1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. A RESOLUTION TO ADDRESS EMPLOYEE ABSENCES DUE TO COVID-19 PANDEMIC
   Attached is a revised resolution relating to employee absences due to COVID-19 related
   issues. The attached resolution is largely similar to the leave policies implemented by
   Grand Forks and Fargo with regard to the COVID-19 pandemic. This resolution would
   supersede the resolution adopted by the City Council at the March 16, 2020 regular City
   Council meeting. This proposed resolution addresses leave issues the City is currently
   facing relating to COVID-19 issues and provides additional clarification on potential future
   issues the City may face during this situation.

   Documents:
   - MEMO · LEAVE TIME RESOLUTION.PDF
   - RESOLUTION_COVID 19 LEAVE_REVISED_SS.PDF

4. CONSIDER AN ORDINANCE ON FIRST READING RELATING TO DISASTERS AND
   EMERGENCIES
   Attached is a proposed ordinance relating to potential disasters and emergency
   situations which might affect the City of Minot. The proposed ordinance closely tracks
   with the current local disaster and emergency ordinance in place in the City of Grand
   Forks.

   Documents:
   - MEMO · EMERGENCY OR DISASTER.PDF
   - EMERGENCY POWERS ORDINANCE_FINAL DRAFT.PDF

5. ADJOURNMENT
TO: Mayor Shaun Sipma  
Members of the City Council

FROM: Kelly Hendershot

DATE: March 19, 2020

SUBJECT: RESOLUTION – EMPLOYEE ABSENCES DUE TO COVID-19 PANDEMIC

I. RECOMMENDED ACTION

A. Approve the proposed resolution.

II. DEPARTMENT CONTACT PERSONS

Kelly Hendershot – (701) 857-4755

III. DESCRIPTION

Attached is a revised resolution relating to employee absences due to COVID-19 related issues. The attached resolution is largely similar to the leave policies implemented by Grand Forks and Fargo with regard to the COVID-19 pandemic. This resolution would supersede the resolution adopted by the City Council at the March 16, 2020 regular City Council meeting. This proposed resolution addresses leave issues the City is currently facing relating to COVID-19 issues and provides additional clarification on potential future issues the City may face during this situation.

IV. IMPACT:

This is a deviation from the City’s typical leave allowances, however, City staff believes it is necessary to address the larger public health concern and to provide clear guidance for City staff and supervisors.

The City will be tracking this time separately, in the event federal funding becomes available to cover expenses relating to COVID-19.

V. ALTERNATIVES

The City Council could reject resolution or suggestion revisions prior to adopting.

VI. TIME CONSTRAINTS

The resolution would need to be adopted prior to the paid leave (beyond what was previously approved) being provided to City staff.

VII. LIST OF ATTACHMENTS

A. Proposed Resolution
RESOLUTION NO.

A RESOLUTION TO ADDRESS EMPLOYEE ABSENCES DUE TO COVID-19 PANDEMIC

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern, advising countries to prepare for the containment, detection, isolation and case management, contract tracing, and prevention of onward spread of the disease;

WHEREAS, on March 13, 2020, President Donald Trump issued a declaration of a national emergency due to the growing COVID-19 crisis in the United States;

WHEREAS, on March 13, 2020, Governor Doug Burgum issued a declaration of a state emergency in response to the public health crisis resulting from COVID-19;

WHEREAS, on March 16, 2020, the Minot City Council approved an emergency declaration relating to the COVID-19 crisis;

WHEREAS, it is anticipated that the number of persons diagnosed with this virus is likely to increase, as testing for the virus continues;

WHEREAS, the City of Minot is following the guidance of the North Dakota Department of Health and First District Health Unit and adhering to the recommendations of those agencies regarding preventative measures including, among other things, self-isolation and quarantines;

WHEREAS, the City of Minot will continue to adjust its operations as the recommendations of the North Dakota Department of Health and First District Health Unit change;

WHEREAS, in order to keep all City of Minot employees safe and healthy as well as to track work absences due to COVID-19, the City Council hereby adopts the following resolution relating to employee leave during the COVID-19 pandemic;

NOW, THEREFORE, BE IT RESOLVED the City of Minot adopts the following resolution regarding leave taken during the COVID-19 pandemic:

1. A City of Minot employee shall be granted leave, with pay, if the following circumstances exist:
   a. The employee is in self-quarantine due to exposure to COVID-19 and the employee has contacted City of Minot Human Resources for documentation purposes;
   b. The employee has an underlying health condition, identified by health officials or the employee’s licensed healthcare provider, as being one that requires them to self-isolate or quarantine to prevent exposure to COVID-19 and the employee has contacted the City of Minot Human Resources for documentation purposes;
   c. The employee is caring for a family member (spouse; parent; child; or other relative who is financially or legally dependent upon the employee) that has been diagnosed with COVID-19, or has been advised by health officials or a licensed health care provider to self-quarantine due to COVID-19 concerns and the employee has contacted City of Minot Human Resources for documentation purposes;
d. The employee is caring for a family member (spouse; parent; child; or other relative who is financially or legally dependent upon the employee) with an autoimmune related illness and employee has contacted City of Minot Human Resources for documentation purposes;

e. The employee contracts COVID-19 and the employee has contacted City of Minot Human Resources and appropriate health authorities for documentation purposes;

f. The employee is sick with an undiagnosed illness with symptoms consistent with COVID-19 (to prevent possible exposure to healthy employees) and employee has contacted City of Minot Human Resources for documentation purposes;

g. The employee is caring for children due to school and/or daycare closures related to COVID-19;

h. The employee is sent home from work by City officials for reasons relating to COVID-19;

i. If the employee’s supervisor approves this type of leave for other COVID-19 related examples not specifically described above.

2. Employees will still be expected to utilize sick leave or annual leave for leave unrelated to COVID-19, including broken bones, sprains, strains, or other injuries; maternity/paternity leave; general surgery; or any other circumstance that cannot be tied to COVID-19.

3. The City of Minot may consider remote accessibility options for employees granted leave under the provisions of section (1), if (1) the employee is in a position in which he or she can effectively work remotely; and (2) the employee is physically capable of completing his or her job requirements in light of the circumstances surrounding the leave.

4. This Resolution shall supersede the Resolution No. 3654 approved by the Minot City Council at the March 16, 2020 regular City Council meeting, which related to paid leave during the COVID-19 pandemic.

This Resolution was approved by the Minot City Council on _____________, 2020 shall become effective immediately.

ATTEST: APPROVED:

_________________________ ________________________
Kelly Matalka, City Clerk Shaun Sipma, Mayor
TO: Mayor Shaun Sipma
Members of the City Council

FROM: Kelly Hendershot

DATE: March 19, 2020

SUBJECT: ENACTMENT OF DISASTER AND EMERGENCY ORDINANCE

I. RECOMMENDED ACTION

   A. Approve the attached ordinance, on first reading.

II. DEPARTMENT CONTACT PERSONS

Kelly Hendershot – (701) 857-4755

III. DESCRIPTION

Attached is a proposed ordinance relating to potential disasters and emergency situations which might affect the City of Minot. The proposed ordinance closely tracks with the current local disaster and emergency ordinance in place in the City of Grand Forks.

Among other things, the proposed ordinance would provide authority to the Mayor to declare certain local disasters and emergencies in accordance with section 37-17.1-10 of the North Dakota Century Code. In addition, it provides the Mayor with the authority to take certain procedural actions and issue orders. Mayoral orders made under this ordinance would expire after 30 days, unless specifically approved by the City Council.

The ordinance also provides a penalty provision for violating any order issued pursuant to this authority.

IV. IMPACT:

The adoption of this or a similar ordinance would provide the City with flexibility in issuing directives in an emergency situation.

V. ALTERNATIVES

The City Council could reject this ordinance or suggest revisions to the list of authorities available under the provisions of the draft ordinance.

VI. TIME CONSTRAINTS

In order to use this section in the current situation, the ordinance would need to be adopted, on first reading, as quickly as possible.
VII. LIST OF ATTACHMENTS
   A. Proposed Ordinance
ORDINANCE NO:

AN ORDINANCE ENACTING A NEW DIVISION OF CHAPTER 2, ARTICLE II, TO BE TITLED “DISASTER AND EMERGENCY” WHICH SHALL AUTHORIZE THE MAYOR TO DECLARE A LOCAL DISASTER OR EMERGENCY AND TO PROVIDE FOR THE NECESSARY ORGANIZATION, POWERS, AND AUTHORITY TO PREPARE FOR, RESPOND TO, AND RECOVER FROM SUCH DECLARED LOCAL DISASTERS OR EMERGENCIES WHICH AFFECT THE HEALTH, SECURITY, SAFETY, OR PROPERTY OF THE CITY AND ITS RESIDENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:

§ 1 That Division 3 – Disaster and Emergency, of Article II, Chapter 2 of the Code of Ordinances is hereby enacted to read as follows:

Division 3. – DISASTER AND EMERGENCY

Sec. 2-36. Intent.

It is the intent of this Ordinance to provide the necessary organization, powers, and authority to enable the timely and effective use of all available city resources to prepare for, respond to, and recover from disasters and/or emergencies, natural and manmade, likely to affect the health, security, safety, or property of the city and its residents, whether such events occur within or without the corporate limits of the city.

Sec. 2-37. Definitions.

(a) Disaster, whether natural or manmade, shall include, but not be limited to, flood; fire; tornado; earthquake, severe high or low temperatures; water, land or air contamination; blizzard; landslide; mudslide; building or structural collapse; high water table; water pollution; air pollution; epidemic; pandemic disease; riot; blight; drought, civil emergency; utility emergency; severe energy shortages; snow; ice; windstorm; hazardous or toxic substance spills or releases; chemical spills or releases; petroleum spills or releases; biological material spills or releases; radiation releases or exposure; structural failure; public health emergency; infestation; explosions; or accidents.

(b) Civil emergency shall include, but not be limited to, any condition of unrest, riot, civil disobedience, affray, unlawful assembly, hostile military or paramilitary action, war, terrorism or sabotage.

(c) Utility emergency shall include, but not be limited to, conditions which endanger or threaten to endanger the safety, potability, availability, transmission, distribution, treatment, or storage of water, natural gas, gas, fuel, or electricity.

Sec. 2-38. Powers.

(a) The mayor of the City of Minot is authorized, if the mayor finds the city or any part of thereof is suffering or is in imminent danger of suffering a natural or manmade
disaster, civil or utility emergency, to declare a local disaster or emergency pursuant to NDCC 37-17.1-10 and take the following procedural actions and orders, including, but not limited to:

1. Suspend, limit, cancel, convene, reschedule, postpone, continue, or relocate all meetings of the city council, and any city committee, commission, board, authority, or other city body as deemed appropriate by the mayor.

2. Suspend or limit the sale, distribution, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustible products and require the closing of those businesses or parts of businesses insofar as the sale, distribution, dispensing, or transportation of these items are concerned.

3. Establish a curfew during such hours of the days or nights and affecting such categories of persons as may be designated.

4. Require the closing of business establishments.

5. Prohibit the sale or distribution within the city of any products which could be employed in a manner which would constitute a danger to public safety.

6. Close any and all streets, alleys, sidewalks, bike paths, public parks, or public ways.

7. Temporarily suspend or modify, for not more than sixty (60) days, any regulation or ordinance of the city, including, but not limited to, those regarding health, safety, and zoning. This period may be extended upon approval of the city council.

8. Require the continuation, termination, disconnection, limitation, or suspension of natural gas, electrical power, water, sewer, or other public utilities or services.

9. Control, restrict, allocate, or regulate the use, sale, production, or distribution of food, water, fuel, clothing, and/or other commodities, materials, goods, services, and resources.

10. Suspend or limit burning of any items or property within the city limits and up to two (2) miles outside the corporate limits.

11. Require emergency services of any city officer or employee. If regular city forces are determined to be inadequate, then to acquire the services of such other personnel as the mayor can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by state law to other registered and identified disaster emergency workers.

12. Utilize all available resources of the city as reasonably necessary to manage the disaster or emergency.

13. Evacuate all or part of the population from any stricken or threatened areas within the city if the mayor deems this action is necessary for the preservation of life, property, or other disaster or emergency mitigation, response or recovery and to prescribe routes, modes of transportation and destination in connection with an evacuation.

14. Purchase or lease materials, supplies, or equipment during the local disaster or emergency, and to authorize any or all agencies or city officials to directly purchase or lease those materials, supplies, or equipment essential to continue the work of the city involved without the advertisement of bids. Purchases or
leases exceeding the amount of thirty thousand dollars ($30,000.00) shall require prior approval by the city auditor.

15. Hire and/or contract for construction, engineering, architectural, building, electrical, plumbing, and/or other professional or construction services essential to the continuation of the activities of the city without the advertisement for bids or compliance with procurement requirements. Such contracts shall not exceed thirty thousand dollars ($30,000.00) without prior approval having been given by the city auditor.

16. Make application for local, state, or federal assistance.

17. Establish and control routes of transportation, ingress or egress.

18. Control ingress and egress from any designated disaster or emergency area or homes, buildings, structures, or areas located therein.

19. Subject to any requirements established by law for compensation, utilize private property as necessary to cope with emergency or disaster conditions.

20. Appropriate and expend funds, exclude contracts, authorize the obtaining and acquisition of property, equipment, services, supplies, and materials without strict compliance with procurement regulations or procedures.

21. Transfer the direction, personnel, or functions of city departments and agencies for the purpose of performing or facilitating emergency or disaster services.

22. Accept services, gifts, grants, loans, equipment, supplies, and/or materials whether from private, nonprofit, or governmental sources.

23. Order the isolation, quarantine, or segregation of persons or animals when reasonably necessary to prevent the introduction or transmission of infectious or contagious agents or toxins. Any such isolation or quarantine must be by the least restrictive means necessary to prevent the exposure, transmission, or spreading of a communicable, or potentially communicable, disease, agent, or toxin to others and may include, but is not limited to, confinement to private homes or other private or public premises.

24. Terminate or suspend any process, operation, machine, device, or event that is or may negatively impact the health, safety, and welfare of persons or property within the city.

25. Delegate authority to such city officials as the mayor determines reasonably necessary, convenient, or expedient.

26. Close or cancel the use of any municipally owned or operated building or other public facility.

27. Exercise such powers and functions in light of the exigencies of emergency or disaster including the waiving of compliance with any time-consuming procedures and formalities, including notices, as may be prescribed by law.

28. Remove, demolish, abate, clean up, mitigate, decontaminate, or disinfect any structure, debris, wreckage, site, or location or to otherwise mitigate the effects of any emergency or disaster.

29. To issue any and all such orders or undertake such other functions and activities as the mayor reasonably believes is required or appropriate to protect the health, safety, and welfare of persons or property within the city.

(b) The declaration shall be promptly filed with the city auditor and the public shall be
notified through general publicity of said declaration.
(c) The declaration of a local disaster or emergency shall be in effect for a period of up to thirty (30) days. This period may be extended only upon approval of the city council.
(d) If the mayor is unavailable, the president of the city council shall have said authority, followed by the vice president of the city council, and then followed by the most senior ranked member of the city council.

Sec. 2-39. Violation.

No person shall violate or fail to comply with any emergency order issued in accordance with this section, or obstruct or interfere with the execution of any emergency order. The penalty for a violation of any provision of this Division shall be in accordance with section 1-8 of the Minot Code of Ordinances.

Sec. 2-40. Location of governing body meetings and departments.

(a) Whenever an emergency or disaster makes it imprudent or impossible to conduct the affairs of the city at its regular locations, the governing body may meet at any place, inside or outside the city limits. Any temporary disaster meeting location for the governing body shall continue until a new location is established or until the emergency or disaster is eliminated and the governing body is able to return to its normal location.
(b) Whenever an emergency or disaster makes it imprudent or impossible to conduct the affairs of any department of the city at its regular location, such department may conduct its business at any place, inside or outside the city limits, and may remain at the temporary location until the emergency or disaster is declared ended or until the department is able to return to its normal location.
(c) Any official act or meeting required to be performed at any regular location of the governing body or of its departments shall be valid when performed at any temporary location established under this section.

Sec. 2-41. Mutual aid agreements.

(a) The mayor may, on behalf of the city, enter into such reciprocal aid, mutual aid, joint powers agreements, intergovernmental assistance agreements, or other compacts, plans, or agreements with other governmental entities for the protection of life and property. Such agreements may include the furnishing or exchange of supplies, equipment, facilities, personnel, and/or services.
(b) The governing body or any of its committees, commissions, or authorities may exercise such powers and functions in light of the exigencies of the emergency or disaster and may waive compliance with time consuming procedures and formalities prescribed by law.
Sec. 2-42. Authority to enter property.

During the period of a declared emergency or disaster, a city employee or authorized agent may enter onto or upon private property if the employee or authorized agent has reasonable grounds to believe that there is a true emergency or disaster and an immediate need for assistance for the protection of life or property, and that entering onto the private land will allow the employee or authorized agent to take such steps to alleviate or minimize the emergency or disaster or to prevent or minimize risk or danger to lives or property from the declared emergency or disaster.

Sec. 2-43. Scope and application.

The provisions of this section shall apply to all executive, legislative, and judicial branches, powers, and functions conferred upon the city and its officers, employees, and authorized agents.

§ 2 That Division 1 – Generally, of Article III, Chapter 2 of the Code of Ordinances is hereby enacted to read as follows:

Secs. 2-44-46. – Reserved.

§ 3 This Ordinance shall become effective upon final passage and approval.

PASSED FIRST READING: __________________________

PASSED SECOND READING: __________________________

ATTEST: __________________________

APPROVED: __________________________

_________________________ _________________________
Kelly Matalka, City Clerk Shaun Sipma, Mayor