



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

July 18, 2017

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 meeting room at 7:00 p.m., Mayor Pro Tem Mark De Jong presiding. Members present were: Mark De Jong, Tony Bokhoven, Dan L. Vander Beek, Harold Van Stryland, Bruce Schiebout, Larry Peterson. Absent: Mayor Jim Mueller. City Administrator Mike Nardini, City Attorney Bob Stuyvesant, and Deputy City Clerk Cynthia Vaske were present. Eight staff members and eight members of the general public signed the register.

B. MAYOR'S COMMENTS

1. Announce Policy and Planning meeting following the regular Council meeting to discuss:
 - a. Pella Area Community & Economic Alliance (PACE) Downtown Development Council Presentation
2. Approval of Tentative Agenda. Council Member Vander Beek moved to approve the tentative agenda, seconded by Council Member Van Stryland. On roll call the vote was: AYES: Vander Beek, Van Stryland, Schiebout, Peterson, De Jong, Bokhoven. NAYS: None. Motion carried.
3. Announce Closed Session pursuant to Iowa Code Chapter 21.5 1 (c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

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

None

C. APPROVAL OF CONSENT AGENDA

Council Member Vander Beek moved to approve the consent agenda, seconded by Council Member Schiebout. On roll call the vote was: AYES: Vander Beek, Schiebout, Peterson, De Jong, Bokhoven, Van Stryland. NAYS: None. Motion carried. The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for July 3, 2017
2. Report of Committees
 - a. Policy and Planning Minutes for July 3, 2017

CITY OF PELLA - POLICY and PLANNING MINUTES - July 3, 2017

PRESENT: Mayor Jim Mueller, Mark De Jong, Tony Bokhoven, Dan L. Vander Beek, Harold Van Stryland, Bruce Schiebout, Larry Peterson

ABSENT: None

OTHERS: City Staff and Visitors

The Policy and Planning meeting began at 8:09 p.m.

The first item was a discussion about proposed phase II improvements at the Pella Sports Park. Fields of our Future is proposing construction of the following items during the 2018 calendar year:

- Two additional unlit youth baseball/softball fields
- Sidewalks from the main fields to the new fields
- Additional gravel parking for approximately 100 cars
- Expansion of restroom facilities near the multi-purpose fields
- Foul ball protection for the existing fields

The total estimated costs, including engineering, is \$861,100. Fields of our Future is proposing to evenly split this total amount with the City of Pella equating to an estimated cost of \$430,550 which would be funded using the local option sales and services tax fund.

At the end of the discussion, staff was directed to continue working with Fields of our Future to further define the scope of the project after taking Council input into consideration. Additionally, staff was directed to draft a proposed amendment to the City's existing agreement with Fields of our Future. This amendment is necessary before proceeding with any improvements. The Mayor thanked Fields of our Future, stating they are doing a fabulous job overall and expressed gratitude for their fundraising efforts.

The next item was a discussion about a proposed tree rebate program. Staff discussed the main components of the program with Council. It was unanimous to have staff proceed with implementing the tree rebate program in the spring of 2018. Council would like to also offer the program in the fall of 2018, so long as the annual allotment of \$22,500 is not exhausted during the spring rebate window.

The meeting adjourned at 8:58 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

3. Petitions and Communications – None
4. Administration Reports – None

D. *PUBLIC HEARINGS

- 1a. Public Hearing on Water Main Relocation Project. No written or oral comments were received. Council Member Vander Beek moved to close the public hearing, seconded by Council Member Van Stryland. On roll call the vote was: AYES: Vander Beek, Van Stryland, Schiebout, Peterson, De Jong, Bokhoven. 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 Water Main Relocation Project 2017.

As Council is aware, this project consists of relocation of the current transmission main by constructing a new 12" water main on the west side of the Pella Corporation campus which would extend south and east to Clark Street. The new main would then tie into the existing system approximately 600' north of the Clark Street and Truman Road intersection. Overall, this project involves constructing approximately 4,020 linear feet of 12" ductile iron water main and associated components.

The bid opening for the project was held at 2:00 p.m. July 12, 2017. Seven bids were received and are summarized below:

Contractor	Bid Amount
Lawson Construction LLC	\$485,240.00
Rognes Corporation	\$496,010.00
Halbrook Excavating	\$505,650.00
Cushman Excavation	\$507,300.00
Synergy Contracting	\$533,988.00
Quam Construction Company	\$581,185.00
GM Contracting, Inc.	\$585,290.56

After reviewing the bid proposals, Veenstra & Kimm, the project engineer, recommends awarding the contract to the lowest responsible bidder, Lawson Construction LLC, as listed in the total amount of \$485,240. It is important to note; the engineer's estimate for the project was \$481,650. Staff is requesting Council approve the contract to Lawson Construction LLC, in the total amount of \$485,240. 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. Finally, it is important to note; this is a 60-day working contract, therefore the substantial completion date for the project is expected to be mid-November, 2017.

ATTACHMENTS: Resolution, Bid Summary, Engineer's Recommendation, Form of Contract

REPORT PREPARED BY: Public Works

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve Resolution

- 1b. Resolution No. 5782 entitled, "RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT, ESTIMATE OF COSTS, RECEIVING OF BIDS, AND MAKING AWARD OF CONTRACT FOR THE WATER MAIN RELOCATION PROJECT 2017". Council Member Schiebout moved to approve, seconded by Council Member Vander Beek. On roll call the vote was: AYES: Schiebout, Vander Beek, Van Stryland, Peterson, De Jong, Bokhoven. NAYS: None. Motion carried.

E. PETITIONS & COMMUNICATIONS

- 1a. Special Event Permit Amendment Request for Thursdays in Pella. Council Member Van Stryland moved to approve, seconded by Council Member Schiebout. On roll call the vote was: AYES: Van Stryland, Schiebout, Peterson, De Jong, Bokhoven, Vander Beek. NAYS: None. Motion carried.

BACKGROUND: The PACE Alliance has requested to amend their special event permit for Thursdays in Pella, which was originally approved on May 16th.

Amendment #1: Add an additional street closure of the 600 block of Franklin Street from 3:00 to 9:00 p.m. on July 27th.

Amendment #2: Extend the special event permit to include Thursday, August 3rd in order to reschedule the events affected by weather on June 29th. "Yee-Haw" themed activities would be scheduled from 6:00 to 9:00 p.m. in Central Park. In conjunction with this amendment, the promoter is requesting closure of all parking spaces on the east side of Broadway Street between Franklin and Washington Street from 3:00 to 9:00 p.m. on August 3rd. All pertinent City Departments have reviewed this amendment and comments are attached. The fee and insurance certificate have been received, and approval is recommended.

ATTACHMENTS: Resolution, Amendment Request, Maps, Department Comments

REPORT PREPARED BY: City Clerk

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve Special Event Permit Amendment and Resolution

- 1b. Resolution No. 5783 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS THURSDAYS IN PELLA". Council Member Vander Beek moved to approve, seconded by Council Member Van Stryland. On roll call the vote was: AYES: Vander Beek, Van Stryland, Schiebout, Peterson, De Jong, Bokhoven. NAYS: None. Motion carried.

F. PLANNING & ZONING ITEMS – None

G. ADMINISTRATION REPORTS – None

H. RESOLUTIONS

1. Resolution No. 5784 entitled, "RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF PELLA AND DEWILD GRANT RECKERT AND ASSOCIATES COMPANY D/B/A DGR ENGINEERING IN CONNECTION WITH THE EAST SUBSTATION NORTHSIDE DISTRIBUTION FEEDER". Council Member Schiebout moved to approve, seconded by Council Member Vander Beek. On roll call the vote was: AYES: Schiebout, Vander Beek, Van Stryland, Peterson, De Jong, Bokhoven. NAYS: None. Motion carried.

BACKGROUND: This resolution approves an Engineering Services Agreement with DGR Engineering in the amount of \$52,100 for the East Substation Northside Distribution Feeder project. The proposed improvement can be described in general as follows:

The project includes installation of a 12.470 kV distribution feeder line to connect Vermeer Substation to the distribution system near the intersection of Main Street and Big Rock Road. The approximate length of the proposed feeder line is 2.6 miles.

The reason the project is being proposed is to improve the electrical distribution system's reliability by providing the ability to transfer load from the City's West Washington Substation to the Vermeer Substation. As background, the City's West Substation continues to see load growth and there are currently limited options in transferring growth to the City's other substations. This project will allow the transfer of electrical load from the West Washington Substation to the Vermeer Substation. In addition, it will also help reduce the possibility of overloading electrical circuits within the distribution system.

This resolution would approve an engineering agreement that includes a lump sum amount of \$35,100 for the design and bid phases as well as an estimated \$17,000 total in hourly fees for the preliminary/planning phases and construction/final phases for a total of \$52,100. It should be noted that approval will be sought from the City of Pella if more hours are needed to complete the project. The schedule for the project is as follows:

Plans and Spec Complete	July 2017
Bid Opening	August 2017
Construction Start	September 2017
Construction Complete	December 2017

The Engineer's total estimated project cost, including engineering, is approximately \$742,100.

Due to the historical knowledge of the City's electrical system and an established relationship, staff recommends approval of the agreement with DGR. The Electric Department has worked with DGR consultants since the early 90s and believes they have good baseline knowledge of our systems and operations. Furthermore, the total engineering services of \$52,100 is approximately 7% of the estimated total project cost, which staff believes is very reasonable. Finally, if Council approves this contract, electric utility revenues will fund the anticipated improvements.

ATTACHMENTS: Resolution, Engineering Services Agreement

REPORT PREPARED BY: Electric Department

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve Resolution

2. Resolution No. 5785 entitled, "RESOLUTION PROPOSING THE DISPOSAL OF AN INTEREST IN REAL PROPERTY BY SALE". Council Member Schiebout moved to approve, seconded by Council Member Bokhoven. On roll call the vote was: AYES: Schiebout, Bokhoven, Vander Beek, Van Stryland, Peterson, De Jong. NAYS: None. Motion carried.

BACKGROUND: This resolution allows the disposal of property previously vacated for the use and benefit of Central College. The property in question is located under the Vermeer Science Center. As background, staff recently discovered that the property was vacated but no quit claim deed was executed completing the proper procedure for selling public property.

Below is an outline of the property and previous actions taken:

June 5, 1928 - Ordinance No. 172 vacated the following portions of public property:

W 2nd Street between University and Peace Street

100' of the alley bisecting original block 80 from W 2nd Street to the west line of lots 1 and 8

August 6, 1940 - Ordinance No. 85 vacated the following portions of public property:

300' of the alley bisecting original block 80 from W 3rd Street to the west line of lots 1 and 8

This resolution establishes August 1st as the public hearing and authorizes the City Attorney to prepare a quit claim deed to re-convey the property to Central College.

ATTACHMENTS: Resolution, Map

REPORT PREPARED BY: City Administration

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve Resolution

3. Resolution No. 5786 entitled, "RESOLUTION APPROVING SUBLEASE REQUEST BY WARRIOR GOLF VENTURE, L.L.C." Council Member Bokhoven moved to approve, seconded by Council Member Vander Beek. On roll call the vote was: AYES: Bokhoven, Vander Beek, Van Stryland, Schiebout, Peterson, De Jong. NAYS: None. Motion carried.

BACKGROUND: These resolutions approve a request by Warrior Golf to sublease the restaurant area of the Bos Landen Golf Course to Bubba-Q's L.L.C. Specifically, Resolution No. 5786 approves the sublease to Bubba-Q's, L.L.C. In addition, Resolution No. 5787 approves Warrior Golf's request to make leasehold improvements to the Bos Landen facilities which are necessary to support the new restaurant.

As background, in 2014 the Pella City Council approved a 99-year ground lease for the facilities and operations of the Bos Landen Golf Course. Section 3.03 of the ground lease states that the Lessee shall have the right to sublet any portion of the property during the term of the lease subject to City approval, which cannot be unreasonably be withheld. In addition, this proposed sublease does not negate Warrior Golf's liability under our existing ground lease.

Bubba-Q's is a successful barbecue restaurant currently located in Ottumwa, Iowa. It is staff's understanding Bubba-Q's wishes to expand their operations and would like to establish their new restaurant at the Bos Landen Golf Course. In order to accommodate Bubba-Q's operations, leasehold improvements will need to be made to the restaurant facilities at the golf course. Listed below is a summary of the major components of the leasehold improvements:

*New flooring will be installed for the kitchen area
 One non-load bearing wall will be removed
 A 64" x 73" hole in the north kitchen side wall will need to be cut to install
 a commercial sized barbeque smoker.
 A 60" x 48" hole in the kitchen wall, which is adjacent to the restaurant seating area, will need to be cut to support a meat cooler. This cooler
 will be used by customers to pick out their own steaks for preparation on the large grill currently at Bos Laden.
 Extension of the fencing for the north-side enclosure area to support a dumpster for the new restaurant.
 Electrical and plumbing repairs and upgrades.
 Fire suppression repairs.*

Staff has reviewed the proposed improvements to the Bos Landen restaurant facilities. From our perspective, the improvements appear reasonable in considering the restaurant area has been vacant for approximately four years.

To assist with the leasehold improvements, Warrior Golf is requesting to use \$20,000 of their 2017 approved grounds maintenance reimbursement. It should be noted, improvements and repairs to the building facilities are eligible for reimbursement under the existing ground lease.

These resolutions approve Warrior Golf's request to sublet the Bos Landen restaurant area to Bubba-Q's. In addition, they also authorize the leasehold improvements to the restaurant area subject to approval by the City's building inspector.

ATTACHMENTS: Resolution #5786; Resolution #5787; Summary of Leasehold Improvements.

REPORT PREPARED BY: City Administration

REPORT REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDED ACTION: Approve the Resolutions

4. Resolution No. 5787 entitled, "RESOLUTION APPROVING LEASEHOLD IMPROVEMENT REQUEST BY WARRIOR GOLF VENTURE, L.L.C.". Council Member Bokhoven moved to approve, seconded by Council Member Vander Beek. On roll call the vote was: AYES: Bokhoven, Vander Beek, Van Stryland, Schiebout, Peterson, De Jong. NAYS: None. Motion carried.

I. ORDINANCES

1. Ordinance No. 925 entitled, "AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PELLA, IOWA CHAPTER 65.01, STOP INTERSECTIONS". Council Member Vander Beek moved to place Ordinance No. 925 on its third reading, seconded by Council Member Peterson. On roll call the vote was: AYES: Vander Beek, Peterson, De Jong, Van Stryland, Schiebout. NAYS: Bokhoven. Motion carried. Council Member Schiebout moved that Ordinance No. 925 be adopted, seconded by Council Member Vander Beek. On roll call the vote was: AYES: Schiebout, Vander Beek, Van Stryland, Peterson, De Jong. NAYS: Bokhoven. Mayor Pro Tem De Jong declared the motion carried and the ordinance duly passed and adopted.

BACKGROUND: This proposed ordinance establishes a three-way stop at the intersection of E. 8th Street and University Street. As background, during the June 6, 2017 Policy and Planning meeting, Mr. Greg Ebeling, Superintendent of the Pella Community School District, shared two traffic related public safety concerns. Both involve intersections in the vicinity of the Pella Community High School with the intersection at E. 8th Street and University Street being among them. It was Mr. Ebeling's position that both pedestrians (primarily students) and vehicles were at risk at this intersection due in part to the traffic control methodology.

Listed below is a summary of the current traffic conditions at the E. 8th Street and University Street intersection:

1. University is a two lane east-west roadway that is used as one of the primary routes to access the Pella Community High School parking lot, Madison Elementary School, and residential properties on the city's east side.
2. E. 8th Street is a two lane north-south roadway that enters said intersection from the north. Traveling north along this portion of street, one finds it is not a thru road, and creates a "T" intersection at Vermeer Road. Similarly, at its intersection with University Street, E. 8th Street is offset by approximately 160 feet, and again creates a "T" intersection.
3. The only traffic control present at this time is:
 - a. A stop sign on E. 8th Street, at the north entrance to the intersection.
 - b. A pedestrian crosswalk on the east side of the intersection crossing University Street.

It should be noted that the intersection draws a good deal of pedestrian traffic from high school students in the morning and mid-afternoon of school days. Further, the driving environment during those times is over represented by vehicles operated by inexperienced drivers. Police department staff has noted that excessive speed along University Street is a great concern, and accordingly engages in the daily practice of a school patrol detail to increase our presence around the community schools, especially the University Street corridor.

Proposed Solution

Due to concerns for pedestrian safety, and the need for a vehicular speed calming solution on University Street near Pella Community High School, it is the recommendation of staff to create a three-way stop at the west intersection at E. 8th Street and University Street. This proposed ordinance will install stop signs for east and west bound traffic on University Street at the E. 8th Street intersection.

ATTACHMENTS: Ordinance

REPORT PREPARED BY: Chief of Police

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve Ordinance

2. Ordinance No. 926 entitled, "AN ORDINANCE AMENDING WATER RATES IN THE CITY OF PELLA, IOWA". Council Member Peterson moved to place Ordinance No. 926 on its second reading, seconded by Council Member Van Stryland. On roll call the vote was: AYES: Peterson, Van Stryland, Schiebout, De Jong, Bokhoven, Vander Beek. NAYS: None. Motion carried. It was moved by Council Member 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 Council Member Bokhoven.

On roll call the vote was: AYES: Schiebout, Bokhoven, Vander Beek, Van Stryland, Peterson, De Jong. NAYS: None. Motion carried. Council Member Schiebout moved that Ordinance No. 926 be adopted, seconded by Council Member Van Stryland. On roll call the vote was: AYES: Schiebout, Van Stryland, Peterson, De Jong, Bokhoven, Vander Beek. NAYS: None. Mayor Pro Tem De Jong declared the motion carried and the ordinance duly passed and adopted.

BACKGROUND: The FY 17-18 Budget includes a 7% increase in the City's water rates which is needed to fund the long-term water supply plan. Listed below is background information on the proposed increase.

Long-term Water Supply Plan

The City's long-term water supply plan is intended to meet the community's supply and treatment needs through the year 2037. Overall, the plan includes a new 3.0 million gallon per day (MGD) reverse osmosis (RO) treatment process, an additional Jordan Well and new water main, and improvements to the existing lime softening treatment plant. The estimated cost of the plan is \$16 million, and the tentative completion date for the plan is the fall of 2017.

Proposed Rate Structure

The proposed rate increase of 7% would be effective for utility bills due September 20, 2017 for August usage. At that time, the base fee for inside the City limits would increase from \$16.61 per month to \$17.77 per month. In addition to the increase in base fee, the ordinance would amend the cost per 1,000 gallons from \$4.01 to \$4.29.

Impact of Water Rate Increases

The proposed ordinance represents a water rate increase of 7% for all customer classes. The following chart represents the impact of the water rate increase in both dollar amount and percentage of increase for different customer types inside the City limits. As you can see, for the average residential customer using 7,000 gallons per month, the proposed increase is \$3.12 per month. For the average commercial customer using 35,000 gallons per month, the proposed increase is \$10.96 per month. For the average industrial customer using 100,000 gallons per month, the proposed increase is \$29.16 per month.

Customer Type	Water Usage in Gallons	Current Bill	Proposed Bill	\$ Increases	% Increase
Residential	7,000	\$44.68	\$47.80	\$3.12	7%
Commercial	35,000	\$156.96	\$167.92	\$10.96	7%
Industrial	100,000	\$417.61	\$446.77	\$29.16	7%

Comparable Cities

The chart below compares water rates of similar sized cities in our region. The average residential and commercial users in Pella would continue to pay slightly more than the City of Knoxville and significantly less than the City of Oskaloosa. For the industrial user, the City of Pella would continue to remain very competitive with the City of Knoxville and continue to be significantly less than the City of Oskaloosa.

It is important to note that when comparing our rates to others in the region, one must consider the service level provided by the utilities. For instance, there are utilities who perform minimal water treatment. In comparison, our water treatment process is a significant component of our rates. In order to compensate for the lack of water treatment, their customers will often need to install additional filtration systems to obtain a higher quality of water. Unfortunately, these costs are typically not included in water rate comparisons.

Water Rate Comparisons--In City Limits

City	Minimum No Usage	7,000 gal Residential	35,000 gal Commercial	100,000 gal Industrial
Knoxville	\$8.00	\$31.50	\$157.50	\$450.00
Oskaloosa	\$12.82	\$72.80	\$312.73	\$869.71
Pella	\$16.61	\$44.68	\$156.96	\$417.61
Pella Proposed	\$17.77	\$47.80	\$167.92	\$446.77

SUMMARY

As stated previously, the proposed 7% rate increase is needed to fund the City's long-term water supply plan. This proposed rate increase reflects the third of four projected rate increases. Once fully implemented, the rate increases are expected to result in an overall rate increase of approximately 30%. By implementing rate increases incrementally, financial impacts to rate payers were potentially minimized while at the same time ensuring the utility has adequate cash flows to fund the plan.

ATTACHMENTS: Ordinance
 REPORT PREPARED BY: City Administration
 REVIEWED BY: CITY ADMINISTRATOR
 CITY CLERK
 RECOMMENDATION: Approve Ordinance

- Ordinance No. 927 entitled, "AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PELLA BY ADDING NEW PROVISIONS TO CHAPTER 165 ZONING ORDINANCE FOR HISTORIC DISTRICT OVERLAY ZONE". Council Member Schiebout moved to place Ordinance No. 927 on its second reading, seconded by Council Member Van Stryland. On roll call the vote was: AYES: Schiebout, Van Stryland, Peterson, De Jong, Bokhoven, Vander Beek. NAYS: None. Motion carried.

BACKGROUND: This proposed ordinance which would establish guidelines for creating a historic district overlay zone and designating historic landmarks within the City of Pella. As additional background, the Planning and Zoning Commission unanimously approved the ordinance during a public hearing held June 26, 2017. Listed below is background information on this proposed ordinance:

Historic Preservation Commission Responsibilities

The Historic Preservation Commission was established by the Pella City Council on November 18, 2014. The main purpose of the Commission as stated in Section 33.01 (1) of the Pella City Code is as follows: "Promote the educational, cultural, economic and general welfare of the public through

the recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance.” Furthermore, Section 33.07 of the city code outlines the responsibilities of the Commission which are as follows:

Pella City Code Section 33.07 Duties and Responsibilities

1. *The Commission may conduct studies for the identification and designation of historic districts and landmarks meeting the definitions established by this ordinance. The Commission may proceed at its own initiative or upon a petition from any person, group, or association. The Commission shall maintain records of all studies and inventories for public use.*
2. *The Commission may make a recommendation to the State Historic Preservation Office for the listing of a historic district or landmark in the National Register of Historic Places and may conduct a public hearing thereon.*
3. *The Commission may investigate and recommend to the Planning and Zoning Commission and City Council the adoption of ordinances designating historic landmarks and historic districts if they qualify as per established Historic District ordinance; and*
4. *Provide information for the purpose of historic preservation to the governing body.*
5. *Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.*
6. *Historic review and issuance of certificates of appropriateness pursuant to Chapter 165.13.5 Historic District Overlay Zone for the following:*

As Council is aware, items #3 and #6 above relate to the formation of historic overlay zones and historic landmarks. While the Historic Preservation Commission has the authority under the city code to make recommendations on these items, the code also requires the adoption of an ordinance which establishes guidelines for historic overlay zones and landmarks. The proposed ordinance is intended to provide the necessary guidelines under the city code to establish historic overlay zones and landmarks.

Criteria for Historic District Overlay Zones and Landmarks – Section 3

This section of the proposed ordinance defines a historic district overlay zone and a historic landmark. Listed below is a summary definition for each of these components:

Historic District Overlay Zones

Historic district overlay zones are geographically cohesive areas with significant concentrations of buildings and other resources that possess a high degree of historic integrity and convey a district sense of time and place and that have been designated as a historic district by the City Council pursuant to this ordinance. To qualify for designation as a historic district, the subject area must contain abutting pieces of property under diverse ownership that meet the following approval criteria:

- (1) Are significant in American history, architecture, archaeology, and culture; and
- (2) Possess integrity of location, design, setting, materials, workmanship, feeling, and association; and
- (3) Are associated with events that have been a significant contribution to the patterns of our history; or
- (4) Are associated with the lives of persons significant in our past; or
- (5) Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction;
- (6) Have yielded or may be likely to yield information important in prehistory or history.

Historic Landmarks

The proposed ordinance defines a historic landmark as follows: A historic landmark is any building, structure, object, area of land, or element of landscape architecture with significance, importance, or value, consistent with the approval criteria listed above for historic districts and that has been designated as a local historic landmark by the City Council pursuant to the applicable procedures outlined herein.

It should be noted; a historic landmark can be located anywhere within the City’s corporate limits and does not have to reside within a historic district overlay zone.

Requirements for Establishing a Historic District Overlay Zone – Section 2

This proposed ordinance establishes the requirements for creating a historic district overlay zone. In addition, the ordinance also establishes the parameters for regulating the design review component of a historic overlay zone. Finally, this ordinance also regulates the procedures for demolition of properties within a historic overlay zone. Listed below is additional detail.

Requirements for Establishing a Historic Overlay Zone – Section 2(a)

The proposed ordinance authorizes the Pella City Council to designate areas of the City as historic overlay zones. The process to establish a historic district requires the City Council to utilize the same procedure for rezoning property in Pella and is established under Chapter 165.38 of the City of Pella’s zoning code. In addition to the requirements of this code section, the application to rezone property for a historic overlay district must contain signatures of the owners of at least 50% of the total number of parcels of real estate within the proposed district, excluding parcels owned by government bodies, provided that each parcel, within the meaning of this subsection, shall constitute a separate parcel for property tax assessment purposes, as shown in the records of the county assessor on the date the petition is filed.

Requirements for Establishing a Historic District Overlay Zone – Section 2 (continued)

Furthermore, the application must also contain signatures of owners of at least 50% of the total public street frontage area within the proposed district, excluding public street frontage abutting governmental property.

From staff’s perspective, a very high threshold is established by requiring 50% of the property owners within a proposed historic overlay district to support the established district. This also ensures there is communication among the property owners within a proposed district. Furthermore, the requirement of 50% of public street frontage ensures a group of property owners does not conspire to involve property owners of large tracts of land that do not wish to be included in the proposed district. In essence, the proposed ordinance requires support from a majority of the property owners within a proposed historic district, which was a concern of the Planning and Zoning Commission and Pella City Council.

Information to be Included in a Historic Overlay District’s Application – Section 2(b)

To form a historic overlay zone, the applicant will be required to submit supporting documentation so that the Historic Preservation Commission can evaluate whether it meets the criteria of this ordinance. Supporting documentation may include, but not be limited to, history, narrative, photos, maps, and a list of addresses with age of structures.

Review and Approval by the State of Iowa’s Historical Division – Section 2(c)

If the Historical Preservation Commission determines the application is eligible to form a historic overlay zone, then the Commission is required to recommend the proposed district to the State of Iowa’s Historical Division for review. If Iowa’s Historical Division determines the proposed district does not meet the requirements of state law for designation as a historic district, no further action shall be taken toward designation of the proposed district. Likewise, if Iowa’s Historical Division determines the proposed district does meet the state’s requirements, the application can proceed.

From staff’s perspective, this requirement ensures that only legitimate proposals will be considered for historic overlay zones. This was previously a concern of the Planning and Zoning Commission.

Public Hearing Requirements – Sections 2(d) and 2(e)

In order for a historic overlay district to be formed, the Historic Preservation Commission, Planning and Zoning Commission, and Pella City Council must hold public hearings for the proposed district. For each public hearing, notifications will be mailed to all property owners within the district and within two hundred feet of the proposed district. In addition, the City of Pella will be required to place notification in the Pella Chronicle not less than 10 days nor more than 20 days before each public hearing.

Finally, it is important to note, for a historic overlay district to be adopted, it will be in the form of an ordinance. This will require the Pella City Council to review and approve the proposed district at three separate meetings.

In summary, establishment of a historic overlay zone will require property owner support within the district, approval from the Historical Division of the State of Iowa, and approval of the Pella City Council. Furthermore, the process will also involve extensive public input.

Design Review Requirements for a Historic District Overlay Zone – Section 5

Properties Subject to Design Review Standards – Section 5(b)

The proposed ordinance requires the following properties within a historic overlay district to be subject to design review standards:

- (1) New construction of single or two family homes or new accessory buildings for any single family or two family homes in the historic districts.
- (2) Additions to existing structures in the historic districts which require a building permit.
- (3) Alterations to existing structures in the historic districts which require a building permit or demolition permit.
- (4) Alterations to existing structures in the historic districts which do not require a building permit or demolition permit but are visible from a public street or front of the structure do not require historic review; however voluntary historic review is encouraged for such alterations. These types of alterations are also exempt from the certificate of appropriateness requirements. Other alterations not visible from the public street or front of the structure, and which do not otherwise need a building permit, shall be exempt from historic review.

Design Review Standards – Section 5(c)

The proposed ordinance requires the Historic Preservation Commission to use the “Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” for contributing structures within the historic district overlay zone. For non-contributing structures, the Historic Preservation Commission will utilize the “Dutch Residential Design Review District Guidelines”. These guidelines are currently used for new single and two family homes constructed within the City’s commercial corridors. Furthermore, these guidelines place a heavy emphasis on requiring the new structure to “fit in with the existing neighborhood”. In addition, they provide a good deal of flexibility for developers constructing new homes.

Finally, this section of the ordinance requires the Historic Preservation Commission to be reasonable in judgment.

Commercial Properties – Section 5(d)

For properties with base zoning which permits multi-family, commercial, or other non-residential uses, design review shall be conducted by the Community Development Committee if said properties are in the Design Review Overlay District pursuant to City Code 165.16, prior to review by the Historic Preservation Commission. Otherwise, any said properties not subject to Community Development Committee review, and located within the historic district, shall be subject to Historic Preservation Commission review as per this ordinance.

Compliance with Certificate of Appropriateness – Section 6

This section of the ordinance assigns responsibility for enforcing approved design permits issued by the Historic Preservation Commission to the Building Official.

Certificate of Economic Hardship – Section 7

This section of the ordinance outlines the procedures for a property owner to obtain a certificate of economic hardship. In essence, the property owner must prove to the Historic Preservation Commission the following items:

- A. The property in question cannot yield a reasonable return if required to comply with the requirements and standards specified in this article. It is not sufficient to show that the potential return will be reduced as a result of these regulations, but rather it must be demonstrated that the resulting reduction would be near confiscation.
- B. The owner’s situation is unique or peculiar to the property in question, and the situation is not shared with the other landowners in the area, nor due to the general conditions in the neighborhood.
- C. The hardship is not of the property owner’s or applicant’s own making.

Historical Landmarks – Section 8

A historic landmark designation may be approved by the Pella City Council after receiving a recommendation from the Historic Preservation Commission and a review by the Planning and Zoning Commission. It is important to note, a historic landmark can be located outside of a historic district overlay zone.

Remedy of Dangerous Conditions – Section 9

This section of the proposed ordinance involves the procedures City staff will utilize in dealing with property maintenance code violations which may impact the exterior of structures located within a historic district overlay zone or a property designated as a historic landmark.

Prevention of Demolition by Neglect – Section 10

All buildings which contribute to a historic district overlay zone, or that have received a historic landmark designation, must be maintained.

SUMMARY:

Staff has reviewed and discussed this proposed ordinance with the Historic Preservation Commission. Additionally, the Planning and Zoning Commission unanimously approved the ordinance during a public hearing held June 26, 2017. Staff is recommending approval of the ordinance.

ATTACHMENTS: Ordinance, Chapter 33 of Pella City Code, Dutch Residential Design Guidelines

REPORT PREPARED BY: City Administration

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve Ordinance

I. CLAIMS

1. Abstract of bills No. 1987. Council Member Schiebout moved to approve, seconded by Council Member Vander Beek. On roll call the vote was: AYES: Schiebout, Vander Beek, Van Stryland, Peterson, De Jong, Bokhoven. NAYS: None. Motion carried.

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

None

At 7:58 p.m., Council went into the Policy and Planning meeting, ending at 8:13 p.m.

L. CLOSED SESSION

1. At 8:14 p.m., Council Member Vander Beek moved to enter into closed session pursuant to Iowa Code Chapter 21.5 1 (c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation, seconded by Council Member Schiebout. On roll call the vote was: AYES: Vander Beek, Schiebout, Peterson, De Jong, Bokhoven, Van Stryland. NAYS: None. Motion carried. At 8:39 p.m., Council Member Bokhoven moved to reconvene to regular session, seconded by Council Member Vander Beek. On roll call the vote was: AYES: Bokhoven, Vander Beek, Van Stryland, Schiebout, Peterson, De Jong. NAYS: None. Motion carried. No action was taken regarding this closed session.

M. ADJOURNMENT

There being no further business claiming their attention, Council Member Van Stryland moved to adjourn, seconded by Council Member Vander Beek. On roll call the vote was: AYES: Van Stryland, Vander Beek, Schiebout, Peterson, De Jong, Bokhoven. NAYS: None. Motion carried. Meeting adjourned at 8:43 p.m.