



MINUTES

Council - Work Session Meeting

6:00 PM - Monday, May 18, 2020

City Hall, 8 Summit Drive, Blackduck MN

The Council - Work Session of the City of Blackduck was called to order on Monday, May 18, 2020, at 6:00 PM, in the City Hall, 8 Summit Drive, Blackduck MN, with the following members present:

COUNCILORS PRESENT: Councilor Jason Kolb, Councilor Maxwell Gullette, Councilor Paige Moore, and Mayor Rudy Patch

COUNCILORS EXCUSED:

STAFF PRESENT: City Administrator Christina Regas, Police Chief Jace Grangruth, Public Works Supervisor Mike Schwanke, and Liquor Store Manager Shawnda Lahr

OTHERS PRESENT: Jennifer Parker, Blackduck American, Justin Verlund, Shannon Kampa, Kayla Winkler and David Wilcox of Sandford Health

1 CALL TO ORDER

- a) Roll Call
- b) Pledge of Allegiance
Mayor Patch dispensed with the Pledge of Allegiance.

2 APPROVAL OF AGENDA

- a)

Maxwell Gullette moved to approve the agenda as presented Paige Moore seconded the motion.

Carried 4 to 0

Jason Kolb	For
Maxwell Gullette	For
Paige Moore	For
Rudy Patch	For

3 OLD BUSINESS

- a) City Buildings Designs & Redesigns - Funding work session requested June 11, 2020 @ 6pm Todd Haugen Ehlers
Regas requested a work session on Thursday, June 11, 2020 @ 6pm to have a discussion on potential funding options for the City buildings and redesigns. Nothing further.
- b) Golf Course Cart Shed
Regas stated the construction has begun on the cart shed foundation has started and the trusses have been ordered. Mayor Patch asked if the golf course is running

smoothly since opening on May 12. Regas stated it is going well and memberships are coming in and the first 5-year cart storage was sold. Mayor Patch asked how long the 5-year storage deal is being offered. Regas stated at this time just this summer. Nothing further.

- c) Rural Development Grant Application - Closing date / Delivery date
Regas stated the grant closing is pending the delivery date of the skid steer. Nothing further.
- d) Donation Request - Blackduck After Prom
No further updates at this time. Regas stated the school is focusing on graduation at this time. Parker stated the school has a great plan for graduation and it will be awesome. Nothing further.
- e) Public Works Truck(s)
Regas stated there is nothing new to report on the trucks since the public works committee meeting.
- f) Council Vacancy -
Regas stated the vacancy is still open and the City has not received any letters of interest.
- g) Requests for Proposals for Legal Services - Committee meeting May 19, 2020 @ 4:30pm
Regas stated the closing date for RFP for legal services was today at 4:30pm and requested a committee meeting on May 19, 2020 @ 4:30pm to discuss the submissions. Nothing further.

4 NEW BUSINESS

- a) Permit request for Motor Vehicle Exclusion Blackduck City Ordinance §740 Trail System Regulations - Paul Zanter 141 Liberty Drive
Regas stated she formed a committee of Public works supervisor, Mike Schwanke, Police Chief Jace Grangruth, and City Councilor Moore to discuss the request of resident Paul Zanter to allow access with their vehicle to the rear of their property to pull a trailer from their back yard a few times each year. Regas stated that by City Ordinance it may be permitted by the City but the City Council is the only body that can approve it.
Chief Grangruth stated he believes the City should look into feasible ways to allow the residents of Liberty Drive access to their back yards. Grangruth stated granting someone permission to someone to use a vehicle on a walking trail is not considered safe but the few people that are on the path for the short distance could do less damage than allowing access on the grass. Grangruth stated the request is only a few times a year and it could be allowable. Grangruth stated he feels it is a reasonable request. Grangruth stated some of the stipulations discussed would be that his department would need to be notified prior to the access so the City is aware. Councilor Gullette asked if the permit could have a timeline or date stipulated on it. Grangruth stated that may be more restrictive and difficult but notification prior to would be best. Mayor Patch asked where the public safety stands at a walking intersection on 71. Patch stated his concern for an accident with a pedestrian at the intersection and having a 24-hour notice in the permit might be easier on the police department. Grangruth agreed and stressed how if any of the residents had more access to their backyard the request would look much different. Councilor Kolb asked if there is anyway for the resident to put a fence or gate to the front of their yard for access. Grangruth did not believe there was enough room between homes but was unsure. Kolb stated that all residents on Liberty Drive already have access to their backyards from the front of their property. Kolb stated between all of the homes there is about 12' of access and if fences are removed then there is access. Mayor Patch asked if there are trees or other items that obstruct that access then a

resident would need to remove them to allow for access.

Councilor Gullette stated in the Ordinance it allows authorization to permit access. Councilor Kolb asked what Gullette suggests the permit fee be to drive on an already degrading trail. Councilor Moore stated the City does not have to charge a fee the permit could be approved for free or determined by the Parks committee. Regas stated at this time there are no fees established for a permit like this. Councilor Gullette stated if it were him he would like the easiest access to my backyard. Regas asked if easy is the right thing to do. Regas further stated that other Cities do not allow access to vehicles on walking trails.

Mike Schwanke stated when the committee met at the location for over an hour and over that time he only saw 3-4 people on the trail. Schwanke stated the pro's and con's were weighed and further decided the request should be allowable. Schwanke further stated that yes the trail is degrading but his equipment is run on the trail and much heavier than the permit request. Schwanke stated for the handful of times it will be needed he does not feel the request is unreasonable. Councilor Gullette stated there is the 'letter of the law' and then the 'spirit of the law'. Grangruth agreed that some circumstances can be allowable. Councilor Kolb agreed but further stated there is access by the front of the property in this situation. Kolb further stated that if the request is allowed by one then it must be for all. Grangruth recommends if the resident needs access now regardless of past requests the City should consider it. Mayor Patch asked if Regas has a sample contract/permit ready for review. Regas stated no and further stated the City Council should discuss the request before any draft is penned.

Verlund stated by his observation it is only about 900 feet of access. Kolb stated jumping the drainage ditch would have to happen too. Councilor Moore stated she agrees completed with Schwake and Grangruth that residents should have access to their property without having to put substantial effort into it and she does not feel it is going to get requested by the entire block. Moore further stated she believes this is the only time a request like this has come up and should be allowable.

Schwanke further stated the school uses the bike trail already from the bus garage to the school property. Mayor Patch stated that is a very valid point. Regas stated the school owns the property the trail is on which provides use by the Ordinance as the property owner.

Councilor Kolb asked if in the future the City has plans to make the walking trail any better by beautifying it with decorative rocks, flowers, or gardens and if so will the access still be allowed then. Councilor Moore asked if those types of decisions come from the Parks & Trails committee. Schwanke stated that over the next 10 years the feasibility of the bike trail receiving any cosmetic maintenance is very low as the City has many other more important projects to attend to first. Schwanke stated if it is a usability issue for the trail then it would be looked at.

Mayor Patch requested Regas present a draft of the permit for the City Council to vote on in June. Councilor Gullette stated he definitely thinks the request should be permitted and not charged. Patch asked if a timeline restriction should be in the permit. Kolb asked if that timeline would look like calling in this month for approval will be allowable but any other it will not. Gullette stated if it is a few times a year that will be fine, he does not want to be too controlling on what people can or can't do on their own property. Kolb asked the day of the week will be restricted as on the weekends he sees a higher use by the younger people. Kolb asked if a time of the day can be stipulated. Schwanke stated he thinks that restricted will be difficult to mandate and the City should put some faith in the citizens to use it in a safe manner and watch out for pedestrians.

Mayor Patch stated he is in agreement of some type of permit and requested Regas draft something for the council to review on June 8.

- b) [Conflict of Interest / Code of Ethics Policy Deep Dive - Blackduck City Council May Month Discussion: 2. Comply with both the spirit & the letter of the Law and City Policy](#)

Nothing discussed due upon the result of the COVID-19 reopening discussion (*item b.*)

c) Discuss authorizing a Resolution urging Governor Walz to allow businesses in the City of Blackduck to reopen

1. Sanford Health Representation - Kayla Winkler & Dr. Wilcox Powerpoint

2. Public Business Owners

3. MN Attorney General Keith Ellison communication to enforce executive orders

Kayla Winkler and Dr. Wilcox from Sanford Health presented the City Council with a presentation on their preparedness plan and how the public will get through the COVID-19 pandemic. (*power point supplied in council packet and will be submitted on the Blackduck City website*) Dr. Wilcox reported on how businesses can open safely. Dr. Wilcox cautioned that local cities may have to make a regulation if there is a large local outbreak and acting independently and encouraged the City work with Sanford Health if help is needed. Dr. Wilcox stated the surge in Northern MN could be out into August because of how rural our communities are. Dr. Wilcox stated the models are not intended for cities to make political decisions from but for the health care industry to prepare for the surge. Dr. Wilcox opened up the presentation to questions of how Sanford is preparing for COVID-19.

Question: Mayor Patch stated that in a round about way Dr. Wilcox is stating that we need to open stuff up so we know what is going to happen. Mayor Patch asked why would we want to push the surge into August but to open now so that people are sick in the summer instead of during flu season in the winter.

Answer: Dr. Wilcox stated that when you are sick 15% will wind up in the hospital; 1% will die; and you will spread that to your nursing homes and your elderly family members.

Question: Mayor Patch asked again why wait until August.

Answer: Dr. Wilcox stated the medical question is will we get sick from COVID-19 and the answer is yes you will. The political question is how do we negotiate our way through that. Dr. Wilcox stated you have to decide how do you work safely and manage our businesses safely. Dr. Wilcox stated the concept of 'getting it over with' that's the curve that goes up drastically and you get this in the nursing homes (20 deaths quickly) so it's like a young persons decision to go to Florida for Spring break and then come back and infect all those that are at risk.

Question: Mayor Patch stated his point is not to re-open 'full bore' but we have a Governor that does not care about anything that happens north of Mpls. and since we are all going to get sick, if they would allow opening up at different capacities, my question is why should we be waiting so long to do that.

Answer: Dr. Wilcox stated the Governor is giving guidance about reopening businesses and it is clearly a political topic.

Question: Mayor Patch stated the Governor wants to take over all the little cities and run it from Mpls and remove small government and he believes this is the first step. Patch stated he understands that people are going to get sick and he wants everyone to be safe but we need to start getting people back to work and now people don't want to go back because they want their liberal hand out and that is what it has come down to.

Dr. Wilcox stated again it is clearly a political decision and that is not Sanford's rule.

Question: Vernlund asked if it is true that over 90% of us are going to get it.

Answer: Dr. Wilcox stated that isn't really a statistic and you don't find that any where.

Question: Councilor Kolb stated he believes what Dr. Wilcox is trying to state is that there may be 1% of us that might die from COVID-19 but if we wait longer it might be .5% or .25%.

Answer: Dr. Wilcox stated you are trying to prevent preventable deaths or needless deaths because of lack of hospital beds or ventilators.

Question: Kampa stated it is also needless death when people can be detected

because hospitals are shut down like you are trading one evil for another and in the mean time you are driving all kinds of businesses out of business which is the heartbeat of the communities.

Answer: Dr. Wilcox stated the political arm of the conversation the cities need to make decision that are appropriate for your community and Sanford can provide the cities with the tools to do that. Dr. Wilcox stated that we are anxious to get back to work in the new normal.

Question: Mayor Patch asked What is the common flu season and when is the peak?

Answer: Dr. Wilcox it starts somewhere in September and peaks January or February.

Question: Mayor Patch stated if we push out the peak when the common flu will peak then it will be worse and the preparedness won't be enough. Yes or No.

Answer: Dr. Wilcox stated the mortality rate from COVID is significantly higher than the flu, where a mortality rate of COVID is 2-3% the flu mortality rate is .1%. Dr. Wilcox agreed that when the peak hits is a concern for all but until there is a vaccine or a cure this will be with us for some degree.

Question: Councilor Gullette asked if there will be instead of a 'flu season' there will be a 'COVID season'.

Answer: Dr. Wilcox stated it is possible since coronavirus has been around for awhile.

Question: Chief Grangruth stated if the state opened completely in the rural areas before the cold season wouldn't that be better. Grangruth stated Sanford has been prepared for awhile now and since it hasn't hit us yet he wonders if our areas should have opened earlier than the metro areas.

Answer: Dr. Wilcox stated there needs to be some independent decisions. He stated for example the US did not shut down when it hit China or Italy and there was a delay when it hit New York. Dr. Wilcox stated the models do account for population density and that in a rural area we already social distance.

Question: Grangruth stated if the ventilators are over run because Sanford will get people from farther away than our County is that one of the reasons we are holding off.

Answer: Dr. Wilcox stated he did not believe that is the driver of the models. The models typically provide a range for the healthcare facilities to review. Dr. Wilcox stated it is a tough call for communities and that one-size does not fit all but we need to do our business responsibly.

Question/Statement: Gullette stated he thinks it is dangerous that what we are doing to stay safe people will become complacent.

Question: Vernlund stated in his position it will be very difficult to manage his business, putting all the tables where he wants, and hand sanitizer but the nature of the business people are going to move around so 'soft open' regulations need to come out now. Vernlund stated waiting until June 1st will only make it worse.

Question: Kampa stated then there will be more passing of the disease.

Statement: Councilor Kolb stated then there is the legal aspect of it and will those businesses be held accountable for not following the guidelines.

Answer: Vernlund stated that is why he is going to separate people as much as possible when he opens but it won't work people will still move around.

Answer: Mayor Patch reminded the public that Dr. Wilcox cannot answer all these questions and that is not why he is present.

Dr. Wilcox thanked the Council and Public for their time and recommended reaching out to Sanford if businesses need assistance to opening safely.

Consideration authorizing a resolution or letter to the Governor urging all businesses be allowed to open.

Regas stated there has been new direction from the Governor since May 13 allowing

retail to reopen and non-essential businesses. Regas stated there will be ramifications to businesses that violate the Governor's order and open before he allows it statewide. Regas stated the City Council should listen to the business owners and the public before sending communication to the Governor.

Councilor Gullette stated passing a resolution is not going to overturn Governor Walz and it is up to law enforcement to uphold the Governor's order.

Councilor Kolb stated the City would be putting a huge handcuffs on our Chief by doing so and he has to hold the letter of the law.

Regas reminded the Council that our police officers' licenses are issued by the state. Regas further stated our City is not above the law but it needs to support the community.

Mayor Patch stated many businesses like the theater that are putting out the safety measures as directed, he believes the City can take a vote and state this is safe in our City to open and run itself. Patch stated that is why the people in town elected us to do this job, and we have Dr. Wilcox available to tell us how to do it safely but we are strapped by the Governor running little cities and that is exactly what is going on. Patch stated if we tell you to open up and lose your food license since you get it from the state it is frustrating. Patch stated he thinks we need to pass a resolution telling the Governor to let us run our city safely by the health guidelines. Patch stated it is upsetting and he can't tell the police department to 'look the other way' because we have Beltrami County Sheriff's department working side by side with them and have to investigate complaints. Patch stated we can't lose the support of the County.

Chief Grangruth: If the City Council tells the Governor that small communities are not like the whole state then the Governor can run the other area of the state and the cities can run their communities.

Councilor Kolb: Did the Governor provide to businesses 20% occupancy?

Regas: Retailers can provide 50% occupancy at this time and that started May 18.

Councilor Kolb: I know that all businesses have to have a preparedness plan.

Regas: That is correct, and that was what Dr. Wilcox was suggesting and not just for the employees for the customers too.

Kampa: The fear of COVID has been drilled into everybody to a certain degree where we are going to take those extra precautions to make sure both staff and customers are safe. But if they are saying the peak won't hit us until after August and we won't survive if we have to wait that long there is just no way the businesses can survive to be closed this long. Kampa stated we need the help of the City and law enforcement, but if we can't open we might as well say oh well.

Mayor Patch: The worst of it is waiting this long to open up and then the peak hits and people get sick and you have no employees.

Councilor Kolb: I suggest we speak to all the business owners and request their plans so that we can tell Governor Walz that we have a plan on paper can we please open up so it gives us more to do what we want.

Vernlund: It is up to the business owner to do what they want to open.

Councilor Kolb: Agreed but that might help the City help the business owner.

Councilor Gullette: Does the City have a plan for the Liquor store yet?

Regas: We are working on it but it will require more work.

Councilor Kolb: Does City Hall have a plan?

Regas: Not on paper but we are limiting the number of people in City Hall and the use of the restroom.

Councilor Gullette: So as of today City Hall is open to the public?

Regas: yes, but other areas of the City like the campground is not open yet.

Mayor Patch: Again that doesn't make any sense because it is remote and you are by yourself and I have my own facilities.

Councilor Gullette: Is the predicted date to open now June 1?

Regas: yes

Vernlund: What I was told was June 12.

Regas: June 12 was for the Peacetime emergency and that is extended at a month at a time.

Councilor Gullette: So on June 1 the theater might be able to open?

Kampa: Open at a slow capacity.

Regas: I encourage the businesses that still need to open to pay attention to the Governor's press conference on May 20. Regas agreed with Vernlund stating that it will be difficult for bars to ask their customers to stay in place at their tables because they like to socialize. Regas stated it will be difficult to sanitize all the time when our bars have pool tables, and jukeboxes, and dart boards.

Vernlund: We have plenty of space outside for people to sit.

Regas: It is really important for the City Council to understand that the City does not have the authority to do anything less than the State regulates.

Mayor Patch: I think the council understands that but it doesn't mean we should not be heard at a state level.

Regas: I agree that a letter from our smaller communities to the Governor understands that we have the ability to regulate it or at least open up to some capacity better than they are going to do state wide.

Councilor Gullette: Do we have anything drawn up so all the council can sign it?

Regas: I have provided a sample from another city to review and a resolution from another city.

Councilor Gullette: I would also encourage all local business owners to reach out to their elected officials local and at the state and county level. Make their phones ring!

Mayor Patch: Is Donrovn taking precautions.

Kampa: Basically anything that goes in or to your mouth have been eliminated from the cabins so everyone must bring all their own items including all sheets and comforters on the bedding. We have taken extra staff to sperate the staff so they don't infect one another.

Regas: As a community we need to understand that yes we need people to travel and visit our area and use our amenities but the position we put ourselves into by doing this is and open early is that the community is putting a target on them for the rest of the state to know that you will open early and have attention. This puts those businesses at a high risk for being fined by the state or licenses pulled.

Vernlund: I agree but strength is in numbers too if we all do it then it will difficult to pull all the licenses at once.

Regas: Is the Council considering more to have a letter sent to the Governor than a resolution and when would the Council do it at the next regular meeting on June 8?

Mayor Patch: We can call an emergency meeting to approve it.

Councilor Moore: What is the direction from the Council? I feel like we should draft a letter.

Mayor Patch: I agree a resolution will not give the City any more authority and does the council need to have a meeting to authorize a letter.

Regas: yes the council needs to authorize the letter at a meeting.

Kampa: we will know what the Governor's intentions are on May 20 so don't schedule the meeting before then.

Councilor Moore: Is that acceptable for Administrator Regas to draft a letter before by May 20?

Regas: that is too early and it won't get to the Governor before then.

Councilor Kolb: would you have enough time to speak to the businesses too?

Regas: I can't speak on the businesses behalf there should be communication from them.

Councilor Moore: How about May 26th to hold the meeting that will provide enough time to send the letter to the Governor.

Councilor Gullette: I don't believe the letter should state anything about not enforcing any orders from the Governor.

Councilor Kolb: except for asking nicely to allow the City businesses to reopen.

Chief Grangruth: I don't feel like the Governor will have any time to even read the letter.

Lahr: Can we send the letter by email?

Regas: it is my understanding that all the letters from the other cities have been mailed.

Mayor Patch: we could do both, and I believe as a small city we need to do something; because what if it happens in 5 years or next year we need to make it know at the state level. I want to call the emergency meeting with enough time to ensure the entire council is in favor of the letter that is drafted.

Schwanke: the letter is a great sounding thing but I believe it is an empty hollow statement. Putting something in the paper will make a bigger statement. We are all being held hostage right now because the Governor is holding the liquor licenses hostage. We need to either fall in line or buck the system. The letter does nothing I would love to open the campground it is fully booked for Memorial weekend. The business owners are hemorrhaging and a letter will just fall on deaf ears.

Councilor Kolb: I agree with Schwanke.

Mayor Patch: We still need to be heard.

Regas: My question to those present is how many of you have contacted your elected officials at the county and district and state level. (Kampa raised her hand) This is where you need to be heard, a phone call a letter is just a piece of paper. It is on the record as the city.

Mayor Patch: calling our elected officials is not going to any good because the Governor is going to do what he wants and calling your representative isn't going to help because the Governor won't listen to them either.

Kampa: when I call Utke he says the Governor doesn't tell him anything and they are just as upset.

Councilor Kolb: I disagree because if Walz wanted to hold us until August he could and it was the Senators that influenced Walz to open in June.

Regas: I suggest having the business owners speak to the local reporter to have them be heard. Yes as an aligned board of the City of Blackduck a letter should be signed, it may not have any authority behind it but it will show an aligned board and City that it supports the community businesses.

Mayor Patch: as all the elected officials are all working together and they are still fighting the Governor this is no different than giving the letter to our representatives.

Regas: coming out publicly and stating we support our businesses to open is a good move.

Mayor Patch: we are not trying if we do nothing and that is why we should write a letter showing we are all in support of the community. I would like feedback from the elected officials with the letter.

Grangruth: I spoke with Rep. 2a Grossell and I believe the businesses should be able to open, I am an officier of the state, but I can't put my licensure in jeopardy. The government can't enforce everyone that opens all at once.

Mayor Patch: I want all businesses to open safely and that makes it difficult when others don't care about that part of it.

Councilor Kolb: What is the average age of Blackduck. that will have a huge impact if it is older.

Schwanke: there is a big difference between the northern half of the state to the metro and the northern half all feels we should open up. We are locked up tighter than any state around us and we have the worst numbers.

Councilor Gullette: the average age is 33 of Blackduck.

Mayor Patch: any other questions or comments from the public?

Kampa: it was nice to hear what the officer has to say and the rest of the public and business owners.

Mayor Patch: if you are too scared to go out then stay home.

Councilor Kolb: it isn't that easy though, my wife is immune compromised and when

she goes to work she might die. My wife is scared to go back to work.

Vernlund: I appreciate being part of tonight's meeting, I have been kicking the idea around about serving on the City Council and being able to see how the meetings operate is nice before making a decision.

Councilor Gullette: I think having a letter drafted is the best path the City should have.

Councilor Kolb: I am not for authorizing a letter and may not because I need to think of the safety of my family first.

Regas: if you chose to not vote on it for personal choice that is your position.

Grangruth: everyone sitting at the tables are elected by the community and not individual concerns and if everyone wants to open the council should represent the whole.

Regas: if a council member chooses not to authorize the letter they may.

Councilor Kolb: I agree with Chief Grangruth.

Mayor Patch: but the elected officials should reach out to the whole community for feedback before authorizing the letter.

Schwanke: can the city pose the question to the public as a survey on Facebook.

Parker: many of the older crowd would not be heard. I don't think everybody is in opposition to open but to open wide up right away.

Councilor Moore: a council member should maybe do that instead of the City staff

Councilor Gullette: remember Dr. Wilcox stated tonight that it just isn't here yet.

Councilor Kolb: it's coming but it will come from the other infected cities when people travel but we just don't know when.

Mayor Patch: anything else anyone would like to say.

Nothing further.

5 ADJOURNMENT

a)

Jason Kolb moved to adjourn at 8:08pm Paige Moore seconded the motion.

Carried 4 to 0

Jason Kolb	For
Maxwell Gullette	For
Paige Moore	For
Rudy Patch	For

Christina Regas, City Administrator

Rudy Patch, Mayor