

**Brookings City Council**  
**May 4, 2020 (unapproved)**

The Brookings City Council held a special meeting on Tuesday, May 4, 2020 at 6:00 PM, at City Hall with the following City Council members present: Mayor Keith Corbett and Council Members Holly Tilton Byrne, Nick Wendell, Patty Bacon, Dan Hansen, Leah Brink, and Ope Niemeyer. City Attorney Steve Britzman, City Manager Paul Briseno, and City Clerk Bonnie Foster were also present.

**6:00 PM SPECIAL MEETING**

**Agenda:** A motion was made by Council Member Wendell, seconded by Council Member Bacon, to approve the Agenda. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Brink, Bacon, Wendell, and Tilton Byrne.

**Resolution 20-038.** A motion was made by Council Member Niemeyer, seconded by Council Member Brink, that Action on Resolution 20-038, an Emergency Resolution Modifying Certain Measures Set Forth in Ordinance 20-005 (Revised) and Deemed Necessary to Slow the Community Spread of Coronavirus (Covid-19), be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Brink, Bacon, Wendell, and Tilton Byrne.

Resolution 20-038 - An Emergency Resolution Modifying Certain Measures Set Forth in Ordinance 20-005 (Revised) and Deemed Necessary to Slow the Community Spread of Coronavirus (Covid-19).

Whereas, the City of Brookings adopted emergency Ordinance 20-005 (Revised) 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 City is authorized to enact further or modified restrictions on public gatherings and public movements that it deems necessary to address the current public health emergency; and

Whereas, the number of COVID-19 cases in Brookings has remained relatively stable; and

Whereas, the number of hospitalizations being experienced in Brookings supports the fact that the number of positive cases in Brookings 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 State and City's health care system is not overwhelmed; and

Whereas, the City has been in communication with Brookings Health System and they have methods to allow them to make reasonable predictions on the impact of certain

social distancing regulations on the number of cases in the City and the overall impact on the City's health care system; and

Whereas, based on the number of cases in Brookings County, the relative lack of hospitalizations in the City, and the available modeling, the City Council believes some of the social distancing restrictions set forth in Ordinance 20-005 (Revised) can now be modified to allow businesses to resume on-site service of customers without causing the number of COVID-19 cases in the City to rise to the level that will overwhelm the hospital's capacity if proper procedures are put in place; and

Whereas, this Resolution is consistent with the Governor's Executive Order 2020-20, and Section 3 thereof, in particular, which provide for South Dakota's "Back to Normal Plan"; and

Whereas, these revised measures and restrictions are adopted as Emergency Ordinance 20-005 is also being revised and are intended to replace the measures and restrictions set forth in Emergency Ordinance 20-005;

Now, Therefore, Be It Resolved by the City of Brookings, that the following regulations, effective upon adoption and publication of this Resolution, shall be implemented to control the spread of COVID-19 within the City of Brookings:

1. Any businesses identified in Ordinance 20-005 may reopen to serve patrons on-site pursuant to the conditions established in this resolution.
2. Businesses within the City of Brookings 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) All businesses shall collaborate with the City to identify their occupancy allowance and post it in a conspicuous location outside the building.
  - c) Restaurants, bars, and casinos shall be limited to a maximum of ten (10) customers or a capacity of one-half ( $\frac{1}{2}$ ) of their maximum posted capacity, whichever is greater. Capacity will be posted at the front of the business.
  - d) All restaurants, food trucks and bars shall disinfect or dispose of all menus before and after use by each customer. Condiment containers shall be cleaned/disinfected between each group and shall not be shared among multiple groups. Salad bars and self-service buffets shall not be permitted.
  - e) Grocery stores, retail businesses, recreation and fitness businesses shall be limited to a maximum of ten (10) customers or a capacity of one-half ( $\frac{1}{2}$ ) of their maximum posted capacity, whichever is greater. Capacity will be posted at the front of the business.
  - f) Require social distance spacing while waiting for service or entry into a business. Spacing may be accomplished by requiring people to remain in their vehicles.
  - g) Clearly marked one-way shopping aisles in grocery and retail stores.

- h) In retail and grocery businesses, install a plexiglass, or similar divider where physically possible between the cashier and customer.
  - i) Require employees to wash hands at regular intervals.
  - j) Food service employees must wear a mask which covers the employee's nose and mouth.
  - k) In casinos, video lottery machines must be cleaned and disinfected between each customer.
  - l) Employees of hair salons, nail and tanning salons, spas 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.
  - m) In gyms and fitness facilities, any equipment and/or exercise mats must be cleaned or disinfected between each use.
  - n) Customer seating in theaters and similar businesses shall be reduced to allow for social distancing with certain seats marked as "not available due to social distancing guidelines" to ensure compliance.
  - o) Businesses shall post publicly a regular cleaning and disinfecting schedule, specific to each business.
  - p) Hand sanitizer locations readily available for public use should be made available at grocery stores and retail businesses.
  - q) Enhanced cleaning/disinfecting requirements should be used for motel and hotel rooms.
  - r) Seating for large gatherings shall be reduced to comply with a six-foot minimum distance between attendees.
  - s) Businesses are encouraged to conduct daily employee screenings for illness.
  - t) Businesses are encouraged to post signage outside of their facility that encourages customers to not enter if they are not feeling well or have COVID-19 symptoms.
  - u) Businesses are encouraged to develop risk mitigation strategies for restrooms or other areas where social distancing requirements are likely to be compromised.
  - v) Certain businesses (e.g. gym, recreation facilities, casinos, etc.) are encouraged to have customers wipe down their equipment/machines before and after use. However, it will still be the responsibility of the business to ensure proper cleaning and disinfecting is occurring.
  - w) Businesses, particularly salons, barber shops, and spas are encouraged to provide service on an appointment-only basis to ensure proper social distancing and hygiene practices are met.
3. In addition to the specific requirements listed above, businesses shall operate in a manner consistent with CDC guidelines and any applicable state regulations and the Governor's Executive Orders.
  4. The City encourages all members of the public within the City of Brookings 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 or hygiene 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 Section #5 above, shall be in violation of Ordinance 20-005, as amended.
7. This Resolution shall remain in effect until May 31, 2020, unless otherwise repealed, modified, or extended.
8. Enforcement – Violation of this Resolution may result in a fine, and multiple violations may result in further enforcement procedures, including legal action to close the business for the safety of the public.

Be It Further Resolved by the City of Brookings that due to the fact a national and statewide emergency have 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. Furthermore, the City hereby declares that these Restrictions shall replace the measures and restrictions set forth in Ord. 20-005 as of May 5, 2020, the date of publication of this Resolution. Accordingly, the measures and restrictions set forth in Emergency Ordinance 20-005 will not be enforced after the effective date of this Resolution.

**FIRST READING – Ordinance 20-007.** A First Reading and Introduction of Ordinance 20-007, an Ordinance Amending Emergency Ordinance 20-005 (Revised) to Address a Public Health Crisis and to Revise Certain Measures Which Have Been Deemed Necessary to Slow the Community Spread of Coronavirus (COVID-19). Second Reading: April 12, 2020.

**Adjourn.** A motion was made by Council Member Brink, seconded by Council Member Niemeyer, that this meeting be adjourned at 7:21 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

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Keith W. Corbett, Mayor

ATTEST:

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Bonnie Foster, City Clerk