

**CITY OF ELKO NEW MARKET  
CITY COUNCIL AGENDA  
ELKO NEW MARKET CITY HALL  
601 MAIN STREET  
ELKO NEW MARKET, MINNESOTA 55054  
THURSDAY, MARCH 20, 2020**

**BUSINESS MEETING  
8:00 AM**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Adopt/Approve Agenda**
- 4. General Business**
  - a. Response to COVID-19
    - i. Declaration of Local Emergency
    - ii. Status and Format of Public Meetings
    - iii. Order Of Succession For Acting Mayor
    - iv. COVID-19 Related Employment Policies
    - v. Operations Briefing
      - Public Safety
      - Public Works
      - Administration
- 5. Adjournment**



# STAFF MEMORANDUM

<b>SUBJECT:</b>	City Response to COVID-19
<b>MEETING DATE:</b>	March 20, 2020
<b>PREPARED BY:</b>	Thomas Terry, City Administrator
<b>REQUESTED ACTION:</b>	Discuss and provide direction or consider actions, as appropriate, related to the City's response to COVID-19

## COMMUNITY VISION:

- A mature growing freestanding suburb of the Twin Cities Metropolitan Area, preserving historic landmarks and small town character while providing suburban amenities and services, as well as full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities for citizens and visitors
- Promote a diverse commercial base including light industrial and facilitating planned redevelopment which will be aesthetically pleasing with architectural standards that promotes quality development
- Provide a full range of municipal services to its residents. The City will allocate sufficient resources to meet the growing needs of the community
- A comprehensive park and trails system that will have sufficient facilities, play fields and open space to meet the needs of residents
- An effective and efficient transportation system, including access to the greater metropolitan area, transit opportunities, and improved connectivity to the interstate
- Provide community oriented local government and be financially sound, engaging in long-term financial planning to provide municipal services without undue burden on tax payers

## 5 YEAR GOALS:

- Diverse tax base, employment opportunities, additional businesses and services, promote high quality broad spectrum of residential development
- Advance "shovel ready" status of areas guided for commercial and industrial development
- Acquisition of land for public purposes, position City to take advantage of land acquisition opportunities
- Enhance quality of life through parks, trails, recreational programming and cultural events
- The development of residential lots and an increase in residential building permit activity

## COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

## **DISCUSSION:**

On March 13, both the President and Governor declared a national emergency related to the COVID -19 Crisis. Those declarations have been followed by Executive Orders and recommendations from Federal, State and local health agencies which have had a significant impact on individuals and businesses. The purpose of the special meeting of the City Council is to provide an opportunity for the City Council to discuss the City's response to the COVID-19 Crisis.

**Declaration of Local Emergency** – The Mayor and Council are being asked to discuss the need for the Declaration of a Local Emergency and take appropriate action, if necessary.

Pursuant to Minnesota State Statute 12.37 Political Subdivision's Powers To Fast Provide Emergency Aid, during an emergency or disaster, each political subdivision, notwithstanding any statutory or charter provision to the contrary, and through its governing body acting within or without the corporate limits of the political subdivision, may:

- (1) enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and by providing emergency assistance to the victims of the disaster; and
- (2) exercise the powers vested by this subdivision in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to:
  - (i) the performance of public work;
  - (ii) entering into contracts;
  - (iii) incurring of obligations;
  - (iv) employment of temporary workers;
  - (v) rental of equipment;
  - (vi) purchase of supplies and materials;
  - (vii) limitations upon tax levies; and
  - (viii) the appropriation and expenditure of public funds, for example, but not limited to, publication of ordinances and resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets.

In order to Declare a Local Emergency, the Mayor must first make a proclamation declaring the emergency. The Mayor has the sole authority to declare the emergency. The Proclamation has an effective time frame of three days. To extend the Declaration, the City Council must pass a resolution extending the period of the Mayor declared local emergency. The Declaration would be cancelled by a subsequent resolution adopted by the City Council.

Currently, Elko New Market is the only City in Scott County that has not declared an emergency. The decision to Declare a Local Emergency must be considered based on local circumstances and evaluation of the need for the powers and authorities that it provides.

In discussion with numerous Cities, the underlying basis for the Declaration is that it provides greater flexibility for City officials to respond to unforeseen and rapidly changing circumstances. More specific rationale includes, but is not limited to:

- Establish eligibility or basis for justification of receipt of funds for Federal or State Disaster Relief programs. It should be noted that no specific programs or procedures have been identified. This assumption is based on past experience with disaster relief.
- Communicating to the public that the jurisdiction is taking action and prepared.
- Provide clear justification and authority to take actions related to permits, licensing, operational changes and modifications to adopted policy.
- Allow City to arguably exercise *Force Majeure* language within City contracts.

**Status and Format of Public Meetings** – The City Council is being asked to discuss and provide direction on the scheduling, content and format of future public meetings of the City Council, Commissions and Committees. Currently, Staff level meetings are primarily being held as online meetings when they involve external participants. This has been demonstrated to be an adequate solution under the current circumstances. However, Council, Commissions and Committee meetings are subject to Open Meeting Law and solutions in response to the pandemic are more complicated.

Minn. Stat. 13D.021 provides that a meeting may be conducted by telephone or other electronic means so long as the following conditions are met:

- (1) the presiding officer, chief legal counsel, or chief administrative officer for the affected governing body determines that an in-person meeting or a meeting conducted under section 13D.02 is not practical or prudent because of a health pandemic or an emergency declared under chapter 12;
- (2) all members of the body participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;
- (3) members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration;
- (4) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the health pandemic or emergency declaration; and
- (5) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Subd. 2. Members are present for quorum, participation. Each member of the body participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 3. Monitoring from remote site; costs. If telephone or another electronic means is used to conduct a meeting, to the extent practical, the body shall allow a person to monitor the meeting electronically from a remote location. The body may require the person making a connection to pay for the documented additional cost that the body incurs as a result of the additional connection.

Subd. 4. Notice of regular and all member sites. If telephone or another electronic means is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of subdivision 3. The timing and method of providing notice is governed by section 13D.04 of the Open Meeting Law.

Staff has identified solutions for conducting a video conference meeting, including the ability to record the meeting for later public viewing. The preferred solution will be reviewed, including hands on use by Council, at the meeting.

The City Council is being asked to provide direction on the scheduling of meetings. The March Planning Commission and the April and May CCEC meetings have already been cancelled. This will be discussed further at the meeting.

Staff is also seeking direction on meeting content. Essentially, should the content be limited to time sensitive items given potential impacts on meeting efficiency due to a change in format or impacts on staff bandwidth. This will be discussed further at the meeting.

**Order Of Succession For Acting Mayor** – The City Council is being asked to consider a resolution specifying the order of succession for the Acting Mayor in the event that the Mayor or Acting Mayor is incapacitated, absent or otherwise unable to perform their duties. This possibility is not currently covered by existing ordinance or resolution. Staff believes that adoption of a succession plan is prudent given the current circumstances. A resolution providing for automatic succession based on seniority has been provided for consideration.

**COVID-19 Related Employment Policies** – The City Council is being asked to discuss and provide direction on policies regarding employees that are impacted by COVID-19. This includes, but is not necessarily limited to, leave if diagnosed, quarantined, or ill for coronavirus; leave if caring for a family member impacted by the above; and leave if caring for a child while their school is closed.

In researching this topic, it has been found that approaches vary from city to city. Approaches and variations to approaches include:

- Use of Paid Time Off (PTO) under current policy, if diagnosed or ill from COVID-19
- Paid Time Off (PTO) provided, if quarantined with no impact to regular PTO
- Paid Time Off (PTO) provided, if ill with COVID-19 with no impact to regular PTO

- Two Weeks of Paid Time Off (PTO), if diagnosed, quarantined, or ill for coronavirus with no impact to regular PTO

In addition, on March 18, 2020 the President signed in to law the Families First Coronavirus Response Act. Staff is still evaluating the impact and will have further information at the meeting. Staff would prepare any necessary action items for the next regular Council meeting based on direction from Council.

Lastly, the Chief of Police/Emergency Management Director, Public Works Superintendent and City Administrator will be providing the Council with operational updates and answering any questions the Council may have related to the impact of COVID-19 on operations.

Please contact the City Administrator with any questions.

**ATTACHMENT:**

- Proclamation Declaring a Local Emergency
- Draft Resolution Extending the Period of Mayor Declared Local Emergency
- Draft Resolution on Order of Succession for Acting Mayor

CITY OF ELKO NEW MARKET  
SCOTT COUNTY, MINNESOTA

**PROCLAMATION NO. 20-01  
DECLARING A LOCAL EMERGENCY**

**WHEREAS**, Joe Julius, the Mayor of the City of Elko New Market (the “Mayor”) finds that under the authority provided by Chapter 12 and related laws of the State of Minnesota, the following situation (the “Situation”) exists:

Peace Time Emergency Due to COVID 19 Health Pandemic

**WHEREAS**, the Governor has issued Executive Order 20-01 declaring a peace time emergency and coordinating Minnesota’s Strategy to Protect Minnesotans from COVID-19 (attached);

**WHEREAS**, the Mayor finds that the Situation presents an unforeseen combination of circumstances that is sudden and unforeseen and could not have been anticipated;

**WHEREAS**, the Mayor finds that conditions in the City of Elko New Market, Minnesota have worsened considerably as a result of the evolving Situation;

**WHEREAS**, the Mayor finds that this Situation threatens the health, safety, and welfare of the citizens of the community, and threatens the continuation and efficient delivery of city services;

**WHEREAS**, the Mayor finds that the Situation poses a risk or may cause extensive personal injury, damage or disaster to the City if not immediately addressed; and

**WHEREAS**, the Mayor finds that traditional sources of relief are not able to repair or prevent the injury or loss.

**NOW, THEREFORE**, the Mayor declares this Situation to be a local emergency effective at \_\_\_\_\_ on \_\_\_\_\_, 2020.

This declaration of a local emergency will invoke the city’s disaster plan and authorize other appropriate community containment and mitigation strategies. The portions that are necessary for response to and recovery from the emergency are hereby authorized. To the extent that normal state laws and city policies and procedures impede an efficient response or compliance with federal and state directives or recommendations, the City Administrator, Emergency Manager Director, and designees are hereby authorized to suspend compliance with those laws, policies and procedures as authorized by the Governor’s Declaration and M.S. § 12.32, and to take those actions deemed necessary to protect the public health and safety.

\_\_\_\_\_  
Joe Julius, Mayor

ATTEST:

\_\_\_\_\_  
Thomas Terry, City Administrator/Clerk

# STATE OF MINNESOTA

## Executive Department



## Governor Tim Walz

### Emergency Executive Order 20-01

#### **Declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19**

**I, Tim Walz, Governor of the State of Minnesota**, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The infectious disease known as COVID-19, an act of nature, has now been detected in 118 countries and territories, including the United States. COVID-19 has been reported in 42 states. There are over 1,600 confirmed cases nationwide, including fourteen in Minnesota.

The U.S. Department of Health and Human Services Secretary has declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19. The World Health Organization has recently assessed that this outbreak can be characterized as a pandemic.

In coordination with other state agencies, local governments, and partners in the private sector, the Minnesota Department of Health ("MDH") has been preparing for and responding to the COVID-19 pandemic in Minnesota.

On April 4, 2019, I issued Executive Order 19-22, which assigned emergency responsibilities to state agencies to respond to and assist in recovery from the effects of natural or technological emergencies, including responsibility to engage in emergency preparedness efforts. On April 4, 2019, I also issued Executive Order 19-23, which directed state agencies to engage in continuity of government and continuity of operations planning. That Executive Order established the Continuity Policy Coordination Sub-Cabinet to develop and maintain a framework for a continuity of government plan, and to oversee agency continuity of operations planning, led by Minnesota Management and Budget ("MMB").

Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. Our State has been actively conducting continuity planning for state agency operations. MMB activated its Statewide Contingency Response Team ("SCRT"), which meets regularly to coordinate and direct state agencies to ensure priority government services continue. State agency emergency managers and continuity coordinators from the agencies have

been meeting together and sharing information related to emergency management and continuity of operations planning activities.

The State also has activated our Joint Information Center (“JIC”), led by the Department of Public Safety (“DPS”) and MDH. The JIC is responsible for sharing operational updates and keeping the public informed on COVID-19. This group convenes daily to provide consistent, coordinated, and timely information.

Agencies have activated their internal command or continuity teams and have been reviewing their emergency response and continuity plans, which are plans in place that outline how agencies will provide priority services during an emergency. Agencies have been reviewing their priority services and preparing their employees with the goal of providing uninterrupted priority services throughout an emergency.

On January 29, 2020, MDH instituted its Incident Command System (“ICS”). The ICS provides a standardized approach to the command, control, and coordination of emergency response. MDH convened a state agency COVID-19 coordinating group on March 3, 2020. DPS’s Division of Homeland Security and Emergency Management (“HSEM”) activated the State Emergency Operations Center on March 6, 2020.

MDH remains in close contact with federal, state, and local partners, and the Commissioner of Health recently convened a group of experts, including healthcare professionals (doctors, nurses, administrators, insurers), government partners (cities, counties, tribal nations), business and labor leaders, educators (child care, K-12, higher ed), public health experts, and authorities on long term care and Minnesota’s aging population. This cross-sector group provides guidance to the Commissioner on MDH’s strategies for responding to COVID-19.

As part of the response, MDH experts have been providing timely information and education to the public and stakeholders through up-to-date website information, regular press briefings, and calls for stakeholders such as schools, long-term care facilities, healthcare providers, and the business community. MDH’s COVID-19 website, with materials available in 16 languages, has been accessed by thousands of Minnesotans.

Local resources are inadequate to fully address the COVID-19 pandemic. We must continue to take this pandemic seriously, and there are sensible steps that Minnesotans and our state government can take to protect all Minnesotans by slowing the spread of COVID-19, prioritizing our healthcare resources, and safeguarding at-risk communities.

For these reasons, I declare a peacetime emergency in Minnesota and order as follows:

1. In consultation with federal, state, and local partners, tribal nations, relevant experts, and stakeholders, MDH will continue to lead the coordination of the State’s response to COVID-19.
2. HSEM will continue to assist MDH and coordinate support through the State Emergency Operations Center and in accordance with the Minnesota Emergency Operations Plan.

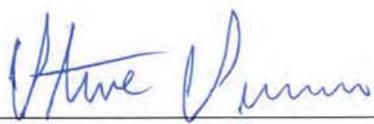
3. All state agencies, in cooperation with appropriate federal agencies, will work to support healthcare providers, tribal and local governments, and public health organizations as they respond to COVID-19.
4. The Minnesota National Guard will ensure that it is ready to assist as needed during this peacetime emergency.
5. In consultation with the Centers for Disease Control and Prevention, as well as public health, medical, and other experts, MDH will continue to provide guidance that is accessible and transparent to all Minnesotans, including guidance on how to best prevent and reduce community spread of COVID-19 within Minnesota and manage critical healthcare resources.
6. I encourage individual Minnesotans to help protect all Minnesotans by continuing their individual prevention efforts such as staying home when feeling sick, frequently washing their hands, and monitoring information about COVID-19.
7. I urge and advise Minnesotans to follow MDH guidance regarding hygiene, public gatherings, social distancing, and healthcare use. Minnesotans should regularly check MDH's COVID-19 webpage: <https://www.health.state.mn.us/diseases/coronavirus/>
8. As circumstances require, and pursuant to relevant law, I will issue orders and rules to protect public health and safety. All state agencies are directed to submit proposals for such orders and rules to my office.

This Executive Order and declaration of peacetime emergency is effective immediately under Minnesota Statutes 2019, section 4.035, subdivision 2, and its duration is governed by Minnesota Statutes 2019, section 12.31, subdivision 2.

Signed on March 13, 2020.

  
\_\_\_\_\_  
**Tim Walz**  
Governor

Filed According to Law:

  
\_\_\_\_\_  
**Steve Simon**  
Secretary of State



RESOLUTION NO. \_\_\_\_\_

CITY OF ELKO NEW MARKET  
SCOTT COUNTY, MINNESOTA

**RESOLUTION ENACTED UNDER AUTHORITY OF  
MINNESOTA STATUTES §§ 12.29 AND 12.37 TO EXTEND  
THE PERIOD OF A MAYOR-DECLARED LOCAL EMERGENCY**

**WHEREAS**, Joe Julius, the Mayor of the City of Elko New Market has found that the following situation (the “Situation”) exists:

**Peace Time Emergency Due to COVID 19 Health Pandemic**

**WHEREAS**, the Governor has issued Executive Order 20-01 declaring a peace time emergency and coordinating Minnesota’s Strategy to Protect Minnesotans from COVID-19 (attached); and

**WHEREAS**, the Mayor has declared that the Situation is a local emergency; and

**WHEREAS**, the city council of the City of Elko New Market agrees with the Mayor’s findings, and further finds that the Situation will last for more than three (3) days;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elko New Market, Minnesota, as follows:

The city council declares the Situation constitutes a local emergency continuing until federal or state action declaring an end to the state of emergency or subsequent determination of the Elko New Market City Council.

This declaration of a local emergency will invoke the city’s disaster plan. The portions that are necessary for response to and recovery from the emergency are hereby activated. The City Administrator and other Emergency Officials, and their designees, are authorize to take other appropriate emergency actions directed or recommended by federal and state government or health organizations, or deemed necessary by City emergency management authorities, including those otherwise inconsistent with established laws, policies and procedures, as determined to protect the public health, safety and welfare.

**PASSED AND DULY ADOPTED** by the City Council of the City of Elko New Market this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Joe Julius, Mayor

ATTEST:

\_\_\_\_\_  
Thomas Terry, City Administrator/Clerk

RESOLUTION NO. 20-\_\_

CITY OF ELKO NEW MARKET  
SCOTT COUNTY, MINNESOTA

**A RESOLUTION ORDER OF SUCCESSION FOR ACTING MAYOR**

WHEREAS, pursuant to Minnesota Statue Section 412.121, and powers otherwise allowed by law, the Council did meet and confer during a regular meeting to choose an acting mayor to serve during the disability or absence of the Mayor of the City of Elko New Market.

WHEREAS, the Elko New Market City Council adopted Resolution 20-01 appointing Councilmember Kate Timmerman as Acting Mayor.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELKO NEW MARKET, MINNESOTA,

1. The individual members of the city council are hereby appointed to serve as acting mayor during the disability or absence from the city of the Mayor or annually appointed Acting Mayor.
2. The individual members of the City Council shall serve as acting mayor in successive order of their seniority in office.
  - a. Seniority shall be calculated from the earliest date of continuous service beginning on the date each council member assumed office.
  - b. In the event that more than one council member assumed office on the same day, the seniority of those council members shall be in age sequence beginning with the eldest.
3. This Resolution shall renew annually until superseded.
4. This Resolution shall be effective immediately upon approval by vote of the City Council.

Adopted by the Council this \_\_\_\_<sup>th</sup> day of \_\_\_\_, 2020.

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Joe Julius, Mayor

Attest: \_\_\_\_\_  
Thomas Terry, City Administrator/Clerk