
M I N U T E R E C O R D

PAPILLION BOARD OF HEALTH MINUTES
WEDNESDAY, NOVEMBER 25, 2020 @ 7:00 A.M.

The Board of Health of the City of Papillion met in open and public session at Papillion City Hall on November 25, 2020, at 7:00 AM. City Clerk Nicole Brown called the roll. Present were Board Chairman Mayor David Black, City Council President Bob Stubbe, Chief of Police Scott Lyons, Fire Chief Bill Bowes, and City Physician Dr. Jeffry Strohmyer. Also present were City Administrator Amber Powers, Deputy City Administrator Phil Green, and Assistant City Attorney Carla Heathershaw Risko.

Mayor Black led those present in the Pledge of Allegiance.

Affidavit of Publication: Notice of the meeting was given in the Omaha World-Herald, the designated method of giving notice. A copy is available in the office of the City Clerk. Incorporated herein by reference as if fully set out herein is the audio and visual recording of the council meeting.

Public announcement that a current copy of the open meeting act is posted in the City Council Chambers.

AGENDA ITEMS

Approval of the agenda as presented. Motion to approve the agenda by Council President Stubbe, second by Fire Chief Bowes. Upon roll call vote, Chairman Mayor Black, Council President Stubbe, Police Chief Lyons, Fire Chief Bowes, and Dr. Strohmyer voted yes. Voting no: none. Motion passed.

DISCUSSION

Consideration of a recommendation to the City Council regarding a municipal mask mandate. Chairman Mayor Black stated that Sarpy/Cass Health Director Sarah Schram was in attendance via Zoom to provide the Health Department's perspective and gave a brief explanation of the make-up of the Board as outlined in City Code. He then noted that the Board would need to adopt an ordinance relative to a mask mandate prior to the ordinance being considered by City Council.

Chairman Mayor Black displayed the most recent figures from the Sarpy/Cass County Health Department online dashboard related to positive COVID-19 cases, hospitalizations, and deaths. He further presented the statistics specific to Papillion's main zip codes, 68046 and 68133. Ms. Schram noted that Sarpy and Cass Counties are part of the Omaha Metro Healthcare Coalition, which includes several neighboring counties working collaboratively in our geographic area. The Coalition provides daily updates to Ms. Schram regarding hospitalizations and positivity rates. Ms. Schram provided a brief update of the current situation in Sarpy County.

Chairman Mayor Black noted that while the Cities of Lincoln and Omaha have issued mask mandates, the surrounding cities have not and there appears to be little difference in positivity rates in the areas with a mask mandate versus areas without. He then asked Ms. Schram if she could provide an explanation for the similarities. Ms. Schram stated that simply wearing a mask will not make cases go away, but it is a cumulation of multiple strategies that lead to the reductions in the number of cases. Chairman Mayor Black asked if the wearing of masks could be harmful

in the sense that it may prevent people from developing antibodies to other illnesses, such as influenza. Ms. Schram stated that she interpreted the question to be related to herd immunity and gave a brief explanation of the theory behind herd immunity. She added that reaching true herd immunity prior to the availability of a vaccine would be detrimental to the state's population and the healthcare system, so we need to be implementing mitigation strategies to slow community spread.

Chairman Mayor Black explained that the Board was meeting as the result of a recommendation from the Public Safety Committee, based on the rapid increase in positive cases.

Council President Stubbe asked Police Chief Lyons what authority the police currently have if a store has a mask policy and a patron chooses not to follow it. Police Chief Lyons stated that the business has the right to issue that person a warning to leave the property; if they do not comply, they could then be arrested for trespassing. He added that the Papillion Police Department practices community-oriented policing, which involves educating the public and attempting to achieve voluntary compliance. Council President Stubbe asked what authority the police regarding mask enforcement on public property. Police Chief Lyons stated that they have none.

Council President Stubbe asked if Chairman Mayor Black would clarify the Board of Health authority in issuing a mandate. Chairman Mayor Black explained that the Board would need to approve an ordinance which would then need approval by City Council. He added that Sarpy County and the five cities within the county have attempted to remain unified in their approach with regard to COVID-19 so as not to create confusion for residents due to the close proximity of each jurisdiction. Assistant City Attorney Carla Heathershaw Risko further explained the procedures for a recommendation and potential adoption of an ordinance.

Council President Stubbe what authority the City would have in enforcing a mask mandate, if adopted, and asked if a mandate would apply to the City's two-mile extra-territorial jurisdiction (ETJ). Police Chief Lyons explained that the Sarpy County Sheriff's Department would handle calls for service outside of city limits related to trespassing issues. Chairman Mayor Black stated that the City of Papillion would only have authority to enforce a mask ordinance within city limits.

City Physician Dr. Jeffrey Strohmyer noted that his office has been inundated with patient calls relative to COVID-19 and stated his support for a mask mandate.

Police Chief Lyons explained the types of calls that the Omaha Police Department has been receiving and noted that there is concern with enforcing this type of mandate throughout Sarpy County.

Fire Chief Bowes stated that at the beginning of the pandemic, the Fire Department did not receive many calls for transporting COVID-19 patients, but noted that the number of calls has been steadily rising since June. Fire Chief Bowes added that he was in support of recommending that the City Council expedite the process of enacting an ordinance if they chose to pass one.

Chairman Mayor Black called for public comment and noted that comments would be limited to five minutes per person. He added that he has received 43 emails regarding a mask mandate, with 40 being for a mandate and three against. He also referenced a letter received from the Papillion-La Vista teachers' union in support of a mandate.

Proponents: None.

Opponents: Loreen Reynante, 1108 Parc Dr, read a journal article in opposition to masks and explained her position against the wearing of masks in general.

Justin Lucas, 1105 Michelle Pkwy, stated that he is concerned with the urgency of compliance from the healthcare system and noted his concern with potential backlash if a mandate were to be implemented.

Chairman Mayor Black asked if there was a motion to approve ORD. 1911 – An ordinance to amend Papillion Municipal Code Chapter 125 entitled “Health and Sanitation” to add new sections 125-11 through 125-23; to enact requirements for the wearing of facial coverings under certain circumstances so as to abate the COVID-19 pandemic, and to provide for an effective date. Motion by Council President Stubbe, second by Dr. Strohmeyer. Upon roll call vote, Chairman Mayor Black, Council President Stubbe, Police Chief Lyons, Fire Chief Bowes, and Dr. Strohmeyer voted yes. Voting no: none. Motion passed.

Chairman Mayor Black asked if there was a motion to recommend that the City Council waive second and third ordinance readings relative to ORD. 1911. Motion by Fire Chief Bowes, second by Dr. Strohmeyer. Upon roll call vote, Chairman Mayor Black, Police Chief Lyons, Fire Chief Bowes, and Dr. Strohmeyer voted yes. Voting no: Council President Stubbe. Motion passed.

Chairman Mayor Black asked if there was a motion to recommend that the City Council amend ORD. 1911 to enact an emergency clause, which would expedite the effective date of the ordinance upon passage. Motion by Dr. Strohmeyer, second by Fire Chief Bowes. Upon roll call vote, Chairman Mayor Black, Council President Stubbe, Police Chief Lyons, Fire Chief Bowes, and Dr. Strohmeyer voted yes. Voting no: none. Motion passed.

ADJOURNMENT:

Motion to adjourn by Council President Stubbe, second by Dr. Strohmeyer. Upon roll call vote, Chairman Mayor Black, Council President Stubbe, Police Chief Lyons, Fire Chief Bowes, and Dr. Strohmeyer voted yes. Voting no: none. Motion passed. Meeting adjourned at 8:02 AM.