

City of Decorah
Planning and Zoning Commission
December 1, 2020 – 4:00pm
Meeting Minutes

Electronic meeting pursuant to Iowa Code section 21.8 – In circumstances where such a meeting is impossible or impractical due to concerns about COVID-19 and social distancing for the safety of commission members and the public.

In support of Iowa Governor Kim Reynolds' proclamation declaring a State of Public Health Disaster Emergency in Iowa, the current COVID-19 situation makes it "impossible and impractical" to meet in one location. Due to this the Decorah City Hall was partially closed to the public for the December 1, 2020 Planning & Zoning Commission work session meeting. Seating was limited to ensure distancing. The public was invited to participate via electronic means.

Members present included: Jared Essa, Ryan Delaney, Terri Byrnes, Tony Clarke, Nathan Thompson, Marla Klocke, and Joel Zook.

Others present: City Attorney John Anderson, City Manager / Zoning Administrator Chad Bird, and various citizens logged into the Zoom platform (7).

Discussion only; Right-of-First Refusal document for land along Old Stage Road and in Section 14 and Section 23, Township 98 North, Range 8 West of the Fifth P.M., all within the City of Decorah, Winneshiek County, Iowa

Essa presented some questions he had regarding the agreements and proposals presented. He noted the proposal seems to put the land owner in a better position than the city. He also asked for more clarity on the legal description and maps provided.

Anderson walked through the legal requirements and explained some of the language and format of the agreements. He noted there can be some added clarity but the city is bound by the actual legal descriptions, regardless of how they read.

There was a question about which property the city has the right-of-refusal (RoR) and Bird and Anderson noted, only the land that would be left for mitigation or not sold for development.

Anderson also noted the agreement is only valid for ten years.

There was general discussion about costs and that the city would need an appraisal if it ever exercised the RoR before it purchased the land.

There was discussion about if the land went into an LLC and whether that would trigger action on the RoR. Anderson concluded by saying only a legitimate sale would trigger the RoR and there is language in the agreement that identifies these conditions.

Anderson discussed any possible liens on the property and stated it is usual and customary to have all liens and encumbrances cleared at the time of closing – by the seller.

He added the same would be true for any leases of farming rights, etc.

Essa and Byrnes asked why the city was even interested in the land in the first place. Bird noted comments and responses from both commission members and the public about having a plan for overall flood mitigation and development before considering rezoning. He said this plan is in response to those comments and if the commercial section is to ever be considered for development, the remaining parcels should have a mitigation or wetland plan to coincide with the commercial development parcels.

Zook discussed the quid pro quo and it was explained the city gets the RoR in exchange for rezoning the land. It was also clarified that if the land is never rezoned, the city doesn't get the RoR.

Klocke asked Kerndt to estimate the value of each section of land; the ag and the commercial should a plan to rezone go through and become approved.

Kerndt estimated the ag land might be contingent on many factors and certainly the rezoning. He acknowledged there would be significant differences between zoned commercial land and the tillable ag land that might be used as wetland and flood mitigation.

It was noted there is approximately 16 acres proposed for rezoning / commercial development and 135 acres in ag land. Bird stressed almost all the ag land can never be developed because it is in floodway (map exhibit).

Discussion only; conditional rezoning agreement for land along Old Stage Road and in Section 14 and Section 23, Township 98 North, Range 8 West of the Fifth P.M., all within the City of Decorah, Winneshiek County, Iowa

Bird and Anderson reviewed the conditions of the agreement. The commission asked for clarity on the maps and for a color-coded map.

Bird explained the interactions with the Board of Adjustment and their only review is for fill in the floodplain. Anderson also noted if the BoA doesn't grant the fill permit the agreements are not valid.

Klocke asked if the commission could hold the public hearing on December 14 but hold off on action until January 11 to provide time to consider and review the agreements and the rezoning request.

Other business

There being no other business, the meeting was adjourned at 5:17pm

Respectfully submitted,



Chad A. Bird
City Manager
Zoning Administrator