

August 21, 2020

The special meeting of the Decorah City Council was called to order by Mayor Borowski at 7:00 a.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. There were 91 people in attendance via Zoom and more than 25 attending in person.

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

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

Mayor Borowski stated there would be time for public comment. Requested comments be limited to three minutes.

Rich Reiser, business owner, 911 S. Mill St., stated many people are disappointed with the previous meeting. It appeared the council did not care what people thought. Council was elected to represent citizens – not dictate to them.

He presented a petition with close to 500 signatures. These signatures were obtained within 36 hours. Believes people are willing to wear masks but don't like being told they have to. This is hurting the business community and wonders who is going to pay their lost revenue. He understands and agrees with wearing masks but council should follow the recommendation of public health.

Renee Carlson, 111 Water St., business owner, stated the day after the first reading passed, she had three good clients say they won't shop in Decorah again. Her business is down 45%. Spoke of a client the past day that almost passed out from wearing the mask in her store. She encouraged the council to not mandate this.

Doug Bryce, 603 Day St. spoke of the contradictions in the ordinance. There is no educational initiative in the ordinance, only commands, threats, and penalties. He sees this as inconsistent with State law. Voluntary compliance has been working superbly well.

Harlan Satrom, 402 Upper Broadway, has concerns with tourism and economic development. Believes people come here for the beauty of our area, for our trails and other assets which we need to promote. This mandate will not help that effort.

Councilperson Neal stated this is an education mandate and reviewed the compliance steps. Believe this will allow people to come here and residents to get together. Stated some business want the mandate and feel the mandate will help that divide.

Linda Silber, 722 Ridge Road, stated they had been on vacation in New Mexico where there is a mandate and it works very well. Thinks the penalties should be much more severe.

Tim Borseth, 1002 Woodside Court, does not want to see violent conflict over this. Believes residents want to do the right things but don't want to be mandated to do it. This is about freedom to make our choice and that civil liberties are being threatened. Appealed to the council to abandon this and to replace with a coordinated effort with churches, school, business, and others to encourage the use of mask wearing.

Jody Meyer, 409 Montgomery St., sees a division over this and believes we are at a crisis point with this mandate. People don't like being told and to say this is not political is not true. We need to come together to address this crisis instead of having it divide our community.

Carol Bentley-Iverson, 815 River St., read from a CDC release that talked about how positive tests could be from the common cold or having immunities in your system. Current death rates are around .02%.

Daryl Hovden, 2861 Clay Hill Road, stated he received more than 800 comments on his Facebook against this mandate after his post Monday evening. He was since visited businesses in Waukon. Was told by several business people that our Mayor and City Council were the best sales people they have. This is driving business out of Decorah. Believes this is driven by Luther rather than the community.

Samantha Friederick, 1303 Michael Drive, stated she is saddened and disappointed by everything happening in our community. Agrees with wearing a mask as needed. This mandate has woken up the mother bear in her. Her children can't play in the playground in her backyard without a mask. We are not a big city. We should be following the recommendation from public health and the CDC.

Mayor Borowski requested the following addition to the ordinance for clarity.

#10 The following regulation is not intended to be punitive or stigmatizing and is in the best interest of health, safety and economic recovery. Public education regarding the importance of wearing a mask to mitigate the spread of COVIC-19 shall be a primary purpose. Enforcement: Any individual violating this order shall be subject to a municipal infraction with the following:

- I. Verbal Warning for the first offense
- II. Written warning for the second offense
- III. \$10.00 fine for third and all subsequent offenses

Councilperson Schissel asked Attorney Anderson if he had written the ordinance and questioned the city's legal standing to impose a mandate. Anderson responded saying it was a group effort of councilmembers. He further said there have been two unofficial attorney general opinions that give broad powers during state emergencies to the governor. It is questionable if Home Rule applies in this situation. It may be an uphill fight but is perhaps defensible. We will not know until the courts decide.

Schissel questioned if this will apply to buildings not open to the public such as St. Benedicts School which has already made their plans for protecting students. Would like to add an exemption for all schools. He has no issue with a business who require a mask – there is no problem with that. This mandate has exploded since Monday night.

Motion by Luse, second by Neal to approve the second reading with the language proposed by Mayor Borowski.

The Mayor implored the council to give her time to work with business, schools, community members and others to put together an educational program encouraging and strongly recommending the use of masks. This should be educational. She has not seen this much division in the community in her three years as Mayor.

Councilperson Neal responded saying we are in a public health emergency. We need to be nimble enough to accept changes and doesn't believe we have 100% community participation.

Councilperson Johnson stated he has been following this issue very closely. 48 counties have been recommended to initiate a mandate. We may not be a large community but we are a college town with a lot of people coming here.

Councilperson Hadley stated he has been listening to a lot of comments since Monday evening. His personal opinion is we should have a mandate but will vote no unless there is a review date included. He is bothered that people can't go from voluntary to mandatory without this kickback. We are doing this for our schools and Luther College.

Mayor Borowski reminded the council they approved a Resolution stating they would support the decision of the Winneshiek County Board of Health. We have not done an organized campaign to encourage participation. Business is being severely affected. Would like the opportunity to work with those who signed the petition to accomplish this without a mandate.

Councilperson Neal stated that opportunity has passed. Science says we should be wearing masks.

Councilperson Bergan spoke of the important timing as school is reopening soon. Statistics say there is community spread happening. If rates go up there could be the chance of death and the school going back to online learning. It's better to be safe than sorry. We should move forward as time is limited and suggested review November 15.

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

Motion by Bergan, second by Neal, to waive the third reading and adopt. Roll call vote. Voting aye: Luse, Neal, Bergan, Carlson, Hadley, Johnson. Voting nay: Schissel. Motion carried.

Meeting adjourned on motion.



Wanda Hemesath, MMC  
City Clerk, Tr.