Linn County Board of Supervisors
Cedar Rapids, Linn County, Iowa
Wednesday, November 18, 2020 11:00 A.M.

The Board met in session at the Linn County Jean Oxley Public Service Center. Present: Chairperson Rogers (via phone), Vice Chairperson Gleson and Supervisor Walker. Board members voting “AYE” unless otherwise noted.

Vice Chairperson Gleson called the meeting to order and led the pledge of allegiance.

Public Comment: (The following comments were in opposition of the proposed facemask mandate resolution).

Carol Schnauffer, Marion, stated that there are many aspects that are very concerning, unreasonable, unnecessary and inconsistent with other existing laws. She noted the lack of exemptions for spiritual or religious gatherings, hearing impaired, communicating with a disability or mental health condition. She also took issue with the fines when violating the regulation. There is also a lack of exemptions for those who may be in a situation that wearing a mask is against their better judgement or harmful (roofer falls off roof and injures himself or someone steps in front of a car, etc.).

Natalie Murphy, Cedar Rapids, stated that she spoke to Supervisor Rogers who informed her that he had already made his mind up to approve the resolution. The proposed mandate is a gross violation of religious freedom because of no exemption. She continued to describe the respiratory process while wearing a mask and why it is harmful. She also cited a portion of the Declaration of Independence and described two types of government.

Kim Smith, Cedar Rapids, stated that there is no scientific or medical studies that prove that wearing a mask will prevent or protect her from getting the virus. She asked if the Board will take time to do some research or just look at the LCPh board recommendation and vote yes. She explained the importance of mask hygiene and that masks become a breeding ground for infection. A mask is a super spreader of other diseases and sicknesses. There is no mask that will stop the virus and 85% of positive test results are from those that are faithful mask wearers. The science is totally against an approach like this and immune systems are not allowed to get stronger because of sanitizer etc. She also endorsed herd immunity.

Dr. Kelly Kellen, Hiawatha, stated that every time a person touches their mask, they are spreading the virus. Masks do not work. She presented facts regarding deaths due to suicides because of despair created by COVID. She also stated that there is also no exemption for those that already had COVID, noting that they cannot get it again. Cases are going up because there is no good testing. She also stated that the flu shot contains COVID and she asked the Board to not make her wear a mask.

Andrea Kromminga, Mt. Vernon, stated that after the Board of Health meeting on Monday, no one was listened to. Decisions were already made. By passing this regulation, they are taking away freedoms and will start more hate, division and acts of violence. Law enforcement should not have this put on them. Everyone’s health is his or her own responsibility and she does not approve of this regulation. It is unconstitutional.

Matt Miller, Cedar Rapids, asked the Board if they are serious because by what is being demonstrated in the meeting room today, it does not appear that they are serious because the microphone and the podium are not wiped down after each speaker. He agrees with the other speakers noting studies and the ineffectiveness of masks. He also noted the lack of exemptions for religious services or for the disabled. He stated that the Resolution does not state any supportive evidence and he presented a chart comparing geographic regions with and without mask mandates. He proposes focus protection (protect the vulnerable). In conclusion, he asked the Board to take action today.

Stephanie Niemeyer, Cedar Rapids, stated that she strongly opposes the mandate for a multitude of reasons. She was raped in high school and wearing a mask sends her into a panic attack. Her son also cannot wear a mask due to autism. She noted the lack of exemptions for religious services and how will the mandate be enforced. Are they planning to take police off the street noting that the State of Iowa does not have enough law enforcement to enforce this. She also cited Gov. Reynolds proclamation (which includes a religious exemption) and that when it comes to health care, one size does not fit all. She also stated that the Board is more lenient with their own employees. She is tired of living her life in fear because the media has typed it up so much. She also took issue with how the public hearing was conducted on Monday with the Board of Health and the lack of respect.

Catherine Giebeck, Marion, stated that she opposes the mandate and agrees with all of the previous comments. She has educated her children to take care of themselves. It is their responsibility to ensure their own health. Smokers put themselves at risk with the virus and poor diet choices makes people more susceptible to the virus. She asked if the Board is willing to be responsible for adverse effects of those wearing masks. She also asked why those that are A-symptomatic have to wear masks. It is not about health and safety, it is about compliance. She home schools her child because they are not being forced to have her child wear a mask.
Motion by Walker, seconded by Rogers to approve Consent Agenda as follows:

Receive and place on file Treasurer’s (Auto Dept.) Report to the County Auditor Receipts and Disbursements for the Month of October, 2020.

Approve and authorize Chair to sign a Lease Agreement between Linn County and Foundation 2, Inc. for office space in the mental health access center for $4,200 for the term of December 1, 2020 through June 30, 2021

Approve and authorize Chair to sign an amended COVID-19 Response contract between Linn County and Ethnic Minorities of Burma Advocacy and Resource Center (EMBARC) extending the project through November 30, 2020

Approve and authorize Chair to sign a contract amendment #2 5881HC08, between Linn County Community Services - Ryan White Program and Iowa Department of Public Health for an additional $371,064 for the period of September 30th, 2020 to March 31st, 2021 for HIV Core and Medical Support Services

Motion by Walker, seconded by Rogers to approve Consent Agenda as follows:

Motion by Walker, seconded by Rogers to approve minutes of November 16, 2020 as printed.

Larry Hlavacek and Heather Meador, Public Health, thanked Dr. Pope for his 30 years of dedication to Linn County Public Health and it is an honor to name their clinic after him.

Motion by Walker, seconded by Rogers to adopt Resolution 2020-11-124

A RESOLUTION HONORING DR. RICHARD POPE BY DEDICATING THE LINN COUNTY PUBLIC HEALTH CLINIC IN HIS NAME

WHEREAS, Richard Pope, MD, MPH has provided indispensable assistance since 1990 to Linn County Public Health as a consulting physician; and,

WHEREAS, Dr. Pope provides essential clinical services including testing for HIV/AIDS, tuberculosis (TB), and sexually transmitted infections (STIs), providing physical examinations of patients, and prescribing treatment to patients as needed; and,

WHEREAS, Dr. Pope selflessly serves the immigrant and refugee population as a civil surgeon and offers vaccination for international travels; and,

WHEREAS, Dr. Pope gave Linn County Public Health unwavering help and support in responding to the H1N1, SARS, MERS, Ebola and COVID-19 public health emergencies; and,

WHEREAS, Linn County owns the building located at 1020 6th Street SE, Cedar Rapids, Iowa officially known as the “Dr. Percy and Lilieah Harris Building”; and,

WHEREAS, the Linn County Board of Health and the Linn County Board of Supervisors wish to honor Dr. Pope in gratitude for his extraordinary dedication, distinguished service, and countless contributions to the field of public health and the well-being of Linn County residents.

BE IT THEREFORE RESOLVED the Linn County Board of Supervisors hereby officially dedicates Linn County’s public health clinic in honor of Dr. Richard Pope and names it the Dr. Richard Pope Public Health Clinic effective upon the passage of this resolution.

Laurie Worden, Dir. of Kirkwood Workplace Learning Connection, gave a presentation and a Fiscal Year 2022 budget request in the amount of $21,991.

Sara Bearrows, Budget Director, presented the Fiscal Year 2021 budget amendment requests (many COVID and Derecho related).

Motion by Walker, seconded by Rogers to open public hearing on the proposed amended budget for December 9, 2020 at 11:00 a.m.

Supervisor Olson announced that the storm debris was to be in the right of way on November 9 and to contact him or the road department if an area was not picked up.

Tricia Kitzmann, Public Health, gave the following COVID-19 update:

- Linn County has 12,239 cases; 6,805 active cases; 6,805 active cases; 99 hospitalized and 167 deaths.
- LCPH recommends masks, limiting gatherings, restaurants and bars should provide curbside and those that can should work remotely.
- Hospital capacity in Linn County and the whole health care system is at a critical point right now.

Alicia Sachtjen, Linn County Assessor’s Office, presented the County’s 2020 Family Farm Tax Credit Allowances and Disallowances.

Motion by Walker, seconded by Rogers to approve the County’s 2020 Family Farm Tax Credit Allowances and Disallowances.

Darrin Gage, Dir. of Policy & Admin., presented the Resolution adopting the Board of Health’s mask mandate regulation. He stated that the Board of Health has the authority to make the regulation and is a vehicle for the Board of Supervisors to endorse.

Supervisor Walker stated that he has the ability to do what he has to do to keep residents of Linn County safe and the process calls for them to pass a regulation as
long as it is not in conflict with the State Board of Health (which it is not). The Board of Supervisors ratifies that regulation by a resolution. LCPH is an operation filled with experts and the requirements are no different from what is coming out of the White House Coronavirus Task Force and what is documented in Gov. Reynolds’ mask mandate from a couple days ago.

Supervisor Rogers stated that he appreciates and thanked those who participated by phone and made time to come to the meeting. This is in the collective best interest of the community. He stated that his mind was made up before today. He has lived with this in the community and worldwide for nine months. This has been a lived experience and not something they generally do lightly. He added that New Zealand (a country the size of Iowa) has almost eradicated the virus because they shut everything down to look at a different approach than Iowa. He fully supports a mask mandate and it is the least people can do. He does understand and respect people’s objections but disagrees with them.

Supervisor Walker also thanked everyone for sharing their thoughts in person, on the phone and emails. He stated that they do have to continue to educate people and no one is asserting that by wearing a mask, everything goes away. There are other actions that they need to do besides masking up. He clarified that Gov. Reynolds has religious exemptions that applies in Linn County for those who want to go into a place of worship and socially distance. Former Supervisor John Harris told him that he would be faced with making difficult decisions and to follow his heart. They are all in this together and wearing a mask is literally the smallest action that they can take. It is the right thing to do.

Supervisor Oleson stated that he resisted this mandate since February when it was first discussed along with closing county buildings. The Board of Supervisors have the authority to do things that are not in the best interest of the community. He cla

Motion by Rogers, seconded by Walker to adopt Resolution 2020-11-125 RESOLUTION APPROVING THE LINN COUNTY BOARD OF HEALTH FACE COVERING REGULATION WHEREAS, on January 31, 2020, the Secretary of the United States Department of Health and Human Services declared a national public health emergency in response to the Novel Coronavirus 2019 (COVID-19) outbreak; and WHEREAS, on March 9, 2020, Iowa Governor Kim Reynolds issued a Proclamation of Disaster Emergency to coordinate the State of Iowa’s response to the COVID-19 outbreak; and WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic; and WHEREAS, on March 13, 2020, President Donald Trump issued a proclamation stating that the COVID-19 outbreak in the United States constitutes a national emergency, and on the same day issued a letter in which he stated that the ongoing COVID-19 pandemic is of sufficient severity and magnitude to warrant an emergency determination under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and WHEREAS, on March 17, 2020, Governor Reynolds issued a Proclamation of Public Health Disaster Emergency to provide additional needed resources and measures to respond to the COVID-19 disaster after the Iowa Department of Public Health identified community spread in the state; and WHEREAS, on July 17, 2020, Governor Reynolds issued a Proclamation of Disaster Emergency in which she encouraged all Iowans to do the right thing and they didn’t. He did his research to come to this conclusion. He will be voting yes.

and WHEREAS, Linn County Public Health, the Iowa Department of Public Health, the Iowa Board of Medicine, the Centers for Disease Control and Prevention (CDC), other public health experts, and Governor Reynolds strongly encourage the use of face coverings for protection in public settings, especially when social distancing measures are difficult to maintain; and WHEREAS, on November 10, 2020, Governor Reynolds issued a Proclamation of Disaster Emergency in which she prohibited certain indoor gatherings of 25 or more people or outdoor gatherings of 100 or more people unless all participants in the gathering who are two or older wear masks at all times while participating in the gathering, except while eating or drinking; and WHEREAS, Iowa Code Section 135.140 establishes that a public health disaster is a disaster that specifically involves an imminent threat of an illness that poses a high probability of widespread exposure to an infectious agent that poses a risk of substantial future harm to a large number of the affected population; and WHEREAS, COVID-19 continues to pose a substantial widespread risk of infection leading to a significant risk of harm to people in Linn County, particularly as daily rates of positive cases across Iowa continue to increase despite consistent testing and contact tracing; and WHEREAS, a face covering regulation in Linn County is essential to reducing the risk of transmission of COVID-19; and is necessary to protect the health, welfare, and safety of residents and visitors, and to accelerate recovery efforts; and WHEREAS, on November 16, 2020, the Linn County Board of Health approved a
Face Covering Regulation and submitted it for approval to the Linn County Board of Supervisors pursuant to Iowa Code Section 137.104(1)(b)(2).

BE IT THEREFORE RESOLVED that in response to the ongoing public health emergency the Linn County Board of Supervisors approves the Linn County Public Health Face Covering Regulation 2020, attached hereto and made part of this resolution.

Darrin Gage presented a revised Policy COVID-002, Employee Face Coverings, which simply makes changes to the definition of face covering to remove paper masks, scarves and bandanas previously allowed and face shield is not compliant unless cloth mask is not recommended.

Motion by Rogers, seconded by Walker to approve revised Policy COVID-002, Employee Face Coverings.

The Board discussed the closing of Linn County-owned buildings in response to COVID19.

Motion by Rogers, seconded by Walker to approve closing Linn County-owned buildings effective Nov. 19, 2020.

Supervisor Walker stated that his goal is to keep as many people out of the buildings as possible and if employees can take advantage of teleworking, please do so. He is asking Elected Officials and Department Heads to be sensitive to what they are trying to accomplish.

VOTE: All Aye.

Lisa Powell, HR Dir., stated that she received 13 more telework agreements and they are still within the bandwidth capacity and can accommodate every agreement.

Phil Lowder, IT Dir. stated that there are 257 registered remote users and 100 are active. There are also several that have never been used.

Public Comment:

Cheryl Schnaufer, Marion, stated that it is unfortunate that the Board passed the face covering regulation and stated that it is not consistent with the law, noting no exemption for religious/spiritual gatherings. The Board does not have the authority.

Matt Miller, Cedar Rapids, stated that he appreciates the point of clarification regarding religious gatherings. He also pointed out the hypocrisy as the Board is not proactive during their meetings by not cleaning microphones. They need to protect the most vulnerable and not treat all age groups the same.

Stephanie Neiermeyer, Cedar Rapids, stated that just because she does not wear a mask does not mean she is irresponsible. What’s next, forced vaccinations?

Larry Hlavacek, LCPH, asked for clarification regarding when the regulation would go into effect.

Supervisor Walker stated that it would be effective upon publication, which is tomorrow.

Motion by Walker, seconded by Oleson to approve payment to Marcia Rogers in the amounts of $490.00 and $420.00.

VOTE: Oleson & Walker – Aye Rogers – Abstain

Motion by Walker, seconded by Rogers to approve Claims and ACH in the amt. of $356,911.43.

The Board received and placed on file the following correspondence:

Emails opposing the mask mandate: Matthew Magee, Bethany Niemeyer, Heidi Hautply, D. W.; Timothy Petersen, Matt & Cherilyn Magee; Nat Murphy, Jodi Nelson Collin Olander, Dave Dvorsky, Kevin Wendt, Lisa Olader, Marti Dvorsky, Ann Dolphin, Matt Proctor, Paul Glovik and Becky Bostwick. Emails in favor the mask mandate: Sue Snyder, Karen Thornton, Nicole Cihla, Sylvia Pogelka, Jane Yock and Janet Riley. Email asking for a religious gathering exemption from Nate Day.

Board member reports: Supervisor Oleson reported that he attended the Solid Waste Agency meeting yesterday.

Supervisor Walker thanked everyone for weighing in today by emails, on the phone and in person. He appreciates everyone being reasonable and civil with one another and appreciates people engaging with their government.
Adjournment at 1:24 p.m.

Respectfully submitted,

JOEL D. MILLER, Linn County Auditor
By: Rebecca Shoop, Deputy Auditor

Approved by:

BRENT OLESON, Vice Chairperson
Board of Supervisors