SPECIAL MEETING OF WASHINGTON, MISSOURI CITY COUNCIL
MONDAY, NOVEMBER 23, 2020 - 5:00 P.M.
CITY COUNCIL CHAMBERS
405 JEFFERSON STREET, WASHINGTON, MO

MASKS ARE REQUIRED TO BE WORN BY EVERYONE ATTENDING PUBLIC MEETINGS

		SUGGESTED COUNCIL ACTION:	
1.	**INTRODUCTORY ITEMS:**		
	Roll Call /Pledge of Allegiance		
	Approval and Adjustment of Agenda:	Need Motion/Mayor	
2.	**ORDINANCES/RESOLUTIONS:**		
a.	An ordinance establishing the requirement to wear a face mask in certain locations in order to prevent or limit the spread of the COVID-19 Disease; authorizing the adoption of further orders for the implementation of the ordinance, and fixing the time when this ordinance shall become effective.	Read &Int/Read/Vote/Mayor	Memo
3.	**ADJOURNMENT:**		

NOTICE: COPIES OF THE PROPOSED ORDINANCES ON THIS AGENDA ARE AVAILABLE FOR PUBLIC INSPECTION PRIOR TO THE TIME THE BILL IS UNDER CONSIDERATION BY THE CITY COUNCIL.
POSTED ON THE CITY HALL NOTICE BOARD BY MARY TRENTMANN, CITY CLERK, ON NOVEMBER 18, 2020
A COPY OF THIS NOTICE IS ALSO AVAILABLE ONLINE AT www.washmo.gov

BILL NO. _____ INTRODUCED BY _____

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE REQUIREMEN TO WEAR A FACE MASK IN CERTAIN LOCATIONS IN ORDER TO PREVENT OR LIMIT THE SPREAD OF THE COVID-19 DISEASE; AUTHORIZING THE ADOPTION OF FURTHER ORDERS FOR THE IMPLEMENTATION OF THE ORDINANCE, AND FIXING THE TIME WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WASHINGTON, MISSOURI AS FOLLOWS:

WHEREAS, the novel coronavirus disease (COVID-19) is a highly infectious and dangerous disease that on March 11, 2020 was declared by the World Health Organization to be a pandemic; and

WHEREAS, due to the COVID-19 pandemic there have been declarations of emergency enacted by the President of the United States, the Governor of the State of Missouri and the City of Washington; and

WHEREAS, Section 77.530 RSMo. authorizes the City Council to make regulations and pass ordinances for the prevention of the introduction of contagious diseases into the City, and for the abatement of the same, and make regulations to secure the general health of the City; and

WHEREAS, the spread of COVID-19 will continue to grow at an exponential rate for the foreseeable future unless additional measures are implemented to reduce the spread of the disease in Washington; and

WHEREAS, exponential spread of the disease has the potential to overwhelm the community's medical resources; and

WHEREAS, in addition to overwhelming the medical system and threatening the health and lives of residents, the spread of the disease has the potential to cause economic damage, disruption and hardship in the event the City finds it necessary to return to the former stay at home orders in order to reduce the spread of the disease; and

WHEREAS, due to the escalating spread of the COVID-19 pandemic it necessary for the immediate preservation of public health, safety and welfare of the residents of Washington to take steps to mitigate the spread of the disease; and

WHEREAS, the key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, speak, cough, or sneeze; and

WHEREAS, people can be infected with the COVID-19 virus and be asymptomatic or pre-symptomatic but still be contagious to others; and

WHEREAS, numerous epidemiologists have found that widespread use of a face mask is necessary to prevent the more rapid spread of the COVID-19 virus, and thereby necessary for the safety and health of Washington citizens, residents, and visitors; and

WHEREAS, the United States Centers for Disease Control and Prevention has recommended that members of the public, when they need to interact with others outside the home, and especially in indoor settings should cover the mouth and nose to prevent inadvertently spreading COVID-19; and

WHEREAS, the wearing of a mask by patrons and employees to the greatest extent possible may allow businesses to remain open while protecting the health and safety of the public and employees and keeping the local economy strong during the period in which the disease is being brought under control in the community; and

WHEREAS, the City Council finds that wearing a Face Mask is an appropriate and necessary method of reducing the spread of COVID-19 and will be the least restrictive means imposed with the greatest benefit to reduce community spread; and

WHEREAS, use of face masks may limit the spread of COVID-19 to such an extent that further Stay at Home Orders may not be needed.

SECTION 1. **Incorporation of findings.** The City Council makes and reaffirms the findings set forth above and incorporates the same by reference as if fully set forth herein.

SECTION 2. **Definition.** As used in this ordinance, a "Face Mask" means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer's eyes or forehead is not a Face Mask. A Face Mask may be factory-made, or may be handmade and improvised from ordinary household materials.

Any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling allows droplets to be released from the mask, putting others nearby at risk. As a result, these masks are not a Face Mask under this Ordinance and must not be used to comply with this Ordinance's requirements.

SECTION 3. **Wearing of Face Masks Required.** Except as otherwise provided in this ordinance all persons age ten years old and above who are present within the jurisdiction of the City of Washington are required to wear a clean Face Mask any time

they are, or will be, in contact with other people in public indoor spaces who are not household members.

SECTION 4. **Employers to Provide Face Masks to Employees.** Any time an employee or staff person is required to wear a Face Mask pursuant to this ordinance, the employer shall make face masks available in sufficient quantity to assure each employee can wear a clean Face Mask at all times.

SECTION 5. **Exempted Activities.** A person may remove their Face Mask where otherwise required under the following circumstances:

1. While outdoors when able to maintain a distance of at least six feet from others;

2. While exercising outdoors or while exercising indoors when able to maintain a distance of at least six feet from others;

3. When engaged in a sporting activity;

4. While at home; provided however, the wearing of a Face Mask shall be required in all common areas of any multifamily structure;

5. When in a vehicle;

6. While eating or drinking in the dining area of a restaurant or other establishment that offers food or beverage service, provided that person is able to maintain a distance of at least six feet from persons seated at other tables, and provided this distance restriction is enforced by the restaurant or other establishment;

7. When an individual has a medical condition, mental health condition or disability that prevents wearing a Face Mask;

8. When any party to a communication is deaf or hard of hearing and not wearing a Face Mask is essential to communication;

9. While obtaining a service that requires temporary removal of the Face Mask, such as dental examinations;

10. When necessary to confirm the individual's identity;

11. When federal or state law prohibits wearing a Face Mask or requires the removal of a Face Mask;

12. When requested by a law enforcement officer;

13. When requested by a medical provider, including emergency response personnel;

14. When in a business/commercial/office setting and not within six feet of any other person; provided however, when moving from place to place in a business location where the person cannot maintain at all times a distance of six feet from all other persons a Face Mask shall be worn.

SECTION 6. **Enforcement.** A person who has been convicted of a violation of this ordinance may be sentenced to pay a fine which does not exceed fifteen dollars ($15.00) for an individual and one hundred dollars ($100.00) for a business, government or non-profit entity of any kind. For a business, government or non-profit entity, each violation of the requirements of this ordinance by an individual within or working for the entity shall be a separate violation for the business, government or non-profit entity.

SECTION 7. **Severability clause.** If any provisions, sections or portion of this ordinance is found or determined by a court for any reason to be invalid or unenforceable, those provisions shall be severed from the remaining portions of this ordinance, which shall remain effective in the absence of any invalid or unenforceable provisions.

SECTION 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. This ordinance shall be in full force and effect from and after the 23rd day of November, 2020 and shall remain in effect until two of the following three factors are determined for four consecutive weeks by the City of Washington Emergency Management Director:

1. The fourteen day running average of new daily cases is less than 25 cases reported by the Franklin County Department of Health;

2. The fourteen day running average hospital admissions within Franklin County is flat or decreasing compared to the previous fourteen days reported by the Franklin County Department of Health;

3. The fourteen-day running average of COVID deaths is flat or decreasing compared to the previous fourteen days reported by the Franklin County Department of Health.

These determinations shall be calculated every Monday beginning on the 30th day of November 2020.

Passed: _____

ATTEST: _____ _____
City Clerk President of City Council

Approved: _____

ATTEST: _____ _____
City Clerk Mayor of Washington, Missouri

14282757.v1

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Mary Trentmann

From: Keith Kovis <keithkovis@gmail.com>
Sent: Tuesday, November 17, 2020 4:07 PM
To: Mary Trentmann
Subject: Mask

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call NOC Technology if you have any questions at 314.500.1000

This has gone far enough. Quit pacifying complainers about mask. With the high rate we have in Washinton, if one life or sick episode is avoided it is worth it. Just ask those families that have been affected. Mask should be worn and no warnings for people that doesn't wear them.
Wear the damn mask!

Sent from my iPhone

Sherri Klekamp

From: JotForm <noreply@jotform.com>
Sent: Tuesday, November 17, 2020 6:39 PM
To: Sherri Klekamp
Subject: Re: Mayor's Action Center

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Mayor's Action Center

Name:	Greg Thornton
Email:	gregory_1313@yahoo.com
Phone Number:	(636) 3580921
Problem (4500 Character Limit):	I hear the council has their mind made up to pass a mask mandate Monday. This action is in direct opposition of the will of the voters, who the councilman were elected to represent. Many are wary of fighting with these little Tyrants in Washington, however, not one person I know of who was opposed to the mandate the first time has changed their mind. This is government over reach to the tenth degree. It is not as if they are requiring fitted N95 masks, they just want to force us to cover our face so they can say they did something. This is not about health, its about control. Where does it stop? Will they next be trying to close down small businesses again, allowing large corporations to benefit? Will they be forcing people to be vaccinated for Covid and show their papers to enter any public place in Washington? These draconian measures are what I would expect in a communist nation. We will never comply with these unconstitutional laws. The city councils power does not supersede my constitutionally guaranteed rights under any circumstance. Washington will be nothing more than a drive through on my daily commute from now on, as there are plenty of places for me to do business locally that won't require me to cover my face. Goodbye Washington. Regrettably,

Greg Thornton

You can edit this submission and view all your submissions easily.

Sherri Klekamp

From: JotForm <noreply@jotform.com>
Sent: Tuesday, November 17, 2020 9:34 PM
To: Sherri Klekamp
Subject: Re: Mayor's Action Center

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Mayor's Action Center

Name:	Ken Wison
Email:	kw@yahoo.com
Phone Number:	(636) 6825632
Problem (4500 Character Limit):	I understand part of the council's purpose is to speak for the ppl so we do not have to vote on everything, but apparently since we want to keep PUSHING this issue maybe we should hold a special voting session of the CITIZENS, not the council. See what the PEOPLE want! That end this issue once and for all either way!

You can edit this submission and view all your submissions easily.

Sherri Klekamp

From: JotForm <noreply@jotform.com>
Sent: Wednesday, November 18, 2020 9:01 AM
To: Sherri Klekamp
Subject: Re: Mayor's Action Center

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Mayor's Action Center

Name:	Mike Shipley
Email:	mchlshipley@gmail.com
Phone Number:	(314) 2251201
Problem (4500 Character Limit):	Just writing to urge the mayor to use whatever education she has been exposed to when the council meets to vote on a mask mandate. Don't let uneducated hayseeds rule the day. Do the common sense thing. Forcing use of a mask in public is really not a burden on anyone, no matter what right wing morons say. That is coming from someone who has voted Republican consistently for the last 35+ years, but is beginning to regret that decision earlier this month.

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