

SPECIAL MEETING DE SMET COMMON COUNCIL
March 24, 2020

The De Smet Common Council met in special session on March 24, 2020, at 5:00 p.m., with the following present: Bret Jensen, Alex Botkin, Lowell Hansen, George Cavanaugh, Norman Whitaker, Jay Slater, Mayor Gary Wolkow, FO Tracey Larson, and City Attorney Todd Wilkinson. Absent: none.

Mayor Gary Wolkow called the meeting to order at 5:00 PM.

COVID-19 VIRUS: The purpose of the special meeting was for the discussion of the COVID-19 virus (coronavirus) and how best to serve the community and the safety of the residents. Governor Kristy Noem issued an Executive Order regarding the COVID-19 virus on Monday, March 23, 2020 ordering and directing South Dakota residents, employers, re-tail businesses, and local and municipal governments, steps to be taken to reduce the spread of the coronavirus while protecting the critical infrastructures. Attorney Wilkinson reviewed the guidelines municipalities are to take with the City Council. Attorney Wilkinson also explained to the Council that SDCL 9-32-1 gives a municipal governing board the power to do what maybe necessary for the promotion of health and suppression of disease, and SDCL 9-29-16 provides broad authority allowing the council to pass a resolution declaring a health care emergency that could go into effect upon passage. A resolution to protect the public health, safety, and welfare of the community was presented to the council for review. Questions about the resolution were answered by Attorney Wilkinson. Discussion, comments, and suggestions for helping the businesses and residents were made by council members and people attending the meeting. Motion was made by Slater, seconded by Jensen, to approve Resolution 2020-1, to protect the public health, safety and welfare of the community due to the COVID-19 virus, upon roll call vote, voting aye was: Slater, Whitaker, Cavanaugh, Jensen, Hansen, and Botkin, voting nay was: none. Motion carried.

**CITY OF DE SMET, SOUTH DAKOTA
RESOLUTION 2020-1**

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared the coronavirus COVID-19 disease to be a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency; due to the COVID-19 Virus

pandemic; and

WHEREAS, on March 13, 2020, the Governor of the State of South Dakota has declared a public health emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health and safety; and

WHEREAS, on March 24, 2020, the De Smet City Council met in an emergency meeting at 5:00 pm to discuss the COVID-19 Pandemic and local public health issues and considerations, and take further action relating to the COVID-19 Pandemic; and

WHEREAS, on March 24, 2020, the De Smet City Council approved Resolution 2020-1, declaring the existence of a health emergency in the City of De Smet as a result of COVID-19; and

WHEREAS, SDCL §9-32-1 gives a municipal governing body power to do what may be necessary or expedient for the promotion of health and suppression of disease.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DE SMET, SOUTH DAKOTA, PURSUANT TO SDCL §9-32-1 AND THE POLICE POWERS GRANTED BY STATUTE, THAT DUE TO THE POTENTIAL FOR RAPID COMMUNITY SPREAD AND TRANSMISSION OF THE COVID-19 VIRUS IMMEDIATE ATTENTION IS REQUIRED TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE, IT SO HEREBY DECLARED AND ORDERED, AS FOLLOWS:

1. Restaurants, food courts, cafes, coffeehouses, and other places of public accommodation offering food and beverage are closed for dine-in customers and guests and for on-premises consumption; and, if able, are restricted and limited to curbside, drive-thru, takeout, and delivery services. The following exclusions apply: institutional or in-house food cafeterias that serve residents, employees, and clients of businesses, child care facilities, hospitals, assisted living, and long-term care facilities.
2. The following commercial establishments and places of public accommodation shall be and are hereby closed to ingress, egress, use, and occupancy by members of the public:
 - a. Bars, taverns, and other places of public accommodation offering alcoholic beverages for on-premises consumption.
 - b. Indoor and outdoor performance venues, and museums.

- c. Gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios, and spas. However, such facilities may operate with ten (10) or fewer total persons inside the facility at any time, by appointment only, and such premises not open for walk-in business.
 - d. Arcades, bowling alley, and other similar recreational or entertainment facilities.
3. This Order does not prohibit an employee, contractor, vendor, or supplier of a place of public accommodation from entering, exiting, using, or occupying that place of public accommodation in their professional capacity.
4. The restrictions imposed by this Order do not apply to any of the following:
- a. Places of public accommodation that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries, other than those portions of the place of public accommodation subject to the requirements of section.
 - b. Health care facilities, child care facilities, residential care facilities and congregate care facilities.

However, owners, operators, and managers of such are strongly encouraged to implement CDC recommendations, to include social distancing and sanitization guidelines, in their place of business, until the expiration of this emergency order.

5. For purposes of this Order, "place of public accommodation" means a business, or an educational, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.
6. All other businesses not mentioned in this order are strongly encouraged to implement CDC recommendations, to include social distancing and sanitation guidelines in their place of business, until the expiration of this emergency order.

7. This Order does not alter any of the obligations under law of an employer affected by this Order to its employees or to the employees of another employer.
8. That any violation of this Resolution and Order shall be punishable as a Class II Misdemeanor with a fine not to exceed \$500 and or 30 days in jail or both for each violation.
9. That this resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City of De Smet, South Dakota and shall become effective immediately upon passage.
10. This Order shall take effect March 25, 2020 at 5:00 PM and continue until 6:00 PM, April 8, 2020; unless extended or terminated by further resolution.

AND I DO FURTHER PROCLAIM, that public notice of this resolution shall be given to and filed with the City Finance Officer of the City of De Smet. ADOPTED and SIGNED this 24th day of March, 2020.

Gary Wolkow, Mayor

ATTEST: _____
Tracey Larson, Finance Officer

ADJOURN: There being no further business the meeting was adjourned on motion by Slater, seconded by Jensen, all voting aye.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

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