City of Flandreau
City Council Meeting

Agenda

5:00 p.m., Friday
March 27th, 2020
Via Zoom Meeting
1005 W. Elm Avenue
Flandreau, SD

Meeting called by: Mayor Bonrud

Type of meeting: Special

Agenda topics

	Pledge of Allegiance	Mayor Bonrud
2	Adopt Agenda	
30	First Reading of Ordinance No. 596 – An Emergency Ordinance to Address a Public Health Crisis by Implementing Certain Measures Which Have Been Deemed Necessary to Slow the Community Spread of COVID-19 (Coronavirus)	

Special notes: Other business properly referred to the City Council.

Jeff Pederson
City Administrator

Distribution:
Mayor Bonrud
Alderman Bjerke
Alderman Pesall
Alderman Sutton
Alderman Tufty
Alderman Unger
Alderman Whitman

Cc:
Newspaper: Moody County Enterprise
Radio: Carol Kiecksee
City Attorney: Corey Bruning

To Join the Zoom Meeting:

https://zoom.us/j/766513780?pwd=aVF5aXN4V0VmVGdBVkpremVnclJlZz09

Meeting ID: 766 513 780
Password: 514288

For audio only, or if audio is unavailable on your device, dial one of these numbers:

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ORDINANCE NO. 596

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

WHEREAS, the City of Flandreau (City) has the authority pursuant to SDCL 9-29-1 and 9-32-1 to enact ordinances for the purpose of promoting the health, safety, morals, and general welfare, of the community; and

WHEREAS, an outbreak of the COVID-19 disease, 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 that in some cases, especially among older adults and persons with serious underlying health conditions, 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 United States 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 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 at least two weeks and will remain so at least until the first week in May; and

WHEREAS, on March 16, 2020, the Trump Administration (White House) issued guidance recommending that social gatherings of more than ten (10) 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, Governor Kristi Noem on March 23, 2020 issued an Executive Order that noted that any South Dakota enclosed retail business that promotes public gatherings should suspend or modify business practices as recommended by the CDC, and continue or consider business models that do not involve public gatherings; 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, while this ordinance cannot become legally effective until after the second reading of an ordinance which must be at least five (5) days after the first reading of an ordinance due to the requirements of state law, the City strongly urges all businesses to start voluntarily complying with these regulations immediately.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the City of Flandreau that:

1. Effective at 8:00 p.m. CDT Wednesday, April 1, 2020, all restaurants, food courts, coffee houses, bars, 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 service to ten or more patrons at one time. 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 lawful off-site service should implement procedures to ensure social distancing and operation in compliance with federal and state health guidance in order to prevent the spread of COVID-19.

2. Effective at 8:00 p.m. CDT Wednesday, April 1, 2020, all recreational facilities, public pools, health clubs, spas, massage parlors, athletic facilities, and theaters, including movie theaters, and music or entertainment venues are directed to close and cease operations.

3. Effective at 8:00 p.m. CDT Wednesday, April 1, 2020, all arcades, bingo halls, video lottery casino operations, indoor climbing facilities, skating rinks, and other similar recreational or entertainment facilities are directed to close and cease operations.

4. The prohibitions and closures in this order do not apply to the following businesses, activities or operations:

   a. Places of public accommodation that offer food and beverages for off-site consumption, including grocery stores, markets, retail stores that offer food, convenience stores, liquor 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 #1 above.

   b. Room service in hotels.

   c. Health care facilities, residential care facilities, congregate care facilities, and correctional facilities.

   d. Crisis shelters, homeless shelters, soup kitchens, or other similar institutions.

   e. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.

   f. Official meetings of the city, schools, county, or state.

   g. The operations and meetings of any state, federal, or local governments or their courts.

   h. Educational institutions and their related services under the governance of the Board of Regents or local school boards to the extent permitted by the governing authorities.

   i. Parks, trails, hike/bike path, and the Flandreau Golf Course.

5. This ordinance shall remain in effect for a period of sixty (60) days, at which time it shall be automatically repealed unless specifically readopted for an additional period of time by the City Council. At each regular City Council meeting during the sixty (60) day period or at a special meeting called for consideration of this ordinance, the City Council will have as an agenda item consideration of a resolution to suspend the provisions herein prior to the end of the sixty (60) day period. Any restriction contained in this ordinance may be modified at any time by a resolution of the City Council which modification may expand its scope to encompass additional businesses, activities or operations.

6. Any violation of this ordinance is subject to the general penalty provision in Section 1.1.6 of the City of Flandreau Municipal Code. 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 for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective immediately upon passage.

Dated at Flandreau, South Dakota this 1st day of April, 2020.

THE GOVERNING BODY OF THE CITY
OF Flandreau, SOUTH DAKOTA

BY_____
Mark Bonrud, Mayor

ATTEST:

BY_____
Karen Gundvaldson, Finance Officer

First Reading: March 27, 2020
Second Reading: April 1, 2020
Effective Date: April 1, 2020