

**MINUTES
CITY COUNCIL MEETING
March 27, 2020**

The Wayne City Council met in special session by video/telephone conference pursuant to the Governor's Executive Order No. 20-03 on March 27, 2020, at 12:00 noon.

Mayor Cale Giese called the meeting to order, with the following in attendance: Councilmembers Dwaine Spieker, Terri Buck, Jennifer Sievers, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Jon Haase.

Notice of the convening meeting was given in advance by posting in three places on March 26, 2020, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Mayor Giese advised the public that a copy of the Open Meetings Act was located on the southwest wall of the Council Chambers, as well as on the City's website, and was available for public inspection. In addition, he advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Mayor Giese requested Council consideration to appointing the following to the Board of Health:

- Mark McCorkindale, M.D.
- Marlen Chinn, Chief of Police
- Cale Giese, Mayor
- Jill Brodersen, Council President; and
- Kim Schultz, representing the Northeast Nebraska Public Health Department, to the Board of Health

Councilmember Brodersen made a motion, which was seconded by Councilmember Karsky, approving the following appointments to the Board of Health:

- Mark McCorkindale, M.D.
- Marlen Chinn, Chief of Police

- Cale Giese, Mayor
- Jill Brodersen, Council President; and
- Kim Schultz, representing the Northeast Nebraska Public Health Department, to the Board of Health

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who was absent, the Mayor declared the motion carried.

An update on the COVID-19 Pandemic was given. Mayor Giese stated the Board of Health plans to meet on Monday to discuss the situation.

Discussion took place in regard to declaring a state of emergency and being able to issue citations for violating health directives.

Attorney Miller read from State Statute that the purpose and effect of a declaration of local emergency shall be to activate the response and recovery aspects of any and all applicable city, village, county or interjurisdictional agency operation plan(s) and to authorize the furnishing of aid and assistance of such plan(s). In her opinion, Council could issue a health directive on the 10-person rule without declaring a state of emergency.

Administrator Blecke stated his recommendation would be that the City follow some guidance from another agency. While we have the ability to do something on our own, we have to be able to back up why we did what we did.

Police Chief Chinn stated the Attorney General's office sent out a notice that stated if a local Board of Health or Governor does issue a directive health measure or a regulation, that another option for the City to have teeth after that has happened is to cite them for obstructing government operations once that is in place.

Administrator Blecke stated one of the four agencies (Governor, County Board of Health, Northeast Nebraska Public Health Department, or the City's Board of Health) needs to direct us through a health directive measure prior to the city declaring a state of emergency because that would then allow law enforcement to have some teeth into what they are doing.

Attorney Miller agreed that they (one of those four agencies) should make that declaration before the City declares a state of emergency, but if the Health Department or one of those other agencies comes out and issues a directive health measure, and if anyone refuses to comply with the same, we can cite/file under State Statute rather than city ordinance.

Attorney Miller advised the Council not to pass an ordinance until the City gets direction from one of the agencies above.

After discussion, it was determined that declaring an emergency would take place after a directive comes from one of the agencies named above.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 12:36 p.m.