



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

October 17, 2023

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 (614 Main Street) at 6:00 p.m., Mayor Don DeWaard presiding. Council members present were: Mark De Jong, Liz Sporrer, Lynn Branderhorst, Calvin Bandstra. Absent: Dr. Spencer Carlstone, Dave Hopkins.

City Administrator Mike Nardini, City Attorney Logan Brundage, and City Clerk Mandy Smith were present.

Ten staff members and forty-four members of the general public attended in person.

One staff member and ten members of the general public attended via conference call.

B. MAYOR'S COMMENTS

1. Approval of Tentative Agenda.

Bandstra moved to approve, seconded by Branderhorst.

On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

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

No comments were received.

D. APPROVAL OF CONSENT AGENDA

Sporrer moved to approve the consent agenda, seconded by Bandstra.

On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for October 3, 2023
2. Report of Committees
 - a. Policy and Planning Minutes for October 3, 2023

PRESENT: Mayor Don DeWaard, Mark De Jong (via phone), Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Dr. Spencer Carlstone, Dave Hopkins

ABSENT: None

OTHERS: City staff and visitors

The Policy and Planning meeting began at 7:19 p.m. The purpose of the meeting was to discuss the long-term facilities plan including the following components:

Community Center Renovation: The estimated cost for the Community Center renovation project totaled \$5.5 million when the long-term facilities plan was discussed in April of 2022. Updated cost estimates are expected to be provided by the project engineer in mid-November. The proposed funding sources for this project include a local option bond, private pledges, and City contributions. The Friends of the Community Center have requested to enter into a partnership agreement with the City to allow them to obtain naming rights for facility components to assist with fundraising. Staff anticipates reviewing the proposed partnership agreement with the City Council once we receive updated project cost estimates from our engineer. Staff informed Council that the Community Center renovation project is anticipated to start in late 2024 and expected to last for approximately one year.

Extension of University Street and Baseline Drive along with Associated Infrastructure: The estimated cost for the extension of University Street and Baseline Drive as well as the associated infrastructure totals \$7.6 million, which includes 10% contingency. Staff mentioned that this extension of University Street has been shown in the Comprehensive Plan since 2007 and could facilitate future growth on the eastern side of our community. Staff is currently in the process of acquiring the necessary right-of-way for this project. If the necessary right-of-way is not secured by the spring of 2024, the project may need to be built in phases. The first phase would include construction of University Street from 250th Avenue west through the Pella Sports Park, the extension of Baseline Drive, 12-inch water main, and sanitary sewer infrastructure. The proposed funding source for this project is a General Obligation Essential Corporate Purpose Bond.

Carlstone asked what direction the water main would be extended from. City Administrator Mike Nardini responded that the water main extension would come from the west. In response to a subsequent question from Carlstone, Nardini stated that the goal is to provide Lely with the same level of fire flows that Vermeer currently has. Buyert informed Council that even without the Indoor Recreation Center project, the eight-inch water main along Pella Christian would need to be replaced to increase fire flows for future growth.

Indoor Recreation Center: The estimated cost for construction of the Indoor Recreation Center totaled \$31 million when the long-term facilities plan was discussed in April of 2022; the current estimated cost is \$42.8 million. Staff recommended utilizing bid alternates for this project, allowing the City to receive construction bids for the full project; however, items listed as alternates would only be constructed if financing is available. The estimated cost of the base bid is \$34.4 million which includes two full-size gymnasiums, a competition swimming pool, an indoor turf field, and all other items previously discussed with Council. This cost includes 10% contingency rather than the typical 3-5%.

The alternate bid items total \$8.4 million and include an indoor recreation pool, two gymnasiums, and south and NE parking lots. If the indoor recreation pool alternate bid was awarded, the turf field in the base bid would not be built. The decision to list the indoor recreation pool as an alternate may involve an engineering change order due to the extra design to include a turf field in the base bid.

During the meeting, Council reviewed the following estimated revenues and project costs:

Funding Sources	
Local Option Sales Tax Bond	\$15,700,000
General Obligation Bond	7,600,000
Private Pledges	15,200,000
City Cash Contributions	<u>5,000,000</u>
Total Funding Sources	\$43,500,000
Estimated Costs	
Indoor Recreation Center Base Bid	\$34,800,000
Community Center Renovation	5,500,000
University Street Extension	<u>7,600,000</u>
Total Estimated Cost	<u>\$47,900,000</u>
Current Funding Deficit	<u>\$(4,400,000)</u>

When considering the current funding deficit of \$4.4 million, staff mentioned that the estimated costs contain \$4.5 million in contingency funds. This is approximately 9% of the overall project costs, which is greater than the typical 3-5%. Secondly, fundraising efforts are still ongoing, and it is possible that projected revenue sources will be greater in the spring of 2024 than the current \$43.5 million.

Mayor DeWaard provided a brief history of how the long-term facilities plan was formed, further stating that the City will not build more than we can afford. DeWaard pointed out that if Marion County would contribute the \$10 million that was asked of them, the funding would be sufficient to proceed with the Indoor Recreation Center. DeWaard presented a chart showing that while Pella generated \$3,239,266 of Local Option Sales and Services Tax (LOSST) during the last fiscal year, under the state formula Pella only received 44%, or \$1,435,222. An agreement is currently in place through the end of 2023 which redistributes an additional 8% of LOSST from Marion County to Pella. DeWaard stated that in his opinion, the redistribution is unfair because Marion County benefits from the companies that invest locally in Pella. DeWaard explained that the County has contributed/pledged \$11 million to Knoxville and \$2.5 million to Pleasantville for separate projects. DeWaard showed calculations that compared the three cities to determine that, based on population, Pella should receive \$11 million from the County or based on valuations, Pella should receive \$15 million from the County, to ensure fairness with the previously referenced contributions to Knoxville and Pleasantville. DeWaard concluded by stating that the goal of tonight's meeting is to provide direction regarding proceeding with getting the Indoor Recreation Center to the bidding phase of the project.

Hopkins expressed support for proceeding with the next steps of the long-term facilities plan as presented during the meeting. Hopkins further stated he is surprised Marion County hasn't stepped up to the plate when Pella is benefiting the entire county.

Bandstra stated he agrees with Hopkins, especially regarding the University Street extension for the benefit of future development as well as to assist with traffic congestion at the Pella Sports Park.

Branderhorst expressed her support for the Community Center renovation project. Furthermore, Branderhorst said that her only angst against the extension of University Street is securing the land. Regarding the Indoor Recreation Center project, Branderhorst stated that until we have engineering plans and hard costs, the discussion is all speculative.

Sporrer expressed her support of the long-term facilities plan, stating that all three projects discussed are important to the community. Carlstone pointed out that we should pool resources to share with each other, regardless of how we personally may or may not benefit from the projects. Carlstone stated that he feels the specific projects discussed during the meeting are very straightforward and that he is in support of them all.

De Jong expressed his support of proceeding with the long-term facilities plan projects as presented.

At the end of the discussion, staff was directed to proceed with the construction document/bid engineering phase of the Indoor Recreation Center; the estimated engineering fees for this phase total \$1.2 million. DeWaard commented that other than these engineering costs, Council is not committing additional funds for any other portion of the project at this time. DeWaard closed by stating that the City will continue to try to partner with other governmental entities to raise the additional funds needed for the long-term facilities plan projects. The meeting adjourned at 8:23 p.m.

Respectfully submitted:

Mandy Smith
City Clerk

b. Planning and Zoning Commission Minutes for August 28, 2023

Chairperson Teri Vos called the Planning and Zoning Commission to order at 6:00 p.m. in the Public Safety Complex. Members present were: Sarah Buchheit, Joe Canfield, Julio Chiarella, Cathy Haustein (via telephone), Tom Johnson, Marc Vande Noord, and Teri Vos; absent: Bob Smith. Staff present: City Administrator Mike Nardini, City Attorney Emily Duffy, Planning and Zoning Director Gerald Buydos, Zoning Analyst Jared Parker, and the Deputy City Clerk. Four members of the public attended the meeting.

APPROVAL OF TENTATIVE AGENDA: Motion by Johnson, second by Canfield to approve the tentative agenda. Motion carried 7-0.

APPROVAL OF MINUTES: Motion by Vande Noord, second by Buchheit to approve the minutes of the July 24, 2023 meeting. Motion carried 7-0.

PUBLIC HEARINGS: Consider a Rezoning Application, Submitted by ATI Group, to Change the Zoning of a Portion of Parcel 1236400100, Located Along Eagle Lane, from Community Commercial (CC) to Limited/Light Industrial (M1)

ATI Group submitted a rezoning application for property located along Eagle Lane to change the zoning from Community Commercial (CC) to Limited/Light Industrial (M1). The subject property is located near the southwest corner of East Oskaloosa Street and Eagle.

City Code section 165.04 notes that the City "intends [the] Zoning Ordinance and any amendments to it shall be consistent with the City's Comprehensive Plan." The Comprehensive Plan's Future Land Use Map identifies the subject site as Light Industrial, Commercial/Mixed Use, Parks and Recreation, and High Density Residential. Surrounding the property on the Future Land Use Map includes a combination of Agricultural, General Industrial, Light Industrial, and School/Central.

Table 1.5 of the Comprehensive Plan, the Land Use Compatibility Matrix, assigns compatibility scores to different land use pairs. The matrix scores range from 1 (incompatible) to 5 (completely compatible). Any potential conflicts which can be resolved through project design, landscaping, buffering, and screening, can be addressed through the building permit process.

It should also be noted that staff believes the proposed rezoning aligns with a key strategic priority of the Comprehensive Plan, which is increasing industrial acres. Staff believes the proposed rezoning aligns with aspects of the City's Comprehensive Plan

As a result, staff recommended approval of the rezoning request with the following condition: a final map shall be approved by City Council within 12 months.

Convened Public Hearing on the proposed rezoning. No written comments were received.

Haustein asked whether Pella Christian Schools would have been notified about the proposed rezoning, as Pella Christian High School is located nearby. Staff replied that all property owners within 300 feet were sent a letter, a notice of the public hearing was placed on the site, and the notice was published in the Marion County Express.

Vos asked Planning and Zoning Director Gerald Buydos whether it is common in other communities to require a rezoning petition or to leave it voluntary, like the City of Pella. Buydos replied that the requirements vary from community to community.

Motion by Johnson, second by Canfield to close the public hearing as no further comments were received. Motion carried 7-0.

Motion by Vande Noord, second by Johnson to approve the rezoning request with the condition that a final map shall be approved by the City Council within 12 months. Motion carried 7-0.

NEW BUSINESS PROPOSED

Consider a Preliminary Plat, Submitted by ATI Group, for the Corridor Business Park, Located on the Southwest Corner of East Oskaloosa Street and Eagle Lane

ATI Group submitted a preliminary plat to create three parcels and one outlot along East Oskaloosa Street, Eagle Lane, and Roosevelt Road. The 39.02-acre site is currently zoned Community Commercial (CC) and Limited/Light Industrial (M1). All parcels are currently vacant.

Chapter 170.06.2 tasks the Planning and Zoning Commission to review the proposed preliminary plat for conformance with the City's Comprehensive Plan. The Comprehensive Plan's Future Land Use Map identifies this site as Commercial/Mixed Use, Light Industrial, Parks and Recreation, and High Density Residential. The existing use complies with these designations and the Comprehensive Plan.

The proposed preliminary plat satisfies pertinent City Code and is consistent with the Comprehensive Plan; however, the zoning will need to be amended to prevent the property from having two zoning districts. As a result, staff recommended approval of the rezoning request with the following condition: a zone change shall be approved by the City Council within 12 months.

Motion by Johnson, second by Vande Noord to approve the preliminary plat with the condition that a zone change shall be approved by the City Council within 12 months. Motion carried 7-0.

OTHER BUSINESS / WORK SESSION

Work Session to Discuss a Proposed Ordinance Amendment for the Purpose of Revising the Definition of an Adult Cabaret

The purpose of this work session was to discuss updating the definition of "Adult Cabaret" in Section 165.24.1(A)(2)(e) of the Pella Zoning Code. The City Attorney recommended that the City of Pella update the definition within the Adult Entertainment section of the Zoning Code to clarify the meaning of "Adult Cabaret."

The current definition of "Adult Cabaret" in Zoning Code Section 165.24.1(A)(2)(e) provides:

e. "Adult cabaret" means a cabaret which features go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.

The proposed definition would state:

e. "Adult cabaret" means any commercial establishment that as a substantial or significant portion of its business provides any of the following: 1. Persons who appear nude; or 2. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of "specified anatomical areas" or the performance or simulation of "specified sexual activities."

It is important to note that this recommendation is intended to rectify concerns about the constitutionality of the current definition.

Specifically, the concern is that the current language identifies certain individuals rather than specific prohibited conduct. Furthermore, this drafted ordinance simply updates the zoning definition and does not modify the allowable zoning districts for the definition.

In summary, staff was looking for discussion from the Planning and Zoning Commission about modifying the definition for "Adult Cabaret" in the Zoning Code. This item will be placed on the agenda as a public hearing for the September 25, 2023 Commission meeting for formal consideration. City Attorney Emily Duffy was present to answer questions from the Commission. Chiarella said he thinks the current "Adult Cabaret" definition is already well-defined.

Work Session to Discuss Updates to the Comprehensive Plan, Zoning Code, and Subdivision Code

At the June 26, 2023 meeting, the Planning and Zoning Commission held a work session to review the general outline of the process they will be going through with updates to the Comprehensive Plan, Zoning Code and Subdivision Ordinance. While staff did not have further updates on this item, this was an opportunity for the Commission to have further discussion if they so desired. The Commission had no further discussion on this item.

Next Meeting Date: The next regular Planning and Zoning Commission meeting is scheduled for September 25, 2023.

Adjourned at 6:23 p.m.

3. Petitions and Communications

a. Renewal of Class E Retail Alcohol License and Approval to Enroll in the Automatic Renewal Program for Hy-Vee Wine & Spirits

BACKGROUND: Hy-Vee, Inc., DBA Hy-Vee Wine & Spirits located at 512 E Oskaloosa Street, has applied for renewal of their class E retail alcohol license. The term of the new license is 12 months and, if approved, would expire on December 12, 2024.

Additionally, the applicant is requesting to enroll in the automatic renewal program. As background, pursuant to Iowa Code sections 123.35(2), 123.35(3), and 123.35(4), the Iowa Alcoholic Beverages Division (ABD) began offering an automatic renewal program to class E retail alcohol license holders effective January 1, 2023. Class E retail alcohol licenses are most typically held by grocery, liquor, and convenience stores and allow for the sale of alcoholic liquor for off-premises consumption in original unopened containers. If an applicant chooses to enroll in this program, they can automatically renew their license annually without local authority approval. It is important to note that there are a variety of situations in which applicants would be unenrolled from the automatic renewal program including a suspended/revoked license, civil penalty, pending administrative proceeding, and if the local authority notifies the ABD that the automatic renewal should not occur as further review of the business or premises is warranted.

The application has been completed online with the state, and staff is recommending approval of both the renewal and enrollment in the automatic renewal program.

ATTACHMENTS: None

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Approve renewal of the alcohol license and enrollment in the automatic renewal program

b. Special Event Permit Request for First Responders Trunk or Treat

BACKGROUND: The City of Pella Ambulance Department is requesting a special event permit to host a First Responders Trunk or Treat on Tuesday, October 31, 2023, from 6:00 to 8:00 p.m. If approved, ambulance, fire, and police vehicles will face Main Street during the previously designated community Trick or Treat time. Additionally, public safety team members will dress up in costumes to hand out candy to participants. The event is requested to be held in the parking lot of the Pella Ambulance and Pella Fire Departments, at 604 Main Street. All pertinent city departments have reviewed this application and comments are attached. Staff recommends approval of this special event permit.

ATTACHMENTS: Application, Department Comments

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Approve special event permit

c. Special Event Permit Request for Holiday Season in Pella

i. Resolution No. 6624 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS HOLIDAY SEASON IN PELLA"

BACKGROUND: The Pella Area Community and Economic (PACE) Alliance has requested a special event permit for the 2023 Holiday Season on nine dates between November 20, 2023 and December 22, 2023. The purpose of these events is to enhance the experience for residents and visitors during the holiday season. This event application involves a variety of activities including an official tree lighting ceremony on November 20th as well as horse-drawn carriage rides, Santa visits at the Information Windmill, free hot cocoa bars, and roaming street entertainers on various dates. The full list of events is included as a memo attachment.

A resolution is included with this request to close eight parking spaces on Franklin Street near the Information Windmill to load/unload carriage ride passengers. The carriage ride route is outlined on the attached map. Additionally, this resolution closes four parking spaces on Franklin Street near the Tulip Toren on November 20th for the official tree lighting ceremony.

All pertinent city departments have reviewed this application and comments are attached. The fee and insurance certificate have been received. Staff is recommending approval of this special event permit and resolution.

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

d. Renewal of Special Class C Retail Alcohol License for George's Pizza Steakhouse

BACKGROUND: George's Inc., DBA George's Pizza Steakhouse at 626 Franklin Street, has applied for renewal of their special class C retail alcohol license with outdoor service. The term of the new license is 12 months and, if approved, would expire on November 30, 2024. The application has been completed online with the state. Staff is recommending approval.

ATTACHMENTS: None
REPORT PREPARED BY: City Clerk
REVIEWED BY: City Administrator
RECOMMENDATION: Approve liquor license renewal

E. PUBLIC HEARINGS

1a. Public Hearing regarding a proposed amendment to Section 165.24 of the Zoning Code to revise the definition of an "Adult Cabaret."

No written comments were received. Three oral comments were received.

Branderhorst moved to close the public hearing, seconded by De Jong.

On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

BACKGROUND: This ordinance updates the definition of "Adult Cabaret" in Section 165.24.1(A)(2)(e) of the Pella Zoning Code. As background, the City Attorney has recommended that the City of Pella update the definition within the Adult Entertainment section of the Zoning Code to clarify the meaning of "Adult Cabaret." The current definition of "Adult Cabaret" in Zoning Code Section 165.24.1(A)(2)(e) provides:

e. "Adult cabaret" means a cabaret which features go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers. The proposed definition would state:

e. "Adult cabaret" means any commercial establishment that as a substantial or significant portion of its business provides any of the following:

1. Persons who appear nude; or
2. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of "specified anatomical areas" or the performance or simulation of "specified sexual activities."

It is important to note that this recommendation is intended to rectify concerns about the constitutionality of the current definition. Specifically, the concern is that the current language identifies certain individuals rather than specific prohibited conduct. Furthermore, this ordinance simply updates the zoning definition and does not modify the allowable zoning districts for the definition.

In summary, the City Attorney is recommending approval of the attached ordinance which updates the definition of "Adult Cabaret". The Planning and Zoning Commission unanimously approved this ordinance during their meeting on September 25th.

ATTACHMENTS: Ordinance
REPORT PREPARED BY: Planning and Zoning Director
REVIEWED BY: City Administrator, City Attorney, City Clerk
RECOMMENDATION: Approve ordinance

1b. Ordinance No. 1033 entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY AMENDING SEC. 165.24, FOR THE PURPOSE OF REVISING THE DEFINITION OF AN ADULT CABARET."

De Jong moved to place ordinance no. 1033 on its first reading, seconded by Sporrer.

On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

F. PETITIONS & COMMUNICATIONS

1a. Special Event Permit Request for Public Safety Training Exercise.

Branderhorst moved to approve, seconded by Sporrer.

On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

BACKGROUND: The Pella Police Department has requested a special event permit to hold a public safety training exercise on Thursday, October 19, 2023, from 4:00 to 8:00 p.m. If approved, set-up would begin at 3:00 p.m. with take down completed by 9:00 p.m. The purpose of this event is to partner with area public safety entities including the Fire Department, Ambulance Department, Marion County Sheriff's Department, and Marion County Emergency Management, to conduct a large-scale training exercise. During the event, approx. 40 civilian volunteers will act as role players. The exercise will consist of personnel, vehicles, and equipment being placed near the intersection of East 1st and Franklin Streets. To enhance public awareness that this is only a training exercise, not a real public safety event, signs will be posted near the event and social media and radio notifications will be distributed widely.

A resolution is included with this request to close the following streets during the event:

- East 1st Street from Franklin Street extending south to the alley
- Franklin Street from East 1st to East 2nd

The intersection of East 1st/Franklin will be partially open to allow traffic to go north and west and to allow vehicles parked in the street closure areas to exit. All intersections and closures will be monitored by public safety personnel. The road closures are depicted on the attached map. All pertinent city departments have reviewed this application and comments are attached. Staff is recommending approval of this special event permit and resolution.

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

1b. Resolution No. 6625 entitled, “RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS PUBLIC SAFETY TRAINING EXERCISE.”

Branderhorst moved to approve, seconded by Sporrer.
On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

2a. Special Event Permit Request for Holidays in Pella including Tour of Homes and Kerstmarkt.

Branderhorst moved to approve, seconded by Sporrer.
On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

BACKGROUND: The Pella Convention and Visitors Bureau (CVB) has requested a special event permit to host Holidays in Pella which includes the 3rd annual Kerstmarkt and the 60th annual Tour of Homes. These events are scheduled for Thursday, November 30, 2023, through Saturday, December 2, 2023. Set-up is requested to begin on Monday, November 20th with take down complete by Wednesday, December 6th. The Kerstmarkt Dutch Christmas Market features merchandise and food vendors selling their products from huts, tents, and mobile carts located on the Molengracht and Klokkenspel Plazas. In addition, tents will be set up on East 1st Street for performances, kid’s crafts, and social areas to enjoy foods, beverages, and warmth. A resolution is included with this request to close East 1st Street, from the alley north of the Molengracht extending south to Liberty Street, as shown on the attached map. This closure is requested to occur from Wednesday, November 29th at 3:00 p.m. through Saturday, December 2nd at 10:00 p.m.

Finally, it is important to note that the promoter has asked Liberty Street Kitchen (LSK) to offer alcoholic beverages for sale and consumption in the entire event area. For this to occur, LSK must receive separate approval from the City Council to temporarily extend the outdoor service area of their alcohol license (included as agenda item F-3).

The Tour of Homes is proposed to be held on Thursday, November 30th through Saturday, December 2nd.

Home locations on tour this year include: 700 Main Street #305 (Angie Vershurre), 1321 Broadway Street (Kayla Stehlik), 201 Utrecht Laan (Ryan and Laura Meixner), 608 Lincoln Street (Tuttle Cabin and Sunken Gardens).

Directional signage is included with this request, as shown in the attached application, for the purpose of identifying the tour locations.

In summary, all pertinent city departments have reviewed this application and comments are attached. The fee and insurance certificate have been received. Staff is recommending conditional approval of this special event permit and resolution pending Council approval of a temporary outdoor service extension on LSK’s alcohol license during this event (agenda item F-3).

ATTACHMENTS: Resolution, Application, Map, Department Comments
 REPORT PREPARED BY: City Clerk
 REVIEWED BY: City Administrator
 RECOMMENDATION: Conditional approval of special event permit and resolution approval of temporary outdoor service extension on LSK’s alcohol license

2b. Resolution No. 6626 entitled, “RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS HOLIDAYS IN PELLA.”

Branderhorst moved to approve, seconded by Sporrer.
On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

3. Temporary Outdoor Service Extension on Class C Retail Alcohol License for Liberty Street Kitchen.

Sporrer moved to approve, seconded by De Jong.
On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

BACKGROUND: Liberty Street Kitchen (LSK), located at 705 E 1st Street, has applied for a temporary outdoor service extension on their class C retail alcohol license from November 30, 2023, through December 2, 2023. As background, the Pella Convention and Visitors Bureau has asked LSK to sell alcoholic beverages during the Holidays in Pella special event on the Molengracht Plaza. In order to serve alcoholic beverages during this event, the establishment must obtain this temporary extension of their outdoor service area, as shown on the attached map. The outdoor service area is proposed to be enclosed with a temporary fence, meeting state requirements.

The application has been completed online with the state. Staff is recommending approval.

ATTACHMENTS: Special Event Map
 REPORT PREPARED BY: City Clerk
 REVIEWED BY: City Administrator
 RECOMMENDATION: Approve temporary outdoor service extension

G. RESOLUTIONS

1. Resolution No. 6627 entitled, “RESOLUTION APPROVING CHANGE ORDER NO. 1 (FINAL QUANTITY ADJUSTMENT AND MISCELLANEOUS ITEMS) AND ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE MONROE STREET IMPROVEMENTS PROJECT.”

De Jong moved to approve, seconded by Branderhorst.
On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

BACKGROUND: This resolution approves change order no. 1 (final quantity adjustment and miscellaneous items) and accepts the public improvements for the Monroe Street Improvements project. As background, Council approved a contract for this project with Blommers

Construction on March 7, 2023. This project included reconstruction from a rural section gravel road with ditches to a 25' wide, 7" thick concrete curb and gutter street with new storm sewer and intakes.

If approved, change order no. 1 decreases the contract by \$122.67 which includes the following:

Final quantity adjustments \$(5,284.50)
Additional work items \$5,161.83

If approved, below is an updated contract summary:

Original contract \$174,854.00
Change order no. 1 (122.67)
Final contract amount \$174,731.33

The project engineer, Garden & Associates, is recommending acceptance of the project and believes the project was completed in accordance with the approved plans and specifications. Staff is in agreement with the engineer's opinion; therefore, staff is recommending approval of this resolution approving change order no. 1 and accepting the public improvements constructed by Blommers Construction. If approved, the retainage amount of \$8,736.57 will be held for 30 days.

ATTACHMENTS: Resolution, Engineer's Acceptance Letter, Change Order No. 1
REPORT PREPARED BY: Public Works Department
REPORT REVIEWED BY: City Administrator, City Clerk
RECOMMENDED ACTION: Approve resolution

- 2. Resolution No. 6628 entitled, "RESOLUTION APPROVING CHANGE ORDERS NO. 1 and NO. 2 WITH KLINGNER AND ASSOCIATES FOR THE BOS LANDEN CONFERENCE CENTER RENOVATION PROJECT." Bandstra moved to approve, seconded by Sporrer.

On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

BACKGROUND: These resolutions approve engineering and construction change orders associated with the Bos Landen Conference Center Renovation project. As background, this facility sustained water damage due to a frozen water pipe in early 2020. The city's insurance policy included replacement cost coverage which covers all costs to restore the facility to its original condition and to bring the facility up to code, up to \$1,010,000. The city's financial share of the original contract totaled \$65,700.

Resolution No. 6628: Engineering Change Orders:

This resolution increases the engineering contract with Klingner by \$8,464.00 for the following items:

CO #1: elevator engineering \$7,000.00
CO #2: administration of construction change orders \$1,464.00

Resolution No. 6629: Construction Change Orders:

This resolution increases the construction contract with Hooyer by \$79,357.75 for the following items:

CO #1: door upgrades for ADA compliance \$16,272.80
CO #2: bring exhaust/vent systems up to code \$16,285.50
CO #4: relocate gas/water lines for elevator install \$2,909.45
CO #5: fire alarm required for elevator operation \$14,379.75
CO #6: fire alarm for remaining portion of the building \$29,510.25

Insurance Coverage: EMC, the city's insurance carrier, has approved coverage of engineering change order 1 and construction change orders 1, 2, and 5 as part of the initial claim related to the water damage; these change orders total \$53,938.05.

During the renovation process, the facility's fire alarm system was determined to be non-functional and not related to the water damage incident. As a result, engineering change order 2 and construction change order 4 and 6 are not covered by insurance; these change orders total \$33,883.70. It is important to note that this project has been delayed for several months while staff worked with EMC to clarify potential insurance coverage of these change order items. Additional time is also needed to complete the alarm system drawings. As a result, this resolution extends the final completion date to December 15, 2023.

Summary: If approved, the updated construction and engineering contract summaries are as follows:

Original Engineering Contract \$40,000.00 Original Construction Contract \$1,070,700.00
CO #1, 2 8,464.00 CO #1, 2, 4, 5, 6 79,357.75
Revised Engineering Contract \$48,464.00 Revised Construction Contract 1,150,057.75

Staff is recommending approval of these resolutions approving change orders 1 and 2 with Klingner and change orders 1, 2, 4, 5, and 6 with Hooyer Construction. It is important to note that the City's insurance policy has approved \$53,938.05 of these change orders due to the initial water damage claim. The City is responsible for \$33,883.70 of these change orders for items unrelated to the initial insurance claim.

ATTACHMENTS: Resolution No. 6628, Engineering Change Orders 1 and 2, Resolution No. 6629, Construction Change Orders 1, 2, 4, 5, 6, Engineer's Letter of Recommendation

REPORT PREPARED BY: Community Services Department
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve resolutions

- 3. Resolution No. 6629 entitled, "RESOLUTION APPROVING CHANGE ORDERS NO. 1, 2, 4, 5, 6 WITH HOOYER CONSTRUCTION FOR THE BOS LANDEN CONFERENCE CENTER RENOVATION PROJECT." Branderhorst moved to approve, seconded by Sporrer.

On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

H. CLAIMS

- 1. Abstract of Bills No. 2137.

Branderhorst moved to approve, seconded by De Jong.

On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

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

Three comments were received.

I. POLICY AND PLANNING

From 6:48 p.m. to 7:04 p.m., Council adjourned to the Policy and Planning meeting to hold a discussion regarding the Pella Municipal Airport Layout Plan, with no formal Council action taken.

Council adjourned for a brief recess from 7:05 p.m. to 7:08 p.m.

K. EXEMPT SESSION

1. At 7:09 p.m., Branderhorst moved to enter into exempt session pursuant to Iowa Code Chapter 21.9 to discuss employment conditions of employees not covered by collective bargaining agreements, seconded by Sporrer.

On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

Council reconvened to open session at 7:32 p.m.

No action was taken regarding this exempt session.

L. ADJOURNMENT

There being no further business claiming their attention, Bandstra moved to adjourn, seconded by Sporrer.

On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

Meeting adjourned at 7:33 p.m.