

**MINUTES OF EMERGENCY SPECIAL MEETING  
March 26, 2020**

Mayor Darrell Mehlhaf called the City Council to order at 6:00 p.m. on March 26, 2020 in the fire hall meeting room. Council answering roll call: George Cokens, Ron Diede, Jerry Fischer, Robert Heckenlaible, Jerome Kotalik and Scott Simonsen. Finance Officer Lisa Edelman and Police Chief Michael Hofeldt were also present.

**Agenda:** Fischer moved to approve the agenda. Diede seconded the motion. All votes aye.

**NEW BUSINESS: COVID-19:** Mayor Mehlhaf informed the council that he spoke to all the businesses in Menno and asked them to be vigilant in their attempt to isolate the virus. He also introduced a resolution following CDC recommendations. Cokens moved to approve the immediate adoption of Resolution #3, an emergency resolution to address a public health crisis by implementing certain measures which have been deemed necessary to slow the community spread of coronavirus (COVID-19). Simonsen seconded the motion. Roll call: all votes aye.

**RESOLUTION #3 – 3/26/2020**

**AN EMERGENCY RESOLUTION 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 Menno has the authority pursuant to SDCL 9-29-1 and 9-32-1 to pass resolutions for the purpose of promoting the health, safety, morals and general welfare, of the community and the promotion of health and the suppression of disease; 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 of 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, the President of the United States 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 several counties 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 have been closed for several weeks; 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 in 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 state and communities across the country have already implemented the White House recommendation 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, on March 23, 2020, Governor Kristi Noem issued Executive Order 2020-08 stating that residents of South Dakota should practice social distancing and that all enclosed retail businesses that promote public gatherings including, but not limited to, bars, restaurants, breweries, cafes, casinos, coffee shops, recreational or athletic facilities, health clubs, or entertainment venues should suspend or modify business practices as recommended by CDC guidance regarding social distancing; 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 RESOLVED**, by the City Council of the City of Menno that:

- Effective at 5:30 p.m. on March 27, 2020, all restaurants, food courts, coffee houses, bars, breweries, distilleries, wineries, clubs, cafes, casinos 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/or 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.
- Effective at 5:30 p.m. on March 27, 2020, all recreational facilities, public pools, health clubs, athletic facilities and music or entertainment venues are directed to close and cease operations.
- The prohibitions and closures in this order do not apply to the following businesses:
  1. Places of public accommodation that offer food and beverages for off-site consumption, including grocery stores, markets, retail stores that off food, convenience stores, pharmacies, drug stores and food pantries, other than any portion of such business which would be subject to the requirements herein.
  2. Health care facilities, residential care facilities and congregate care facilities.
  3. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.
- This resolution 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 resolution by a resolution of the City Council.
- Any violation of this resolution is subject to the general penalty provision in Section 1-9 of the Menno City Ordinances. Each day a violation of this resolution is allowed to occur is considered a separate offense.

**BE IT FURTHER RESOLVED**, that, pursuant to SDCL 9-19-13, this resolution 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 26<sup>th</sup> day of March 2020.

CITY OF MENNO, SOUTH DAKOTA

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Darrell J. Mehlhaf, Mayor

ATTEST:

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Lisa Edelman, Finance Officer

A City of Menno Employee COVID-19 policy was also presented to the Council for review. This will be discussed at the next regular meeting of the City Council.

Diede moved to adjourn at 6:56 p.m. Heckenlaible seconded the motion. All votes aye.

**ATTEST:**

**CITY OF MENNO, SOUTH DAKOTA**

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Lisa Edelman, Finance Officer

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Darrell J Mehlhaf, Mayor

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