

COUNCIL WORK SESSION MINUTES

**August 27, 2020 – 4:00 p.m.
City Hall (via video conferencing)**

A Council work session was held via video conferencing to discuss the following issues: 1) COVID-19 update; and 2) Flooding update.

Attending: Mayor Bill McMurray and Councilmembers Brenda Blessing, Madison Davis, PJ Kovac, Russell Moore, Brian Myers, Marty Novak and Kent O'Dell and Gary Roach.

Chris Connally, Interim City Manager; Jason Soper, Asst. City Attorney; Debra Bradley, Health Director; Andy Clements, Public Works & Transportation Director; Tom Mahoney, Interim Administrative Services Director; Chuck Kempf, Parks, Recreation & Civic Facilities Director; Mary Robertson, Asst. to the City Manager/Communications & Public Relations Manager; Paul Flury, Network Administrator; Ed Schilling, Multimedia Planner; Dawn Lanning, Systems Support Specialist; and Paula Heyde, City Clerk.

Mayor Bill McMurray called the meeting to order.

Agenda Item #2 - Flooding update. Kylee Strough, President of United Way of Greater St. Joseph, gave an update on the flood relief efforts to date.

Mayor McMurray said he still has not received a response from Governor Parsons. He has a call into the Missouri Department of Economic Development on a possible long shot approach to some funding.

Agenda Item #1 – COVID-19 update. Dr. Gary Clapp, Associate Chemistry Professor at Missouri Western State University, reviewed his graphs on “7 Day Average - Aug 26,” “10 Day Average - Aug 26,” “14 Day Average - Aug 26,” and “Cases per Day Since 5/28,” and said the numbers are going in the wrong direction.

Dr. Elizabeth Kennedy, Interim President of Missouri Western State University, said there are 22 positive cases relating to their students; however, only one student is isolating in the dorms and the others are isolating off campus. They update the numbers daily and are working to establish a dashboard on the public website for people to see the numbers. Currently when talking about positive cases in all their students and employees, they are just a little over a half of one percent positive. The COVID-19 response plan team is on the University’s website.

Mayor McMurray asked if anyone wanted to make any changes to the current mask order or maintain the status quo for another week and said Debra Bradley, Health Director, sent out a possible order that broadens the situation.

The following individual spoke in favor of mandatory masks: Vanessa Seward, 119 N. 15th St.

The following individuals spoke against a mandatory mask mandate: Chace Sybert, 1316 Cudmore; Janet Moore, Brad Durham, BFIT CrossFit, Jeff Schoemberg and Lois Messing.

Jim Weidinger, 4614 Iris Ave., said he is wearing a mask because he made the decision to wear it and agrees it should be an individual's choice, but he will do whatever the Council decides.

Mayor McMurray and Councilmembers Brenda Blessing, Russell Moore and Brian Myers said they favored the Health Director's amendment to mandate mask everywhere. Councilmember Marty Novak said he is not in favor of a mask mandate. Councilmember Kent O'Dell favored waiting one more week before making a decision. Councilmember PJ Kovac said he wants to wait another two weeks. Councilmembers Madison Davis and Gary Roach favored keeping the order as it is or removing it. Mayor McMurray said the vote is four in favor of a mask mandate and five not, so we will maintain the status quo. He will see if he can get a doctor to come to next week's meeting to give his/her opinion.

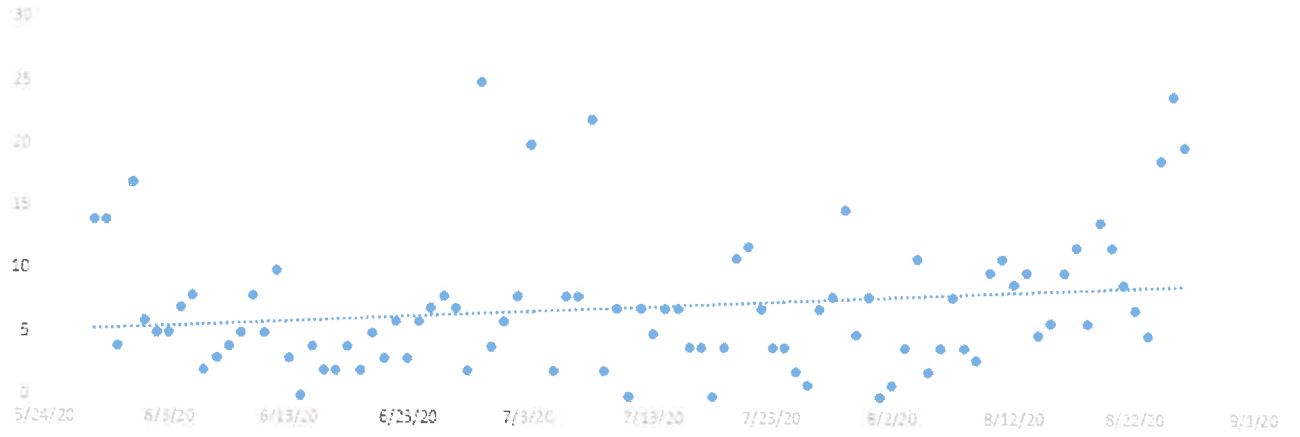
The meeting adjourned at 5:13 p.m.

A handwritten signature in blue ink that reads "Paula Heyde". The signature is written in a cursive style with a large initial 'P'.

Minutes transcribed by Paula Heyde, CMC, City Clerk.

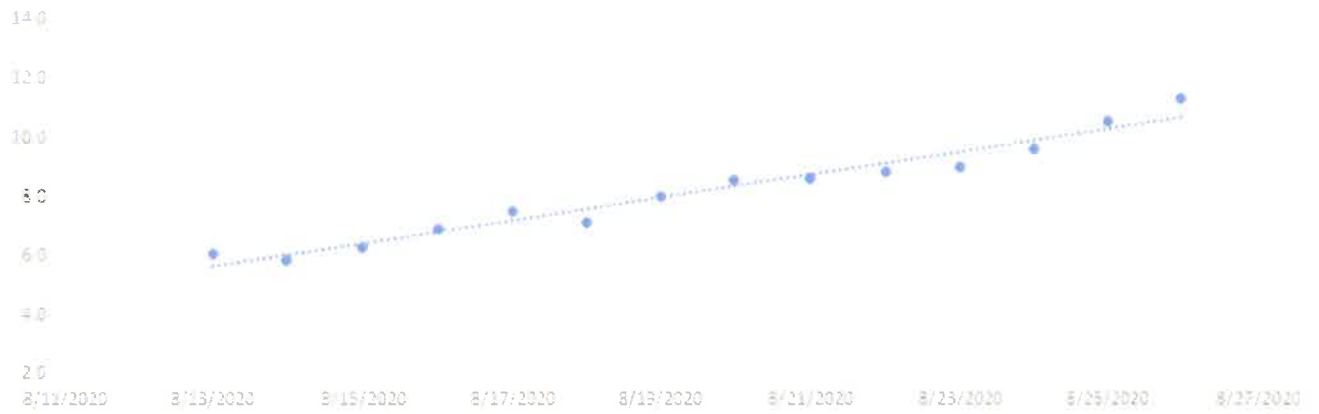
Cases per Day Since 5/28

$$y = 0.0414x - 1815.6$$



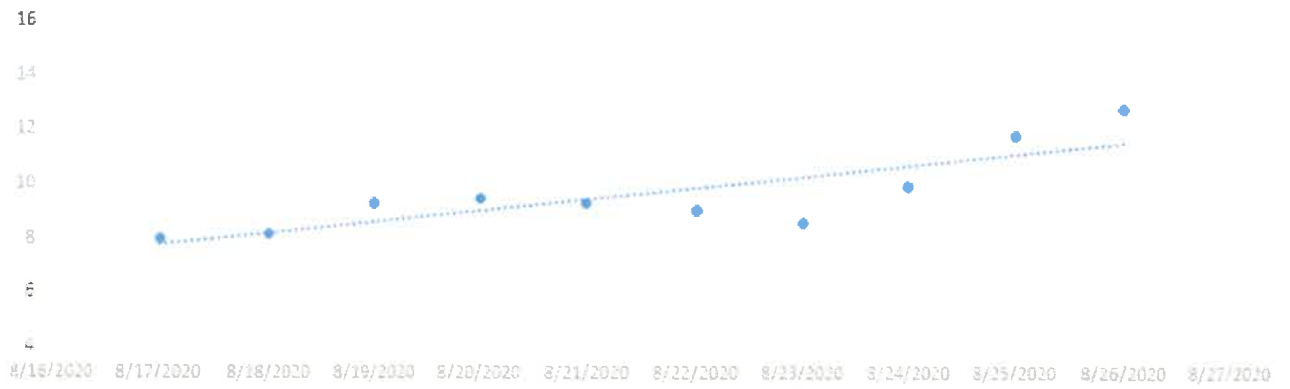
14 Day Average - Aug 26

$$y = 0.3558x$$



10 Day Average - Aug 26

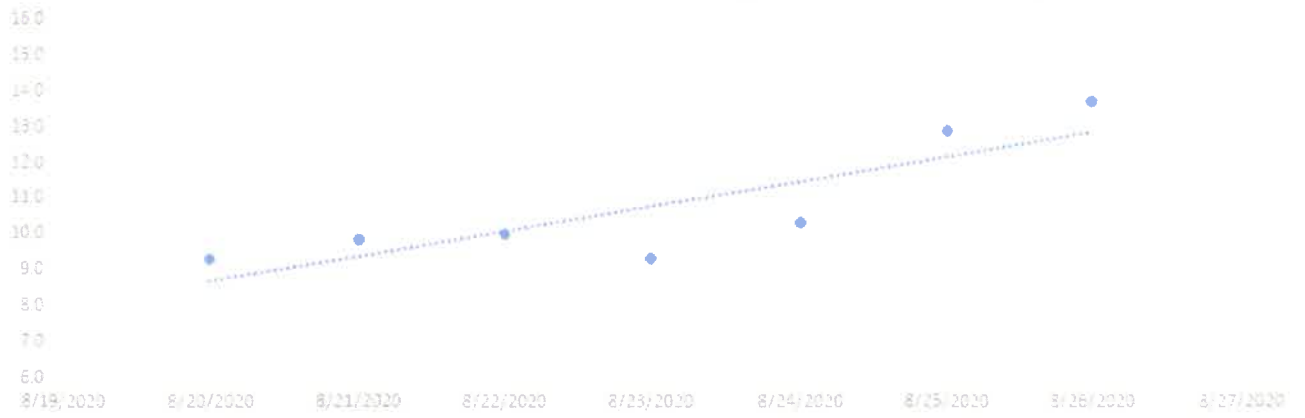
$y = 0.3509x$



x

7 day Average - Aug 26

$y = 0.2704x$



AMENDED
DECLARATION AND ORDER

ISSUED AUGUST 27, 2020

A DECLARATION OF A LOCAL STATE OF EMERGENCY AND ORDER TO EMPLOY MEASURES TO PROTECT PUBLIC LIFE, HEALTH, SAFETY, AND PROPERTY TO LIMIT THE DEVELOPMENT, CONTRACTION, AND SPREAD OF COVID-19, THE DISEASE CREATING THE EMERGENCY.

WHEREAS, on March 16, 2020, a Declaration and Order to take actions necessary to prevent the possibility of exposure to COVID-19 and protect the health and safety of St. Joseph residents was issued at the request of the City Manager and on the advice of the Director of Health; and

WHEREAS, the Declaration and Order was amended on March 18, 2020, March 23, 2020, March 31, 2020 (which amended version was extended on April 22, 2020), May 1, 2020, and May 14, 2020 (which amended version was extended on May 28, 2020), before ultimately expiring at 11:59 p.m. on Monday, June 15, 2020; and

WHEREAS, in conjunction with the expiration of the amended Declaration and Order, on June 12, 2020, a “Mayoral Advisory Regarding a Local State of Emergency” was issued with recommendations that remained in effect through June 30, 2020; and

WHEREAS, while the number of confirmed COVID-19 cases had been trending downward in the weeks before the amended Declaration and Order was allowed to expire, they began to trend upward following such expiration; and

WHEREAS, on July 9, 2020, a Declaration and Order that went into effect on Monday, July 13, 2020, was issued to take actions necessary to prevent the possibility of exposure to COVID-19 and protect the health and safety of St. Joseph residents and to require managers or operators of indoor retail stores with 10,000 or more interior square feet of space to require individuals to wear face coverings or masks when those individuals are inside the retail store, with limited exceptions as set forth in the Declaration and Order; and

WHEREAS, the July 9, 2020 Declaration and Order was modified on July 16, 2020, to add a limited exception to the mandate stated in the July 9, 2020 Declaration and Order; and

WHEREAS, the currently-effective Declaration and Order is scheduled to expire at 11:59 p.m. on September 11, 2020, unless it is extended, amended, or withdrawn; and

WHEREAS, by this Amended Declaration and Order, the currently-effective Declaration and Order will be amended effective Saturday, August 29, 2020 at 12:01 a.m. to modify the currently-effective face covering or mask requirement and extend the duration of the Declaration and Order; and

WHEREAS, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs, sneezes, or speaks; and

WHEREAS, a gathering of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and

WHEREAS, the Centers for Disease Control (“CDC”) continues to study the spread and effects of COVID-19 and, on August 6, 2020, issued updated guidance recommending people wear masks in public settings and stating:

COVID-19 spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, talks, or raises their voice (e.g., while shouting, chanting, or singing). These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Recent studies show that a significant portion of individuals with COVID-19 lack symptoms (are “asymptomatic”) and that even those who eventually develop symptoms (are “pre-symptomatic”) can transmit the virus to others before showing symptoms.

To reduce the spread of COVID-19, CDC recommends that people wear masks in public settings when around people outside of their household, especially when other social distancing measures are difficult to maintain.

; and

WHEREAS, the August 6, 2020, CDC guidance further explained how masks protect others in stating the following:

Masks may help prevent people who have COVID-19 from spreading the virus to others. Wearing a mask will help protect people around you, including those at higher risk of severe illness from COVID-19 and workers who frequently come into close contact with other people (e.g., in stores and restaurants). Masks are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings. The spread of COVID-19 can be reduced when masks are used along with other preventive measures, including social distancing, frequent handwashing, and cleaning and disinfecting frequently touched surfaces

; and

WHEREAS, the City wishes to employ means available under the law to protect public life, health, safety, and property to limit the development, contraction, and spread of COVID-19, which is creating this emergency; and

WHEREAS, the City’s Director of Health has recommended that the City impose measures to require face coverings or masks be worn in public places to prevent the possibility of spreading COVID-19 and to protect the health and safety of St. Joseph residents; and

WHEREAS, based on guidance provided by the CDC, individuals should continue to wash their hands often, avoid close contact, cover their mouth and nose with a mask when in public around others outside of their household, cover coughs and sneezes, clean and disinfect surfaces daily, and monitor their health daily to remain alert for symptoms; and

WHEREAS, in addition to the regulations adopted herein, and in order to enable compliance with CDC guidance, the City recommends that all businesses limit access to areas in which people may congregate, space employees six feet apart or employ other measures to ensure distancing, require handwashing, regularly disinfect areas touched by multiple people, continuously monitor for COVID-19 symptoms, and require employees who exhibit symptoms to leave the premises and not return until CDC guidelines indicate they should no longer be in isolation; and

WHEREAS, in addition to the regulations adopted herein, and in order to enable compliance with CDC guidance, the City recommends that business facilities that allow members of the public to enter the facility and that provide goods or services through in-person transactions (e.g. retail, restaurants, service offices, and similar businesses and service providers) make sanitization products available, post signage to designate distances of at least six feet in areas where lines form, prohibit customers from congregating or waiting inside or outside, space customers to ensure distancing, construct barriers between customers and employees, restrict person-to-person contact when feasible, and limit building occupancy; and

WHEREAS, in addition to the regulations adopted herein, and in order to enable compliance with CDC guidance, the City recommends that restaurants, bars, and prepared food providers serving customers for dine-in service require advanced reservations or immediate seating separated from other parties by at least six feet, prohibit customers from congregating or waiting to be seated, and refrain from making reusable condiment containers and menus available to customers unless the containers and menus are sanitized between parties accessing them; and

WHEREAS, in addition to the regulations adopted herein, and in order to enable compliance with CDC guidance, the City recommends that theaters, private clubs, bowling alleys, and other recreational venues sanitize surfaces between uses by customers and separate seating from other parties by at least six feet; and

WHEREAS, in addition to the regulations adopted herein, and in order to enable compliance with CDC guidance, the City recommends that fitness centers space cardiovascular exercise equipment to prevent its use within six feet of other equipment and ensure all equipment and personal storage areas are sanitized between uses; and

WHEREAS, in addition to the regulations adopted herein, and in order to enable compliance with CDC guidance, the City recommends that salons, tattoo parlors, and others providing services that require person-to-person contact require advanced appointments and prohibit customers from waiting onsite for service, space employees providing services to ensure social distancing, sanitize all equipment between uses on separate customers, and record the name and phone number of all customers, and the dates and times during which they were in the business for the purpose of contact tracing.

NOW, THEREFORE, PURSUANT TO AUTHORITY GRANTED BY SECTION 2-1454 OF THE CODE OF ORDINANCES OF THE CITY OF ST. JOSEPH, MISSOURI, I, MAYOR BILL MCMURRAY, DECLARE A LOCAL STATE OF EMERGENCY AND ORDER THE FOLLOWING:

SECTION 1. That, except as specifically exempted below, managers or operators of businesses, other public places, or places of assembly shall require individuals to wear face coverings or masks when in indoor businesses, public places, or places of assembly where a six-foot distance cannot be maintained from others who are not part of the same household.

The requirements imposed by this Section shall not apply to the following:

- (1) Persons under the age of five years or those who are otherwise developmentally unable to comply.
- (2) Persons who have physical disabilities that prevent them from comfortably wearing or taking off a face covering or mask or prevent them from communicating while wearing a face covering or mask.
- (3) Persons who have a medical condition that is exacerbated by wearing a face covering or mask.
- (4) Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- (5) Persons who are engaged in consuming food or drink.
- (6) Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering or mask is necessary to perform the service.

SECTION 2. That violations of the requirements of this Declaration and Order may only be enforced against the operators or managers of businesses, other public places, or places of assembly in which persons who are required to wear a face covering or mask are not wearing the required face covering or mask; such violations shall constitute violations of Section 2-1454 of the Code of Ordinances; violators shall be subject to a penalty as set forth in Section 1-14 of the Code of Ordinances, including a fine of not less than \$1.00 nor more than \$500.00 or the maximum amount allowed by law. Operators or managers are entitled to rely on customer's or patrons' statements about whether or not

they are exempt from wearing a face covering or mask and will not be deemed to have violated this Declaration and Order if they rely on such statements.

SECTION 3. That law enforcement personnel are not authorized to criminally enforce the face covering or mask requirements of this Declaration and Order against individual workers, customers, or patrons other than operators or managers of a business, other public place, or place of assembly; however, if a business, other public place, or place of assembly does not allow a person to enter, or requests that a person leave, because that person refuses to wear a face covering or mask, and if that person enters the premises or refuses to leave the premises, the person may be prosecuted for a violation of Section 20-51 (Trespass) of the Code of Ordinances or any other ordinance, regulation, or statute that may apply to the person's presence without permission.

SECTION 4. That the City Manager or the Director of Health shall review the need for continuing the declaration and orders made herein at least every fourteen days, and report such need to the Mayor, until the local state of emergency is terminated by the City Council.

SECTION 5. That this declaration and the orders stated herein shall be in full force and effect from and after Saturday, August 29, 2020 at 12:01 a.m. and shall remain in effect through 11:59 p.m. on Sunday, November 1, 2020; thereafter, this Declaration and Order shall be deemed to have expired unless it is extended, amended, or withdrawn.

SECTION 6. That the Declaration and Order executed on July 9, 2020, and modified on July 16, 2020, shall be deemed withdrawn and no longer in effect upon the date and time that the declaration and orders stated herein become effective.

SECTION 7. That if any provision of this Declaration and Order or its application to any person or circumstance is held to be invalid, then the remainder of the Declaration and Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect.

SECTION 8. That this declaration and the orders stated herein may be amended at any time based upon the continuing development and spread of COVID-19.

Authenticated as Declared and Ordered:

Bill McMurray, Mayor

Filed with me, the City Clerk of the City of St. Joseph, Missouri, on this ____ day of August 2020,
by Mayor Bill McMurray, whose signature I hereby attest.

Paula Heyde, City Clerk