

CITY HALL, CITY OF ARLINGTON, SOUTH DAKOTA

April 20, 2020

The City Council met in special session in the Municipal Building—202 West Elm Street. Present on Roll Call were Mayor Amiel Redfish and Council Members: Curt Lundquist, Terry Rowbotham, Garth Johnson, Jesse Steffensen, Rob Achterberg and Cory Falconer. Absent: None.

The purpose of the meeting was to approve the second reading of a COVID-19 Ordinance, approve the first reading of a Shop House Ordinance, compare sales tax figures, discuss rubble site, discuss fire wall protection for computers, review building permit applications and hold an executive session for possible litigation.

There was a discussion regarding the operations of the businesses in Arlington. There was an ordinance that received the first reading at the April 6th meeting. However, the Mayor asked for an amendment to change that document from an ordinance to a resolution. Motion was made by Steffensen, seconded by Johnson to change the document to a resolution. All in favor—Carried. The Mayor then asked for an amendment stating that each business can operate with 10 people/1000 sq ft of space rather than a total of 10 people. Motion was made by Steffensen, seconded by Achterberg to approve this amendment. All in favor—Carried. The Mayor also asked for an amendment for clarification that the people count excludes employees of that business. Motion was made by Steffensen, seconded by Achterberg to approve this amendment. All in favor—Carried.

Motion was made by Achterberg, seconded by Falconer to adopt Resolution #2592 as follows:

RESOLUTION #2592

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared the coronavirus COVID-19 disease to be a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency; due to the COVID-19 Virus pandemic; and

WHEREAS, on March 13, 2020, the Governor of the State of South Dakota has declared a public health emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health, and safety; and

WHEREAS, on April 6, 2020, the Arlington City Council held a meeting at 6:30 PM to discuss the COVID-19 Pandemic and local public health issues and considerations, and take further action relating to the COVID-19 Pandemic; and

WHEREAS, on April 20, 2020, the Arlington City Council approved Resolution #2592, declaring the existence of a health emergency in the City of Arlington as a result of COVID-19; and

WHEREAS, SDCL 9-32-1 gives a municipal governing body power to do what may be necessary or expedient for the promotion of health and suppression of disease.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, SOUTH DAKOTA, PURSUANT TO SDCL 9-32-1 AND THE POLICE POWERS GRANTED BY STATUTE, THAT DUE TO THE POTENTIAL FOR RAPID COMMUNITY SPREAD AND TRANSMISSION OF THE COVID-19 VIRUS IMMEDIATE ATTENTION IS REQUIRED TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE, IT IS HEREBY DECLARED AND ORDERED, AS FOLLOWS

1. Restaurants, food courts, cafes, coffeehouses, and other places of public accommodation offering food and beverage are closed for dine-in customers and guests and for on-premises consumption except such facilities may operate with ten (10) or fewer total persons per 1000 sq. ft. of space inside the facility at any time; and, if able are restricted and limited to curbside, drive-thru, takeout, and delivery services. The following exclusions apply: institutional or in-house food

cafeterias that serve residents, employees, and clients of businesses, childcare facilities, hospitals, assisted living, and long-term care facilities.

2. The following commercial establishments and places of public accommodation are hereby closed to ingress, egress, use, and occupancy by members of the public:
 - a. Bars, taverns, and other places of public accommodation offering alcoholic beverages for on-premises consumption.
 - b. Indoor and outdoor performance venues, and museums.
 - c. Gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios, and spas. However, such facilities may operate with ten (10) or fewer total persons per 1,000 sq. ft. inside the facility at any time, by appointment only, and such premises not open for walk-in business.
 - d. Arcades, bowling alley, and other similar recreational or entertainment facilities.
3. This Order does not prohibit an employee, contractor, vendor, or supplier of a place of public accommodation from entering, exiting, using, or occupying that place of public accommodation in their professional capacity.
4. The restrictions imposed by this Order do not apply to any of the following:
 - a. Places of public accommodation that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries, other than those portions of the place of public accommodation subject to the requirements of section;
 - b. Health care facilities, childcare facilities, residential care facilities and congregate care facilities.

However, owners, operators, and managers of such are strongly encouraged to implement CDC recommendations, to include social distancing and sanitization guidelines, in their place of business, until the expiration of this emergency order.

5. For purposes of this Order, "place of public accommodation" means a business, or an educational, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.
6. All other businesses not mentioned in this order are strongly encouraged to implement CDC recommendations to include social distancing and sanitation guidelines in their place of business, until the expiration of this emergency order.
7. This Order does not alter any of the obligations under law of an employer affected by this Order to its employees or to the employees of another employer.
8. That any violation of this Resolution and Order shall be punishable as a Class II Misdemeanor with a fine not to exceed \$500 and or 30 days in jail or both for each violation.
9. That this resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City of Arlington, South Dakota and shall become effective immediately upon passage.
10. This Order shall take effect April 20, 2020 at 7:00 PM and continue until May 4, 2020 at 8:00 PM; unless extended or terminated by further resolution.

AND I DO FURTHER PROCLAIM, that public notice of this resolution shall be given to and filed with the City Finance Officer of the City of Arlington. ADOPTED and SIGNED this 20th day of April, 2020.

Amiel Redfish, Mayor

ATTEST:

Sue Falconer, Finance Officer

Motion was made by Rowbotham, seconded by Johnson to approve the First Reading of Ordinance #576 a Shop House Ordinance. All in favor—Carried.

The council had asked the finance officer to run a comparison of the sales tax figures for the past couple of years and so far, there has not been any significant change, but the next few months things may take a down turn.

There was a discussion regarding the rubble site. The site will officially open on Saturday, April 25th with the same hours as last year. The city will be issuing the free dump cards for a one time use for trees, lumber, grass, leaves and garden rubbish. The cards will be available at the finance office—one per household for city residents.

There was a short discussion on the firewall protection for the city's computers. Before any action is taken a little more checking will be done to see what is necessary for the proper protection.

The council reviewed the following building permit applications:

Upside Ventures—add 10 X 10 deck on back of house at Sublot 4, exc W 38' thereof, and all of Sublot 5, of Lot 1 in Block 1 of Lieske's Addn—202 Center Drive. Phil & Becky Larson—place 12 X 24 storage shed in the backyard on gravel at Lot 28, Block 2 of Lot A, Johnson's Addn—210 E Hickory Street. Brandon Trocke to put perimeter fence in the backyard at Lot 27, Block 2 of Lot A, Johnson's Addn—206 E Hickory Street. Motion was made by Johnson, seconded by Lundquist to approve all the building permits as submitted. All in favor—Carried.

Motion was made by Achterberg seconded by Steffensen to enter into executive session at 8:10 P.M. for possible litigation. All in favor—Carried.

Motion was made by Johnson, seconded by Achterberg to come out of executive session at 8:20 P.M. All in favor—Carried. No further action taken.

Motion to adjourn was made by Lundquist, seconded by Falconer. All in favor—Carried.

Sue Falconer, Finance Officer

Amiel Redfish, Mayor

The City of Arlington is an equal opportunity provider and employer.