



Regular Meeting of the City Council

April 20, 2020 – 7:00 p.m.

City Hall

PROPOSED AGENDA

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Approval of Agenda
- E. Approval of Minutes: April 6, 2020 Regular Meeting
- F. Agenda Items
 - 1. Hearing for Transfer of Alcohol License
 - 2. Update on Stockwell Projects – Discussion
 - 3. More information on Live Streaming Council Meetings – Discussion
 - 4. Covid-19 – Discussion
- G. Community and Council Input
- H. Executive Session*
 - 1. Personnel
 - 2. Legal
 - 3. Contractual
- I. Approval of Bills
- J. Adjournment

*SDCL 1-25-2 (sections 1-5) allows a majority of the body present to vote to close a meeting when discussion revolves around personnel, legal matters or contract negotiations. Meetings may also be closed for certain economic development matters (SDCL 9-34-19).

UNAPPROVED
North Sioux City, South Dakota
City Council Regular Meeting Minutes
April 6, 2020

Meeting called to order at 7:00 p.m. by Mayor Fredericksen. Benson, Berg, Carpenter, Cropley, Green, Parks, Slater were present. Blaeser was absent.

Mayor Fredericksen led the Pledge of Allegiance.

Motion by Cropley, second by Berg, to approve the agenda as presented. All members present voted aye.

Motion by Green, second by Benson, to approve the March 16, 2020 Regular Meeting minutes. All members present voted aye.

Motion by Benson, second by Berg, to approve the March 23, 2020 Emergency Meeting minutes. All members present voted aye.

Motion by Green, second by Benson, to approve the March 25 Emergency Meeting minutes. All members present voted aye.

Motion by Berg, second by Carpenter, to approve the March 30 Special Meeting minutes. All members present voted aye.

A discussion was held on the JEO Projects currently ongoing with the City. Rusty Montagne ask the Council for some direction on Rabbitts lot. Rabbitt wanted an additional foot of fill dirt. JEO said the drainage was adequate on the lot. Berg said to stick to the budget because that what was agreed on. Mayor Fredericksen said that the City already gave him 15 loads of dirt. Slater said he would not like to address this unless the Council receives a letter from Rabbit detailing what he wants. The Council was in agreement to go ahead and seed the lot.

A discussion was held on live streaming the Council Meetings. Parks said he was not a fan of live streaming. Slater said he would encourage the public to get more involved. Carpenter said that the Parks and Recs Board is going to hold their meetings through zoom but there is a cost to do a private meeting.

Motion by Slater, second by Parks, to table live streaming council meetings. All members present voted aye.

Motion by Cropley, second by Benson, to approve the WCICC Agreement. All members present voted aye.

Motion by Parks, second by Cropley, to approve the Base Bid of \$330,164.00 and Alternate #1 of \$32,760.00 for a total bid of \$362,924.00 from Barkley Asphalt for the Streeter Drive overlay project. All members present voted aye.

Mayor Fredericksen spoke to the Council about putting a sidewalk from Centennial to Rose St. The Mayor said he received a quote from Ron Gill for \$28,102.40.

Motion by Slater, second by Green, to accept the bid from Gill Construction for \$28,102.40 for the sidewalk construction from Centennial to Rose St. The bid to include all surveying prior to construction. Benson, Berg, Carpenter, Green, Parks, and Slater voted aye, Cropley abstained.

Motion by Parks, second by Green, to enter into executive session at 7:30pm for legal, contractual, and personnel. All members present vote aye.
Regular session resumed at 9:17pm.

A discussion was held on the Employee Handbook. Cropley said there was 4 changes that employees wanted when they met. The 1st one would change the residency requirements for all city employees to within 15 miles of North Sioux City and they would have to prove their residency prior to coming off probation. Cropley would like to see language in there about Council discretion for an employee coming off probation. The 2nd change is to on-call time. Montagne said currently the on-call time runs Sunday through Monday and pays \$2.00 an hour when you are not working. This would move the dollar amount to \$3.00 an hour. The 3rd change was to change the language for the Health Savings Account to state subject to change annually at the direction of the Mayor and City Council. The last one was for longevity pay. The Mayor said he wished they could come up with a solution before the new City Administrator is hired in regards to leave time. Carpenter said they wanted to wait until the new City Administrator is hired because they will have more HR experience.

Motion by Parks, second by Benson, to approve the revised Employee Handbook dated April, 2020. All members present voted aye.

Carpenter said that all employees should receive a copy of the changes. Headid said to send it off to the Police Union so they can sign off on it.

Community Input:

1. Cropley said she spoke with Jennifer Roupe and they never received any equalization requests.
2. Benson thanked Rusty Montagne for his work on the city cleanup days.
3. Mayor Fredericksen said that Nate Blaeser dropped out of the Council Election so there will not be an election this year.
4. Carpenter said they are going to go to a couple of parks to install a couple of signs.
5. Mayor said the port o pottys were automatically delivered and asked the Council if the City should send them back. Slater said to send them back. Parks said we could just move them back to the City shop. Roupe said our contract requires the company to move them.
6. Headid said the City boat ramp is up and running.
7. Mayor thanked Rich Headid for fixing a City vehicle.
8. Mayor asked if the Council saw the thank you letter from Troy Rosenbaum
9. Cropley thanked the Council for increasing the library budget.

Motion by Berg, second by Benson, to approve the bills as presented. All members present voted aye.

BOMGAARS	185.39	BATTERY (3), PAINT (3)
BOOKPAGE	354.00	APR20-MAR21 SCRPTN
BUELL WINTER MOUSEL & ASSOC	27725.09	ENGINEERING FEES
RTWY BNS FORMS	255.53	PYBL CHECKS (2000)
C. W. SUTER SVCS	733.50	PD-REP GRG HTR
CNTR POINT LGE PRINT	29.21	BOOK
CRARY, HUFF, INKSTER, SHEEHAN	3983.00	LEGAL FEES
DKT DNS/NSC TIMES	506.57	2019 DRNKNG WTR REP
THMPSN INNVTN	1630.00	TECH SUPP
ELCTRNC ENGINEERNG CO.	82.50	SR CNTR-SUPP-FOB SYST
FIVE STAR ENTRPS, INC	264.00	PLATE (3)
H2O 4 U	49.00	WTR
HAWKINS, INC	3175.46	BIOKAT (2), AQUA HAWK
INGRAM LIB SVCS	14.89	BOOK
JACK'S UNFRMS & EQPMNT	271.70	CLTHNG ALLWNC
EKS OFFICE SLTNS	615.66	SOAP (1 CS),KLEENEX (2CS)
JEO CNSLTNG GROUP	4865.00	WSTWTR STUDY, SWR IMPRVMTN
KEVIN ODELL ELTRC	3807.08	LIGHT REP
LISA DAWDY	100.00	SR CNTR DEP REF
MARK ALBNSIUS, INC	4908.00	INSTALL HYDRANT
MIDMRCN ENRG	10.50	602 N DERBY-UTLTY CHGS
MIDWEST TAPE	25.99	DVD
MITCHELL ELECTRIC, LLC	2322.00	LIB SIGN WIRING
MJ MINOR UTLTY CNTRCTR	2598.13	VAC OUT
MBL AUTGLSS SLTNS	210.00	PD-UNIT 6 WINDSHIELD
NAT'L ASSOC OF TOWN WATCH	35.00	2020 MEMBRSHP
QUADIANT, INC	139.73	CH-INK CRTRDG

NSC AUTO REP	39.95	UNIT 2 OIL CHNG
LOFFLER	162.55	COPY & LEASE EXP
ONE OFFICE SLTN	125.98	PD SUPP
PER MAR SCRTRY SVCS	186.81	2QTR2020 SCRTRY MNTRNG SVC
PRESTO-X	481.00	PEST CNTRL
QUALITY FLOWS	13810.00	MILLER LIFT STN-CNTRL BOX
RICK HANSON PLUMBING INC.	195.76	SR CNTR-REP RSTROOM
GARY ROAN	540.00	INPECTN FEES
ROUPE, JENNIFER	9.98	EXP REIMB
SCHOOL LIFE	38.45	DOG TAGS (150)
SD DEPT OF HEALTH	437.00	BOD, COLI, SOLIDS
SIOUX CITY FORD	601.84	2015 FORD-CYLINDER (4)
SXLND CHMBR OF COMMRC	137.50	SEMI ANNUAL FEES
SXLND HMN SCTY	74.00	FEB2020 SVCS
SPRKL & SHINE CLNG SVCS	1493.79	2020 CLNG (4)
STRLNG CMPTRS CORP	6426.66	PD-CMPTRS (6)
STCKWELL ENGINEERS, INC	23736.80	STREETER DR DESIGN-50%
USABLUEBOOK	517.89	GLOVES (10 BX)
VAN DIEST SUP CO	3757.20	ALTOSID (3CS)
VERIZON WIRELESS	765.17	CELL CHGS (21 LINES)
VERNON LIB SUPP	331.06	LBL PRTCTRS (10)
WOODBURY CTY EMERG SVCS	1464.45	APR-JUNE2020 STARCOMM

Motion by Parks, second by Benson, to adjourn at 9:54pm. All members present voted aye.

Approved

Randy Fredericksen, Mayor

Attested

Mike Hamm, City Finance Officer



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City, City Council
From: Mike Hamm
Date: 04/20/2020
Re: Alcohol License Transfer Hearing

Background: Roger and Tonya Maryott have applied for the transfer of the Retail Malt Beverage (On-Off Sale) License currently held by the Townhouse Pizza.

Council shall conduct a hearing regarding this transfer:

From:

Townhouse Pizza of N Sioux City, Lot B-1Blk 3A Repl of Lots A-1 Thru A-5 Avondale Add N. Sioux City, Union County, South Dakota

To:

Roger and Tonya Maryott, Lot B-1Blk 3A Repl of Lots A-1 Thru A-5 Avondale Add N. Sioux City, Union County, South Dakota

Financial Consideration: Additional revenue.

Recommendation: NA.

Date Received _____
Date Issued _____

License No. _____

Uniform Alcoholic Beverage License Application

Mail this copy to: Department of Revenue, Special Tax Division 445 East Capitol Ave Pierre, SD 57501-3100.

A. Owner Name and Address

Roger and Tonya Maryott
325 E. 17th St.
So Sioux City, NE 68776

Owner's Telephone #: 712-204-6441

B. Business Name and Address

Townhouse Pizza NSC
100 Marie Ave
No. Sioux City, SD 57049

Business Telephone #: 605-422-5146

C. Indicate the class of license being applied for (submit separate application for each class of license).

- Retail (on-sale) Liquor
- Retail (on-sale) Liquor - Restaurant
- Retail (on-off sale) Wine
- Package (off-sale) Liquor
- Retail (on-off sale) Malt Beverage
- Retail (on-off sale) Malt Beverage & SD Farm Wine
- Package (off sale) Malt Beverage
- Package (off sale) Malt Beverage & SD Farm Wine
- Other (please classify) _____
- Transfer Fee \$150.00

Number of other Package Liquor Licenses held: 0

Number of other On-sale Liquor Licenses held: 0

Is this License in active use? Yes No

D. Legal description of licensed premise:

LOT B-1 BIK 3A REPL OF LOTS A-1
THRU A-5
AVONDALE ADD N. SIOUX CITY

Have you ever been convicted of a felony? Yes No

Do you own or lease this property? (Check one)

E. State Sales Tax Number: 035-8460-ST

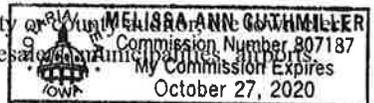
F. Remember to obtain a Federal Alcohol Stamp, for help call TTB at 1-800-937-8864.

G. New license? Transfer? (\$150) Re-issuance?

H. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Signed this 17th day of March Signature Tonya Maryott

I. Any Application required to be submitted to a local governing board must be signed in the presence of the city or notary public. This applies to ALL applications EXCEPT the following: distillers, manufacturers, wholesalers, municipalities, solicitors, dispensers, carriers, transportation companies, and farm wineries.



Place of business is located in a municipality? Yes No County: Union

This application was subscribed and sworn to before me this 17th day of March

Approving Officer's Telephone number 712-560-0609 Signature: [Signature]

J. APPROVAL OF LOCAL GOVERNING BODY - Notice of hearing was published on _____, Public hearing on the application was held _____, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Application approved for Sunday on-sale operation? Yes No

Are real property taxes paid to date? Yes No

Ineligible for video lottery

Number of video lottery terminals on licensed premise: _____

Amount of fee collected with application \$ _____

Amount of fee retained \$ _____

Forwarded with application \$ _____

For Local Government Use

(Seal) _____

Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From: _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY: APPROVAL _____ REVIEW _____

DO NOT USE PO BOX OR BUSINESS ADDRESS.

Owner (1) Name Tonya Maryott Cell 712-204-6441

Residence: Complete Address 100 Marie Ave, No. Sioux City, SD 57049

Owner (2) Name Roger Maryott Cell 712-204-2334

Residence: Complete Address 100 Marie Ave, No. Sioux City, SD 57049

Owner (3) Name _____ Cell _____

Residence: Complete Address _____

Is there an agreement in place between Owner and a Business Operator? Yes No Dates? _____

Operator (1) Name _____ Felony Conviction No Yes

Residence: Complete Address _____ Cell _____

Operator (2) Name _____ Felony Conviction No Yes

Residence: Complete Address _____ Cell _____

Are unemployment taxes current? Yes No (SDCL 35-2-24) Payment Date/Receipt No: paid on 15th of month

Are sales taxes current? Yes No (SDCL 35-2-24) Payment Date/Receipt No: paid on 15th of month

License No	Business Name (dba)	Room Name	Video Lottery Terminals		
			In Use	Not In Use	To Be Destroyed

Individual filling out form: Tonya Maryott Tonya Maryott 3-17-20
Print Clearly Signature Date

List email address: tonyamaryott@aol.com



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City, City Council
From: Mike Hamm
Date: 04/20/2020
Re: Stockwell Project Updates

Background: Stockwell sent an update to their ongoing projects with the City. If the Council has any questions I can relay them back to Jon Brown at Stockwell.

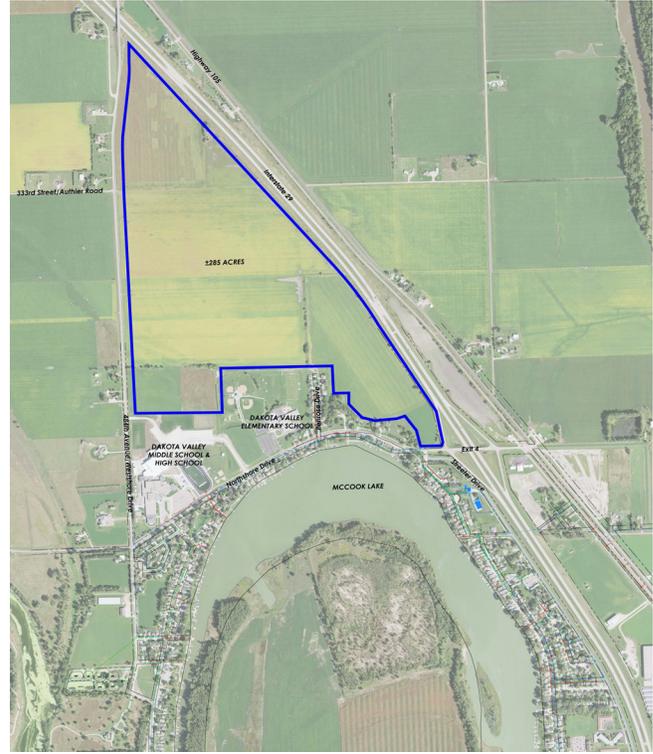
Financial Consideration: None at this time.

Recommendation: NA.

Northshore Master Plan

The Northshore Master Plan consists of creating a utilities and land use master plan and final report to aid in attracting developers for the area north of Dakota Valley schools and Northshore Drive. The scope of work also includes a topographic survey of the study area, stakeholder meetings with property owners, development of two concepts, and review with City staff to select final concept and cost estimate.

Update | Final concepts and exhibits have been submitted and reviewed by City staff. Final concepts will be submitted to City Council at a later date when additional public members can attend.



Action | None.

Lift Station Generators



The Lift Station Generators project consists of survey, design, bidding and construction administration services for generators at the Lakeshore Drive, Streeter Drive, Flynn Business Park, and Sioux Laundry lift stations.

Update | Additional right-of-way (ROW) from Sioux Laundry so the generator can be located within the street ROW has been procured. Stockwell is currently internally reviewing 95% design drawings and specifications prior to submitting to City staff for review.

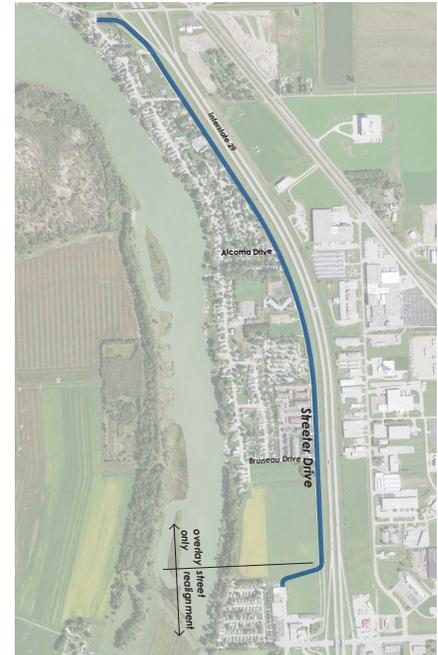
Action | None.

Streeter Drive Reconstruction

The Streeter Drive Reconstruction Project consists of survey, design, bidding, and construction administration and staking services to realign Streeter Drive from the connection to Sodrac Drive north approximately 800' and overlay the remainder of Streeter Drive to Northshore Drive. The scope of work also includes property owner and private utility meetings, one public meeting, and design of necessary drainage facilities.

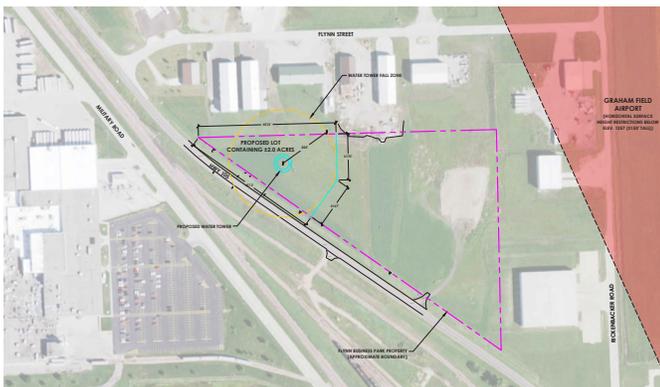
Update | SDDOT is working on putting together a funding package for the City and an agreement to turn the roadway over to the City after improvements are made. Funding won't be available until 2021 for the re-aligning of Streeter Drive.

Stockwell put together a bid package to mill and overlay Streeter Drive this summer. This project was bid on March 19, 2020 and three competitive bids were received. See recommendation of award letter and attachments in your council packet.



Action | Recommend to award Base Bid and Alternate #1 to Barkley Asphalt.

Water Study & Tower



The Water study and Tower project consists of updating the previously prepared Preliminary Report for Water Supply Improvements and provide survey, design, bidding and construction administration services for a new water tower in the Flynn Business Park.

Update | Currently working on design of water tower in anticipation of funding and bidding spring 2020. Geotechnical work has partially been completed due to wet site conditions.

Action | None.



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City, City Council
From: Mike Hamm
Date: 04/20/2020
Re: Live Streaming Council Meetings

Background: I had this on the last Council agenda and I was not able to be at the meeting. I have included the email from last meeting as well as some additional information. There was an additional email from Lori Martinec of the South Dakota Municipal League that stated the following: The Governor has issued an Executive Order that suspends a portion of the open meeting laws that require in person open meeting for council meetings and bid openings for the duration of the state of emergency. This would only be the case if you provided an online/webinar or conference call style format for the public to participate in the meetings. If a Council did do this, they would not have to open the doors for the public to attend the meeting in person. I have attached the emails as well as the Executive Order. The hardware for setting everything up through Zoom would be \$2,599 and this would include a camera, 2 speakers, and 2 microphones.

Financial Consideration: None at this time.

Recommendation: NA.

From: [Lori Martinec](#)
To: [Lori Martinec](#)
Subject: Executive Order to suspend in person council meetings and bid openings
Date: Wednesday, April 8, 2020 9:26:19 AM
Attachments: [EO 20-14.pdf](#)

Good morning,

Please see the attached Executive Order, Section 2 that suspends a portion of the open meeting laws that require in person open meetings for council meetings and bid openings for the duration of the state of emergency.

This means that you are still required to provide an online/webinar or conference call style format for the public to participate in the meetings, but you do not have to “open the doors” for them to attend the meeting in person. If you still want to allow the public into your meetings, there is nothing that prohibits this, as long as you are following CDC guidelines.

This will hopefully relieve some of the issues you’ve been facing with coordinating your meetings.

Please let me know if you have questions.

Thanks!

Lori Martinec

SOUTH DAKOTA MUNICIPAL LEAGUE

Director of Research and Training
Martinec@sdmunicipalleague.org

[208 Island Drive, Ft. Pierre, SD 57532](#)
Tel | 605.224.8654 or 800.658.3633 Fax | 605.224.8655
<http://www.sdmunicipalleague.org>

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From: Yvonne Taylor <yvonne@sdmunicipalleague.org>
Sent: Tuesday, April 7, 2020 5:05 PM
Subject: EO 20-14.pdf - statutory relief

Hi – thanks to the Governor for some relief on the technical aspects of open meeting and bid laws! - Y

From: [Lori Martinec](#)
To: [Lori Martinec](#)
Cc: [Lisa Nold](#); [Yvonne Taylor](#)
Subject: Instructions for Zoom Webinar Users and Attendees
Date: Friday, March 27, 2020 10:14:38 AM
Attachments: [Zoom - Meeting Organizer Instructions.docx](#)
[Zoom Login Instructions for City Attendees.docx](#)

Good morning,

We are aware that many of you are offering your open meetings and other meetings via webinar. The SDML uses the Zoom Meetings platform and have been doing so for many months now.

We thought it might be helpful for those of you who are using Zoom Meetings for the first time to have the attached instructional documents for both meeting organizers and attendees. These instructions are not from the Zoom website, but just from my own experience as a user, so please forgive if they are not perfect

We have found it helpful to email out the Login instructions for City Attendees document to remote attendees, if at all possible. That way, they can troubleshoot some of their own issues, if needed. Please modify these instructions to fit your city's needs.

The Meeting Organizer instructions are basic guidance on how to set up and run a Zoom meeting. There are a few features on Zoom that I did not address, simply because I don't use them, but you can feel free to experiment as much as you wish!

Please let me know if you run into any issues and I can certainly try to help. Please just email or give me a call.

Take care!

Lori Martinec


SOUTH DAKOTA MUNICIPAL LEAGUE

Director of Research and Training

Martinec@sdmunicipalleague.org

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**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2020-14**

Whereas, An outbreak of the severe respiratory disease, COVID-19, which is caused by the person-to-person spread of the novel coronavirus, started in late 2019 and has currently been detected across the world, including the United States; and,

Whereas, The World Health Organization and the Centers for Disease Control and Prevention (“CDC”) have declared the COVID-19 outbreak a public health emergency and pandemic; and,

Whereas, The CDC has issued guidance to all state and local governments and all citizens recommending preparedness, nonessential travel, social distancing, and other mitigation strategies impacting many sectors of daily life to prevent the spread and guard against the COVID-19 outbreak; and,

Whereas, South Dakota has confirmed cases of COVID-19, making this a public health emergency posing danger to public health and safety in all of South Dakota; and,

Whereas, A state of emergency has been declared by Executive Order 2020-04 on March 13, 2020 and currently exists within the State of South Dakota until its expiration on April 12, 2020, unless sooner terminated or extended; and,

Whereas, The state minimum teacher evaluation requirement of assigning a student growth rating based on the attainment of student learning objectives will not be available for 2019-2020 school year, and to require this will prevent, hinder or delay necessary actions to cope with this emergency in all counties of our state; and,

Whereas, Due to CDC recommendations of social distancing, Executive Orders 2020-06 and 2020-09 directing state employees to work remotely if possible, and Executive Order 2020-12 directing local governments to implement CDC guidelines to reduce the spread of the disease and restrict public gatherings of ten people or more if possible, strict compliance with the physical location requirement for public official meetings as provided in SDCL 1-25-1.6 and the requirement of publicly opening bids in the presence of witnesses as provided in SDCL 5-18A-5(4) will prevent, hinder or delay necessary actions to cope with this emergency in all counties of our state; and,

Whereas, Strict compliance with the statutory requirement that the Department of Corrections institute a policy directing that individuals on parole supervision who have a positive urinalysis test for any controlled substance serve a minimum period of incarceration as a sanction will prevent, hinder or delay necessary actions to cope with this emergency in all counties of our state:

NOW, THEREFORE, I, KRISTI NOEM, Governor of the State of South Dakota, by the authority vested in me by the Constitution and the Laws of this State, including but not limited to SDCL 34-48A-5(4), do hereby order and direct the following:

Section 1 Teacher Evaluations. I temporarily suspend the regulatory provision of ARSD 24:57:01:01(6)(b) governing teacher evaluations.

Section 2 Physical Location. I temporarily suspend a portion of the requirement of SDCL 1-25-1.6, so that no public body, conducting an official meeting by teleconference, needs to “provide one or more places at which the public may listen to and participate in the teleconference meeting” for the duration of the state of emergency; however, no other open meeting law is suspended. The public body must provide arrangements for

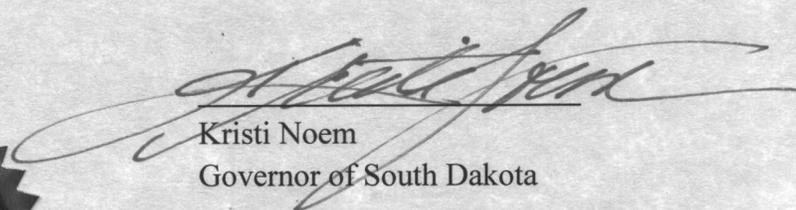
the public to listen and participate in the teleconference meeting via telephone or internet. I also temporarily suspend a portion of the requirement of SDCL 5-18A-5(4), so that a bid does not need to be opened in the physical presence of a witness at a physical place, but instead teleconference technology shall be used for the public opening of each bid for the duration of the state of emergency.

Section 3 Sanctions for Parole Violations. I temporarily suspend part of the statutory provision of SDCL 16-22-28 requiring the Department of Corrections' policy to mandate a minimum period of incarceration for individuals on parole supervision who have a positive urinalysis test for a controlled substance, and allow the department to institute a policy that reflects the nature of responding and mitigating to the emergency in the best interests the health and safety of the state's institutions and inmates, which may include an alternative sanction or deferment of the sanction.

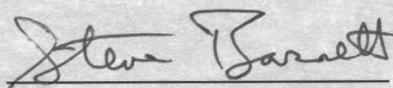
BE IT FURTHER ORDERED, This Executive Order shall be in effect immediately and shall continue for the duration of the state of emergency declared by Executive Order 2020-04, unless sooner terminated or extended.

Dated in Pierre, South Dakota this 7th day of April, 2020.




Kristi Noem
Governor of South Dakota

ATTEST:


Steve Barnett
Secretary of State



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City, City Council
From: Mike Hamm
Date: 04/20/2020
Re: Covid-19 Discussion

Background: Ordinance 2020-05 that was passed by the Council on 03/30/2020 and runs through May 2, 2020 at 8am. The next scheduled Regular Council Meeting is 05/04/2020 which would be after the expiration of Ordinance 2020-05. I have attached a copy of Ordinance for Council discussion.

Financial Consideration: None at this time.

Recommendation: NA.

ORDINANCE NO. 2020-05

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

WHEREAS, the City of North Sioux City 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, the CDC and health experts have recommended social distancing to slow the spread of COVID-19; 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 at least two weeks; and

WHEREAS, on March 16, 2020, the White House issued guidance recommending that social gatherings of more than ten (10) 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.

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of North Sioux City that:

1. Effective at _____, March 30, 2020, all restaurants, food courts, coffee houses, bars, 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 closed to on-site/on-sale patrons. These businesses may continue to operate in order to provide take-out, delivery, curbside service, 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. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through Saturday, May 2, 2020 at 8:00am.
2. Effective at _____, March 30, 2020, all recreational facilities, health clubs, athletic facilities and music or entertainment venues are directed to close and cease operations. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through Saturday, May 2, 2020 at 8:00am.
3. Effective _____, March 30, 2020, all arcades, casinos, and other similar recreational or entertainment facilities are directed to close and cease operations. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through Saturday, May

2, 2020 at 8:00am.

4. 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-site consumption which would be subject 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. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.
 - f. Official meetings of the city, schools, county, or state.
5. If the North Sioux City Council receives a recommendation from the State of South Dakota, it may pass a resolution limiting the size of any communal gathering as defined herein and prohibit any communal gathering in excess thereof for a period of time set forth in such resolution not to exceed the period of time this ordinance remains in effect, which prohibition shall be governed by the following terms:
 - a. For purposes of this ordinance, a "communal gathering" is any indoor or outdoor gathering of people, subject to the exceptions and clarifications below, that brings together or is likely to bring two or more persons at the same time in a single room or other single confined or enclosed space, including, but not limited to an office space or similar confined place of employment, a single-family residence, or a residential apartment unit.
 - b. For purposes of this ordinance, a "communal gathering" does not include larger gatherings in the following locations, so long as people take care not be within arm's length of one another for extended periods:
 - i. public parks, sidewalks, and streets;
 - ii. parking lots and common areas of any hotel, office building or residential apartment buildings;
 - iii. grocery stores, shopping malls, manufacturing facilities, or other retail or business establishments where larger numbers of people may be present, but where it is unusual for people to be within arm's length of one another for extended periods;

- iv. hospitals, mental health or substance abuse treatment facilities, and medical clinics and facilities; and
 - v. Any other location established by resolution of the North Sioux City Council.
 - c. A resolution limiting the size of a communal gathering passed by the North Sioux City Council in accordance with this ordinance shall be deemed effective immediately upon its publication.
 - d. Each person participating in any communal gathering that violates a size restriction established by resolution of the North Sioux City Council in accordance with this ordinance shall be deemed to be in violation of this ordinance.
6. If the North Sioux City Council receives a recommendation from the State of South Dakota, it may pass a resolution requiring that all non-essential businesses within the city must close in-office or on-site personnel functions and cease all in-person customer contact for a period of time set forth in such resolution not to exceed the period of time this ordinance remains in effect, which prohibition shall be governed by the following terms:
- a. For purposes of this Ordinance, an "Essential Business" is not governed or limited by this a restriction. An "Essential Business" means:
 - i. Essential Health Care Operations, Including, research and laboratory services, hospitals, walk-in-care health facilities, veterinary and livestock services, elder care, medical equipment supply providers and distribution, home health care workers or aides for the elderly, physicians, emergency dental, nursing homes, or residential health care facilities or congregate care facilities
 - ii. Essential Infrastructure, Including all utility providers, fuel supply and transmission, public water and wastewater, solid waste transfer station, telecommunications facilities and data centers, airports, transportation infrastructure such as bus, rail, or for-hire vehicles, garages, hotels, and places of accommodation
 - iii. Manufacturing;
 - iv. Essential Retail, including grocery stores, pharmacies, convenience stores, gas stations, take-out/delivery restaurant service, hardware and building material stores;
 - v. Essential Services, including solid waste and recycling collection, processing and disposal, mail and shipping services, laundromats, building cleaning and maintenance, child care services, auto repair, warehouse/distribution and fulfillment, funeral homes, crematoriums and cemeteries, storage for essential businesses, animal shelters, and Information Technology (IT) services providing support to Essential Business;
 - vi. News Media;
 - vii. Financial Institutions, including banks, insurance agencies, brokerage firms, payroll and bookkeeping services, tax preparation and accounting services, and services related to financial markets

- viii. Providers of Basic Necessities to Economically Disadvantaged Populations, including homeless shelters, crisis shelters, congregate care facilities, food banks, human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; and other critical human services agencies providing direct care or support;
 - ix. Construction, Including skilled trades such as electricians, plumbers, other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes;
 - x. Federal, State, or county agencies under direct control of any branch of the United States Federal Government, or of the State of South Dakota or of Union County.
 - xi. Essential Services Necessary to Maintain the Safety, Sanitation and Essential Operations of Residences or Other Essential Businesses, including law enforcement, fire prevention and response, building code enforcement, security, emergency management and response, building cleaners or janitors, general maintenance whether employed by the entity directly or as a vendor, automotive repair, or disinfection;
 - xii. An “Essential Business” shall also specifically include or exclude any business or organization type as clarified by resolution of the North Sioux City Council, even if the business or organization type is identified herein.
- b. A resolution requiring that all non-essential businesses close in-office or on-site personnel functions and cease all in-person customer contact passed by the North Sioux City Council in accordance with this ordinance shall be deemed effective immediately upon its publication.
 - c. The owner and supervising manager of any non-essential businesses that refuses to close in-office or on-site personnel functions or to cease all in-person customer contact in violation of the North Sioux City Council in accordance with this ordinance shall be deemed to be in violation of this ordinance.
7. Any violation of this ordinance is subject to the general penalty provision in Section 1.16 of the North Sioux City Municipal Code. Each day a violation of this ordinance is allowed to occur is considered a separate offense.

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 25th day of March, 2020.

Randy Fredericksen, Mayor

ATTEST:

Michael Hamm, Finance Officer

First Reading: March 25, 2020

Second Reading: March 30, 2020

Effective March 30, 2020