

**UNOFFICIAL MINUTES
DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, MAY 4, 2020**

The Board of County Commissioners met in regular session via Zoom at 8:30 A.M. with Second District County Commissioner Thad G. Geiger, Chairman, calling the meeting to order. First District County Commissioner Timothy D. Collins, Third District County Commissioner Jerry McKernan, County Attorney Charles D. Baskins and County Clerk Peggy Franken were present.

The Kansas Chief Reporter Paul Stewart, Health Department/Home Health Administrator Sheryl Pierce and Economic Development Director Leah B. Johnson observed the entire meeting via Zoom. County Attorney Celeste Etherton, Road Office Manager Lindsay Norris and Emergency Management Coordinator Julie Meng were present in person.

Commissioner McKernan made a motion to approve the meeting agenda as presented. Commissioner Collins seconded. Motion carried 3-0.

Commissioner McKernan made a motion to approve County Commission minutes of the April 27, 2020 meeting as written. Commissioner Collins seconded. Motion carried 3-0.

Commissioner Geiger made a motion to approve warrants for the period of April 30, 2020 as presented. Commissioner McKernan seconded. Motion carried 3-0.

Fee reports for the month of April 2020 were presented to the Board on behalf of the County Clerk, Register of Deeds and Sheriff for their review.

Currently the Doniphan County Law Enforcement Center houses 1 Wyandotte County and 10 local inmates.

Commissioner Collins made a motion to purchase 25 ten foot sign posts at a cost of \$775.00 from J&A Traffic Products. Commissioner Geiger seconded. Motion carried 3-0.

Commissioner Collins made a motion to approve the purchase of 135 road signs from National Sign Company in an amount not to exceed \$4,000.00. Commissioner McKernan seconded. Motion carried 3-0.

The Board of County Commissioners request individuals contact the Doniphan County Road Department at 785-985-3535 to report missing road signs, when a road sign is hit and knocked down or to have a road sign temporarily removed. The Board stated the expense to taxpayers for replacement signs can be easily avoided if patrons contact the Road office to have them removed and replaced to allow for farm implement to travel county roadways.

Commissioner McKernan told the County Commission 190th Road between Randolph and Saratoga Roads needs to be patched, he will speak with Second District Road Foreman Nick Popple.

Commissioner Collins informed the Board the First Road District is hauling dirt to complete road tube project on 150th Road. Another road tube will be ordered to complete a second site on 150th Road as well. The Road Crew is also working to shape and rock 160th Road in the First District.

Commissioner Geiger said the Second Road District shaped a portion of Randolph Road to allow resident to apply dust control. The District is working on bank stabilizations projects on Peck Road and continues to patch hard surfaced roadways.

Health Department/Home Health Administrator Sheryl Pierce, in review of Kansas Governor Laura Kelly's Ad Astra: A Plan to Reopen Kansas, stated Doniphan County Health Officer Dr. Bradley J. Gaul, MD would like to deviate from Phase 1 of the plan by requiring restaurants and libraries remain closed until Phase 2 of the Governor's plan is implemented on May 18, 2020. Administrator Pierce said she has been in contact with representatives of restaurants and libraries who were agreeable to not opening for dine-in services and doing curb side book check out until May 18, 2020.

Commissioner Collins asked if COVID-19 test kits are available for the public. Health Department/Home Health Administrator said anyone who wants to be tested can now be tested as testing kits are available at a number of health facilities.

At 9:06 A.M. the Board of County Commissioners recessed in order to set up another Zoom session with the meeting called back to order in the District Court Courtroom at 9:15 A.M.

Emergency Management Coordinator Julie Meng presented the Board of County Commissioners with Emergency Order of Local Health Officer Dr. Bradley J. Gaul, MD issued to mitigate the spread of Coronavirus (COVID-19) in Doniphan County, Kansas. Commission Geiger expressed concern with Doniphan County's Emergency Order being more restrictive than Governor Laura Kelly's plan to re-open the State of Kansas. He cautioned government over-reach, suggesting businesses self-govern based on their ability to comply with the State of Kansas re-open plan. After further discussion and review of the Emergency Order of Local Health Officer, Commissioner Geiger made a motion the Board of County Commissioners, acting as the Board of Health, ratify the Emergency Order of Local Health Officer with amendments to Section Five Subsection 1 b. removing "All on-premises workers shall be screened for fevers and any symptoms of COVID-19 upon entry." Section Five Subsection III removing a. "the number of customers allowed into the establishment at any given time shall be limited to 5..." And placing no additional restrictions on libraries outside the State of Kansas Ad Astra: A Plan to Reopen Kansas. Commissioner McKernan seconded. Motion carried 3-0.

EMERGENCY ORDER OF LOCAL HEALTH OFFICER

Emergency Public Health Order issued on this 4th day of May 2020 to mitigate the spread of Coronavirus (COVID-19) in Doniphan County, Kansas, pursuant to the authority provided in K.S.A. 65-119, K.S.A. 65-129b and K.S.A. 65-202 and other applicable laws or regulations.

WHEREAS, COVID-19, is a respiratory disease that spreads easily from person to person and may result in serious illness or death, has been confirmed in Kansas resulting in serious illness and even death; and

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Kansas continue to threaten the life and health of our citizens and visitors as well as the economy and remains a public disaster affecting life, health, property and the public peace; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC), the Kansas Department of Health and Environment (KDHE) and the Doniphan County Local Health Officer, all recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020; and

WHEREAS, in order to mitigate the spread of COVID-19, Kansas Governor Laura Kelly, issued a series of Executive Orders commencing on March 16, 2020, and

WHEREAS on March 18, 2020, the Doniphan County Board of Commissioners of Doniphan County, declared a state of local disaster emergency, and disaster had occurred, or the threat thereof was imminent within Doniphan County, Kansas as a result of the Coronavirus pandemic (COVID-19) and the confirmed outbreak and person-to-person spread of COVID-19 in the United States and Kansas; and

WHEREAS, through the adoption of Doniphan County Resolution 2020-04 on March 18, 2020, the Board of County Commissioners extended the declaration of state of local disaster emergency for a period of sixty days; and

WHEREAS, on March 28, 2020, Kansas Governor Laura Kelly issued EXECUTIVE ORDER No. 20-16 ("Establishing a statewide 'stay home' order in conjunction with the Kansas Essential Function Framework for COVID-19 response efforts"); and

WHEREAS, Kansas Governor Laura Kelly, issued EXECUTIVE ORDER No. 20-29, implementing Phase One of "Ad Astra: A Plan to Reopen KANSAS," which order outlined a plan to re-open businesses and activities in phases and authorizing local governments to implement more restrictive orders regarding businesses, mass gatherings, or stay-home requirements based upon local conditions; and

WHEREAS, citizens of Doniphan County should not view the reopening plan as an indication that the threat from COVID-19 is past, and all citizens should follow all social distancing, sanitation, and personal hygiene practices guidance provided by the Centers for Disease Control and Prevention (CDC), and federal, state and local public health officials and private medical providers; and

WHEREAS, reopening in Doniphan County should occur safely and incrementally, always ensuring that the strategies for reopening are implemented in such a manner as to prevent overwhelming the local health care system's ability to care for residents in need of medical treatment, including those infected with the COVID-19 virus; and

WHEREAS, under Kansas Law the Local Health Officer is authorized and required, pursuant to K.S.A. 65-119, K.S.A. 65-129b and K.S.A. 65-202 to immediately exercise and maintain a supervision over known or suspected cases of any infectious or contagious disease during its continuance, and to issue orders seeing that all such cases are properly handled and that the provisions of the Kansas public health laws as to isolation, quarantine and disinfection are duly enforced, to prohibit public gatherings, and to use all known measures for the control of any and all infectious or contagious diseases;

NOW THEREFORE, as Local Health Officer for Doniphan County, Kansas, I hereby direct and order the following:

Section One. The EMERGENCY ORDER OF LOCAL HEALTH OFFICER dated March 23, 2020 is no longer in effect.

Section Two. This order shall remain in effect for a MINIMUM of fourteen days, and shall expire upon the issuance of a superseding order, which should not occur until at least May 18, 2020.

Section Three. Except as further set forth herein, all public gatherings, as defined below, are temporarily prohibited in Doniphan County.

Section Four. The following activities or facilities, which relate to critical public health, safety, and other infrastructure functions, are exempt from the requirements of this order:

a. Operations or facilities of the United States Government; the government of the State of Kansas; or the government of any incorporated City; b. Operations of any federal, state, or municipal court; c. Gathering as a family privately; d. Military and National Guard facilities; e. Law enforcement, jail, or correctional facilities, including any facility operated by the Department of Corrections; f. Any facility being used as part of a government or community response to a natural disaster; g. Medical clinics, medical offices, medical facilities, dental offices, optical offices, and pharmacies; h. Government service centers; i. Public transportation; j. Utility facilities; and k. Job centers.

Section Five. Conditions for operation of businesses and other activities:

I. Essential Businesses may continue to operate, provided the following conditions are met: a. To the extent possible social distancing shall be maintained; b. To the extent feasible, work spaces shall be positioned such that workers maintain separation of at least 6' from one another and from the public; c. Working from home should be maximized; d. Face coverings are strongly recommended for all working and entering the business especially when social distancing is difficult to maintain; e. Post signs and do not allow employees or customers to come inside if they are sick.

II. Restaurants, bars, and senior centers may be open, but only for the service of carryout or delivery of meals and only if the requirements listed below are followed: a. Adherence to all applicable food and safety codes; b. Dine-In Service or on-premises consumption of food is not allowed. c. Maintain social distancing; d. No self-service of unpackaged food or beverages, such as in salad bars, buffets, or beverage stations; e. Allow for contactless transactions; f. Offer curbside pick-up with an established designated pick-up zone or zones for customers, and offering contactless delivery, such as by placing orders in vehicle trunks. g. For deliveries, offer customers the option of receiving notification by text message or phone call as the delivery is arriving.

III. Retail Sales Establishments, including Retail Food Establishments, may operate, but only under the following conditions: a. All customers must maintain Social Distancing; b. Shopping cart sanitation supplies must be available if carts are used; c. Enhanced cleaning should be done throughout the day; d. Hand sanitizer should be readily available throughout the premises.

IV. Long-term care facilities, assisted living facilities, and childcare facilities may be open, and must adhere to KDHE or other applicable regulatory guidelines.

V. Public parks and spaces may remain open, but the use of public playground equipment and public picnic tables is not authorized under this order.

VI. Individual showings of real estate are allowed, provided social distancing is maintained. No open houses are allowed.

Section Six. Businesses and other activities that are not authorized under this order:

I. Personal service establishments, such as salons, barber shops, pet grooming facilities, are not authorized under this order.

II. Recreational facilities, including recreation commissions, sports teams, gymnasiums, fitness centers, and public swimming pools, are not authorized under this order.

III. Community Centers

Section Seven. Definitions:

I. "Essential Businesses" means activities or facilities which relate to critical public health, safety, and other infrastructure functions, as follows:

- a. All "essential Businesses" as set forth in Governor Kelly's EXECUTIVE ORDER NO. 20-14, including all businesses determined to be essential under Governor Kelly's EXECUTIVE ORDER NO. 20-15, which established the Kansas Essential Function Framework for COVID-19 response efforts (KEFF).
- b. Public, private, or charter schools for instructional purposes, for noninstructional purposes, such as medication pickup, childcare services, providing meals and when operating as polling places;
- c. Childcare locations (including those that operate within a facility that is otherwise subject to the prohibitions of this order), residential care centers, and group homes;
- d. Food pantries and shelter facilities, including day centers, for individuals and families;
- e. Office spaces, but only for the purpose of performing essential activities or essential functions as described and limited by EXECUTIVE ORDER No. 2016;
- f. Manufacturing, processing, distribution, and production facilities;

II. "Public gathering" means any planned or spontaneous, public or private event or convening that will bring together or is likely to bring together more than 10 people in a confined or enclosed space at the same time

- a. "Public gathering" does not include normal operations at places where persons may be in transit or coming and going individually or in groups of less than ten (10) persons.
- b. "Public gathering" does not include governmental and judicial functions, healthcare facilities, and private business operations.
- c. "Public gathering" includes, but is not limited to, gatherings at auditoriums, theaters, movie theaters, museums, stadiums, arenas, conference rooms, meeting halls, exhibition centers, taverns, health and fitness centers, recreation centers, licensed pools, and churches or other religious facilities.

III. "Social Distancing" means maintaining at least six-foot space between individuals who do not reside in the same household.

Section Eight. Pursuant to K.S.A. 65-129b(a)(2), any sheriff, deputy sheriff or other law enforcement officer of the state or any political subdivision within Doniphan County, Kansas is hereby ordered to assist in the execution or enforcement of this order.

Section Nine. This Order may be supplemented or modified as required for the effective and efficient management and control of the Coronavirus epidemic in Doniphan County by further order or direction of the Doniphan County Local Health Officer.

Section Ten. This Order is effective at 12:01 p.m. on Monday, May 4, 2020 and shall remain in effect until amended, superseded, or rescinded.

IT IS SO ORDERED THIS 4th DAY OF MAY, 2020.

Dr. Bradley Gaul
Doniphan County Health Officer
Doniphan County, Kansas

Ratified by the Board of Health on 5/4/2020

In an effort to mitigate the spread of the Coronavirus (COVID-19) and implement a best practices re-opening plan, Commissioner Geiger made a motion to extend the current closure and limit access to Doniphan County, Kansas, governmental offices to the public through May 18, 2020 at 12:00 P.M. at which time the closures will be reevaluated. Commissioner McKernan seconded. Motion carried 3-0.

County Clerk Peggy Franken presented sales tax collection receipts in the amount of \$43,018.21.

There being no further business before the Board, Chairman Geiger adjourned the meeting at 9:58 A.M.

DATED THIS 4TH DAY OF MAY 2020.

Attest: _____
Peggy Franken, County Clerk

Thad G. Geiger, Chairman