

August 17, 2020

The regular meeting of the Decorah City Council was called to order by Mayor Borowski at 5:45 p.m.

The meeting was held in the Council Chambers and electronically for those that meeting in person was impossible or impractical due to COVID19 regulations.

The meeting was opened with the Pledge of Allegiance.

Members present: Emily Neal, Ross Hadley, Kirk Johnson, Andy Carlson, Steve Luse, Johanna Bergan, Randy Schissel.

Steve Kelsay, 500 Center Ave., requested consent agenda Item H be removed for separate discussion. Councilperson Schissel made the formal request.

Motion by Luse, second by Carlson, to approve the consent agenda as revised.

- a. Minutes of the August 3, 2020 council meeting
- b. Claims
- c. Renewal Class C Liquor License for Rubaiyat including Sunday Sales, Outdoor Service Area, Catering and Living Quarters privileges
- d. Renewal Class C Beer permit for Oneota Co-op including Class B Wine and Sunday Sales privileges
- e. Renewal Class E Liquor License for Walmart including Class B Wine, Class C Beer and Sunday Sales privileges
- f. Consider Professional Services Agreement with Erdman Engineering for design and construction of Pole Line Road Bridge
- g. Consider a Site Plan Review re: Goose Island Drive, *Decorah Community Schools – Softball Complex Renovations*
- h. Consider C-3 Commercial Design Review re: 709 Water Street, *ArtHaus – paint murals on North and East sides*  
-Removed Bird announced address of building is 107 W. Broadway.

Roll call vote. All voting aye. Motion carried.

Item H Consideration of C-3 Commercial Design Review at 107 W. Broadway, Art Haus murals north and east sides was opened for discussion.

Steve Kelsay, 500 Center Ave., stated the Historic Preservation Commission is against this proposal. They are concerned with the building's proximity to the Downtown and Broadway Historical Preservation Districts. He also voiced concerns with paint adhering to the metal siding. Historic Preservation believes any color of buildings should work in harmony with other building colors and brick/stone/metal should not be painted. He has spoken with three surrounding property owners who are not in favor of the murals.

Shannon Dallenbach Durbin, ArtHaus Director, stated they are purchasing the building and it is not in a historic district. She also noted they would set up a long-term care and maintenance plan.

Councilperson Schissel asked if she had spoken with the surrounding property owners. She stated she had and all three are opposed.

Councilperson Carlson stated he is uncomfortable with misinformation regarding the support of neighboring property owners.

Motion by Luse, second by Bergan, to approve the C-3 Design request. Roll call vote. Voting aye: Luse, Bergan, Hadley, Neal, Johnson. Voting nay: Schissel, Carlson. Motion carried.

Motion by Luse, second by Neal, to approve the use of the parking spot between the bump out and bike rack in front of T-Bocks and Magpie Coffee House.

Councilperson Schissel spoke of concerns with garbage. City crews pick up garbage Friday and Monday. Over the weekend, garbage near Impact Coffee becomes a serious concern. Believes T-Bock's and Magpie should self-police the garbage situation. Additionally, he spoke of concerns regarding a property owner across the street who is using four spots on Winnebago Street plus a dumpster and reserved spot for a contractor on Water Street for their owner personal use. He believes these spots should be opened up for regular parking.

The Mayor called for the vote. Voting aye: Luse, Neal, Bergan, Hadley, Johnson, Carlson. Voting nay: Schissel. Motion carried.

Ordinance 1257 manding the use of face coverings in public places within the city limits of Decorah was introduced and read for the first time.

Mayor Borowski stated it is the States' position that we don't have the authority to mandate this. She is in favor of a citywide campaign to promote mask usage along with issuing a strong recommendation.

The following persons requested letters be read into the official record:

- Jodi Niess, property owner 303 W Water St. – opposed
- Jennifer Ward, Luther College President – supporting
- Numerous Faith Coalition members – supporting

Letters will be kept on file in the City Clerk's office and are a part of these minutes by reference.

Mayor Borowski announced the public will be allowed to speak to this ordinance with a 3-minute limit.

Joann Egge, 501 Winneshiek Ave., stated she was speaking for many neighbors and other groups, read from a prepared statement. She said, in part, this action is insulting, a ridiculous threat and opposes this mandate. Stated this action is seen by most as a power play by a few and is not right.

Jason Madison, 403 W. Broadway, engineer, offered science as a driving factor to base a mandate. He quoted many statics from the CDC and John Hopkins University that does not support this mandate and a vote for it is choosing against science and mankind. He is opposed.

Shawn Devine-Meyer, 1577 Hickory Road, read mask conditions and use directions. He is opposed.

Rich Reiser, 911 S. Mill Street, business owner, believes this is infringing on the right to choose. Should not be mandated.

Scott Carlson, 111 E. Water Street, understands the use of a mask if you cannot socially distance. Believes there is no merit to this, it's insulting and infringes on rights.

Marta Kelsay, 500 Center Ave., stated she recently had cataract surgery and the mask causes her eyes to burn. She wondered about public protests and costs to protect those involved. She wonders who should have a mask on and who shouldn't. Believes we have a right to choose. She also questioned the legal footing of the city implementing such an ordinance.

Councilperson Carlson noted there seemed to be much confusion about what the proposed ordinance says or doesn't say. The Ordinance was read in its' entirety.

Joe Hammel, 108 West Water Street, business owner, stated he will not be wearing a mask. He does not require it in his store and does not agree with this ordinance.

Deb Monson, 109 Monroe Street, wondered if this is for education, who is going to write the tickets and when does she get to see a judge to test this.

Bobbi Frederick, 1303 Michael Drive, asked who is going to enforce this ordinance. Who governs exceptions? Who decides? Would he be discriminated against because of his conditions? Is this a mandate for sports and which ones? Would the council come back to the council chambers for meetings if this ordinance passes?

Carol Bentley-Iverson, 815 Ravine Street wondered who is going to defend this through the courts. Is this ordinance legally sound? Who defends the City?

Doug Bryce, 603 Day Street, questioned how we are able to pass this tonight but yet the Mayor has to write to the Governor for permission to do it. He stated we have financially hurt our hospital; it's insulting to residents and the reasons don't stand. Wondered when it stops.

Randy Iverson, 606 Stanwood Dr., it is a poor choice of words to "educate the public". Said the City must now post signs at the entrances to town to designate there is a mandate. Seems the council is talking down to residents. He is opposed.

Councilperson Schissel doesn't feel we should regulate business. He will stand by his vote to support the Winneshiek Co. Board of Health decision as stated in Resolution 3113 which was unanimously passed by council. He believes we should work with Luther College to have events to help keep students on campus the first two weeks.

Councilperson Hadley supports the mandate and likened it to the non-smoking ordinance passed years ago. He does not want to be shut down again. He noted teachers are concerned about school starting.

Councilperson Luse also spoke of second-hand smoke and believes this supports the school and retail community. We should do this.

Councilperson Carlson stated this isn't anything anyone wants to do. With the return to school it's better to be safe than sorry. He noted 34 states have issued mandates.

Councilperson Bergan believes government does have a role to play. We need to provide early intervention of a public health crisis. We should model the same behavior we expect of our children and be proactive to our citizens and visitors.

Councilperson Neal stated we should be proactive and err on the side of caution and that community leaders have asked us to help make people wear masks.

Councilperson Johnson is not convinced we are going to crush this without a vaccine. Believes a global pandemic overrides peoples' rights and is a small price to pay to prevent shut downs.

Motion by Luse, second by Bergan to approve the first reading of Resolution 1257. Roll call vote. Voting aye: Luse, Bergan, Neal, Carlson, Hadley, Johnson. Voting nay: Schissel. Motion carried.

Meeting adjourned on motion.



Wanda Hemesath, MMC  
City Clerk, Tr.