



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

August 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, Calvin Bandstra, Bruce Schiebout, Dave Hopkins. Absent: Lynn Branderhorst. City Administrator Mike Nardini and City Clerk Mandy Smith were present. Five staff members and one member 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. Three staff members and six members of the general public attended the conference call.

B. MAYOR'S COMMENTS

1. Announce Policy and Planning meeting following the regular Council meeting to discuss:
 - a. 218th Avenue Alignment Alternatives
2. Approval of Tentative Agenda.
De Jong moved to approve, seconded by Schiebout.
On roll call the vote was: AYES: 5, 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

Bandstra moved to approve the consent agenda, seconded by Sporrer.

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 August 4, 2020
2. Report of Committees
 - a. Planning and Zoning Commission Minutes for June 22, 2020

Chairperson Canfield called the Planning and Zoning Commission to order at 7:00 p.m. in the Public Safety Complex. Members present were: Joe Canfield, Julio Chiarella (via phone), Mark Groenendyk, Cathy Hausteine (via phone), Kisha Jahner, Dave Landon, Robin Pfalzgraf, Gary Van Vark, and Ann Visser; absent: Julie Heerema Mueller and Teri Vos. Staff present: City Administrator Mike Nardini, 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. Eight members of the public were present.

APPROVAL OF TENTATIVE AGENDA

Motion by Landon, second by Jahner to approve the tentative agenda. Motion carried 9-0.

APPROVAL OF MINUTES

Motion by Van Vark, second by Pfalzgraf to approve the minutes of the April 27, 2020 meeting. Motion carried 9-0.

PUBLIC HEARINGS

Consider a Rezoning Application for Land at the Northern Terminus of W. 12th St., to Change the Zoning from A1 (Agricultural) to M1 (Limited/Light Industrial)

Jeff Dingeman has submitted a rezoning application for land 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 zoned A1 (Agricultural). The proposed zoning for this property is M1 (Limited/Light Industrial). 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. These uses to be disallowed include: Cocktail Lounge, Kennels, Restricted Business (Adult Entertainment), Recycling Collection, Recycling Processing, Recycling Processing Limited, and Tattoo Parlor. The applicant has also volunteered installing additional landscaping/screening and/or building design elements.

The rezoning request does not comport with the Future Land Use Map and Industrial Growth Area Map, but serves to replace some light industrial land lost to recent housing projects on the west side of the Highway 163/Washington Street interchange. The applicant proposes M1 zoning, but has volunteered to remove several intensive uses from that zone district. Staff finds compelling cases for both approval and denial of the request, but recommends denial solely based on the Comprehensive Plan.

Convened Public Hearing on the rezoning request.

Motion by Van Vark, second by Pfalzgraf to enter written comments by Jeff Dingeman into the public record. Included in the written comments was a proposal from Dingeman suggesting that in lieu of both parcels being rezoned to M1, he would like Parcel 1455200205 and an additional 800 feet north of that parcel be rezoned M1, thus leaving the remaining portion of Parcel 1455200225 zoned A1. Motion carried 9-0.

Dingeman was present to answer questions from the Commission.

Van Vark indicated his support for Dingeman's alternative proposal.

City Administrator Mike Nardini confirmed that a voluntary petition was not received with the rezoning application.

Motion by Jahner, second by Visser to close the public hearing as no further comments were received. Motion carried 9-0.

Motion by Pfalzgraf, second by Van Vark to approve the alternative rezoning proposal, which was submitted by Dingeman to rezone Parcel 1455200205 and an additional 800 feet north of that parcel to M1, thus leaving the remaining portion of Parcel 1455200225 zoned A1. Motion carried 9-0.

Consider a Rezoning Application for a Portion of the Proposed Lely North America Facility, to Change the Zoning from A1 (Agricultural) to M2 (Heavy Industrial)

The 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.

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. These uses to be disallowed include: 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.

The rezoning request comports with the Future Land Use Map and Industrial Growth Area Map, as well as City Zoning Code. Staff recommends approval as submitted.

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

Lely North America President Chad Huyser was present to answer questions from the Commission.

Motion by Pfalzgraf, second by Jahner to close the public hearing as no further comments were received. Motion carried 9-0.

Motion by Landon, second by Pfalzgraf to approve the rezoning request as submitted. Motion carried 9-0.

NEW BUSINESS PROPOSED

Consider a Preliminary Plat Application Submitted by RDP Holdings, LLC and ATI Group to Subdivide Two Parcels into 100 Lots and Associated Outlots

RDP Holdings, LLC and ATI Group have submitted a preliminary plat to subdivide two parcels, totaling approximately 47.56 acres, into 100 buildable lots and associated outlots. The subject property is located north of Washington Street/Highway G28, north of the Fifield Road intersection. On July 16, 2019, the City Council approved an ordinance to rezone this property to Planned Unit Development (PUD).

The proposed development will feature both single-family detached and multiple-family residential dwellings, as well as commercial pad sites to the south. The development is planned in three phases; Phase 1, five commercial lots; Phase 2, 21 single-family detached lots and multiple-family dwellings on Lot 1; and Phase 3, the remaining 74 single-family detached lots. The residential portions are slated to be developed first. The preliminary plat has been revised in response to input from various departmental and agency reviewers. The preliminary plat meets the minimum requirements of the zoning and subdivision ordinances while conforming to the City's Comprehensive Plan by meeting a priority goal for the provision of various housing options. Staff recommends approval of the preliminary plat as submitted, with the understanding that construction plans may yet be amended as further discussion takes place between the developer, City engineering consultant, and Public Works Department concerning matters such as the sanitary sewer facilities for the Phase 1 (commercial) portion.

Jahner asked for an example of higher density residential developments in close proximity to commercial development. Nardini said there are not any similar existing developments in Pella, but there are such developments in the Des Moines metro area. In response to questions from the Commission, Nardini explained that in order for a final plat to be approved, the infrastructure for the development must be built and installed in accordance with City standards and then dedicated to the City.

Motion by Landon, second by Van Vark to approve the preliminary plat as submitted. Motion carried 9-0.

OTHER BUSINESS / PUBLIC FORUM

Next Meeting Scheduled for July 27, 2020

The next Planning and Zoning Commission meeting is scheduled for July 27, 2020.

Nardini introduced Planning and Zoning Director Matthew Lepke to the Planning and Zoning Commission.

Adjourned at 7:54 p.m.

3. Petitions and Communications

a. Renewal of Class C Liquor License with Sunday Sales for Ramirez MX Food, DBA El Charro Mexican Grill

BACKGROUND: Ramirez MX Food Inc, DBA El Charro Mexican Grill at 514 Main Street, has applied for renewal of their class C liquor license with Sunday sales. The term of the new license is 12 months and, if approved, would expire on September 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

D. *PUBLIC HEARINGS

1a. Public Hearing regarding the Fiber to the Premise Transport Network North Materials and Construction Bids.

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: 5, NAYS: None. Motion carried.

BACKGROUND: The Pella Fiber to the Premise (FTTP) Transport Network North 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 UnityPoint Health – Grinnell Regional Medical Center. The total length of the new construction is 33.6 miles which includes 75 feet of building entrance conduit. Construction starts at the northern edge of Pella’s FTTP build and ends at the UnityPoint Hospital in Grinnell.

The project’s bid opening was held on August 12, 2020; seven bids were received, as outlined below:

Excel Utility	\$1,209,086
KLK	\$1,250,202
MP Nexlevel	\$1,282,553
TelCom Construction	\$1,422,948
Utility Service Contractors	\$1,430,197
TDC2	\$1,591,280
Mears Group	\$1,675,742

After reviewing the bid proposals and checking references, NewCom, the project engineer, recommends awarding the contract to the lowest responsive, responsible bidder, Excel Utility Contractors, in the amount of \$1,209,086. The engineer’s opinion of probable costs for this project was \$1,542,015.

If approved, the substantial completion date for this project will be October 22, 2020.

In summary, staff is recommending approval of the following agenda items, as outlined below:

Agenda Item D-1-b: Resolution No. 6177

This resolution ratifies, confirms, and approves changing the deadline for submission of bids from the original date of August 7, 2020 to the new date of August 12, 2020.

Agenda Item D-1-c: Resolution No. 6178

This resolution adopts the plans, specifications, form of contract, and estimate of costs for this project.

Agenda Item D-1-e: Resolution No. 6179

This resolution awards the construction contract to Excel Utility Contractors in the amount of \$1,209,086.

ATTACHMENTS: Resolution 6177, 6178, 6179; Engineer’s Recommendation; Bid Tabulation

REPORT PREPARED BY: Telecommunications Director

REPORT REVIEWED BY: City Administrator, City Clerk

RECOMMENDED ACTION: Approve resolution

1b. Resolution No. 6177 entitled, “RESOLUTION RATIFYING, CONFIRMING, AND APPROVING THE CHANGE IN DEADLINE FOR SUBMISSION OF BIDS AND POSTING OF ADDENDUM NO. 1 FOR THE FIBER TO THE PREMISE TRANSPORT NETWORK NORTH MATERIALS AND CONSTRUCTION.”

Schiebout moved to approve, seconded by Hopkins.

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

1c. Resolution No. 6178 entitled, “RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST FOR THE FIBER TO THE PREMISE TRANSPORT NETWORK NORTH MATERIALS AND CONSTRUCTION.”

De Jong moved to approve, seconded by Sporrer.

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

1d. Consideration of Construction Bids

1e. Resolution No. 6179 entitled, “RESOLUTION MAKING AWARD OF CONSTRUCTION CONTRACT FOR THE FIBER TO THE PREMISE TRANSPORT NETWORK NORTH MATERIALS AND CONSTRUCTION.”

Bandstra moved to approve, seconded by Schiebout.

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

2a. Public Hearing regarding the proposal to grant a perpetual easement to South Main I, LLC.

No written or oral comments were received.

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

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

BACKGROUND: South Main, I LLC has requested a perpetual easement for building encroachment. As background, when Building One of the South Main development was constructed near the corner of Independence Street and Main Street, it was built too far to the north, encroaching into the public right-of-way by approximately nine inches. As a result, the applicant is requesting a one-foot deep perpetual easement which encompasses the area of the building’s north wall and footing, as shown on the attached map. The total area is 73 square feet.

The proposed price for the easement is \$0.50 per square foot, which is the City’s standard rate for public right-of-way; this amounts to \$36.50. In addition, South Main I LLC will be paying the City’s legal fees for this transaction.

Staff is recommending approval of the attached resolution approving a perpetual easement with South Main. It is important to note that the City Attorney has reviewed the attached easement.

ATTACHMENTS: Resolution, Easement, Map

REPORT PREPARED BY: Planning and Zoning Director

REPORT REVIEWED BY: City Administrator, City Clerk

RECOMMENDED ACTION: Approve resolution

2b. Resolution No. 6180 entitled, "RESOLUTION APPROVING AND AUTHORIZING THE GRANTING OF A PERPETUAL EASEMENT TO SOUTH MAIN I, LLC."

Bandstra moved to approve, seconded by De Jong.

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

E. PETITIONS & COMMUNICATIONS – None

F. PLANNING & ZONING ITEMS – None

G. ADMINISTRATION REPORTS

1. Proclaim Saturday, October 31, 2020 as Beggar's Night in Pella.
Hopkins moved to approve, seconded by Sporrer.

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

BACKGROUND: Historically, the City of Pella has designated one evening around Halloween as Beggar's Night. It is the City's intent to continue this tradition by designating Saturday, October 31, 2020, from 6:00 to 8:00 p.m., as Beggar's Night.

The following organizations were solicited for input regarding Beggar's Night events:

- The City of Oskaloosa has designated October 29, from 6:00 to 8:00 p.m. as Beggar's Night. In addition, activities, including a parade, will be held on the square beginning at 4:00 p.m.
- The City of Knoxville has not yet designated a date for Beggar's Night.
- The PACE Alliance does not have any significant sponsored events on October 31.
- The Pella Community School District does not have any conflicts on October 31.
- The Pella Christian High School has a fall musical planned on October 31.

First round football playoff games for Class 1A and Class 3A are scheduled for October 30.

In summary, staff is recommending conditional approval of the 2020 Beggar's Night designation with the understanding that if the Governor, Centers for Disease Control, or Iowa Department of Public Health issues an order or guidelines prohibiting events like this due to the COVID-19 pandemic, this event will not be able to occur.

ATTACHMENTS: None
REPORT PREPARED BY: Shane S. McSheehy, Chief of Police
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Conditional approval as outlined above

H. RESOLUTIONS

1. Resolution No. 6181 entitled, "RESOLUTION APPROVING CHANGE ORDER #1 WITH WRH INC. FOR CONSTRUCTION OF THE WASTEWATER TREATMENT PLANT 2019 UPGRADES."

Hopkins moved to approve, seconded by De Jong.

On roll call the vote was:

AYES: 4 (Hopkins, De Jong, Bandstra, Sporrer)

NAYS: None

ABSTAIN due to a conflict of interest: 1 (Schiebout)

Motion carried.

BACKGROUND: This resolution approves change order #1 in the amount of \$49,930.57 for the City's construction contract with WRH Inc. for improvements to the City's Wastewater Treatment Plant. Due to the age of the treatment plant, and the significant electrical modifications, it was difficult to identify these changes prior to the start of construction.

As background, during excavations near the process building, existing metal conduit to the existing UV structure and final clarifiers was determined to be in extremely poor condition with several spots of exposed wires (see attached pictures). As a result, this change order includes:

- Installation of PVC conduit alongside existing corroded metal conduit to eventually replace it
- Installation of a concrete encasement to protect both the new PVC and the existing metal conduit where currently exposed under the access drive
- Adding concrete encasement for originally proposed and new conduit

Doing this work now will allow the contractor to backfill and occupy this area with a crane to finish the new clarifier tank construction. When the contractor is ready to move on to the next phase later this winter, the wiring in the existing metal conduit will be replaced with new wires pulled into the new PVC conduit provided under this change order. There will be an additional change order at that time once the extent of unplanned new electrical and control wires to be pulled through these new conduits is determined.

Staff is recommending approval of change order #1 in the amount of \$49,930.57. This change order also extends the project's substantial completion date by ten days to November 8, 2021.

If Council approves change order #1 as recommended by staff, listed below is a contract summary:

Original construction contract	\$5,998,000.00
Change order #1	<u>49,930.57</u>
Total revised construction contract	<u>\$6,047,930.57</u>

ATTACHMENTS: Resolution, Change Order #1, Pictures
REPORT PREPARED BY: Public Works Director
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve resolution

I. ORDINANCES – None

I. CLAIMS

1. Abstract of Bills No. 2061.
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 7:24 p.m., De Jong 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 Hopkins.
On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

At 7:54 p.m., Schiebout moved to reconvene to regular session, seconded by De Jong.

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

No action was taken regarding this closed session.

M. ADJOURNMENT

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

Meeting adjourned at 7:56 p.m.