



# CITY OF PELLA

## CITY COUNCIL OFFICIAL MINUTES

May 2, 2023

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

The City Council of the City of Pella, Iowa, met in regular session at the Public Safety Complex (614 Main Street) at 6:00 p.m., Mayor Don DeWaard presiding. Council members present were: Mark De Jong, Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Dr. Spencer Carlstone, Dave Hopkins. Absent: None. City Administrator Mike Nardini and City Clerk Mandy Smith were present. Thirteen staff members and twenty-five members of the general public attended in person. Four members of the general public attended via conference call.

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

1. Approval of Tentative Agenda.

Bandstra moved to approve, seconded by Branderhorst.  
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

2. Introduction of Pella Ambulance Therapy Canine Nitro.

BACKGROUND: The Pella Ambulance Department would like to introduce their therapy canine, Nitro. As background, on March 21, 2023, the City Council approved Pella Ambulance's request to implement a canine therapy program. Pella Ambulance was selected by Crisis Canines of the Midlands to be a part of their therapy program at no-cost to the City of Pella. First responders who serve in emergency medicine, fire, and law enforcement experience high levels of stress daily. Crisis canine response teams provide support to help mitigate the adverse effects of intense stress endured by first responders in a crisis or disaster event. Crisis response canines are specifically selected and trained to interact with individuals who are experiencing extreme emotions in the aftermath of a crisis or disaster. The presence of a crisis response canine in these situations can help those who may otherwise shut down emotionally. A crisis response canine is trained to help gently and safely break through the barriers of fight or flight survival response, allowing individuals to re-connect and open up to their support network for recovery and healing. During this meeting, the Ambulance Department will introduce Nitro, a goldendoodle puppy, to the City Council. Chief Higginbotham's therapy dog, Walter, will accompany Nitro. Walter has participated in the crisis canine training program and is now "mentoring" Nitro as he begins his training.

ATTACHMENTS: None  
REPORT PREPARED BY: Ambulance Chief  
REVIEWED BY: City Administrator, City Clerk

3. Creation of Ad Hoc Committee for the Southside Beautification Project.

Hopkins moved to approve, seconded by Sporrer.  
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: Mayor DeWaard would like to appoint an ad hoc Southside Beautification committee. As background, in 2019, Council approved an agreement with Civil Design Advantage (CDA) to create the Southside Beautification Project Master Plan on a 2.75-acre site in the 500 block of Oskaloosa Street. This location is the former site of the city's coal power plant that was deconstructed in 2014. Several individuals including representatives from the City Council, Pella Corporation, and the city worked with CDA to develop several site concepts. These concepts were presented to Council in December 2019 and option A was chosen by Council as the favored layout. This ad hoc committee will be responsible for reviewing the current master plan concept and making any adjustments based on new information and funding availability.

The following individuals are being recommended to serve on the ad hoc committee:

- Pella Corporation Facilities Team Member (TBD)
- Jade Dix, Genlink
- Daryl Metzger, Representative of Genlink
- Lynn Branderhorst, City Council Member
- Kayla Stehlik, Community Services Board Member
- Chandler Nunnikhoven, Parks Manager

The Community Services Director would provide staff support to the committee.

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

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

No comments were received.

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

De Jong moved to approve the consent agenda, seconded by Sporrer.  
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.  
The following items were approved:

1. Approval of Minutes

a. Official Council Minutes for April 18, 2023

2. Report of Committees

a. Policy and Planning Minutes for April 18, 2023

PRESENT: Mayor Don DeWaard, Lynn Branderhorst, Calvin Bandstra, Dr. Spencer Carlstone, Dave Hopkins

ABSENT: Mark De Jong, Liz Sporrer

OTHERS: City staff and visitors

The Policy and Planning meeting began at 6:56 p.m. The only agenda item was a discussion regarding the current Local Option Sales and Services Tax (LOSST) Redistribution Agreement with Marion County and the City of Knoxville. While the City of Pella generates approximately 65% of the LOSST revenues in Marion County, the city only receives 29% of the proceeds through the State of Iowa’s distribution formula. As a result, the redistribution agreement was entered into in 2007 to address concerns regarding the allocation of LOSST revenues. Through this agreement, Marion County redistributes 8% of countywide LOSST revenues to the City of Pella, equating to approximately \$440,000 annually, which has been used to support road improvements and quality of life projects within our community.

At the end of the discussion, staff was directed to contact the City of Knoxville and Marion County to renegotiate the LOSST Redistribution Agreement which is set to expire on December 31, 2023.

The meeting adjourned at 6:59 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

3. Petitions and Communications

a. Special Event Permit Request for Books and Art Summer Programming

BACKGROUND: The Pella Public Library and Pella Art Center have requested a special event permit to host Books and Art summer programming at the West Market Park north shelter house. If approved, the events will be held from 10:00 to 11:00 a.m. on the following dates:

- June 5, 12, 19, 26
- July 10, 17, 24, 31

All pertinent city departments have reviewed this application and comments are attached. Staff is recommending approval of this special event permit.

ATTACHMENTS: Application, Department Comments

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Approve special event permit

b. New Class C Retail Alcohol License with Outdoor Service for Cheers at Sun Valley

BACKGROUND: Cheers at Sun Valley, located at 1981 Fifield Road, has applied for a new class C retail alcohol license with outdoor service privileges effective May 22, 2023. The term of the new license is 12 months and, if approved, would expire May 21, 2024.

It is important to note that this facility has held an alcohol/liquor license since 2019 through a separate business, Your Private Bartender. Due to a change in the business model, a new license is required and will replace the current license with Your Private Bartender which expires on May 21, 2023. The application has been completed online with the state. Staff is recommending approval.

ATTACHMENTS: None

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Approve alcohol license

**E. RESOLUTIONS**

1. Resolution No. 6579 entitled, “RESOLUTION APPROVING RESERVED CAPACITY AGREEMENT WITH MISSOURI BASIN MUNICIPAL POWER AGENCY D/B/A MISSOURI RIVER ENERGY SERVICES.”

Branderhorst moved to approve, seconded by Hopkins.

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

BACKGROUND: This resolution approves a new Reserved Capacity Agreement (RCA) with Missouri River Energy Services (MRES). If approved, the term of the RCA would begin June 1, 2023 and end on May 31, 2052. As background, the City Council approved an initial RCA with MRES in 2018. The City of Pella currently receives \$834,000 per year for our capacity at the diesel generating plant through the current RCA.

Under the proposed RCA, the City of Pella will receive approximately \$1,512,000 per year through 2052 depending upon the annual rating certification and unit availability. As Council may recall, Unit 7 is currently out of service until clearing Iowa Department of Natural Resources’ requirements and repairs are completed. Beginning June 1, 2024, there may be escalations in the RCA rates ranging up to 4% per year based on market conditions. It is important to note that the city will be receiving the same rate in the proposed RCA as other MRES members who sell dedicated capacity to MRES.

MRES is a member based municipal joint-action agency with 61 member communities located in the states of Iowa, Minnesota, North Dakota, and South Dakota. MRES has been in existence since the 1960s and has been a power supplier to member municipalities since 1977.

In summary, staff is recommending approval of this resolution and RCA with MRES. If approved, the term of the RCA will begin on June 1, 2023 and extend through May 31, 2052.

ATTACHMENTS: Resolution, Reserve Capacity Agreement

REPORT PREPARED BY: Electric Director

REPORT REVIEWED BY: City Administrator, City Clerk

RECOMMENDED ACTION: Approve resolution

2. Resolution No. 6580 entitled, "RESOLUTION APPROVING PRELIMINARY PLAT FOR TRIANGLE PROPERTIES SUBDIVISION."

Hopkins moved to approve, seconded by Bandstra.

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

**BACKGROUND:** This resolution approves a preliminary plat for the Triangle Properties Subdivision to subdivide one parcel (approximately 2.5-acres) located at 2610 Washington Street into two separate parcels. One parcel has an existing structure on it and one parcel will be vacant. **City Code Requirements for Preliminary Plats:** The subdivision ordinance states that the City Council shall review the preliminary plat for conformance with the Comprehensive Plan, zoning ordinance, and subdivision ordinance. Preliminary plats are required whenever the subdivider of any tract or parcel of land within the platting jurisdiction of the city wishes to make a subdivision. The preliminary platting process allows the City Council the opportunity to review the overall layout of the lots and street pattern, as well as compliance with all applicable city infrastructure and code requirements.

**Zoning Classification:** The zoning for this property is Community Commercial (CC). The CC 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.

**Proposed Development:** The site would consist of two commercial lots. Lot 1 is 1.74 acres and is presently vacant. Lot 2 is 0.8 acres with an existing structure located on it.

**Lot Requirements:** The proposed lots meet all CC zoning district minimum requirements.

**Required Improvements:** The developer is required to make and install all public improvements identified in Chapter 170.13. The following is a review of those requirements:

**Streets:** The subdivider shall grade and improve all new streets between the property lines, within the subdivided area. The paving on such new streets shall be built according to the Design Standards.

**STAFF COMMENT:** The site would be served by Washington Street. No new streets are required.

**Storm Sewer and Drainage:** The subdivider shall construct all storm water management structures including, but not limited to, storm sewers, drains, inlets, manholes, and drainage conveyances, to provide for the adequate removal of all surface drainage according to the Design Standards and Standard Specifications. Engineering calculations, including references to support all assumptions and recommendations, shall accompany all storm water management systems designs.

**STAFF COMMENT:** The City's engineering consultant and Public Works Director have had the opportunity to review and approve the development's storm water management plan and drainage calculations. The engineering consultant noted no issues with the existing systems on site.

**Secondary Storm Sewer:** Subdividers must provide a secondary storm sewer system with access to the system from all lots in a subdivision. The City Engineer may grant a waiver to this requirement based on the zoning of the subdivision or the topography or other site characteristics of each lot. Proposed secondary storm sewer system designs, including locations of conduit, grading, drainageways, and outlets, must be shown on the preliminary plat.

**STAFF COMMENT:** The site consists of two lots. The City's engineering consultant and Public Works Director have had the opportunity to review and approve the development's storm water management plan and drainage calculations.

**Sanitary Sewer:** The subdivider shall construct sanitary sewers in conformance with the Design Standards and Standard Specifications, as they already exist. The subdivider shall provide a connection for each lot to the sanitary sewer and appropriate easements. The sanitary sewer shall be in operation prior to occupancy of any building.

**STAFF COMMENT:** Lot 1 will be connected to the public sanitary sewer across Washington Street. Lot 2 has an existing sewer line. The City's engineering consultant and Public Works Director have had the opportunity to review and approve the development's sanitary sewer plan.

**Water Mains and Fire Hydrants:** The subdivider shall install water mains and fire hydrants in the subdivided area. The installation of water mains and fire hydrants shall be made prior to the street pavement construction and shall be in conformance with the Design Standards and Standard Specifications.

**STAFF COMMENT:** The site is served by an 8-inch public water main running along Washington Street. Each individual lot is set up to have their own water service per the applicant's construction plan.

**Sidewalks:** Sidewalks are normally required to be installed in accordance with the Design Standards and Standard Specifications.

**STAFF COMMENT:** Sidewalks will not be required for the site.

**Erosion Control Measures:** The subdivider shall construct and maintain erosion and sediment control measures in accordance with the Design Standards.

**STAFF COMMENT:** The City's engineering consultant and Public Works Director have reviewed the preliminary plat and expressed no concerns with the site's erosion control measures.

**Electric Service:** The applicant is required to make sure each property has its own service line and appropriate easements.

**STAFF COMMENT:** The property is currently served by the Pella Electric Department.

**Comprehensive Plan:** City Code requires the City Council to review the preliminary plat for conformance with the Comprehensive Plan. The Comprehensive Plan's Future Land Use Map identifies this site as Commercial/Mixed Use. The existing use complies with this designation and the Comprehensive Plan.

**Summary and Staff Recommendation:** Staff finds the preliminary plat satisfies pertinent City Code and is consistent with the Comprehensive Plan. Based upon the findings, staff recommends the preliminary plat be approved as submitted. Finally, it is important to note that the Planning and Zoning Commission unanimously approved this preliminary plat during their meeting on February 27, 2023.

**ATTACHMENTS:** Resolution, Preliminary Plat, Aerial Map, Application

**REPORT PREPARED BY:** Zoning Analyst

**REVIEWED BY:** City Administrator, City Clerk

**RECOMMENDATION:** Approve resolution

3. Resolution No. 6581 entitled, "RESOLUTION OF PELLA CITY COUNCIL APPROVING FINAL PLAT OF TRIANGLE PROPERTIES SUBDIVISION."

Hopkins moved to approve, seconded by Sporrer.

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

**BACKGROUND:** This resolution approves a final plat for the Triangle Properties Subdivision to subdivide one parcel (approximately 2.5-acres) located at 2610 Washington Street into two separate parcels. One parcel has an existing structure on it and one parcel will be vacant.

**City Code Requirements for Final Plats:** City Code states that the City Council shall review the final plat for conformance with the Comprehensive Plan as well as zoning and subdivision ordinances and consider recommendations of reviewing parties.

**Final Plat:** The final plat is a legal document that is recorded with the county. The sale of subdivided lots can only proceed after this recording. The primary purpose of the final plat is to delineate property boundaries and to describe and dedicate rights-of-way and easements.

**Preliminary Plat:** The final plat must conform with the approved preliminary plat. Any modifications or conditions approved during consideration of the preliminary plat should be continued to consideration of the final plat. Staff believes the final plat meets the requirements as shown in the preliminary plat.

**Zoning Classification:** The zoning for this property is Community Commercial (CC). The CC 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.

**Proposed Development:** The site would consist of two commercial lots. One of these parcels has an existing structure on it, and one parcel will be vacant.

**Lot Requirements:** The proposed lots meet all CC zoning district minimum requirements.

**Comprehensive Plan:** City Code requires the City Council to review the final plat for conformance with the Comprehensive Plan. The Comprehensive Plan's Future Land Use Map identifies this site as Commercial/Mixed Use. The existing use complies with this designation and the Comprehensive Plan.

**Public Infrastructure:** No public infrastructure was involved as part of this final plat. The only new infrastructure that was required was a private sewer line across Washington Street, which has been completed.

**Summary and Staff Recommendation:** Staff finds the final plat meets the minimum requirements of the zoning and subdivision ordinances and conforms to the preliminary plat as well as the Comprehensive Plan. Based upon the findings, staff recommends the final plat be approved as submitted. All required legal documents for the final plat have been received, reviewed by the Planning and Zoning Department, and approved by the City Attorney. Based upon these facts and findings, staff recommends approval of the final plat as presented. Finally, it is important to note that the Planning and Zoning Commission unanimously approved this final plat during their meeting on March 27, 2023.

**ATTACHMENTS:** Resolution, Final Plat, Aerial Map, Application, Legal Documents

**REPORT PREPARED BY:** Zoning Analyst

**REVIEWED BY:** City Administrator, City Clerk

**RECOMMENDATION:** Approve resolution

## **F. CLAIMS**

1. Abstract of Bills No. 2126.

Branderhorst moved to approve, seconded by De Jong.

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

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

One comment was received and addressed.

## **H. POLICY AND PLANNING**

From 6:16 p.m. to 7:13 p.m., Council adjourned to the Policy and Planning meeting to hold a discussion regarding the following items, with no formal Council action taken:

1. Update regarding Ambulance Service Outside City Limits
2. Proposed Amendment to the Volunteer Firefighter Compensation Plan
3. Consider Request for Solid Waste Contract Extension with Midwest Sanitation
4. Request to Name the Southside Beautification Project in Honor of Charles S. Farver

## **I. ADJOURNMENT**

There being no further business claiming their attention, Branderhorst moved to adjourn, seconded by De Jong. On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

Meeting adjourned at 7:14 p.m.