

REGULAR CITY COUNCIL MEETING
APRIL 3, 2020

The Special Sikeston City Council meeting of April 3, 2020 was called to order at 2:00 p.m., via Zoom Video Conferencing. Present at the meeting via video were: Mayor Steven Burch and Councilmembers Brian Self, Ryan Merideth, Gerald Settles, Brandon Sparks, and Karen Evans Councilwoman Onethia Williams joined the conference call at 2:09 p.m. Staff via Zoom Video Conferencing were: City Manager Jonathan Douglass, City Counselor Tabatha Thurman, City Clerk Carroll Couch, City Treasurer Karen Bailey, Deputy City Clerk Rhonda Council, Director of Public Works Jay Lancaster and Director of Public Safety James McMillen. Also present via video were Scott County Commissioner Dennis Ziegenhorn and Scott County Prosecuting Attorney Amanda Oesch.

ITEMS OF BUSINESS

Councilman Self moved for the first reading of Bill Number 6189. The motion was seconded by Councilman Sparks and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Absent, and Burch Aye, thereby being passed.

Counselor Thurman presented the bill for reading. This bill as adopted shall become emergency Ordinance Number 6189 declaring a state of emergency within the City and authorizing measures to limit the development, contraction and spread of COVID-19, thereby protecting public life, health and safety.

Councilwoman Williams joined the meeting via Zoom Video Conferencing.

Councilman Sparks moved for the second reading of Bill Number 6189. The motion was seconded by Councilman Settles and the following vote recorded:

Sparks Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

Counselor Thurman presented the bill for a second reading.

BILL Number 6189

ORDINANCE Number 6189

AN EMERGENCY ORDINANCE OF THE CITY OF SIKESTON, MISSOURI, DECLARING A STATE OF EMERGENCY WITHIN THE CITY AND AUTHORIZING MEASURES TO LIMIT THE DEVELOPMENT, CONTRACTION AND SPREAD OF COVID-19, THEREBY PROTECTING PUBLIC LIFE, HEALTH, AND SAFETY.

WHEREAS, the novel coronavirus disease (COVID-19) is considered an infectious, highly contagious, communicable and dangerous disease, and on March 11, 2020 was declared by the World Health Organization to be a pandemic; and

WHEREAS, on March 13, 2020 the President of the United States declared the outbreak of COVID-19 in the United States constitutes a national emergency and the Governor of the State of Missouri declared a state of emergency within in the State of Missouri; and

WHEREAS, social distancing and limitations on the gathering of individuals for non-essential activities and employment have been recommended by federal and state public health authorities as crucial strategies in the fight against the spread of COVID-19; and

WHEREAS, on advice of Scott County public health authorities, the City of Sikeston has been asked to join Scott County in adopting and enforcing the “Joint Order of the Scott County Commission, Scott County Health Officer, Scott County Health Department, and Scott County Municipalities” regarding COVID-19 response measures (Exhibit A attached); and

WHEREAS, the majority of the City of Sikeston population and land area are within Scott County, and City desires for uniform health regulations throughout the entire corporate limits of the City.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Sikeston, Missouri, as follows:

Section I. The City Council of the City of Sikeston declares a public emergency due to the conditions and facts heretofore stated, which emergency declaration shall expire only upon City Council action to rescind this ordinance.

Section II. The City Council hereby authorizes the Mayor to sign the “Joint Order of the Scott County Commission, Scott County Health Officer, Scott County Health Department, and Scott County Municipalities” regarding COVID-19 response measures (Exhibit A attached).

Section III. The City Council hereby adopts as City Ordinance the following provisions of the Joint Order, amending and extending the applicability of the Order to all areas within the entire City of Sikeston corporate limits.

Article 1. Effective Date and Applicability

This Order shall be effective at 12:01 am on April 4, 2020. This Order may be revoked at any time by action of the City Council.

Article 2. Intent

The intent of this Order is to ensure that the maximum number of people remain in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 within the City of Sikeston. When people leave their place of residence, whether to perform Essential Activities, or to otherwise facilitate authorized activities, they should at all times comply with all guidelines set forth by the United States Center for Disease Control and Prevention for the mitigation of the spread of COVID-19.

This Order applies to all businesses and persons entering or remaining within the territorial jurisdiction of Sikeston, Missouri, irrespective of their county or state of residency, domicile or incorporation.

Article 3. Issuance Authority

Pursuant to Section 192.300 and 19 CSR 20-20.010 et. Seq., the Scott County Commission and/or the Scott County Health Department Board, through its Director, and/or the County Health Officer is/are authorized to promulgate orders intended to enhance the public health and prevent the entrance (including the entrance into portion of Scott County where the disease is not now present) of infectious, contagious, communicable, or dangerous diseases, all of which COVID-19 is, into the County, including among other things, a declaration that a state of emergency exists in Scott County, and the exercise of all emergency powers not otherwise in conflict with any rules or regulations authorized by the Department of Health or the Department of Social Services under Chapter 198, RSMo. As the majority of the population and land area of

the City of Sikeston are in Scott County, the Sikeston City Council adopts this Order throughout the entire corporate limits of the City.

Article 4. Stay At Home; Cessation of Non-Essential Business and Operations

Section 4.01. Stay At Home or Place of Residence. All individuals currently living within the City of Sikeston are ordered to stay at home or at their place of residence except as allowed in this Order. All persons may leave their homes or place of residence, or if visiting the City as a non-resident, only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses and Operations, all as defined below.

To the extent individuals are using shared or outdoor spaces when outside their residences, they must at all times, and as much as reasonably possible, adhere to Social Distancing Requirements.

Individuals experiencing homelessness are exempt from this Order but are strongly urged to obtain shelter. Individuals whose residence is unsafe or becomes unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. For purposes of the Order, homes or residences include hotels, motels, campgrounds, shared rental units, shelters and similar facilities.

Section 4.02. Individual Violation Penalty. An individual who knowingly violates the provisions of this Section shall be guilty of a misdemeanor under Section 192.300, RSMo., and/or a Class A misdemeanor under Section 192.320, RSMo., at the election of the Prosecuting attorney.

Section 4.03. Business Operations. All businesses shall be closed to the public throughout the duration of this Order, with the following exceptions:

- A) Any business deemed an Essential Business is encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with all guidelines set forth by the United States Center for Disease Control and Prevention for the prevention of the spread of COVID-19.
- B) All businesses may perform limited operations necessary to maintain value of inventory and infrastructure, provide security, process payroll or employee benefits, or facilitate employees working remotely. To the extent possible, employees working from home is encouraged.
- C) Restaurants, retail food establishments, bars and private clubs which normally prepare food and/or beverage service for on-site consumption are prohibited from allowing any on-site consumption of any food or beverage however such businesses may provide pick-up, drive-through or delivery services for at-home consumption by the consumer, so long as said business follows all guidelines set forth by the United States Center for Disease Control and Prevention for the prevention of the spread of COVID-19.
- D) Laundromats and any other businesses which support and promote personal hygiene and cleanliness are encouraged to remain open so long as said business follows all guidelines set forth by the United States Center for Disease Control and Prevention for the prevention of the spread of COVID-19.

Section 4.04. Religious Organizations. All religious gatherings or meetings, including churches and church services must be limited by the Social Distancing Requirements (no more than 10 people and maintaining 6 foot distance). And are subject to the same rules and requirements as businesses.

Section 4.05. Prohibited Activities. No business, whether an Essential Business or not, shall engage in or allow to occur on their premises the following activities:

- A) Gatherings of greater than 10 people, unless the operations of their Essential Business so require.
- B) Allowing patrons to operate shared equipment including but not limited to: gyms, rented golf carts, playground equipment, and sports equipment, unless the use of shared equipment is required for the operations of an Essential Business so long as compliance is maintained with all guidelines set forth by the United States Center for Disease Control and Prevention for the prevention of the spread of COVID-19.
- C) Activities that do not conform with Social Distancing Requirements, unless operation of their Essential Business so require.
- D) Operation of a public swimming pool.

Section 4.06. Business Violation Penalties. Any business which violates any provision herein shall be subject to business license revocation procedures as set forth in the City Code of the City of Sikeston, Missouri.

Section 5. Inapplicability.

This Order does not apply to or have effect on any of the following:

1. Operations of any political subdivision of the State of Missouri, Scott County or New Madrid County, or any agency of the State of Missouri, or any employee thereof.
2. Any person, business, church, civic organization, school district, political subdivision or government agency providing food to individuals, so long as it is accomplished on a pick-up and take-away basis to be consumed by the individual at their home and all guidelines set forth by the United States Center for Disease Control and Prevention for the prevention of the spread of COVID-19 are followed.
3. Nothing in this Order shall restrict or diminish the County Health Officer's authority to issue quarantine orders to individuals and enforce the same under Section 192.320, RSMo.
4. Any provision of this Order which is in conflict with any rules or regulations authorized and made by the Department of Health and Senior Services or Department of Social Services in accordance with state statute.
5. An agricultural operation and its appurtenances, as such term is defined in Section 537.295, RSMo., in so far as the terms of this Order are inconsistent with or more stringent than any provision of chapter 192, RSMo., or chapters 260, 640, 643, and 644, RSMo., or any rule or regulation promulgated under such chapters.
6. Any provision of this Order which would prohibit or restrict the lawful possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during an emergency.
7. Individuals currently experiencing homelessness or whose residence is unsafe or becomes unsafe, such as victims of domestic violence.

Section 6. Definitions.

“Business or Businesses” – means any for-profit companies, non-profit organizations, benevolent associates, private clubs, associations, limited liability companies, corporations or partnerships.

“Essential Activities” – means:

- 1) To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including but not limited to their pets), or close personal acquaintances, including but not limited to obtaining medical supplies or medication, visiting a healthcare professional, laundering clothes at a laundromat, or obtaining personal hygiene and cleaning supplies;
- 2) To obtain necessary services or supplies for themselves and their family or household members, or close personal acquaintances, or to deliver those services or supplies to others, including but not limited to groceries and household goods and products.
- 3) To engage in outdoor activity, provided such individuals comply with Social Distancing Requirements.
- 4) To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted under this Order, including services performed for non-essential businesses for limited operations necessary to maintain value of inventory and infrastructure, provide security, process payroll or employee benefits, or facilitate employees working remotely.
- 5) To care for a family member, close personal acquaintance or pet in another household.
- 6) Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities should operate under the following conditions:
 - a. Childcare should be carried out in stable groups, preferably with 10 or fewer children in a group (“stable” meaning that the same 10 or fewer children are in the same group each day);
 - b. Children should not change from one group to another;
 - c. If more than one group of children is cared for at one facility, each group should be in a separate room. Groups should not mix with each other; and
 - d. Childcare providers should remain solely with one group of children.

Due to the high risk of community spread at such events, Essential Activities do not include weddings, funerals, wakes, memorial services or similar gatherings. All such events or gathering shall be limited, shall not exceed ten (10) persons (including any clergy or other persons present participating in the ceremony) and shall comply with Social Distancing Requirements.

“Essential Business” – means all businesses and operations thereof declared as such by the Department of Homeland Security in that agency’s ADVISORY MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE, as revised March 28, 2020 and any subsequent revisions, which can be found at:

https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf

“Essential Government Functions” – means all services needed to ensure the continuing operation of federal, state, or local government departments, offices, agencies, officials, political subdivisions, entities created by intergovernmental agreement, essential court functions as determined by the Presiding Judge or the Presiding Judge’s designee, and any other government functions necessary to provide for the health, safety, and welfare of the public.

“Social Distancing Requirements” – means the social distancing recommendations of the United States Center for Disease Control and Prevention which include maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer with more than sixty percent alcohol, covering coughs or sneezes with something other than hands, regularly cleaning high-touch surfaces, and not shaking hands.

Section V. General Repealer: Any other ordinance or parts thereof inconsistent herewith, are hereby repealed.

Section VI. Severability: Should any part or parts of this Ordinance be found or held to be invalid by any court of competent jurisdiction, the remaining part or parts shall be severable and shall continue in full force and effect.

Section VII. Emergency Clause. This ordinance is adopted as an emergency measure in order to enable timely action to respond to the rapidly developing COVID-19 pandemic.

Section VIII. Record of Passage:

- A. Bill Number 6189 was introduced and read the first time this 3rd day of April, 2020.
- B. Bill Number 6189 was read the second time and discussed this 3rd day of April, 2020. Following discussion, Councilman Settles moved to approve Bill Number 6189. The motion was seconded by Councilman Self, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

- C. Ordinance 6189 shall be in full force and effect immediately upon passage.

ADJOURNMENT

There being no further business before the City Council, Councilman Self moved to adjourn. The motion was seconded by Councilman Sparks and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK

SEAL: