



CITY OF YANKTON

2020_03_30

**SPECIAL CITY
COMMISSION MEETING**



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 7:00 P.M.

Monday, March 30, 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, on channels 3 & 45

I. ROUTINE BUSINESS

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

Public appearances is a time for persons to address the City Commission on items not listed on the agenda. No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. Each person has up to three minutes to speak. Comments made during the Public Appearance Comment period of the agenda may be on any subject. There shall be no personal attacks against the Mayor, members of the City Commission, City Staff, or any other individual.

II. OLD BUSINESS

Old business includes items that have previously appeared on the City Commission's agenda and require further consideration or action by the board.

- 1. Public Hearing - Recommendation from City Health Board Ordinance #1033**
Second reading and public hearing of Ordinance #1033, an ordinance recommendation by the City Health Board regarding COVID-19 Temporary Emergency Ordinance No #1

Attachment II-1

Adoption of an ordinance is typically a two-meeting process. At the first meeting, an ordinance is introduced, and the first reading is held. During the second meeting, the ordinance is discussed by the commission and the public and then considered for adoption.

III. NEW BUSINESS

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

1. Commission Forfeiture of Pay

Consideration of Memorandum #20-80 regarding the request by the City Commission to forfeit their Commission monthly pay/salary for months of April and May.

Attachment III-1

2. Recommendation from City Health Board

Consideration of recommendation by the City Health Board regarding COVID-19

IV. OTHER BUSINESS

Other business is a time for City Commissioners to address the commission regarding matters not on the agenda. These items will be deliberated by the governing body and will not be acted upon at this time. Items mentioned may be added to a future City Commission meeting or work session for deliberation or action.

V. ADJOURN THE MEETING OF MARCH 30, 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.

Memorandum No. 20-81

TO: Mayor and City Commissioners
FROM: Amy Leon, City Manager
RE: Ordinance #1033
DATE: March 26, 2020

On Tuesday, March 24, 2020, the City Commission voted on amendments and held a first reading of Ordinance #1033. The ordinance which went into effect on Thursday, March 26, 2020 temporarily closes and/or alters the operations of many local businesses.

City staff has been fielding calls, emails, and social media posts with questions relating to the ordinance.

Specific comments we were asked to pass along to you as commissioners were in relationship to single-person barbers and hair salons, dog grooming operations, auto mechanics, and auto dealers. A number of individuals also commented about manufacturing businesses still being able to remain open. These comments and concerns will be explained to you by staff during discussion at the second reading.

If substantial changes are made to the language during the second reading. SDCL requires an additional public hearing and vote by the governing body in order for the ordinance to become effective.

Staff has contacted the Press & Dakotan regarding the urgency of publication of the Ordinance. If approved, the Ordinance language will be printed in the March 31, 2020 edition of the Press & Dakotan.

Recommendation: It is recommended the City Commission approve Ordinance #1033 and direct staff to immediately publish the ordinance for publication on March 31, 2020 and begin enforcement upon publication.

ORDINANCE 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 Friday, May 1, 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, tanning salons, spas and massage parlors, estheticians, tattoo parlors, dog grooming salons, 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 or decreased 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 Friday, May 1, 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 Friday, May 1, 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, indoor 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 Friday, May 1, 2020.

(5) The 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) Any outdoor recreational facility where safe distances between patrons may be maintained (i.e. the outdoor portions of any golf course or archery range).
- (g) Daycare providers.
- (h) 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 Friday, May 1, 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 six feet (6') of one another for extended periods:
 - (i) public parks, sidewalks, streets, and any outdoor recreational facility where safe distances between patrons may be maintained (i.e. the outdoor portions of any golf course or archery range);

- (ii) parking lots and common areas of any hotel, office building or residential apartment buildings;
 - (iii) grocery stores, shopping malls, manufacturing facilities, daycare providers, or other retail or business establishments where larger numbers of people may be present, but where it is unusual for people to be within six feet (6') of one another for extended periods;
 - (iv) hospitals, mental health or substance abuse treatment facilities, and medical clinics and facilities, long term care and assisted living 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.

(7) 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 or reduced within the period covered by this ordinance by a resolution of the Yankton Board of City Commissioners.

(8) 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)

Adopted: March 30, 2020
1st Reading: March 24, 2020
2nd Reading: March 30, 2020
Publication Date: March 31, 2020
Effective Date: March 31, 2020 (Emergency Clause)

Memorandum No. 20-80

TO: Mayor and City Commissioners
FROM: Amy Leon, City Manager
RE: City Commission Pay
DATE: March 26, 2020

As you are aware the City Commission is paid for its service on the Board of City Commissioners.

The City Commissioners are currently paid \$483.71 per month. The exception to this is the Mayor's position. They Mayor receives \$665.11 per month.

At your last City Commission meeting it was discussed that the City Commission consider forgoing its pay during this time that many of our local businesses are closed due to the COVID-19 pandemic and donate it to the Greater Yankton COVID 19 Response & Recovery Fund. This fund has been established to help local nonprofit organizations responding to residents' immediate and long term needs due to the COVID-19 pandemic. More information relating to this fund is attached. Money allocated to this fund is tax-deductible. City staff would work with United Way to ensure contributions were allocated under each Commissioner's name and that each Commissioner receive documentation of the deduction for tax purposes.

Recommendation: It is recommended the City Commission contribute it's pay to the Greater Yankton COVID-19 Response & Recovery Fund for the months of April and May 2020, with the ability to extend such request at a future meeting.

For Immediate Release
Date: March 20, 2020
Contact: Lauren Hanson, Executive Director
Telephone: (605) 665-6766
Email: lauren.h@yanktonunitedway.org

LOCAL UNITED WAY ESTABLISHES GREATER YANKTON COVID – 19 COMMUNITY RESPONSE & RECOVERY FUND



In response to the COVID -19 pandemic, United Way of Greater Yankton has established the **Greater Yankton COVID – 19 Community Response & Recovery Fund**, a disaster fund to help local nonprofit organizations responding to residents' immediate and long term needs due to the COVID - 19 pandemic.

"This pandemic is a new challenge for us, but the community spirit required in response is not," said Lauren Hanson, Executive Director at United Way of Greater Yankton. "We know Yankton is generous and always rallies around challenges. We are honored to work

alongside community partners to help our neighbors during these difficult times. We continue to hope for the health and safety of our community, our country and our world."

For more than 65 years, United Way of Greater Yankton and their community partners have faced crisis head-on, doing whatever is required to comfort and care for those in need.

"Although social distancing separates us physically, we are still as connected to each other as ever. And we still have the power to come together in hope and in generosity, to act when duty calls by giving with open hands and an open heart."

United Way's Community Impact Allocations Committee will coordinate to distribute the funds, ensuring investments support verified nonprofits and community organizations that are

- 1) addressing the immediate and possible long term needs of those affected by COVID - 19 or
- 2) are experiencing an unanticipated, substantial change in client need which, if left unaided, compromises the ability of the program to deliver on immediate or long-term results.

Donations to the Greater Yankton COVID – 19 Community Response & Recovery Fund can be made online at www.yanktonunitedway.org/give or by texting the word YANKTON to short code 41444 on your mobile device.

For Community Organizations: The Greater Yankton COVID – 19 Community Response & Recovery Fund, was established to help provide additional support to local programs that experience an unanticipated, substantial change in client need. Examples of immediate or long-term needs include but are not limited to: Access to food for people of all ages; Shortage of volunteers, social distancing protocol has many stepping back from their volunteer duties, requiring many nonprofits to re-evaluate how they deliver services to those in need; Families who are in need of child-care and other supportive services; Access to mental health services; Rental, mortgage or other economic assistance to families.

Greater Yankton COVID -19 Community Response and Recovery Grants will utilize an open application process starting April 1, 2020 and be available until further notice. Any local nonprofit organization interested in applying may request a funding application by emailing info@yanktonunitedway.org. We ask that each organization please allow 2 weeks for an award determination.

For more information, please contact Lauren Hanson at lauren.h@yanktonunitedway.org



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FOR COMMUNITY ORGANIZATIONS INTERESTED IN APPLYING FOR AVAILABLE FUNDING:

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