

All City Council Meetings are recorded.

**CITY OF CUSTER CITY**  
**COUNCIL AGENDA**  
**April 28<sup>th</sup>, 2020 – City Hall Council Chambers**  
**11:00 A.M.**

1. Call to Order - Roll Call - Pledge of Allegiance
2. Public Comments (3-minute max. per person, with total public comment period not to exceed 15 minutes)
3. Resolution #4-28-20A – Modifying Ordinance #836 - Declaring a Public Health Emergency and Limiting Public Gatherings
4. Request to use Pageant Hill – Black Hills Balloons
4. Possible Executive Session – Personnel (1&4), Proposed/Pending Litigation (3), & Contract Negotiations (3) (SDCL 1-25-2(1,2,3,4,5,6))
5. Adjournment

**Comments on the Ordinance are to be sent to [laurie@cityofcuster.com](mailto:laurie@cityofcuster.com)**

**Please join my meeting from your computer, tablet or smartphone.**

<https://global.gotomeeting.com/join/114923309>

**You can also dial in using your phone.**

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(224\) 501-3318](tel:+12245013318)

**Access Code:** 114-923-309

ADA Compliance: The City of Custer City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Finance Office 24 hours prior to the meeting so that appropriate services are available.

# **Resolution #04-28-2020A**

## **Resolution Amending Emergency Ordinance #836, Declaring a Public Health Emergency and Limiting Public Gatherings**

Whereas, the Custer City Council adopted Emergency Ordinance #836, Declaring a Public Health Emergency and Limiting Public Gatherings, on April 2<sup>nd</sup>, 2020; and

Whereas, Ordinance #836 became effective on April 9<sup>th</sup>, 2020 at 12:00 am, after publication; 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 number of COVID-19 cases in western South Dakota and the Black Hills region have remained relatively low, and Custer County has had no reported cases of COVID-19 to date; 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, Center for Disease Control (CDC) guidelines and the Governor's Executive Order still needs to be followed to protect the public health, safety and welfare of the citizens; and

Whereas, based on the number of cases in the Black Hills area 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 would overwhelm the hospital's capacity if proper procedures are put in place.

Now Therefore Be It Resolved that Emergency Ordinance #836 is amended based on the Custer Community's seasonal nature of its recreational, business and visitation demographics as follows;

Be It Further Resolved that recreational facilities, public pools, health clubs, athletic facilities and theaters, and other indoor and outdoor venues where people congregate, including music and entertainment venues are not included in this amendment, and shall remain closed until further notice.

Be It Further Resolved that this Amendment shall apply to all restaurants, food courts, food service locations, coffee houses, bars, breweries, distilleries, wineries, clubs, cafes and other similar places of public accommodations offering food and beverage for on-site consumption, including any alcohol licensees with on-sale privileges, video lottery casino operations and all other retail and service businesses; and churches.

Be It Further Resolved that the following requirements shall be effective immediately upon passage and publication of this Resolution;

- 1) allow a maximum of 10 patrons or 1 patron per 125 square feet of indoor space, whichever is greater; the same restrictions shall apply to exterior square footage.
- 2) occupied table and barstools shall be separated by six feet.
- 3) all food and beverages shall be ordered, paid for, delivered to and consumed at the patron's table or barstool.
- 4) require social distance spacing while waiting for service or entry into business.

Be It Further Resolved that the following recommendations shall be considered by all businesses,

- a) follow all recommendations of the Center for Disease Control (CDC) guidelines.
- b) screen their staff before each shift begins for illness.
- c) all cutlery, serving dishes and menus should be disposable.
- d) all retail stores should consider a one-way aisle travel plan.
- e) in casinos, video lottery machines be cleaned and disinfected between each customer.
- f) all retail and service employees should be encouraged to wear a mask which covers the employee's nose and mouth.
- g) enhanced cleaning/disinfecting procedures should be established.

Be It Further Resolved that businesses can request, in writing, exceptions from the City Council allowing them to modify compliance with these requirements so long as their proposal contains alternative means to implement social distancing requirements. The City Council will not approve exceptions which completely exempt a business from implementing social distancing, or from following the CDC guidelines.

Be It Further Resolved that any business entity, owner or supervising manager of any business that is not in compliance with these regulations, or an exception approved by City Council shall be in violation of Ordinance #836 and this Resolution.

Be It Further Resolved that the following penalties shall be assessed for any business owner, operator or manager found to be in violation of Ordinance #836, as amended by this Resolution.

\*First violation shall be a written notice of violation, which shall be hand delivered by either City Staff or Custer County Sheriff's Office Staff.

\*Second and subsequent violations thereafter shall be charged against the owner, operator or manager of such establishment, as a class 2 misdemeanor, punishable by up to \$500

maximum fine per violation; in addition, if the establishment is subject to an operating agreement with the City of Custer, such operating agreement may be subject to suspension up to 60 days upon notice and hearing.

Be It Further Resolved this Resolution shall remain in effect until May 31, 2020, unless otherwise repealed, modified, or extended.

Be It Further Resolved, by the City of Custer 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 limiting person to person contact, this resolution is considered necessary for the immediate preservation of the public peace, health and safety of the City of Custer City and shall be effective immediately upon publication thereof.

Dated this 28<sup>th</sup> day of April, 2020.

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City of Custer City  
Corbin Herman, Mayor

Attest:

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Laurie Woodward, Finance Officer

Vote:

Fischer:

Nielsen:

Moore:

Whittaker:

Blom:

Ryan:

We would get there around 7.30pm to set up and have the balloons inflated and standing by 8.30pm. We would keep them upright for about 30 minutes and then deflate and get them out by 9.30pm.

We would like to publicize it on Social Media but ask people to keep their distance and in their cars if possible. It will be 2 or 3 balloons with husband/wife teams. We may have a little additional help but social distance will be maintained if that is the case.

We just want to provide a little light in the state and our city!! Thanks so much for your help. I think you're taking the right approach and we can keep it all above board.

Thanks so much Laurie!

Damien Mahony  
Black Hills Balloons  
[www.blackhillsballoons.com](http://www.blackhillsballoons.com)

Good Afternoon,

My name is Tony Erickson. I'm the coordinator for "Let It Shine South Dakota". I've spoken with Damien Mahony (Black Hills Balloons) about how they can help participate in the evening. Also, I wanted to get your thoughts about having

a light/laser show at Crazy Horse. We have Mike (Black Hills Aerial Adventures) assisting with choppers in the evening with videographers capturing the images(possibly live feed). We have a few a companies in Sioux Falls that would be willing to assist with light/laser show and/or if you have a company in Custer that could do it too. Maybe work on it together. Any thoughts are welcome! Thanks for considering participating in the evening. Please see the email and links below to give you more info about our event! Keep on shining!

Volunteers with [Let it Shine South Dakota](#) are working tirelessly to spread the word about our community and our statewide event on May 1 and we could use your help.

As you may be aware, we are planning an event for that night, encouraging communities across the state to "let it shine" for our healthcare workers and others who are the front line of the Covid 19 pandemic. A similar event was held in Sioux Falls and was an incredible evening. Our message is one of hope. That we – as a state – will get through this together. We are strong.

We are asking residents of the state to *safely* head outside from 9:30 to 10 pm CST on May 1<sup>st</sup> and shine a light on this situation – whether it be a firepit in their driveway, flashlights pointed at the sky, or messages of hope written in Christmas lights on their back lawns. In Sioux Falls, friends gathered in

parking lots and used their headlights to create hearts, Augustana University lit up their baseball stadium. We are asking businesses to participate by lighting up main street in their community.

Volunteers will take to the skies in helicopters and planes. We will have drones capturing the images as well, and photographers on the ground in communities across South Dakota.

In addition to sharing hope, we are raising money for the Covid Relief Fund through the South Dakota Community Foundation.

We cannot do this alone. We ask for your participation and we ask that you help spread the word to the residents and businesses in your city or town. Please know, we are encouraging everyone to make their plans with social distancing front and center. We are not encouraging business or neighborhood gatherings. We want people to get creative and create community while keeping a healthy distance from one another.

Please like our [Facebook page](#), and encourage others to do the same. You can learn more about the [Sioux Falls event](#) as well. You can use the attached logo as part of your promotional efforts as well.

Please reach out with questions. We thank you in advance for your help and involvement

Tony Erickson  
Let It Shine South Dakota  
[letitshinesd@gmail.com](mailto:letitshinesd@gmail.com)