



# CITY OF PELLA

## CITY COUNCIL OFFICIAL MINUTES

January 17, 2023

### **A. CALL TO ORDER BY MAYOR AND ROLL CALL**

The City Council of the City of Pella, Iowa, met in regular session at the Public Safety Complex (614 Main Street) at 6:00 p.m., Mayor Don DeWaard presiding. Council members present were: Mark De Jong, Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Dr. Spencer Carlstone, Dave Hopkins. Absent: None.

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

Eight staff members and twenty-eight members of the general public attended in person.

Four members of the general public attended via conference call.

### **B. MAYOR'S COMMENTS**

1. Approval of Tentative Agenda.

Branderhorst moved to approve, seconded by Hopkins.

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

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

One comment was received.

### **D. APPROVAL OF CONSENT AGENDA**

De Jong 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 January 3, 2023
2. Report of Committees
  - a. Policy and Planning Minutes for January 3, 2023

PRESENT: Mayor Don DeWaard, Mark De Jong, Liz Sporrer, Calvin Bandstra, Dr. Spencer Carlstone

ABSENT: Lynn Branderhorst, Dave Hopkins

OTHERS: City staff and visitors

The Policy and Planning meeting began at 6:28 p.m. The only agenda item was an update regarding the proposed Indoor Recreation Center. In July of 2022, Council approved an Architectural and Engineering Services Agreement for this project with Shive-Hattery. Since that time, Shive has been working with staff and the Council appointed ad-hoc committee to determine the design and facility components of the Indoor Recreation Center. During this meeting, Brad Baker and Ron Hinds with Shive presented drafted plans, elevations, schematics, and highlights of the proposed facility, including:

- Four full-size basketball gymnasiums with a bouldering wall
- Recreation swimming pool
- Eight-lane competition swimming pool
- Indoor walking track
- Weight training area
- Flexible group workout room/community space

This project is currently considered in pre-design status, meaning the facility components can be scaled to match the available funding sources. A public input session will be held on Wednesday, January 11th, from 6:00 to 8:00 p.m. to gather public comments on the proposed plans. This session will be held at the Public Safety Complex, 614 Main Street. Mayor DeWaard clarified that this project is in the early stages of development; therefore, any specific technical questions and details, such as operational costs, will be further vetted out at a later time as the process proceeds to future phases.

The meeting adjourned at 7:16 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

- b. Community Development Committee Minutes for October 12, 2022

Chairperson Cody called the Community Development Committee (CDC) to order in the Memorial Building at 5:30 p.m. Members present were: Patsy Cody, Allissa Grandia, Nancy Henry, Mike Kiser, Shelly Riggen, Wayne Stienstra, Caryn Van Hemert, Dennis Vander Beek, and Christi Vander Voort; absent: Jerry Brummel. Staff present: Planning and Zoning Director Gerald Buydos, Zoning Analyst Jared Parker, and the Deputy City Clerk. Two members of the public were in attendance.

APPROVAL OF TENTATIVE AGENDA: Motion by Van Hemert, second by Stienstra to approve the tentative agenda. Motion carried 9-0.

APPROVAL OF MINUTES: Motion by Van Hemert, second by Riggen to approve the minutes from the September 14, 2022 meeting. Motion carried 9-0.

NEW BUSINESS

Consider a Design Permit Application to Paint a Mural on the Exterior of the Building Located at 626 Franklin St. Vander Voort explained that, as a member of Spirit of Pella, she would abstain from this item.

Spirit of Pella submitted a design permit application to paint a mural on the west façade of the building located at 629 Franklin St. Given the scale of the proposed mural, the project is considered a major project, which requires review by the full CDC.

The Design Manual identifies targeting colors that are in keeping with the character of the community. Most of the buildings in the immediate vicinity consist of red brick color, however, the applicant is proposing to paint on the building's existing off-white façade and adding a plaque. In evaluating this design application, staff evaluated the colors and compared them to the palettes approved as part of the Design Manual. The black used in the background appears to be similar to HC-190 on the Benjamin Moore historic palette. The Parkwater shade of blue's closest comparison would be Benjamin Moore's Buckland (HC-151). For the Citron shade of yellow, the closest comparison would be Sherwin-Williams' Classical Yellow (SW 2865). For the Tingle shade of green, the closest comparison would be Sherwin-Williams' Roycroft Bottle Green (SW 2847). For the Party Time shade of red, the closest comparison would be Benjamin Moore's Heritage Red (HC-181). Due to the specificity of the request, staff had no recommendation for the CDC regarding this item.

Spirit of Pella Steering Committee Members Ryan Vos and Vander Voort were present to speak in favor of the design permit and to answer questions from the CDC. The artist of the proposed mural, Hannah Heschke, was also present to answer questions about the mural. Vos explained that the mural was inspired by Dutch art in the Stahporst style. A plaque will be placed on the mural to explain the history of the art.

The Committee voiced concerns over the potential longevity of the mural's paint. Vos and Heschke stated that the paint will have a protective coating applied over it which will also make it easier to clean the mural. Additionally, the paint will have ultraviolet (UV) protection. Vos explained that the plan is for Spirit of Pella to enter into a contract with the artist and/or building owner to maintain the mural for a specified length of time. Should the owner wish to alter the art, they would need to receive permission from the Committee. Buydos said that in some municipalities, murals fall under the jurisdiction of a public art committee. However, no such committee exists in the City of Pella, so review is done by the CDC instead.

The Commission shared concern with potential lighting issues of the mural that may come from the adjacent Marion County Bank property. Buydos suggested that the Spirit of Pella look into whether nearby lighting has a white or yellow cast to it.

Van Hemert cautioned against putting a mural on every blank wall in town or concentrating a large number of murals in the same area.

Vos explained that the timeline for painting the mural is weather-dependent as well as dependent upon whether the wall needs to be cleaned first.

Motion by Van Hemert, second by Riggen to approve the design permit with the condition that the paint is protected from UV rays, that glossy paint is used for all colors except for the black background (with the understanding that the protective coating may give a sheen to the overall mural), and that the mural must be maintained. On roll call, the vote was: ayes: Van Hemert, Riggen, Cody, Grandia, Henry, Kiser, Stienstra, Vander Beek; nays: none; abstain: Vander Voort. Motion carried 8-0-1.

Consider a Recommendation to City Council to Approve the Proposed City of Pella Architectural Design Guidelines

The Committee has worked with SHYFT Collective to draft an updated design manual. The public was then given the opportunity to provide feedback to the Committee on the proposed changes during a public forum held on August 24, 2022. The City Council will need to approve the proposed updates to the manual prior to implementation.

Riggen requested that the precedent images included in the draft design manual that are labeled as Contemporary be relabeled as Transitional. She suggested the inclusion of precedent images in the manual for Contemporary (such as Smash Park) and an image of the Pella Market included as Transitional. Buydos will reach out to SHYFT Collective to make the requested changes.

Cody shared positive feedback on the proposed design manual from an individual who had served on the Committee years ago.

The Committee discussed the map of the design districts. There was extensive discussion on whether to extend District I (Historic Dutch), east along Oskaloosa Street to Eagle Lane. Henry expressed concern with expanding District I east along Oskaloosa Street and stated that the current District II (Transitional) designation on the map was satisfactory. She said increased design requirements for smaller businesses could be a burden financially. Henry also explained that the draft of the manual that the Committee was working from was not the most current. She asked that the current version of the manual be presented to the Committee before making a decision on the districts. She also questioned why District I would not be extended west along Washington Street if it is extended east along Oskaloosa Street as they are both corridors into town. She stressed that she was not advocating to extend District I down either street, but was wondering why the Committee did not view them the same way.

Buydos stated that staff will reach out to SHYFT Collective for the most current design manual draft and email it to the Committee

Van Hemert suggested adding to the design manual photos from the Pinterest page that the Committee has used to share design manual inspiration. Vander Voort asked that images of structures that the City does not have, but that the Committee would like to see in Pella, be included in the manual as well.

Motion by Van Hemert, second by Vander Beek to extend District I (Historic Dutch), east along Oskaloosa Street to Eagle Lane. On roll call, the vote was: ayes: Van Hemert, Vander Beek, Cody, Kiser, Riggen, Stienstra, Vander Voort; nays: Grandia and Henry. Motion carried 7-2.

Cody asked the Committee to drive along Oskaloosa Street to see what buildings are currently there. Grandia explained that she voted no because she agrees with Henry that the Committee should have the most current draft of the design manual in front of them before voting on anything. Additionally, she said that she drives Oskaloosa Street often and believes that a designation of District II (Transitional) for the area would be sufficient.

Next Meeting Date: The next regular meeting is scheduled for November 9, 2022.

Adjourned at 7:22 p.m.

### c. Planning and Zoning Commission Minutes for November 7, 2022

Chairperson Vos called the Planning and Zoning Commission to order at 7:00 p.m. in the Public Safety Complex. Members present were: Sarah Buchheit, Julio Chiarella, Tom Johnson, Robin Pfalzgraf, Ann Visser, and Teri Vos; absent: Joe Canfield, Cathy Haustein, and Marc Vande Noord. Staff present: Planning and Zoning Director Gerald Buydos, Zoning Analyst Jared Parker, Local Programming Coordinator Monte Goodyk, and the Deputy City Clerk. Nine members of the public were present.

APPROVAL OF TENTATIVE AGENDA: Motion by Pfalzgraf, second by Visser to approve the tentative agenda. Motion carried 6-0.

APPROVAL OF MINUTES: Motion by Johnson, second by Visser to approve the minutes of the October 24, 2022 meeting. Motion carried 6-0.

PUBLIC HEARING:

Public Hearing to Consider a Rezoning Application Submitted by Beau Browne for a Portion of Parcel 1257902000 Along Hempstead Drive to Change the Zoning from Agricultural (A1) to Rural Residential (RR)

Beau Browne submitted a rezoning application for a portion of a parcel along Hempstead Drive to change the zoning from Agricultural (A1) to Rural Residential (RR). The RR district provides for the rural residential use of land, accommodating low-density residential environments. The district's regulations assure that density is developed consistent with land use policies of the Pella Comprehensive Plan regarding rural subdivisions and levels of infrastructure. Property zones surrounding the site include Community Commercial (CC) Low-Density Single-Family Residential (R1), and A1.

City Code section 165.04 notes that the City "intends [the] Zoning Ordinance and any amendments to it shall be consistent with the City's Comprehensive Plan." The Comprehensive Plan's Future Land Use Map identifies the subject site as Agricultural. Surrounding the property on the Future Land Use Map includes a combination of Low-Density Residential and Agricultural.

Staff believes the proposed rezoning aligns with aspects of the City's Comprehensive Plan. As a result, staff recommended approval of the rezoning request. It should also be noted that staff believes the proposed rezoning aligns with a key strategic priority of the Comprehensive Plan, which is housing.

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

Dustin Browne, one of the owners of the property subject to the rezoning, was present to speak in favor of the rezoning and to answer questions from the Commission. He explained that the plan is to split the rezoned property into two lots for sale. Motion by Pfalzgraf, second by Johnson to close the public hearing as no further comments were received. Motion carried 6-0. Pfalzgraf said that she understands that Marion County plans to redo Hempstead Drive. Planning and Zoning Director Gerald Buydos stated that he is unaware of Marion County's plans but noted that the rezoning application was sent to Marion County. However, Marion County did not provide any comments. Vos noted that the Future Land Use Map identifies the site as Agricultural. She further stated that rezoning land from A1 is a big step that deserves considerable consideration, however, much of the land in question does not appear to be in production currently. Staff explained that A1 zoning permits one home per 10-acre parcel. RR zoning requires a minimum of one acre and permits some agricultural uses.

Motion by Johnson, second by Chiarella to approve the rezoning request as submitted. Motion carried 6-0.

#### NEW BUSINESS PROPOSED:

Consider a Final Plat Submitted by South Main I, LLC for the Project Known as South Main Phase II South Main I, LLC submitted a final plat to subdivide one parcel (approximately 0.99-acres) into six buildable lots with one outlot. The subject property is located at 412 Broadway St., on the corner of Broadway and Peace Streets. Previously, both the Planning and Zoning Commission and City Council have approved multiple actions on the property known as South Main. This final plat is needed to implement the product change that was recently approved by both the Commission and City Council.

Staff found that the final plat meets the minimum requirements of the zoning ordinance and subdivision ordinance, while also conforming to the City's Comprehensive Plan. Based upon the findings, staff recommended the final plat be approved as submitted.

Chiarella noted that parking concerns remain for the South Main development, especially once Main Street Market opens.

Motion by Johnson, second by Buchheit to approve the final plat as submitted. Motion carried 6-0.

Consider a Final Plat Submitted by Allan and Jo Ann Ready for 1802 Neil Dr.

Buchheit explained that she would be abstaining from this item as she is the realtor with the listing for this property.

Allan and Jo Ann Ready submitted a preliminary plat to create three parcels along Neil Drive at Idaho Drive. The 1.62-acre site is currently developed and is zoned Multiple-Family Residential (R3). The applicant wishes to subdivide and create three separate parcels. Two of these parcels have existing homes on them and one parcel will be vacant. The Planning and Zoning Commission approved the preliminary plat for this project on September 26, 2022, and the City Council approved it on October 18, 2022.

The proposed final plat has been submitted to reflect City of Pella staff and consultant comments. Staff found the final plat meets the minimum requirements of the zoning ordinance, subdivision ordinance and conforms to the previously approved preliminary plat. Additionally, staff found that the development conforms to the City's Comprehensive Plan. Based upon the findings, staff recommended approval of the final plat.

Motion by Pfalzgraf, second by Chiarella to approve the final plat as submitted. On roll call the vote was: ayes: Pfalzgraf, Chiarella, Johnson, Visser, and Vos; nays: none; abstain: Buchheit. Motion carried 5-0-1.

#### OTHER BUSINESS / WORK SESSION

Work Session to Discuss Upcoming Commission Meeting Dates

The purpose of this work session was to have the Commission discuss what the meeting schedule will look like for the remainder of 2022. As the regular meeting date for December falls on December 26, 2022 (a holiday for the City of Pella), staff asked whether the Commission would like to hold a meeting on November 28, 2022 (November's regular meeting date), meet earlier in December, or wait to meet until January 2023.

Following discussion, the Commission asked to schedule the meeting for Tuesday, December 13, 2022, at 7:00 p.m. An email will be sent to the Commission asking members to confirm their availability. The regular meeting scheduled for November 28, 2022, will then be canceled. Adjourned at 7:31 p.m.

#### d. Historic Preservation Commission Minutes for November 14, 2022

Chairperson Kermode called the Historic Preservation Commission (HPC) to order in the Memorial Building at 5:00 p.m. Members present were: Don André, Bruce Boertje, Rhonda Kermode, and Lila Turnbull; absent: Lorinda Bradley. Staff present: Planning and Zoning Director Gerald Buydos and the Deputy City Clerk. One member of the public attended the meeting.

APPROVAL OF TENTATIVE AGENDA: Motion by Boertje, second by André to approve the tentative agenda. Motion carried 4-0.

#### PUBLIC FORUM

Bob Zylstra asked about a monument sign and street signs for the Collegiate Neighborhood Historic District. Staff will look into where that stands with Iowa Prison Industries. At a previous meeting, the Commission had decided upon the design and wording for the street signs. A monument sign or large, bronze plaque had not been decided upon, due to the cost involved. Zylstra suggested reaching out to the Pella Preservation Trust (formerly the Historic Pella Trust) for possible funding for the monument sign or plaque. As the Commission does not have a budget, the City Council would need to authorize funding for any signage.

APPROVAL OF MINUTES: Motion by Turnbull, second by André to approve the minutes from the October 10, 2022 meeting. Motion carried 4-0.

#### NEW BUSINESS

Consider a Recommendation to City Council to Appoint a Representative from the Historic Preservation Commission to the Ad Hoc Community Center Improvements Committee

The Commission was tasked with choosing an individual from its membership to be recommended to the City Council for appointment to the ad hoc Community Center Improvements Committee.

Motion by Boertje, second by André to make a recommendation to City Council to appoint Kermode as a representative from the Historic Preservation Commission to the ad hoc Community Center Improvements Committee. Motion carried 4-0.

#### OTHER BUSINESS/WORK SESSION

Work Session to Discuss the Proposed Scholte Garden Historic District

Kermode had requested an update from staff regarding the proposed Scholte Garden Historic District application that is being reviewed by the State of Iowa. Staff will be mailing a letter from the Commission with the booklet Boertje prepared about the district to property owners in the district. The letter and booklet will also be mailed to the commissioners. Planning and Zoning Director Gerald Buydos reported that the Scholte Garden Historic District application was sent to the State of Iowa for initial review. He is waiting for clarification from the State as to whether they would also like to have a hard copy of the application mailed to them. It is estimated that the State's review of the application will take around three to four months.

Work Session to Discuss the Certified Local Government Program and the Report from the State Historic Preservation Office to the City of Pella Kermode had asked that the Commission discuss the Certified Local Government (CLG) program and the report from the State Historic Preservation Office (SHPO) to the City of Pella. The response from the SHPO was that the City of Pella's current ordinance for historic districts would not be acceptable for the CLG program guidelines. One of the reasons the SHPO gave is that the City's Dutch Design Review Manual does not follow the Secretary of the Interior's Standards for the Treatment of Historic Properties. Buydos will check with the SHPO for clarification on whether the City's Dutch Design Review Manual would prevent the City from becoming a CLG.

Other: André asked about three homes on South Main Street and whether there are plans to demolish them. Boertje said yes, though one of them might be moved by the Pella Preservation Trust. André asked why the owners do not choose to rehabilitate them into affordable housing for the community. Kermode said that she was told it would cost the owners too much to rehabilitate them. Buydos said that there are no protections in place for those properties that would prevent demolition of them.

André asked when Main Street Markt will be open. Buydos said the building must be ready for occupancy by December 31, 2022. He said Chick-fil-A should be open soon.

Work Session to Discuss Future Potential Historic Overlay Zone Locations Within the City of Pella

Boertje distributed a handout with information about 39 properties between Lincoln and Columbus Streets and between East First and East Second Streets. He suggested that the Commission look at this area as a possible future local historic district. He proposed calling the district the McClatchey Mill Historic District as there was formerly a woolen mill located at 1008 E. 2nd St. He suggested creating a booklet of information like he did for the proposed Scholte Garden Historic District to distribute to property owners early in the process to give property owners information about their homes and the district. Buydos explained that this item would need to be placed on an agenda in order for the Commission to take any formal action.

Next Meeting Date: The next meeting date is scheduled for December 12, 2022.

Adjourned at 6:29 p.m.

### 3. Petitions and Communications

#### a. Renewal of Class E Retail Alcohol License and Approval to Enroll in the Automatic Renewal Program for Casey's General Store #2694

BACKGROUND: Casey's Marketing, DBA Casey's General Store #2694 located at 2421 Washington Street, has applied for renewal of their class E retail alcohol license. The term of the new license is 12 months and, if approved, would expire on March 19, 2024.

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

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

ATTACHMENTS: None

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

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

#### b. Renewal of Class E Retail Alcohol License and Approval to Enroll in the Automatic Renewal Program for Fareway Stores #995

BACKGROUND: Fareway Stores, Inc., DBA Fareway Stores, Inc. #995 located at 2010 Washington Street, has applied for renewal of their class E retail alcohol license. The term of the new license is 12 months and, if approved, would expire on March 21, 2024.

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

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

ATTACHMENTS: None

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

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

#### c. Renewal of Class C Alcohol License for 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 retail alcohol license. The term of the new license is 12 months and, if approved, would expire on January 30, 2024.

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: None

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Approve renewal pending dram shop certification

## **E. PUBLIC HEARINGS**

### 1a. Public Hearing regarding Public Right-Of-Way Vacation in a portion of Hazel Street.

No written or oral comments were received.

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

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

BACKGROUND: This ordinance vacates the public right-of-way in a portion of Hazel Street running north/south within Phase 1 of the Timberview Development, as shown on the attached plat of survey. As background, this vacation is necessary for the Timberview Development to proceed. No utilities have indicated the presence of infrastructure in the affected right-of-way, nor did any utilities object to the right-of-way being vacated. It is important to note that the previously approved Timberview Development Agreement requires the developer to convey back to the city any land in the development property area that is needed for new or future right-of-way.

In summary, staff is recommending approval of this ordinance which vacates the public right-of-way as described above and on the attached plat of survey. Finally, the Planning and Zoning Commission unanimously approved the vacation request as submitted during their meeting on December 13, 2022.

ATTACHMENTS: Ordinance, Plat of Survey  
REPORT PREPARED BY: City Administration  
REPORT REVIEWED BY: City Administrator, City Clerk  
RECOMMENDED ACTION: Approve ordinance

- 1b. Ordinance No. 1025 entitled, "AN ORDINANCE VACATING THE PUBLIC RIGHT-OF-WAY IN A PORTION OF HAZEL STREET LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34 AND THE SOUTHWEST QUARTER OF SECTION 35 IN TOWNSHIP 77 NORTH, RANGE 18 WEST OF THE 5TH PRINCIPAL MERIDIAN IN THE CITY OF PELLA."

De Jong moved to place ordinance no. 1025 on its first reading, seconded by Hopkins.

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

It was moved by Bandstra that the statutory rule requiring said ordinance to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, seconded by Sporrer.

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

Bandstra moved that ordinance no. 1025 be adopted, seconded by Hopkins.

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

Mayor DeWaard declared the ordinance duly passed and adopted.

## **F. RESOLUTIONS**

1. Resolution No. 6540 entitled, "RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO CONVEY REAL PROPERTY BY QUIT CLAIM DEED TO PELLA TIMBERVIEW, LLC, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF."

Hopkins moved to approve, seconded by Sporrer.

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

BACKGROUND: This resolution establishes February 21, 2023 as the public hearing date regarding the proposed conveyance of vacated right-of-way property by quit claim deed. This property is located in a portion of Hazel Street running north/south within Phase 1 of the Timberview Development, as shown on the attached plat of survey. It is important to note that the City Council is in the process of vacating this public right-of-way, included as agenda items E-1-a and E-1-b.

As background, this vacation is necessary for the Timberview Development to proceed. No utilities have indicated the presence of infrastructure in the affected right-of-way, nor did any utilities object to the right-of-way being vacated. It is important to note that the previously approved Timberview Development Agreement requires the developer to convey back to the city any land in the development property area that is needed for new or future right-of-way.

In summary, staff is recommending approval of this resolution which simply establishes February 21, 2023 as the public hearing date to consider the conveyance of vacated right-of-way property by quit claim deed in a portion of Hazel Street to Pella Timberview, LLC. for the purpose of proceeding with the Timberview Development.

ATTACHMENTS: Resolution, Public Hearing Notice, Plat of Survey  
REPORT PREPARED BY: City Administration  
REPORT REVIEWED BY: City Administrator, City Clerk  
RECOMMENDED ACTION: Approve resolution

2. Resolution No. 6541 entitled, "RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE AGREEMENT FOR PRIVATE DEVELOPMENT BY AND BETWEEN THE CITY OF PELLA AND RDP HOLDINGS, LLC."

Branderhorst moved to approve, seconded by De Jong.

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

BACKGROUND: This resolution approves a first amendment to the Development Agreement with RDP Holdings, LLC. After discussing this amendment during the Policy and Planning meeting on December 6, 2022, Council directed staff to place the amendment on a future Council agenda for formal consideration. Council initially approved this agreement on September 7, 2021. On December 7, 2021, Council approved a partial assignment of the development agreement which reassigned the obligations and benefits of the Smash Park lot from RDP Holdings to Pella Entertainment Group.

First Amendment: RDP Holdings and Pella Entertainment Group are requesting a two-year extension to install an outdoor miniature golf course for the Smash Park venue. It is important to note that the current agreement requires the miniature golf course to be installed by December 31, 2023. The reason the developer is requesting this extension is due to the relocation of Mid-American Energy's high voltage transmission line which is scheduled to occur in 2024; this project dissects a portion of the Smash Park property. To minimize disruption during construction, the developers would like to build the miniature golf course once the transmission line relocation project is complete. Specifically, the amendment under consideration extends the deadline to install the miniature golf course until December 31, 2025.

The amendment under consideration also removes the requirement to build sand volleyball courts at the Smash Park site. The reason for this change is the developers would like the flexibility to solicit public input on future amenities such as batting cages or outdoor pickleball courts in lieu of being committed to constructing sand volleyball courts.

Summary: In summary, staff is recommending approval of this resolution and first amendment to the development agreement with RDP Holdings and Pella Entertainment Group. If approved, the deadline to install the miniature golf course will be extended to December 31, 2025 and all references to the requirement to construct sand volleyball courts will be removed from the agreement.

ATTACHMENTS: Resolution, First Amendment  
REPORT PREPARED BY: City Administration  
REVIEWED BY: City Administrator, City Clerk  
RECOMMENDATION: Approve resolution

3. Resolution No. 6542 entitled, “RESOLUTION APPROVING ORDERING THE PREPARATION OF PLANS AND SPECIFICATIONS, FORM OF CONTRACT, NOTICE OF HEARING AND NOTICE OF LETTING, SETTING DATE FOR PUBLIC HEARING, AUTHORIZING THE TAKING OF BIDS, AND AUTHORIZING BID OPENING FOR THE MONROE STREET IMPROVEMENTS.”

Branderhorst moved to approve, seconded by De Jong.

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

BACKGROUND: This resolution establishes March 7, 2023, as the public hearing date and authorizes staff to seek bids for the Monroe Street Improvements project. As background, this road segment begins at W. 3rd Street, extending west approximately 340’ LF to Oakwood Drive. This roadway is currently a rural section gravel road with ditches. The reconstruction will include new storm sewer and intakes and the new pavement will be 27’ wide, 7” thick concrete curb and gutter.

The project engineer, Garden & Associates, will handle the bid process and provide construction phase services for the project. The engineer’s opinion of probable costs is \$175,990.

If approved, the project’s critical dates are listed below:

February 22, 2023	Bid letting
March 7, 2023	Public hearing to receive bids and award of contract
May 3, 2023	Notice to proceed (no later)
Final completion	20 working days from written notice to proceed

ATTACHMENTS: Resolution, Engineer’s Opinion of Probable Costs, Notice of Hearing, Notice to Bidders, Project Map

REPORT PREPARED BY: Public Works Department  
REVIEWED BY: City Administrator, City Clerk  
RECOMMENDATION: Approve resolution

4. Resolution No. 6543 entitled, “RESOLUTION APPROVING CHANGE ORDERS NO. 7 AND NO. 8 TO THE CONSTRUCTION CONTRACT WITH EXCEL UTILITY CONTRACTORS FOR THE FIBER TO THE HOME NETWORK CONSTRUCTION PROJECT.”

Hopkins moved to approve, seconded by Sporrer.

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

BACKGROUND: These resolutions approve change orders no. 7 and no. 8 as well as accept the Fiber to the Home network construction project. As background, Council awarded the contract for this project to Excel Utility Contractors on April 21, 2020. The contract includes all materials, equipment, transportation, and labor necessary to construct the necessary outside plant infrastructure.

Agenda Item F-4: Resolution Approving Change Orders No. 7 and No. 8: This resolution approves change orders no. 7 and no. 8. NewCom, the project engineer has reviewed both change orders, finding them reasonable. Listed below is a summary of these change orders:

– Change order no. 7, in the amount of \$46,064.69, includes:

- Additional hand holes to reduce the length of drop plows needed
- Building walls around splitter cabinets where the landscape grade was too great to seed
- Re-routing of facilities due to the Neil Drive road construction site

– Change order no. 8, in the amount of \$178,070.42, is for a final quantities adjustment, truing up the engineered system design to the actual construction.

If approved, listed below is a summary of the final contract:

Original contract	\$8,800,161.38
Change order no. 1	(1,397,581.70)
Change order no. 2-6	328,984.01
Change order no. 7	46,064.69
Change order no. 8	<u>178,070.42</u>
Total revised contract	<u>\$7,955,698.80</u>

Agenda Item F-5: Resolution Accepting Project: This resolution accepts the project. NewCom is recommending acceptance and believes the project was completed in accordance with the approved plans and specifications. Staff is in agreement with the engineer’s recommendation.

Summary: In summary, the project engineer and staff are recommending approval of both resolutions approving change orders no. 7 and no. 8 as well as accepting the Fiber to the Home network construction project.

ATTACHMENTS: Resolution No. 6543, Change Orders No. 7 and No. 8, Resolution No. 6544, Certificate of Final Completion, Engineer’s Recommendation

REPORT PREPARED BY: Telecommunications Director  
REVIEWED BY: City Administrator, City Clerk  
RECOMMENDATION: Approve resolutions

5. Resolution No. 6544 entitled, “RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR THE FIBER TO THE HOME NETWORK CONSTRUCTION PROJECT.”

De Jong moved to approve, seconded by Hopkins.

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

6. Resolution No. 6545 entitled, "RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT WITH EXCEL UTILITY CONTRACTORS FOR THE OUTSIDE DROP SERVICE EQUIPMENT AND INSTALLATION."

De Jong moved to approve, seconded by Hopkins.

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

BACKGROUND: These resolutions approve change order no. 1 and accept the Fiber to the Premise network outside drop service equipment and installation project. As background, Council awarded the contract for this project to Excel Utility Contractors on January 5, 2021. The contract includes installation of a conduit from the public right of way and installation of a service drop inside the conduit from a subscriber terminal to the customer premises.

Agenda Item F-6: Resolution Approving Change Order No. 1: This resolution approves change order no. 1 which reduces the contract by \$22,000. The reason for this change order is upon inspection of the work product, 62 locations with shallow drop duct were identified; therefore, the City of Pella and Excel Utility Contractors have agreed to reduce the contract to account for these items. NewCom, the project engineer, has reviewed this change order and finds it reasonable.

If approved, listed below is a summary of the final contract:

Original contract	\$1,273,075.56
Change order no. 1	<u>(22,000.00)</u>
Total revised contract	<u>\$1,251,075.56</u>

Agenda Item F-7: Resolution Accepting Project: This resolution accepts the project. NewCom is recommending acceptance and believes the project was completed in accordance with the approved plans and specifications. Staff is in agreement with the engineer's recommendation.

Summary: In summary, NewCom, the project engineer, and staff are recommending approval of both resolutions approving change order no. 1 and accepting the Fiber to the Premise outside drop service equipment and installation project.

ATTACHMENTS: Resolution No. 6545, Change Order No. 1, Resolution No. 6546, Certificate of Final Completion, Engineer's Recommendation

REPORT PREPARED BY: Telecommunications Director

REPORT REVIEWED BY: City Administrator, City Clerk

RECOMMENDED ACTION: Approve resolutions

7. Resolution No. 6546 entitled, "RESOLUTION ACCEPTING THE OUTSIDE DROP SERVICE EQUIPMENT AND INSTALLATION."

Branderhorst moved to approve, seconded by Sporrer.

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

**G. ORDINANCES**

1. Ordinance No. 1024 entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY CONDITIONALLY AMENDING THE BOUNDARIES OF THE RR DISTRICT TO INCLUDE THE PROPERTY GENERALLY LOCATED ALONG THE NORTH SIDE OF HEMPSTEAD DRIVE AND DIRECTING THE ZONING ADMINISTRATOR TO NOTE THE ORDINANCE NUMBER AND DATE OF THIS CHANGE ON THE OFFICIAL ZONING MAP."

Hopkins moved to place ordinance no. 1024 on its second reading, seconded by Sporrer.

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

It was moved by Branderhorst that the statutory rule requiring said ordinance to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, seconded by Sporrer.

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

Hopkins moved that ordinance no. 1024 be adopted, seconded by Sporrer.

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

Mayor DeWaard declared the ordinance duly passed and adopted.

BACKGROUND: Beau Browne has submitted a rezoning application for a portion of a parcel along the north side of Hempstead Drive to conditionally change the zoning from Agricultural (A1) to Rural Residential (RR). The subject property is located along the north side of Hempstead Drive as outlined in red on the attached aerial map. The public hearing for this item was originally scheduled to occur on December 20, 2022; however, Council continued the public hearing to the January 3, 2023 Council meeting as the property owner signatures on the conditional rezoning ordinance were still pending at the time of the meeting. The property owner signatures have been received and are included on the ordinance which is an attachment to this memo.

Current Zoning: The subject property is currently zoned A1. This district provides for and preserves the agricultural and rural use of land, while accommodating very low-density residential development generally associated with agricultural uses. Land included in the Urban Reserve in the Comprehensive Plan should be retained in the A1 district to prevent premature or inappropriate development. The A1 minimum lot size is 10 acres.

Proposed Zoning: The proposed zoning for the property outlined in yellow on the attached zoning map is RR. This rezoning is conditional upon approval of a final plat formally dividing the RR zoned property from the adjacent A1 zoned property. This final plat must be approved within 12 months of approval of the rezoning ordinance. This district provides for the rural residential use of land, accommodating low-density residential environments. The district's regulations assure that density is developed consistent with land use policies of the Comprehensive Plan regarding rural subdivisions and levels of infrastructure. The RR minimum lot size is one acre. Property zones surrounding the site include Community Commercial (CC), Low-Density Single-Family Residential (R1), and A1.

Rezoning Petition: City Code recommends that the applicant submit a rezoning petition "duly signed by the owners of 50 percent of the area of all real estate included within the boundaries of said tract as described in said petition and duly signed by the owners of 50 percent of the area of all real estate lying outside of said tract but within 300 feet of the boundaries of the said tract. Both of the foregoing percentage signature requirements are

for advisory purposes only, and failure to obtain either or both of the required percentages shall not prevent continuance of the permit application.” A rezoning petition was not received with this application.

Comprehensive Plan: City Code section 165.04 notes that the City “intends [the] Zoning Ordinance and any amendments to it shall be consistent with the City’s Comprehensive Plan.” The Comprehensive Plan’s Future Land Use Map identifies the subject site as Agricultural. Surrounding the property on the Future Land Use Map includes a combination of Low-Density Residential and Agricultural.

Table 1.5 of the Comprehensive Plan, the Land Use Compatibility Matrix, assigns compatibility scores to different land use pairs, ranging from 1 (incompatible) to 5 (completely compatible).

PROJECT SITE	North	South	East	West
Proposed Low-Density Residential	Agriculture	Low-Density Residential	Agricultural	Agricultural
Compatibility	3	5	3	3

The proposed Low-Density Residential use is outlined in purple on the attached Future Land Use Map. Any potential conflicts which can be resolved through project design, landscaping, buffering, and screening, can be addressed through the building permit process.

It should also be noted that staff believes the proposed rezoning aligns with a key strategic priority of the Comprehensive Plan, which is housing. Planning and Zoning Commission Actions: The Planning and Zoning Commission unanimously approved this rezoning request on November 7, 2022.

Summary and Staff Recommendation: Staff believes the proposed rezoning aligns with aspects of the city’s Comprehensive Plan. As a result, staff is recommending approval of this conditional rezoning request. This rezoning is conditional upon approval of a final plat formally dividing the RR zoned property from the adjacent A1 zoned property. This final plat must be approved within 12 months of approval of the rezoning ordinance. Finally, it is important to note that a request to waive the second and third readings of the ordinance has been received and is included as a memo attachment.

ATTACHMENTS: Ordinance, Aerial Map, Zoning Map, Future Land Use Map, Rezoning Application, Rezoning Exhibit, Written Request

REPORT PREPARED BY: Zoning Analyst

REVIEWED BY: City Administrator, Planning and Zoning Director, City Clerk

RECOMMENDATION: Approve ordinance

## **H. CLAIMS**

1. Abstract of Bills No. 2119.

Branderhorst moved to approve, seconded by De Jong.

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

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

Comments were received and addressed.

## **J. ADJOURNMENT**

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

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

Meeting adjourned at 6:39 p.m.