

Minutes of the Nebraska City Special Board of Health
April 27, 2020
Virtual meeting through the Zoom Platform

The Nebraska City Board of Health (BOH) met in regular session via Zoom at 5:00 PM on Monday, April 27, 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 he is required by law to inform the public that the meeting is being conducted under the Open Meetings Act and under Governor Ricketts Executive Order Number 20-03 *Coronavirus Public Meeting Requirements Limited Waiver* as of March 13, 2020. This Executive Order allows us to conduct the meeting by video conference or teleconference and to do so we are using the Zoom platform, as published in our meeting notification. This meeting is also being recorded. If you are in our Zoom audience please keep your microphone muted. For those who are wanting to comment, please do the following: for those joining us via the Zoom app, or through their computer please click on the "Raise Hand" button, for those joining us through the call-in feature, please press *9 (star nine). This will notify our moderator, Andrew Snodgrass, there is a comment from one of our virtual attendees and he will let me know that you wish to speak. I will then have him unmute you. When you speak, please first state your name and address. You can find information on: The Open Meetings Act at <https://ago.nebraska.gov/open-meetings> and Executive Order 20-03 at [Governor.Nebraska.gov](https://governor.nebraska.gov).

Upon roll call the following answered present via Zoom: Dr. Brad Vasa, Gregg Goebel, David Lacy, Wendy Snodgrass, and Mayor Bryan Bequette. The following City Officials were present as well via Zoom: Interim City Administrator Marty Stovall, City Attorney Drew Graham, Utilities Director Jeff Kohrs, Library Director Donna Kruse, Fire Chief Rob Schreiner, Paramedic Manager Andrew Snodgrass, Commissioner Gloria Glover, and Deputy Clerk-Treasurer Patricia Moore.

Mayor Bequette noted there are 2 items on the agenda this afternoon. The 1st item of business is the approval of the Board of Health April 20, 2020 meeting minutes. Wendy Snodgrass moved the approval of the Board of Health April 20, 2020 meeting minutes as provided. Gregg Goebel seconded the motion. With no further discussion, upon roll call the following voted YES. David Lacy, Dr. Brad Vasa, Gregg Goebel, Wendy Snodgrass, and Mayor Bryan Bequette. Voting NO: None. Motion carried.

Mayor noted the 2nd item on the agenda is discussion/action regarding a status update on the CoVid-19 situation; potential tasks, logistical needs and communication.

At the prompt of Mayor Bequette, Grant Brueggemann, Director of SE District Health Department, noted as of right now there are 3,028 positive cases across the State; and 56 deaths have been reported. Hot spots across the State include Hall, Douglas, Dakota, Dawson, and Lancaster County. He noted meat processing plants have been hit fairly significantly over the last few weeks so that is a concern going forward. In terms of our own health district which includes Otoe, Johnson, Pawnee, Nemaha, and Richardson Counties we have 6 total cases; Saturday night 2 Johnson County residents were confirmed as positive via National Guard testing that took place. Of the 6, 3 have recovered and are no longer being monitored; remaining 3 continue to be monitored daily. He further elaborated on the National Guard testing that took place on Friday, for the Nebraska City area they opened it up to healthcare facilities, manufacturing facilities, long-term care (i.e. Cargill, Honeywell, and Ambassador Wellness Center). 67 people participated in testing on Friday. Mayor Bequette asked Brueggemann if the final text of the DHM's that are expected to come in place for opening things up; have they been published yet? Brueggemann noted they have not, he has general outline guidance on what it is going to contain; exact words have not been published yet.

Dr. DeFreece provided an update on the hospital. He added their biggest news is the Governor's recommendation that they can resume elected procedures as of May 4 if the hospitals meet certain criteria (occupancy and PPE level). They are strategizing on how they can "re-open" the hospital, even though they have been open the whole time. Also, how they would like to resume routine exams, tests, and procedures as they go forward. They are getting direction from the Health Department as well as the Infectious Disease leadership in Omaha (want to insure all patients/staff are safe). More than likely will open up their radiological procedures 1st, then progress to surgical procedures, etc. As far as testing goes, they continue to do testing based on the health department guidelines, those have been relaxed to some extent, still concerned with the amount of reagent and testing material that they have; seems to be improving some with the aid of the Governor and health department. He noted this will be the key to monitoring as we move forward in opening up the community to more services as well.

Dr. Vasa, City Physician, noted as far as social distancing he hasn't heard of problems in the City. He asked question does the Governor's DHM expire the 4th or the 11th? Mayor Bequette respond the DHM's expire the 11th but in discussion via his teleconference by opening up it would allow people to start doing things on the 4th. Anticipating the DHM would rescind some of the dates that are in the prior DHM's; basically it would replace the previous one. Through discussion it was determined the Cities DHM expires on the 6th.

Gregg Goebel, Emergency Management Director provided an update. He provided a few additional numbers by noting IA is currently at 5,868 positive cases with 127 fatalities; MO is at 7,171 positive cases with 288 fatalities; and KS is at 3,328 with 120 fatalities.

David Lacy, Chief of Police, added they haven't changed anything since we last met. Continue to self-clean vehicles, sanitizing hands, and continue with their social distancing when on a call.

Wendy Snodgrass provided an update on online services regarding hotels, etc. She noted a couple of questions are asked in that whether or not your employer knows you are applying; those questions no longer have any indication on whether or not you'll be approved for the hotel room. She added the State is using the hotels they already have contracts set up. Should anybody apply there are 3 in Nebraska City that qualify however she is unsure if they are open currently.

Marty Stovall, Interim City Administrator, noted we have installed VPMs on desktops/laptops in case City Admin staff need to work from home.

Fire Chief Rob Schreiner noted no new updates to provide; he did add call volume is down.

Patrick Wehling, Parks Commissioner, provided an update on the City parks. There have been questions at the golf course on if they drive together to the course, why are they required to have a separate golf cart. Currently the rule put in place for golf carts is for patrons to ride individually unless part of the same household. Wehling noted his thought is just because you are breaking the 6' rule when going to the golf course, doesn't mean he will allow you to continue to do it. 2 wrongs don't make a right. He solicited thoughts of Dr. DeFreece or Dr. Vasa. Vasa added the social distancing rules are what they are and just because they violate those rules on the way there, it's not okay for them to violate them when they are at the golf course. There is a consensus to continue status quo. Commissioner Wehling noted no other changes for the Parks other than having to deal with the tape being taken down on the playgrounds and having to put it back up.

Jeff Kohrs, Utility Director, noted no changes in their operations at this time.

Andrew Snodgrass, Paramedic Manager, noted from the City side he heard back from most of the departments last week on their requests for the next month and submitted that to the health department. Substantial list with a lot of precautions being taken with the biggest request being disinfectant spray and/or wipes. He also added through monetary donations, they purchased and should be receiving this week a

UV cabinet (3' wide x 2' tall x 10" deep); it can be used to disinfect mass areas; it will help tremendously on equipment, etc. As Rob alluded, EMS runs are down, about 20 calls less this month than normal.

Mayor Bequette also provided an update. He noted during the Wednesday teleconference with the Governor; it's not a closed conference so the Governor is never sure who's on the line. Moreover, he added that's why he doesn't drop bombs on them like he is re-opening and issuing DHM's. He added it wasn't part of last week's teleconference. Further he noted Governor Ricketts did want it known that testing is going to increase greatly over the next 10 days; he hopes within 5 weeks to be testing 3,000 a day. Last Wednesday Mayor Bequette learned the State is currently doing about 700 to 1,000 per day. The Governor wants all to go to Test Nebraska Challenge website at <https://www.testnebraska.com/en>; here you sign up where you log in, are asked a few questions, and then they keep track of you. The Governor had John Albin, Commissioner of Labor on (he wanted all do know they are working week to week; in a 3 week period they have done what they would typically do in 2 years). He added Tony Goins of Economic Development spoke as well. Goins wanted to make it clear that municipalities are not eligible for the PPE but that may be something in the future. Right now potentially qualify through the Cares Act. The Governor still didn't have an answer on the impact of Sales Tax (still working on the analysis); he did say when the Cares Act comes out, the funding received by the municipality cannot be used to fill requirements of the operational budget; it would have to be a cost generated from COVID expenses. The Governor mentioned the State Fair is on a separate board and is waiting for that board's recommendation; he sees the same kind of social restrictions. The Governor sees it being a reduced Fair; however that looks, until we have a vaccine. Tony Goins was asked about a possible cutback in CDBG; Goins doesn't believe there will be cutbacks, in fact perhaps additional dollars but will be referencing the HUD guidance. Mayor Bequette further added the Governor did mention loosening depends on how the social distancing works out and how the hot spots are dealt with. They are collecting a lot of industry information from different areas and analyzing what type of industry you have that will affect your DHM. Road taxes are expected to be reduced due to gas usage being down; highway refunds, etc. may be down. Fall school at this time is still unknown.

Before moving onto tasks, Mayor Bequette provided an update on the Arbor Day parade. The parade was initially approved by the City Council on the 20th but after the fact it was walked back due to gathering/control concerns.

Drew Graham, City Attorney, addressed the Board on the City's DHM, noting in the manner as adopted by the Board it's effective through May 6. Through May 6 the City will be protected under all the same restrictions no matter what the State does prior to that because of the way our DHM is worded, it states the order providing the greatest protection shall apply. Moreover, if the State chooses to roll back their DHM to be less restrictive, our DHM would still apply. Graham added, his understanding as of May 4, the State is going to issue 19 DHM's (1 for each of the local health departments in the State of NE). Each health department is going to have their own DHM that is specific to them. One thing that will be included in all of the DHM's is that the State is allowing places of worship to open with a number of restrictions (6' social distancing; no items passed between worshipers; plus issuing additional guidance to that effect). He added there are a number of places that are presumably not going to have restrictions taken away; his thought Central NE. The SE District Health Department is going to receive, what he is terming, a roll back of those restrictions as of May 4 from the State. Some of the differences are restrictions on nail salons, barber shops, massage therapy shops, and tattoo parlors which are going to be permitted to be open under the State's regulation; however, under the City's DHM those would still be closed until at least May 6. With the State's new DHM there are additional restrictions that would be put in place on those as far as wearing masks, etc. For restaurants, as of May 4 the State is going to allow them to serve dine-in customers if a number of certain elements are found including only seating 50% of their occupancy, maintaining 6' of social distancing, no dining party over 6 people, etc. It is worth noting bars that do not serve food are still limited to carry out or delivery sales only. As of May 4 the State is going to make it so that childcare facilities are going to be expanded to permitting 15 children in each room or designated space within that. He added other establishments such as bars, gentleman's club, bottle clubs, movie theatres, theatres and play houses are going to remain closed through May 31 unless the State issues a release of that. Graham

further added at this time the City's DHM is going to carry through until next Wednesday, May 6. If no additional action is taken by the Board of Health prior to that then the final version of the State's DHM or the SE Nebraska District is going to affect which will include opening of the salons, barber shops, tattoo parlors, the opening of restaurants, along with the expansion of childcare facilities. He added obviously just like the 1st DHM you enacted at the beginning of April, you have the ability to enact more restricted DHM's if the Board chose to do so. He elaborated further on that thought by noting salons, barbers, etc. can be open but if we don't believe that's a good idea we could continue our DHM for some reasonable period of time to extend those restrictions. The test in implementing that is whether or not the restriction is the least restrictive method to effectuate the goal of any given regulation. The goal here is to keep people home/safe; it would be up to the Board to determine whether or not maintaining those restrictions was necessary to do that or if you are going to fall out of the State's guidance. He went on to say, in talking with the Mayor there is concern on whether or not something needs to be done today to effectuate that. Graham doesn't believe there is an issue there because the City's DHM does extend beyond what the State does and believes we are covered with the current restrictions at least through the 6th of May. Graham further added, that gives us the ability to consider the question again next Monday as to whether or not it needed to be extended for any purpose or once we have read the final version of the States can determine what the board would like to do.

Mayor Bequette added, we are assuming from what we have heard from the Governor starting Monday, the 4th, businesses would be able to operate under the DHM's. We are assuming there will be 1 DHM specific to each district so the SE District Health Department would get its own DHM as written by the State and in coordination with our district health department. Graham agreed with remarks and reads press release that discusses the 19 DHMs. He added, he would assume the vast majority of those 19 are going to be identical in the manner in which they read but obviously there are health districts within the State that are going to be treated differently, specifically Central Nebraska which would be Hall County, Hamilton County, Merrick; they will have different restrictions than the rest of the State.

Mayor Bequette further added so far we have been parallel; everything we've published the State followed us 2 days after we issued our DHM. Moreover, if the State allows people to do business of certain types on Monday, the 4th, they wouldn't be able to per our DHM. He added we are a week and a few days out and in order to do right by all our businesses, whichever route we go, we either need to align with the State or if we are saying some things need to stay in place, we need to refresh ours. For those who have businesses of different types he'd hate for those businesses to have to wait until next Monday evening to know how to react. If we think ours is correct, he would recommend we extend it and not just leave it to end on the 6th unless we want it to end 2 days after the State's. He further adds he believes we should provide a decision tonight as far as solid answers for those businesses.

Dr. Vasa asked aren't we aligned with the State right now? Graham responded and noted we currently are, the difference is going to come on Monday, the 4th. The State has issued a statement that we are currently aligned with, but that will roll back by loosening restrictions for a number of businesses. He further added our protections/regulations will continue until Wednesday, the 6th but after that point we would have to either go with the State's DHM or as Mayor Bequette said, make the decision to continue the Nebraska City DHM for some period of time. Vasa questioned you're anticipating the new State recommendations are going to be the same for Omaha, Lincoln, Nebraska City; your anticipating just the Central Nebraska ones are going to be different? Graham replied he doesn't know that; the regional updates it states is going to apply to... they list out a number of local health departments including Douglas, Sarpy, & Cass Counties; Lancaster County is not listed on there so he doesn't know if they will be or not. They list out approximately 10 local health departments that are going to receive these regional changes; he's assuming they will either be identical or extremely similar in their wording he doesn't know until the actual language is released. Vasa added, the main reason we did what we did was to match with the surrounding communities because the State was lagging behind. Now that the State's in tune with us is there any incentive to remain separate from their guidelines; he doesn't see it. Mayor Bequette adds our measures are the same but the dates are different; he noted ours goes until the 6th, the State if they don't issue the new DHM would go to the 11th. The dates have been different but right now we are the same in

measures. However, if the State publishes a new DHM our measures are no longer in concert with the State. Vasa asked what is the easiest way to line up with the State; modify ours so it ends the same time as the State and then follow the State's? Mayor Bequette noted if we move ours to the State's current DHM of the 11th but the State rolls back their State DHM and they issue a new one that takes affect the 3rd, then ours would be more restrictive than the State's. More discussion is had between Vasa, Graham, and Mayor Bequette on how to handle the dates so they align with the State. Vasa asked the other municipalities like Lincoln and Omaha, they are in a similar situation, are they going to defer to the State or keep their own or do we even know. Graham added he doesn't know yet; he believes everybody is waiting to see what the State's DHM's actually look like; to see the terminology; are they going to be the same for all of the surrounding communities; or is it going to be individual for each health department; he hasn't heard what any of the surrounding communities are doing yet.

Andrew Snodgrass noted Grant texted him; he will add a screenshot of the map of the Counties who will have loosened restrictions. Mayor Bequette asked Graham, he thought Lincoln-Lancaster was on the list of rollbacks but it's not? Graham replied not based on the list he has here unless it's titled something else. He goes over list again noting it has Douglas, Sarpy, Cass, East Central District, Four Corners, Loup Basin, North Central District, NE Nebraska, Panhandle, SE District, and Southwest District are the ones that are rolled back. With screenshot of map uploaded on viewable screen, Graham added that doesn't appear to include Lancaster County. Mayor Bequette stated part of the communities we were concerned about being different to Vasa's question is now a mixed bag; Vasa noted would have to line up with one or the other basically; Nebraska City has people driving in both directions. Vasa asked if Lancaster's DHM is the same as our current DHM. Mayor Bequette added the measures are close, they don't allow the personal service businesses either nor do they allow in restaurant seating. The big ones the State is rolling back, allowing church services as long as you can social distance; allowing in restaurant seating at 50% capacity with no party bigger than 6 (6' between parties); opening up the personal services with all the restrictions on it for both patron and provider wearing masks, etc; and the daycare going up to 15 instead of 10. Mayor Bequette added those are the big 4 that affect us. Graham further adds the State's current DHM is implemented over Lancaster County so currently they have all the same restrictions we do through May 6, the original end date. We should find out this week once the official DHM's are released by the State. A. Snodgrass jumps in and advised Grant provided him the outline for the new DHM; he will screenshot it and add a visual for all as well.

Wendy Snodgrass stated the question is are we going to run the risk of opening stuff up and have people from Lincoln come down or will they go to Omaha. All take time to review the visual of the outline provided by A. Snodgrass. Mayor Bequette to Wendy's point, what were the reasons we enacted our own DHM, have those reasons changed, do we know something different than what we knew then. The assumption is people in Douglas, Cass, are going to be able to get services and be able to do things in their area; now will only have to worry about Lincoln. Vasa added they may do something on their own too. Graham stated that is definitely a possibility on the health departments or municipalities for that matter. All have the ability to enact more restrictive measures. Graham stated to the Mayor's point when the Board 1st considered this there were really 2 considerations. The 1st being individuals traveling to Nebraska City from outside the City with a desire to limit that. The 2nd was the inability of individuals in these types of business to maintain the social distance recommendation. Whether or not that was a good idea obviously the travel to/from other cities presumably to some degree has been loosened. If Omaha, Plattsmouth, and other communities are now allowed to open hair salons, barber shops, etc. yet the ability to maintain social distancing is the same for those types of businesses. Other considerations include restaurants where it becomes a policing issue of insuring that restaurants are adhering/maintaining the standards but it's really up to board whether or not those are necessary. As Dr. Vasa noted part of the reason for the original DHM by the City was to match surrounding communities when the State wasn't stepping up. That said, it is within your rights if the Board would like to continue the DHM you could do so; not tied into any given timeframe so if the Board wanted to extend it a week or 2 weeks and see how everything goes; bringing up the possibilities.

Mayor Bequette stated we can leave the DHM in place to see how everything falls out but for businesses that would mean the State would start allowing... brings up our DHM noting it doesn't specifically address church gatherings, correct. Graham doesn't believe that was one of the gatherings that was set out. Reads closer... Mayor added it would be enforceable under the no greater than 10 rule. Graham reiterates same and elaborates further noting they would also be required to maintain the 6' of social distance.

Mayor Bequette stated we need to consider what roll back measures health wise for our area; question to Brueggemann; is the consideration to SE District to publish a DHM after the State publishes that's more restrictive or go with what the State has in their directive. Brueggemann replied he will hopefully have all 5 of our Counties signed off on the rules and regulations that allow them to publish the DHMs by Monday of next week. After those are approved by the Counties and approved by the State Public Health Department, they could have a more restrictive one; without knowing what's going to happen in a week in terms of cases, he is not going to commit to a more restrictive one but he's not opposed to one either if there is a need. In the meantime, he will probably stay on board with what the State is issuing unless something changes drastically. Mayor Bequette asked question of Brueggemann; does he know what day the State plans to issue? Brueggemann stated he has been told May 4 will be the start of the new DHM for the State...he believes the Health Department will have a draft of the details in the next day or so. Everyone will have a couple of days to respond to it before it's put in place.

Discussion is had on leaving ours in place until next Monday so details are clear. Mayor Bequette stated if we have the intent to rollback our DHM to be on the State's timeline, we would have to do it tonight or alternatively have another meeting to look at the details.

Dr. Vasa added it makes sense to ride with the State to avoid confusion. If Omaha is going with the State and Lincoln might have a different set of DHM's. He feels perhaps that would be the cleanest because the rest of the County will probably be following the State's recommendations.

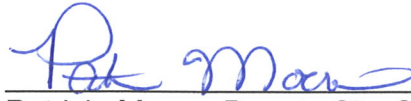
Dr. DeFreece added if he recalls correctly, the decision was made partly due to the concern that people were coming to Nebraska City because their services were shut down. He asked the question, would we run the risk of the opposite happening if we keep a more restrictive DHM and Douglas County releases. Example I can go to the restaurant in Omaha, get my hair cut, etc. He believes it makes sense to stick with what's going on in the surrounding areas to be similar so we have normal flow. The curve has been flattened which was the purpose for the DHM's in the first place. The decision comes with the possibility we will see a little bit of rise of disease in the community as we release the restrictions. The question is when and how to balance; being consistent makes sense. Dr. Vasa believes perhaps we should roll with what the State is doing as well. Wendy Snodgrass adds she believes there are some good safety measures written in the proposed changes that would offer some protection for people. Mayor Bequette agreed with W. Snodgrass; more detail and specifics to what they are rolling back.

Mayor Bequette asked for a motion. Dr. Brad Vasa moved that we amend our DHM to expire at 11:59 p.m. on May 3, 2020. David Lacy seconded the motion. Mayor Bequette asked if there is further discussion. Graham added from a practical standpoint the way to effectuate the date, the Board of Health would be approving Directed Healthcare Measure Order 2020-002; then also to approve the Chairman, Mayor Bequette, to sign Directed Healthcare Measure Order 2020-002. Dr. Brad Vasa amended his motion to match Graham's proposal. Mayor Bequette stated we are issuing a 2nd DHM that will replace the 1st DHM, everything will be the same except the expiration date will be 11:59 p.m. on May 3, 2020 and the 2nd part is authorizing the Chair to sign. David Lacy seconded the amended motion. 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 Bequette asked if there are any other items that need covered logistically. A. Snodgrass stated last week we talked about testing for 1st responders; he met with Drs. DeFreece, Vasa, and other St. Mary's

staff. They now have a plan in place. He will send it out in a day or so to all 1st responder department heads, along with Marty, Drew, and Mayor Bequette.

There being no further business, the meeting was adjourned at 6:01 PM.



Patricia Moore, Deputy City Clerk-Treasurer

