



**GRINNELL PUBLIC SAFETY COMMITTEE MEETING
MONDAY, AUGUST 3, 2020 AT 5:30 P.M.
VIA ZOOM**

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TENTATIVE AGENDA

ROLL CALL: White (Chair), Hueftle-Worley, Davis

PERFECTING AND APPROVAL OF AGENDA:

COMMITTEE BUSINESS:

1. Consider Streatery proposal.
2. Consider first reading of an ordinance amending the provisions pertaining to animal regulations – tampering with rabies tag (See Ordinance No. 1485 – legislative update).
3. Consider first reading of an ordinance amending the provision pertaining to simple misdemeanor fine (See Ordinance No. 1486 – legislative update).
4. Consider first reading of an ordinance amending the provisions pertaining to tobacco regulations (See Ordinance No. 1487 – legislative update).

INQUIRIES:

ADJOURNMENT

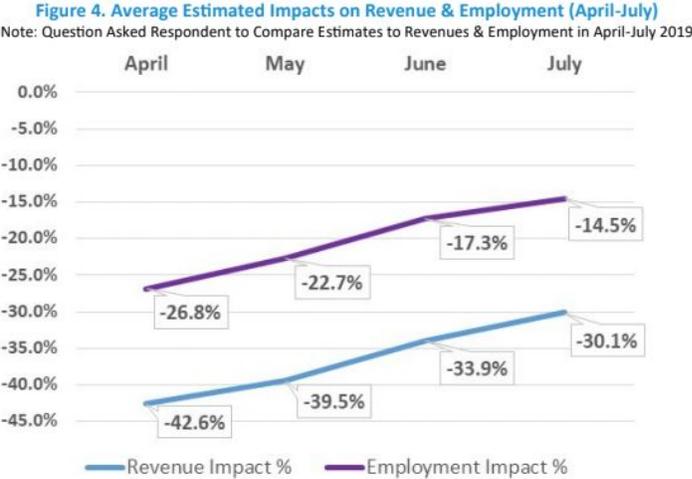
Grinnell Chamber of Commerce Streatory Proposal

Outdoor dining has long been desired in Grinnell, with many community surveys outlining this over time. In 2015, Bagnoli & Associates were contracted by Grinnell College to further develop some concepts for the Zone of Confluence. Both students as well as community members were surveyed as part of this process, and scored 50+ images as appealing vs. not appealing. Of the top 20 favorites, more than half involved some kind of outdoor dining option and/or a street-side parklet of some kind. Interestingly, community members tended to rate these images higher than students. One respondent even said ‘Would love to see sidewalk cafes along Main & Broad Streets in downtown Grinnell.’

Fast-forward to 2020, and outdoor dining is not simply a desire for community residents and visitors, but it may be a requirement in saving some of our businesses amidst the COVID-19 pandemic which continues to hit our local business community hard.

Recent data released from the Iowa Economic Development Authority’s COVID-19 Impact on Rural Iowa Organizations takes into account responses from Iowa businesses in both April and later May to determine the early impacts of COVID-19 on Iowa’s business community. The report states, “The rural retail and accommodations and food service industries have been significantly impacted by COVID-19 as they have statewide. Again, the seasonality of these operations will create challenges in the fall/winter months due to decreased revenues in the spring and summer. The decline in destination tourism, weddings, business travel, community events and onsite dining may also cause a scattering of the trained and experienced staff needed for a strong 2021.”

A June 2020 SBA report stated that the pandemic has caused a decline in leisure and hospitality (includes retail, food services and hotel) that was more than twice the decline of any other industry. Initial estimates for accommodations and food service sector estimate a revenue loss of nearly 65% in April, trending down to just below a 50% loss in July; however, it is important to note that June & July (table shown below) are revenue estimates as the data was collected in mid-May. While Governor Reynolds did open many restaurants and bars at 50% capacity beginning in



mid-May most have seen a decline in sales since that time as take-out orders have dwindled and, at the same time, many consumers are simply not ready to return to in-person dining in indoor spaces.

Table 7. Average Estimates for Retail, Accommodations & Food Service

Retail Sector	April	May	June	July
Revenue Impact %	-48.76%	-40.36%	-35.32%	-31.12%
Employment Impact %	-33.60%	-24.87%	-19.23%	-13.90%
Accommodations and Food Services Sector				
Revenue Impact %	-64.32%	-61.22%	-54.79%	-49.43%
Employment Impact %	-50.87%	-44.88%	-35.74%	-32.59%

Note: A June 2020 US SBA Office of Advocacy report stated that the COVID-19 pandemic caused a decline in leisure and hospitality that was more than twice the decline of any other industry. Source: SBA Daniel Wilmoth, PhD

The rural retail and accommodations and food service industries have been significantly impacted by COVID-19 as they have statewide. Again, the seasonality of these sectors will create challenging fall/winter months due decreased revenues in the spring and summer. The decline in destination tourism, weddings, tourism, business travel, community events, and onsite dining may also cause a scattering of the trained and experienced staff needed for a strong 2021.

Large cities across the United States have been experimenting with streateries for some time, but they are now being accelerated across the country due to the COVID-19 pandemic. Additionally, many smaller communities are beginning to implement these concepts as they recognize this may be a creative and innovative way to help save many small businesses and restaurants in the midst of the pandemic. While lockdowns ease across the country and businesses are able to re-open, ensuring sufficient space for customers and employees alike is now a critical need. Nationwide, the restaurant industry employees over 15 million Americans, operating on thin margins, making each table that much more important. A growing number of communities are reimagining sidewalks and streets as a place for outdoor seating which allows restaurants to make up for lost seating capacity due to important social distancing guidelines.

Some communities in Iowa, such as Marion and Creston, are implementing additional seating on sidewalks, directly adjacent to the business. Additionally, communities in Iowa are beginning to experiment with streateries, including Anamosa (photo shown at right) and Perry, to carve out a few parking spaces and designate them for businesses' use.



Because the sidewalks in downtown Grinnell are not as wide as some cities, we feel it may be a challenge to incorporate dining here and instead propose using designated

parking spaces to develop streateries.

Pilot Program:

We propose working with 4 businesses initially as we develop a pilot streatory program and concept. Each will have a uniform feel (see example images at right), and will work with the Police Department to identify the exact locations (next to curb cuts, etc.) to provide the safest experience possible for diners, while also ensuring close proximity to the business itself. In an effort to be most successful, we believe the designated streateries need to be as close to the business as possible to give the business the ability to serve patrons as opposed to carry-out to a community location.



Peace Tree Brewing Company, Prairie Canary, Hometown Heroes and Solera have all expressed interest in being part of a pilot project. Assuming Council approves the concept, we would work with each of them individually to choose their design (of approved concepts) and any additional requirements necessary such as lease agreement, alcohol, etc as are later described.

As part of this proposal, we encourage the council to give latitude to develop regular ‘check-points’ with these businesses to ensure the space is A) being used on a regular and consistent basis and B) adding to the businesses’ bottom line, as well as other things the City may want to monitor. These regular check-points will give the council the information needed to determine whether extension or discontinuation of the pilot program is necessary. Additionally, should concerns arise with streateries those concerns shall be brought to the business owner, the Chamber and the Council and a recommendation will be determined based on the concern and ability to adapt the streatory accordingly.

We are working hard to address concerns heard in a previous council meeting, including parking spaces, alcohol liability and safety.

Parking:

Three of the businesses in the pilot program are on the main block of Main Street



between 4th & 5th Avenues. In this block, there are 57 on-street parking spots available. To effectively acquire enough space to make this streatory concept viable, we recommend using a minimum of 3 parking spaces to ensure proper social distancing. In this model, 9 parking spaces would be designated for streateries on Main Street, leaving 48 regular parking spaces available in this block.

One business is located on Broad Street between 4th & 3rd Avenues where 51 parking spaces are available. Using 3 spaces as a streatory here would lower the number of usable spaces to 48 as well. We largely believe this will not be an issue on Broad Street, with the exception of Thursdays as Farmers Market also takes a large number of spaces available. We intend to work with area businesses to ensure they are aware of all public parking lots and spaces, and could envision working with the City to better utilize the former Alliant Energy location, to push parking for employees and business owners.

Because the streateries will be well-built, we do not envision them being moved on a regular basis and therefore the parking spaces would be reduced by this amount at all hours of the day as opposed to simply during business hours. However, if a business were not open during the day, for example, we would anticipate this space being open for use by the general public to potentially enjoy coffee or lunch, etc. so long as the space was reserved for the business during their regular operating hours. This would allow a workable solution and option for many of our other businesses, and would ultimately allow the community to ‘test-drive’ the concept of outdoor dining that may lead to a more permanent solution in the future.

Alcohol:

We are verifying with the Iowa Alcoholic Beverage Division (ABD) that alcohol could be served in these streateries. According to the ABD’s website, we believe this to be a fairly easy and quick process which would include the following:

- Alcohol licensees are able to add outdoor service areas to their licensed premises, or expand outdoor service areas already designated in their licensed premises, for the selling and serving of alcohol.
- To add or expand an outdoor service area, businesses will log into ABD’s site and follow step-by-step instructions for submitting an outdoor service application. All outdoor service applications require a dramshop carrier endorsement, local authority approval, and ABD approval. There is no additional licensing fee to add or expand an outdoor service area.
 - The area must touch or share a common border with the currently-licensed premises.
 - The area must be owned or under the control of the licensee. Control of the

area may be demonstrated by a lease or other agreement.**

- A sketch of the outdoor service area must be submitted to the local authority. The sketch must show the area's boundaries and its relationship to the licensed premises.

This information (in bulleted list above) was last updated on the ABD site on 5/22 and we believe it to be most accurate, and will allow for streateries to be possible in downtown.

**Each business would need to have an agreement with the City of Grinnell to utilize these parking spaces for purposes of a streatory to expand their dining operations.

Safety:

We know safety is the utmost concern for all residents and visitors to Grinnell, and want to ensure streateries are built in a way that puts safety for all as the priority. Utilizing some natural barriers (large rocks, walls, etc) we believe will add a visual element to the streateries that are not only aesthetically pleasing, but also encourages and promotes safety by providing a barrier to any vehicle traffic.

In addition, we have been in contact with Chief Reilly to discuss the possibility of streateries in downtown. While we would want to ensure they are as close to curb cuts as possible, we also recognize that this may not be the best fit for all businesses. We will work with each business, alongside Chief Reilly, to recognize and validate safety concerns before streateries are constructed or used.

In the event a streatory is found to be unsafe for any reason, Council reserves the right to discontinue its use immediately and would not need to wait for a check-point as previously discussed.

Next Steps:

A brief survey has been distributed to community members asking their current comfort level with dining in vs. being given the option to dine in a streatory. We will compile this data over the next several days; however, initial responses indicate a large percentage (nearly 63% of current survey responses) of Grinnellians who are choosing not to dine in currently, but would be apt to do so if streateries were an option (compared to 88% of respondents). The survey was pushed out approximately 1 hour prior to this reports' completion, and has already yielded 120 responses.

If given Council approval, the Chamber will begin work immediately with the initial business owners identified, as well as Chief Reilly, to determine the exact location and

building materials needed for each streatery. We will also include signage on each streatery (similar to image at right) to articulate intended uses and times. We intend to reach out to some larger employers to see if they may have employees who have

been temporarily laid off due to the pandemic that could aid in building the physical structures necessary for the streateries. To reiterate, we feel the aesthetics of the streatery, coupled with its location and functionality are of utmost importance in considering this pilot project a success.



We have begun, and will continue, to work with neighboring businesses to ask them to 'sign off' on the concept, including acknowledgement of the potential loss of parking spaces this program would create. We intend to ask all customers partaking in a streatery experience to consider parking in a public parking lot, albeit a bit further away, to encourage parking spaces for customers who are not anticipating staying for a longer period of time.

Our restaurants have been very transparent with Chamber leadership, and continue to report staggering decline in sales, with several of them down between 35-40% consistently and nearly universally. Meanwhile, others find themselves worse-off with sales being down 50-60% and even one business reporting a nearly 90% decline in sales. Businesses will not be able to weather this storm without some innovative and creative solutions, and while this streatery proposal may not save them all we hope that it will be a unique approach to help them regain even a fraction of the revenue they are losing on a daily basis.

We appreciate the City Council's consideration to help ensure these vitality-creating businesses are able to explore new and creative ideas to safely serve customers amid the COVID-19 pandemic. We hope the initial streatery concept will be a solution to a challenging situation, but one that may also give us the ability to reimagine more permanent outdoor dining options for the future. We are happy to address any initial questions or concerns that you have which may not be addressed, or fully articulated, in this proposal.

ORDINANCE NO. 1485

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRINNELL, IOWA, BY AMENDING PROVISIONS PERTAINING TO ANIMAL CONTROL

Be It Enacted by the City Council of the City of Grinnell, Iowa:

SECTION 1. SECTION MODIFIED. Section 55.01 of the Code of Ordinances of the City of Grinnell, Iowa, is repealed and the following adopted in lieu thereof:

55.01 DEFINITIONS. The following terms are defined for use in this chapter.

1. “Advertise” means to present a commercial message in any medium, including (but not limited to) print, radio, television, sign, display, label, tag, or articulation.

(Code of Iowa, Sec. 717E.1)

2. “Animal” means a nonhuman vertebrate.

(Code of Iowa, Sec. 717B.1)

3. “Animal shelter” means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

(Code of Iowa, Sec. 162.2)

4. “At large” means off the premises of the owner and on other premises against the wishes of the person in possession of such other premises, or upon the public streets, alleys, public grounds, school grounds or parks within the City. An animal is not deemed to be at large if:

A. The animal is on the owner’s property or a neighbor’s property with that neighbor’s consent; or

B. The animal is confined in a cage or motor vehicle; or

C. The animal is restrained by a leash of sufficient strength to control its action; or

D. The animal is actively engaged in obedience training and under continual control of the owner or trainer, provided that the owner or trainer is conducting the training in an open area, is not endangering other users or animals in the area, has the animal within 30 yards and under continual voice control, and has in possession a leash appropriate to control the animal.

E. The animal is a draft animal engaged in drawing vehicles or conveyances.

5. “Business” means any enterprise relating to any of the following:

(Code of Iowa, Sec. 717E.1)

A. The sale or offer for sale of goods or services.

B. A recruitment for employment or membership in an organization.

C. A solicitation to make an investment.

D. An amusement or entertainment activity.

6. “Fair” means any of the following:
(*Code of Iowa, Sec. 717E.1*)
 - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
 - B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
7. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the *Code of Iowa*.
(*Code of Iowa, Sec. 717E.1*)
8. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas, and emus; farm deer (as defined in Section 170.1 of the *Code of Iowa*); or poultry.
(*Code of Iowa, Sec. 717.1*)
9. “Owner” means any person owning, keeping, sheltering, or harboring an animal.
10. “Pet” means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.
(*Code of Iowa, Sec. 717E.1*)
11. “Pound” means a facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.
(*Code of Iowa, Sec. 162.2*)
12. “Veterinarian” means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* who practices veterinary medicine in the State.
(*Code of Iowa, Sec. 717.B1*)

SECTION 2. SECTION MODIFIED. Section 55.03 of the Code of Ordinances of the City of Grinnell, Iowa, is repealed and the following adopted in lieu thereof:

55.03 ABANDONMENT OF CATS AND DOGS. It is unlawful for a person who owns or has custody of a cat or dog to relinquish all rights in and duties to care for the cat or dog. This section does not apply to any of the following:

(*Code of Iowa, Sec. 717B.8*)

1. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.
2. The delivery of a cat or dog to an animal shelter or that has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship under Chapter 162 of the *Code of Iowa*.
3. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat’s sterilization by a veterinarian.

SECTION 3. SECTION ADDED. Chapter 55 of the Code of Ordinances of the City of Grinnell, Iowa, is amended by adding a new Section 55.14 which is hereby adopted to read as follows:

55.14 TAMPERING WITH A RABIES VACCINATION TAG. It is unlawful to tamper with a rabies vaccination tag.

(Code of Iowa, Sec. 351.45)

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:
 - A. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in Section 351.35 of the *Code of Iowa*.
 - B. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in Sections 351.25 and 351.26 of the *Code of Iowa*.
2. This section shall not apply to an act taken by any of the following:
 - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
 - B. A peace officer.
 - C. A veterinarian.
 - D. An animal shelter or pound.

SECTION 4. SECTION ADDED. Chapter 55 of the Code of Ordinances of the City of Grinnell, Iowa, is amended by adding a new Section 55.15 which is hereby adopted to read as follows:

55.15 TAMPERING WITH AN ELECTRONIC HANDLING DEVICE. It is unlawful to tamper with an electronic handling device.

(Code of Iowa, Sec. 351.46)

1. A person commits the offense of tampering with an electronic handling device if all of the following apply:
 - A. The person knowingly removes, disables, or destroys an electronic device designed and used to maintain custody or control of the dog or modify the dog's behavior.
 - B. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including (but not limited to) a collar, harness, or vest.
2. This section shall not apply to an act taken by any of the following:
 - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
 - B. A peace officer.
 - C. A veterinarian.
 - D. An animal shelter or pound.

SECTION 5. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 6. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the _____ day of _____, _____, and approved this _____ day of _____, _____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, _____.

City Clerk

ORDINANCE NO. 1486

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRINNELL, IOWA, BY AMENDING PROVISIONS PERTAINING TO STANDARD PENALTY

Be It Enacted by the City Council of the City of Grinnell, Iowa:

SECTION 1. SECTION MODIFIED. Section 1.14 of the Code of Ordinances of the City of Grinnell, Iowa, is repealed and the following adopted in lieu thereof:

1.14 STANDARD PENALTY. Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section, or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least \$105.00 but not to exceed \$855.00.

(Code of Iowa, Sec. 364.3[2] and 903.1[1a])

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the _____ day of _____, _____, and approved this _____ day of _____, _____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, _____.

City Clerk

ORDINANCE NO. 1487

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRINNELL, IOWA, BY AMENDING PROVISIONS PERTAINING TO TOBACCO USE

Be It Enacted by the City Council of the City of Grinnell, Iowa:

SECTION 1. SECTION MODIFIED. Section 46.02 of the Code of Ordinances of the City of Grinnell, Iowa, is repealed and the following adopted in lieu thereof:

46.02 CIGARETTES AND TOBACCO. It is unlawful for any person under 21 years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by an individual under 21 years of age shall not constitute a violation of this section if the individual under 21 years of age possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

(Code of Iowa, Sec. 453A.2)

SECTION 2. SECTION MODIFIED. Section 121.07 of the Code of Ordinances of the City of Grinnell, Iowa, is repealed and the following adopted in lieu thereof:

121.07 PERSONS UNDER LEGAL AGE. A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 21 years of age. The provision of this section includes prohibiting person under 21 years of age from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of \$300.00. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of 14 days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 or the retailer's permit shall be suspended for a period of 30 days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.
4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 60 days.
5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give 10 days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the _____ day of _____, _____, and approved this _____ day of _____, _____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, _____.

City Clerk