

City of Decorah
Planning and Zoning Commission
February 10, 2020 – 7:00pm
Meeting Minutes

Members present included: Nathan Thompson, Tony Clarke, Ryan Delaney (arrived later), Llew Jenkins, and Joel Zook.

Absent: Barbara Massman

One seat on the commission remains vacant following the term of Stan Moellers – December 2019.

Others present: Zoning Administrator / City Manager Chad Bird.

Consider approval of minutes from the January 13, 2020 regular meeting

Motion by Zook and seconded by Thompson to approve the minutes from the January 13, 2020 regular meeting.

Roll call vote: Ayes, unanimous.

Motion passed.

Consider C-3 Commercial Design Review re: 410 West Water Street, *Sugar Bowl* – remove and replace signage on front of store

Chair Clarke asked to move this item up on the agenda to use the time prior to the set public hearing.

Bird reviewed the application and noted the proposed sign is a vinyl decal on the side and front of the balcony ledge. Bird noted the signs on the side will measure 1' 9" x 4' 9" and the sign on the front of the ledge will be 1' 9" x 24" in length.

In commission discussion, there was some question of durability of the vinyl materials. Bird also read a written statement from the Historic Preservation Commission that supported the proposed signs.

Motion by Thompson and seconded by Zook to recommend approval of the C-3 Commercial Design Review re: 410 West Water Street, for the new signs for the Sugar Bowl.

Roll call vote: Ayes, unanimous.

Motion passed.

7:10pm – public hearing

Public hearing on Decorah City Code amendments, Chapter 5.28 – rental housing permits, including amending language for short-term housing rentals in the City of Decorah

Motion by Zook and seconded by Jenkins to open the public hearing.

Roll call vote: Ayes, unanimous.

Motion passed.

*Bird reviewed written comments received from **Sharon Huber**. Huber noted she would like to see the city discourage short-term rentals in favor of more affordable housing. She further noted she would like to see a requirement that the owner must be the homeowner and it must be a permanent residence. She also recommended limiting the number of properties someone can rent out to no more than two. She concluded her remarks by stating she is opposed to locating Airbnb's in close proximity to each other.*

Bird also reviewed a written comment from **Bruce Ventura**. Ventura noted he is generally supportive of the proposed licensing program and offered recommendations regarding inspections.

Matthew Nahan – 305 West Broadway Street

Nahan noted there are several nuisance issues and that this code doesn't seem to address them. He also noted this proposed ordinance doesn't address the affordable housing issues.

Lois Humpal – 404 Vernon Street

Humpal expressed concern about the proposal and wanted to see data in regards to the number of complaints the city has received. How many, from whom, and how often were complaints received?

Humpal noted the proposed ordinance does not seem to address zoning issues, which she understood was a concern. She also noted the proposed 60-minute response time was unreasonable. She stressed the city doesn't enforce the codes that are already on the books and she encourage the commission to look at better enforcement.

Sue Lienau – 101 Luanne Street

Lienau stated she owns the AirBnB rental on 201 Riverside Avenue in Decorah. She said she doesn't see the need for the regulations, as proposed. She warned the commission to "not bite the hand that feeds them" as there are many short-term rentals in the community and Decorah's economy is based on recreation and tourism.

Eric Rediske

Stated he owns a short-term rental in the community. He said he generally agrees with many of the comments tonight. He also noted he supports the proposed code and program.

Uwe Rudolf – 510 North Street

Rudolf noted he and his wife operate a short-term rental and said they are great units to rent and operate. He noted the industry seems to self-regulate with online rating systems. He said AirBnB collects and remits the hotel / motel taxes. He doesn't really care about the proposed ordinance either way.

Jim Dotzenrod – 1583 Canoe Ridge Road

Stated he is a rural resident and has concerns about property maintenance. He wondered why the city doesn't enforce the property maintenance codes they have rather than creating new ones.

Chanda Humpal – 603 Mechanic Street

In addressing affordable housing, she said everyone has the same opportunities in acquiring properties. She said noted some prefer to buy a house and invest in it. She stressed she wants to see continued and ongoing enforcement of city codes. She noted she doesn't think the city does enough to enforce the codes that exist.

Motion by Jenkins and seconded by Zook to close the public hearing.

Roll call vote: Ayes, unanimous.

Motion passed.

Consider **Resolution No. 2020-02**, an amendment to Chapter 5.28 – rental housing permits, including amending language for short-term housing rentals in the City of Decorah

Clarke noted he is supportive of the general course of action and the basic proposed ordinance.

Thompson stated the Commission has tried to take the broadest, and least intrusive, approach to addressing these issues in the community. He agrees with the approach to allow in all zoning districts.

Clarke asked the Commission to provide thoughts on the “60 minutes response” time in the proposed code. The Commission generally agreed this could be changed to “a reasonable period of time”.

Motion by Zook and seconded by Jenkins to change the language in section 20 to read “reasonable period of time”.

Roll call vote: Ayes, unanimous.

Motion passed.

Delaney attended the meeting at this time.

7:52pm

Zook noted there were some dates in the code that needed adjusting to align with each other.

Motion by Zook and seconded by Jenkins to recommend approval of Resolution No. 2020-02, an amendment to Chapter 5.28 – rental housing permits, including amending language for short-term housing rentals, with changes as noted and discussed.

Roll call vote: Ayes: Zook, Jenkins, Delaney, Clarke.

Nays: none.

Absent: Massman

Abstain: Thompson, he stated he owns a short-term rental unit.

Motion passed.

Consider a petition requesting the extension and expansion of the Self-Supporting Municipal Improvement District (SSMID) and approve points to be included in an evaluative report

Bird reviewed the SSMID Petition with the Commission and noted it was submitted with the proper signatures and notification. He noted the petition is requesting the extension of the Self-Supporting Municipal Improvement District. Bird further stated, in accordance with the procedures of the State Code, the next step is for the Commission to consider the request and prepare an “Evaluative Report”. He shared a copy of the steps the Commission must review.

The Commission reviewed the required evaluative steps.

Section 386.3(2) of State Code

2. The council shall initiate proceedings for establishing a district upon the filing with its clerk of a petition containing:

- a. The signatures of at least twenty-five percent of all owners of property within the proposed district. These signatures must together represent ownership of property with an assessed value of twenty-five percent or more of the assessed value of all the property in the proposed district.
- b. A description of the boundaries of the proposed district or a consolidated description of the property within the proposed district.
- c. The name of the proposed district.
- d. A statement of the maximum rate of tax that may be imposed upon property with the district. The maximum rate of tax may be stated in terms of separate maximum rates for the debt service tax, the capital improvement fund tax, and the operation tax, or in terms of a maximum combined rate for all three.
- e. The purpose of the establishment of the district, which may be stated generally, or in terms of the relationship of the property within the district or the interests of the owners of property within the district, or in terms of the improvements or self-liquidating improvements proposed to be developed for the purposes of the district, either specific improvements, self-liquidating improvements, or general categories of improvements, or any combination of the foregoing.
- f. A statement that taxes levied for the self-supported improvement district operation fund shall be used for the purpose of paying maintenance expenses of improvements or self-liquidating improvements for a specified length of time, along with any options to renew, if the taxes are to be used for this maintenance purpose.

The Commission determined the requirements had been met.

Motion by Clarke and seconded by Thompson to certify the Commission's evaluative review of the submitted SSMID petition and application.

Roll call vote: Ayes, unanimous.

Motion passed.

Consider C-3 Commercial Design Review re: 101 West Water Street, *Impact Coffee – install new signage on front of store*

Bird reviewed the proposed sign and its dimensions. He noted it meets the sign codes for the C-3 district.

Motion by Clarke and seconded by Zook to recommend approval of the C-3 Commercial Design Review re: 101 West Water Street, *Impact Coffee for a new sign.*

Roll call vote: Ayes, unanimous.

Motion passed.

Consider C-3 Commercial Design Review re: 523 West Water Street, *Vesterheim Norwegian – American Museum – park and outdoor exhibit spaces*

Consider Site Plan Review re: 523 West Water Street, *Vesterheim Norwegian – American Museum – park and outdoor exhibit spaces*

Bird reviewed the site plan checklist with the Commission then Clarke turned the presentation over to Marcia McKelvey. Marcia and museum director Chris Johnson reviewed the plans for improvements to the area.

Improvements are expected in much of the outdoor exhibit area and Bird and McKelvey reviewed improvements to storm water conveyance systems, which the museum would like to seek reimbursement from the city. They also touched on water system improvements and the need seek use easements from the city for public right-of-way use.

There was general discussion, including sidewalks and pathways. McKelvey directed questions to the visual site layout she presented.

Motion by Zook and seconded by Jenkins to recommend approval of the C-3 Commercial Design Review re: 523 West Water Street, Vesterheim Norwegian – American Museum – park and outdoor exhibit spaces
Roll call vote: Ayes, unanimous.
Motion passed.

Motion by Zook and seconded by Delaney to recommend approval of the Site Plan Review re: 523 West Water Street, Vesterheim Norwegian – American Museum – park and outdoor exhibit spaces
Roll call vote: Ayes, unanimous.
Motion passed.

Other business

- a. Review of proposed amendments to the Chapter 15 – Design Criteria

Bird noted he was working with a small task force from P&Z, Board of Adjustment, Historic Preservation, and others to amend and change Chapter 15. He also noted he had met with the SSMD, DDBA, and retail committee to discuss proposed changes. He believed the task force might be ready to bring changes to the Commission in a month or so. He shared a copy of the draft changes.

There being no other business, the meeting was adjourned at 8:29pm

Respectfully submitted,



Chad A. Bird
City Manager
Zoning Administrator