

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in special session starting at 8:00 pm on Wednesday, April 15, 2020 at the City Hall Council Chambers, 1040 Harley-Davidson Way. Present: Mayor Mark Carstensen. Alderpersons Jason Anderson, Mike Bachand, Rhea Crane, Steve Keszler, Terry Keszler, David Martinson, Ronald Waterland and Beka Zerbst. Also, present: City Manager Daniel Ainslie, City Attorney Barnier. Absent: None.

The meeting was called to order at 8:00 pm.

Mayor Carstensen led everyone in the Pledge of Allegiance.

Motion by T. Keszler, second by Waterland and carried with all members present voting yes to unanimously approve the agenda.

After discussion with two Casino managers and a restaurant owner a motion was made by Waterland, seconded by S. Keszler and carried with all members present voting yes to unanimously approve the following resolution.

Resolution 2020-26

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

WHEREAS, the World Health Organization has designated COVID-19 a pandemic, and the US. Centers for Disease Control and Prevention (CDC) has declared a public health emergency; and

WHEREAS, the CDC & South Dakota Department of Health (SD DOH) have issued guidance to state and local governments and all citizens recommending steps to prevent community spread and guard against the COVID-19 outbreak; and

WHEREAS, South Dakota is in a State of Emergency due to the COVID-19 pandemic; and

WHEREAS, the Sturgis Community joins together in times of crisis to confront difficult challenges by helping their neighbors; and

WHEREAS, pursuant to SDCL Ch. 9-32-1 & SDCL Ch. 9-29-1, the City of Sturgis has the power to exercise jurisdiction to suppress diseases which threaten the public health and health of the community and to enforce its ordinances and resolutions for that purpose; and

WHEREAS, the City of Sturgis has police powers pursuant to SDCL Ch. 9-29; and

WHEREAS, the City police powers include, specifically under SDCL Ch. 9-29-13, the power to prevent and abate nuisances and remove the same; and

WHEREAS, pursuant to SDCL Ch. 21-10-1 a nuisance exists if an action or omission of duty "endangers the comfort, repose, health, or safety of others"; and

WHEREAS, Title 12 of the City of Sturgis Code also provides that a Nuisance condition is a threat to public health within the City that may be prohibited; and

WHEREAS, failure to comply with certain directions from the Centers for Disease Control and the South Dakota Department of Health can constitute a public nuisance.

NOW, THEREFORE, the Common Council of the City of Sturgis, South Dakota, does hereby adopt the following:

Every Sturgis City resident shall:

1. **Review and practice** the recommended South Dakota Department of Health & CDC hygiene practices designed to stop the spread of the disease COVID-19 and encourage others to do so as well.
2. **Know** the signs and symptoms of COVID-19 and call a health care provider if suffering symptoms in advance of a visit to a provider; and stay at home if sick.
3. **Understand** that those who are particularly vulnerable to COVID-19 including those over age 60 and those suffering from respiratory or cardiac conditions, should take extra precautions and remain home if possible. These residents are encouraged to complete necessary shopping with the assistance of the Sturgis Good Deeds Program.
4. **Implement** social distancing measures and support businesses who are adjusting their business model to reduce the spread of COVID-19.
5. **Assist** those who work in essential jobs such as emergency personnel, medical professionals, and law enforcement by following these practices.

All employers, both for profit and not-for-profit, within the City of Sturgis shall:

6. **Implement** the recommended South Dakota Department of Health & CDC hygiene practices and other business strategies designed to reduce the likelihood of spreading the disease.
7. **Understand** that the COVID-19 is not a short-term challenge, and operations will need to endure a difficult and limited social environment for potentially eight weeks or more.
8. **Innovate** and continue to demonstrate entrepreneurial excellence in their operations during this difficult and uncertain environment.
9. **Encourage** staff to telework if possible, implement social distancing measures, limit unnecessary work gatherings, limit non-essential travel, and consider regular health checks including South Dakota Department of Health & CDC guidance for COVID-19 screening if possible.
10. **Offer**, to the extent possible, special shopping times or access periods for populations particularly vulnerable to COVID-19.

Any "enclosed retail business that promotes public gatherings" within the City of Sturgis shall:

11. **Suspend or modify** business practices as recommended by South Dakota Department of Health & CDC to stop the gathering of ten or more people to be in an enclosed space where physical separation of at least six feet is not possible.
12. **Suspend or modify** business practices to include the incorporation of South Dakota Department of Health & CDC guidelines by stopping the operation of video gaming machines when continual disinfection of the machine surfaces is not possible or cannot be maintained.
13. **Continue offering** or consider offering business models that do not involve public gatherings, including takeout, delivery drive-through, curbside service, off-site services, social distancing models, or other innovative business practices that do not involve public gatherings in an enclosed space.

14. **Consider** business arrangements and innovative ideas intended to support the critical infrastructure sectors, as defined by the Department of Homeland Security.

The Mayor, Common Council and Staff of the City of Sturgis will:

15. **Follow** the guidelines of the South Dakota Department of Health & CDC to protect the infrastructure of the City and maintain water services, sewer services, street services and other critical functions of municipal government.

16. **Provide** ongoing information, by press releases and public information postings on the City’s website, to Sturgis Citizens of the local impact of COVID-19.

17. **Practice** heightened awareness of municipal expenditures to ensure fiscal responsibility.

18. **Use** its police powers and Code enforcement authority to abate nuisances as authorized under Titles 12 & 36 of City ordinances, and SDCL Ch. 9-32, Ch. 9-29 and Ch. 21-10.

BE IT FURTHER ORDAINED, that, pursuant SDCL 9-19-13, this Resolution is necessary for the immediate preservation of the public health, safety and welfare of the City residents and shall become effective immediately upon passage.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the City of Sturgis this 15TH day of April 2020.

Published: 04-21-2020
Effective Date: Immediately

Motion by T. Keszler, second by Crane and carried with all members present voting yes to unanimously go into executive session for contracts at 8:23 pm.

Motion by Waterland, second by Anderson to come out of executive session at 9:33 pm.

Motion by T. Keszler seconded by Martinson and carried with all members present voting yes to unanimously adjourn the meeting at 9:33 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

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