

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
SPECIAL CITY COMMISSION MEETING, 12:00 P.M.
MARCH 24TH, 2020**

Special Meeting of the Board of City Commissioners of the City of Yankton was called to order by Mayor Johnson.

Roll Call: Present: Commissioners Benson, Carda, Ferdig, Hoffner, Miner, Moser, Schramm and Webber. City Attorney Den Herder and City Manager Leon were also present. Absent: None. Quorum present.

There were no public appearances at this time.

Action 20-111

Moved by Commissioner Webber, seconded by Commissioner Miner, to add Resolution 20-24, to postpone the April 14th, 2020 Commissioner Election. City Attorney Den Herder clarified that the agenda as written already includes the resolution, but for viewers, we will add this officially to the agenda.

Roll Call: All members present voting “Aye;” voting “Nay:” None.

Motion adopted

Action 20-112

Moved by Commissioner Webber, seconded by Commissioner Carda to approve the recommendations from the City Health Board, introduction, first reading of Ordinance 1033, COVID-19 TEMPORARY EMERGENCY ORDINANCE NO. 1, and establishing March 30th, 2020 as seconding reading and public hearing.

Prior to a vote, discussion ensued including comments from City Manager Leon, Mayor Johnson, City Attorney Den Herder, Dr. Mary Milroy and all eight City Commissioners. Then the following amendments to Ordinance No. 1033 commenced in the following actions 113 through 115.

Action 20-113

Moved by Commissioner Ferdig, seconded by Commissioner Moser to amend Ordinance No. 1033, section seven by adding the wording “or reduced”, to thus read; “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.”

Roll Call: Commissioners voting “Aye” were Benson, Carda, Ferdig, Miner, Moser, Schramm, Webber and Mayor Johnson; voting “Nay” was Commissioner Hoffner.

Motion adopted.

Action 20-114

Moved by Commissioner Miner, seconded by Commissioner Webber to amend Ordinance No. 1033 by changing the phrase “This closure will remain effective through *Tuesday, April 28, 2020.*” To “This closure will remain effective through *Friday, May 1, 2020.*” in sections one, two, three and four.

Roll Call: Commissioners voting “Aye” were Benson, Carda, Hoffner, Miner, Moser, Schramm, Webber and Mayor Johnson; voting “Nay” was Commissioner Ferdig.

Motion adopted.

Action 20-115

Moved by Commissioner Moser, seconded by Commissioner Ferdig to amend Ordinance No. 1033, section two by striking the wording “ancillary healthcare services of a non-urgent nature (i.e. non-emergency services provided by dentists, optometrists, chiropractors, etc.)”.

Roll Call: All members present voting “Aye;” voting “Nay:” None.

Motion adopted.

After discussion and amendments to Ordinance No. 1033; moved by Commissioner Webber, seconded by Commissioner Carda to approve the recommendations from the City Health Board, introduction, first reading of Ordinance 1033, as amended, COVID-19 TEMPORARY EMERGENCY ORDINANCE NO. 1, and establishing March 30th, 2020 as seconding reading and public hearing.

Roll Call: All members present voting “Aye;” voting “Nay:” None.

Motion adopted.

Action 20-116

Moved by Commissioner Schramm, seconded by Commissioner Miner to approve Resolution 20-24, contingent on approval from the Yankton County Commission.

RESOLUTION 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.

Roll Call: Commissioners voting “Aye” were Benson, Carda, Ferdig, Hoffner, Miner, Schramm, Webber and Mayor Johnson; voting “Nay:” None. Abstain: Commissioner Moser.
Motion adopted.

Action 20-200

Moved by Commissioner Webber, seconded by Commissioner Benson, to adjourn at 3:58 p.m.

Roll Call: All members present voting “Aye;” voting “Nay:” None.

Motion adopted.

Nathan V Johnson
Mayor

ATTEST:

Al Viereck
Finance Officer