



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

January 21, 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., Council Member Bruce Schiebout presiding. Council members present were: Mark De Jong (via phone), Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Bruce Schiebout, Dave Hopkins. Mayor Don DeWaard attended the meeting via phone. Absent: None.

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

Four staff members and twelve 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. Department Overview Presentations: Police, Public Works, Community Services
2. Approval of Tentative Agenda.

Branderhorst moved to approve, seconded by Hopkins.

On roll call the vote was:

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

NAYS: None.

Motion carried.

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

No comments were received.

C. APPROVAL OF CONSENT AGENDA

Hopkins moved to approve the consent agenda, seconded by Branderhorst.

On roll call the vote was:

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

NAYS: None.

Motion carried.

The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for January 7, 2020
2. Report of Committees
 - a. Policy and Planning Minutes for January 7, 2020

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

ABSENT: None

OTHERS: City staff and visitors

The Policy and Planning meeting began at 7:32 p.m. The first item on the agenda was a discussion regarding a revised development agreement with Harvest Investments. The development agreement approved in 2018 included a 41-unit housing cooperative for individuals age 55+. The developer was unable to obtain enough commitments to build as originally proposed; therefore, they are now requesting to amend the development agreement as follows:

Minimum improvements:

1. Retirement housing cooperative
 - 22-unit single-family patio homes intended for individuals age 55+
 - Served by a shared private drive built to public infrastructure standards.
 - Includes a clubhouse with meeting space, exercise facilities, and pickleball courts
 - Estimated construction cost: \$5.8 million
2. 10 lots for single-family homes similar to the existing homes in the Bos Landen development

Key conditions:

- Term of 15 years once the City begins to receive tax increment from the property
- Developer to construct 3,000 linear feet of public street (including water mains, sanitary sewer mains, storm sewer) built to City standards
- City to remit up to \$2.1 million of future tax increment financing revenues generated from the development for the public infrastructure

- Developer to construct the following improvements by July 31, 2021:
 - 22 single-family patio homes in a similar likeness to the color renditions
 - 750 linear feet of sanitary sewer and water mains, built to City standards and dedicated to the City upon completion
 - Private drive built to public infrastructure standards

According to Iowa law, tax increment financing (TIF) can be used to assist with public improvements related to housing and residential development. However, for developments which are not low and moderate income (LMI), there are specific requirements that need to be adhered to, as listed below:

- TIF revenues generated can only be used to offset the cost of the public infrastructure
- The City will be required to dedicate an amount equal to 36% (current percentage of families in Marion County considered LMI) of the aggregate amount of TIF rebates to support LMI housing within our community

At the end of the discussion, staff was directed to place the revised development agreement, as discussed, on a future agenda for formal consideration.

The next item on the agenda was a review of the City Council procedural rules. These rules establish guidelines for conducting City Council meetings that are efficient yet allow for orderly participation and sharing of ideas and opinions. At the end of the discussion, staff was directed to place the rules, with the City Attorney's recommended revisions, on a future agenda for formal consideration.

The next item on the agenda was a discussion regarding the 2019 sidewalk repair project bid. In 2018, Council discussed the sidewalk inspection and repair program which divided the City into quadrants allowing for a complete sidewalk inspection every four years. The 2019 quadrant inspection, located north of Washington Street and west of Main Street, resulted in the identification of 791 defective panels.

In June, staff notified owners of affected property of the requirement to make repairs by November or elect to allow the City to repair the defective panels and assess the cost to the individual properties. In early November, following the deadline, staff re-inspected the defective panels and found that 515 panels, spread over 213 properties, were still defective and were to be repaired by the City.

In December, staff issued a request for quotes (RFQ) and directly solicited nearly 13 local contractors; however, only one bid was received from TK Concrete. The total bid was \$99,672 (\$11.50/square foot for a 4" panel and \$13.50/square foot for a 6" panel). If this bid was awarded, the cost for a 4" deep 4'x4' panel would be \$184 and the cost for a 6" deep 4'x4' panel would be \$216. While this amount is more than the estimated cost of \$120-140 per panel that staff estimated at the beginning of the process, staff believes these costs are likely competitive in the current market and rebidding the project will not result in lower costs due to market conditions.

At the end of the discussion, staff was directed to proceed with placing the bid on a future agenda for formal consideration.

The last item on the agenda was a presentation of the upcoming fiscal year 20/21 budget by City Administration. The following items were presented: tentative budget calendar, expected revenues, prior financial commitments, and future opportunities. The first department overview presentation is scheduled to occur during the next Council meeting. The Council budget work sessions are scheduled for 6:00 p.m. on Monday, February 10 and 6:00 p.m. on Tuesday, February 11.

The meeting adjourned at 8:51 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

b. Historic Preservation Commission Minutes for November 11, 2019

Acting Chairperson André called the Historic Preservation Commission to order in the City Hall Conference Room at 5:30 p.m. Members present were: Don André, Bruce Boertje, and Rhonda Kermod (via telephone). Absent: Lila Turnbull. Staff present: Finance Director Corey Goodenow and Zoning Administrator Bryce Johnson (arrived at 5:45 p.m.). One member of the public was present.

APPROVAL OF TENTATIVE AGENDA

The meeting agenda was received by all commissioners prior to the meeting. The agenda stood as presented.

APPROVAL OF MINUTES

Motion by Boertje, second by André to approve the minutes from the October 14, 2019 meeting. Motion carried 3-0.

NEW BUSINESS

Consider an Application to Form a Historic District Overlay Zone for the Collegiate Neighborhood Historic District

An application to form a new historic district was submitted to the City's Planning and Zoning Department. The proposed district, known as the Collegiate Neighborhood Historic District, is located beginning on the west side of West 1st Street at its intersection with Liberty Street, south along West 1st Street to the south side of Union Street, to an alley between Union Street and Independence Street with four parcels adjacent to it to the east, west along the north side of Independence Street, and north along various property lines to the point of beginning.

The application to form a historic district included the following items to ensure compliance with Chapter 165.13.5 and ensure historic district qualifications are met:

- Signed Petition- A signed petition completed with 50% of the total number of parcels of real estate and 50% of the total public street frontage area.
- List of properties- A list of properties within the proposed district which contains the address, name, parcel identification number, whether contributing or non-contributing, whether each owner has consented to the nomination, as well as a list of property owners within 250 feet of the perimeter of the district.
- Inventory Study- A comprehensive inventory study outlining the location of the proposed district, as well as any other history, narrative, photographs, or maps that support the application.

Staff has reviewed the information submitted and believes it meets the application requirements to be considered by the Historic Preservation Commission (Commission).

The process to form a historic district is set by the City's zoning code and located in Chapter 165.13.5. Following the submission of an application, the following steps outline the process and procedures to consider an application for a historic district:

Step 1 - Historic Preservation Commission Review:

The Commission will hold a meeting, at which time the applicant will present the materials included with the application. If the Commission deems the application complete and sufficient to meet the required guidelines of creating a historic district, the Commission will recommend staff provide the included materials to the Iowa Department of Cultural Affairs – State Historic Preservation Office for their consideration.

Step 2 - State Historic Preservation Office:

If approved by the Commission, the State Historic Preservation Office will consider the application to create a historic district and make a determination as to the historic significance of the district.

Step 3 - Historic Preservation Commission Public Hearing:

If approved by the State Historic Preservation Office, the Commission will conduct a public hearing and review the proposed historic district as per the required criteria. Prior to the public hearing, notices will be sent to all property owners within the proposed district and those within 250 feet of the proposed district. The Commission will hear feedback from the property owners in the area and make a recommendation to the Planning and Zoning Commission and Pella City Council.

Step 4 - Planning and Zoning Commission Public Hearing:

The Planning and Zoning Commission will conduct a public hearing and review the proposed historic district as per the required criteria. Prior to the public hearing, notices will be sent to all property owners within the proposed district and those within 250 feet of the proposed district. The Planning and Zoning Commission will hear feedback from the property owners in the area and make a recommendation to the Pella City Council.

Step 5 - City Council Public Hearing and Readings:

The Pella City Council will conduct a public hearing and review the proposed historic district as per the required criteria, taking into consideration the recommendations from both the Historic Preservation Commission and the Planning and Zoning Commission.

Following the public hearing, the City Council will then consider the ordinance. Iowa law requires ordinances to be considered and voted on at three separate City Council meetings, unless the Council votes to suspend this requirement.

The proposed district is currently in Step 1 of the application process. As previously mentioned, if the Commission deems the application complete and finds the proposed district meets the qualifications to form a historic district, the application will be sent to the State Historic Preservation Office for a recommendation. Given that this area is currently designated as a National Historic District, staff expects the review to be timely.

Staff believes the application and materials submitted meet the minimum requirements to be considered as a historic district and recommends the proposed district be submitted to the State Historic Preservation Office for their recommendation.

Finance Director Corey Goodenow stated that the process to get an ordinance approved usually takes at least 90 to 120 days. This timeframe could be extended should any of the aforementioned steps take longer than expected to complete. The Commission discussed 906 Independence Street; it is not being included in the application for the historic district.

Motion by Boertje, second by André to approve the submittal of the proposed historic district application to the State Historic Preservation Office for their recommendation. Motion carried 3-0.

Zoning Administrator Bryce Johnson arrived at 5:45 p.m.

Goodenow noted that once the State Historic Preservation Office has reviewed the application, staff will schedule a public hearing to be held by the Commission. This meeting will likely take place in a different location from the regular meetings in order to accommodate the public.

OTHER BUSINESS/WORK SESSION

Discussion Regarding the Certified Local Government Program

The Commission has expressed interest in becoming a Certified Local Government (CLG). A program guide prepared by the State Historic Preservation Office of Iowa, which is located within the Iowa Department of Cultural Affairs was included in the Commission's meeting packet for review in anticipation of a presentation by Paula Mohr to the Pella City Council. The presentation by Mohr to the Pella City Council will be a joint work session to discuss the program, process, and benefits becoming a CLG.

Goodenow stated that any formal action to form a CLG will likely take place by the City Council after January 1, 2020 once the new council members and mayor have taken office. The Commission agreed to postpone Mohr's presentation to the City Council until January 21, 2020.

Kermode disconnected the call at 5:56 p.m. André left at 5:56 p.m. Kermode arrived to the meeting at 5:57 p.m. André returned at 5:57 p.m.

Goodenow stated that the Commission can decide what they would like included in the presentation to Council at a later date. Questions were asked by the Commission regarding who will be able to take part in the public hearings that will be held regarding the formation of a historic district. Goodenow stated that any citizens who would like to voice support in favor or against the historic district are welcome to attend the meeting; participation in the public hearing is not limited to those living within 250 feet of the proposed district who receive notification letters.

Kermode said she will research whether becoming a CLG would require the City to remove reference to the Dutch Residential Design Manual in Ordinance 927 of the City's code. She also agreed to sign the Certificate of Acknowledgement Form that is included in the Historic District Designation Application. Staff will then adjust the Historic District Boundary Map to include Kermode's property.

Boertje asked whether a district could be expanded or if it would need to be a new district. Goodenow replied that it likely would need to be a new district because the boundaries of a district are established in the application. However, a new application could hypothetically be submitted that includes the original district plus the expansion to form one district.

The Commission will review the CLG program guide prior to the next Commission meeting.

Johnson reported that staff received a \$1,800.00 quote for bronze landmark designation plaques. He said staff will research the cost of zinc plaques as a more affordable option.

Adjourned at 6:24 p.m.

c. Library Board Minutes for December 10, 2019

I. Call to Order: President Verlan called the meeting to order at 4:00 p.m. Board members present were: Angela Adam, Suzy Card, Verlan Den Adel, Brenda Huisman, Dinakar Kesavapillai, and Rachel Sparks. Library Director Mara Strickler was present. Kenny Nedder was excused.

II. Recognition of Visitors and Visitor Comments: Robin Martin from the Friends of the Library was present to speak about the MOU with the Friends.

III. Approval of Agenda: The December meeting agenda was received by all Board members prior to the meeting. The agenda stood as presented.

IV. Disposition of Minutes: All Board members received the November 2019 minutes prior to the meeting. Suzy moved to approve the November minutes as written. Dinakar seconded the motion. The minutes were unanimously approved.

V. Approval of Bills: All Board members received the December list of bills prior to the meeting. After a brief discussion and questions regarding the bills, Brenda moved to approve the December bills. Angela seconded the motion. The bills were unanimously approved.

VI. Unfinished Business:

- a. Annual report summary - Mara prepared highlights from FY 18/19 which is posted on the Library's website.
- b. Approve budget - Mara has prepared a FY 20/21 budget for the City. She will meet with the City Administrator in the upcoming weeks. Dinakar moved to approve the budget as presented. Suzy seconded the motion. The budget was unanimously approved.
- c. Accreditation and trustee training requirement: Mara reviewed minutes and found the reported hours below for Trustee trainings. The State requirement is 3-5 hours per year per Trustee. Mara is working on the accreditation which will be submitted in February.

- a. FY 17/18: .5 hour
- b. FY 18/19: 5 hours
- c. FY 19/20:
 - i. Board Development Webinar – possibly June – 2 hrs
 - ii. ILOC – 1/16 – 2 hrs
 - iii. Marion County Board Meeting – 4/23 – 2 hrs

VII. New Business:

- a. Discuss PCF Endowment distribution – Mara to find out more detail regarding the Endowment
- b. Discussion of historical items – There’s a few bookshelves from the Carnegie Library. After a brief discussion, Mara is going to contact the Pella Historical Society to see if they have any ideas or contacts to fix them. She will also review the Library minutes from 1999-2001 to see if there are any statements regarding the items.
- c. IA Shares Update – courier service funded by the State Library for inter library loans. So far we are pleased with the service.
- d. Who-Fi Update – Board members received monthly statistics for WhoFi to review.
- e. 2020 Board Meeting Schedule – Due to a conflict in scheduling, discussion was held to reschedule the March 2020 Board meeting. Suzy moved to change meeting to Wednesday, March 11, 2020. Verlan seconded the motion. The motion was unanimously approved.

VIII. President’s Report and Announcements: There was no President’s report.

IX. Director’s Report:

A. Personnel

- Library Assistant update.
- We have hired Andrea Vander Ploeg as the newest shelver. She has completed training with Katie and started her regular schedule. Please join me in welcoming Andrea to the Library!

B. IMLS Grant Update

- As of 12/3, 218 documents had been uploaded to the Pella Community Memory Database. Chris attended the initial cohort training in Milwaukee last month; the group’s mentor reviewed the workflow and clarified that documents need to be scanned as jpg files. Otherwise the established procedures were approved, and work continues with the correction.

C. Adventure Pass

- The Pella Historical Society & Museums has agreed to make the Pella Historical Village an Adventure Pass location for the Pella Public Library. I expect this location to be available to our patrons when they reopen in March 2020. My thanks to the Friends for continuing to support the Adventure Pass program!

D. Statistics

- Adventure passes: 15 passes checked out in November:
 - 4 to Blank Park Zoo
 - 2 to Botanical Gardens of Des Moines
 - 4 to the Brenton Skating Plaza
 - 5 to Science Center of Des Moines
- Fax24: 6 faxes sent in November.
- Hoopla:
 - 491 total circulations borrowed by 240 unique patrons
 - 100 patrons used all 3 checkouts
 - Average price per circulation: \$2.00
 - 96 patrons were blocked by the budget caps

E. Upcoming events:

Adults:

- December 10 at 6:00 p.m.: Sign Language Classes – Library Meeting Room
- December 11 at 6:30 p.m.: Holiday Coloring – Library Meeting Room
- December 16 at 7 p.m.: Celebracion de Navidad – Library Meeting Room

Youth:

- December 11, 18, & 25 at 3 p.m.: Whatchamacallit Wednesday – Meeting Room
- December 14, 21, & 28 at 10:30 a.m.: Saturday Storytime – Story Time Room
- December 15 & 17 at 10:30 a.m.: Holiday Story Time! – Library Meeting Room
- December 31 at 11:00 a.m.: Noon Year’s Eve! – Community Center Room 206

F. Community Connections: During November, Mara presented at both the Kiwanis and Rotary meetings.

X. Trustee training reports: There were no Trustee training reports.

XI. Committee reports:

- a. Policy Review: Bylaws – All Board members received a copy of the revised Bylaws prior to the meeting. Revisions were drafted by the City Attorney and the Trustee policy committee. Angela moved to approved the Bylaws as presented. Suzy seconded the motion. The bylaws were unanimously approved.
- b. MOU with Friends of the Library – The Memorandum of Understanding has been reviewed by both the Friend’s Board members and the Trustee policy committee. All Board members received a copy of the memorandum prior to the meeting. A brief discussion was held with Robin Martin from the Friends of the Library. Suzy moved to accept the Memorandum as presented. Brenda seconded the motion. The Memorandum was unanimously approved.

XII. Adjournment: President Verlan Den Adel adjourned the meeting at 5:33 p.m. The next regularly scheduled Board Meeting is scheduled for January 14, 2020.

D. *PUBLIC HEARINGS

1a. Public Hearing on the amended and restated Agreement for Private Development with Harvest Investments, LLC.

No written or oral comments were received.

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

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: This resolution approves and authorizes execution of an amended and restated agreement for private development with Harvest Investments, LLC. Council reviewed this revised development agreement during their Policy and Planning meeting on January 7, 2020; after discussion, Council directed staff to place this item on a future agenda for formal consideration. As background, in September of 2018, Council approved a development agreement with Harvest Investments which included a 41-unit housing cooperative intended for individuals 55 years of age and older. Subsequently, in the summer of 2019, Harvest Investments informed the City that they were unable to obtain enough commitments to build the 41-unit complex. In lieu of building the housing cooperative, Harvest Investments proposed a patio home development to Council on September 3, 2019. It is important to note that the patio home development would still be intended for individuals 55 years of age and older. After reviewing the proposed patio home development, Council instructed staff to proceed with this revised development agreement. Housing Needs in the City of Pella

Before considering the key terms of the revised development agreement, it is important to understand the housing needs within our community. The recent Marion County Housing Assessment identified a need for an additional 966 housing units through the year 2025 to meet our community's housing needs. All forms of housing were noted as a need in our community. It is important to note that 966 housing units equates to roughly a 15% increase in the number of housing units currently located within our community.

In addition, the assessment noted the need for an additional 309 senior housing units, with a majority of these attributed to active adult housing or housing intended for individuals 55 years of age or older. The 22-unit patio development proposed by Harvest Investments would qualify as senior housing.

Project Description

This proposed development is located approximately 1,200-feet south of the intersection of Bos Landen Drive and Utrecht Laan and abuts holes 1, 2, 17, and 18. The development includes a housing cooperative project which encompasses 22 single-family homes intended for individuals 55 years of age and older. Included within this portion of the development is a clubhouse with meeting space, exercise facilities, and pickleball courts. The developer estimates the construction cost of the cooperative project to be approximately \$5.8 million.

In considering the housing cooperative portion of the project, it is important to note the development will be served by a shared private drive which is being built to public infrastructure standards. For Council's review, staff has enclosed color renditions of the proposed buildings as well as the proposed site plan.

In addition, the developer is proposing to construct 10 single-family homes which will be similar to the existing homes in the Bos Landen development. At full build out, the developer estimates the property taxes generated from this development will be approximately \$185,000 annually.

Key Conditions of the Development Agreement

Term: the agreement is for a term of 15 years once the City begins to receive tax increment from the development property.

New Public Street and Associated Public Improvements: the developer is required to construct a public street roughly 3,000 linear feet which includes new water mains, sanitary sewer mains, and storm sewer. The estimated cost of the new public improvements totals approximately \$2.6 million. The new public improvements are required to be built according to City standards and will need to be dedicated to the City of Pella as a condition for the developer to receive tax increment rebates. This street has been completed and the public infrastructure has been dedicated to and accepted by the City.

Tax Increment Financing Reimbursement: the agreement requires the City to remit up to \$2.1 million of future tax increment financing revenues generated from the development for the public infrastructure which was constructed and dedicated to the City in 2019. This infrastructure included nearly 3,000 linear feet of streets, water mains, and sanitary sewer mains and cost approximately \$2.6 million. It is important to note, the City is only required to remit tax increment revenues it receives from the development, with a maximum reimbursement of \$2.1 million. Therefore, this arrangement essentially shifts almost all of the risks to the developer, as they will only receive reimbursement if the development generates tax increment financing revenues.

Retirement Housing Component: for the retirement housing component of the development, the developer is obligated to construct 22 patio homes in a similar likeness to the color renditions as stated in Exhibit B of the agreement. In addition, the developer is also required to construct, to City standards, 750 linear feet of sanitary sewer and water mains for the senior housing component of the development. Once completed, the developer will be required to dedicate these mains to the City. Under the terms of the development agreement, the developer has until July 31, 2021 to construct the patio homes and the respective utility mains.

It is important to note; a private drive will serve the retirement housing cooperative component of this development as identified on Exhibit B-1-2 of the development agreement. This drive will be built according to public infrastructure standards; however, the developer desires to keep it as a private street in order to accommodate a 'gated community' for the retirement housing component of this development.

Requirements for Tax Increment Financing for Non-LMI Housing

According to Iowa law, TIF can be used to assist with public improvements related to housing and residential development. However, for developments which are not low and moderate income (LMI), there are specific requirements that need to be adhered to, as listed below:

- Any TIF revenues generated by the development can only be used to offset the cost of the public infrastructure.
- For this proposed development, the City of Pella will be required to dedicate an amount equal to 36% (the current percentage of families in Marion County considered LMI) of the aggregate amount of TIF rebates to be provided to the developer in order to support LMI housing within our community. Based on the developer's TIF rebate award of \$2,100,000, this equates to approximately \$754,000 in funds which can be used for additional LMI housing projects or programs such as down payment assistance for LMI households.

In summary, staff is recommending approval of this resolution approving and authorizing execution of an amended and restated agreement for private development with Harvest Investments, LLC.

ATTACHMENTS: Resolution, Revised Development Agreement, Site Plan, Color Renditions
 REPORT PREPARED BY: City Administration
 REPORT REVIEWED BY: City Administrator, City Clerk
 RECOMMENDED ACTION: Approve resolution

1b. Resolution No. 6057 entitled, “RESOLUTION RATIFYING PUBLICATION OF NOTICE OF PUBLIC HEARING AND APPROVING AND AUTHORIZING EXECUTION OF AN AMENDED AND RESTATED AGREEMENT FOR PRIVATE DEVELOPMENT BY AND BETWEEN THE CITY OF PELLA AND HARVEST INVESTMENTS, LLC.”

Branderhorst moved to approve, seconded by Bandstra.

On roll call the vote was:

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

NAYS: None.

Motion carried.

2a. Public Hearing on Wastewater Treatment Plant 2019 Upgrade Project Bids.

No written comments were received. Oral comments were received from Council members.

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

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: This resolution approves the plans, specifications, form of contract, estimate of costs, and accepts bids for the Wastewater Treatment Plant 2019 Upgrades. Due to the construction bids coming in 25% over the project engineer’s estimate, staff is recommending Council conduct the public hearing and approve the plans, specifications, form of contract and estimate of costs, but defer awarding the contract until February 4, 2020. This will provide staff with additional time to secure financing to cover the additional \$1.0 million in estimated construction costs for this project.

As background, these upgrades are required to meet the new Iowa Department of Natural Resources (IDNR) permit and schedule. The IDNR permit included more stringent requirements for ammonia, E. coli, and dissolved oxygen. In addition, as part of the Facility Plan requirements, the City needs to address several plant repairs to maintain efficient operations for the next 20 years while upgrading the treatment plant. Listed below is a summary of the major components of this project:

1. Equalization Basin – Provide and install a flow measurement vault.
2. Headworks – Demolish the existing macerators and install a multi-rake screen and wash in a new annex to the existing Grit Building.
3. Activated Sludge Basins – Rehabilitate the four activated sludge basins.
4. Tank Drainage Pit – Replace the existing pumps and repair the tank drains.
5. Process Building – Replace the existing centrifugal aeration blowers, the existing RAS pumps, and associated RAS piping.
6. Final Clarifiers – Construct a new splitter box and a new final clarifier 3. Repair final clarifiers 1 and 2.
7. Ultraviolet Light Disinfection (UV) – Replace the existing UV system and modify the basins as required.
8. Sludge Thickeners – Blast and paint the sludge thickener flights.
9. Sludge Storage Tank – Repair the sludge storage tank roof and exterior walls.
10. General Plant Repairs – Repair brick and capstones, window gasket removal/replacement, glazing and gasket removal/replacement, and other work as indicated on the drawings.
11. Miscellaneous site improvements and grading.
12. Associated piping, electrical, controls, mechanical, structures, equipment, and other work as indicated on the construction documents.

The bid opening for the project was held on January 14, 2020. Three bids were received as follows:

Contractor	Bid
WRH, Inc.	\$5,998,000
Story Construction	\$6,148,000
Henkel	\$6,230,000

After reviewing the bid proposals and checking references, Fox Engineering, the project engineer, recommends awarding the contract to the lowest responsible bidder, WRH, Inc., as listed in the total amount of \$5,998,000. It is important to note that the engineer’s opinion of probable costs was \$4,894,000. Furthermore, the engineer does not believe rebidding the project would produce more favorable bid prices due to the current bidding climate, as further explained in the attached letter of recommendation. While staff is in agreement with the engineer’s recommendation, we also need to make sure we can secure financing to cover the additional \$1.0 million in construction cost for the project. Therefore, staff is recommending deferring the award of the construction contract until February 4, 2020. Listed below is the tentative timeline for the project:

Notice to proceed issued	February 18, 2020
NPDES permit compliance	July 1, 2021
Completion date	October 29, 2021

Finally, when the IDNR first mandated these improvements, staff believed the overall rate increase necessary to fund these improvements was between 25% to 30%. Staff now believes the overall rate increase for this project will be approximately 35% and will need to be evaluated on an annual basis.

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

2b. Resolution No. 6058 entitled, "RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT, ESTIMATE OF COSTS, AND RECEIVING OF BIDS FOR THE WASTEWATER TREATMENT PLANT 2019 UPGRADES."

Branderhorst moved to approve, seconded by Hopkins.

On roll call the vote was:

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

NAYS: None.

Motion carried.

E. PETITIONS & COMMUNICATIONS – None

F. PLANNING & ZONING ITEMS – None

G. ADMINISTRATION REPORTS – None

H. RESOLUTIONS

1. Resolution No. 6059 entitled, "RESOLUTION APPROVING CITY COUNCIL PROCEDURAL RULES."

Hopkins moved to approve, seconded by Branderhorst.

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: This resolution approves the City Council Procedural Rules. The rules were initially adopted in 2002 to establish guidelines for conducting City Council meetings that are efficient yet allow for orderly participation and sharing of ideas and opinions. The rules are reviewed and approved every other January, following the municipal election.

Council reviewed the proposed revisions to the rules during the Council meeting on January 7, 2020. The revisions, as recommended by the City Attorney, ensure alignment with state code and remove outdated references. After reviewing the rules, Council directed staff to place them, as revised, on a future agenda for formal consideration.

ATTACHMENTS: Resolution, City Council Procedural Rules

REPORT PREPARED BY: City Administration

REPORT REVIEWED BY: City Administrator, City Clerk

RECOMMENDED ACTION: Approve resolution

2. Resolution No. 6060 entitled, "RESOLUTION MAKING AWARD OF CONTRACT FOR THE 2019 SIDEWALK REPAIR PROJECT."

Branderhorst moved to approve, seconded by Hopkins.

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: This resolution awards a contract for the 2019 Sidewalk Repair Project to TK Concrete, Inc. in the amount of \$99,368. Council discussed this contract during the Policy and Planning meeting on January 7, directing staff to proceed with formal consideration.

As background, staff inspected the northwest quadrant of the City (north of Washington Street and west of Main Street) in the spring of 2019.

This inspection resulted in the identification of 791 defective sidewalk panels. In early June, affected property owners were notified of the requirement to make repairs by November 1, 2019. The notification also indicated that if repairs were not made, the City would repair the defective panels and assess the cost to the individual properties.

Owner Repair Results

In early November, staff re-inspected the defective panels and found that 515 panels, spread over 213 properties, were still defective and were to be repaired by the City. This is compared to the 327 panels over 139 properties in the 2018 program; though it is worth noting that the 2018 program covered a significantly smaller area. It is also worth noting that the first four years of the program will likely see the largest numbers for each quadrant due to this being the first cycle to hit each area of the city.

Request for Quotes

On December 4, 2019, staff issued a request for quotes (RFQ) from contractors to perform the required work. The RFQ stated that quoted repairs must follow all City standards for sidewalk repair including drilling and doweling the new panels to the existing sidewalk to prevent future movement and subsequent violations. While City staff directly solicited nearly 13 local contractors, and placed the customary online notices, only one bid, as follows, was received:

Contractor	4"	6"
TK Concrete	\$11.50 per SF	\$13.50 per SF

If awarded to TK Concrete, the cost for a 4" deep 4' x 4' panel would be \$184 while the cost for a 6" deep 4' x 4' panel would be \$216, as opposed to the prices last year of \$120 and \$144 for a 4" and 6" respectively. While this amount is over the estimated cost of \$120-140 per 4" panel that staff estimated at the beginning of the process, staff believes these costs are likely competitive in the current market and rebidding the project will not result in lower total project cost due to market conditions.

Proposed Assessment and Timeline

As previously discussed, under Iowa Code Section 364.12, a city may accumulate invidious assessments for repair and replacement of sidewalks and may periodically certify the assessments to the county treasurer under one or more assessment schedules. Based on guidance provided by the City Attorney, sidewalk repair assessments must follow guidelines outlined in Iowa Code Chapter 384.

The following is a summary of those guidelines and a proposed timeline.

- January 2020: Notice sent to property owners including cost and estimated repair dates.
- July 2020: TK Concrete completes repairs to identified sidewalk panels.
- July 7, 2020: Council accepts the work and sets the amount to be assessed against each property.
- July 21, 2020: Formal approval of the assessment schedule by resolution.
- July 22, 2020: City clerk files certificate of levy with the county treasurer.
- Late July-early August: Publications posted in the newspaper and homeowners sent letters notifying of the assessments.
- 30 days after mailing notices: county treasurer notified of assessments paid in full.

In summary, staff is recommending approval of this contract with TK Concrete to conduct the 2019 Sidewalk Repair Project. Based on the current market conditions, staff does not believe rebidding the project would result in lower bid costs. If approved, staff will notify homeowners of the process and indicate anticipated dates of construction. In the spring, repairs would be made, and staff would undertake the legally required process to assess the repairs to the associated property owners. It should be noted, Council can approve assessments in an amount greater than \$500 to be paid in up to ten annual installments.

ATTACHMENTS: Resolution, Contract
 REPORT PREPARED BY: Planning and Zoning Department
 REVIEWED BY: City Administrator, City Clerk
 RECOMMENDATION: Approve resolution

3. Resolution No. 6061 entitled, "RESOLUTION APPROVING ENGINEERING SERVICES AGREEMENT WITH VEENSTRA & KIMM, INC. FOR THE FIFIELD ROAD WATER MAIN EXTENSION."

Branderhorst moved to approve, seconded by Hopkins.

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: This resolution approves an engineering services agreement with Veenstra & Kimm, Inc. for the water main extension along Fifield Road. The general purpose of this project is to construct a new 16-inch water main extending along Fifield Road from W 9th Street to the intersection of Fifield Road and Washington Street/Highway G-28, as outlined on the attached map. The approximate length of this water main is 6,700 LF. As background, the City's municipal water system currently serves areas west of the west Highway 163 interchange. In this location, the fire flow levels are currently less than the target levels. Construction of this water main extension would increase the fire flow protection to support future development.

The following is a summary of the engineering fees for this project:

Design, Plans & Specifications, Permitting Services & Bidding Services	\$62,500
Construction Administration, Resident Review & Final Review	<u>61,300</u>
Total Engineering Fees (not-to-exceed)	<u>\$123,800</u>

The estimated cost of this water main extension is \$945,472, including engineering.

In summary, staff is recommending approval of this engineering services agreement with Veenstra & Kimm for the Fifield Road water main extension. Finally, it is important to note, the City Attorney has reviewed the engineering services agreement.

ATTACHMENTS: Resolution, Engineering Services Agreement, Map
 REPORT PREPARED BY: Public Works Department
 REVIEWED BY: City Administrator, City Clerk
 RECOMMENDATION: Approve resolution

4. Resolution No. 6062 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 PELLA MUNICIPAL AIRPORT WILDLIFE FENCE PROJECT."

Sporrer moved to approve, seconded by Hopkins.

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: This resolution establishes February 18, 2020 as the public hearing date and authorizes staff to seek bids for the Pella Municipal Airport Wildlife Fence Project.

As background, deer population and activity has continued to increase at the Pella Municipal Airport. The airport is surrounded by a 52" agricultural fence which allows deer to freely access the runway. Current methods to control wildlife presence include physically chasing deer in pickups, using propane powered cannons, and destroying problem deer utilizing DNR nuisance deer tags. These methods have been utilized with limited success; therefore, in May of 2019 Council approved an engineering services agreement for this project which consists of removing the existing agricultural fence and constructing an 8' deer fence with gates and a cattle guard.

The City's engineer on this project, HDR Engineering, Inc., will handle the bid process and provide construction phase services for the project. The engineer's opinion of probable costs for this project is \$421,646.

It is important to note, if Council proceeds with constructing this project the City will need to issue a general obligation bond to finance the project. This will be a separate action and likely considered by the Council in the spring of this year.

The project's critical dates are listed below:

February 13, 2020	Bid letting
February 18, 2020	Public hearing to receive bids and award of contract
March 10, 2020	Notice to proceed (approximate)
July 8, 2020	Final completion (120 calendar days after notice to proceed issued)

Contract documents are on file in the Public Works office.

ATTACHMENTS:	Resolution, Notice of Hearing, Engineer's Opinion of Probable Costs
REPORT PREPARED BY:	Public Works Department
REVIEWED BY:	City Administrator, City Clerk
RECOMMENDATION:	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."

Branderhorst moved to place ordinance no. 971 on its third reading, seconded by Bandstra.

On roll call the vote was:

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

NAYS: None.

Motion carried.

Branderhorst moved that ordinance no. 971 be adopted, seconded by Bandstra.

On roll call the vote was:

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

NAYS: None.

Presiding Officer Schiebout declared the motion carried and the ordinance duly passed and adopted.

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."

Bandstra moved to place ordinance no. 972 on its third reading, seconded by Branderhorst.

On roll call the vote was:

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

NAYS: None.

Motion carried.

Branderhorst moved that ordinance no. 972 be adopted, seconded by Bandstra.

On roll call the vote was:

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

NAYS: None.

Presiding Officer Schiebout declared the motion carried and the ordinance duly passed and adopted.

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. 2047.

Branderhorst moved to approve, seconded by Hopkins.

On roll call the vote was:

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

NAYS: None.

Motion carried.

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

No comments were received.

L. CLOSED SESSION – None

M. ADJOURNMENT

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

On roll call the vote was:

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

NAYS: None.

Motion carried.

Meeting adjourned at 7:59 p.m.