

Pursuant to the due call and notice thereof, the City Council met in special session on March 26, 2020, at 7:00 PM (via Zoom). Those present were Mayor Bill Wuttke, Philip Nagel, Brad Frost, Fran VanBockel, Dawn Nagel, Kelly Archer, and Adam Roseland. Also present were Dave Mogard, Chief of Police, Sheila Schatz, Finance Officer, Michael Larson, City Attorney, and Steven Zuber, EMT/Ambulance Director. Attending the meeting via Zoom from the public were as follows: Molly McRoberts, Julie Schaunaman, Teresa Kilian, Connie Belford, Rena Robbennolt, Rachel Wager, Mark Schatz, Dayle Sundberg, Joshua Zweber, Nichole Archer, Candace DeRouchey, Delton Woodford, Elaine Hanley, Brody Schatz, Joie Jones, Alfred Nagel, Jamie Simon, Kellee Persoon, Elaine Hanley, Deb Osier, Jason Johnson, Justin, and Lu. Three i-phones in attendance were unidentifiable.

Schatz welcomed everyone to the meeting and went over a few instructions via handling the meeting over Zoom.

Mayor Wuttke instructed that via research conducted today, it was discovered that there is an ordinance already in place regarding the Board of Health and Safety entitled Title 8 Health and Safety, Chapter 8.04 Board of Health and Safety, Section 8.04.040 Powers and Duties wherein it states: "The Board of Health shall exercise supervision over the health of the city, with full power to take all steps and measures necessary to promote the health, safety and welfare of the community and to enforce the removal of any nuisance, contagious or infectious disease, vermin, physical obstruction, unsafe or unclean condition, or any other hazard that threatens the health, safety and welfare of the community. The Board of Health shall have the power and authority, upon notice, to enter any premises in the city to inspect and to search for any said condition and shall have the power and authority to quarantine and/or issue citations or criminal complaints against any person failing to remedy said condition pursuant to the penalty and enforcement provisions of Title 8 Health and Safety of this code. (Ord. 0995-3 (part), 1995; 1957 Rev. Ord. §5.0104)." However, in Title 8 Health and Safety, Chapter 8.04 Board of Health and Safety, Section 8.04.010 Composition, wherein it states: "The Board of Health and Safety shall be composed of one alderman from each ward of the city to be appointed by the mayor and confirmed by the council at the first meeting in May of each year. (Ord. 0995-3 (part), 1995; 1957 Rev. Ord. §5.0101)", we currently only have an alderman from Ward 1 and Ward 2. Moved by P. Nagel, seconded by Archer, to ask Mayor Wuttke to appoint Roseland to represent the current Board of Health Committee as alderman from Ward 3. Discussion. All members present voted with a roll call vote as follows: P. Nagel – Aye; Frost – Aye; VanBockel – (not available to vote); D. Nagel – Aye; Archer – Aye; and Roseland - Aye. Motion carried.

Archer asked with Robert Scheckler resigning as the health advisor effective April 13, 2020, how will it be handled in appointing the new health advisor at such time. Mayor Wuttke informed that this appointment will be handled at the April 6, 2020, regular council meeting.

Schatz explained that at the closing of special meeting on Wednesday, March 25, 2020, the Resolution 2020-3-25, Resolution Promoting Health and Safety, was passed and will be published in the newspaper as well as on the city website and/or Facebook effective April 2, 2020. Motion was also passed to have a second special meeting Thursday, March 26, 2020, at 7:00PM to present passing said resolution into an actual ordinance. In light of already having the current ordinance in place, Title 8 Health and Safety, Chapter 8.04 Board of Health and Safety, Section 8.04.040 Powers and Duties, a new ordinance will not need to be proposed.

Discussion was had regarding current Resolution 2020-3-25, Resolution Promoting Health and Safety, which was passed last evening, that possibly the word “casinos” should be amended to “video lottery” wherein we do not have a casino in our community but do have a few video lottery areas within the community. Archer stated concern in the video lottery not being an essential part of the business wherein the sales of gasoline and/or carry out food is. The question of concern in place is does the city want to enforce the extreme measures of closing off the video lottery portion and in-dining portion of said business effective in said Resolution 2020-3-25 with the remainder of said business functioning as normal with gasoline sales and carry out food due to the public gathering guidelines. Archer stated that by doing this, it is a safety measure in getting the public not to gather which in turn is protecting the public. Moved by P. Nagel to amend the current Resolution 2020-3-25 to strike the word “casino” and to not include the word video lottery at all within the resolution. Motion died for lack of a second.

Roseland shared Governor Noem’s executive order for state of emergency and all that it entails. Roseland moved to rescind Resolution 2020-3-25 which was passed on March 25, 2020, with second by P. Nagel. Roseland feels that the current resolution could be replaced with one that follows mostly the phrasing of the executive order along with some of the CDC guidelines. D. Nagel asked to open up discussion to hear from the health officials and/or public in participation of the meeting via Zoom. Public discussion was had. Attorney Larson suggested that the Council needs to decide as a whole whether they want to mandate a blanket closure across whatever businesses they want to include or whether they want to provide the guidelines and mandate specific requirements that they would implement in a business’ practices moving forward.

Mayor Wuttke thanked the public and stated a roll call vote needed to be taken on the motion currently on the floor. D. Nagel asked Mayor Wuttke to read what the current Resolution 2020-3-25 states and what the actual current motion on the floor is and reiterate where that leaves the Council if this were to pass or if it were to fail. Mayor Wuttke reiterated that if the current motion on floor would pass, we would not have a resolution in place at all. Moved by Roseland to withdraw his motion, P. Nagel seconded. Discussion. All members present voted with a roll call vote as follows: P. Nagel – Aye; Frost – Aye; VanBockel – Aye; D. Nagel – Aye; Archer – Aye; and Roseland - Aye. Motion was withdrawn.

Moved by Archer, Frost seconded, to amend current Resolution 2020-3-25 to strike the wording “casinos” and add the wording “video lottery”. Discussion. All members present voted with a roll call vote as follows: P. Nagel – Aye; Frost – Aye; VanBockel – Aye; D. Nagel – Aye; Archer – Aye; and Roseland - Aye. Motion carried.

Roseland wanted to say thank you to the public and everyone involved and reiterate we will continue to know more as time goes by and will have better information to make future decisions with, but it is felt this is the best decision we can make as a group at this point in time. Mayor Wuttke also wanted to thank everyone in the community for joining the meeting with their concerns.

Correspondence: None.

Round Table: None.

Moved by Roseland to adjourn at 8:30 PM, D. Nagel seconded. All members present voted with a roll call vote as follows: P. Nagel – Aye; Frost – Aye; VanBockel; D. Nagel – Aye; Archer – Aye; and Roseland - Aye. Motion carried.

Attest:

Witness

Sheila K. Schatz, Finance Officer
Published at the approximate cost of \$

Bill Wuttke, Mayor