

# **NESSEL TOWNSHIP POLICY MANUAL**

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## **Section 1.0 Mission Statement:**

1.1 It shall be the overall goal of the Nessel Township Board to make its decisions based on the best interests of the majority of the residents of Nessel Township. In order to accomplish this goal, the Town Board will seek input from the residents at its regular monthly meetings, special meetings, and annual meetings, through personal contacts concerning specific requests for individual property/township issues, and through the involvement of citizens on township committees. The Board will formally request the approval of Township residents for those expenditures that call for such approval under Minnesota statutes.

1.2 It shall be the goal of the Nessel Township Board to administer its established policies uniformly without exceptions or favoritism. In order to do this, the Town Board commits itself to abiding by Minnesota Statutes, especially concerning the Minnesota Open Meeting Law. In addition, the members of the Nessel Township Board recognize the necessity of decision-making that involves the entire Board.

1.3 In regard to financial matters, the Township Board commits itself to abiding by statutory requirements to obtaining quotes or sealed bids at various dollar levels as established by Minnesota statutes.

1.4 The Nessel Township Board will seek various methods of keeping township residents informed about the agendas for and results of Township meetings of any type. Unapproved minutes will be posted in at least three locations within three days following each regular or special Town Board meeting.

1.5 In order to be an effective Township Board, the members of the Board will actively seek involvement with other governmental units or agencies, as well as the area and state associations of Town Boards. Members will individually accept the responsibility of keeping themselves informed about current issues affecting Minnesota Township Boards.

1.6 The Nessel Township Board accepts the responsibility of respectful and polite relationships with township residents and employees, and, in return, expects the same type of treatment from township residents. Township residents will be permitted to express their concerns, opinions and inquiries during each Town Board meeting during the time allotted by the Board for citizen input, as well as at such other times as permitted by the Chairman of the Town Board.

1.7 The Town Board will establish procedures for revision or updating of Township Policies as needed, but also will update or review each major section of the Policy Manual At least once every five years.

## **Section 2.0 Policy Governing Nessel Township Meetings:**

2.1 *Philosophy statement.* The Nessel Town Board's basic philosophy is to encourage citizen participation in various Township meetings. Citizen input is important to Board members in the decision-making process. Participation will be encouraged by the Chairman and other Board members concerning agenda items as meetings proceed, rather than having citizens express their concerns or ideas only during a limited portion of the meeting agenda--the Open Forum.

Since January of 2007, the Board and its Chairman have permitted citizen input during the discussion of various agenda items such as reviewing bills to be paid, variance requests, the engineer's reports, and old and new business. This procedure has been well received and citizens have been good about giving such input with the permission of the Chairman, have been respectful of Board members, those presenting to the Board and to other citizens. The Board will continue to follow this open meeting/discussion format believing that it needs such input to assist it in representing Nessel residents' best interests. Previously, citizens had been limited to the Open Forum part of the agenda, but input was either premature or too late in terms of contributing to Board decisions.

2.2 *Types of meetings.* Several types of meetings held under the auspices of Nessel Township include: regular monthly meetings, the Annual Township meeting, special meetings, the assessment hearing held each April, audit meetings, and recessed meetings (continuations of meetings).

2.2.1 *Regular monthly meetings.* Traditionally, monthly Board meetings are held on the second Tuesday evening of each calendar month. The Township Annual Meeting is held on the 2nd Tuesday of March, which delays the Board's regular March meeting until the evening following the Annual Meeting. Public notice of regular Board meetings is considered to be sufficient when the Board adopts the second Tuesday evening at 7:00 p.m. for its regular meetings and posts that information on the Township bulletin board.

The General Agenda outline for regular meetings is as follows:

- (1) Open with the Pledge of Allegiance
- (2) Finalize the Agenda for the meeting
- (3) Minutes of previous month (including any minutes held sitlce that meeting.)
- (4) Treasurer's report
- (5) Payment of bills due.
- (6) Variance requests
- (7) Engineer's report (if any)
- (8) OPEN FORUM
- (9) Old business
- (10) New business
- (11) Overlooked business, reminders for future activities
- (12) Adjournment

If citizens wish to be on the Variance, Old or New business portions of the agenda, it would be best to contact the Township Clerk at least one week in advance of the meeting.

Following adjournment of regular meetings, the Treasurer, Clerk and Board Chair go to the small Board room in order to sign all the checks necessary to pay for the bills approved by the Board under item (5) above. At this time, other Board members wait to receive their personal Township checks. During this waiting period (about 10 to 15 minutes), no Township business is to be conducted, no decisions made about Township business, etc. Board members are on their personal time and will not engage in any type of requests to consider business more proper for the full Board to hear formally. Nor will Board members be expected to tolerate intimidating or harassing types of behavior. If citizens persist in making Board members or officers of the Board uncomfortable or concerned about their personal safety, the Chairman (on request) will ask such person(s) to leave the premises of the Township and its parking lot. If there is a refusal to do so, the Board Chair will then contact the Chisago County Sheriff's office for assistance in achieving such absenting of the Township property.

**2.2.2 *The Nessel Township Annual Meeting.*** All Townships (by MN Statutes) hold their Annual Meetings on the second Tuesday evening of March. The citizens of the Township will be presented the minutes of the previous year's Annual Meeting, with general information about the previous year, its plans and budget for the current year, and its plans and budget for the next calendar year. Supporting budget information is the basis for the Board's request for citizens to approve the proposed levy for the next calendar year, including the levy amount for each fund and the total levy for the next year.

Statutes require certain things to be done in regard to this Annual Meeting. Notice of the meeting is published in the Township's designated official newspapers (Cambridge and North Branch) and does include a "back-up date" if weather forces postponement; notice is posted in advance on the Town Hall bulletin board; if the setting of a levy needs to be postponed to a later date, the meeting can be recessed to a later date. Notice to Chisago County of the levy set by taxpayers is to be submitted to the County by September, but can be as late as December 1<sup>st</sup> under dire circumstances.

The Annual meeting is a meeting of the citizens of the Township and is not a designated Board meeting though Board members will be present. Therefore, the citizens present that evening select their own moderator to conduct the meeting immediately after the Pledge of Allegiance. (Most Townships in Minnesota elect members to the Board on the second Tuesday of March, but the Nessel residents and Board preferred some years back to move the election of Board members to the November general election day, since many more citizens will be present to vote in November. Alternating terms determine which Board seats and officers positions are up for election in November of even numbered years.)

Other business at the Annual Meeting includes designating official newspaper(s) for publishing the Township's required postings, designating a bank for the Township's depository, commendation motions, and expressions of gratitude. The final order of business is to set the date and time of the next Annual meeting. (If the March Annual meeting needs to be recessed, a date and time are selected and the proper posting procedures are followed in regard to announcing the recessed Annual meeting.)

**2.2.3 *Special Meetings.*** On occasion, the Board may determine that a special meeting is necessary, usually for a single purpose such as receiving bids on contracts, to hear a special presentation about a Township project, etc. In that case, the Board is required to post a notice of such a meeting more than three (3) business days prior to the meeting which states the date, time, location and purpose of the special meeting. No other business than that which has been posted can be considered at that special meeting.

In consideration of citizens' schedules, special meetings should not be held earlier than 5:00 p.m., but preferably at 6:00 p.m. or later. Usually, no more than 1 such meeting is needed during a calendar year.

2.2.4 *Emergency meetings.* Emergency meetings may be called when circumstances require immediate consideration by the Board. A good faith effort will be made to notify the media, each person who has requested such a meeting, and to post a public notice of the meeting at the Town Hall as soon as possible.

2.2.5 *Audit meetings.* The Board annually audits its financial records prior to the regular February Board meeting, usually at 6:30 p.m. At this meeting, citizen input is very limited and is not encouraged. The meeting is intended to give Board members the opportunity to examine documentation accompanying checks paid to various parties throughout the previous budget year. The Treasurer provides invoices and other documentation pertaining to any bill paid throughout the previous year, and also provides the Board with a listing of all vendors paid in alphabetical order.

## **Section 3.0 General Policies of Nessel Township:**

### 3.1 Use of Township property/equipment.

3.1.1 The Nessel Town Hall may be rented by township residents or by non-residents under currently established rates and conditions of use. Those parties renting the Town Hall must sign a rental agreement, which outlines rates, obligations and other details of the rental. Non-profit organizations must also sign a different form of the rental agreement, but will not be required to pay a rental fee or make a damage deposit. The Township supervisor, Clerk or employee assigned to seeing that the Town Hall is properly opened and closed for such use will also communicate with individuals renting the Town Hall in regard to the needs of the group for available seating, tables or other equipment.

3.1.2 Only those chairs stored in the Township's garage are available for use by Township residents away from Township property. These chairs must be signed for and the signing resident is fully responsible for the pickup and return of all chairs used.

3.1.3 No other Township supplies, seating or equipment are available for use or rent by Township residents or employees.

3.1.4 Passengers or operators will not be allowed in or on Township equipment or vehicles without prior authorization by a Board member or the Township Clerk and proper notification to the Township insurance carrier. If not covered by the Township's insurance carrier, such riding in or on Township equipment or vehicles will not be permitted by Town Board members or the Township Clerk.

3.1.5 Incidents of damage to the property of residents or property of the Township will be reported verbally by the Contractor to the Board Chair or Town Clerk immediately.

3.2 Township Board Committees. The best method of drawing on the expertise and opinions of township residents is to involve residents in the Town Board's areas of responsibility.

3.2.1 The Town Board will establish its own regular committees composed of two Town Board members, such as the Road Committee. Those residents who have concerns about the maintenance of roads, ditches grading or plowing should contact the Board Chair or Vice Chair who may then refer such problems to either or both of these Board members.

3.2.2 The Town Board may, from time to time, establish ad hoc committees, which will be composed of and chaired by citizens of Nessel Township, including from three to five township residents. One or two Board members may also sit on such committees with the responsibility of seeing that such committees have appropriate information and resources to function in working to meet their assigned responsibilities. Board members serving on such committees will not be able to vote on issues or proposals. Committees have the responsibility of reporting their progress to the Town Board on a regular basis of monthly.

3.3 Specifications for all new roads within a subdivided development area.

3.3.1 At its discretion, the Board may require any new privately developed road be blacktopped only if it adjoins an already blacktopped County or Township road. If the new road is required to be blacktopped, it will be required to have a 9-ton carrying capacity. The purpose of this policy is to avoid future situations wherein a blacktopped road is isolated from other blacktopped roads, as the Township's policy is to snow plow blacktopped roads when there is a snowfall of 1 to 3 inches. The result of doing so may mean that an adjoining gravel road would be bypassed and only the short blacktopped road would be snow plowed.

3.3.2 A 10 foot utility easement is to be established along one side of the road.

3.3.3 A 22 foot blacktopped top.

3.3.4 Two foot gravel shoulders on each side of the paved surface.

3.3.5 A minimum of a 2 foot drop from the shoulder to the bottom of the ditch

3.3.6 A 4 to 1 slope and a 3 to 1 back slope

3.3.7 A minimum of 6 inches of compacted class five gravel

3.3.8 A recorded 66-foot gravel surface turnaround at the end of dead end roads to accommodate plowing equipment.

3.3.9 The road project must be bonded at 2/3 the cost of the project and soil borings may be required.

3.3.10 Driveway approaches must be included when the road is constructed.

3.3.11 A minimum 15-inch concrete or double walled culverts with metal aprons are required.

3.3.12 Required driveway access permits must be obtained from Chisago County's Department of Environmental Services/ Zoning Office.

3.3.13 The road must be in use at least two years after completion and meet with the Township's approval before the Township will take over maintenance of the road.

#### 3.4 *Road Right of Way (ROW) Policies:*

This section shall define Township Policy regarding items within the Township's Road Right of Way. In addition to Policy stated herein, certain Policy items are contained in Resolutions passed by the Township Board.

##### 3.4.1 Road Right of Way General:

- No obstruction shall be constructed or planted in the Township right-of-way. Obstructions include, but are not limited to; retaining structures, rip rap, posts, trees, shrubs, and any other such items. Stone, masonry or other non-breakaway mailbox supports are not allowed within the Township right-of-way. See Resolution #04-06.
- No vehicles or any other obstacles shall be parked or left within the Township ROW. See Resolution #06-2007 and the parking ordinance.

##### 3.4.2 Culverts and Driveways:

- There are several resolutions that define Township Policy regarding culverts and driveway accesses. Please see Resolutions #04-2018, #08-04, #03-03, #02-03 and #01-03.

##### 3.4.3 Mail boxes:

This section, in addition to reference in any Resolutions, shall define a Township "Compliant" mailbox installation

- **New Driveway Mailboxes.** Nessel Township requires the installation of a swing-arm mailbox post with all new driveway mailbox applications. A swing-arm and 6" channel post can be purchased through the Township at the prevailing rate.
- All mailboxes and support posts must comply with Federal Highway Administration and Postal Service guidelines, this would include swing arm mailbox style posts which are available from the township.
- For driveways in a development all mailboxes must be placed on one side of the road only, and meet with the U.S. Post Office placement directions and any applicable specifications.

#### 3.4.4 Utility Crossings:

It shall be the Township's Policy that any resident or business wishing to run a utility or drainage line across a township road shall utilize directional boring or other boring technology, open cut excavation shall not be allowed without prior board approval.

**3.5 Contracting for Maintenance.** Starting in August of 2007, the Township Board has contracted for all of its general maintenance work, grading, snowplowing, ditch mowing, tree trimming, cleaning of ditches, etc. Statutory guidelines are to be followed in the awarding of Township contracted services by the successful bidder. Contracts for work other than provided by the road work Contractor must be in writing and formally approved by the Board at a public meeting.

3.5.1 Management of the General Maintenance Contractor shall be the provided by the Chairperson of the Road Committee. The General Maintenance Contractor shall only take direction from the Road Committee Chairperson or the Road Committee Vice Chair if the Chairperson is unavailable. Under no circumstances shall the General Maintenance Contractor take direction from residents of the township.

**3.6 Grading of Township Roads.** The Town Board will work closely with its Contractor to maintain all gravel roads to a level of good and equal condition. Heavily traveled roads will, of course, need more frequent grading-as much as twice a week. Citizens concerned about their road's condition are asked to contact the Road Committe Chair (or Vice Chair) who will then contact the Board's Contractor if action is necessary. The Contractor will maintain a regular schedule which will be monitored by the Board at its monthly meetings. It is especially crucial that the Contractor communicate at and between Board meetings regarding maintenance needs in the Township.

**3.7 Snow Removal Policy and Procedure.** Nessel Township Board's goal is to have all roads possible plowed within a reasonable amount of time after snowfalls have stopped. The Township does not assure a completely bare surface and drivers are urged to use caution and to drive with care. The legal speed limit may not be the safest driving speed in snowy/ice conditions.

3.7.1 **Dispatching of Snowplows.** Snowplow equipment will usually not be dispatched until after the snowfall has stopped and 3 inches of snow have accumulated. During extended periods of snowfall, exceptions may be made. Snowplows will not be sent out in situations that may be hazardous due to very restricted visibility. Blacktopped roads throughout the Township will be plowed when 1 inch or more of snow has fallen to prevent ice buildup-unless warm weather will mean melting will occur in short order.

3.7.2 *Operations*. Clearing of roads will generally happen in three phases: 1) Making the roads passable, 2) widening roads, 3) cleaning up intersections, etc.

3.7.3 *Personal Properties*. Mailboxes and fences damaged during snow removal will be evaluated case by case. Only those mailboxes properly located and installed which are damaged by actual contact with contractor equipment and/or the snow being plowed by such equipment will be repaired at Township expense.

3.7.4 *Plowing across roads*. Township residents are reminded that it is unlawful to plow snow from driveways onto or across public roads. Piles of snow left on or near roads can freeze into a solid mass creating a hazardous situation for both vehicles and snowplow equipment. Snow piles left on the side of a roadway also increase the chances of snow drifting onto the road. Accidents and damages caused by snow piles left in or on the side of roadways may result in liability to the involved property owner(s). If such violations of MN law do occur, the Township may need to take two actions. First, it will determine how quickly any such snow piles within ten feet of the shoulder of a road must be pushed further into the ditch. If this needs to be done, the violating resident may be billed for contractor's time and equipment to push such piles 10 feet from the road shoulder. The cost of such service may be as much as a rate of \$200 per hour, including equipment driving time. The second action will involve such violations to the Chisago County sheriff's office so that such illegal snow handling is corrected and does not occur in the future.

3.7.5 *Parking in ROW*. Vehicles left or parked in the Township road rights-of-way will be towed at the owner's expense if interfering with snowplowing. Residents are reminded to remove all obstructions from the Township road rights-of-way. Nessel Township and its contractor are not responsible for damages if any vehicles and equipment are in road rights-of-way.

3.7.6 *Plowing private driveways*. All residents of Nessel Township are responsible for clearing their own driveways or for hiring a private contractor to plow their private property.

3.7.7 *Publishing the Snow Removal Policy*. The Town Board will annually publish its Snow Removal Policy two times in its designated official newspapers. Normally this will be in November and early December.

3.8 *Plowing of Private Roads*. The Town Board will permit its Contractor to plow private driveways or roads after all Township roads have been cleared. The Board encourages residents to arrange for private plowing service for earlier clearing of their private driveways or roads. In any case, The Town's Contractor needs the approval of the Road Committee Chair or Vice Chair if the Contractor has arranged to plow private roads or private driveways after the completion of the regular plowing schedule. Such plowing normally is to be done during regular working hours and charges will be determined by the Contractor.

However, the Town Board may establish written agreements with residents in a concentrated area of housing for plowing such private roads (not driveways) during the regular plowing schedule if this does not unduly delay the completion of the regular schedule. The Board has defined "undue delay" as exceeding 45 minutes. Residents of a concentrated housing area may develop a proposed agreement to be brought to a regular Board meeting for discussion. This agreement must contain an arrangement for payment for such plowing which meets acceptable current rates established by the Board. Any such agreements, will be placed in the Board's Policy Book as general information for reference by other Township residents.

3.9 *Dust Control/Chloride Program*. The Township will administer an annual Chloride Dust Control Program (Program) to be administered by the Clerk and Road Committee Chairperson (RCC). Program logistics and policy are as follows:

a) Logistics:

- a. Prior to the April board meeting the Road Committee Chairperson (RCC) shall solicit price quotes for chloride application from qualified application vendors.
- b. At the April board meeting the RCC will present his recommendations to the board for that year's chloride application. Recommendations to include recommended chloride application vendor, recommended application rate in gallons per square yard or similar industry standard format, the proposed per liner foot price to be charged to citizens and the proposed application schedule.
- c. Upon approval by the board at the April meeting, in early May the Clerk will advertise the details of that year's Program in the Township's selected newspapers, post the details of that year's program on the Township website and also send letters detailing the Program to residents who have participated in the Program in the past.
- d. Residents must request participation in the Program and make payment to the Clerk prior to June 2<sup>nd</sup>.
- e. The RCC will meet with residents in advance of chloride application to stake the areas to be treated and verify the total distances of application.
- f. The Clerk will generate a map of areas to be treated.
- g. The RCC will coordinate with the maintenance contractor to grade all areas to be treated as close to the application date as possible.
- h. The RCC will coordinate with the application contractor to apply treatment to all mapped and staked areas.
- i. The RCC will coordinate with the maintenance contractor to assure that all spring graveling is completed in advance of the chloride application.
- j. Chloride application will happen as close to June 15<sup>th</sup> a possible depending on weather and the application vendor's availability.
- k. Tasks of the RCC may be delegated to an alternate board member or the maintenance contractor at the Boards discretion.

b) Policy:

- a. The Township will pay 10% of the direct costs for chloride treatment applied under the Program.
- b. To be eligible for the program, a minimum of 300 linear feet must be treated at any one location.
- c. In areas where groups of residents are working together to treat long stretches of road, it shall be the residents who bear the responsibility of informing fellow residents on their stretch of road of the Program costs, and of working together to

collect and submit payment to the Clerk to cover the cost of treatment on their road(s).

- d. After the application of dust control the Township will refrain from grading treated areas for as long as practical, but roads will be maintained at the Town Board's discretion.
- e. Residents are not prohibited from applying dust control measures on their own, but the means and methods must be approved by the Town Board in advance of application.

**3.9.1 *Conditional Use Permits Requiring Dust Control.*** Several businesses within the Township have dust control listed as a requirement on their Conditional Use Permit (CUP) issued by the county. These businesses will be given the option to either (A.) Participate in the Township Program and pay the Township the annual application rate offered to all other residents. Or (B.) implement and pay for acceptable dust control measures on its own accord.

3.9.2.1 If these businesses participate in the Program, the Clerk will administer the annual billing to these businesses based on the dust control area specified in their CUP at the same rates offered to all other residents for the Program.

3.9.2.2 If these businesses chooses option A for a calendar year, request to participate in the chloride program, and payment in full, shall be received by the Clerk prior to the June 2<sup>nd</sup> Program deadline.

3.9.2.3 If no response is received by the Township, the Township will assume that the business is selecting option B for that year and will implement their own dust control measures.

3.9.2.4 If a business selects option B they may apply dust control measures prior to the chloride application date identified by the Township, or a reasonable number of days after the chloride application date identified by the Township.

3.9.2.5 If a business selects option B they shall coordinate directly with the Road Committee Chairperson (RCC) to communicate their dust control means & methods and schedule. The Township will grade the road in advance, as close as practical, of businesses implementation of dust control measures. It is in everyone's best interest to have a beneficial outcome to dust control application. No business shall implement dust control measures that the Township determines to be unacceptable.

3.9.2.6 Regardless of participation in the Program, businesses shall be responsible to comply with the terms of their CUPs.

3.9.2.7 Any disagreements regarding the implementation of dust control shall be settled by direction given by Chisago County as the requirement to provide dust control is contained with each individual businesses CUP issued by Chisago County.

**3.10 *Signage of Roads.*** In the interest of public safety, all street signs will be replaced as quickly as possible following the removal of or damage to signs. Prior to digging for sign removal or placement, Gopher One will be contacted by the Township in regard to the locating of buried cables or wires. The Township has been required recently by federal law to develop a plan for updating its highway and street signs no later than the year 2018.

3.11 *Culverts and Inventories.* The Town Board will maintain a current inventory and location of its culverts, aprons, culvert extensions, as well as of gravel and rock supplies. This inventory will be maintained and updated on a regular basis by the Clerk. In addition, the Contractor will have available to the Town Board at its regular monthly meeting a report of culvert installations on Township roads. Culverts should be sold to private individuals or their contractors only for specific use under driveways located on the Township's rights-of-way. Tool and equipment records will be updated at least every two years. Township tools and/or equipment are not to be used for non-Township purposes, either by Township officials or Township residents.

3.12 *Donation Requests.* It shall be the policy of the Nessel Township Board to make no donations to any type of organization either as a donation or as a proposed contract.

3.13 *Notification of Brush Clearing in Road Right of Way/Ditch.* It shall be the policy of the Nessel Township Board to advertise its intent to perform brush-clearing activities 30 calendar days in advance. Residents shall have this 30-day period to contact the board or attend a board meeting to address any concerns regarding brush clearing in the road right of way adjacent to their property. The board will work with residents to address concerns while at the same time meeting the townships legal obligations to maintain a safe roadway.

3.14 *Subordinate Service District Formation.* It shall be the policy of the Nessel Township Board to require that residents wishing to establish a Subordinate Service District shall identify a lead spokesperson for the District who shall represent the District through its formation. It shall be the District Spokesperson who works directly with the Board to establish the general terms and conditions of the District that will be negotiated and documented at the required public hearing.

## **Section 4.0 Employment and Personnel Policy of Nessel Township:**

### *4.1 Employment Procedures.*

Nessel Township will advertise its employment openings, full or part-time, in the official newspaper(s) selected by the Township. The full Board must approve the type of position, the pay level, the job description and permanency of the position prior to advertising the position. In addition, the Board will establish interview and selection procedures for the open position(s).

All new employees, including part-time, shall be hired as probationary employees. The probationary period shall begin on the date of the first day of work and end when the employee completes one year (12 calendar months) of employment. A probationary period of six months will be established upon an employee's transfer to a different job with the Township. Probationary employees may be terminated without cause, without advance notice. Further, during probationary employment, the employee may terminate employment at any time, without advance notice. During probationary employment, appropriate committee members shall monitor, evaluate and observe the work performance of the employee and communicate his/her evaluation to the employee, as well as to the full Town Board at a private personnel meeting.

### *4.2 Certification of Permanent Employment.*

After an employee has been employed for the probationary period, the employer may offer a position of full-time employment. This offer of regular full-time employment shall be communicated to the employee by written memorandum or notice. Following an offer and acceptance of permanent employment, the employee may be terminated only for appropriate cause. An offer of full-time employment by the Township and acceptance by the employee does not create an employment contract, it only changes the employee's status from "probationary" to "full-time." Appropriate causes for termination are listed in Personnel Policy.

An employee may terminate his/her employment with the Township at any time without advance notice. The Board recognizes its responsibility to pay the employee for any accrued sick leave or vacation time as required by MN statutes.

### *4.3 Continued Period of Probationary Evaluation.*

If an employee does not receive a written certification of permanent employment after the initial probationary period, his/her employment may be extended for one additional probationary period of one year. During the successive probationary evaluation period, employment may be terminated by either the employee or the Township without written notice and without cause. During this extended probationary period, an employee shall again be monitored and evaluated by appropriate committee members.

### *4.4 Equal Employment Opportunity Employer.*

All Nessel Township recruiting, hiring, training, promotion, compensation, benefits, employment decisions and all similar matters shall be determined without regard to race, creed, color, religion, sex, national origin, age, marital status, disability or public assistance status.

**4.5 Sexual Harassment.** Nessel Township believes that every employee has the right to work in an environment free of sexual harassment. Sexual discrimination and sexual harassment are against the law and will not be tolerated. Any employee found to have acted in violation of this policy shall be subject to appropriate disciplinary action, which may include termination of employment.

"Sexual Harassment" is interpreted as anything that creates an uncomfortable working environment and should be reported to the Town Board. Examples of sexual harassment may include, but are not limited to the following:

- a) Unwelcome sexual flirtations, advances, or propositions
- b) Verbal abuse or innuendo of a sexual nature
- c) Unwelcome physical contact
- d) Jokes or remarks of a sexual nature that are offensive
- e) Any indication, express or implied, that an employee's job security or conditions of employment depend or may depend on the granting of sexual favors to any other employee, officer or contractor
- t) The dissemination of materials (cartoons, articles, etc.) which have a sexual content to employees who may find such materials offensive

Claims of sexual harassment should be reported to the Township Board promptly, will be handled in a confidential manner, and will be investigated without retaliation. If the facts support the allegations, disciplinary action up to and including discharge may result.

#### 4.6 *Discipline, Discharge and Termination.*

While Nessel Township supports the theory of progressive discipline, the Township retains discretion to take disciplinary action appropriate to the particular circumstances. Violations of rules or policies may result in disciplinary measures, and depending upon circumstances and the discretion of the Township. Discipline may include verbal or written warnings, suspension with or without pay, or immediate discharge. These disciplinary measures do not constitute an exclusive list of possible actions, and may be taken in any order. They are intended merely as a guide for the employee and are not intended to create a contract or modify the employment at will relationship.

Appropriate causes for termination shall include, but not be limited to, the following:

1. Violation of Nessel Township policies or decisions of the Township Board, Chisago County Ordinances, state or federal law.
2. Misconduct during the course of employment.
3. Failure to comply with the terms of written warnings or failure to comply with the terms and conditions of employment suspensions.
4. Insubordinate behavior toward Board members or orders during the course of employment.
5. Destruction of, theft of, or defacing, misusing or damaging Township property.
6. Use of narcotics or intoxicating liquor affecting the employee's work performance.;
7. Inability or unwillingness to perform assigned duties and responsibilities.
8. Repeated tardiness or absenteeism.
9. Sexual harassment of employees, residents or Board members.
10. Elimination of a job or position.

11. Other circumstances permitting dismissal as outlined in an employment contract.

In circumstances where a verbal warning is warranted, the employee will be spoken to as soon as possible, The problem will be explained and discussed, the employee will be advised of the modified behavior that will be required, and the consequences that will follow if the employee fails to make the required changes within a specific period of time. When circumstances warrant a written warning, a meeting with an appropriate committee member(s) shall be scheduled. The employee shall be given a written statement explaining the problem, the change required in the employee's behavior, and the consequences if the employee fails to make the required change within the specified period of time.

Nessel Township retains and reserves the right to further define and expand the above standard of appropriate causes. The decision to terminate an employee for "appropriate cause" shall be within the discretion of the Nessel Town Board. Nessel Township will provide an employee with advance notice of any decision to terminate; however, advance notice is not required.

If termination is the result of the disciplinary process, the employee shall have the right to request a written explanation of the reason for termination. Said written explanation will be given within five days. Disciplinary terminations may, at the employer's option, be given without notice. Other terminations, e.g., elimination of a job or position shall be given with two weeks advance notice to the employee. Pay issues involved: with any type of termination, will be handled per MN statutes.

*4.6 Alcohol and Other Drug Use.*

Employees are advised that improper use or consumption of alcohol or other drugs at any time while employed by the Township may result in termination of employment. Nessel Township has zero tolerance regarding this issue which directly relates to performance and safety on the job. The Township will give consideration to the assistance of employees with addiction problems and the provision of assistance in a confidential manner.

*4.7 Acceptance of Gifts or Favors.*

Officers, agents or employee of the Township, in the course of or in relation to their official duties, shall not directly or indirectly receive or agree to receive any payment or expense, compensation, gift, reward, gratuity, favor, service, or promise of future employment, or other future benefit from any source unless legally (by Statute) allowed and given by the Township Board.

*4.8 Financial Interest of Agents.*

No officer, agent or employee of the Township, in direct contact with suppliers or potential suppliers or who may directly or indirectly influence a purchasing decision or contract, shall accept a rebate, gift, money or anything of value from a person, firm or corporation. No such officer, agent or employee may further accept any promise, obligation, or contract for future reward.

*4.9 Conflicts of Interest.*

When an employee or officer believes the potential for a conflict of interest exists, it is the employee's or officer's duty to avoid the situation. The use for private gain or advantage of Township time, facilities, equipment, services or supplies constitutes a conflict of interest and could result in disciplinary action, termination of employment, or prosecution under appropriate Minnesota statutes.

**Section 5.0 Board Supervisor and Officer Policy of Nessel Township:**

### 5.1 *Election to and terms of Nessel Board of Supervisors and Officers.*

Elections for the five supervisors' positions are held at the same time as National and Statewide elections in even-numbered: years. Three supervisors (Seats C, D and E) are elected for four-year terms coinciding with the election of the U.S. President and Vice President. Two supervisors (Seats A and B) are elected for four year terms two years before or after the National elections. Terms for each supervisor begin on January 1st following their November election or appointment. Each shall take the oath of office during the December meeting following their November election.

The clerk and treasurer, being appointed by the Board, will serve until such time as the Board wishes to replace either officer or the officer resigns or is unable to perform his/her duties.

The Township Board, by a resolution passed in November of 2001 changed the election for Board supervisors from the March Annual meeting to the election times listed in the paragraph above. Specifically, elections to Board supervisor positions will be held on the first Tuesday after the first Monday in November. Supervisors must file election documents for the Board seats lettered A, B, C, D or E with the clerk by the deadline established by Chisago County. Chisago County will notify the Township about those candidates that filed for each seat up for election in a timely and appropriate manner. Ballots for each election will also allow residents to vote for write-in candidates for supervisors' positions. Participation of residents in elections for Nessel Township supervisors has increased significantly since the 2001 move to November.

At its regular January meeting following an election, the Board will organize for various positions such as the Chairman, Vice Chairman, Budget Manager, Road or other Board committees.

If a supervisor resigns in mid-term, the Board may appoint a replacement by majority vote to serve the remainder of that term. Appointments during mid-term will carry to the next election for that seat as listed in paragraph one above. However, the Board could consider holding a special election for the balance of that term if it deems the expense of an election is appropriate and holding a special election would be in the best interests of the Township.

On November 6, 2012, 54.5% of Nessel residents approved a ballot question asking if the Treasurer and Clerk positions should be appointed by the Nessel Board rather than have them be elected. Thus, beginning January, 2013, these two positions will be filled by Board appointment. By Statute, the Board shall select and appoint suitable persons to these two positions and is not required to set specific terms for these appointments. The Board, at its discretion, may decide that it wishes to seek suitable candidates to fill either position when vacant and should then communicate to the public its desire to have interested persons apply to the Board for consideration for the vacant position(s). The Board will proceed to establish application procedures, deadlines and the selection process to be used to fill the vacancy.

THE ELECTION CALENDAR The Minnesota Association of Townships publishes a legally defined election calendar which lists the various legal steps required for scheduling and publishing information for Township residents, along with the various documents for candidates and the actual election. Nessel Township's clerk shall follow this calendar preceding each even-numbered year election and refer to Minnesota Statutes in terms of any special election held by the Township.

### 5.2 *Nessel Township Board Officer's Compensation.*

Basic compensation for service on the Township Board. Township Board members shall be paid \$125 per month for service on the Town Board unless taking a leave extended beyond one Board meeting which is recognized and granted by the Board. Leaves taken beyond one month will result in the non-payment of the \$125 per month payment. Board members shall also be paid \$75 for each regular and

special meeting attended, but only one such payment if any meeting is recessed. The \$75 payment shall also be paid for attendance at the Nessel Township Annual Meeting. For other official meetings attended as a representative of the Township, a \$75 payment shall be made but a summary report should be given to the Board.

### 5.3 *Additional Compensation for Assigned Positions.*

The Board Chairperson shall receive an additional \$175 per month because of the leadership required in this position, for being the primary contact person for residents concerned about Township services, for serving on the Contract Committee, and for working with the Treasurer and Budget Manager in regard to all budget and levy matters.

The Board Vice Chairperson shall fill in when the Board Chairperson is absent from a Board meeting of any kind and will receive no additional compensation for serving in this capacity. However, the Vice Chairperson could receive additional compensation for serving on a Committee assignment, which does receive additional compensation.

The Road Committee Chairperson shall provide management of the road committee and direct oversight of the general maintenance contractor.

The Road Committee Vice-Chairperson shall be compensated an additional \$50 per month for duties assisting and backing up the road committee chairperson.

The Budget Manager, is not paid an additional monthly rate.

This position's primary responsibilities will be:

- a. to monitor expenditures for which funds are provided by the levy approved by citizens at the Township's Annual Meeting.
- b. to advise the Board as to the availability of such funds for proposed expenditures, necessary adjustments within the budget as each year progresses, and to effect such changes with the Treasurer.
- c. to work with the Chairperson and Treasurer in the preparation of a proposed budget and supporting levy for each Annual Meeting.
- d. to work with the Chairperson in regard to services provided by the Township's Contractor.

### 5.4 *Compensation for Appointed Employee Positions.*

- The Township Clerk shall be paid \$960 per month for Township service plus the \$75 per official meeting attended in or outside of the Township. The Clerk shall receive additional compensation and mileage under the same policy applied to supervisors, see below.
  
- The Township Treasurer shall be paid \$700 per month for Township service plus the \$75 per official meeting attended in or outside of the Township. The Treasurer shall receive additional compensation and mileage under the same policy applied to supervisors, see below.

- The Treasurer shall develop and maintain appropriate documents for Board members' pay claims.

#### *5.5 Additional Compensation Policy*

Beyond basic duties, Board members, Clerks, Deputy Clerks, Treasurers and Deputy Treasurers shall receive Additional Compensation of \$30 per hour for Board duties performed above and beyond basic duties. The following duties or situations shall be considered in addition to basic duties:

- Management and administration of the chloride program.
- Emergency duties performed by Board members during overnight/weekend hours.
- Management and administration of voting events at the Town Hall.
- Management and administration of special projects pre-approved by the board.
- Creation and administration of legal documents pre-approved by the board.

All duties not specifically listed above as additional shall be considered basic duties.

Claims for extra time are to be countersigned by two other Board members.

#### *5.6 Mileage Compensation Policy.*

Town Board members, and the Treasurer and Clerk, shall be compensated at the current federally approved mileage rate in the following circumstances:

Full distance to and from home shall be compensated for duties which require Board members or officers to give extended time to supervise special activities or prepare extensive materials for the Board or to attend meetings outside the Township. Prior Board approval should be obtained for attendance at regional, state or national meetings along with approval for expenditures required for such attendance. It is expected that Board members and officers should make every effort to pool driving and combine various duties or trips to reduce the miles driven for these duties. A substantial report should be given to the Board after attendance at such meetings or about the supervision of projects within the Township.

It is anticipated that Board members who drive for such extended duties as inspections of large road projects, road inspections, trips to residents' homes to look at road, ditch or culvert problems, etc., will be compensated for their mileage.

**Section 6.0 Town Hall Rental Policy/Agreement:**

**Section 7.0 Town Clerk Job Description:**