



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

May 15, 2018

A. CALL TO ORDER BY MAYOR AND ROLL CALL

The City Council of the City of Pella, Iowa, met in regular session at the Public Safety Complex meeting room at 7:00 p.m., Mayor Jim Mueller presiding. Council members present were: Mark De Jong, Lynn Branderhorst, Harold Van Stryland, Bruce Schiebout, Larry Peterson. Absent: Tony Bokhoven. City Administrator Mike Nardini and City Clerk Mandy Smith were present. Five staff members and six members of the general public signed the register.

B. MAYOR'S COMMENTS

1. Announce Policy and Planning meeting following the regular Council meeting to discuss:
 - a. Sidewalk Inspection Program
 - b. Trail Extension to Vermeer Corporation
2. Approval of tentative agenda. Item B-3 was pulled from the agenda. Van Stryland moved to approve the tentative agenda, seconded by Branderhorst. On roll call the vote was: AYES: Van Stryland, Branderhorst, Schiebout, Peterson, De Jong. NAYS: None. Motion carried.

***PUBLIC FORUM (for anyone wishing to address Council regarding agenda items)**

No comments were received.

C. APPROVAL OF CONSENT AGENDA

Schiebout moved to approve the consent agenda, seconded by De Jong. On roll call the vote was: AYES: Schiebout, De Jong, Branderhorst, Van Stryland, Peterson. NAYS: None. Motion carried. The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for May 1, 2018
2. Report of Committees
 - a. Policy and Planning Minutes for May 1, 2018

PRESENT: Mayor Jim Mueller, Mark De Jong, Tony Bokhoven, Lynn Branderhorst, Harold Van Stryland, Bruce Schiebout, Larry Peterson
ABSENT: None

OTHERS: City staff and visitors

The Policy and Planning meeting began at 7:44 p.m. The first item was a discussion regarding a proposed scope of services, developed by Snyder & Associates and the Strategic Economics Group, for redevelopment of the Oskaloosa Street corridor. The intention of this redevelopment plan is to identify needed commercial development and to formalize development guidelines for this corridor, which extends from Main Street to 240th Avenue. The proposed fee for this scope of services is \$26,250. The study period would begin in late May and continue through November 2018.

Economic and demographic trend data would be collected and analyzed to determine the City's ability to support additional commercial activity. In addition, properties within the corridor would be reviewed and evaluated for redevelopment options. This analysis will provide insights into what types of new business development may be appropriate for the area. The consultant would also perform a zoning review of the corridor to ensure the City's regulations align with the redevelopment plan.

Kathleen Conner with Snyder & Associates was in attendance to discuss the proposed scope of services with Council. Conner added that the end product will consist of general development guidelines that would provide the City with a basis for reviewing new development. At the end of the discussion, staff was directed to proceed with presenting this item for formal consideration on the May 15, 2018 Council agenda.

The last item was a discussion about a request to expand the City's design review requirements. Currently, commercial properties within a specific geographical area referred to as the Design Review (DR) District are subject to design review requirements. As background, the City's Community Development Committee (CDC) made this request to expand the criteria to include institutional facilities (excluding religious facilities) and also to expand the geographical area of the DR District. Their request was in response to concerns regarding newly constructed buildings which may not necessarily match architectural themes of surrounding buildings.

At the end of the discussion, staff was directed to send this item to both the CDC and the Planning and Zoning Commission for evaluation. If there is a consensus from both committees, staff will schedule another Policy and Planning session with Council to discuss their recommendations.

The meeting adjourned at 8:05 p.m.

Respectfully submitted:

Mandy Smith
City Clerk

b. **Library Board Minutes for April 10, 2018**

I. Call To Order: President Praveen Mohan called the meeting to order at 3:57 p.m. Board members present were: Verlan Den Adel, Jane Koogler, Praveen Mohan, and Rachel Sparks. Library Director Wendy Street was present. Kenny Nedder, John Evenhouse, and Angela Adam were excused.

II. Recognition of Visitors and Visitor Comments: Bailey Anderson, intern at Geisler Library at Central College was present at the meeting to see how a Board of Trustees serves the Library.

III. Approval of Agenda: There were no changes to the agenda. The agenda stood as presented.

IV. Disposition of Minutes: All Board members received the March 2018 minutes prior to the meeting. Verlan moved to approve the March minutes as written. Jane seconded the motion. The minutes were unanimously approved.

V. Approval of Bills: All Board members received the April list of bills prior to the meeting, Wendy gave an updated list at the meeting with a few additional bills. After a brief discussion and questions regarding the bills, Rachel moved to approve the April bills. Praveen seconded the motion. The bills were unanimously approved.

VI. Unfinished Business:

- a. Internet Content Filter – After a brief discussion, it was decided to hold until June meeting when more trustees were present.
- b. State funding – The Board received a spreadsheet of funding allocation proposed by Wendy prior to the meeting. After brief discussion, it was decided to move the allocated internet funds to materials funding. With that change, Praveen moved to approve the State funding allocation. Jane seconded the motion. The funding allocation was unanimously approved.

VII. New Business:

- a. Upcoming Board Vacancy – John Evenhouse’s second term expires in June. Wendy plans to advertise the position opening as she has in the past as the Board feels that is the best way to move forward.

VIII. President’s Report and Announcements: The president did not have a report.

IX. Director’s Report:

- a. **Strategic Plan** – These service priorities were selected by library patrons through the online survey:
 - Reading, Viewing, and Listening for Pleasure (66%)
 - Create Young Readers (44%)
 - Lifelong Learning (38%)

Suggested goals based on the selected service priorities:

Goal 1: Stimulate Imagination: Reading, Viewing, and Listening for Pleasure. The library will provide books, movies, and other popular materials in a variety of formats for reading, viewing, and listening. Library patrons will have the help they need to make choices from among the options.

Goal 2: Create Young Readers: Early Literacy. Children from birth to five will have programs and services designed to ensure that they will enter school ready to learn to read, write, and listen.

Goal 3: Satisfy Curiosity: Lifelong Learning. Residents will have the resources and services they need to explore topics of personal interest, to answer questions and aid in decision making, and to continue to learn throughout their lives. Residents will have the information they need to be informed citizens.

Once the Board approves the goals, I will work with library staff to draft objectives and activities based on the goals. A draft plan will be presented to the board at the May meeting.

- b. **Personnel** – Our new shelver is Anika Faro. She started on April 4th. We have completed interviewing Custodian candidates. The first candidate turned down the position. I am continuing the process with the second candidate.
- c. **More news from Orange City Public Library** – At their March board meeting, the Orange City Public Library decided to implement a new way of classifying and shelving materials at their library. You can read more at: http://siouxcityjournal.com/news/local/govt-and-politics/orange-city-library-considers-new-book-classification-system-after-outcry/article_ce491234-abc5-50a4-aea7-792f27f8e778.html
I don’t know if it is in reaction to the situation in Orange City, but we got the following comment in our suggestion box this month: Thanks! For the moral influence I appreciate clean, family DVD, books, materials, and that the Judeo-Christian values of this community are upheld. Want it to continue. © Thank you
- d. **Statistics** –
 - Fax Scan24: 6 faxes sent
 - Mobile print service: 17 users sent 46 jobs totaling 141 pages
 - Hoopla: 323 total circs borrowed by 157 patrons, Average of 2.1 circs per patron, 62 patrons used all 3 checkouts, average price per circulation: \$2.14, 161 patrons were blocked by the budget caps
- e. **Building and grounds** – Repairs to AHU1 were completed March 22. We have not received a bill. The installation of the new drinking fountain/bottle filling station was completed on March 15.
- f. **Upcoming Events:**
 - April 8-14: **Food for Fines.**
 - April 9 at 7:00 p.m.: **Culture Night: Japan** featuring Tamiko Van Zante. Learn about the culture of Japan from a native, and sample authentic food. *This program will be held in Room 206 at the Community Center.*
 - April 13-22: **Friends of the Library Book Sale** in the Meeting Room.
 - April 17 at 6:00 p.m.: **Family Night** in the Story Time Room. All ages welcome to attend this program. We will be playing board games.
 - April 19 at 10:15 a.m.: **Genealogy Club** meeting in the Heritage Room.
 - April 21 at 10:30 a.m.: **Kids Can Recycle Too!** Recycling Program presented by Jennifer Frampton from SCISWA Landfill. Suggested for children in grades K and up. This program will be held in the Heritage Room.
 - April 24 at 10:00 a.m.: **Friends of the Library Annual Meeting** in the Meeting Room. All Friends of the Library members are invited. New officers will be elected at this meeting.
 - April 24 at 7 p.m.: **Earth Day, Every Day!** Brian Campbell, Director of Sustainability Education at Central College, will discuss recycling in Pella (and answer your recycling questions), share updates on plans for recycling at Tulip Time, as well as initiatives for a bike share program and community solar project.
 - April 26 at 12:00 noon: The **Brown Bag Book Club** will discuss *Salt Houses* by Hala Alyan in the library Meeting Room.
 - April 30 at 1:30: **New Medicare Card Webinar.** Presented by CMS, Center for Medicare.

X. Committee reports:

a. Governance & Policy:

- i. **Unscheduled Closings policy** – The Unscheduled Closings Policy was reviewed, but no changes were made.
- ii. **Photo Release policy** – Wendy presented a new policy intended to address privacy concerns for those that do not want to be in library photos. Verlan moved to approve the Photo Release policy as presented. Jane seconded the motion. The policy was unanimously approved.

XI. Trustee Training Reports: There were no Trustee training reports.

XII. Demonstration of Gale Database: Wendy presented a demonstration of the Gale Database to the Board. Specific areas were shown to demonstrate the capabilities of the database to search for newspaper and magazine articles online. Specific databases can be searched to find articles from academic journals, books, news, images, and videos related to a chosen topic.

XIII. Adjournment: President Praveen Mohan adjourned the meeting at 5:02 p.m. The next regularly scheduled Board Meeting is scheduled for May 8, 2018.

c. **Board of Adjustment Minutes for April 10, 2018**

Chairperson Nossaman called the Board of Adjustment to order in the Public Safety Complex at 6:00 p.m. Members present were: Vince Nossaman, Susan Reiter, Lyle Vander Meiden, Jane Smith, and Mike Vander Wert. Absent: Jim Corbett, Karissa Hastings, Merlan Rolffs, and Glenn Van Wyk. Staff present: Finance Director Corey Goodenow, Zoning Administrator Bryce Johnson, and City Clerk Mandy Smith. Others present: Evan Vande Haar.

CHAIRPERSON'S COMMENTS

Approval of the Tentative Agenda

Motion by Reiter, second by Smith, to approve the tentative agenda. Motion carried 5-0.

APPROVAL OF MINUTES

Motion by Vander Meiden, second by Vander Wert, to approve the February 27, 2018 minutes. Motion carried 5-0.

PUBLIC HEARING CONCERNING A VARIANCE APPLICATION FOR THE PROPERTY LOCATED AT 809 197TH PLACE TO LOCATE A DETACHED STRUCTURE WITHIN THE SIDE YARD

The applicant, Evan Vande Haar, is requesting a variance for the property located at 809 197th Place to locate a detached structure within the property's side yard. While the property is outside of the City's corporate limits, it falls within the City's extraterritorial zoning jurisdiction. The property is zoned Rural Residential (RR) which accommodates lower-density residential environments. Specifically, the applicant is requesting a variance from Chapter 165.30.3(A) to construct an accessory structure in the side yard. The code states that "in no case shall an accessory building be located between the front building line and the rear building line of the principal building."

Convened **public hearing** on the variance application for 809 197th Place. No written comments were received. The applicant, Evan Vande Haar, spoke in favor of the variance. He explained that the reason he is requesting the proposed location for the detached structure is due to the topography of the lot, drainage challenges, and the desire to maintain an open view to the south of his lot. Nossaman asked the applicant when the home was built. Vande Haar replied that he built the home in 1993, prior to the 28E Agreement which initiated the two-mile extraterritorial zoning jurisdiction. In addition, Vande Haar expressed that he planned to add this detached structure prior to when the City's zoning code applied to his property.

As no other comments were received, Reiter **motioned** to close the public hearing, seconded by Smith. Motion carried 5-0.

Motion by Vander Meiden, second by Vander Wert, to approve the variance as submitted due to the uniqueness of the boundary configuration and timeline of initiation of the two-mile extraterritorial jurisdiction. Motion carried 5-0.

OTHER BUSINESS/PUBLIC FORUM

None

Adjourned at 6:48 p.m.

3. **Petitions and Communications**

a. **Renewal of Class C Liquor License with Outdoor Service and Sunday Sales for Warrior Golf Venture, LLC**

BACKGROUND: Warrior Golf Venture, LLC, DBA Bos Landen Golf located at 2411 Bos Landen Drive, has applied for renewal of their class C liquor license with outdoor service and Sunday sales privileges. The term of the new license is 12 months and would expire on June 3, 2019. The application has been completed online with the state, and staff is recommending approval.

ATTACHMENTS: Application
REPORT PREPARED BY: City Clerk
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve renewal

b. **Renewal of Class C Liquor License with Outdoor Service and Sunday Sales for Des Moines Rock City, LLC**

BACKGROUND: Des Moines Rock City, LLC, DBA Sports Page Bar and Grill located at 1111 W 16th St., has applied for renewal of their class C liquor license with outdoor service and Sunday sales privileges. The term of the new license is 12 months and would expire on June 30, 2019. The application has been completed online with the state and is pending dram shop certification. Staff is recommending approval pending dram shop certification.

ATTACHMENTS: Application
REPORT PREPARED BY: City Clerk
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve renewal pending dram shop certification

c. **Special Event Permit Request for Fridays After Five Young Professionals**

BACKGROUND: The Pella Area Community & Economic (PACE) Alliance and Hello Pella have requested a special event permit for two Friday After Five – Young Professional events on June 15, 2018 and June 29, 2018 from 6:00 to 9:00 p.m. Set-up would begin at 5:00 p.m. with take down complete by 9:00 p.m.

As background, Friday After Five events have been held for the past nine years. The events feature activities for members of the public age 21+ including live music and drinks provided by Monarchs. The events would be held in a fenced location on the Molengracht Plaza, as shown on the attached map. The promoter expects 50 to 100 attendees each evening of the event.

All pertinent City departments have reviewed this application and comments are attached. The fee and insurance certificate have been received, and approval is recommended.

ATTACHMENTS: Application, Map, Department Comments

REPORT PREPARED BY: City Clerk

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve special event permit

4. Administration Reports – None

D. *PUBLIC HEARINGS

1a. Public Hearing on Fireworks Sales Ordinance. One written comment was received and included in the Council packet. Oral comments were received and addressed. Peterson moved to close the public hearing, seconded by De Jong. On roll call the vote was: AYES: Peterson, De Jong, Branderhorst, Van Stryland, Schiebout. NAYS: None. Motion carried.

BACKGROUND: This ordinance defines the retail sale of fireworks as a use type under the City of Pella's zoning code and authorizes these sales to occur in industrial zoned districts. As background, in the spring of 2017, the State of Iowa passed legislation to allow the sale and use of consumer fireworks within the state associated with the New Year's Day and Fourth of July holidays, starting in the summer of 2017.

Under the state statute, fireworks retailers must obtain a license from the state fire marshal. As part of that process, they are required to submit a site plan for each proposed sales location, including any buildings or structures to be occupied, and demonstrate that they have complied with NFPA 1124. NFPA 1124 is a national code that regulates the manufacture, transportation, and storage of fireworks and pyrotechnic articles. However, site plan review is not required for sales involving less than 500 lbs. of fireworks.

Since the sale and use of fireworks was prohibited under city code in 2017, fireworks sales were regulated through the City's temporary sales or peddler permit process. The City of Pella's zoning code defines a peddler as follows:

"Peddler" means any person who travels within the City or has a temporary location in the City for the conduct of his or her business and who has no permanent place of business in the City, but offers or exposes for sale goods, wares or merchandise, or who makes sales and delivers articles to purchasers.

According to city code, peddlers can operate in the City's commercial zoning districts. However, before commencing operations, peddlers are required to obtain both a peddler's permit through the City Clerk's office and a design permit through the Community Development Committee. One of the main requirements of a peddler's permit is conducting a criminal background check on any person selling merchandise. In addition, this process also provides the City with knowledge on what is being sold in our community. Likewise, the City of Pella's design permit process is intended to ensure any cart or structure used for the temporary sales 'blends in' or does not seem out of place with the architectural requirements for the community's commercial corridors. Furthermore, under the city code, peddlers are also required to obtain a sign permit for any signage displayed.

In 2017, several issues arose with permitting fireworks sales through the City's peddler's permit process. From staff's perspective, most of these issues were attributed to the short notice period involved for the permitting of fireworks sales in the summer of 2017. As a result, there was confusion among potential fireworks vendors regarding the City of Pella's requirements for fireworks sales.

Listed below are the main issues associated with fireworks sales in 2017:

- Multiple instances of both on-site and off-premise signage violations by fireworks vendors.
- One temporary fireworks vendor began selling fireworks without receiving a peddler's permit from our City Clerk's office.
- The City of Pella's Police Department expressed concerns on addressing peddler's permit violations for fireworks sales in the City of Pella's two-mile jurisdiction.
- One proposed fireworks vendor constructed their sales tent partially in the City of Pella's public right-of-way and in close proximity to a street intersection.
- The City of Pella's Public Works Department expressed concerns about fireworks tents being located in the sight visibility triangle of respective intersections. Temporary structures being located in the sight visibility triangle is a public safety concern. In addition, the geographical area for a sight visibility triangle could potentially extend past the public right-of-way.
- The City of Pella's Planning and Zoning Department expressed concerns about existing businesses meeting off-street parking requirements and complying with the City's sign code while at the same time locating temporary fireworks tents on their property.
- The City of Pella's Community Development Committee (CDC) expressed concerns on the design standards for temporary fireworks tents. Specifically, the CDC felt if the City continued to permit temporary fireworks sales in commercial corridors, the City's design guidelines would need to be further developed for large fireworks tents. The reason the CDC felt this was important was due to the potential of having multiple fireworks tents located within the City's commercial corridors.

After reviewing the above concerns, the City Attorney and staff are recommending regulating fireworks sales through the City's zoning ordinance rather than through the peddler's permit process. As a result, the City Attorney has recommended defining retail sales of fireworks as a use under the zoning code and permitting it by right in certain zoning districts. Listed below is a summary of the proposed ordinance.

Proposed Zoning Use Definition

The proposed ordinance defines consumer fireworks as identified under state code. The reason this is being proposed is to align with the State of Iowa in defining fireworks. Secondly, staff believes it is very important to provide clarity to potential fireworks vendors on which explosives are considered allowable for retail sales. For Council's review, staff has attached the state code which identifies which explosives are considered consumer fireworks.

Proposed Zoning Districts for Fireworks Sales

The proposed ordinance limits the sales of consumer fireworks to industrial (M1 – Limited Light Industrial and M2 – Heavy Industrial) zoning districts within the zoning jurisdictions regulated by the City of Pella. The reason industrial zoning districts are being recommended is because of the available public infrastructure in the event of a fire from a temporary structure. Secondly, there are no design permit requirements for industrial zoned sites, which simplifies procedures for temporary fireworks tents.

It is important to note, this proposed ordinance also requires the sales of fireworks to be the primary use for the property in which fireworks sales take place. This requirement is intended to address concerns related to fireworks sales co-locating on actively occupied industrial sites. Specifically, there have been concerns related to off-street parking requirements for existing businesses as well as on-site signage. Pursuant to the 28E Agreement between the City of Pella and Marion County relating to planning and zoning authority and the Pella zoning ordinance, these zoning regulations will extend beyond the City's boundaries and will be applicable within portions of the City's two-mile zoning jurisdiction. For Marion County, the areas subject to this proposed ordinance are identified as 'Subarea A'. For Mahaska County, the ordinance would apply to all areas within the City's two-mile jurisdiction. Staff has enclosed a map of the two-mile zoning jurisdiction for Council's review.

City Site Plan Requirements

Previously, the Planning and Zoning Commission had inquired if temporary fireworks tents would be subject to the City's site plan requirements. According to legal counsel, temporary fireworks tents would be subject to the City's site plan requirements if the tent exceeds 2,000 square feet.

Recommendation

Staff is recommending approval of the proposed ordinance which would limit fireworks sales to industrial areas under the City's zoning jurisdiction and require the sales of fireworks to be the primary use for the property in which fireworks sales take place. It is important to note, the Planning and Zoning Commission is scheduled to review this proposed ordinance during their meeting on May 14, 2018.

ATTACHMENTS: Ordinance, State Code Section 100.19, Zoning District Map, Two-mile Jurisdiction Map, Public Comment
REPORT PREPARED BY: City Administration
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve ordinance

- 1b. Ordinance No. 940 entitled, "AN ORDINANCE AMENDING THE PELLA ZONING ORDINANCE BY ADOPTING A NEW SECTION 165.12(15) RELATING TO THE SALE OF CONSUMER FIREWORKS." Schiebout moved to place ordinance no. 940 on its first reading, seconded by Van Stryland. On roll call the vote was: AYES: Schiebout, Van Stryland, Peterson, De Jong, Branderhorst. NAYS: None. Motion carried.

E. PETITIONS & COMMUNICATIONS

- 1a. Special Event Permit Request for 50's Car Club – Crown Victoria Group. Van Stryland moved to approve, seconded by Branderhorst. On roll call the vote was: AYES: Van Stryland, Branderhorst, Schiebout, Peterson, De Jong. NAYS: None. Motion carried.

BACKGROUND: The Pella Convention and Visitors Bureau (CVB) has requested a special event permit for the 50's Car Club – Crown Victoria Group on Saturday, May 26, 2018 between 8:00 a.m. and 4:00 p.m. During this timeframe, the CVB is requesting reserved "display" parking for the vintage cars on the west side of Central Park, as outlined on the attached map. Set-up of the cones would begin at 7:00 a.m. with take down complete by 4:00 p.m.

All pertinent City departments have reviewed this application and comments are attached. The fee and insurance certificate have been received, and approval is recommended.

ATTACHMENTS: Resolution, Application, Map, Department Comments
REPORT PREPARED BY: City Clerk
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve special event permit and resolution

- 1b. Resolution No. 5866 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS 50's CAR CLUB – CROWN VICTORIA GROUP." De Jong moved to approve, seconded by Schiebout. On roll call the vote was: AYES: De Jong, Schiebout, Peterson, Branderhorst, Van Stryland. NAYS: None. Motion carried.

2. New Commercial Garbage Hauler License for Skyline Enterprises, DBA Earth Works. Schiebout moved to approve, seconded by Van Stryland. On roll call the vote was: AYES: Schiebout, Van Stryland, Peterson, De Jong, Branderhorst. NAYS: None. Motion carried.

BACKGROUND: Skyline Enterprises, DBA Earth Works at 344 Highway T14 in Pella, has applied for a new commercial garbage hauler license. The company plans to haul building demolition materials including concrete, bricks, wood, and metal. Under the 28E Agreement with the Marion County landfill, all garbage/waste collected in Pella must be disposed of at the Marion County landfill except for items declared recyclable.

The term of the new license is 12 months and would expire May 14, 2019.

The application, fee, and certificate of insurance have been received, and staff is recommending approval.

ATTACHMENTS: Application
REPORT PREPARED BY: City Clerk
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve license

3. New Special Class C Liquor License (Beer/Wine) for In't Veld's Enterprises, Inc. Branderhorst moved to approve, seconded by Van Stryland. On roll call the vote was: AYES: Branderhorst, Van Stryland, Schiebout, Peterson, De Jong. NAYS: None. Motion carried.

BACKGROUND: In't Veld's Enterprises, Inc., DBA In't Veld's Meat Market located at 820 Main Street, has applied for a new Special Class C Liquor License (Beer/Wine). As background, a Special Class C Liquor License (Beer/Wine) allows commercial establishments to sell wine, beer, and wine coolers for on-premises consumption. In addition, this license allows carry-out sales of beer and wine coolers in original unopened containers. In't Veld's has applied for this license for the purpose of providing wine, beer, and wine coolers during on-premises catering events for group meetings.

The application was completed with the state online. The term of the new license is 12 months and would expire May 31, 2019.

Staff is recommending approval as all requirements have been completed online with the state.

ATTACHMENTS: Application
 REPORT PREPARED BY: City Clerk
 REVIEWED BY: CITY ADMINISTRATOR
 CITY CLERK
 RECOMMENDATION: Approve license

F. PLANNING & ZONING ITEMS – None

G. ADMINISTRATION REPORTS – None

H. RESOLUTIONS

1. Resolution No. 5867 entitled, "RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH CIVIL DESIGN ADVANTAGE FOR ENGINEERING SERVICE ASSOCIATED WITH PHASE II IMPROVEMENTS AT THE PELLA SPORTS PARK." De Jong moved to approve, seconded by Peterson. On roll call the vote was: AYES: De Jong, Peterson, Branderhorst, Van Stryland, Schiebout. NAYS: None. Motion carried.

BACKGROUND: This resolution approves a professional services agreement with Civil Design Advantage (CDA) for engineering services associated with Phase II improvements at the Pella Sports Park. The agreement is for a not-to-exceed amount of \$104,175, which is approximately 12% of the estimated cost to construct the project.

As background, the Pella City Council approved a 28E partnership agreement with Fields for Our Future, Inc. (FOF) on March 6, 2012. The purpose of this agreement was to create a sports park in Pella. A first amendment to the agreement was approved by Council on May 1, 2018 for the purpose of proceeding with Phase II of the Pella Sports Park. Phase II is estimated to cost \$860,000 with the City's contribution not to exceed \$430,000, or 50% of the total project cost, whichever is less.

Listed below are the major phases of the proposed agreement, and the estimated cost of each phase.

Preliminary Design	\$16,500
<i>This phase will detail the specifics of each component of Phase II and add further detail to the existing 50% design of the multipurpose trail. This phase will allow two reviews by the City with CDA making revisions after those reviews as necessary. This phase will result in a preliminary design package with draft plans and specifications for City review and a preliminary opinion of probable construction costs.</i>	
Final Design	\$34,000
<i>This phase will include revisions to the preliminary design based on comments received from the City. Upon finalized comments from the City, CDA will finalize the construction documents, including the specifications for the project manual.</i>	
Bid Phase Services	\$6,750
<i>This phase will include distribution of plans and specifications to potential contractors, pre-qualifying contractors as necessary, conducting the bid letting, making a recommendation as to the general contractor, and preparing the contract for Council approval.</i>	
Construction Administration	\$36,500
<i>This phase will include oversight and inspection of the project during the construction phase.</i>	
Estimated Expenses	\$10,425
<i>These expenses include mileage, plotting of plans and specifications, and permit fees which may include septic system, NPDES, Wetlands/grading permits.</i>	
Total Fees	\$104,175

In summary, if Council approves this professional services agreement with CDA, it will be funded in accordance with the amended 28E agreement, meaning the City would be responsible for 50% of the cost, with the remaining 50% provided by FOF. The City's share of \$52,087.50 would be funded from local option sales and service taxes. Finally, it is important to note, the City Attorney has reviewed this contract.

ATTACHMENTS: Resolution, Professional Services Agreement
 REPORT PREPARED BY: Community Services Director
 REPORT REVIEWED BY: CITY ADMINISTRATOR
 CITY CLERK
 RECOMMENDED ACTION: Approve resolution

2. Resolution No. 5868 entitled, "RESOLUTION APPROVING AN AGREEMENT WITH SNYDER & ASSOCIATES FOR AN OSKALOOSA STREET CORRIDOR REDEVELOPMENT PLAN." Schiebout moved to approve, seconded by Branderhorst. On roll call the vote was: AYES: Schiebout, Branderhorst, Van Stryland, Peterson, De Jong. NAYS: None. Motion carried.

BACKGROUND: This resolution approves an agreement with Snyder & Associates for an Oskaloosa Street corridor redevelopment plan. As background, following the May 1, 2018 Policy and Planning meeting, Council directed staff to proceed with presenting this agreement for formal Council consideration.

On March 20, 2018, Council approved a moratorium on the issuance of building permits for new single-family and two-family homes (duplexes) in portions of the Oskaloosa Street corridor until November 1, 2018. The reason Council approved this moratorium was due to the potential of a developer constructing a single-family home or duplex on the vacant properties at the intersection of Oskaloosa Street and Clark Street, which could prohibit future commercial development. Since this time, staff has been working with Snyder & Associates and the Strategic Economics Group to develop this scope of services. Listed below are key items included as part of the proposed plan.

Goal of the Redevelopment Plan

The intention of this redevelopment plan is simply to identify needed commercial development in our community and formalize development guidelines for this corridor.

Time Period for Development of the Corridor Plan

The study period for the plan is intended to last from late May 2018 through November 2018.

Geographical Area of the Corridor Plan

The geographical area for the plan is from the intersection of Main Street and Oskaloosa Street to the intersection of Oskaloosa Street and 240th Avenue.

Economic and Demographic Profile

Economic and demographic trend data will be collected for the City of Pella and analyzed to determine the City's ability to support additional retail, office, restaurant, and other commercial activity.

Corridor Redevelopment Analysis

The properties within the Oskaloosa Street corridor will be reviewed and evaluated for redevelopment options. The purpose of this analysis will be to provide insights into what types of new business development may be appropriate for the area.

Zoning Review

The consultant will perform a zoning review of the corridor to ensure the City's zoning regulations align with the redevelopment plan. In addition, this task also includes potential streetscape enhancements for the corridor.

Public Engagement

Public input will be a key component of the plan. Listed below are the proposed public meetings under the scope of services:

- Initial public meeting intended for property owners within the Oskaloosa Street corridor.
- A joint meeting with the Planning and Zoning Commission and the Pella City Council in the early stages of the project.
- One meeting with the community's economic development representatives.
- Final presentation to the Pella City Council.

Implementation Plan

The implementation plan will include economic strategies for the City to consider. In addition, the plan will also likely include recommended zoning changes to accommodate additional commercial development in this corridor.

Proposed Fee

The proposed fee for development of the Oskaloosa Street corridor redevelopment plan is \$26,250.

Summary

Staff is recommending approval of this agreement with Snyder & Associates for the Oskaloosa Street corridor redevelopment plan.

ATTACHMENTS:	Resolution, Agreement
REPORT PREPARED BY:	City Administration
REVIEWED BY:	CITY ADMINISTRATOR CITY CLERK
RECOMMENDATION:	Approve resolution

I. ORDINANCES

1. Ordinance No. 931 entitled, "AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PELLA BY AMENDING THE ZONING ORDINANCE, 165.11 CLASSIFICATION OF USES AND TABLE 165.12-2 PERMITTED USES BY ZONING DISTRICTS BY ADDING PROVISIONS DEFINING BREWPUB AS A USE AND PERMITTING BREWPUBS IN THE CBD CENTRAL BUSINESS DISTRICT AND CC COMMUNITY COMMERCIAL ZONING DISTRICTS." This ordinance was tabled at the February 6, 2018 Council meeting, and due to a lack of motion, it remained tabled.

BACKGROUND: This proposed ordinance was tabled at the February 6, 2018 Council meeting. The reason the ordinance was tabled was because Council is also considering amending the zoning code for a 'microbrewery' use, which is similar in many aspects to this proposed ordinance. The Planning and Zoning Commission will likely make a recommendation on the microbrewery zoning amendment late spring/early summer of this year. As a result, staff is recommending this proposed ordinance continues to be tabled until Council can consider microbrewery recommendation from the Planning and Zoning Commission.

Listed below is background information on this proposed ordinance, which is intended to amend the City's zoning code by creating a definition for *Brewpub* as a use type under the City's zoning code. In addition, the proposed ordinance would permit *Brewpubs* to operate in the Central Business District (CBD) and Community Commercial (CC) zoning districts by obtaining a special use permit.

Listed below is the zoning definition of *Brewpub*.

Brewpub: A restaurant which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale. By definition, said establishments produce no more than ten thousand (10,000) barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed twenty-five percent (25%) of the total floor area of the commercial space.

As background on this request, at the October 17, 2017, Policy and Planning session, the City Council heard a request from the Pella Area Community & Economic (PACE) Alliance regarding a desire to allow permitting of brewpubs under the City's zoning code. Following the discussion, Council directed the Planning and Zoning Commission to review allowing brewpubs in the CC and CBD zoning districts subject to

obtaining a special use permit from the Board of Adjustment. Please note, the Planning and Zoning Commission held a work session on this item at their December 18, 2017 meeting.

Special Use Permit

If the proposed text amendment is approved, brewpubs would be able to operate in the CC and CBD zoning districts subject to obtaining a special use permit. The special use permit would allow the Board of Adjustment to evaluate the request for public safety concerns including dust/pest control, odor, traffic impact, and necessary infrastructure. In addition, all buildings in our community are regulated under the State Fire Code which permits the City to perform fire inspections to ensure compliance with the State of Iowa Fire Code for flammable liquids, ventilation, and spill control.

As mentioned above, the Board of Adjustment has the authority to approve special use permits. Prior to approval, the Board of Adjustment is required to hold a public hearing and notify neighboring property owners of the application. This process provides a forum for any adjacent property owners who may have concerns with the proposed business. Furthermore, the Board of Adjustment has wide authority in granting special use permits including, but not limited to, any use or operating hour restrictions.

Recommendation

Staff is recommending this ordinance continue to be tabled until Council can consider the Planning and Zoning Commission's microbrewery recommendation.

ATTACHMENTS: Ordinance, Written Comment
REPORT PREPARED BY: Planning and Zoning Department
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Continue to table ordinance

2. Ordinance No. 939 entitled, "AN ORDINANCE REPEALING SECTION 136.02 OF THE PELLA CITY CODE AND ADOPTING A NEW SECTION 136.02 RELATING TO SIDEWALK REPAIRS." Schiebout moved to place ordinance no. 939 on its second reading, seconded by Van Stryland. On roll call the vote was: AYES: Schiebout, Van Stryland, Peterson, De Jong, Branderhorst. NAYS: None. Motion carried. It was moved by Peterson that the statutory rule requiring said ordinance to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, seconded by Schiebout. On roll call the vote was: AYES: Peterson, Schiebout, De Jong, Branderhorst, Van Stryland. NAYS: None. Motion carried. Schiebout moved that ordinance no. 939 be adopted, seconded by Van Stryland. On roll call the vote was: AYES: Schiebout, Van Stryland, Peterson, De Jong, Branderhorst. NAYS: None. Mayor Mueller declared the motion carried and the ordinance duly passed and adopted.

BACKGROUND: As background, during the Policy and Planning meeting on April 3, 2018, staff discussed with Council a process by which the City would initiate repairs to existing sidewalks. As part of the process of reviewing the City's sidewalk program, staff reviewed programs from other area cities as well as cities surrounding the Des Moines metro area. After reviewing the information and taking into consideration the size and scope of the City's program, staff recommended inspecting existing City sidewalks in quadrants, or every fourth year.

If the City Council would like to have the option of assessing property owners for defective sidewalk panels, the City Attorney recommends the current code should be revised by removing the requirement for sidewalk inspections every two years.

In summary, this ordinance change simply aligns city code with the City's proposed four-year sidewalk inspection program.

ATTACHMENTS: Ordinance
REPORT PREPARED BY: City Administration
REPORT REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve ordinance

3. Ordinance No. 941 entitled, "AN ORDINANCE REPEALING SECTION 41.12 OF THE PELLA CITY CODE AND ADOPTING A NEW SECTION 41.12 RELATING TO FIREWORKS." Peterson moved to place ordinance no. 941 on its first reading, seconded by Schiebout. On roll call the vote was: AYES: Peterson, Schiebout, De Jong, Branderhorst, Van Stryland. NAYS: None. Motion carried.

BACKGROUND: This ordinance updates section 41.12 of the city code relating to the use of fireworks. As background, in 2017 the State of Iowa passed legislation to allow the use and sale of consumer fireworks generally associated with the timeframes surrounding the Fourth of July and New Year's Day holidays. It is important to note, communities could still prohibit the use of fireworks through passage of an ordinance or resolution. After reviewing the new state law, both the Pella Police and Fire Departments recommended that the City continue to prohibit the use of consumer fireworks due to the potential increased risks of personal injuries and structure fires. As a result, the Pella City Council passed a resolution in June of 2017 prohibiting the use of consumer fireworks in our community.

This ordinance updates section 41.12 of the city code to do the following:

- Define consumer fireworks as identified under state code.
- State that the use of consumer fireworks continues to be prohibited within City limits.
- State that any violation of this code section would be subject to a \$250 fine.
- State that the City Council has the ability to issue special event permits for display fireworks such as the Fourth of July community firework display.

In summary, staff is recommending approval of this ordinance which prohibits the use of consumer fireworks within our community.

ATTACHMENTS: Ordinance
REPORT PREPARED BY: City Administration
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve ordinance

I. CLAIMS

1. Abstract of bills No. 2007. Schiebout moved to approve, seconded by Van Stryland. On roll call the vote was: AYES: Schiebout, Van Stryland, Peterson, De Jong, Branderhorst. NAYS: None. Motion carried.

K. OTHER BUSINESS / *PUBLIC FORUM (any additional comments from the public)

No comments were received.

L. CLOSED SESSION - None

M. ADJOURNMENT

There being no further business claiming their attention, Peterson moved to adjourn, seconded by Van Stryland. On roll call the vote was: AYES: Peterson, Van Stryland, Schiebout, De Jong, Branderhorst. NAYS: None. Motion carried. Meeting adjourned at 8:04 p.m.