

CITY OF SISSETON
Special City Council Meeting
Monday, May 4, 2020

AGENDA

Sisseton City Hall Community Room – 5:30 p.m.

Agenda:

1. Call to Order
2. Adopt Agenda
3. Resolution 2020-5 Modify Social Distancing
4. Ordinance 665 Modify Social Distancing - First Reading
5. Such Additional Items Which May properly come before the Council
6. Adjourn

RESOLUTION NO. 2020-5

AN EMERGENCY RESOLUTION RESCINDING RESOLUTION 2020-3 AND AMDENDING ORDINANCE NO. 663 WHICH WERE PASSED TO ADDRESS A PUBLIC HEALTH CRISIS BY IMPLEMENTING CERTAIN MEASURES WHICH WERE DEEMED NECESSARY TO SLOW THE COMMUNITY SPREAD OF CORONAVIRUS (COVID-19).

WHEREAS, the City of Sisseton, pursuant to SDCL 9-19-3 may amend and revise ordinances as necessary; and

WHEREAS, the City of Sisseton previously adopted an emergency Resolution and an emergency Ordinance pursuant to SDCL 9-29-1 and 9-32-1, namely Resolution 2020-3 and Ordinance No. 663, as an emergency response to Coronavirus (Covid-19). Both of which implemented social distancing guidelines recommended by the Centers for Disease Control (CDC) to slow the outbreak of the Coronavirus (Covid-19); and

WHEREAS, the emergency resolution and emergency ordinance allows the City of Sisseton to make adjustments to the emergency resolution and emergency ordinance as necessary; and

WHEREAS, the purpose of the social distancing requirements is to slow the spread of the disease so that the region's health care systems are not overwhelmed; and

WHEREAS, the City has been in communication with the region's health care systems and the state government and they have modeling that allows them to make predictions of the impact of certain social distancing regulations on the number of cases in the City and the overall impact on the health care systems;

WHEREAS, the number of Coronavirus (Covid-19) cases in the City of Sisseton, Roberts County, and northeast South Dakota have remained relatively low; and

WHEREAS, the number of hospitalizations from the City of Sisseton, Roberts County, and northeast South Dakota supports the fact that the number of positive cases in this area is consistent with the number reported by the state, which is relatively low; and

WHEREAS, based upon the number of Coronavirus (Covid-19) cases in the City of Sisseton, Roberts County, and northeast South Dakota, the number of hospitalizations from the area, and the available modeling with regard to the virus, the Mayor and City Council believe some of the social distancing restrictions can be modified without causing the number of cases in the City to rise to a level that will overwhelm hospital capacity if proper procedures are put in place.

NOW THEREFORE, BE IT RESOLVED, by the City of Sisseton, that Resolution 2020-3 be rescinded and Ordinance 663, which was enacted to control the spread of the Coronavirus (Covid-19) within the City of Sisseton, is amended as followed:

1. Resolution 2020-3 is hereby rescinded.
2. Any business identified in paragraphs 1-4 of the emergency ordinance may reopen to serve patrons on-site pursuant to the conditions established in this resolution.
3. Businesses identified in Paragraphs 1-4 of the emergency ordinance which reopen to serve patrons on-site shall limit the number of customers to 50% of its normal capacity so long as 6 feet social distancing is maintained between parties who are not in the same household.

4. Businesses identified in Paragraphs 1-4 of the emergency ordinance, that have reduced occupancy requirements to allow for social distancing shall mark certain seats “not available due to social distancing guidelines” to ensure compliance.
5. Businesses identified in Paragraphs 1-4 who have video lottery machines in operation at their business must establish a cleaning protocol and social distancing protocol in a manner consistent with the recommendations of the CDC and the South Dakota Department of Health.
6. All businesses in the City of Sisseton open to the public shall operate in a manner consistent with the recommendations from the CDC, the South Dakota Department of Health, and any applicable state regulations, executive orders, and the Governor’s Back to Normal plan (as may be amended from time to time) that are set forth for the public in order to slow the spread of Coronavirus (Covid-19).
7. All businesses in the City of Sisseton open to the public shall follow the established guidelines issued by the CDC and the South Dakota Department of Health for cleaning schedules, disinfecting schedules, sanitation schedules, personal hand washing and hand sanitizing, and food handling.
8. All businesses in the City of Sisseton serving food or drinks are encouraged to wear masks covering their face and nose for their protection and the protection of the public.
9. All businesses in the City of Sisseton serving food or drinks are encouraged to utilize paper menus, disposable dishes, disposable glassware, and disposable utensils as much as possible.
10. Businesses are encouraged to conduct daily employee screenings for illness.
11. Ordinance 663 shall remain in full force except as modified herein.
12. This Resolution shall automatically repeal with Ordinance 663.

BE IT FURTHER RESOLVED, that pursuant to SDCL 9-19-13, that, pursuant to SDCL 9-19-13, this resolution 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 this 4th day of May, 2020.

CITY OF SISSETON

Terry Jaspers, Mayor

ATTEST:

Amber Kemnitz, Finance Officer

(SEAL)

Ordinance 665

AN EMERGENCY ORDINANCE TO AMEND ORDINANCE #663 TO ADDRESS A PUBLIC HEALTH CRISIS BY IMPLEMENTING CERTAIN MEASURES WHICH HAVE BEEN DEEMED NECESSARY TO SLOW THE SPREAD OF COVID-19 CORONAVIRUS

BE IT ORDAINED BY THE MUNICIPALITY OF SISSETON, ROBERTS COUNTY, SOUTH DAKOTA,

WHEREAS, the City of Sisseton previously adopted an emergency Resolution and an emergency Ordinance pursuant to SDCL 9-29-1 and 9-32-1, namely Resolution 2020-3 and Ordinance No. 663, as an emergency response to Coronavirus (Covid-19). Both of which implemented social distancing guidelines recommended by the Centers for Disease Control (CDC) to slow the outbreak of the Coronavirus (Covid-19); and

WHEREAS, the emergency resolution and emergency ordinance allows the City of Sisseton to make adjustments to the emergency resolution and emergency ordinance as necessary; and

WHEREAS, the purpose of the social distancing requirements is to slow the spread of the disease so that the region's health care systems are not overwhelmed; and

WHEREAS, the City has been in communication with the region's health care systems and the state government and they have modeling that allows them to make predictions of the impact of certain social distancing regulations on the number of cases in the City and the overall impact on the health care systems; and

WHEREAS, the number of Coronavirus (Covid-19) cases in the City of Sisseton, Roberts County, and northeast South Dakota have remained relatively low; and

WHEREAS, the number of hospitalizations from the City of Sisseton, Roberts County, and northeast South Dakota supports the fact that the number of positive cases in this area is consistent with the number reported by the state, which is relatively low; and

WHEREAS, based upon the number of Coronavirus (Covid-19) cases in the City of Sisseton, Roberts County, and northeast South Dakota, the number of hospitalizations from the area, and the available modeling with regard to the virus, the Mayor and City Council believe some of the social distancing restrictions can be modified without causing the number of cases in the City to rise to a level that will overwhelm hospital capacity if proper procedures are put in place.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Sisseton that:

1. Resolution 2020-3 is hereby rescinded.
2. Any business identified in paragraphs 1-4 of the emergency ordinance may reopen to serve patrons on-site pursuant to the conditions established in this resolution.
3. Businesses identified in Paragraphs 1-4 of the emergency ordinance which reopen to serve patrons on-site shall limit the number of customers to 50% of its normal capacity so long as 6 feet social distancing is maintained between parties who are not in the same household.

4. Businesses identified in Paragraphs 1-4 of the emergency ordinance, that have reduced occupancy requirements to allow for social distancing shall mark certain seats “not available due to social distancing guidelines” to ensure compliance.
5. Businesses identified in Paragraphs 1-4 who have video lottery machines in operation must establish a cleaning protocol and social distancing protocol in a manner consistent with the recommendations of the CDC and the South Dakota Department of Health.
6. All businesses in the City of Sisseton open to the public shall operate in a manner consistent with the recommendations from the CDC, the South Dakota Department of Health, and any applicable state regulations, executive orders, and the Governor’s Back to Normal plan (as may be amended from time to time) that are set forth for the public in order to slow the spread of Coronavirus (Covid-19).
7. All businesses in the City of Sisseton open to the public shall follow the established guidelines issued by the CDC and the South Dakota Department of Health for cleaning schedules, disinfecting schedules, sanitation schedules, personal hand washing and hand sanitizing, and food handling.
8. All businesses in the City of Sisseton serving food or drinks are encouraged to wear masks covering their face and nose for their protection and the protection of the public.
9. All businesses in the City of Sisseton serving food or drinks are encouraged to utilize paper menus, disposable dishes, disposable glassware, and disposable utensils as much as possible.
10. Businesses are encouraged to conduct daily employee screenings for illness.
11. Ordinance 663 shall remain in full force except as modified herein.
12. This Ordinance shall automatically repeal with Ordinance 663.

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 and publication.

Dated this 4th day of May, 2020.

Terry Jaspers, Mayor

ATTEST

Amber Kemnitz, Finance Officer

Placed upon its First Reading May 4, 2020
Placed upon its Second Reading May 11, 2020
Approved this 11th day of May, 2020.
Published this ___ day of May, 2020.
The City of Sisseton is an equal opportunity provider.
Published 1 time at an approximate cost of _____.

Resolution 2020-3

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

WHEREAS, the City of Sisseton has the authority pursuant to SDCL 9-29-1 and 9-32-1 to pass resolutions for the purpose of promoting the health, safety, morals and general welfare, of the community and the promotion of health and 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, the President of the United States 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 have been closed for at least two weeks; and

WHEREAS, on March 16th, 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, on March 23, 2020, Governor Kristi Noem issued Executive Order 2020-08 stating that residents of South Dakota should practice social distancing and that all enclosed retail businesses that promote public gatherings including, but not limited to, bars, restaurants, breweries, cafes, casinos, coffee shops, recreational or athletic facilities, health clubs, or entertainment venues should suspend or modify business practices as recommended by CDC guidance regarding social distancing; 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.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Sisseton that:

1. Effective at 12:01 a.m. on March 26, 2020, all restaurants, food courts, food service locations, 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/or 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. Effective at 12:01 a.m. on March 26, 2020, all recreational facilities, public pools, health clubs, athletic facilities, and theaters, including movie theaters and music or entertainment venues are directed to close and cease operations.
3. Effective at 12:01 a.m. on March 26, 2020, all hookah lounges, cigar bars, vaping lounges, or other similar business which 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.
4. Effective at 12:01 a.m. on March 26, 2020, all arcades, bingo halls, bowling alleys, indoor climbing facilities, skating rinks, trampoline parks, video lottery rooms, and other similar recreational or entertainment facilities are directed to close and cease operations.
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, convenience stores, pharmacies, drug stores, and food pantries, other than any portion of such business which would be subject to the requirements of

paragraph #1.

- 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. Airport concessionaires.
- f. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.

6. This resolution 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. Any dates identified in the ordinance for closures to automatically end may be adjusted at any time within the sixty (60) day period covered by this resolution by a resolution of the City Council.

7. Any violation of this resolution is subject to the general penalty provision in Section 1.16.010 of the Sisseton City Ordinance Code. Each day a violation of this resolution is allowed to occur is considered a separate offense.

BE IT FURTHER ORDAINED, that, pursuant to SDCL 9-19-13, this resolution 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 this 25th day of March 2020.

CITY OF SISSETON

Terry Jaspers, Mayor

ATTEST:

Amber Kemnitz, Finance Officer
(SEAL)

Ordinance 663

AN ORDINANCE ADDING CHAPTER 8.10 COVID-19 RESPONSIVE MEASURES TO ADDRESS A PUBLIC HEALTH CRISIS BY IMPLEMENTING CERTAIN MEASURES WHICH HAVE BEEN DEEMED NECESSARY TO SLOW THE COMMUNITY SPREAD OF CORONAVIRUS (COVID-19).

BE IT ORDAINED BY THE MUNICIPALITY OF SISSETON, ROBERTS COUNTY, SOUTH DAKOTA,

WHEREAS, the City of Sisseton has the authority pursuant to SDCL 9-29-1 and 9-32-1 to pass ordinances for the purpose of promoting the health, safety, morals and general welfare, of the community and the promotion of health and 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, the President of the United States 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 have been closed for at least two weeks; and

WHEREAS, on March 16th, 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, on March 23, 2020, Governor Kristi Noem issued Executive Order 2020-08 stating that residents of South Dakota should practice social distancing and that all enclosed retail businesses that promote public gatherings including, but not limited to, bars, restaurants, breweries, cafes, casinos, coffee shops, recreational or athletic facilities, health clubs, or entertainment venues should suspend or modify business practices as recommended by CDC guidance regarding social distancing; 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.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Sisseton that:

1. Effective at 12:01 a.m. on March 31, 2020, all restaurants, food courts, food service locations, 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/or 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. Effective at 12:01 a.m. on March 31, 2020, all recreational facilities, public pools, health clubs, athletic facilities, and theaters, including movie theaters and music or entertainment venues are directed to close and cease operations.
3. Effective at 12:01 a.m. on March 31, 2020, all hookah lounges, cigar bars, vaping lounges, or other similar business which 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.
4. Effective at 12:01 a.m. on March 31, 2020, all arcades, bingo halls, bowling alleys, indoor climbing facilities, skating rinks, trampoline parks, video lottery rooms, and other similar recreational or entertainment facilities are directed to close and cease operations.
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, convenience stores, pharmacies, drug stores, and food pantries, other than any portion of such business which would be subject to the requirements of

paragraph #1.

- 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. Airport concessionaires.
- f. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.

6. 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. Any dates identified in the ordinance for closures to automatically end may be adjusted at any time within the sixty (60) day period covered by this ordinance by a resolution of the City Council

7. Any violation of this resolution is subject to the general penalty provision in Section 1.16.010 of the Sisseton City Ordinance Code. Each day a violation of this resolution 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 and publication.

Dated this 30th day of March, 2020.

Terry Jaspers, Mayor

ATTEST

Amber Kemnitz, Finance Officer

Passed this First Reading March 25, 2020
Passed this Second Reading March 30, 2020
Approved this 30th day of March 2020.
Published this 31st day of March 2020.

The City of Sisseton is an equal opportunity provider.
Published 1 time at an approximate cost of _____.