

Unapproved Minutes  
Council Special Session  
March 24, 2020  
Tuesday 5:00 p.m.

The special session of the City Council, City of Vermillion, South Dakota was called to order on Tuesday, March 24, 2020 at 5:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Hellwege (by phone), Holland, Humphrey, Price, Sorensen, Ward, Willson (by phone), Mayor Powell

2. Pledge of Allegiance

3. Adoption of Agenda

72-20

Alderman Price moved approval of the agenda. Alderman Humphrey seconded the motion. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Powell-Y. Mayor Powell declared the motion adopted.

4. Visitors to be Heard - None

5. Public Hearing

A. First Reading of Ordinance 1413 Implementation of Certain Emergency Measures to Slow the Community Spread of COVID-19

Mayor Powell reported on conference calls with Governor Noem, SD Department of Health and other first class cities in the state last week and again on Monday to develop a uniform response regarding measures to slow the community spread of COVID-19. Mayor Powell reported that it appears the state would like the cities to take the lead in responding as they know their communities. Mayor Powell stated that, in response to the spread over the weekend, cities are adopting ordinances to implement certain emergency measures and it was suggested that the restrictions be similar in cities. Mayor Powell asked John Prescott, City Manager, to review the proposed ordinance.

John Prescott, City Manager, reported that, over the last two weeks, the impact of COVID-19 has greatly affected our community in a number of ways. John reported that last Friday afternoon there was a conference call with Governor Kristi Noem and SD Department of Health Secretary Kim

Malsam-Rysdon and most of the other first class community Mayors, City Managers, or City Administrators. John noted that the topic of the conference call was restrictions on public gathering places such as bars and restaurants. John noted that at the end of the call he did not believe that any community had established a governing body meeting date to implement restrictions on gatherings but all the communities were monitoring the situation. John reported that over the weekend with some of the first community spread of COVID-19 in South Dakota, local efforts to implement restrictions on public gatherings began to take place. John stated that Rapid City and Huron had first reading of an ordinance on Sunday, March 22, 2020 with second reading of their ordinances scheduled for Friday and Thursday, respectively, of this week. John noted that Watertown and Brookings considered similar ordinance at Monday evening meetings and that Yankton may be considering an action today. John stated that the first class cities are working together in this effort to present a similar set of standards among the communities. John reported that Proposed Ordinance 1413 has one additional "Whereas" referencing the Governor's Executive order that was issued late this afternoon. John also noted that there is some variance in the last "Whereas" paragraph as only the Rapid City ordinance and the attached proposed ordinance contain this paragraph. John reviewed the proposed ordinance noting that the earliest start date would be after second reading that can be anytime on March 30, 2020. John suggested adding to the exemptions in Section 5 to add parks, trails, hike/bike path, and the Bluffs golf course. John noted that the emergency ordinance would be effective for a sixty (60) day period. John reported that the proposed ordinance states that the City Council would consider the continuation of the restrictions at each regular meeting during the 60-day time period. John noted that a special meeting can be called with a 24-hour notice to make changes to the end date. John noted that, if the City Council would prefer to set an end date, we have sample language for that. John noted that the emergency ordinance requires two readings five days apart thus if first reading is tonight the earliest second reading could be Monday March 30th. John reported that the draft ordinance was the topic of a meeting of the restaurant and bar owners put together this afternoon by the VCDC.

Mayor Powell requested public comment.

Kevin Annis, resident of 810 N Crawford Road, thanked the City Council for taking steps to slow the spread of the virus but also allowing the convenience stores to remain open as they serve the citizens of the community. Kevin asked if the City Council would consider allowing video lottery to remain open if accommodations can be made for social distancing.

Alderman Sorensen read a letter received from Dr. Vicki Walker encouraging best practices for all business that will remain open to prevent the spread of the virus.

Alderman Collier-Wise read a letter from Dr. Lana Svien who supported Governor Noem's executive order to protect the community as well a letter from Dr. Courtney Merkwon who noted the COVID-19 virus is serious and the City needs to take steps to protect the public.

Discussion followed on the proposed ordinance including consideration of a fine or penalty, how to define the video lottery, if nail salons, hair salons and massage parlors should be included in the list of closures, the need to include central daylight time, and timing for second reading.

The consensus was to schedule a special meeting for March 30, 2020 at 9:00 a.m. for second reading of the proposed ordinance.

73-20

Mayor Powell read the title to the above mentioned Ordinance and Alderman Price moved adoption of the following Resolution with amendments to the proposed ordinance to change the effective time to 9:00 a.m. CDT Monday, March 30, 2020, in Section 2 to include hair and nail salons, barber shops and massage parlors, in Section 4 to change casinos to video lottery casino operations and add 5 j. Parks, trails, hike/bike path and the Bluffs Golf Course:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1413 entitled an Emergency Ordinance to Address a Public Health Crisis by Implementing Certain Measures Which Have Been Deemed Necessary to slow the Community Spread of COVID-19 (Coronavirus) for the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content as amended at this meeting being a special called meeting of the Governing Body of the City on this 24th day of March, 2020 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Collier-Wise. Discussion followed noting that the Governor has asked for creative solutions for our communities to work through these issues noting that many will be impacted but these measures are needed to save lives. It was restated that this ordinance will not become effective until March 30th but businesses are encouraged to implement the restrictions earlier and citizens were asked to support the local business by ordering carryout or delivery. The discussion included working to create a local panel of experts to address issues as they arise moving forward and to consider the local National Guard unit as a resource. After further discussion, the question of adoption of the Resolution was put to a roll call vote

of the Governing Body as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-N, Ward-Y, Willson-Y, Mayor Powell-Y. The vote of the Governing Body was 8 members voted in favor of and 1 member voted in opposition to the motion. Mayor Powell declared the motion adopted.

6. Adjourn

74-20

Alderman Sorensen moved to adjourn the Council special session at 6:02 p.m. Alderman Ward seconded the motion. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Powell-Y. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 24th day of March, 2020.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_

John E. (Jack) Powell, Mayor

ATTEST:

BY \_\_\_\_\_

Michael D. Carlson, Finance Officer

Published once at the approximate cost of \_\_\_\_\_.