

**Minutes of the Nebraska City Special Board of Health**  
**April 8, 2020**  
**Rowe Memorial Public Safety Complex**

The Nebraska City Board of Health (BOH) met in special session inside the Rowe Memorial Public Safety Complex, 1518 Central Avenue, Nebraska City, NE via Zoom at 5:00 PM on Wednesday, April 8 2020. Notice of the meeting was given in advance by posting in at least three public places, the designated method for giving notice, as shown by the Certificate of Posting Notice attached to these minutes. Availability of the agenda was communicated in advance to the media, the Mayor and Board of Health members of this proceeding and said meeting was open to the public.

Mayor Bryan Bequette called the meeting to order at 5:00 PM. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held. He noted this meeting is also being broadcast in accordance with Governor Ricketts Executive Order No. 20-03 (Corona Virus Public Meetings Requirement Limited Waiver as of March 13, 2020). This Executive Order allows the meeting to be conducted via teleconference and videoconference; we are using the Zoom platform as published in our meeting notification. If you are in our zoom audience, please keep your microphones muted; if you wish to comment, please make our moderator, Andrew Snodgrass, aware you would like to comment and he will let me know, then we will call on you as a virtual attendee. Please state your name and address as well. You can find Executive Order 20-03 under <https://www.nebraska.gov/>. Upon roll call the following answered present: David Lacy, Wendy Snodgrass, Dr. Brad Vasa, Gregg Goebel (via Zoom), and Mayor Bryan Bequette. The following City Officials were present as well: City Administrator Grayson Path, City Attorney Drew Graham, Paramedic Manager Andrew Snodgrass, Commissioner Vic Johns, Commissioner Patrick Wehling, and Deputy Clerk-Treasurer Patricia Moore.

Mayor Bequette notes there are 3 items on the agenda this afternoon. The 1<sup>st</sup> item of business is the approval of the April 6 meeting minutes. Dr. Brad Vasa moved to approve the minutes as written. Wendy Snodgrass seconded the motion. With no further discussion, upon roll call the following voted YES. Dr. Vasa, Gregg Goebel, David Lacy, Wendy Snodgrass, and Mayor Bryan Bequette. Voting NO: None. Motion carried.

Mayor noted the 2<sup>nd</sup> item on the agenda is the Directed Healthcare Measure (DHM) Order 2020-001 to prevent, limit, and slow the spread of CoVid-19 in Nebraska City. He further noted the Board of Health Monday evening had directed to City Attorney to draft the DHM; the City Council reconfirmed that as well during their meeting Monday night. Mayor Bequette turns the meeting over to City Attorney Drew Graham. Graham provides the BOH members with a copy of DHM Order 2020-001; he noted the titling of it we just followed the model the State and all the Regional Health Districts have used. As to the numbering used, he is unaware of any other DHM that has been implemented by the Nebraska City BOH but for simplicity sake and to insure there is not a renumber, used 3-digit designation of 001. Graham discussed meaning of 1<sup>st</sup> 5 paragraphs lay the supporting information/documentation for the DHM; the 2<sup>nd</sup> and 3<sup>rd</sup> lay the authority of the Nebraska City BOH to issue such a regulation found in the Nebraska State Statutes as well as in the Nebraska City Municipal Code. The 5<sup>th</sup> WHEREAS presents a number of bindings, these come directly from the State's DHM that have been issued. It outlines some of the findings/reasonings related to CoVid-19 as to why necessary, allowing the most freedom of movement while also having the greatest impact on slowing or stopping the spread of CoVid-19. Starting on the 2<sup>nd</sup> page where it says THEREFORE, is the beginning of the DHM's. The date of May 6, 2020 is the end date of the original State's DHM; if the date needs to be extended that can happen at a later meeting. The City's DHM is set to take affect tomorrow morning at 12:01 a.m. All understand they don't expect all the businesses adhere at that exact time but will get the DHM's out in the community and spend the next few days educating those businesses that are not in compliance. The language found is again from the State's DHM, the main addition however is subsection 1 (b) which

states "Gatherings includes any event or convening with fewer than ten (10) patrons, customers, or other invitees where a minimum of six (6) feet between all individuals cannot be maintained in the venue." Sub (i) further states "This includes, but is not limited to, tattoo parlors, massage parlors, barber shops, and beauty/nail salons." Graham explains the idea of the social distancing guideline of 6' has now become a requirement with regards to the gatherings and also lists out those specific five (5) entities due to the nature of their business it is impossible to maintain the social distancing aspect. The other difference between this DHM and the State is found on page 4, subparagraph numbers 6, 7, & 8; this is the enforcement piece specific to Nebraska City. Number 6 states will be enforced by Nebraska City PD or the Sheriff's Department. Number 7 sets out the applicable fines and punishment. The violation of this is a Class III Misdemeanor subject to a fine of no more than \$500 or imprisonment not to exceed 3 months or both. Worth noting each day a business is in violation it is considered a separate violation subject to a separate citation. Subparagraph 8 is meant to clarify that the Nebraska City BOH DHM is only meant to supplement the State's DHM and any subsequent order that they may put out. In the event there is a conflict between the two, whatever document provides the greater protection to the public (most restricting) is the document that is controlling via a point by point basis. Graham further noted there is some reference in the initial findings to the State of Nebraska's quarantine directions, he has provided those as well just to reiterate the State's direction on individuals that should be quarantined and how they should handle that (i.e. cleaning of surfaces, laundering of clothes, disposal of cleaning products, etc.). Moreover, it's a reiteration of what the State has already put out.

Mayor Bequette moved for the adoption of Directed Health Measure Order 2020-001. David Lacy seconded the motion. Further discussion Wendy Snodgrass asked the question on whether this order will affect grocery stores. Graham refers to Subparagraph 5 to her question noting they are exempt; still to follow guidelines but PD cannot enforce. He further reiterates we have added law enforcement officer and emergency responders to the Nebraska City DHM; they were not set out on the State's DHM but he assumes they were presumed to be exempt. With further questions, Graham noted with necessary facilities (i.e. grocery stores, retail stores, or malls), the idea being generally there is enough space to maintain the 6' social distancing guidelines. Mayor Bequette brought up point that beauty salons can become retail sales stores. Doesn't mean they have to lock their doors put up closed signs. Graham noted they can continue to operate their business to the extent they comply with the 6' social distancing aspect. Mayor Bequette thanked the businesses who were trying to keep everybody safe (i.e. hair salons, barber shops), everything sterilized, keep the doors open and employees paid. Unfortunately, the social distancing aspect can't be maintained. Wendy Snodgrass asked how the dissemination will happen for these businesses. Mayor Bequette stated we will send to NCTC; same when DHM went into effect for restaurants and bars. Nebraska City PD helped out with that as well by going in and making sure managers etc. are aware. Via question by patron listening in through zoom, Graham reiterates end date of Nebraska City DHM May 6, 2020 but further noted that could change based on what the State does in the future. Social distancing at the parks was discussed, Graham pointed out hoops have now been removed from basketball courts. With no further discussion, upon roll call the following voted YES. Dr. Brad Vasa, Gregg Goebel, David Lacy, Wendy Snodgrass, and Mayor Bryan Bequette. Voting NO: None. Motion carried.

Mayor noted the 3<sup>rd</sup> item on the agenda is discussion/action regarding a status update on the CoVid-19 situation; potential tasks, logistical needs and communication.

Grant Brueggemann of the SE District was unavailable to speak via Zoom.

Dr. DeFreece via the Zoom platform provided an update. He noted no new information at this time and reiterated they continue to prepare for what may or may not happen.

Dr. Vasa noted he has no new updates at this time.

Gregg Goebel of Emergency Management noted he hasn't been in his office but other than numbers he has no new updates either.

Grayson Path had no new updates for the City, nor did Chief David Lacy. That said, Lacy noted he shows 66 people have tested positive since our last meeting (State-wide). The State has suffered 3 more fatalities due to this disease. More discussion is had on numbers. Snodgrass noted via website 519 have tested positive out of 7,918 total tests with 12 deaths.

Andrew Snodgrass provided an update for Fire and Rescue. He noted the State EMS (Emergency Health Systems Division), we were able to get part of the cash for the supplies for Fire and EMS departments which consisted of N95 masks and Surgical masks.

Mayor Bequette noted he just got off a teleconference with all the Cities of the 1<sup>st</sup> Class and the Governor. Governor noted he's impressed how Nebraskans have handled and to make sure we continue to push to Stay Home, Stay Healthy, and Stay Connected. Peak is expected last week in April. Governor did bring up that Omaha is closing all their parks. Also all State campgrounds are currently closed as well. The Governor is trying to leave as much flexibility for other entities to make decisions. He pointed out how the schools worked out well, different cities/locals closed at different times and extended spring break. He appreciates all the hard work and subordinates of governance and leadership as far as keeping things in check. Mayor noted the Governor did state he was on NET every Thursday night at 8:30 p.m. and tomorrow night Tony Goins, Director of Economic Development, who will be speaking a lot about small business loans. Prior had Labor Commissioner on and they spoke about unemployment. The Governor asked all to keep pushing the campaign of "Stay Home, Stay Healthy, and Stay Connected".

Mayor asked if there are any situation updates, tasks, logistical concerns, or communication needs the board needs to discuss tonight? Mayor asked to send DHM over to Amy Allgood of NCTC to distribute to her business list. He noted Chief Lacy can help distribute as well. The Mayor apologized to those businesses affected but did note we are trying to detain the spread. Dan Swanson of B103 radio asked if Nebraska City was the 1<sup>st</sup> City to pass their own DHM? Response via Path/Graham Fremont is believed to have passed their own. 4-5 Regional Health Districts. Other similar size Cities considering.

The Mayor asked Gregg Goebel if Emergency Management will be tracking DHM's? Goebel noted the ones who have actually submitted the declarations directly to NEMA will ultimately be put on the website; they do have a few there now that they are showing but it's a slow process to get them updated on map. The Mayor noted we can scan in a signed copy; do we send it directly to you to submit to NEMA or do we need to submit to NEMA ourselves? Goebel stated Grayson forwarded him the original Declaration which has been sent in. He further noted with this DHM, if forwarded to him, he can submit through the knowledge center and through the ISR process. Swanson asked of Mayor, at last meeting you said you wanted to declare an Emergency, prior to this did you do that? Mayor responded the Emergency Declaration for the Municipality was signed yesterday around 11:30 a.m. Swanson asked a second question of the Mayor on why is it necessary for Nebraska City to be the 2<sup>nd</sup> City to pass its own DHM? Mayor stated Nebraska City is not passing its own DHM for traditional reasons in that we've seen cases or community spread cases; what's more driving Nebraska City to do this is major communities to our West and to our North have passed more stringent DHM's. In turn has encouraged those folks with DHM's to seek services in our area. Vasa adds we want people to come to Nebraska City, just not now.

A question from Sara on Zoom was asked on what the Nebraska Department of Labor decide as far as those effected businesses being able to qualify for unemployment. Mayor addresses question and stated as far as businesses under employment, there is a difference between a sole proprietor or a single operator business. Employees of the business that closes, for any reason, have always been covered under unemployment. So if that business owner decided to close due to their fear of CoVid-19 their employees would have been covered all along. Right now, the best source to get educated on for

a business owner would be Pandemic Unemployment Assistance or to look up on your small business administration, look at the different loan packages they have through the different lenders, one being the payroll protection program. Moreover, the BOH is not SBA experts nor are we loan experts. However, the Mayor encourages those affected to tune into the Director of Economic Development tomorrow night on NET at 8:30 p.m.; he will be speaking about small business loans.

Drew mentioned when question asked about when DHM will go in affect; 12:01 a.m. tomorrow morning. He reiterates it's not just the 5 businesses affected; it is any business that cannot maintain 6' rule. He noted it could anything as simple as the design of your business. For daycares there are special guidelines and restrictions as well on how they are supposed to be handled. The model we put in place is the exact same language as the State. With that, like the Governor said, Stay Home, Stay Healthy, Stay Connected or as he's been saying Be Prudent, Be Creative, Be Safe.

There being no further business, the meeting was adjourned at 5:30 PM.



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Patricia Moore, Deputy City Clerk-Treasurer