



**City of North St. Paul
City Council
Workshop Meeting Agenda**

**December 19, 2023
5:15 PM**

The City Council Meeting will be conducted on **December 19, 2023** at 5:15 p.m. in the City Council Chambers of City Hall, located at 2400 Margaret St., North St. Paul.

The City Council will also be meeting by interactive TV under Minn. Stat. 13D.02.

The **December 19, 2023** Zoom meeting can be accessed via:

<https://tinyurl.com/NSPCityCouncil>

(from a PC, Mac, tablet, iPhone or Android device) or by phone at 1-929-205-6099.

Participants accessing the meeting by phone please use the following meeting ID:
84409094358

You can also watch the meeting on our YouTube channel here:

tinyurl.com/NSPYouTube

I. Call to Order

II. Roll Call

Council Member Cole
Council Member Schweer
Council Member Wong
Council Member Nordby
Mayor Monge

III. Adopt Agenda

IV. Topic(s)

- A. Personnel Policy Update - Sick Leave / Earned Sick and Safe Time (ESST)
- B. Community Center Discussion

V. Other Business

VI. Adjournment

The next regularly scheduled City Council Workshop meeting is January 2, 2024.



To	Date
Honorable Mayor Monge and City Council	December 19, 2023

Agenda Placement # IV.A

Topic(s)

Subject

Personnel Policy Update - Sick Leave / Earned Sick and Safe Time (ESST)

Background/Facts

Effective January 1, 2024, employers must provide paid earned sick and safe time (ESST) to eligible employees. To be eligible, an employee must work at least 80 hours a year for an employer in Minnesota and not be an independent contractor. This includes seasonal, temporary, and part-time employees. The Minnesota Department of Labor recently clarified that elected officials are *not* considered employees under the ESST law.

At a minimum, the City must provide each eligible employee with at least one (1) hour of ESST for every 30 hours worked, up to 48 hours of accrued ESST a year. Employers may also choose to "front load" ESST hours to employees at the beginning of each year, using either a 48 hour or 80 hour front load option. The 48-hour front load option requires a payout of unused leave at the end of a year and the 80-hour option does not require a payout.

ESST can be used for traditional sick leave purposes, such as the employee's own illness, and preventative care, but employees may also use it for additional reasons, such as caring for a family member (as defined by the law), absences due to domestic abuse, sexual assault or stalking and closure of the workplace or a family member's school or care facility due to weather or a public emergency.

Employers that have existing sick or vacation leave policies that meet or exceed the requirements of ESST laws are not required to provide additional paid leave. The City exceeds ESST requirements for regular full-time staff.

Staff has discussed options for implementing this new law and developed a policy where all regular part-time employees, temporary, seasonal and On-Call Fire employees performing work for at least 80 hours in a year for the City are eligible for Sick/ESST.

Legal has reviewed and approved the Sick Leave/ Earned Sick and Safe Time (ESST) policy, which meets and exceeds the Minnesota Law required to be in place by January 1, 2024.

Recommended Action

Attachments

1. MN Guide to ESST
2. City of North St. Paul - Sick - Earned Safe and Sick Time (ESST) Policy
1.1.2024

Respectfully submitted,

Jennie Kloos, Assistant to City Manager/ Human Resources Manager

Daniel Winek, Finance Director

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

WHAT IS SICK AND SAFE TIME?

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



WHO IS ELIGIBLE?

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

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

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

HOW MUCH LEAVE CAN EMPLOYEES EARN?

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

AT WHAT RATE MUST THE LEAVE BE PAID?

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

WHAT CAN THE LEAVE BE USED FOR?

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

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

WHICH FAMILY MEMBERS ARE INCLUDED?

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

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

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

WHAT ADDITIONAL SICK AND SAFE TIME RESPONSIBILITIES DO EMPLOYERS HAVE?

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

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

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

CURRENT SICK AND SAFE TIME LOCAL ORDINANCES

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



Sick time

For physical or
mental health
conditions, illness
or injury



Safe time

To address domestic
abuse, sexual assault
or stalking



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

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

SECTION E,

4. Sick Leave / Earned Sick and Safe Time (ESST)

Effective January 1, 2024 Minnesota's Earned Safe and Sick Time (ESST) law requires employers to provide paid leave to employees who work in the state. All City regular full-time employees who currently earn sick time will now earn combination Sick/ ESST hours, which exceed ESST requirements. Regular part-time employees, temporary, seasonal, and On-Call Fire employees will earn Sick/ESST hours as described below.

All employees performing work for at least 80 hours in a year for the City are eligible for Sick/ESST. Sick/ESST is paid time off granted to employees for certain eligible uses as described in this policy. Sick/ESST is paid at the same hourly rate that an employee is paid from employment with the City.

The City will provide each employee with at least one (1) hour of Sick/ESST for every 30 hours worked, up to at least 48 hours of accrued ESST in a year. When employees reach or exceed 80 hours worked in a year, they are eligible to access Sick/ESST hours. For purposes of this policy, a year is a calendar year – January 1 to December 31.

Sick/ ESST accrual for each eligible employee shall begin on the date of policy inception, employment with the City, or if a change of status creates eligibility on the date the employee becomes eligible.

A. Eligibility for and Accrual of Sick/ESST

Full-time Employees:

Sick leave/ Earned Sick and Safe Time (ESST) with pay shall be credited to probationary and regular employees at a rate of eight (8) hours per month, or 3.69 hours per pay period. Employees in the probationary period may use sick / ESST leave as it is accrued; however, if the sick/ ESST leave exceeds a total of five (5) working days, the probationary period shall automatically be extended a like period of time.

Part-Time Employees:

Regular part-time employees regularly scheduled to work a minimum of 20 hours per week shall accrue sick/ESST pro-rated according to the accrual percentage of a full-time equivalency status.

Regular part-time employees regularly scheduled to work fewer than 20 hours per week shall accrue sick/ESST benefits at a rate of one hour of sick/ESST for every 30 hours worked.

Temporary, Seasonal, and On-Call Fire:

Shall accrue sick/ESST benefits at a rate of one hour of sick/ESST for every 30 hours worked.

B. Maximum Accumulation

- Regular Full and Part Time employees can accumulate sick/ESST to a maximum of 1,000 hours for regular non-union employees and a maximum of 1,200 hours for Department heads. Employees may exceed the maximum sick/ESST leave accrual at any time during the year but must be at or under the maximum accrual by December 31 of each year. The unused sick/ESST hours can be carried over to the next year, but hours in excess of the maximum accrual shall be forfeited. The City shall not pay out hours forfeited.
- Temporary, Seasonal, and On-Call Fire employees who earn sick/ESST on an hourly basis, can earn up to a maximum of 48 hours of ESST annually. The unused ESST hours can be carried over to the next year, but at no time can an employee's accrued ESST exceed 80 hours.

Employees represented by collective bargaining agreements should also refer to their union contracts.

C. Sick / Earned Sick and Safe (ESST) Leave Use

The leave may be used as it is accrued in the smallest increment of time tracked by the city's payroll system of .25 for the following circumstances:

- An employee's own:
 - Mental or physical illness, injury or other health condition
 - Need for medical diagnosis, care or treatment, of a mental or physical illness
 - Injury or health condition
 - Need for preventative care
 - Closure of the employee's place of business due to weather or other public emergency
 - The employee's inability to work or telework because the employee is prohibited from working by the city due to health concerns related to the potential transmission of a communicable illness related to a public emergency, or seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and the employee has

been exposed to a communicable disease or the city has requested a test or diagnosis.

- Absence due to domestic abuse, sexual assault, or stalking of the employee provided the absence is to:
 - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
 - Obtain services from a victim services organization
 - Obtain psychological or other counseling
 - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
 - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking
- Care of a family member:
 - With mental or physical illness, injury or other health condition Who needs medical diagnosis, care or treatment of a mental or physical illness, injury or other health condition Who needs preventative medical or health care Whose school or place of care has been closed due to weather or other public emergency When it has been determined by health authority or a health care professional that the presence of the family member of the employee in the community would jeopardize the health of others because of the exposure of the family member of the employee to a communicable disease, whether or not the family member has actually contracted the communicable disease
 - Absence due to domestic abuse, sexual assault or stalking of the employee's family member provided the absence is to:
 - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
 - Obtain services from a victim services organization
 - Obtain psychological or other counseling
 - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
 - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking

D. For Sick / Earned Sick and Safe Leave purposes, family members include an employee's:

- Spouse or registered domestic partner

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

E. Advance Notice for use of Sick/ Earned Sick and Safe Leave

If the need for sick/ Earned Sick and Safe leave is foreseeable, the city requires seven days' advance notice. However, if the need is unforeseeable, employees must provide notice of the need for Earned Sick and Safe time as soon as practicable. When an employee uses Earned Sick and Safe time for more than three consecutive days, the city may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records or related documentation to support safety leave). However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using, or used, Earned Sick and Safe Leave for a qualifying purpose. The city will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition. In accordance with state law, the city will not require an employee using Earned Sick and Safe leave to find a replacement worker to cover the hours the employee will be absent.

F. Retaliation prohibited

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

G. Benefits and return to work protections

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

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

When there is a separation from employment with the city and the employee is rehired again within 180 days of separation, previously accrued Sick/ Earned Sick and Safe Leave that had not been used will be reinstated. An employee is entitled to use and accrue Sick/ Earned Sick and Safe Leave at the commencement of reemployment.



To	Date
Honorable Mayor Monge and City Council	December 19, 2023
Agenda Placement # IV.B	
Topic(s)	
Subject	
Community Center Discussion	
Background/Facts	
Recommended Action	
Attachments	

1. community center recap

Respectfully submitted,
Brian Frandle, City Manager

North St. Paul Community Center Recap

The North St. Paul Community Center was built in the early 1990s for a cost of \$2,433,399.38. The location was selected in part because some of the City's infrastructure was there and the City already owned the property. The building opened in 1992.

In the early 1990s several communities were building Community Centers including the Maplewood Community Center in 1993, the Shoreview Community Center in 1990 and the New Brighton Community Center in 1994.

The building was imagined to be a central hub for the community offering meeting spaces and fitness areas for residents and the surrounding community.

Unfortunately, other than the original purchase price, the City did not keep Community Center labor, maintenance or equipment purchases in a separate fund account so its difficult to recreate a full financial statement on its performance over the past decades. The City of North St. Paul moved the Community Center to its own fee code to track maintenance expenses in 2022.

Prior to that date, expenses were most likely included in the general fund and subsidized extensively from the City's electric fund. The facility opened with City programming, meeting spaces and a fitness center with membership access and maintained the format for first several years. A few summary documents highlighting some of the expenses were located and are provided as attachments/reference for your review.

City records in the early 1990s do not clearly identify the staffing and program needs from the facilities opening through the early 2000s.

1992 Facility opened

- Mission statement: We shall provide a destination in the heart of the community for the improvement and promotion of health, education and cultural well-being that enhances the community's quality of life
- Primarily offered as a fitness center

2003

- Community programming offered
- Agreement with Ramsey County Library signed May 21, 2003
- Customer service staff issues noted
- Rates increased

2004

- Facility renovations started: Locker rooms, gym, new equipment, addition of library
- Noting declining participation, the City started tracking attendance. A report from October shows 68 people entered the facility throughout the month.
- Rates increased

2005

- Snack/coffee shop added in an effort to attract more traffic
- Rates increased

2006

- Rates increased

2007

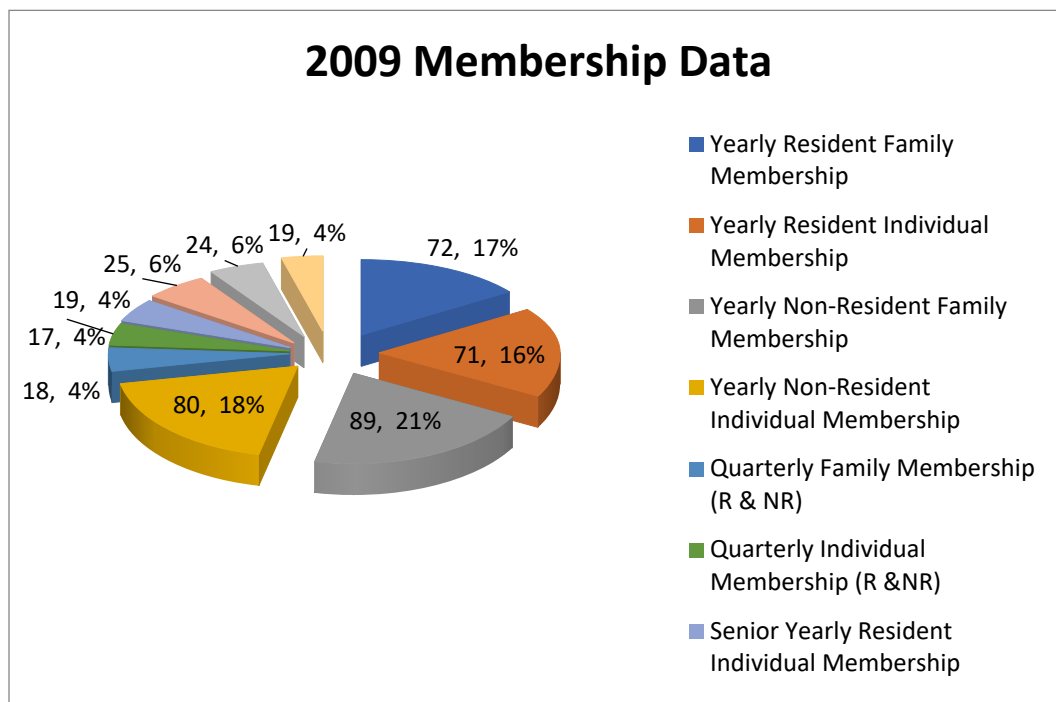
- Guidelines issued for noise and cleanliness standards
- Rates increased

2008

- Rates increased
- Internal memos forecasting savings for closing the facility.
- Estimated costs of \$20-40K just to keep the lights on per internal memo from the City Manager

2009

- Rental agreement changed to clarify building reservations not available for wedding receptions
- Membership count 399
- Rates increased
- Focus group study conducted SWOT analysis
- Strengths: Library, atmosphere, facility, opportunities (library)
- Weaknesses: Marketing, operation hours/offerings, facility, unkept meeting rooms

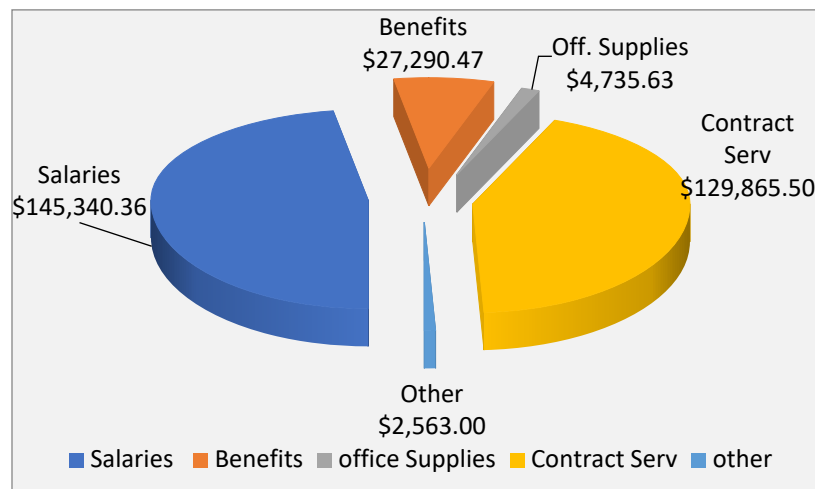


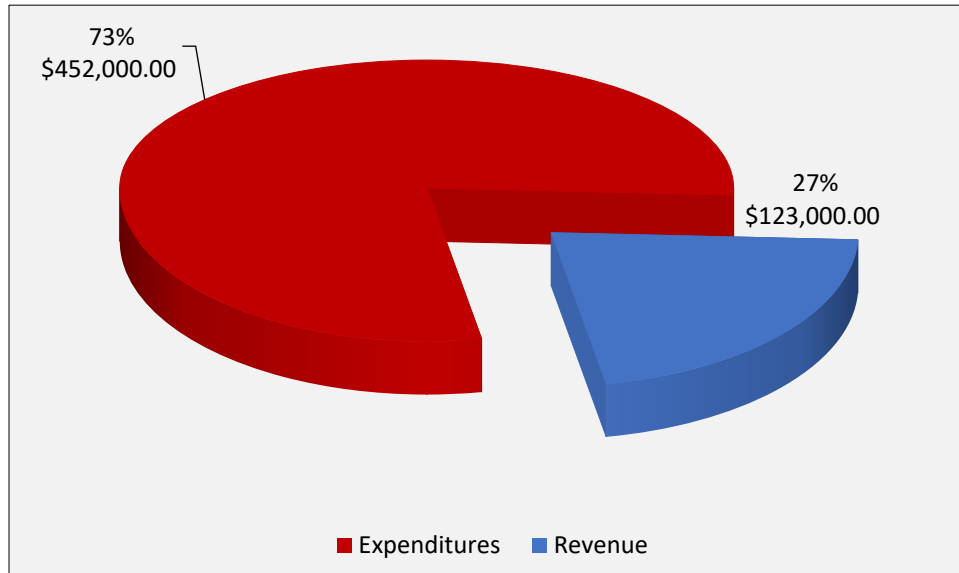
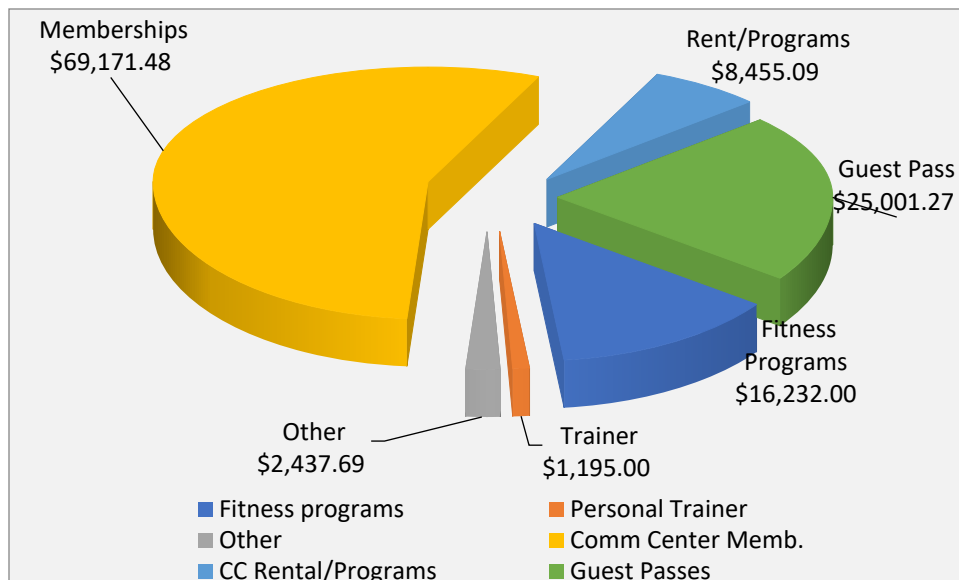
2010

- Study completed identifying challenges. Questioning space, rates, needs, memberships, marketing, SWOT analysis
- Membership 389
- Polar Den in operation
- Study called for evaluation of services provided
- Staff encouraged to look for programming partners
- Council requested a \$20,000 revenue increase in membership goal to help offset losses
- Investigate rebate offers from insurance company for fitness activities
- Facility space constraints noted in study
- Marketing challenges/keeping track of current members
- Staff development challenges noted by facility users

2011

- Staff reductions in effort to save funds
- Rates increased
- Collaboration with the City of Maplewood
- Study to contain expenses / closure analysis
- Financial issues addressed by cutting services/operational expenses
- Identified as an aging structure with future repairs not addressed
- City looking for options to remove cost burden from the City's tax payers
- Address formally changed to North St. Paul Drive
- In 2011 the City has worked to reduce expenses at the Community Center through reductions in Management and Full-time and Part-time staff, as well as through the collaboration with the City of Maplewood.
- The 2011 change in staffing and the Park and Recreation collaboration have made Community Center operations less dependent on General Fund subsidy but expenses continue to far outweigh revenue when all subsidies to the Community Center are taken into account.



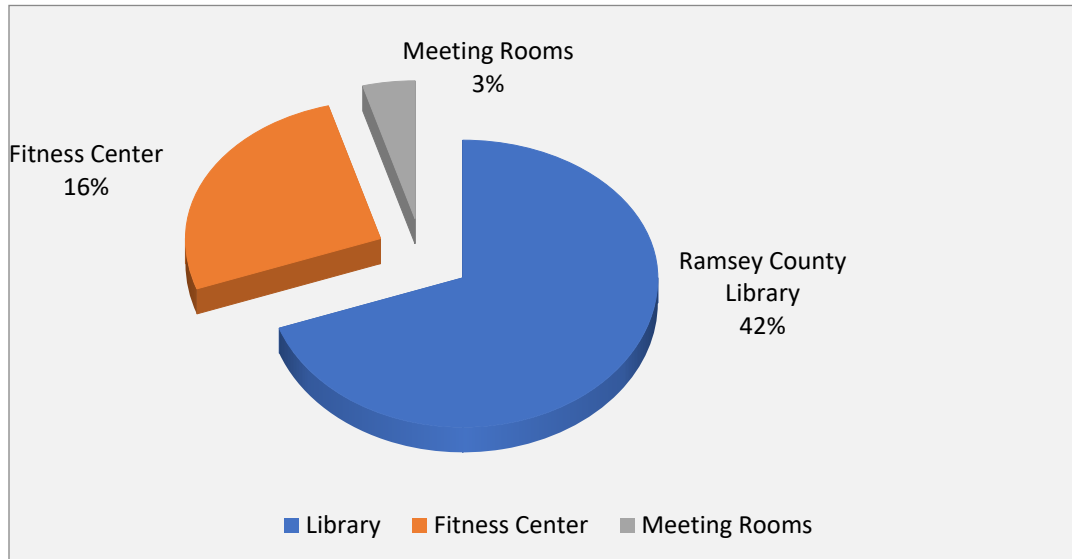


- In 2011 Revenue from the Community Center would not cover Utility and Janitorial Charges much less cover expenditures. The Community Center in 2011 operated at a \$329,500 deficit. That 2011 deficit was subsidized by taxpayer supported General Funds.
- No funds being set aside for future costs/maintenance repairs

2012

- Study completed identifying challenges including revenue shortfalls and aging infrastructure
- Membership count 380, less than 5% were residents. Despite efforts membership remains stagnant
- Several focus groups conducted to attempt to attract new members and improve experience of existing members.
- Satisfaction surveys conducted with members and community
- All efforts have not resulted in a change in membership or usage

- Community Center services identified as non-essential and not core services the City must provide
- Less than 5% of City residents regularly access the Center for any reason
- Residents noted in survey they were in favor of collaboration with Maplewood Parks & Recreation
- Survey identified they preferred the library over the fitness area and meeting rooms as more essential
- Competition from other fitness facilities has caused decline in membership
- No unique programming offered through the building at this time.



2013

- City programming ended
- Facility leased to District 622

2014

- Lease with school district ended
- Hockey School Lease began.

2015-2017

- No significant findings

2018

- Kokoro Volleyball Lease began.

2019

- City had building appraised for sale

2020

- T.A. Schiffsky proposal to purchase the building
- Kokoro proposal to purchase the building

2021

- No significant findings
- Electric costs \$42,174.85
- Natural gas costs \$19,833.40
- Total gas and electric \$62,008.25

2022

- Wold Architects retained for project
- Conducted a facility review
- Roof repaired to fix immediate leaks
- Council approved resolution in support of keeping the Community Center and seeking funding
- Public comment gathering hosted at City Hall on 7-28-22. Residents spoke in favor of having youth activities at all costs, concerns were raised about not overlooking the needs of senior citizens and residents expressed concerns about not being able to afford a tax increase for the project. A recording of the session is available here <https://www.youtube.com/watch?v=qMLW7TJSeso>
- Electric costs \$49,160.06
- Natural gas costs \$31,913.17
- Total gas and electric \$81,073.23

2023

- Outreach to legislators for funding requests
- Lobbyist hired to solicit funding for a potential project
- Estimated costs \$23.75-\$40.5 million
- Center will be community hub, safety zone for youth, place for veterans and seniors, multicultural, demonstrated hub showcasing City's commitment to sustainability.
- Community Focus Group Interviews
- City awarded grants to refurbish the Community Center
- Wold Architects created detailed facility plan outlining building repairs and grouping them by priority to better manage the project costs.
- Electric to date \$42,183.97
- Natural gas to date \$11,517.49
- Total gas and electric to date \$53,701.46

Focus Group Interviews Early 2023

Interviews were conducted with a wide variety of local groups including non-profits, area organizations, and residents with Wold Architects and staff representatives. Summary responses were mixed with many groups speaking about the possibilities and others focusing on the burden to tax payers. Other issues raised included: security, staffing, costs, location, and parking. Several of the area non- mentioned potential uses for the building, but many were not in favor of having to pay for the spaces and/or did not have budget available for additional expenses.

Historical Notes

Over the past two decades much of the deferred maintenance on the building was ignored due to repairs not being budgeted or planned for. Over the last several years, Public Works has had to respond to several emergency repairs due to the facilities roof and other structural issues.

The City has hosted a variety of tenants throughout the early 2000s. Kokoro Volleyball is the only one who was able to make a portion of the facility work for their needs.

The facility has a history of security problems during its administration by the City and experienced several police calls for unruly youth and vagrants. Currently the Ramsey County Library has requested an outdoor book drop because they have security concerns about leaving the entryway unsecured. Some of the residents raised these same concerns in the City sponsored focus group discussions.

Grant Funding/Next Steps

The City will need to make a decision on the facility in light of the grant funding made available to the City from the State of Minnesota and potentially the Federal Government. Issues to consider include:

- Fully understanding the terms of the grants and how they impact the City's commitment to programming and management of the facility for the long term.
- Fully understanding the maintenance costs to rehabilitate the building as well as to ensure its proper maintenance into the future.
- Fully understanding staff needs from the City to manage, program and maintain the facility.
- Fully understanding the tax levy impact of the reimaged facility.
- Fully understanding the impact on the Ramsey County Library and the penalties for breaking the current contract.
- Fully understanding the impact on the City's existing infrastructure placed in the building and costs to maintain and/or relocate it.
- Fully understanding the buildings opportunities and challenges moving forward i.e. flexible space, limited parking.
- Fully understanding resident desires and willingness to support the project.
- Fully understanding the ever-changing market forces and impacts of several new apartment complexes in the area with their own fitness centers, meeting rooms and recreational spaces, as well as the changing services and needs of the community.
- Fully understanding the impact of accepting or declining the grant money.

Facility Options:

- Refurbish the facility and operate it as a City-owned Community Center
- Refurbish the facility and lease it to programs/services meeting the grant criteria.
- Refurbish the facility to maintain the library and City infrastructure only.
- Demolish the facility with plans to relocate City infrastructure and pay lease penalties to Ramsey County.
- Sell the facility

Next Steps

- Review specific terms of grant funding requirements
- Review Wold Architect's facility plan and outreach summary report