

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
April 27, 2020

Pursuant to due call and notice thereof, a special meeting of the City Council of the City of Rapid City was held at City Hall in Rapid City, South Dakota on Friday, March 27, 2020 at 5:30 P.M.

The following members were present: Mayor Steven Allender and the following Alderspersons: Darla Drew, Bill Evans, Becky Drury, Lance Lehman, Chad Lewis, Laura Armstrong, Greg Strommen, John Roberts and Ritchie Nordstrom. Absent: None.

Staff members present included Finance Officer Pauline Sumption, City Attorney Joel Landeen and Police Chief Karl Jegeris.

ADOPTION OF THE AGENDA

Motion was made by Armstrong, second by Roberts and carried to adopt the agenda.

NON-PUBLIC HEARING ITEMS – Item 1

NON-CONSENT ITEM – Item 1

Tonchi Weaver, Michael Calabrese, Bob Fuchs, Scott Landguth, Steve Wynia, Alexis and Matthew Sullivan, Jodie Frye and Nick Uhre all spoke in favor of businesses reopening. Fuchs suggested that the capacity be changed to half the allowed amount of people as determined by fire code. Onna LeBeau, Alyssa Record, Taylor Wolff and Dr. Marvin Buehner spoke against reopening businesses due to the COVID-19 Virus.

Mayor read in item (No. CC042720-01) – APPROVE AN EMERGENCY RESOLUTION 2020-034 MODIFYING THE MANDATORY ORDERS RELATING TO PUBLIC GATHERINGS CONTAINED IN ORDINANCE NO. 6413. Mayor went over the outline of the plan to ease restrictions. He followed with the CDC guidelines. He said numbers are less than predicted. The current ordinance affects approximately 300 businesses, which is 8% of the Rapid City businesses. He said there is a global shortage of testing supplies. When businesses open, the public will be exposed to more risk. The goal was to make sure our hospital didn't get overrun with the virus. There are not enough test results to show an accurate result of how the virus is affecting our city.

Armstrong went over a timeline for five weeks. Only .03% of the Rapid City general population was tested. Armstrong went over white house recommendations. She said the downward trajectory needs to be going down for two consecutive weeks in order to start feeling safe. She indicated that nobody is talking about ventilation. She stated there is not enough evidence based data. She indicated the two major factors are compliance and tourism. In her opinion, what needs to happen before businesses are open are: masks be worn by everyone; robust testing needs to be done; more public compliance and social distancing should be happening; and in her opinion the reopening issue needs to be revisited in two weeks. She said the city needs to make evidence based decisions.

Mayor proposed there should be open discussion but no motion. He suggested after discussion is over, the rules will be enacted and a vote will be taken. Motion was made by Strommen, second by Lewis to suspend the rules and have open discussion without a vote. In response to a question from Strommen, Bob Fuchs explained the occupancy ratio that the businesses are

proposing when they reopen for inside service. Fuchs said the total capacity should be determined by the seating on the wall, divided by 2, for the total amount of people that are allowed. Nordstrom asked Landguth several question. Landguth indicated he did calculate the proposed 125 feet, he said it only totaled 40 people at Wings and Rings. But when they tried the 50% of capacity, he could get around 80 people in his restaurant. This was done with 6 foot spacing and with 4-person tables. Nordstrom did not feel comfortable with the spacing. Mayor said he had conference call with all the mayors in the state. All except Huron were comfortable with a slow reopening. Mayor indicated that the Governor was signing an order tomorrow in favor of starting back to normal. Drew said the cases have not turned out as projected. She stated that the city is quarantining healthy people. She is in favor of the plans the businesses have suggested. She is very proud of the homeless shelter that has been created at the civic center. She thinks the second wave of the virus will occur in the southern hemisphere and we will know more about the spreading after that happens. Evans said this is not an easy decision. He can't justify staying closed with the current data. He said numbers are low and the city needs to modify the space arrangement. Drury said the hospital is ready if the virus starts hitting. She does not think previous viruses compare to what we have now. We are more informed than long ago. She said the citizens have freedoms and they should be allowed to live freely. Lewis said they have been doing their best as they go. He thinks they started early but is glad they did. He said their first decision was made on projected data, but the facts are people aren't in the hospital right now. He has to base today's decision on what they know not what they believe. He said the citizens can't sit home forever; we have to get the economy going again. The facts are nobody is in the hospital, so they have to open up the city. Lewis still thinks it's too soon but numbers don't show it's needed right now. Roberts said this is going to be the new normal. It's going to be this virus or something else. We have to deal with it. We will never know if what we did helped or not. He said there are a lot of fears and we can't live in fear. Drury was under self-quarantine and thanked the council for working with her while she was out. Motion was made by Lehmann, second by Roberts and carried to reinstate council rules. Motion was made by Roberts, second by Strommen to approve emergency resolution 2020-034. He said to change 125 square feet to half the occupancy. Discussion continued on the change in wording regarding half the occupancy. Landeen said the wording in item 2B will read as follows: Restaurants, bars, and casinos shall be limited to a capacity of half their maximum posted occupancy; all other regulations will be left as presented. Nordstrom said he was not comfortable with half the occupancy just yet. Motion carried to approve 7-2, with Armstrong and Nordstrom voting no. Armstrong asked for a point of privilege. She is happy with how everyone has worked together. She appreciates the respect that everyone has shown and that all sides did their homework to make an educated decision. ***Special note: this resolution was originally published separately on Wednesday, April 29, 2020 and became effective on that date.***

RESOLUTION NO. 2020-034

AN EMERGENCY RESOLUTION MODIFYING THE MANDATORY ORDERS RELATING TO PUBLIC GATHERINGS CONTAINED IN ORDINANCE NO. 6413.

WHEREAS, the City adopted an emergency ordinance pursuant to SDCL 9-29-1 and 9-32-1 which implemented social distancing guidelines recommended by the Centers for Disease Control (CDC) to stop the outbreak of the disease COVID-19; and

WHEREAS, the emergency ordinance allows the City Council to enact further restrictions on public gatherings and public movements it deems necessary to address the current public health emergency; and

WHEREAS, the emergency ordinance also allows the City to make exemptions from the ordinance; and

WHEREAS, the number of COVID-19 cases in western South Dakota and the Black Hills region have remained relatively low; and

WHEREAS, the number of hospitalizations being experienced in the Black Hills supports the fact that the number of positive cases in the Black Hills is consistent with the numbers reported by the state; and

WHEREAS, the purpose of social distancing requirements is to slow the spread of the disease so that the region's health care system is not overwhelmed; and

WHEREAS, the City has been in communication with Monument Health and they have modeling that allows them to make predictions on the impact of certain social distancing regulations on the number of cases in the City and the overall impact on the health care system; and

WHEREAS, based on the number of cases in Pennington County, the almost complete lack of hospitalizations in the City, and the available modeling, the Mayor and City Council believe some of the social distancing restrictions can be modified to allow businesses to resume on-site service of customers without causing the number of cases in the City to rise to the level that it will overwhelm the hospital's capacity if proper procedures are put in place.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the following regulations be put in place to control the spread of COVID-19 within the City of Rapid City:

1. Any businesses identified in Paragraphs 1 through 4 of Ordinance 6413 may reopen to serve patrons on-site pursuant to the conditions established in this resolution.
2. Businesses within Rapid City which are open to the public shall observe the following guidelines to slow the spread of COVID-19:
 - a) Establish a minimum six-foot distance between any tables, chairs, and barstools. This provision does not need to be observed between members of the same household.
 - b) Restaurants, bars, and casinos shall be limited to a capacity of half their maximum posted occupancy.
 - c) Grocery stores, retail businesses, recreation and fitness businesses shall limit customers based on available square footage. A maximum of ten (10) customers or one (1) customer for every 200 square feet, whichever is greater.
 - d) Require social distance spacing while waiting for service or entry into business.
 - e) Clearly marked one way shopping aisles in grocery and retail stores.
 - f) In retail and grocery businesses, install a plexiglass, or similar, divider where physically possible between the cashier and customer.
 - g) Require employees to wash hands at regular intervals.

- h) Food service employees must wear a mask which covers the employee's nose and mouth.
 - i) Broadcast over PA system approved public health announcements, once hourly in retail stores larger than 50,000 square feet in size.
 - j) In casinos, video lottery machines must be cleaned and disinfected between each customer.
 - k) 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.
 - l) In gyms and fitness facilities any equipment and/or mats must be cleaned or disinfected between each use.
 - m) Customer seating in theaters and similar businesses reduced to allow for social distancing with certain seats marked as "not available due to social distancing guidelines" to insure compliance.
 - n) Businesses shall post publicly a regular cleaning and disinfecting schedule, specific to each business.
 - o) Hand sanitizer locations readily available for public use should be made available at grocery stores and retail businesses.
 - p) Enhanced cleaning/disinfecting requirements for a motel and hotel rooms.
 - q) Seating for large gatherings reduced to comply with a six foot minimum distance between attendees.
 - r) 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 regulations or executive orders.
 4. The City encourages all individuals within the City to continue to follow the CDC guidelines and recommended hygiene practices, including, but not limited to engaging in social distancing, and wearing masks when outside their homes wherever possible.
 5. Businesses can request, in writing, administrative exceptions 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. Any business entity, owner, or supervising manager of any business that is not in compliance with these regulations, or an approved alternative plan pursuant to subsection #5, shall be in violation of Ordinance 6413.
 7. This Resolution shall remain in effect until May 31, 2020, unless otherwise repealed, modified, or extended.

BE IT FURTHER RESOLVED, by the City of Rapid City, that due to the fact a national and statewide emergency has been declared and one of the primary recommendations to combat this emergency is to practice social distancing and limit person to person contact, this resolution is considered necessary for the immediate preservation of the public peace, health, and safety of the City of Rapid City and shall be effective immediately upon publication thereof.

Dated this 20th day of April, 2020.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

ADJOURN

There being no further business to come before the Council at this time, motion was made by Armstrong, second by Lewis and carried to adjourn the meeting at 7:51 p.m.

Dated this 20th day of April, 2020.

CITY OF RAPID CITY

ATTEST:

Finance Officer
(SEAL)

Mayor