



Mission Statement
To provide exemplary experiences, services & spaces that create opportunities for everyone to learn, engage and thrive.

YANKTON BOARD OF CITY COMMISSIONERS

Special City Commission Meeting beginning at Noon
Tuesday, March 24, 2020

City of Yankton Community Meeting Room

Located at the Career Manufacturing Technical Education Academy formerly known as Technical Education Center • **1200 W. 21st Street • Room 114**

Due to the COVID-19 virus, this meeting will be conducted electronically in compliance with SDCL. If you would like to watch the City Commission meeting you can do so by accessing the City of Yankton's YouTube Live Channel.

<https://www.youtube.com/channel/UCD1a1hf1dIkiLVSXnmdRQg/live>

If you would like to participate in the City Commission meeting, limited access will be provided through the west door of the CMTEA building. You will be asked to state what item you would like to participate in and allowed access one person at a time into the meeting room. You will be asked to introduce yourself and make your comments. Alternatively, you can comment or ask questions utilizing the chat function on the YouTube Livestream.

Rebroadcast Schedule: Tuesday @ 7:30pm, Thursday @ 6:30 pm, on channels 3 & 45

I. ROUTINE BUSINESS

- 1. Roll Call**
- 2. Public Appearances**

II. NEW BUSINESS

New business items are those that have not been discussed by the Commission previously.

- 1. Recommendation from City Health Board**

Consideration of Recommendations from the City Health Board and introduction, first reading of Ordinance #1033 - COVID-19 Temporary Emergency Ordinance No #1 and establishing March 30, 2020 as second reading.

Attachment IV-1

III. OTHER BUSINESS

IV. ADJOURN THE SPECIAL MEETING OF MARCH 24, 2020

The City of Yankton Community Meeting Room is accessible to everyone. If you have any additional accommodation requirements, please call 668-5221.

Should you have any reason to believe an open meetings law has been violated please contact the Open Meetings Commission at the South Dakota Office of the Attorney General at: 1302 E. Hwy 14, Suite 1, Pierre, SD 57501-8501 or by phone at 605-773-3215.

ORDINANCE NO. 1033

COVID-19 TEMPORARY EMERGENCY ORDINANCE NO. #1

A TEMPORARY EMERGENCY ORDINANCE TO ADDRESS A PUBLIC HEALTH CRISIS BY IMPLEMENTING CERTAIN MEASURES WHICH HAVE BEEN DEEMED NECESSARY TO SLOW THE COMMUNITY SPREAD OF THE VIRUS RESPONSIBLE FOR THE COVID-19 DISEASE.

WHEREAS, the City of Yankton has the authority pursuant to SDCL 9-29-1 and 9-32-1 to pass ordinances for the purpose of promoting the health, safety, morals and general welfare, of the community and to do what may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, an outbreak of the COVID-19 disease, which is caused by the novel coronavirus SARS-CoV-2 (the “virus”), has been confirmed in more than 100 countries, including the United States; and

WHEREAS, COVID-19 is a severe respiratory disease caused by the virus 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, virus infection 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 the virus causing the COVID-19 disease as a public health emergency; and

WHEREAS, on March 13, 2020, President Donald Trump 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 the virus causing the COVID-19 disease; and

WHEREAS, on March 16, 2020, the City of Yankton passed resolution 20-21, which declared a state of emergency to exist in the City of Yankton in response to the spread of the virus causing the COVID-19 disease; and

WHEREAS, cases of infection from the virus causing the COVID-19 disease have been confirmed in the State of South Dakota, and cases of community transmission are reasonably suspected to exist; and

WHEREAS, the CDC and health experts have recommended social distancing to slow the spread of the virus causing the COVID-19 disease; 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, in response to the need to implement social distancing, all schools in the State of South Dakota have been closed for at least two weeks; and

WHEREAS, on March 16, 2020, the White House issued guidance recommending that gatherings of more than ten (10) 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 failure to successfully implement social distancing will likely result in higher numbers of infected individuals and has the potential to overwhelm the capacity of the City's health care providers; and

WHEREAS, it is important that control measures be taken to reduce or slow down the spread of the virus 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 the COVID-19 disease.

WHEREAS, the Yankton City Board of Health, exercising its authority within Ordinance Sec. 11-32 of the Yankton Code of Municipal Ordinances, has found that the rules and regulations contained within this ordinance are necessary for the prevention and spread of the contagious virus causing the deadly COVID-19 disease within the city and recommended the passage thereof by the Yankton Board of City Commissioners.

NOW THEREFORE, BE IT ORDAINED, by the Yankton Board of City Commissioners that:

(1) Effective at 12:00 a.m. on Thursday, March 26, 2020, all restaurants, coffee houses, bars, breweries, dance clubs, gentlemen's clubs, cafes, and other similar places of public accommodation offering food and beverages for on-site consumption, including any alcohol licensees with on-sale privileges, are closed to on-site/on-sale patrons. These businesses may continue to operate in order to provide take-out, delivery, curbside service, and drive-thru service. Any business continuing to operate in order to provide off-site service should implement procedures to ensure social distancing and operate in compliance with federal and state health guidance in order to prevent the spread of the virus causing the COVID-19 disease. The list of the businesses types closed by this provision may be increased by recommendation of the City Board of Health and passage of a resolution of the Yankton Board of City Commissioners. This closure will remain in effect through Tuesday, April 28, 2020.

(2) Effective at 12:00 a.m. on Thursday, March 26, 2020, all recreational facilities, pools, health and fitness facilities and clubs, social clubs, fraternal organizations, athletic and weight training facilities, barber shops, hair salons, nail salons, spas and massage parlors, estheticians, ancillary healthcare services of a non-urgent nature (i.e. non-emergency services provided by dentists, optometrists, chiropractors, etc.), movie and live production theaters, event centers, meeting halls, and music and entertainment venues are directed to close and cease operations. The list of the businesses types closed by this provision may be increased by recommendation of the City Board of Health and passage of a resolution of the Yankton Board of City Commissioners. This closure will remain in effect through Tuesday, April 28, 2020.

(3) Effective at 12:00 a.m. on Thursday, March 26, 2020, all tobacco shops and lounges, vaping shops and lounges, hookah lounges, and other similar business which allow for on-site consumption of any product by smoking or inhaled vapor are directed to cease allowing on-site consumption, but may continue to offer products for sale to consume off-site under the same conditions as bars and restaurants outlined in paragraph #1. The list of the businesses types closed by this provision may be increased by recommendation of the City Board of Health and

passage of a resolution of the Yankton Board of City Commissioners. This closure will remain in effect through Tuesday, April 28, 2020.

(4) Effective at 12:00 a.m. on Thursday, March 26, 2020, all pool halls, video game arcades, video lottery casino operations, bowling alleys, ice skating rinks, and other similar recreational or entertainment facilities are directed to close and cease operations. The list of the businesses types closed by this provision may be increased by recommendation of the City Board of Health and passage of a resolution of the Yankton Board of City Commissioners. This closure will remain in effect through Tuesday, April 28, 2020.

(5) The prohibitions and closures in this order do not apply to the following:

- (a) Places of public accommodation that offer food and beverages for off-site consumption, including grocery stores, markets, retail stores that offer food, convenience stores, pharmacies, drug stores, and food pantries, other than any portion of such business which would be subject to the requirements of paragraph (1).
- (b) Room service in hotels.
- (c) Health care facilities, residential care facilities, congregate care facilities, and correctional facilities.
- (d) Crisis shelters, homeless shelters, churches, soup kitchens, or other similar institutions.
- (e) Any emergency facility necessary for the response to the current public health emergency or any other community emergency or disaster.
- (f) The outdoor portions of any golf course.
- (f) Any other business type or service established by recommendation of the City Board of Health and passage of a resolution of the Yankton Board of City Commissioners.

(6) Beginning at 12:00 a.m. on Thursday, March 26, 2020, it shall be unlawful In the City of Yankton for any person to participate in a “communal gathering” as defined herein effective through Tuesday, April 28, 2020, or until such extended time as may be recommended by the Board of Health and approved by resolution of the Yankton Board of City Commissioners not to exceed the time frame in which this ordinance remains in effect, which prohibition shall be governed by the following terms:

- (a) For purposes of this ordinance, a "communal gathering" is any indoor or outdoor gathering of people, subject to the exceptions and clarifications below, that brings together or is likely to bring more than ten (10) persons at the same time in a single room or other single confined or enclosed space, including, but not limited to an office space or similar confined place of employment, a single family residence, or a residential apartment unit.
- (b) For purposes of this ordinance, a "communal gathering" does not include larger gatherings in the following locations, so long as people take care not be within arm's length of one another for extended periods:
 - (i) public parks, sidewalks, streets, and the outdoor portions of any golf course;
 - (ii) parking lots and common areas of any hotel, office building or residential apartment buildings;

- (iii) grocery stores, shopping malls, manufacturing facilities, or other retail or business establishments where larger numbers of people may be present, but where it is unusual for people to be within arm's length of one another for extended periods;
 - (iv) hospitals, mental health or substance abuse treatment facilities, and medical clinics and facilities; and
 - (v) Any other location established by recommendation of the City Health Board and approved by resolution of the Yankton Board of City Commissioners.
- (c) Each person participating in any communal gathering that violates a size restriction established by resolution of the Yankton Board of City Commissioners in accordance with this ordinance shall be deemed to be in violation of this ordinance.

(8) This ordinance shall remain in effect until Tuesday, June 8, 2020, at which time it shall be automatically repealed without further action of the Yankton Board of City Commissioners unless specifically readopted for an additional period of time by the Yankton Board of City Commissioners. Any dates identified in the ordinance for closures to automatically end may be extended within the period covered by this ordinance by a resolution of the Yankton Board of City Commissioners.

(9) Each person in violation of this ordinance shall be guilty of a Class 2 misdemeanor, and shall be subject to the penalties established under Ordinance Sec. 1-8 of the Yankton Code of Municipal Ordinances. Each day a violation of this ordinance occurs is considered a separate offense.

BE IT FURTHER ORDAINED, that, pursuant to SDCL 9-19-13, this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective immediately upon passage.

Dated this ____ day of March, 2020.

CITY OF YANKTON

Nathan V Johnson, Mayor

ATTEST:

Al Viereck, Finance Officer

(SEAL)

RESOLUTION NO. 20-24

RESOLUTION TO POSTPONE MUNICIPAL ELECTION

AN EMERGENCY RESOLUTION TO POSTPONE THE 2020 MUNICIPAL ELECTION TO BE HELD IN CONJUNCTION WITH THE JUNE PRIMARIES PURSUANT TO SDCL 9-13-37.

WHEREAS, the City of Yankton has the authority pursuant to SDCL 9-13-37 to combine its municipal elections with the June primary elections conducted by Yankton County contingent upon approval by Yankton County and the obligation for the City to share the costs of the election; and

WHEREAS, the City has the power to take necessary actions pursuant to SDCL 9-29-1 and 9-32-1 for the purpose of promoting the health, safety, morals and general welfare, of the community and to do what may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, an outbreak of the COVID-19 disease, which is caused by the novel coronavirus SARS-CoV-2 (the “virus”), has been confirmed in more than 100 countries, including the United States; and

WHEREAS, COVID-19 is a severe respiratory disease caused by the virus 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, virus infection 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 the virus causing the COVID-19 disease as a public health emergency; and

WHEREAS, on March 13, 2020, President Donald Trump 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 the virus causing the COVID-19 disease; and on March 23, 2020, Governor Kristi Noem issued another executive order directing municipalities to restrict public gatherings of ten (10) or more people; and

WHEREAS, on March 16, 2020, the City of Yankton passed resolution 20-21, which declared a state of emergency to exist in the City of Yankton in response to the spread of the virus causing the COVID-19 disease; and

WHEREAS, cases of infection from the virus causing the COVID-19 disease have been confirmed in the State of South Dakota, and cases of community transmission are reasonably suspected to exist; and

WHEREAS, the CDC and health experts have recommended social distancing to slow the spread of the virus causing the COVID-19 disease; and

WHEREAS, in response to the need to implement social distancing, all schools in the State of South Dakota have been closed for at least two weeks; and

WHEREAS, on March 16, 2020, the White House issued guidance recommending that gatherings of more than ten (10) people be avoided and that people avoid eating or drinking at bars, restaurants, and food courts; and

WHEREAS, the failure to successfully implement social distancing will likely result in higher numbers of infected individuals and has the potential to overwhelm the capacity of the City's health care providers; and

WHEREAS, it is important that control measures be taken to reduce or slow down the spread of the virus 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 the COVID-19 disease.

WHEREAS, the City of Yankton has closed its buildings to the public; and

WHEREAS, the City's municipal elections encourage public gatherings and result in large numbers of citizens passing through single locations and public buildings inconsistent with directives of Governor Kristi Noem and President Donald Trump; and

WHEREAS, the Yankton City Board of Health, exercising its authority within Ordinance Sec. 11-32 of the Yankton Code of Municipal Ordinances, has recommended postponing the municipal election previously scheduled for April 14, 2020, to be combined with the June primary election consistent with State law and the City's police powers. This was deemed necessary for the prevention and spread of the contagious virus causing the deadly COVID-19 disease within the city.

NOW THEREFORE, IT IS HEREBY RESOLVED, by the Yankton Board of City Commissioners that:

(1) The 2020 municipal election previously scheduled for April 14, 2020, shall be postponed and shall be combined with the June primary election held by Yankton County, contingent upon approval by Yankton County and cost sharing by the City consistent with the requires in SDCL 9-13-37.

(2) The City Manager is directed to coordinate with City staff to seek the approval of Yankton County to conduct a combined election.

(3) The City shall pay all shared costs as statutorily required to participate in a combined election held by Yankton County.

(4) The City Manager and City Finance Officer are directed to take all steps necessary to hold the municipal elections in June in a combined June primary election conducted in cooperation with Yankton County.

(5) Consistent with state law, all seated Commissioners whose terms otherwise would have ended in May shall continue to hold their seats until the election is held and newly elected Commissioners are sworn into office consistent with State law.

Dated this ___ day of March, 2020.

CITY OF YANKTON

Nathan V Johnson, Mayor

ATTEST:

Al Viereck, Finance Officer
(SEAL)