



**AGENDA**  
**CITY OF CEDAR FALLS, IOWA**  
**SPECIAL MEETING, CITY COUNCIL**  
**WEDNESDAY, AUGUST 19, 2020**  
**5:30 PM AT CITY HALL VIA VIDEO CONFERENCE**

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**To protect against the spread of the COVID-19, the meeting will be held via video conference. The public may access/participate in the meeting in the following ways:**

- a) By dialing the phone number +13126266799 or +19292056099 or +12532158782 or +13017158592 or +13462487799 or +16699006833 and when prompted, enter the meeting ID (access code) 962 7287 1738.
- b) iPhone one-tap: +13126266799,,96272871738# or +19292056099,,96272871738#
- c) Join via smartphone or computer using this link: <https://zoom.us/j/96272871738>.
- d) View the live stream on Channel 15 YouTube using this link: <https://www.youtube.com/channel/UCCzeig5nIS-dIEYisqah1uQ> (view only).
- e) Watch on Cedar Falls Cable Channel 15 (view only).

To request to speak when allowed on the agenda, participants must click "Raise Hand" if connected by smartphone or computer, or press \*9 if connected by telephone. All participants will be muted by the presiding officer when not actually speaking.

**Call to Order by the Mayor**

**Roll Call**

**New Business**

- 1. Resolution adopting a face mask mandate for the City of Cedar Falls.

**Adjournment**



ROBERT M. GREEN

CITY OF CEDAR FALLS, IOWA  
220 CLAY STREET  
CEDAR FALLS, IOWA 50613  
319-273-8600  
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**MEMORANDUM**  
Office of the Mayor

**TO:** City Council  
**FROM:** Mayor Robert M. Green *Zorobean*  
**DATE:** August 18, 2020  
**SUBJECT:** Special City Council Meeting for Mask Resolution

**REF:** (a) Code of Ordinances, City of Cedar Falls §2-187(c): Mayor Powers and Duties  
(b) Iowa Code §21: Official Meetings Open to the Public (Open Meetings)

1. In accordance with reference (a) and (b), I am convening a special meeting of the Cedar Falls City Council via electronic means (Zoom) on Wednesday, August 19, 2020 at 5:30pm. This meeting is being held in response to a referral by City Council in its August 17, 2020 regular meeting, for an opportunity to discuss and vote on a resolution to require facial coverings in Cedar Falls in response to the CoVID-19 pandemic.
2. To facilitate the discussion, Waterloo’s approved resolution from its August 17 meeting is included as enclosure (1). Attorney Rogers will be prepared to present changes he believes would be legally necessary for the council’s due consideration.
3. A ‘process sheet’ from the Black Hawk County Public Health Director was provided to me this week; it is also included as enclosure (2) to consider in your deliberations.
4. During this meeting, the Black Hawk County Public Health Director, Dr. Nafissa Cisse-Egbuonye, will be attending virtually and will be able to answer questions posed by council members.

xc: City Administrator  
City Clerk

Encl: (1) Approved Waterloo Resolution for a Facial Mask Mandate  
(2) Black Hawk County Board of Health Face Covering Regulation Process Document

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Prepared by Kelley Felchle, Clerk, City of Waterloo, 715 Mulberry Street, Waterloo, IA 50703, (319) 291-4323.

RESOLUTION NO. 2020-XXX

RESOLUTION ADOPTING A FACE MASK MANDATE FOR  
THE CITY OF WATERLOO.

WHEREAS, we, the elected representatives of the City of Waterloo, took an oath to uphold and defend the Constitution of the United States and the Constitution of the State of Iowa; and,

Whereas, the emergence of the novel coronavirus, SARS-CoV-2, that causes the diseases COVID-19, can result in serious illness or death and can easily be spread from person to person; and,

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared a national public health emergency related to the dangers posed by COVID-19; and,

WHEREAS, on March 9, 2020, the Governor of the State of Iowa, Kim Reynolds, signed a proclamation of disaster emergency for the entire State of Iowa based on the increasing numbers in the State of Iowa testing positive for COVID-19; and,

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak to be a worldwide pandemic; and,

WHEREAS, on March 13, 2020, the President of the United States signed an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act authorizing emergency response measures in all fifty states in response to COVID-19; and,

WHEREAS, the most current local data relating to COVID-19 as provided by the Iowa Department of Public Health (“IDPH”) and the Black Hawk County Department of Public Health (“BHCDPH”) show that the state, Black Hawk county, and Waterloo continue to experience significant community spread of this disease; and,

WHEREAS, the City of Waterloo has a compelling interest to protect the lives of its residents; and,

WHEREAS, Article III, Section 38A of the Iowa Constitution grants municipalities the power to determine their local affairs and government not inconsistent with the laws of the general assembly; and,

Whereas, Chapter 364 of the Iowa Code reaffirms the constitutional grant of home rule authority to municipalities “to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the city or its residents, and improve the peace, safety, health, welfare and convenience of its residents”; and,

WHEREAS, a city “may exercise its general powers subject only to limitations expressly imposed by state or city law,” and the exercise of a city power “is not inconsistent with a state law unless it is irreconcilable with the state law.” Iowa Code section 362.2(2) and (3); and

WHEREAS, a city may set standards “more stringent than those imposed by state law, unless a state law provides otherwise.” Iowa Code section 364.3(a); City of Des Moines v. Gruen, 457 N.W.2d 340, 343 (Iowa 1990); Bryan v. City of Des Moines, 261 N.W.2d 685, 687 (Iowa 1978); and,

WHEREAS, the Center of Disease Control (“CDC”), the IDPH, and BHCDPH, have all

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determined and encouraged that face coverings are an critical tool in the fight against COVID-19 that could reduce the spread of the virus particularly when used universally within a community; and,

WHEREAS, the Governor's current proclamation requires that businesses and gatherings ensure social distancing of employees, customers, and attendees, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with the guidance of the IDPH; and,

WHEREAS, the IDPH's reopening guidance advises that members of the public consider the use of cloth face coverings when distancing is not possible because wearing a face covering in public places where social distancing measures are difficult can help slow the spread of COVID-19; and,

WHEREAS, a requirement that persons in the City of Waterloo wear face coverings is essential to reducing the risk of transmission of COVID-19, and necessary to protect the health, welfare, and safety of residents, visitors and accelerate local recovery efforts; and,

WHEREAS, a requirement that persons wear a face covering is not irreconcilable with the Governor's proclamations and the guidance of the Iowa Department of Public Health; and,

WHEREAS, this resolution is not meant to be stigmatizing or punitive and is in the best interest of the health, welfare, and safety, and economic recovery of the City of Waterloo and its residents; now, therefore

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATERLOO, IOWA, as follows:

Section 1. Every person in the City of Waterloo must wear a face covering when:

- a. In public as opposed to one's place of residence, when one cannot stay six (6) feet apart from others.
- b. Inside any indoor public settings, including but not limited to:
  1. Grocery stores
  2. Pharmacies
  3. Hardware stores
  4. Retail stores
  5. Other public settings that are not one's place of residence and when among people who do not live in the same household
  6. City buildings
- c. Outside if maintaining six (6) feet apart is not possible
- d. Using public transportation or private car services (including taxis, ride share, or carpooling)

Section 2. No business that is open to the public may provide service to a customer or allow a customer to enter its premises, unless the customer is wearing a face covering as required by this resolution, and businesses that are open to the public must post signs at entrance(s) instructing customers of their legal obligations to wear a face covering while inside.

Section 3. Those who are exempt from wearing a face covering:

- a. Persons younger than 2 years of age due to the risk of suffocation.
- b. Anyone who has trouble breathing, on oxygen therapy, or ventilator.
- c. Anyone who is unconscious, incapacitated, or otherwise unable to remove their

face covering without assistance.

- d. Anyone who has been told by a medical, legal, or behavioral health professional not to wear face coverings.
- e. Anyone actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel.

Section 4. Places and times where a persons are exempt from wearing a face covering;

- a. While traveling in a personal vehicle alone or with household members.
- b. While a person is alone or with household members.
- c. While exercising at moderate or high intensity e.g. swimming, jogging, biking.
- d. While seated at a food establishment in the process of eating or drinking.
- e. While obtaining a service that would require temporary removal of the persons face covering.
- f. When federal or state law prohibits wearing a face covering or requires the removal of a face covering.

Section 5. If a cloth face covering is chosen, appropriate use of a cloth face covering includes:

- a. A snug fit, but comfortable against the side of the face.
- b. Completely covers the nose and mouth.
- c. Is secured with ties or ear loops.
- d. Includes multiple layers of fabric.
- e. Allows for breathing without restriction.
- f. Can be laundered and machine dried without damage or change in shape.

Section 6. The enforcement mechanism for this resolution shall be left up to the Mayor or designee with the aim towards compliance not punishment.

Section 7. That this resolution shall be in effect for six weeks from the date it is signed by the Mayor. Prior to the expiration, the City Council of the City of Waterloo may extend the mandate by adopting a new resolution.

Section 8. If any section, provision, or part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution as a whole or any section, provision, or part of this resolution not adjudged invalid or unconstitutional.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WATERLOO, IOWA, this this \_\_\_\_<sup>th</sup> day of August 2020.

\_\_\_\_\_  
Quentin Hart, Mayor

ATTEST:

\_\_\_\_\_  
Kelley Felchle  
City Clerk

## Black Hawk County Board of Health

### *Face Covering Public Health Regulation Analysis<sup>1</sup>*

#### Process Sheet

August 17, 2020

#### **Problem Statement:**

The COVID-19 pandemic, also known as the coronavirus pandemic, is an ongoing global pandemic of coronavirus disease 2019 (COVID-19), caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). COVID-19 is a respiratory illness that spreads readily from person-to-person, especially when in close contact, and can result in lengthy illness, hospitalization, and death. As of 08-14-2020, 5,176,018 confirmed cases and 165,148 deaths have occurred in the United States. The State of Iowa has 50,808 confirmed cases and 964 deaths. Black Hawk County (Iowa) has 3,834 cases and 66 deaths to date. The Black Hawk County Board of Health finds that COVID-19 poses a continuing and immediate threat to the public health of Black Hawk County, Iowa residents and visitors.

#### **Background:**

1. Evaluation of laws<sup>2</sup> for consistency with public health evidence-based and/or promising practices:
  - a. The World Health Organization (WHO) declared COVID-19 a public health emergency of international concern and global pandemic on January 30 and March 11, 2020, respectively.
  - b. The Secretary of the U.S. Department of Health and Human Services declared a national public health emergency on January 31, 2020, concerning COVID-19.
  - c. The Governor of Iowa, Kim Reynolds, issued a Proclamation of Disaster Emergency, followed by a series of additional proclamations concerning COVID-19 beginning on March 9 through July 24, 2020.
2. Use of model public health laws, checklists, templates or other standard outline or guide:
  - a. [City of Dubuque, Iowa](#)
  - b. [County of Johnson, Iowa](#)
  - c. The Centers for Disease Control and Prevention Director, Dr. Robert Redfield, stated in a press release dated July 14, 2020, “Cloth face coverings are one of the most powerful weapons we have to slow and stop the spread of the virus – particularly when used universally within a community setting. All Americans have a responsibility to protect themselves, their families, and their communities.”
  - d. The U.S. Surgeon General, Jerome Adams, stated in an interview dated July 12, 2020, “We can turn this thing around in two to three weeks if we can get a critical mass of people wearing face coverings, practicing at least six feet of social distancing, doing the things that we know are effective.”
  - e. The Iowa Department of Public Health advises on its website, “Cloth face masks can help slow the spread of COVID-19 in Iowa. Protect yourself and your community by wearing a face covering when out in public and when social distancing is not possible.”
  - f. More than 50% of U.S. States mandate face coverings to slow and stop the spread of COVID-19.
3. Input solicited from key partners and stakeholders in the form of professional organization engagement, public notice, hearings and Black Hawk County/Health Department website:

Black Hawk County is Iowa’s fifth most populous county; is located in Iowa’s fourth most populous metropolitan area; and is home to Iowa’s eighth most populous and thirteenth most populous cities, in addition to other towns. Due to the varying populations and population densities, the appropriate level of care and caution varies; as well as the appropriate measures, and appropriate enforcement of those measures, vary from county-to-county in Iowa.

- a. The Iowa Public Health Association advocates for a mask mandate and local control.
- b. Black Hawk County serves as a regional hub for retail and other businesses. The spread of COVID-19 is facilitated by close employee interaction in workplace environments, by attendance at retail centers and other places of business by the general public, and by interaction between employees and the general public

<sup>1</sup> Public Health Accreditation Board (PHAB) Standards v1.5

<sup>2</sup> In the absence of available laws, reference to best practice recommendations may be utilized.

at local businesses. In addition to many local businesses, the following national chains are requiring employees and visitors to wear face coverings: <https://kwwl.com/2020/07/16/list-these-national-retailers-are-requiring-customers-to-wear-masks/>

- c. K-12 school districts are requiring students, staff and faculty to wear face coverings:
    - I. [Cedar Falls](#)
    - II. [Dunkerton](#)
    - III. [Hudson](#)
    - IV. [Union](#)
    - V. [Waterloo](#)
  - d. Higher educational institutions are requiring students, staff and faculty to wear face coverings:
    - I. [Hawkeye Community College](#)
    - II. [University of Northern Iowa](#)
  - e. The Black Hawk County Board of Supervisors requires all employees and visitors to wear a face covering in county buildings.
  - f. Throughout the pandemic, local municipalities are implementing mitigation efforts including face covering requirements in municipal buildings, social distancing and restricted hours of operation.
  - g. Healthcare institutions are requiring health screening and face masks upon entry into all facilities.
4. Assessment of health equity impact on population groups:
- a. Black Hawk County is home to diverse communities with citizens of several nationalities, socioeconomic backgrounds, and household customs.
  - b. Active cases of COVID-19, both locally and nationally, are disproportionately impacting low income, and marginalized communities, which comprise a significant component of the workforce and population of Black Hawk County.
  - c. The Black Hawk County Board of Health recognizes that continued operation of essential services and workplaces is necessary to ensure the availability of a safe food supply, adequate health care system, and for the Iowa economy to serve all people in its jurisdiction.
5. Collaboration with other governmental levels and peer counties of public health, as indicated:
- a. The Black Hawk County Board of Health joined peer counties to endorse an Iowa Public Health Association, “Mask Mandate and Local Control,” position statement on 07-29-2020.
  - b. The Black Hawk County Board of Health believes that essential businesses and services exist to serve Iowa workers and families, rather than Iowa workers and families existing to sacrifice themselves for the benefit of business.
  - c. Black Hawk County and other (peer) more populous counties have denser populations and greater business activity, than most other Iowa counties; and warrants allowing local governments more latitude to enact and enforce measures designed to stop the spread of COVID-19 in the county, such as a requirement to use face coverings in certain situations.

**Next Steps:** The Black Hawk County Board of Health is preparing a notice for public hearing regarding a face covering health regulation. As a community stakeholder, please provide your feedback on this proposed issue by Thursday, August 20, 2020 12N.

----- Forwarded message -----

From: **Penny Popp** <[peterpenny1@gmail.com](mailto:peterpenny1@gmail.com)>

Date: Tuesday, August 18, 2020

Subject: Mask resolution

To: Kelly Dunn <[citizens4kellydunn@outlook.com](mailto:citizens4kellydunn@outlook.com)>, [siresforiowa@gmail.com](mailto:siresforiowa@gmail.com), Mark Miller <[markm@cfu.net](mailto:markm@cfu.net)>, "susan debuhr@cedarfalls.com" <[susan.debuhr@cedarfalls.com](mailto:susan.debuhr@cedarfalls.com)>, kruseoncouncil <[KruseOnCouncil@aol.com](mailto:KruseOnCouncil@aol.com)>, "simonharding.cf4" <[simonharding.cf4@gmail.com](mailto:simonharding.cf4@gmail.com)>, Frank Darrah <[wfd@cfu.net](mailto:wfd@cfu.net)>  
Cc: Rob Green <[rob.green@cedarfalls.com](mailto:rob.green@cedarfalls.com)>

Morning Council:

At last night's Council meeting, a referral was made for a Special Meeting to consider a mask resolution to mirror our close neighbor, Waterloo.

As a private citizen, I would urge you to vote in favor of a mask resolution. I wear a mask when I venture away from my home at all times. I am thinking about myself and husband first. My husband works at Western Home and we are very protective of our neighbors that he may come into contact with on a daily basis. Because we live so close to Western Home, it is common occurrence that folks stop by to say hello. We have worn masks from the start and now my neighbors know that it is safe to say hello here, with a mask.

As president of the South Main and Greenhill Corridor Neighborhood Association, our continuing success of staying connected and informed relied on the acceptance of wearing masks to gather for outside events. We have held a Candidate Forum for the Council at Large seat and it was only possible through the cooperation of all who felt safe enough to attend. If we all wore masks and practiced social distancing, we could gather safely for a short amount of time. We set a precedent early on that made gathering outside a possibility. We were able to take advantage of this when we had a ribbon cutting ceremony with Mayor Green at El Dorado Heights Park last week.

As we move towards more uncertainty with school opening, a small action, wearing masks, could play a significant role in our community of Cedar Falls and Waterloo in returning to a resemblance of normal. I think we all yearn for the pre-Covid days where we could do as we please.

I urge you to support this small effort of a mask resolution to help our neighbors and our City recover.

Penny Popp