

**THE MEETING OF THE COMMON COUNCIL OF THE CITY OF WAGNER,
CHARLES MIX COUNTY, SOUTH DAKOTA**

PURSUANT TO DUE CALL AND NOTICE THEREOF, the special April meeting was held on Wednesday, April 8th, 2020 at the Wagner City Hall at 5:30 pm. Present were: Council President, Roger Schroeder, City Administrator/Finance Officer, Rebecca Brunsing, City Attorney, Ken Cotton and the following councilpersons: Ron Cuka, Scott Honomichl, Colby Kirwan, and John Tyler. Mayor Donald Hosek was present via conference call. Absent: Tom Beeson.

Due to COVID-19 and the social distancing guidelines, the city had made available a conference call line for citizens to participate. The meeting was open to the public as well.

The meeting was opened with the Pledge of Allegiance.

The conflict of interest declaration statement was recited. No conflicts were cited.

The meeting was called to order and the Council President called for the approval of the special meeting agenda. A motion was made by Tyler, second by Cuka to approve the special meeting agenda. Upon roll call vote being taken, the following voted aye: Cuka, Honomichl, Kirwan, Schroeder and Tyler. The following voted nay: None. The following abstained: None. The following were absent: Beeson. Motion carried.

A motion was made by Cuka, second by Honomichl to approve additional April claims. Upon roll call vote being taken, the following voted aye: Cuka, Honomichl, Kirwan, Schroeder and Tyler. The following voted nay: None. The following abstained: None. The following were absent: Beeson. All voted aye, motion carried.

April Claims

Blue Tarp Credit Services	power washer	2,771.46
Buches	supplies	55.92
Chas Mix Law	prof fees	10.00
J & J Sanitation	prof fees	1,165.00
Wagner Building & Supply	buildings	26,276.40

OLD BUSINESS

The following ordinance was introduced:

ORDINANCE NO. 2020-01

**AN EMERGENCY ORDINANCE TO ADDRESS A PUBLIC HEALTH CRISIS BY
IMPLEMENTING CERTAIN MEASURE WHICH HAVE BEEN DEEMED NECESSARY TO
SLOW THE COMMUNITIY SPREAD OF CORONAVIRUS (COVID-19)**

WHEREAS, the City of Wagner has the authority pursuant to SDCL 9-29-1 to pass ordinances for the purpose of promoting the health, safety, morals, and general welfare, of the community; 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, 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, 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 the remainder of the 2019-20 school year per Executive Order of Governor; and

WHEREAS, on March 16, 2020, 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; and

WHEREAS, the Mayor and City leadership have been in consultation with health professionals in the community and they are recommending that the actions recommended by federal authorities when there is evidence of community spread within a state be taken in Wagner at this time; and

WHEREAS, while this ordinance cannot become legally effective for at least five (5) days 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 Common Council of the City of Wagner, that:

1. Effective at 6:00 p.m. on Monday, April 13th, 2020, all restaurants, food courts, 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 closing to on-site/on-sale patrons. These businesses may continue to operate in order to provide take-out delivery, curbside services, and 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. This closure will remain in effect through June 12th, 2020.
2. Effective at 6:00 p.m. on Monday, April 13th, 2020, all recreational facilities, public pools, health clubs, athletic facilities and theaters, including movie theaters and music or entertainment are directed to close and cease operations. This closure will remain in effect through June 12th, 2020.
3. Effective at 6:00 p.m. on Monday, April 13th, 2020, all hookah lounges, cigar bars, vaping lounges or other similar businesses that 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. This closure will remain in effect through June 12th, 2020.
4. Effective at 6:00 p.m. on Monday April 13th, 2020, all arcades, bingo halls, bowling alleys, casinos/video lottery, indoor climbing facilities, skating rinks, trampoline parks, and other similar recreational or entertainment facilities are directed to close and cease operations. This closure will remain in effect through June 12th 2020.

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 offer on-sites consumption which would be 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.
 - g. Official meetings of the city, schools, county, or state.
 - h. The operations and meetings of any state or federal courts.
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 of the City Council.
7. Any violation of this ordinance is subject to the general penalty provision in Section 11-1-1 of the Wagner City Municipal Code. Each day a violation of this ordinance is allowed to occur is considered a separate offense, and punishable by a \$200.00 per day fine until the violator comes into compliance with all the terms and conditions.

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 this 8th day April, 2020.

CITY OF WAGNER, SD

By: _____
Roger Schroeder, Council President

ATTEST:

Rebecca A. Brunsing, Finance Officer

(SEAL)

A motion was made for the above emergency ordinance by Tyler, second by Honomichl. Upon roll call vote being taken, those voting AYE: Cuka, Honomichl, Kirwan Schroder and Tyler. Those voting NAY: None. Absent: Beeson. Those abstaining: None. Motion carried. Thereupon the Council President declared Ordinance No. 2020-01 duly passed and adopted, affixed his signature thereto in approval thereof and directed the same to be published in the official newspaper.

Resolution Adopted: April 8th 2020
Publication Date: April 15th, 2020
Effective Date: April 13th, 2020 at 6:00 pm

The conference call was disconnected to enter into executive session.

EXECUTIVE SESSION

A motion was made by Tyler, second by Kirwan to enter executive session at 5:59 pm for personnel pursuant to SDCL 1-25-2 (1); all voted aye, motion carried.

The Council President declared the council out of executive session at 6:20 pm.

A motion was made by Honomichl, second by Cuka to add language to the employee personnel manual in regard to the procedure to conduct the employee performance reviews. All voted aye, motion carried.

A motion was made Tyler, second by Kirwan to adjourn the meeting at 6:22 pm. All voted aye, motion carried.

APPROVED _____
Roger Schroeder, Council President

Attest _____
Rebecca Brunsing, Finance Officer

Published once at the approximate cost of \$ _____.
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