



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

January 7, 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 meeting room 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. Six staff members and eleven members of the general public signed the register.

B. MAYOR'S COMMENTS

1. Announce Policy and Planning meeting following the regular Council meeting to discuss:
 - a. Harvest Investments Revised Development Agreement
 - b. City Council Procedural Rules Review
 - c. 2019 Sidewalk Repair Project Bid
 - d. 2021 Budget

2. Approval of Tentative Agenda. Item B-9/L-1 was pulled from the agenda. De Jong moved to approve the tentative agenda as amended, seconded by Branderhorst. On roll call the vote was:

AYES: De Jong, Branderhorst, Bandstra, Schiebout, Hopkins, Sporrer.
NAYS: None.
Motion carried.

3. Reappointment of Mark De Jong as Mayor Pro Tem. Schiebout moved to approve, seconded by Branderhorst. On roll call the vote was:

AYES: Schiebout, Branderhorst, Bandstra, Hopkins, Sporrer.
NAYS: None.
ABSTAIN: De Jong.
Motion carried.

BACKGROUND: Mayor DeWaard requests the reappointment of Mark De Jong as Mayor Pro Tem. The Mayor Pro Tem performs the duties of Mayor in cases of absence or inability of the Mayor to perform such duties. Mark has been a Council Member since 1978 and was first appointed as Mayor Pro Tem in January of 1984. This appointment is for a two-year term, expiring in January of 2022.

ATTACHMENTS: None
REPORT PREPARED BY: City Administration
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve reappointment

4. Reappointment of Mandy Smith as City Clerk. Branderhorst moved to approve, seconded by Schiebout. On roll call the vote was:

AYES: Branderhorst, Schiebout, Hopkins, De Jong, Sporrer, Bandstra.
NAYS: None.
Motion carried.

BACKGROUND: Mayor DeWaard requests the reappointment of Mandy Smith as City Clerk. The City Code requires Council to appoint a City Clerk at the Council meeting in January following the regular City election. Mandy has served as City Clerk since December of 2016. This appointment is for a two-year term, expiring in January of 2022.

ATTACHMENTS: None
REPORT PREPARED BY: City Administration
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve reappointment

5. Reappointment of Doug Van Gorkom as Fire Chief.
Schiebout moved to approve, seconded by De Jong.

On roll call the vote was:

AYES: Schiebout, De Jong, Sporrer, Branderhorst, Bandstra, Hopkins.

NAYS: None.

Motion carried.

BACKGROUND: Mayor DeWaard requests the reappointment of Doug Van Gorkom as the Fire Chief. Doug has served as Fire Chief since January of 2005. This appointment is for a two-year term, expiring in January of 2022.

ATTACHMENTS: None
REPORT PREPARED BY: City Administration
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve reappointment

6. Reappointment of David Barnes to the Airport Committee.
Branderhorst moved to approve, seconded by Schiebout.

On roll call the vote was:

AYES: Branderhorst, Schiebout, Hopkins, De Jong, Sporrer, Bandstra.

NAYS: None.

Motion carried.

BACKGROUND: Mayor DeWaard would like to reappoint David Barnes to the Airport Committee. David has served on this committee since 2003. He is an instrument-rated pilot and lives with his wife, Mary, at 2640 Bos Landen Drive. In addition, David serves the City of Pella as a representative on the South Central Regional Airport Agency (SCRAA) Board. If approved, David's new six-year term would expire January 1, 2026.

ATTACHMENTS: None
REPORT PREPARED BY: Public Works Department
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve reappointment

7. Reappointment of Lauri Amelse to the Community Services Board.
Bandstra moved to approve, seconded by De Jong.

On roll call the vote was:

AYES: Bandstra, De Jong, Sporrer, Branderhorst, Schiebout, Hopkins.

NAYS: None.

Motion carried.

BACKGROUND: Mayor DeWaard would like to reappoint Lauri Amelse to the Community Services Board. Lauri has served on this board since 2007. She sells real estate for Prudential First of Pella Realty. Lauri resides with her family at 1020 Meadow Crest. If approved, Lauri's new three-year term would expire December 31, 2022.

ATTACHMENTS: None
REPORT PREPARED BY: Community Services Director
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve reappointment

8. Reappointment of Michael Lyons to the Community Services Board.
Branderhorst moved to approve, seconded by De Jong.

On roll call the vote was:

AYES: Branderhorst, De Jong, Sporrer, Bandstra, Schiebout, Hopkins.

NAYS: None.

Motion carried.

BACKGROUND: Mayor DeWaard would like to reappoint Michael Lyons to the Community Services Board. Michael has served on this board since 2017. Michael's background is in transportation engineering and project management. He currently works as an engineer at a private consulting firm in Johnston. Michael and his wife, Susan, reside in Pella. If approved, Michael's new three-year term would expire December 31, 2022.

ATTACHMENTS: None
REPORT PREPARED BY: Community Services Director
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve reappointment

9. Item pulled from the agenda.

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

No comments were received.

C. APPROVAL OF CONSENT AGENDA

De Jong moved to approve the consent agenda, seconded by Schiebout.

On roll call the vote was:

AYES: De Jong, Schiebout, Hopkins, Sporrer, Branderhorst, Bandstra.

NAYS: None.

Motion carried.

The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for December 17, 2019

2. Report of Committees

- a. Policy and Planning Minutes for December 17, 2019

PRESENT: Mayor Jim Mueller, Mark De Jong, Tony Bokhoven, Lynn Branderhorst, Harold Van Stryland, Bruce Schiebout

ABSENT: Larry Peterson

OTHERS: City staff and visitors

The Policy and Planning meeting began at 7:55 p.m. The only item on the agenda was a presentation of the Southside Beautification Master Plan by Bob Gibson with Civil Design Advantage (CDA). As background, Council approved a professional services agreement with CDA on October 1, 2019. The purpose of this agreement was to conduct master planning services on the 2.75-acre site of the City's deconstructed coal power plant located in the 500 block of Oskaloosa Street.

During the presentation, Mr. Gibson reviewed the master plan and potential phasing options. In addition, Council members Bokhoven and Branderhorst provided additional insight regarding the process and reviewed the specifics of the committee's preferred plan, concept A.

At the end of the discussion, Council expressed their continued interest and support of this project, directing the committee to proceed with development of the plan. When the master plan is finalized, it will be presented to Council for acceptance.

The meeting adjourned at 8:20 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

- b. Airport Committee Minutes for September 27, 2019

Members Present: Rick Gritters, Dave Erickson, Dave Barnes, Tom Vander Linden, Ted Zylstra, Matt Hutchinson

Members Absent: Sid Pinney

Others Present: Shane Vande Voort, Denny Buyert

Approval of Minutes: Motion: The Committee approved the minutes from June 28, motion Dave B and 2nd Dave E.

New Business: None

Project updates:

PW and HDR has been wrapping up wildlife fence plans & specs moving toward a bid letting soon.

HDR/City is negotiating with the land owner to the west on a lease to construct the wildlife fence at least 100 feet further west than the current location.

PW working with Pro-Line on a door frame repair on the large overhead bi-fold door on the hangar.

PW had at least 6 of the tallest trees removed from the north end of the airport, IDOT plans to remove many more in the interchange area.

Discussion of needs at the existing Pella Municipal Airport:

None other than update above

Regional Airport: Update by Dave B

First seller has signed offer to buy

Appraisals and review appraisals are being performed on at least 2 other properties, there are 9 land owners with 25 parcels involved altogether.

Oskaloosa has been approved to sell non-aeronautical land by the FAA

Airport Managers report to the committee: By Shane Vande Voort

Classic Aviation working with the City on a new lease.

Weiler Jet had a near miss with a deer

The state is working on a tree survey to satisfy the FAA

Airport has been extremely busy

An injured deer on the airport property needed to be destroyed and removed

Large hangar negotiations ongoing with the city

Classic is taking over the Oskaloosa Airport by the end of the year.

Final Comments:

Chairman frustrated about lack of project progress

Important to keep the existing airport open, in good condition, and running safely

Committee would like to see the 5-Year ACIP

Adjourn: Motion by Ted Z. & 2nd by Rick G.

Next regular meeting will take place on Friday December 13th, 2019.

- c. Board of Adjustment Minutes for November 12, 2019

CALL TO ORDER BY THE CHAIRPERSON AND ROLL CALL

Chairperson Vander Wert called the Board of Adjustment to order at 6:00 p.m. in the Public Safety Complex. Members present were: Jim Corbett, Vince Nossaman, Susan Reiter, Lyle Vander Meiden, Mike Vander Wert, and Corey Westra. Absent: Merlan Rolffs. Staff present: Finance Director Corey Goodenow, Zoning Administrator Bryce Johnson, and Deputy City Clerk Cynthia Vaske. Five members of the public were in attendance.

CHAIRPERSON'S COMMENTS

Approval of the Tentative Agenda

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

APPROVAL OF MINUTES

Motion by Vander Meiden, second by Reiter to approve the October 22, 2019 minutes. Motion carried 6-0.

NEW BUSINESS/PUBLIC HEARINGS

Consider a Minor Modification Application to Reduce the Minimum Setbacks of the Interior Side Yard Setback for the Property Located at 1009 E. 1st Street

Daniel Roorda has submitted a minor modification application to reduce the minimum setbacks of the side yard by one foot for the property located at 1009 E. 1st Street. The subject property is located within the R2, Two-Family Residential, zoning district. This request would reduce the side yard setback of the R2 zone from the standard minimum of 10 feet to nine feet. The purpose of this minor modification is to construct a new deck which would provide adequate space to construct a staircase to the east in order to provide access to the rear yard.

Staff believes the requested minor modification will not have a negative impact on the subject property or neighboring properties and would not increase the amount of people or vehicles within the neighborhood. Staff also believes the proposal would maximize the owner's use of the property while still complying with City Code. Additionally, staff received one written comment in favor of the minor modification, which was from the property owner located on the southern side of the property and is the property most affected. Another written comment was also received that stated the property owners had no objection to the minor modification. For these reasons, staff believes the minor modification request should be granted and, therefore, is recommending approval of the proposal.

Convened Public Hearing on the minor modification request.

Two written comments were received and included in the meeting packet.

Vander Meiden stated his disappointment in the absence of the applicant.

Motion by Nossaman, second by Reiter to close the Public Hearing as no further comments were received. Motion carried 6-0.

Motion by Reiter, second by Nossaman to approve the minor modification request as submitted. Motion carried 6-0.

Consider a Special Use Permit to Operate a Cocktail Lounge Business at the Property Located at 514 ½ Main Street
Chad Ver Steeg has submitted a Special Use Permit (SUP) application to operate a Cocktail Lounge at 514 ½ Main Street, which is located in the Mixed-Use Commercial Corridor (CUC) zoning district. If approved, the applicant intends to operate a business by the name of "Nederlanders Tap and Golf". Based on the business plan provided, the intention of the proposed business is "a golf simulator bar seeking to provide an enjoyable, relaxing, and interactive experience while giving the option to share appetizing food and refreshing drink with old and new confidants." Based on staff's review, and in consultation with the City Attorney, staff has determined the appropriate use type as "Cocktail Lounge". This is defined as a "a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant."

It is important to note that "Cocktail Lounge" land uses are permitted by SUP in the Commercial-Mixed Use Urban (CUC), Community Commercial (CC), and Commercial-Planned Development (CPD), Limited/Light Industrial (M1) and Heavy Industrial District (M2) zoning districts. Additionally, cocktail lounges are permitted in the Central Business District (CBD), but are limited to two permits at any one time.

The proposed hours, as indicated by the applicants, are as follows:

Bar Hours:

Sunday 11:00 a.m. to 9:00 p.m.,
Monday 12:00 p.m. to 9:00 p.m.,
Tuesday 12:00 p.m. to 9:00 p.m.,
Wednesday 12:00 p.m. to 12:00 a.m.,
Thursday 12:00 p.m. to 12:00 a.m.,
Friday 12:00 p.m. to 2:00 a.m.,
Saturday 11:00 a.m. to 2:00 a.m.

Simulator Hours:

Sunday 11:00 a.m. to 9:00 p.m.,
Monday 12:00 p.m. to 9:00 p.m.,
Tuesday 12:00 p.m. to 9:00 p.m.,
Wednesday 12:00 p.m. to 10:00 p.m.,
Thursday 12:00 p.m. to 10:00 p.m.,
Friday 12:00 p.m. to 12:00 a.m.,
Saturday 11:00 a.m. to 12:00 a.m.

These hours appear consistent with other commercial business in and around the area. Based on these guidelines, staff believes there will be minimal effect on the surrounding residences.

Staff believes the proposed business could complement the existing commercial businesses in the CUC and surrounding commercial zoning districts. Additionally, the proposed use has a much larger recreational component than the previous occupant of the building, which may reduce the overall impact on the neighborhood. Furthermore, the Board of Adjustment has the authority to place additional conditions on the property to ensure land use compatibility or revoke the special use permit in the case issues arise. For these reasons, staff recommends approval of the SUP.

Convened Public Hearing on the SUP request.

One written comment was received and included in the meeting packet.

Vander Wert questioned how the applicant decided upon the proposed hours. Jace Ver Steeg replied that the proposed hours are similar to that of The Cellar Peanut Pub's. Chad Ver Steeg said the sign on door of the business will state that it is open until close, which may be earlier than the proposed hours of operation. J. Ver Steeg further explained that in their most recent business plan, they would propose closing the bar at 10:00 p.m. on both Thursday and Friday. C. Ver Steeg stated that the business, in addition to having a full bar, will serve food and offer golf simulators as a recreational activity.

Vander Meiden and Nossaman explained that if the business is not in compliance with the SUP, then the Board has the option to revoke it.

Motion by Reiter, second by Nossaman to close the Public Hearing as no further comments were received. Motion carried 6-0.

Motion by Nossman, second by Corbett to approve the SUP request as submitted. Motion was amended by Nossaman and seconded by Corbett to approve the SUP request with the condition that the business closes by 10:00 p.m. on Wednesdays and Thursdays. Motion carried 6-0.

NEW BUSINESS

None.

OTHER BUSINESS/PUBLIC FORUM

The next meeting is scheduled for December 10, 2019.

Adjourned at 6:33 p.m.

3. Petitions and Communications

a. Renewal of Class C Liquor License with Outdoor Service and Sunday Sales for The Funk

BACKGROUND: The Funk, located at 703 E Oskaloosa Street, has applied for renewal of their Class C liquor license with outdoor service and Sunday sales privileges. The term of the new license is 12 months and, if approved, would expire on January 17, 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

b. Renewal of Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales for Wal-Mart Supercenter #751

BACKGROUND: Walmart Inc., DBA Wal-Mart Supercenter #751 at 1650 Washington Street, has applied for renewal of their Class E liquor license with Class B wine permit, Class C beer permit (carryout beer), and Sunday sales privileges. The term of the new license is 12 months and, if approved, would expire on January 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 renewal

c. Renewal of Class C Liquor License with Class B Wine Permit and Sunday Sales for the Pella Opera House

BACKGROUND: The Pella Opera House Commission, DBA Pella Opera House at 611 Franklin Street, has applied for renewal of their Class C liquor license with Class B wine permit and Sunday sales privileges. The term of the new license is 12 months and, if approved, would expire on January 30, 2021.

The application has been completed online with the state and is pending dram shop certification. Staff is recommending approval pending dram shop certification.

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

4. Administration Reports

a. Designate the Pella Chronicle as the City of Pella's Official Newspaper for 2020

BACKGROUND: Iowa Code requires the City of Pella to designate an official newspaper for legal publications. The Pella Chronicle has a long relationship with the City and meets all four requirements outlined in the Code of Iowa Chapter 618.3 which include:

1. Is a newspaper of general circulation that has been published at least once a week for at least fifty weeks per year within the area and regularly mailed through the post office of entry for at least two years.
2. Has a list of subscribers who have paid, or promised to pay, at more than a nominal rate, for copies to be received during a stated period.
3. Devotes at least twenty-five percent of its total column space in more than one-half of its issues during any twelve-month period to information of a public character other than advertising.
4. Is paid for by at least fifty percent of the persons or subscribers to whom it is distributed.

Staff recommends designating the Pella Chronicle as the City of Pella's official newspaper for 2020.

ATTACHMENTS: Letter from the Pella Chronicle
REPORT PREPARED BY: City Clerk
REVIEWED BY: City Administrator
RECOMMENDATION: Designate the Pella Chronicle as the official newspaper for 2020

D. *PUBLIC HEARINGS – None

E. PETITIONS & COMMUNICATIONS – None

F. PLANNING & ZONING ITEMS – None

G. ADMINISTRATION REPORTS – None

H. RESOLUTIONS

1. Resolution No. 6055 entitled, "RESOLUTION NAMING DEPOSITORIES."

Branderhorst moved to approve, seconded by Schiebout.

On roll call the vote was:

AYES: Branderhorst, Schiebout, Hopkins, De Jong, Sporrer.

NAYS: None.

ABSTAIN: Bandstra.

Motion carried.

BACKGROUND: Iowa Code Chapter 12C requires cities to approve financial institutions where public funds are deposited.

This resolution approves the following list of financial institutions to be depositories of the City of Pella funds and also maintains their authorized deposit levels of \$30 million.

DEPOSITORY NAME APPROVED MAXIMUM BALANCE

US Bank \$30,000,000

Marion County Bank \$30,000,000

Wells Fargo \$30,000,000

MidWestOne \$30,000,000

Leighton State Bank \$30,000,000

Bank Iowa \$30,000,000

ATTACHMENTS: Resolution

REPORT PREPARED BY: Finance Department

REPORT REVIEWED BY: City Administrator, City Clerk

RECOMMENDED ACTION: Approve resolution

2. Resolution No. 6056 entitled, "RESOLUTION REAPPOINTING KRISTINE STONE AS CITY ATTORNEY FOR THE CITY OF PELLA."

De Jong moved to approve, seconded by Schiebout.

On roll call the vote was:

AYES: De Jong, Schiebout, Hopkins, Sporrer, Branderhorst, Bandstra.

NAYS: None.

Motion carried.

BACKGROUND: This resolution reappoints Kristine Stone as City Attorney for the City of Pella. Kristine has served as the City Attorney since April of 2018. With a background in municipal law, Ms. Stone joined Ahlers & Cooney in 2017 in the Government Law Practice Area. Her practice focuses on representing cities, counties, utilities, and other public entities in the exercise of their powers and in litigation. In her general municipal practice, she counsels clients in all aspects of their operations such as policy development, risk avoidance, public bidding, public records, open meetings, annexation, eminent domain, and more. She also reviews and prepares contracts, ordinances, agreements, and resolutions.

Prior to joining the Ahlers firm, Kristine served as the City Attorney for the City of Bettendorf from 2013 to 2017 and as an Assistant City Attorney for the City of Ames from 2009 to 2013. As an in-house municipal lawyer, she advised elected officials, department heads, and staff on legal matters, and represented the cities in administrative, district court, and appellate actions. Kristine is originally from the Burlington area and is a graduate of Iowa State University and Drake Law School.

It is also important to note that in the absence of Kristine Stone, the Ahlers law firm has qualified attorneys available to assist the City.

Furthermore, the City of Pella utilizes the Ahlers law firm for economic development and bond counsel services.

This reappointment is for a two-year term, expiring in January of 2022.

ATTACHMENTS: Resolution, Engagement Letter

REPORT PREPARED BY: Administration

REPORT REVIEWED BY: City Administrator, City Clerk

RECOMMENDED ACTION: Approve resolution

I. ORDINANCES

1. Ordinance No. 971 entitled, "AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PELLA BY AMENDING THE ZONING ORDINANCE BY ADDING THE TABLE OF PERMITTED USES BY ZONING DISTRICT FOR AMUSEMENT RECREATION LAND USES."

Schiebout moved to place ordinance no. 971 on its second reading, seconded by Branderhorst.

On roll call the vote was:

AYES: Schiebout, Branderhorst, Bandstra, Hopkins, De Jong, Sporrer.

NAYS: None.

Motion carried.

BACKGROUND: This ordinance amends the City Code to allow Amusement Recreation land uses in the Commercial Mixed-Use Urban Center (CUC) zoning district subject to obtaining a special use permit. Currently, Amusement Recreation land uses are permitted by right in the Community Commercial (CC), Commercial Planned Development District (CPD), and Limited/Light Industrial (M1) zoning districts. As background, Council discussed this item on November 4, 2019, directing staff to proceed with formal consideration.

The zoning code defines Amusement Recreation land uses as follows:

Amusement Recreation: Private businesses or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports or recreation for participants or spectators. Typical uses include driving ranges, miniature golf, theaters, billiard or bowling centers, game arcades, or private skating facilities.

In considering allowing amusement recreation uses in CUC zoning districts, it is important to consider the nature of these districts. Listed below is the definition of the CUC zoning district under City code:

CUC Zoning District: This district recognizes the mixed-use character of urban entry corridors into Pella's downtown, including Washington Street and Main Street, which contain a combination of residential, commercial, and office uses. These entry corridors include special aesthetic and sign design standards, which will help enhance their status as principal entrances and arterials into Pella's downtown, and to maintain their character as urban streets.

Generally, the CUC zoning districts extend on West Washington Street from West 2nd Street to West 6th Street and on Main Street from Union Street to Oskaloosa Street. These areas currently contain both residential and commercial properties. Based on staff's land use compatibility matrices, potential conflicts could occur between residential properties and commercial land uses in mixed use zoning districts. Therefore, caution should be exercised before permitting new activities in the CUC zoning district. As a result, if Council is in favor of allowing Amusement Recreation uses in the CUC zoning district, staff would recommend these uses be subject to obtaining a SUP from the Board of Adjustment. The intention of the SUP process is to identify zoning uses that need additional analysis before determining if the use would be a good fit for the applicable zoning district. It is also important to note, the location for the SUP is a critical factor in determining whether they would be approved.

The Board of Adjustment is the decision-making body for reviewing and approving SUPs. When reviewing a SUP application, the Board of Adjustment considers the general criteria described in Table 165.37-1, which states the proposed use:

1. Will be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Plan and this Code;
2. Will not have a substantial, undue, or adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;
3. Will be constructed, arranged, or operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations;
4. Will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water, sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services;
5. Will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance;
6. Complies with all additional standards imposed on it by the provisions of the district in which such special use may be authorized.

In addition to the criteria listed above, the Board of Adjustment has additional powers to ensure a land use is compatible with the surrounding properties and neighborhood. For instance, the Board of Adjustment may establish special site development or operational regulations as a condition for approval of a SUP. Secondly, the Board of Adjustment has the authority to revoke a SUP should the operation of the use violate the conditions under which the permit was granted. Finally, before the Board of Adjustment could issue a SUP, a public hearing would need to be conducted. This process also involves neighbor notification and advertising for the public hearing.

In summary, staff has received a request from a potential business to operate an Amusement Recreation land use in the CUC zoning district. Currently, the zoning ordinance prohibits this land use from operating in the CUC zoning district. After discussion with the City Council and Planning and Zoning Commission, the proposed amendment would permit Amusement Recreation land uses by SUP in the CUC zoning district. The SUP process would ensure no land use conflicts arise between residential and mixed-use commercial land uses. Based on this information, staff is recommending approval of the ordinance. Finally, it is important to note that the Planning and Zoning Commission unanimously approved this ordinance during their meeting on December 9, 2019.

ATTACHMENTS: Ordinance, Zoning Map
REPORT PREPARED BY: Zoning Administrator
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve ordinance

2. Ordinance No. 972 entitled, "AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PELLA BY AMENDING THE ZONING ORDINANCE BY ADDING PROVISIONS FOR REGULATING AND DEFINING URBAN GARDENS AS A LAND USE."

Hopkins moved to place ordinance no. 972 on its second reading, seconded by Schiebout.

On roll call the vote was:

AYES: Hopkins, Schiebout, De Jong, Sporrer, Branderhorst, Bandstra.

NAYS: None.

Motion carried.

BACKGROUND: This ordinance would add provisions for regulating and defining Urban Gardens as a land use. As background, over the past several months the Planning and Zoning Commission has provided feedback regarding the development of a new zoning use that would specify regulations for Urban Gardening. This land use was originally requested by Sprigs 'n Sprouts, a 501(c)3 nonprofit organization that works to supply organically grown produce for the local Pella Food Shelf.

The below definition was developed based on Planning and Zoning Commission feedback:

Urban Gardens: Land, or a portion of land, used for the production of food or horticultural crops to be cultivated and harvested on-site. Limited sales and donation of fresh food and/or horticultural products grown on-site may occur on-site whether vacant or improved. Urban Gardens land uses may be a principal or accessory use. Urban Gardens may only be permitted as an accessory use through the approval of a special use permit.

The ordinance permits Urban Gardens by special use permit in the Institutional (INS), Community Commercial (CC), Limited/Light Industrial (M1), and Heavy Industrial (M2) zoning districts. Additionally, the ordinance permits Urban Gardens by right in Rural Residential (RR) and Agricultural (A1) zoning districts.

Given the unique characteristics urban garden land uses may have and their effect on adjacent properties, and to protect public health, safety, and welfare, the ordinance includes the addition of the following supplemental use regulations to Chapter 165.20, Supplemental Agricultural Use Regulations:

5. Urban Gardens – sales of produce or horticultural products.

A. Limited sales and donation of fresh food and/or horticultural products grown at an Urban Garden may occur at the following off-site locations:

- (1) From an established brick-and-mortar facility located within a commercial zoning district;
- (2) from a permitted roadside stand as permitted in Section 165.20(1)(B);
- (3) as a part of a permitted special event permit as permitted in Chapter 123.

B. In no case shall such sales or donations occur within a dwelling unit.

Land Use Conflicts

The use of a special use permit (SUP) for the INS, CC, M1, and M2 zoning districts is proposed to address use conflicts that are difficult to address through a single definition or bulk delegations. Those concerns include the following:

- Urban gardens are usually larger than private gardens on vacant lots and bring additional people and activity to the site.
- Urban gardens may bring retail consumers to the site. This adds parking, lighting, and signage issues, and accessory buildings or farm stands where retail trade is conducted.
- Urban gardens may include more intense and complex operations. Operators may wish to use larger equipment (for example tractors versus walk-behind tillers), chemical pesticides or 38 herbicides, and may wish to include beekeeping, aquaculture, or animal agriculture in their businesses.

The SUP process gives the Board of Adjustment an opportunity to consider concerns from the neighboring property owners and identify options for mitigating land use conflicts. The Board of Adjustment could also deny the application if there were too many conflicts to overcome. In summary, staff has received a request from a business to operate a land use that is not clearly defined in the zoning ordinance. The ordinance under consideration creates a new land use classification, Urban Gardens, and permits the use by SUP in the INS, CC, M1, and M2 zoning districts. Additionally, the ordinance permits the use by right in the A1 and RR zoning districts. Staff is recommending approval of the ordinance. Finally, it is important to note that the Planning and Zoning Commission unanimously approved this ordinance during their meeting on December 9, 2019.

ATTACHMENTS:	Ordinance, Zoning Map
REPORT PREPARED BY:	Zoning Administrator
REVIEWED BY:	City Administrator, City Clerk
RECOMMENDATION:	Approve ordinance

I. CLAIMS

1. Abstract of Bills No. 2046.

Schiebout moved to approve, seconded by De Jong.

On roll call the vote was:

AYES: Schiebout, De Jong, Sporrer, Branderhorst, Bandstra, Hopkins.

NAYS: None.

Motion carried.

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

No comments were received.

L. CLOSED SESSION

1. Item pulled from the agenda.

M. ADJOURNMENT

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

On roll call the vote was:

AYES: Bandstra, De Jong, Sporrer, Branderhorst, Schiebout, Hopkins.

NAYS: None.

Motion carried.

Meeting adjourned at 7:31 p.m.