

# LAKEFIELD CITY COUNCIL MINUTES

May 4, 2020

ADOPTED

**CALL THE COUNCIL MEETING TO ORDER at 7:05 p.m.**

**Council Present:** Brian Rossow, Nathan Hall, Bruce Bakalyar, Brent Pavelko,

**Council Via Go To Meeting:** Andrea Monson

**Council Absent:**

**Others Present at Hall:** Kelly Rasche – Clerk, Lance Frerichs – Street, Chad Janssen, Andrew Konechne-Police Chief, Cheryl Ulferts-Finance, Richard Doescher, Mike Chepa, Caitlyn Lillquist, James VanWesten, Sue Jansma, Troy and Janele Unteidt, Jordan Bretzman, Kathy Hohenstein,

**Agenda Approval** – Motion to approve the agenda, with addition, made by **Bakalyar/Pavelko**, voice vote, all yes, motion carried.

**Minutes Approval** – Motion to approve the minutes of April 20, 2020, meeting made by **Hall/Pavelko**, voice vote, all yes, motion carried.

**Accounts Payable** – Motion to approve the payments and the investment and transfer activity, in the amount of **\$447,076.66** made by **Bakalyar/Monson**, voice vote, all yes, motion carried.

## **DEPARTMENT REPORTS – Pg 3 and 28**

**Finance – 1<sup>st</sup> Quarter Review** – Finance Manager Ulferts reviewed the finances of the city for the first quarter of 2020. Departments are generally within the 25% spent of budget for the quarter. No “red flags” for any department at this time.

**Street** – started spraying parks for weeds. Cleaning up brush on north end of trail, near the pool

## **SCHEDULED/UNSCHEDULED GUESTS**

### **Scheduled**

**Caitlin Lillquist – COVID 19 concerns – shared a prepared message for the council.** “I am here today as an advocate and voice for those in our community who are at a high risk to suffer and die from COVID-19. You as politician’s are allowed to have opinions about important matters in our community, but it is your duty to hear the people and their concerns. I know that I am young, and politically inexperienced, but I also know that I care about people and any further decisions we make throughout this pandemic are extremely vital, whether we realize it or not. If we were to go door to door and take a poll from each household and account for those in our town who are either 70 years or older, 6 years or younger, diabetic, a pregnant mother, a current cancer patient, immunocompromised, or living with a suppressed cardiovascular or respiratory system, we would be able to see exactly what percentage of the town’s population is at an increased risk, however, it is disheartening to know that we would need this statistic in order for people to take this matter seriously, the way it should be. I am a realist, not a dramatist or extremist in regards to this pandemic, nor should anyone. I am not encouraging people to stay locked up inside all day, or to disinfect your home from floor to ceiling.

Two things to keep in mind, that should need no elaboration, as they are statements of common sense: One, safety must come first, no questions about it. Two, saying “just stay home” to those who are at a high risk, while others are able to go out and about does not ensure anyone’s safety, even the ones who are choosing to stay home; some of these people still have jobs, and they all need basic necessities to live. I know that it is frustrating that large chain businesses such as Walmart, Target, and Hy-Vee, are open to the public and

thriving right now, but yet our small businesses are not. These businesses are open right now in larger towns, because they are essential. Here in Lakefield, Maynard's grocery store and the Dollar General are open because those are what essential businesses we have at our disposal. Some will argue that "you don't hear of people getting the virus at Walmart, so why can't we open our small businesses?", but with a virus such as this, there is no way of truly determining where you were infected with the virus, but it is very well-known and indicated by health professionals that you are very likely to get this virus in any place of communal gathering. I am well aware that we cannot wait to open our businesses until the virus' activity settles nationwide, as that could very well take months. Worthington, only 25 miles from our town, is one of, if not the largest, hotspot in our state with a total of 1,011 cases as of today. What I am asking of you today is that you be patient. Before we can allow our local businesses to open, we need to wait for 2 things to happen: 1. Wait for a significant decrease in case numbers as a state. 2. Wait for case numbers in Worthington, surrounding counties and our own county to significantly decrease. Patience is key right now, and as we all know, a lot can happen in a week. When it is safer for us to open up our local businesses, we cannot open everything at once. There needs to be guidelines for these businesses to follow, safety precautions must be taken, and only a few businesses should open up at a time. If case numbers increase in our community, then we start over. Although it is important economically to open our small businesses, the fight to open them has been driven by a lot of "want". What do myself and those whom I am advocating for today want? They want to know that they live in a town where they are cared about by their community and its government. These people who are at a high risk are the ones that have voted you into office, because they trust you and trusted you to hear them. What they want is to know that you are listening to them and that you care about their well-being. A handful of these people have strongly encouraged me to speak before you today, not for my own views, but for those whose lives may be in jeopardy due to the potential rash decision making on this matter. It's no secret that money makes the world go 'round, but I thought Lakefield was better than that. I thought we were a town that valued people the most. At the end of the day, if you had to choose between having your family, or having an income, even if it meant being able to put food on the table, which one would you choose? Finances are a rollercoaster throughout life, but you and your loved one's only have one life. I just pray that your wake-up call doesn't come down to a loved one of yours suffering or dying from the virus."

### **Unscheduled**

**Dale Ackermann – Diamond Park MX, LLC (dirt bike/4 wheeler park)** – Asked the council for their thoughts on the operation of the dirt bike/atv racetrack south of Lakefield. The first race is scheduled for the end of May. He is asking, as he has local support and wants to honor that past support with the question. Mayor Rossow shared with Dale that the track is not in city jurisdiction and recommends talking to the county commissioners and the state. He wants to do what the council wishes. Mayor Rossow, the council has no input for him at this time. If races happen will Lakefield welcome the participants of the races. Council had no opinion on the matter.

**Chad Janssen** – Shared COVID 19 current statistics on Jackson County, State of Minnesota. He has a concern with the amount of deaths in long term care facilities. He then shared a prepared statement. Are we are giving up our rights for the common good? When and where people live in fear of the government you have tyranny; where the government fears the people, you have liberty!

"Politicians, bureaucrats, attorneys, and judges would have us believe that too much freedom will cause chaos. Therefore, we should gladly give up some of our RIGHTS for the good of the community. In other words, people acting in the name of government, say we need more laws even if we have to give up some of our RIGHTS in the process. They believe the more laws we have, lead to more control, thus a better society. This theory sounds great on paper, and apparently many of our leaders think this way, as evidenced by the thousands of new laws (permanent or temporary) that are added to the books each year in this country. However, no matter how clever the argument is made, the fact is that wherever you give up a RIGHT you lose a "FREE CHOICE"!

The governor may have deemed them "non-essential" but I know every business and every business owner in OUR city is essential to the continued growth of Lakefield.

In my closing, tonight's topic of Resolution 20-10, you, the council are going to have to make a decision. Do you support your local businesses? OR you are willing to stand by watching them struggle and live through further uncertainty while you continue living in fear?"

**Troy and Janelle Untiedt ~ Body Balance** – Want to be present to share with the council they appreciate the support and the efforts the council is trying with the proposed resolution (20-10) up for discussion later in the meeting. Most businesses are trying to get some business. Their small fitness center has no options for income. Every town is different. Their facility can meet the social distance requirements. A solution would be to “move their fitness center to a Walmart.” The fitness center is a wellness business. They are not being given the opportunity to try and meet the requirements the state and cdc have required for other business to open.

**Mike Chepa** – Understands both sides of the issue, he has underlying issues and is not afraid of the virus. Virus is going to be here forever, we cannot quit living. Open up and deal with the situation as best as we can. No simple answers. Must keep moving.

**Caitlin**, her father is an essential employee, but mom has health risks, at the end of the day he has to come home. She has taken a leave of absence from her job at a nursing home facility because of the potential exposure. Be patient, ease in to life.

**Mike** make process adjustments in the homes.

**Richard Doescher -- VFW**– his business is 30/60 days from closure. What is right or wrong? Is the damage to the economy worth it, at this time? Is there light at the end of the tunnel?

**Pavelko --- Iowa**, per capita has numbers relative to Minnesota, they did not shut down the state, as Minnesota has.

(the Mayor then directed the council to move to the agenda for discussion on the topic later in the meeting)

#### **AGENDA ITEMS:**

- 1. Fire Department Training Program** – The fire department is requesting the council to approve their resumption of trainings. The Fire Chief and other officers feel that they can safely resume skills trainings following Covid 19 protocol and social distancing. They can social distance, can have full PPE on during the training, can wipe handles and tools down after training, empty every other bay to keep our distance. Common sense things. Motion to approve the fire department resuming monthly skills trains made by **Bakalyar/Pavelko**, voice vote, all yes, motion carried.
- 2. Gordy Rademacher-The Shed Chill ‘n Grille** ~ Gordy and Lynda Lou asked the council to consider allowing The Shed Chill and Grille to have picnic tables outside their restaurant for people to use during the COVID 19 limited service time. This area will then be fenced off and become an extension of their dining room and bar services to outside when they are allowed to open their dining room, the space will be fenced and accessed by customers from inside the building, south side. Motion to allow the expansion of the outdoor dining, including liquor serving, made by **Pavelko/Hall**, voice vote, Yes: Pavelko, Hall, Bakalyar, Rossow, No: Monson, motion carried.
- 3. Testing company estimate for RO project** – Testing is needed for the construction of the R.O. addition at the water plant. A quote from American Engineering Testing (AET) was requested and received. The cost estimate is \$5,067. The city has worked with AET in the past. The quote was collected from AET, as the contractor at the project is currently working with AET. If the city works directly with AET, the city will see a cost savings on the testing for the project. Motion to approve the quote from AET made by **Bakalyar/Pavelko**, voice vote, all yes, motion carried.
- 4. SEH proposal to engineer 2020 sealcoat project** – Staff collected a quote from S.E.H. for engineering of a 2020 sealcoat project. The project is divided into two sections. (alt 1 and alt 2). (map provided) Engineering estimate is \$3,200. Motion to approve the Supplemental Letter Agreement made by **Bakalyar/Pavelko**, voice vote, all yes, motion carried.
- 5. Landscape of Welcome to Lakefield signage** – Councilor Monson shared information about replacement of the landscaping around the Welcome to Lakefield signage on the North and South sides of Lakefield. Lakefield Landscape has created a plan and is willing to provide plantings at a

reduced cost. City Staff will need to assist with the project. Motion to do the project, with cost to be determined made by **Hall/Bakalyar**, voice vote, all yes, motion carried.

6. **Tile replacement at the swimming pool** – The pool board met on April 29<sup>th</sup> at the pool. Several tile in the pool have separated from the floor and walls. Staff has been dealing with spot replacement of tile as necessary for several years. Most of the remaining tile has failed. A quote from Floorcoat Midwest to replace the remaining tile and the patchwork repairs for a clean look to the pool in the amount of \$10,584 plus shipping has been received. The company expects this project can be completed (weather permitting) in May. Motion to approve the project with funds from the pool CIP fund made by **Hall/Bakalyar** voice vote, all yes, motion carried.

## **OLD BUSINESS**

1. **Resolution 20-10 Reconsideration** – Mayor Rossow read the resolution aloud for all. Nathan Hall shared that he feels the resolution has no legal binding. The county and the state have the ability to enforce the state mandate. The resolution doesn't protect the businesses from other enforcement entities. The businesses could be fined. It is a \$1,000 fine per occurrence. The council cannot make this decision. Pavelko would like to thank those participating in this situation. He thanked ALL that shared their thoughts. He understands the resolution does not give business the authority to open. Hall stated the businesses **WILL GET FINED**. Pavelko feels the resolution addresses the hypocrisy the order has in place. The executive order picks winners and losers. During today's governor's address he would not give any firm dates for opening. He also stated that opening for a few people in a small business is not conducive to opening. As a community we are stepping out of the way of business to make their decision to open or not. This resolution tells the state the "natives" are getting restless. He respects any vote his fellow councilors make. But he feels the resolution stands up and says **ENOUGH**. Monson shared her feeling we need to follow the governor's orders. We cannot tell Lakefield officer's to not enforce the law. They swore and oath to uphold the law. She asked about another resolution that could be considered. Rossow stated the council should address the resolution from the April 20<sup>th</sup> meeting. He shared information from the Department of Justice US Code Title 18, U.S.C. Section 242. Hall told the Mayor to feel free to argue this to the supreme court. Monson asked Rossow to read the second resolution version. Pavelko feels the second resolution to possibly be considered sends no message. Businesses should be allowed to decide what is best for their business. If you feel this is not right, take a stand. Monson the city doesn't have the power to usurp the power of the governor. Use the lines of communication to plead our case to the governor's office. She is concerned the local hospitals will be overrun. She asked, again, for the second resolution. Pavelko this resolution doesn't overrule the governor's order, it shares the council message of "we disagree". Iowa has opened their restaurants and bars, you can travel 20 minutes to Iowa and have a steak and a drink. Pavelko shared the fact that our local state representation has no authority to make decisions during an executive order. The Walmart in Spirit Lake can have 700 shoppers. Hall is concerned the resolution opens the city to liability. Guest Doescher asked why the city can keep the liquor store open, but bars must be closed. Monson commented to the medical layoffs. The medical layoffs are in the elective areas. The city council doesn't have any power in this situation. We may not like the laws, but our country is based on laws that need to be followed. Hang in together as the community. She will not ask the Lakefield police to not enforce the laws. Rossow the governor's order is not a law, it is an executive order. Pavelko our civic duty is to push back. Rossow spoke with Patrick Tanis Assistant Chief of Staff for Public Engagement and Greater MN Outreach, Governor Walz Administration. He shared information on the effects of the order. The governor's graphic of adjusting the dials. The dials are being adjusted to get people slowly back to work. The dial that doesn't move is the one of family gatherings, religious gatherings, restaurant. Currently you cannot gather at your church, no matter the number of people in the group. The mental despair effecting people today is a need that religion can help with. The first amendment is the right to

assemble and practice religious belief. Rossow asked Tanis a theoretical question of what would happen if a church gathered. Tanis didn't have an answer. Big box stores are allowed to be open, but you cannot have a funeral with more than 10 people. Monson wants business to open, but she is not in favor of saying Lakefield won't follow the governor order. Take it to the governor's office thru lines of communication. She doesn't want local businesses to get fined. Again, requested the second resolution. J. Untiedt asked the council to pass the resolution in a show of support of the businesses. Motion to move to a 10 minutes recess at 8:55 p.m. made by **Bakalyar/Hall**, all yes, motion carried. During the recess, staff shared the second version (20-10b) of the resolution via email to those that request council packets, on screen of the Go To Meeting and handed out copies to those present. The council returned to session at 9:08 p.m. Monson is still concerned about the second resolution. Rossow feels every city and county should pass something in support of the constitution. People should be allowed to choose. Monson doesn't support this coming from the bottom up it should be top down. She would rather hear it from the governor. Will this resolution have any effect on state funding dollars for Lakefield projects? Will this have a negative impact on funding? The resolution asks the governor to let local governments to have authority to decide what is best for Lakefield. Motion to approve Resolution 20-10 made by **Rossow/Pavelko**, voice vote, Yes: Bakalyar, Rossow, Pavelko No: Hall, Bakalyar, motion carried. Resolution 20-10b died for lack of a motion.

## **OTHER BUSINESS**

### **INFORMATIONAL ITEMS**

#### **1. Other Board and Committee Reports**

- i. Pool Board met and discussed the opening date, but no open date has been decided. As much maintenance as possible will be done while in waiting.

#### **2. School Information as available**

### **ANNOUNCEMENTS**

#### **1. Next council meeting Monday, May 18, 2020, at 7:00 p.m. in City Hall.**

**CLOSED SESSION** – The council will move to closed session to discuss a property transaction. The property is located at 332 Main Street. If action is needed the council will return to open session for that action.

Motion to move to closed session at 9:20 p.m. made by **Pavelko/Bakalyar**, voice vote, all yes, motion carried.

Motion to move to open session at 9:38 p.m. made by **Bakalyar/Hall**, all yes, motion carried.

Motion to approve Resolution 20-11 made by **Bakalyar/Hall**, voice vote, all yes, motion carried.

Motion to close the meeting at 9:40 p.m., made by **Bakalyar/Pavelko**, all yes, motion carried.

**Attest:**

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**Kelly R. Rasche, Clerk**

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**Brian Rossow, Mayor**