



## **Spearfish City Council**

**Special Session Agenda via Teleconference via ZOOM**

April 14, 2020 4:00 p.m. – 6:00 p.m. (MDT)

We will be using Zoom for this teleconference meeting. The application launches automatically if you are joining by computer. The telephone number for the audio is listed beneath the meeting link. If you want to use a smart phone or tablet for video and audio, download the Zoom application from your device's app store before the meeting then type in the meeting ID below shortly before the meeting.

### **Join Zoom Meeting**

<https://us04web.zoom.us/j/632647094?pwd=OG82REh2RHlrdUhpUzJqVW8zUmU2UT09>

Meeting ID: 632 647 094

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One tap mobile

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### **1. Call to Order**

### **2. Roll Call**

### **3. Approve Agenda**

### **4. Declaration of Any Potential Conflicts-of-Interest**

### **5. COVID-19**

A. Adopt Resolution 2020-07 – A Resolution Extending Emergency Ordinance 1314.

B. Approve first reading of Ordinance 1316 – An Emergency Ordinance to Address a Public Health Emergency by Implementing Certain Measures Which Have Been Deemed Necessary to Slow the Community Spread of Coronavirus 2019 (COVID-19).

### **6. Mayor and Council**

### **7. Departmental Discussion**

**8. Public Comment** – Public comments are welcome; however, no action can be taken by the Council on comments received for items not on this agenda. Anyone wishing to have the Council consider a new item should complete a Citizen Request Form to be reviewed by administration.

**9. Adjournment**

ADA Compliance: The City of Spearfish fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Finance Office 12 hours prior to the meeting so that appropriate auxiliary aids and services are available.

**RESOLUTION 2020-07**

**A RESOLUTION EXTENDING EMERGENCY ORDINANCE 1314**

**WHEREAS**, the Common Council adopted Ordinance 1314 to address a public health crisis caused by the novel coronavirus 2019 (COVID-19) by ordering certain businesses to close,

**WHEREAS**, the closure order in Ordinance 1314 is due to expire on April 15, 2020,

**WHEREAS**, Lawrence County has been declared to have significant community spread of COVID-19,

**WHEREAS**, public health officials in the state of South Dakota have projected the peak infection rate will not occur until approximately June, 2020,

**NOW THEREFORE, BE IT RESOLVED** by the Common Council of the City of Spearfish, Lawrence County, South Dakota, that the closures ordered in provisions 1 through 6 of Ordinance 1314 are extended and shall be in effect through 11:59 p.m. on April 29, 2020. All other provisions of Ordinance 1314 remain in full force and effect.

**BE IT FURTHER RESOLVED**, that, pursuant to SDCL 9-19-13, this resolution is necessary to suppress disease and for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective immediately upon passage and publication.

Dated this 14th day of April, 2020.

**CITY OF SPEARFISH**

By: \_\_\_\_\_  
Dana Boke, its Mayor

(Seal)

Attest:

\_\_\_\_\_  
Michelle DeNeui, Finance Officer

Adopted: April 14, 2020

Published: April 15, 2020

Effective: April 15, 2020

## **ORDINANCE NO. 1316**

### **AN EMERGENCY ORDINANCE TO ADDRESS A PUBLIC HEALTH EMERGENCY BY IMPLEMENTING CERTAIN MEASURES WHICH HAVE BEEN DEEMED NECESSARY TO SLOW THE COMMUNITY SPREAD OF CORONAVIRUS 2019 (COVID-19).**

**WHEREAS**, the City of Spearfish has the authority pursuant to SDCL 9-29-1 to pass ordinances for the purpose of promoting the health, safety, morals, and general welfare, of the community; and

**WHEREAS**, the City has the power pursuant to SDCL 9-32-1 to do what is necessary or expedient for the promotion of health or the suppression of disease; and

**WHEREAS**, an outbreak of the disease COVID-19, which is caused by the novel coronavirus, has been confirmed in more than 100 countries, including the United States; and

**WHEREAS**, COVID-19 is a severe respiratory disease transmitted by person-to-person contact, or by contact with surfaces contaminated by the virus. In some cases, especially among older adults and persons with serious underlying health conditions, COVID-19 can result in serious illness requiring hospitalization, admission to an intensive care unit, and death; and

**WHEREAS**, the World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC), and the Secretary of the U.S. Department of Health and Human Services have declared the outbreak of COVID-19 as a public health emergency; and

**WHEREAS**, on March 13, 2020, President Donald Trump declared a national emergency in response to the global pandemic of COVID-19; and

**WHEREAS**, on the same day, Governor Kristi Noem, issued Executive Order 2020-04 which declared a state of emergency to exist in the State of South Dakota in response to the spread of COVID-19; and

**WHEREAS**, cases of COVID-19 have been confirmed in several counties in South Dakota; and

**WHEREAS**, the CDC and health experts have recommended social distancing to slow the spread of COVID-19; and

**WHEREAS**, social distancing is a method of slowing down or stopping the spread of a contagious disease by reducing the probability of contact between infected persons and those not infected in order to minimize disease transmission; and

**WHEREAS**, in response to the need to implement social distancing, all schools in the state of South Dakota have been closed for the remainder of the school year; and

**WHEREAS**, on March 16, 2020, the White House issued guidance recommending that social gatherings of more than ten people be avoided and that people avoid eating or drinking at bars, restaurants, and food courts; and

**WHEREAS**, the guidance issued by the White House further recommended that in states with evidence of community transmission, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate should be closed; and

**WHEREAS**, many states and communities across the country have already implemented the White House recommendations by ordering all bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate be closed until the public health emergency is over; and

**WHEREAS**, the failure to successfully implement social distancing will likely result in higher numbers of infected individuals and has the potential to overwhelm the capacity of the City's health care providers; and

**WHEREAS**, it is important that control measures be taken to reduce or slow down the spread of COVID-19 in order to protect the health and safety of the City's residents, especially for seniors and those with underlying health conditions that make them particularly vulnerable to COVID-19; and

**WHEREAS**, on March 31, 2020, the City of Spearfish adopted Ordinance 1314 ordering the closure or alteration in businesses practices of certain businesses. Ordinance 1314 went into effect on April 1, 2020; and

**WHEREAS**, Lawrence County has been declared to have significant community spread of COVID-19; and

**WHEREAS**, public health officials in the state of South Dakota have projected the peak infection rate for COVID-19 will not occur until approximately June, 2020; and

**WHEREAS**, Ordinance 1314 is due to expire on April 30, 2020; and

**NOW THEREFORE, BE IT ORDAINED**, by the Common Council of the City of Spearfish that:

1. Effective at 12:00 a.m. Thursday, April 30, 2020, all restaurants, food courts, coffee houses, bars, breweries, distilleries, wineries, clubs, cafes and other similar places of public accommodation offering food and beverages for on-site consumption, including any alcohol licensees with on-sale privileges, are closed to on-site/on-sale patrons. These businesses may continue to operate in order to provide take-out, delivery, curbside service, and drive-thru service. Any business continuing to operate in order to provide off-site service should implement procedures to ensure social distancing and operate in compliance with federal and state health guidance in order to prevent the spread of COVID-19. This closure will remain in effect through Wednesday, May 13, 2020.
2. Effective at 12:00 a.m. Thursday, April 30, 2020, all recreational facilities, public pools, health clubs, athletic facilities, gyms, fitness centers, and theaters, including movie theaters and music or entertainment venues are directed to close and cease operations. This closure will remain in effect through Wednesday, May 13, 2020.
3. Effective at 12:00 a.m. Thursday, April 30, 2020, all hookah lounges, cigar bars, vaping lounges or other similar businesses that allow for on-site consumption are directed to cease allowing on-site consumption, but may continue to offer products for sale to consume off-site under the same conditions as bars and restaurants outlined in paragraph 1. This closure will remain in effect through Wednesday, May 13, 2020.
4. Effective at 12:00 a.m. Thursday, April 30, 2020, all arcades, bingo halls, bowling alleys, casinos, and other similar recreational or entertainment facilities are directed to close and cease operations. This closure will remain in effect through Wednesday, May 13, 2020.
5. The prohibitions and closures in this order do not apply to the following businesses:
  - a. Places of public accommodation that offer food and beverages for off-site consumption, including grocery stores, markets, retail stores that offer food or beverages, convenience stores, pharmacies, drug stores, and food pantries, other than any portion of such business which offer on-site consumption which would be subject to the requirements of paragraph 1.
  - b. Retail stores.
  - c. Room service in hotels.
  - d. Health care facilities, residential care facilities, congregate care facilities, and correctional facilities.
  - e. Crisis shelters, homeless shelters, soup kitchens, or other similar institutions.
  - f. Any emergency facilities necessary for the response to the current public health

emergency or any other community emergency or disaster.

- g. Official meetings of the city, schools, county, or state.
- h. The operations and meetings of any state or federal courts.

6. This ordinance shall remain in effect until May 31, 2020, at which time it shall be automatically repealed unless specifically readopted for an additional period of time by the City Council. Any dates identified in the ordinance for closures to automatically end may be adjusted at any time while this ordinance is in effect by a resolution of the City Council.

7. Any violation of this ordinance is subject to the general penalty provision in Section 1-14 of the Spearfish City Ordinances. Each day a violation of this ordinance is allowed to occur is considered a separate offense.

**BE IT FURTHER ORDAINED**, that, pursuant to SDCL 9-19-13, this ordinance is necessary to suppress disease and for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective immediately upon passage and publication.

Dated this 20th day of April, 2020.

**CITY OF SPEARFISH**

By: \_\_\_\_\_  
Dana Boke, Its Mayor

(Seal)

Attest:

\_\_\_\_\_  
Michelle DeNeui, Finance Officer

First Reading: April 14, 2020  
Second Reading: April 20, 2020  
Published: April 29, 2020  
Effective: April 29, 2020

## **ORDINANCE NO. 1316**

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**WHEREAS**, Lawrence County has been declared to have significant community spread of COVID-19; and

**WHEREAS**, public health officials in the state of South Dakota have projected the peak infection rate for COVID-19 will not occur until approximately June, 2020; and

**WHEREAS**, Ordinance 1314 is due to expire on April 30, 2020; and

**NOW THEREFORE, BE IT ORDAINED**, by the Common Council of the City of Spearfish that the Common Council may order by resolution the closure of the following businesses and organizations for any period of time while this ordinance is in effect:

1. All restaurants, food courts, coffee houses, bars, breweries, distilleries, wineries, clubs, cafes and other similar places of public accommodation offering food and beverages for on-site consumption, including any alcohol licensees with on-sale privileges, are closed to on-site/on-sale patrons. In the event of such an order by the Common Council, these businesses may continue to operate in order to provide take-out, delivery, curbside service, and drive-thru service. Any business continuing to operate in order to provide off-site service should implement procedures to ensure social distancing and operate in compliance with federal and state health guidance in order to prevent the spread of COVID-19;
2. All recreational facilities, public pools, health clubs, athletic facilities, gyms, fitness centers, and theaters, including movie theaters and music or entertainment venues;
3. All hookah lounges, cigar bars, vaping lounges or other similar businesses that allow for on-site consumption to cease allowing on-site consumption, but may continue to offer products for sale to consume off-site under the same conditions as bars and restaurants outlined in paragraph 1;
4. All arcades, bingo halls, bowling alleys, casinos, and other similar recreational or entertainment facilities;
5. The prohibitions and closures would not apply to the following businesses:
  - a. Places of public accommodation that offer food and beverages for off-site consumption, including grocery stores, markets, retail stores that offer food or beverages, convenience stores, pharmacies, drug stores, and food pantries, other than any portion of such business which offer on-site consumption which would be subject to the requirements of paragraph 1.
  - b. Retail stores.
  - c. Room service in hotels.
  - d. Health care facilities, residential care facilities, congregate care facilities, and correctional facilities.
  - e. Crisis shelters, homeless shelters, soup kitchens, or other similar institutions.
  - f. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.
  - g. Official meetings of the city, schools, county, or state.
  - h. The operations and meetings of any state or federal courts.

6. This ordinance shall remain in effect until May 31, 2020, at which time it shall be automatically repealed unless specifically readopted for an additional period of time by the City Council. Any closure resolution adopted pursuant to this ordinance may be adjusted at any time while this ordinance is in effect by a resolution of the City Council.
7. Any violation of this ordinance is subject to the general penalty provision in Section 1-14 of the Spearfish City Ordinances. Each day a violation of this ordinance is allowed to occur is considered a separate offense.

**BE IT FURTHER ORDAINED**, that, pursuant to SDCL 9-19-13, this ordinance is necessary to suppress disease and for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective immediately upon passage and publication.

Dated this 20th day of April, 2020.

**CITY OF SPEARFISH**

By: \_\_\_\_\_  
Dana Boke, Its Mayor

(Seal)

Attest:

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Michelle DeNeui, Finance Officer

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