



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

July 17, 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. Assistant City Administrator Corey Goodenow and City Clerk Mandy Smith were present. Five staff members and fifteen 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 Schiebout. On roll call the vote was: AYES: Van Stryland, Schiebout, Peterson, De Jong, Bokhoven, Branderhorst. NAYS: None. Motion carried.

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

No comments were received.

C. APPROVAL OF CONSENT AGENDA

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

1. Approval of Minutes
 - a. Official Council Minutes for July 3, 2018
2. Report of Committees
 - a. Board of Adjustment Minutes for June 12, 2018

Vice-Chairperson Corbett called the Board of Adjustment to order at 6:00 p.m. in Public Safety Complex. Members present were: Jim Corbett, Susan Reiter, Merlan Rolffs, Jane Smith, Lyle Vander Meiden, and Mike Vander Wert. Absent: Karissa Hastings, Vince Nossaman, and Glenn Van Wyk. Staff present: Assistant City Administrator Corey Goodenow, Zoning Administrator Bryce Johnson, and Deputy City Clerk Cynthia Vaske. Others present: Matt Naig.

Unless otherwise noted, all actions were taken unanimously.

CHAIRPERSON'S COMMENTS

Approval of the Tentative Agenda

Motion by Vander Wert, second by Reiter to approve the tentative agenda. Motion carried 6-0.

APPROVAL OF MINUTES

Motion by Vander Meiden, second by Rolffs, to approve the May 8, 2018 minutes. Motion carried 6-0.

(CASE BOA18-07) CONSIDER AN APPLICATION FOR A VARIANCE FOR THE PROPERTY LOCATED AT 2126 SOUTH FALLS AVENUE TO LOCATE A DETACHED STRUCTURE WITHIN THE FRONT YARD.

The applicant, Matt Naig, is the owner of 2126 South Falls Avenue. While the property is outside the City's corporate limits, it falls within the City's extraterritorial zoning jurisdiction. A single-family detached residence is currently on this 3.42-acre lot and is zoned Rural Residential (RR). This zoning district provides for rural residential use of land, accommodating lower-density residential environments. The applicant is requesting a variance from Chapter 165.30.3(B) to construct an accessory structure in the front yard. The zoning ordinance 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." It is important to note that the proposed shed sits approximately 400-feet from South Falls Avenue.

Staff believes the topography of the property creates a unique hardship for the property owner with relation to the placement of the accessory building. Additionally, staff believes the rural nature of the property and the existing timber and vegetation on the property will limit the impact to existing neighbors. That being said, the request fails to meet criteria #7 which requires the property to be "deprived of all beneficial or productive use." For this reason, the request fails to meet all seven criteria required under the City's zoning code and, therefore, staff recommends denial of the variance.

Assistant City Administrator Corey Goodenow said the Board of Adjustment has in the past voted contrary to staff's recommendation, particularly for variances in rural subdivisions. However, since the variance request did not meet all seven of the criteria required, staff was unable to recommend approval in this instance.

In answer to a question about the type of structure being built, Naig said it will be a 30-foot by 60-foot storage shed with three garage doors. The finishes on the shed will match his house.

Motion by Reiter, second by Smith to accept two written comments in favor of the variance into the public record, Motion carried 6-0.

Convened Public Hearing on the variance request for 2126 South Falls Avenue. Naig mentioned that many of his neighbors have sheds in front of their properties like the one he is proposing. He mentioned his garage only holds two vehicles and he has a need to store other items in a shed.

Motion by Reiter, second by Rolffs to close the public hearing as no further comments were received. Motion carried 6-0.

Vander Meiden asked if Board of Adjustment members must give a reason for their motions. Goodenow said there should be an explanation given as to why the variance should be granted and any conditions that may be placed on the variance approval. Rolffs asked Naig if he could build a covered walkway between his garage and the shed, because then Naig would not need a variance. Naig pointed out on a map where his septic tank is located and explained that building over his septic tank near his garage would cause difficulties if he needs to have maintenance done on it.

Motion by Smith, second by Vander Wert approve the variance as presented. The explanation given by Smith for her motion is the finishes on the shed will complement Naig's home, the shed will add value to Naig's property, and the variance is necessary due to the topography of the property. Motion carried 6-0.

OTHER BUSINESS/PUBLIC FORUM

None.

Adjourned at 6:20 p.m.

b. Historic Preservation Minutes for May 14, 2018

Chairperson Mansueto called the Historic Preservation Commission to order in the City Hall Conference Room at 5:33 p.m. Members present were: Kathy Bruxvoort, Rhonda Kermodé, Jim Mansueto, and Kent Oppenhuizen. Staff present: Assistant City Administrator Corey Goodenow and Zoning Administrator Bryce Johnson.

APPROVAL OF TENTATIVE AGENDA

Motion by Kermodé, second by Oppenhuizen, to approve the tentative agenda. Motion carried 4-0.

APPROVAL OF MINUTES

Motion by Kermodé, second by Oppenhuizen, to approve the minutes from the April 9, 2018 meeting. Motion carried 4-0.

NEW BUSINESS

Kermodé asked about the vacancy on the Commission. Goodenow said the City is working to fill it in a timely manner.

OTHER BUSINESS/PUBLIC FORUM

Review of Historic District and Historic Landmark Applications

At the Historic Preservation Commission meeting on April 9, 2018, staff provided the drafted applications for historic districts and historic landmarks to the Commission members for review. At that time, the Commission indicated a desire for additional time to read and review the applications.

This work session was utilized to discuss comments from Commission members regarding the applications and consider amendments if necessary.

Mansueto said due to the complexity of reviewing Historic District Designation Applications, the Commission may need more than the length of one meeting to review an application and make a decision. Goodenow explained that the review process does not have to be limited to one meeting and that verbiage can be included in Step 4 of the packet.

In response to concerns from the Commission, Goodenow said that staff can add another page to the Historic District Designation Application Packet that explains the differences between local and national historic districts as well as answering the question why one would want to create a historic district. For item number two on the Historic District Submittal Checklist, it was decided to ask that applicants attach only a list of properties within a proposed historic district and not a list of surrounding property owners. Goodenow explained that staff can use their geographic information system (GIS) software to get the surrounding property owners' information.

The Commission had the following questions to ask Architectural Historian Sara André with the Iowa State Historic Preservation Office at a future work session:

1. Does having a local historic district make one eligible for state tax credits?
2. What is the process for identifying contributing and noncontributing structures? Is the level of difficulty for this too high for the average homeowner?

Review Potential Design Options for Historic Landmark Plaques

At the Historic Preservation Commission meeting on April 9, 2018, Commission members indicated a desire to review possible plaque designs for historic landmarks. As stated in the ordinance, the landmark plaque is required to have some specific information. The remaining information will likely come from discussions with the applicant and the Commission. Also, the current ordinance indicates the City Council is responsible for the placement of the plaque. As indicated in previous meetings, staff will be working with the Planning and Zoning Commission and the City Council in the next several months to determine if the Historic Preservation Commission is a more appropriate body to consider historic landmarks, including the placement of plaques. Feedback generated from this work session will be utilized for the future plaque designs.

At the suggestion of the Commission, it was agreed to refer to "historic landmarks" in the Historic Landmark Application Packet as "local historic landmarks" for clarification. The word "contiguous" will be removed from page five of the packet.

The Commission reviewed examples of historic landmark plaques. Goodenow said that according to City of Pella Code the plaques must include the accepted name of the landmark, the date of its construction, and other information deemed proper by the Pella City Council. Goodenow explained that the cost associated with the plaques will depend on the type of plaque the Commission decides to use. After some discussion, the Commission was in favor of including the City of Pella logo on a plaque similar in shape and color (in both background and lettering) to example 6, using the title from example two to mention the name of the local historic landmark, as well as the picture aspect of example three. Goodenow said staff will attempt to get a cost estimate for the plaques from local businesses.

Adjourned at 6:33 p.m.

3. Petitions and Communications

a. Special Event Permit Request for Many Hands for Haiti Color Blast 5k

BACKGROUND: Many Hands for Haiti (MH4H) has requested a special event permit for the MH4H Color Blast 5k walk/run on Saturday, September 22, 2018. The proposed event would take place from 9:00 a.m. to noon with set-up beginning at 7:00 a.m. and take down complete by noon.

MH4H is hosting this 5k walk/run for the 6th consecutive year to raise funds and awareness for their ministry. As background, the race route is proposed to begin and end in Trinity Reformed Church's parking lot. No street closures have been requested. Along the race route, the promoter is proposing to have five color blast stations, as outlined on the attached map, where runners would have colored powder thrown at them.

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

b. Renewal of Class B Beer Permit with Class C Native Wine Permit for The Wijn House

BACKGROUND: The Wijn House, at 615 Franklin Street, has applied for renewal of their Class B Beer Permit with Class C Native Wine Permit. The term of the new license is 12 months and would expire on August 31, 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

D. *PUBLIC HEARINGS – None

E. PETITIONS & COMMUNICATIONS

1. Special Event Permit Request for Pella Youth Coalition Block Party. Branderhorst moved to approve, seconded by Van Stryland. On roll call the vote was: AYES: Branderhorst, Van Stryland, Schiebout, Peterson, De Jong, Bokhoven. NAYS: None. Motion carried.

BACKGROUND: The Pella Youth Coalition (PYC) is requesting a special event permit on Thursday, July 26, 2018 to host an end of summer block party for high school students within Caldwell Park. The proposed event is scheduled to start at 6:00 p.m. and conclude by 9:00 p.m. The promoter is requesting to begin set-up of the event at 5:00 p.m. with take down complete by 10:00 p.m.

The newly formed coalition's mission is to provide students and adults the tools and support they need to positively impact drug-free and alcohol-free attitudes, behaviors, and norms. This event focuses on that mission by hosting a block party that is free of alcohol, free of drugs, and is no cost to attend. The promoter expects 100 to 200 high school students will attend this block party to enjoy lawn games, music, and food within Caldwell Park.

All pertinent City departments have reviewed this application and comments are attached. In addition, the promoter has coordinated rental of the Caldwell Park shelter house with the Community Services Department. Finally, the special event permit fee and certificate of insurance have been received, therefore, approval is recommended.

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

F. PLANNING & ZONING ITEMS – None

G. ADMINISTRATION REPORTS – None

H. RESOLUTIONS

1. Resolution No. 5881 entitled, "RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED AMENDMENT NO. 1 TO THE SOUTHWEST URBAN RENEWAL PLAN IN THE CITY OF PELLA, STATE OF IOWA." Bokhoven moved to approve, 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 establishes August 21, 2018 as the public hearing date for Amendment No. 1 to the Southwest Urban Renewal Plan. The purpose of this amendment is to account for additional public infrastructure for a potential housing development in Bos Landen. The original Southwest Urban Renewal Plan included only phase 1 of this development's infrastructure, which was estimated to cost \$950,000. Subsequently, the developer has expanded their plans and now intends to have lots for single family housing. As a result, the estimated cost to construct the public infrastructure for this development is \$2,100,000. This amendment simply adjusts the estimated cost for the public infrastructure from \$950,000 to \$2,100,000. It is important to note, passage of this amendment does not obligate Council to award economic development incentives, rather it simply allows Council to consider economic development incentives up to \$2,100,000 for the development.

As background, the Southwest Urban Renewal Plan is intended to help facilitate additional housing in our community. The Marion County Housing Assessment identified an additional 966 new housing units are needed by the year 2025 to meet the demand for housing in Pella. Furthermore, the City's Comprehensive Plan also established goals and suggested strategies for new housing developments within our corporate limits. Included with these strategies was the use of Tax Increment Financing (TIF) to provide economic development incentives for new housing. In order for the City of Pella to offer economic development incentives for new housing, the City approved the Southwest Urban Renewal Plan on January 16, 2018.

As additional background, under Iowa Code the City is required to hold a consultation with all affected tax entities prior to adopting or amending urban renewal areas. This resolution sets August 2, 2018 as the consultation date for all taxing entities and, furthermore, this resolution establishes August 21, 2018 as the public hearing date for Amendment No. 1 to the Southwest Urban Renewal Plan.

ATTACHMENTS: Resolution, Southwest Urban Renewal Plan Amendment #1
REPORT PREPARED BY: City Administration
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve resolution

I. ORDINANCES

1. 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" (tabled at the July 3, 2018 Council meeting). De Jong moved to remove ordinance no. 944 from the table, seconded by Schiebout. On roll call the vote was: AYES: De Jong, Schiebout, Peterson, Bokhoven, Branderhorst, Van Stryland. NAYS: None. Motion carried. Schiebout moved to amend ordinance no. 944 to add the restriction that persons under 21 years of age can only be on the premises of the licensed establishment until 9:00 p.m.; all other portions of the ordinance remained as presented by staff, seconded by Van Stryland. On roll call the vote was: AYES: Schiebout, Van Stryland, De Jong, Bokhoven, Branderhorst. NAYS: Peterson. Motion carried. Schiebout moved to place ordinance no. 944, as amended, on its first reading, seconded by De Jong. On roll call the vote was: AYES: Schiebout, De Jong, Bokhoven, Branderhorst, Van Stryland, Peterson. NAYS: None.

BACKGROUND: This proposed 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 a parent or legal guardian who is age 21 or older. This proposed ordinance was tabled during the July 3, 2018 Council meeting. In order to address concerns raised by Council during that meeting, staff has amended the proposed ordinance to specify that the individual 21 years of age or older who is accompanying a person under the age of 21 must be the person's parent or legal guardian. The previous ordinance simply required a minor to be accompanied by an adult who is 21 years of age or older.

Listed below is additional background information on this proposed ordinance.

State of Iowa Laws Concerning Minors

The State of Iowa does not prohibit minors, or persons under the age of 21, from being on the premises of licensed establishments which sell alcohol. However, the State of Iowa provides local jurisdictions the authority to restrict minors from licensed establishments if they so choose.

City of Pella's Laws Concerning Minors

Currently, City Code prohibits minors, or persons under the age of 21, from being on the premises of an establishment which holds a liquor license or beer/wine permit. The exception for this prohibition is for restaurants, where more than 50% of the dollar volume is generated from the sale and serving of food. In these instances, minors are allowed on the premises.

City of Pella's Regulations for Microbreweries

Listed below is a brief summary of the City of Pella's regulations for microbreweries.

Liquor License Restrictions

Currently, under the City Code, microbreweries cannot obtain a class "C" liquor license. As Council is aware, establishments with a class "C" liquor license can sell hard liquor or spirits. Under the City Code, this is one of the key differences between a bar/tavern and a microbrewery as bars and taverns are allowed to obtain a class "C" liquor license.

Special Use Permit Requirement

Microbreweries in Pella are permitted through a special use permit process. This procedure allows the Board of Adjustment to review the proposed location and determine if it is a good fit for the surrounding area.

Listed below is a description of the special use permit process.

1. City Administration Review and Recommendation

Prior to a special use permit being granted, City staff will provide the Board of Adjustment with a detailed report and recommendation on the following items:

- Compliance with public safety requirements
- Traffic impact and parking requirements
- Necessary infrastructure
- Compliance with the City Code and Comprehensive Plan
- Land use compatibility with surrounding properties
- Proposed operations
- Proposed operating hours

Based on their observations, staff will also provide the Board of Adjustment with a recommendation on whether to approve the special use permit subject to any applicable restrictions. Examples of restrictions could include operating hours and operation restrictions.

2. Public Hearing

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 microbrewery.

3. Board of Adjustment Action

The Board of Adjustment would make a decision on the special use permit application after considering City staff's recommendation and public input. As Council is aware, the Board of Adjustment has wide ranging authority in issuing special use permits, including use or operating hour restrictions, to ensure land use compatibility with adjacent property owners.

Finally, the Board of Adjustment can also revoke a special use permit in the event of problems or issues with a microbrewery.

Cities with Significant Microbrewery Experience

Listed below is additional information from Des Moines and West Des Moines, cities who have significant experience with microbreweries. *City of Des Moines:* The City of Des Moines classifies microbreweries as a bar or tavern. In addition, they require a special use or conditional use permit to operate in commercial zones. It is important to note, the City of Des Moines permits minors to enter microbreweries, bars, and taverns. *City of West Des Moines:* The City of West Des Moines requires a special use or conditional use permit for microbreweries. In addition, they allow minors to be on the premises of a microbrewery if they are accompanied by a parent or legal guardian who is 21 years of age or older.

Surrounding Cities with Microbreweries

Listed below is a chart comparing the regulation of microbreweries with other cities in close proximity to Pella. Please note, not every city has a separate classification for microbreweries, therefore requirements for minors to be allowed on the premises of a microbrewery may differ from our proposed ordinance. It is important to consider if a city classifies a microbrewery as a bar or tavern and also allows the establishment to obtain a class "C" liquor license, which enables the microbrewery to sell hard alcohol. In Pella, microbreweries cannot obtain a class "C" liquor license.

City	Microbrewery Zoning Classification	Minors Allowed on Premises?	Hours Restriction for Minors?
Des Moines	Bar/tavern, requires special use permit	Yes, no restrictions	No
West Des Moines	Microbrewery, requires special use permit	Yes, if accompanied by parent/legal guardian age 21+	No
Ankeny	Bar/tavern, permitted by right	Yes, if 50% of gross sales is from food	No
Knoxville	Microbrewery, permitted by right	Yes, requires a class "B" beer permit	No
Pleasant Hill	Bar/tavern, permitted by right	Yes, no restrictions	No
Indianola	Bar/tavern, permitted by right	Yes, if accompanied by parent/legal guardian age 21+ Action plan is required to be submitted to the Police Chief	No
Pella (<i>proposed</i>)	Microbrewery, requires special use permit	Yes, if accompanied by parent/legal guardian age 21+	No

Proposed Amendment

Listed below is the 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.
 - A. This provision does not apply to the following:
 - (1) holders of a class "C" beer permit only; or
 - (2) 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 a parent or legal guardian who is 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.

Staff is recommending approval of the proposed ordinance. Staff believes the following items should address Council's previous concerns:

- 1. The class "C" liquor license restriction for microbreweries.
- 2. The City of Pella's special use permit requirements for microbreweries.
- 3. The requirement that a minor can only be on the premise of a microbrewery if they are accompanied by a parent or legal guardian who is 21 years of age or older.

While staff believes the above restrictions are sufficient, it is important to note that this is a policy decision, therefore, if Council believes there should be additional requirements in this ordinance, we would be more than happy to discuss them.

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

I. CLAIMS

- 1. Abstract of Bills No. 2011. Schiebout moved to approve, seconded by Bokhoven. On roll call the vote was: AYES: Schiebout, Bokhoven, Branderhorst, Van Stryland, Peterson, 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, Peterson, De Jong, Branderhorst, Van Stryland. NAYS: None. Motion carried. Meeting adjourned at 7:31 p.m.