ORDINANCE NO. 457

CITY COUNCIL CONSENT TO MAYORAL DECLARATION OF A LOCAL EMERGENCY CITY OF MILACA, MINNESOTA

WHEREAS, the Mayor of the City of Milaca, Minnesota ("Mayor") declared an Emergency to exist in the City of Milaca, Minnesota ("City") effective on March 19, 2020 upon signing the Declaration (attached and incorporated by reference) ("Declaration"); and

WHEREAS, Minnesota Statutes Section 12.29 authorizes the Mayor to declare the existence of the Emergency, invoke necessary portions of the Emergency Operations Plans and the Pandemic Response Plan, and authorize aid and services in accordance with interjurisdictional agreements. In order for the Declaration of the Emergency to continue beyond three days the City Council of the City of Milaca, Minnesota ("City Council") must consent to the Declaration; and

WHEREAS, the City Attorney sent the Declaration to the City Manager on March 17, 2020, and the City Clerk confirmed receipt on March 17, 2020; and

WHEREAS, the City Council convened its regularly scheduled meeting of the City Council of the City of Milaca at 6:30 p.m. on March 19, 2020, in the City Council Chambers located at Milaca City Hall and by other electronic means as permitted by Minnesota Statutes, Section 13D.021, for purposes of receiving an emergency COVID-19 update and considering formal action to consent to the Declaration and related actions; and

WHEREAS, the City Council is the official governing body of the City; and

WHEREAS, Minnesota Statutes Section 12.37 authorizes the City, acting through its governing body, to:

"(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;

(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"

WHEREAS, City Code of Ordinances, Section 32.01 provides for emergency regulations: "Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds, or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure; and in order to insure that preparations of this city will be adequate to deal with those disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this city, it is hereby found and declared to be necessary:

(A) To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters;

(B) To provide for the exercise of necessary powers during emergencies and disasters;

(C) To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency preparedness functions; and

(D) To comply with the provisions of M.S. § 12.25, as it may be amended from time to time, which requires that each political subdivision of the state shall establish a local organization for emergency management."; and

WHEREAS, City Code of Ordinances, Section 32.03 provides for the establishment of an emergency management organization, the terms of which are incorporated herein by reference; and,

WHEREAS, City Code of Ordinances, Section 32.04 enumerates the powers and duties, the terms of which are hereby incorporated by reference; and,

WHEREAS, City Code of Ordinances, Section 32.05 enumerates the manner in which a local emergency, the terms of which are hereby incorporated by reference; and,

WHEREAS, City Code of Ordinances, Section 32.06 enumerates the regulation of declared emergencies; the terms of which are hereby incorporated by reference; and,

WHEREAS, the City Council finds that the Emergency is sudden and unforeseen and could not have been anticipated; and

WHEREAS, the City Council finds that conditions in Minnesota and the threat to the visitors to and inhabitants of the City has worsened considerably as a result of the Emergency; and

WHEREAS, the City Council finds that this situation threatens the health, safety, and welfare of the citizens of the community and threatens the provision and delivery of city services as a result of the Emergency; and

WHEREAS, the City Council finds that the Emergency poses the risk of and may cause catastrophic loss of public health, safety, and welfare if not immediately addressed; and
WHEREAS, the City Council finds that traditional sources of relief are not able to repair or prevent the injury and loss.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILACA, MINNESOTA, DOES HEREBY ORDAIN:

Section 1. The foregoing recitals of the preamble are incorporated herein by reference.

Section 2. The Governor of Minnesota issued Emergency Executive Order 20-01 declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19 on March 13, 2020.

Section 3. The City faces an imminent threat to life and public health resulting from the novel coronavirus and the resulting COVID-19 disease.

Section 4. The City is confronted with a worldwide pandemic creating threat of disaster of major proportions, which the safety and welfare of the guests to and inhabitants of the City are jeopardized and placed at extreme peril, in which timely action to contain and mitigate the risk to human life.

Section 5. The City Declares, under Minnesota Statues, Section 13D.021, that in-person meetings of the City Council, Planning Commission, and other advisory commissions of the City of Milaca 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 hereby directs 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 hereby directs City Staff 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, Planning Commission, and other advisory commission to resume in-person meetings.

Section 6. To the extent normal state laws and city policies and procedures impede an efficient response or compliance with federal and state directives and recommendations, the City Manager, Emergency Management (Coordinator), and their designees are hereby authorized to suspend compliance with those laws, policies, and procedures as authorized by Emergency Executive Order 20-01 and by Minnesota Statutes, Sections 12.32 and 12.37, and to take those actions necessary to protect the public health, safety, and welfare.

Section 7. This Ordinance shall take effect immediately upon passage as permitted by the City Council.

Section 8. This Ordinance shall be in effect for 30 days as permitted by Section 32.06 (C) of the City Code.

Section 9. The City Manager is authorized and directed to file and to post notice of this Ordinance and any emergency regulations as authorized and required by State law and City Code.

Passed and adopted this 19th day of March, 2020 at 6:20 p.m.

Mayor Harold Pedersen

ATTEST:

City Manager Tammy Pfaff

1st Reading 3-19-2020 Suspended

2nd Reading 3-19-2020

Published _____