

SPECIAL MEETING, March 25, 2020

The Special Session of the Deadwood City Commission convened on Wednesday, March 25, 2020 at 12:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Mayor David Ruth Jr. called the meeting to order with the following members present: Finance Officer McKeown, Commissioner Gary Todd, City Attorney Quentin L. Riggins, Commissioners Michael Johnson, Sharon Martinisko, and Charlie Struble were available via Zoom. All motions passed unanimously unless otherwise stated.

Mayor Ruth Jr. asked all public comment be limited to three minutes to allow all individuals to speak. He asked City Attorney Riggins to give an explanation as to why the resolution and ordinance are almost identical.

Riggins thanked city staff for their work. He said in his opinion, the ordinance is the best method of stopping community spread of the virus however, ordinances need first and second reading which would take additional time. Therefore, he put together a resolution as well to accomplish immediate shut down of businesses in order to better protect the public while waiting for second reading of ordinance.

Matt Stiener, Nugget Saloon, asked what rights are as a business if needed to shut down. Mayor Ruth Jr. explained the resolution. Stiener was given a copy of the resolution.

Shawn Dardis, representing Deadwood Distillery, questioned what part of her business can be opened. Mayor Ruth Jr. explained what businesses can remain open. Dardis asked about artesian license versus a liquor license. Attorney Riggins and Mayor Ruth Jr. explained the difference.

Mayor Ruth Jr. closed public comment and read a comment received via email from residents Joe and Susan Schmitz.

Resolution 2020-10

Todd moved, Johnson seconded to approve Resolution 2020-10, an Emergency Resolution to address a public health crisis by implementing certain measure which have been deem necessary to slow the community spread of Coronavirus (COVID-19). Commissioner Struble acknowledged businesses that have been proactive, and know how hard it has been. She stated we are a strong community, and number one priority right now is the health and welfare of others. Commissioner Martinisko echoed Struble. Mayor Ruth Jr. stated there were businesses still open until the city told them to shut down for insurance purposes. Roll Call: Aye-All. Motion carried.

Resolution 2020-10

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

WHEREAS, the City of Deadwood 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

SPECIAL MEETING, March 25, 2020

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, 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.

WHEREAS, on March 23, 2020, Governor Kristi Noem, issued an executive order recommending the suspension or modification of business practices as recommend by CDC guidance that involve ten or more people to be in an enclosed space where physical separation of at least six feet is not possible.

NOW THEREFORE, BE IT ORDAINED, by the City Commission of the City of Deadwood that:

1. Effective at 5:00 p.m. on March 25, 2020, all restaurants, coffee shops, 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, 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 5:00 p.m. on March 25, 2020, all casinos, poker rooms, gaming, recreational facilities, public pools, libraries, health clubs, athletic facilities, bingo halls, skating rinks, miniature golf and theaters, including music or entertainment venues are directed to close and cease operations. Casinos may remain open for the limited purposes for seven days to allow patrons to come forward to cash in any unclaimed winnings but no additional gaming shall be permitted during this time.

SPECIAL MEETING, March 25, 2020

3. Effective at 5:00 p.m. on March 25, 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 5:00 p.m. on March 25, 2020, businesses that offer massage, hair, nail, tattoo or similar services, including home-based businesses, 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 and gas stations, hardware 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. Health care facilities, residential care facilities, congregate care facilities, and correctional facilities.
 - c. Crisis shelters, homeless shelters or other similar institutions.
 - d. 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 until such time as it is amended and will be reviewed at each City Commission meeting to follow.
7. Any violation of this ordinance is Punishable as a class two misdemeanor. Each day a violation of this ordinance is allowed to occur is considered a separate offense.

Further, any violation of this ordinance also constitutes a public nuisance pursuant to Deadwood Municipal Ordinance 8.16.010 and SDCL 21-10-1. Failure to follow this resolution results in non-compliance with the direction from the Centers for Disease Control and the South Dakota Department of Health endangering the public health and safety. The City may take the steps necessary to abate any public nuisance caused by non-compliance with this resolution pursuant to Deadwood Municipal Ordinances 8.16.030 and 8.16.040 as well as Deadwood's police powers set forth in SDCL Ch. 9-29 and SDCL Ch. 21-10.

BE IT FURTHER ORDAINED, that, pursuant to SDCL 9-32-1 and 9-29-1, this resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and Deadwood shall become effective immediately upon passage.

Dated this 16th day of March, 2020

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

Ordinance

Todd moved, Martinisko seconded to approve first reading of Ordinance #1310 Emergency Ordinance to address a public health crisis by implementing certain measures which have been deemed necessary to slow the community spread of Coronavirus (COVID 19). Commissioner Johnson stated churches are not listed but some churches throughout the area are closed and others making accommodations/changes on their own. Roll Call: Aye-All. Motion carried.

Ruth thanked everyone for their time and stated together as a community, we will get through this.

SPECIAL MEETING, March 25, 2020

ADJOURNMENT

Todd moved, Struble seconded to adjourn the special session at 12:28 p.m. The next special meeting will be on Monday, March 30, 2020 at 3:00 p.m.

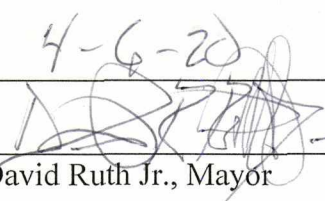
ATTEST:



Jessica McKeown, Finance Officer

DATE:

BY:



David Ruth Jr., Mayor

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