



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

September 1, 2020

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 7:00 p.m., Mayor Don DeWaard presiding. Council members present were: Mark De Jong, Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Bruce Schiebout, Dave Hopkins. Absent: None.

City Administrator Mike Nardini and City Clerk Mandy Smith were present.

Three staff members and fifteen members of the general public signed the register.

Due to heightened public health risks associated with the COVID-19 pandemic, accommodations were made to broadcast this meeting via conference call. Two staff members and seven members of the general public attended the conference call.

B. MAYOR'S COMMENTS

1. Announce Policy and Planning meeting following the regular Council meeting to discuss:
 - a. Big Rock Park – Old Growth Forest Network and Environmental Assessment
2. Approval of Tentative Agenda.
Branderhorst moved to approve, seconded by Hopkins.
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.
3. Announce exempt session pursuant to Iowa Code Chapter 21.9 to discuss employment conditions of employees not covered by collective bargaining agreements.

***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 Sporrer.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for August 18, 2020
2. Report of Committees
 - a. Policy and Planning Minutes for August 18, 2020

PRESENT: Mayor Don DeWaard, Mark De Jong, Liz Sporrer, Calvin Bandstra, Bruce Schiebout, Dave Hopkins

ABSENT: Lynn Branderhorst

OTHERS: City staff and visitors

The Policy and Planning meeting began at 7:57 p.m. The purpose of the meeting was to discuss upgrade and alignment alternatives for the proposed 218th Avenue improvement project. This project involves hard surfacing 218th Avenue from just south of Shady Brook Lane to Neil Drive. As background, the prior year's budget had included \$463,000 for a 24' wide asphalt overlay. Earlier this spring, Council expressed a desire to modify this project scope to upgrade the road segment to a 31-foot concrete street including a "T" intersection at Neil Drive and a sidewalk. Jack Pope with Garden and Associates, the project engineer, estimates this option would cost approximately \$1,239,415 if the sidewalk extended parallel to the street or \$1,252,115 if the sidewalk was constructed through the City's soccer complex. Council expressed concerns with constructing the sidewalk through the City's soccer complex due to the uncontrolled intersection of Shady Brook Lane/218th Avenue. In addition, several Council members preferred locating the sidewalk parallel to 218th Avenue for ease of access for homeowners on Neil Drive.

At the end of the discussion, staff was directed to proceed with a 31-foot concrete street including a "T" intersection at Neil Drive and a sidewalk located parallel to 218th Avenue. The sidewalk will begin at the entrance to Shady Brook, extend north to Neil Drive, then west to Idaho Drive. During the design process, Garden and Associates will make a recommendation regarding what side of Neil Drive the sidewalk should be located on. Construction of this project will occur in the spring of 2021; the project will be funded through a bond issue which will be considered by Council this fall.

The meeting adjourned at 8:37 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

b. **Community Development Committee Minutes for July 8, 2020**

Chairperson Brummel called the Community Development Committee (CDC) to order in the Public Safety Complex at 5:30 p.m. Members present were: Jerry Brummel, Susan Canfield (via phone), Patsy Cody, Linda Groenendyk (via phone), Mike Kiser, Lowell Olivier-Shaw (via phone), Wayne Stienstra, Caryn Van Hemert, and Bob Zylstra; absent: Jody Lautenbach. Staff present: City Administrator Mike Nardini, Planning and Zoning Director Matthew Lepke, and Deputy City Clerk Cynthia Vaske. Due to heightened public health risks associated with the COVID-19 pandemic, accommodations were made to broadcast this meeting via conference call. Two members of the general public attended the conference call and ten members of the public attended the meeting in person.

APPROVAL OF TENTATIVE AGENDA

Motion by Zylstra, second by Cody to approve the tentative agenda. Motion carried 9-0.

APPROVAL OF MINUTES

Motion by Cody, second by Van Hemert to approve the minutes from the June 10, 2020 meeting. Motion carried 9-0.

NEW BUSINESS

Consider a Design Permit Application to Alter the Front Exterior Façade of the Existing Structure, and an Accessory Structure, Located at 600 Main Street

Melanie Wilborn (applicant) and Dennis Fynaardt (owner) have submitted a design permit application to alter the existing building located at 600 Main Street. The applicant proposes painting parts of the building's front façade, which are currently white. The central part of the building's front façade is brick; it would not be painted. The walls to either side are the portions proposed for painting.

The applicant proposes Sherwin-Williams' Gray Matters, which appears to match multiple gray colors on the Pella palette, including Benjamin Moore's Edgcomb Gray and Sherwin-Williams' Roycroft Mist Gray. Staff recommends approval of the design permit application.

Cody stated that since the applicant did not get approval for her design permit prior to making changes to the building, it makes it difficult for the CDC to ask other applicants to follow the required process for design permit approval. City Administrator Mike Nardini explained that a letter was sent to the applicant informing her that if a design application was not submitted for CDC consideration, she would be subject to a municipal infraction. He clarified that the CDC's role is to approve the application on the merits of the design permit and not whether the application process is followed correctly.

In response to a question from Stienstra, Planning and Zoning Director Matthew Lepke explained that changes to the fence on the property would require a fence permit, but a design permit for the fence would not be required. Nardini said staff will look into whether the City has received a fence permit application for this address.

Zylstra said the issue is not the work that is being done to this property, it is the fact that the applicant has knowingly disregarded the design permit process. Brummel said the applicant has now proceeded multiple times to make changes to her property without design permit approval.

Motion by Cody, second by Groenendyk to approve the design permit as submitted. On roll call the vote was: ayes: Cody, Groenendyk, Canfield, Olivier-Shaw, and Van Hemert; nays: Brummel, Kiser, Stienstra, and Zylstra. Motion failed 5-4. Staff confirmed that the CDC's Procedural Rules states "the concurring vote of the majority of the entire membership of the Committee shall be necessary to decide on any matter upon which it is required to pass under the Zoning Ordinance." Following the meeting, in consultation with the City Attorney, it was determined that the design permit application's denial was invalid due to the fact that no objection was stated to the color the building and shed was painted. Therefore, the design permit was ultimately approved.

Consider a Design Permit Application to Alter the South and East Facades of the Existing Structure Located at 701 Main Street
Vineyard Investors, LLC, (owner) has submitted a design permit application to alter the existing building located at 701 Main Street. The applicant proposes replacement of all 27 windows and four entry doorways (including trim) would be replaced and/or painted to match the window trim. All trim, gutters, and downspouts would match the windows' Impervia black color. Note that the roofline, parapet, and gable will remain.

Note the following statement from the applicant: "The transoms and moldings of the windows and doors, as well as the windows on the second floor of the south side will remain the same. The only changes are replacing windows in its original openings and matching the existing details of the building to match the black Pella Impervia windows. [The only change] to the sizing of the original window openings is to lower four windows on the first level on the south east corner of the building." The applicant proposes Pella Impervia windows with a PR0089 (Black) coating and has provided a sample of the window trim. Other trim, gutters, and downspouts would be painted to match the windows' color. Staff recommends approval of the design permit application.

Mike and Ciara Buchheit, the applicants, were present to speak in favor of the design permit application and to answer questions from the Committee. A sample window was shown to the Committee.

Motion by Zylstra, second by Van Hemert to approve the design permit as submitted. Motion carried 9-0.

Consider a Design Permit Application to Alter the Front Façade of the Existing Structure Located at 812 Main Street

Melissa Franje (applicant) has submitted a design permit application to alter the existing building located at 701 Main Street. The applicant proposes these front façade improvements: adding lattices to the windows, adding an awning, painting the window trim, and painting the front door. The applicant proposes two Sherwin-Williams paint colors, Honorable Blue (SW 6811) for the front door and awning, and Extra White (SW 7006) for the trim. Neither is on the Pella palette. However, depending on the awning chosen, the blue color may match a Pella palette color. Staff recommends approval of the design permit application with revision to match blues in the Pella palette.

Melissa Franje was present to speak in favor of the design permit and answer questions from the Committee. She explained that the old bookshop sign on the front of the property will remain under the awning and be visible to those underneath the awning looking up.

Zylstra suggested that the applicant choose the awning color she prefers and then match the paint color to that of the awning.

Motion by Cody, second by Stienstra to approve the design permit on the condition that the blue paint color matches the blue color of the awning. Motion carried 9-0.

Consider a Design Permit Application to Alter the Eastern Façade of the Existing Structure Located at 713 E. First Street

Brittany Dieleman (applicant), on behalf of Jana Vink (owner), has submitted a design permit application to alter the existing building located at 713 E. First Street. The applicant proposes façade improvements to the east side of the building: adding faux windows, an awning, a new entrance with windows and a recessed doorway, exterior lighting, painting the window trim, and painting the front door.

Window flower boxes and faux windows are proposed with this remodeling, which would replace at least one of the former window openings that has been covered. The owner is seeking permission from another owner (the building is cordoned into multiple suites) to improve more of the eastern façade, which would improve all of the wall area where mismatched brick was used to fill former window openings. The only alterations are to the building's east façade. While the existing wall is brick, it does not match in multiple places where previous window openings were filled in or boarded up and painted, and the proposed façade work would be a pronounced improvement on a building that faces the Historical Village.

The applicant proposes four Sherwin-Williams paint colors: Classic White Buff (SW 0050), Copen Blue (SW 0068), Rookwood Shutter Green (SW 2809), and Needlepoint Navy (SW 0032). Benjamin Moore Lancaster White (HC 174) is also proposed. The colors are all in the Pella palette. The awning will be painted aluminum. Staff recommends approval of the design permit application.

Brittany Dieleman was present to speak in favor of the design permit and to answer questions from the Committee. Motion by Zylstra, second by Cody to approve the design permit with the understanding that the proposed improvements to the area of the eastern façade where mismatched brick was used to fill former window openings are made with permission granted by that property owner. On roll call the vote was: ayes: Zylstra, Cody, Brummel, Canfield, Groenendyk, Kiser, Olivier-Shaw, and Stienstra; abstain: Van Hemert. Motion carried 8-0.

Zylstra asked about the possibility of planters being placed in the City's right-of-way. Lepke explained that the Public Works Department would have to review that request.

Consider a Sign Permit Application for Grāz, Located at 408 Oskaloosa Street

The Well Resource Center (applicant) and PCD Property Management (owner) have submitted a sign permit application for the Grāz building located at 408 Oskaloosa Street, formerly the Dairy Queen. The sign package was not approved by the CDC Sign Subcommittee. The only alterations in this application are to add signage to the property. The applicant has cited an example of signage in the central business district, using rounded corners, a design element that also appears in the Design Manual sign guidelines. In keeping with the food theme, the applicant proposes wooden signs with black lettering for the building, and a black sign for the drive-through menu board. The Pella palette contains many colors of similar hues to wood. The wooden signs are very similar to the Brown's Shoe Fit sign on the square (which does not have any design element on the sign's corners), and the proposed rounded sign corners are an appropriate design element outlined in the Design Manual. Staff recommends approval of the sign permit application.

Brummel said there was limited Dutch design in the building itself, so one member of the Sign Subcommittee was hoping to see more design elements in the signage. Zylstra said the proposed sign suits the building. Cody acknowledged that the applicant rounded the corners of the sign, which was a compromise.

Motion by Van Hemert, second by Kiser to approve the sign permit as submitted. Motion carried 9-0.

Consider a Design Permit Application to Paint the Existing Structure Located at 612 Washington Street

Randy Steenhoek (owner) has submitted a design permit application to alter the existing building located at 612 Washington Street. The applicant proposes painting the building, trim, and doors. The applicant proposes Sherwin-Williams paint colors: Roycroft Brass (SW 2843), as well as either a charcoal gray or black for the doors, and white for the windows and eve trim. The door and trim colors had not been finalized at the time this memo was written. The main house color, Roycroft Brass, is in the Pella palette. Staff recommends approval of the design permit application, with the condition that the trim and door colors be finalized and approved by the CDC before final project approval.

Randy Steenhoek was present to speak in favor of the design permit and to answer questions from the Committee. He stated he plans to paint the trim white and the doors black. He explained that the current shingles will likely be replaced in a couple of years with a shingle color that will complement the new paint colors.

Motion by Stienstra, second by Zylstra to approve the design permit on the condition that Roycroft Brass is used as the main paint color, the trim is painted white, and the doors will be painted black. Motion carried 9-0.

OTHER BUSINESS / PUBLIC FORUM

Next Meeting Date

The next regular meeting is scheduled for August 12, 2020.

Administrative Approval of Minor Design Projects

Nardini said that due to the COVID-19 pandemic, staff has received inquiries from elected officials regarding expedited development review. Most of the requests entail the design permit requirements for minor projects, which include repainting of buildings which have had a prior design permit approved, outdoor fixtures, fencing, door or window replacement, and new signs or modifications to existing signs. These items are eligible to be approved by a subcommittee of the CDC. Subcommittee approval typically takes three business days. If the subcommittee has concerns, the application is referred to the full CDC. Staff would like to discuss whether these requests should be processed administratively during the COVID-19 pandemic.

Nardini said this subject was discussed by the City Council during the July 7, 2020 work session. He asked the Committee to email him or Lepke with their thoughts on the proposed changes. The City Council plans to further discuss this item at the July 21, 2020 Council meeting and possibly review a draft ordinance of the changes. He extended an invitation to CDC members to attend that meeting.

Committee members shared their concerns regarding the proposed administrative approval of design permits for the painting of buildings and sign permits. Stienstra said he does not think three business days for approval is an unreasonable amount of time for design and sign permit review. Van Hemert stated that just because a paint color is part of the Pella Color Palette it does not necessarily mean it is a good fit for a building. Nardini said he will share the CDC's concerns with the City Council.

Stienstra left at 6:29 p.m.

Other

The Committee discussed the need to review whether the CDC should have the authority to review the design of industrial and institutional properties.

Adjourned at 6:54 p.m.

c. Planning and Zoning Commission Minutes for July 27, 2020

Chairperson Canfield called the Planning and Zoning Commission to order at 7:00 p.m. in the Public Safety Complex. Members present were: Joe Canfield, Julio Chiarella (via phone), Cathy Haustein (via phone), Julie Heerema Mueller, Kisha Jahner, Dave Landon, Robin Pfalzgraf, Gary Van Vark, and Ann Visser; absent: Mark Groenendyk and Teri Vos. Staff present: City Administrator Mike Nardini, Planning and Zoning Director Matthew Lepke, and Deputy City Clerk Cynthia Vaske. Due to heightened public health risks associated with the COVID-19 pandemic, accommodations were made to broadcast this meeting via conference call. One member of the public was present.

APPROVAL OF TENTATIVE AGENDA

Motion by Visser, second by Landon to approve the tentative agenda. Motion carried 9-0.

APPROVAL OF MINUTES

Motion by Van Vark, second by Pfalzgraf to approve the minutes of the June 22, 2020 meeting. Motion carried 9-0.

NEW BUSINESS PROPOSED

Consider a Site Plan for an Industrial Building on 0.8 Acres at 433 SE 16th Street

Randy De Vries has submitted a site plan to construct an 8,568-square foot building at 433 SE 16th Street. The 0.8-acre site is currently undeveloped and is zoned M1 (Limited/Light Industrial). The applicant proposes a warehouse (7,868 sq. ft.) with an office (700 sq. ft.) in the building. A dustless area for outdoor storage of heavy equipment is proposed at the north end of the site. Warehousing (enclosed) is a permitted use in the M1 zone district.

Chapter 165.36(F)(3) requires the proposed site plan to conform to the City's Comprehensive Plan. The Comprehensive Plan's Future Land Use Map identifies this site as General Industrial. The proposed use comports with this designation. The proposed site plan satisfies pertinent City Code and is consistent with the Comprehensive Plan. Staff recommends approval of the site plan as submitted.

Motion by Landon, second by Pfalzgraf to approve the site plan as submitted. Motion carried 9-0.

OTHER BUSINESS / PUBLIC FORUM

Next Meeting Scheduled for August 24, 2020

The next Planning and Zoning Commission meeting is scheduled for August 24, 2020.

Work Session on the Planning and Zoning Commission's Procedural Rules

Staff would like to discuss potential changes to the Commission's procedural rules.

One change involves voting. Rather than requiring a majority of the entire Commission to vote on an item for passage, a simple majority of the Commission members present would be sufficient to vote on an item for passage. Additionally, other changes would clean up passages that are incorrect, such as the frequency and location of meetings, and formalize electronic meeting participation. These changes require an amendment to the Planning and Zoning Commission's Procedural Rules.

The passage below is excerpted from the current Commission procedural rules:

Part IV: Conduct of Meetings

Rule 20: Votes Necessary for Passage

The concurring vote of the majority of the entire Commission shall be necessary to decide on any matter upon which it is required to pass under the Zoning Ordinance.

This is how the rule would read, should the Commission recommend the amendment:

Part IV: Conduct of Meetings

Rule 20: Votes Necessary for Passage

The concurring vote of the majority of the Commission members present, in person or via electronic means, shall be necessary to decide on any matter upon which it is required to pass under the Zoning Ordinance.

This amendment would prevent a situation where the Commission body is reduced, due to absences, and a 5-1 vote would not be sufficient to pass an item.

Pfalzgraf asked if this has been a problem for the Commission in the past. City Administrator Mike Nardini explained that this issue has not been a problem for the Commission, but it has been discussed recently for another of the City's boards, so the City is trying to standardize this rule across its advisory boards and commissions. However, this would not apply to final decision-making bodies, such as the City Council and Board of Adjustment.

Pfalzgraf explained that she is okay with this proposed amendment for regularly scheduled Commission meetings. However, she stated that she does not think this rule should be applied to special meetings, as she and other Commissioners could have scheduling conflicts and may not be able to attend them.

Chiarella suggested choosing a specific day for special meetings to be placed in the Procedural Rules so that Commissioners would know in advance to reserve that day and time each month, like they do with the regular meetings.

Landon said he recalls instances where the Commission has barely had a quorum present. In those instances, items have usually passed unanimously, but easily could have been denied on a 5-1 vote. He stated he supports using a simple majority for the passage of votes.

Canfield agreed.

Nardini said the Commission will have an opportunity to vote on these proposed changes at the next Commission meeting, which is scheduled for August 24, 2020.

A second change would correct passages in the rules that are no longer accurate, concerning the frequency of meetings and their location.

The passage below is excerpted from the current Commission procedural rules:

Part II: Time and Place of Meetings

Rule 6: Regular Meetings

Planning and Zoning Commission meetings are held twice per month at the Pella Public Works Office at 100 Truman Road. The Planning and Zoning Director may schedule a meeting for another time with approval of the Chair. The Planning and Zoning Commission upon a vote may continue items from one meeting to the next. All public hearings shall be scheduled for the same time as the meeting where items corresponding thereto are on the Agenda.

This is how the rule would read, should the Commission recommend the amendment:

Part II: Time and Place of Meetings

Rule 6: Regular Meetings

Planning and Zoning Commission meetings are held once per month. The Planning and Zoning Director may schedule a meeting for another time with approval of the Chair. The Planning and Zoning Commission, upon a vote, may continue items from one meeting to the next. All public hearings shall be scheduled for the same time as the meeting where items corresponding thereto are on the Agenda.

A third change would formally permit members to virtually participate in meetings.

The passage below is excerpted from the current Commission procedural rules:

Part IV: Conduct of Meetings

Rule 10: Roll Call

A majority of the entire Planning and Zoning Commission shall constitute a quorum for the transaction of business. Before proceeding with the business of the Commission, the Planning and Zoning Director shall note members present, and enter those names in the minutes. The Planning and Zoning Director shall determine the presence of a quorum as required by law and these rules.

This is how the rule would read, should the Commission recommend the amendment:

Part IV: Conduct of Meetings

Rule 10: Roll Call

A majority of the entire Planning and Zoning Commission shall constitute a quorum for the transaction of business. Before proceeding with the business of the Commission, the Planning and Zoning Director shall note members present, and enter those names in the minutes. The Planning and Zoning Director shall determine the presence of a quorum as required by law and these rules. Commission members may participate in the meeting either in person or via electronic means as listed in the meeting agenda. Either form of participation shall allow a Commission member to be considered present to conduct business.

The first amendment would make a simple majority of the members participating in a meeting sufficient to vote on the passage of an item, rather than requiring a majority of the entire Commission. A quorum (six members) would remain required to conduct business. The second amendment is housekeeping to clean up incorrect passages in the rules. The third amendment formalizes Commission members' ability to participate electronically in meetings and be considered present to conduct business.

Other

Pfalzgraf asked about a building project underway on Idaho Drive across from the Bos Landen Golf Course. Nardini said that he recalls the owner plans to have a home-based occupation. He said he will look into that matter further to provide Pfalzgraf with an answer.

Adjourned at 7:23 p.m.

3. Petitions and Communications

a. Renewal of Special Class C Liquor License (Beer/Wine) for AmericInn By Wyndham

BACKGROUND: Jay Vairahi Hospitality LLC, DBA AmericInn By Wyndham at 910 W 16th Street, has applied for renewal of their special class C (beer/wine) liquor license. The term of the new license is 12 months and, if approved, would expire on October 31, 2021.

The application has been completed online with the state and, at the time of packet publication, is pending dram shop certification. Staff is recommending conditional approval pending the receipt of dram shop certification.

- ATTACHMENTS: Application
REPORT PREPARED BY: City Clerk
REVIEWED BY: City Administrator
RECOMMENDATION: Approve renewal pending receipt of dram shop certification

b. Renewal of Class C Liquor License with Sunday Sales for Applebee’s Neighborhood Grill & Bar

BACKGROUND: Apple Corps LP, DBA Applebee’s Neighborhood Grill & Bar at 1600 Washington Street, has applied for renewal of their class C liquor license with Sunday sales. The term of the new license is 12 months and, if approved, would expire on November 2, 2021.

The application has been completed online with the state, and staff is recommending approval.

- ATTACHMENTS: Application
REPORT PREPARED BY: City Clerk
REVIEWED BY: City Administrator
RECOMMENDATION: Approve renewal

D. *PUBLIC HEARINGS

1a. Public Hearing regarding East Interchange Infrastructure Improvements (Water Main and Force Main).

No written or oral comments were received.

Bandstra moved to close the public hearing, seconded by Hopkins.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: This resolution approves the plans, specifications, form of contract, estimate of costs, accepts bids, and awards the contract for the East Interchange Infrastructure Improvements (Water Main and Force Main) project.

As background, this project consists of all labor, material, and equipment to install approximately 2,360 linear feet of 12-inch water main in open cut, 655 linear feet of 12-inch water main directionally bored in place, 4,650 linear feet of 6 inch PVC force main in open cut, 2,100 linear feet of 6 inch PVC force main directionally bored in place, connections to existing water main, hydrant assemblies and valves, pavement removal and replacement, surface restoration, and miscellaneous associated work, including cleanup. The force main construction is located along East Oskaloosa Street from 240th Street to 250th Street and extending south on 250th Street to south of Highway 163. The water main construction is located along East Oskaloosa Street from Baseline Drive to 250th Street and extending south on 250th Street to south of Highway 163; all in the City of Pella.

The bid opening for the project was held on August 25, 2020; nine total bids were received:

Table with 3 columns: Contractor, City/State, Bid. Lists contractors like Thorpe Water Development Co., Graff Excavating, Inc., Synergy Contracting, LLC, etc.

After reviewing the bid proposals and checking references, Veenstra & Kimm, the project engineer, recommends awarding the contract to the lowest responsive, responsible bidder, Thorpe Water Development Co., in the total amount of \$699,148. The engineer’s opinion of probable costs for this project was \$987,140. Staff is in agreement with the engineer’s recommendation.

If approved, below is an overview of the timeline for this project:

Timeline table with 2 columns: Event, Date. Shows 'Notice to proceed issued' on September 15, 2020 and 'Final completion' on July 1, 2021.

In summary, staff is recommending approval of this resolution which approves the plans, specifications, form of contract, estimate of costs, accepts bids, and awards the contract for the above referenced project to Thorpe Water Development Co. in the total amount of \$699,148. The resolution also gives the Public Works Director authorization to issue the notice to proceed once the contract, bonds, insurance certificates, and appropriate permits are in proper order and fully executed.

- ATTACHMENTS: Resolution, Engineer’s Recommendation, Bid Tabulation
REPORT PREPARED BY: Public Works Department
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve resolution

1b. Resolution No. 6182 entitled, “RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT, ESTIMATE OF COSTS, RECEIVING OF BIDS, AND MAKING AWARD OF CONTRACT FOR THE EAST INTERCHANGE INFRASTRUCTURE IMPROVEMENTS (WATER MAIN AND FORCE MAIN).”

Schiebout moved to approve, seconded by Branderhorst.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

2a. Public Hearing regarding the proposal to grant an encroachment easement to South Main I, LLC.

No written comments were received.

One oral comment was received from a member of the public.

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

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: This resolution approves and authorizes an easement for South Main I, LLC to allow access steps and associated items to be placed in the public right-of-way. As background, this redevelopment project is intended to be a signature mixed-use development providing a unique high-quality housing product. Overall, the development will contain between 36 and 41 housing units. The location of the project is the former Webster School site on south Main Street and is approximately three acres in size. The overall estimated cost of the development is approximately \$16.5 million. Listed below is background information on the project and the reason the access steps are proposed to be placed in the public right-of-way.

Comprehensive Plan Priority Goal: Housing

As the City Council is aware, the Marion County Housing analysis identified the need for an additional 966 housing units through the year 2025 to meet our community's housing needs. All forms of housing were noted as a need in our community. It is important to note that 966 housing units equates to roughly a 15% increase in the number of housing units currently located within our community. In addition, the City's large employers have voiced concerns over the lack of housing and how it could be an impediment to their future growth.

It is also important to note, the City of Pella's Comprehensive Plan identified additional housing as a key priority goal. Furthermore, the Comprehensive Plan prefers infill development, or development that is built on vacant or underutilized lots in existing neighborhoods. The reason for this recommendation includes making use of existing infrastructure and infill housing gaps by utilizing under used lots which detract from the neighborhood vitality. Finally, the Comprehensive Plan provided, as an example, an infill multi-family housing development within a block of this proposed site.

Webster Park Urban Renewal Plan/Urban Blight Designation

In October of 2018, the City Council adopted the Webster Park Urban Renewal Plan to establish the Webster Park Urban Renewal Area, which encompasses the location of this project. The primary objectives of the plan are to provide opportunities and incentives for redevelopment that promotes blight remediation, as well as to stimulate private investment in new residential development which enhances the economic vitality of the community.

As a part of the urban renewal adoption process, a consultant evaluated the property in the Webster Park Urban Renewal Area and found that 75% of the area was 'blighted' under Iowa law. One of the blighted properties was the Webster School site, which is the location of this project. Council, through adoption of the urban renewal plan, made a 'declaration of blight' for the area included in the plan. It is also important to note, this 'blight' designation provided additional economic development options for the City Council in redeveloping the area in the urban renewal plan. Finally, as of this date, all blighted properties noted in the urban renewal plan have been removed from the premises.

Planned Unit Development and Development Agreement

In the fall of 2018, the City Council approved a Planned Unit Development (PUD) for this project. PUDs are designed to allow for comprehensively planned projects which provide for innovative and imaginative approaches to urban design and land development. A PUD is a negotiated contract for land development between the private developer and the public governmental entity. This differs from the traditional approach to land development wherein the developer develops land pursuant to minimum standards previously adopted by the government. In this particular case, a PUD was warranted due to the unique housing product, the size and scale of the development, and the extremely challenging development site. As Council is aware, this project involved the demolition and removal of the former Webster School. In addition, the number of housing units combined with City infrastructure requirements made for a very challenging development site. As a result, a number of City zoning standards were modified through the PUD. In exchange for these waivers, the developer agreed to enhanced design standards and greenspace requirements.

In addition to the PUD, the City Council also negotiated a development agreement for this project. Through this agreement, the developer agreed to a taxable valuation of \$9,076,000 which equates to approximately \$16.5 million in gross valuations. In exchange, the City of Pella agreed to rebate tax increment financing revenues received by the development over a 20-year time period up to \$6.1 million. It is also important to understand that tax increment financing revenues are only a portion of the total tax revenues paid to the local tax entities. Specifically, the local taxing entities will still receive their debt service levy from this property, and the school district will receive its PPEL and ISPL taxes as well. For example, using our current property tax rates, if the developer receives \$6.1 million in tax increment financing revenues over the next 20 years, they would also be paying over \$7.2 million in total property taxes. This means the local tax entities would receive approximately \$1.1 million in property taxes that they would have not otherwise received from the Webster School property. This is important to consider as this property has been tax exempt since the 1950s.

Proposed Easement

The proposed encroachment easement is solely for using and maintaining the steps, stoops, foundation walls, and footings along the eastern edge of the development property which currently extend into the public right-of-way. In considering this item, it is important to note the development's plans have shown stairs which connect the eastern buildings fronting on Main Street to the City's trail system since the initial concept drawings. In addition, this access was also shown in the City's development agreement and various zoning related items (i.e. PUD, etc.). The easement area is approximately 12 feet deep and 400 feet long, totaling 4,807 square feet. The proposed price for the easement is \$0.50 per square foot, which is the City's standard rate for public right-of-way; this amounts to \$2,403.50.

It is important to note, the developer cannot change the grade of the easement area without the consent of the City of Pella. In addition, the encroachment easement also contains a hold harmless agreement in which the developer will be assuming liability for any claim related to the encroachment area.

Finally, the developer is obligated to restore the public trail that is currently located in the easement area. Until this trail is restored, the developer will not be able to obtain a certificate of occupancy for the buildings which abut Main Street. In addition, based on the plans approved by staff for restoring the trail, staff believes there will be adequate separation between the proposed steps and the current trail.

Summary

The reason the access stairs are proposed on the eastern side of the development is due to the size and scale of the project along with the challenging development site. Staff believes the proposed stairs are reasonable under the circumstances. Secondly, staff believes the pedestrian access proposed with this encroachment easement is also consistent with the various development plans which have been approved to-date. In summary, staff is recommending approval of the proposed easement encroachment which was drafted and reviewed by the City Attorney.

ATTACHMENTS: Resolution, Encroachment Easement, Map, Initial Development Concept

REPORT PREPARED BY: City Administration

REPORT REVIEWED BY: City Administrator, City Clerk

RECOMMENDED ACTION: Approve resolution

2b. Resolution No. 6183 entitled, "RESOLUTION APPROVING AND AUTHORIZING THE GRANTING OF AN ENCROACHMENT EASEMENT TO SOUTH MAIN I, LLC."

Hopkins moved to approve, seconded by De Jong.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

E. PETITIONS & COMMUNICATIONS

1. Temporary Outdoor Service Privilege on a Class B Beer Permit for The Wijn House.

Branderhorst moved to approve, seconded by Sporrer.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: The Wijn House, located at 615 Franklin Street, has applied for a temporary outdoor service privilege on their class B beer permit. As background, from 3:00 to 9:00 p.m. on Saturday, September 26, 2020, the Wijn House is holding an event to celebrate the business' four-year anniversary. The State of Iowa Alcoholic Beverages Division (ABD) requires that an outdoor service area must be a designated area adjacent to the licensed premises. The Wijn House is proposing the outdoor service area would extend from their building south to the alleyway, as outlined on the attached map. This area would be enclosed with a temporary fence, which meets the Iowa ABD requirements. Patrons wishing to sit outside must walk through the business in order to access the outdoor service area, which is located completely on private property.

The application has been completed online with the state and staff is recommending approval of the temporary outdoor service privilege on Saturday, September 26, 2020.

ATTACHMENTS: Application, Map

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Approve temporary outdoor service privilege on Saturday, September 26, 2020

2. Special Event Permit Request for the Girl Scout Silver Award Project Day.

Hopkins moved to approve, seconded by De Jong.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: The Pella Girl Scout Troop #122 has requested a special event permit for a Silver Award Project Day on Saturday, September 26, 2020 from 8:00 a.m. to noon. The event would be held at West Market Park with set-up beginning at 7:30 a.m. and take down complete by 12:30 p.m.

The purpose of this event is for the Girl Scouts to share their Silver Award projects with the community. Projects focus on encouraging residents to get outdoors and learn new hobbies to stay busy and creative as we face ongoing stay-at-home times.

Due to the COVID-19 pandemic, the promoter is requiring the Girl Scouts involved with this activity to wear masks. Attendees of the event will be encouraged to wear masks as well. Stations will be arranged to encourage social distancing and additional sanitization measures will be provided.

All pertinent City departments have reviewed this application and comments are attached. The fee and insurance certificate have been received and the promoter has coordinated rental of the West Market Park shelter house with the Community Services Department. Staff is recommending conditional approval of this event with the understanding that if the Governor, Centers for Disease Control, or Iowa Department of Public Health issues an order or guidelines prohibiting events like this due to the COVID-19 pandemic, this event will not be able to occur.

ATTACHMENTS: Application, Department Comments

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Conditionally approve special event permit as outlined above

3. New Class C Liquor License with Sunday Sales for Dutch 200 Bowl & Grill.

Branderhorst moved to approve, seconded by Sporrer.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: Due to a change in ownership, Dutch 200 Bowl & Grill LLC at 204 SE 9th Street (previously Pella Excit-A-Bowl), has applied for a new class C liquor license with Sunday sales privileges effective September 1, 2020. The term of the new license is 12 months and, if approved, would expire August 31, 2021.

The application has been completed online with the state, and staff is recommending approval.

ATTACHMENTS: Application

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Approve license

F. PLANNING & ZONING ITEMS – None

G. ADMINISTRATION REPORTS – None

H. RESOLUTIONS

1. Resolution No. 6184 entitled, "RESOLUTION APPROVING CONSTRUCTION CONTRACT AND BOND FOR THE FIBER TO THE PREMISE TRANSPORT NETWORK NORTH MATERIALS AND CONSTRUCTION."

Schiebout moved to approve, seconded by Bandstra.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: This resolution approves the construction contract and bond for the Fiber to the Premise (FTTP) Transport Network North project. As background, on August 18, 2020, Council awarded this project to Excel Utility Contractors in the amount of \$1,209,086.13. As further background, the FTTP Transport Network North project includes all labor, materials, and equipment necessary to construct a fiber optic network to connect Pella to a Point of Presence (POP) site located at the UnityPoint Health – Grinnell Regional Medical Center. The total length of the new construction is 33.6 miles which includes 75 feet of building entrance conduit. Construction starts at the northern edge of Pella's FTTP build and ends at the UnityPoint Hospital in Grinnell. Substantial completion for the project is scheduled for October 22, 2020. In summary, staff is recommending approval of this resolution approving the construction contract and performance bond with Excel Utility Contractors.

ATTACHMENTS: Resolution, Contract, Performance Bond
REPORT PREPARED BY: City Administration
REPORT REVIEWED BY: City Administrator, City Clerk
RECOMMENDED ACTION: Approve resolution

2. Resolution No. 6185 entitled, "RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT WITH EXCEL UTILITY CONTRACTORS FOR THE FIBER TO THE PREMISE TRANSPORT NETWORK NORTH MATERIALS AND CONSTRUCTION."

Schiebout moved to approve, seconded by Sporrer.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: This resolution approves change order no. 1 to the construction contract with Excel Utility Contractors for the Pella Fiber to the Premise (FTTP) Transport Network North project. As background, this project includes all labor, materials, and equipment necessary to construct a fiber optic network to connect Pella to a Point of Presence (POP) site located at the UnityPoint Health – Grinnell Regional Medical Center. This City Council meeting agenda includes consideration of the construction contract with Excel Utility Contractors (agenda item H-1) for this project. The contract covers the transport line beginning at the UnityPoint Health – Grinnell Regional Medical Center extending to Pella city limits. Change order no. 1 adds the portion of the project that extends from Pella city limits to our central office on Jefferson Street. As background, this portion was originally not included in the project due to the potential conflict with two different contractors placing local and transport conduit in the same location at the same time. Now that Excel Utility Contractors has been awarded both projects, staff recommends proceeding with this change order which would incorporate all transport route expenses on this project.

In summary, staff is recommending approval of change order no. 1 in the amount of \$26,631.

If approved, listed below is an updated contract summary:

Original construction contract	\$1,209,086
Change order no. 1	<u>26,631</u>
Total revised construction contract	<u>\$1,235,717</u>

ATTACHMENTS: Resolution, Change Order
REPORT PREPARED BY: Telecommunications Director
REPORT REVIEWED BY: City Administrator, City Clerk
RECOMMENDED ACTION: Approve resolution

3. Resolution No. 6186 entitled, "RESOLUTION APPROVING CHANGE ORDER NO. 1 AND CHANGE ORDER NO. 2 WITH SYNERGY CONTRACTING FOR CONSTRUCTION OF THE FIFIELD ROAD WATER MAIN."

De Jong moved to approve, seconded by Schiebout.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: This resolution approves change order no. 1 and change order no. 2 for the City's construction contract with Synergy Contracting for the Fifield Road Water Main project. As background, this project consists of all labor, material, and equipment to construct a water main located along Fifield Road from W. 9th Street to the 2600 block and extending north to W. Washington Street.

Change Order No. 1

This change order is necessary to incorporate three revised plan drawings and two revised specification pages as required by the Iowa Department of Natural Resources to address comments associated with the project. This change order does not change the contract price, project scope, or extent of work.

Change Order No. 2

This change order adds casing pipe for the directional bore under Highway 163. As background, the project initially included a 400-foot long directional bore without casing pipe in this location; however, the Iowa Department of Transportation has determined that based on the size and length of the crossing, a casing pipe will be required. As a result, change order no. 2 makes the following modifications:

Add 16" water main directionally bored in place in 20" PVC casing pipe	\$166,000
Deduct 16" water main bored in place	<u>(61,600)</u>
Total for change order no. 2	<u>\$104,400</u>

In summary, staff is recommending approval of change order no. 1 and change order no. 2.

If approved, listed below is an updated contract summary:

Original construction contract	\$736,898
Change order no. 1	\$0
Change order no. 2	<u>\$104,400</u>
Total revised construction contract	<u>\$841,298</u>

ATTACHMENTS: Resolution, Change Order No. 1, Change Order No. 2, Letter of Recommendation
REPORT PREPARED BY: Public Works Director
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve resolution

4. Resolution No. 6187 entitled, "RESOLUTION OF PELLA CITY COUNCIL APPROVING FINAL PLAT OF SOUTH MAIN."

Hopkins moved to approve, seconded by De Jong.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: This resolution approves a final plat for the South Main development. This 2.85-acre site occupies most of the block fronted by Main Street, Peace Street, Broadway Street, and Independence Street, except for the First Baptist Church site. Council approved the South Main preliminary plat on March 19, 2019.

Proposed Development

The proposed development is intended to be a signature mixed-use development for south central Iowa by providing a unique high-quality housing product. Overall, the development will contain between 36 and 41 housing units with price points allowing for a diverse buyer pool. In addition, the development will contain high-end housing finishes, a courtyard, extensive landscaping, and a community building. The community building is intended to provide meeting rooms and other recreational opportunities for the residents. In addition, the development could feature small commercial operations such as a coffee shop or similar service-related businesses. The overall estimated cost of the development is approximately \$16.5 million.

Pella City Code Requirements for Subdivision Plats

The subdivision ordinance states that the City Council shall review the final plat for conformance with the Comprehensive Plan, zoning ordinance, and subdivision ordinance, and shall consider the recommendations of reviewing parties.

Final Plat

The final plat is the legal document that is recorded with the Marion County Recorder. The sale of subdivided lots can only proceed after this recording. The primary purpose of the final plat is to delineate property boundaries and to describe and dedicate rights-of-way and easements. The final plat must conform with the approved preliminary plat. Staff believes the final plat meets the requirements as shown in the preliminary plat. Any modifications or conditions approved during consideration of the preliminary plat should be continued to consideration of the final plat.

Comprehensive Plan

City Code requires the City Council to review the final plat for conformance with the Comprehensive Plan, including the Future Land Use Map, which designates this site as Commercial/Mixed Use, Central College, and Civic & Public. Council approved rezoning this site to a Planned Unit Development (PUD) on September 18, 2018; in doing so, Council determined conformance with the overall intent of the Comprehensive Plan, including the goal of establishing additional infill housing.

Summary and Staff Recommendation

In summary, the final plat meets the minimum requirements of the City's zoning ordinance and conforms to the Comprehensive Plan. Based upon the findings, staff recommends conditional approval of the final plat, subject to the City Council granting the applicant an easement in the Main Street right-of-way (agenda item D-2) to accommodate encroachments of the building, front stoops, and stairways. Finally, it is important to note that the Planning and Zoning Commission unanimously approved this final plat on August 24, 2020; their approval was conditional upon the City Council approving an easement agreement (included as agenda item D-2).

ATTACHMENTS: Resolution, Aerial Map, Final Plat, Application, Petition, Owner's Consent to Plat, Mortgagee's Consent to Plat, Public Utility Easement

REPORT PREPARED BY: Planning and Zoning Director

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Approve resolution

5. Resolution No. 6188 entitled, "RESOLUTION ENTERING INTO A 28E AGREEMENT BETWEEN WAVERLY COMMUNICATIONS UTILITY; THE MUNICIPAL COMMUNICATIONS UTILITY OF THE CITY OF CEDAR FALLS; THE COMMUNICATIONS UTILITY OF BELLEVUE, IOWA; INDIANOLA MUNICIPAL UTILITIES; VINTON MUNICIPAL COMMUNICATIONS UTILITY; CITY OF PELLA MUNICIPAL TELECOMMUNICATIONS UTILITY; AND NEW HAMPTON MUNICIPAL COMMUNICATIONS UTILITY PROVIDING FOR JOINT OWNERSHIP AND USE OF CERTAIN FACILITIES AND RELATED MATTERS."

Bandstra moved to approve, seconded by Sporrer.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: This resolution approves two agreements for Internet Protocol video headend services. The first is a joint ownership management agreement. The second agreement addresses how the buy-in payment for the new members is allocated among the existing membership.

Listed below is background information on these agreements.

Video Headend

In 2018, the voters in Pella overwhelmingly approved the formation of a municipal telecommunications utility. The proposed services of the new utility include high speed internet, video, and voice services. In order to provide cable television services, the City of Pella must either construct or join an existing video headend. A video headend is a master facility for receiving television signals for processing and distribution over a cable television system. The proposed agreements would allow the City of Pella to join an existing video headend managed by Cedar Falls Municipal Utilities. Other members in this video headend include Cedar Falls Municipal Utilities, Indianola Municipal Utilities, Vinton Municipal Communications, New Hampton Municipal Communications, Waverly Communications Utility, and the Communications Utility of Bellevue.

Proposed Agreements

The proposed agreements would allow the City of Pella to become a joint owner in the existing Cedar Falls video headend. Under the terms of the agreement, the video headend would be managed by Cedar Falls Municipal Utilities. Through this agreement, the City of Pella would be able to provide cable television services.

Term of the Agreement

The initial term of this agreement is five years and continues for three-year periods unless the agreement is terminated.

Initial Capital Buy-in and Annual Operating Costs

The initial capital buy-in fee and annual operating costs are based on the total number of properties passed in your community. The cost allocated to the City of Pella ranges from 11.64% to 12.07% depending on the video service offered.

Under the terms of the agreement, the City's initial capital buy-in fee will be \$188,798. In addition, the annual operating and capital costs are forecasted to be approximately \$140,000 per year.

In summary, staff is recommending approval of both proposed agreements. Staff believes it is more economical for the City of Pella to join an existing video headend than to construct one to serve our customer base. Furthermore, Cedar Falls Municipal Utility has the necessary staff and the proven track record of successfully operating a video headend.

Finally, the proposed agreements have been reviewed by the City's legal counsel.

ATTACHMENTS: Resolution 6188, 28E Agreement Regarding Joint Ownership, Resolution 6189, Agreement Regarding Financial Arrangements
REPORT PREPARED BY: City Administration
REPORT REVIEWED BY: City Administrator, City Clerk
RECOMMENDED ACTION: Approve resolution

6. Resolution No. 6189 entitled, "RESOLUTION ENTERING INTO AN AGREEMENT BETWEEN THE MUNICIPAL COMMUNICATIONS UTILITY OF THE CITY OF CEDAR FALLS; WAVERLY COMMUNICATIONS UTILITY; THE COMMUNICATIONS UTILITY OF BELLEVUE, IOWA; INDIANOLA MUNICIPAL UTILITIES; VINTON MUNICIPAL COMMUNICATIONS UTILITY; CITY OF PELLA MUNICIPAL TELECOMMUNICATIONS UTILITY; AND NEW HAMPTON MUNICIPAL COMMUNICATIONS UTILITY REGARDING FINANCIAL ARRANGEMENTS."

Schiebout moved to approve, seconded by Hopkins.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: This resolution approves two agreements for Internet Protocol video headend services. The first is a joint ownership management agreement. The second agreement addresses how the buy-in payment for the new members is allocated among the existing membership.

Listed below is background information on these agreements.

Video Headend

In 2018, the voters in Pella overwhelmingly approved the formation of a municipal telecommunications utility. The proposed services of the new utility include high speed internet, video, and voice services. In order to provide cable television services, the City of Pella must either construct or join an existing video headend. A video headend is a master facility for receiving television signals for processing and distribution over a cable television system. The proposed agreements would allow the City of Pella to join an existing video headend managed by Cedar Falls Municipal Utilities. Other members in this video headend include Cedar Falls Municipal Utilities, Indianola Municipal Utilities, Vinton Municipal Communications, New Hampton Municipal Communications, Waverly Communications Utility, and the Communications Utility of Bellevue.

Proposed Agreements

The proposed agreements would allow the City of Pella to become a joint owner in the existing Cedar Falls video headend. Under the terms of the agreement, the video headend would be managed by Cedar Falls Municipal Utilities. Through this agreement, the City of Pella would be able to provide cable television services.

Term of the Agreement

The initial term of this agreement is five years and continues for three-year periods unless the agreement is terminated.

Initial Capital Buy-in and Annual Operating Costs

The initial capital buy-in fee and annual operating costs are based on the total number of properties passed in your community. The cost allocated to the City of Pella ranges from 11.64% to 12.07% depending on the video service offered.

Under the terms of the agreement, the City's initial capital buy-in fee will be \$188,798. In addition, the annual operating and capital costs are forecasted to be approximately \$140,000 per year.

Summary

In summary, staff is recommending approval of both proposed agreements. Staff believes it is more economical for the City of Pella to join an existing video headend than to construct one to serve our customer base. Furthermore, Cedar Falls Municipal Utility has the necessary staff and the proven track record of successfully operating a video headend.

Finally, the proposed agreements have been reviewed by the City's legal counsel.

ATTACHMENTS: Resolution 6188, 28E Agreement Regarding Joint Ownership, Resolution 6189, Agreement Regarding Financial Arrangements
REPORT PREPARED BY: City Administration
REPORT REVIEWED BY: City Administrator, City Clerk
RECOMMENDED ACTION: Approve resolution

7. Resolution No. 6190 entitled, "RESOLUTION APPROVING MEMBERSHIP AGREEMENT WITH THE NATIONAL CABLE TELEVISION COOPERATIVE."

Bandstra moved to approve, seconded by Hopkins.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: This resolution approves an agreement with the National Cable Television Cooperative (NCTC). The cooperative's goal is to reduce television system operating costs by combining individual purchasing power to negotiate video programming content pricing. To achieve this goal, the NCTC originates master programming network affiliation agreements, bulk purchase contracts, and other group purchasing arrangements on behalf of its members.

NCTC has been serving members needs since 1984. What started with 12 original members has grown to over 700 independent cable and broadband companies. By gaining membership in NCTC, the City would receive assistance with developing cable packages and navigating the complexities of programming agreements. It is important to note that nearly all municipal telecommunications utilities in the state of Iowa use NCTC for their video content needs.

Key Provisions

The membership agreement, which also incorporates bylaws, includes the following key provisions:

Membership Fee

The initial membership fee of \$3,500 is based on the expected number of homes in the intended service area in the next two years. The fee is calculated as \$1 per home with a minimum of \$5,000 and a maximum of \$100,000. The \$1,500 application fee is applied to the initial membership fee.

Minimum Participation

Pella Fiber will be required to participate in two master agreements with programmers from the network family group (A&E, Discovery, Disney/ESPN, Fox Cable Networks, NBCUniversal, Scripps, Turner Networks, or Viacom) and at least one other master programming agreement.

Hardware Purchase Requirement

Pella Fiber will be required to spend at least \$10 per subscriber during the first year of membership on hardware purchased through NCTC's technology solutions department. The exact amount will be based on the number reported to NCTC on the one-year anniversary of the NCTC membership.

Termination

The bylaws of the organization permit voluntary withdrawal from the organization by notification.

Additionally, by approving the agreement, the City commits to the terms of the organizational bylaws. The bylaws provide the general terms by which the organization operates including voting procedure, membership requirements, dues, and meeting procedure.

Summary

In summary, this resolution would allow the City to become a member of NCTC for the purpose of utilizing their master agreements for video programming content. Staff believes it is very unlikely that the City could secure pricing advantages through attempting to negotiate agreements with content providers independently.

ATTACHMENTS:	Resolution, Agreement
REPORT PREPARED BY:	City Administration
REPORT REVIEWED BY:	City Administrator, City Clerk
RECOMMENDED ACTION:	Approve resolution

8. Resolution No. 6191 entitled, "RESOLUTION REQUESTING REIMBURSEMENT FROM THE IOWA COVID-19 GOVERNMENT RELIEF FUND."

Schiebout moved to approve, seconded by Branderhorst.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: This resolution authorizes the Finance Director to request up to \$243,298.32 in reimbursement of eligible expenses from the Iowa COVID-19 Government Relief Fund. As background, the State of Iowa has allocated \$125 million for reimbursement to local governments for direct expenses incurred in response to the COVID-19 public health emergency. The total funding allocated to all cities in Iowa is \$60 million which was then distributed to cities by capita (roughly \$23.77 per person).

In accordance with the federal regulations, the funding may only be used to cover:

- Necessary expenditures incurred due to the COVID-19 public health emergency
- Costs not accounted for in the budget most recently approved as of March 27, 2020
- Costs incurred between March 1, 2020 and December 30, 2020
- Costs that have not been reimbursed, or requested for reimbursement, from another source of funds including other federal programs

Additionally, the State indicated the following expenditures are eligible for reimbursement:

- Temporary isolation or quarantine sites
- Medical transportation
- Expenses for sanitizing public areas and other public facilities
- Temporary emergency staffing and overtime costs for staff substantially dedicated to the mitigation or response to the public health emergency
- Payroll costs for public health and public safety employees for services dedicated to mitigating or responding to the public health emergency
- Local governments may presume that 25% of payroll costs for public health/public safety employees are payments for services substantially dedicated to mitigating or responding to the public health emergency
- Equipment used to conduct meetings by telephonic or electronic means
- Software/technology infrastructure to allow for local services to be provided while social distancing
- Additional costs associated with enhanced 211 capabilities

Staff currently believes that between the payroll cost of our public safety employees, PPE, and services associated with COVID-19 mitigation efforts, the City will be able to request the full allocation of funds. It is important to note that the first round of claims, which covers the period of March 1 through July 31, must be submitted by September 15. If the allocated funds are not utilized in the first round of expenses, staff intends to submit a reimbursement request for the period of August 1 through September 30, which must be submitted by October 1.

In summary, the City was allocated \$243,298.32 in COVID-19 Government Relief Funds. The proposed resolution would authorize the City's Finance Director to submit eligible costs for reimbursement.

ATTACHMENTS:	Resolution
REPORT PREPARED BY:	City Administration
REPORT REVIEWED BY:	City Administrator, City Clerk
RECOMMENDED ACTION:	Approve resolution

I. ORDINANCES – None

I. CLAIMS

1. Abstract of Bills No. 2062.

Schiebout moved to approve, seconded by Hopkins.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

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

Comments were received and addressed.

L. EXEMPT SESSION

1. At 8:23 p.m., Bandstra 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 Hopkins.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

At 8:56 p.m., De Jong moved to reconvene to regular session, seconded by Hopkins.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

De Jong made a motion to approve Resolution No. 6192 entitled, "RESOLUTION AMENDING INFECTIOUS DISEASE ACTION PLAN/POLICY RELATED TO THE COVID-19 PUBLIC HEALTH CRISIS," seconded by Hopkins.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

M. ADJOURNMENT

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

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

Meeting adjourned at 9:00 p.m.