

May 3, 2021

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: Ross Hadley, Andy Carlson, Steve Luse, Randy Schissel, Steven Zittergruen, Kirk Johnson.

Absent: Emily Neal

Carly Hayden Foster, MEU Task Force Chair, reviewed their activities to date.

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

- a. Minutes of the April 19, 2021 meeting
- b. Claims
- c. Resolution 3183 approving FY21 unbudgeted transfers
- d. Resolution 3184 setting June 7, 2021 as the date/time for a public hearing on a tobacco violation for Backwater Spirits
- e. Renewal Class C Liquor Dixies Biergarten including Sunday Sales and Outdoor Service Area privileges
- f. Special Event Application for Loop de Loop Half Marathon, Sept 18, 2021, 6 am – Noon
- g. Request from Winn Co Republicans to use 2 parking spots at 208 W Water St for a Spring Fundraiser, May 8, 10 am to 2 pm
- h. Renewal Class C Liquor License Good Times including Sunday Sales and Outdoor Service Area privileges
- i. Resolution 3186 resetting May 17, 2021 as the date/time for a public hearing on the proposed FY21 budget amendment

Roll call vote. All voting aye. Motion carried.

This being the date and time for a public hearing on the plans/specs, form of contract and taking of bids for the 2021 East Main St. Improvement Project the hearing was opened.

No public comment. The hearing was closed.

Motion by Luse, second by Hadley, to approve Resolution 3185 approving the plans/specs, form of contract and awarding the bid to Skyline Construction - \$1,039,951.93. Roll call vote. All voting aye. Motion carried.

Motion by Schissel, second by Johnson, to approve the City Manager Position Profile and Advertising Plan. Roll call vote. All voting aye. Motion carried.

Motion by Hadley, second by Zittergruen, to approve an Engineering Agreement with Erdman Engineering for construction staking, surveying, design questions, etc. for the 2021 Valley View Drive St. Improvement Project. Roll call vote. All voting aye. Motion carried.

Motion by Zittergruen, second by Luse, to approve an Engineering Agreement with Erdman Engineering for construction inspection and staking services for East Main St. Improvement Project. Roll call vote. All voting aye. Motion carried.

Ordinance 1272 creating Chapter 15.12, Building Codes was introduced and read for the third time. Motion by Luse, second by Johnson, to approve the third reading placing the ordinance on its' final adoption. Roll call vote. All voting aye. Motion carried.

Approval of the application and process for Right-of-Way Dining and Sidewalk Retailing Permit use was opened for discussion.

Jim Juve, 503 Locust Rd, stated he has no problems with a restaurant blocking the front of their business for outdoor dining but shouldn't be allowed to take spots in front of other business. He requested Council be respectful of other businesses close to restaurants.

Councilperson Zittergruen stated the Chief of Police requested to be put on the permit approval process.

Staff recommended requiring \$12,000,000 as the insurance liability limit for use of parking spaces for dining and adding the city as an additional insured. \$12,000,000 is the limit recommended by ICAP, the city's property/liability insurance carrier.

Councilperson Schissel stated his agreement with following the advice of the insurance company. He is concerned with the number of spaces this will take. He stated he was driving through town noon, Saturday. There were only 1 or 2 open parking spaces between Kephart's and the Co-Op including the side streets.

Councilperson Hadley stated setting insurance limit at \$2,000,000 is more than we require now.

Attorney Anderson cautioned against ignoring advice from our insurance carrier and that we want to shield ourselves from liability. Streets/parking spaces are not designed for outdoor dining.

Councilperson Carlson stated restaurants are very vulnerable right now. Believes if we can get people down town they may visit other stores.

Motion by Zittergruen, second by Hadley to approve the application/process as presented with the following changes: \$2,000,000 liability limit, adding language to reflect if a second space is requested it must go to council for approval, add the Chief of Police to the approval process and add language to require applicants to properly dispose of their own garbage. Roll call vote. Voting aye: Zittergruen, Hadley, Johnson, Carlson. Voting nay: Schissel, Luse

Motion by Zittergruen, second by Schissel to revoke curbside pickup spot privileges. Roll call vote. Voting aye: Zittergruen, Schissel, Johnson. Voting nay: Carlson, Luse, Hadley. Motion fails.

In an effort to protect the city, staff is recommending an increase in the insurance limit from the current \$1,000,000 to \$12,000,000 for use of city right-of-way. Limit has not been increased for many years. \$12,000,000 is recommended by the city's insurance carrier. Staff would further recommend codified limits be rescinded and reset by resolution as is systematically being done with all city fees. City Clerk, Tr. Hemesath stated there are some uses that may be at lessor levels depending on the requested use of the right-of-way or other city property.

General consensus to specify the various sections of the code to be updated. Councilperson Carlson requested information on insurance limits for our comparable cities.

Discussion was held on Establishing and Communicating Benchmarks for Mask Mandate Revocation. Councilperson Zittergruen suggested establishing 70% vaccination rate as a benchmark for the mandate to be revoked. Currently, 56% of eligible adults have been vaccinated.

Councilperson Luse stated we need to think beyond Winneshiek Co. due to increased tourism. Believes we should look at state levels.

Councilperson Johnson questioned the accuracy of the numbers. Believes it could be much higher due to out of state vaccinations and other factors.

Motion by Hadley, second by Zittergruen, to discontinue the mandate when 70% rate is reached.

After further discussion Hadley withdrew his motion.

Motion by Zittergruen, second by Johnson, to express intention to discontinue the mandate following vaccination of 11,000 adults in the county or 65%. There have been 9,942 vaccinations to date. Roll call vote. Voting aye: Zittergruen, Johnson, Schissel, Hadley, Carlson. Voting nay: Luse. Motion carried.

Motion by Schissel, second by Carlson, to adjourn to close session pursuant to Iowa Code Chapter 21.5(1)(j) to discuss the purchase of real estate where premature disclosure could be reasonably expended to increase the price. Roll call vote. All voting aye. Motion carried.

Council reconvened to open session.

Motion by Hadley, second by Johnson, to approve reimbursement of \$117,000 to the NE Iowa Fox and Coon Club for their building. Roll call vote. Voting aye: Hadley, Johnson, Schissel, Luse, Zittergruen. Voting nay: Carlson. Motion carried.

Motion by Schissel, second by Zittergruen, to approve the Mayor re-appointment of Haley Jackson and Mark Branum to the Historic Preservation Commission. Roll call vote. All voting aye. Motion carried.

Motion by Zittergruen, second by Luse, to approve the following appointments to the MEU Task Force:

Reginald Laursen

Larry Wilson

Tom Marquardt

Roll call vote. All voting aye. Motion carried.

Meeting adjourned on motion.



Wanda Hemesath, MMC
City Clerk, Tr.