



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

July 3, 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. Absent: Larry Peterson. City Administrator Mike Nardini and City Clerk Mandy Smith were present. Five staff members and seven 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. Van Stryland moved to approve, seconded by De Jong. On roll call the vote was: AYES: Van Stryland, De Jong, Bokhoven, Branderhorst, Schiebout. 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 Van Stryland. On roll call the vote was: AYES: Schiebout, Van Stryland, De Jong, Bokhoven, Branderhorst. NAYS: None. Motion carried. The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for June 19, 2018
2. Report of Committees
 - a. Policy and Planning Minutes for June 19, 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 7:27 p.m. The only item on the agenda was a discussion about proposed updates to the Personnel Policy Manual. As background, the Public Works and Electric Utility unions were decertified following an election in the fall of 2017. The former union contracts for these employees were set to expire on June 30, 2018. In order to provide a smooth transition for these employees, the City has been honoring provisions under the union contract as it applies to leave, standby requirements, and compensatory time.

After reviewing this issue, City Administration and the respective Department Directors are recommending the following changes to the City's Personnel Policy Manual.

- Increase the maximum hours of compensatory time for all non-exempt employees from 80 to 120 hours per calendar year. In addition, allow 40 hours of compensatory time to be carried forward to the next calendar year.
- Adoption of a standby policy for essential service and public safety employees. For each standby assignment, the employee would receive seven hours of pay at their regular straight-time hourly wage. While on standby, employees would be required to provide a 30-minute guaranteed response time and conduct lifestyle changes including refraining from the use of alcohol.
- Five Public Works employees who are currently earning more vacation than what is provided under the Personnel Policy Manual would be grandfathered in at their current accrual rate until they catch up to the Personnel Policy Manual.
- One Electric Utility employee with 880 hours of accrued sick leave will be allowed to maintain that balance unless the balance decreases below the maximum of 720 hours as stated in the Personnel Policy Manual.

At the end of the discussion, staff was directed to proceed with presenting the Personnel Policy Manual updates, as outlined above, for formal Council consideration.

The meeting adjourned at 7:41 p.m.

Respectfully submitted:

Mandy Smith
City Clerk

b. Community Development Committee Minutes for April 11, 2018

Chairperson Brummel called the Community Development Committee (CDC) to order in the Public Safety Complex at 5:30 p.m. Members present were: Leah Bokinsky, Jerry Brummel, Susan Canfield, Pasty Cody, Linda Groenendyk, Mike Kiser, Jody Lautenbach, Wayne Stienstra, Dennis Vander Beek, and Robyn Van Berkum. Absent: Phil Groenendyk. Staff present: City Administrator Mike Nardini, Zoning Administrator Bryce Johnson, and City Clerk Mandy Smith. Others present: None.

APPROVAL OF TENTATIVE AGENDA

Motion by Van Berkum, second by Stienstra, to approve the tentative agenda. Motion carried 10-0.

APPROVAL OF MINUTES

Motion by Van Berkum, second by Canfield, to approve the minutes from the March 28, 2018 meeting. Motion carried 10-0.

NEW BUSINESS

(Case DSN18-08) Consider a design permit application to construct a building addition onto the structure located at 618 Washington Street Marvin Rus is requesting a design permit to construct a building addition onto the existing structure located at 618 Washington Street known as Déjà Vu Consignment. The project is considered a major project under the City's Design Review District Design Manual, which requires approval from the Community Development Committee. It is important to note that this addition does not require site plan approval by the Planning and Zoning Commission as it does not exceed 2,000-square feet. In evaluating this design application, staff believes the structure contains sufficient Dutch-themed architectural elements and meets the requirements listed in the Design Review District Design Manual.

Motion by Canfield, second by Van Berkum, to approve the design permit as submitted. Motion carried 10-0.

OTHER BUSINESS/PUBLIC FORUM

Work session to discuss a request to expand the boundaries of the Design Review (DR) District.

The purpose of this work session is to discuss a request from commission members to expand the boundaries of the Design Review (DR) District. Development in the DR District must accommodate design and architectural parameters that are consistent with the heritage of the community. Per Chapter 165.16, a design permit is required for the following buildings that are located within the DR District: new commercial buildings and existing commercial buildings that are proposing architectural detail modifications. The design review process also applies to any land rezoned to commercial within the two-mile extraterritorial zoning jurisdiction.

Nardini shared the current DR District map and geographical coordinates. The City of Pella is one of less than ten design review communities in Iowa. Therefore, going through a design review is somewhat unusual when working with developers. Staff's understanding is that the DR District was implemented due to a City concern with ensuring a consistent theme among the corridors of the community while at the same time staying sensitive to developers.

Cody inquired regarding a specific situation with the DaVita building. Nardini responded that this property was zoned institutional, and outside the geographical scope of the DR District. The Planning and Zoning Commission reviews many items however design is not one of them. Design is delegated to the CDC if required, however in this case it wasn't required due to the location and zoning. Cody added that the CDC sign subcommittee is in a difficult place when they have to approve signage for a building that does not have Dutch architecture.

Canfield exited at 6:04 p.m.

Vander Beek inquired regarding the newly built duplexes on Oskaloosa Street. Nardini responded that duplexes and single-family homes on Oskaloosa Street are not subject to design review. When these regulations were put into place, it was due to a concern of remaining sensitive to the need for additional housing in our community and not placing additional regulations which make the building of new housing units too prohibitive.

Kiser inquired about the Oskaloosa Street corridor study. Nardini responded that staff is hoping to have the analysis and study for the Oskaloosa Street corridor complete this year. Kiser also inquired about a review of the Comprehensive Plan. Nardini responded that the Comprehensive Plan was last reviewed in 2014, and another review is included in the fiscal year 2019-20 budget.

Staff will place the request to review expanding the DR District to include institutional properties and additional potential corridors on the May 1, 2018 Policy and Planning agenda for Council review.

The next CDC meeting is scheduled for April 25, 2018.

Adjourned at 6:18 p.m.

c. Planning and Zoning Commission Minutes for May 14, 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, Cathy Haustein, David Landon, Gary Van Vark, Ervin Van Wyk, Ann Visser, and Teri Vos. Absent: Robin Pfalzgraf. Staff present: City Administrator Mike Nardini, Zoning Administrator Bryce Johnson, and Deputy City Clerk Cynthia Vaske. Others present: Jason Matti, Tiffany Matti, Betsy Duffy, Harold Van Stryland, and Mike Street.

APPROVAL OF TENTATIVE AGENDA

Motion by Vos, second by Visser, to approve the tentative agenda. Motion carried 10-0.

APPROVAL OF MINUTES

Motion by Agan, second by Van Vark, to approve the minutes of the April 23, 2018 meeting. Motion carried 10-0.

PUBLIC HEARINGS

(Case PC18-13) Consider a Proposed Ordinance Relating to the Sale of Consumer Fireworks

The City Attorney and City staff are recommending regulating fireworks sales through the City's zoning ordinance. Listed below is a summary of the proposed ordinance.

1. The proposed ordinance defines consumer fireworks as identified under state. Staff believes it is very important to provide clarity to potential vendors on which explosives are considered allowable for retail sales.
2. 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. 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. 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.
3. The proposed ordinance 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.

Convened Public Hearing. One written comment was received and included in the Commission's meeting packet.

Cindy Nikkel explained she and her husband opened a fireworks stand in 2017 through the peddler permit process. She gave background information on the fireworks vendor that they worked with and the safety precautions they took while selling fireworks. In addition, she gave reasons why she feels fireworks should be allowed outside of industrial zones.

Bryan Nikkel said the Pella area can only support so many fireworks stands, so the amount of applications the City gets for them will be self-regulating. He also said that the stands will be safer if located in less densely populated areas, such as the site they sold fireworks on last year. He mentioned that if their proposed site is not allowed, they have a backup location in mind outside of the City's two-mile jurisdiction. With no further comments being received, the public hearing was closed.

Van Wyk said if the ordinance requires the sale of fireworks to be the primary use for the property in which the fireworks sales take place, then the available sites for people to sell them within is very limited. City Administrator Nardini said parking requirements and signage regulations for businesses are factors.

Haustein said since the local Fire and Police Departments are in support of the proposed ordinance, she will not vote against it. In answer to Vos' question about enforcement, Nardini said the City anticipates that fireworks applicants this year will have a greater understanding of the State of Iowa requirements for fireworks and, as such, the City will be more stringent in the enforcement of the proposed ordinance. Vos questioned how the City concluded that industrial zones would be safer for fireworks stands. Nardini explained that if there is a fire at a fireworks stand, the City wants to make sure that the area has adequate public infrastructure to accommodate public safety vehicles, which is in industrial areas. Agan said he supports the proposed ordinance and the Commission cannot lose sight of the fact that the safety of the public is more important than a benefit to a few.

Motion by Haustein, second by Agan to approve the ordinance as submitted. Aye: Haustein, Agan, Canfield, Chiarella, Groenendyk, Landon, Van Vark, Visser, Vos. Nay: Van Wyk. Motion carried 9-1.

OTHER BUSINESS/PUBLIC FORUM

Work Session to Discuss a Proposed Microbrewery Zoning Definition and Patron Age Limitations

The purpose of this work session is to continue discussion regarding a proposed microbrewery use under the City's zoning code. The intention of the proposed microbrewery is to be a family-friendly destination attraction for the City of Pella. The primary use for the microbrewery would be the brewery component, while food sales would be an accessory use. 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.

As additional background, during the April 23, 2018 meeting, the Commission had questions related to the size and scale of the proposed microbrewery. Specifically, whether additional regulations should be added which would dictate which zoning districts the microbrewery could be located in. Staff believes the following restrictions, which are included as part of the proposed ordinance, will likely limit the proposed microbrewery use to a small-scale manufacturing use:

- The limitation of 10,000 barrels produced annually.
- The restriction that no more than 50% of the floor space for the microbrewery can be dedicated to the manufacturing/kegging component.
- The requirement to obtain a special use permit from the Board of Adjustment prior to operating. This procedure would allow the Board of Adjustment to evaluate public safety concerns including dust/pest control, odor, traffic impact, and necessary infrastructure. In addition, the Board of Adjustment would review the proposed location and determine if it is a good fit for the area. Prior to the issuance of a special use permit, a public hearing would be conducted and neighboring property owners would be notified of the application. This process provides a forum for any adjacent property owners who may have concerns with the proposed business. Finally, the Board of Adjustment has wide authority in granting special use permits including, but not limited to, additional operating restrictions.

After discussion by the Commission, five members said they were in favor of allowing microbreweries in the Community Commercial (CC) and Commercial Mixed-Use (CUC) districts, four members were in favor of limiting microbreweries to only the CC district, and one member abstained. Nardini stated that staff will let the City Council know that the Commission has concerns with allowing microbreweries in the CUC zoning district.

Harold Van Stryland asked the Commission whether food sales should be a requirement for a microbrewery. He said he personally thinks food should be required if the microbrewery's intent is to be a family-friendly destination. Nardini said the Commission is able to make a recommendation to Council that the special use permit requirements include a requirement that a percentage of the microbrewery's sales come from food.

Other

Nardini said there will not be a Commission meeting held on May 21, 2018.

Adjourned at 8:51 p.m.

3. Petitions and Communications

a. Renewal of Class B Native Wine Permit for Double Dutch Meat Processing, DBA Ulrich Meat Market

BACKGROUND: Double Dutch Meat Processing, DBA Ulrich Meat Market at 715 Franklin Street, has applied for renewal of their Class B Native Wine Permit. The term of the new license is 12 months and would expire on August 14, 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 A Liquor License with Outdoor Service and Sunday Sales for Pella Golf & Country Club

BACKGROUND: Pella Golf & Country Club, at 600 Elm Street, has applied for renewal of their Class A Liquor License with Outdoor Service and Sunday Sales privileges. The term of the new license is 12 months and would expire on July 23, 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

D. *PUBLIC HEARINGS

- 1a. Public Hearing on Microbrewery Zoning Use. No written or oral comments were received. Schiebout moved to close the public hearing, seconded by Bokhoven. On roll call the vote was: AYES: Schiebout, Bokhoven, Branderhorst, Van Stryland, De Jong. NAYS: None. Motion carried.

BACKGROUND: This ordinance amends the City's zoning code by creating a definition for 'microbrewery' as a use type and allows 'microbreweries' to operate in the Community Commercial (CC) and Commercial Mixed-Use (CUC) zoning districts subject to obtaining a special use permit from the Board of Adjustment.

Listed below is background information on the proposed microbrewery:

Proposed Microbrewery Definition

The primary use for the microbrewery would be the brewery component, while food sales may be an accessory use.

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 may include 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.

Size and Scale Questions

At the April 23, 2018 meeting, the Planning and Zoning Commission had questions related to the size and scale of the proposed microbrewery. Specifically, whether additional regulations should be added which would dictate which zoning districts the microbrewery could be located in. In considering this option, it is important to note how the craft beer industry in Iowa defines microbreweries, brewpubs, and regional breweries. These definitions are listed below.

Brewpub: A restaurant-brewery that sells 25% or more of its beer on-site. The beer is brewed primarily for sale in the restaurant and bar. The beer is often dispensed directly from the brewery's storage tanks. Where allowed by law, brewpubs often sell beer "to go" and/or distribute to off-site accounts. Note: BA re-categorizes a company as a microbrewery if its off-site (distributed) beer sales exceed 75%.

Microbrewery: A brewery that produces less than 15,000 barrels (17,600 hectoliters) of beer per year with 75% or more of its beer sold off-site. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retail to consumer); and, directly to the consumer through carry-outs and/or on-site tap-room or restaurant sales.

Regional Brewery: A brewery with an annual beer production of between 15,000 and 6,000,000 barrels.

Based on the previous definitions, it appears the proposed microbrewery would likely be considered as a combination brewpub/microbrewery by the Craft Beer Association of Iowa. In addition, it appears large-scale breweries are defined as those which produce more than 15,000 barrels annually. This is important to consider as it relates to size and scale concerns. The proposed microbrewery being considered is limited to 10,000 barrels of production annually, or roughly 66% of the number of barrels identified by the Craft Beer Association of Iowa as a small-scale brewery (less than 15,000 barrels annually is considered a small-scale brewery). Secondly, under the proposed zoning definition, the manufacturing floor cannot exceed 50% of the total area. Staff believes this requirement will also limit the production capabilities of the proposed microbrewery.

It is also important to consider that the proposed microbrewery will be permitted through a special use permit process. This procedure will allow the Board of Adjustment to review the proposed location for the microbrewery and determine if it is a good fit for the surrounding area. In making this determination, the Board of Adjustment will evaluate public safety concerns including dust/pest control, odor, traffic impact, and necessary infrastructure. In addition, staff will also recommend that the Board of Adjustment require a fire inspection before a special use permit is approved. This will ensure compliance with the State of Iowa Fire Code for flammable liquids, ventilation, and spill control. As Council is also aware, prior to approval of a special use permit, 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, operating restrictions which would include further limitations on the number of barrels manufactured annually.

Staff believes the following restrictions will likely limit the proposed microbrewery use to a small-scale manufacturing use:

- A. Special use permit requirements;
- B. The limitation of 10,000 barrels produced annually; and
- C. The restriction that no more than 50% of the floor space for a microbrewery can be dedicated to the manufacturing/kegging component.

Food Sales

The proposed ordinance allows food sales as an accessory use but does not require a percentage of the microbrewery's gross income to be attributed to food sales. The reason for this is as follows:

- A. Potential operators have expressed concerns about being able to meet food sales requirements.
- B. The proposed microbrewery will likely be a small-scale brewery which is subject to obtaining a special use permit from the Board of Adjustment. This means the operations of the microbrewery will be reviewed by the Board of Adjustment prior to operating. In addition, the Board of Adjustment has the ability to limit operations if deemed necessary. As Council is aware, the overall intent of the special use permit process is to provide assurances that the new use will fit in with the existing businesses and residences surrounding the microbrewery.

Based on the previous factors, staff believes additional food sales requirements may make it difficult for a microbrewery to operate in our community.

Proposed Zoning Districts

The proposed ordinance also amends Table 165.12-2 Permitted Uses by Zoning Districts to include 'microbreweries' and allows 'microbreweries' to operate in all commercial zoning districts, except the Central Business District (CBD), subject to obtaining a special use permit.

In reviewing this issue, staff believes there are certain locations in the Commercial Mixed-Use (CUC) zoning districts where a microbrewery would be a good fit. Likewise, there are other areas in the CUC districts where locating a microbrewery would be very challenging due to potential land use conflicts with residential property owners. However, as stated earlier, staff believes there are adequate safeguards in place with the special use permit process to address any potential land use conflicts with the proposed microbrewery.

Summary

Staff believes the proposed ordinance places appropriate restrictions on the production process and incorporates the use of a special use permit which allows the Board of Adjustment adequate assurances that the use will fit in well with the surrounding neighborhood. It is important to note, the Planning and Zoning Commission approved this proposed ordinance on a 9-1 vote at their meeting on June 25, 2018.

ATTACHMENTS: Ordinance, Map of the Commercial Zoning Districts

REPORT PREPARED BY: City Administration

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve ordinance

1b. Ordinance No. 942 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 BREWERY, MICRO AS A USE AND PERMITTING BREWERY, MICRO IN THE CC COMMUNITY COMMERCIAL DISTRICT, CUC COMMERCIAL – MIXED USE URBAN CENTER AND CPD COMMERCIAL – PLANNED DEVELOPMENT DISTRICT." De Jong moved to place ordinance no. 942 on its first reading, seconded by Schiebout. On roll call the vote was: AYES: De Jong, Schiebout, Bokhoven, Branderhorst, Van Stryland. NAYS: None. Motion carried. It was moved by De Jong 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: De Jong, Schiebout, Bokhoven, Branderhorst, Van Stryland. NAYS: None. Motion carried. De Jong moved that ordinance no. 942 be adopted, seconded by Schiebout. On roll call the vote was: AYES: De Jong, Schiebout, Bokhoven, Branderhorst, Van Stryland. NAYS: None. Mayor Mueller declared the motion carried and the ordinance duly passed and adopted.

2a. Public Hearing on an Amendment to the Planned Unit Development (PUD) for the Properties Located at 402, 404, 406, 408, and 410 Franklin Street. One written comment in favor of the amendment was received and included in the Council packet. No oral comments were received. Schiebout moved to close the public hearing, seconded by Van Stryland. On roll call the vote was: AYES: Schiebout, Van Stryland, De Jong, Bokhoven, Branderhorst. NAYS: None. Motion carried.

BACKGROUND: This ordinance is to facilitate the construction of five single-family detached homes located at 402, 404, 406, 408, and 410 Franklin Street. As background, on February 6, 2018 the Council approved a planned unit development (PUD) for this site to accommodate a townhome development. However, since this time, the developer has decided to construct single-family detached homes as opposed to the townhome development for this 1.03-acre site.

Planned Unit Development (PUD)

A PUD is designed to allow for comprehensively planned projects which provide for innovative and imaginative approaches to urban design and land development. A PUD is a negotiated contract for land development between the private developer and the public governmental entity. This differs from the traditional approach to land development wherein land is developed pursuant to minimum standards previously adopted by the government. A PUD permits flexible variation from established land regulations as contained in zoning districts and in platting and subdivision requirements. The developer, with City staff guidance, Planning and Zoning Commission review, and City Council approval, may develop its own guidelines for the best development of the land in question.

Key Requirements of the Ordinance Amendment

Exhibit A

The properties are required to be developed in accordance with Exhibit A of the proposed ordinance. This preliminary site plan has been reviewed and approved by the City's engineer and staff. Furthermore, this exhibit limits the number of units for the development to five, which closely aligns with the existing neighborhood.

Exhibit B

The developer is required to design the housing units in accordance with the color renditions as included in Exhibit B. Staff believes this proposed design aligns with the City's Dutch architecture requirements in the nearby Central Business District. In addition, staff believes the design will complement the existing neighborhood.

Zoning District Modifications

The proposed ordinance requires the development to be in conformance with the R3 zoning district site development requirements except for the following modifications:

Zoning requirements of Table 165.12-3 (R3) waived:

1. Minimum lot area shall be reduced from 6,500 square feet to 6,000 square feet.
2. Front yard setback shall be reduced from 25 feet to 20 feet.
3. Side yard setback shall be reduced from 10 feet to 7 feet.
4. Minimum site area per housing unit shall be reduced from 6,500 square feet to 6,000 square feet.

Performance greater than the minimum requirements of the zoning ordinance:

1. Section 3 of the ordinance requires the design of the residential units shall be in accordance with the color renditions submitted and attached to the PUD ordinance as Exhibit B.

Comprehensive Plan

The Future Land Use Map of the Comprehensive Plan targets the proposed site for Low-Density Residential which matches the developer's intended use. For this reason, staff believes the proposed PUD meets the requirements of the City's Comprehensive Plan.

Petition

Chapter 165.38 of the City Code requires 50% of property owners within 300 feet of the proposed rezoning to sign the rezoning petition for advisory purposes only. However, failure to obtain the threshold level shall not prevent continuance of the rezoning application. Staff did not receive a petition with this request.

Summary

Staff believes the proposed ordinance meets the requirements of the City's zoning code. In addition, staff also believes the proposed ordinance is consistent and in conformance with the City's Comprehensive Plan. Therefore, staff is recommending approval of the proposed ordinance which would formally amend the previously approved PUD, and allow the accommodation of single-family detached homes. It is important to note, the Planning and Zoning Commission unanimously approved this proposed ordinance at their June 25, 2018 meeting.

ATTACHMENTS: Ordinance, Exhibit A, Exhibit B, Location Map, Current Zoning Map, Future Land Use Map, Property Owner Comment

REPORT PREPARED BY: City Administration

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve ordinance

2b. Ordinance No. 943 entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY AMENDING THE PUD PLAN FOR PROPERTY LOCATED AT 402-410 FRANKLIN STREET, CITY OF PELLA, MARION COUNTY, IOWA." Bokhoven moved to place ordinance no. 943 on its first reading, seconded by Van Stryland. On roll call the vote was: AYES: Bokhoven, Van Stryland, Schiebout, De Jong, Branderhorst. NAYS: None. Motion carried. It was moved by Schiebout 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 Bokhoven. On roll call the vote was: AYES: Schiebout, Bokhoven, Branderhorst, Van Stryland, De Jong. NAYS: None. Motion carried. Schiebout moved that ordinance no. 943 be adopted, seconded by Van Stryland. On roll call the vote was: AYES: Schiebout, Van Stryland, De Jong, Bokhoven, Branderhorst. NAYS: None. Mayor Mueller declared the motion carried and the ordinance duly passed and adopted.

E. PETITIONS & COMMUNICATIONS – None

F. PLANNING & ZONING ITEMS – None

G. ADMINISTRATION REPORTS – None

H. RESOLUTIONS

1. Resolution No. 5877 entitled, "RESOLUTION ADOPTING REVISED PERSONNEL MANUAL." Schiebout moved to approve, seconded by Branderhorst. On roll call the vote was: AYES: Schiebout, Branderhorst, Van Stryland, De Jong, Bokhoven. NAYS: None. Motion carried.

BACKGROUND: This resolution adopts the revised Personnel Policy Manual. As background, Council directed staff to proceed with these revisions for formal consideration following the Policy and Planning session on June 19, 2018. It is important to note that, if approved, these changes would be retroactively effective as of July 1, 2018 to align with the start of a new fiscal year.

As additional background, the Public Works and Electric Utility unions were decertified following an election in the fall of 2017. The former union contracts for these employees were set to expire on June 30, 2018. In order to provide a smooth transition for these employees, the City of Pella has been honoring provisions under the union contract as it applies to leave, standby requirements, and compensatory time. After reviewing this issue, City Administration and the respective Department Heads are recommending the following changes to the City's Personnel Policy Manual. Compensatory Time

The City of Pella is required to comply with the Fair Labor Standards Act (FLSA) which states that overtime compensation is required for work performed by non-exempt employees in excess of 40 hours per week. Local governments have the option of providing overtime compensation through cash payout or compensatory time.

Staff is recommending increasing the maximum hours of compensatory time for all non-exempt employees from 80 to 120 hours per calendar year. In addition, staff recommends allowing 40 hours of compensatory time to be carried forward to the next calendar year, with the maximum allowed bank of compensatory hours capped at 120. This change in policy would be similar to what was provided in the former Public Works union contract. Please also note, the granting of compensatory time versus overtime would continue to be at the discretion of each Department Head, and is dependent upon the scheduling requirements of the department.

Standby Policy

Staff is recommending the adoption of a standby policy for essential service and public safety employees. Under the proposed policy, City Administration would be required to approve departmental requests to implement a standby policy. While on standby, employees would be required to provide a 30-minute guaranteed response time and conduct lifestyle changes including refraining from the use of alcohol.

For each standby assignment, the employee would receive seven hours of pay at their regular straight-time hourly wage. Standby compensation is not considered as hours worked when calculating overtime compensation or compensatory time. If Council adopts this proposed policy, it would be similar to what was provided in the former Electric union contract.

In summary, staff is recommending approval of this resolution which would adopt the revised Personnel Policy Manual regarding compensatory time and the standby policy, effective as of July 1, 2018.

ATTACHMENTS: Resolution, Red-lined Version of the Personnel Policy Manual

REPORT PREPARED BY: City Administration

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve resolution

2. Resolution No. 5878 entitled, "RESOLUTION APPROVING CHANGE ORDER #1 (FINAL QUANTITY ADJUSTMENT) AND ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE RUNWAY AND TAXIWAY REHABILITATION PROJECT 2017." Bokhoven moved to approve, seconded by Van Stryland. On roll call the vote was: AYES: Bokhoven, Van Stryland, Schiebout, De Jong, Branderhorst. NAYS: None. Motion carried.

BACKGROUND: This resolution approves change order #1 (final quantity adjustment) and accepts the public improvements for the Runway and Taxiway Rehabilitation Project 2017 at the Pella Municipal Airport. As background, on July 3, 2017, the City entered into a contract with TK Concrete, Inc. for this project. As Council is aware, this project consisted of replacing multiple full and partial panels, joint sealing on the apron and runway areas, and complete repainting of all pavement markings.

Change Order #1 – Decrease of \$3,966.72

This change order decreases the construction contract of TK Concrete, Inc. by \$3,966.72 due to final quantity adjustments.

Listed below is a summary of the contract.

Original Contract	\$188,850.00
Change Order #1 (Final Quantity Adjustment)	<u>(3,966.72)</u>
Revised Contract Amount	<u>\$184,883.28</u>

Acceptance of Project

The engineer for the project, Garden & Associates, is recommending acceptance of the project and believes the project was completed in accordance with the approved plans and specifications.

ATTACHMENTS: Resolution, Engineer's Acceptance Letter, Change Order #1
 REPORT PREPARED BY: Public Works Department
 REVIEWED BY: CITY ADMINISTRATOR
 CITY CLERK
 RECOMMENDATION: Approve resolution

- Resolution No. 5879 entitled, "RESOLUTION APPROVING CHANGE ORDER #5 (FINAL QUANTITY ADJUSTMENT) AND ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE WATER MAIN RELOCATION PROJECT 2017." Bokhoven moved to approve, seconded by Branderhorst. On roll call the vote was: AYES: Bokhoven, Branderhorst, Van Stryland, Schiebout, De Jong. NAYS: None. Motion carried.

BACKGROUND: This resolution approves change order #5 (final quantity adjustment) and accepts the public improvements for the Water Main Relocation Project 2017. As background, on July 18, 2017, the City entered into a contract with Lawson Construction, LLC. for this project. As Council is aware, this project consisted of relocation of the transmission main by constructing a new 12" water main on the west side of the Pella Corporation campus which then extends south and east to Clark Street. The new main ties into the existing system approximately 600' north of the Clark Street and Truman Road intersection.

Change Order #5 - Decrease of \$10,150.00

This change order decreases the construction contract of Lawson Construction, LLC. by \$10,150.00 due to final quantity adjustments.

Listed below is a summary of the contract.

Original Contract	\$485,240.00
Change Order #1, 2, 3 & 4	17,989.00
Change Order #5	<u>(10,150.00)</u>
Revised Contract Amount	<u>\$493,079.00</u>

Acceptance of Project

The engineer for the project, Veenstra & Kimm, Inc., is recommending acceptance of the project and believes the project was completed in accordance with the approved plans and specifications.

ATTACHMENTS: Resolution, Engineer's Acceptance Letter, Change Order #5
 REPORT PREPARED BY: Public Works Department
 REVIEWED BY: CITY ADMINISTRATOR
 CITY CLERK
 RECOMMENDATION: Approve resolution

- Resolution No. 5880 entitled, "RESOLUTION APPROVING ENGINEERING SERVICES AGREEMENT WITH VEENSTRA AND KIMM, INC. FOR POLICE STATION HVAC SYSTEM REPAIRS." Schiebout moved to approve, seconded by Van Stryland. On roll call the vote was: AYES: Schiebout, Van Stryland, De Jong, Bokhoven, Branderhorst. NAYS: None. Motion carried.

BACKGROUND: This resolution approves an engineering services agreement with Veenstra & Kimm, Inc. for repairs to the HVAC System at the Police Station. As background, this building was constructed in 1995, therefore the original HVAC system is 23 years old. Over the last several years, we have experienced multiple problems with the system including compressor, condenser, and control issues. This system operates on R-22 Freon and should be changed out to R-404A Freon, which is much safer and more cost effective.

The numerous outages and failures over the last several years have created uncertainty on the 24/7 operations of the facility. It has been necessary to utilize portable chilling units in order to keep operations running while the system was not functional. Staff has attempted to gain advice from HVAC contractors on exactly what should be done going forward, however, due to inconsistencies in recommendations from multiple contractors, staff has been very uncomfortable in proceeding. As a result, staff contacted Veenstra & Kimm as they have expertise in HVAC systems of this type.

Veenstra & Kimm has worked for the City on other projects over the last several years. 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 fee for services for design, preparation of plans and specifications, and bidding and construction services shall be on the basis of standard hourly fees, with a maximum not-to-exceed amount of \$12,816.

The actual repairs are estimated to be completed in August or September of this year. The preliminary construction cost estimate for the repair project is approximately \$100,000. In summary, staff is recommending approval of this Engineering Services Agreement with Veenstra & Kimm, Inc.

ATTACHMENTS: Resolution, Engineering Services Agreement
 REPORT PREPARED BY: Public Works Department
 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 COMMERCIAL – MIXED USE URBAN CENTER AND CC COMMUNITY COMMERCIAL ZONING DISTRICTS" (tabled at the February 6, 2018 Council meeting). Schiebout moved to remove ordinance no. 931 from the table, seconded by De Jong. On roll call the vote was: AYES: Schiebout, De Jong, Bokhoven, Branderhorst, Van Stryland. NAYS: None. Motion carried. De Jong moved to place ordinance no. 931 on its first reading, seconded by Schiebout. On roll call the vote was: AYES: De Jong, Schiebout, Bokhoven, Branderhorst, Van Stryland. NAYS: None. Motion carried. It was moved by Schiebout 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 De Jong. On roll call the vote was: AYES: Schiebout, De Jong, Bokhoven, Branderhorst, Van Stryland. NAYS: None. Motion carried. De Jong moved that ordinance no. 931 be adopted, seconded by Schiebout. On roll call the vote was: AYES: De Jong, Schiebout, Bokhoven, Branderhorst, Van Stryland. NAYS: None. Mayor Mueller declared the motion carried and the ordinance duly passed and adopted.

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

2. Ordinance No. 944 entitled, "AN ORDINANCE REPEALING SECTION 120.05 (11) OF THE PELLA CITY CODE AND ADOPTING A NEW SECTION 120.05 (11) RELATING TO PROHIBITED SALES AND ACTS." Schiebout moved to table this item to a future Council meeting, seconded by De Jong. On roll call the vote was: AYES: Schiebout, De Jong, Bokhoven, Branderhorst, Van Stryland. NAYS: None. Motion carried.

BACKGROUND: This ordinance amends the city code to allow persons under the age of 21 to remain on the premises of a microbrewery if they are accompanied by an adult age 21 or older.

As background, during recent discussions with Council regarding a proposed microbrewery, staff communicated that the intention of the proposed establishment is to be a family friendly destination. As such, the parties interested in opening a microbrewery in Pella would like to have persons under the age of 21 allowed on the premises. Currently, city code prohibits persons under the age of 21 to be on the premises of an establishment if that establishment holds a liquor license or beer/wine permit. The exception for this prohibition is for restaurants, where more than 50% of the dollar volume of the establishment is generated from the sale and serving of food. In these instances, persons under the

age of 21 can be on the premises. In order to address this issue, 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 age 21 or older.

Listed below is a proposed amendment to City Code Chapter 120.05 (11) by adding the following underlined language:

A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

11. Permit or allow any person under twenty-one (21) years of age to remain upon licensed premises unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a class "C" beer permit only or to holders of a class "B" beer permit who also hold a special class "A" beer permit when the person under twenty-one (21) years of age is accompanied on-premises by an adult twenty-one (21) years of age or older.

In considering this potential amendment to the city code, it is important to note that the microbrewery would be required to hold both a class "B" and special class "A" beer permit. The class "B" beer permit allows commercial establishments to sell beer and wine coolers for on-premises consumption. It should be noted, class "B" beer permit holders cannot sell hard alcohol, as this requires a class "C" liquor license. The special class "A" beer permit allows for the manufacture of beer and high alcoholic content beer on the premises for on-premises consumption.

Recommendation

Staff is recommending approval of this ordinance which would allow persons under the age of 21 to remain on the premises of an establishment if they are accompanied by an adult age 21 or older and that establishment holds a class B beer permit as well as a special class A beer permit.

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

I. CLAIMS

1. Abstract of Bills No. 2010. Schiebout moved to approve, seconded by Bokhoven. On roll call the vote was: AYES: Schiebout, Bokhoven, Branderhorst, Van Stryland, De Jong. 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, Bokhoven moved to adjourn, seconded by Schiebout. On roll call the vote was: AYES: Bokhoven, Schiebout, De Jong, Branderhorst, Van Stryland. NAYS: None. Motion carried. Meeting adjourned at 7:58 p.m.