbital, butabarbital, phenobarbital, cecobarbital
- 4) Cocaine, Cocaine Metabolites
- 5) Benzodiazepines
- 6) Opiates; i.e., to include but not limited to codeine, heroin, morphine, hydromorphone, hydrocodone
- 7) Phencyclidine (PCP)
- 8) THC (Marijuana) Metabolite

11.7 Testing Procedure:

Whenever an applicant or employee is required or requested to submit to any controlled substances testing, the applicant or employee may, upon request, be permitted to have a representative present during collection or testing when reasonably possible without disrupting the timeliness or effectiveness of the testing process.

Testing for employees is conducted by analyzing an employee's specimen according to the protocol of the testing facility. If testing involves urine or blood collection and the employee attempts and fails to provide an adequate amount of urine or blood, the City Administrator/Human Resources will refer the employee for a medical evaluation, at the employee's expense, to determine if the employee's inability to provide an adequate volume of urine is medically genuine or constitutes a refusal to test.

11.8 Consequences to Employee Engaging in Prohibited Conduct:

1. Positive Results
 - a. If the results of a confirmatory pre-employment alcohol or controlled substances test are positive, the applicant will be disqualified for employment.
 - b. An employee who tests positive for alcohol with a concentration level above 0.02 grams' alcohol/210 L breath or who tests positive for the presence of an illegal controlled substance will be subject to disciplinary action up to and including termination.
2. Refusal to Submit to Required Testing
 - a. An applicant who refuses to take a drug and alcohol test or does not report to the testing facility at the scheduled date/time shall be disqualified from further consideration for the conditionally offered position with the City.
 - b. A refusal by an employee to submit to alcohol and/or controlled substance testing required under this policy will be treated as a positive test result. The employee will not be permitted to work. The refusal may be considered sufficient cause for disciplinary action up to and including discharge.
3. Return to Work Following Positive Results
 - a. If an employee has been found to have violated the requirements of this policy, such as testing positive for the presence of alcohol and/or controlled substances while on duty, the employee may in certain circumstances be

permitted to return to his or her position. This decision is entirely in the discretion of the City.

- b. If an employee is permitted to return to work following a positive drug or alcohol test, his or her continued employment may be conditional upon very specific requirements including but not limited to certain testing and treatment requirements.

11.9 Confidentiality:

Information from an employee's drug and/or alcohol test is confidential, and only those with a need to know are to be informed of the results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee. However, disclosure without employee's consent may occur in the following circumstances:

- 1) The information is compelled by law or by judicial or administrative process;
- 2) The information has been placed at issue in a formal dispute between the City and the employee; or
- 3) The information must be disclosed pursuant to a genuine emergency wherein the information must be disclosed to protect the safety or welfare of any person. Even in such situations, however, if time permits, the City shall attempt to obtain a judicial order to disclose this information.

POLICY 12: APPOINTED AND ELECTED OFFICIALS

12.1 Definition:

An Appointed Official is an individual who holds a position in a City due to an appointment by a Mayor, Council Member or City Administrator. Elected Officials are those Officials who hold office through election.

12.2 General:

All appointed and elected officials shall comply with all laws, including but not limited to, discrimination, harassment, and non-retaliation. Such officials shall have no rights to any grievance procedure.



Police

To whom it may concern: City Council's ~~Police~~
Mayor, and City Administrators.

Thank you for honoring the petition,
And listening to ALL OF OUR CONCERNS ON
The lots behind us on Rose st. my kids
are now able to play in thier back yard
and I do not have to worry if the will
be ran over by a Atv, or motorcycle while
they play. I want to thank the City of
NSC. that they do care about thier residents
safety. Thank you from me and ALL of
here on Rose st. and Adjacent properties that
align with these vacant lots, thanks for
Caring and keeping our Neighbor hoods safe.

Troy Rosenbaum
26 Rose st.
NSC, SD. 57049