



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

September 5, 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, Lynn Branderhorst, Calvin Bandstra, Dr. Spencer Carlstone, Dave Hopkins. Absent: Liz Sporrer.

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

Ten staff members and thirty-four members of the general public attended in person.

One staff member and nine members of the general public attended via conference call.

B. MAYOR'S COMMENTS

1. Approval of Tentative Agenda.

Bandstra moved to approve, seconded by Hopkins.

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

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

Two comments were received.

D. APPROVAL OF CONSENT AGENDA

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

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 15, 2023
2. Report of Committees
 - a. Policy and Planning Minutes for August 15, 2023

PRESENT: Mayor Don DeWaard, Mark De Jong, Liz Sporrer, Calvin Bandstra, Dave Hopkins, Dr. Spencer Carlstone (via phone)

ABSENT: Lynn Branderhorst

OTHERS: City staff and visitors

The Policy and Planning meeting began at 6:12 p.m.

The first item on the agenda was a discussion regarding Beggar's Night. In the fall of 2022, a few Des Moines metro cities designated Beggar's Night as the Saturday prior to Halloween as a matter of convenience for families with younger children. Following this change, several citizens requested that Pella's Beggar's Night also be designated on a weekend, rather than on or near Halloween. After a brief discussion, Council expressed interest in continuing to designate Beggar's Night on or near Halloween. Formal designation of the 2023 Beggar's Night as Tuesday, October 31st, will be placed on the next Council agenda for formal consideration.

The last item on the agenda was an update on the status of negotiations with township representatives for ambulance services in rural Marion County and rural Mahaska County. City representatives Mayor DeWaard, Council member Bandstra, and City Administrator Mike Nardini met with representatives of the townships on August 14, 2023. At the conclusion of that meeting, both entities informally agreed to terms for a 28E Agreement for ambulance services which, in general, include:

- Townships increasing their contribution to receive ambulance services.
- City of Pella continuing to subsidize the ambulance service for a period of time.
- City of Pella continuing to provide uninterrupted ambulance service to the townships, with no reduction in the quality of service from what is being currently provided.
- Both entities working together towards consideration of an essential services tax.

Mayor DeWaard clarified that the agreement will need to be approved by the Pella City Council during a future meeting.

Bandstra is the City of Pella's representative on the Marion County EMS Advisory Committee. At the committee's next meeting, they hope to finalize a formal proposal which will be provided to the Marion County Board of Supervisors. Nardini stated that the Marion County Board of Supervisors will need to declare Emergency Medical Services as an essential service and determine the amount of an essential services tax (which can be up to \$0.75 per \$1,000 of taxable value) before a referendum could occur. Ideally, the entities are hoping that the referendum could occur on March 5, 2024; however, a lot of logistical details need to be worked out by the end of this calendar year to keep that timeline.

As this was an informational update, no direction was given at the conclusion of the discussion.

The meeting adjourned at 6:18 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

- b. Historic Preservation Commission Minutes for July 10, 2023

Chairperson Kermode called the Historic Preservation Commission (HPC) to order in the Planning and Zoning Office at 5:01 p.m. Members present were: Bruce Boertje, Lorinda Bradley, Rhonda Kermode, and Lila Turnbull; absent: Don André. Staff present: Planning and Zoning Director Gerald Buydos and the Deputy City Clerk. Three members of the public attended the meeting.

APPROVAL OF TENTATIVE AGENDA: Motion by André, second by Boertje to approve the tentative agenda. Motion carried 4-0.

PUBLIC FORUM: Jordan Vande Kamp stated he is in the process of hopefully purchasing 306 E. First St. with the intent of doing historic preservation work to turn the historic building back into a single-family home, which is currently broken up into apartments. Two representatives of DesignCo, a historic preservation design and consulting business from Des Moines, Iowa, were also present to speak about the home. HPC members expressed their excitement about the possible preservation of the home and its importance to the community.

APPROVAL OF MINUTES: Motion by Boertje, second by Turnbull to approve the minutes from the June 12, 2023 meeting. Motion carried 4-0.

OTHER BUSINESS/WORK SESSION

Work Session to Discuss the Proposed McClatchey Mill Historic District

The Commission wanted to have further discussion on the formation of a future potential historic overlay zone called the McClatchey Mill Historic District (MMHD). This proposed district is located between Lincoln Street and Columbus Street and East First Street and East Second Street and would include 39 properties. It was reported that the informational flyer and letter from the HPC were mailed to property owners in the proposed district, as well as to owners of some properties located nearby. So far, HPC members have had a positive response from several individuals in the proposed district. The Commission may possibly schedule a meeting with property owners in the MMHD in September 2023.

Work Session to Discuss the Proposed Scholte Garden Historic District

The HPC approved the application for the Scholte Garden Historic District on April 17, 2023. The district generally includes properties along Main Street and Broadway Street as the east/west border and properties between Lincoln Street and the alley immediately north of Washington Street as the north/south border.

The Planning and Zoning Commission held a public hearing to consider this item during their meeting on June 26, 2023. The Planning and Zoning Commission's vote to recommend approval of the historic district to City Council passed 4-3, with several individuals speaking against the district. The HPC discussed ways they could better explain the benefits of the historic district in the future. A suggestion was made to have more property owners speak in support of the historic district when the matter is heard by City Council on August 1, 2023. Several of the HPC members may also send written comments to the Council as well.

Work Session to Discuss 906 Independence St., a Property Located in the Collegiate Neighborhood Historic District

Central College had submitted an application to demolish the building at 906 Independence St. due to extensive damage, which is located within the Collegiate Neighborhood Historic District. The building would be considered a contributing structure and, as such, the building would need to be reviewed under the standards required by code. The application was tabled by the Commission at its March 13, 2023 meeting. Kermode and André met on March 14, 2023, to tour the building so that they could see the extent of the damage firsthand and help determine whether approving the demolition permit would be appropriate or whether the structure could reasonably be salvaged. At the April 17, 2023 meeting, the Commission tabled this item until the Central College Board of Trustees had an opportunity to consider the preservation proposal from the Pella Preservation Trust. Prior to the June 12, 2023 HPC meeting, the applicant withdrew their demolition permit application. The Commission had indicated they wanted to discuss the condition of this building further.

The Commission discussed concerns they had about the condition of the building deteriorating further. Planning and Zoning Director Gerald Buydos stated that he has been told by Central College that the heat and air conditioning is operable in the building and is being used accordingly. Boertje and Kermode stated they would reach out to Central College President Mark Putnam.

Next Meeting Date: The next HPC meeting is scheduled for August 14, 2023.

Adjourned at 6:03 p.m.

c. Community Development Committee Minutes for July 12, 2023

Chairperson Cody called the Community Development Committee (CDC) to order in the Memorial Building at 5:30 p.m. Members present were: Patsy Cody, Allissa Grandia, Mike Kiser, Shelly Rikken, Caryn Van Hemert, and Dennis Vander Beek; absent: Jerry Brummel, Nancy Henry, Wayne Stienstra, and Christi Vander Voort. Staff present: Planning and Zoning Director Gerald Buydos, Zoning Analyst Jared Parker, and the Deputy City Clerk. No members of the public attended the meeting.

APPROVAL OF TENTATIVE AGENDA: Motion by Vander Beek, second by Grandia to approve the tentative agenda. Motion carried 6-0.

APPROVAL OF MINUTES: Motion by Vander Beek, second by Grandia to approve the minutes from the June 14, 2023 meeting. Motion carried 6-0.

NEW BUSINESS

Consider a Design Permit Application to Construct an Outdoor Seating Area with a Fence, Tables, and Chairs at 621 Franklin St., Submitted by Artisanal, LLC

Jason Bandstra, on behalf of Artisanal, LLC, submitted a design permit application to add a fence and outdoor seating adjacent to the building at 621 Franklin St. The property is zoned Central Business District (CBD). It is located within the Historic Design District. A summary of the requested project is provided below.

Proposed Project:

1. Add a white PVC fence and outdoor seating to the rear of the building along the alley.

The white color of the proposed fence most closely matches the Pella Color Palette's Sherwin-Williams' Light French Gray (SW0055). The dark, metallic color of the proposed outdoor furniture most closely matches the Pella Color Palette's Diamond Vogel's Grantsburg Gray (H101). While the proposed fence is made of PVC, it will be white, not brightly colored, and it is in a traditional fence style. The applicant has indicated that the fence will look like the fence located across the alley at the Cellar Peanut Pub. The proposed furniture is a dark, metallic color (bistro style tables and chairs).

In evaluating this design application, staff confirmed the design contains colors similar to those found in the Pella Color Palette and meets the requirements listed in the Architectural Design Guidelines. Therefore, staff recommended the design permit application be approved as submitted.

The Committee expressed concerns with having the fence up all year, as the adjacent alley is currently very picturesque and popular with tourists for photos. They were also concerned with having any tables and chairs located on unpaved areas in the grass. Following discussion, the Committee approved the permit with several conditions.

Motion by Van Hemert, second by Rikken to approve the design permit with the following conditions: the fence and seating cannot be on grassy areas and must be contained to the paved drive, the permit is being approved on a temporary, trial basis, to be allowed seasonally (not up in the winter) to be re-evaluated in 2024, and the gate to the fence should be located to the east of the back door to line up with the north-south concrete border of the brick driveway but, if necessary, it could be located to the west of the back door. The Committee also stated that they would prefer that the fence be black, instead of the proposed white. Motion carried 6-0.

OTHER BUSINESS / WORK SESSION

Work Session to Discuss Murals in the City of Pella

Cody asked that this topic be placed on the agenda. She expressed concerns about the Spirit of Pella soliciting artists for future murals in downtown Pella that have not yet been discussed with or approved by the CDC. She stated she has received positive comments about the mural that was painted on the side of 629 Franklin St. The CDC questioned whether the Committee should meet with Spirit of Pella to discuss their concerns. Planning and Zoning Director Gerald Buydos explained that murals do not currently have a formal approval process

and that may be something to explore implementing in the future with direction from City Council. The CDC may choose to send a letter to CC to share their concerns. Future potential art installations, such as sculptures, in the City of Pella may also need the same guidance as well.

Next Meeting Date: The next regular meeting is scheduled for August 9, 2023.

Adjourned at 6:40 p.m.

d. Board of Adjustment Minutes for July 17, 2023

Chairperson Westra called the Board of Adjustment to order at 6:00 p.m. in the Public Safety Complex. Members present were: Kristi Kiouis, Vince Nossaman, Jaci Nunnikhoven, Susan Reiter, Lyle Vander Meiden, Mike Vander Wert, and Corey Westra; absent: none. Staff present: Planning and Zoning Director Gerald Buydos, Zoning Analyst Jared Parker, and the Deputy City Clerk. Two members of the public attended the meeting.

CHAIRPERSON'S COMMENTS

Approval of the Tentative Agenda: Motion by Vander Wert, second by Kiouis to approve the tentative agenda. Motion carried 7-0.

APPROVAL OF MINUTES: Motion by Reiter, second by Nunnikhoven to approve the minutes from June 19, 2023. Motion carried 7-0.

PUBLIC HEARINGS

Consider a Variance Request from Dave and Brenda Van Vark to Construct a Carport Within the Side Yard Setbacks of 1200 Franklin St. Dave and Brenda Van Vark submitted a variance application for their property located at 1200 Franklin St. The applicants have requested a variance to permit a carport in the interior side yard setback. City Code Table 165.12-2 indicates that all properties in the Two-Family Residential (R2) District have a 7-foot interior side yard setback for single story buildings. Should the variance be approved, the interior side setback would become 2' 4".

While staff understands the desire for the addition and the reasoning for placing vehicles under a roof, staff does not believe the variance request meets all seven of the criteria required. Staff believes the request particularly fails to meet the requirements of criteria one, four, and seven; ergo, staff believes this request fails to justify a hardship and meet all seven criteria required in the City's zoning code and, therefore, recommended denial of the variance.

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

The applicants, Dave and Brenda Van Vark, were present to speak in favor of the variance and to answer questions from the Board. In response to a question from Vander Meiden, the Van Varks explained that a previous variance for the home had been approved by the Board a number of years ago to add an addition to the east side of the home. The applicants explained that their current garage is too narrow to comfortably park two vehicles inside and would like to utilize existing pavement alongside their garage for the carport.

Motion by Reiter, second by Nunnikhoven to close the Public Hearing as no further comments were received. Motion carried 7-0.

Nossaman said that while adding onto the garage might have an increase in cost, the applicants would not need to build as close to the property line as they would with the proposed carport. The applicants were advised that they could apply for a minor modification for a nine-foot addition to their garage, which does not have the hardship requirement that a variance does.

Motion by Reiter, second by Nossaman to deny the variance request. Motion carried 7-0.

Next Meeting Date: The next meeting is scheduled for August 21, 2023.

Adjourned at 6:21 p.m.

e. Airport Committee Minutes for June 30, 2023

Members Present: Matt Hutchinson, Rick Gritters, Jeff Bollard, Ann Frost, Trevor Nikkel

Members Absent: Joel Weiler, Eric Recker

Others Present: Emily Hawk, Mike Warin, Zach Riggs

Approval of Minutes: May 26, 2023 reviewed and amended as requested. Motion to approve Bollard, Support Gritters - Passed unanimously.

Agenda Items:

Discussion with the Pella Corporation Flight department on potential site locations and timing needs of their future hangar at the existing Pella Municipal Airport took place. Runway access, viable build sites, needs for future expansion, and utility concerns were all discussed. The need for the City to hire an airport engineer for site approval became evident very quickly, and the need for the City to initiate/fund the new Airport Layout Plan also became very apparent from a timing perspective to meet Pella Corporations requirements.

Motion: The Pella Airport committee recommends that the City of Pella cease pursuing a regional airport so that an ALP can be established for the current airport and qualify for the 90/10 FAA funding for the cost of the ALP. Bollard, Support Gritters - Passed unanimously

Discussion on initiating a quarterly airport update was discussed regarding content, creation, and distribution. Additional effort will be focused on this in the months to come.

Airport managers' report to the committee

As reported by Shane Vande Voort

Equipment Update: We are still down to a rental mower and the updated delivery date on the new mower is November. This is inefficient for the and costly to the city and to the FBO, and could have been avoided by including the committee and airport manager in the budget process. The broom will need major repair or replacement before winter. I have broom parts on backorder and will be looking into replacement options.

FBO operations: Classic Aviation remains busy and staffing is still an issue. We have three busy full time flight instructors and a fourth will be starting soon. Over the last month we have graduated students at all levels from tailwheel endorsements to Airline Transport Pilot. As we try to attract and retain mechanics in a competitive environment shop size becomes a major issue. As the airport manager I'm aware and concerned that we don't have nearly as much heated shop space as comparable airports. As the FBO owner I continue to struggle with a lack of additional heated hangar space that we were promised in 2021 and have been working on since 2008. We have seen up to a 40% increase in the cost of part time labor while operating on a fixed contract-I am preparing a request for a contract adjustment and will be looking for committee report. Pella remains and active facility and an attractive destination and we are working hard as an FBO to meet airport user's expectations.

Hangar and ramp space: The supreme court ruled the regional airport 28E agreement unconstitutional June 24, 2022. The hangar space issue at the airport is serious and needs to be done in accordance with a viable airport masterplan, on which work has not begun. As a reminder I am not asking for an FBO hangar due to FBO growth. I am asking for the same size hangar that Grinnell provided their FBO in 1988. If a long-requested 100'x100' hangar were built, Pella would still be providing less hangar space to their FBO than that provided at Newton, Grinnell, Marshalltown, and Oskaloosa.

Special Events: The balloon event sponsors have reached out about using the airport as a possible landing site - they have been very cooperative in the past.

Project and focus on improvement: Again, the supreme court ruled the regional airport 28E agreement unconstitutional June 24, 2022 and this facility will have to serve Pella's aviation needs for at least the near future. I'm working on a list of urgently needed improvements including Terminal remodel (including carpet, windows, and restroom accessibility issues, shop hangar door replacement, t-hangar door repairs, concrete repair, and runway light retrofitting due to unavailable bulbs.

3. Petitions and Communications

a. Special Event Permit Request for the Pella Fire Department Pancake Breakfast

BACKGROUND: The Pella Fire Department has requested a special event permit to host their annual pancake breakfast on Saturday, October 7, 2023, from 6:00 to 10:00 a.m. Set-up is requested to begin at 5:00 a.m. with take down complete by noon. If approved, the purpose of this year's event is to fundraise for water rescue equipment.

All pertinent city departments have reviewed this application and comments are attached. Approval is recommended.

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

b. Special Event Permit Request for the Marching Dutch Invitational

i. Resolution No. 6610 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS THE MARCHING DUTCH INVITATIONAL"

BACKGROUND: The Pella Community School District and Pella Marching Dutch are requesting a special event permit on Saturday, September 23, 2023, from noon to 11:45 p.m. for the Marching Dutch Invitational. This band competition features 23 schools as well as the Iowa Hawkeye Marching band. The purpose of this request is for a street closure to accommodate parking for eight tour buses and one semi. If approved, East University Street, from East 13th extending west 500 feet, would close from 8:00 p.m. to 11:45 p.m. the night of the event.

All pertinent city departments have reviewed this application and comments are attached. The fee and insurance certificate have been received. Staff is recommending approval of this special event permit and associated street closure resolution.

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

c. Renewal of Special Class C Retail Alcohol License for AmericInn By Wyndham

BACKGROUND: Jay Vairahi Hospitality LLC, DBA AmericInn By Wyndham at 910 W 16th Street, has applied for renewal of their special class C retail alcohol license. The term of the new license is 12 months and, if approved, would expire on October 31, 2024.

The application has been completed online with the state. At the time of Council packet publication, the application was pending dram shop certification. Staff is recommending conditional approval of this renewal pending receipt of dram shop certification.

ATTACHMENTS: None
REPORT PREPARED BY: City Clerk
REVIEWED BY: City Administrator
RECOMMENDATION: Conditional approval of renewal pending dram shop certification

4. Resolution No. 6611 entitled, "RESOLUTION APPROVING THE MAYOR, MAYOR PRO TEM, CITY ADMINISTRATOR, AND FINANCE DIRECTOR AS AUTHORIZED FINANCIAL INSTITUTION SIGNERS"

BACKGROUND: This resolution approves Mayor Donald DeWaard, Mayor Pro Tem Mark De Jong, City Administrator Mike Nardini, and Finance Director Brian Weuve as authorized financial institution signers. If approved, these individuals will be authorized to sign documents relating to financial transactions and institutions on behalf of the City of Pella. This resolution supersedes any previously approved resolutions.

ATTACHMENTS: Resolution
REPORT PREPARED BY: City Administration
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve resolution

E. PETITIONS & COMMUNICATIONS

1. De Jong moved to proclaim Tuesday, October 31, 2023, as Beggar's Night in Pella, seconded by Hopkins.

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

BACKGROUND: The City of Pella historically designates an evening near Halloween as Beggar's Night. After discussing this topic during the Policy and Planning meeting on August 15, 2023, Council directed staff to proceed with placing an item on this Council agenda to proclaim Beggar's Night as Tuesday, October 31, 2023. The hours identified for this activity are from 6:00 to 8:00 p.m.

As of the date of this memo publication, the City of Knoxville has designated Tuesday, October 31st as Beggar's Night. Additionally, both Pella area high schools have volleyball and vocal choreography events scheduled for the evening of October 31st.

ATTACHMENTS: None
REPORT PREPARED BY: Police Department
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Proclaim Tuesday, October 31, 2023, from 6:00 to 8:00 p.m. as Beggar's Night for the City of Pella

2. Due to the election, Branderhorst moved to reschedule the regular Council meeting on November 7, 2023, to November 6, 2023, seconded by Hopkins.

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

BACKGROUND: The City Council Procedural Rules state that if the regular Council meeting in November falls on an election day, the meeting will be moved ahead one day to avoid a conflict with the election. As a result, staff is recommending that the regular Council meeting scheduled for Tuesday, November 7, 2023, be rescheduled to Monday, November 6, 2023 at 6:00 p.m.

ATTACHMENTS: None
REPORT PREPARED BY: City Clerk
REVIEWED BY: City Administrator
RECOMMENDATION: Reschedule Council meeting to November 6, 2023 at 6:00 p.m.

F. RESOLUTIONS

1. Resolution No. 6612 entitled, "RESOLUTION AUTHORIZING EXECUTION OF AN APPLICATION FOR VOLUNTARY ANNEXATION OF CERTAIN CITY-OWNED PROPERTY; ACCEPTING FOR FILING APPLICATIONS FOR VOLUNTARY ANNEXATION OF CERTAIN LAND TO THE CITY OF PELLA, IOWA; SETTING THE DATE FOR A PUBLIC HEARING AND A CONSULTATION MEETING; AND PROVIDING FOR NOTICE OF PROPOSED CITY COUNCIL ACTION."

De Jong moved to approve, seconded by Hopkins.

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

BACKGROUND: This resolution institutes proceedings for a proposed voluntary annexation which primarily includes the Marion County owned right-of-way on Washington Street in front of the Prairie Ridge Commercial Development (Smash Park and Chick Fil-A), the Iowa Rural Utilities Association (IRUA) property adjacent to Fifield Road, and the city-owned ROW along Washington Street past Fifield Road to our westerly city limit boundary, as shown on the attached map.

To proceed with this voluntary annexation, this resolution institutes the following actions:

1. Authorizes the Mayor and City Clerk to execute a voluntary annexation application for the city-owned ROW along Washington Street past Fifield Road to our westerly city limit boundary.
2. Sets the voluntary annexation consultation date of September 12, 2023.
3. Directs the City Clerk to provide written notice of the consultation to the affected board of supervisors and township trustees.
4. Sets the public hearing date for consideration of the voluntary annexation applications and proposal for voluntary annexation of November 6, 2023.
5. Directs the City Clerk to publish the notice of public hearing.

In summary, staff is recommending approval of this resolution which approves the written applications for voluntary annexation of approximately 5.31 acres of land to the City of Pella.

ATTACHMENTS: Resolution, Map, City of Pella Annexation Application, Marion County Annexation Application, IRUA Annexation Application

REPORT PREPARED BY: Planning and Zoning Director

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Approve resolution

2. Resolution No. 6613 entitled, "RESOLUTION APPROVING CHANGE ORDER NO. 1 (FINAL QUANTITY ADJUSTMENT AND MISCELLANEOUS ITEMS) AND ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE OLD CITY HALL ALLEY RECONSTRUCTION PROJECT."

Hopkins moved to approve, seconded by De Jong.

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

BACKGROUND: This resolution approves change order no. 1 (final quantity adjustment and miscellaneous items) and accepts the public improvements for the Old City Hall Alley Reconstruction project. As background, Council approved a contract for this project with TK Concrete on June 21, 2022. This project included complete reconstruction of the east/west alley which extends from Broadway Street to Main Street. The project included new six-inch concrete pavement with a brick overlay, complete replacement of the eight-inch public sanitary sewer, new storm sewer, and new intakes.

Change Order No. 1: If approved, change order no. 1 increases the contract by \$5,452.50 which includes the following items:

- Removal of concrete and cistern affecting construction of the sewer: increase of \$5,802.50
- Final quantity adjustments: reduction of \$350.00

Contract Summary: Below is an updated contract summary:

Original contract	\$555,455.00
Change order no. 1	<u>5,452.50</u>
Final contract amount	<u>\$560,907.50</u>

Acceptance of Project: The project engineer, Garden & Associates, is recommending acceptance of the project and believes the project was completed in accordance with the approved plans and specifications. Staff agrees with the engineer's opinion; therefore, staff recommends approval of change order no. 1 and acceptance of the public improvements constructed by TK Concrete. If approved, the retainage amount of \$28,045.38 will be held for 30 days.

ATTACHMENTS: Resolution, Engineer's Acceptance Letter, Change Order No. 1

REPORT PREPARED BY: Public Works Department

REPORT REVIEWED BY: City Administrator, City Clerk

RECOMMENDED ACTION: Approve resolution

3. Resolution No. 6614 entitled, "RESOLUTION APPROVING A 28E AGREEMENT FOR AMBULANCE AND EMERGENCY MEDICAL SERVICES."

Bandstra moved to approve, seconded by Branderhorst.

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

BACKGROUND: This resolution approves a 28E Agreement to provide Ambulance and Emergency Medical Services (EMS) to the following entities: Lake Prairie and Summit Townships in Marion County, Black Oak and Richland Townships in Mahaska County, and the City of Leighton. As Council is aware, the City of Pella began operating the Pella Community Ambulance on July 1, 2022. This transition was necessary due to the financial difficulties experienced by the non-profit agency which previously operated the ambulance. The entities in this 28E Agreement were previously served by the Pella Community Ambulance.

Listed below are the key terms of this 28E Agreement:

- Term: September 5, 2023 through June 30, 2024
- Financial Compensation provided by the entities to the City of Pella for EMS:
 - \$36,000 for ambulance services provided during FY 22-23
 - \$46,000 for ambulance services provided during FY 23-24
- Termination: any of the parties can cancel the agreement by providing a 30 day notice. In the event the townships or the City of Leighton cancel the agreement, they must pay for EMS through the date of termination.

In summary, this resolution approves a 28E Agreement to provide Ambulance and Emergency Medical Services to the following entities: Lake Prairie and Summit Townships in Marion County, Black Oak and Richland Townships in Mahaska County, and the City of Leighton. It is important to note that this agreement is intended to be temporary until the voters of Marion County can consider an essential services tax to provide EMS funding in Marion County, which is tentatively planned for March 5, 2024.

ATTACHMENTS: Resolution, 28E Agreement
REPORT PREPARED BY: City Administration
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve resolution

G. ORDINANCES

1. Ordinance No. 1029 entitled, "AN ORDINANCE AMENDING CHAPTER 122 OF THE CITY CODE OF THE CITY OF PELLA, IOWA, FOR THE PURPOSE OF ADDING REGULATIONS RELATED TO MOBILE FOOD UNITS."

De Jong moved to place ordinance no. 1029 on its first reading, seconded by Hopkins.

On roll call the vote was: AYES: 5, 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 De Jong.

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

Branderhorst moved that ordinance no. 1029 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.

2. Ordinance No. 1030 entitled, "AN ORDINANCE AMENDING SECTION 123.16 OF THE CITY CODE OF THE CITY OF PELLA, IOWA, FOR THE PURPOSE OF ADDING REGULATIONS RELATED TO MOBILE FOOD UNITS."

Branderhorst moved to place ordinance no. 1030 on its first reading, seconded by Carlstone.

On roll call the vote was: AYES: 5, 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 Bandstra.

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

Branderhorst moved that ordinance no. 1030 be adopted, seconded by Hopkins.

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

Mayor DeWaard declared the ordinance duly passed and adopted.

3. Ordinance No. 1031 entitled, "AN ORDINANCE AMENDING SECTION 171.14 OF THE CITY CODE OF THE CITY OF PELLA, IOWA, FOR THE PURPOSE OF REVISING THE FEE DESCRIPTION TO ADD MOBILE FOOD UNITS."

Branderhorst moved to place ordinance no. 1031 on its first reading, seconded by Hopkins.

On roll call the vote was: AYES: 5, 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 Bandstra.

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

Branderhorst moved that ordinance no. 1031 be adopted, seconded by Carlstone.

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

Mayor DeWaard declared the ordinance duly passed and adopted.

BACKGROUND: Three ordinances are under consideration which incorporate mobile food units within City Code for the purpose of differentiating mobile food units from peddlers. Council reviewed these proposed changes in August, directing staff to proceed with placing ordinances on a future agenda for formal consideration.

Current Requirements for Peddler Permits: Mobile food vendors are currently considered peddlers under City Code Chapter 122. Peddlers are only able to operate on private, not public, property located within a commercial zoning district. All peddlers must have an approved design permit for the vehicle/structure that merchandise is sold from. With the exception of the Oskaloosa Street corridor, peddlers exceeding 30 days per calendar year are required to have a Dutch theme.

Numerous area businesses and industries, which are in industrial or institutional zoning districts, have expressed a desire to host mobile food units for ease of access to food options for their employees. Additionally, design requirements that are currently in place have been a hinderance for mobile food units as most are already designed and in operation. As a result of these requests, Council member Branderhorst and Council

member Sporrer worked with staff to develop regulations specifically for mobile food units which include expanding allowable zoning districts, waiving design requirements in certain zoning districts, and requiring the vendor to provide their food service license from the State of Iowa.

Proposed Mobile Food Unit Requirements

Peddlers, solicitors and transient merchants are currently referenced within City Code Chapters 122, 123, and 171. As a result, three ordinances are necessary to fully incorporate the new definition of mobile food units. Below is a summary of the changes included within the attached ordinances:

- Create a separate definition for mobile food units, that is consistent with Iowa Code: “Any type of food or beverage establishment that is readily movable, which either operates up to three consecutive days at one location or returns to a home base of operation at the end of each day.”
- Unless operating under a special event permit, mobile food units are permitted only in the following zoning districts: Commercial (CBD, CUC, CC, CPD), Industrial (M1, M2), Institutional (INS).
- Mobile food units are exempt from the requirement to obtain a design permit unless operating in the Central Business District or in Commercial zoning districts located on Washington Street (from Highway 163 to the Central Business District), as shown on the attached map.
- Mobile food units are required to submit an application which includes a premise permit completed by the property owner who will host the mobile food unit, a site plan showing their specific location of operation, and their Iowa Mobile Food Unit License.
- The requirement to conduct a background check and fingerprinting by the Police Department will be waived for mobile food units. Peddlers, solicitors and transient merchants will still be required to conduct background checks.
- No changes are proposed to the current fee structure. Ordinance no. 131 simply revises the fee description to add “mobile food units”. As Council is aware, daily permits are \$25, weekly permits are \$75, monthly permits are \$150, and six-month permits are \$300.

It is important to note that mobile food units are still required to operate only on private, not public, property unless operating under a special event permit. Furthermore, mobile food units which operate as part of a special event permit do not need to obtain a separate mobile food unit permit.

In summary, staff is recommending approval of the following ordinances which are on the agenda:

1. Ordinance no. 1029 amending City Code Chapter 122 to add regulations for mobile food units.
2. Ordinance no. 1030 amending City Code Section 123.16 to add the language of “mobile food unit” within the special event permit section of City Code.
3. Ordinance no. 1031 amending City Code Section 171.14 to add the language “mobile food unit” within the fee structure section of City Code.

Finally, it is important to note that the City Attorney has reviewed and approved the attached ordinances.

ATTACHMENTS: Ordinance no. 1029, Ordinance no. 1030, Ordinance no. 1031, Map
REPORT PREPARED BY: City Clerk
REVIEWED BY: City Administrator, Planning and Zoning Director
RECOMMENDATION: Approve ordinances

H. CLAIMS

1. Abstract of Bills No. 2134.

Branderhorst moved to approve, seconded by De Jong.

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

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

One comment was received.

J. POLICY AND PLANNING

From 6:35 p.m. to 6:43 p.m., Council adjourned to the Policy and Planning meeting to hold a discussion regarding the Marion County Multi-Jurisdictional Multi-Hazard Mitigation Plan, with no formal Council action taken.

K. 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 6:44 p.m.