

**CITY OF OKOBOJI PLANNING AND ZONING MINUTES
FOR THE MEETING HELD ON THURSDAY, MAY 25th, 2017, AT 6:00 P.M.
OKOBOJI CITY HALL**

The Planning and Zoning Board for the City of Okoboji met on the above date at 6:00P.M. in the Okoboji City Hall. Board members present were Hank Grant, Les Marousek, Barbara Mendenhall, Perry Pearson (telephonically), and Jane Shuttleworth. Others present were: Brad Beck, Mike Denning and Jason Peters.

Barbara Mendenhall chaired the meeting and called the meeting to order at 6:00 P.M.

Mendenhall explained the agenda for the meeting. Board to review and make a recommendation on request to “clean up” right-of-way in the area of Gordon Drive by vacating unneeded right-of-way and conveying the same by quit claim deed to the adjoining property owner, Mau Family Limited Partnership and the Board conduct a public hearing to discuss a proposed text amendment to the city’s zoning ordinance in response to State of Iowa Bill 489 that allows the sale of consumer fireworks in the State of Iowa. This proposed amendment may change and be revised by the Planning and Zoning Commission prior to recommendation to the City Council.

Mendenhall explained that the Board had received information from Administrator Peters regarding the vacation of unneeded right-of-way and that Mau would be granting easements to the City. Engineer Beck explained the reasoning for the vacation of right-of-way and the easements from Mau. Engineer Beck stated that the easements from Mau do not need Planning and Zoning approval, but explained that Mau is granting the easements to the City so that the City can install hydrodynamic separator and so that a fire hydrant can be relocated. The Board inquired as to whether the Council was aware of this situation. Grant/Marousek moved to recommend the approval of the vacation of right-of-way in the area of Gordon Drive.

Mendenhall explained that a new text amendment had been drafted that would add Section 11.23 to the zoning ordinance. Marousek inquired if the City could outright ban the sale of fireworks. Administrator Peters explained that Bill 489 would allow the City to ban the use of fireworks, not the sale of fireworks. Mendenhall read the proposed text amendment into the record. Mendenhall opened the public hearing.

Mike Denning explained that he was in the business of selling fireworks and inquired whether the sale of fireworks would be allowed from tents. Mendenhall stated they would not be allowed from tents under the current text amendment. Administrator Peters stated that currently the City has a moratorium on solicitor, peddler and transient merchant permits. A discussion took place between the Board regarding the location restriction listed in the proposed text amendment. Administrator Peters stated that the 500 foot restriction listed in proposed text amendment was a suggestion and that the Board could change this if they wished. Administrator Peters stated that the proposed ordinance was based on the City’s current adult use provisions and proposed ordinances that have been introduced around the State of Iowa. A discussion took place between the Board and Mr. Denning on how fireworks sales take place in other states. Mr. Denning asked that the Board consider allowing sales from tents and/or to wait to pass text amendment. A discussion took place between the Board and Mr. Denning regarding the use of fireworks in the City. Pearson stated that he did not feel \$2,000,000 in liability insurance was not high enough and that he felt the distances from other uses should be increased. Marousek stated that he felt sales should only be from permanent buildings. A discussion took place between the Board and Mr. Denning in regards to whether a moratorium could be passed as opposed to a zoning amendment. Grant stated that he would be in favor of passing a zoning amendment as opposed to a moratorium. Pearson stated that he was in favor of a moratorium. Administrator Peters stated that under the current moratorium for transient merchants

sales from a tent would not be allowed for fireworks because they could not get a transient merchant permit from the City, but without anything in place in the zoning code there would be nothing to control the sale of fireworks from permanent buildings. Mendenhall closed the public hearing.

Grant/Mendenhall moved to approve the new text amendment adding Section 11.23 to the Zoning Ordinance, as presented. Roll call vote. Grant, Aye. Marousek, Aye. Mendenhall, Aye. Pearson, No. Shuttleworth, Aye. Approved. 4-1. Motion carried.

With nothing further to discuss Shuttleworth/Grant moved to adjourn. All ayes. Motion carried.
Meeting adjourned at 7:00 P.M.

Jason Peters
City Clerk/City Administrator
Zoning Administrator.