

MINUTES OF THE COMMON COUNCIL MEETING HELD VIA ZOOM MEETING ON THURSDAY,
APRIL 1, 2021

A. Call to Order & Roll Call

The meeting was called to order by Mayor Neitzke at 5:02 p.m.

Present: Denise Collins, Bruce Bailey, Karl Kastner, Pamela Akers, Shirley Saryan

Also present: Brian Sajdak, City Attorney; Scott Jaquish, Parks & Recreation Director;
Darren Rausch, Health Officer/Director; Jennifer Goergen, City Clerk.

B. New Business

1. Discussion and action related to wearing of masks within city facilities (Sajdak)

Mayor Neitzke said the Wisconsin Supreme Court invalidated the mask mandate. That leaves us in a position where there isn't a mask mandate in the City.

The city needs to determine its policy. He thinks masks should be required in City Hall and in the city's indoor facilities. Today we had 300 people getting their second COVID shot, many of them within a higher-risk population. There is an election next Tuesday, with many of the election workers also being part of the group more at risk.

Ald. Akers asked about the farmers market that is outdoors, which starts in May typically. People are in close quarters there.

Mayor Neitzke said there is some potential concern about whether his emergency powers can be extended beyond May 5. He feels there is a distinction between essential business where the public needs to come to city hall to conduct business, and other events. You can't make people assume a risk in order to do their city business. There are other events like softball games, Amp events, Jansen Fest, and the July 4th celebration, that are discretionary, non-essential events. If you don't think it's safe, you probably shouldn't do it. Masks should be required inside city buildings where essential business is conducted; masks should not be required outdoors for discretionary events like the Farmer's Market.

Mayor Neitzke said another component is employee safety. Not every employee chooses to get vaccinated. The city can't require employees to be vaccinated. The city also can't require that only unvaccinated employees wear masks. He believes employees working at outdoor events should be required to wear masks, at least until May, and see how it goes. COVID cases are nudging up again. Nobody knows yet how serious that indicator is.

Ald. Akers asked about police and fire personnel. She assumes they would be required to wear masks outside on calls?

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Mayor Neitzke said emergency services employees should wear masks when they are in contact with the public.

Aldersperson Bailey asked about how the mask requirement would apply at elections.

City Clerk Jennifer Goergen said per the Wisconsin Election Commission, voters cannot be required to wear masks so as not to infringe on their voting rights. But most people are wearing masks at the polls. Election workers will all be wearing masks.

City Attorney Brian Sajdak said the resolution would not need to be changed to accommodate that. The resolution establishes our expectation that masks are worn; obviously, in a polling place the city could choose not to enforce the requirement in that particular circumstance. There is discretion any time that you are dealing with enforcement issues.

Aldersperson Bailey said that would be fine as long as the City Clerk's office knows it cannot require voters to wear masks.

Ms. Goergen said that policy has been in place ever since COVID hit and election workers have been trained on it.

Ald. Kastner made a motion to adopt Resolution No. 3794 as presented.

Mayor Neitzke said the resolution does not include every caveat.

Attorney Sajdak said the resolution requires the Human Resources Director, Health Director and City Attorney to implement specific rules for employees consistent with the CDC and OSHA guidelines.

Mayor Neitzke asked how the resolution would apply to other situations, such as "non-essential" indoor events like art classes at the Community Center, and rentals of the Community Center for private events.

Attorney Sajdak said under the resolution, masks would be required within City buildings. It is unlikely the requirement would be enforced for a private party at the Community Center, as it would be up to the renters to decide. Masks would be encouraged at outdoor places like the Amp, but not mandated. Specific rule-setting under the ordinance would be done in respect to employees, guided primarily by the CDC and OSHA guidelines.

Mayor Neitzke said he does not think mask wearing should be required for art classes or for private events held in a city building like the Community Center. It should be encouraged, but not required.

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Aldersperson Akers said not requiring people to wear masks could subject employees to risk.

Ald. Bailey asked how this would impact the library?

Mayor Neitzke said this would not impact the library; the library board decides its own policies, per state law, even though it is a city building.

Ald. Akers asked how Parks and Recreation Director Scott Jaquish feels about this [in respect to the parks and the community center]?

Mr. Jaquish said the Amp and Konkel Park volunteers serving drinks are behind plexiglass. Volunteers or employees working there are required to wear masks. They did lose some volunteers who did not want to wear masks. Adult softball registrations are down, about 30 teams. They tried to poll surrounding areas today [after the Supreme Court decision] and most said they would not require players or umpires to wear masks. The umpires are usually the one employee on the field. As far as community center rentals, they have lost many events "and tens of thousands of dollars" due to mask requirements and attendance size limitations due to social distance requirements. He said it makes sense for employees to wear masks when tending to events, and for instructors to wear masks.

Aldersperson Akers said she thought enforcement could be a little lax at the Community Center, but she thinks employees should be required to wear masks.

Mr. Jaquish said people ask when inquiring about classes about whether masks will be worn. They can't say "yes, but..."

Mayor Neitzke said there isn't enforcement of the mask mandate anywhere, except maybe in City Hall.

Mayor Neitzke said his position is that masks should be required in City Hall during regular business hours. If you are offsite at a school building, their rules should apply. If it is not essential, masks should not be required.

Aldersperson Akers seconded Aldersperson Kastner's motion.

Mayor Neitzke asked if there could be an exception to the requirement for private rentals at the Community Center?

Aldersperson Kastner said he thinks the city loses control over it when they rent it out.

Attorney Sajdak said if you put in an exception for the private events at the

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Community Center, you lose teeth [for enforcement]. You couldn't cover all of the potential scenarios that could arise. It would be better to simply exclude the community center from the mask requirement.

Alderperson Akers asked if we could require them to get a waiver if they did not want to wear masks at a private event. Then the Parks and Recreation office could examine whether other events would be going on at the same time at the Community Center.

Mr. Jaquish said it's rare to have multiple private events in the building at the same time.

Alderperson Akers said a waiver would give the city some control.

Mayor Neitzke said he is in favor of just excluding the community center from the mask requirement.

Attorney Sajdak asked if city events were held at the Community Center?

Mr. Jaquish said there are elections, vaccination clinics, banquets, and other events.

Alderperson Akers noted the City Attorney recommended an exemption of the Community Center instead of only exempting indoor private parties at the Community Center.

City Attorney Brian Sajdak said we could change it to exempt private events at the Community Center, provided the organizer provides a waiver.

Alderperson Saryan asked the City Attorney if there would be any potential problems to that approach.

Attorney Sajdak said the idea was "look, it's our building, we can choose what we want to do." If you don't like that rule, then you don't have to utilize our facility. On the other hand, we are losing out on potential rentals. Or renters may say they will wear masks, but then they don't and people complain and might call the police on them. There is no easy way to deal with it.

Mayor Neitzke suggested keeping the indoor mask mandate for city facilities until May 5, and re-examine it then. The Health Director has received a request from a large employer to have a city-wide mask mandate because they did not want to do it. But that is not the decision presently before the Council.

Mr. Jaquish said he does not object to the resolution if the requirement might be lifted after May 5. The city may have lost \$20,000 - \$25,000 in revenue, but at this point, most large events would have already booked for events between now and

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then.

Mayor Neitzke said he doesn't anticipate extending the mask requirement.

Motion by Alderperson Karl Kastner, seconded by Alderperson Pamela Akers, to approve Resolution No. 3794 [resolution at end of minutes]. On a roll call vote, motion carried unanimously.

C. Adjourn

Motion by Alderperson Kastner, seconded by Alderperson Akers, to adjourn at 5:49 p.m.
Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Sheryl Hartman, Deputy Clerk
Distributed: April 2, 2021

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 3794

A RESOLUTION PERTAINING TO THE WEARING OF MASKS
WITHIN CITY BUILDINGS AND POLLING PLACES

WHEREAS, in December, 2019, a novel strain of the coronavirus was detected, now named COVID-19, and it has spread throughout the world, including every state in the United States; and

WHEREAS, on January 3, 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern; and

WHEREAS, international organizations, the federal, state, and local governments are all working together to contain COVID-19; and

WHEREAS, on March 17, 2020, the City of Greenfield declared a local state of emergency; and

WHEREAS, the conditions necessitating the Emergency Declaration continue to exist and are projected to exist for some time as vaccines roll out within the City such that the Common Council has extended that Emergency Declaration until May 5, 2021; and

WHEREAS, the City of Greenfield has been working to protect the community from the spread of this disease, and to prepare for the impacts it may have; and

WHEREAS, in order to protect the health and well-being of residents, employees, and visitors, the City of Greenfield must avail itself of all resources needed to respond to and contain the presence of COVID-19 and to address the continuing response to the pandemic; and

WHEREAS, both the Centers for Disease Control and Prevention ("CDC") and the Occupational Safety and Health Administration ("OSHA") continue to recommend the use of face masks and social distancing to mitigate and prevent the spread of COVID-19; and

WHEREAS, City buildings and polling places must serve all members of the public including those who may be at greater risk from COVID-19;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield as follows:

1. All employees and visitors to City of Greenfield buildings, including those portions of non-City buildings which are actively being used as an election polling location, shall

wear a face covering that covers the nose and mouth to prevent respiratory droplets and particles from reaching others.

2. All employees and visitors to City of Greenfield buildings, including those portions of non-City buildings which are actively being used as an election polling location, shall observe social distancing of 6 feet to the greatest extent practicable.

3. The Human Resources Director, Health Director and City Attorney are authorized and directed to implement specific rules for employees which are consistent with the CDC and OSHA guidelines.

4. This Resolution shall become effective immediately upon its passage and shall remain in effect until an order of the Health Director terminating the mask policy or by a subsequent resolution of the Common Council, whichever comes first.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 1st day of April, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk