

**CITY OF SAINT PETER, MINNESOTA  
AGENDA AND NOTICE OF MEETING**

City Council Workshop Session of Monday, May 18, 2020  
5:30 p.m.

This meeting will be conducted electronically - See below for electronic access.

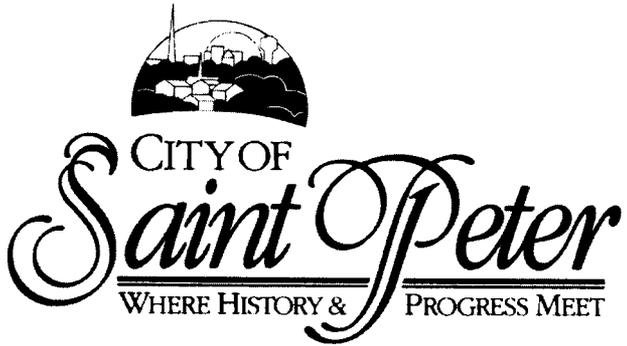
- I. **CALL TO ORDER**
- II. **DISCUSSION**
  - A. Community Development Department Presentation
  - B. EV Charger Presentation
  - C. Snow Removal Policy
  - D. Goal Session Schedule
  - E. COVID-19 Update
- III. **ADJOURNMENT**

As provided for in M.S. 13D.021, City Council meetings may be conducted by telephone or other electronic means under certain conditions. This meeting of the City Council will only be accessible electronically using GoToMeeting software which is available at no charge (link below) or by calling as indicated below. This works best utilizing Google Chrome or Microsoft Edge as your browser. Here is the information necessary to access the meeting electronically:

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<tel:+18668994679,,591790045#>

Access Code: 591-790-045



## Memorandum

**TO:** Honorable Mayor Zieman  
Members of the City Council

**DATE:** 5/14/20

**FROM:** Todd Prafke  
City Administrator

**RE:** Department Presentations: Community Development Department

### **ACTION/RECOMMENDATION**

None needed. For Council information and discussion only.

### **BACKGROUND**

The workshop on Monday evening will feature Community Development Director Russ Wille who will provide an update on activities in the Department as shown in the attached list.

Please feel free to contact me if you have any questions or concerns on this agenda item.

TP/bal

**COMMUNITY DEVELOPMENT PRESENTATION  
(May 18, 2020)**

**Department Functions**

- Economic Development
- Planning and Zoning
- Heritage Preservation
- Housing Development

**Economic Development**

**Components of Successful Economic Development**

- Community Assets
- Capital \$
- Development Team
- Marketing/Publicity
- Fostering Relationships
- Focus
- Lead Development

**Revolving Loan Fund(s)**

● On Deposit:	\$1,262,010
● Loans Made:	1,012,416
● Covid-19 Micro Loans:	<u>405,332</u>
	\$2,679,758

**Planning and Zoning**

**Comprehensive Plan (1995/2005/2016)**

- "Snap Shot"
- Goals & Policies
- Blue Print for Land Use Decisions
- Future Land Use Map

**Zoning Administration**

- Zoning Ordinance
- Zoning Districts
- Use Classifications
- Permitting
  - Permitted vs Conditional Use Permits
  - Development Regulations
- 60 Day Rule – Approval by Default
- Board of Zoning Appeals and Adjustments
  - Conditional Use Permits
  - Variances
  - Administrative Appeals/Interpretation
- Enforcement

**Heritage Preservation**

**National Historic Preservation Act (1966)**

- National Register of Historic Places
- Federal Designation – Secretary of Interior
  - Saint Peter Commercial Historic District
  - Individual Designations
- Supplemental Guidelines
  - National Park Service – Preservation Briefings
  - National Trust for Historic Preservation
  - Historic Resource Inventory
- Federal Tax Credits

**Minnesota Statutes §471.193. Subd. 3.2**

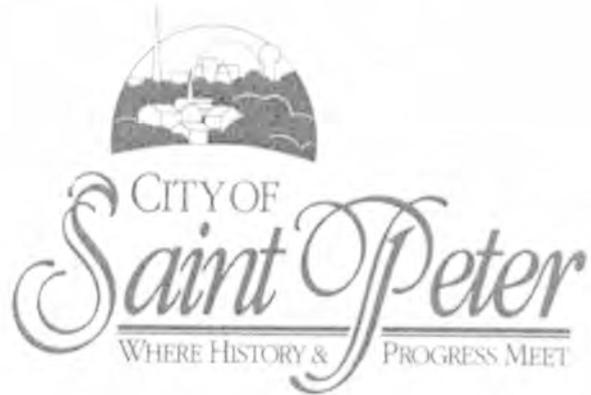
- State Historic Preservation Office (SHPO)
- ...”enactment of rules governing construction, alteration, demolition, and use, including the review of building permits, and the adoption of other measures appropriate for the preservation, protection, and perpetuation of designated properties and areas.”

**City of Saint Peter**

- Heritage Preservation Ordinance (1988)
- Heritage Preservation Commission
- Heritage Preservation District
- Commission Review
  - Renovation/Alterations
  - New Construction in the Central Business District
  - Signage
- 60 Day Rule - Approval by Default
- Annual Report to SHPO (2019)

**Outside Representation**

Regional Economic Development Alliance – REDA  
 U.S. Highway 169 Corridor Coalition  
 Nicollet County Comprehensive Planning Committee  
 Region 9 Economic Development Committee  
 Region 9 Climate Change Adaptation Committee  
 St. Peter Development Commission – Ex Officio  
 MN/DoT Highway 22 Planning Committee  
 Southcentral Minnesota Business Development Network  
 1 Million Cups



# 2019 Annual Report

Saint Peter  
Heritage Preservation  
Commission

### **Commission Staff**

Russ Wille	Community Development Director <i>(Ex-Officio)</i>
Cindy Moulton	Administrative Secretary

### **Commission Membership**

Lawrence Potts <i>(Chairman)</i>	(2018 – 2020)
Terry Bergemann <i>(Vice Chairman)</i>	(2019 – 2021)
Judy Douglas	(2019 – 2021)
Joe Metzen	(2018 – 2020)
Emily Bruflat	(2019 – 2021)
Brian Oviatt	(2019 – 2020)
Ed Johnson	Council Liaison

## Facade Renovation Reviews

### **211 South Minnesota Avenue: (Lotus Massage)**

Approved the construction and display of a sandwich board identifying the location of the massage parlor. Painted wood with raised lettering.

### **208 South Minnesota Avenue: (Why Not Gift Shop)**

Approved the display of a sandwich board denoting their location. The sign was constructed of two screen doors forming an "A" frame.

### **100 South Minnesota Avenue: (Atwood Realty)**

Approved the installation of a black awning sans any text. Also approved the alteration of the signage given the alteration of the Century 21 logo and color scheme.

*[The awning was never installed as Century 21 would not approve the design.]*

### **302 South Minnesota Avenue: (China Town / Impulse Tattoo)**

The awning was destroyed by ice falling from the roof on to the public sidewalk. The Commission approved the installation of a new awning which includes the graphics of the two occupants.

### **419 South Minnesota Avenue: (Frey Salon)**

Approved the installation of an awning and goose neck light above the rear door on the east facing wall. The owner agreed to screen the ground mounted air conditioning unit with either lattice or greenery. The project also included the removal of a non-functioning door with a glass window of the same size which would not necessitate a renovation of the opening. The design of the window replicates the existing windows.

### **300 South Minnesota Avenue: (Thrivent Financial)**

Authorized the replacement of the second story apartment windows. The windows to be replaced were installed in 1988 and the window openings were altered at that time so that a window with a "rounded" top would no longer be practical or affordable. The new windows are similar to the 1988 installation. However, the craftsmen created a "scalloped" look for the top portion of the window void.

### **217 South Minnesota Avenue: (Her Happy Place)**

The computer repair business which occupied the building has relocated to Nassau Street. Her Happy Place (women's gifts) is now occupying the building as they relocated from Front Street.

The storefront renovation re-installed the recessed entry which was original to the building. She also repainted the façade of the ground level storefront an alabaster color and includes raised lettering signage in a script font.

**220 South Front Street: (Extra Innings)**

The Commission approved the removal of the ill-conceived cedar shake siding awning that had been installed years ago. The new sunbrella awning is a solid black color.

The building owner's original intent was to remove and dispose of the interior lit plastic lens sign which advertised the location of "Willy's Bar" and to include the text "Extra Innings" on the new awning. However, given that the sidewalk tree obscures the awning from the vehicle traffic, the tenants have altered the existing sign lens to read "Extra Innings".

**400 South Third Street: (Olita Gifts)**

The Commission approved the sign permit for the projecting sign and associated gooseneck lighting. The project also included the repainting of the entryway.

**Site Visits/Tours**

**501 South Front Street: (Nicollet County Courthouse and Jail)**

Sherriff Lange provided a tour of the Courthouse and Jail so the Commission would see the renovation and construction approved in 2018.

The Commission members were satisfied with the window replacement and installation of the new roofing membrane. They were also pleased with the look of the new handicapped entrance and wheelchair lift. It is very obvious that the construction is new and not original to the historic structure.

**220 South Minnesota Avenue: (Extra Innings)**

A quorum of the Commission met on the sidewalk outside of Extra Innings to get a good look at the existing storefront conditions subject to the removal of the cedar shake siding awning. It appears that the transom is damaged beyond reasonable repair.

**Others**

**Central Business District – Accessibility Enhancement Program**

The City Council has established the Central Business District – Accessibility Grant Program to finance building improvements which enhance the accessibility for those with mobility impairments. Funded from the interest income of the locally capitalized revolving loan fund, it is expected that perhaps two renovation projects could be completed annually.

Significant improvements have been made since the Americans with Disabilities Act was adopted in 1990. There are only a few downtown properties which have no handicapped entrance. Recognizing the financial challenges of financing accessibility improvements, the City Council hopes that the financial assistance of the grant program will encourage more renovations.

All renovations within the locally adopted St. Peter Historic Commercial District will still be reviewed and approved by the Commission. As such, there may be properties which will not be fully ADA compliant if the renovation would require inappropriate alterations to a historic building façade.

**State Preservation Conference:**

No members of the Commission or staff were able to make arrangements to attend the 2019 conference. Every seat on the Commission will be filled in 2020 and Commission members will be offered an opportunity to attend at the City's expense. If no Commission members attend, the Community Development Director will arrange for his attendance.

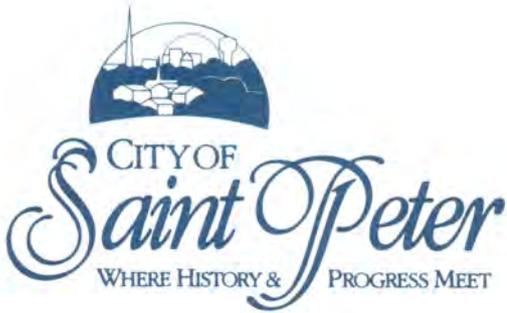
**Enforcement Action:**

Enforcement action has recently been undertaken by the City Attorney's office to compel a downtown retail establishment to submit their sandwich board design for a sign review, and if approved, to provide the proof of insurance necessary to encumber the public sidewalk.

The building owner/tenant has failed to comply after the receipt of two written notices of the violation. Written correspondence from the building owner / tenant suggests that they do not feel that the City has the ability to approve the sign design, sign materials, size of the sign or otherwise regulate downtown signage.

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***"A community without a knowledge of its past is like a person with amnesia. It can exist and function from day-to-day, but its lack of memory leaves it without a feeling of purpose, direction or identity." - Hy Berman***



## Memorandum

**TO:** Todd Prafke  
City Administrator

**DATE:** May 11, 2020

**FROM:** Pete Moulton  
Public Works Director

**RE:** Electric Vehicle (EV) Charging Stations

### **ACTION/RECOMMENDATION**

None needed. For City Council review and discussion only.

### **BACKGROUND**

We have been working with Southern Minnesota Municipal Power Agency (SMMPA) to obtain and install the infrastructure for two (2) new EV charging stations. The preferred sites have been identified at the Saint Peter Food Co-op parking lot adjacent to Highway 169 and in the City owned Parking Lot #2 which is located downtown in the 100 block of Nassau Street across from the old Library site.

Our goals for charging station fall into three primary areas:

- From a utility standpoint it is to increase base load and enhance opportunities for our customers
- Bring people (shoppers) to our downtown.
- In the near future assist current utility customers who want to convert to electric vehicles doing that in a way that supports them and our utility via base load increases, rebates and overall sales of electricity. While this project is currently a relatively small scale, in the future expansion of these services can help us with the City's Green Steps efforts as an added benefit.

This project also included a meeting invitation to business owners last fall that helped us identify potential partners like the Food Coop and gave us some concrete ideas about other locations which has led us to an east of Highway 169 location utilizing property that is already owned by the City.

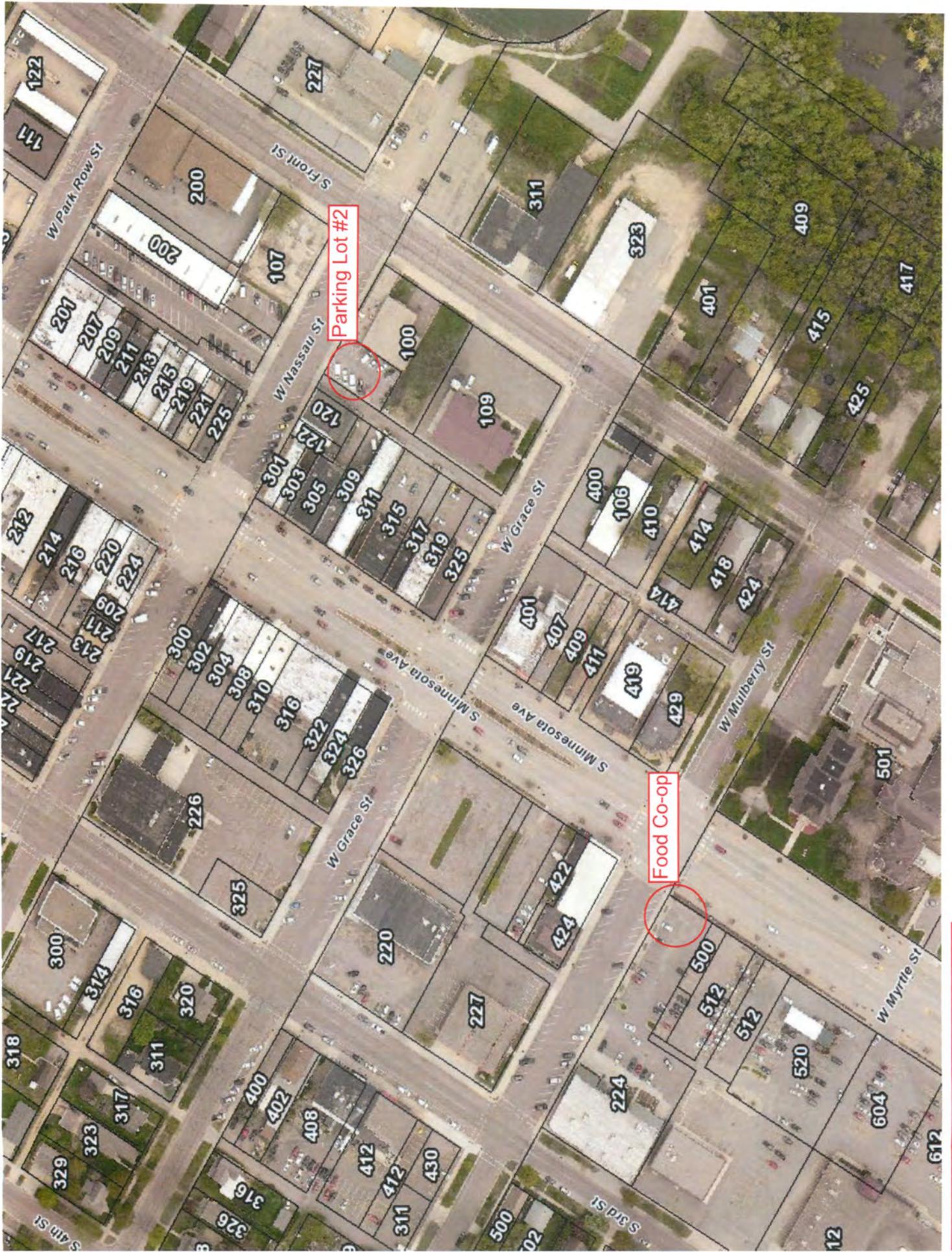
Our operational goal is to begin charging operations with at least one DC Fast Charger and one Level 2 charger at each location. Fast chargers are initially more expensive (\$30,000 plus installation) and take more energy, but have the capability to charge at a quicker rate (estimated 180 miles of charge in an hour). Level 2 chargers (\$5,000 plus installation), use less power, require lower voltage and take longer to charge (estimated 20 miles of charge in an hour). Active deployment of EV chargers is an excellent opportunity for our Utility to increase the base load electric sales.

Site selection allows us to start working with ZEF Energy and AID Electric on installation and infrastructure preparation. It will take approximately two months after Council authorization to finalize the installation and get the sites ready.

Energy use from the charges will be paid for by the user through a card swipe system. Right now we envision a system that charges for energy and potentially time connected. There are a number of different methodologies that are used throughout the country for EV charges. SMMPA is continuing to do some advisory pricing work while we will also do our own work. Then the two sets of figures will be compared to develop a plan that puts us in a position to expand our base loads while bringing customers to downtown businesses.

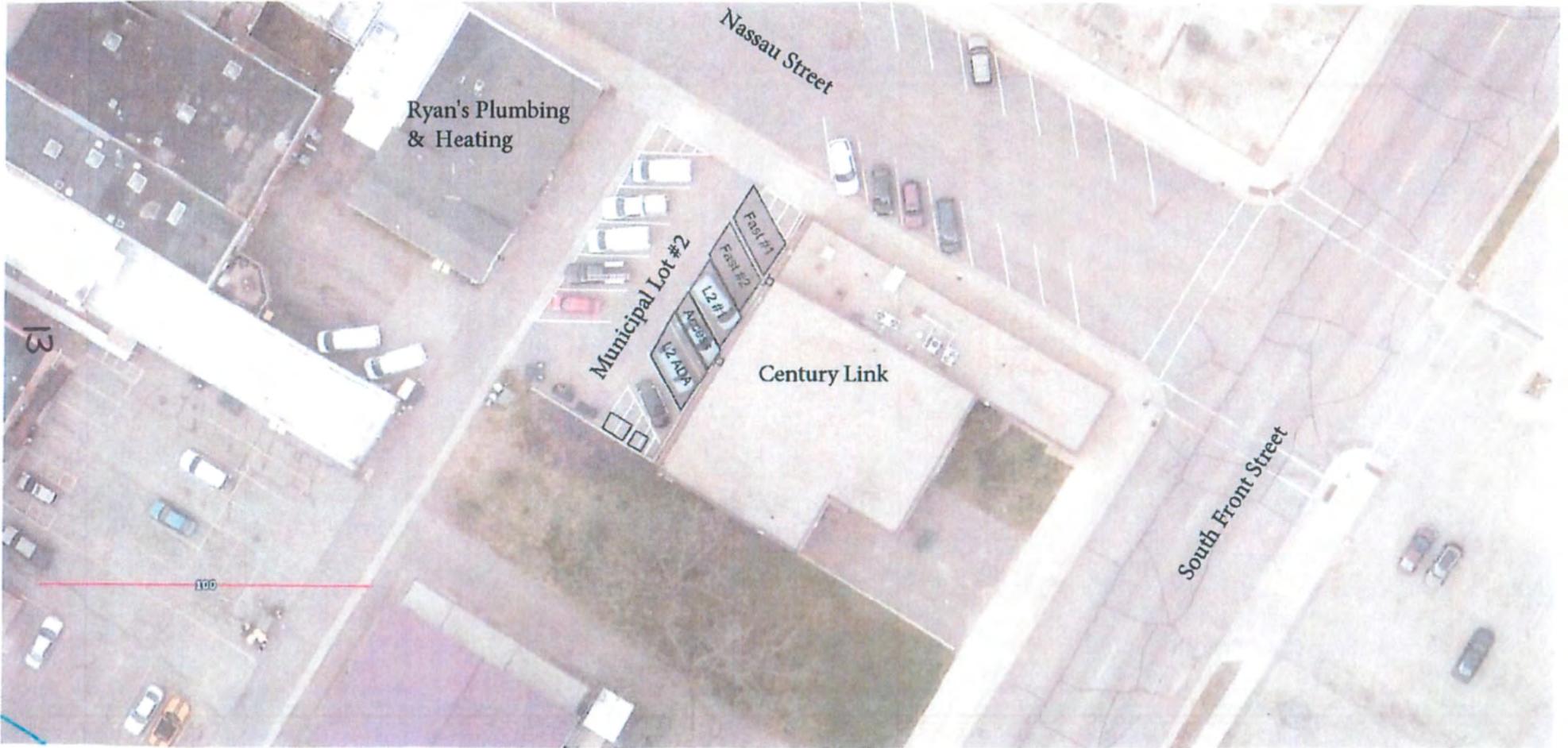
Please feel free to contact me if you have any questions or concerns about this agenda item.

PM

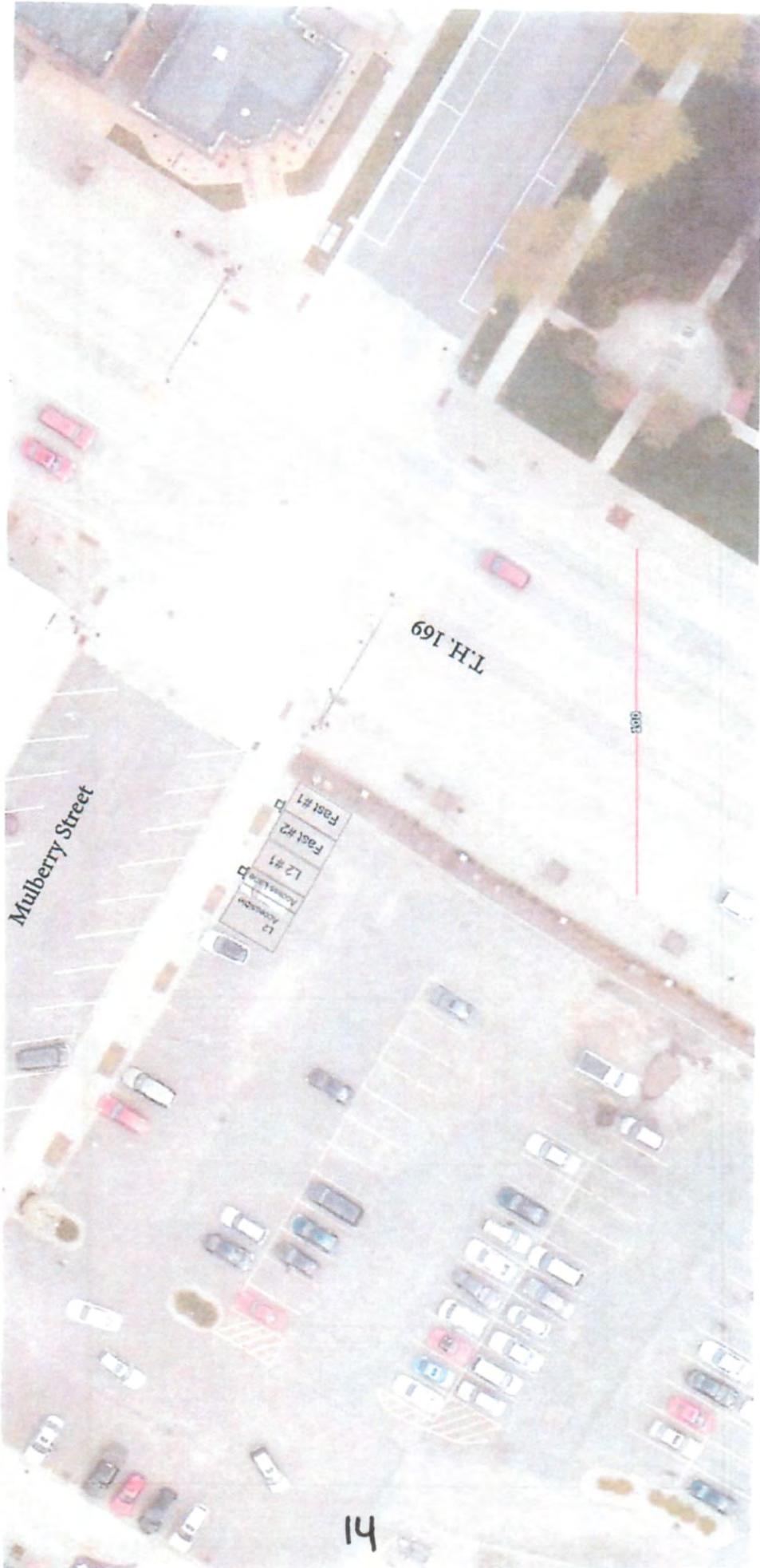


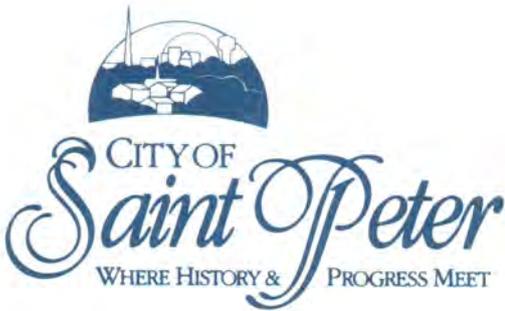
Electric Vehicle Charging Stations

Electrical Vehicle Charging Station  
Site # 2 - Municipal Lot #2



Electrical Vehicle Charging Station  
Site #1 - St. Peter Food Co-op





## Memorandum

**TO:** Todd Prafke  
City Administrator

**DATE:** May 11, 2020

**FROM:** Pete Moulton  
Director of Public Works

**RE:** Snow Removal and Ice Control Policy

### ACTION/RECOMMENDATION

None needed. For Council review and discussion only.

### BACKGROUND

Every so often Staff reviews policies and procedures to assure we are adequately serving our customers in an efficient and adequate manner. Our goal with snow removal and ice control is to develop a policy for regular winter events to provide a balance to the prescribed procedures and organizational responsibilities that we must undertake. The attached policy is an updated version where we have identified criteria for call outs and initiation of snow removal operations, as well as establishing priorities for removal, parking and maintenance of snow emergency routes.

Areas addressed include sidewalks and property damage. It's important to note that our plan for mailbox replacement maintains the 2003 Council resolution and clarifying our intent if a mailbox is hit by a City snow plow. Lastly, we address the concern of snow being placed in the City's right-of-way by a private property owner.

I am also working on a snow removal plan for downtown that identifies private property snow removal issues. More and more properties are pushing snow into the City right-of-way in the downtown and expecting the snow to be removed by the City. While this isn't a work capacity problem as staff can make some modifications to our hauling schedules to allow for this assistance to downtown business owners, the additional snow does add to the City's expense in hauling. Based on this, I developed calculations related to the cost that would recoup the City's costs if the property owner wants the City to perform this service for them.

The formula is based on an average 40" of snowfall and is the square footage times \$0.20 per square foot for hard surfaced lots and \$0.25 for gravel surfaces.

- *Contributing Area (sq. ft.) X Cost per Square Foot (\$0.20) = Annual Cost*
- *Example - 100'x75' (7,500) X \$0.20 = \$1,500 Annual Cost (asphalt or concrete)*
- *Example - 100'x75' (7,500) X \$0.25 = \$1,875 Annual Cost (gravel)*

With these costs in mind, Public Works has been working with owners of private property in the downtown to measure their lots and calculate the cost for snow removal. Seventeen properties have been identified that could use this service.

Please feel free to contact me should you have any questions or concerns about this agenda item.



## Memorandum

**TO:** Honorable Mayor Zieman  
Members of the City Council

**DATE:** 5/15/2020

**FROM:** Todd Prafke  
City Administrator

**RE:** Goal Session Schedule

### ACTION/RECOMMENDATION

None needed. For Council information only.

### BACKGROUND

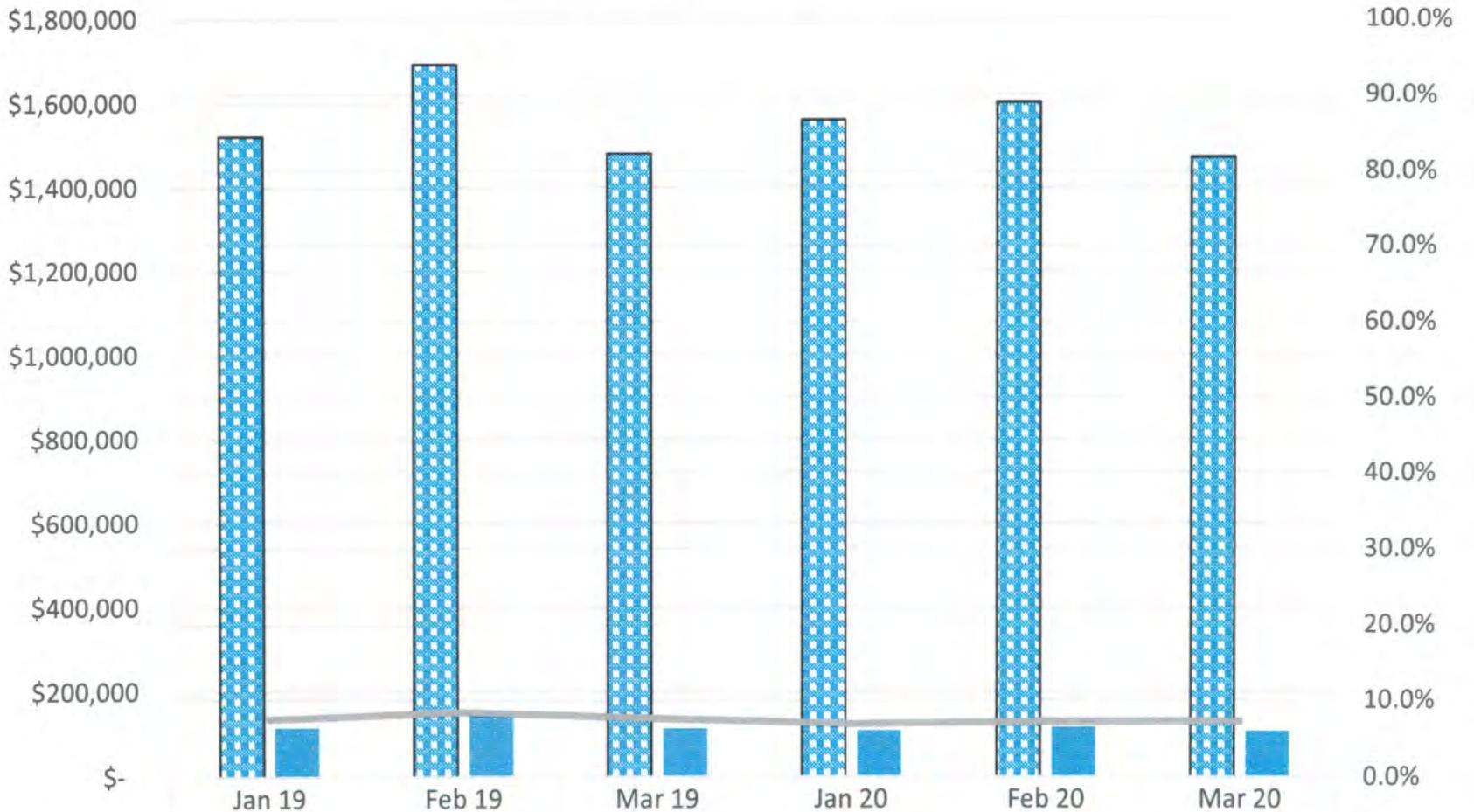
If the City Council proceeds as usual, a goal session will take place on the fifth Monday of June (June 29th) beginning at 3:00 p.m. in the Governor's Room.

My goal for your discussion on Monday's workshop agenda will be to confirm this date, talk a bit about logistics including live vs. virtual (State Law applies to Goal Sessions), do a quick review of a few agenda items that I have on the list and solicit input about potential agenda items that the Council hopes to include. Lastly, I hope to inquire if Councilmembers have any special dietary needs we need to know as we plan refreshments for the goal session.

If you have any questions about this agenda item, please feel free to contact me.

TP/bal

## Utility Revenue/AR



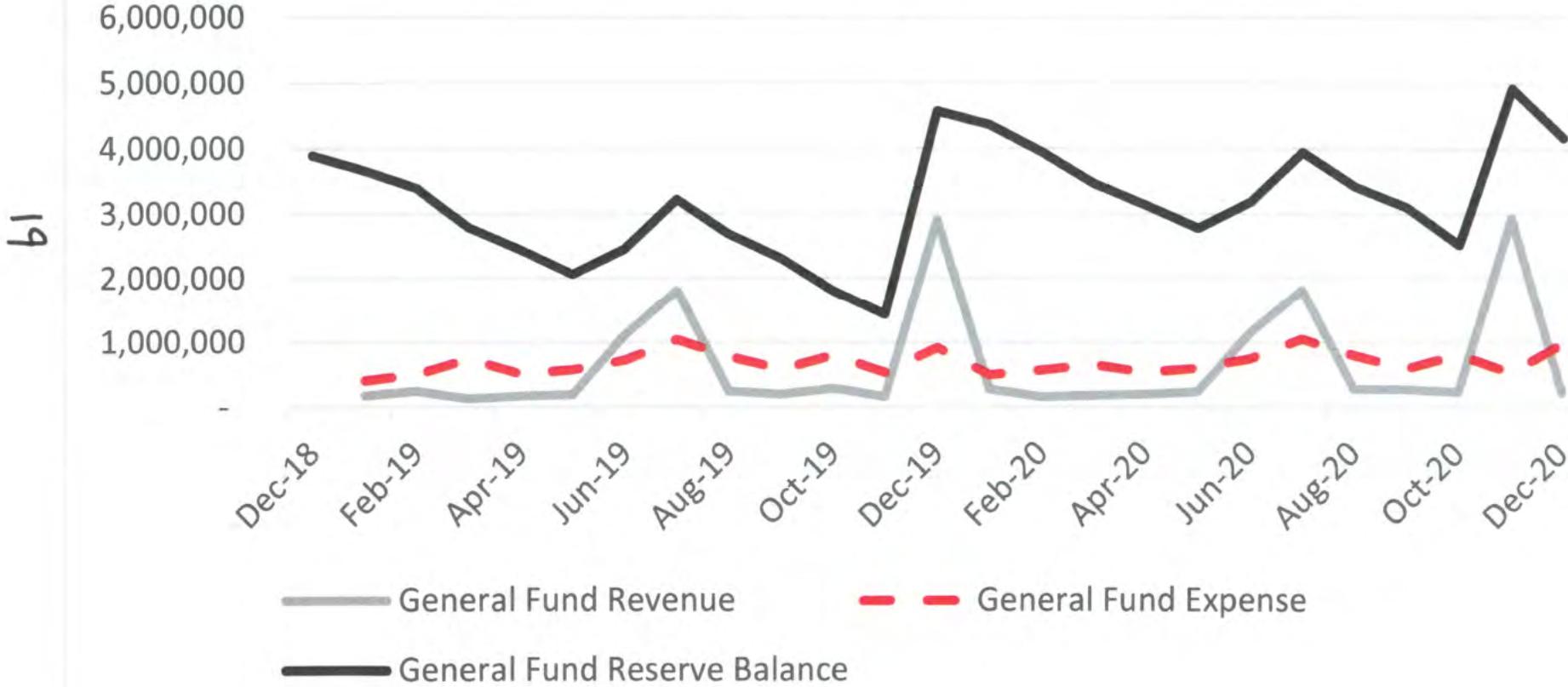
	Jan 19	Feb 19	Mar 19	Jan 20	Feb 20	Mar 20
Revenue	\$1,521,461	\$1,690,912	\$1,479,428	\$1,559,931	\$1,601,751	\$1,471,428
AR BALANCE	\$114,265	\$142,241	\$112,084	\$107,031	\$115,022	\$105,865
% OF REVENUE	7.5%	8.4%	7.6%	6.9%	7.2%	7.2%

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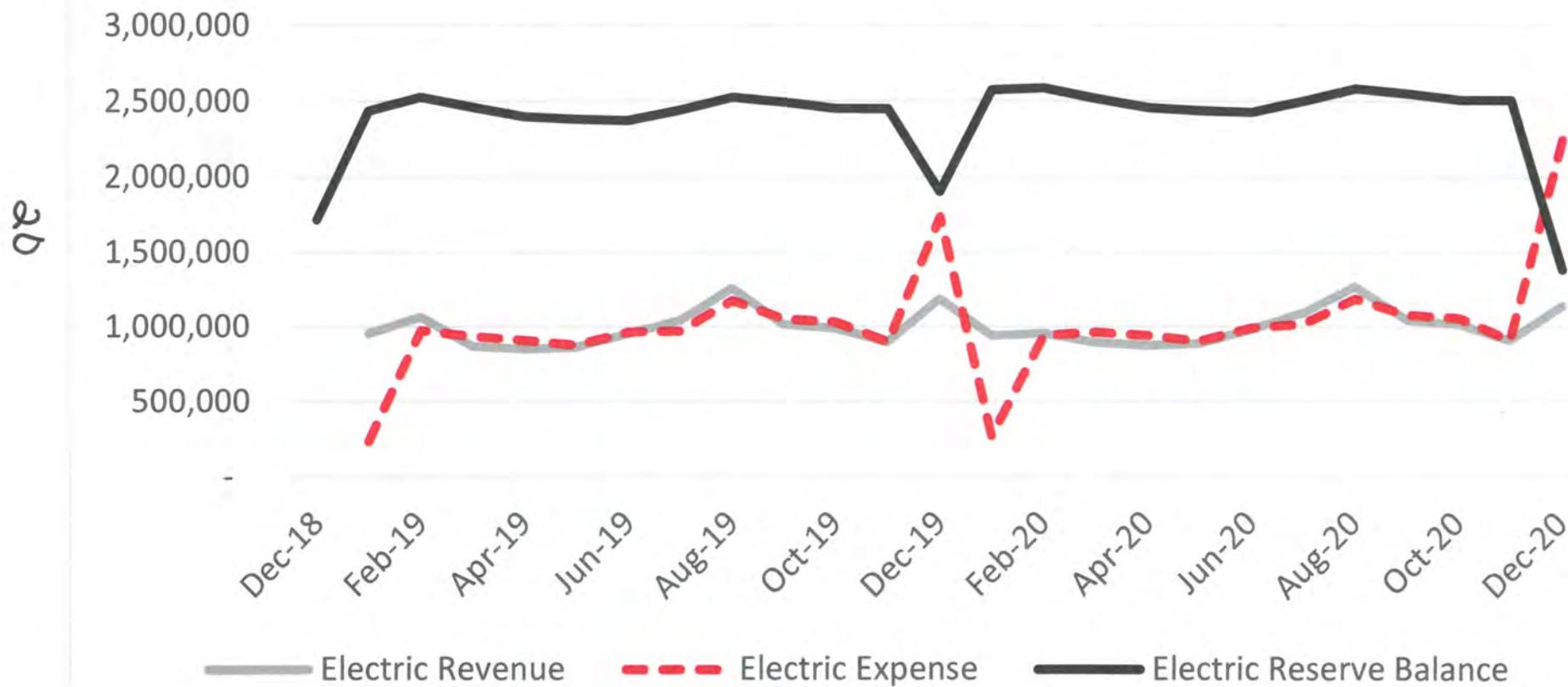
General Fund	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20
Revenue		174,367	242,274	128,114	165,667	189,526	1,114,268	1,803,312	235,216	193,649	285,691	154,710	2,903,338	267,959	152,959	175,000	190,000	225,924	1,149,281	1,811,146	275,924	275,924	233,924	2,939,694	235,696
Expense		408,635	501,064	742,743	508,436	572,706	720,749	1,038,412	769,977	574,397	792,012	523,791	905,208	483,111	561,602	650,000	523,689	589,888	742,371	1,050,000	793,076	591,629	815,772	539,505	984,494
Reserve Balance	3,893,057	3,658,788	3,399,999	2,785,370	2,442,602	2,059,421	2,452,940	3,217,840	2,683,080	2,302,332	1,796,010	1,426,929	4,568,771	4,353,619	3,844,976	3,469,976	3,136,287	2,772,324	3,179,233	3,940,379	3,423,227	3,107,522	2,525,674	4,925,863	4,177,065
Water	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20
Revenue		224,890	249,043	217,860	221,339	265,166	280,395	305,011	352,961	308,145	266,143	317,113	285,267	226,083	229,717	224,396	227,979	273,121	288,807	314,161	363,549	317,390	274,127	326,627	322,441
Expense		203,490	388,243	240,978	297,424	236,535	246,792	257,858	540,968	248,092	260,333	235,994	241,513	223,774	384,973	217,904	273,630	224,708	234,452	244,965	515,920	235,687	247,317	224,194	229,438
Reserve Balance	650,165	671,565	532,365	509,247	433,161	461,793	495,396	542,549	354,541	414,594	420,404	501,524	545,278	547,587	392,331	398,822	353,171	401,585	455,989	525,135	374,765	456,467	483,278	585,710	678,714
Waste Water	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20
Revenue		305,203	333,651	288,976	306,042	323,879	332,733	297,590	310,632	299,021	316,466	422,508	328,455	306,482	316,810	297,645	315,223	333,595	346,042	309,493	321,208	307,992	325,960	435,183	366,925
Expense		202,807	337,888	429,367	304,267	260,325	306,431	251,291	327,001	243,403	248,883	227,842	595,737	224,978	314,500	442,248	313,895	268,135	315,624	258,829	336,811	250,705	256,350	237,587	613,609
Reserve Balance	2,016,087	2,118,483	2,114,245	1,973,854	1,975,629	2,039,183	2,065,485	2,111,784	2,095,415	2,151,034	2,218,616	2,413,282	2,146,000	2,227,504	2,229,814	2,085,211	2,087,039	2,152,500	2,182,918	2,235,582	2,217,979	2,275,266	2,344,876	2,542,472	2,295,788
Electric	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20
Revenue		953,668	1,064,934	865,100	848,198	858,971	950,465	1,037,811	1,254,889	1,013,391	886,834	893,944	1,183,593	936,113	954,943	891,053	873,644	884,740	978,979	1,089,701	1,267,438	1,043,793	1,016,439	911,825	1,141,000
Expense		233,360	973,715	932,696	908,604	876,165	961,241	966,982	1,172,433	1,046,303	1,028,011	894,610	1,731,831	264,890	939,941	960,677	935,862	902,450	990,078	1,015,331	1,184,158	1,077,692	1,058,851	912,502	2,262,079
Reserve Balance	1,713,553	2,433,861	2,525,079	2,457,484	2,397,078	2,379,883	2,369,108	2,439,937	2,522,392	2,489,480	2,448,304	2,447,639	1,899,400	2,570,623	2,585,625	2,516,002	2,453,783	2,426,073	2,424,974	2,499,345	2,582,625	2,548,726	2,506,314	2,505,635	1,384,556

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# General Fund



# Electric



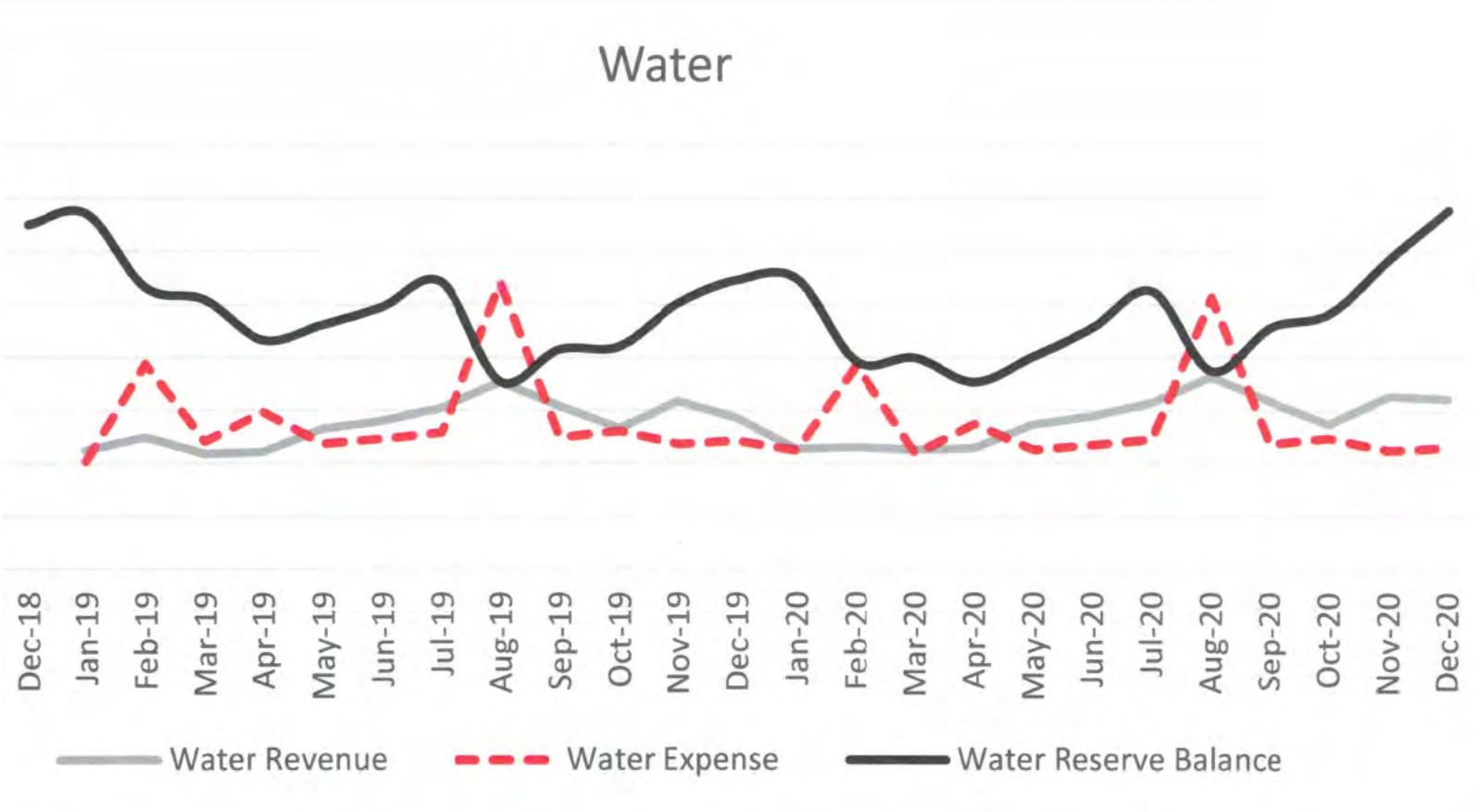
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# Water

800,000  
700,000  
600,000  
500,000  
400,000  
300,000  
200,000  
100,000

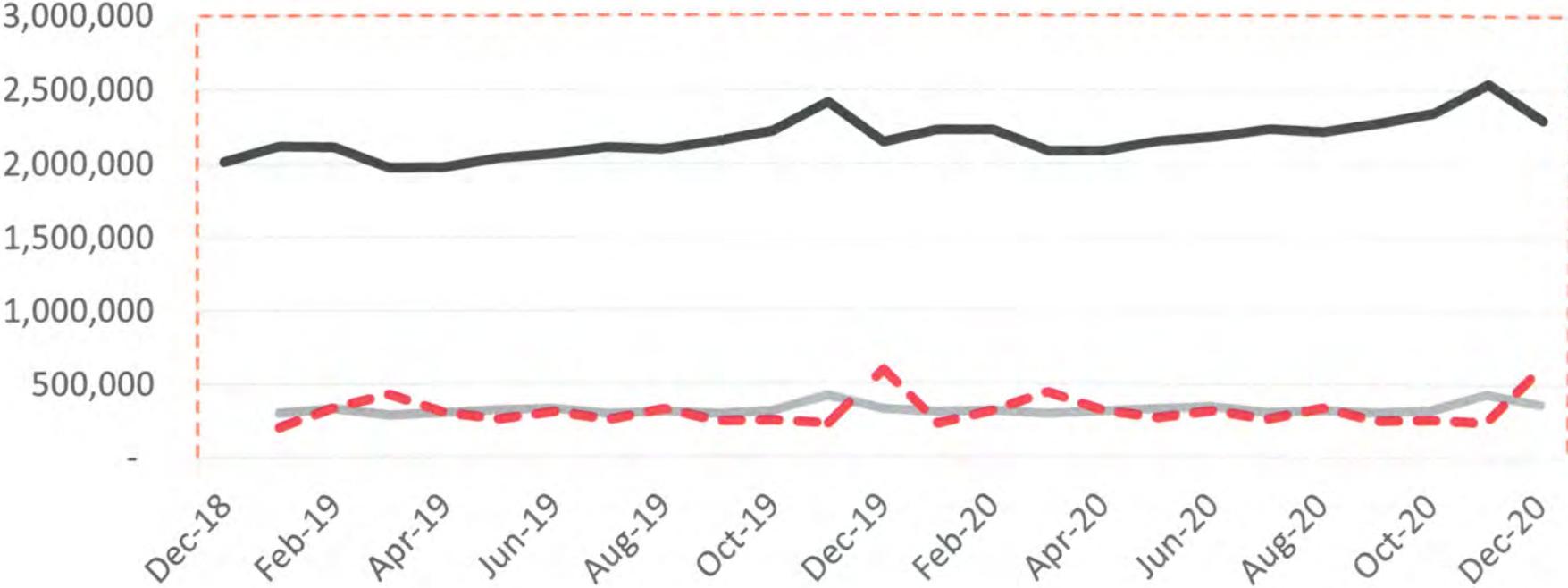
Dec-18 Jan-19 Feb-19 Mar-19 Apr-19 May-19 Jun-19 Jul-19 Aug-19 Sep-19 Oct-19 Nov-19 Dec-19 Jan-20 Feb-20 Mar-20 Apr-20 May-20 Jun-20 Jul-20 Aug-20 Sep-20 Oct-20 Nov-20 Dec-20

— Water Revenue    - - - Water Expense    — Water Reserve Balance



# WasteWater

22



- Waste Water Revenue
- - - Waste Water Expense
- Waste Water Reserve Balance

CITY OF SAINT PETER, MINNESOTA

RESOLUTION NO. 2020 - 33

STATE OF MINNESOTA)  
COUNTY OF NICOLLET)  
CITY OF SAINT PETER)

RESOLUTION DECLARING CONTINUATION OF EMERGENCY DECLARATION DUE TO  
COVID-19 EMERGENCY

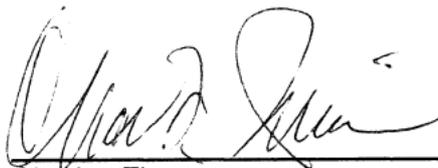
WHEREAS, as provided for in Minnesota Statutes 12.29, the Mayor has declared a State of Emergency in the City of Saint Peter related to the COVID-19 health emergency; and

WHEREAS, the declaration will expire within three days unless the City Council formally extends the emergency; and

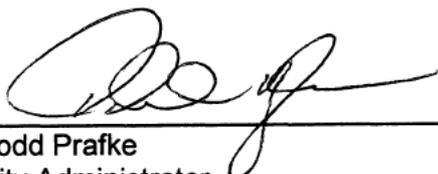
WHEREAS, the COVID-19 emergency is expected to continue for some time.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA, THAT: the State of Emergency declared by Mayor Charles Zieman on March 23, 2020 is hereby continued until rescinded by the City Council.

Adopted by the City Council of the City of Saint Peter, Nicollet County, Minnesota, this 23rd day of March, 2020.

  
\_\_\_\_\_  
Charles Zieman  
Mayor

ATTEST:

  
\_\_\_\_\_  
Todd Prafke  
City Administrator

# Office of the Revisor of Statutes

## Minnesota Session Laws - 2020, Regular Session

Authenticate

This document represents the act as presented to the governor. The version passed by the legislature is the final engrossment. It does not represent the official 2020 session law, which will be available here summer 2020.

Key: (1) ~~language to be deleted~~ (2) new language

### CHAPTER 74--H.F.No. 4556

*An act relating to state government; providing for COVID-19 policy and certain other policy changes; extending certain deadlines; covering certain COVID-19 health expenses; providing temporary emergency authority; expanding usage of electronic communication, applications, and signatures; appropriating additional money for grants to Second Harvest Heartland to purchase commodities from Minnesota farmers; modifying certain vehicle registration provisions; allowing nonposting of tax delinquency and suspension of nondelivery of liquor or beer related to delinquency; modifying certain treatment provisions; correcting errors in health and human services appropriations; making forecast adjustments; requiring reports; amending Minnesota Statutes 2018, sections 168.013, by adding a subdivision; 245F.03; 245F.04, by adding a subdivision; 254B.03, subdivision 1; 299C.46, subdivision 3; Minnesota Statutes 2019 Supplement, sections 13D.02, subdivision 1; 168.013, subdivision 1a; 254A.03, subdivision 3; 256B.0759, subdivisions 3, 4; Laws 2019, First Special Session chapter 1, article 1, section 2, subdivision 5; Laws 2019, First Special Session chapter 9, article 14, section 2, subdivisions 2, 24, 30, 31, by adding a subdivision; Laws 2020, chapter 71, article 2, section 15, subdivision 3, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 2019 Supplement, section 254B.03, subdivision 4a; Minnesota Rules, parts 9530.6600, subparts 1, 3; 9530.6605, subparts 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 21a, 21b, 24a, 25, 25a, 26; 9530.6610, subparts 1, 2, 3, 5; 9530.6615; 9530.6620; 9530.6622; 9530.6655.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

#### ARTICLE 1

#### COVID-19 POLICY

Section 1. Minnesota Statutes 2019 Supplement, section 13D.02, subdivision 1, is amended to read:

Subdivision 1. **Conditions.** (a) A meeting governed by section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive television so long as:

(1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;

(2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;

(3) at least one member of the body is physically present at the regular meeting location; and

(4) all votes are conducted by roll call so each member's vote on each issue can be identified and recorded; and

(5) each location at which a member of the body is present is open and accessible to the public.

(b) A meeting satisfies the requirements of paragraph (a), although a member of the public body participates from a location that is not open or accessible to the public, if the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public, and:

(1) the member is serving in the military and is at a required drill, deployed, or on active duty; and or

(2) the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public.

(2) the member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when a state of emergency has been declared under section 12.31, and expires 60 days after the removal of the state of emergency.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

See 12.31

### 12.31 NATIONAL SECURITY OR PEACETIME EMERGENCY; DECLARATION.

Subdivision 1. **Declaration of national security emergency.** When information from the President of the United States, the Federal Emergency Management Agency, the Department of Defense, or the National Warning System indicates the imminence of a national security emergency within the United States, which means the several states, the District of Columbia, and the Commonwealth of Puerto Rico, or the occurrence within the state of Minnesota of a major disaster from enemy sabotage or other hostile action, the **governor may, by proclamation, declare that a national security emergency exists in all or any part of the state.** If the legislature is then in regular session or, if it is not, if the governor concurrently with the proclamation declaring the emergency issues a call convening immediately both houses of the legislature, the governor may exercise for a period not to exceed 30 days the powers and duties conferred and imposed by sections 12.31 to 12.37 and 12.381. The lapse of these emergency powers does not, as regards any act occurring or committed within the 30-day period, deprive any person, political subdivision, municipal corporation, or body politic of any right to compensation or reimbursement that it may have under this chapter.

Subd. 2. **Declaration of peacetime emergency.** (a) **The governor may declare a peacetime emergency.** A peacetime declaration of emergency may be declared **only when an act of nature, a technological failure or malfunction, a terrorist incident, an industrial accident, a hazardous materials accident, or a civil disturbance endangers life and property and local government resources are inadequate to handle the situation.** If the peacetime emergency occurs on Indian lands, the governor or state director of emergency management shall consult with tribal authorities before the governor makes such a declaration. Nothing in this section shall be construed to limit the governor's authority to act without such consultation when the situation calls for prompt and timely action. When the governor declares a peacetime emergency, the governor must immediately notify the majority and minority leaders of the senate and the speaker and majority and minority leaders of the house of representatives. A peacetime emergency must not be continued for more than five days unless extended by resolution of the Executive Council up to 30 days. An order, or proclamation declaring, continuing, or terminating an emergency must be given prompt and general publicity and filed with the secretary of state.

(b) By majority vote of each house of the legislature, the legislature may terminate a peacetime emergency extending beyond 30 days. If the governor determines a need to extend the peacetime emergency declaration beyond 30 days and the legislature is not sitting in session, the governor must issue a call immediately convening both houses of the legislature. Nothing in this section limits the governor's authority over or command of the National Guard as described in the Military Code, chapters 190 to 192A, and required by the Minnesota Constitution, article V, section 3.

Subd. 3. **Effect of declaration of peacetime emergency.** A declaration of a peacetime emergency in accordance with this section authorizes the governor to exercise for a period not to exceed the time specified in this section the powers and duties conferred and imposed by this chapter for a peacetime emergency and invokes the necessary portions of the state emergency operations plan developed pursuant to section 12.21, subdivision 3, relating to response and recovery aspects and may authorize aid and assistance under the plan.

**History:** 1951 c 694 s 301; 1959 c 34 s 1; 1961 c 561 s 5; 1979 c 65 s 2; 1986 c 444; 1996 c 344 s 20; 1999 c 250 art 2 s 1; 2001 c 7 s 3; 2002 c 402 s 7-9,21; 2004 c 279 art 11 s 7; 2005 c 149 s 7; 2005 c 150 s 5,6,14