

# Town of Crystal Bay

Regular Board Meeting  
Finland Community Center

## Minutes

June 18th, 2024

- I. **Attendance:** Stacy Breden, Roger Peterson, Vaughn Hoff, Rachel Flemming, Randy Josephson, Pudgy Perfetto, Terri Perfetto, Lise Abazs, Anna Lasky, Pam Melby, Nancy Olson, Gary Olson, David Strand, Katee Ristuccia, Jonathan Beauchane, Mike Nikula
- II. **Supervisor Nikula called the Regular Meeting of the Crystal Bay Town Board to order at 7:00pm Pledge of allegiance.**
  - A. MOTION: To approve the Agenda. Motioned by Nikula, Seconded by Peterson, Passed by unanimous consent.
  - B. MOTION: To approve the Regular May Meeting Minutes. Motioned by Peterson, Seconded by Nikula, Passed by unanimous consent.
  - C. Treasurer Report:
    - 1. Income No Income this month
    - 2. Expense:
      - A. Total expenses this month were 21K, monthly average year to date is 20K
      - B. Supervisors- you have a detailed Income Expense that lists out vendors and specific payments for your reference.
    - 3. March things to note in the Balance Sheet:
      - a. General Fund and Road and Bridge continue to be low/in the negative. (See attached for full report)
  - MOTION: To approve the Treasurer's Report. Motioned by Nikula, Seconded by Peterson, Passed by unanimous consent.
  - D. MOTION: To approve paying all bills and claims due. Motioned by Peterson, Seconded by Nikula, Passed by unanimous consent.
  - E. The board reviewed correspondence received by the Town.
- III. **Public Concerns :**
  - 1. Comment: Arlene Conzelman reached out to ask me to let everyone know she sends her apologies to the Board for the condition of the building. She states "If the Camp Coordinator was anyone else but her she would have been in to make sure the building is as clean as it usually is for meetings but, she needs a break".
- IV. **Guests: None**
- V. **Reports (5 minutes each)**
  - A. Clerks Report: Stacy
    - MOTION to approve Clerks Report Motioned by Nikula, Seconded by Peterson, Passed by unanimous consent.  
(See attached report)
  - B. Supervisor Update
    - 1. Supervisor Nikula updates that he will need to take the Noxious Weeds and Tax Equalization training, and he has been mowing a lot of grass in Paul's absence.
  - C. Road and Bridge: Doug
    - 1. Price quotes for nameplates (road signs) are; \$60.00 each, brackets are \$10.00 each, and posts are \$55.71 each.  
Doug says he needs to order two plates, four brackets, and four posts with shipping being \$ 150.  
The total is around \$540.00 dollars.  
Posts are 10 feet high by 2/38ths and go into the ground 3 feet and they ship from Minneapolis.

Supervisor Peterson asks, "Can you use a galvanized pipe for Silver Hill and Mattson Road signs?"

Board tabled discussion a month to see if there are more affordable options for poles in the area.

2. Matt Weberg with the DNR came and looked at the culvert on Nikolai Rd for possible replacement.
3. Doug suggests getting someone at the State level to come and re-evaluate the speed limit on our Town Roads.
4. Doug attended the Lake County Planning and Zoning Monday 6/17. There is a party wanting to put a resort on 2 lots on the Klinker Rd. One on the road and one below the road, they were denied. They will keep one as a (STR) Short Term Rental. The others will be long term rentals.
5. Doug suggests that a board member from Crystal Bay find out if they can join the Planning and Zoning Committee with Lake County if possible.

D. Cemetery: Vaughn

1. Lot assignment discrepancy shows Don Adams lots were double booked. Given this recent finding Don would like to sell back his two blocks.
2. The lot assignment for Holden has someone buried there from 1930. There was no original grave marker indicating a burial so there is a discrepancy from selling a used lot.
3. Additionally Diane Sartell will sell back one lot to make it easier for the Holdens to get a larger block.
4. Diane Sartell will be selling her block back for \$100.00.
5. Vaughn will be bringing Don Adams his check. Vaughn will get the original deed from Don at that time.

E. Community Center: Honor

1. See attached report

F. Housing Project Coordinator: Mike (Finn)

1. June's Home Solutions meeting was held on 6/12/24. The group was updated on the Hill House, 2 carpenters as well as Matt Johnson with the HRA have looked at the home, everyone is hopeful that with work it will be a viable option for the project.
2. In addition Allison Oja gave the group a 16x24 bldg (tiny home) to be used for the project.

G. Housing Grants & Partnerships Coordinator : Rachel

1. Home Solutions was approved for the Empowering Small Communities Grant and will meet with them July 17th or 18th. Honor and Rachel have zoomed with them a few times.
2. Rachel has been updating a database for Age In Place or Living Well In Home. If anyone knows of anyone who might benefit let Rachel know so she can put them in the database

**VI. Old Business**

A. Septic

1. Two Quotes in thus far:
  - a. Joe Hall Excavating for \$140,000.00 Quote good until 9/30/24
  - b. EW Trucking \$80,000.00 (open ended quote)
2. Stacy called IRRRB on 5/29/24 and Chris Isimil told her that this would be a slow process and would take a few months to figure out funding. No word from IRRRB since. Stacy also called Grant Hauschild again on 5/29/24 to ask if there was anything he could do to release funding sooner or contact IRRRB and let them know this was a time sensitive project and no response.
3. MOTION to accept EW Trucking's quote @ \$80,000.00 for the sewer project. Motioned by Peterson , Seconded by Nikula , Passed by unanimous consent.

B. Road Foreman Job Description TABLED

C. Resolution 061824 updated ESST (Earned Sick and Safe time)

1. MOTION: to amend resolution with updates made by the State (see attached)  
Motioned by Peterson , Seconded by Nikula, Passed by unanimous consent

D. Part Time Roads Worker TABLED

- E. Finland Home Solutions Grants and Partnerships Coordinator Contract
  - 1. MOTION to approve updated contract for Finland Home Solutions Grants and Partnerships Coordinator through March 31, 2025 Motioned by Peterson , Seconded by Nikula , Passed by unanimous consent
- F. Finland Snowmobile and ATV Club Contract
  - 1. MOTION to approve the updated Finland Snowmobile and ATV Club Contract with date range June of 2024- June of 2025 and updated insurance information. Motioned by Nikula , Seconded by Peterson, Passed by unanimous consent
- G. Update on Friends of Finland Contract
  - 1. Stacy Spoke to Peter with GDO Law and he advised the Supervisors to sit down and note changes they would like made and send to him for updates. He noted areas he sees could be improved upon are insurance, and clarifying the managers roles in the contract. He noted the current contract is a very generic one. Peter advises a series of Special Meetings to discuss the contract.

## VII. New Business

- A. Sign repayment of Interments
  - 1. Don Adams Blocks 3&4 of Lot#13 Amount \$400.00 Check #9755  
MOTION to approve re-payment of \$400.00 to Don Adams for Blocks 3&4 Lot#13  
Motioned by Peterson, Seconded by Nikula , Passed by unanimous consent
  - 2. Diane Sartell Repayment of Block #7 in Lot #190 Amount \$100.00 Check #9756  
MOTION to approve payment of \$100.00 to Diane Sartell for Block #7 in Lot #190  
Motioned by Nikula , Seconded by Peterson, Passed by unanimous consent
- B. Snowplow Resolution #061824-A **TABLED**
  - 1. MOTION to approve resolution #061824-A
- C. Compensatory Policy vs: Paying over time
  - 1. MAT Council Suggests the following:  
The Federal Fair Labor Standards act requires the payment of overtime wages over 40 hours per week, and the act applies to local governments. It applies to employees, but elected officials are not included as employees when they complete their elected duties.  
When giving compensatory time, the town does need to clarify when the money can be received and there may be certain tax implications. If the money can be received/cashed out immediately after the hours were accrued, the doctrine known as “constructive receipt” (26 U.S.C. § 451) applies. Constructive receipt means that the taxable event may occur right when the hours are received and will be treated as such for tax purposes. If the board establishes other policies, such as a certain period before receipt may occur, then the compensatory time may be taxed later. If the board is interested in setting up a Compensatory Time policy, it is recommended that they work with a town attorney to make sure that the policy is established correctly, and the money is being taxed properly.
  - 2. No Compensatory Policy action will be made at this time by the board, they wish to just pay overtime as earned.

## D. Discussion on Town Board Rules of Procedures Resolution Draft from MAT Training.

- 1. Steve Fenske advised in Clerk Training that it would be wise for all Townships to have a Town Board Rules of Procedures Resolution. Board took copies to look over.

## VIII. MOTION: to adjourn the meeting at 8:09 pm until July 16th , 2024 at 7:00 p.m. at the Finland Community Center. Motioned by Peterson , Seconded by Nikula, Passed by unanimous consent.

\_\_\_\_\_  
Paul Hartshorn- Board Chair date: \_\_\_\_\_

\_\_\_\_\_  
Michael Nikula- Vice Chair date: \_\_\_\_\_

\_\_\_\_\_  
Roger Peterson - Supervisor date: \_\_\_\_\_

Attested to: this 16th day of July, 2024

\_\_\_\_\_  
Stacy Breden - Clerk date: \_\_\_\_\_

Hello all,

May things to note in the Income Expense Report:

- Income
  - No income was received in May
    - First levy payment is expected in July.
- Expense
  - Total expenses this month ~21,000
    - Monthly average YTD ~20,000
  - Payroll was our most significant expense in May - this should become more consistent once we are paying everyone monthly.
    - Supervisors (~500)
    - Treasurer (~1100)
    - Clerk (~6000)
    - R&B (~6000)
    - Cemetery (~400)
  - Publicity (~900)
    - Meeting notices and postings - 2 months (700)
    - Updated logo design (175)
  - Clerk supplies (~1400)
    - Accounting program subscription (~900)
  - Public Safety (~700)
    - Workers Comp insurance for Fire Dept
  - Road & Bridge
    - Equipment & Garage expenses (~2000)
  - Continued payment on grader loan ~1900/month
    - More than half of this payment is interest expense
    - We are in the first of 10 years repayment schedule
  - Housing
    - Grant related expenses (~800)

May things to note in the Balance Sheet:

- Our overall checking account is at ~104,000
  - This is 50,000 less than where we were last year at this time
  - Operating funds are actually less than 100,000 since 8000 is grant funds restricted for the Housing Project.
  - Levy funds are expected next month, but there has been a consistent downward trend that should be addressed through prioritizing and active budgeting.

Actual Expenses vs. Budget

- We will be halfway through the year at the end of this month and the levy funds should be in hand, so this would be a good time to assess and address the budget and priorities for the rest of the year.

Other Treasurer notes

- This is my first month back as Treasurer, and I'm reacquainting myself with where everything stands in the accounts.

Attested to this 18th day of June, 2024

# Clerk's Report

## *Regular Board Meeting*

Finland Community Center

**June 18<sup>th</sup>, 2024**

*Come to our regular monthly meetings to stay up to date on all Township matters or stop into the Clerk's office with questions or concerns. Tuesday's May-October, 2024 11am to 3pm. Yes, I am a notary- no there is no fee.*

- Save the Date: MAT's Legislative & Research Committee will meet in -person for a one-day event on Friday September 13<sup>th</sup> in St. Cloud. At this event, attendees review and recommend legislative actions on behalf of townships.
- District 10 (MAT Director Kevin Comnick) Director candidacy filing dates: 5/31 to 6/30, Thursday, August 29 at Grand Lake Town Hall, St. Louis County, 5287 Highway 53, Saginaw, MN
- We are not offering the Zoom Options currently for meetings. The reason is that we are not allowed to video record from back or side isles. In the event of a Zoom Participant, we will have to arrange seating accordingly, so the board is visible.
- Open Enrollment for Elections will be coming up in July so I will be working on that in the next few weeks.
- I have been checking in weekly with the board on my projects and my time.
- I went from 154hrs last month to 122hrs this month. Average hours per week for June are 28
- I will be gone July 10<sup>th</sup>-14<sup>th</sup> and 22<sup>nd</sup>-25<sup>th</sup>, so I will not be holding office hours Tuesday July 23<sup>rd</sup>.
- Current Important Projects in the Clerk's Office include:
  - Septic Project
  - Finland Contract
  - Town Board Rules of Procedures Resolution
  - Compensation Policy
  - Compensatory Policy (with Lawyer)

## **Honor's Rec Hall Report, Township Meeting, June 18, 2024**

### **Grants and Projects – \*\*\*indicates action items**

Outdoor oven is progressing a bit more slowly than planned but should be completed in a week or so. Awnings will be installed next.

Shout out to Finn for all the mowing!

### **Events and Programs –**

Summer Farmers Market has started - every week on Thursdays from 5-6:30pm

Learning Opportunities Through Stories (Preschool age reading program) has started

Benefit for Dick Krech Sr medical expenses was huge.

Camp Finland activities for kids and teens this week.

### **Regular weekly community activities:**

#### **Mondays:**

- 9:15am Bonebuilders Exercise Class
- 7:30pm Alcoholics Anonymous

#### **Tuesdays:**

- 8:30am - 4pm Tuesday Talents Craft Group
- 6:15pm - 8:30pm League Softball on the field

#### **Wednesdays:**

- 9:15am Bonebuilders Exercise Class
- 10:30am Soma Yoga
- 6:15pm - 8:30pm League Softball on the field

#### **Thursdays:**

- 6pm - 9pm Youth Night

#### **Fridays:**

- 7pm Magic Cards

### **Regular Monthly and other upcoming activities:**

Fox Bikepacking Race will be later this week - Friday evening into Saturday.

FMHS summer member program - June 23th

Co-op Annual Meeting evening of June 25th

Project Optimist conversation about wildfire June 26th

Ely Vet has been coming monthly - June 28th is the next one - call them to make an appointment.

June Community Potluck will be the 30th. Social hour at 5pm, dinner at 6pm.

NSAP Senior Lunch is on the 2nd Wednesday. It's really growing and the food is really good! Next one will be July 10th.

# Town of Crystal Bay

## RESOLUTION Earned sick and safe time for employees

### RESOLUTION NO.231912

**WHEREAS, Minnesota Statutes § 179A.03, subdivision 14.**

1. Expressio unius est exclusio alterius.
2. Provision exempting elected officials *and those appointed to fill vacancies in elected offices* from the definition of "employee" PELRA purposes  
Public Employee Labor Relations Act.
3. Elected Officials do not "perform work" for the township, they manage its affairs.

As of November 6th, 2023 DOLI [Department of Labor and Industry] has clarified that they do not consider elected officials to be "employees" under the new law. It should be noted that the Department of Labor and Industry opinions do not have the force of law.

**WHEREAS, Minnesota Statutes § 181.9455, subdivision 5.** Employee. "Employee" means any person who is employed by an employer, including temporary and part-time employees, who performs work for at least 80 hours in a year for that employer in Minnesota.

**WHEREAS, Minnesota Statutes § 181.9445 subdivision 6.** Employer "Employer" means a person who has one or more employees. Employers include.....a county, town, city, school district, or other governmental subdivision..

**WHEREAS, Minnesota Statutes § 181.9447, subdivision 9** directs the **Town Board of Crystal Bay, Lake County Minnesota**, to inform employees of **the Town of Crystal Bay** that they are entitled to earned sick and safe time, a form of paid leave.

**WHEREAS, this policy was further amended on June 18th, 2024.**

**WHEREAS, the Township Board have recommended changes to clarify the policy changes that came into effect May 25th, 2024.**

**Covered Employee:**

- **The Town of Crystal Bay** must provide each employee with at least one hour of paid sick and safe time for every 30 hours worked, up to at least 48 hours of accrued ESST a year. An employee is anyone who works at least 80 hours in a year for the **Town of Crystal Bay** and is not an independent contractor.
- A calendar year will be from January 1st to December 31st of the current year.
- **The Town of Crystal Bay** will permit an employee to accrue up to 48 hours of earned sick and safe time per year.
- After 90 calendar days of employment, employees may use up to 40 hours of earned sick and safe time each year if they are unable to work all or part of a scheduled shift.
- Employers shall permit an employee to carry over up to 40 hours of earned but unused sick and safe time into the following year until an 80-hour maximum accrual is reached.
- Employers are no longer required to provide information about an employee's ESST hours available for use and ESST hours used during the pay period on earnings statements or paychecks. Instead, employers can choose a reasonable system for providing this information at the end of each pay period. While employers can still include this information on an earnings statement or paycheck, they could also choose to provide this information electronically. If an employer provides the information electronically, they must provide their employees with access to an employer-owned computer during regular working hours to review and print the information.
- Earned sick and safe time must be paid at the same hourly rate employees earn from employment. Employees are not required to seek or find a replacement for their shift to use earned sick and safe time. They may use earned sick and safe time for all or part of a shift, depending on their need.

**Earned sick and safe time can be used for:**

- an employee's mental or physical illness, treatment or preventive care;
- the mental or physical illness, treatment or preventive care of an employee's family member;

- absence due to domestic abuse, sexual assault or stalking of an employee or their family member;
- closure of an employee's workplace due to weather or public emergency or closure of their 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 an employee or their family member is at risk of infecting others with a communicable disease.
- **As a result of the ESST law changes, ESST hours can now be used to make funeral arrangements, attend a funeral service or memorial or address financial or legal matters that arise after the death of a family member.**

**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

The **Town of Crystal Bay** requires their employees to provide seven days notice when they have a scheduled medical appointment, or before using sick and safe time. If using more than three consecutive days in a row of sick and safe time the **Town of Crystal Bay** reserves the right to ask for documentation regarding the reason for the use of sick and safe time. If an employee plans to use earned sick and safe time for an appointment, preventive care or another permissible reason they know of in advance, inform **the Town of Crystal Bay's clerk at 218-353-1236** as far in advance as possible, but at least seven days in advance. In situations where an employee cannot provide advance notice, the employee should contact **the Town of Crystal Bay's Clerk at 218-353-1236** as soon as they know they will be unable to work.

It is against the law for an employer to retaliate, or to take negative action, against an employee for using or requesting earned sick and safe time or otherwise exercising their earned sick and safe time rights under the law. If an employee believes they have been retaliated against or improperly denied earned sick and safe time, they can file a complaint with the Minnesota Department of Labor and Industry. They can also file a civil action in court for earned sick and safe time violations.

**NOW, THEREFORE, BE IT RESOLVED**, that the **Town Board of Crystal Bay, Lake County Minnesota** hereby adopts the following policy regarding the Earned Sick and Safe time (ESST) for employees starting on January 1, 2024

**BLUE NOTES THE AMENDMENTS MADE 6/18/24**