



# CITY OF PELLA

## CITY COUNCIL OFFICIAL MINUTES

February 18, 2020

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

The City Council of the City of Pella, Iowa, met in regular session at the Public Safety Complex (614 Main Street) at 7:00 p.m., Mayor Don DeWaard presiding. Council members present were: Mark De Jong, Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Bruce Schiebout, Dave Hopkins. Absent: None. City Administrator Mike Nardini and City Clerk Mandy Smith were present. Seven staff members and eight members of the general public signed the register.

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

1. Announce no Policy and Planning meeting will be held following the regular Council meeting.
2. Approval of Tentative Agenda.  
Bandstra moved to approve, seconded by Sporrer.  
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.
3. Announce closed session pursuant to Iowa Code Chapter 388.9(1) to discuss marketing and pricing strategies or proprietary information of a city utility if its competitive position would be harmed by public disclosure not required of potential or actual competitors, and if no public purpose would be served by such disclosure.

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

No comments were received.

### **C. APPROVAL OF CONSENT AGENDA**

Branderhorst moved to approve the consent agenda, seconded by De Jong.  
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 February 4, 2020
2. Report of Committees
  - a. Policy and Planning Minutes for February 4, 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 8:05 p.m.  
Library Director Mara Strickler presented an informational overview of the Pella Public Library including a review of their organizational chart, core responsibilities, and challenges the library is expected to face over the next two years.  
Presentations from the following departments were pulled from the agenda: Telecommunications, Electric, City Hall. These presentations will be covered during upcoming budget work sessions.  
The meeting adjourned at 8:18 p.m.  
Respectfully submitted:  
Mandy Smith  
City Clerk
  - b. Community Development Committee Minutes for November 13, 2019  
Chairperson Brummel called the Community Development Committee to order in the Public Safety Complex at 5:30 p.m. Members present were: Leah Bokinsky, Jerry Brummel, Patsy Cody, Linda Groenendyk, Mike Kiser, Jody Lautenbach, and Wayne Stienstra. Absent: Susan Canfield, Lowell Olivier-Shaw, Robyn Van Berkum, and Bob Zylstra. Staff present: Zoning Administrator Bryce Johnson and Deputy City Clerk Cynthia Vaske. Six members of the public were present.  
APPROVAL OF TENTATIVE AGENDA  
Motion by Kiser, second by Cody to approve the tentative agenda. Motion carried 7-0.  
APPROVAL OF MINUTES  
Motion by Cody, second by Stienstra to approve the minutes from the October 9, 2019 meeting. Motion carried 7-0.

## NEW BUSINESS

Consider a Design Permit Application to Alter the Front and Rear Façades of the Business Known as In't Veld's Meat Market. Jerry and Shaughn Roorda have submitted a design permit application to alter the buildings located at 820 and 822 Main Street. It is important to note that the Roordas are owners of the business known as In't Veld's Meat Market. They are currently in the process of expanding their business into the adjacent building located at 822 Main Street. The purpose of this design permit is to ensure their business expansion is uniformly designed throughout both buildings.

### Proposed Alterations:

The following is a summary of the requested alterations from the applicant. It is important to note that the purpose of this design permit, as stated by the applicants, is to return the architectural features and integrity of the buildings back to their historical origins.

#### Alteration #1 – Decorative Railing

The applicant proposes to install a decorative railing between the first and second floor of 822 Main Street, which utilizes forged steel panels. The intent of the panels is to match the historic look of the building as provided in page two of the meeting packet attachments. According to the design manual, outdoor fixtures, including lighting, railings, landscaping containers, and other fixtures are subject to CDC review and approval. Context-sensitive design with respect to the general location and adjacent building architecture should be kept in mind when considering outdoor fixtures. Glossy, bright colored, or plastic appearance fixtures should generally be avoided. Based on these guidelines and taking into consideration the historic photo provided by the applicants, staff recommends approval of alteration #1 as submitted.

#### Alteration #2 – Oriel Bay Window

The applicant proposes to paint the top of the oriel (bay) window copper and replace the "lighting rod" feature of 822 Main Street, which disappeared sometime prior to 1960. Included with application is a historic photo showing the lighting rod feature and bay windows, which was believed to be taken during the 1930s. Given the current condition of the oriel window and the historic nature of the lighting rod, as well as the general improvements to the aesthetics of the building these alterations would provide, staff recommends approval of alteration #2 as submitted.

#### Alteration #3 – Repainting 822 Main Street

The applicant proposes to repaint major portions of the building to match In't Veld's current color scheme.

The applicant has noted using the following colors:

In't Veld's building: Open Arms (V165)

In't Veld's windows and trim: Midsummer Night (V101-6)

Second story In't Veld's windows: Wedding Cake (V151)

First floor In't Veld's windows: Dark Chocolate (M257)

Based on the applicant's intent to match the existing approved color for 820 Main Street, staff recommends approval of alteration #3 as submitted.

#### Alteration #4 – Replace Metal Feature

The applicant intends to remove the metal feature, located in the area traditionally used for signage, with brick and new signage, which will be reviewed at a future time. Given that the removal of the metal feature will be replaced with brick, a preferred material of the design manual, staff recommends approval of alteration #4.

#### Alteration #5 – Install New Oak Door

The applicant intends to install a new oak door and replace the transom that sits above the door opening. The replacement door will be of similar color to the door that is the current entrance door for In't Veld's. The application materials indicate the new door will match the oval glass opening in the door. The applicant also intends to replace the transom above the door. Alteration #4 appears to comply with all aspect of the design manual, including the color requirements. Additionally, these improvements will more closely align with the building's historic look. Based on this information, staff recommends approval of alteration #5.

#### Alteration #6 – Construct an Elevator Shaft

In order to provide public access to the rooftop patio area located in the rear of the building, the applicant has indicated a desire to construct an elevator shaft that will be adorned with shutters. While the shaft will be in the rear of the building located at 822 Main Street, the design manual calls for 360-degree review. The applicant has indicated that the elevator shaft will incorporate shutters to "break-up" the height and add additional "Dutch" details. Additionally, the applicant has indicated the elevator shaft will be painted Greenwich Green (P023), while the shutters will be white with the trim painted Storybook Sundown (V010-3). Given the location of the proposed elevator shaft and the attempt to blend the structure in with the surrounding buildings through the utilization of shutters, staff recommends approval of alteration #6 as submitted.

#### Alteration #7 - Railing Installation

In order to operate the rooftop patio, 48-inch railings must be installed along the west façade of the rooflines. The applicant has indicated the use of a railing from Elite Fence Products, Inc. and a Gilpin Railing Ball Cap that match the décor of the façade. Examples of the proposed railing and ball cap as well as preliminary layout of the proposed rooftop patio can be found in the support documents accompanying this memo. Given the proposed material and decorative nature of the proposed railing, including the proposed ball caps, staff recommends approval of alteration #7.

#### Alteration #8 – Replace Existing Materials for 822 Main Street with Brick.

The applicant has indicated a desire to place brick materials on the facade of 822 Main Street to support new front windows as shown in the drawing included with the attachments. The proposed alteration would provide a more consistent appearance with the building located at 820 Main Street and utilizes the preferred building materials referenced in the design manual. Staff believes this alteration would improve the appearance of the building while meeting the requirements of the design manual. For this reason, staff recommends approval of alteration #8. In evaluating this design application, staff believes the proposed design complies with the regulations in the design manual as well as the City's zoning code. Therefore, staff is recommending the proposed design permit be approved as submitted.

The owners, Shaughn and Jerry Roorda, spoke in favor of the design permit and answered questions from the Committee. S. Roorda stated that the green color that is proposed for the façade is a color known as "Pella Green."

Motion by Cody, second by Groenendyk to approve the design permit on the condition that the shutters for the elevator shaft be considered at a later date. Motion carried 7-0.

Consider a Design Permit Application to Install an Awning to the Front of the Building Located at 818 Main Street

BJ Stokesbary has submitted a design permit application to install an awning on the west façade of the building located at 818 Main Street.

### Proposed Alteration:

1. Install black and white striped awning.

Please note the Community Development Committee (CDC) Design Subcommittee reviewed this awning but requested it go before the full committee for further review.

In evaluating this design application, staff believes the proposed awning complies with the regulations in the Zoning Ordinance. Additionally, from a design perspective, the proposed awning also complies with the standards in the Design Manual. Therefore, staff is recommending the proposed awning be approved as submitted.

Vickie Van Wyk, owner of the business at 818 Main Street, spoke in favor of the design permit and answered questions from the Committee. The Committee indicated they would like for the white part of the awning to not be a bright white. Motion by Stienstra, second by Bokinsky to approve the design permit on the condition that the color of the awning is approved by the Design Subcommittee. Motion carried 7-0.

Consider an Elevated Monument Sign Permit Application for the Property Located at 1500 Washington Street

Lora Martinson with Springfield Sign in Springfield, Missouri has submitted an elevated monument sign permit application for the property located at 1500 Washington Street known as the site of the new Burger King. The applicant is proposing a 13-square foot internally illuminated circular sign mounted on a freestanding wall along Washington Street.

After evaluating this permit application, staff finds that the proposed elevated monument sign complies with the regulations in the Zoning Ordinance. However, it is important to note that the CDC has historically denied sign permits that fail to satisfy the Old-World design requirements of the Design Manual.

Dave Schridde, with Springfield Sign, was present via video chat to speak in favor of the sign permit and to answer questions from the Committee. The Committee recommended that the sign be revised so that the base of the sign is constructed of the same brick and mortar used on the primary building. The sign permit could then be reviewed by the Sign Subcommittee.

Motion by Cody, second by Kiser to deny the sign permit. Motion carried 7-0.

OTHER BUSINESS / PUBLIC FORUM

Update on 2019 Central Business District Building Inventory Progress

Zoning Administrator Bryce Johnson updated the Committee on the Central Business District Building (CBD) Inventory progress. He and the City's Code Enforcement Officer will be taking more photos of businesses in the CBD now that the trees blocking buildings are without leaves. Other

Johnson said staff plans revisit the proposal from the CDC to expand the Committee's jurisdiction in January 2020.

At Stienstra's suggestion, the CDC agreed to name the color palette the Pella Color Palette.

The next regular meeting is scheduled for December 11, 2019.

Adjourned at 6:11 p.m.

### c. Historic Preservation Commission Minutes for January 13, 2020

Chairperson Kermode 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, Rhonda Kermode, Chris Meyers, and Lila Turnbull. Staff present: Finance Director Corey Goodenow and Zoning Administrator Bryce Johnson. One member of the public was present.

Annual Chair/Vice-Chair Elections

Kermode was elected Chairperson and Turnbull was elected Vice-Chair for 2020.

APPROVAL OF TENTATIVE AGENDA

Motion by Boertje, second by D. André to approve the tentative agenda. Motion carried 5-0.

APPROVAL OF MINUTES

Motion by Boertje, second by D. André to approve the minutes from the November 11, 2019 meeting. Motion carried 5-0.

NEW BUSINESS

Update on the Collegiate Neighborhood Historic District Overlay Zone Application

The State Historic Preservation Office (SHPO) has reviewed the historic district application submitted by the City in December 2019. SHPO has since provided a response. It is important to note that, in their response, SHPO is requesting a reason for why the proposed boundaries of the local Collegiate Neighborhood Historic District do not align with those of the neighborhood's National Historic District. Therefore, the purpose of this agenda item is to discuss the reason for the boundary change so SHPO can complete its final review of this application. Once this information has been provided to staff from the Commission, a letter outlining the reasoning for such will be sent to SHPO for their final review.

The Commission discussed 906 Independence Street, which belongs to Central College, and 503 Main Street, 704 and 706 Independence Street. These properties were included in the National Historic District but was not included within the local Collegiate Neighborhood Historic District overlay zone application. Kermode suggested that the Commission reach out to owners of these four properties about inclusion within the local historic district overlay zone and report back at the Commission's next meeting.

Kermode reported she confirmed with SHPO that, if the City becomes a Certified Local Government (CLG), language referencing the Dutch Residential Design Manual in Ordinance 927 of the City's code will need to be removed as it will not comply with national standards.

OTHER BUSINESS/WORK SESSION

Kermode reported that Paula Mohr and Sara André with SHPO plan to do a presentation on the CLG program for the City Council on February 4, 2020. Finance Director Corey Goodenow stated he would confirm that the meeting will have the presentation on the agenda.

Kermode also reported that, after becoming a CLG, the City would be eligible to apply for certain grants that could potentially provide funds for projects, such as the Pella Community Center.

Discuss Opportunities to Preserve the Historic Character of the Central Business District

Kermode said there have been some recent changes to buildings in the Central Business District (CBD) that are concerning in regards to the preservation of their historic integrity. The Main Street Iowa program, administered by the Iowa Economic Development Authority, is an option for downtown business owners seeking grants to fund work on their buildings. Goodenow shared with the Commission his experience with the Main Street Iowa program in another community.

D. André stressed that approval for these programs must be given prior to beginning work. He gave an example of a local business owner downtown who removed plaster from walls before reaching out to the State for grant money and was told that they were not eligible since work had already begun.

Turnbull said there may be some challenges in preserving the historic integrity of buildings that had Dutch fronts added to them that were not part of the original structure. Boertje suggested providing information to the business owners letting them know of funding opportunities available to them though the State.

Update from Bruce Boertje on the Compilation of an Inventory of Pella's Historic Homes

Boertje reported that he has compiled an inventory of the buildings in Pella built prior to 1960, which total around 1,250. The pre-1900 buildings total around 150. Zoning Administrator Bryce Johnson will work on mapping these properties and color-coding them by decade.

Other

D. André mentioned he has been in contact with State Historical Society of Iowa Board of Trustees member Lori Witt, who will be providing him with more information on grants that are available for landmark designation plaques and signage for historic districts through the Iowa Historic Resource Development Program.

Adjourned at 6:21 p.m.

#### d. Library Board Minutes for January 14, 2020

I. Call to Order: President Verlan called the meeting to order at 3:59 p.m. Board members present were: Suzy Card, Verlan Den Adel, Brenda Huismann, Kenny Nedder, and Rachel Sparks. Library Director Mara Strickler was present. Angela Adam and Dinakar Kesavapillai were excused.

II. Recognition of Visitors and Visitor Comments: No visitors were present.

III. Approval of Agenda: The January 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 December 2019 minutes prior to the meeting. Brenda moved to approve the December minutes as written. Suzy seconded the motion. The minutes were unanimously approved.

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

VI. Unfinished Business:

- a. Discuss PCF Endowment distribution – The Friends of the Library established an endowment for the library with the Pella Community Foundation in 2009. Once a year, the PCF allows a 5% distribution from the fund. The Board will continue to review annually in December and not take a distribution until the amount is “significant” or there is a specific project for the funds.

VII. New Business:

- a. Strategic Plan Update: Board members received the 2018-2021 strategic plan with status update prior to the meeting. Mara discussed status of the current fiscal year activities.
- b. Accreditation status report: Report is completed and will be submitted by 2/28/2020. The Library met all the standards for Tier 3. Mara to email a copy to the full Board to review draft prior to submitting.
- c. Inquiries regarding contracting library services: Pleasantville and Leighton have requested proposals for contracting library services. Discussion was held on price per capita, possible opportunities and challenges with contracting our services.

VIII. President’s Report and Announcements:

- a. There was no President’s report.

IX. Director’s Report:

A. Personnel

- Library Assistant update: Mary Kornis left the Library staff on 12/11/19. We accepted applications through 1/3/20. We received approximately 26 applications, 10 did not meet the minimum qualifications; of the remaining applicants, Chris conducted phone interviews with 6-8 individuals and he and I completed 4 in-person interviews; we are currently evaluating the final candidates.

B. IMLS Grant Update

- As of 1/3/20, 448 documents had been uploaded to the Pella Community Memory Database. Currently there are 62 documents related to the Earp Family, 33 to the Cole Family, and 10 to Gunslingers generally. The Digitization Assistant has already scanned approximately one-quarter of the Family History documents.

C. Statistics

- Adventure passes: 17 passes checked out in December:
  - 2 to Blank Park Zoo
  - 5 to Botanical Gardens of Des Moines
  - 6 to the Brenton Skating Plaza
  - 4 to Science Center of Des Moines
- Fax24: 4 faxes sent in December.
- Hoopla:
  - 478 total circulations borrowed by 234 unique patrons
  - 98 patrons used all 3 checkouts
  - Average price per circulation: \$2.10
  - 23 patrons were blocked by the budget caps

D. Upcoming events:

*Adults:*

- January 14 at 7:00 p.m.: Conversations in Spanish – Library Meeting Room
- January 16 at 10:15 a.m.: Genealogy Club – Library Meeting Room
- January 20 at 10:30 a.m. & 6 p.m.: Photo Digitization – Registration Required
- January 29 at 11:00 a.m.: Conversations in Spanish – Library Meeting Room
- January 30 at 12:00 p.m.: Brown Bag Book Club – Library Meeting Room

*Youth:*

- January 7 at 4:00 p.m.: Tinker Tuesday – Library Meeting Room
- January 9 at 6:30 p.m.: Home Reads Book Club – Library Meeting Room
- January 10 at 4 p.m.: Stuffed Animal Sleepover – See Miss Katie for info
- January 13 at 6:00 p.m.: Pajama Story Time – Families are welcome
- January 18 at 10:00 a.m.: Book Bash – Book Giveaway: *Clifford’s Bedtime*
- January 1, 8, 15, 22, & 29 at 3 p.m.: Whatchamacallit Wednesday – Meeting Room

X. Trustee training reports:

- a. Innovative Libraries Online Conference (ILOC): Thursday, 1/16/19 from 6:30-7:30 p.m. in the Library’s Meeting Room. Topic: Trustees: What’s Your Role in Project Management by Gail Santy.

XI. Committee reports:

- a. Policy Review: Personnel Policy. Board members received a copy of the Personnel Policy prior to the meeting. No changes were suggested by the policy committee. Kenny moved to approve the Personnel Policy as presented. Suzy seconded the motion. The policy was unanimously approved.

XII. Adjournment: President Verlan Den Adel adjourned the meeting at 5:28 p.m. The next regularly scheduled Board Meeting is scheduled for February 11, 2020.

#### e. Board of Adjustment Minutes for January 28, 2020

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

Annual Elections of Chair and Vice-Chair

The Board elected Vander Meiden to be Chairperson and Vander Wert to be Vice-Chairperson for 2020.

CHAIRPERSON'S COMMENTS

Approval of the Tentative Agenda

Motion by Reiter, second by Corbett to approve the tentative agenda. Motion carried 5-0.

APPROVAL OF MINUTES

Motion by Nossaman, second by Reiter to approve the December 16, 2019 minutes. Motion carried 5-0.

NEW BUSINESS/PUBLIC HEARINGS

Consider a Variance Request to Waive the City's Accessory Structure Placement Regulations for the Property Located at 520 Huber Street Ryan Hugen has submitted a variance application for his property mentioned located at 520 Huber Street. The applicant has requested a variance to permit a detached structure in the side yard. It should be noted currently located on the property is a detached structure, which would be removed if the variance and associated minor modification, considered as item D-2 of the agenda, are approved.

When considering this request, it is important to note that the property is located on the corner of Huber Street and E. 1st Street. Under the City's zoning code (165.10.125), the front yard is defined as:

"A yard measured across the full width of the lot and measured between the front lot line and the building or any projections thereof, other than the projections of the usual steps or unenclosed porches. On corner lots, the property owner shall be entitled to choose which of the two (2) yards adjacent to the street will be considered the front yard."

In considering this request, the applicant has selected the lot line along E. 1st Street as the front yard. This is an important distinction because this defines the location where the proposed detached structure can be placed. City Code Section 165.30.3. limits the location of the structure to the rear yard, as suggested by the following code section:

"Side Yards. An accessory building may be located a minimum of two feet (2') from the side lot line of the property if it is located between the rear building line of the principal building and the rear property line. In no case, shall an accessory building be located between the front building line and the rear building line of the principal building. No accessory building shall be located in any easement or right-of-way."

In summary, the applicant is requesting a variance to locate a detached accessory structure within the area between the front and rear building lines of the existing principal structure. It is important to note that, if the variance is approved, the building will be required to comply with all additional size and setback requirements for accessory structures under the City's zoning code.

Staff believes the subject property is not unique when compared to others in the surrounding zoning district and alternatives exist to construct an accessory structure to a maximum of 957 square feet, which is more consistent with the size of accessory structures of surrounding properties. Additionally, staff does not believe that the approval of this variance is necessary for the property owner to yield a reasonable return. For these reasons, staff recommends denial.

Convened Public Hearing on the variance request.

One written comment was received.

Motion by Reiter, second by Corbett to enter the written comment into the public record. Motion carried 5-0.

Motion by Corbett, second by Nossaman to close the Public Hearing as no further comments were received. Motion carried 5-0.

In response to a question from the Board, Zoning Administrator Bryce Johnson explained that the setback requirements for an attached structure would have been different than those for the proposed detached structure and would have made the allowable structure size much smaller.

Nossaman questioned what the accessory structure's use will be. Kelly Hugen, the applicant's wife, informed the Board that the accessory structure would be used as storage for cars and car parts.

Motion by Nossaman, second by Reiter to deny the variance request. Motion carried 5-0.

Consider a Minor Modification Request to Increase the Maximum Height of an Accessory Structure for the Property Located at 520 Huber Street

This minor modification request, to increase the maximum height of a detached garage from 15 feet to 20 feet, would have only been considered if the variance request, considered as agenda item D-1, was approved. However, the variance request was denied.

NEW BUSINESS

None.

OTHER BUSINESS/PUBLIC FORUM

The Board discussed changing meetings from the second and fourth Tuesdays of the month at 6:00 p.m. to the third Monday of the month at 6:00 p.m. All members in attendance were in favor of this change. Staff will check with absent Board members to see if this change will work with their schedules.

The Board also discussed the two vacancies on the Board. Any interested parties would need to first be appointed by the Mahaska County Board of Supervisors and then appointed by the Pella Mayor/Council. Staff will prepare a map of the properties located within the Mahaska 2-mile area that would be eligible for appointment to the Board of Adjustment.

The next meeting is scheduled for February 11, 2020.

Adjourned at 6:45 p.m.

3. Petitions and Communications

a. Renewal of Class C Liquor License with Sunday Sales privileges for The Cellar Peanut Pub

BACKGROUND: The Cellar Peanut Pub, located at 629 Franklin Street, has applied for renewal of their class C liquor license with Sunday sales privileges. The term of the new license is 12 months and, if approved, would expire on March 3, 2021.

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

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

b. Special Event Permit Request for Gene Van Wyk 5K Memorial Run

BACKGROUND: Pella Christian High School is requesting a special event permit for the annual Gene Van Wyk 5K memorial run on Saturday, April 11, 2020, from 8:30 to 11:00 a.m. The proposed race route remains the same as last year's event; no road closures have been requested. All pertinent City departments have reviewed this application and comments are attached. The fee and insurance certificate have been received, and approval is recommended.

ATTACHMENTS: Application, Map, Department Comments  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Approve special event permit

c. Special Event Permit Request for Klompen Classic 5K

i. Resolution No. 6065 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS KLOMPEN CLASSIC 5K"

BACKGROUND: Crossroads of Pella has requested a special event permit for the annual Klompen Classic 5K scheduled for Wednesday, May 6, 2020, from 6:00 to 9:00 p.m. In recent years, more than 2,000 runners and walkers participated in this annual event generating funds to support Crossroads programs. These programs serve thousands of local children and families year-round.

As part of this request, Crossroads of Pella has requested temporary closure of the following streets:

5:00 to 9:00 p.m.	Franklin Street from Broadway to E. 2nd
5:15 to 8:00 p.m.	Main Street from Liberty to Washington
6:45 to 8:00 p.m.	Main Street from Washington to Elm
6:45 to 8:00 p.m.	Broadway Street from Elm to the alley north of Bruxvoorts

All pertinent City departments have reviewed this application and comments are attached. The fee and insurance certificate have been received, and approval is recommended.

ATTACHMENTS: Resolution, Application, Map, Department Comments  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Approve special event permit and resolution

d. Special Event Permit Request for Kiwanis Easter Egg Hunt

i. Resolution No. 6066 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS KIWANIS EASTER EGG HUNT"

BACKGROUND: The Pella Kiwanis Club has requested a special event permit for the Kiwanis Easter Egg Hunt scheduled for Saturday, April 4, 2020 with a rain date of Saturday, April 11, 2020. The event is proposed to start at 9:00 a.m. with set-up beginning at 8:45 a.m. and take down ending at 11:30 a.m. In addition, the Kiwanis Club has requested the reservation of four parking spaces in front of the Tulip Toren.

The event will take place in the grassy areas on the south side of Central Park near the Tulip Toren. In past years, 300 to 400 children have participated.

All pertinent City departments have reviewed this application and comments are attached. The fee and insurance certificate have been received, and approval is recommended.

ATTACHMENTS: Resolution, Application, Map, Department Comments  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Approve special event permit and resolution

4. Administrative Reports

a. Conflict of Interest Waiver from Ahlers & Cooney, P.C. related to the Prairie Ridge Development

BACKGROUND: Marion County has requested representation by the Ahlers & Cooney law firm associated with the Prairie Ridge Development including:

1. Preparing a County-established urban renewal plan and assisting the County in its adoption
2. Assisting the County in borrowing funds to be used in support of the project

However, the Ahlers & Cooney law firm has an existing relationship with the City of Pella which has included assistance with several actions related to the Prairie Ridge project, as outlined in the attached letter; therefore, both parties would need to approve a conflict of interest waiver before Ahlers & Cooney law firm could undertake representation of the County. The County approved the waiver on February 11. The attached letter outlines specific steps that would be taken to ensure confidential information is not shared between the parties. In addition, the letter states that should disagreements or disputes arise, the law firm would withdrawal from representation of the County. In summary, staff is recommending approval of the attached letter waiving the conflict of interest for this specific situation.

ATTACHMENTS: Conflict of Interest Waiver  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Approve execution of the conflict of interest waiver

**D. \*PUBLIC HEARINGS**

1a. Public Hearing on the proposal to enter into a First Amendment to the Agreement for Private Development with South Main I, LLC.

No written or oral comments were received.

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

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

1b. Resolution No. 6067 entitled, "RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE AGREEMENT FOR PRIVATE DEVELOPMENT BY AND BETWEEN THE CITY OF PELLA AND SOUTH MAIN I, LLC."

De Jong moved to approve, seconded by Schiebout.

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

BACKGROUND: This resolution approves and authorizes execution of a first amendment to the agreement for private development with South Main I, LLC. As background, in December of 2018, Council approved this development agreement which included 42 housing units with price points allowing for a diverse buyer pool. In addition, the development will contain high-end housing finishes, a courtyard, extensive landscaping, and a community building. The location of the project is the former Webster School site on south Main Street and is approximately three acres in size. The overall estimated cost of the development is approximately \$16.5 million.

Due to construction delays, the developer is requesting to extend the construction deadlines as follows:

- First phase of the residential buildings (generally consisting of buildings 1, 2, and 3 as identified in the attached map): from March 31, 2020 to November 1, 2020
- Second phase: from June 30, 2021 to October 1, 2022

In summary, staff is recommending approval of this resolution approving and authorizing execution of a first amendment to the agreement for private development with South Main I, LLC. The amendment extends the construction deadlines as outlined above.

ATTACHMENTS: Resolution, First Amendment to the Development Agreement, Map  
REPORT PREPARED BY: City Administration  
REPORT REVIEWED BY: City Administrator, City Clerk  
RECOMMENDED ACTION: Approve resolution

## 2a. Public Hearing on the Pella Municipal Airport Wildlife Fence Project Bids.

No written or oral comments were received.

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

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

## 2b. Resolution No. 6068 entitled, "RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT, ESTIMATE OF COSTS, RECEIVING OF BIDS, AND MAKING AWARD OF CONTRACT FOR THE PELLA MUNICIPAL AIRPORT WILDLIFE FENCE PROJECT."

Schiebout moved to approve, seconded by De Jong.

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

BACKGROUND: This resolution approves the plans, specifications, form of contract, estimate of costs, accepts bids, and awards the contract for the 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 bid opening for the project was held on February 13, 2020; five bids were received:

Contractor	Bid
Midwest Fence & Gate Company	\$378,232.64
TK Concrete, Inc.	\$397,426.00
Lejas Corporation	\$438,775.00
American Fence Company of Iowa	Bid rejected – bid bond not complete
Taylor Fencing, LLC	Bid rejected – not delivered in a sealed envelope

After reviewing the bid proposals and checking references, HDR Engineering, the project engineer, recommends awarding the contract to the lowest responsible bidder, Midwest Fence & Gate Company, as listed in the total amount of \$378,232.64. The engineer's opinion of probable costs for this project was \$421,646. Staff is in agreement with the engineer's recommendation.

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

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

Notice to proceed issued	March 10, 2020
Final completion	July 8, 2020

In summary, staff is recommending approval of this resolution which approves the plans, specifications, form of contract, estimate of costs, accepts bids, and awards the contract for the above referenced project to Midwest Fence & Gate Company in the total amount of \$378,232.64. The resolution also gives the Public Works Director authorization to issue the notice to proceed once the contract, bonds, insurance certificates, and appropriate permits are in proper order and fully executed.

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

## E. PETITIONS & COMMUNICATIONS

### 1. New Class C Liquor License with Outdoor Service and Sunday Sales privileges for In't Veld's Ent.

Bandstra moved to approve, seconded by Sporrer.

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

BACKGROUND: In't Veld's Ent., DBA In't Veld's Meat Market located at 820 and 822 Main Street, has applied for a new class C liquor license with outdoor service and Sunday sales privileges. As background, In't Veld's currently holds a special class C liquor license for their business at 820 Main Street. A special class C liquor license allows sales of wine, beer, and wine coolers for on-premises consumption and carry-out sales of beer and wine coolers in original unopened containers.

In't Veld's has recently purchased and is in the process of renovating 822 Main Street. Their intention is to expand their restaurant capabilities including the addition of seasonal rooftop dining. This expansion is the reason for their new liquor license application.

The difference between a special class C liquor license and a class C liquor license is the added ability to sell alcoholic liquor for on-premises consumption in addition to wine, beer, and wine coolers which is allowed under a special class C liquor license.

The term of the new license is 12 months and, if approved, would expire March 31, 2021.

Staff is recommending approval as all requirements have been completed online with the state.

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

**F. PLANNING & ZONING ITEMS** – None

**G. ADMINISTRATION REPORTS** – None

**H. RESOLUTIONS**

1. Resolution No. 6069 entitled, “RESOLUTION APPROVING A LEASE AGREEMENT WITH LIBERTY STREET KITCHEN FOR THE RENTAL OF 1,179 SQUARE FEET OF THE MOLENGRACHT PLAZA FOR OUTDOOR DINING.”

Branderhorst moved to approve, seconded by Hopkins.

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

BACKGROUND: This resolution approves a lease agreement with Liberty Street Kitchen (LSK) for rental of a portion of the Molengracht Plaza for outdoor dining. As background, staff received a request from LSK, located in the Molengracht Plaza, to lease 1,179 square feet outside of their establishment for two separate outdoor dining areas connected by a walkway. It is important to note, we have leased a portion of this space for this same purpose since 2011.

Below are highlights of the lease agreement:

- LSK will pay \$589.50 (\$0.50 per square foot for 1,179 square feet).
- The term of the lease is from March 16, 2020 to October 31, 2020.
- Hours of operation are limited to between 6:00 a.m. and 12:00 midnight.
- LSK may play quiet music which does not disturb those utilizing adjoining publicly owned space. The purpose of playing the music is to add to the atmosphere, and the same music that is played inside the restaurant is played in the outdoor space. This arrangement was in place during previous leases in this location with no complaints reported since this item was added in 2012.
- The City has the authority to utilize the space for special events or other City functions during the contract period.

Finally, it is important to note that placement of temporary railings, furniture, and accessories are subject to the approval of the Community Development Committee. The approved seating plan, identifying the outdoor area layout, is included as a memo attachment and summarized below:

- Patio Dining Area: approximately 8 ft. x 54 ft.
  - This is the same general area utilized from 2011 to 2018 under a previous lease agreement.
  - Fenced-in area with one main path of entry, 5 tables, and seating for 20.
- Patio Lounge Area: approximately 16 ft. x 26 ft.
  - Fenced-in area with two paths of entry, lounge couches/chairs, and seating for 12-14.
- Walkway: approximately 10 ft. x 26 ft.
  - This area will not be fenced, allowing public foot traffic from the north and south.

In summary, staff is recommending approval of this lease agreement with LSK for rental of a portion of the Molengracht Plaza for outdoor dining.

ATTACHMENTS: Resolution, Lease Agreement with Map, Approved Seating Plan  
REPORT PREPARED BY: Community Services Department  
REVIEWED BY: City Administrator, City Clerk  
RECOMMENDATION: Approve resolution

2. Resolution No. 6070 entitled, “RESOLUTION APPROVING ENGINEERING SERVICES AGREEMENT WITH HDR ENGINEERING, INC. FOR THE PELLA MUNICIPAL AIRPORT RUNWAY 16/34 REHABILITATION DESIGN AND BIDDING PHASE SERVICES.”

Schiebout moved to approve, seconded by Hopkins.

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

BACKGROUND: This resolution approves an engineering services agreement with HDR Engineering, Inc. for the Pella Municipal Airport Runway 16/34 Rehabilitation Design and Bidding Phase Services. As background, in 2018 Council approved a contract with HDR Engineering to develop a Transition Plan for the Pella Municipal Airport. The purpose of the plan was to identify necessary airport improvements while the regional airport is being constructed. The Transition Plan recommended rehabilitation of several areas of Runway 16/34 which have deteriorated due to age and winter weather.

As a result, staff is recommending approval of this agreement with HDR Engineering to provide design and bidding phase services for this project. The project will be funded in part by the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) at an approximate amount of \$1,150,000 for construction and, therefore, will be completed in accordance with FAA Order 5100.38D *Airport Improvement Program Handbook* and the FAA Central Region *AIP Sponsor Guide*.

The project includes rehabilitation of the following pavement management sections:

- Replacement of Concrete Surfacing and Base Course Repairs:
  - R16PE-01: 1,004 LF, full width of runway (turnaround pavement to remain)
  - R16PE-02, R16PE-04: outer 12.5 feet both sides of runway
  - T01PE-01: taxiway between runway and hold line
- Concrete Pavement Repairs (i.e. crack seal, spall repair, slab replacement):
  - Remainder of Runway 16/34 and turnarounds

No impacts to edge lighting or utilities are anticipated. The runway will be closed to aircraft traffic for approximately 60 calendar days while the work is performed.

HDR Engineering has assisted the City of Pella with several airport projects in the past. In addition, HDR is currently working on the regional airport and airport wildlife fence projects.

The scope of their work on this project includes preliminary and final design plans and specifications, bidding and construction phase services.

The estimated breakdown of the not-to-exceed engineering fees is:

Task 1 – Project Administration	\$ 29,993
Task 2 – Design Phase	51,388
Task 3 – Bidding Phase Services	11,456
Task 4 – Surveying & Geotech Services	<u>27,525</u>
<b>Total Engineering Services</b>	<b><u>\$ 120,362</u></b>

It is important to note that construction administration and inspection services are required, and the associated costs will be determined at a later date. Finally, FAA AIP dollars require a 10% match of City funds. If approved, design is estimated to begin immediately.

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

3. Resolution No. 6071 entitled, “RESOLUTION DETERMINING THE NECESSITY AND SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED PRAIRIE RIDGE URBAN RENEWAL PLAN FOR A PROPOSED URBAN RENEWAL AREA IN THE CITY OF PELLA, STATE OF IOWA.”

De Jong moved to approve, seconded by Schiebout.

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

BACKGROUND: This resolution establishes March 17, 2020 as the public hearing date for the proposed Prairie Ridge Urban Renewal Plan. The proposed Plan is intended to help facilitate additional housing in our community. As background, the Marion County Housing Assessment identified an additional 966 new housing units are needed by the year 2025 to meet the demand for housing in Pella. Furthermore, the City’s Comprehensive Plan also established goals and suggested strategies for new housing developments within our corporate limits. Included with these strategies was the use of Tax Increment Financing (TIF) to provide economic development incentives to developers for new housing. In order for the City of Pella to offer economic development incentives for new housing, the City must first approve an urban renewal plan.

The location of the proposed plan is south of Highway 163 on the western portion of the City of Pella’s corporate limits. Included in the attached proposed plan is a map of the urban renewal area, which is listed as Exhibit B.

As additional background on this resolution, under Iowa Code the City is required to hold a consultation with all affected tax entities prior to adopting urban renewal areas. This resolution sets February 26, 2020 as the consultation date for all taxing entities and, furthermore, this resolution establishes March 17, 2020 as the public hearing date for the proposed Prairie Ridge Urban Renewal Plan.

ATTACHMENTS: Resolution, Prairie Ridge Urban Renewal Plan  
REPORT PREPARED BY: City Administration  
REVIEWED BY: City Administrator, City Clerk  
RECOMMENDATION: Approve resolution

## I. ORDINANCES

1. Ordinance No. 973 entitled, “AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY MODIFYING THE BOUNDARIES OF THE CC DISTRICT TO INCLUDE THE PROPERTIES LEGALLY DESCRIBED IN “EXHIBIT A” AND DIRECTING THE ZONING ADMINISTRATOR TO NOTE THE ORDINANCE NUMBER AND DATE OF THIS CHANGE ON THE OFFICIAL ZONING MAP.”

Branderhorst moved to place ordinance no. 973 on its second reading, seconded by Schiebout.

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 Schiebout.

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

Schiebout moved that ordinance no. 973 be adopted, seconded by Branderhorst.

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

Mayor DeWaard declared the ordinance duly passed and adopted.

BACKGROUND: Jacque Zondervan has submitted a rezoning application to change the base zoning district of the property located at 405 Truman Road from Limited/Light Industrial (M1) to Community Commercial (CC). The subject property is currently used as amusement recreation and daycare land uses. As further background, the existing daycare was required to obtain a special use permit (SUP) to operate at this location. The SUP will continue to run-with-the-land up until operations cease for six months. The applicant has indicated their need to move their retail furniture store, known as Bruxvoort’s Decorating Center, to a larger facility. Additionally, retail land uses are prohibited in the M1 zoning district but are permitted by right in the CC zoning district, which is the reason for the rezoning request.

### CURRENT ZONING

The subject property is currently located within the M1 zoning district. This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.

### PROPOSED ZONING

The requested zoning classification for this property is CC. The zoning code states that this district accommodates a variety of commercial uses, some of which have significant traffic or visual effect. These districts may include commercial uses which are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts.

#### REZONING PETITION

Chapter 165.38 of the City Code recommends the applicant obtain a petition with signatures from 50% of property owners within 300 feet of the proposed rezoning for advisory purposes only. However, failure to obtain the threshold level shall not prevent continuance of the rezoning application. A rezoning petition was not received with this application.

#### SPOT ZONING CONCERNS

Staff does not believe spot zoning concerns are associated with this request since the surrounding area is composed of similar commercial land uses and other CC zones are located in close proximity to the subject property. It is important to note that the City Attorney has reviewed this application and verified spot zoning is not a concern for this rezoning application.

#### Adjacent Base Zoning Districts

North, South, East, West: all Limited/Light Industrial (M1)

#### COMPREHENSIVE DEVELOPMENT PLAN

Chapter 165.04 of the City Code requires the proposed rezoning to conform to the City's Comprehensive Plan. A component of the Comprehensive Plan is the Future Land Use Map, which identifies the subject property as commercial land uses. It is important to note that the Comprehensive Plan also indicates commercial land uses should provide a variety of freestanding commercial, shopping center, and office land uses with a focus on retail activity on larger lots. Lastly, commercial land use types outlined in the Comprehensive Plan are most commonly zoned CC in the City's current zoning map classification system.

It is also important to evaluate rezoning requests for potential land use conflicts using Table 1.5 – Land Use Compatibility Matrix. This table uses a rating scale of 1 (incompatible) to 5 (completely compatible) to measure the relationship between land uses and their compatibility with each other. This said, Table 1.5 rates the land compatibility of the proposed rezoning a four meaning basically compatible. Given that the Future Land Use Map identifies the subject property for commercial land uses, staff believes the rezoning request complies with the City's Comprehensive Plan.

#### STAFF RECOMMENDATION

Staff believes the rezoning request meets the requirements of the City's Zoning Code and is consistent with the City's Comprehensive Plan.

Therefore, staff is recommending approval of the rezoning application as submitted and presented. Finally, it is important to note that the Planning and Zoning Commission unanimously approved this ordinance during their meeting on January 27, 2020.

ATTACHMENTS: Ordinance, Application, Aerial Map, Zoning Map, Future Land Use Map

REPORT PREPARED BY: Zoning Administrator

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Approve ordinance

#### **I. CLAIMS**

1. Abstract of Bills No. 2049.

Schiebout moved to approve, seconded by Branderhorst.

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

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

No comments were received.

#### **L. CLOSED SESSION**

1. At 7:37 p.m., Hopkins moved to enter into closed session pursuant to Iowa Code Chapter 388.9(1) to discuss marketing and pricing strategies or proprietary information of a city utility if its competitive position would be harmed by public disclosure not required of potential or actual competitors, and if no public purpose would be served by such disclosure, seconded by Schiebout.

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

At 9:15 p.m., Schiebout moved to reconvene to regular session, seconded by Sporrer.

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

No action was taken regarding this closed session.

#### **M. ADJOURNMENT**

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

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

Meeting adjourned at 9:17 p.m.