

May 20, 2019

The regular meeting of the Decorah City Council was called to order by Mayor Borowski at 5:45 p.m.

The meeting was opened with the Pledge of Allegiance.

Members present: Randy Schissel, Dan Bellrichard, Andy Carlson, Kirk Johnson, Steve Luse, Ross Hadley, Johanna Bergen.

Motion by Schissel, second by Carlson, to approve the agenda as presented. Roll call vote. All voting aye. Motion carried.

Motion by Bellrichard, second by Luse, to approve the consent agenda as presented:

- a. Minutes of the May 6, May 10, 2019 meetings
- b. Claims
- c. Renewal Class B Beer Permit for Toppling Goliath including Sunday Sales and Outdoor Service Areas
- d. Extended outdoor service area for Toppling Goliath for June 21-23 event.
- e. Resolution 2957 approving FY19 transfers
- f. Consider C-3 Commercial Design Review re:120 Washington Street, *La Rana Bistro* – *remove and replace awning*
- g. Resolution 2958, a resolution to provide for a notice of hearing on proposed plans and specifications, form of contract, the estimated total cost of the public improvement and award of contract therefor for the Oneota Drive Bridge Reconstruction (IDOT Letting), *June 3, 2019, 5:45pm*
- h. Resolution 2961, a Resolution Acknowledging Receipt of Application in the vicinity of the Downing Commercial Subdivision for Voluntary Annexation and Authorizing City to Proceed as Specified in Chapter 368 Code of Iowa
- i. Resolution 2962, a Resolution Acknowledging Receipt of Application in the vicinity of the Decorah Business Park for Voluntary Annexation and Authorizing City to Proceed as Specified in Chapter 368 Code of Iowa

Roll call vote. All voting aye. Motion carried.

This being the date and time for a public hearing on a proposed zoning code amendment, Chapter 17.44.040, procedures for applications for rezoning real estate in the City of Decorah the hearing was opened.

City Manager Bird explained the amendment proposes a 2/3 vote (5 to 2) to override a recommendation from the Planning and Zoning Commission rather than the current ¾ vote (6 to 1).

Lee Zook, 300½ W Water St., spoke in favor of no change to the current requirements saying rules were established to make it difficult to overturn a recommendation.

Tony Larson, 502 E Broadway, stated members of the Planning & Zoning Commission are not elected by the people. The Council is elected and should be able to overrule by simple majority. He is concerned about the condition of streets and wonders where all the money is going.

Sharon Delvento, 206 Rural Ave., stated the floodplain should not be turned into any type of commercial development. Overruling a recommendation from P & Z should be difficult.

Bob Naslund, 216 Riverview Dr., spoke against the change saying we have a checks and balances system. Believes if we can easily overrule a recommendation than you are questioning their ability to do their jobs and that you don't trust your appointed boards. He further questioned the process to rezone property in the floodplain. The process should start with the Board of Adjustment.

Mark Donhowe, 807 Jefferson St., stated the need to respect our appointed officials is important but believes elected officials should have more authority than appointed committees. He encouraged the proposed change.

Mark Jensen, Winneshiek Co. Economic Development, encouraged council to support this change. Believes it will allow a little more leeway in the decision-making process.

The public hearing was closed.

Ordinance 1234 approving the proposed zoning code amendment was introduced and read for the first time. Motion by Schissel, second by Johnson to approve the first reading.

Councilperson Bergan feels it is a fix to a non-problem and it is irresponsible to make a change based on one situation.

Councilperson Bellrichard stated property rights are serious issue. Agrees this is a non-issue and reactionary.

Councilperson Hadley agrees property rights are a serious issue but also believes it is extremely difficult to get a super majority on any issue. He supports the proposed change.

Councilperson Schissel believes this does not propose a significant change but does give council more latitude. He doesn't believe emotions should rule and dictate votes which has happened in the past.

Councilperson Johnson, in addressing concerns voiced by Mr. Naslund, stated perhaps the code should be changed to outline a definitive procedure for rezoning situations which require Board of Adjustment action.

Councilperson Luse spoke against the change and read from a prepared statement objecting to the autocratic decision by one person seeking to initially change to reflect a simple majority to overrule. There is no data substantiating something needs to be fixed. This proposal is trying to fix a non- problem.

P & Z is an advisory board to the council and should be recognized for their work. He encouraged the council to reject this proposal. His entire statement will be kept on file in the City Clerk's office for review.

Mayor Borowski stated it was not an arbitrary decision. Many residents approached her with concerns as to why it is so difficult to overrule P & Z.

The Mayor called for the vote. Roll call vote. Voting aye: Schissel, Johnson, Carlson, Hadley. Voting nay: Bellrichard Luse, Bergan. Motion carried.

Motion by Schissel, second by Carlson, to approve Resolution 2959 accepting the final plat of Scenic View Estates 14<sup>th</sup> Addition. Roll call vote. All voting aye. Motion carried.

Motion by Bergan, second by Bellrichard to approve Resolution 2960 setting June 3 as a discussion date on zoning code amendments, 2012 Comprehensive Plan Amendment and setting a public hearing for June 17, 2019, 5:45 pm. Roll call vote. All voting aye. Motion carried.

Motion by Bellrichard, second by Bergan, to approve a professional services agreement with Cayler Consulting, LLC for the police chief recruiting process not to exceed \$13,500. Roll call vote. All voting aye. Motion carried.

Motion by Bellrichard, second by Carlson to approve the following Mayor appointments:

Airport Commission – Rick Hadley

Tree Board – Brent Parker

Roll call vote. Voting aye: Bellrichard, Carlson, Schissel, Luse, Bergan, Johnson. Abstain: Hadley citing a conflict of interest due to family relations. Motion carried.

Meeting adjourned on motion.



Wanda Hemesath, MMC  
City Clerk, Tr