

## SPECIAL MEETING, NOVEMBER 23, 2020

The Special Session of the Deadwood City Commission convened on Monday, November 23, 2020 at 5:00 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: Department Heads, City Attorney Quentin L. Riggins, and Commissioners Michael Johnson, Sharon Martinisko, Charlie Struble and Gary Todd. All motions passed unanimously unless otherwise stated.

### NEW BUSINESS

#### Resolution

Mayor Ruth Jr stated the resolution addresses areas of consideration of face coverings and states what situations would be exempt. Section 1) City is not mandating masks be worn inside or at a private business. Section is listed so that private business are aware and have ability to establish levels at which they chose, also allows businesses the ability to have people removed if people chose not to comply. Section 2) addresses indoor public places owned by City of Deadwood. Spaces owned by City of Deadwood will follow mandate. Section 3) addresses outdoor public spaces owned by the City of Deadwood. Mayor Ruth Jr. stated City is trying to raise awareness and encourage people to do more for each other and believes if resolution challenges or inspires someone to wear a face covering while in town, it's doing its job. He recognizes the Governor's executive order in regards to reopening and back to normal restricts our ability to go too far or have enforcement and that is why the resolution does not have penalties. Section 4) addresses public transportation owned by City of Deadwood, which is the trolley system. Commissioner Johnson supports the resolution and thanked Ruth Jr for the explanation of the resolution. Commissioner Martinisko supports the resolution, which allows Deadwood to stay open, and helps businesses, which have rights to ask for enforcement. Commissioner Todd supports resolution and questioned why resolution would remain in effect until December 30. Mayor Ruth Jr. stated the 30<sup>th</sup> is when the Governor's executive order expires but the City has the ability to extend and will visit during the Commission meeting on December 21. Todd asked if city will require employees to wear masks. Transportation and Facilities Direct Kruzel said if they cannot social distance they will be required within any public building, outdoor space, or in a vehicle. Commissioner Struble supports the resolution. Todd Weber, business owner, strongly recommends removing the word "must" in section 2 for outdoor spaces. Marlin Maynard, resident, suggests in conjunction with resolution there be education for people as to why resolution is put in place and different types of masks. Jill Weber, business owner, believes resolution will hurt some businesses in town and stated Commission represents everyone, not just the people that want to wear a mask. Louie LaLonde, Saloon No. 10, thanked Commission and believes the resolution will work. City Attorney Riggins stated the Mayor summed up the purpose of the Resolution and what it accomplishes. Christin Sjomeling, City of Deadwood employee and resident, understands where city is headed but masks are very difficult to wear due to private reasons and questions if at work would she be required to wear a mask. Mayor Ruth stated employees have the ability not to wear a mask in your own space, which is the same as the current policy at city hall.

Todd moved, Martinisko seconded to approve Resolution 2020-25, an Emergency requiring the wearing of face coverings in certain situations to slow the community spread of the Novel Coronavirus (COVID-19). Roll Call: Aye-All. Motion carried.

#### **Resolution 2020-25**

#### **AN EMERGENCY RESOLUTION REQUIRING THE WEARING OF FACE COVERINGS IN PUBLIC SPACES TO SLOW THE COMMUNITY SPREAD OF THE NOVEL CORONAVIRUS (COVID-19).**

**WHEREAS**, the City of Deadwood has the authority pursuant to SDCL 9-29-1 and 9-32-1 to pass resolution for the purpose of promoting the health, safety, morals, and general welfare, of the community; and

**WHEREAS**, pursuant to SDCL 9-32-1, the City has the power 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

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**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**, in response to the spread of COVID-19 Governor Noem issued Executive Order 2020-30 which declared a state of emergency to exist in all counties in the State of South Dakota through December 30, 2020; and

**WHEREAS**, in the last few weeks the number of active cases of COVID-19 have accelerated rapidly in both South Dakota and Lawrence County; and

**WHEREAS**, over the last month the number of people in South Dakota who are dying from COVID-19 has also been increasing; and

**WHEREAS**, as of November 19, 2020, the State of South Dakota has 17,884 active cases of COVID-19; and

**WHEREAS**, the increase in the number of active COVID-19 cases has caused a corresponding increase in the number of people hospitalized which is straining the capacity of the medical facilities; and

**WHEREAS**, if no additional action is taken to slow the spread of COVID-19 in the community it is likely to continue overwhelming the hospital's capacity; 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**, the CDC and the vast majority of medical professionals are recommending the use of face coverings by the public to slow the spread of COVID-19; and

**WHEREAS**, the City is implementing a mandate that people wear face coverings in public places owned by the City of Deadwood in hope that it will slow the spread of COVID-19 and avoid the need for future restrictions on businesses and limitations on public gatherings in the City; and

**WHEREAS**, the City of Deadwood Commission has determined that it is in the City's best interests that face coverings be worn in an effort to slow the spread of COVID-19.

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

**I. PRIVATE BUSINESSES**

Private businesses shall have the ability to mandate and enforce mask requirements as they deem fit. Patrons not abiding by posted requirements, as established by the business, can be asked to vacate the premises. Failure to vacate may result in a criminal prosecution under SDCL 22-35-6, Entering and Remaining After Notice.

**II. INDOOR PUBLIC SPACES OWNED BY CITY OF DEADWOOD**

Within the City of Deadwood, all persons must wear a face mask/face covering in indoor public places owned by the City of Deadwood. A "face covering" or "mask" must be worn to cover the nose and mouth completely, and can include a paper or disposable face mask, a cloth mask, a scarf, a bandanna, or neck gaiter. The restrictions set forth in the above paragraph shall not apply to an individual:

- a) Under the age of five (5) years old;
- b) Seated at a public place to eat or drink, or while immediately consuming food or beverages;
- c) With a medical condition, mental health condition, or disability that makes it unreasonable for the individual to maintain a face covering;
- d) Individuals who are engaged in swimming or physical activity where the level of exertion makes it difficult to wear a face covering; and
- e) Public safety workers actively engaged in a public safety role. including but not limited to law enforcement personnel, fire fighters, or emergency medical personnel, in situations where wearing a face covering would seriously interfere in the performance of the individual's public safety responsibilities.

**III. OUTDOOR PUBLIC SPACES OWNED BY CITY OF DEADWOOD**

Within the City of Deadwood, all persons must wear a face mask/face covering in outdoor public places when gathering for more than 15 minutes and/or when 6 foot social distancing cannot be achieved or maintained. A "face covering" or "mask" must be worn to cover the nose and mouth completely, and can include a paper or disposable face mask, a cloth mask, a scarf, a bandanna, or neck gaiter. The restrictions set forth in the above paragraph shall not apply to an individual:

- a) Under the age of five (5) years old;
- b) Seated at a public place to eat or drink, or while immediately consuming food or beverages;

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- c) With a medical condition, mental health condition, or disability that makes it unreasonable for the individual to maintain a face covering;
- d) Individuals who are engaged in outdoor physical activity where the level of exertion makes it difficult to wear a face covering; and
- e) Public safety workers actively engaged in a public safety role, including but not limited to law enforcement personnel, fire fighters, or emergency medical personnel, in situations where wearing a face covering would seriously interfere in the performance of the individual's public safety responsibilities.

**IV. PUBLIC TRANSPORTATION OWNED BY CITY OF DEADWOOD**

Within the City of Deadwood, all persons must wear a face mask/face covering while utilizing public transportation. A "face covering" or "mask" must be worn to cover the nose and mouth completely, and can include a paper or disposable face mask, a cloth mask, a scarf, a bandanna, or neck gaiter. The restrictions set forth in the above paragraph shall not apply to an individual:

- a) Under the age of five (5) years old;
- b) With a medical condition, mental health condition, or disability that makes it unreasonable for the individual to maintain a face covering;
- c) Public safety workers actively engaged in a public safety role, including but not limited to law enforcement personnel, fire fighters, or emergency medical personnel, in situations where wearing a face covering would seriously interfere in the performance of the individual's public safety responsibilities.

**V. EFFECTIVE DATES**

This resolution shall become effectively immediately and remain in effect until December 30, 2020. The City of Deadwood Commission may deem it necessary to extend this resolution.

**BE IT FURTHER RESOLVED**, that this emergency Resolution requiring the wearing of face coverings in city and public spaces is hereby declared necessary for the immediate preservation of the public health, safety, and welfare of the city. Patrons not abiding by posted requirements, as established by the City, can be asked to vacate the premises. Failure to vacate may result in a criminal prosecution under SDCL 22-35-6, Entering and Remaining After Notice.

Dated this 23rd day of November, 2020

ATTEST:

/s/ Jessica McKeown, Finance Officer

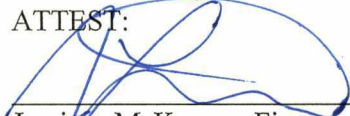
CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

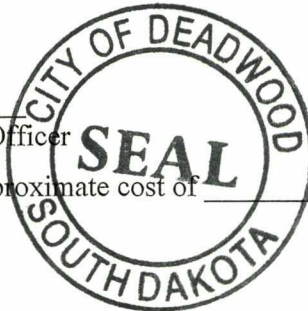
ADJOURNMENT

Martinisko moved, Johnson seconded to adjourn the special session at 5:29 p.m. The next regular meeting will be on Monday, December 7, 2020.

ATTEST:

  
Jessica McKeown, Finance Officer

Published once at the total approximate cost of \_\_\_\_\_



DATE: 12/21/20

BY: 

David Ruth Jr., Mayor