

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
SPECIAL CITY COMMISSION MEETING, 4:00 P.M.
MAY 1st, 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.
Quorum present.

There were no public appearances at this time.

Action 20-223

City Manager, Amy Leon, began the discussion by explaining three main options for the Commission to consider.

1. Do nothing and let the Monday, April 27th City Commission resolution and effective date continue to May 15th.
2. Pass Resolution 20-30, changing the effective date to May 2nd and leaving the main ordinance ending date as June 8th.
3. Change the effective date and main ordinance date all to May 2nd.

City Attorney, Ross Den Herder, explained the legal implications of all three options, including the opinion that all three would be legally defensible.

Questions and answers from Commissioners ensued.

Moved by Commissioner Hoffner, seconded by Commissioner Benson, to adopt Resolution 20-30, changing the effective date as May 2nd for all previously restricted business to open and resume operations.

More questions and answers occurred.

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

RESOLUTION 20-30
Resolution of the Yankton Board of City Commissioners
Modifying and Ordinance 1033 – COVID-19
Temporary Emergency Ordinance No. 1

WHEREAS, on Tuesday, March 31, 2020, Yankton City Ordinance 1033 – COVID-19 Temporary Emergency Ordinance No. 1 (hereafter the “Ordinance”) went into legal effect closing certain business establishments and restricting the size of gatherings within the City of Yankton to slow the spread of the novel coronavirus causing COVID-19 disease, which is currently spreading

within the jurisdictional limits of the City of Yankton; and

WHEREAS, Paragraph (7) of the Ordinance also stated that any dates identified in the ordinance for closures to automatically end may be extended or reduced within the period covered by the Ordinance by a resolution of the Yankton Board of City Commissioners; and

WHEREAS, at 2:00 p.m. on Monday, April 27, 2020, the City Health Board met, deliberated, and unanimously voted and approved a recommendation to the Yankton Board of City Commissioners to extend the period in which the Ordinance would remain effective through Friday, May 14, 2020, but to permit dog grooming salons and tanning salons to be removed from the list of businesses required to close under Paragraph (2) of the Ordinance.

WHEREAS, at its regularly scheduled meeting beginning at 7:00 p.m. on Monday, April 27, 2020, and with the matter properly noticed and upon the Board's published agenda, the Yankton Board of City Commissioners, considered the recommendation of the City Health Board, accepted public comment, and debated whether to extend the period in which the Ordinance would remain in effect and whether to modify the list of business types closed under Paragraph (2) of the Ordinance; and

WHEREAS, following the close of discussion regarding the recommendation of the City Health Board, a majority of the Board of City Commissioners voted to approve a resolution that extended the effective enforcement period of the Ordinance until 11:59 p.m. on Thursday, May 14, 2020, but permitted dog grooming salons, tanning salons, and hair salons to reopen on May 2, 2020, on the condition that upon reopening to the public, these businesses shall be required to follow CDC and OSHA "best practices" and guidelines; and

WHEREAS, on Tuesday, April 28, 2020, South Dakota Governor Kristi Noem issued Executive Order 2020-20, which directed local governments to comply with the Governor's "Back to Normal Plan", which encourages the reopening of local businesses and directs local governments take actions consistent with the plan; and

WHEREAS, in light of Governor Noem's Executive Order 2020-20, which was not yet available to the Commission on Monday, April 27, 2020, the Yankton Board of City Commissioners wishes to amend and supersede its resolution issued on Monday, April 27, 2020, as set forth herein.

NOW, THEREFORE, upon a majority vote of a quorum of the Yankton Board of City Commissioners, **IT IS HEREBY RESOLVED BY THE CITY OF YANKTON** that consistent with the powers retained in Paragraph (7) of ORDINANCE #1033 (COVID-19 TEMPORARY EMERGENCY ORDINANCE NO. #1), the effective period of all regulations, restrictions, and business closures contained within said Ordinance shall end at 11:59 p.m. on Friday, May 1, 2020, without exceptions or conditions.

Action 20-224

Moved by Commissioner Benson, seconded by Commissioner Carda, to adjourn at 5:03 p.m.

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

Motion adopted.

Nathan V Johnson
Mayor

ATTEST:

Al Viereck
Finance Officer

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