

**CITY OF BOX ELDER CITY COUNCIL SPECIAL MEETING MINUTES**

**Friday, March 27, 2020**

**2:30 PM City of Box Elder Special Meeting. - City Council Chambers, 420 Villa Drive,  
2nd Floor, Box Elder**

**Call Meeting to Order**

Meeting called to order at 2:30 p.m. by Mayor Larson.

**Moment of Silence/Pledge of Allegiance**

There was a moment of silence followed by the pledge of allegiance.

**Roll Call**

Roll was taken. Present were Mayor Larry Larson, Attorney Matt Naasz, Council Members Dawn Beltran, Rob Griffith, Jeff Hollinshead, Michael Knight, John Talich, and Ben Thomas. Also present were City Administrator Nicole Schneider, Community and Economic Development (CED) Director Blaise Emerson, Public Works (PW) Director Bob Kaufman, Police Chief Jason Dubbs, and City Clerk Jermyer Washington.

**Approve Order of Business**

Motion by Hollinshead to approve the order of business. Seconded by Knight. Roll Call: Beltran-Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye; Thomas-Aye. Unanimous. Motion passed.

**New Business:**

**Consider Resolution No. 20-11 recognizing a public health emergency and encouraging all individuals and businesses within the City of Box Elder to comply with guidelines and directives established by the CDC and State of South Dakota necessary to slow the community spread of Coronavirus (COVID-19); and recognizing the City's authority to abate nuisances necessary to protect the public health.**

Discussed Resolution 20-11. Motion by Hollinshead to approve. Seconded by Talich. Roll Call: Beltran-Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye; Thomas-Aye. Unanimous. Motion passed.

**RESOLUTION 20-11**

**AN EMERGENCY RESOLUTION RECOGNIZING A PUBLIC HEALTH EMERGENCY CAUSED BY THE CORONAVIRUS (COVID-19) AND ENCOURAGING COMPLIANCE WITH CERTAIN MEASURES WHICH HAVE BEEN DEEMED NECESSARY TO SLOW THE COMMUNITY SPREAD OF COVID-19.**

**WHEREAS**, the City of Box Elder 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 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, 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**, Ellsworth Air Force Base has raised its risk level to Health Protection Condition C (HP CON C); and

**WHEREAS**, in response to the need to implement social distancing all schools in the state have been closed until at least May 1; and

**WHEREAS**, on March 16<sup>th</sup>, the White House issued guidance recommending that social gatherings of more than ten 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 bars, restaurants, food courts, gyms and other indoor and outdoor venues where people congregate located within the City of Box Elder have demonstrated appropriate self-imposed social distancing measures; and

**WHEREAS**, the failure to successfully implement social distancing may result in higher numbers of infected individuals and has the potential to overwhelm the capacity of the area’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; and

**WHEREAS**, on March 23, 2020, Governor Kristi Noem, issued an executive order recommending the suspension or modification of business practices as recommended by CDC guidance that involves ten or more people to be in an enclosed space where physical separation of at least six feet is not possible; and

**WHEREAS**, City of Box Elder has police powers pursuant to SDCL Ch. 9-23; and

**WHEREAS**, the City police powers include, specifically under SDCL Ch. 9-29-13, the power to declare what shall constitute a nuisance and to prevent and abate nuisances and remove the same; and

**WHEREAS**, pursuant to Box Elder City Ordinance 93.02.01 any condition that is dangerous or injurious to human health and safety, as declared by the City Council may constitute a public nuisance:

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Box Elder that:

**Every Box Elder City Community Member should:**

1. **Review and practice** the recommended CDC & SD DOH hygiene practices designed to stop the spread of the disease COVID-19 and encourage others to do so as well.
2. **Know** the signs and symptoms of COVID-19, call a health care provider if suffering symptoms in advance of a visit to a provider, and stay at home if sick.
3. **Understand** that those who are particularly vulnerable to COVID-19, including those over age 60 and those suffering from respiratory or cardiac conditions, should take extra precautions and remain home if possible.
4. **Implement** social distancing measures and support businesses who are adjusting their

business model to reduce the spread of COVID-19.

5. **Assist** those who work in essential jobs such as emergency personnel, medical professionals, and law enforcement.

**All employers, both for profit and not-for-profit, within the City of Box Elder should:**

6. **Implement** the recommended CDC & SD DOH hygiene practices and other business strategies designed to reduce the likelihood of spreading the disease.

7. **Understand** that the COVID-19 is not a short-term challenge, and operations will need to endure a difficult and limited social environment for potentially eight weeks or more.

8. **Innovate** and continue to demonstrate entrepreneurial excellence in their operations during this difficult and uncertain environment.

9. **Encourage** staff to telework if possible, implement social distancing measures, limit unnecessary work gatherings, limit non-essential travel, and consider regular health checks including CDC & SD DOH guidance for COVID-19 screening if possible.

10. **Offer**, to the extent possible, special shopping times or access periods for populations particularly vulnerable to COVID-19.

**Any “enclosed retail business that promotes public gatherings” within the City of Box Elder should:**

11. **Suspend or modify** business practices as recommended by CDC & SD DOH guidance that involve ten or more people in an enclosed space where physical separation of at least six feet is not possible.

12. **Continue offering** or consider offering business models that do not involve public gatherings, including takeout, delivery, drive-through, curbside service, off-site services, social distancing models, or other innovative business practices that do not involve public gatherings in an enclosed space.

13. **Consider** business arrangements and innovative ideas intended to support the critical infrastructure sectors, as defined by the Department of Homeland Security.

**The Mayor, Common Council and Staff of the City of Box Elder will:**

14. **Protect** the infrastructure of the City and maintain water services, sewer services, street services and other critical functions of municipal government.

15. **Provide** ongoing information to Box Elder City Citizens of the local impact of COVID-19.

16. **Practice** heightened awareness of municipal expenditures to ensure fiscal responsibility.

17. **Enforce** its police powers to abate nuisances as permitted under SDCL Ch. 9-29 and SDCL Ch. 21-10.

**BE IT FURTHER RESOLVED** that, the Common Council of the City of Box Elder finds that the community spread of COVID-19 is dangerous and injurious to human health.

**BE IT FURTHER RESOLVED** that, pursuant to the Box Elder City Ordinance 93.02.12 failure to comply with the relevant CDC and State guidelines and recommendations on social distancing may constitute an immediate threat to public health safety and may therefore be declared to be a public nuisance and immediately be abated.

**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 of Box Elder and shall become effective immediately upon passage.

This resolution shall remain in effect until such time as it is amended or repealed and will be reviewed at each City Council meeting until that time.

Dated this 27<sup>th</sup> day of March, 2020.

CITY OF BOX ELDER

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

*Adopted: March 27, 2020*

**Consider Resolution No. 20-12 authorizing the Public Works Department to abate utility late fees and shut off orders on a case by case bases during the Coronavirus (COVID-19) pandemic.**

City Administrator gave overview; discussed look at each case and not blanket policy; discussed criteria/situations. Motion by Hollinshead to approve. Seconded by Talich. Roll Call: Beltran-Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye; Thomas-Aye. Unanimous. Motion passed.

**RESOLUTION 20-12**

**AN EMERGENCY RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS, OR THE AUTHORIZED REPRESENTATIVE THEREOF, TO SUSPEND LATE FEES AND WATER SHUT OFFS ON A CASE BY CASE BASIS.**

**WHEREAS**, the COVID-19 pandemic has financially impacted citizens of the City of Box Elder; and

**WHEREAS**, the City of Box Elder currently charges a late fee of \$10 per month for utility bills which are not paid in full by the due date; and

**WHEREAS**, the City of Box Elder Public Works Director is authorized and directed to enforce all provisions of the water service ordinance; and

**WHEREAS**, the City of Box Elder retains the authority to shut off water service to locations in the City due to failure to timely pay the utility bill as required; and

**WHEREAS**, the City Council of the City of Box Elder recognizes that it may be appropriate on a case by case basis for late fees and shut off orders to be suspended during the COVID-19 pandemic.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Box Elder that the Public Works Director, or the authorized representative thereof, may suspend late fees and shut off orders for individual municipal utility accounts on a case by case basis.

**BE IT FURTHER RESOLVED** that, the Public Works Director, or the authorized representative thereof, shall have the authority to request such information as that individual deems appropriate for making the determination to suspend an individual late fee or shut off order.

This resolution shall remain in effect until such time as it is amended or repealed and will be reviewed at each City Council meeting to follow.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF BOX ELDER

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

**Adjournment:**

Motion by Beltran to adjourn. Seconded by Thomas. Roll Call: Beltran-Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye; Thomas-Aye. Unanimous. Motion passed.

Meeting Adjourned at 2:47 p.m.

**Seal:**

**Attest:**

\_\_\_\_\_  
Larry Larson  
Mayor

\_\_\_\_\_  
Nicole Schneider  
City Administrator/Finance Officer