

NOTICE OF PUBLIC MEETING
Governmental Body: Van Meter City Council
Date of Meeting: Monday, October 14, 2024

Time/Location: 7:00pm – Van Meter United Methodist Church, 100 Hazel Street, Van Meter, IA 50261

*NOTE: All public comments require that an individual sign in at the beginning of the meeting. **Comments will generally be limited to a maximum of three (3) minutes per person.** Under Iowa law, the City Council is prohibited from discussing or taking any action on an item not appearing on its posted agenda. Any issue raised by public comment under the Citizen Hearing will be referred to staff for a decision on whether it should be placed on a future agenda. All comments from the public, Council, and Staff shall address the presiding officer, and upon recognition by the presiding officer, shall be confined to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate. • We may disagree, but we will be respectful of one another. • All comments will be directed to the issue at hand. • Personal attacks will not be tolerated.*

Business Meeting Agenda:

1. Call to Order
2. Pledge of Allegiance
3. Introductions
4. Civility Statement
5. Approval of Agenda
6. Citizen Hearing
7. Consent Agenda:
 - a. Minutes of October 9, 2024, Planning & Zoning Workshop
 - b. Minutes of September 9, 2024, City Council Meeting
 - c. Minutes of September 23, 2024, City Council Workshop
 - d. October Claims List
 - e. September Financial Statements
 - f. September Building Permit Report
 - g. IPAIT Update – September 2024
 - h. SICOG Update – September 2024
 - i. Quarterly Investment Report – Q3/2024
 - j. Resolution #2024-104 Appointing a Member to the Van Meter Volunteer Fire Department - Sorensen
 - k. Resolution #2024-105 Approval of Interfund Transfers – FY24 & FY25
8. Discussion and Possible Action: Resolution #2024-106 Approving Transfer of Funds from EMS to Police relating to a transaction regarding the 2017 Ford Explorer
9. Discussion and Possible Action: Resolution #2024-107 Approving Quote for Asphalt Pavement at the Van Meter Cemetery
10. Discussion and Possible Action: Resolution #2024-108 Setting Date for Public Hearing regarding a proposed amendment to the Code of Ordinances of the City of Van Meter Chapters 161 Rental Housing Code & Chapter 165 Zoning Regulations to address Short-Term Vacation Rentals
11. Discussion and Possible Action: Resolution #2024-109 Setting Date for Public Hearing regarding a proposed amendment to the Code of Ordinances of the City of Van Meter Chapter 165 Zoning Regulations relating to Solar Energy Systems
12. Discussion and Possible Action: Resolution #2024-110 Approving an Agreement for Services – Temporary Field Training with John Sparling
13. Discussion: Master Trails Phase 1 Project Update
14. Staff Reports
15. Committee Reports
16. Adjournment

Agenda Item #1

Call to Order

Mayor: *The time is 7:00pm on Monday, October 14, 2024.*

I hereby call this meeting of the Van Meter City Council to order.

Agenda Item #2

Pledge of Allegiance

Those Present Led by Mayor: ***“I pledge Allegiance to the Flag of the United States of America, and to the Republic for which it stands, on Nation under God, indivisible, with liberty and justice for all.”***

Agenda Item #3

Introductions

City Council, City Staff and Guests will introduce themselves with their name and title/role.

Agenda Item #4

Civility Statement

Mayor: *Our organization is proud to participate in the Show Some Respect Initiative from the Iowa Civility Project. The goal of the Show Some Respect campaign is to improve respect and civility in our community. To help achieve this goal, our expectations are that everyone will:*

- *Listen attentively*
- *Respect the opinions of others*
- *Keep an open mind*
- *Give constructive feedback, comments, and suggestions*
- *Avoid personal attacks*
- *Remember the things we have in common*
- *Value the People, the Process, and the Results*

Agenda Item #5

Approval of the Agenda

Submitted for: **ACTION**

Recommendation: **APPROVAL**

Sample Language:

Mayor: *Do I hear a motion to approve the agenda?*

City Councilmember: _____ *So moved.*

City Councilmember: _____ *Second.*

Mayor: *Roll Call Please.*

City Clerk: Akers _____ Brott _____ Grolmus _____ Pelz _____ Westfall _____

Mayor: *The agenda is adopted.*

Agenda Item #6

Citizen Hearing

Sample Language:

Mayor: *At this time, I will recognize members of the public who have signed in and wish to address the City Council. Once given the floor, please state your full name. You will have a maximum of three (3) minutes to address the Council.*

Under Iowa law, the City Council is prohibited from discussing or taking any action on an item not appearing on its' posted agenda. Any issue raised by the public comment under Citizen Hearing will be referred to City Staff for a decision on whether or not it should be placed on a future agenda.

It is required that individuals addressing the City Council avoid all indecorous language, references to personalities and abide by these two simple rules of civil debate:

- *We may disagree, but we will be respectful of one another.*
- *Personal attacks will not be tolerated.*

Agenda Item #7

Consent Agenda

Submitted for: **ACTION**

Recommendation: **APPROVAL**

Sample Language:

Mayor: *Would staff please review the Consent Agenda?*

Staff: *Gives review. As of 10/10/24, SICOG had not provided their monthly update. Staff will provide the Claims List & Financial Statements on Monday, October 14.*

Mayor: *Does the City Council wish to discuss any item on the Consent Agenda separately? If not, I would entertain a motion to Adopt the Consent Agenda as presented.*

City Councilmember: _____ **So moved.**

City Councilmember: _____ **Second.**

Mayor: **Roll Call Please.**

City Clerk: Akers _____ Brott _____ Grolmus _____ Pelz _____ Westfall _____

Mayor: **The Consent Agenda is adopted.**

City of Van Meter, Iowa

Planning & Zoning Commission Workshop, Wednesday, October 9, 2024

- 1) The Van Meter Planning & Zoning Commission had a scheduled meeting on September 25, 2024 that was cancelled due to lack of quorum. The Van Meter Planning & Zoning Commission met on Wednesday, October 9, 2024 for a workshop. The workshop started at 5:35pm.
Commissioners Wahlert, Feldman & Miller were present in addition to City Clerk Drake.
Commissioners Hulse, Cook & DeVore were not in attendance.
- 2) The commissioners & City Clerk reviewed proposed amendments to Chapter 161 Rental Housing Code and Chapter 165 Zoning Regulations relating to Short-Term Rental Housing.
- 3) The commissioners & City Clerk reviewed a sample ordinance relating to solar energy systems.
- 4) City Clerk Drake reviewed the upcoming meeting dates for the remainder of the calendar year: October 30 as scheduled, November 27 has been moved to December 2 and December 25 has been moved to January 8, 2025.
- 5) The workshop ended at 6:30pm.

City of Van Meter, Iowa

City Council Minutes – September 9, 2024

- 1) The Van Meter City Council met for a regular council meeting on Monday, September 9, 2024, at the United Methodist Church located at 100 Hazel Street, Van Meter, IA 50261. Mayor Herman called the meeting to order at 7:00 pm. The following council members were present upon roll call: Joel Akers, Travis Brott, Blake Grolmus, Quin Pelz and Penny Westfall.
 Staff present: City Attorney Fatino, City Engineer Bob Veenstra, Police Chief Mike Brown, Public Works Director Drew McCombs, City Clerk Jessica Drake, and City Administrator Liz Faust.
 Public Present: Rona Jacobs, Randy Johnson, Bart & Kate Jones, Owen Stump, Ben Clark, Allan Adams and Dallas County Attorney Jeanine Ritchie.
- 2) Mayor Herman led the Pledge of Allegiance.
- 3) Introductions were made.
- 4) Mayor Herman read a Civility Statement setting expectations of respect for the meeting.
- 5) Grolmus moved, supported by Akers, to approve the agenda. On roll call the votes were as follows: Akers – YES; Brott – YES; Grolmus – YES; Pelz – YES; Westfall - YES.
- 6) Owen Stump addressed the Council in support of the Livestock Request at 2522 Brookview Court. County Attorney Jeanine Ritchie presented information on the proposed Dallas County Criminal Court Building Bond Referendum on November 5, 2024. Kate & Bart Jones presented the Council with a petition regarding opposition of the Livestock Request at 2522 Brookview Court. Ben Clark addressed the Council regarding the Annexation to be considered in agenda item #18 and requested that the pre-annexation agreement terms be included in the resolution.
- 7) Mayor Herman asked for a motion to adopt the consent agenda which included the following:
 - a. Amended Minutes of the July 15, 2024 Planning & Zoning Meeting
 - b. Minutes of the August 12, 2024 City Council Meeting
 - c. Minutes of the August 26, 2024 City Council Workshop
 - d. Minutes of the August 28, 2024 Planning & Zoning Meeting
 - e. September Claims List

CLAIMS REPORT

VENDOR	REFERENCE	AMOUNT
ACCO	WATER CHEMICALS	1,232.20
ACCUJET LLC	SEWER VAC	21,680.01
AFLAC	AFLAC PRETAX	102.06
AGSOURCE COOPERATIVE SERVICES	DRINKING WATER TESTING	1,007.50
ALL AMERICAN TURF BEAUTY	IRRIGATION REPAIR - PR	222.4
AMAZON CAPITAL SERVICES	JULY AUGUST PURCHASES	5,352.97
AT&T MOBILITY	PD PHONE CHARGES	277.43
BANNER FIRE EQUIPMENT	BUNKER GEAR-FD	12,035.56
BASE	FSA ADMINISTRATION	30
BIBLIONIX	APALLO SUBSCRIPTION	1,320.00
BOUND TREE MEDICAL LLC	CYLINDER STANDS (X12)	155.98
BRODART	MCNAUGHTON ADULT	15,024.00
BRYAN ROCK PRODUCTS, INC	REC COMPLEX BALL DIAMOND DIRT	4,268.16
COMPASS BUSINESS SOLUTIONS	UB ENVELOPES	2,396.09
CORE & MAIN	CEMETERY	195
CUSTOM LAWN CARE & LANDSCAPING	STEP 4 PR LAWN CARE	3,088.90
D AND G AUTO GROUP	PD TAHOE MAINT.	1,697.56
DALLAS CO FAIR	STORYBOOK MINI	32
GATEHOUSE MEDIA IA HOLDINGS	RFP PUBLICATIONS DCN	46.86
GATEHOUSE MEDIA IA HOLDINGS	RFP PUBLISH DSMR	56.86
DMACC	WASTE WATER TRAINING	625
DREW MCCOMBS	DW1 REMIBURSE	42.54
EARLHAM SAVINGS BANK	EBANK EFT ACH FEES	25
EFTPS	FED/FICA TAX	7,338.73
ELITE SPORTS	FLAG FB UNIFORMS	3,382.00
FENIX USA LLC	SETFLOW HOSTING	289.3
FIRE SAFETY USA	LADDER LOCKS	141
FIRE SERVICE TRAINING BUREAU	INSTR2 FOR K.DAVIS	100
FREEDOM TIRE AND AUTO	PD TAHOE TIRES	704

GATEHOUSE MEDIA IA HOLDINGS	20240812 MINUTES	428.8
GATEHOUSE MEDIA IA HOLDINGS	PH CHAPTER 47 PARK RULES	39.29
GATEHOUSE MEDIA IA HOLDINGS	PH CHAPTER 1 LIGHTING STAND	39.29
GATEHOUSE MEDIA IA HOLDINGS	PH TR2 AGREEMENT AMEND	80.7
GATEHOUSE MEDIA IA HOLDINGS	PH CHAPTER 23 P&Z	29.2
GATEHOUSE MEDIA IA HOLDINGS	PH 24 LEGISLATIVE UPDATES	60.5
GATEHOUSE MEDIA IA HOLDINGS	ORD 2024-20 CHPT 55 & 57	751.6
GATEHOUSE MEDIA IA HOLDINGS	ORD 2024-19 CHAPTER 70	59.8
GATEHOUSE MEDIA IA HOLDINGS	PH BROOKVIEW ANNEXATION	241.29
GATEHOUSE MEDIA IA HOLDINGS	8/26 MINUTE PUBLICATION	69.4
GATR TRUCK CENTER	839 REPAIRS	1,812.00
HAWKEYE TRUCK EQUIPMENT	BOSS SNOWBLADE - 24FORD	9,650.00
HEARTLAND BUSINESSES SYSTEM	AUGUST MANAGED SERVICES	4,398.47
HEARTLAND COOP	SUMMER LP FILL	850.49
INDUSTRIAL CHEM LABS	LIFT STATION DEGREASER	1,210.39
INTERSTATE ALL BATTERY CENTER	PD EXPLORER BATTERY	228.55
IOWA DEPARTMENT OF NATURAL RES	2024 PERMIT ANNUAL FEE	210
IOWA PRISON INDUSTRIES	STREET SIGNS	962.28
IOWA PUMP WORKS INC	NEW AIR RELEASE VALVES	3,051.59
IPERS	PROTECT IPERS	8,979.54
IPERS	JULY FEE	44.73
JESSICA DRAKE	FSA REIMBURSE	185
JESTER INSURANCE SERVICE	ADD 601 MAIN	1,625.00
JEWISH FED OF GREATER DSM	FIELD RENTAL	270
JMT TRUCKING	RIPRAP CEMETERY	874.95
KONICA MINOLTA	SEPT COPIER MAINTENANCE	35.2
LIBERTY READY MIX	CEMETERY ROAD ROCK	265
LIZ FAUST	Q3 MILAGE REMIBURSE	154.4
LOWE'S	AUGUST LOWES CHARGES	678.06
MIDAMERICAN ENERGY	GAS/ELEC	3,477.44
MIDWEST RADAR & EQUIP	PD EQUIPMENT	164
MIDWEST TAPE LLC	HOOPLA ADVANCED PYMT	2,000.00
MUNICIPAL SUPPLY INC	FLEXNET ANNUAL SUPPORT	7,540.50
NATIONWIDE TRAILERS	16K DUMP TRAILER	12,918.00
ORKIN	SEPT PEST CONTROL	69.25
PARKING LOT SPECIALTIES	STREET PAINTING	6,020.00
PIONEER MANUFACTURING CO	FIELD PAINT	770.95
PLAYWAY PRODUCTS	PLAYAWAY LAUNCHPADS	4,418.55
PRAIRIE AG SUPPLY	MOWER PARTS	94.76
QUALITY TRAFFIC CONTROL	50 CHANNELIZERS 2DAY	100
SAM CHIA	DROP OFF GRANT APP	39.2
STACK PAY - REC FEES	REC FEE REFUND	377.48
STAR EQUIPMENT LTD	HARLEY RAKE	990
STATE HYGIENIC LAB	WATER SUPPLY TESTING	87
SUNSET LAW ENFORCEMENT	AMMO - PD	1,339.60
TREAS - ST OF IA SALES TX	AUG WET	2,055.14
TREAS - STATE OF IOWA W/H	STATE TAXES	2,057.02
TWISTED YOGA 108-MARGO SUCKOW	2024 YOGA IN THE PARK	252
US POSTMASTER	AUGUST UB POSTAGE	342.37
VEENSTRA & KIMM INC	WATER MAIN REPLACEMENT - P1	25,674.69
VERIZON WIRELESS	CELL PHONE CHARGES	759.5
VM YOUTH FOOTBALL	2024FB REGISTRATION FEES	7,652.80
WASTE CONNECTIONS	GARBAGE CONTRACT	12,453.54
WAUKEE POWER EQUIPMENT	PW CHAINSAW	499.99
WELLS FARGO CC	BEANSTACK YR3	6,000.57
WELLS FARGO CC	CREDIT CARD EXPENSES	0.63

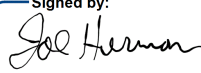
WELLS FARGO CC	CREDIT CARD EXPENSES	2,852.49
WEX BANK	PD GAS	2,493.55
WHITFIELD & EDDY PLC	LEGAL SERVICES - 601 MAIN	3,082.64
Accounts Payable Total		226,738.29
Invoices: Paid		47,219.50
Invoices: Scheduled		179,518.79
GENERAL		83,320.35
PARK OPERATIONS		34,861.16
ROAD USE TAX		9,966.46
EMPLOYEE BENEFITS		185
LIBRARY TRUST FUND		29,299.58
CIP - BUILDING PROJECT		1,456.14
WATER SUPPLY IMPROVEMENTS		12,488.18
WATER		20,045.07
SEWER		35,116.35
TOTAL FUNDS		226,738.29

- f. August Financial Statements
- g. August Building Permit Report
- h. IPAIT Update – August 2024
- i. SICOG Update – August 2024
- j. Mayor’s Beggars Night Notice – Thursday, October 31, 2024
- k. Resolution #2024-99 Assigning an Address to the Meter Pit of the Grand Ridge Estates Townhoms
- l. Resolution #2024-100 Approval of an Agreement for Professional Services with Veenstra & Kimm – Microsoft Development

Grolmus moved, supported by Westfall, to adopt the consent agenda. On roll call the votes were as follows: Akers – YES; Brott – YES; Grolmus – YES; Pelz – YES; Westfall – YES.

- 8) Discussion ensued regarding the Livestock Request at 2522 Brookview Court. Paul Cunningham stated that they consider their goats as pets and not livestock. They also provided supporting documentation from a medical provider regarding the goats. Council thanked them for the presentation and stated that they would follow up on the exception request by end of day September 16, 2024.
- 9) Brott moved, supported by Grolmus, to open the Public Hearing regarding proposed code amendments as a result of the 2024 Iowa Legislative Session at 7:16pm . Motion carried. No comments were received prior to or during the hearing. Brott moved, supported by Grolmus, to close the hearing at 7:17pm. Motion carried.
- 10) Akers moved, supported by Westfall, to adopt Ordinance #2024-21to Amend Certain Sections of the Code of Ordinances of the City of Van Meter due to the 2024 Legislative Session and waive subsequent readings. On roll call the votes were as follows: Akers – YES; Brott – YES; Grolmus – YES; Pelz – YES; Westfall - YES.
- 11) Akers moved, supported by Grolmus, to open the Public Hearing regarding a proposed amendment to Chapter 23 – Planning and Zoning of the Code of Ordinances of the City of Van Meter at 7:18pm. Motion carried. No comments were received prior to or during the hearing. Grolmus moved, supported by Akers, to close the hearing at 7:19pm. Motion carried.
- 12) Brott moved, supported by Akers, to adopt Ordinance #2024-22 to Amend Chapter 23 Planning & Zoning Commission of the Code of Ordinances of the City of Van Meter and waive subsequent readings. On roll call the votes were as follows: Akers – YES; Brott – YES; Grolmus – YES; Pelz – YES; Westfall - YES.
- 13) Brott moved, supported by Grolmus, to open the Public Hearing regarding a proposed amendment to Chapter 167 Site Plan Regulations regarding Lighting Standards of the Code of Ordinances of the City of Van Meter at 7:20pm. Motion carried. No comments were received prior to or during the hearing. Grolmus moved, supported by Brott, to close the hearing at 7:21pm. Motion carried.
- 14) Grolmus moved, supported by Akers, to adopt Ordinance #2024-23 to Amend Chapter 167 Site Plan Regulations and waive subsequent readings. On roll call the votes were as follows: Akers – YES; Brott – YES; Grolmus – YES; Pelz – YES; Westfall - YES.
- 15) Akers moved, supported by Grolmus, to open the Public Hearing regarding a proposed Amended Development Agreement with Trindle Ridge LLC at 7:22pm. Motion carried. Ben Clark asked what the net impact of the amendment is. City Clerk Drake stated that the amendment increases the \$ cap of the infrastructure (extending sewer to phase 2 of the development) and added 3 additional parcels. No additional comments or questions were received. Grolmus moved, supported by Akers, to close the hearing at 7:23pm. Motion carried.
- 16) Grolmus moved, supported by Brott, to adopt Resolution #2024-101 Approving an Amended Development Agreement with Trindle Ridge, LLC Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement. On roll call the votes were as follows: Akers – YES; Brott – YES; Grolmus – YES; Pelz – YES; Westfall – YES.

- 17) Brott moved, supported by Akers, to open the Public Hearing regarding a proposed Voluntary, Non-Consenting Annexation of Certain Real Estate Identified as Lot 7, Lot 8, Lot 9, Lot 10, Lot 11 and Lot 1 of Van Meter Country Estates Plat 1 and Certain Real Estate Owned by Edith Ann Westfall including Non-Consenting Property Identified Herein. Motion carried. Ben Clark stated that upon further review of the proposed resolution, the pre-annexation terms are adequately addressed and he has no further questions or comments. No additional comments or questions were received. Brott moved, supported by Akers, to close the hearing at 7:25pm. Motion carried.
- 18) Brott moved, supported by Akers, to adopt Resolution #2024-102 Assenting to the Annexation of Certain Real Estate Identified as Lot 7, Lot 8, Lot 9, Lot 10, Lot 11 and Lot 1 of Van Meter Country Estates Plat 1 and Certain Real Estate Owned by Edith Ann Westfall including Non-Consenting Property Identified Herein. Councilwoman Edith Westfall stated that as a party of the annexation proceedings, she would be abstaining from action. On roll call, the votes were as follows: Akers – YES; Brott – YES; Grolmus – YES; Plez – YES; Westfall – ABSTAIN.
- 19) Akers moved, supported by Brott, to open the Public Hearing regarding a proposed amendment to Chapter 47 Park Regulations of the Code of Ordinances of the City of Van Meter at 7:28pm. Motion carried. No comments were received prior to or during the hearing. Grolmus moved, supported by Brott, to close the hearing at 7:28pm. Motion carried.
- 20) Grolmus moved, supported by Brott, to adopt Ordinance #2024-24 to Amend Chapter 47 – Park Regulations and waive subsequent readings. Councilman Grolmus recognized Parks & Rec Director Chia and the Park Board for the effort in amending the rules, noting that the updates were much needed. Councilwoman Westfall stated that the changes incorporated after the last review were good. On roll call, the votes were as follows: Akers – YES; Brott – YES; Grolmus – YES; Plez – YES; Westfall – YES.
- 21) Discussion ensued regarding the Van Meter Fire Department’s request to obtain a used vehicle from the Van Meter Police Department (oldest Explorer in the fleet) at cost of \$10,400 instead of the VMPD trading the vehicle in. The vehicle would not be put into service until the PD Truck has been received and the Explorer had been rebranded. Chief Schmitt stated that he drove the vehicle and it drives fine & would fit the need for an EMS response vehicle. Chief Brown stated that the PD recently had the vehicle serviced & completed necessary repairs. Councilman Plez expressed concerns with the condition of the vehicle and requested that the VMFD provided alternative options for review as well. Councilperson Brott expressed concerns with unknown future repairs of the vehicle and the actual cost savings and requested an inspection of the vehicle. Westfall moved, supported by Grolmus, to table this request until a used car inspection can be completed. On roll call, the votes were as follows: Akers – YES; Brott – YES; Grolmus – YES; Pelz – YES; Westfall – YES.
- 22) Discussion ensued regarding a proposed purchase of equipment for the Public Works Department including 2 sanders and brush mower. The equipment request was previously reviewed by the Public Works Sub-Committee. Councilwomen Westfall asked for confirmation that the proposed purchases had been budgeted for. City Clerk Drake confirmed. Akers moved, supported by Brott, to adopt Resolution #2024-103 Approving Equipment Purchases for Public Works in the amount of \$24,500. On roll call, the votes were as follows: Akers – YES; Brott – YES; Grolmus – YES; Pelz – YES; Westfall – YES.
- 23) City Staff provided written department reports. Administrative staff provided updates on the continued progress of rental registrations & inspections, code enforcement, vacant buildings and dangerous buildings. Public Works provided an update completion of & passing of Grade 1 certification and that Grade 2 certification activities are under way. Police reported that the department responded to 164 calls in August (90 of which were traffic stops). Fire reported on training & community engagement activities and reported 24 total calls of which 5 were responded in De Soto, and 9 in Van Meter. Van Meter Public Library reported fall programming is underway and that the new furniture is starting to arrive. Parks & Rec reported that several grants have been applied for to help fund park development in Grand Ridge and park improvements at Johnson Park.
- 24) Council members reported on monthly committee meetings. Public Safety was commended again for the success of the 1st National Night Out and noted that more current members would like to obtain EMR certification. Public Works committee discussed the preparation plan for snow season. Economic Development discussed downtown & the impact of the vacant & dangerous building codes. Policy committee had no report. The Library Liaison reported that there was an upcoming meeting, no report. Parks & Rec committee members noted the success of the Community Clean Up day. Personnel committee had no report.
- 25) Mayor Herman led a celebratory discussion of the 20 years of service milestone for City Administrator Liz Faust.
- 26) Brott moved, supported by Grolmus, to adjourn the meeting. On roll call, the votes were as follows: Akers – YES; Brott – YES; Grolmus – YES; Pelz – YES; Westfall – YES. Mayor Herman adjourned the meeting at 8:04pm.

Signed by:

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Joe Herman, Mayor

DocuSigned by:

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Jessica Drake, City Clerk

City of Van Meter, Iowa

City Council Workshop Minutes – September 23, 2024

1) The Van Meter City Council met for a workshop on Monday, September 23, 2024, at the Van Meter United Methodist Church located at 100 Hazel Street, Van Meter, IA 50261. Mayor Herman called the meeting to order at 6:00pm. The following council members were present upon roll call: Joel Akers, Travis Brott, Blake Grolmus, Quin Pelz and Penny Westfall.

Staff present: Library Director Jonatha Basye, Fire Chief Mark Schmitt, Police Chief Michael Brown, City Attorney John Fation, City Clerk Jessica Drake and City Administrator Liz Faust.

Public present: Dallas County Sherriff Adam Infante, Approximately 60 members of the public were in attendance.

2) Grolmus moved, supported by Westfall, to approve the agenda. Mayor Herman stated that a workshop is not a regular business meeting. The agenda does not reflect a Pledge of Allegiance, Introductions, Civility Statement, Citizen Hearing/Public Comment, Consent Agenda or Staff & Committee Reports. On roll call, the votes were as follows: Akers – YES; Brott – NO; Grolmus – YES; Pelz – YES; Westfall - YES. **YES (4) NO (1) ABSTAIN (0) ABSENT (0)**

3) The City Council engaged in a discussion with Dallas County Sherriff Adam Infante about what a contract law enforcement service looks like. Councilmember Westfall read a written statement regarding her support of the Van Meter Police Department and her desire to not entertain the contract law enforcement option. Mayor Herman stated that this discussion was for informational purposes and not for action. Mayor Herman also stated that the discussion was a result of an initiative started at the beginning of his term to evaluate the efficiencies and cost effectiveness of all City departments, not just the Police Department. The City had reviewed what a current 28E agreement looks like from a nearby city. However, Sheriff Infante noted that when the contract is renegotiated in the near future, it will not look the way it does now. There was discussion regarding pros and cons and the County’s desire (or not) to provide a contract law enforcement services to the City of Van Meter. The Council & Mayor thanked Sheriff Infante for taking the time to attend the meeting and discuss with Council.

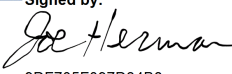
4) City Clerk Drake described the process of proceeding with a bond referendum and the process for a reverse referendum as it relates to proposed renovation activities at 601 Main Street (the future home of the Van Meter Public Library, Police Department and Fire Department).

5) Brott moved, supported by Grolmus, to enter into closed session pursuant to Iowa Code Chapter 21.5(1)(c) at 6:34pm. On roll call, the votes were as follows: Akers – YES; Brott – YES; Grolmus – YES; Pelz – YES; Westfall – YES. **YES (5) NO (0) ABSTAIN (0) ABSENT (0)** Brott moved, supported by Grolmus, to exit closed session at 7:57pm. On roll call, the votes were as follows: Akers – YES; Brott – YES; Grolmus – YES; Pelz – YES; Westfall – YES.

YES (5) NO (0) ABSTAIN (0) ABSENT (0)

6) Grolmus moved, supported by Akers, to direct City Staff and the City Attorney to proceed as discussed in closed session pursuant to Iowa Code Chapter 21.5(1)(c). On roll call the votes were as follows: Akers – YES; Brott – YES; Grolmus – YES; Pelz – YES; Westfall - YES. **YES (5) NO (0) ABSTAIN (0) ABSENT (0)**

7) Brott moved, supported by Grolmus, to adjourn. On roll call the votes were as follows: Akers – YES; Brott – YES; Grolmus – YES; Pelz – YES; Westfall - YES. **YES (5) NO (0) ABSTAIN (0) ABSENT (0)** Mayor Herman adjourned the meeting at 7:58pm.

Signed by:

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Joe Herman, Mayor

DocuSigned by:

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Jessica Drake, City Clerk

Building Permit Report

City of Van Meter – September 2024						
	Single Family New Construction	Single Family Improvements	Multi-Residential New Construction	Multi-Residential Improvements	Commercial New Construction	Commercial Improvements
# of Permits Issued	1	1 – driveway approach 2 – sheds	-	-	-	-
Total Valuation	\$437,298	-	-	-	-	-

City of Van Meter – August 2024						
	Single Family New Construction	Single Family Improvements	Multi-Residential New Construction	Multi-Residential Improvements	Commercial New Construction	Commercial Improvements
# of Permits Issued	2	1	-	-	-	1 – driveway approach
Valuation	\$837,321	\$5,400	-	-	-	-

City of Van Meter – July 2024						
	Single Family New Construction	Single Family Improvements	Multi-Residential New Construction	Multi-Residential Improvements	Commercial New Construction	Commercial Improvements
# of Permits Issued	4	4	-	-	-	

Building Permit Report

Valuation	\$1,238,269	\$49,484	-	-	-	-
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City of Van Meter – June 2024						
	Single Family New Construction	Single Family Improvements	Multi-Residential New Construction	Multi-Residential Improvements	Commercial New Construction	Commercial Improvements
# of Permits Issued	14	6	-	-	-	-
Valuation	\$3,405,111	\$46,157	-	-	-	-

City of Van Meter – May 2024						
	Single Family New Construction	Single Family Improvements	Multi-Residential New Construction	Multi-Residential Improvements	Commercial New Construction	Commercial Improvements
# of Permits Issued	5	6	-	-	-	-
Valuation	\$1,788,522	\$193,951	-	-	-	-

City of Van Meter – April 2024						
	Single Family New Construction	Single Family Improvements	Multi-Residential New Construction	Multi-Residential Improvements	Commercial New Construction	Commercial Improvements
# of Permits Issued	2	7	-	-	-	-
Valuation	\$673,936	\$56,420	-	-	-	-

Building Permit Report

City of Van Meter – March 2024						
	Single Family New Construction	Single Family Improvements	Multi-Residential New Construction	Multi-Residential Improvements	Commercial New Construction	Commercial Improvements
# of Permits Issued	-	1	-	-	-	-
Valuation	-	\$19,075	-	-	-	-

City of Van Meter – February 2024						
	Single Family New Construction	Single Family Improvements	Multi-Residential New Construction	Multi-Residential Improvements	Commercial New Construction	Commercial Improvements
# of Permits Issued	4	2	-	-	-	-
Valuation	\$1,238,269	\$26,960	-	-	-	-

City of Van Meter – January 2024						
	Single Family New Construction	Single Family Improvements	Multi-Residential New Construction	Multi-Residential Improvements	Commercial New Construction	Commercial Improvements
# of Permits Issued	2	-	-	-	-	-
Valuation	\$517,445	-	-	-	-	-



IPAIT Monthly Statement

City of Van Meter

Please Note:

THE FUND WILL BE CLOSED OCTOBER 14TH IN OBSERVANCE OF THE COLUMBUS DAY HOLIDAY

Activity Summary [REDACTED] General

9/1/2024 - 9/30/2024

Investment Pool Summary	Diversified
Beginning Balance	\$259,904.90
Dividends	\$1,038.58
Purchases	\$0.00
Redemptions	\$0.00
Ending Balance	\$260,943.48
Average Monthly Rate	4.862%
Share Price	\$1.000
Total	\$260,943.48
Total Fixed Income	\$0.00
Account Total	\$260,943.48

City of Van Meter
 Liz Faust
 505 Grant Street
 P.O. Box 160
 Van Meter, IA 50261-0160

Your PMA Representative
 Megan Foster
 (630) 657-6531
 mfooster@pmanetwork.com



PMA Financial Network
 2135 CityGate Lane, 7th Floor
 Naperville, IL 60563

Quarterly Investment Report: Quarter 3/2024 July 1, 2024 - September 30, 2024

Summary:

Major transactions for Q3/2024 included:

- Woodruff Construction – Final Payment - Water Booster Station: \$42,485.00
- Purchase of 601 Main Street: \$520,570.43
- Street Repair/Resurface Project: \$166,041.50
- Sewer Pump Replacement: \$34,953.74

We received our typical operating account interest from Earlham Savings Bank totaling \$5,022.98 for the quarter.

We received \$3,267.78 in interest in our IPAIT investment from July 1 - September 30, 2024. In total, we have earned \$16,124.68 in interest on the IPAIT investment.

Cash and Investment Breakdown:

Checking – ESB: \$4,164,431.00

Petty Cash: \$100

Change Fund: \$30

IPAIT Investment: \$260,943.48

Jess Drake, City Clerk
Van Meter, Iowa

Resolution 2024-104

A Resolution Appointing Members to the Van Meter Fire Department

Whereas, the Code of the City of Van Meter, Iowa Chapter 35 requires that all members of the Van Meter Fire Department be appointed by the Council, and

Whereas, the Fire Chief desires to appoint members to the Van Meter Fire Department per Van Meter Municipal Code Chapter 35, now

Therefore, be it resolved by the Van Meter City Council that the following members be appointed member of the Van Meter Fire Department:

Shiloh Sorenson

Passed and approved this 14th day of October, 2024.

Mayor

ATTEST:

City Clerk

From: [Mark Schmitt](#)
To: [Jess Drake](#)
Cc: [Elizabeth \(Liz\) Faust](#)
Subject: New Firefighter approval
Date: Tuesday, September 17, 2024 9:19:25 AM

Not sure if this can be approved or not at the council workshop next Monday.

We have an application in and we have interviewed and would like to add Shiloh Sorensen to the fire department.

He and his family just moved to Van Meter from Redfield, he works full time at Camp Dodge as a civilian employee.

He lives at 405 Elm Street.

If possible to vote on him next Monday that would be great, we are running out of good weather for training and would like to get him on the dept for our October training's which will most likely be the last outside training we will have left for the year.

Let me know if you have any questions.

Also, Adam Wicks has resigned from the Department as of yesterday.

Once Shiloh is approved, I will provide you with an updated roster for the department.

Thanks

Mark Schmitt

Fire Chief
City of Van Meter
505 Grant Street
(P O Box 160)
Van Meter, IA 50261
Cellular (515) 250-3561

Resolution #2024-105

“A Resolution to Authorize FY24 & FY25 Fund Transfers”

Whereas, the transfers have been suggested by and discussed with the City's Financial Advisor Team at PFM in relation to the City's Debt Service Fund, and

Whereas, a Resolution of Council is required to authorize the transfer of funds, now

Therefore, be it resolved by the Van Meter City Council that the City Administrator is authorized to make fund balance transfers as follows:

Debit Debt Service Fund (200)	\$5,294.00	
Credit Water Fund (600)		\$5,294.00
FY24 - Offset the difference between budgeted debt service payment & actual debt service payment		
Debit Debt Service Fund (200)	\$69,850.00	
Credit LOST FUND (121)		\$34,925
Credit Water Fund (600)		\$34,925
FY25 - Increase transfers in to Debt Service to match Series 2021 Payment Schedule		

Passed and approved this 14th day of October, 2024.

Mayor

ATTEST:

City Clerk

From: [Carrie Swartz](#)
To: [Jess Drake](#)
Cc: [Matthew Stoffel](#)
Subject: Follow Up
Date: Thursday, October 3, 2024 12:27:58 PM

Hi Jess,

Below are the transfers that need to be changed for FY 2024 and the FY 2025 budget amendment. These are all changes related to the debt service fund:

FY 2024 changes:

1. Transfer of \$5,294.04 to debt service from either TIF or water. Either of these are fine: we had originally projected a \$61,000 transfer from TIF and a \$50,000 from water

FY 25 budget amendment changes:

1. Change interest payment from \$45,400 to \$51,400 to match Series 2021 schedule
2. Change transfer in from TIF to \$159,450 (this is \$89,000 for the Trindle Ridge portion, and \$69,850 for the water portion of Series 2021)
3. Add a transfer in from water of \$34,925
4. Add a transfer in from LOST of \$34,925

The amendment should get you to a balanced budget in the debt service fund for FY 2025.

If you have any questions, please let us know!

Best,
Carrie

Agenda Item #8

Discussion and Possible Action:

Resolution #2024-106 Approving Transfer of Funds from EMS to Police relating to a transaction regarding the 2017 Ford Explorer

Submitted for: **Discussion and Possible Action**

Fire Chief Schmitt has provided follow up documentation as requested regarding the vehicle swap of the 2017 Ford Explorer from police to EMS.

This transaction will result in a transfer of \$10,000 from EMS Other Capital Outlay (001-160-6799) to Police Sale of Real Property (001-110-4800).

Recommendation: **Approval**

Sample Language: **Motion to adopt Resolution #2024-106 Approving Transfer of Funds from EMS to Police relating to a transaction regarding the 2017 Ford Explorer**

City Councilmember: _____ ***So moved.***

City Councilmember: _____ ***Second.***

Mayor: ***Roll Call Please.***

City Clerk: Akers _____ Brott _____ Grolmus _____ Pelz _____ Westfall _____

Resolution #2024-106

“A Resolution to Approve Transfer of Funds from EMS to Police relating to a transaction regarding the 2017 Ford Explorer”

Whereas, Van Meter EMS Department sold an ambulance in FY24 in the amount of \$10,400; and

Whereas, the Van Meter EMS Department has been looking for a replacement vehicle to utilize for EMS calls instead of using a Fire Department vehicle; and

Whereas, the Van Meter Police Department has purchased an additional patrol vehicle with an anticipated delivery date prior to the end of 2024; and

Whereas, the Van Meter Police Department discussed the possibility of trading in the department's 2017 Ford Explorer or transferring ownership to the Van Meter Fire Department; and

Whereas, the Fire Chief Schmitt had a satisfactory multi-point inspection performed & has expressed a desire to acquire the Explorer for use for EMS calls; and

Whereas, the Van Meter EMS Department desires to transfer \$10,000 from Capital Outlay to the Van Meter Police Department Revenue line (Sale of Real Property); now

Therefore, be it resolved by the Van Meter City Council that the City Administrator is authorized to make fund balance transfers as follows and upon receipt of the new patrol vehicle by the VMPD, Fire Chief Schmitt is authorized to take the necessary steps to outfit and rebrand to meet the needs for the EMS Department.

Debit Police Sale of Real Property	\$10,000.00	
Credit EMS Capital Outlay		\$10,000.00

Passed and approved this 14th day of October, 2024.

Mayor

ATTEST:

City Clerk

From: [Mark Schmitt](#)
To: [Elizabeth \(Liz\) Faust](#); [Jess Drake](#)
Subject: FW: 2017 Explorer
Date: Friday, September 27, 2024 12:05:22 PM
Attachments: [Vanmeter2.pdf](#)

See email below and attached quote for work that would need to be completed.

The rear end squeak he said could be the rear sway bar and if that is an issue can replace the rear sway bar.

He notes the only safety issue is the tires, so repairs needed would cost if work completed by him \$1570.72

I asked Greg if the tire price was state pricing and he said he could not get us state pricing on the tires, so we can make that a lesser amount by going to a place and get state pricing on for the tires.

Mark Schmitt

Fire Chief
City of Van Meter
505 Grant Street
(P O Box 160)
Van Meter, IA 50261
Cellular (515) 250-3561

From: Greg Graves <ggraves@dgautogroup.com>
Sent: Tuesday, September 17, 2024 9:42 AM
To: Mark Schmitt <mschmitt@vanmeteria.gov>
Subject: 2017 Explorer

Attached are two invoices. One with is an actual invoice for the inspection that will also list my findings. Two is a quote of repairing the necessary items. The tires i have selected for replacement are not pursuit rated, and are the correct size for a civilian explorer. The only safety concern with the explorer currently is the tires. Majority of the squeak in the rear is coming from the rear Sway Bar. It is possible that there is noise coming from other joints in the rear, but it would require a process of elimination to correct the concern completely. Feel Free to call me with any questions.

Thank You,
Greg Graves, Owner
D and G Auto Group
515-834-2277

D & G AUTO GROUP

(515) 834-2277

<http://www.RustFreeRide.com>**Quote # 3103**

Last Updated: 09/17/24

D and G Auto Group 4 Ellefson Dr. De Soto, IA 50069**P.O. Box 474****Customer:**

City of Van Meter

mschmitt@Vanmeteria.gov

Vehicle:

2017 Ford Truck Police Interceptor Utility AWD V6-3.5L Turbo

Type	Description	Part #	Qty	Price	Extended
Part	Rear Sway Bar Assembly	BB5Z5A772A	1.0	\$170.00	\$170.00
Labor	Remove & Replace Rear Suspension - Stabilizer Bar - Stabilizer Bar, R&R				\$125.00
Part	Rear Sway Bar Link	3K750393/4	2.0	\$57.04	\$114.08
Part	245/60R18 105H Toyo Extensa A/S II BW	143440	4.0	\$182.98	\$731.92
Part	Tire Pressure Sensor with programing	TPMS	4.0	\$69.99	\$279.96
Part	Used Tire Disposal	Disp	4.0	\$8.00	\$32.00
Part	Shop Supplies and Disposal	sup	1.0	\$15.00	\$15.00

Parts Total: \$1,342.96**Labor Total: \$125.00****Others Total: \$0.00****Parts Tax: \$94.01****Labor Tax: \$8.75****Total: \$1,570.72**

Agenda Item #9

Discussion and Possible Action:

Resolution #2024-107 Approving Quote for Asphalt Pavement at the Van Meter Cemetery

Submitted for: **Discussion and Possible Action**

The road within the Van Meter Cemetery is in need of a different surface to help decrease water run off and erosion and to provide a better driving experience for cemetery visitors. PW Director McCombs, Mayor Herman and City Administrator Faust explored several options and determined that asphalt is the best option at this time as it meets the needs & is also the most cost efficient option.

Recommendation: **Approval**

Sample Language: **Motion to adopt Resolution #2024-107 Approving Quote for Asphalt Pavement at the Van Meter Cemetery**

City Councilmember: _____ ***So moved.***

City Councilmember: _____ ***Second.***

Mayor: ***Roll Call Please.***

City Clerk: Akers _____ Brott _____ Grolmus _____ Pelz _____ Westfall _____

Resolution #2024-107

"A Resolution to Approve a Quote for Asphalt Pavement in the Van Meter Cemetery"

Whereas, the road within the Van Meter Cemetery is currently gravel and subject to erosion and washout causing costly remediation efforts on an annual basis; and

Whereas, City Administrator Faust and Public Works Director McCombs expressed a desire to evaluate alternate surface options that would provide a better surface, less annual upkeep and expense and provide a better experience for cemetery visitors; and

Whereas, Public Works Director McCombs reviewed several options and determined that asphalt is the most cost effective option that meets the identified needs;

Whereas, the City received a quote from Grimes Asphalt in the amount of \$64,800.00; now

Therefore, be it resolved by the Van Meter City Council that the City Administrator & Public Works Director are authorized to proceed with acceptance of the quote and to schedule & proceed with the asphalt paving of the cemetery road.

Passed and approved this 14th day of October, 2024.

Mayor

ATTEST:

City Clerk



Grimes Asphalt and Paving Corporation

Post Office Box 3374

5550 NE 22nd Street

Des Moines, IA 50316

Phone: (515) 266-5173

Fax: (515) 266-5255

www.grimesasphalt.com

To: City Of Van Meter	Contact: Drew McCombs
Address: Van Meter, IA	Phone:
	Fax:
Project Name: Van Meter Cemetery 2024	Bid Number:
Project Location: 2750 Richland Rd., Van Meter, IA	Bid Date:

Item #	Item Description	Estimated Quantity	Unit
1	HMA 3" Pavement: Perform Fine Grade Work Only. Install New 3" Depth Hot Mix Asphalt Pavement.	2,400.00	SY

Total Bid Price: \$64,800.00

Notes:

- The grading is not included in this proposal. Finish sub-grade shall be the responsibility of the grading contractor with final elevations established. Proper compaction of the top 12 inches of suitable material shall be at 95% of the Standard Proctor Density. Our price includes finish blading prior to paving. Grimes Asphalt and Paving Corporation may proof roll to verify stability for paving.
- Price is contingent upon completing the work during the 2024 construction season.
- To the fullest extent provided by law, Owner shall indemnify, defend and hold harmless Grimes Asphalt and Paving Corporation, it's officers, directors, employees, and agents from and against all claims, damages, losses, and expenses, including but not limited to attorneys fees and court costs resulting from or arising out of Owner or Owner Representative failure to provide accurate information of the existence and location of any non-public utilities or hazardous materials at the project site.

Payment Terms:

This proposal may be withdrawn by us if not accepted within 30 days.

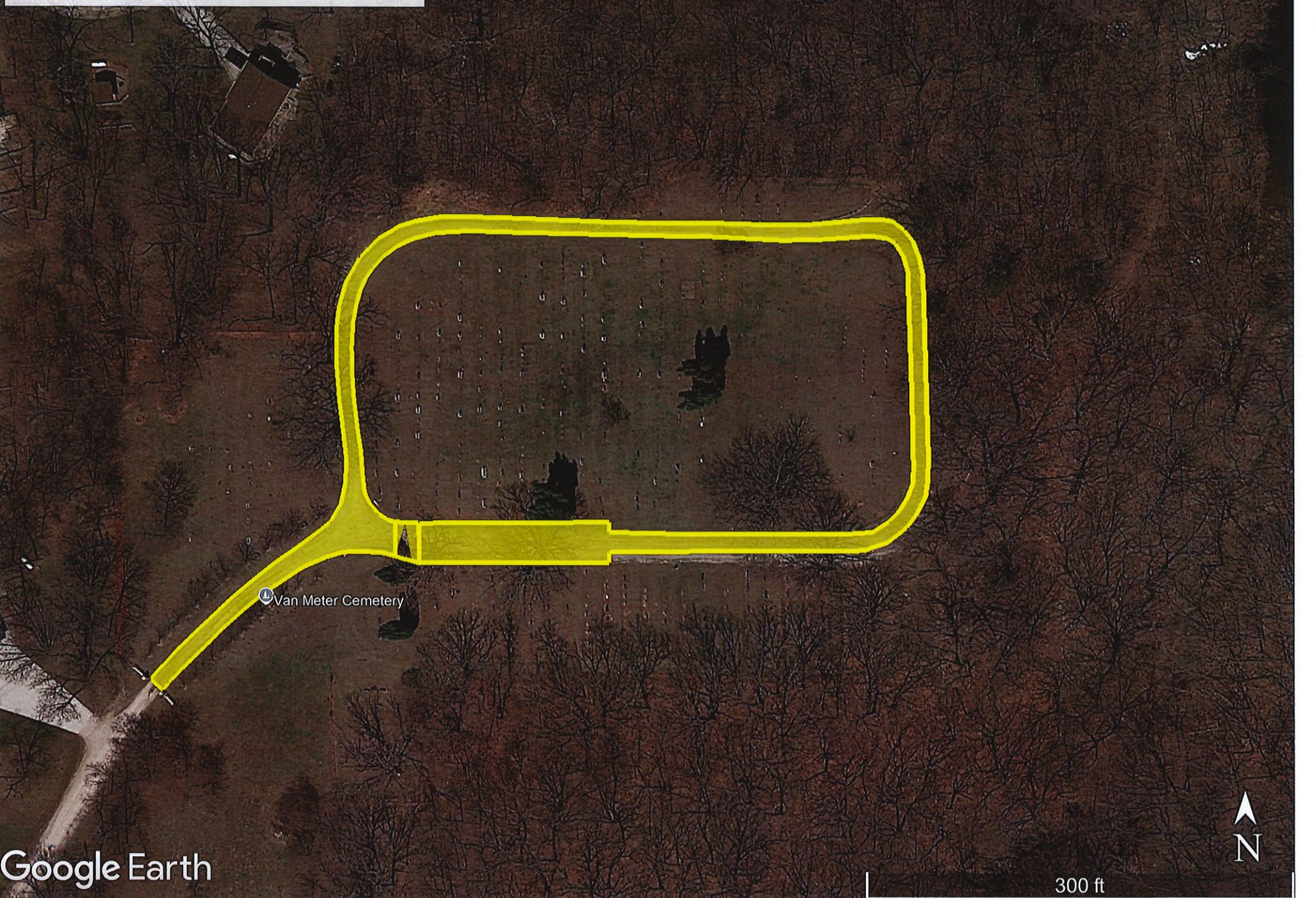
It is understood that progress payments shall be made as work progresses, final payment due upon completion. A service charge of 1-1/2% will be added if not paid within 30 days from date of invoice.

This proposal voids all previous proposals.

It is understood that Grimes Asphalt may require credit assurances from the customer and/or owner, including but not limited to bank letters of guarantee and/or payments deposited into escrow accounts before work commences or at anytime during the performance of work.

<p>ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p>Buyer: _____</p> <p>Signature: _____</p> <p>Date of Acceptance: _____</p>	<p>CONFIRMED: Grimes Asphalt and Paving Corporation</p> <p>Authorized Signature: _____</p> <p>Estimator: Tom Pike 515-491-6053 tom@grimesasphalt.com</p>
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Asphalt Map For Cemetery



Van Meter Cemetery



300 ft

Agenda Item #10

Discussion and Possible Action:

Resolution #2024-108 Setting Date for Public Hearing on proposed amendments to Chapter 161 Rental Housing Code and Chapter 165 Zoning Regulations relating to Short-Term Vacation Rentals

Submitted for: **Discussion and Possible Action**

Legislation was passed in 2020 that essentially prohibits City government from regulating short term rentals (AirB&B, VRBO, etc) or requiring a condition use permit to operate. Planning & Zoning has considered adding a definition to our zoning code for Short Term Vacation Rentals (Chapter 165) and adding language in our Rental Housing Code (Chapter 161) that specifically states that Short Term Vacation Rentals are subject to registration & rental inspections just like any other rental. Both of these are permitted under the current legislation. This enables the City to have a tracking mechanism as well a lever for action if there is a failure to comply. In addition, Short Term Vacation Rentals are required to collect hotel motel tax – which can be passed through to the City as a tax revenue if the Council decides to enable the Local Hotel Motel tax through a ballot vote during a general election. This has been discussed with the Finance committee. More to come at a later date on the Hotel/Motel Tax. **City Staff will provide the final proposed amendment to Council no later than Friday, October 18, 2024. A draft proposed amendment is included in the packet.**

Recommendation: **APPROVAL**

Sample Language: **Motion to adopt Resolution #2024-108 Setting Date for Public Hearing on proposed amendments to Chapter 161 Rental Housing Code and Chapter 165 Zoning Regulations relating to Short-Term Vacation Rentals for November 11, 2024 at 7:00pm**

City Councilmember: _____ ***So moved.***

City Councilmember: _____ ***Second.***

Mayor: ***Roll Call Please.***

City Clerk: Akers _____ Brott _____ Grolmus _____ Pelz _____ Westfall _____

Resolution passes/fails.

RESOLUTION NO. 2024-108

A Resolution Setting the Date of Public Hearing on proposed amendments to Chapter 161 Rental Housing Code and Chapter 165 Zoning Regulations relating to Short-Term Vacation Rentals

WHEREAS, the City of Van Meter has been notified of at least one short-term vacation rental located within the City limits of Van Meter; and

WHEREAS, the Code of Ordinances of the City of Van Meter currently does not address short-term vacation rentals; and

WHEREAS, City Staff has recommended addition of certain terms & rental inspection requirements to Chapter 161 Rental Housing Code and Chapter 165 Zoning Regulations; and

WHEREAS, members of the Planning and Zoning Commission of the City of Van Meter reviewed proposed changes at the October 9, 2024 Planning & Zoning Workshop; and

WHEREAS, the City of Van Meter must now hold a public hearing regarding the proposed amendments to Chapter 161 Rental Housing Code and Chapter 165 Zoning Regulations relating to Short-Term Vacation Rentals; now

THEREFORE, BE IT HEREBY RESOLVED, by the Van Meter City Council that the Public Hearing on proposed amendments to Chapter 161 Rental Housing Code and Chapter 165 Zoning Regulations relating to Short-Term Vacation Rentals is set for November 11, 2024 at 7:00pm at the United Methodist Church located at 100 Hazel Street, Van Meter, IA 50261.

BE IT FURTHER RESOLVED, the City Clerk is directed to publish notice of the hearing as required by law as well as online at www.vanmeteria.gov.

Passed and Approved this 14th day of October, 2024.

Mayor

City Clerk

CHAPTER 165
ZONING REGULATIONS

165.01 Title	165.15 C-2 CBD Central Business District
165.02 Purpose and Goals	165.16 C-3 Commercial District
165.03 Interpretation and Definitions	165.17 CF Community Facility District
165.04 General Regulations	165.18 BP-1 Business Park District
165.05 Establishment of Districts and Boundaries	165.19 I-1 Light Industrial District
165.06 Boundaries	165.20 I-2 Heavy Industry District
165.07 A Agricultural District	165.21 MU Major Utility District
165.08 R-1 Single-Family Residence District	165.22 Exceptions and Modifications
165.09 R-2 Two-Family Residence District	165.23 Parking and Loading Areas
165.10 R-3 Multiple-Family Residence District	165.24 Amendments to the Zoning Ordinance
165.11 R-4 Reserved	165.25 Board of Adjustment
165.12 Planned Unit Development District	165.26 Certificate of Zoning Compliance
165.13 C-0 Commercial-Residential District	165.27 Administration
165.14 C-1 Downtown Commercial District	165.28 Enforcement, Violation and Penalties

165.01 TITLE.

1. Long Title. An Ordinance titled, "The Zoning Ordinance of the City of Van Meter, Iowa, to Repeal All Ordinances in Conflict Herewith; and Establishing Comprehensive Zoning Regulations for the City of Van Meter, Iowa, and Providing for the Administration, Enforcement, and Amendment Thereof," has been adopted by the City, in accordance with the provisions of Chapter 414, of the Code of Iowa.

2. Short Title. Such Ordinance, which is codified in this chapter, shall be known and may be referred and cited as the "Van Meter Zoning Ordinance," to the same effect as if the full title were stated. The map herein referred to and identified as "The Zoning District Map, Van Meter, Iowa," and attendant explanatory matter thereon is hereby adopted and made a part of this Ordinance. (See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.)

165.02 PURPOSE AND GOALS.

1. Purpose. The zoning regulations and boundaries herein set forth are made in accordance with a comprehensive plan for the general welfare of the community, for the purpose of promoting a wholesome, serviceable, and attractive municipality, to protect both urban and rural development of the community, to promote aesthetics and natural beauty in the landscape, to preserve and create a more favorable environment in which to rear children and develop permanent good citizenship; and to conserve the value and encourage the most appropriate use of land throughout the community.

2. Goals. The specific goals of this chapter shall be, through the application of its regulations and boundaries to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health, morals, and the general welfare; provide adequate light and air; prevent the overcrowding of land or buildings; avoid undue concentration of population.

165.03 INTERPRETATION AND DEFINITIONS.

In their interpretation and application the provisions of this chapter shall be held to be the minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or ordinances, the provisions of this chapter shall control. For the purposes of this chapter, the words "used or occupied" shall be deemed also to include "designed, intended or arranged to be used or occupied." The word "lot" includes the words "plot or parcel." Additional words, phrases, and terms used herein are defined and interpreted as follows:

1. "Accessory use, building or structure" means a building, use, or structure subordinate to another building, use, or structure on the same lot which is of a nature customarily incidental to the principal use, building, or structure; and does not alter or change the character of the premises; and which is not used for human occupancy.

2. "Adult entertainment establishment" means a retail or service establishment which is characterized by an emphasis on specialized sexual activity and/or specified anatomical areas, including, but not limited to:

A. Any book store, video store, or other establishment in which a substantial portion of its stock and trade is devoted to printed matter or visual representation of specified sexual activities or specified anatomical areas.

B. Any movie theater offering movies or other displays, or any establishments offering coin operated devices, which emphasize specified sexual activities or specified anatomical areas.

C. Any cabaret, club, tavern, theater, or other establishment which offers any entertainment emphasizing specified sexual activities or specified anatomical areas, including (but not limited to) topless and/or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.

D. Any establishment offering massage or similar manipulation of the human body, unless such manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional licensed by the State. This definition does not include massages or similar manipulation offered at an athletic club, health club, school, gymnasium, spa, or similar establishments.

3. "Alley" means a public way, other than a street, 20 feet or less in width providing a secondary means of access to abutting property.

4. "Agriculture" means the use of land and/or buildings for agricultural purposes, including farming, dairying, pasturage, and animal and poultry husbandry; and the necessary accessory uses for packing, treating, or storing the produce provided, the operation of such accessory uses shall be secondary to the normal agricultural activities.

5. "Animal hospital" means any building, or portion thereof, and attached fenced-in kennel area, designed or used for the care, observation, or treatment of domestic animals.

6. "Automobile repair" means the general repair, rebuilding, reconditioning of engines, motor vehicles, or trailers.

7. "Automobile or trailer sales area" means any area of land, building, or structure, where two or more motor vehicles, in running condition; or trailers fully capable of attachment to a motor vehicle are stored for display and sale.

8. "Automobile wrecking yard" means any area of land where two or more vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles, or parts thereof.

9. "Basement" means a story having more than one-half of its floor-to-ceiling height below grade level. A basement shall not be counted as a story for the purpose of height regulations.

10. "Billboard" means any structure or portion thereof, situated on private property, used or intended for use for advertising purposes, or for public display of posters, painted signs, wall signs, or pictures which advertise a business, attraction, or manufacturing which is not carried on, in, or upon the premises upon which said illustration is located.

11. "Board" means the Board of Adjustment.

12. "Boarding house" means a building other than a hotel, and not open to transients, where, for compensation, meals and lodging are provided for three or more persons.

13. "Building" means any enclosed structure which is built for the support or shelter of human use activities, whether stationary or movable.

14. "Building, height of" means the vertical distance from the average natural grade at the front of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

15. "Building line": A line parallel to the front lot line over which no portion of the building may extend, and which is a distance from the front lot line equal to the depth of the front yard required for the district in which such lot is located.

16. "Building, main or principal" means a building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

17. "Bulk stations" means buildings, structures, and tanks used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than 12,000 gallons.

18. "Business" means the purchase, sale, barter, or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or amusement and recreational enterprises for profit.

19. "Carport" means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. A carport attached to the principal building shall be considered as part of the principal building, and subject to all yard requirements therein.

20. "Clinic, medical or dental" means a building or buildings in which a group of physicians and/or dentists and their professional assistants are associated for the purpose of carrying on their professions.

21. "Club or lodge, private" means a non-profit association of persons who are bona-fide members paying dues; which owns, leases, or hires land, a building or portion thereof, the use of such premises being restricted to members and their guests.

22. "Commission" means the Van Meter, Iowa, Planning and Zoning Commission.

23. "Condominium" means a multiple dwelling consisting of at least three units with a fee title to each dwelling unit which is held independently of the others and each unit having its own separate utilities and the remainder of the real estate is designed for common ownership solely by the owners of the separate dwelling units.

24. "Court" means an open, unobstructed, and unoccupied space other than a yard which is bounded on two or more sides by a building on the same lot.

25. "Curb level, grade" means the average elevation, where curb and gutter exists, of the highest point of the curb along the front line of the lot. Where no curbing exists, it is to be taken as the average elevation of the centerline of the paving along the front of the lot.

26. "Dwelling" means a building or portion thereof, used primarily as a place of abode for one or more human beings, but not including a tent, trailer, or mobile home, or hotels, motels, boarding houses, and tourist homes.

27. "Dwelling, single-family" means a building designed or used exclusively for occupancy by one family.

28. "Dwelling, two-family" means a building designed or used exclusively for occupancy by two families.

29. "Dwelling, multiple family" means a building, or portion thereof, containing three or more dwelling units.

30. "Dwelling unit" means a dwelling or a portion thereof, used for one family for living, and sleeping purposes, containing bathroom and cooking facilities. One or more persons occupy a single housekeeping unit and using common cooking facilities. Unless related by blood or marriage, no such family shall contain over three persons. Every additional group of three or fewer persons not related by blood or marriage living in said housekeeping unit shall be considered a separate family for the purpose of this chapter.

31. "Floodplain" means that continuous area, adjacent to a stream bed or other natural drainage channels or areas, that is low-lying and subject to periodic inundation by water.

32. "Floor area of building" means the sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot; except that in residential buildings, basement, and attic floor area not devoted to active use shall be excluded, but the area of roofed porches and roofed terraces shall be included. All dimensions shall be measured between exterior faces of walls.

33. "Garage, private" means any building or structure enclosed on more than two sides intended and used for the parking of the private motor vehicles of the families resident upon the premises.

34. "Garage, public" means any building where automotive vehicles are painted, repaired, rebuilt, reconstructed and/or stored for compensation.

35. "Home occupation" means any use conducted entirely within a dwelling and participated in solely by members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no commodity sold upon the premises except those produced thereon. In no event shall a barber shop, salon, gift shop, or animal hospital be construed as a home occupation unless the individual has applied for and received a special use permit pursuant to Section 165.22(7)(A)(7) of this chapter for a special use permit to operate a barbershop or salon. Commodities incidental to the practice of cosmetology or barbering may be sold in the event a special use permit is granted.

36. "Hotel" means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to boarding or lodging houses.

37. "Junk yard" means an open area or fenced-in enclosure where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including (but not limited to) scrap iron and other metals, paper, rags, rubber tires, and bottles, but not including areas where such uses are conducted entirely within a completely enclosed building, or the processing of used, discarded, or salvaged materials are part of a manufacturing operation.

38. "Kennel" means any premises on which four or more dogs, six months or older, are kept for board, breeding or sale.

39. "Land use plan" means the comprehensive long-range plan for the desirable use of land within the community, as officially adopted and as amended from time to time by the Council; the purpose of the plan being, among other things, to serve as a guide to the zoning and progressive changes in zoning of land to meet changing needs, in the subdividing and use of undeveloped land and in the acquisition of land for such public purposes as streets, parks, schools, and other public buildings and uses.

40. "Lot" means a parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building, structure, and/or accessory buildings, is sufficient to provide the yards required by the regulations herein given.

41. "Lot, corner" means a lot abutting upon two or more streets at their intersection.

42. "Lot double-frontage" means a lot having a frontage on two or more non-intersecting streets, as distinguished from a corner lot.

43. "Lot interior" means a lot other than a corner lot.

44. "Lot area" means the horizontal area within the lot lines of the lot.

45. "Lot lines" means the lines bounding a lot.

46. "Lot of record" means a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the legal description of which has been duly recorded.

47. "Lot depth" means the mean horizontal distance between the front and rear lot lines.

48. "Lot width" means the width of a lot measured at the building line and at right angles at its depth.

49. "Mobile home" means any vehicle used or maintained for use as a conveyance upon highways or public streets or waterways; so designed and constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one or more persons whether attached or unattached to a permanent foundation.

50. "Mobile home park" means any lot or portion of a lot upon which two or more mobile homes occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation.

51. "Nonconforming use" means a building, structure, or premises lawfully occupied or under construction at the time of the enactment of the zoning regulations for the district in which it is located; also such use resulting from changes in zoning districts or in textual provisions made hereafter.

52. "Nursing or convalescent home" means a building or structure having accommodations and where care and room and board is provided for invalid, infirm, aged,

convalescent, or physically disabled or injured persons, not including insane or other mental cases, inebriate or contagious cases.

53. "Parking area, public" means an open area, other than a street or alley, designed for use or used for the temporary parking of four or more motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients, or customers, paved with a dust preventative or hard surface.

54. "Parking space" means a permanently surfaced area of not less than 200 square feet either within a structure or in the open, inclusive of driveway or access drives, for the parking of a motor vehicle.

55. "Primary building face" means the side or sides of the building fronting on a street right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

56. "Plat" means a map or chart indicating the subdivision or re-subdivision of land, intended to be duly filed for record.

57. "Row dwelling" means any one of at least three but no more than six attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls and each unit having its own separate utilities. (Also referred to as a "townhouse.")

58. "Satellite receiving antenna" means an accessory structure often called a "dish" or "earth station antenna" the purpose of which is to receive communication, including (but not limited to) radio and television or other signals from satellite and other extra-terrestrial sources whether affixed to the ground as a permanent structure, to the building, or a mobile unit such as a trailer or vehicle.

59. "Short-Term Rental" means any residential property, dwelling, condominium, or portion thereof that is available for use or is used for accommodations or lodging of guests, who pay a fee or other compensation, for a period of less than thirty-one (31) consecutive days. "Vacation rentals" or "Short-Term Rental" means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such. The terms "Vacation Rental" or "Short-Term Rental" do not include any hospital, convalescent or nursing home or sanitarium, or any facility associated with a hospital providing rooms for medical patients and their families, nor do they include any hotel, motel, or bed and breakfast facility.

6059. "Sign" means any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public. Any non-illuminated or illuminated sign with non-moving, non-flashing, and non-rotating light conforming to the applicable standards set forth in the categories below is exempt from the general sign requirements of each zoning district. However, such sign must meet all other requirements described for its category:

A. Directional/Informational Signs. Up to four free-standing on-premises signs per nonresidential lot with a maximum height of three feet and a total maximum sign area per lot not to exceed 32 square feet. One off-premises sign for an institutional use may be allowed by special permit from the Zoning Administrator.

B. Flags. Any official governmental flag, or flag displaying the recognized symbol of a non-profit organization.

C. Historical Marker. A marker, monument, plaque, or other type sign or notice located on public or private property which identifies documents or records an historical event pertaining to the structure on which it is located. One sign per building no larger than 12 square feet is permitted.

D. Incidental Signs. A sign pertaining to specific products services, or facilities available on the premise. A maximum of five signs per nonresidential lot with a total maximum of 32 square feet.

E. Institutional Signs. An on-premises sign pertaining to a medical, charitable, religious, educational, or civic institution with a maximum size of 40 square feet.

619. "Specified anatomical areas" means:

A. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola; and

B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

621. "Specified sexual activities" means:

A. Human genitals in a state of sexual stimulation or arousal;

B. Acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

632. "Story" means that portion of a building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it the space between such floor and the ceiling next above it.

643. "Street" means a public or private thoroughfare, being a right-of-way of a required width, which affords a primary means of access to abutting property.

654. "Structure" means anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including satellite receiving antenna.

665. "Structural alteration" means any change in the supporting members of a building, including (but not limited to) bearing walls, load bearing partitions, columns, beams, or girders, or any substantial change in the exterior walls or roof, beyond ordinary repairs and maintenance.

676. "Yard" means an open space on the same lot with a building or structure open, unoccupied, and unobstructed by structures, except as otherwise provided in this chapter.

687. "Yard, front" means an open space extending across the full width of the lot and lying between the front lot line and the nearest line of the principal building, other than the usual projection of steps.

698. "Yard, rear" means an open space extending across the full width of the lot and lying between the rear lot line and the nearest line of the principal building, other than the usual projection of steps.

7069. "Yard, side" means an open space extending from the front yard to the rear yard between a building and the side lot line.

165.04 GENERAL REGULATIONS.

1. Conformance. The regulations herein set forth shall be minimum regulations, applying uniformly to each class or kind of structure or land.

A. No land, building, or structure shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, or structurally altered which does not conform to the regulations of the district in which it is located.

B. No building or structure shall hereafter be erected or altered: (i) to exceed the height; (ii) to accommodate or house a greater number of families or persons; (iii) to occupy a greater percentage of lot area; (iv) to have less than minimum, in area or dimension, front yards, side yards, rear yards, or other open spaces; or (v) in any manner contrary to the provisions of this chapter.

C. No yard or lot existing at the time of passage of this chapter shall be changed in dimension or area to the extent that it no longer meets the requirements set forth herein. Yards or lots created after the effective date of the Zoning Ordinance shall meet at least the minimum requirements set forth herein.

D. Modular homes, manufactured homes, and mobile homes converted to real property and taxed as real estate, when placed on private property, shall have permanent frost depth footings of a perimeter foundation type or columns/piers and permanently anchored to prevent wind uplift and turnover, as specified in the Building Codes. The vertical space between the perimeter of the first floor and grade level shall be infilled with like material as utilized in site built construction with permanent frost depth footings and foundations.

E. A residence shall contain at least one entry on the street from which the property's address is determined. Such entry is not required to be the primary entry.

2. Nonconformance. Where, at the effective date of adoption or amendment of the Zoning Ordinance, lawful use of land structures, or buildings exist that are made no longer permissible under the terms of such Ordinance as enacted or amended, such use, structure,

or building may continue so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the Zoning Ordinance; nor may any building or structure be enlarged or altered in a way which increases or substitutes its nonconformity.

B. No such nonconforming use, structure or building shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the Zoning Ordinance.

C. If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

D. No such nonconforming structure, if destroyed by an act of God to an extent of more than 85 percent of its replacement cost at time of destruction, shall be reconstructed except in conformity with the provisions of this chapter.

E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

F. Any building or structure devoted to a nonconforming use with a fair market value of less than \$500.00, as determined by the Board of Adjustment, may be continued to a period not to exceed three years after the enactment of the regulations, whereupon such nonconforming use shall cease and thereafter such building or structure shall be removed or changed to a conforming use.

Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

3. **Street Frontage.** No lot shall contain any building used in whole or part for residence purposes unless such lot abuts on at least one street for at least the minimum width at the minimum front yard depth from the street.

4. **Accessory Buildings.** No accessory building structure or garage that exceeds six feet in height shall be erected, except as provided hereinafter:

A. Accessory buildings, including roof overhangs, shall be at least three feet from lot lines of adjoining lots in any R District. An accessory building within 60 feet of the front yard line shall have a full side yard between it and the side lot line. On a corner lot the accessory building shall conform with the setback regulations of the principal building.

B. Accessory buildings may be erected as part of the principal building or may be connected thereto by a breezeway or similar structure. Such connected accessory buildings shall be considered as part of the principal building for all yard requirements.

C. Accessory buildings shall be at least five feet from any other separate building or structure on the same lot.

D. Any accessory building, including a garage, located in any R District shall comply with the applicable front yard setback for the principal building.

E. Accessory buildings and structures which are constructed above the normal ground surface in any required yard area shall not occupy more than 30 percent of the yard area in which it is located; however, this regulation shall not be interpreted to prohibit the construction of a garage not to exceed 625 square feet of gross building area.

F. A garage accessory building in any R District shall not exceed 20 feet in height to the highest measured point of the garage accessory building. All other accessory buildings in a residential use in any R District shall not exceed 12 feet in height to the highest measured point of the accessory building, and no accessory building shall exceed the highest measured point of the main residential building or dwelling. Materials used for the roofing and siding of the accessory building must be the same material as that used for the main residential building or dwelling. If the siding of the main residential building or dwelling is brick, stucco, or a materials not available, not longer produced, the accessory building siding may be hard wood panel, lap siding, or simulated vinyl or steel lap siding with the same, blending or matching color to the main residential building or dwelling.

5. Corner Lots. For corner lots, platted or of record after the effective date of the Zoning Ordinance, the front yard regulation shall apply to both yards abutting a street right-of-way. The side yard setback on a reversed corner lot shall not be less than the front yard setback of the interior lot to the rear of said reversed corner lot.

6. Building Lines on Approved Plats. Whenever the plat of a land subdivision approved by the Planning Commission and on record in the office of the County Recorder shows a setback building line along the frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place or any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.

7. Division of Property by District Boundaries. When one parcel of property is divided into two or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in respective zoning classification, and for the purpose of applying the regulations of this chapter, each portion shall be considered as if in separate and different ownership.

8. Number of Uses on One Lot. No lot shall contain more than one principal use.

9. Conversion of Dwelling. The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be only within a district in which a new building for similar occupancy would be permitted under the zoning regulations, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to

minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces and off-street parking.

10. Minimum Floor Area. Excluding porches, garages, steps, or exterior walls, no dwelling shall contain less in square feet floor area than provided by the following schedules:

A. Single-family detached structures (floor area on ground level):

Number of Floors	Square Feet
1	800
2 or more	600

B. All other dwelling structures (square feet excluding all common areas and common walls):

Number of Bedrooms	Square Feet
0	420
1	520
2	600
3	730
4	870

11. Essential Services. Essential services, including (but not limited to) telephone or other communications, electric power, gas, water, and sewer lines or facilities, including attendant poles, tower, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other distributing equipment, shall be permitted as authorized and regulated by law and other regulations of the City, it being the intent hereof to exempt such essential services from the application of the regulations.

12. Architectural Design and Treatment of Buildings. In order to maintain character, continuity and enhance physical appearance, the following standards shall apply to zoning districts C-0 (nonresidential uses), C-1, C-2, I-1 and 1-2 unless noted otherwise in this chapter. In the event that any of the standards below conflict with other standards, regulations, or requirements of federal, State, County laws or regulations, or as outlined elsewhere within this City Code, the more restrictive regulation shall apply.

A. Façades. All principal and accessory buildings must be constructed so that the primary building face has as its covering natural materials, rather than simulated or synthetic materials. Natural materials include, but are not limited to, stone, stone facing, brick, wood, stucco, clay tile, ceramic tile, quarry tile, terra cotta, and cut stone. Rough-

faced concrete block may be used for an exterior surface where concrete block is the only option because of existing structural conditions or requirements. Materials to be excluded include, but are not limited to, plain concrete block, plain precast, fiberglass, simulated brick and stone, vinyl siding, metal siding and Masonite panels. If the underlying building is constructed using either metal or concrete form walls, the metal or concrete portion of the external primary building face must be completely covered with natural materials.

B. Exclusions. This chapter excludes that portion of the primary building face that contains manufactured window frames, window glass, door frames and doors.

C. Awnings. Awnings are allowed on any building consistent with other City codes and requirements. Any awning extending over a public sidewalk or passageway shall require a building permit with a condition of issuance being the Zoning Administrator's determination that the proposed awning complies with the appropriate snow loading standard determined to be appropriate by said administrator.

D. Waiver of Requirements. Any one or more of the requirements set forth herein may be waived by the Planning and Zoning Commission for reasons of safety or engineering, as the Commission may determine. No waiver shall be authorized or permitted for relief from any of the requirements for reasons related primarily to the costs of compliance or aesthetic preferences. Any person seeking a waiver under this section shall submit a written application to the Commission which shall include a detailed description of the safety or engineering need for a waiver.

E. Exception. The provisions of this section shall be applicable in the BP-1 District, except the building façade materials allowed are those set forth in this paragraph. The exterior walls of each building shall be constructed of permanent durable architectural materials. The front façade and each façade facing a street shall incorporate brick, stone, architectural block, architectural concrete panels, architectural wood, architectural steel, glass, or similar materials in the design. Façade materials required for the front façade and street side façades shall be continued for not less than 20 feet on each side adjoining a front façade or street side façade. All other sides of the building shall be constructed and finished in an attractive manner in keeping with the generally accepted standards for a high quality commercial/industrial development. Unfaced concrete block and non-architectural steel shall not be permitted.

F. Exception. The provisions of this section shall not be applicable to any buildings located in an MU District.

13. Visibility at Intersection in Residential Districts. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and 10 feet above the centerline grades of the intersection streets in the area bounded by the street lines 40 feet from the point of intersection.

165.05 ESTABLISHMENT OF DISTRICTS AND BOUNDARIES.

For the purpose of this chapter, the City is hereby divided into the following districts:

- A Agricultural
- C-0 Commercial-Residential
- C-1 General Commercial
- C-2 CBD Commercial
- CF Community Facility District
- I-1 Light Industrial
- I-2 Heavy Industrial
- R-1 Single-Family
- R-2 Two-Family
- R-3 Multiple Family
- R-4 (Reserved)
- R-5 Planned Unit Development District
- BP-1 Business Park District
- MU Major Utility District

165.06 BOUNDARIES.

The boundaries of said districts are indicated upon the Official Zoning Map of the City, and said map and all notations, references, and other information shown thereon, shall be as much a part of this chapter as if the notations, references, and other matters set forth by said map were all fully described herein. In cases where the exact location of a district boundary is not clear as shown on the Official Zoning Map, the following rules shall be used in determining the location of said district boundary:

1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, or other public rights-of-way shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following such limit lines.
4. Boundaries indicated as following shore or bank lines of a river or body of water, shall be construed to follow such lines, and in the event of change in the shore line shall be construed as moving with the actual shore or bank line; boundaries indicated as following

the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.

5. Boundaries that are indicated approximately as dividing a parcel or lot of property shall be determined by the use of the scale appearing on the map.

6. Boundaries indicated as following railroad lines shall be construed to follow the right-of-way line on that side bordering against the more restrictive use.

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries.

165.07 A AGRICULTURAL DISTRICT.

1. Intent. The agricultural district is intended and designed to preserve agricultural land from encroachment of urban land uses. Its further purposes are:

A. Facilitating adequate police, fire, and sanitary protection for residential uses.

B. Discouraging the scattering of commercial or industrial uses into outlying areas, resulting in excessive requirements and costs for public services.

2. Principal Permitted Uses.

A. Public parks, playgrounds, and recreation areas.

B. Publicly operated golf clubs, swimming pools, country clubs, or other similar recreation uses, provided that any principal or accessory building in connection therewith shall be located not less than 200 feet from any lot in an R District.

C. Public schools and educational facilities.

D. Cemeteries.

E. Farming, dairying, poultry husbandry and other allied agricultural operations.

F. Nursery and greenhouse, and buildings and structures necessary for the sale of their products, provided said buildings are located not less than 20 feet from any lot line.

G. Non-farm, single-family detached dwellings.

H. Farm dwellings, with all accessory buildings necessary to continue farming operation, provided that no building or confined feed lot, etc., other than a dwelling is located closer than 200 feet to any R District.

3. Accessory Uses.

A. Essential service facilities, including but not limited to poles, towers, pipes, vaults, and valves.

B. Picnic shelters, playground equipment, storage sheds, clubhouses, bath houses which shall not be used as dwellings.

C. Buildings, structures, and uses accessory to agricultural uses such as roadside stands, selling produce grown on the premises, provided such roadside stands are located not less than 20 feet from a street or highway right-of-way line.

D. Private garages or parking areas.

E. Signs accessory to roadside stands shall be limited to two signs per lot with no sign being larger than 10 square feet in area and set back 10 feet from the right-of-way of a street or highway.

4. Area Regulations.

A. Lot Area. The minimum lot area shall be five acres.

B. Lot Width. The minimum lot width shall be 150 feet.

C. Yard Widths:

(1) The minimum front yard shall be 50 feet.

(2) The minimum rear yard shall be 50 feet.

(3) The minimum side yard being 50 feet; minimum on one side being 25 feet for residential and 50 feet on each side for other uses.

D. Building Height. The maximum building height shall be two and one-half stories, with a maximum height of 35 feet.

165.08 R-1 SINGLE-FAMILY RESIDENCE DISTRICT.

1. Single-Family Residential District is established as a district in which the principal use of land is for single-family dwellings, to which purpose the specific intent of this section is:

A. To encourage the continued construction and use of the area for single-family dwellings.

B. To prohibit commercial and industrial use of the land, and of any other use which would inhibit single-family development of the area.

C. To discourage any use which would generate heavier than normal traffic on minor residential streets.

2. Principal Permitted Uses.

A. Single-family dwellings.

B. Churches, temples, and accessory buildings.

- C. Public libraries, museums, or similar community facilities.
- D. Public parks, playgrounds, golf course and recreation areas, provided that no such use be operated primarily for gain.
- E. Public and private schools.

3. Accessory Uses.

- A. Private garage or carport.
- B. Temporary buildings erected during the construction of a permitted use.
- C. One sign not exceeding 10 square feet in area referring to the construction, lease, hire, or sale of a building, premises or subdivision lots, which sign shall refer to the property on which it is located, and shall be removed as soon as the premises area sold, leased or construction completed.
- D. Church and school bulletin boards, not to exceed 40 square feet in area. Such bulletin boards shall be non-illuminated or indirectly lighted with non-moving, non-flashing, non-rotating white light.
- E. One sign, non-illuminated, appurtenant to a home occupation or permitted use, not exceeding six square feet on any one side thereof and not more than two sides of such sign shall be used for advertising purposes; the bottom of the surface area of such sign shall not be more than 42 inches above the ground surface upon which is erect.
- F. Professional office of a member of a recognized profession, provided that it is such person's primary residence, not more than one assistant shall be regularly employed therein, and no colleagues or associates shall use such office, and not more than one-half the area of one floor shall be used for such office.

4. Area Regulations.

- A. Lot Area. The minimum lot area shall be 10,000 square feet. Where public sewer and water facilities are not available, the minimum area shall be 20,000 square feet.
- B. Lot Width. The minimum lot width shall be 80 feet.
- C. Yard Width. The minimum yard widths shall be as follows:

Use	Front Yard	Rear Yard	Side Yard
Single-family dwelling	35 feet	35 feet	10% of overall lot width for each side; 8 feet minimum

Single-family dwelling in single subdivision of more than 150 lots with approval of Council	30 feet	25 feet	7 feet per side; minimum 15 feet total
Other buildings	35 feet	45 feet	10% of overall lot width for each side; 8 feet minimum

D. Building Height. The maximum building height shall be two and one-half stories, with a principal building height maximum of 35 feet. Accessory buildings shall be a maximum 12 feet in height.

E. Minimum Single-Family Dwelling Dimensions. Neither the minimum overall width dimensions nor the overall depth dimension of a single-family dwelling shall be less than 20 feet.

165.09 R-2 TWO-FAMILY RESIDENCE DISTRICT.

1. The One- and Two-Family Residence District is established as one designed to provide for a medium density residential development. The specific intent of this section is:

- A. To encourage construction and use of the area for single- and two-family dwellings.
- B. To provide for medium density housing and the attendant rise in traffic on specific collector streets.
- C. To prohibit commercial and industrial use of the land, and of any other use which would inhibit residential orientation of the area.

2. Principal Permitted Uses.

- A. Any and all uses permitted under the R-1 classification.
- B. Single-family dwellings.
- C. Two-family dwellings.
- D. Conversion of one-family dwellings into two dwellings in accordance with all lot area, frontage and yard requirements set forth in this section.

3. Accessory Uses.

- A. Accessory uses permitted under the R-1 classification.
- B. Customary home occupations, conducted entirely and solely by resident occupants in their place of abode; and provided that not more than one-half of the area of one floor be utilized for such purpose; further providing that said occupations require no external or

internal structural alterations, or the use of mechanical equipment not customarily used in dwellings. Customary home occupations to be determined by Board of Adjustment.

C. Nursery schools, or child nurseries provided that the building be located not less than 20 feet from any other lot in any R district classification; provided that 30 square feet of usable interior floor space and 100 square feet of usable outdoor play space is provided for each child. The outdoor play space must be completely enclosed by a fence not less than four feet, nor more than six feet in height.

4. Area Regulations.

A. Lot Area. The minimum lot area shall be 8,400 square feet for single-family dwellings and 12,500 square feet for a two-family dwelling.

B. Lot Width. The minimum lot width shall be 66 feet for single-family dwellings and 90 feet for two-family dwellings.

C. Yard Width. The minimum front yard shall be 35 feet, the minimum rear yard shall be 30 feet for a dwelling and 45 feet for any other building. For two-family dwellings the total side yard requirement shall be not less than 20 feet, with the least side minimum being eight feet. For all other buildings other than two-family dwellings, lots 80 feet or more for each side yard and lots greater than 80 feet wide shall have a side yard equal to or greater than 10 percent of the overall lot width, for each side yard.

D. Building Height. The maximum building height shall be two and one-half stories, with the principal building height maximum of 35 feet. Accessory building height maximum shall be 12 feet.

E. Minimum Dwelling Dimensions. Neither the minimum overall width dimension nor the overall depth dimension of a single-family dwelling shall be less than 20 feet.

165.10 R-3 MULTIPLE-FAMILY RESIDENCE DISTRICT.

1. The multiple-family residence district is intended to be basically residential in character, designed to:

- A. Stabilize and protect the essential characteristics of the district.
- B. Promote a suitable environment for family life.

C. Permit certain commercial uses of a character unlikely to develop general concentration of traffic.

2. Permitted Uses.

- A. Any and all uses permitted under the R-2 classification.
- B. Multi-family dwellings including row dwellings consisting of at least three and not more than six dwelling units in an attached, continuous row, and condominium dwellings

consisting of at least three but not more than 12 dwelling units in one building or attached structure. Further, for row dwelling units (RDU) and condominium dwelling units (CDU) to qualify as a permitted use under the terms and provisions of this classification, each dwelling unit shall have separate facilities for gas, electricity, sewerage and water.

- C. Private clubs, lodges, or veterans organizations, excepting those holding beer permits or liquor licenses.
- D. Boarding houses.
- E. Hospitals, clinics, nursing and convalescent homes, excepting animal hospitals and clinics.
- F. Office of a doctor, dentist, osteopath, chiropractor, optometrist or similar profession.
- G. Professional offices including but not limited to the following: law, engineering, architecture, accounting, bookkeeping, and similar uses.

3. Accessory Uses.

- A. Accessory uses permitted under the R-2 classification.
- B. Storage garages, where the lot is occupied by a multi-family dwelling.
- C. Beauty parlor and barber shop when conducted as a home occupation solely by resident occupants in their place of abode and provided that not more than one-quarter of the area of one floor shall be used for that purpose. An indirectly lighted sign of not over one square foot in area and attached flat against the building shall be permitted.
- D. One sign not exceeding 32 square feet in area which identifies and describes the property on which it is located. Moving, flashing, or rotating illuminated signs shall not be permitted.

4. Area Regulations.

- A. Lot Area. The minimum lot area shall be as follows:

Use	Minimum Lot Area
Single-family dwelling	8,400 square feet
Two-family dwelling	10,000 square feet, plus 2,500 square feet in excess of the 10,000 square foot minimum for each dwelling unit in excess of two dwelling units
Row dwelling; condominium	15,000 square feet; 20,000 square feet
Bi-attached Townhome	5,000 square feet for each townhome lot

B. Lot Width. The minimum lot width shall be as follows:

Use	Minimum Lot Width
Single-family dwelling	75 feet
Two-family dwelling	90 feet
Row dwelling; condominium	20 feet per unit ; 75 feet
Bi-attached Townhome	40 feet per unit
All other buildings	100 feet

C. Yard Width. The minimum yard widths shall be as follows

Use	Front Yard	Rear Yard	Side Yard
Row dwelling; condominium	30 feet	30 feet	10 feet each side
Bi-attached townhome	30 feet	25 feet	0 feet; 15 foot building separation required
Single-family dwelling	35 feet	30 feet	10 feet each side
Single-family dwellings in single subdivision of more than 150 lot with approval of Council	30 feet	25 feet	7 feet per side; minimum 15 feet total
All other uses	35 feet	30 feet	10 feet each side

D. Building Height. The maximum building height shall be three stories, with the principal building height maximum of 35 feet.

E. Emergency Access. There shall be at least a 10-foot width of unobstructed access to all sides of the structure from the nearest street in order to permit police, fire, and ambulance emergency access.

F. Minimum Dwelling – Dimensions. Neither the minimum overall width dimension nor the overall depth dimension of a single family dwelling shall be less than 20 feet.

165.11 R-4 RESERVED.

165.12 PLANNED UNIT DEVELOPMENT DISTRICT.

1. Intent. The Planned Unit Development District (P.U.D.) is intended and designed to promote and encourage development or redevelopment of tracts of lands on a planned, unified basis by allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method provided in other sections of this ordinance. It is the intent of this section that the basic principles of good land use planning including an orderly and graded relationship between various types of uses be maintained and that the sound zoning standards as set forth, in this ordinance and statutes concerning population density, adequate light and air, recreation and open space, and building coverage be preserved. Although Planned Unit Development Districts may appear to deviate in certain respects from a literal interpretation of the Comprehensive Plan, regulations adapted to such unified planning and development are intended both to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots, and to promote economical and efficient land use, and improved level of amenities, appropriate and harmonious variety, creative design and a better living environment.

2. Procedure.

A. The owner or owners of any tract of land comprising not less than ten (10) acres to permit construction of at least thirty-two (32) dwelling units, may submit to the City Council a petition requesting a change to the Planned Unit Development District zoning classification. Each petition shall be accompanied by five (5) copies of a development plan, which shall consist of a complete set of drawings and specifications for the proposed use and development of the entire tract of land. The development plan shall be referred to the Planning and Zoning Commission for study and report, including recommendation, to the City Council. The Planning and Zoning Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principles of architectural design, land use planning and landscape architecture. The Commission may approve the plan as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the Commission deems necessary to the end that it preserves the intent and purpose of this ordinance to promote public health, safety, morals, and general welfare. The development plan as approved by the Commission shall then be reported to the City Council, whereupon the City Council may approve or disapprove said plan, after a public hearing, as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this ordinance.

B. If the Council approves the preliminary plan and request for rezoning, the applicant shall submit within 270 days, or longer period as may be allowed by the Council, five (5) copies of a final development plan for the entire tract of land shall be submitted to the Commission. The final development plan shall then be reviewed by the Commission, for compliance with the Planned Unit Development District standards and substantial

compliance with the preliminary plan. The Commission's recommendations and report on the final development plan shall be referred to the Council for final approval. The Council shall review the final development plan and approve it if it complies with the standards of this section and is in substantial compliance with the preliminary development plan. The final development plan and final plat shall be approved by the Council and the final plat recorded with the County Auditor and Recorder before any building permit is issued.

C. The Council may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, that in the determination of such period, the Council shall consider the scope and magnitude of the development project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the Council to rezone the unimproved property to the classification effective at the time of original submission of the development plan, unless an extension as recommended by the Commission and approved by the Council for due cause shown. Any proposed change in the development plan after approval by the Council shall be resubmitted and considered in the same manner as the original proposal. The term "unimproved" property shall mean all property situated within a stage or stages of the final development plan upon which the installation of improvements has not been commenced.

3. Plan Requirements. The development plan shall include, but is not limited to, the following required items:

A. If the proposed development includes common land which will not be dedicated to the City, and the proposed development will not be held in single ownership, proposed by-laws of an owner's association fully defining the functions, responsibilities and operating procedures of the association. The proposed by-laws shall include but not be limited to provisions:

(1) Requiring membership in the association by all owners of property within the development;

(2) Limiting the uses of the common property to those permitted by the final development;

(3) Granting to each owner of property within the development the right to the use and enjoyment of the common property;

(4) Placing the responsibility for operation and maintenance of the common property in the association;

(5) Giving every owner of property within the development voting rights in the association;

(6) If the development will combine rental and for sale units, stating the relationship between the renters and the owner's associations and the rights renters shall have to the use of the common land; and

(7) The association must be established before properties are sold.

B. Covenants to run with the land, in favor of the City and all persons having a proprietary interest in any portion of the development premises, that the owner of the land or successors in interest will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the City in compliance with the City ordinances.

C. Any additional agreements required by the Council at the time of preliminary plat approval.

D. Height and exterior design of typical proposed dwellings and the number of dwelling units in each.

E. A plat which shall show building lines; lots and/or blocks; common land, recreation areas, and parks, streets within or abutting the proposed development, existing and proposed easements; parking areas; walks, landscaping and planting areas; development stages and timing of each; and other applicable items required by the subdivision ordinance.

F. Proposed mitigation along the perimeter of the project for protection of adjoining properties, such as larger setbacks, buffer yards, landscaping, walls, fences or other screening, height limitations, architectural or site design, or other provisions.

G. Proposed phasing and timetable.

4. Standards. The land usage, minimum lot area, yard, height, and accessory uses shall be determined by the requirements set forth below, which shall prevail over conflicting requirements of this ordinance or the subdivision ordinance.

A. Residential properties shall be used only for residential purposes and the accessory uses as permitted by this section. Uses along project boundary lines shall not be in conflict with those allowed in adjoining or opposite property. To this end, the Commission may require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project.

B. The following accessory uses shall be permitted on residential properties:

(1) Private garage or carport.

(2) Occupant storage and similar accessory uses.

(3) Non-commercial recreational facilities.

(4) Community facilities including municipal facilities, churches and schools.

C. Commercial uses, including business and professional offices, and retail convenience facilities designed to serve primarily occupants of the planned development may be permitted provided the following conditions are met:

(1) The planned unit development shall provide for a total of at least one hundred and fifty (150) residential dwelling units.

(2) Gross leasable floor area for commercial uses shall not exceed fifteen percent (15%) of the total development area.

D. The Council may require open space or screening be located along all or a portion of the development boundaries. The maximum height of any building located within the development shall be thirty-five (35) feet when adjacent to an "R-1" district.

E. All public streets, water mains, sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the City.

F. "Common land" as used in this section refers to land retained in private ownership for the use of the residents of the development, or to land dedicated to the general public. The minimum requirement for any P.U.D shall comply with Van Meter Code of Ordinances 170.32 Park and Recreational Areas.

G. Spaces for off-street parking and loading shall be provided in accordance with the zoning requirements of the zoning district in which the P.U.D is constructed. Where a P.U.D is proposed and is contained within two or more zoning districts, parking requirements shall be determined by the City Council, but shall not be any less restrictive than the existing requirements of the zones in which the P.U.D is constructed. Parking lot design considerations shall be as follows:

(1) Parking shall be treated as an integral part of the development in scale, location and character.

(2) Parking shall be arranged to discourage through traffic.

(3) As appropriate, parking areas shall be screened from adjacent structures and streets with hedges, plantings, fences, earth berms, changes in grade, and/or similar buffers.

(4) Parking areas shall be designed to allow for drainage of surface water without erosion, flooding, and other inconveniences.

H. Signs on-site shall be subject to the provisions of the "C-1" classification.

I. No stage of a development shall contain less than thirty (30) dwelling units.

J. Developments or portions thereof which are being developed for sale or resale shall contain common land in area totaling not less than the minimum requirements of Van Meter Code of Ordinances 170.32 Park and Recreational Areas.

K. Existing trees shall be preserved whenever possible. The location of trees is to be considered in designing building location, underground services, and paved areas.

5. Development Controls. Although P.U.D.s are intended to promote and permit flexibility of design and thereby may involve modifications of conventional regulations or standards,

certain requirements which are set forth below shall be applied to ensure that the development is compatible with the intent of this Code.

A. Surety may be required to ensure completion of recreational amenities provided in lieu of public facilities, or for mitigating elements such as screening or public improvements.

B. Except where the City agrees to other arrangements, a P.U.D shall be comprised of a single owner, or a group of owners acting as a partnership or corporation with each agreeing in advance to be bound by the conditions which will be effective in the P.U.D.

C. Only those uses that are approved and made a part of the plan, and subject to any conditions attached thereto, shall be permitted.

D. Height, setback, bulk and other requirements set out in the plan shall constitute the basic for and become the zoning requirements, provided that refinements may be made through the final plan approval if not defined as a substantial modification; in lack of any special provisions set out in the plan, the requirements of the most proximate zoning district, as defined by use, shall be applied.

E. Project phases shall be substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, required open space, screening and transitional element and other support features, and be capable of supporting required operation and maintenance activities; temporary provisions, such as turnarounds or access easements, may be required for this purpose; the initial phases generally should not be comprised of the most intensive portions of the P.U.D., unless the City concurs this the most feasible means of developing the property in terms of access, sewer service or similar physical constraints, or will permit earlier development of common amenities.

F. Attention shall be given to mitigation of existing or potential land use conflicts through proper orientation, open space setbacks, landscaping and screening, grading, traffic circulation and architectural compatibility. It is the intent of this Code to recognize that appropriate use of design techniques will provide the required mitigation, and thereby eliminate the need for certain conventional regulations or standards. As examples and not requirements: orienting views, access, and principal activities away from the land use needing protection, placing those least compatible activities farthest from the common boundary and those most compatible nearest, can create an effective buffer; setbacks in conjunction with landscaping can mitigate conflicts by providing a visual buffer, controlling pedestrian access, softening visual contrast by subduing the differences in architecture and bulk, and reducing heat, and dense landscaping can reduce the width of physical separation needed for such purposes; proper grading will control drainage, can alter views and subdue sound, and channel access; fences, walls and berms will channel access and control visual, sound and light pollution; proper architectural use of color, bulk, materials and shape will enhance compatibility and reduce contrast, although details added to the building for aesthetic purpose without consideration to form and surroundings may be detrimental rather than helpful; and proper design of pedestrianways, streets and points of access and proper location of parking areas, will reduce congestion and safety hazards, and

help prevent introduction of noise, pollutants and other conflicts into areas with less intensive land use. Other techniques may also be used.

G. There shall be a minimum setback of 20 feet for any garage whose vehicular access faces the street.

H. Permanent care and maintenance of open space, recreation amenities and other common elements shall be provided in a legally binding form. If the common elements are to be maintained by a owners' association, the applicant shall file the proposed documents governing the association for review by legal counsel for compliance with the following requirements at the time the final plat or site plan is filed.

(1) Membership shall be mandatory for each buyer of successive buyer of property within the development.

(2) The open space restrictions shall be in perpetuity, or automatically renewable, and shall not terminate, except by approval of both the owners' association and the City of Van Meter.

(3) The owners' association shall be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.

(4) Property owners shall pay their pro rata share of the cost or the assessment levied by the association shall become a lien on the property.

(5) The association shall be able to adjust the assessment to meet changes needed.

(6) No change in open space use or dissolution of owners' association shall occur without approval by the City of Van Meter.

6. Validity.

A. In the event the first development phase has not commenced within two years after the date of rezoning, or if subsequent phases are delayed more than two years beyond the indicated development schedule, the developer shall file appropriate information detailing the reasons for the delay with the City. The City Administrator shall review circumstances and prepare a report recommending appropriate action to be taken concerning the P.U.D. The Planning and Zoning Commission and City Council shall review the matter, and may continue the P.U.D. zoning with revised time limits; require that appropriate amendments be made or action taken, such amendments to comply with the procedures of this section if deemed substantial; continue the P.U.D. zoning for part of the area, with or without revised time limits, and initiate rezoning of the remainder to an appropriate district; or initiate rezoning of the entire parcel to an appropriate district, provided that the rezoning shall not be to a zone more restrictive than the applied immediately prior to the rezoning to P.U.D., except after comprehensive planning analysis. The Commission and Council may schedule such public hearings as deemed appropriate.

B. Approval of a final site plan or preliminary plat shall be deemed to commence development, provided that the permanent placement of construction materials shall have started and be proceeding without delay within two years after the date of site plan

approval, and a final plat approved within one year after the date of preliminary plat approval in the event a site plan is not required. Failure to comply with this provision shall void the site plan and preliminary plat approvals, and make the P.U.D. subject to review as provided above.

C. The developer shall be responsible for compliance with all prescribed time limits without notice from the City.

(Section 165.12 – Ord. 2020-06 – Mar. 21 Supp.)

165.13 C-0 COMMERCIAL-RESIDENTIAL DISTRICT.

1. Intent. The commercial-residential district is intended to provide for the convenience shopping of persons living in neighboring residential areas and for general uses and activities of a retail and personal service character. Only those uses are permitted which are necessary to satisfy the local needs which occur so frequently as to require commercial facilities in proximity to residential areas. In addition, low-intensity business and professional offices are permitted.

2. Principal Permitted Uses.

- A. Any and all uses permitted under the R-3 Classification.
- B. Retail business or service establishments such as the following:
 - (1) Confectionery stores
 - (2) Delicatessens
 - (3) Drug stores
 - (4) Convenience grocery stores
 - (5) Variety stores
- C. Combinations of the above uses.
- D. Business and professional offices supplying commodities or performing services primarily for residents of the neighborhood.

3. Permitted Accessory Uses.

- A. Any and all accessory uses permitted under the R-3 Classification.
- B. Storage of merchandise incidental to the principal use, but not to exceed 40 percent of the floor area used for such use.
- C. On-site exterior signs, which shall be integral or attached to the building. No sign may project over any street line or extend more than six feet over any building line, whether attached thereto or to any other structure. In no case shall any sign project more

than four feet above the roof line or 18 inches from the building wall and must be at least seven feet above grade. The total area of all signs pertaining to the use of or business conducted in any building shall be no greater than 15 percent of the wall area on which they are located. If the sign is indirectly lighted, it shall be illuminated by artificial light reflecting from the sign face and the light source shall not be visible from any street right-of-way. Moving, flashing, or rotating illuminated signs shall not be permitted. Where the lot adjoins an R district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the R district; however, this does not apply to the side of the building which is opposite that side adjoining the R district.

D. All exterior signs shall be attached flat against the building.

4. Area Regulations.

A. Lot Area. The minimum lot area shall be the same as that in the R-3 classification for dwelling units. No minimum requirements for any other permitted uses.

B. Lot Width. For a dwelling and any building containing any dwelling units, the minimum requirement shall be the same as that under the R-3 classification. There is no minimum requirement for other permitted uses.

C. Yard Width.

(1) The minimum front yard depth shall be 25 feet, the minimum rear yard depth that the front yard is increased over the 25 feet.

(2) The rear yard may be decreased proportionately, except that where the rear yard adjoins the side lot line of a lot in an R district, there shall be a minimum rear yard of 15 feet adjacent to said lot line.

(3) The side yard required for residential uses shall be the same as that for the R-3 classification. There shall be no minimum requirement for any other permitted uses, except when adjoining any R-1, R-2, R-3 district, or street right-of-way, in which case the side yard requirement shall be 15 feet.

D. Building Height. The maximum height shall be two and one-half stories, or 35 feet.

E. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 165.23(2) of this chapter.

165.14 C-1 DOWNTOWN COMMERCIAL DISTRICT.

1. Intent. The Downtown Commercial District is intended for the conduct of general business to which the public requires direct and frequent access. The regulations set forth in this section are meant to achieve the following purposes:

A. To protect commercial development against the establishment of uses which would create hazards, dust, odors, smoke or other objectionable influences or heavy trucking traffic.

B. To provide appropriate space for strengthening the economic base of the community.

C. To conserve the value of existing commercial buildings.

D. To encourage pedestrian movement in a developed downtown.

E. To encourage minimum development standards that will aid to unify the appearance of the district.

2. Applicability. The standards identified in this chapter shall apply in the following circumstances, and are subject to the site plan submittal and review procedure as identified in Chapter 167.04 of the Municipal Code:

A. New construction of a building(s);

B. Reconstruction of a building(s);

C. Addition and/or expansion to an existing building by 20% or more of the gross area of the existing building;

D. Remodeling of a building when the building permit value is \$25,000 or more. The value is for collective value of improvements and/or development and shall not be circumvented by applying for multiple permits under the established value.

E. The change of surface material type of an off-street parking area, including a material overlay process(es) and/or the expansion of a parking area, of any surface type, by more than 20% of the existing surface lot area.

3. Permitted Uses.

A. Private clubs, lodges, or veterans' organizations.

B. Hospitals, clinics, nursing, and convalescent homes.

C. Any retail business or service establishment, including but not limited to the following:

(1) Animal hospitals, veterinary clinics.

(2) Bank, savings, and loan associations.

(3) Barber shop or beauty parlor.

(4) Clothing, sporting goods store.

(5) Drugstore.

(6) Florist shop.

(7) Furniture, appliance store and repair. Grocery store or supermarket.

(8) Hardware store, plumbing and heating.

- (9) Jewelry store.
- (10) Laundries and laundrettes.
- (11) Office building, business and professional.
- (12) Photographic studio, camera shop.
- (13) Printing shop.
- (14) Restaurant, drive-in restaurant.

(15) Tavern and night club, provided that it is not within three hundred (300) feet of an "R" district; church, school, or convalescent home.

D. Mixed use structure, commercial and residential where the residential use is secondary to the commercial use and where the residential use that is located on the ground floor is less than 40% of the ground floor area and is not located on the primary street façade of the ground floor. No residential occupancy shall be permitted until the commercial use of a lot within this district is complete and a certificate of occupancy is issued.

E. Any and all uses permitted under "C-0" classification.

F. An exception is allowed in this district to Section 165.04(8) of the Municipal Code, Number of Uses on One Lot. More than one principal use is allowable on one lot.

4. Accessory Uses.

A. Any and all accessory uses permitted under the "R-3" classification.

5. Signs.

A. No exterior attached sign may project over any street line or extend more than six (6) feet over any building line, whether attached thereto or to any other structure. In no case shall any sign project more than or eighteen (18) inches from the building wall and must be at least seven (7) feet above grade.

B. The total area of all signs pertaining to the use of or business conducted in any building shall be no greater than fifteen (15) percent of the wall area on which they are located.

C. Indirectly illuminated signs shall be illuminated by artificial light reflecting from the sign face and the light source shall not be visible from any street right-of-way.

D. Internally illuminated signs shall not be moving, rotating, flashing or strobe.

E. Message center signs can display a message in a stop position for a minimum of 5 seconds and then display then next message. The message cannot rotate, flash, strobe or scroll. The message center component shall not exceed 20% of the total sign area.

F. Where the lot adjoins an “R” district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the “R” district; however, this does not apply to the side of the building which is opposite that side adjoining the “R” district.

G. A sign, free-standing, or ground (a sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall) shall not exceed thirty-two (32) square feet in area on each side and shall have a setback of fifteen (15) feet from the property line.

H. Signs Types – Prohibited.

(1) The following sign types shall not be permitted:

- a. Pole signs
- b. Above peak roof signs
- c. Off-premise signs

6. Area Regulations.

A. Lot Area. The minimum lot area shall be the same as that in the “R-3” classification for dwelling units; there is no minimum requirement for any other building. There shall be no minimum lot area for a mixed use, commercial and residential development.

B. Lot Width. There shall be no minimum lot width required.

C. Yard Width.

(1) The minimum front yard depth shall be twenty-five (25) feet, except as described below where the minimum setback shall be reduced to no less than the front yard depth of adjacent C-1 zoned properties.

a. Area One. Properties with frontage on Wilson Street located between Main Street and Grant Street.

b. Area Two. Properties with frontage on Grant Street between Wilson Street and West Street.

(2) The minimum rear yard depth shall be twenty-five (25) feet, except as described below where the minimum setback shall be reduced to no less than the rear yard depth of adjacent C-1 zoned properties.

a. Area One. Properties with frontage on Wilson Street located between Main Street and Grant Street.

b. Area Two. Properties with frontage on Grant Street between Wilson Street and West Street.

(3) For each one (1) foot that the front yard is increased over twenty-five (25) feet, the rear yard may be decreased proportionately, except that where the rear yard adjoins

the side lot line of a lot in an “R” district, there shall be a minimum rear yard of ten (10) feet adjacent to said side lot line.

(4) The side yard required for residential uses shall be the same as that for the “R-3” classification. There shall be no minimum requirement for any permitted uses, except when adjoining any “R-1,” “R-2,” “R3” district, or street right-of-way, in which case it shall be fifteen (15) feet.

D. Building Height. The maximum height shall be three (3) stories, or forty-five (45) feet.

7. Off-Street Parking and Loading Requirements.

A. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare from headlights and parking lot lights and the view from public right-of-way and adjoining properties.

B. The parking space requirements listed in Section 165.34 and 165.35 Off-Street Loading and Off-Street Parking regulation in the City of Van Meter Zoning Ordinance shall be incorporated except for as follows:

(1) Properties south of Grant Street with frontage on Wilson, West, or Grant shall have no off-street parking minimum standards.

(2) Properties north of Grant Street with frontage on Wilson, West or Grant shall provide off-street parking at the minimum standard required to provide sufficient staff parking for the proposed business use as recommended by the City Engineer through a review of the proposed site plan.

(3) All mixed-use structures containing residential uses shall provide a minimum of one (1) off-street parking stall for each residential unit.

(4) Off-street parking requirements can be satisfied via shared parking agreements should off-street parking requirements be impossible to meet on the proposed lot. In such instances, shared parking agreements must be included with site plan submittals and shall be drafted in such a way that they run with the land.

C. Required parking spaces shall have a minimum size of nine (9) feet wide by eighteen (18) feet long exclusive of access drives, aisles, or ramps. The length of parking stalls may be reduced to sixteen and one-half (16 ½) feet including wheel stops if an additional one and one-half (1 ½) feet is provided for the overhang of wheels.

D. Parking spaces shall be oriented so that no vehicle is required to back directly into a street right-of-way.

E. All exterior parking light structures shall be designed in conjunction with the overall architectural theme of the project. Parking areas shall be designed to minimize headlights shining into residential properties.

F. Uses which predominately occur during different times may share parking if it can be demonstrated that collectively the minimum number of parking spaces is provided at all times.

G. Parking lots shall be located in the rear of all commercial uses or on the side. Parking located on the side is allowable in accordance with the following:

(1) The parking must not extend into the required front yard setback.

(2) A single parking aisle with parking on one side, which is adjacent to the building, and meets the minimum dimension of the City's parking space requirements, is allowable.

H. Parking areas shall be set back 5 feet from the property line and shall be landscaped with vegetation and or turf. This requirement can be waived where parking lots adjoin and have cross access agreements/easements.

8. General Provisions.

A. Chain link fences shall not be allowed. Fences shall not exceed 4-feet in height when located in the front yard setback and may not exceed 6-feet in height when located in the side or rear side yard.

B. Paving shall not be allowed over or through the City-owned right-of-way in front of any commercial use, except for driveways providing access to an approved parking lot.

C. Minimum off-street parking requirements must be contained entirely outside of the public right-of-way.

D. All regular business must take place inside a structure, except for authorized outdoor dining or an authorized special/seasonal event permit.

E. Multiple buildings are allowed on one zoning lot.

F. Exterior storage of goods and equipment is not permitted.

G. Only one driveway approach shall be permitted on each street frontage, of each premise. At locations where driveways are not shared with an adjoining property each driveway shall be placed in such a way as to not impede the visual clearance to access the public street.

H. Service bays and drives, trash receptacles and dumpster areas shall be oriented in such a way that in the process of loading or unloading, no vehicle will block the passage of other vehicles on the service drive or extend into any other public or private street.

I. A five feet wide as constructed or designated, accessible, pedestrian route shall be installed on each property to connect each building's primary access door with the public sidewalk located in the public street right-of-way. An accessible route may be designated with painted markings on parking lot pavement.

9. Design Guidelines.

A. All attached or detached garages shall be placed towards the rear of a building except on a corner, where the side may also be allowed. These can be accessed via privately controlled lanes and alleyways.

B. One story commercial buildings shall be constructed to appear of greater height in relation to the street. This can be achieved through the use of pitched roofs with dormers or gables facing the street, a higher parapet, and/or the use of an intermediate cornice line to separate the ground floor and the upper level.

C. Driveway locations shall be spaced such that they are at least 5 feet from any adjacent driveway.

D. Shared driveways are allowed.

E. Accessory structures shall not be placed in such a manner that they extend in front of the rear building line of the primary structure.

10. Architectural Standards.

A. The front façade, or any façade that directly abuts a public right-of-way including a street side yard of any building shall be at least fifty (50) percent brick or masonry stone.

B. All sides of buildings visible from the public right-of-way shall be architecturally treated to produce an aesthetically pleasing façade that is compatible with surrounding buildings and cohesive as development block. Exterior materials of commercial quality shall include brick, stone masonry, stucco like exterior systems, pre-cast concrete wall panels, or other like material. Painted concrete block or flat poured concrete walls are not allowed unless the blocks include an architectural finish and an articulated pattern that varies the block sizes, horizontal face alignment, and/or the coursing and vertical joints.

C. Exterior building walls may also be constructed of wood, fiber cement board, architectural concrete masonry units that contain variances in texture and/or integral color, vinyl, aluminum, or steel lap siding, or corrugated metal only when at least seventy-five (75) percent of the street façade is constructed of approved masonry. In cases where the structure is viewable from a public right-of-way or space the structure shall utilize the above materials on all building elevations. Smooth face concrete masonry units shall not be allowed.

D. All rooftop mechanicals must be placed or screened in such a way that they are not visible from any public street, alleyway, or park. Rooflines should have the appearance of a flat structure. In instances where a peaked or gable roof is existing and will not be modified structurally, design elements shall be designed such that the roof appears to be flat and screened in such a way that the peak of the structure is not visible. This regulation shall apply to property as follows:

(1) Properties with frontage on Grant Street, Wilson Street and West Street.

E. The front façade and street side façade of any new non-residential building shall be comprised of at least fifty (50) percent windows and doors at the ground level.

F. Accessory structures shall be constructed of similar and/or complimentary materials as the primary structure and shall be required to be compromised of at least twenty-five (25) percent windows and doors at the ground level.

G. Accessory structures that are not open for business to the public are exempt from the window and door requirements of Subparagraph E above provided they are placed between the rear of the primary building and rear yard setback and are not visible from the public street. The structure is subject to compliance with Subparagraph B above.

H. All structures must be constructed on permanent foundations and may not be placed in a temporary manner.

11. Curbs and Curb Cuts. The number of curb cuts for any development shall be minimized to the greatest extent possible to provide for controlled ingress and egress.

A. All curbs shall be vertical curbs. No curb cut shall be greater than twenty-five (25) feet at the property line and thirty-five (35) feet at the curb line in accordance with the established City standards.

B. No curb cut for freight lanes shall be greater than thirty-five (35) feet at the property line and forty-five (45) feet at the curb line, unless an alternative curb cut width is approved by the Planning and Zoning Commission.

12. General Landscaping and Buffering Requirements.

A. No certificate of use shall be authorized unless all landscaping requirements are met. Existing, healthy plant material on site may be used as a credit towards fulfilling the landscaping requirements specified in this section.

B. Landscaping requirements are minimum standards and applicable to areas used for the parking of one or more vehicles to traverse back and forth to parking spaces, service bays, and loading/unloading areas. The landscaping requirements shall provide effective buffering of all vehicular use areas, including service bays, from neighboring buildings and from street view and shall serve to guide traffic.

C. Walls, fences, or other artificial screens to be used as buffers shall be shown in elevation and perspective. Proposed height and structural material to be used shall be clearly indicated on the site plan.

D. Landscape vegetation shall consist of species compatible with conditions in central Iowa.

E. Minimum requirements, trees:

(1) Two (2) trees or two (2) trees per three thousand (3,000) square feet of required open space, or

(2) Fifty (50) percent of the required trees may be two (2) inch caliper and the remaining required trees may be eight (8) feet to ten (10) feet in height and one and one-half (1.5') inch caliper.

(3) The trees shall be balled or burlap stock.

(4) The minimum height for evergreens shall be six (6) feet and may be counted as 2-inch caliper for requirements.

(5) The trees must live for at least twelve (12) months after planting or be replaced by the landowner.

F. Minimum requirements, shrubs:

(1) One shrub shall be planted for every one-thousand (1,000) square feet of open space, but no less than three shrubs per lot.

G. Interior lot landscaping shall be provided by landscaped islands or medians within the vehicular area and shall be used to guide traffic and separate pedestrian walkways from vehicular traffic. One such landscaped island or median shall be placed for every twelve (12) parking spaces and shall be a minimum of sixty (60) square feet in area. Landscaped islands may be grouped or combined to meet interior landscape requirements provided the total square footage of any single grouping does not exceed one hundred-twenty (120) square feet.

(1) The use of ornamental shrubs and coniferous trees shall be encouraged.

(2) The ground cover of the island shall consist of grass and/or shrubs, excluding paving.

H. A landscape barrier shall be located between the common lot line and the service bay, loading, or unloading area, off-street parking, or other vehicular use area. The barrier shall be a minimum of six (6) feet in height consisting of a natural material such as ornamental fence, an earth berm or an opaque hedge or any combination thereof.

I. At a minimum, one tree shall be provided every twenty-five (25) linear feet. Such trees shall be located or grouped between the common lot line and the service bay, loading, or unloading area, off-street parking, or other vehicular use area.

J. The provisions of the subsection shall not apply when the proposed perimeter abuts an existing wall or durable landscape barrier on an abutting property, provided the barrier meets all applicable standards set out in this ordinance.

K. The perimeter(s) of the lot adjacent to public rights-of-way, shall include a strip of land of at least ten (10) feet in depth located between the right-of-way and the off-street parking or other vehicular use area(s), and shall be landscaped as follows:

(1) One (1) tree for every twenty-five (25) feet, or fraction thereof of lineal frontage. Such trees shall be located between the abutting right-of-way and the off-street parking or other vehicular use area.

(2) The vegetation is not required to be planted in a singular row and may be placed in a designed arrangement provided the full total of required shrubs is placed within the planting strip.

(3) A hedge, wall, earth berm, or other durable landscape barrier a minimum of three (3) feet in height shall be placed along the perimeter of such landscape strip. If said barrier consists of non-living material, one (1) shrub shall be planted every ten (10) feet and abutting the barrier.

(4) The remainder of the required landscape strip shall be planted with grass, ground cover or other landscape material, exclusive of paving.

(5) Ground cover plants shall form a solid mat or cover over the ground within a twelve (12) month period. Sod shall be employed when grass is used as a ground cover in Zone 1. Non-living material shall not be used as the primary ground cover device but may be used in conjunction with living plant material to develop an ornamental landscaping effect.

(6) Non-living materials such as rocks, pebbles, sand, wood mulch or wood chips shall be placed at a minimum depth of three (3) inches and shall be used in conjunction with an appropriate landscape weed control fabric.

(Section 165.14 – Ord. 2021-07 – Mar. 21 Supp.)

165.15 C-2 CBD CENTRAL BUSINESS DISTRICT.

1. Intent. The C-2 District is intended to accommodate the variety of retail stores and related activities which occupy the prime area within the business district. No property shall be zoned C-2 unless it lies adjacent to property zoned C-2 commercial.

2. Principal Permitted Uses. Any and all uses permitted under the C-1 commercial classifications.

3. Accessory Uses. Any and all accessory uses permitted under the C-1 commercial classification.

4. Area Requirements.

A. Lot Area. No minimum.

B. Lot Width. No minimum.

C. Yard Width. No minimum, unless the side yard is adjacent to an R district, in which case the side yard shall be at least 15 feet.

D. Building Height. The maximum height shall be three stories or 45 feet.

165.16 C-3 COMMERCIAL DISTRICT.

1. Intent. The C-3 Commercial District is intended for the conduct of general business.

2. Principal Permitted Uses. Any and all uses permitted under the commercial classifications except that no residential use may be used in C-3 even if otherwise allowed under C-0, C-1, or C-2.

3. Accessory Uses. Any and all accessory uses permitted under the C-2 commercial classification.

4. Area Requirements.

A. Lot Area. No minimum.

B. Lot Width. No minimum.

C. Yard Width. No minimum, unless the side yard is adjacent to an R district, in which case the side yard shall be at least 15 feet.

D. Building Height. The maximum height shall be three stories or 45 feet.

165.17 CF COMMUNITY FACILITY DISTRICT.

1. Intent. The Community Facility District is intended to accommodate buildings used for general community based activities.

2. Permitted Uses.

A. Veterans organizations.

B. Recreation and community meeting space within a common facility.

3. Permitted Accessory Uses.

A. Exterior signs located along access drive adjacent to street right-of-way shall be a monument type sign.

B. All other exterior signs shall be attached against the building.

C. Pole-mounted wind energy conversion system with a maximum density of one system for each five acres, or fraction thereof.

4. Area Regulations.

A. Lot Area. The minimum lot area shall be four acres.

B. Lot Width. No minimum.

C. Yard Width. No minimum, unless a yard is adjacent to an R District, in which case the side yard shall be at least 25 feet; however, such minimum lot requirement shall not apply to any part of the property less than 50 feet in width.

D. Building Height. The maximum height shall be three stories, or 45 feet.

E. Off-Street Parking. Spaces for off-street parking shall be provided based on the projected use and occupancy of the building. The provisions of Section 165.23(2) of this chapter shall not be applicable for the CF District.

F. Wind Energy Conversion Systems. Maximum pole height: 80 feet; minimum distance from pole to property line: 30 feet except minimum distance to a property line adjoining a residential zoning district: 75 feet.

165.18 BP-1 BUSINESS PARK DISTRICT.

1. Intent. The Business Park District is intended for the conduct of business that is appropriately located within a large identified business area and for business that is generally in the service sector or intellectual property sector and does not require frequent access by the public. The regulations set forth in this section are meant to achieve the following:

A. To provide appropriate space for strengthening the economic base of the community.

B. To locate non-retail businesses not requiring direct public access in areas where suitable utilities and other resources are available.

C. To provide an area within the community where businesses desiring a large business park setting can develop without conflicting residential or commercial uses.

2. Permitted Uses. The permitted uses within the district encompass a wide range of non-retail and non-manufacturing commercial enterprises with said uses focusing on the service sector including businesses providing services associated with data and intellectual property. Permitted uses shall include the following and businesses of a similar nature:

A. Data processing centers.

B. Transaction processing centers.

C. Services sector office buildings.

D. Banking support services.

E. Non-retail support for retail business or service businesses.

F. Professional office buildings.

3. Accessory Uses.

A. On-site wells used for backup water supply.

B. Standby power generators used for emergency power, provided such generators are equipped with appropriate sound dampening enclosures and mufflers.

C. Wind generators at a density of no more than one for every three acres; provided, no wind generator can be located within 200 feet of the exterior boundary of a parcel except no wind generated can be located within 300 feet of a residential zoning district. The height of the mounting pole for a wind generator may not exceed 120 feet, except with approval by the City Council.

D. Fuel storage for standby generators.

E. Electric substations used to support business operations.

F. Exterior building security measures.

G. On-site exterior signs which shall be integral or attached to the building and shall not extend above any building line, shall not have a height of more than eight feet or length of more than 35 feet, or ground monument signs not exceeding six feet in height or 15 feet in length.

4. Area Regulations.

A. Lot Area. The minimum area shall be 10 acres.

B. Lot Width. There shall be no minimum required lot width, except no lot may have a width less than 25 percent of its longest dimension.

C. Yard Width.

(1) The minimum front yard depth shall be 50 feet.

(2) The minimum rear yard depth shall be 50 feet.

(3) The minimum side yard depth shall be 25 feet on all sides other than the front and rear.

165.19 I-1 LIGHT INDUSTRIAL DISTRICT.

1. Intent. The Light Industrial District is established as a district permitting only those commercial uses as specified in the principal permitted uses under this section. It shall be the declared purpose of this classification to promote industrial enterprises and to discourage residential building and subdivisions in the light industrial zone. It is intended to provide for light manufacturing uses which are conducted primarily within an enclosed building, and of a non-nuisance character.

2. Principal Permitted Uses. The following commercial uses:

A. Adult entertainment.

B. Automobile, truck, trailer, motorcycle, bicycle, boat and farm implement, including sales, service, repair and accessory stores but not including wrecking, rebuilding or used parts yards.

- C. Locker plant for storage and retail only.
- D. Lumber yard - retail only.
- E. Printing shop.
- F. Restaurant, drive-in restaurant.
- G. Automobile, tractor, and farm machinery assembly and repair.
- H. Concrete mixing, concrete products manufacture.
- I. Contractors' equipment or storage yard.
- J. Creamery, dairy, ice cream manufacture, or bottling works.
- K. Custom shop for making articles or products sold at retail on the premises.
- L. Freight storage or warehouse, packing and crating, express, carting or hauling stations, trucking yard or terminal.
- M. Laboratories.
- N. Manufacture, assembling, compounding, processing, packaging or comparable treatment of the following: small electrical equipment such as instruments, radios, phonographs, television, electronic tubes, coils, condensers, photographic equipment and other similar types of products.

3. Accessory Uses.

A. On-site exterior signs, which shall be integral or attached to the building. The total area of all signs pertaining to the use of or business conducted in any building shall be no greater than 15 percent of the building frontage per side of building. Such signs shall be non-illuminated or may be illuminated with non-moving, non-flashing and non-rotating light from a source not visible from the public right-of-way. Where the lot adjoins an R district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the R district. A sign, pole (a sign wholly supported by a sign structure in the ground), shall have at least eight feet clearance between the bottom of the sign and the ground and shall not exceed 20 feet in height with a maximum of 50 square feet of sign area per side and shall have a setback of no less than two feet from the street right-of-way and may not extend over the public right-of-way. A sign, ground or free-standing (a sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall), shall not exceed 32 square feet in area on each side and shall have a setback of at least 20 feet from the street right-of-way.

- B. Accessory uses and structures customarily incidental to any principal permitted use.
- C. Accessory uses permitted in the C-2 District.

4. Required Conditions.

A. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, vibrations, refuse matter or water-carried waste.

B. Each adult entertainment establishment shall be located a minimum of 1,000 feet from any existing adult entertainment establishment.

C. Each adult entertainment establishment shall be located a minimum of 500 feet from any residentially-zoned area, church, school or park. Such measurements shall be a horizontal distance between the property line of the proposed adult entertainment establishment and the nearest residential zoning line or property line of any church, school or park.

5. Area Regulations.

A. Lot Area. No minimum.

B. Lot Width. No minimum.

C. Yard Widths. The minimum front yard width is 30 feet. The minimum rear yard width shall be 40 feet, unless the rear lot line adjoins a railroad right-of-way, in which case, none required. There shall be no minimum side yard, except adjacent to an R District, in which case, not less than 50 feet.

D. Building Height. The maximum building height shall be three stories but not more than 50 feet.

165.20 I-2 HEAVY INDUSTRY DISTRICT.

1. Intent. The Heavy Industry District is established as a district in which the principal use of land is for heavy commercial and industrial establishments, which may create some nuisance and which are not properly associated with or compatible with residential, institutional, and commercial-service establishments. The intent of this section is to:

A. Encourage the construction of and continued use of the land for heavy commercial and industrial purposes.

B. Prohibit residential use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district.

C. Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this section.

2. Principal Permitted Uses.

A. Uses permitted in the I-1 District, provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises

requiring them to live on said premises, including such families of such employees when living with them.

B. Any other use not otherwise prohibited by law; provided, however, the following uses shall be permitted subject to approval by the City Council after public hearing, and after report and recommendation by the Commission:

- (1) Acid manufacture.
- (2) Cement, lime, gypsum, or plaster of Paris manufacture.
- (3) Distillation of bones, coal tar, petroleum, refuse, grain, or wood.
- (4) Dump.
- (5) Drilling for or removal of oil, gas or other hydrocarbon substance.
- (6) Explosives manufacture or storage.
- (7) Fat rendering.
- (8) Fertilizer manufacture.
- (9) Garbage: offal or dead animal or fish reduction or dumping.
- (10) Gas manufacture.
- (11) Glue manufacture.
- (12) Grain elevators, grain drying or fee manufacture, provided that provisions are made for the recovery of the dust.
- (13) Foundry casting, lightweight non-ferrous metals.
- (14) Commercial swine and/or cattle feeding stations.
- (15) Junk yard, including automobile and truck wrecking.
- (16) Mineral extraction, including sand and gravel.
- (17) Petroleum or petroleum products refining.
- (18) Rubber goods manufacture.
- (19) Smelting of ores.
- (20) Stockyard or slaughter of animals, except poultry or rabbits.
- (21) Tannery.
- (22) Junk yard, provided all activities are conducted within a solid fenced enclosure.
- (23) Mining, sand and gravel pits.

(24) Salvage yard, automobile, tractor or machinery wrecking and used parts yards, provided all activities are conducted in a closed building. The salvage yard shall be completely closed with a solid fence.

3. Accessory Uses.

- A. Signs used and permitted under the C-1 classification.
- B. Accessory uses incidental to a principal permitted use.

4. Required Conditions.

- A. All principal or accessory structures housing a use permitted under the I-2 classification shall be located a minimum 200 feet from any R district.
- B. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed.

5. Area Requirements.

- A. Lot Area. No minimum.
- B. Lot Width. No minimum.
- C. Yard Widths.
 - (1) The minimum front yard shall be 30 feet.
 - (2) The minimum rear yard width shall be 40 feet, unless the rear lot line adjoins a railroad right-of-way, in which case none is required.
 - (3) There is no minimum required side yard, except adjacent to an R District, in which case not less than 200 feet as specified above.
- D. Building Height. The maximum building height shall be 75 feet. For all building heights greater than 45 feet, the minimum yard width shall be increased one horizontal foot for each vertical foot in excess of 45 feet to the maximum allowed building height.

165.21 MU MAJOR UTILITY DISTRICT.

1. Intent. The Major Utility District is intended to provide suitable locations for major utilities facilities necessary for the providing of public or privately owned utility services to support business and residential uses in and adjacent to the City. The regulations set forth in this section are meant to achieve the following:

- A. To provide appropriate space for municipal utility infrastructure facilities, including water treatment plants and wastewater treatment plants.
- B. To provide appropriate space for major electrical substations.

C. To provide space for similar major utility facilities.

2. Permitted Uses. The permitted uses within the district encompass a range of major utility facilities necessary to provide services for business and residential development within and adjacent to the City. Permitted uses shall include the following and uses of a similar nature:

- A. Water treatment plants.
- B. Wastewater treatment plants.
- C. Electrical substations.

3. Accessory Uses.

A. Standby power generators used for emergency power, provided such generators are equipped with appropriate sound dampening enclosures and mufflers.

B. Fuel storage for standby generators.

C. Security fencing and other means of providing site security.

D. On-site exterior signs which shall be integral or attached to the building and shall not extend above any building line, shall not have a height of more than two feet or a length of more than 20 feet, or ground or monument signs not exceeding four feet in height or eight feet in length.

E. The required, or advisable, warning signs attached to an exterior security fence or installed in a manner to provide the required notification.

4. Area Regulations.

A. Lot Area. The minimum area for a water treatment plant shall be one-half acre. The minimum area for all other uses shall be three acres.

B. Lot Width. There shall be no minimum required lot width.

C. Yard Depth.

(1) The minimum front yard depth for a water treatment plant shall be 30 feet. The minimum front yard depth for all other uses shall be 50 feet.

(2) The minimum rear yard depth for a water treatment plant shall be 30 feet. The minimum rear yard depth for all other uses shall be 50 feet.

(3) The minimum side yard depth shall be 10 feet on all sides other than the front and rear for a water treatment plant. The minimum side yard depth shall be 25 feet on all sides other than the front and rear for all other uses.

D. Building Height. The maximum building height shall be 45 feet.

E. Ancillary Systems Height. The maximum height for any ancillary system, not incorporated in a building shall be 80 feet.

165.22 EXCEPTIONS AND MODIFICATIONS.

1. Use of Existing Lots of Record. In any district where dwellings are permitted under the provisions of this chapter, a single-family dwelling may be located on any lot or plot of official record, recorded prior to the effective date of the Zoning Ordinance, irrespective of its area or width, provided, however:

A. The sum of the side yard widths of any such lot or plot shall not be less than 30 percent of the width of the lot, with the least side width being a minimum 10 percent of the lot width.

B. The depth of the rear yard of any such lot need not exceed 20 percent of the depth of the lot, but in no case shall it be less than 20 feet.

C. When two or more lots or plots have continuous frontage under single ownership, such lots shall be considered buildable only in combinations which meet the area requirements of the district in which they are located.

2. Structures Permitted Above the Height Limit. The building height limitations set forth in prior sections of this chapter shall be modified as follows:

A. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, tanks, water towers, ornamental towers, spires, radio or television towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereinafter adopted ordinances of the City.

B. Public, semi-public, or public service buildings, hospitals, sanatoriums, or schools, where permitted in a district, may be erected to a height not exceeding 45 feet. Churches and temples when permitted in a district may be erected to a height not exceeding 60 feet if the building is set back from each property line at least one foot for each two feet of additional building height above the height limit otherwise provided in the district in which the building is located.

3. Existing Double Frontage Lots. Buildings on through lots and extending from street to street shall provide the required front yard on both streets.

4. Computation of Rear and Side Yards. In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens onto an alley, one-half of such alley may be assumed to be a portion of the yard.

5. Additional Yard Exceptions. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for ordinary projections not to exceed 24 inches, including roof overhang. In areas where some lots are developed with a front yard that is less than the minimum required for the district by this chapter or where some lots have been developed

with a front yard greater than required by this chapter, the following rule shall apply: Any new building or addition in front thereof shall not be closer to the street right-of-way than the average of the front yard of the first building on each side within a distance of 200 feet measured from building to building, except as follows:

- A. Building located entirely on the rear half of a lot shall not be counted.
- B. No building shall be required to have a front yard greater than 50 feet.
- C. If no building exists on one side of the lot within 200 feet, the minimum front yard shall be the same as that for the building on the other side.

6. Zoning of Annexed Areas. Any land annexed to the City after the effective date of the Zoning Ordinance shall be zoned an A District until the Commission and Council shall have studied the area and adopted a final zoning plan for the area in accordance with procedures set forth in this chapter. The final zoning plan shall be adopted within three months of date of annexation.

7. Special Use Permits.

A. The Council may, by special permit, after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this chapter. Notice of time and place of hearing shall be given to all persons owning and/or occupying property within 200 feet, excluding public right-of-way, of the proposed location at least 15 days in advance of hearing by special delivery letter, and to the remaining affected property owners at least 15 days prior to the hearing by placing notices in a paper of general circulation in the City.

(1) Any public building erected and used by any department of the City, Township, County, State or federal government.

(2) Airport or landing field.

(3) Community building or recreation field.

(4) Hospitals, non-profit fraternal institutions provided they are used solely for fraternal purposes, and institutions of an education, religious, philanthropic, or eleemosynary character, provided that the building shall be set back from all yard lines such distance as may be required by the City Council in said special use permit.

(5) Pre-schools.

(6) Public cemetery.

(7) Barber shop or salon.

(8) Bed and Breakfast or Recreation Lodge. "Bed and breakfast" means a single- or two-family residential dwelling which is owner occupied and operated and provides lodging with meals for compensation for a period not to exceed two weeks and which rents out no more than three guest rooms, with no more than two beds in each room. "Recreation lodge" means a building or establishment containing no more than three guest rooms

where short term sleeping accommodation (not to exceed two weeks), or day use for indoor recreation events, with or without meals, are provided for compensation.

B. In the case of a barber shop or salon, the permit shall not be considered in the event the barber shop or salon employs or retains as an independent contractor, or shareholder any person other than the owner, joint-tenant, or tenant-in-common of the dwelling. In the case of a salon, the use permit shall be renewed on an annual basis at an annual cost of \$45.00. The special use permit is renewable only upon proof of the salon's license renewal on an annual basis. The special use permit is renewable for a barber shop on a biennial basis upon proof of the barber shop's license renewal at a cost of \$90.00 per biennium.

C. Before issuance of any special permit for any of the above buildings or uses, the Council shall refer the proposed application to the Commission, which shall be given 45 days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the Commission has been filed, provided, however, that if no report is received from the Commission within 45 days, it shall be assumed that approval of the application has been given by the said Commission. Prior to the issuance of the special use permit by the City Clerk, the applicant shall pay the actual costs of publication and postage expenses incurred for the notices required by this section.

D. The special permit shall not be transferable to any subsequent or substitute owner. Further, the special permit issued may include time limits, and other conditions or safeguards deemed necessary or appropriate by the City Council. Violations of any of the conditions or safeguards herein shall be deemed a violation of this chapter and punishable under the provisions of this chapter. In addition, the special permit in connection with such violation shall be subject to revocation by the City Council.

8. Area Requirements. In any R district, where public water supply and public sanitary sewer is not accessible, the minimum lot area and frontage requirements shall be determined by the Council, in keeping with the general objectives of this chapter. In no case shall the minimum lot area be less than 20,000 square feet.

165.23 PARKING AND LOADING AREAS.

1. Off-Street Loading Space. In any district, every building or part hereafter erected, having a gross floor area of 4,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 4,000 square feet. Each loading space shall be a minimum of 10 feet in width, 35 feet in length.

2. Off-Street Parking Area.

A. In all districts, except C-2 Commercial, space for off-street parking and storage of vehicles shall be provided in accordance with the following minimum schedules:

- (1) Automobile sales and service garage: 100 percent of gross floor area.
- (2) Bowling alleys: five spaces for each alley.
- (3) Churches and schools, funeral home, mortuary: one space for each five seats in the principal auditorium.
- (4) Dwelling: one and one-half spaces for each dwelling unit.
- (5) Hospitals and nursing homes: one space for each four beds.
- (6) Hotels, apartment hotels - one and one-half spaces for each unit.
- (7) Manufacturing plant: one space for each three employees.
- (8) Motels: one space for each unit.
- (9) Retail markets, supermarkets, etc. - 250 percent of gross floor area.
- (10) Any development in the BP-1 Zoning District - not less than one parking space for each employee based on the maximum number of employees projected to be present at any time, plus 20 percent, rounded to the nearest whole number; except for less than 25 employees the minimum number of parking stalls shall be five more than the maximum number of employees projected to be present at any time.
- (11) Any development in the MU Zoning District.
 - a. Any development where one or more vehicles are regularly present at the facility for more than one hour per day the development must provide four designated parking stalls, except if the maximum number of vehicles projected to be present at any time on the site is greater than three the minimum number of parking stalls shall be based on the maximum number of vehicles projected to be present at any time plus two stalls.
 - b. For any development where vehicles are not present on a regular basis for more than one hour per day, designated parking stalls are not required provided the maximum number of vehicles can be accommodated on a paved or granular surface with all vehicles being located a minimum of 10 feet from any property line.

B. All public or private parking areas shall be developed or maintained in accordance with the following requirements:

- (1) No part, except entrance and exit, or any parking lot, shall be closer than five feet from any street right-of-way, alley line, or residential lot line.
- (2) Any off-street parking area for five or more vehicles shall be hard surfaced with asphalt concrete or Portland cement concrete or other similar material of a permanent nature.

165.24 AMENDMENTS TO THE ZONING ORDINANCE.

1. Procedure. The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or repealed, upon initial action by the Council, or upon application by the owner of the land involved, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least seven days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City, and in at least three conspicuous places within the City, one of which shall be the City Hall, one of which shall be upon the property in question, in the form of a sign approximately two feet square, posted in at least one location on each officially recorded lot or plot, along the front lot line of said lot or lots; and one of which shall be on a public bulletin board. When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those lots or parcels of land within a 200 foot radius of the boundary lines of the proposed change, then such amendments shall not become effective except by the favorable vote of three-fourths of the City Council. No provision of this subsection should be construed to impact a change in requirements with regard to an existing zoning classification. In the case of additional or different requirements for an existing use, the only notice provided will be publication as required by Code of Iowa Section 414.4 as amended from time to time.

2. Filing Fees. Before any action shall be taken as provided in this part, the party or parties proposing a change in district regulations or boundaries shall have deposited with the City Clerk the sum of \$75.00 to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

3. Rejection of Amendments. In the event any application seeking amendment of the Zoning Ordinance is submitted by the owner of the land involved and such application for amendment to the Zoning Ordinance is rejected by the Council, no application seeking amendment to the Zoning Ordinance as it affects the same real estate shall be considered by the Commission for 60 days from the date the Council rejects the previous application.

165.25 BOARD OF ADJUSTMENT.

1. Procedure.

A. Board Created. A Board of Adjustment is hereby established, which shall consist of five members. The terms of office of the members of the Board of Adjustment and the manner of their appointment shall be as provided by Statute.

B. Meetings. The meetings of the Board shall be held at the call of the Chairperson, and at such other times as the Board may determine. Such Chairperson or, in his absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All

meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board and shall be a public record. The presence of three members shall be necessary to constitute a quorum.

C. Appeals. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the inspector of buildings. Such appeal shall be taken within 10 days by filing with the inspector of buildings and with the Board a notice of appeal specifying the grounds thereof. The inspector of buildings shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the inspector of buildings certifies to the Board, after notice of appeal should have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the inspector of buildings, and on due cause shown. The Board shall fix a reasonable time not to exceed 60 days for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee of \$15.00 to be credited to the general fund of the City.

2. Powers and Duties of the Board. The Board shall have the following powers, and it shall be its duty:

A. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the inspector of buildings in the enforcement of this chapter.

B. To grant a variation in the regulations when a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other strict application of the terms of this chapter actually prohibits the use of this property in a manner reasonably similar to that of other property in the District, or where the Board is satisfied under the evidence before it, that the granting of such variation will alleviate a clearly demonstrable hardship; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this chapter.

C. To permit the following exceptions to the district regulations set forth in this chapter, provided all exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not increase congestion in the public streets, shall not increase public danger of fire and safety, and shall not diminish or impair established property values in surrounding areas:

(1) To permit erection and use of a building or the use of premises or vary the height and the regulations in any location for a public service corporation for public utility purposes or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.

(2) To permit the extension of a district where the boundary line of a district divides a lot in a single ownership as shown of record or by existing contract or purchase at the time of the passage of the Zoning Ordinance, but in no case shall such extensions of the district boundary line exceed 40 feet in any direction.

165.26 CERTIFICATE OF ZONING COMPLIANCE.

1. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this chapter.

2. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the Zoning Administrator. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this chapter.

3. Nothing in this part shall prevent the continuance of a nonconforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property.

4. Certificates for zoning compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within 10 days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

5. No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for certificate of zoning compliance, and no building or premises shall be occupied until that certificate and permit is issued.

165.27 ADMINISTRATION.

1. Zoning Administrator. The City Council shall appoint a Zoning Administrator, who shall be charged with the responsibility of enforcement of this chapter. The Zoning Administrator shall have the following powers and duties:

A. To inspect and approve the zoning compliance application for conformance to the Zoning Ordinance, before the building permit is issued by the Building Department.

B. To report all zoning violations to the City Council, including a written report of the facts pertaining to such violation.

C. To attend all meetings of the Commission.

D. To act as Secretary of the Board of Adjustment and to carry out and enforce any decisions or determinations by such Board.

2. Plats. Each application for a building permit shall be accompanied by a plan in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this chapter. The Zoning Enforcement Officer must approve such building permit applications for conformance to the Zoning Ordinance before a building permit can be issued.

165.28 ENFORCEMENT, VIOLATION AND PENALTIES.

1. Enforcement. The City Council shall enforce the provisions of this chapter through the proper legal channels, but may delegate the duty of administering it to such officials of the City as it may deem proper. Any person objecting to the ruling of any official on the administering of the provisions of this law shall have the right to appeal to the Board of Adjustment.

2. Violation and Penalties. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this chapter or any amendment or supplement thereto, the City or adjacent or neighboring property owners who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate actions or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter, is guilty of a misdemeanor. Each day that a violation is permitted to exist constitutes a separate offense.

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map described in Section 165.01 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.

Ordinance No.

Date Adopted

Ordinance No.

Date Adopted

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map described in Section 165.01 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.

Ordinance No.

Date Adopted

Ordinance No.

Date Adopted

206

October 26, 2009

208

January 11, 2010

212

June 14, 2010

214

August 11, 2010

220

April 12, 2011

227

July 9, 2012

233

March 11, 2013

240

September 9, 2013

243

March 10, 2014

244

March 10, 2014

242

PROPOSED

|
March 10, 2014

252

June 2, 2016

2018-01

July 23, 2018

2018-02

October 8, 2018

2018-03

October 8, 2018

2019-01

July 8, 2019

2019-02

September 9, 2019

2020-03

May 28, 2020

2020-04

June 8, 2020

2020-07

July 13, 202

2023

January 23, 2023

PROPOSED

CHAPTER 161
RENTAL HOUSING CODE

161.01 Definitions	161.16 Vacated Immediately
161.02 Title and Purpose	161.17 Elimination of Defects
161.03 Scope	161.18 Defacing or Removal of Placard
161.04 Housing Code	161.19 Authority to Execute
161.05 Applications for Rental Housing Compliance Certificate	161.20 Action to Enjoin
161.06 Additional Inspections	161.21 Injunction
161.07 Inspection Fees for Additional Inspections	161.22 Eviction; Lease Termination
161.08 Entrance and Survey of Buildings	161.23 Duties of Occupant
161.09 Rental Housing Compliance Certificate Required	161.24 Notice of Actions
161.10 Issuance Duration Validation	161.25 Rent Collections
161.11 Certificate Displayed; Transferability	161.26 City Liability
161.12 Notice on Sale of Dwelling Unit	161.27 Violation Constitutes a Municipal Infraction
161.13 Name and Address of Agent Filed	161.28 Additional Liability
161.14 Emergency Orders	161.29 Appeal
161.15 Designation of Unfit Dwelling Unit; Condemnation	161.30 Prohibition on Retaliatory Evictions

161.01 DEFINITIONS.

For use in this chapter the following terms are defined:

1. "Apartment house" or "apartment building" means any building or portion thereof which is designed, rented, leased, let or hired out to be occupied or which is occupied as a two-family or multiple-family dwelling as defined in the Zoning Ordinance of the City.
2. "Building Inspector" means a person retained or employed by the City to enforce the provisions of this chapter. Such person shall be the Building Official appointed pursuant to Section 155.01 of this Code of Ordinances.

3. "Dwelling" means any house or building or portion thereof which is occupied in whole or part as a home or residence of one or more tenants, on a rental basis or in return for housing a tenant agrees to occupy and maintain the premises. The term encompasses a "dwelling" as defined in the Zoning Ordinance. Payment of utilities is not required under the terms of this chapter for a property to be considered a "dwelling" within the meaning of this chapter. No part of a building hereafter constructed or altered into a dwelling as described may be occupied in whole or in part for human habitation until the issuance of a rental housing compliance certificate by the City Building Inspector that such part of the dwelling conforms to the requirements of this chapter. A dwelling unit that is being rented for a period of 90 days or less in a single calendar year or a portion of such dwelling unit is exempt from this chapter.

4. "Dwelling unit" means one or more habitable rooms in a dwelling, apartment house or building which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking or eating. The term encompasses a "dwelling unit" as defined in the Zoning Ordinance.

5. "Rental housing compliance certificate" means the certificate that is issued within 14 days after written application for a dwelling unit if the dwelling unit at the date of such application is entitled thereto.

6. "Short-Term Rental" means any residential property, dwelling, condominium, or portion thereof that is available for use or is used for accommodations or lodging of guests, who pay a fee or other compensation, for a period of less than thirty-one (31) consecutive days. "Vacation rentals" or "Short-Term Rental" means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such. The terms "Vacation Rental" or "Short-Term Rental" do not include any hospital, convalescent or nursing home or sanitarium, or any facility associated with a hospital providing rooms for medical patients and their families, nor do they include any hotel, motel, or bed and breakfast facility.

7. "Tenant" means a person occupying a dwelling unit who pays, or has payments made on the individual's behalf, a stated payment at fixed intervals for the use of the dwelling unit. The term includes a person occupying a dwelling unit owned by another individual, who in return for housing agrees to occupy and maintain the premises. Payment of utilities is not required under the terms of this chapter for a person to be considered a "tenant" within the meaning of this chapter.

161.02 TITLE AND PURPOSE.

This chapter shall be known as the City of Van Meter Rental Housing Code. The purpose of this chapter is to ensure that rental housing facilities and short-term rentals and the conditions of such facilities are of sufficient quality to protect and promote the health, safety and welfare of those persons utilizing such housing as well as the general public.

161.03 SCOPE.

The provisions of this chapter shall be deemed to apply to all dwellings as defined in this chapter or portions thereof used or designed or intended to be used for human habitation. All occupancies in existing buildings may be continued except in such structures that are found to be substandard as defined in this chapter. Where any building or portion thereof is used or intended to be used as a combination apartment house/hotel, the provisions of this chapter shall apply to the separate portions as if they were separate buildings. Every rooming house or lodging house shall comply with all of the requirements of this chapter applicable to dwellings.

161.04 HOUSING CODE.

The International Property Maintenance Code, 2012 Edition, as published by the International Code Council, adopted in Chapter 158 of this Code of Ordinances, shall constitute the City's Housing Code. In the event of an express conflict between the provisions of this chapter and such Housing Code, the provisions of this chapter shall apply.

161.05 APPLICATIONS FOR RENTAL HOUSING COMPLIANCE CERTIFICATE.

Every person that offers for rent a dwelling unit within the City shall submit to the Clerk, on forms provided by the City, an application requesting a rental housing compliance certificate. Such application shall be accompanied by a registration fee in an amount established by Council resolution. When inspections are due, the person that offers for rent a dwelling unit must contact the Building Inspector to schedule an inspection and at that time the inspection fee is due. If the premises fails to comply, the Building Inspector shall notify the applicant in writing, stating the reasons for such noncompliance. The landlord shall have 30 days after receipt of noncompliance to correct the deficiencies and schedule a re-inspection. Fees for re-inspection shall also be established by the Council resolution.

161.06 ADDITIONAL INSPECTIONS.

The Building Inspector is empowered to make inspections of all rental dwelling units as frequently or infrequently as may be necessary and may make inspection at any reasonable time on a written complaint submitted by the owner, tenant or other person concerning the dwelling unit.

161.07 INSPECTION FEES FOR ADDITIONAL INSPECTIONS.

1. When an inspection is made at the request of the owner, an inspection fee as provided in 161.05 shall be charged. If an inspection is made at the written request of a tenant and

the dwelling unit is found to be in noncompliance due to an omission of the owner, such owner shall be responsible for the re-inspection fee. No inspection shall be conducted at the request of a tenant unless the tenant has first submitted the complaint in writing to the landlord no less than seven days before making such complaint to the Building Inspector. If, after a written complaint by the tenant, the dwelling unit is found to comply or if such noncompliance is due to conduct on the part of the tenant, the tenant shall be liable for the cost of such inspection. If such costs are not paid by the tenant within 30 days from the date of billing, the City may initiate an action at law or in equity to recover the same, in which event the tenant shall be liable for reasonable attorney fees incurred in the prosecution of the action. No fee shall be charged to the owner for such inspection.

2. In the event an inspection is initiated by the City or at the written request of a person other than the owner or tenant, and if the dwelling unit is found to be in noncompliance, the owner shall be liable for such inspection fees. No inspection shall be conducted at the request of a person other than the owner or tenant unless that person has first submitted the complaint in writing to the landlord no less than seven days before making such complaint to the Building Inspector. In the event that on the date of the inspection the dwelling unit complies with the provisions of this chapter, no fee shall be charged. In the event that on the date of inspection a dwelling unit fails to comply with the provisions of this chapter which necessitates additional inspections, the owner shall be liable for the cost of such re-inspection.

161.08 ENTRANCE AND SURVEY OF BUILDINGS.

The Building Inspector and any such other person as may be deemed necessary by the Building Inspector may, without fee except as provided in Section 161.07, enter, examine, make necessary records, and survey all dwellings units within the City. If entry into the interior portion of a dwelling unit is required, 72 hours' notice shall be given by the Building Inspector to the owner and tenant. The owner, owner's agent or representative, and the lessee and occupant of every dwelling unit and every person having the care and management of the same shall, at all reasonable times when required by the Building Inspector and such other person, give the Building Inspector and such other person free access to such dwelling unit and premises. The owner of a dwelling unit and owner's agents and employees shall have right of access to such dwelling units at reasonable times for the purpose of bringing about compliance with the provisions of this chapter or any order issued hereunder.

161.09 RENTAL HOUSING COMPLIANCE CERTIFICATE REQUIRED.

All owners of dwelling units shall register such dwelling units with the City Clerk. No person shall rent, lease, operate or otherwise allow the occupancy of any dwelling unit unless such person holds a Rental Housing Compliance Certificate as required by this chapter.

161.10 ISSUANCE DURATION VALIDATION.

If a dwelling unit fails to comply under Section 161.09 and if the dwelling unit and premises are found later to comply with the requirements of this chapter upon re-inspection, the Building Inspector shall issue a Rental Housing Compliance Certificate.

161.11 CERTIFICATE DISPLAYED; TRANSFERABILITY.

Rental Housing Compliance Certificates shall be transferable to succeeding owners. They shall be displayed by the owner for the tenant to examine before the dwelling unit may be rented, leased or otherwise occupied.

161.12 NOTICE ON SALE OF DWELLING UNIT.

Every person holding a Rental Housing Compliance Certificate under this chapter shall give notice in writing to the Building Inspector within 96 hours after having sold, transferred, conveyed or otherwise disposed of the ownership, interest in or control of any dwelling unit. This notice shall include the name and address of the person succeeding to the ownership or control thereof.

161.13 NAME AND ADDRESS OF AGENT FILED.

Every owner, agent or lessee of a dwelling unit shall file with the Clerk a notice containing the name and address of an agent of such dwelling unit for the purpose of receiving service of all notices required by this chapter.

161.14 EMERGENCY ORDERS.

Whenever the Building Inspector finds that an emergency exists which threatens immediately the public health, safety or welfare, the Building Inspector may issue an order reciting the existence of such an emergency and requiring that such action be taken as the Building Inspector deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately.

161.15 DESIGNATION OF UNFIT DWELLING UNIT; CONDEMNATION.

No person shall let to another for occupancy any dwelling unit for the purpose of living, inhabiting, sleeping, cooking or eating thereon which does not comply with the following requirements. Any dwelling unit which is found to have any of the following defects shall

be condemned as unfit for human habitation and shall be so designated and placarded by the Building Inspector.

1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health, safety or welfare of the occupants or the public.
2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health, safety or welfare of the occupants or of the public.
3. One which, because of its general condition or location is unsanitary or otherwise dangerous to the health, safety or welfare of the occupants or of the public.

161.16 VACATED IMMEDIATELY.

Any dwelling unit or any portion thereof condemned as unfit for human habitation and so designated and placarded by the Building Inspector shall be vacated immediately as ordered by the Building Inspector. The Building Inspector shall notify the Clerk of such action prior to placarding the dwelling unit.

161.17 ELIMINATION OF DEFECTS.

No dwelling unit or any portion thereof which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

161.18 DEFACING OR REMOVAL OF PLACARD.

No person shall deface or remove the placard from any dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in this chapter.

161.19 AUTHORITY TO EXECUTE.

In case any notice or order issued by the City is not complied with, the Building Inspector may recommend that the City apply to the Iowa District Court for Dallas County to institute an action for an order authorizing the City to execute and carry out the provisions of the notice or order to correct any violation specified in the notice or order to abate any nuisance in or about the dwelling unit.

161.20 ACTION TO ENJOIN.

In case any dwelling unit, building or structure is constructed, altered, converted or maintained in violation of any provisions of this chapter or of any order or notice of the Building Inspector, or in case a nuisance exists in any such dwelling unit, building or structure or upon the lot on which it is situated, the City may cause the institution of any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation, or nuisance, or to prevent the occupation of the dwelling unit, building or structure, or to prevent any illegal act, or to prevent the conduct of business in or about such dwelling unit or lot.

161.21 INJUNCTION.

In any such action or proceeding, the Building Inspector may, by a statement duly verified setting forth the facts, request that the City apply to the Iowa District Court for Dallas County for an order granting the relief for which the action or proceeding is brought, or for an order enjoining any persons from doing or permitting to be done any work in or upon such dwelling unit, building, structure or lot, or from occupying or using the same for any purpose until the entry of final judgment or order.

161.22 EVICTION; LEASE TERMINATION.

If the occupant of a dwelling fails to comply with the provisions of this chapter after due and proper notice from the Building Inspector or from the owner, such failure to comply shall be deemed sufficient cause for the eviction of such occupant by the owner and for cancellation of the occupant's lease.

161.23 DUTIES OF OCCUPANT.

It is unlawful for any tenant to deliberately or recklessly destroy, deface, damage or remove a part of the premises or to knowingly permit any other person to do so, or to remove without permission of the landlord any furniture or other items of personal property belonging to the landlord or owner or to cause damage resulting in noncompliance with this chapter.

161.24 NOTICE OF ACTIONS.

In any action brought by the City in relation to a dwelling unit or injunction, vacation of the premises, or abatement of nuisance or to establish a lien thereon, or to recover a civil penalty, service of notice shall be in the manner provided by law for the service of an original notice.

161.25 RENT COLLECTIONS.

Rent shall not be recoverable by the owner or lessee of any dwelling unit which does not comply with the provisions of this chapter until the City gives written notice to the owner and occupant that such dwelling unit has been issued a valid Rental Housing Compliance Certificate as required by this chapter.

161.26 CITY LIABILITY.

The City, its agents and employees are not liable for damages to a person or property as a result of any act or failure to act in the enforcement of this chapter. This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any equipment or structure regulated herein for damages to a person or property caused by its defects, nor shall the City, its agents or employees be held liable by reason of the registration, inspection, re-inspection, or approval authorized by this chapter.

161.27 VIOLATION CONSTITUTES A MUNICIPAL INFRACTION.

The owner of any dwelling unit or of any building or structure upon the same lot with a dwelling unit, or of the lot, which violates this chapter shall be guilty of a municipal infraction as defined in Chapter 3 of this Code of Ordinances. An owner who creates or knowingly permits the existence of such violation, or any tenant or occupant who shall violate or assist in violating any provisions of this chapter, shall also be jointly and severally liable for each such violation. Such person or persons and also the premises shall be liable in such case for all costs, expenses and disbursements paid or incurred by the Building Department, including attorneys' fees, paid or incurred by the City, by any of the officers, agents or employees thereof, in the removal of any such nuisance or violation.

161.28 ADDITIONAL LIABILITY.

Any person who, having been served with a notice or order to remove any such nuisance or violation, fails to proceed in good faith to comply with the notice or order within five days after such service, or continues to violate any provisions or requirements of this chapter or other provisions of this Code of Ordinances shall also be subject to a civil penalty of as set out in Section 161.27. For the recovery of such penalties, costs, expenses or disbursements, an action may be brought in a court of competent civil jurisdiction.

161.29 APPEAL.

Decisions of the Building Inspector may be appealed to the Housing Appeals Board. The Housing Appeals Board shall consist of the same members as the Board of Adjustment but which shall constitute a separate body. The Housing Appeals Board shall adopt rules and

regulations to conduct their meetings and effectuate this chapter. Such rules shall include incorporation of Code of Iowa Chapter 21 requirements regarding open meetings but shall not include a requirement that notice be published unless otherwise required by State law. The Chair of the Board of Adjustment shall serve as the administrative officer of the Board and shall sit at all meetings and hearings as the presiding officer.

1. Any person claiming to be aggrieved by any notice or order served upon that person under this chapter may file with the City Clerk a written appeal, requesting a hearing before the Housing Appeals Board.
2. The appeal must be in writing and explicitly indicate which item on the notice or order of the Building Inspector the appellant is contesting. The appeal must be accompanied by a check made payable to the City Clerk in the sum of \$50.00, which fee is nonrefundable unless the Housing Appeals Board reverses the notice or decision of the Building Inspector in its entirety.
3. The appeal shall be filed within five days after a person has received a notice or order from the Building Inspector. A notice or order under this chapter shall advise the person of the opportunity to be heard, the manner in which appeals under this chapter are to be filed, the amount of the appeal fee, the right to produce witnesses on such person's own behalf, and the right to counsel.
4. After receiving an appeal filed under this chapter, the City Clerk shall immediately notify the presiding officer of the Housing Appeals Board. The presiding officer shall set the time, place, and date of hearing and notify the appellant, other members of the Board, and the Building Inspector of the details concerning such hearing. The presiding officer may change the time, place, and date for such hearing upon good cause shown.
5. At the hearing, the appellant shall be afforded an opportunity to be heard, have the right to produce witnesses, and be represented by counsel. The Housing Appeals Board shall also receive evidence from the Building Inspector. After receiving all relevant evidence to the specific issue identified in the appeal, the Housing Appeals Board shall submit to both the appellant and the Building Inspector the written ruling within three days of the hearing.
6. Until the ruling of the Housing Appeals Board has been received, all proceedings except a vacation order under this chapter shall be stayed.
7. Failure to appeal shall constitute a waiver of the appellant's rights and shall be considered an adjudication adverse to the appellant.

161.30 PROHIBITION ON RETALIATORY EVICTIONS.

No person shall maintain an action for eviction, threaten such an action or otherwise harass a tenant who occupies property owned by such person, or the person's principal or employer, as a result of a tenant's report of a violation of this chapter or a related provision of this Code of Ordinances to the Building Inspector, any City employee or City officer.

Agenda Item #11

Discussion and Possible Action:

Resolution #2024-109 Setting Date for Public Hearing on a proposed amendment to Chapter 165 Zoning Regulations relating to Solar Energy Systems

The City doesn't have specific language that applies to solar array placement (requiring roof only or allowing ground) but ground mounted solar arrays are becoming more and more contested and cities are rapidly moving away from allowing ground mounted solar. At the recommendation of the City's Building Inspectors, staff has provided a sample to P&Z for review and based on feedback from the sample review, staff is proceeding with setting the date for public hearing. **City Staff will provide the final proposed amendment to Council no later than Friday, October 18, 2024. A draft proposed amendment is included in the packet.**

Recommendation: **APPROVAL**

Sample Language: **Motion to adopt Resolution #2024-109 Setting Date for Public Hearing on a proposed amendment to Chapter 165 Zoning Regulations relating to Solar Energy Systems for November 11, 2024 at 7:00pm**

City Councilmember: _____ ***So moved.***

City Councilmember: _____ ***Second.***

Mayor: ***Roll Call Please.***

City Clerk: Akers _____ Brott _____ Grolmus _____ Pelz _____ Westfall _____

Resolution passes/fails.

RESOLUTION NO. 2024-109

A Resolution Setting the Date of Public Hearing on a proposed amendment to Chapter 165 Zoning Regulations pertaining to Solar Energy Systems

WHEREAS, the City of Van Meter has been notified by the City's building inspectors that our zoning code does not have any specifications regarding solar arrays; and

WHEREAS, installation of residential solar has been occurring within the City for many years and is continuing to gain popularity; and

WHEREAS, City Staff has recommended addition language pertaining to Solar Energy Systems to the City's zoning code; and

WHEREAS, members of the Planning and Zoning Commission of the City of Van Meter reviewed proposed changes at the October 9, 2024 Planning & Zoning Workshop; and

WHEREAS, the City of Van Meter must now hold a public hearing regarding the proposed amendments to Chapter 165 Zoning Regulations pertaining to Solar Energy Systems; now

THEREFORE, BE IT HEREBY RESOLVED, by the Van Meter City Council that the Public Hearing on a proposed amendment to Chapter 165 Zoning Regulations pertaining to Solar Energy Systems is set for November 11, 2024 at 7:00pm at the United Methodist Church located at 100 Hazel Street, Van Meter, IA 50261.

BE IT FURTHER RESOLVED, the City Clerk is directed to publish notice of the hearing as required by law as well as online at www.vanmeteria.gov.

Passed and Approved this 14th day of October, 2024.

Mayor

City Clerk

~~165D.09~~165.22 (9) SOLAR ENERGY SYSTEMS/SOLAR PANELS.

1. Purpose. The purpose of the regulations of this Section is to balance the need for clean, renewable energy sources with the need to protect the public health, safety, and welfare. The regulations of this Section are found to be necessary to ensure that solar energy conversion systems are appropriately designed, sited, and installed in the corporate limits of the City.

2. Definitions. For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. "Solar Energy System (SES)" means an aggregation of parts including the base, supporting structure, photovoltaic or solar thermal panels, inverters, and accessory equipment such as utility interconnection and battery banks, in such configurations as necessary to convert radiant energy from the sun into mechanical or electrical energy.

B. "Large Solar Energy System (LSES)" means a solar energy system that has a nameplate rated capacity of over twenty-five (25) kilowatts in electrical energy for non-single-family residential uses and which is incidental and subordinate to a principal use on the same parcel. A system is considered an LSES only if it supplies electrical power or thermal energy solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.

C. "Small Solar Energy System (SSES)" means a solar energy system that has a nameplate rated capacity of up to fifteen kilowatts in electrical energy or fifty kBtu of thermal energy for residential uses and that is incidental and subordinate to a principal use on the same parcel. A system is considered an SSES only if it supplies electrical power or thermal energy solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on-site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.

D. "Solar Energy System, Building Integrated" means a solar photovoltaic system that is constructed as an integral part of a principal or accessory building and where the collector component maintains a uniform profile or surface with the building's vertical walls, window openings, and roofing. Such a system is used in lieu of an architectural or structural component of the building. A building integrated system may occur within vertical facades, replacing glazing or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems. To be considered a building integrated solar energy system, the appearance of the collector components must be consistent with the surrounding materials.

E. "Solar Energy System, Building Mounted" means a SES that is securely fastened to any portion of a building roof, whether attached directly to a principal or accessory building.

F. "Total System Height for Building Mounted System" means the height above roof surface measured perpendicular to the roof specific to the installation on a sloped roof or the height above the roof surface specific to the installation on a flat roof.

G. "Off Grid" means an electrical system that is not connected to a utility distribution grid.

H. "Solar Access" means a property owner's right to have sunlight shine on his land.

I. "Solar Energy" means radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use, or photovoltaic use.

J. "Utility Scale Solar Energy System" means a solar energy system that supplies electrical power or thermal energy solely for use by off-site consumers.

K. "Kilowatt (kW)" is equal to 1,000 watts.

L. "Watt (W)" is the International System of Units' standard unit of power, the equivalent of one (1) joule per second.

M. "(kBtu)" means kilo (thousand) British thermal units, a common unit of energy management.

3. Permitted SES. The following solar energy systems (SES) are permitted in all zoning districts with the corporate limits of the City, subject to the stated limitations:

A. A building integrated system is allowed in any zone.

B. A building mounted system attached to a roof of a principal or accessory building is allowed in any zone.

C. Large solar energy systems (LSES) are not allowed in residential zones.

D. Utility scale solar energy systems are not allowed unless approved and authorized by the City Council.

E. Off grid solar energy systems are not allowed.

4. Requirements for Construction or Installation.

A. Interconnection Agreement. In order to install and construct any SES, the owner or operator is required to complete the Interconnection Agreement and submit to the City of Sergeant Bluff.

B. Building Permit Required. It shall be unlawful to construct, erect, install, alter, or locate any SES within the corporate limits of the City, unless approved with a building permit. The application for a building permit shall include:

(1) A site plan drawn to scale showing the following:

- a. Existing structures on the lot;
- b. Proposed system location;
- c. Property lines;
- d. Setbacks of existing and proposed structures;
- e. Right-of-ways and easements; and
- f. Utility diagram applicable to proposed system.

(2) Elevation views and dimensions.

(3) Manufacturer's photographs.

(4) Manufacturer's spec sheet including capacity.

(5) Standard drawings, specifications of system components, and dimensional representations of the system and all its parts, including the supporting frame and footings.

(6) A single line drawing in accordance with the Interconnection Agreement diagram in sufficient detail to allow for determination that the manner of installation conforms to the National Electric Code and the requirement of the utility provider.

(7) Systems to be mounted on existing buildings, an engineered analysis showing sufficient structural capacity of the receiving structure to support the SES per applicable code regulations, certified by an Iowa licensed professional engineer.

C. Compliance with all Governmental Regulations. The owner/operator of the SES shall obtain any other permits required by other federal, state, and local agencies/departments prior to erecting the system.

D. Installation and Inspections. Installation shall be subject to inspections by the City building inspector. Installation must be done according to manufacturer's recommendations. All work must be completed according to the applicable building, fire, and electrical codes. All electrical components must meet code recognized test standards.

E. Color. The color of the support base of the SES shall be a neutral color. All surfaces shall be non-reflective to minimize glare that could affect adjacent or nearby properties. Measures to minimize nuisance glare may be required including modifying the surface material, placement, or orientation of the system, and if necessary, adding screening to block glare.

F. Lighting. No lighting other than required safety lights or indicators shall be installed on the SES.

G. Signage. No advertising or signage other than the manufacturer's identification logo and signage as required by applicable building codes and electrical codes.

H. Maintenance. The SES shall be well maintained in an operational condition that poses no potential safety hazard. Should the SES fall into disrepair and be in such a dilapidated condition that it poses a safety hazard or would be considered generally offensive to the senses of the general public, the SES may be deemed a public nuisance and will be subject to abatement as such.

I. Displacement of parking prohibited. The location of the SES shall not result in the net loss of minimum required parking.

J. Utility Notification. No SES that generates electricity shall be installed until evidence has been given that the utility company has been informed of and is in agreement with the customer's intent to install an interconnected customer owned generator.

K. Interconnection. The SES, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board.

L. Restriction on Use of Energy Generated. An SES shall be used exclusively to supply electrical power or thermal energy for on-site consumption, except that excess electrical power generated by the SES and not presently needed for onsite use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa Administrative Code.

M. Shutoff. A clearly marked and easily accessible shutoff for any SES that generates electricity will be required as determined by the Building Inspector.

N. Electromagnetic Interference. The SES shall be designed and constructed so as not to cause radio or television interference. If it is determined that the SES is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocating or removal of the facilities, subject to the approval of the appropriate city authority. A permit granting an SES may be revoked if electromagnetic interference from the SES becomes evident.

O. Solar Access Easements. The enactment of this Section does not constitute the granting of an easement by the City. The owner/operator may need to acquire covenants, easements, or similar documentation to assure sufficient solar exposure to operate the SES unless adequate accessibility to the sun is provided on site. Such covenants, easements, or similar documentation are the sole responsibility of the owner/operator to obtain and maintain. Should the owner/operator pursue a solar access easement, the extent of the solar access should be defined, and the easement document executed in compliance with the regulation contained in Iowa Code chapter 564A (access to solar energy).

P. Removal. If the SES remains nonfunctional or inoperative for a continuous period of 180 days, the system shall be deemed to be abandoned. The owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure; collector panels and related equipment form the property excluding foundations. Should the owner/operator fail to remove the system, the SES will be considered a public nuisance and will be subject to abatement as such.

Q. Nonconforming Systems. An SES that has been installed on or before the effective date of this Section and is in active use and does not comply with any or all of the provisions of this Section shall be considered a legal nonconforming structure under the provisions of the Zoning Code sections 165A.26 through 165A.28.

R. Unsafe Condition. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any SES or associated building or structure, or any part thereof, declared to be unsafe by the appropriate authority.

S. Bulk Regulations.

(1) Location.

a. No more than one SES may be placed on any zoned lot unless otherwise specifically approved by the Zoning Administrator.

b. No SES shall be constructed within twenty (20) feet laterally from an overhead electrical power line, excluding secondary electrical service lines or service drops.

i. No part of the SES shall be located within or over drainage, utility, or other established easements, or on or over property lines.

ii. The SES shall be located in accordance with the regulations for accessory use in the Zoning Code section 165A.22 and meet the accessory setbacks as required for the zoned district in which the SES is being placed.

iii. The SES shall not be located with the front yard setback, side yard setback, or street side setback for the zoned area it is being installed.

iv. No portion of the SES shall be located closer than five (5) feet from the principal building or to any other building or structure on the lot or location. In addition, the SES shall not occupy more than 30% of the rear yard.

v. The setback from underground electrical distribution lines shall be a minimum of five (5) feet.

vi. No SES shall be located which may obstruct vision between a height of thirty (30) inches and ten (10) feet on any corner lot with a vision triangle of twenty-five (25) feet formed by intersecting street right-of-way lines.

d. Building Mounted SES.

i. The SES shall be set back not less than one (1) foot from the exterior perimeter of the roof for every one (1) foot the system extends above the parapet wall or roof surface.

ii. Should the SES be mounted on an existing structure that does not conform to current setback requirements, the SES shall be installed to meet the current setback requirements applicable to the structure.

iii. The SES shall be designed to minimize its visual presence to surrounding properties and public thoroughfares. Panel arrangement shall take into account the

proportion of the roof surface, and panels shall be placed in a consistent manner without gaps unless necessary to accommodate vents, skylights, or equipment.

iv. Access pathways for the SES shall be provided in accordance with all applicable building, fire and safety codes.

v. The SES shall be located in such a manner that fall protection railings are not required or are not visible from the public thoroughfare.

e. Building Integrated SES.

i. No setback required.

ii. Access pathways for the SES shall be provided in accordance with all applicable building, fire, and safety codes.

iii. The SES shall be located in such a manner that fall protection railings are not required or are not visible from the public thoroughfare.

(2) Height.

a. Building Mounted SES.

i. The collector panel surface and mounting system shall not extend higher than eighteen (18) inches above the roof surface of a sloped roof.

ii. The collector panel surface and mounting system shall not extend higher than seven (7) feet above the roof surface of a flat roof.

b. Building Integrated SES. The collector panel shall maintain a uniform profile of surface with the building's vertical walls, window openings, and roofing.

(3) Size.

a. Unless otherwise defined in this subsection, the size of the SES is calculated by measuring the total surface area of the collector panels for the system.

b. For a Building Mounted SES, the system size will be determined by the available roof area subject to the installation, minus the required setbacks or access pathways.

c. For a Building Integrated SES, the system size will be determined by the available building surface area subject to the installation, minus the required access pathways.

5. PROHIBITED.

A. Ground-Mounted Solar Panels and Ground-Mounted Solar Arrays are prohibited in all zoning districts.

Agenda Item #12

Discussion and Possible Action:

Resolution #2024-110 Approving an Agreement for Services - Temporary Field Training

Submitted for: **Discussion and Possible Action**

The City agreed to provide Field Training to Officer Delic and there are limited resources available within the VMPD. Recently retired Chief of Police John Sparling is a certified Field Training Officer and has offered to provide training services for a limited time period as a 1099'd contractor at the rate of \$30.00/hour. The anticipated end date is no later than December 20, 2024 but mostly likely earlier than that.

Recommendation: **Approval**

Sample Language: **Motion to adopt Resolution #2024-110 Approving an Agreement for Services - Temporary Field Training**

City Councilmember: _____ ***So moved.***

City Councilmember: _____ ***Second.***

Mayor: ***Roll Call Please.***

City Clerk: Akers _____ Brott _____ Grolmus _____ Pelz _____ Westfall _____

Resolution #2024-110

"A Resolution to Approve An Agreement for Services - Temporary Field Training"

Whereas, the City of Van Meter agreed to provide Field Training to Officer Adin Delic of the Van Meter Police Department; and

Whereas, John Sparling is a certified Field Training Officer ("FTO") in accordance with the requirements of the Iowa Law Enforcement Academy; and

Whereas, the City wishes to utilize the services of John Sparling to provide Field Training to Officer Delic to complete the required training; and

Whereas, John Sparling wishes to provide temporary training services as contractor to assist the City of Van Meter in providing the required Field Training for Officer Delic; and

Whereas, both parties agree to a term beginning November 1, 2024 and ending no later than December 20, 2024 at a rate of \$30.00/hr for no more than 24 hours per week; now

Therefore, be it resolved by the Van Meter City Council that the Mayor and City Clerk are authorized to execute the Agreement for Services - Temporary Field Training with John Sparling with an effective date of November 1, 2024.

Passed and approved this 14th day of October, 2024.

Mayor

ATTEST:

City Clerk

An Agreement for Services – Temporary Field Training

This agreement is made and entered into this 1st day of November, 2024 by and between the **CITY OF VAN METER, IOWA** referred to as the **City**, and **John Sparling** referred to as **CONTRACTOR**.

WHEREAS the City agreed to provide Field Training opportunities to Officer Adin Delic of the Van Meter Police Department; and

WHEREAS John Sparling is a certified Field Training Officer (“FTO”) in accordance with the requirements of the Iowa Law Enforcement Academy; and

WHEREAS the City wishes to utilize the services of John Sparling to provide Field Training to Officer Delic to complete the required training; and

WHEREAS John Sparling wishes to provide temporary training services to assist the City of Van Meter in providing the required Field Training for Officer Delic; now

THEREFORE, the parties to this contract agree as follows:

SCOPE OF PROJECT. The scope of this project includes the instruction and training of Officer Delic for the City of Van Meter.

TERM. This agreement shall cover a period of 49 days beginning on November 1, 2024 and extending through December 20, 2024.

1. THE CITY OF VAN METER AGREES AS FOLLOWS:

- A. The City will pay the FTO \$30.00 per hour, not to exceed twenty-four (24) hours in a week, while this this agreement is in effect. The City will not withhold income taxes and there will be no additional compensation or benefits provided. The City will provide the Contractor with a 1099 for services rendered during the term of the agreement no later than January 31, 2025.
- B. That the City will provide access to a City patrol vehicle while performing the duties of FTO.
- C. That Either Party may terminate this agreement by giving the other party written notice.
- D. The City will provide the Contractor with a 1099 for services rendered during the term of the agreement no later than January 31, 2025.

2. CONTRACTOR AGREES AS FOLLOWS:

- A. To perform the following duties at the rate of \$30.00 per hour throughout the term of the agreement with the understanding that the City will not withhold income taxes and there will be no additional compensation or benefits provided by the City:
 - To work with the Chief of Police, Mayor, and City Administrator to carry

out the necessary training needs of the City. Including providing a summary of satisfactory completion.

- To craft, organize, and structure Field Training on behalf of the City in coordination with the Chief of Police and Officer Cale McClain who currently provides Field Training on a limited basis.
- To coordinate with the Chief of Police and FTO McClain the development and scheduling of all Field Training programs and activities.
- To address current and potential issues in a timely manner.
- To represent the City in a professional manner at all times.
- To maintain proper records.
- To attend meetings and or provide reports as required.

B. That Either Party may terminate this agreement by giving the other party written notice.

IN WITNESSETH WHEREOF, the parties have hereunto subscribed their names on the date first written above.

CITY OF VAN METER, IOWA:

ATTEST:

By _____
Mayor

By _____
City Clerk

Field Training Officer:

By _____
John Sparling

Agenda Item #13

Discussion:

Master Trails Phase 1 Project Update

Submitted for: **Discussion**

An update from Bolton & Menk is included in the packet. Things should really start moving along as soon as we are assigned a project manager from the DOT. As a reminder, this is a grant funded by the federal government, administered by the Iowa Department of Transportation.

From: [Justin Nickel](#)
To: [Jess Drake](#)
Subject: Van Meter Richland Road Trail progress update
Date: Wednesday, October 2, 2024 9:12:29 AM

The Iowa DOT is currently assigning 2025 projects to DOT staff/project managers. Once Van Meter's project has been assigned to a DOT PM, that PM will reach out, a funding agreement will be prepared and emailed to the City for execution by the City Council. This will begin the process in the DOT's database and set a bid date for the project in 2025.

Bolton and Menk has prepared the concept statement, which is the next step after the DOT has initiated the project. The concept statement can be submitted as soon as the DOT will accept it. The concept statement provides all the pertinent information to the DOT about the project and gets the environmental review process started.

Bolton and Menk plans to perform project survey in October or November, once the leaves have dropped off the trees to enhance survey accuracy.

Please let me know if you have any questions or concerns.

Bolton and Menk looks forward to working with the City on this project!
Thank You!

Justin Nickel, P.E. (IA,KS)
Project Manager
Bolton & Menk, Inc.
430 E Grand Avenue
Des Moines, IA 50309
Phone: (515)-259-9190
Mobile: (515)-336-4307
Bolton-Menk.com

Agenda Item #14

Staff Reports

- a. City Administration/City Hall***
- b. Public Works***
- c. Police***
- d. Fire***
- e. Library***
- f. Parks & Rec***
- g. City Engineer***
- h. City Attorney***

1. Received 9 RFP submissions for architectural services. They were compiled into a worksheet for comparison and scoring. It was sent to the building committee for review.
2. Received 2 RFP submissions for audit services. Staff is reviewing and will make a recommendation to Council next week.
3. We continue to work with Microsoft to draft a development agreement. There have been several meetings with Matt Stoffel, PFM and Dorsey and Whitney, Bond Attorney.
4. We met with Matt Stoffel, PFM and Dorsey and Whitney, Bond Attorney to discuss the cost of infrastructure for the prospect that purchased the Lauterbach property north of the river.
5. There were multiple conversations/meetings with the buyers of the Lauterbach property.
6. Staff worked with cemetery deed owners that were sold unusable plots. We reached a satisfactory alternative for the family.
7. Jess completed CEUs toward accreditation through the Iowa Municipal Professionals Institute. Topics included: Coping with Controversy, Capital Improvement Planning, Public Fund Investing, Writing Resolutions & Ordinances, and Finance Relating to Economic Development.
8. Jess and Larain attended GCMOA lunch and learn which included a presentation from the State Auditors Office.
9. Jess & Larain are scheduled to attend the IMFOA Fall Conference the week of 10/14.
 - a. Jess Only: Wednesday – gWorks training & Navigating HR Trends in the Public Sector
 - b. Jess & Larain: Thursday – Iowa League of Cities update, How to Enter Succession Planning, Drama & Trauma in the Workplace, Website Compliance & Accessibility
 - c. Jess Only: Friday – Setoff Program & W2s & 1099s
10. We are down to only 3 rental inspections that have not been scheduled. Two properties failed to register by the deadline or the follow up deadline and have been sent notice from the city attorney. One property did register but has failed to schedule the inspection so they will be getting a different notice from the city attorney. Larain has been sending out certificates as properties pass inspection. A handful did fail the initial inspection and have to be reinspected within 60 days.
11. We are in the process of gathering all necessary information to certify TIF by December 1 and have spent quite a bit of time working with PFM. Determining our TIF strategy for FY26 is the 1st step in the budget process.
12. The gWorks upgrade is still in process. Due to the length of time for full implementation, I have asked gWorks what can be done regarding proration of the implementation fee that we paid earlier this year.
13. Related but kind of not related, we were running 2 parallel online payment systems until early last week. While we had planned on decommissioning the original online payment portal in early 2025 (with a communication plan in advance), it does not make sense to put resources into fixing the break in the old portal so we are setting up users in the new portal. It's been up and running for a while and it's very user friendly. We were able to re-direct the link to the online portal to a new web page with a submission form that allows us to set up users in the new portal. It's not how we planned, but it's going well and our citizens have been very patient as we work through this.

14. We have been undergoing some pretty cool website changes. Jess worked with HBS to enable the website to contain fillable forms allowing forms to be submitted directly to the appropriate staff member without needing to download a PDF from the website, complete it online or print it, and then scan & email, upload & email or mail in. We don't have every form set up that way but we are getting there! Check out <https://www.vanmeteria.gov/contact-us/> to see an example.
 - a. Jess used this process to revamp the Board & Commission application form which is currently in place as the City is in need of 1 Planning & Zoning member and 1 Parks & Rec Board member.
 - b. We currently have the free version of the form builder but it's very inexpensive (like \$80 for the year) to upgrade to the Pro version, which would allow forms to be submitted with attachments (photos, pdfs, etc). We may consider switching to the Pro version to allow for attachments.
15. We are also working on updating the FAQs on the website.
16. Jess & Liz are signed up for several continuing education classes regarding finances, bonds, etc through PFM.
17. We received 1 vacant building registration form out of 3 that were sent. We are working with the building inspectors on what the next step is.
18. Of the 2 designated dangerous (condemned buildings), the residential property is in the process of being cleaned out with plans to rehab to a sellable state. They are working with V&K on that and communicating on a regular basis. This does NOT mean that the condemned status has been removed and there is to be no living/staying in the residence. The commercial structure has a remediation date of 11/5/24 and stated that the building would be demolished. V&K reached out the week of 10/7 to check the status and the deadline remains 11/5.
19. Jess is scheduled for a work day with V&K at the end of October to review our building code & zoning code. Liz will be in attendance in the later half of the day to review and go over next steps.
20. Jess & Liz are scheduled for a planning session with PFM regarding finances in early November.

Public Works Report

September 2024

- 1: Took ownership of new brush hog.
- 2: Mowed sewer easement south of Arlington on west side of Hazel
- 3: Took part in a voluntary Manganese in drinking water study through the Iowa Department of Natural Resources and the Environmental Protection Agency.
- 4: Completed the Lead and Copper service inventory due October 16th with the help of Jess and Larain.
- 5: Mowing
- 6: Mowed brush along trails at the river and boat ramp
- 7: Installed numerous meters and endpoints for water
- 8: Ordered Salt/sand spreaders for trucks
- 9: Had the skid loader serviced by Star Equipment.
- 10: cut down dead trees at Johnson park
- 11: Ordered road salt for the winter
- 12: started taking equipment inventory
- 13: Working with contractors at the school to locate water mains
- 14: Worked with Thorpe Contracting to move a fire hydrant at the school
- 15: Marked one grave for a burial.
- 16: Lots of Iowa One Call utility locate requests
- 17: Shane & Spencer attended a 1 day training – Snow Plow Operator Training

Year to Date Statistics
01/01/2024

	<u>Total Calls:</u>	<u>Traffic Stops:</u>
<u>Y2D:</u>	1,055	519

September Statistics

	<u>Total Calls:</u>	<u>Traffic Stops:</u>
Month:	99	35

Training/ Updates

We have finally received a rough date for the F150 and should have a completion time soon from Stivers

We are officially able to start GTSB this month and will be working on a plan to complete projects in the community. A big portion of the projects will be aimed at the summer traffic.

F90 should be opening up at the end of October we expect traffic to increase in the area and will be planning to increase presence in the area during.

Please feel free to reach out to any of us if there is anything you have questions or concerns about thank you all.

Van Meter Fire Department

Fire Chief Mark Schmitt



Monthly Report to Council

September 2024

Training

September training was city water supply with DeSoto, crews trained on the second arriving engine securing a water supply from a fire hydrant in Van Meter and DeSoto as we use two different sizes of hose and different sizes of fittings.



Significant Calls

We are still seeing a significant number of calls to the Interstate within the construction area. The other picture below is from a fuel leak we responded to in DeSoto as DeSoto Fire had no one respond, a truck hit the fuel pump and drove off leaving a leaking pump and small fuel spill.



Projects, Activities, & Special Events

The Fire Department provided EMS coverage for the home football games in Van Meter during September.

The Van Meter Fire Fighters Association has purchased with funds from fund raising events, new battery powered extrication tools “jaws of like” those will be placed on the truck and into service at our training meeting October 7th. Total cost of the tools is around \$32,000.00



Boards, Groups, and Associations

Captain Kari Davis attended the Dallas County First Responder meeting.

Chief Schmitt attended the October Van Meter Public Safety meeting which was held early due to some conflicts on Friday September 27th.

For the good of the Department

We added 1 firefighter and had 1 firefighter resign in the month of September.

Chief Schmitt provided a fire truck for the Final Salute held on Friday September 27th at the Iowa Veterans Cemetery.



Monthly Call Report					
<i>September 2024</i>	<i>Total</i>	<i>Responded</i>	<i>No Response</i>	<i>Fire</i>	<i>EMS</i>
<i>De Soto</i>	11	5	6	6	5
<i>Van Meter</i>	14	12	2	9	5
<i>Mutual aid to Waukee</i>					
<i>Total</i>	25	17	8	15	10

Of the 8 no response calls, 6 were EMS calls to DeSoto, and 2 were EMS calls in Van Meter.



Director's Report
 Submitted by Jonatha Basye, October 9th, 2024

Statistics for September 2024

	This Month	Year to Date	Last Year to Date
VISITORS	432	1699	1262
CIRCULATION			
Books- Adult	169	652	331
Books- Teen	29	79	68
Books- Juvenile	637	2452	1811
Misc	46	156	61
DVD	30	189	185
E-Books & Audio Books	410	1199	976
Total Circulation	1321	4727	3432
PROGRAMMING			
Juvenile Programs Offered	14	22	15
Juvenile Program Attendance	204	270	306
Adult Programs Offered	2	4	0
Adult Program Attendance	0	16	0
Total Attendance	204	286	306
OTHER SERVICES			
Reference Questions	60	228	174
Wireless Usage	69	209	203
Computer Usage	9	26	42
MATERIALS			
Items Added	107	325	95
Items Deleted	20	152	33



Work reflected took place between September 4th to October 9th

- September 5th--PM StoryTime; Joan attended online webinar for State of Iowa Library Assistant Certification
- September 6th--Iowa Library Association Foundation Meeting
- September 7th-14th--Out of office
- September 13th--ISU Extension Take Home Kits distributed
- September 16th--Dallas County Library Association Meeting in Woodward; Pokemon Card Swap Program
- September 17th--AM StoryTime; Library Board Meeting (cancelled)
- September 18th--library furniture delivery and installation
- September 19th--University Kids Outreach; Puppet Making Program
- September 20th--Tails & Tales Program
- September 23rd--library furniture delivery and installation; City Council Workshop
- September 26th--Meeting with Shannon Miller about school book clubs; PM StoryTime
- September 27th--Kids Care Outreach; Inspired Kids Outreach
- October 3rd--Joan attended online webinar for State of Iowa Library Assistant Certification; PM StoryTime
- October 7th--ISU Extension Take Home Kits distributed
- October 8th--AM StoryTime with Van Meter Fire Department

September marked our return to fall programming. StoryTime started back up, along with outreach to the various daycares in Van Meter. We are piloting some new programs, including a Pokemon Card Swap, which was extremely popular with our tweens. Hoping to make this a recurring monthly program as long as interest continues. Have also discussed starting book clubs at the school with Shannon Miller.

All of the library furniture purchased with grant monies has been delivered and installed. Our space is much more functional now. I have completed evaluations for both grant foundations, and will be attending the Dallas County Foundation meeting in November to discuss the project in person. We are adding a few more pieces of furniture with building funds to help round out the facility. Comments about the library space have been extremely positive.

We continue to look for new ways to engage the community, and are thankful for the support of our library board, city council members, and city staff.

October 2024

- I am excited to announce that we have received a \$30,000 grant from the National Fitness campaign to continue in our partnership in implementing an outdoor fitness court for the new Grand Estates Park!
- Youth Soccer and flag football will be coming to an end at the end of October
 - I will be sending out a survey after each sports season ends to gather feedback for potential improvements to the program
- Youth wrestling registration was opened at the beginning of the month and will remain open till the end of the month
- I will be releasing youth basketball registration around mid-October and have it open till about mid-November
- Soccer fields are being aerated and seeded at the end of October when the soccer season ends
- I released a quick interest survey on some potential new adult recreation sports/activities
 - I plan to keep the survey open till the end of October
- We are in the works of getting a meeting set with ICON Water Trails to hear what they have to say as they are brining Adel in on the meeting as well
- I took Inventory at the at the baseball/softball shed
 - I will be working with public works to remove some things in there that we do not use anymore to clear up more space in the shed

Agenda Item #15

Committee Reports

- a. Finance***
- b. Public Safety***
- c. Public Works***
- d. Economic Development***
- e. Policy***
- f. Library Liaison***
- g. Parks & Rec***
- h. Personnel***

Finance Committee Report –

Meeting Date 10/07/2024

Attendees: Jess, Liz, Joe, Joel

Discussion Topics:

- Hotel Motel Tax – since we now have at least one entity that is collecting hotel motel tax, we do have the option of implementing a hotel motel tax so that the revenue is diverted from the state to the city. This can only happen through a voter approved measure on a November ballot, then passed by ordinance and then put into effect on either January 1 or July 1 the following year. Will discuss further with both members of the committee and then provide a recommendation to Council.
- Staff has requested inventories from all departments. The Finance Committee has requested that we build a vehicle/equipment replacement schedule to assist in planning & budgeting. PW has confirmed that they will be working on this through the winter months.

Public Safety Committee Meeting

September 27, 2024 – 7:30 am

The following was talked about at the Public Safety Committee Meeting:

1. Upcoming community events (October fire safety, Halloween and other things to be seen/present in community);
2. The new police vehicle delivery;
3. The Explorer update needs/costs, # of miles expected per year by fire department;
4. Use of reverse referendum and need for public input/transparency;
5. Westfall asked about any need for council to vote for keeping the police department;
6. Westfall's desire for updated job descriptions for Police and Fire Chiefs;
7. Potential review by Policy Committee of raising \$250 expenditure limitation considering i.e. cost of fire truck tires and ammunition as 2 examples.
8. Mark/Mike asked if there was anything Blake or I requested.

Public Works Committee Report

- Nothing additional to note

Economic Development Committee Report –

Meeting Date 10/07/2024

Attendees: Jess, Liz, Joe, Joel, Travis

Discussion Topics:

- Continued & completed review of applicable sections of the City's comprehensive plan in advance of the next work session

Policy Committee Report –

Meeting Date – SCHEDULED FOR 10/18/2024

Attendees: Jess, Blake, Penny – Optional Joe & Liz

Planned Discussion Topics:

- Updates to Open Records Policy
- Potential discussion regarding Volunteer Fire Handbook/Personnel Policy

Library Liaison Report

- Nothing additional to note

Parks & Rec Committee Report –

Meeting Date – SCHEDULED FOR 09/19/2024

Attendees: Jess, Rhonda, Janice, Lisa, Amber

Discussion Topics:

- Halloween Activities
- October Scavenger Hunt
- November collaboration with Library on arts/crafts project
- Future signage
- Possible activities for next fall including a Fall Festival
- Review of proposed logo (selected logo below)
- Potential of a community/neighborhood garage sale with pop-up tents during the annual plant sale



Personnel Committee Report –

Meeting Date – NEED TO SCHEDULE

Attendees: Jess, Penny, Optional – Joe, Liz

Proposed Discussion Topics:

- Review of Job Descriptions

Agenda Item #16

Adjournment

Submitted for: **ACTION**

Recommendation: **APPROVAL**

Sample Language:

Mayor: *With no further business, do I hear a motion to adjourn?* City

Councilmember: _____ **So moved.**

City Councilmember: _____ **Second.**

Mayor: **Roll Call Please.**

City Clerk: Akers _____ Brott _____ Grolmus _____ Pelz _____ Westfall _____

Mayor: *This meeting is adjourned at _____pm. Thank you.*