

The third meeting of January for the Denver City Council, Bremer County, Iowa was held on Monday January 18, 2016 at the Denver City Hall Council Chambers. Council members present were Dave Larson, Jeremie Peterson, Mark Richmann, Mary Scharnhorst and Joel Wikner. There were six people in attendance. This was a Joint Meeting between the Denver City Council and the Denver Planning & Zoning and the Denver Board of Adjustment.

Mayor Diercks called the meeting to order at 6:02 p.m.

Motion Richmann, second Larson to approve the agenda. AYES: Larson, Peterson, Richmann, Scharnhorst, Wikner. NAYS: None.

Motion Scharnhorst, second Peterson to approve the minutes of December 21, 2015. AYES: Larson, Peterson, Richmann, Scharnhorst, Wikner. NAYS: None.

The Denver Planning & Zoning Board called its Roll Call. Lyle Faust, Kevin Thurm, Randy Thurm and Zoning Administrator Randy McKenzie were present.

The Denver Board of Adjustment called its Roll Call. Lyle Faust, Beth Hartman, Randy Thurm and Zoning Administrator Randy McKenzie were present.

Brian Schoon from I.N.R.C.O.G. was the presenter for the Joint Meeting and the topic was Land Use Management in Iowa, Planning & Zoning 101 for Boards & Commissions.

The Land Use Map and Land Use Plan is a policy document updated in 1998 and in 2009. The Zoning Ordinance is the Police Power to protect the health, safety and welfare of property owners in Denver. The Zoning Ordinance protects Property Rights. The Zoning Ordinance has 3 parts; Title, Purpose, and Definition. The Zoning Map is specific to each parcel of property in the City Limits. There are 4 bodies involved with Zoning Administration; City Council, Planning & Zoning Board, Board of Adjustment and Staff that includes the Zoning Administrator, Engineer and Attorney.

The Subdivision Ordinance regulated new developments and Denver has a 2 Mile Agreement with Bremer County so the City Council has review authority of any development within 2 miles of the Denver City Limits. The Planning & Zoning Board acts in an advisory role. All T.I.F. plans go through the Planning & Zoning who refer it to the Land Use Plan to see if is consistent with the Comprehensive Plan. The Board of Adjustment has Quasi-Judicial Powers to grant Variances, Special Exceptions or Appeal the Interpretation of the Zoning Administrator as it relates to the Zoning Administrator's decisions. The Board of Adjustment needs to start their conversation from No and work to Yes. The Board of Adjustment Decision is final. The Board of Adjustment needs to find unnecessary hardship and uniqueness about the variance request before approving a variance request. If the City Council does not like the Board of Adjustment decision it can ask the Board of Adjustment for a remand (reconsideration of the decision). The Foundation of Zoning in Denver is the Comprehensive Land Use Plan, then the Zoning Ordinance, then the Subdivision Ordinance then the Building Code. We use the Building Permit as the written application and make them sign it for what they are planning to build. Meeting agendas must be posted 24 hours in advance of the meeting. The Board must follow Open Meetings and Open Records Laws. Mr. Schoon discouraged the use of electronic devices during Public Meetings as what is put on the device can be discoverable evidence. He advised all Board Members to shut off all electronic devices during public meetings. Mr. Schoon also cautioned to watch what board members say to the "lurker in the back of the room" and don't play the "precedent setting game". If a person has a Conflict of Interest it usually has to be financial in nature.

Mayor Diercks and Council Members thanked everyone for coming tonight and thanked Brian Schoon for his presentation.

Motion Scharnhorst, second Larson to adjourn. AYES: Larson, Peterson, Richmann, Scharnhorst, Wikner. NAYS: None. The meeting adjourned at 7:07 p.m.

The Denver Planning & Zoning Board adjourned.

The Denver Board of Adjustment Board adjourned.

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Rod Diercks, Mayor

ATTEST:

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Larry Farley, City Clerk/Admin.