



# CITY OF PELLA

## CITY COUNCIL OFFICIAL MINUTES

June 5, 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, Tony Bokhoven, Lynn Branderhorst, Harold Van Stryland, Bruce Schiebout, Larry Peterson. Absent: None. City Administrator Mike Nardini, City Attorney Kristine Stone, and City Clerk Mandy Smith were present. Six staff members and five members of the general public signed the register.

### **B. MAYOR'S COMMENTS**

1. Announce no Policy and Planning meeting will follow the regular Council meeting.
2. Approval of tentative agenda. Bokhoven moved to approve the tentative agenda, seconded by Van Stryland. On roll call the vote was: AYES: Bokhoven, Van Stryland, Schiebout, Peterson, De Jong, Branderhorst. NAYS: None. Motion carried.
3. Reappointment of Kenny Nedder to the Library Board of Trustees. Branderhorst moved to approve, seconded by Schiebout. On roll call the vote was: AYES: Branderhorst, Schiebout, Peterson, De Jong, Bokhoven, Van Stryland. NAYS: None. Motion carried.

Kenny Nedder was appointed to the Library Board of Trustees on July 1, 2015 to serve a three-year term. He is eligible for and willing to serve a second term. Kenny and his family live at 1105 Edgewater Drive. He works in the IT Department at Pella Corporation. Kenny attended 29 of 35 board meetings held during his first term. He currently serves as the Board Secretary. If approved, Kenny's second term would expire on July 1, 2021.

ATTACHMENTS: None  
REPORT PREPARED BY: Library Director  
REVIEWED BY: CITY ADMINISTRATOR  
CITY CLERK  
RECOMMENDATION: Approve the reappointment

4. Appointment of Brenda Huisman to the Library Board of Trustees. Van Stryland moved to approve, seconded by Peterson. On roll call the vote was: AYES: Van Stryland, Peterson, De Jong, Bokhoven, Branderhorst, Schiebout. NAYS: None. Motion carried.

BACKGROUND: Brenda Huisman would like to serve on the Library Board of Trustees. Members of the Board of Trustees are appointed to three-year terms and are eligible to serve two terms. Brenda and her family live at 73 Brook Circle in Pella. She is a preschool teacher at Yellow Iron Academy. If approved, Brenda's term would begin July 1, 2018 and expire July 1, 2021.

ATTACHMENTS: None  
REPORT PREPARED BY: Library Director  
REVIEWED BY: CITY ADMINISTRATOR  
CITY CLERK  
RECOMMENDATION: Approve the appointment

5. Announce closed session pursuant to Iowa Code Chapter 21.5 1(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property.

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

No comments were received.

### **C. APPROVAL OF CONSENT AGENDA**

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

1. Approval of Minutes
  - a. Official Council Minutes for May 21, 2018
  - b. Official Council Minutes for May 23, 2018

## 2. Report of Committees

### a. Policy and Planning Minutes for May 21, 2018

**PRESENT:** Mayor Jim Mueller, Mark De Jong, Lynn Branderhorst, Harold Van Stryland, Bruce Schiebout, Larry Peterson

**ABSENT:** Tony Bokhoven

**OTHERS:** City staff and visitors

The Policy and Planning meeting began at 6:36 p.m. The only item on the agenda was a discussion about a proposed microbrewery ordinance.

Listed below is the proposed zoning definition:

Brewery, Micro: A business that brews beers, ales, and/or similar beverages on-site. This definition requires the manufacturing and packaging of beer, ales, and/or similar beverages to be the principal use and produces no more than ten thousand (10,000) barrels of beer or ale annually. The area used for brewing, including bottling and kegging, shall not exceed fifty percent (50%) of the commercial floor space. By definition, a microbrewery includes the preparation and retail sale of food and beverages as an accessory use. No class C liquor license (LC) will be allowed in conjunction with the microbrewery; having such license will classify the establishment as a "cocktail lounge" for the purposes of this definition.

The proposed ordinance allows food sales as an accessory use, but does not require a percentage of the establishment's gross income to be attributed to food sales. In addition, the proposed ordinance allows microbreweries to operate in all commercial zoning districts, except the Central Business District (CBD), subject to obtaining a special use permit from the Board of Adjustment. This special use permit procedure will involve a thorough review of the proposed operations, notifications sent to neighboring property owners of the proposed establishment, as well as holding a public hearing to ensure a forum for any concerns to be voiced. The Board of Adjustment has wide authority in granting special use permits including, but not limited to, operating restrictions.

The intention of the proposed microbrewery is to be a family-friendly destination attraction for the City of Pella. In alignment with this intention, staff is proposing to allow persons under the age of 21 to remain on the premises of the microbrewery if they are accompanied by an adult who is 21 years of age or older, as long as the establishment holds both a class "B" and special class "A" beer permit.

During the meeting, Council discussed concerns which were previously voiced by some Planning and Zoning Commission members including:

1. Allowing the proposed microbrewery to operate in the CUC (mixed use) zoning districts due to the close proximity to residential zoning districts.
2. Not requiring a percentage of the gross income of the proposed microbrewery to be attributed to food sales if minors are allowed in the establishment.

Council expressed support of proceeding with allowing the proposed microbrewery to operate in all commercial zoning districts, with the exception of the CBD, subject to obtaining a special use permit from the Board of Adjustment. In addition, Council was in favor of not requiring a percentage of the gross income of the proposed microbrewery to be attributed to food sales.

At the end of the discussion, Council directed staff to proceed with presenting the proposed ordinance, as outlined above, to the Planning and Zoning Commission for formal consideration during their regular meeting on June 25, 2018.

Following review of the proposed ordinance by the Planning and Zoning Commission, Council will formally consider their recommendation on the proposed ordinance during the regular Council meeting on July 3, 2018.

The meeting adjourned at 7:22 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

### b. Planning and Zoning Minutes for April 23, 2018

Chairperson Landon called the Planning and Zoning Commission to order at 7:00 p.m. in the Public Safety Complex. Members present were: Craig Agan, Joe Canfield, Julio Chiarella, Mark Groenendyk, David Landon, Robin Pfalzgraf, Ervin Van Wyk, and Ann Visser. Absent: Cathy Haustein, Gary Van Vark, and Teri Vos. Staff present: City Administrator Mike Nardini and Zoning Administrator Bryce Johnson. Others present: Mindi VandenBosch, Mark De Jong, Jim Mueller, Betsy Duffy, Amanda M. Hudnut, Mike Street, Larry Peterson, and Harold Van Stryland.

**APPROVAL OF TENTATIVE AGENDA**

Motion by Canfield, second by Visser, to approve the tentative agenda. Motion carried 8-0.

**APPROVAL OF MINUTES**

Motion by Visser, second by Canfield, to approve the minutes of the March 26, 2018 meeting. Motion carried 8-0.

**NEW BUSINESS**

None.

**OTHER BUSINESS/PUBLIC FORUM**

Work session to discuss proposed microbrewery text amendment

At the January 22, 2018 Planning and Zoning meeting, the Commission recommended approval of an ordinance that would allow brewpubs to operate in the CC and CBD zoning districts subject to obtaining a special use permit. Since that time, the Pella Area Community and Economic (PACE) Alliance communicated a request to forgo discussions related to the brewpub and instead consider a request for a microbrewery. As a result of this request, City Council directed the Planning and Zoning Commission to review allowing microbreweries to operate in commercial zoning districts, except the Central Business District (CBD), subject to obtaining a special use permit.

The proposed microbrewery zoning definition will be further revised and reviewed during the next Commission meeting as staff is still working with the proposed operators to discuss the limit of barrels that would be produced annually as well as food percentage requirements. Staff will also be recommending microbreweries be subject to obtaining special use permits through the Board of Adjustment.

Mindi VandenBosch and Betsy Duffy, proposed operators, spoke in favor of the microbrewery. They are still discussing the specific percentage of food that is achievable in their business model. In addition, Duffy explained that their initial plan which would allow production of 2,000 kegs annually has recently been scaled back due to challenges in finding a location that suits the needs of a microbrewery. Their current plan is a three-barrel system which would produce under 1,000 barrels per year. VandenBosch stated that they expect 90% of their sales would be local to Pella.

Canfield asked what square footage their building would be. Duffy responded that they currently anticipate a 3,000-square foot building. All production would occur within their location and 50% of the building would be used for production and storage. Canfield

recommended setting different regulations based upon the size of the brewery. Nardini responded that Canfield's suggestion will be addressed during the May 14, 2018 special Planning and Zoning Commission meeting. Landon expressed a desire to not scrap the brewpub ordinance that has already passed through the Commission and is currently tabled at City Council.

Work session to discuss requiring special use permits for all Cocktail Lounge uses

The City Council has requested the Planning and Zoning Commission review requiring special use permits for all cocktail lounge uses. As background, during discussions regarding potential brewpub or microbrewery text amendments, Council discussed the benefit of requiring a special use permit for all cocktail lounge uses, regardless of their locations and zoning classifications. A special use permit would allow the Board of Adjustment to evaluate the request for public safety concerns, traffic impact, parking requirements, and necessary infrastructure. In addition, the Board of Adjustment would be required to hold a public hearing and notify neighboring property owners before issuing the permit to provide a forum for any adjacent property owners who may have concerns with the proposed business. In addition, the Board of Adjustment has wide authority in granting special use permits including, but not limited to, establishing operational limits. The Board of Adjustment can also revoke special use permits in the event of non-compliance. Landon asked how existing establishments would be handled if this requirement was put into place. Nardini responded that existing businesses would be grandfathered in. A special use permit would not be a requirement as long as the use continued. If the use changed, or the business closed and the building sat vacant for a period of time, a special use permit would be required to re-open as a cocktail lounge.

Other Business

Nardini reminded the Commission that when rezoning applications are being considered, any communication the members may have with an applicant must be disclosed to the entire Commission in order to comply with ex parte communication requirements.

Staff is proposing a special Planning and Zoning Commission meeting on May 14, 2018 to address the following items:

- Work session on the proposed microbrewery to review the refined zoning definition.
- Work session on the proposed ordinance to require special use permits for cocktail lounges.
- Public hearing on the proposed ordinance limiting fireworks sales to industrial areas.
- Franklin Street townhome site plan.

Adjourned at 7:54 p.m.

### c. Historic Preservation Commission Minutes for April 9, 2018

Chairperson Mansueto called the Historic Preservation Commission to order in the City Hall Conference Room at 5:30 p.m. Members present were: Kathy Bruxvoort, Jim Mansueto, and Kent Oppenhuizen. Absent: Rhonda Kermod. Staff present: Finance Director Corey Goodenow and Zoning Administrator Bryce Johnson.

Unless otherwise noted, all actions were taken unanimously.

APPROVAL OF TENTATIVE AGENDA

Motion by Bruxvoort, second by Oppenhuizen, to approve the tentative agenda. Motion carried.

APPROVAL OF MINUTES

Motion by Bruxvoort, second by Oppenhuizen, to approve the minutes from the March 12, 2018 meeting. Motion carried.

NEW BUSINESS

Mansueto inquired about a potential conflict in the zoning code as one section of code references the Historic Preservation Commission (HPC) being responsible for items which require a building permit, however another section of code references HPC responsibility for items viewable from the street. Goodenow confirmed staff is aware of items that are in need of clean-up, including this particular example.

OTHER BUSINESS/PUBLIC FORUM

Review of Historic District Overlay and Historic Landmark Designation Applications

At the Historic Preservation Commission meeting held on March 12, 2018 staff reviewed the historic preservation ordinances approved by the City Council in March of 2017. As a follow-up to that meeting, staff has completed two applications for review by the HPC.

Review of Historic District Overlay Application

During a recent neighborhood meeting for the collegiate district, questions were raised as to if the study already completed satisfies the state review requirement. Staff believes it likely does satisfy this requirement, however this area would still need to meet the petition requirements. In addition, if the area expanded or contracted, it may require a resubmission to the state. A representative from the state was in attendance at the neighborhood meeting and informed the attendees that the state has the ability to conduct a mini-study which is more economically feasible than the full study which is estimated to cost \$30,000. However, there would still be a lot of work required to identify contributing and non-contributing structures in a new proposed district.

Review of Historic Landmark Application

Staff is proposing the final step for designation of a historic landmark is HPC approval without the need for additional review by the Planning and Zoning Commission or City Council. This recommendation is due to the fact that designation of a Historic Landmark is for the purpose of public awareness and acknowledgement and does not involve the requirements associated with a historic district.

HPC members will review the drafted applications and submit comments to staff prior to the next meeting which is scheduled for May 14, 2018 at 5:30 p.m. In addition, staff will bring samples of historic landmark plaque options to this meeting.

Adjourned at 6:07 p.m.

## 3. Petitions and Communications

### a. Renewal of Cigarette/Tobacco/Nicotine/Vapor Permits for Casey's General Store #2598, Casey's General Store #2694, Casey's General Store #3566, Dollar General #8015, Fareway Stores #995, Git-N-Go Convenience Store #38, Hy-Vee Food Store, Hy-Vee Wine & Spirits, and Wal-Mart Supercenter #751

BACKGROUND: Permits are required for the retail sale of all tobacco products. All current permits expire June 30, 2018 and renewals will be valid until June 30, 2019. The following businesses have applied for renewal of their cigarette/tobacco/nicotine/vapor permits. Staff is recommending approval as all applications and fees are in order.

Casey's General Store #2598	414 S Clark Street
Casey's General Store #2694	2421 Washington Street
Casey's General Store #3566	509 Main Street
Dollar General #8015	710 Liberty Street
Fareway Stores #995	2010 Washington Street
Git-N-Go Convenience Store #38	209 E Oskaloosa Street

Hy-Vee Food Store 118 SE Ninth  
 Hy-Vee Wine & Spirits 512 E Oskaloosa Street  
 Wal-Mart Supercenter #751 1650 Washington Street  
 ATTACHMENTS: None  
 REPORT PREPARED BY: City Clerk  
 REVIEWED BY: CITY ADMINISTRATOR  
 CITY CLERK  
 RECOMMENDATION: Approve renewal of cigarette/tobacco/nicotine/vapor permits

**b. Special Event Permit Request for Pathways of Pella 5K Walk/Run for Life**

BACKGROUND: Pathways of Pella has requested a special event permit for a 5K Walk/Run for Life scheduled for Saturday, August 25, 2018 at 9:00 a.m. Set-up is requested to begin at 8:00 a.m. with take down ending at noon.

The 5K Walk/Run for Life would begin and end at Pella Christian High School. The proposed route remains the same as past years. Approximately 100 participants are expected to take part in the 22nd annual event which raises financial support for the Pathways of Pella ministry.

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

**D. \*PUBLIC HEARINGS**

**1a. Public Hearing on Sunken Gardens Windmill Renovation Project Bids. No written comments were received. Oral comments were received and addressed. Bokhoven moved to close the public hearing, seconded by Schiebout. On roll call the vote was: AYES: Bokhoven, Schiebout, Peterson, De Jong, Branderhorst, Van Stryland. NAYS: None. Motion carried.**

BACKGROUND: This resolution approves the bids, plans, specifications, form of contract, receives bids, and awards the contract for the Sunken Gardens Windmill Renovation Project. As background, the Sunken Gardens windmill was originally constructed in the 1930s and last renovated in 1987.

The project's scope of work for the base bid included full restoration of the exterior and interior as outlined below:

- Complete renovation of the exterior of the structure to include brick foundation cleaning and repair, new siding, roof, deck, windows, and concrete walkway.
- Addition of a door to allow for public access to the outside deck.
- Complete renovation of the interior of the structure to include access ladders and platforms, new and updated electric, cleaning and sealing block and concrete.

The project also included six alternates, outlined below, which were intended to extend the effective life of the windmill.

- A. Upgrade of soffit and siding, estimated cost of \$5,000.
- B. Upgrade of deck and railing materials, estimated cost of \$3,500.
- C. Upgrade of hand and guard railing system, estimated cost of \$7,500.
- D. Upgrade of decking columns, estimated cost of \$18,000.
- E. Remove interior shiplap siding and bead board ceiling, estimated cost of \$3,800.
- F. Remove installation of exterior spot light, estimated cost of \$1,600.

The engineer's estimated cost for the base bid was \$148,500 and \$28,600 for the six alternates.

As further background, this is the third attempt to bid this project. The first bidding process was conducted in the fall of 2017. At that time only one bid was received in the amount of \$263,000; the bid was subsequently rejected. During the Policy and Planning meeting on October 17, 2017, Council directed staff to proceed with rebidding the project in the spring of 2018. During the second bidding process, again only one bid was received, from Hooyer Construction, in the amount of \$197,000. Council rejected the bid as it well exceeded the engineer's estimate of \$148,500. During this third and most recent bidding process, the City's engineer, Klingner & Associates, contacted several general contractors in an attempt to garner more interest in the project. However, the bid letting on May 22, 2018 once again resulted in only one bid being received, as summarized below.

Contractor	Base Bid	Alt A	Alt B	Alt C	Alt D	Alt E	Alt F
Hooyer Construction	\$214,000	\$9,600	\$4,200	\$3,400	\$14,300	(\$6,100)	(\$1,500)

Klingner & Associates recommends awarding the base bid with deductive alternatives E and F for a total amount of \$206,400 to Hooyer Construction. In addition, Klingner & Associates does not feel that rebidding the project will result in any additional bids.

ATTACHMENTS: Resolution, Bid Summary, Engineer's Recommendation, Standard Form of Contract  
 REPORT PREPARED BY: Community Services Department  
 REPORT REVIEWED BY: CITY ADMINISTRATOR  
 CITY CLERK  
 RECOMMENDED ACTION: Approve resolution

**1b. Resolution No. 5869 entitled, "RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT, ESTIMATE OF COSTS, RECEIVING OF BIDS, AND MAKING AWARD OF CONTRACT FOR THE SUNKEN GARDENS WINDMILL RENOVATION PROJECT." Schiebout moved to approve the resolution as amended to award the base bid to Hooyer Construction, without deductive alternatives E and F, for a total amount of \$214,000, seconded by Bokhoven. On roll call the vote was: AYES: Schiebout, Bokhoven, Branderhorst, Van Stryland, Peterson, De Jong. NAYS: None. Motion carried.**

## **E. PETITIONS & COMMUNICATIONS**

- 1a. Special Event Permit Request for 4<sup>th</sup> of July Activities. Peterson moved to approve, seconded by Van Stryland. On roll call the vote was: AYES: Peterson, Van Stryland, Schiebout, De Jong, Bokhoven, Branderhorst. NAYS: None. Motion carried.

BACKGROUND: The City of Pella is requesting a special event permit for the 4th of July activities. Plans call for a celebration on Wednesday, July 4, 2018 with a parade, fireworks, and other activities around the community including fishing at Caldwell Park, live music, and many games and activities in Central Park. At dusk, fireworks are planned east of Madison Elementary School.

Street closures are associated with the 4th of July activities and the appropriate resolution, along with maps of the areas, are included for Council review. Below is a summary of the requested street closures:

1. Parade Staging from 6:00 a.m. to 5:00 p.m.
  - Franklin Street from E 1st Street to E 3rd Street
  - Liberty Street from E 1st Street to E 3rd Street
  - E 2nd Street from Washington Street to Union Street
2. Parade Route from 1:00 p.m. to 4:00 p.m.
  - Franklin Street from W 3rd Street to E 1st Street
3. Other Activities from 6:00 a.m. to 6:00 p.m.
  - Franklin Street from Broadway Street to Main Street
  - Broadway Street from Washington Street to Franklin Street
4. Fireworks Display
  - From noon to midnight: East University Street from E 15th Street to 240th Place
  - From 8:00 p.m. to 10:00 p.m.: 240th Place from East Oskaloosa Street to E Vermeer Road

The rain date for fireworks only will be Thursday, July 5, 2018.

All pertinent City departments have reviewed this application and comments are attached. 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. 5870 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS 4<sup>th</sup> OF JULY ACTIVITIES." Branderhorst moved to approve, seconded by Schiebout. On roll call the vote was: AYES: Branderhorst, Schiebout, Peterson, De Jong, Bokhoven, Van Stryland. NAYS: None. Motion carried.

- 2a. Special Event Permit Amendment Request for Thursdays in Pella. Van Stryland moved to approve, seconded by De Jong. On roll call the vote was: AYES: Van Stryland, De Jong, Bokhoven, Branderhorst, Schiebout, Peterson. NAYS: None. Motion carried.

BACKGROUND: The Pella Area Community and Economic (PACE) Alliance has requested to amend their special event permit for Thursdays in Pella, which was originally approved by Council on April 17, 2018.

This amendment would involve an additional street closure of the 800 block of Main Street from 3:00 to 9:00 p.m. on June 28, 2018.

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

ATTACHMENTS: Resolution, Amendment Request/Map, Department Comments

REPORT PREPARED BY: City Clerk

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve special event permit amendment and resolution

- 2b. Resolution No. 5871 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS THURSDAYS IN PELLA." De Jong moved to approve, seconded by Branderhorst. On roll call the vote was: AYES: De Jong, Branderhorst, Van Stryland, Schiebout, Peterson, Bokhoven. NAYS: None. Motion carried.

## **F. PLANNING & ZONING ITEMS** – None

## **G. ADMINISTRATION REPORTS** – None

## **H. RESOLUTIONS**

1. Resolution No. 5872 entitled, "RESOLUTION APPROVING ENGINEERING SERVICES AGREEMENT WITH GARDEN & ASSOCIATES FOR THE VERMEER TRAIL CONSTRUCTION PROJECT." Bokhoven moved to approve, seconded by Van Stryland. On roll call the vote was: AYES: Bokhoven, Van Stryland, Schiebout, Peterson, De Jong, Branderhorst. NAYS: None. Motion carried.

BACKGROUND: This resolution approves an engineering services agreement with Garden & Associates for the Vermeer Trail Construction Project. As background, during the Policy and Planning session on May 15, 2018, Council directed staff to proceed with this project. The proposed trail extension involves installation of a 10-foot PCC trail starting on the north side of University Street at Madison Elementary to 240th Avenue. The trail would then continue north with installation of a 3-foot PCC shoulder and cable guard rail on the east side of 240th Avenue to Vermeer Road.

Garden & Associates has worked with the City of Pella on many street projects including North Main, University, Hazel, Broadway, Washington, Jefferson, Lincoln, Elm, and Oskaloosa Street. They have been very competitive in price, professional in all aspects of their product delivery, and provide excellent service. In addition, staff believes their fees are reasonable in relation to the scale of the project.

The estimated breakdown of the not-to-exceed engineering fees is listed below:

Preliminary & Final Design	\$35,300
Construction Administration, Observation & Staking	43,100
Additional Services (easements, legal descriptions) *if required	<u>4,000</u>
Total Engineering Services	<u>\$82,400</u>

Construction is estimated to occur during the 2018 construction season. The preliminary construction cost estimate for the entire project is approximately \$485,600.

ATTACHMENTS: Resolution, Map, Engineering Services Agreement  
REPORT PREPARED BY: Public Works Department  
REVIEWED BY: CITY ADMINISTRATOR  
CITY CLERK  
RECOMMENDATION: Approve resolution

2. Resolution No. 5873 entitled, "RESOLUTION APPROVING A CONSULTING SERVICES AGREEMENT AND SCOPE OF WORK WITH FARR TECHNOLOGIES FOR DEVELOPMENT OF A MUNICIPAL TELECOMMUNICATIONS BUSINESS PLAN." Schiebout moved to approve, seconded by Van Stryland. On roll call the vote was: AYES: Schiebout, Van Stryland, Peterson, De Jong, Bokhoven, Branderhorst. NAYS: None. Motion carried.

BACKGROUND: This resolution approves an agreement with Farr Technologies to develop a business plan for the City of Pella's new municipal telecommunications utility. As background, on May 1, 2018, the citizens of Pella approved the authorization of a telecommunications utility with a 92% support level. The need for a municipal telecommunications utility is being driven by concerns expressed by citizens and businesses regarding access to high speed internet. In addition, the parties who do have access to high speed internet, have expressed cost and service level concerns. Furthermore, a municipal telecommunications utility could enable Pella to be at the technology forefront, which is a key need of businesses and industries in our community.

#### **Business Plan**

The proposed business plan will focus on developing both a short-term plan for our new utility and a long-term strategy for extending telecommunication services to our citizens. The business plan will assess the current services provided in our community and analyze the City's current fiber optic infrastructure and its ability to serve customers in the short-term. The business plan will also formulate a long-term build-out strategy for the telecommunications network. In addition, the business plan will analyze and recommend an operating model for our new utility. It is also important to note that the business plan will also examine extending advanced metering infrastructure (AMI) for our electric and water utilities. AMI technology would allow the City of Pella additional options for demand side energy management, better response times for power outages, increased capabilities for detecting water leaks, and enhanced staffing efficiencies. As Council is aware, the proposed telecommunications network could also be utilized to provide AMI services to our citizens.

The tentative date for completion of the business plan is September 21, 2018.

#### **Farr Technologies**

Farr Technologies is headquartered in Sioux Falls, South Dakota and has extensive experience in municipal telecommunications, particularly in designing systems. Farr Technologies was selected to perform this analysis from the City's ad-hoc technology committee which consisted of members from area businesses and industries, the Pella Area Community and Economic (PACE) Alliance, City Council, and City staff.

#### **Proposed Fees**

The estimated not-to-exceed fee to complete the business plan is \$49,500, which staff believes is reasonable considering the complexity of this analysis.

#### **Summary**

In summary, staff is recommending approval of this agreement with Farr Technologies to develop a business plan for our municipal telecommunications utility.

ATTACHMENTS: Resolution, Consulting Services Agreement, Scope of Work  
REPORT PREPARED BY: 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, CUC MIXED USE URBAN CENTER 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 ordinance amends 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), Mixed Use Urban Center (CUC), and Community Commercial (CC) zoning districts by obtaining a special use permit from the Board of Adjustment. It is important to note that the proposed ordinance limits the number of special use permits within the CBD to a maximum of one.

As background, this proposed ordinance was tabled at the February 6, 2018 Council meeting due to Council 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 is scheduled to review the proposed microbrewery ordinance during their regular meeting on June 25, 2018. As further background, during the Policy and Planning meeting on May 21, 2018, Council expressed an interest to proceed with this proposed ordinance, amending it to include the CUC zoning district.

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 meeting, 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 City's commercial zoning districts subject to obtaining a special use permit from the Board of Adjustment.

**Special Use Permit**

If the proposed text amendment is approved, brewpubs would be able to operate in the CBD, CUC, and CC zoning districts subject to obtaining a special use permit. Within the CBD zoning district, there would be a maximum of one special use permit available at any one time. 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 approval of this ordinance which would allow brewpubs to operate within the City's commercial zoning districts subject to obtaining a special use permit from the Board of Adjustment. In addition, there would be a limit of one special use permit for a brewpub to operate within the CBD.

ATTACHMENTS:	Ordinance
REPORT PREPARED BY:	Planning and Zoning Department
REVIEWED BY:	CITY ADMINISTRATOR
	CITY CLERK
RECOMMENDATION:	Approve ordinance

**I. CLAIMS**

1. Abstract of Bills No. 2008. Schiebout moved to approve, seconded by De Jong. On roll call the vote was: AYES: Schiebout, De Jong, Bokhoven, Branderhorst, Van Stryland, Peterson. NAYS: None. Motion carried.

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

No comments were received.

**L. CLOSED SESSION**

1. At 7:34 p.m., Peterson moved to enter into closed session pursuant to Iowa Code Chapter 21.5 1(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property, seconded by Schiebout. On roll call the vote was: AYES: Peterson, Schiebout, De Jong, Bokhoven, Branderhorst, Van Stryland. NAYS: None. Motion carried. At 8:09 p.m., Bokhoven moved to reconvene to regular session, seconded by Schiebout. On roll call the vote was: AYES: Bokhoven, Schiebout, Peterson, De Jong, Branderhorst, Van Stryland. NAYS: None. Motion carried. No action was taken regarding this closed session.

**M. ADJOURNMENT**

There being no further business claiming their attention, Bokhoven moved to adjourn, seconded by Van Stryland. On roll call the vote was: AYES: Bokhoven, Van Stryland, Schiebout, Peterson, De Jong, Branderhorst. NAYS: None. Motion carried. Meeting adjourned at 8:14 p.m.