

**Fertile City Council Minutes**  
**Special Meeting**  
**December 27, 2023**

The Fertile City Council held a special meeting on Wednesday, December 27, 2023 at 7 p.m. at the Community Center. Present were: Mayor Daniel Wilkens, and Council members Matthew Massmann, and Todd Wise. Also present were City Administrator Lisa Liden and Deputy Administrator Stacy Erickson, and Fair Meadow Advisory Board members Carol Swenby, and Cheryl Reitmeier.

The meeting was called to order at 7 p.m. by Mayor Wilkens and began with those present reciting the Pledge of Allegiance.

The agenda was approved as presented on a motion by Council member Massmann that was seconded by Council member Wise and was carried.

Mayor Wilkens began by explaining that the meeting was for one purpose only and that it was due to a new government regulation that takes effect January 1<sup>st</sup> regarding employee sick time and that a decision needed to be made for both the City and Fair Meadow on how to implement the changes brought about by the new regulation.

Administrator Liden began by clarifying that the new State law was in regard to earned safe and sick time or ESST. Beginning January 1<sup>st</sup> Liden stated that all employers with one or more employees had to offer their employees ESST. There were three different accrual methods to choose from for how employers would award that time to employees. Liden went on to say that both the City's and Fair Meadow's personnel policies must reflect that new policy and that there was language required by State Statute that needed to be included regarding ESST.

Liden then went over the packet that had been handed out to Council. The first page explained the three accrual methods that employers could choose from for awarding ESST to employees. She noted that choosing the accrual method would be the first decision that Council would need to make for both the City and Fair Meadow. The next page in the packet was the current sick leave policy that was in Fair Meadow's personnel policy and the next three pages showed the edits that would be necessary to change the nursing home policy to comply with the new statute. The two pages after that were the current sick leave policy in the City personnel policy and the final three pages were the League of MN Cities recommended language regarding ESST. Liden noted that the City's personnel policy which had been adopted years prior was actually based on the League's model policy and that the League's model ESST language was written so that it could be used to just replace the sick leave policy in the City's current policy. Council member Massmann then asked if the League's model policy could also be used to replace the sick leave section in Fair Meadow's policy. Liden stated that it could be used for Fair Meadow as well.

Discussion was held on the differences between current sick policies and the new ESST policies and the potential impact that could have on Fair Meadow as far as operations. The example that was shared was school closing due to a snowstorm. Under ESST, any staff with school age children could request to leave early and that would leave the nursing home understaffed. General discussion was held on how there would likely have to be further guidance for healthcare and emergency workers such as firemen and law enforcement since there could be abandonment issues if those types of workers are allowed to just leave work under the new ESST rules.

Discussion then turned to the accrual methods that employers could use to award ESST to employees. Council member Massmann stated that the first method, where employees accrue time as earned with no payout of the accrual, was the closest to both the City's and Fair Meadow's current policies. He noted that both of the other methods involved frontloading the hours at the beginning of the year and he felt that could be a disaster if employees burned through them early on and then left employment. Administrator Liden commented on the 80 hours that could be accrued and noted that 80 hours was the minimum and that employers could set that amount

higher. Liden stated that there was currently no limit on accrual of sick hours for the City and an accrual limit of 480 hours for the nursing home and that setting the accrual maximum at 80 was not going to be very popular with staff.

Carol Swenby then asked about whether the advisory board should be part of the decision on the ESST and she noted that there were several items in the personnel policy that needed to be addressed as well. Council member Massmann stated that the ESST language needed to be in place by January 1<sup>st</sup> but that further work on the personnel policy including determining the max accrual rate for ESST would be a good thing for the advisory board to work on. Administrator Liden also noted that both City and Fair Meadow staff had current sick time accruals on the “books” and that those amounts would need to remain on the books but they shouldn’t be lumped in with the ESST hours since the sick hours were more restrictive than ESST.

A motion was made by Council member Massmann to adopt the accrue as earned with no payout method for both the City and Fair Meadow. The motion was seconded by Council member Wise and was carried.

Discussion turned to the language that would need to be included in both the City’s and Fair Meadow’s personnel policy. Administrator Liden noted that Fair Meadow’s personnel policy could be edited as noted in the packets since their current sick accrual is close to the same rate as the accrual required for ESST. For the City, however, Liden noted that full-time City employees currently accrue sick time of one day per month which is higher than the required ESST accrual rate. Council member Wise stated that the accrual rate as well as the maximum accrual amount could be tweaked at a later date but that the language and accrual method needed to be finalized before year end. Council member Massmann noted again that the advisory committee for Fair Meadow could work on figuring out the maximum accrual amount for the nursing home.

As for the language in both policies, Council member Massmann noted that the model policy provided by the League of MN Cities was quite clear and contained all the requirements spelled out in the State Statute, so he felt it was best to use that model policy for both the City and the nursing home. That way everyone could be assured that the proper language was used for both policies.

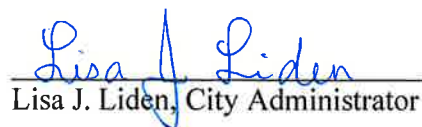
The one item that needed to be further clarified for the policy was the minimum amount of time that an employee could use ESST time for. On the League’s model policy there was a blank to fill in for that amount and it was stated that it could not be more than four hours. Administrator Liden explained that the minimum could be set for any amount of hours less than four and that the minimum needed to be stated in the policy. Discussion followed on allowing for time frames of less than four hours and the problems that can cause in a healthcare setting where there were minimum staffing requirements in place to avoid neglect of patients. For that reason alone, Council member Massmann felt that the minimum time frame needed to be no less than four hours.

After further discussion, a motion was made by Council member Massmann to approve replacing both the City’s and Fair Meadow’s current sick policies in their personnel policies with the model League policy. The motion was seconded by Council member Wise and was carried.

There being no further business, the meeting was adjourned at 7:28 pm on a motion by Council member Wise.



Daniel Wilkens  
Daniel Wilkens, Mayor



Lisa J. Liden  
Lisa J. Liden, City Administrator