

**NOTICE - SPECIAL CITY COUNCIL MEETING ON SATURDAY, MAY 2, 2020, AT 2:00 P.M. IN THE CITY COUNCIL CHAMBERS TO APPOINT NEW CITY MANAGER AND DISCUSS A RESOLUTION EXTENDING COVID-19 EMERGENCY ORDINANCE NO. 3.**



**NOTICE OF SPECIAL MEETING CALLED BY MAYOR  
AGENDA FOR THE SPECIAL CITY COUNCIL MEETING  
CITY OF ABERDEEN, SOUTH DAKOTA  
WEDNESDAY, APRIL 29, 2020, AT 5:30 P.M.  
CITY COUNCIL CHAMBERS, CITY HALL, 123 S. LINCOLN ST.**

---

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **NEW BUSINESS**
  - A. **DISCUSSION AND POSSIBLE FIRST READING AND PASSAGE OF RESOLUTION EXTENDING EMERGENCY ORDINANCE NO. 3 REGARDING THE NOVEL CORONAVIRUS COVID-19 PUBLIC HEALTH CRISIS**
4. **OTHER BUSINESS**
5. **ADJOURN**

**\*\*COUNCIL CHAMBERS GUIDELINES DURING COVID-19 PANDEMIC\*\***

**ALL PERSONS ATTENDING THE MEETING IN COUNCIL CHAMBERS SHOULD MAINTAIN PHYSICAL SEPARATION OF AT LEAST SIX FEET (6') BETWEEN PERSONS WHO ARE NOT IMMEDIATE FAMILY MEMBERS OR MEMBERS OF THE SAME HOUSEHOLD. PUBLIC SEATING IN COUNCIL CHAMBERS WILL BE ARRANGED TO MAINTAIN THE PHYSICAL SEPARATION AND MAY NOT BE MOVED IN VIOLATION OF THIS REQUIREMENT. ANY PERSON WHO FAILS TO MAINTAIN THE REQUIRED PHYSICAL SEPARATION WILL BE ASKED TO COMPLY. ANY PERSON REFUSING TO COMPLY WILL BE REMOVED FROM COUNCIL CHAMBERS.**

**City of Aberdeen  
Request for Council Action**

<b>Agenda Item No.</b>		<b>Special Meeting Date:</b>	April 29, 2020
<b>Agenda Section</b>	New Business	<b>Originating Dept:</b>	City Council
<b>Ord. / Res.</b>	Resolution No. 20-04-07R	<b>Prepared by:</b>	City Attorney
<b>No. of Attachments</b>	2	<b>Presented by:</b>	City Attorney

**Item:**

Discussion and possible first reading and passage of Resolution No. 20-04-07R extending Ordinance No. 20-04-05, also known as COVID-19 Emergency Ordinance No. 3.

**City Manager’s Proposed Action:**

Motion by \_\_\_\_\_ second by \_\_\_\_\_ to approve first reading and passage of Resolution No. 20-04-07R extending Ordinance No. 20-04-05 (COVID-19 Emergency Ordinance No. 3).

**Overview:**

Emergency Ordinance No. 3 will be repealed if the Council does not affirm (1) the continued existence of the public health emergency, and (2) the necessity of all or parts of the social distancing measures described in Section A. Paragraphs 1 - 7. If extended, the Council should affirm those paragraphs or specific businesses or facilities that continue to be subject to the ordered prohibitions and closures. The effect of taking no action on this Resolution will result in the automatic repeal of Emergency Ordinance No. 3 on April 30, 2020.

Alternative versions of the Resolution are attached.

- Proposal 1 extends the entire ordinance.
- Proposal 2 eases some of the social distancing measures by permitting on-site consumption, sales, or services of certain businesses and facilities if they comply with the described restrictions.

**Primary Issues/Alternatives to Consider:**

**Budgetary/Fiscal Issues:**

- Attachments:**
1. PROPOSAL 1: Possible proposed Resolution No. 20-04-07R (entire ordinance extended)
  2. PROPOSAL 2: Possible proposed Resolution No. 20-04-07R (easing of certain measures in ordinance)

**RESOLUTION NO. 20-04-07R**

**RESOLUTION EXTENDING ORDINANCE NO. 20-04-05  
COVID-19 EMERGENCY ORDINANCE NO. 3**

**WHEREAS**, the Aberdeen City Council adopted COVID-19 Emergency Ordinance No. 3 (Ordinance No. 20-04-05) (“emergency ordinance”) implementing certain measures which it deemed necessary to slow the community spread of the virus responsible for the COVID-19 disease; and

**WHEREAS**, the emergency ordinance shall be repealed, in part or in whole, on the day following each regular or special meeting of the City Council, *unless* the City Council at such regular or special meeting by resolution affirms (1) the continued existence of the public health emergency, and (2) the necessity of all or certain parts of the social distancing measures set forth in Section A, Paragraphs 1 - 7, and extends all or any part of the ordinance for the day following the next regular or special meeting of the City Council.

**NOW THEREFORE, BE IT RESOLVED:**

1. The City Council affirms the COVID-19 public health emergency continues to exist within the City of Aberdeen.
  
2. The City Council affirms the social distancing measures set forth in Section A, Paragraphs 1, 2, 3, 4, 5, 6, and 7 of the emergency ordinance are necessary for the prevention and spread within the City of Aberdeen of the contagious virus causing the deadly COVID-19 disease.
  
3. The City Council hereby extends Section A, Paragraphs 1, 2, 3, 4, 5, 6, and 7, and all of Section B of the emergency ordinance for the day following the next regular or special meeting of the City Council.

The foregoing Resolution was approved after first reading and passed at a special meeting of the Aberdeen City Council on the 29<sup>th</sup> day of April, 2020.

Number of AYES: \_\_\_\_\_

Number of NAYS: \_\_\_\_\_

Members abstaining: \_\_\_\_\_

\_\_\_\_\_  
Travis Schaunaman, Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

**RESOLUTION NO. 20-04-07R**

**RESOLUTION EXTENDING ORDINANCE NO. 20-04-05  
COVID-19 EMERGENCY ORDINANCE NO. 3**

**WHEREAS**, the Aberdeen City Council adopted COVID-19 Emergency Ordinance No. 3 (Ordinance No. 20-04-05) (“emergency ordinance”) implementing certain measures which it deemed necessary to slow the community spread of the virus responsible for the COVID-19 disease; and

**WHEREAS**, aided by the voluntary compliance of most residents and businesses with the social distancing and hygiene practices recommended by the CDC, such measures have helped in slowing the community spread of the virus and providing a basis to begin reopening businesses and other public gathering places within the community; and

**WHEREAS**, the emergency ordinance shall be repealed, in part or in whole, on the day following each regular or special meeting of the City Council, *unless* the City Council at such regular or special meeting by resolution affirms (1) the continued existence of the public health emergency, and (2) the necessity of all or certain parts of the social distancing measures set forth in Section A, Paragraphs 1 - 7, and extends all or any part of the ordinance for the day following the next regular or special meeting of the City Council.

**WHEREAS**, based on the number of cases in Brown County, the almost complete lack of hospitalization in the City, and the available modeling, the City Council believes some of the social distancing restrictions can be modified to allow businesses to resume on-site services of customers without causing the number of cases in the city to rise to the level that it will overwhelm the hospitals’ capacity if proper procedures are put in place.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The City Council affirms that some, but not all, of the social distancing measures set forth in Section A, Paragraphs 1, 2, 3, 4, 5, 6, and 7 of the emergency ordinance are necessary for the prevention and spread within the City of Aberdeen of the contagious virus.

2. The City Council hereby extends paragraphs 1, 2, 3, 4, and 5 of Section A of the emergency ordinance for the day following the next regular or special meeting of the City Council, except that part of each paragraph that prohibits or closes on-site consumption, sales, or services *if* such business, facility, club, shop, organization, or other entity complies with the following restrictions:

- (a) Maintains a minimum six-foot space between tables, chairs, and barstools if occupants are not members of the same household;
- (b) Limits capacity in restaurants, bars, and casinos to ten (10) customers, or one (1) customer for every 120 square feet of the building footprint, whichever is greater;
- (c) Limits capacity in indoor recreational facilities and fitness businesses to a maximum of ten (10) customers or one (1) customer for every 200 square feet, whichever is greater;
- (d) Requires handwashing at regular intervals for all restaurant, bar, and food service employees;
- (e) Cleans and disinfects video lottery machines between each customer;
- (f) Reduces seating to allow for social distancing by removing chairs or marking certain seats as “not available due to social distancing”;
- (g) Posts for customers the regular cleaning and disinfecting schedule;
- (h) Maintains a six-foot space between customers waiting for service or entry into the facility; and
- (i) Employees of hair salons, nail salons, and barber shops wear masks which cover their nose and mouth during customer contact times. Customer seating must be at least six (6) feet apart.
- (j) Businesses are encouraged to conduct daily employee screenings for illness.

3. In addition to the specific requirements listed above, businesses shall operate in a manner consistent with CDC guidelines and any applicable state regulation or executive orders.

4. The City encourages all individuals within the City to continue to follow the CDC guidelines and recommended hygiene practices.

5. Businesses can request, in writing, administrative exception from the City that allow them to modify the strict compliance with these requirements so long as their proposal contains alternative means to implement social distancing requirements. The City will not approve exceptions which completely exempt a business from implementing social distancing, or from following the CDC guidelines.

6. The City Council hereby extends paragraphs 6 and 7 of Section A and all of Section B of the emergency ordinance for the day following the next regular or special meeting of the City Council.

The foregoing Resolution was approved after first reading and passed at a special meeting of the Aberdeen City Council on the 29<sup>th</sup> day of April, 2020.

Number of AYES: \_\_\_\_\_

Number of NAYS: \_\_\_\_\_

Members abstaining: \_\_\_\_\_

\_\_\_\_\_  
Travis Schaunaman, Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer