



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

August 7, 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: Lynn Branderhorst, Harold Van Stryland, Bruce Schiebout, Larry Peterson. Absent: Mark De Jong, Tony Bokhoven. City Administrator Mike Nardini and City Clerk Mandy Smith were present. Four staff members and four members of the general public signed the register.

B. MAYOR'S COMMENTS

1. Announce Policy and Planning meeting following the regular Council meeting to discuss:
 - a. Community Center Gymnasium Ceiling
2. Approval of Tentative Agenda. Schiebout moved to approve, seconded by Peterson. On roll call the vote was: AYES: Schiebout, Peterson, Branderhorst, Van Stryland. NAYS: None. Motion carried.
3. Reappointment of Brent Lanser to the Building Code Board of Appeals. Schiebout moved to approve, seconded by Van Stryland. On roll call the vote was: AYES: Schiebout, Van Stryland, Peterson, Branderhorst. NAYS: None. Motion carried.

BACKGROUND: Brent Lanser is interested in serving another term on the Building Code Board of Appeals. Brent has served on the Board since August 1, 2007 and has attended all five meetings held since his last term began. He is a business owner, operating Lanser Home Service, and carries plumbing and mechanical contractor licenses. Brent and his family reside at 1258 Iowa Street. His position is one of the two that are residents of the two-mile extraterritorial jurisdiction in Marion County. If approved, Brent's new term would expire on August 1, 2023.

ATTACHMENTS: None
REPORT PREPARED BY: Planning and Zoning Department
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK

RECOMMENDATION: Approve the reappointment

4. Reappointment of Jody Lautenbach to the Community Development Committee. Branderhorst moved to approve, seconded by Peterson. On roll call the vote was: AYES: Branderhorst, Peterson, Van Stryland, Schiebout. NAYS: None. Motion carried.

BACKGROUND: Jody Lautenbach is interested in serving another term on the Community Development Committee. Jody has served on the Committee since August 21, 2012 and has attended 18 out of the last 23 meetings. Her position is one of the two that are residents of the two-mile extraterritorial jurisdiction in Marion County. Jody is a Broker Associate/Realtor with Pella Realty Group and does property management. Jody resides with her husband at 1021 218th Avenue. If approved, Jody's new term would expire on August 1, 2021.

ATTACHMENTS: None
REPORT PREPARED BY: Planning and Zoning Department
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK

RECOMMENDATION: Approve the reappointment

5. Reappointment of Wayne Stienstra to the Community Development Committee. Peterson moved to approve, seconded by Van Stryland. On roll call the vote was: AYES: Peterson, Van Stryland, Schiebout, Branderhorst. NAYS: None. Motion carried.

BACKGROUND: Wayne Stienstra is interested in serving another term on the Community Development Committee. Wayne has served on the Committee since January 7, 2003 and has attended 19 of the last 23 meetings. He is an active historic preservationist and resides at 1019 Park Lane. If approved, Wayne's new term would expire on August 1, 2021.

ATTACHMENTS: None
REPORT PREPARED BY: Planning and Zoning Department
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK

RECOMMENDATION: Approve the reappointment

6. Appointment of Lowell Olivier-Shaw to the Community Development Committee. Branderhorst moved to approve, seconded by Van Stryland. On roll call the vote was: AYES: Branderhorst, Van Stryland, Schiebout, Peterson. NAYS: None. Motion carried.

BACKGROUND: Mayor Mueller would like to appoint Lowell Olivier-Shaw to serve on the Community Development Committee. Mr. Olivier-Shaw is a Pella native, having graduated from Pella Christian High School. He is currently employed as the Conference Coordinator for Central College, a position he has held for the past 18 years. Mr. Olivier-Shaw has a passion for all things Dutch, including design, and has traveled to the Netherlands nearly ten times over the past several years. Mr. Olivier-Shaw is active in the community, serving on the Pella Convention and Visitors Board, as well as participating in several other community activities. If approved, Mr. Olivier-Shaw's new term would expire on August 1, 2021.

ATTACHMENTS: None
REPORT PREPARED BY: Planning and Zoning Department
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK

RECOMMENDATION: Approve the appointment

7. Appointment of Lila Turnbull to the Historic Preservation Commission. Schiebout moved to approve, seconded by Branderhorst. On roll call the vote was: AYES: Schiebout, Branderhorst, Van Stryland, Peterson. NAYS: None. Motion carried.

Mayor Mueller would like to appoint Lila Turnbull to serve on the Historic Preservation Commission. This will be Ms. Turnbull's first term serving on the Commission. Ms. Turnbull has attended several conferences and training sessions regarding historic preservation and restored the prominent Victorian home located at 1261 185th Street. She is currently retired and has experience as an interior designer. Ms. Turnbull resides at 401 Union Street. If approved, Ms. Turnbull's new term would expire on January 1, 2021.

ATTACHMENTS: None
REPORT PREPARED BY: Planning and Zoning Department
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK

RECOMMENDATION: Approve the appointment

***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 Peterson. On roll call the vote was: AYES: Schiebout, Peterson, Branderhorst, Van Stryland. NAYS: None. Motion carried. The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for July 17, 2018
2. Report of Committees
 - a. Library Board Minutes for June 12, 2018

I. Call To Order: President Praveen Mohan called the meeting to order at 4:02 p.m. Board members present were: Angela Adam, John Evenhouse, Verlan Den Adel, Jane Koogler, Praveen Mohan, and Rachel Sparks. Library Director Wendy Street was present. Kenny Nedder was excused.

II. Recognition of Visitors and Visitor Comments: Brenda Huisman was present as a guest.

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

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

V. Approval of Bills: All Board members received the June list of bills prior to the meeting. After a brief discussion and questions regarding the bills, Verlan moved to approve the June bills. Praveen seconded the motion. The bills were unanimously approved.

VI. Unfinished Business:

- a. Internet content filter – All Board members received background information, pros and cons, and Wendy’s recommendation regarding internet content filters prior to the meeting. Discussion was held to decide if our Library needed to obtain a filter or continue without one. Praveen moved to approve having no internet content filter. Jane seconded the motion. The motion to not have an internet content filter was unanimously approved.
- b. Strategic plan – The Board received a draft copy of the Library’s strategic plan for fiscal years 2018-2021 prior to the meeting. After a brief discussion, it was suggested to add “at least” to Objectives 1.2 and 2.2. Verlan moved to approve the plan as amended. Angela seconded the motion. The strategic plan was unanimously approved.

VII. New Business:

- a. Recognition of service: John Evenhouse – The Board thanked John for his years of service. John thanked Wendy for her organization.

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

IX. Director’s Report:

- a. The Great American Read
 - PBS recently launched The Great American Read to celebrate the joy of reading and to choose “America’s favorite book.” The premier show aired on May 22nd. During the show, they encouraged people to contact their local library for more information. Seven additional shows in the PBS series will air starting in September. IPTV has promised to have local programming, but they haven’t released a schedule or topics yet. We have the list of 100 books available on the OPAC desk, along with a display of some of the books on the list. I will keep up this display for most of the summer. I also have two programs tentatively planned for July 23 and August 14, more details on those later. Voting is online, either at the PBS website, or via Facebook or Twitter. People can vote every day from now until October 18. We also have a jar near the display to collect votes. These votes will not count towards the national total, but are simply for a local tally to determine Pella’s favorite book from the list of 100. Please vote yourself and encourage your friends to vote.
- b. New meeting room reservations software
 - We are transitioning to new software for meeting room reservations. The new product is called LibCal and we will introduce it later this month. In addition to the reservations component, this software does event calendars, and also has a “Book a Librarian” feature. We will be making those features public in the coming months.
- c. Iowa History on the Move
 - With Pella Historical Society, we are co-sponsoring a traveling exhibit in an RV from the State Historical Society with a theme of “Iowa History 101”. It will be parked in the north end of the library parking lot June 28-30. It will be open from 4-9 p.m. on Thursday, 10-6 on Friday, and 10-5 on Saturday. We do need to provide volunteers to staff the exhibit.
- d. Building and grounds
 - I sent out a Request for Proposals to artists to paint a mural in the Meeting room. Proposals are due back by July 6th. It will be interesting to see if we get any responses. When the proposals are submitted, Jane and Brenda agreed to be on a committee to work with the Library staff and Friends of the Library to review the proposals for selection.
 - There has been some settling of the pavers out front, creating trip hazards in several areas. I am gathering estimates to remove and re-level the pavers.
- e. Hoopla budget increase
 - The Friends of the Library are contributing \$200 a month to the hoopla budget starting June 1. Our City budget for hoopla increases \$100 a month in July. With increases, it will be \$1,000/month. It will be interesting to see if this reduces the number of users who are turned away because of budget caps.
- f. Statistics
 - FaxScan24: 14 faxes sent
 - Mobile print service: 15 users sent 48 jobs totaling 150 pages
 - Hoopla:
 - i. 335 total circs borrowed by 168 patrons
 - ii. Average of 2 circs per patron
 - iii. 70 patrons used all 3 checkouts
 - iv. Average price per circulation: \$2.09
 - v. 133 patrons were blocked by the budget caps
- g. My Vacation
 - I will be on vacation June 20-July 1. I will check my email periodically and can be reached by cell phone in an emergency.
- h. Upcoming Events
 - June 12 at 6:00 p.m.: Family Night – Musical Bingo. Join us for a game of Bingo! Held in the Library Meeting Room.
 - June 13 at 2:00 p.m.: Tween/Teen Lip Sync Battle. Calling all performers to show off your best Lip Sync song!
 - June 18 at 9:30 a.m.: Magician Rick Eugene in the JKF Auditorium in the Community Center. All ages welcome to attend. No sign up is needed.
 - June 18 at 11:00 a.m.: Balloon Class with Magician Rick Eugene for kids in grades 2-5. Sign up required.
 - June 19 at 7:00 p.m.: Tween/Teen Lip Sync Battle. Calling all performers to show off your best Lip Sync song!
 - June 21 at 10:15 a.m.: Genealogy Club meeting in the Heritage Room.
 - June 22 at 10:00 and 11:00 a.m.: Blank Park Zoo: A Very Musical Habitat. Program held in Room 206 in the Community Center. All ages welcome. No sign up is needed.
 - June 26 at 6:00 p.m.: Family Night – Kindness Rocks! Families are welcome to join us in spreading kindness with rocks.
 - June 27 at 2:00 p.m.: Tween/Teen – Kindness Rocks! Join us in spreading kindness.
 - June 28 at 12:00 noon: Brown Bag Book Club.

X. Committee reports:

a. Personnel/Nominating:

- i. Proposed slate of officers – President: Praveen, Vice-President: Angela, Secretary: Kenny
- ii. Director’s evaluation – Feedback has been received, committee will review, and prepare the evaluation to review with Wendy and submit to the City.

b. Governance & Policy:

- i. Interlibrary Loan policy – This policy was reviewed; no changes were proposed.
- ii. PA System policy – This policy was reviewed; no changes were proposed.
- iii. Personal Appearance policy – The policy was reviewed; the following addition was proposed: “Given the nature of the work, the custodian has the option of wearing jeans of denim pants.” Angela motioned to approve the updated Personal Appearance policy as amended. Jane seconded the motion. The updated policy was unanimously approved.

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

XII. Demonstration of Transparent Languages: Wendy provided a demonstration of the Transparent Languages services online database. A general discussion took place around the use and availability of the language learning tool.

XIII. Adjournment: President Praveen Mohan adjourned the meeting at 5:15 p.m. The next regularly scheduled Board Meeting is scheduled for July 10, 2018.

b. Planning and Zoning Commission Minutes for June 25, 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, Cathy Haustein, David Landon, Robin Pfalzgraf, Gary Van Vark, Ervin Van Wyk, Ann Visser, and Teri Vos. Absent: Mark Groenendyk. Staff present: City Administrator Mike Nardini, Zoning Administrator Bryce Johnson, and Deputy City Clerk Cynthia Vaske. Others present: Dale Bogaards, Gladys Bogaards, Doug Van Zee, and Larry De Vries.

APPROVAL OF TENTATIVE AGENDA: Motion by Visser, second by Canfield, to approve the tentative agenda. Motion carried 10-0.

APPROVAL OF MINUTES: Motion by Vos, second by Chiarella, to approve the minutes of the May 14, 2018 meeting. Motion carried 10-0.

PUBLIC HEARINGS

Ordinance Amending Chapter 165.11 by Adding the Definition of Microbrewery and Amending Table 165.12-2 to Include This Land Use to Operate in the CC, CUC, and CPD Zoning Districts with an Approved Special Use Permit

This proposed ordinance establishes a ‘microbrewery’ zoning use 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. This proposed ordinance was discussed previously by the City Council and the Planning and Zoning Commission. 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.

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.

Haustein asked whether being family-friendly must be a component for all future microbreweries. City Administrator Mike Nardini explained that a proposed microbrewery operator stated that their intent was to open a family-friendly microbrewery. Nardini said that in staff’s research they found that most microbreweries in Iowa tend to be family friendly.

Van Vark questioned allowing a microbrewery to potentially be located on south Main Street amongst historic structures. Nardini said a microbrewery will not be a good fit everywhere in the CUC, but there are some locations that would be. He said if a microbrewery goes before the Board of Adjustment there will be a public hearing with property owner notifications and land use compatibility will be key in determining whether a special use permit is issued.

Van Wyk asked about the parking requirements for a microbrewery. He said if a microbrewery is located in the CUC, the operators would likely have to purchase adjacent lots to fulfill the parking requirements. Nardini agreed and said it would be addressed during the site plan process.

Convened Public Hearing. One written comment was received. With no further comments received, the public hearing was closed.

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

Amendment to the Planned Unit Development (PUD) for the Properties Located at 402, 404, 406, 408, and 410 Franklin Street Which Shall Conform to the Requirements of Chapter 165.14

This proposed amendment 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.

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.

Haustein asked if the homes will be sold or rental properties. Property owner Larry De Vries said either is a possibility. Haustein asked how many bedrooms the homes will have. De Vries replied there will be two bedrooms on the ground floor and one on the second level.

Convened Public Hearing. Two written comments were received. With no further comments received, the public hearing was closed.

Motion by Van Wyk, second by Vos to approve the ordinance as submitted. Motion carried 10-0.

NEW BUSINESS PROPOSED

Site Plan to Construct a 6,400 Square-Foot Building Addition to the East Side of Plant 4 Located at Vermeer Corporation

Vermeer Corporation has submitted a site plan to construct a 6,400-square foot building addition to Plant 4. The proposed addition is intended to enclose the loading dock area and provide additional space for indoor equipment servicing and warehouse storage, which is the primary use of the existing structure.

Staff believes the proposed site plan meets the requirements of the City’s zoning code and is consistent with the City’s Comprehensive Plan. Therefore, staff is recommending the site plan be approved as submitted and presented today.

Canfield asked about the trees mentioned in the staff memo. Zoning Administrator Bryce Johnson said that was included in error.

Motion by Van Vark, second by Canfield to approve the site plan as submitted. Motion carried 10-0.

OTHER BUSINESS/PUBLIC FORUM: 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. Currently cocktail lounges are permitted by right in the following zoning districts: Mixed Use Urban Commercial Corridor (CUC), Community Commercial District (CC), Commercial Planned Development District (CPD), Limited/Light Industrial District (M1) and Heavy Industrial District (M2). Additionally, cocktail lounges are permitted in the Central Business District (CBD) by special use permit, with a maximum limit of two.

Based on liquor license information, which is required by the State of Iowa for the operation of a cocktail lounge, there are currently four businesses that operate as a cocktail lounge under the City’s zoning definition; one of which is expected to close in the coming months. Of the remaining three businesses, two operate in the Central Business District (CBD) and were therefore required to obtain a special use permit based on existing zoning requirements. The other currently operates in the Community Commercial District (CC) and would be grandfathered in. Staff is seeking direction from the Planning and Zoning Commission on the proposed requirement.

Vos asked when it was decided to limit the special use permits for cocktail lounges in the CBD to two. Nardini replied that a decision would have been made in either late 2015 or early 2016. In response to a question from Van Vark, Nardini explained that if the ordinance is passed and the City has a problem with a cocktail lounge’s operations, then staff would request that the Board of Adjustment revoke the special use permit for that cocktail lounge. If the Board of Adjustment agreed with staff’s request to revoke the special use permit, then the property owner could appeal that decision in district court.

Adjourned at 7:49 p.m.

D. *PUBLIC HEARINGS – None

E. PETITIONS & COMMUNICATIONS

- 1a. Special Event Permit Request for Central College Move In/Move Out. Van Stryland moved to approve, seconded by Schiebout. On roll call the vote was: AYES: Van Stryland, Schiebout, Peterson, Branderhorst. NAYS: None. Motion carried.

BACKGROUND: Central College has requested a special event permit for their student move in/move out days. This request would close Broadway Street between Peace Street and University Street to accommodate the heavy traffic associated with the period of time when students are leaving or returning to campus. As part of this request, a resolution is included that closes the 300 block of Broadway on the following dates and times:

- August 18, 2018 7:00 a.m. to 1:00 p.m.
- August 19, 2018 8:00 a.m. to 5:00 p.m.
- November 21, 2018 8:00 a.m. to 5:00 p.m.
- December 13, 2018 8:00 a.m. to 5:00 p.m.
- December 14, 2018 8:00 a.m. to 5:00 p.m.
- January 13, 2019 8:00 a.m. to 5:00 p.m.
- March 8, 2019 8:00 a.m. to 5:00 p.m.
- March 24, 2019 8:00 a.m. to 5:00 p.m.
- April 18, 2019 noon to 5:00 p.m.
- May 16, 2019 8:00 a.m. to 5:00 p.m.
- May 17, 2019 8:00 a.m. to 5:00 p.m.

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

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

- 1b. Resolution No. 5882 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS CENTRAL COLLEGE MOVE IN/MOVE OUT." Schiebout moved to approve, seconded by Peterson. On roll call the vote was: AYES: Schiebout, Peterson, Branderhorst, Van Stryland. NAYS: None. Motion carried.

F. PLANNING & ZONING ITEMS – None

G. ADMINISTRATION REPORTS – None

H. RESOLUTIONS

1. Resolution No. 5883 entitled, "RESOLUTION DECLARING THE AGREEMENT FOR PRIVATE DEVELOPMENT BY AND BETWEEN THE CITY OF PELLA AND AGILE MANUFACTURING LTD TERMINATED IN ITS ENTIRETY AND APPROVING AND AUTHORIZING EXECUTION OF THE TERMINATION AGREEMENT AND THE IEDA CONTRACT TERMINATION AGREEMENT." Van Stryland moved to approve, seconded by Schiebout. On roll call the vote was: AYES: Van Stryland, Schiebout, Peterson, Branderhorst. NAYS: None. Motion carried.

BACKGROUND: In March of 2017, the City entered into two development agreements with Agile Manufacturing LTD to provide financial incentives to open and operate a 3D printing service business. The purpose of the agreement was to meet the local required match by the Iowa Economic Development Authority (IEDA) for state economic development financial incentives. Recently, Agile Manufacturing requested to terminate the previously approved agreements. While their business is operational, Agile Manufacturing has indicated they have shifted the business focus towards retail sales of 3D printing equipment and, therefore, will not meet the job creation requirements.

In order for Agile Manufacturing to receive financial assistance from the State of Iowa, Council approved two development agreements. The first agreement was between the City and Agile Manufacturing, which further defined the terms and conditions required by the City for Agile Manufacturing to receive economic assistance. The second agreement was a three-party agreement with Agile Manufacturing, IEDA, and the City which demonstrated the City's willingness to contribute the required 20% local development assistance and meet the terms set forth by the State of Iowa.

The agreements included economic development incentives of a \$9,000 forgivable loan, and a \$9,000 60-month no interest loan. Agile Manufacturing did not complete the required steps to receive the agreed upon incentives from the City, therefore no funds have been advanced. In summary, Agile Manufacturing has requested termination of the economic development agreements that were previously approved by Council in March of 2017. Agile Manufacturing's termination request has been approved by the state. In addition, staff has not provided any funding associated with the development agreements. Therefore, staff recommends approval of this resolution which would terminate the private development agreement between Agile Manufacturing and the City of Pella as well as the agreement between Agile Manufacturing, the City of Pella, and the State of Iowa Economic Development Authority.

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

2. Resolution No. 5884 entitled, "RESOLUTION APPROVING ORDERING THE PREPARATION OF PLANS AND SPECIFICATIONS, FORM OF CONTRACT, NOTICE OF HEARING AND NOTICE OF LETTING, SETTING DATE FOR PUBLIC HEARING, AUTHORIZING THE TAKING OF BIDS, AND AUTHORIZING BID OPENING FOR THE VERMEER TRAIL CONSTRUCTION PROJECT." Peterson moved to approve, seconded by Branderhorst. On roll call the vote was: AYES: Peterson, Branderhorst, Van Stryland, Schiebout. NAYS: None. Motion carried.

BACKGROUND: This resolution establishes September 4, 2018, as the public hearing date and authorizes staff to seek bids for the Vermeer Trail Construction Project. As background, the proposed trail extension involves installation of a 10-foot wide concrete 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 wide concrete shoulder and cable guard rail on the east side of 240th Avenue to Vermeer Road.

The City's engineer on this project, Garden & Associates, will handle the bid process and provide construction phase services for the project. It is important to note, the engineer's opinion of probable costs for this project is \$468,950, in addition to \$82,400 in engineering costs.

Critical dates have been identified as:

- | | |
|--------------------|--|
| August 23, 2018 | Bid Letting |
| September 4, 2018 | Public Hearing to Receive Bids and Award of Contract |
| September 14, 2018 | Notice to Proceed |
| June 30, 2019 | Work Completed |

Contract documents are on file in the Public Works office.

ATTACHMENTS: Resolution
REPORT PREPARED BY: Public Works Department
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve resolution

3. Resolution No. 5885 entitled, "RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE CALDWELL PARK IMPROVEMENT PROJECT." Schiebout moved to approve, seconded by Van Stryland. On roll call the vote was: AYES: Schiebout, Van Stryland, Peterson, Branderhorst. NAYS: None. Motion carried.

BACKGROUND: This resolution accepts the public improvements for the Caldwell Park Improvements Project. As background, on August 1, 2017, the City entered into a contract with Hooyer Construction for this project.

As Council is aware, this project consisted of the following improvements:

- Replacement of the existing concrete flooring for the shelter house
- Replacing lighting and electrical upgrades throughout the shelter house
- New plumbing and fixtures, insulation and siding for the restrooms and concessions area
- Replace translucent roof panels, paint roof, repair and repaint purlins, paint columns and trusses
- Demolish existing skate park features and construct new features in the area of the 'Old Swimming Pool' location
- Six new pickle ball courts
- 50' by 120' portable ice skating rink
- Relocation of the flag pole associated sidewalks and landscaping

Listed below is a summary of the contract.

Original Contract	\$ 769,000.00
Change Orders #1-6 & 8	<u>4,949.72</u>
Revised Contract Amount	<u>\$ 773,949.72</u>

Acceptance of Project

The engineer for the project, Klingner & 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

REPORT PREPARED BY: Community Services Department

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve resolution

4. Resolution No. 5886 entitled, "RESOLUTION APPROVING CHANGE ORDER NO. 2 (FINAL QUANTITY ADJUSTMENT), AUTHORIZING FINAL PAYMENT, ACCEPTANCE OF CONTRACT CONSTRUCTION, AND ACCEPTANCE OF FINAL COMPLETION OF THE PROJECT KNOWN AS THE WEST SUBSTATION 69 KV RING BUS PROJECT." Van Stryland moved to approve, seconded by Peterson. On roll call the vote was: AYES: Van Stryland, Peterson, Branderhorst, Schiebout. NAYS: None. Motion carried.

BACKGROUND: This resolution approves Change Order #2 (Final Quantity Adjustment) and accepts the public improvements for the West Substation 69 kV Ring Bus Project. As background, on May 2, 2016, the City entered into a contract with Primoris Aevenia, Inc. for this project. As Council is aware, this project consisted of modifications to Pella's West Substation, converting it from a traditional single bus configuration to a ring bus configuration.

Change Order # 2 (Final Quantity Adjustment) - Decrease of \$3,351.30

This change order decreases the construction contract of Primoris Aevenia, Inc. by \$3,351.30 due to final quantity adjustments.

Listed below is a summary of the contract.

Original Contract	\$ 1,807,151.88
Change Order #1	2,268.16
Change Order #2	<u>(3,351.30)</u>
Revised Contract Amount	<u>\$ 1,806,068.74</u>

Acceptance of Project

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

ATTACHMENTS: Resolution, Change Order #2, Final Documents

REPORT PREPARED BY: Electric Department

REPORT REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDED ACTION: Approve resolution

5. Resolution No. 5887 entitled, "RESOLUTION APPROVING CHANGE ORDER NO. 1 (FINAL QUANTITY ADJUSTMENT) AND ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE W. WASHINGTON STREET AND IA 163 EASTBOUND EXIT RAMP INTERSECTION IMPROVEMENT PROJECT." Schiebout moved to approve, seconded by Branderhorst. On roll call the vote was: AYES: Schiebout, Branderhorst, Van Stryland, Peterson. NAYS: None. Motion carried.

BACKGROUND: This resolution approves change order #1 (final quantity adjustment) and accepts the public improvements for the W. Washington Street and IA 163 Eastbound Exit Ramp Intersection Improvement Project. As background, on September 5, 2017, the City entered into a contract with TK Concrete, Inc. for this project. As Council is aware, this project consisted of installing traffic signals at this intersection along with the following geometric improvements:

- Dedicated left turn lanes on West Washington Street.
- Dedicated right turn lane on IA Highway 163 eastbound off-ramp.
- Traffic signals to include protected/permissive left turn phasing for east and westbound West Washington Street via flashing yellow arrow operation.

Change Order #1 - Decrease of \$6,912.26

This change order decreases the construction contract of TK Concrete by \$6,912.26 due to final quantity adjustments.

Listed below is a summary of the contract.

Original Contract	\$ 550,994.00
Change Order #1 (Final Qty Adjustments)	<u>(6,912.26)</u>
Revised Contract Amount	<u>\$ 544,081.74</u>

Acceptance of Project

The engineer for the project, Snyder & Associates, Inc., is recommending acceptance of the project and believes the project was completed in accordance with the approved plans and specifications. This action also approves the release of retainage of \$27,204.09 after 30 days if no claims have been received.

It is also important to note, once the project is accepted, the City will be requesting the \$200,000 reimbursement from the Iowa Department of Transportation through the Urban-State Traffic Engineering Program (U-STEP) grant.

ATTACHMENTS: Resolution, Engineer's Acceptance Letter, Change Order #1

REPORT PREPARED BY: Public Works Department

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve resolution

6. Resolution No. 5888 entitled, “RESOLUTION APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH SHORT ELLIOTT HENDRICKSON, INC. FOR DEVELOPMENT OF A FACILITY NEEDS ASSESSMENT.” Peterson moved to approve, seconded by Van Stryland. On roll call the vote was: AYES: Peterson, Van Stryland, Schiebout, Branderhorst. NAYS: None. Motion carried.

BACKGROUND: This resolution approves an agreement for professional services with Short Elliott Hendrickson, Inc. (SEH) to develop a facility needs assessment for the City of Pella. As background, the intention of this assessment is to generate a recommendation and plan to address the City’s facility needs through the year 2040. The assessment will include the following key facilities: City Hall, Community Center, Electric Distribution, Public Library, Public Safety Complex (Police, Fire, Ambulance), and Public Works.

Evaluation of Request for Proposal Responses

Five City staff members served on a committee to review and rank all proposals received in response to the facility needs assessment request for proposals (RFP). Additionally, staff interviewed key personnel from the two highest ranked proposals and reviewed prior municipal project work completed. After review, the committee is recommending SEH as they scored highest on a variety of categories including project understanding, knowledge of the scope of work, recent experience with similar municipal projects, qualifications of company and key personnel, project work plan and timeline, and proposal fees.

Short Elliott Hendrickson, Inc.

SEH was founded in 1927 and has 31 locations throughout the Midwest, including a central Iowa team based in Des Moines. Over the years, SEH has led and executed facility condition assessments, space planning, and site selection efforts for a wide range of municipal clients.

Scope of Services and Timeline

Below is an overview of the scope of services included as part of this project.

- Perform building condition assessments including site visits with architectural, mechanical, and electrical disciplines.
- Meet with City staff, applicable boards, focus groups, or key stakeholders for each facility to develop space needs assessments.
- Perform an analysis of the usage of the Community Center, which will include meeting with four key stakeholder groups.
- Develop concept building design layout options, including preliminary estimates of probable costs, for future growth or expansion.
- Prepare a written report outlining the items listed above. Upon completion, the final report and findings will be presented to the City Council. This is anticipated to occur in late November 2018.

Proposed Fees: The lump sum fee for this project is \$44,000 plus actual travel expenses and necessary equipment, which is estimated not-to-exceed \$2,000. Staff believes the proposed fees are reasonable considering the scope of services involved with this project.

In summary, staff is recommending approval of this agreement for professional services with SEH to develop a facility needs assessment for the City of Pella. The written report of the City’s facility needs through the year 2040 will be presented to Council when complete. The presentation to Council is anticipated to occur in late November 2018.

ATTACHMENTS: Resolution, Agreement for Professional Services

REPORT PREPARED BY: 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.” Peterson moved to place ordinance no. 944 on its second reading, seconded by Branderhorst. On roll call the vote was: AYES: Peterson, Branderhorst, Van Stryland, Schiebout. NAYS: None. Motion carried.

BACKGROUND: This proposed ordinance amends the City Code to allow persons under the age of 21 to remain on the premises of a microbrewery until 9:00 p.m. if they are accompanied by a parent or legal guardian who is age 21 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 on the following page 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 (proposed)	Microbrewery, requires special use permit	Yes, if accompanied by parent/legal guardian age 21+	Yes, 9:00 p.m.

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 (21) years of age or older, and only until 9:00 p.m. Persons under twenty-one (21) years of age shall not be allowed to enter or remain upon the licensed premises after 9:00 p.m.

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.

Recommendation

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 until 9:00 p.m. and if they are accompanied by a parent or legal guardian who is 21 years of age or older.

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

I. CLAIMS

1. Abstract of Bills No. 2012. Schiebout moved to approve, seconded by Peterson. On roll call the vote was: AYES: Schiebout, Peterson, Branderhorst, Van Stryland. NAYS: None. Motion carried.

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

One comment was received and addressed.

L. CLOSED SESSION – None

M. ADJOURNMENT

There being no further business claiming their attention, Schiebout moved to adjourn, seconded by Peterson. On roll call the vote was: AYES: Schiebout, Peterson, Branderhorst, Van Stryland. NAYS: None. Motion carried. Meeting adjourned at 7:37 p.m.