

City of Decorah
Planning and Zoning Commission
November 13, 2017 – 7:00pm
Meeting Minutes

Members present included: Llew Jenkins, Nathan Thompson, Tony Clarke, Joel Zook, Brain Cook, Stan Moellers and Barbara Massman

Others present: Zoning Administrator / City Manager Chad Bird.

Consider approval of minutes from the October 9, 2017 meeting

Zook noted that he believed the comments attributed to John Jenkins were documented incorrectly in the minutes. After conversation, it was decided the comments attributed to John Jenkins should read; “Jenkins agreed with Bower”. Further and fully read as: *John Jenkins, 901 Park Street agreed with Mr. Bower and also added that perhaps sidewalks on one side of Park Street would be the best as it is a through street.*

**Motion by Massman and seconded by Clarke to approve the minutes from the October 9, 2017 commission meeting.
Roll call vote: Unanimous, motion passed.**

Consider C-3 Commercial Design Review re: Donlon Pharmacy, 201 West Water Street - sign

Bird reviewed this downtown sign permit application and noted the sign met the requirements of the C-3 district’s sign codes. He noted the sign is meant to be permanent and 24 square feet.

Massman questioned the material or type of letters which would be used in the “digital” section of the sign as it is clearly meant to be adjustable. Bird was unable to answer the question.

There were other questions as to the actual size as two lengths were listed. Bird noted the smaller was used in computation but noted both are compliant.

The commission asked for clarification or further discussion on the application.

Motion by Massman and seconded by Jenkins to table the C-3 sign application for 201 West Water Street pending further information.

Roll call vote: Ayes: Massman, Jenkins, Cook, Clarke, Moellers, and Zook. Nays: Thompson.

Motion passed 6 – 1.

Discussion and possible action on amendment to sign code; *Chapter 17.16.110*

Bird opened this discussion on this item regarding temporary signs and code restricting or regulating their use.

Bird referenced an October 2014 US Supreme Court ruling (Reed v. Town of Gilbert, AZ) that struck down local municipalities’ ability to specifically regulate political signs or any “ideological” signs, basically saying a city shall not regulate content. The content of sign, in the verdict of the court is protected free speech.

Bird commented that by naming a "political sign" in a sign code, one may be infringing on free speech.

Further, the city attorney's office and staff have been seeking a way to amend city code to be compliant with this new ruling. Staff has been unable to find sample drafts from available sources and no other city has attempted to re-write code yet.

Bird further shared staff is making an attempt via the draft versions presented and reviewed to provide an acceptable amendment.

The intent and goal of a re-write of at least the temporary signs will be to be less specific and to avoid any reference to content. Bird stated he believed staff have the ability to regulate signs but by size, shape, location and duration only, not content.

After some discussion, the commission directed Bird to have the city attorney's office present at the December meeting.

Discussion and possible action on sidewalk policy revisions

Bird distributed a draft of a sidewalk administrative policy for the commission's consideration.

There was general discussion regarding several points. Cook noted that it appeared the draft policy was getting closer to what he would expect to see.

Continued suggestions included a 30-day response to any waiver applications received.

Recognition of amenities and utilities that may be in the path of a proposed sidewalk and a statement that it is not the intent of the sidewalk policy to remove or displace any existing trees, that trees have a priority to exist.

Bird noted he would make changes and bring a final copy back to the commission for approval.

Other business

There being no other business, the meeting was adjourned at 7:52pm

Respectfully submitted,



Chad A. Bird
City Manager
Zoning Administrator