

July 6, 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.

Immediately prior to the start of the meeting, it was discovered the wrong Zoom meeting information had been included on the agenda, although the correct Zoom meeting information was included on all published notices of public hearings. Prior to the meeting start, the City Manager sent out a mass email to members of the public correcting the Zoom meeting information and Decorahnews.com posted the correct information on its website. At the start of the meeting, it was recognized two members of the media were physically present at the meeting, along with several members of the public. In addition to city council members and city staff, members of the public and at least one additional member of the press were able to connect, to the Zoom meeting, prior to the public comments.

The city attorney discussed whether the meeting was properly noticed in compliance with Iowa law. Although the agenda was posed giving notice of the date, time and place of the council meeting, the incorrect Zoom information raises questions of whether the public was properly notified of how to connect and participate in the meeting and the public hearings. It was noted by the city attorney electronic participation in meetings due to the pandemic is creating new legal issues which have not been addressed by courts, but the physical meeting was open to the public and pres. Steps were immediately taken to reasonably notify the public and the media of the correct Zoom information to participate in the meeting. By the start of the meeting, members of the public and media were in attendance, both physically and electronically. The city attorney advised there are reasonable arguments the public was reasonably notified of how to participate in the meetings, although it is uncertain how a court will view the matter. The mayor then decided to proceed with the meeting. During the meeting, Zoom participation peaked 35 at participants.

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.

Jaremy Kotta , WHKS, reviewed the 2020 City Bridge Inspection Report.

Fouad Daoud, WHKS, gave a presentation on their bridge qualifications and reviewed past projects completed for Decorah and Iowa DOT.

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

- a. Minutes of the June 15, 2020 council meetings
- b. Claims
- c. Renewal Special Class C Beer/Wine License for Koreana including Sunday Sales
- d. Renewal Class C Liquor License for LaRana
- e. Expanded outdoor service area for Pulpit Rock Brewing
- f. Renewal Class C Liquor License for Roscoes including Outdoor Service Area and Sunday Sales
- g. Renewal Class C Liquor License for Impact Coffee including Sunday Sales
- h. Special event application for Decorah Chamber of Commerce Ridiculous Days, Saturday, July 18, 2020; 7:00am to 5:00pm
- i. Special event application for VFW, Steak Fry Fund Raiser, July 26, 2020; 8:00am – 6:00pm
- j. Resolution 3100 approving FY21 28E agreement with Winneshiek Co. for shared Law Enforcement Center space
- k. Resolution 3102 setting August 3, 2020, 5:45 pm as the date and time for a public hearing on plans/specs, form of contract and taking of bids for Library Improvement Project
- l. Resolution 3105 authorizing and approving a certain Loan Agreement, providing for the issuance of \$6,420,000 GO Corporate Purpose Bonds, Series 2020A and providing for the levy of taxes to pay the same
- m. Resolution 3106 authorizing and approving a Loan Agreement, providing for the issuance of \$3,180,000 Taxable General Obligation Refunding Bonds, Series 020B, providing for the levy of taxes to pay the same and approving an Escrow Agreement for the investment of bond proceeds
- n. Resolution 3107, a resolution approving petition and waiver agreements for the 2020 Court Street and Broadway Improvement Project
- o. Resolution 3108, setting a date for a public hearing for the 2020 Court and Broadway Street Improvements
- p. Resolution 3109, setting a date for a public hearing for the Dry Run Plaza park project
- q. Consider Professional Services Agreement with WHKS for construction of Pole Line Road Bridge

Roll call vote. Voting aye: Luse, Carlson, Bergan, Neal, Hadley, Johnson. Voting nay: Schissel. Motion carried.

Mayor Borowski questioned Schissel on what he was opposed to. Schissel stated he is opposed to the June 15 minutes regarding the correction of the June 4 meeting minutes.

This being the time and place for a public hearing on the proposed plans/specs, estimate of cost, proposed form of contract and awarding the bid for the construction of the Commerce Drive-Decorah 2020 Street Improvement Project the hearing was opened.

No public comment. The hearing was closed.

Motion by Hadley, second by Luse, to adopt Resolution 3110 approving a petition and waiver agreement for the Commerce Drive Decorah 2020 Street Improvement Project. Roll call vote. All voting aye. Motion carried.

Motion by Luse, second by Neal, to adopt Resolution 3111 approving the plans/specs, estimate of cost, proposed form of contract and awarding the bid for the construction of the Commerce Drive-Decorah 2020 Street Improvement Project to Wicks Construction - \$147,238.10. Roll call vote. All voting aye. Motion carried.

This being the date and time for a public hearing to grant a right-of-way easement with Mi-Energy for the airport the hearing was opened.

No public comment. The hearing was closed.

Motion by Bergan, second by Carlson, to adopt Resolution 3103 granting a perpetual utility right-of-way easement with Mi-energy for the Decorah Municipal Airport. Roll call vote. All voting aye. Motion carried.

This being the date and time for a public hearing on a water tower lease for 911 Board communications equipment the hearing was opened.

No public comment. The hearing was closed.

Motion by Schissel, second by Bergan, to approve Resolution 3101 granting a water tower lease for 911 Board communications equipment. Roll call vote. All voting aye. Motion carried.

This being the date and time for a public hearing on a proposed Alliant Energy Franchise Agreement the hearing was opened.

City Manager Bird read a prepared statement from Jody Niess supporting approval of the franchise agreement.

Collins Aerospace submitted a letter in support of approval of the franchise agreement.

Both statements are on file in the City Clerk's Office.

There being no further public comment, the hearing was closed.

Councilperson Luse stated Alliant won't do anything but an initial five-year window. Doesn't believe that is negotiating in good faith.

Short discussion was held on implementing the franchise fee.

Ordinance 1255 approving the Alliant Energy Franchise Agreement was introduced and read for the first time. Motion by Johnson, second by Hadley, to approve the first reading. Roll call vote. Voting aye: Johnson, Hadley, Schissel, Bergan, Neal, Carlson. Voting nay: Luse. Motion carried.

Ordinance 1250 approving the rezoning request for rezoning the Downing Commercial Subdivision, 172 Ave parcel(s) from A-1 Agriculture to C-1 Highway Commercial and Scenic View Estates Subdivision from A-1 Agriculture to R-3 Multiple Family Residential was introduced and read for the second time. Motion by Schissel, second by Bergan to approve the second reading. Roll call vote. All voting aye. Motion carried.

Motion by Schissel, second by Bergan, to waive the third and final reading thereby placing the ordinance on its' final adoption. Roll call vote. All voting aye. Motion carried.

Ordinance 1251 approving the proposed amendments to Chapter 15.04 Design Criteria was introduced and read for the second time. Motion by Luse, second by Hadley to approve the second reading. Roll call vote. All voting aye. Motion carried.

Motion by Luse, second by Carlson, to waive the third and final reading thereby placing the ordinance on its' final adoption. Roll call vote. All voting aye. Motion carried.

Ordinance 1252 repealing the Low Rent Housing Agency – Chapter 2.32 was introduced and read for the first time. Motion by Bergan, second by Schissel, to approve the first reading. Roll call vote. All voting aye. Motion carried.

Motion by Schissel, second by Carlson, to waive the second and third readings and place the ordinance on its' final adoption. Roll call vote. All voting aye. Motion carried.

Ordinance 1253 repealing Chapter 17.48 – Building Moratorium was introduced and read for the first time. Motion by Luse, second by Hadley, to approve the first reading. Roll call vote. All voting aye. Motion carried.

Motion by Hadley, second by Johnson, to waive the second and third readings and place the ordinance on its' final adoption. Roll call vote. All voting aye. Motion carried.

Motion by Luse, second by Hadley, to adopt Resolution 3104 approving the negotiation and acquisition of temporary construction easements from property owners for the 2020 Locust Road Improvement Project. Roll call vote. All voting aye. Motion carried.

Meeting adjourned on motion.



Wanda Hemesath, MMC
City Clerk, Tr.