

**CITY OF BIWABIK
SPECIAL MEETING**

AGENDA

**THURSDAY MARCH 26, 2020
5:00 P.M. SPECIAL MEETING**

**BIWABIK CITY HALL*
321 N MAIN STREET
BIWABIK, MN**

1. Call to Order/Roll Call/Approve Agenda
2. Council Action to Continue the Mayoral Declaration of Local Emergency
3. Adjourn

*Meeting held by electronic means pursuant to MN Statute 13D.021. Mayor and Council will participate by telephone.

**CITY OF BIWABIK
PROCLAMATION AND DECLARATION OF EMERGENCY**

WHEREAS, the Mayor and City Council of the City of Biwabik, Minnesota finds that the following local emergency (“Emergency”) exists in the City of Biwabik, Minnesota (“City”); and

WHEREAS, the virus named “SARS-CoV-2,” is a new strain of coronavirus that has not previously been identified in humans and can easily spread from person to person and which causes a disease named “coronavirus disease 2019,” commonly known as “COVID-19,” which is a respiratory disease that can result in serious injury or death; and

WHEREAS, on January 21, 2020 the first case of COVID-19 was detected in the United States; on March 6, 2020 the first case of COVID-19 was detected in the State of Minnesota; and as of March 23, 2020, there are two hundred thirty five known cases of COVID-19 in Minnesota; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19, beginning on January 27, 2020; and

WHEREAS, on March 13, 2020, President Donald Trump declared that the COVID-19 outbreak in the United States constitutes a National Emergency; and

WHEREAS, on March 13, 2020, Governor Tim Walz declared a Peacetime State of Emergency to authorize all necessary resources to be used in support of the COVID-19 response; and

WHEREAS, COVID-19 has been identified by the World Health Organization as a pandemic, and the United States Centers for Disease Control has provided guidance for individuals, healthcare professionals, and businesses to slow the spread of COVID-19, which include cancelling or postponing in-person events that involve more than fifty people for eight weeks; and

WHEREAS, additional local cases will trigger a more aggressive public health response that is predicted to impact residents of Biwabik and those who work in or travel through the City, including City employees; and

WHEREAS, the need for social distancing, school closings, and quarantine methods to stop the spread of COVID-19 is expected to cause significant challenges and will require expending significant public resources; and

WHEREAS, the Mayor and City Council find that this situation threatens the health, safety, and welfare of the citizens of the community and will cause a significant impact on the ability of public safety personnel to address any immediate dangers to the public as a result of COVID-19; and

WHEREAS, the Mayor and City Council find that traditional sources of financial aid, assistance and relief may not be able to compensate for the potential impact of COVID-19, and have determined that the necessary resources to respond to and recover from this pandemic may exceed those resources available within the City of Biwabik, and additional resources may be needed from Saint Louis County and State and Federal sources; and

WHEREAS, Minnesota Statute 12.29 authorizes the Mayor to declare the existence of the Emergency, invoke its Emergency Response Plan and to authorize assistance under that plan; and

NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF BIWABIK DECLARE AS FOLLOWS:

1. Under the authority given by Minnesota Statutes, Section 12.29, The Mayor of the City of Biwabik declares that a local emergency exists within the City of Biwabik, effective March 23, 2020, with all the powers and responsibilities attending thereto as provided by Minnesota Statutes, Chapter 12, and further proclaims that such emergency constitutes a declared emergency pursuant to Minnesota Statute 12.31.
2. City Staff is directed to review ordinance and regulatory requirements, operations, civil and legal proceedings, events, and resources to determine whether the foregoing should be adjusted or suspended, and to make recommendations regarding additional emergency regulations to support the employees and residents of the City of Biwabik.
3. All City departments and offices are directed to operate and support the response to this incident, including implementing new employee protocols, strategies, and processes to ensure that public services are maintained.
4. The City Administrator is granted authority to implement the City's Emergency Operations Plan as needed and, as necessary exercise the powers granted to the City by Minn. Stat. 12.37.
5. The City Administrator and other appropriate City staff are directed to request and coordinate appropriate aid and resources from surrounding jurisdictions, Saint Louis County, the State of Minnesota, and the Federal government, as needed.
6. Pursuant to Minnesota Statutes, Section 13D.021, the Mayor has the authority, as necessary, to determine that in-person meetings of the City Council, Public Utilities Commission, Planning Commission, and other advisory commissions of the City of Biwabik are not practical or prudent due to the COVID-19 health pandemic and the peacetime emergency declared by Governor Walz pursuant to Minnesota Statutes, Chapter 12 and by the Mayor, and that the Mayor may direct that meetings of the City Council, Planning Commission, and other advisory commissions of the City shall be conducted by telephone or other electronic means, and that City Staff be directed to take such action as may be necessary to enable such meetings to occur via telephone or other electronic means pursuant to Minnesota Statutes, Section 13D.021, until such time as it is no longer impractical or imprudent for the City Council, Public Utilities Commission, Planning Commission, and other advisory commission to resume in-person meetings.
7. The City Council of the City of Biwabik authorizes and consents to the continuation of the declared emergency pursuant to Minn. Stat. 12.29 Subd. 1 until such time as the Mayor or Council, by further action, shall determine that such emergency no longer exists.
8. That this declaration be given prompt and general publicity and shall be filed promptly by the City Clerk.

Dated this 26th day of March, 2020

Mayor _____

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.

History: 1951 c 694 s 307; 1957 c 171 s 1; 1996 c 344 s 26; 1999 c 250 art 2 s 2; 2003 c 2 art 1 s 2

12.29 DECLARATION OF LOCAL EMERGENCY.

Subdivision 1. **Authority to declare emergency.** A local emergency may be declared only by the mayor of a municipality or the chair of a county board of commissioners or their legal successors. It may not be continued for a period in excess of three days except by or with the consent of the governing body of the political subdivision. Any order or proclamation declaring, continuing, or terminating a local emergency must be given prompt and general publicity and filed promptly by the chief of the local record-keeping agency of the political subdivision.

Subd. 2. **Effect of declaration of emergency.** A declaration of a local emergency invokes necessary portions of the response and recovery aspects of applicable local or interjurisdictional disaster plans, and may authorize aid and assistance under those plans.

Subd. 3. **Interjurisdictional agencies.** No interjurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an interjurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

History: 1976 c 266 s 2; 1986 c 444; 1996 c 344 s 18

13D.021 MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS; CONDITIONS.

Subdivision 1. **Conditions.** A meeting governed by this section and section 13D.01, subdivisions 1, 2, 4, and 5, 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.

History: 2007 c 110 s 1