**CHAMBERLAIN CITY COMMISSION**

**SPECIAL MEETING**

**​March 24, 2020**

The Chamberlain City Commission held a special meeting on March 24, 2020 at 5:30 PM.

Present: Mayor Mutziger, Commissioners Claussen, Ruhlman, Thomas and Soulek, City Engineer Greg Powell, Finance Officer Nicky Gaulke, and Police Chief Jason Handel.

Absent: None.

**Governor Noem’s Executive Order Regarding COVID-19 Guidelines**

Mayor Mutziger stated that we are here today to discuss the Governors Executive Order and how we as a community are going to address this. He added that hopefully we will never have to do this again and what the norm was isn’t what it is today. The City will have to make critical and difficult decisions that we believe are in the best interest of our community, and allow us to help flatten the curve of this virus. We need to make some decisions to be proactive.

Mayor Mutziger went on to state that the City’s Community Center gymnasium and Library have already been closed and will remain closed for the time being.

Mayor Mutziger said that with a pandemic, what we decide today could change tomorrow.

Governor Noem’s executive order says that we as local government need to develop a plan and to be a fit for your community.

First we need to focus on proper hygiene and social distancing.

Mayor Mutziger then said that we are trying to offer an economy without a catastrophe, and we are trying to do this without doing a compete shut down. We are trying to take the same steps that we are seeing other communities doing in South Dakota

Mayor Mutziger’s suggestion is that we suspend all on-sale liquor/alcohol sales for 14 days, effective tomorrow. He added that we are blessed that our business community has taken this seriously and that a lot of our food establishments are already doing drive-through, curbside, and delivery service trying to keep our economy alive.

He would also like to enforce the maximum of 10 people at any gathering and if continue to allow dine-in eating, to limit it to 10 or less people at one time which would start tomorrow for a two-week period

It was noted that the State Theater is closed voluntarily already and will remain closed until a future date. Mayor Mutziger said that he would like to ask the fitness center to close for a period of 15 days and another gathering place would be the bowling dome that he would like to ask to close

There is a positive COVID-19 diagnosis in Lyman county now, and everyone needs to take this seriously. Mayor Mutziger said that he would rather try and be proactive now rather than trying to catch-up at a later date or wonder if we didn’t do enough.

Mutziger said that he hopes that at some point there is a safety net by the federal and state government to help those businesses that are affected by this so they have a way to recover.

Mutziger added that he is not asking for a complete shut-down of non-essential businesses.

Margie Allen asked that if they have several separate rooms in their business can they have 10 people to each room or is it for the entire building?

It was noted that the 10 person limit would be on the entire business but not including the staff.

Allen stated that we are still allowing out-of-state people to come in and fill up our hotels with fisherman. She went on to say that she has done the cut back along with no salad bar but they need to be able to do some on-sale so they can sell the beer they have on stock or they will have to throw it out. She added that she is trying to follow the guidelines while others don’t.

Mayor Mutziger said that he is trying to avoid a complete mandate from closing essential business.

Allen asked the council how they will stop the out-of-state people from coming into Chamberlain?

Commissioner Claussen asked Allen if they can call orders in and she stated that yes they can, and she has also been trying to circulate fliers. They are normally full in her restaurant when the weather gets nice and she’s not.

Mayor Mutziger stated that we can’t control the waterways and shut down fishing, that comes from the Governor or President. And even if we shut down every hotel, they will still come.

Commissioner Ruhlman stated that we need to see how this weekend goes.

Allen said that the hotels are going to fill up this weekend. She added that people are afraid and its hurting our small businesses.

Commissioner Thomas asked that if we go with these recommendations can we have a set time that we review it.

Mayor Mutziger said that he doesn't want to do a month.  He would like to start with two weeks and meet again as things change.

Angie Zeman wanted to know why they would suspend the alcohol sales for dine-in because if the 10 are in there, just let them drink.

Allen said her bar is closed but she would like to be able to sell a beer if they come in to eat, she is already limited to the 10 people.

Ken McGregor said as one of the 3 businesses being singled out, he already lost the biggest leagues for the season.  He went on to say that they are not a gathering area and people from out-of-town do not come in to the bowling alley.  He commented that if he could operate under the 10 person rule adding that he would lock the door to make sure of that.

McGregor went on to say that the President and Governor need executive order.

Allen added that she just wants to keep our community safe.

Discussion was held on all of the fisherman coming and it was noted that we as the City can’t put up a wall and say you can’t bring your boats in.

Allen stated that we need to just shut everyone down for 10 days and not just the restaurants and bars.

Commissioner Thomas stated that if you watch the President, he can’t stress enough about the 10 people maximum and that’s what we are trying to do here.

Commissioner Ruhlman stated that this is not about not being hygenic, you can’t control if other people are.

McGregor stated that the essential businesses can’t control that either.

Mayor Mutziger said that we are asking people to be responsible and make the right choices here. He added that the he agrees with the Mayor of Sioux Falls that if Governor Noem wants to take care of us, she could make these decisions for us.

Commissioner Ruhlman stated that she has gotten a lot of feedback today and people want us to enforce the curbside, drive-up, and delivery and she is aware that we can’t shut down the entire town.

Allen stated that if the President keeps dragging this out, it is never going to end. She added that he needs to do a mandatory shut down

Allen stated that she would rather see nobody here than see all of the out-of-state people coming here.

Commissioner Claussen stated that its out of our control.

Commissioner Ruhlman stated that we could add closing lobbies and ask that appointments be made where available.

Commissioner Thomas said that his insurance agent has the door locked with a note on the door saying appointment only.

Commissioner Soulek stated that the doors at the Brule County Court House will be locked as of Monday also.

Commissioner Soulek went on to state that he doesn’t agree with Mayor Mutziger’s recommendation to not allow the on-sale alcohol so they can still have that source of income and he thinks if the bowling alley can limit it to 10 people, then he agrees that they should be able to stay open.

Commissioner Ruhlman stated that if one infected person touches a ball, it goes through that roller, and the pins and everyone is exposed.

McGregor stated that every door, cooler door, table, handle, box, could also be infected at any other establishment and you can’t use that to limit us.

Commissioner Thomas stated that he thinks we need to follow the CDC and the Governor’s recommendations.

McGregor stated that is the 10 customers only.

Mayor Mutziger stated that if we don’t act as a community this will spread, so let’s do what we can. He added that the City is going to hurt financially from this also, but it’s the least of our concerns right now. Mayor Mutziger also said that in regards to the alcohol, he is ok with it as long as it is only allowed with dine-in eating.

Commissioner Thomas asked how can we control this and it was noted that we can suspend alcohol licenses if they don’t comply

Commissioner Claussen agreed that we should do the 10 person limit with allowing alcohol with food sales only and not as a bar.

McGregor stated that tonight is the last night of their full league and its only 12 people. He would like the ability to let these guys to come in and finish out their leagues. He will no longer be doing birthday party’s etc. and would just like to finish out the few teams that want to finish their leagues out.

Mayor Mutziger stated that we appreciate you and we are not a community without you. He added that he wishes we didn’t have to have this meeting and he hopes we never have to do another.

Darren Allen asked what the difference is if a customer wants to come in and sit for 6 hours?

Commissioner Thomas stated that it then becomes a bar.

Mayor Mutziger stated that nobody wants to take responsibility, not the President and not the Governor, but rather they just are telling us here is what you should follow.

Commissioner Thomas stated that we meet again in two weeks so we can review again at that time.

Powell stated that Christopher from Mi Pueblo asked about carry out services and that if someone walks in to pay for a to-go order while there are already 10 people sitting down is that alright. It was noted that as long as it’s in and out and not the entire family coming in to pick up a to go order, then yes we are ok with it.

Mayor Mutziger stated that the way he sees it, we could put this in effect until April 6th when we meet again.

Zeman asked if we are considering allowing alcohol while they are eating and it was noted that yes we are.

Mayor Mutziger stated he has faith that you as business owners know how to be responsible and will follow through with this. He added that the theater is already closed and the fitness center is a hard one, because its unmanned so hard to limit to the 10. And there are sanitary wipes there but not everyone uses them, so he recommends that we ask them to close until the 6th when we meet again.

Brooke McDonald stated that they stop serving food at 10:00 PM so does that mean that they can’t serve alcohol once they kitchen closes and it was noted that she is correct, we are not allowing bars, only sit down dining.

Mayor Mutziger stated that we just need to be responsible.

Motion by Claussen, second by Soulek, all ayes and approved to restrict dine-in establishments to a maximum of 10 customers at a time and to allow on-sale alcohol only with dining and not as a bar setting because of the COVID-19. Discussion was held about not allowing a bar setting and Commissioner Ruhlman stated that it is up to interpretation and asked what the point was. Commissioner Thomas stated that we are trying to work this out and have to start somewhere. Margie Allen asked how long it will take and Mayor Mutziger stated we will revisit this at the next regular meeting.

It was asked if there will be somewhere that people can call and report if businesses aren’t following this order and it was noted that they can call the City.

Discussion was then held on public gathering places such as the fitness center.

Commissioner Thomas asked if there are ever 10 people in there at once an it was noted that yes there is and more at time.

Commissioner Soulek stated that he doesn’t feel comfortable telling anyone that they have to close and asked if we could possibly limit the hours to only when it is staffed?

Commissioner Claussen stated that we could also consider limiting the number of people.

Mayor Mutziger stated that these are hard decisions that we have to make, but a fitness center is harder because of the physical contact and people that may or may not properly clean and sanitize the equipment. He added that this is at no fault of the business owners, but we all know not everyone cleans up after themselves.

Allen stated that Donna at the theater had already voluntarily closed.

Commissioner Ruhlman stated that this is all so personal because we know all of these business owners, but we have to make the decision

McGregor stated that he will not be open for walk in traffic. He will keep it under 10 people and by appointment only.

Commissioner Ruhlman stated that this sounds good to her.

Angie Hanzlik asked that if we are considering closing the fitness center does this include St Joes and other hotels?

It was noted that St Joes is not in the City limits and hotels are not being addressed at this time.

Brooke McDonald stated that St. Joes allows employees and all of their families to go there.

Commissioner Thomas asked if there is another fitness place in town and it was noted that there is an individual operating as a personal trainer with clients, but not open to the public.

Mayor Mutziger stated that he wouldn’t be opposed to allowing the Bowling Dome to finish out their league in groups of 10 or less.

It was noted that if we find out tomorrow that we have a case in Brule county everything we discuss today could change again.

Commissioner Soulek stated that he is not comfortable with telling someone that they have to close their business.

Commissioner Ruhlman stated that it’s for public health though.

McGregor asked why we are not closing hotels.

Commissioner Claussen stated that it would be nice to not encourage out-of-staters to come here but we can’t.

Motion by Ruhlman second by Claussen, Thomas nay, Soulek nay, Ruhlman aye, Claussen aye, and not approved due to lack of a majority to close public gathering spaces including the theater, community center gymnasium, and library which have all already closed, and also to include the fitness center and bowling alley but to allow the bowling leagues to finish their league as long as they are in groups of less than ten and it is not open to the public.

Mayor Mutziger stated that he would entertain the motion if we were to include convention facilities.

Motion by Ruhlman second by Claussen, Thomas nay, Soulek nay, Ruhlman aye, Claussen aye, Mutziger aye and approved to close public gathering spaces including the theater, community center, and library which have all already closed, and also to include convention facilities, the fitness center and bowling alley but to allow the bowling leagues to finish their league as long as they are in groups of less than ten and it is not open to the public.

Mayor Mutziger stated that we will send some messages via email, the Chamberlain PD Facebook, Chamber, etc. to get it out there as best we can. He added that this is a meeting that we did not want to have, and hopefully when it’s all done there will be a way to help everyone recover.

Zeman stated that it would be nice if the hotels could advertise what they could do for dining. We will see if the Chamber can work on this.

**Adjourn**

Motion by Ruhlman second by Soulek, all ayes and approved to adjourn at 6:19 PM.

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Chad Mutziger, Mayor

​Attest:

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Nicky Gaulke, Finance Officer

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