

CITY OF PANORA

City Council Meeting

REGULAR MEETING MINUTES FOR MONDAY, SEPTEMBER 26TH, 2022 AT 5:30 P.M.

I. Mayor Parker opened the council meeting at 5:30 p.m. and called Roll. Council members present were Brian Dorsett, Tom Flanery, Shane Gliem, Stan Landon, and Curtis Thornberry. Staff attending were Doug Long-Electrical Superintendent, Tony Monthei-Public Works Director, and Lisa Grossman-City Administrator. The meeting was accessible electronically thru GoToMeeting as allowed by Section 21.8 of the Iowa Code.

II. Approval of Agenda – Flanery made a motion to approve the agenda, seconded by Gliem. Motion carried unanimously.

III. Public Forum – None

IV. Consent Items – Thornberry moved to approve the minutes of 09-12-22 Regular Meeting, seconded by Dorsett. Motion carried unanimously.

V. Council Business

A. A discussion was held regarding Resolution 22-49, approving a contract and performance and/or payment bonds for the Jackson Street Improvements Project. Thornberry made a motion to approve, seconded by Landon. With the roll being called, the resolution carried unanimously.

B. Council Member Landon introduced the second reading of an ordinance entitled “Ordinance No. 348. An Ordinance amending the City Code of the City of Panora, Iowa, by amending Sections 165.20 Districts Established, 165.22 Agricultural District, 165.24 Residential District, 165.28 Arterial Commercial District, 165.30 Business Commercial District, 165.31 Historic Downtown Business Commercial District, 165.32 Light Industrial District, 165.34 Heavy Industrial District, 165.40 Supplementary District Regulations and adding a new section 165.25 Residential Two District.”

It was moved by Council Member Landon and seconded by Council Member Thornberry that the ordinance be adopted. The Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: Dorsett, Flanery, Gliem, Landon, Thornberry

Nays: None

Whereupon, the Mayor declared the motion duly carried.

It was moved by Council Member Thornberry and seconded by Council Member Dorsett that the statutory rule requiring an ordinance to be considered and voted on for passage at two City Council meetings prior to the meeting at which it is to be finally passed be suspended and that the ordinance entitled “Ordinance No. 348. An Ordinance amending the City Code of the City of Panora, Iowa, by amending Sections 165.20 Districts Established, 165.22 Agricultural District, 165.24 Residential District, 165.28 Arterial Commercial District, 165.30 Business Commercial District, 165.31 Historic Downtown Business Commercial District, 165.32 Light Industrial District, 165.34 Heavy Industrial District, 165.40 Supplementary District Regulations and adding a new section 165.25 Residential Two District.” now be put upon its final

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consideration and adoption. The Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: Dorsett, Flanery, Gliem, Landon, Thornberry
Nays: None

Whereupon, the Mayor declared the motion duly carried and the ordinance duly adopted, as follows:

ORDINANCE NO. 348

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PANORA, IOWA, by amending Sections 165.20 Districts Established, 165.22 Agricultural District, 165.24 Residential District, 165.28 Arterial Commercial District, 165.30 Business Commercial District, 165.31 Historic Downtown Business Commercial District, 165.32 Light Industrial District, 165.34 Heavy Industrial District, 165.40 Supplementary District Regulations and adding a new section 165.25 Residential Two District.

BE IT ENACTED by the City Council of the City of Panora, Iowa;

SECTION 1. Sections 165.20 Districts Established, 165.22 Agricultural District, 165.24 Residential District, 165.28 Arterial Commercial District, 165.30 Business Commercial District, 165.31 Historic Downtown Business Commercial District, 165.32 Light Industrial District, 165.34 Heavy Industrial District, 165.40 Supplementary District Regulations of the Code of Ordinances of the City of Panora, Iowa, are amended to the following in bold:

165.20 DISTRICTS ESTABLISHED. The City is herewith divided into the following districts:

165.24 RS-1 — Residential **One** District **36**

165.25 RS-2 — Residential Two District 41

165.22 AG — AGRICULTURAL DISTRICT.

2. Permitted Uses.

Removed D. Publicly owned and operated buildings and facilities

10. Sign Regulations for all districts can be found in Chapter 165.40 (15) Supplementary District Regulations

165.24 RS-1 — RESIDENTIAL ONE DISTRICT.

4. Accessory Uses

B. Domestic animals such as: cats, dogs, birds, tropical fish, and customarily accepted pets that are housed within the dwelling. A maximum of twelve (12) fowl are allowed. Horses, cows, swine, sheep, goats, roosters, and other similar animals, etc. normally considered farm or wild and untamed animals shall be excluded.

10. Sign regulations for all districts can be found in Chapter 165.40 (15) Supplementary District Regulations. The following sign regulations shall apply to the RS-1 District:

A. On-premises signs, except real estate and home occupation signs, are not permitted. Real estate, lease, or sales signs relating to the property on which the sign is located, are permitted but shall not exceed four (4) square feet in area.

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1. Home occupation signage. One (1) sign, identifying the name of the business, is allowed. The sign shall not be larger than two (2) square feet in size, shall not be illuminated, and must be mounted flat against the building. Advertising displays, devices, or signs visible through a window of the building shall not be allowed.

165.28 AC — ARTERIAL COMMERCIAL DISTRICT.

10. Sign regulations for all districts can be found in Chapter 165.40 (15) Supplementary District Regulations. The following sign regulations shall apply to the AC District:

A. 1. Unless the face of the sign is etched in wood, the supports for a free-standing sign must either be brick or stone. **Removed or have the appearance of brick or stone.**

165.30 BC — BUSINESS COMMERCIAL DISTRICT.

10. Sign regulations for all districts can be found in Chapter 165.40 (15) Supplementary District Regulations. The following sign regulations shall apply to the BC District:

A. 1. Unless the face of the sign is etched in wood, the supports for a free-standing sign must either be brick or stone. **Removed or have the appearance of brick or stone.**

165.31 BCD — HISTORIC DOWNTOWN BUSINESS COMMERCIAL DISTRICT.

10. Sign regulations for all districts can be found in Chapter 165.40 (15) Supplementary District Regulations. The following sign regulations shall apply to the BCD District:

Removed 12. A & B Downtown Enhancement Committee.

12. Exhaust Fans – renumbered from 13.

165.32 LI — LIGHT INDUSTRIAL DISTRICT.

5. Special Exceptions. No special exceptions are permitted in the LI District.

10. Sign regulations for all districts can be found in Chapter 165.40 (15) Supplementary District Regulations. The following sign regulations shall apply to the LI District:

A. 1. Unless the face of the sign is etched in wood, the supports for a free-standing sign must either be brick or stone. **Removed or have the appearance of brick or stone.**

165.34 HI — HEAVY INDUSTRIAL DISTRICT.

10. Sign regulations for all districts can be found in Chapter 165.40 (15) Supplementary District Regulations.

165.40 SUPPLEMENTARY DISTRICT REGULATIONS.

15. General Sign Regulations. The following provisions shall be observed in all zoning districts:

E. **Off-premises signs, except political signs, are not permitted.**

F. **On-premises signs are permitted. Real estate, lease, or sales signs, relating to the property on which the sign is located, are permitted but shall not exceed six (6) square feet in area.**

G. **Political signs on private property are permitted but shall not exceed thirty-two (32) square feet in size.**

H. **Construction Signs. Signs identifying the architect, engineer, contractors, and other individuals involved in the construction of a building, and such signs announcing the character of the building**

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enterprise or the purpose for which the building is intended (but not including product advertising). One non-illuminated sign not exceeding thirty-two (32) square feet shall be permitted for each street frontage. Such sign shall not extend higher than ten (10) feet above grade level and meet the front yard requirement for a principal structure unless located on the wall of a building on the premises or on a protective barricade surrounding the construction. Such signs shall be removed within one week following completion of construction.)

I. One subdivision identification sign not exceeding twenty-four (24) square feet in size shall be allowed.

J. Signs for residential use identifying the premises and occupant, but not including advertising matter, are permitted but shall not exceed six (6) square feet in area. Public, parochial, private schools and colleges, children's homes, and public and quasi-public buildings for cultural use, may have identification signs not to exceed thirty-two (32) square feet in area. Churches, synagogues, and chapels shall be allowed one (1) sign not exceeding twenty-four (24) square feet in size.

K. All business signs shall be removed from the premises within ninety (90) days of the closing of a business.

SECTION 2. Addition of New Section 165.25 RS-2, RESIDENTIAL TWO DISTRICT.

165.25 RS-2 — RESIDENTIAL TWO DISTRICT.

1. Intent. The purpose of this district is to encourage residential neighborhoods of exclusively single-family dwellings with a wide range of lot sizes. Various population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various residential areas of the City.
2. Permitted Uses. The following uses are permitted in the RS-2 District:
 - A. Single-family detached dwellings.
 - B. Multi-family dwellings (not exceeding two thousand (2,000) square feet of lot area per dwelling unit).
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RS District including, but not limited to, the following:
 - A. Storage buildings and garages accessory to the principal building.
 - B. Domestic animals such as: cats, dogs, birds, tropical fish, and customarily accepted pets that are housed within the dwelling. A maximum of twelve (12) fowl are allowed. Horses, cows, swine, sheep, goats, roosters, and other similar animals, etc. normally considered farm or wild and untamed animals shall be excluded
 - C. Home occupations as defined in this chapter, provided such home occupation does not generate traffic, noise, odors, or pollutants which would be objectionable to the surrounding residences.
4. Special Exceptions. No special exceptions are permitted in the RS-2 District.

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5. Performance Standards. Land, buildings, and other structures may be used for one or more of the purposes specified in the RS-2 District subject to the following performance standards:

- A. Odors, Gases and Fumes. No offensive odors or noxious, toxic, or corrosive fumes or gases shall be emitted into the air.
- B. Noise. No noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originates.
- C. Wastes. No offensive wastes shall be discharged into any stream or storm drain.
- D. Vibrations. No vibration shall be transmitted outside the property where it originates.
- E. Danger. No material which is dangerous due to explosion, toxicity, extreme fire hazard or radioactivity shall be used, stored or manufactured except in accordance with applicable governmental codes and regulations.
- F. Recreational Vehicles. Recreational vehicles and all boats and appurtenant trailers shall not be parked or stored within the front yard of a lot in this district. No more than one (1) such recreational vehicle may be parked or stored within the side yard or rear yard of a residential lot. Recreational vehicles shall not be used for human occupancy in this district. Recreational vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in completely enclosed buildings.
- G. Special Sales Uses. Special sales, including garage sales, porch sales, basement sales, moving sales, estate sales, or similar activities, shall be operated not more than three (3) days in the same month or more than six (6) days in the same year.
- H. Trailers. Trailers of any type that are used for the storage of materials, goods or objects shall not be parked or stored within the district unless within an enclosed garage or unless regularly moved off the property at a minimum of every 120 days.

6. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the RS-2 District:

Zoning Symbol	Min Lot Area (84. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
RS-2	5,000	50	15	6*	20**	2 1/2 stories or 35 feet

*The side yard width on any one side for townhouses shall, however, be zero feet

**All lots within this district will have a 10 foot. PUE(Public Utility Easement) in the rear yard measured from the rear property line – no fences or structures are allowed to be built in the PUE.

7. Minimum Floor Area. Single-family dwelling shall have a minimum of 900 square feet of living space. In this district only, two and three family dwellings shall have a minimum of 800 square feet for each unit.

8. Off-Street Parking. The following off-street parking requirements shall apply in the RS-2 District:

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- A. Dwellings: two (2) parking spaces on the lot for each living unit in the building. For dwellings not consisting of living units: two (2) parking spaces on the lot for each one thousand (1,000) square feet of floor area.
9. Off-Street Loading. The following off-street loading requirements shall apply in the RS District:
- A. All activities or uses allowed in the RS District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
- B. Loading shall not be permitted to block public right-of way unless otherwise provided for in the Panora Municipal Code.
10. Sign regulations for all districts can be found in Chapter 165.40 (15) Supplementary District Regulations. The following sign regulations shall apply to the RS-2 District:
- A. On-premises signs, except real estate and home occupation signs, are not permitted. Real estate, lease, or sales signs relating to the property on which the sign is located, are permitted but shall not exceed four (4) square feet in area.
1. Home occupation signage. One (1) sign, identifying the name of the business, is allowed. The sign shall not be larger than two (2) square feet in size, shall not be illuminated, and must be mounted flat against the building. Advertising displays, devices, or signs visible through a window of the building shall not be allowed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged as invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This Ordinance shall be in effect from and after the later to occur of its final passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Panora, Iowa, on September 26th, 2022.

Patrick Parker, Mayor

Attest:

Lisa Grossman, City Administrator

CLERK'S CERTIFICATE

I hereby certify that the foregoing Ordinance No. 348 was published as required by law on the _____ day of _____, 2022.

Mayor Patrick Parker

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SIGNED _____

Lisa Grossman, City Administrator

C. Resolution 22-50 was considered, approving Courtney Hodges to the Planning and Zoning Board. Thornberry made a motion to approve, seconded by Flanery. With the roll being called, the resolution carried unanimously.

D. Public Works Director Tony Monthei made a recommendation to purchase a 2004 International Durastar 4300 Plow/Dump/Spreader truck. After considering and discussing the recommendation, Dorsett made a motion to approve the purchase for \$51,000, seconded by Thornberry. With the roll being called, the resolution carried unanimously.

E. The disposition of the 1998 International Dump Truck, 1999 International Dump Truck, and the playground set/swings at Michael Mills Park was then considered by the Council. After a discussion, Thornberry made a motion to approve Monthei listing the trucks and equipment on the government site GovDeals.com and to sell it as his discretion, seconded by Dorsett. With the roll being called, the motion carried unanimously.

F. A discussion was held regarding the disposal of retired storm sirens to the City of Linden. Landon made a motion to give the sirens to the City of Linden, provided they cover any costs to take them down, seconded by Flanery. With the roll being called, the motion carried unanimously.

G. Resolution 22-51, establishing a school zone on W Clay Street and no parking within this school zone was considered. Thornberry made a motion to approve, seconded by Gliem. With the roll being called, the resolution carried unanimously.

H. Council Member Thornberry introduced the first reading of an ordinance entitled "Ordinance No. 349 An Ordinance amending the City Code of the City of Panora, Iowa, by amending Chapter 63.04 Speed Regulations, relating to Special Speed Restrictions."

It was moved by Council Member Thornberry and seconded by Council Member Dorsett that the ordinance be adopted. The Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: Dorsett, Flanery, Gliem, Landon, Thornberry

Nays: None

Whereupon, the Mayor declared the motion duly carried.

It was moved by Council Member Thornberry and seconded by Council Member Landon that the statutory rule requiring an ordinance to be considered and voted on for passage at two City Council meetings prior to the meeting at which it is to be finally passed be suspended and that the ordinance entitled "Ordinance No. 349 An Ordinance amending the City Code of the City of Panora, Iowa, by amending Chapter 63.04 Speed Regulations, relating to Special Speed Restrictions." now be put upon its final consideration and adoption. The Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: Dorsett, Flanery, Gliem, Landon, Thornberry

Nays: None

Whereupon, the Mayor declared the motion duly carried and the ordinance duly adopted, as follows:

Mayor Patrick Parker

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ORDINANCE NO. 349

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PANORA, IOWA, by amending Chapter 63.04 Speed Regulations, relating to Special Speed Restrictions.

BE IT ENACTED by the City Council of the City of Panora, Iowa;

SECTION 1. Section 63.04 Special Speed Restrictions of the Code of Ordinances of the City of Panora, Iowa, is amended with the following addition in bold:

1. Special 20 MPH Speed Zones. A speed of twenty (20) miles per hour in unlawful on any of the following streets or parts thereof
 - A. On West Market Street from West Fifth Street to School Street;
 - B. On Clay Street from N.E. Fifth Street to Utopia.
 - C. From the Corner of Panther Drive and West Clay Street east along West Clay through the curve into the 500 block just past the crosswalk after the curve.

SECTION 2. REPEALER. All ordinances or parts of ordinances that are in conflict with this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged as invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This Ordinance shall be in effect from and after the later to occur of its final passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Panora, Iowa, on September 26th, 2022.

Patrick Parker, Mayor

Attest:

Lisa Grossman, City Administrator

CLERK'S CERTIFICATE

I hereby certify that the foregoing Ordinance No. 349 was published as required by law on the _____ day of _____, 2022.

SIGNED _____
Lisa Grossman, City Administrator

Mayor Patrick Parker

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I. A discussion was held regarding Resolution 22-52, approving an agreement between Audubon County, Audubon County Memorial Hospital, and the City for ambulance and health care transportation services. Dorsett made a motion to approve, seconded by Landon. With the roll being called, the resolution carried unanimously.

VI. Information Items. Administrator Grossman provided a verbal report to the Council.

Mayor Parker asked for a motion to adjourn. Landon made a motion to adjourn at 6:11 p.m., seconded by Flanery. With the roll being called, the motion carried unanimously.

Patrick Parker, Mayor

ATTEST:

Lisa Grossman, City Administrator