



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

July 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 (614 Main Street) at 7:00 p.m., Mayor Don DeWaard presiding. Council members present were: Mark De Jong, Lynn Branderhorst, Calvin Bandstra, Bruce Schiebout, Dave Hopkins. Absent: Liz Sporrer.

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

Two staff members and fourteen members of the general public signed the register.

Due to heightened public health risks associated with the COVID-19 pandemic, accommodations were made to broadcast this meeting via conference call. Two staff members and twelve members of the general public attended the conference call.

B. MAYOR'S COMMENTS

1. Announce No Policy and Planning meeting will follow the regular Council meeting.

2. Approval of Tentative Agenda.

Bandstra moved to approve, seconded by Hopkins.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

3. Oath of Office for Police Chief Shane McSheehy.

BACKGROUND: Following an extensive national recruitment process in early 2020, the City of Pella has selected Shane McSheehy to serve as their next Chief of Police. As background, Shane McSheehy is a veteran law enforcement officer with over 26 years of service. Throughout his career, Shane completed over 3,500 hours of continued professional training. McSheehy earned his Master of Science in Criminal Justice Administration from Columbia Southern University, in addition to a Master of Science in Management and Leadership from Western Governors University. He is a graduate of the 135th AOC Command Leadership Program from the Southern Police Institute. McSheehy has completed the Executive Leadership Program through the University of Notre Dame, Mendoza College of Business.

Shane recently retired at the rank of Captain from the Eustis, Florida Police Department after nearly 24 years of service. During his tenure, he was been assigned to a number of units and divisions including road patrol, criminal investigations, office of professional standards, training, traffic homicide, accreditation, communications, and special enforcement. He has been a tactical operator for over 22 years and served as the agency SWAT Commander for almost 13 years.

ATTACHMENTS: Oath of Office
REPORT PREPARED BY: City Administration
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Administer Oath of Office

4. 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)**

Comments were received and addressed.

C. APPROVAL OF CONSENT AGENDA

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

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for July 7, 2020
 - b. Official Council Minutes for July 14, 2020
2. Report of Committees
 - a. Policy and Planning Minutes for July 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 8:40 p.m. for the purpose of discussing administrative review of minor design applications. Due to the pandemic, elected officials have inquired if minor design reviews could be administratively approved to expedite the development process. Minor design items include applications for outdoor fixtures, fencing, door or window replacement, new signs

or modifications to existing signs, and requests to repaint buildings that have a previously approved design permit. Currently, these items are eligible to be approved by a sub-committee of the Community Development Committee (CDC); however, this process typically takes three business days. Administrative review and approval would allow the process to be completed in an expedited manner. If a design application is denied administratively, the applicant would have the opportunity to appeal the decision to the City Council.

At the end of the discussion, staff was directed to proceed with placing an ordinance allowing administrative approvals of minor design modifications on the July 21st Council agenda for formal consideration. City Administrator Nardini will inform the CDC about this change at their meeting on July 8th.

The meeting adjourned at 8:57 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

b. Community Development Committee Minutes for June 10, 2020

Chairperson Brummel called the Community Development Committee (CDC) to order in the Public Safety Complex at 5:30 p.m. Members present were: Jerry Brummel, Patsy Cody, Linda Groenendyk (via phone), Mike Kiser, Wayne Stienstra, Caryn Van Hemert, and Bob Zylstra. Absent: Susan Canfield, Jody Lautenbach, and Lowell Olivier-Shaw. Staff present: Planning and Zoning Director Matthew Lepke and Deputy City Clerk Cynthia Vaske. Due to heightened public health risks associated with the COVID-19 pandemic, accommodations were made to broadcast this meeting via conference call. Three members of the general public attended the conference call.

APPROVAL OF TENTATIVE AGENDA

Motion by Zylstra, second by Stienstra to approve the tentative agenda. Motion carried 7-0.

APPROVAL OF MINUTES

Motion by Kiser, second by Cody to approve the minutes from the May 13, 2020 meeting. Motion carried 7-0.

NEW BUSINESS

Consider a Design Permit Application to Alter the Front Exterior Facade of the Existing Structure Located at 600 Main Street
Melanie Wilborn (applicant) and Dennis Fynaardt (owner) have submitted a design permit application to alter the existing building located at 600 Main Street. The applicant proposes painting parts of the building's front façade, which are currently white. The central part of the building's front façade is brick; it would not be painted. The walls to either side are the portions proposed for painting. The applicant proposes Sherwin-Williams' Gray Matters, which appears to match multiple gray colors on the Pella palette, including Benjamin Moore's Edgcomb Gray and Sherwin-Williams' Roycroft Mist Gray. Staff recommends approval of the design permit application.

Planning and Zoning Director Matthew Lepke explained the interactions staff had with Wilborn throughout her application process and that, against staff's recommendation, Wilborn painted the structure without the CDC's approval. Cody asked about issuing a fine to the applicant for making design changes without an approved permit. Lepke stated could be an option, but there are questions as to whether the applicant or the property owner would be fined. Brummel explained that he also told the applicant to not paint the building without approval from the CDC. He said it would be unfair to allow Wilborn to make alterations to her building without CDC approval when other business owners do follow the rules. He said the color choice is not problematic, as he believes the color would likely have been approved through the Design Subcommittee process had the proper permit application and supporting documents been submitted.

Motion by Kiser to deny the design permit. Motioned died for lack of a second.

Stienstra suggested issuing a letter to the applicant explaining that an approved permit is required for the proposed painting, but stated he is not in favor of denying the design permit. Brummel explained that he does not want to set a precedent for allowing design work to happen on buildings before receiving a design permit.

In response to a question from Zylstra, Lepke explained that, should the CDC recommend fining the applicant, staff will consult with the City Attorney to ensure that the proper steps have been taken.

Motion by Zylstra, second by Cody to table the design permit, pending consultation with the City Attorney on whether a fine may be issued to the applicant and then brought before the Design Subcommittee for approval. Motion carried 7-0.

Lepke stated he will email the Committee to apprise them of what he learns after speaking with the City Attorney.

Consider a Design Permit Application to Alter the Front Exterior Facade of the Existing Structure Located at 702-704 Washington Street

Bob Zylstra (owner) has submitted a design permit application to alter the existing building located at 702-704 Washington Street. The applicant proposes painting the building's front façade. A separate application was submitted for a proposed accessory building behind 704 Washington.

The applicant proposes five colors, four of which are in the Pella palette: Benjamin Moore's Georgian Brick, Sherwin-Williams' Classic Light Buff, Sherwin-Williams' Library Pewter, and Sherwin-Williams' Morris Room Grey. The apartment door would be painted Benjamin Moore's Black, in keeping with the appearance of large, dark windows on the building's front façade, and to differentiate it from the main door. Staff recommends approval of the design permit application.

Samples of the proposed paint colors were shown to the Committee. Zylstra answered questions from the Committee and spoke in favor of the design permit.

Motion by Cody, second by Stienstra to approve the design permit as submitted. On roll call the vote was: ayes: Cody, Stienstra, Brummel, Groenendyk, Kiser, Van Hemert; abstain: Zylstra. Motion carried 6-0.

Consider a Design Permit Application to Construct a New Accessory Building Located at 704 Washington Street

Zylstra (owner) has submitted a design permit application to remove the existing garage behind 702-704 Washington Street and replace it with a new one, as well as add a breezeway between the garage and principal building's elevator. The same colors are proposed for the garage as would be used on the front façade of the principal structure.

The proposed building has crossbuck doors with glass. While not a direct example of Dutch building elements, the crossbucks could be adapted and painted to match traditional Dutch door/shutter design. In the alternative, the doors could remain as is, and shutters could be added to the windows on the garage's east side.

The primary structure's front façade will be primarily painted a natural brick color, and the garage will be painted to match. The garage would have a shared wall with the garage to the west of the subject site.

The applicant proposes three colors, all of which are in the Pella palette: Benjamin Moore's Georgian Brick, Sherwin-Williams' Classic Light Buff, and Sherwin-Williams' Morris Room Grey. These colors are also proposed for the front façade of the site's primary structure. Staff recommends approval of the design permit application, with the revision to adapt the doors to match a traditional Dutch door/shutter pattern, or to add shutters to the windows on the garage's east side.

Zylstra answered questions from the Committee and spoke in favor of the design permit.

Motion by Cody, second by Kiser to approve the design permit as presented. On roll call the vote was: ayes: Cody, Kiser, Brummel, Groenendyk, Stienstra, Van Hemert; abstain: Zylstra. Motion carried 6-0.

Consider a Design Permit Application to Install Outdoor Furniture at 629 Franklin Street

The Cellar Peanut Pub (owner) has submitted a design permit application to add three tables, one of which is a picnic bench, and 10 chairs to an outdoor patio behind the business. Because the business is in a design review district, City Code 165.16.2(A) authorizes the Committee to review the proposed outdoor furniture. The tables and chairs do not have a Dutch theme. The Design Review District Design Manual does not address design elements for outdoor furniture. Therefore, staff recommends approval of the design permit application with advice from the Committee on the furniture

Marty Duffy was present to speak in favor of the design permit and to answer questions from the Committee.

Motion by Zylstra, second by Van Hemert to approve the design permit as submitted. Motion carried 7-0.

Consider a Design Permit Application to Add a Building Addition at 629 Opportunity Lane

Dave Hopkins (applicant) and Rave Property Management (owner) have submitted a design permit application to construct a 40-foot by 50-foot addition to an existing building. The same colors are proposed for the addition as would be used on the front façade of the principal structure.

The applicant proposes a two-tone design with beak gable on the end of the building to match that of the adjacent Lely training building, as well as window shutters for the side of the building facing the street. The design is consistent on all three sides. The applicant proposes two colors of steel for the building, Regal White and Charcoal Gray. Staff recommends approval of the design permit application.

Zylstra suggested a faux door or window be placed in the proposed gable. Brummel said he does not object to that suggestion, but stated he is fine with the design as submitted.

Motion by Stienstra, second by Kiser to approve the design permit as submitted. Motion carried 7-0.

OTHER BUSINESS / PUBLIC FORUM

Cody said the Sign Subcommittee has denied a sign permit for New Star, which will be coming before the full CDC.

Lepke mentioned that black and white are not included in the approved Pella Color Palette. It was explained that white and black were left off the palette to discourage only black and white buildings, but these colors can be approved by the Committee.

Van Hemert was welcomed to the CDC, as this is her first meeting.

The next regular meeting is scheduled for July 8, 2020.

Adjourned at 6:27 p.m.

3. Petitions and Communications

a. Renewal of Class B Beer Permit with Class C Native Wine Permit for The Wijn House

BACKGROUND: The Wijn House, at 615 Franklin Street, has applied for renewal of their class B beer permit with class C native wine permit. The term of the new license is 12 months and, if approved, would expire on August 31, 2021.

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

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

b. Renewal of Special Class C Liquor License (Beer/Wine) for Tamory Hall

BACKGROUND: Tamory Hall, at 616 Franklin Street, Suite 201, has applied for renewal of their special class C (beer/wine) liquor license. The term of the new license is 12 months and, if approved, would expire on August 31, 2021.

The application has been completed online with the state and, at the time of packet publication, is pending dram shop certification. Staff is recommending conditional approval pending the receipt of dram shop certification.

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

D. *PUBLIC HEARINGS

1a. Public Hearing on the Clark Street Water Main Improvement Project Bids.

No written or oral comments were received.

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

On roll call the vote was: **AYES: 5, NAYS: None. Motion carried.**

BACKGROUND: This resolution approves the plans, specifications, form of contract, estimate of costs, accepts bids, and defers the award of contract for the Clark Street Water Main Improvements project. As background, this project consists of all labor, material, and equipment to reconstruct the Clark Street water main which includes approximately 985 linear feet of 6-inch and 8-inch water main in open cut, 1,122 linear feet of 8-inch water main directionally bored in place, connections to the existing water main, water service connections, hydrant assemblies and valves, pavement removal and replacement, surface restoration, and associated work, including cleanup.

The bid opening for the project was held on July 14, 2020. Five total bids were received; however, a bid from Halbrook Excavating was considered nonresponsive due to the incorrect proposal form used.

Contractor	Bid
Synergy Contracting	\$366,906.00
Lawson Construction	\$370,581.50
Vanderpool Construction	\$423,385.00
On Track Construction	\$511,845.40

The engineer's opinion of probable costs for this project was \$406,885.

It is important to note that Pella Corporation will be sharing in the cost of this project as several of the water mains being replaced were constructed as City infrastructure. Once this project is completed, staff plans to vacate all water mains in conflict with the buildings and structures on the Pella Corporation property. The engineer is recommending deferring the award of contract until the August 4, 2020 Council meeting so that a cost sharing agreement can be approved prior to awarding the contract.

In summary, staff is recommending approval of this resolution approving the plans, specifications, form of contract, estimate of costs, accepts bids, and defers the award of contract to the City Council meeting on August 4, 2020.

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

1b. Resolution No. 6166 entitled, "RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT, ESTIMATE OF COSTS, RECEIVING OF BIDS, AND DEFERRING THE AWARD OF CONTRACT FOR THE CLARK STREET WATER MAIN IMPROVEMENTS PROJECT."

Schiebout moved to approve, seconded by De Jong.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

2a. Public Hearing on the Fifield Road Water Main Construction Project Bids.

No written or oral comments were received.

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

On roll call the vote was: AYES: 5, 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 Fifield Road Water Main project. As background, this project consists of all labor, material, and equipment to construct the Fifield Road water main which includes approximately 4,100 linear feet of 16-inch water main in open cut, 1,775 linear feet of 16-inch water main directionally bored in place, connections to the existing water main, meter pit, hydrant assemblies and valves, surface restoration, and miscellaneous associated work, including cleanup. The water main construction is located along Fifield Road from W. 9th Street to the 2600 block and extending north to W. Washington Street.

The bid opening for the project was held on July 14, 2020. Seven total bids were received; however, a bid from Halbrook Excavating was considered nonresponsive due to using the incorrect proposal form.

Contractor	Bid
Synergy Contracting	\$736,898.00
GM Contracting	\$757,713.05
Vanderpool Construction	\$815,895.00
Graff Excavating	\$884,060.00
On Track Construction	\$891,385.00
Elder Corporation	\$1,294,262.00

After reviewing the bid proposals and checking references, Veenstra & Kimm, the project engineer, recommends awarding the contract to the lowest responsive, responsible bidder, Synergy Contracting, in the total amount of \$736,898. The engineer's opinion of probable costs for this project was \$824,690. Staff is in agreement with the engineer's recommendation. Funding for the project will be provided by tax increment financing.

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

Notice to proceed issued	August 3, 2020 (approximate)
Final completion	November 30, 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 Synergy Contracting in the total amount of \$736,898. 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
REPORT PREPARED BY: Public Works Department
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve resolution

2b. Resolution No. 6167 entitled, "RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT, ESTIMATE OF COSTS, RECEIVING OF BIDS, AND MAKING AWARD OF CONTRACT FOR THE FIFIELD ROAD WATER MAIN CONSTRUCTION PROJECT."

Hopkins moved to approve, seconded by Schiebout.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

E. PETITIONS & COMMUNICATIONS

1. Old Growth Forest Network Presentation.

Mary Stark presented information regarding this network to Council. The City Administrator will ask the City Attorney and City Departments to review the formal documentation for this program. No formal Council action was taken.

BACKGROUND: Stephen Johnson and Mary Stark wrote an article about Big Rock Park that was published in the Pella Chronicle earlier this spring. After publication, they were contacted by representatives with the Old Growth Forest Network inquiring if they would serve as Marion County coordinators for this program. During this agenda item, Stephen and Mary will present additional information about this program to Council.

ATTACHMENTS: Old Growth Forest Information
REPORT PREPARED BY: City Administration
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Informational item only

2a. Special Event Permit Request for Freedom House 5K.

Branderhorst moved to approve, seconded by De Jong.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

BACKGROUND: Freedom House Ministries has requested a special event permit to host a 5K walk/run on Saturday, October 31, 2020, from 7:30 a.m. to noon. A rain date of Saturday, November 14, 2020 has also been requested.

As background, Freedom House Ministries serves as a place of refuge for women who have been subjected to human trafficking. The ministry is requesting to hold this 5K event in celebration of their 4th anniversary.

As part of this request, Freedom House has requested temporary closure of the following road segments from 9:00 to 11:30 a.m. the day of the event:

- SE 9th Street from South Street to Roosevelt Road
- Roosevelt Road from SE 9th Street to Eagle Lane
- Eagle Lane from Oskaloosa Street extending south

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

2b. Resolution No. 6168 entitled, “RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS FREEDOM HOUSE 5K.”

Schiebout moved to approve, seconded by Hopkins.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

F. PLANNING & ZONING ITEMS – None

G. ADMINISTRATION REPORTS – None

H. RESOLUTIONS

1. Resolution No. 6169 entitled, “RESOLUTION ORDERING CONSTRUCTION OF THE FIBER TO THE PREMISE TRANSPORT NETWORK NORTH MATERIALS AND CONSTRUCTION, AND FIXING A DATE FOR HEARING THEREON AND TAKING OF BIDS THEREFOR.”

Schiebout moved to approve, seconded by Hopkins.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

BACKGROUND: This resolution establishes August 18, 2020 as the public hearing date and authorizes staff to seek bids for the Pella Fiber to the Premise (FTTP) Transport Network North project. As background, this project includes all labor, materials, and equipment necessary to construct a fiber optic network to connect Pella to a Point of Presence (POP) site located at the Unity Point Hospital in Grinnell, Iowa. The total length of the new construction is 33.6 miles which includes 75 feet of building entrance conduit. The new construction starts at the northern edge of Pella’s FTTP build and ends at the Unity Point hospital in Grinnell.

The engineer for this project is NewCom Technologies. The engineer’s opinion of probable costs for this project is \$1,568,646.

If approved, the proposed timeline for the project is:

Pre-bid conference	July 23, 2020
Bid opening	August 7, 2020
Public hearing	August 18, 2020
Contract award	August 18, 2020
Notice to proceed	August 21, 2020
Construction start (est.)	September 3, 2020
Substantial completion	October 22, 2020

In summary, staff is recommending approval of this resolution establishing August 18, 2020 as the public hearing date and authorizing staff to seek bids for the FTTP Transport Network North project.

ATTACHMENTS: Resolution, Engineer’s Opinion of Probable Costs, Notice of Hearing and Letting
 REPORT PREPARED BY: Telecommunications Director
 REPORT REVIEWED BY: City Administrator, City Clerk
 RECOMMENDED ACTION: Approve resolution

I. ORDINANCES

1. Ordinance No. 979 entitled, “AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY CONDITIONALLY AMENDING THE BOUNDARIES OF THE M2 DISTRICT TO INCLUDE THE PROPERTY LEGALLY DESCRIBED IN “EXHIBIT A” AND DIRECTING THE PLANNING AND ZONING DIRECTOR TO NOTE THE ORDINANCE NUMBER AND DATE OF THIS CHANGE ON THE OFFICIAL ZONING MAP.”

De Jong moved to place ordinance no. 979 on its second reading, seconded by Schiebout.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

It was moved by Schiebout 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 De Jong.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

Bandstra moved that ordinance no. 979 be adopted, seconded by De Jong.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

Mayor DeWaard declared the ordinance duly passed and adopted.

BACKGROUND: 163 Properties Corporation has submitted a rezoning application for the proposed Lely North America manufacturing facility to change the zoning from A1 (Agricultural) to M2 (Heavy Industrial). The subject property is currently agricultural land. The other portions of the Lely site have already been zoned M2.

Current Zoning

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

Proposed Zoning

The proposed zoning for this property is M2. This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

The applicant proposes conditions on the M2 district for the site. These are the same as were approved with the previous Lely site rezoning. The proposal removes many intensive uses that would otherwise be permitted in M2 zoning districts including: Commercial Feedlots, Livestock Sales, Administration, Business/Trade School, Cocktail Lounge, Kennels, Restricted Business (Adult Entertainment), Vehicle Storage (Long-term), Vehicle Storage (Short-term), Veterinary, Mini Storage, Recycling Collection, Recycling Processing, Recycling Processing Limited, Salvage Services, Concrete Batch Plant, and Tattoo Parlor.

Rezoning Petition

City Code section 165.38.2.F recommends that the applicant submit a rezoning petition "duly signed by the owners of 50 percent of the area of all real estate included within the boundaries of said tract as described in said petition and duly signed by the owners of 50 percent of the area of all real estate lying outside of said tract but within 300 feet of the boundaries of the said tract. Both of the foregoing percentage signature requirements are for advisory purposes only, and failure to obtain either or both of the required percentages shall not prevent continuance of the permit application." A rezoning petition was not received with this application; however, applicant 163 Properties Corporation owns the adjacent land to the east and south of the subject site.

Spot Zoning Concerns

Adjacent properties for the proposed Lely site are zoned M2. The following outlines adjacent properties' zoning:

North: Hwy. 163; A1

South: M2

East: M2

West: A1

Comprehensive Plan

City Code section 165.04 notes that the City "intends [the] Zoning Ordinance and any amendments to it shall be consistent with the City's Comprehensive Plan." The Comprehensive Plan's Future Land Use Map identifies the subject site and the area surrounding it as General Industrial, the closest equivalent to M2, and Light Industrial, equivalent to M1. Figure 1.7 of the Plan, depicting industrial growth areas, shows the site as a preferred long-term growth area.

Table 1.5 of the Comprehensive Plan, the Land Use Compatibility Matrix, assigns compatibility scores to different land use pairs. The matrix scores range from 1 (incompatible) to 5 (completely compatible). Agriculture-General Industrial scores a three (3) for potential conflicts, recommending project design elements such as landscaping, buffering, and screening to minimize negative effects. There are no structures or dwellings nearby, south of Highway 163.

Staff Recommendation

Staff believes the proposed ordinance meets the requirements of the City's zoning code. In addition, staff believes the proposed ordinance is consistent and in conformance with the City's Comprehensive Plan. Therefore, staff recommends approval of the proposed ordinance. Finally, it is important to note that the Planning and Zoning Commission unanimously approved this proposed ordinance on June 22, 2020.

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

REPORT PREPARED BY: Planning and Zoning Director

REPORT REVIEWED BY: City Administrator, City Clerk

RECOMMENDED ACTION: Approve ordinance

2. Ordinance No. 980 entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY CONDITIONALLY AMENDING THE BOUNDARIES OF THE M1 DISTRICT TO INCLUDE THE PROPERTY LEGALLY DESCRIBED IN "EXHIBIT A" AND DIRECTING THE PLANNING AND ZONING DIRECTOR TO NOTE THE ORDINANCE NUMBER AND DATE OF THIS CHANGE ON THE OFFICIAL ZONING MAP."

Hopkins moved to place ordinance no. 980 on its second reading, seconded by Bandstra.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

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

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

Branderhorst moved that ordinance no. 980 be adopted, seconded by Schiebout.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

Mayor DeWaard declared the ordinance duly passed and adopted.

BACKGROUND: Jeff Dingeman has submitted a rezoning application for land totaling approximately 7.12 acres at the northern terminus of W. 12th St. to change the zoning from A1 (Agricultural) to M1 (Limited/Light Industrial). The subject property is currently agricultural land.

Current Zoning

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

Proposed Zoning

The proposed zoning for this property is M1. 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. The land southwest of the subject site is zoned M1; properties to the south on either side of W. 12th Street, as well as one on the southeast corner, are zoned Community Commercial (CC). A1 zoning encompasses the subject site on the northwest, north, and east sides.

The applicant proposes conditions on the M1 district for the site, removing several intensive uses that would otherwise be permitted in M1, including: Cocktail Lounge, Kennels, Restricted Business (Adult Entertainment), Recycling Collection, Recycling Processing, Recycling Processing Limited, and Tattoo Parlor. The property owners have also committed to additional landscaping/screening and building design elements, as outlined in the attached exhibits.

Rezoning Petition

City Code section 165.38.2.F recommends that the applicant submit a rezoning petition "duly signed by the owners of 50 percent of the area of all real estate included within the boundaries of said tract as described in said petition and duly signed by the owners of 50 percent of the area of all real estate lying outside of said tract but within 300 feet of the boundaries of the said tract. Both of the foregoing percentage signature requirements are for advisory purposes only, and failure to obtain either or both of the required percentages shall not prevent continuance of the permit application." The applicant indicated that he contacted adjacent landowners; a rezoning petition was not received with this application. No public comments were received.

Spot Zoning Concerns

Staff did not note spot zoning concerns with this application due to the adjacent and abutting M1 zoning to the west of this property.

Listed below is a zoning summary of the adjacent properties:

North: A1

South: CC

East: A1, CC

West: A1, M1

Comprehensive Plan

City Code section 165.04 notes that the City "intends [the] Zoning Ordinance and any amendments to it shall be consistent with the City's Comprehensive Plan." The Comprehensive Plan's Future Land Use Map identifies the subject site and the area surrounding it as Medium Density Residential and Low Density Residential. To the west, Light Industrial is indicated; south of the site is shown as Commercial. Figure 1.7 of the Plan, depicting industrial growth areas, shows the northern portion of the subject site as not preferred.

Table 1.5 of the Comprehensive Plan, the Land Use Compatibility Matrix, assigns compatibility scores to different land use pairs. The matrix scores range from one (incompatible) to five (completely compatible). Agriculture-Light Industrial/Office scores a three for "potential conflicts," recommending project design elements such as landscaping, buffering, and screening to minimize negative effects. Commercial-Light Industrial/Office scores a four, "basically compatible," per the classifications. To the southwest of the subject site is Light Industrial, equivalent to the zoning designation sought in this request.

De Vries Electric is to the southwest of the site, and Recker Dental Care and the Baymont Hotel by Wyndham are to the south; land north and east of the subject site is used for agriculture. The compatibility scores for the proposed use and the uses envisioned by the Comprehensive Plan, Low Density Residential and Medium Density Residential, are one and two, respectively. In an effort to address the potential compatibility issues with future residential development, the applicant is proposing additional screening/landscaping, use limitations, and design elements for the proposed buildings.

It is important to note that the proposed development also aligns with components of the Comprehensive Plan by extending public infrastructure and offering additional economic development.

Staff Recommendation

The Planning and Zoning Commission unanimously approved this rezoning request on June 22, 2020. In doing so, the Commission felt the rezoning request conforms and aligns with the City's Comprehensive Plan. Due to the Commission's finding, staff recommends approval of the rezoning application and ordinance as presented.

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

REPORT PREPARED BY: Planning and Zoning Director

REPORT REVIEWED BY: City Administrator, City Clerk

RECOMMENDED ACTION: Approve ordinance

I. CLAIMS

1. Abstract of Bills No. 2059.

Schiebout moved to approve, seconded by De Jong.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

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

No comments were received.

L. CLOSED SESSION

1. At 8:07 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: 5, NAYS: None. Motion carried.

At 8:53 p.m., Schiebout moved to reconvene to regular session, seconded by Bandstra.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

No action was taken regarding this closed session.

OTHER BUSINESS

City Administrator Nardini updated Council regarding the status of minor design modifications and sign design reviews. Nardini recently met with members of the City's Community Development Committee (CDC) to discuss alternative options to the drafted ordinance which was initially discussed by Council on July 14, 2020. A new process was proposed for the purpose of expediting the design process while still involving the CDC subcommittee. The City Administrator is scheduled to discuss this new process with the CDC during their next meeting. No formal Council action was taken.

M. ADJOURNMENT

There being no further business claiming their attention, Bandstra moved to adjourn, seconded by Hopkins. On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

Meeting adjourned at 9:02 p.m.