



**STORY COUNTY
BOARD OF HEALTH**
STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

Minutes

AN AUDIO RECORDING OF THE FULL MEETING MAY BE FOUND IN THE ENVIRONMENTAL HEALTH DEPARTMENT, OR BY VISITING WWW.STORYCOUNTYIOWA.GOV

DATE: September 9, 2020

CALL TO ORDER: 6:04 p.m.

PLACE: Originating via Zoom

Dr. John Paschen, Chair

Mark Speck, Vice-Chair

Dr. John Kluge

Dr. Louisa Tabatabai

Dr. Molly Lee

Lisa Heddens (Ex-officio)

*Absent

STAFF PRESENT: Margaret Jaynes, Environmental Health Director, Matt Cory Environmental Specialist, Stephanie Jones, Recording Secretary

OTHER PEOPLE PRESENT: (Names as appeared on Zoom Attendee list) Lauris Olson, Ethan Anderson, Linda Murken, Beth, GalaxyS25G, Kylee Hauter, Sara Harris, John Carter, Brad Brake, Dawnell Kennedy, Hannah, Skype, Dani, Acron, Jessica, Kayla James, dbj, mmoroney@iastate.edu, Vivian Cook, Sara Harris, Heather Bombei, Les White

1. CALL TO ORDER

Dr. John Paschen called the meeting to order at 6:04 p.m.

Paschen read the special note to public: Due to recommendations to social distance in order to help slow the spread of the COVID-19 virus, public access and participation to the meeting is being provided via conference. Board of Health members are also present via Zoom.

2. APPROVAL OF AGENDA

Motion by Kluge, Second by Tabatabai to approve agenda (MCU)

3. APPROVAL OF MINUTES

080420

080720

081420

082120

082520

Motion by Speck, Second by Kluge to approve minutes. MCU

4. PUBLIC FORUM

None

5. PUBLIC HEARING:



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Submitted Comments By Email

Dr. Paschen stated that 34 emails were received with 18 being in favor of a face covering mandate and 15 against, and 2 were form letters that were the same. Paschen stated the reasons for being against a mask mandate were: legality issues, face coverings do not work, the contention that COVID is not an issue and being over blown, and issues regarding the freedom of people to not wear face coverings. Most of the people for a mandate brought up examples from other states, fears of seeing people walking around without face coverings when there are people in public at risk & exposure to serious COVID symptoms.

Paschen asked the board if there are any comments before opening public comments.

Tabatabai stated the regulation is well written and she would like people to note how it will protect everyone in Story County.

Speck stated that he feels penalties will cause a burden for people. He would like to see law enforcement handing out masks. Speck feels enforcing would be difficult for law enforcement and would prefer law enforcement to hand out masks instead of penalties. Paschen understands where Speck is coming from but feels there needs to be teeth in a regulation giving law enforcement the authority to enforce.

Lee felt that clarifying to the public that the regulation before the board tonight is being done so that it will be ready to go to the Board of Supervisors for a vote at the appropriate time. This is likely to be when the Governor allows county authority or the emergency proclamation expires.

Kluge feels the regulation gives some protection and supports what ISU is trying to enforce with students and is a good tool to help protect citizens while being in the midst of a hotspot in the Country.

Public Comments Opened at 6:19 p.m.

Cole Nelson is concerned about the penalty section being a simple misdemeanor if charged for not wearing a mask. He does understand the severity of COVID, but does not feel that a criminal charge is appropriate. He is also concerned that a judge could give jail time; and, law enforcement would give warnings or go straight to tickets.

Ethan Anderson stated that the Johnson County Regulation was the reference used in drafting a Story County regulation. Anderson stated that the concern was how to make an enforceable and effective regulation for when the Governor gives the County authority or the state emergency proclamation expires. Anderson stated there has to be an enforcement mechanism in place. The code allows enforcing as a criminal or civil penalty. Criminal allows enforcement by law enforcement and civil would be enforceable by the Board of Health staff, which consists of three people that work in the Environmental Health Department. There would not be enough staff time to enforce the mask



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regulation and he gave examples of the types of enforcements that Environmental Health currently does. These are enforcements concerning wastewater, wells, pools, tattoo, and tanning beds. Anderson stated that criminalizing to the point of giving jail time is not the intent and violations would be punishable by the fines allowed for a simple misdemeanor, not a serious misdemeanor. This would be like traffic court, with the County Attorney's office recommending a fine only for enforcement.

Eric Trugger is concerned that most of the cases are related to ISU students. He feels that in passing a countywide ordinance that it would also be enforceable in the towns within the county, and that it would be inappropriate if Ames was not willing to allow fines. He shared Sweden statistics on Covid and feels that letting nature take its course would be helpful. He also said that potential lawsuits related to the regulation would then use taxpayer's money if insurance would not cover the case.

Paschen stated that the entire county is affected. In addition, even though the majority of cases are in Ames, this board is the County Board of Health and they have concerns about the health in the county and not just in Ames.

Hannah Wickem stated that she is an ISU student and feels that the potential fine for not wearing a mask is a good idea and is in favor of the regulation.

John Carter feels that having a fine is a great idea and that if people are not going to do the responsible thing for their neighbors that there should be something in place to provide leverage.

Paschen read a Zoom chat comment from the first public commenter. Cole Nelson wrote about jail time being allowed by a judge even if the regulation only states enforceable by fine and he feels that it should state unpunishable by jail.

Lauris stated that the emailed comments were shared with the Board of Supervisors and there was a public comment that questioned the possible contradiction of 3.1 A. and B. A. says in public when one cannot stay 6' away from others. B. says inside of any indoor setting regardless of the ability to social distance. C. says what to do outdoors. Is it the intent of the BOH to recommend if indoors that a person needs to wear a mask? Paschen stated if other people are present then, yes, a mask would need to be worn. Olson asked why A says when one cannot stay 6' away from others in public. Paschen stated that in public means not in your house and gave the example that if someone is out walking and able to be 6' away from others then that would be ok. Olson cautioned about a conflict being unintentionally made in the event of having to go before a judge.

Ethan Anderson stated that his interpretation is if someone is out jogging alone and if able to maintain 6' distance away from other people, then they would not need to wear a mask. Paschen stated that was his interpretation as well. Discussion took place about what items in the regulation could be changed without having to hold another public hearing. Anderson clarified that if making any substantive changes, they would need to start over, but minor typographical errors would not need to start over. In addition, if the general nature has not been published, then they would need to start the process over. Olson stated that it was her understanding that the Board of Health could still make



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changes at this meeting if desired, referring to the possibility of clarifying as to the intent of 3B. Anderson stated that going back to publication would be the prudent thing to do.

Linda Murken stated if A. is eliminated, that the possible contradiction would go away. Paschen stated that he likes A., because it specifically says if in one's home, wearing a mask is not required.

Lee stated that .6 under B states the same thing as A, and feels that the board could safely eliminate A and still keep the intent.

Heddens wondered if eliminating A. would create confusion with B, since it does not state anything about a distance. Paschen stated the intent is if one is in a store, then masks need to be worn. However, if someone is in their home, they do not need to wear a mask.

Additional discussion took place about the wording and intent of A. and B.

Additional discussion took place on the following:

- Getting a regulation to the Board of Supervisors because the Governor is receiving a lot of pressure to relinquish the rights to locals to make mandates.
- No known issues or concerns have occurred in Johnson County with their mask regulation.
- Additional clarification on whether or not the need to publish again if strike 3.1A entirely. Anderson stated it would be prudent to republish.
- Making changes for semantics purposes is not necessary.
- The possibility of a child under 18 receiving a ticket. Anderson stated it would be the officer's discretion, and would likely be a situation where the parent would be called.
- If the Board of Supervisors could lift the resolution without the recommendation of the Board of Health.
- The fact that COVID changes quickly and that the Board of Health monitors statistics and therefore do not want to make a restriction by adding a date to lift the regulation. Anderson clarified that the Board of Health regulation is subject to approval by the Board of Supervisors. Anderson stated that he is confident that the Board of Supervisor and Board of Health would work together to determine a reasonable conclusion on when to lift the resolution.
- That the intention of the Resolution going before the Board of Supervisors being to wait until the Governor allows authority.

Additional Public Comments:

Cole Nelson suggested that the Board reconsider the offence being a simple misdemeanor.

Kylee Hauter asked if the mandate would take precedence over the City of Ames mandate. Paschen stated that it would not and if the City of Ames kept their mandate, that theirs would supersede the Board of Health regulation. Anderson agreed and that it would be enforceable outside of the city limits of Ames and the remainder of the County.

Public hearing closed at 7:11 p.m.



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Face Covering Regulation Requiring The Use of Face Coverings By Certain Individuals In Public Settings

Motion by Speck to remove section 4.1, 4.2 and 4.3 from draft.

Motion failed from lack of a second.

Motion by Kluge, Second by Tabatabai to pass the Face Covering Regulation as written.

Paschen stated he feels this mandate is needed and very important and that it needs to have teeth.

VOTE:

Voting Aye: Tabatabai, Lee, Kluge, Paschen

Voting Nay: Speck

(4-1)

Recommend To the Board Of Supervisors Passage Of Resolution Implementing Board of Health Face Covering Regulation

Motion by Kluge, Second by, Tabatabai to recommend to the Board of Supervisors the passage of a Resolution implementing the Board of Health Face Covering Regulation.

VOTE:

Voting Aye: Tabatabai, Lee, Kluge, Paschen

Voting Nay: Speck

(4-1)

6. COMMENTS

Staff: None

Board: Kluge commended Paschen for the work he has put into this regulation.

7. COMMENTS

None

8. ADJOURNMENT 7:16 p.m.

John J Paschen

Approval of Minutes

_Chairman_____11/10/2020_____

Title and Date