



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

December 4, 2018

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 Jim Mueller presiding. Council members present were: Mark De Jong, Harold Van Stryland, Bruce Schiebout, Larry Peterson. Absent: Tony Bokhoven, Lynn Branderhorst. City Administrator Mike Nardini and City Clerk Mandy Smith were present. Eight staff members and six members of the general public signed the register.

B. MAYOR'S COMMENTS

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

2. Approval of Tentative Agenda.

Van Stryland moved to approve, seconded by Schiebout.

On roll call the vote was:

AYES: Van Stryland, Schiebout, Peterson, De Jong.

NAYS: None.

Motion carried.

3. Reappointment of Amanda Schwerdtfeger to the Community Services Board.

Schiebout moved to approve, seconded by De Jong.

On roll call the vote was:

AYES: Schiebout, De Jong, Van Stryland, Peterson.

NAYS: None.

Motion carried.

BACKGROUND: Mayor Mueller would like to reappoint Amanda Schwerdtfeger to the Community Services Board. Amanda has been a member of this board since March 1, 2016. She has attended all six of the meetings held in the past year.

Amanda is a Clinical Informatics Advisor at Pella Regional Health Center. Amanda, her husband, Dan, and their three children reside in Pella. Their family participates in City programs and Amanda has an interest in giving back to her community.

If reappointed, Amanda's new three-year term would expire on December 31, 2021.

ATTACHMENTS: None

REPORT PREPARED BY: Community Services Director

REPORT REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDED ACTION: Approve reappointment

4. Reappointment of Arvin Van Zante to the Community Services Board.

Van Stryland moved to approve, seconded by De Jong.

On roll call the vote was:

AYES: Van Stryland, De Jong, Schiebout, Peterson.

NAYS: None.

Motion carried.

BACKGROUND: Mayor Mueller would like to reappoint Arvin Van Zante to the Community Services Board. Arvin has been a member of this board since March 6, 2007. He has attended five of the six meetings held in the past year.

Arvin is a long-time participant in community theatre and is well known to Union Street Player audiences. He has been involved in productions in Pella, Newton, Des Moines, and Knoxville. Arvin resides at 1117 Big Rock Road.

If reappointed, Arvin's new three-year term would expire on December 31, 2021.

ATTACHMENTS: None

REPORT PREPARED BY: Community Services Director

REPORT REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDED ACTION: Approve reappointment

5. Reappointment of Stephen Fyfe to the Community Services Board.

De Jong moved to approve, seconded by Schiebout.

On roll call the vote was:

AYES: De Jong, Schiebout, Peterson, Van Stryland.

NAYS: None.

Motion carried.

BACKGROUND: Mayor Mueller would like to reappoint Stephen Fyfe to the Community Services Board. Stephen has been a member of this board since April 1, 2008. He has attended five of the six meetings held in the past year.

Stephen has been a resident of Pella for over 17 years. He is a Professor of Computer Science at Central College. His three daughters have all participated in the Community Center and City recreation programs. Stephen resides at 1553 Pleasant Drive.

If reappointed, Stephen's new three-year term would expire on December 31, 2021.

ATTACHMENTS: None
REPORT PREPARED BY: Community Services Director
REPORT REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDED ACTION: Approve reappointment

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

No comments were received.

C. APPROVAL OF CONSENT AGENDA

Peterson moved to approve the consent agenda, seconded by Schiebout.

On roll call the vote was:

AYES: Peterson, Schiebout, De Jong, Van Stryland.

NAYS: None.

Motion carried.

The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for November 20, 2018
2. Report of Committees
 - a. Policy and Planning Minutes for November 20, 2018

PRESENT: Mayor Jim Mueller, Mark De Jong, Tony Bokhoven, Lynn Branderhorst, Harold Van Stryland, Bruce Schiebout, Larry Peterson

ABSENT: None

OTHERS: City staff and visitors

The Policy and Planning meeting began at 7:17 p.m. On the agenda was a review of proposed changes to administrative zoning procedures to streamline and strengthen the development process, reduce the number of board meetings, and allow staff to be more proactive with the City Code.

The following items were discussed:

- Currently, site plans are approved by staff and the City engineer prior to Planning and Zoning Commission approval. Staff is requesting that site plans for buildings smaller than 4,000 square feet, and site plans for parking lots, be administratively approved. The City engineer would still approve site plans falling within these criteria, however, Planning and Zoning Commission approval would not be required.
- The Board of Adjustment currently approves minor modification requests. When making their request, applicants must prove that they meet specific standards, and that the granting of their request will not negatively impact neighboring property. Due to the fact that the minor modification standards are clearly defined, staff is requesting minor modifications be administratively approved. Neighboring property owners would still receive notifications about minor modification requests, and disagreements with the Zoning Administrator's decision regarding minor modifications would have the ability to be appealed to the Board of Adjustment.
- Final plats are currently approved by the Planning and Zoning Commission and the City Council. In order to expedite the development process, staff is recommending that final plats be approved by the City Council only. Preliminary plats would still be approved by both the Planning and Zoning Commission and the City Council.
- Landmark Designations, which recognize properties with historic value to our community, are approved by the Historic Preservation Commission, Planning and Zoning Commission, and the City Council. After discussion, Council expressed a desire to remove the requirement for the Planning and Zoning Commission to approve these designations.
- Clarify private drive requirements for plat of survey requests.
- Require public safety review of private drives when they serve more than one residence.

At the end of the discussion, staff was directed to proceed with considering the items, as outlined above, at a future meeting.

The meeting adjourned at 7:51 p.m.

Respectfully submitted:

Mandy Smith
City Clerk

b. Library Board Minutes for October 9, 2018

I. Call To Order: President Praveen Mohan called the meeting to order at 4:09 p.m. Board members present were: Verlan Den Adel, Brenda Huisman, Jane Koogler, Praveen Mohan, Kenny Nedder, and Rachel Sparks. Library Director Wendy Street was present. Angela Adam was excused.

II. Recognition of Visitors and Visitor Comments: There were no visitors present.

III. Approval of Agenda: There were no changes to the agenda. The agenda stood as presented.

IV. Disposition of Minutes: All Board members received the September 2018 minutes prior to the meeting. Jane moved to approve the September minutes as written. Praveen seconded the motion. The minutes were unanimously approved.

V. Approval of Bills: All Board members received the October list of bills prior to the meeting. After a brief discussion and questions regarding the bills, Kenny moved to approve the October bills. Verlan seconded the motion. The bills were unanimously approved.

VI. Unfinished Business: There was no unfinished business.

VII. New Business:

- a. Edge Assessment – All board members were provided a summary copy of the Edge assessment prior to the meeting. Wendy reviewed the summary results of the assessment. General discussion took place. Wendy recommend not taking the same assessment next year due to its dated questions unless they make more relevant. There was general agreement to follow this direction.

VIII. President's Report and Announcements:

- a. County Wide Trustee Training held September 27th – Praveen recognize those that helped provide food and recognized Wendy for organizing the event.

IX. Director's Report:

- a. County Funding – Good news! At their September 25th meeting, the Marion County Board of Supervisors voted to appropriate the remaining 5% of library funding.
- b. Survey Results – I opened the survey on September 21 and sent out an email blast to all library card holders. We only received about 550 responses in the first week, so I sent out a reminder email on October 1. I closed the survey on October 5. There were 753 responses, and the results are included in your packet.
- c. Summer Reading Program – Katie's report is in your packet.
- d. Magazines offered on Bridges – Bridges recently introduced magazine checkouts for patrons. The feature will be available for a year, then Bridges staff will gauge patron interest and usage to determine if it should become a permanent feature. Magazines are currently available on Bridges as a special collection--they have no wait lists or holds, do not count towards checkout limits, and provide readers the option to renew their selections. Readers can also download magazines on Libby for offline use. This pilot was made possible through federal funds from the Institute of Museum and Library Services. The collection budget was not affected by this program. Our patrons checked out 31 Bridges magazines in September.
- e. City Facility Study – Chris and I gave a tour on Sept. 13 to a representative from S.E.H., the firm hired by the city to do the City Facility Study. Their mechanical and electrical engineers looked at our facility on Oct. 4. The next step is for S.E.H. to meet with a small group of staff to discuss our plans and needs for the library. S.E.H. will also meet with the library board at some point, and this may require a special meeting. I will let you know as soon as I have more information.
- f. Mayor's Monarch Pledge – Mayor Muller signed the "Mayor's Monarch Pledge" on September 26. This commits the city of Pella to several activities to restore Monarch habitat and to educate citizens. The library will be involved in this effort. Specifically, our butterfly garden will be designated as a Monarch-friendly demonstration garden. We will have some sort of milkweed seed giveaway event in the spring, and we will be part of the public communication effort to encourage citizens to plant Monarch-friendly plants in their own neighborhoods.
- g. Buildings and grounds – There are two bills from Halvorson Trane for HVAC repairs. The first was for a service call in July to replace a bad CT switch. The second was in September to replace a condenser fan motor. Gritters Electric rewired a lobby light fixture and converted it to LED.
- h. Statistics
 - FaxScan24: 5 faxes sent
 - Mobile print service: 8 users sent 22 jobs totaling 167 pages
 - Hoopla:
 - i. 449 total circs borrowed by 225 patrons
 - ii. Average of 2 circs per patron
 - iii. 84 patrons used all 3 checkouts
 - iv. Average price per circulation: \$2.15
 - v. 20 patrons were blocked by the budget caps
- i. Upcoming Events
 - October 9 at 7:00 pm: L.E.M.M.I.N.G.S.: Oreo Stacking and Taste Test. Teens (grades 6-12) join us to taste test all the new Oreo flavors and see how high we can stack the cookies. Sponsored by Hy-Vee.
 - October 12-October 21: Friends of the Library Book Sale in the Library Meeting Room. Books for all ages will be available for the donation of your choice. The book sale is restocked daily, so come early and come often!
 - October 15 at 10:30 am-12:30 pm and 1:00-3:00 pm: Free Photo Digitizing. Do you have old photos and documents stored in boxes? Bring them to the library to be digitized and preserved for future generations. Registration is required.
 - October 18 at 10:15 a.m.: Genealogy Club will meet in the Heritage Room.
 - October 24 at 7:00 pm.: Exploring Retirement. Designed to help answer questions for those who are nearing the transition to retirement, including Social Security Basics, Estate Planning, and the Realities, Psychology and Phases of Retirement.
 - October 25 at 12:00 noon: The Brown Bag Book Club will discuss I Am Malala by Malala Yousafzai in the Library Meeting Room.
 - October 27 from 10:00 to 11:30 a.m. Book Bash. Join us for activities based on a fall theme. The first 100 families with children ages 0-5 will receive a copy of the book. The Book Bash is made possible by a grant from Theisen's Home, Farm, Auto and the Ladies Social and Literary Society.
 - November 5 at 7:00 p.m.: Culture Night: Bolivia featuring Julio Chiarella. Learn about the culture of Bolivia from a native, and sample authentic food. This program will be held in Room 206 at the Community Center.
 - November 8 at 6:30 p.m.: Sensory Processing Basics. Come learn about sensory preferences in children and how they can affect a child's behavior, interactions, and learning. Presented by Elise Spronk, OTR/L, of Kinetic Edge Physical Therapy. Sign up required; call the library to RSVP.

X. Trustee training reports:

- a. Discussion of County Wide Trustee Training held September 27th – Those attending agreed this event was well done. A discussion took place on the value of pulling together boards from other libraries. The group discussed specific observations and learnings from the event. A request was made by Wendy to be thinking about future topics to recommend for the next training.

XI. Committee reports:

- a. Governance & Policy:
 - i. Reviewed Gifts & Donations Policy and Circulation Policy – The policies were reviewed; no changes were recommended.
 - ii. Reviewed Fines & Fees Policy – The policy was reviewed; a change to include a fee for missing inserts was proposed. Verlan moved to approve the updated Fines & Fees Policy as presented. Praveen Seconded the motion. The change to the Fines & Fees Policy was unanimously approved.

XII. Adjournment: President Praveen Mohan adjourned the meeting at 5:22 p.m. The next regularly scheduled Board Meeting is scheduled for November 13, 2018.

c. **Community Development Committee Minutes for October 11, 2018**

Vice-Chairperson Kaiser called the Community Development Committee to order in the City Hall Conference Room at 5:05 p.m. Members present were: Leah Bokinsky, Jerry Brummel (arrived at 5:11 p.m.), Patsy Cody, Linda Groenendyk, Mike Kiser, Wayne Stienstra, and Robyn Van Berkum. Absent: Susan Canfield, Jody Lautenbach, and Lowell Olivier-Shaw. Staff present: Zoning Administrator Bryce Johnson and Deputy City Clerk Cynthia Vaske. No members of the public were present.

APPROVAL OF TENTATIVE AGENDA

Motion by Van Berkum, second by Bokinsky to approve the tentative agenda. Motion carried 6-0.

APPROVAL OF MINUTES

Motion by Van Berkum, second by Bokinsky to approve the minutes from the October 3, 2018 meeting. Motion carried 6-0.

NEW BUSINESS

Walking Tour of the Pella Central Business District

Brummel arrived at 5:11 p.m.

At the October 3, 2018 Community Development Committee meeting, it was suggested that the Committee do a walking tour of the downtown Central Business District (CBD). A map of the proposed route was included in the meeting packet, as well as a list of typical Dutch commercial building elements from the Design Review District Design Manual. As a group, staff and the Committee walked the CBD. Attention was paid to the exteriors of the buildings, as well as signage and outdoor seating. No action was taken, but Zoning Administrator Bryce Johnson mentioned that during the upcoming winter months there might be an opportunity for staff to take photos of the CBD in order to maintain an inventory of the current structures. This is to ensure that staff has a reference point when reviewing design and sign applications, as well as compliance for these permits. It will also help with enforcing outdoor seating in the CBD.

Van Berkum left at 6:24 p.m.

OTHER BUSINESS / PUBLIC FORUM

None.

Adjourned at 6:26 p.m.

d. **Community Services Board Minutes for October 19, 2018**

Present: April Cutler, Stephen Fyfe, Mike Lyons, Amanda Schwerdtfeger, Glenn Steimling

Absent: Lauri Amelse, Teresa Thompson, Arvin Van Zante

Staff: Jeanette Vaughan, Alex Meyers, Chandler Nunnikhoven, Dyan Parker, Brenda Ross

Others: None

Community Services Director Jeanette Vaughan called the meeting to order at 12:13pm.

Minutes - Motion by Schwerdtfeger, seconded by Steimling to approve the Community Services Board Meeting minutes of September 19, 2018. Motion carried 5-0.

Adjournment

Adjourned the Community Services Board Meeting at 12:15pm.

The next meeting is scheduled for Friday, November 16, 2018 at noon in room 206, in the Community Center.

Respectfully submitted:

Dyan Parker

October 19, 2018

e. **Planning and Zoning Commission Minutes for October 22, 2018**

Chairperson Landon called the Planning and Zoning Commission to order at 7:00 p.m. in the Public Safety Complex. Members present were: Craig Agan, Joe Canfield, Julio Chiarella, Cathy Hausteine, Dave Landon, Robin Pfalzgraf, Gary Van Vark, Ann Visser, and Teri Vos. Absent: Mark Groenendyk and Ervin Van Wyk. Staff present: Zoning Administrator Bryce Johnson and Deputy City Clerk Cynthia Vaske. Three members of the public were in attendance.

APPROVAL OF TENTATIVE AGENDA

Motion by Agan, second by Chiarella to approve the tentative agenda. Motion carried 9-0.

APPROVAL OF MINUTES

Motion by Vos, second by Visser to approve the minutes of the October 8, 2018 meeting. Motion carried 9-0.

NEW BUSINESS PROPOSED

Consider an Amendment to a Previously Approved Site Plan Known as the Sun Valley Event Barn

LVL Properties LLC is proposing an amendment to the site plan, known as the Sun Valley Event Barn, to construct an accessory structure for indoor storage. As background, the Planning and Zoning Commission approved this original development plan on November 27, 2017, which permitted the applicant to construct a 6,144-square foot event venue on the 7.5-acre parcel. The applicant is requesting an amendment to the previously approved site plan to construct a 4,800-square foot detached accessory structure to be used for indoor storage for the special event venue. The proposed structure will replace an existing 4,200-square foot building that will be removed from this location. The applicant has also requested that the parking area be reconfigured to better serve both structures. It is important to note, the Board of Adjustment approved a variance in September 2018 permitting the accessory structure to be constructed in the front yard, which would be prohibited by City Code if said variance was not granted.

Staff believes the proposed site plan meets the requirements of the City's zoning code and is consistent with the City's Comprehensive Plan. Therefore, staff is recommending the site plan be approved as submitted.

Motion by Pfalzgraf, second by Chiarella to approve the site plan amendment as submitted. Motion carried 9-0.

OTHER BUSINESS/PUBLIC FORUM

Zoning Administrator Bryce Johnson said the next Planning and Zoning Commission meeting is scheduled for November 26, 2018. Adjourned at 7:08 p.m.

3. Petitions and Communications

a. Renewal of Class B Beer Permit with Class C Native Wine Permit and Sunday Sales for Pella Excit-A-Bowl

BACKGROUND: Excit-A-Bowl, Inc., DBA Pella Excit-A-Bowl at 204 SE 9th Street, has applied for renewal of their Class B Beer Permit with Class C Native Wine Permit and Sunday Sales privileges. The term of the new license is 12 months and would expire on December 31, 2019. In addition, the applicant submitted a change of ownership with their renewal request. 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
CITY CLERK
RECOMMENDATION: Approve renewal

b. Renewal of Special Class C Liquor License (Beer/Wine) with Sunday Sales for Yamato Japanese Steak House

BACKGROUND: New Yamato Pella, DBA Yamato Japanese Steak House at 1590 Washington Street, has applied for renewal of their Special Class C Liquor License (Beer/Wine) with Sunday Sales privileges. The term of the new license is 12 months and would expire on January 20, 2020. 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
CITY CLERK
RECOMMENDATION: Approve renewal

D. *PUBLIC HEARINGS

1a. Public Hearing on Approving Written Application for Annexation of Certain Lands to the City of Pella.

No written or oral comments were received.

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

On roll call the vote was:

AYES: De Jong, Van Stryland, Schiebout, Peterson.

NAYS: None.

Motion carried.

BACKGROUND: This resolution approves a written application for the annexation of land to the City of Pella. As background, RDP Holdings, LLC. has submitted this application to voluntarily annex 167 acres of land, which is located to the west of Pella, as shown on the attached map.

If approved, notices will be mailed to the following entities:

- Secretary of State
- Department of Transportation
- Marion County Board of Supervisors
- All affected public utilities

In summary, staff is recommending approval of this resolution which approves the written application for the annexation of approximately 167 acres of land to the City of Pella.

ATTACHMENTS: Resolution with Exhibit A (Map) and Exhibit B (Application)
REPORT PREPARED BY: City Administration
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve resolution

1b. Resolution No. 5925 entitled, "RESOLUTION APPROVING WRITTEN APPLICATION FOR ANNEXATION OF CERTAIN LANDS TO THE CITY OF PELLA."

Schiebout moved to approve, seconded by De Jong.

On roll call the vote was:

AYES: Schiebout, De Jong, Van Stryland, Peterson.

NAYS: None.

Motion carried.

2a. Public Hearing on Rezoning Application Submitted by Bryce Dahm and Second Christian Reformed Church to Conditionally Amend the Zoning Classification of a Property from Community Commercial (CC) to Institutional (INS).

One written comment was received and included in the Council packet. No oral comments were received. De Jong moved to close the public hearing, seconded by Peterson.

On roll call the vote was:

AYES: De Jong, Peterson, Van Stryland, Schiebout.

NAYS: None.

Motion carried.

BACKGROUND: This proposed ordinance would conditionally amend the zoning classification of a property from Community Commercial (CC) to Institutional (INS). As background, Bryce Dahm and Second Christian Reformed Church have submitted an application to rezone approximately 13 acres located at the northwest corner of the intersection of East Oskaloosa Street and 240th Place. The property is currently being used for agricultural production purposes. The applicants are requesting the parcel be rezoned from CC to INS to facilitate construction of a new church facility. According to the zoning code, a church facility is classified as "Religious Assembly" which is defined as "a use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day care facilities and incidental parking facilities)." "Religious Assembly" is a permitted use in both the CC and INS zoning districts. However, the CC zoning district also requires design review standards to promote "Dutch Architecture." As a result, construction of the proposed religious assembly building could be problematic in trying to comply with the City's design review standards. Staff believes this is the reason the applicant is requesting the property be rezoned to INS zoning.

CURRENT ZONING

The subject parcel is currently zoned Community Commercial (CC). The CC district accommodates a variety of commercial uses, some of which have significant traffic or visual effect. These districts may include commercial uses which are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts. As stated earlier, "Religious Assembly" land uses are permitted by right in the CC zoning district.

The property is also located in the Design Review (DR) and Gateway Corridor (GC) overlay districts. The DR district is intended to preserve and promote "Dutch Architecture" for commercial businesses. Development in the DR district must accommodate design and architectural parameters consistent with the heritage of the community. The GC district is intended to provide special regulations to assure that new commercial developments along the primary entry corridors into Pella respect the existing community character and foster pedestrian-oriented design.

PROPOSED ZONING

The proposed zoning for the property is Institutional (INS). The INS district accommodates a variety of institutional uses, including college campus environments, schools, churches, hospitals, medical campus and elder care facilities. The district is designed to provide appropriate space regulations and assure that facilities are served with adequate parking facilities. Please note, "Religious Assembly" land uses are permitted by right in the INS zoning district.

Adjacent Base Zoning Districts			
North	South	East	West
Community Commercial (CC)	Community Commercial (CC)	Agricultural (A1)	Mobile Home Park (R4)

REZONING PETITION

Chapter 165.38 of the City Code requires 50% of property owners within 300 feet of the proposed rezoning to sign a petition for advisory purposes only. However, failure to obtain the threshold level shall not prevent continuance of the rezoning application. A rezoning petition was not submitted with this application. It is also important to note, notification letters were sent to nine property owners within 300 feet of the site. One written comment, in favor of the rezoning application, was received and is included in the Council packet.

SPOT ZONING CONCERNS

Staff did not note any spot zoning concerns with this request, as the property is in close proximity to Madison Elementary School and Pella Christian High School. Both of these properties are currently zoned INS. A zoning map is attached to this staff report for your reference that identifies nearby INS zones.

COMPREHENSIVE DEVELOPMENT PLAN

Chapter 165.04 of the City Code requires zoning amendments to be consistent with the City's Comprehensive Plan. In evaluating conformance with the Comprehensive Plan, it is important to consider the entire document. A component of the Comprehensive Plan is the Future Land Use Map used as to guide future development projects in the community. This map identifies the subject property as "Mixed Use" and "Medium Density Residential" land uses. A second component of the Comprehensive Plan is the Compatibility Matrix, which is used as a basis to assess the relationship between land uses. Per the Comprehensive Plan, "Religious Assembly" uses have a strong compatibility rating with residential and commercial uses. In addition, minimal conflicts were noted with agriculture uses, which staff believe could be addressed through the City's site planning process.

Staff believes this request is consistent with the City's Comprehensive Plan. The reason for our position is as follows:

1. "Religious Assembly" uses are allowed by right in commercial zoning districts.
2. "Religious Assembly" zoning uses are compatible with the surrounding area.

STAFF RECOMMENDATION

Staff believes the intent of this rezoning request is to construct a religious assembly building on this 13-acre parcel and avoid potential conflicts with the City's design review standards. While staff understands the reasons for this request, we also believe this request should have a narrow list of approved zoning uses. The reason for limiting the potential uses for this request is to avoid unintended consequences in the future. Specifically, staff's concern is that other buildings could be constructed on portions of this 13-acre parcel which probably should be subject to design review standards. For instance, "Personal Improvement Services" and "Retirement Residential" uses are allowed by right in INS zoning districts. In addition, both of these uses are allowed by right in our CC zoning districts. The key difference being that if these buildings were constructed in our CC zoning district, they would be subject to design review standards. In comparison, if they were constructed in INS zoning districts, they would not be subject to design review standards.

Limiting the zoning uses for the 13-acre parcel would also force the applicant to seek a rezoning request if they were to further develop this parcel in the future. This would also allow the City to have input on the appropriate zoning district for the proposed use and whether it should be subject

to the City's design review standards. Staff is therefore recommending a conditional rezoning of the property, with the condition that "Religious Assembly" is the only permitted use for the property. Conditional rezonings are authorized by Iowa Code Section 414.5 as long as the conditions are reasonable and "imposed to satisfy public needs which are directly caused by the requested change." The conditions must additionally be agreed to, in writing, prior to the public hearing on the proposed rezoning.

Staff believes this rezoning request aligns with the intent of the City's Comprehensive Plan. In addition, staff believes the proposed land uses are compatible with the surrounding properties in this area. Therefore, staff is recommending conditional approval of this request with the zoning uses for this 13-acre parcel being limited to "Religious Assembly" uses. Finally, it is important to note that during their meeting on November 26, 2018, the Planning and Zoning Commission voted unanimously to conditionally approve this rezoning application with the zoning uses being limited to "Religious Assembly" uses.

ATTACHMENTS: Ordinance, Zoning Map, Aerial Map, Application, Future Land Use Map, Property Owner Comment
 REPORT PREPARED BY: Zoning Administrator
 REVIEWED BY: CITY ADMINISTRATOR
 CITY CLERK
 RECOMMENDATION: Approve ordinance

2b. Ordinance No. 951 entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY CONDITIONALLY AMENDING THE BOUNDARIES OF THE INS DISTRICT TO INCLUDE THE PROPERTY LEGALLY DESCRIBED IN "EXHIBIT A" AND DIRECTING THE ZONING ADMINISTRATOR TO NOTE THE ORDINANCE NUMBER AND DATE OF THIS CHANGE ON THE OFFICIAL ZONING MAP."

De Jong moved to place ordinance no. 951 on its first reading, seconded by Schiebout.

On roll call the vote was:

AYES: De Jong, Schiebout, Peterson, Van Stryland.

NAYS: None.

Motion carried.

3a. Public Hearing on Rezoning Application Submitted by Brumark Properties, Inc. to Amend the Zoning Classification of Two Properties from Heavy Industrial (M2) to Community Commercial (CC).

Three written comments were received and included in the Council packet. No oral comments were received.

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

On roll call the vote was:

AYES: De Jong, Van Stryland, Schiebout, Peterson.

NAYS: None.

Motion carried.

BACKGROUND: This proposed ordinance would rezone two properties from Heavy Industrial (M2) to Community Commercial (CC). As background, Brumark Properties has submitted an application to rezone the properties located at 100 Carson Street and 308 South Street from M2 to CC. There is currently a residential home and detached garage at 100 Carson Street, while a 670-square foot detached storage structure currently sits at 308 South Street.

The purpose of the rezoning request is to address the legal nonconforming residential use at 100 Carson Street and to provide for residential uses at 308 South Street. It is important to note, residential uses are not allowed in M2 zoning districts. In comparison, residential uses are permitted by right in CC zoning districts. A secondary purpose of this request is to provide for a uniformity in the zoning districts of this block (see attached zoning map).

CURRENT ZONING

Existing zoning for the parcel is Heavy Industrial (M2). The M2 district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility. No residential land uses are permitted in the M2 zoning district.

PROPOSED ZONING

The requested zoning classification for this property is Community Commercial (CC). This district accommodates a variety of commercial uses, some of which have significant traffic or visual effect. These districts may include commercial uses which are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts. Single-family, duplex, and multiple family residential land uses are permitted by right in the CC zoning district.

Adjacent Base Zoning Districts			
North	South	East	West
Community Commercial (CC)	Heavy Industrial (M2)	Community Commercial (CC)	Heavy Industrial (M2)

REZONING PETITION

Chapter 165.38 of the City Code requires 50% of property owners within 300 feet of the proposed rezoning to sign the rezoning petition for advisory purposes only. However, failure to obtain the threshold level shall not prevent continuance of the rezoning application. A rezoning petition was not submitted with this application. Please note, staff did send notification letters to 26 property owners within 300 feet of this site. Three written comments, all in favor of the rezoning application, have been received and are included in the Council packet.

SPOT ZONING CONCERNS

Staff does not believe spot zoning concerns are associated with this request since this property is in close proximity to existing CC zoning districts. A zoning map is attached to this staff report for your reference that identifies nearby commercial zones.

COMPREHENSIVE DEVELOPMENT PLAN

Chapter 165.04 of the City Code requires zoning amendments to be consistent with the City’s Comprehensive Plan. In evaluating whether this request is in conformance with the Comprehensive Plan, it is important to consider the entire document.

A component of the Comprehensive Plan is the Future Land Use Map used to guide future development projects in the community. This map identifies the subject properties as “Low Density Residential” land uses. In this case, the entire block in which these parcels are located is zoned Community Commercial. In the event of conflict between the Future Land Use Map of the Comprehensive Plan and the City’s zoning code, the City’s policy has been to defer to the zoning code unless it will create a land use conflict with the neighboring properties. Since the properties to the north and east of these two parcels are zoned CC Community Commercial, staff does not believe this rezoning request would create any additional land use conflicts. Therefore, we believe this request is consistent with the City’s Comprehensive Plan.

STAFF RECOMMENDATION

Staff believes this rezoning request aligns with the intent of the City’s Comprehensive Plan. In addition, staff believes the proposed land uses are compatible with the surrounding properties in this area, therefore, staff is recommending approval of this request. Finally, it is important to note that the Planning and Zoning Commission unanimously approved this rezoning application at their meeting on November 26, 2018.

ATTACHMENTS: Ordinance, Zoning Map, Aerial Map, Applications, Future Land Use Map, Property Owner Comments

REPORT PREPARED BY: Zoning Administrator

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve ordinance

- 3b. Ordinance No. 952 entitled, “AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY AMENDING THE BOUNDARIES OF THE CC DISTRICT TO INCLUDE THE PROPERTY LEGALLY DESCRIBED IN “EXHIBIT A” AND DIRECTING THE ZONING ADMINISTRATOR TO NOTE THE ORDINANCE NUMBER AND DATE OF THIS CHANGE ON THE OFFICIAL ZONING MAP.”

Schiebout moved to place ordinance no. 952 on its first reading, seconded by Van Stryland.

On roll call the vote was:

AYES: Schiebout, Van Stryland, Peterson, De Jong.

NAYS: None.

Motion carried.

E. PETITIONS & COMMUNICATIONS – None

F. PLANNING & ZONING ITEMS – None

G. ADMINISTRATION REPORTS – None

H. RESOLUTIONS

- 1. Resolution No. 5926 entitled, “RESOLUTION MAKING AWARD OF CONTRACT FOR THE 2018 SIDEWALK REPAIR PROJECT.”

Peterson moved to approve, seconded by Schiebout.

On roll call the vote was:

AYES: Peterson, Schiebout, De Jong, Van Stryland.

NAYS: None.

Motion carried.

BACKGROUND: This resolution awards a contract for the 2018 Sidewalk Repair Program to TK Concrete, Inc in the amount of \$39,672.00. As background, in March 2018, staff discussed with Council the sidewalk inspection program, which divided the City into quadrants, allowing for a complete sidewalk inspection every four years. To assist with the first year of the program, Council approved an agreement with Garden and Associates to assist in the inspection process for the northeast quadrant of the City. The results of the inspection indicated there were 819 defective panels.

Owner Repair Results

In early June, staff notified owners of affected property with defective sidewalk panels by certified mail of the requirement to make repairs by September 30, 2018. The letter also indicated that if repairs were not made, the City would repair the defective panels and assess the cost to the individual properties.

In early October, following the deadline, staff re-inspected the defective panels and found that 176 properties had made voluntary repairs to 492 panels. The remaining 327 panels, made up of 139 individual property owners, elected to allow the City to make repairs to the defective panels and be part of the City’s 2018 Sidewalk Repair Project.

Request for Quotes

On November 7, 2018, staff issued a request for quotes (RFQ) from contractors to perform the required work. The RFQ stated that quoted repairs must follow all City standards for sidewalk repair including drilling and doweling the new panels to the existing sidewalk to prevent future movement and subsequent violations.

While City staff directly solicited nearly 10 local contractors, only two bids were received:

Contractor	4"	6"	Total Bid
TK Concrete	\$7.50	\$9.00	\$39,672.00
Jeromy Dingeman Concrete	\$14.34	\$14.34	\$75,026.88

If awarded to TK Concrete, the cost for a 4" deep 4'x4' panel would be \$120 while the cost for a 6" deep 4'x4' panel would be \$144. While this amount is over the estimated cost of \$80-100 per panel that staff estimated at the beginning of the process, staff believes these costs are competitive in the current market and rebidding the project would not result in lower total project cost.

Proposed Assessment and Timeline

As previously discussed, under Iowa Code Section 364.12, a city may accumulate invidious assessments for repair and replacement of sidewalks and may periodically certify the assessments to the county treasurer under one or more assessment schedules. Based on guidance provided by the City Attorney, sidewalk repair assessments must follow guidelines outlined in Iowa Code Chapter 384.

The following is a summary of those guidelines and a proposed timeline.

- December 2018: Notice sent to property owners regarding repairs including cost and dates for repair.
- June 2019: City contractor completes repairs to all remaining defective sidewalk panels in the northeast quadrant of our community.
- July 2, 2019: Council sets the amount to be assessed against each property by resolution.
- July 16, 2019: Formal approval of the assessment schedule by resolution.
- July 18, 2019: Notice of Assessment is published for the first time.
- July 19, 2019: Mail notice of assessment to each property owner.
- July 25, 2019: Notice of Assessment is published for second and final time.
- July 26, 2019: Assessments and schedules certified to the county treasurer for collection.

In summary, staff is recommending approval of this contract with TK Concrete, Inc to conduct the 2018 Sidewalk Repair Project. If approved, staff will notify homeowners of the process and indicate anticipated dates of construction. In the spring, repairs will be made, and staff will undertake the legally required process to assess the repairs to the associated property owners. It should be noted, Council can approve assessments in an amount greater than \$500 to be paid in up to ten annual installments.

ATTACHMENTS: Resolution, Quotes Received, Contract
REPORT PREPARED BY: Planning and Zoning Department
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve resolution

2. Resolution No. 5927 entitled, "RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSED VACATION OF AN ALLEY RUNNING NORTH/SOUTH THROUGH THE 700 BLOCK BETWEEN INDEPENDENCE AND PEACE STREETS IN THE CITY OF PELLA."

De Jong moved to approve, seconded by Peterson.

On roll call the vote was:

AYES: De Jong, Peterson, Van Stryland, Schiebout.

NAYS: None.

Motion carried.

BACKGROUND: This resolution sets the date of December 18, 2018 for a public hearing on the vacation of the north/south alley running through the 700 block between Independence and Peace Streets. As background, RDP Holdings, LLC and First Baptist Church are requesting this vacation. The alley is approximately 150 feet in length and is a remnant of an alley that was previously vacated in 1950. All City and private utilities were notified of the proposed easement vacation. No utilities have indicated the presence of infrastructure in the affected right-of-way, nor did any utilities object to the right-of-way being vacated.

In summary, staff is recommending approval of this resolution which sets the date of December 18, 2018 for a public hearing on the vacation of the north/south alley between Independence and Peace Streets.

ATTACHMENTS: Resolution, Map
REPORT PREPARED BY: Zoning Administrator
REPORT REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDED ACTION: Approve resolution

3. Resolution No. 5928 entitled, "RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH FOX ENGINEERING ASSOCIATES, INC. FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENTS."

Schiebout moved to approve, seconded by Van Stryland.

On roll call the vote was:

AYES: Schiebout, Van Stryland, Peterson, De Jong.

NAYS: None.

Motion carried.

BACKGROUND: This resolution approves an Engineering Services Agreement with Fox Engineering Associates, Inc. As part of the agreement, Fox would provide engineering services for the Wastewater Treatment Plant Improvements to meet the new Iowa Department of Natural Resources (IDNR) permit and schedule. As background, this item was discussed during the Policy and Planning session on November 6. After that discussion, Council directed staff to place this item on a future Council agenda for formal consideration.

The IDNR recently issued the City of Pella a new National Pollutant Discharge Elimination System (NPDES) permit for the City's wastewater treatment plant. This permit included new limits for ammonia, E. coli, and dissolved oxygen. In addition, as part of the Facility Plan requirements, the City needs to address several plant repairs to maintain efficient operations for the next 20 years while upgrading the treatment plant.

This agreement would provide for Design, Bidding and Documents, Construction Administration, RPR Services (Inspection), and Post Construction/Commissioning Phases. Specific improvements would include, but is not limited to, the following list of major items: EQ flow meter, mechanical screens, backflow preventer, activated sludge basins, additional aeration blowers, repairs to final clarifiers #1 and 2, new final clarifier #3, drainage pit, return activated sludge pumps, sludge thickeners, sludge storage tank repairs, replacing ultraviolet light disinfection, general plant repairs to structures and buildings, as well as a separately bid contract for repairs to lift stations 1, 2, and 3.

Engineering Services provided under this Agreement for Professional Engineering Services include:

Phase	Amount	Method of Payment
Preliminary and Final Design	\$288,900	Lump Sum
Bidding	\$25,000	Lump Sum
Construction Phase (except RPR Svcs)	\$182,900	Lump Sum
Bidding Document	\$5,000	Per Bidding Document Rate
RPR Services (Inspection)	\$70,900	Standard Hourly Rates
Post Const. and Commissioning Phases	\$33,500	Standard Hourly Rates

The total of the lump sum amounts and estimated hourly fees is \$606,200.

It is important to note that the total construction cost for this project is currently estimated at \$4,894,000. These improvements will be financed utilizing the State Revolving Fund (SRF), including an engineering planning and design loan if needed. In accordance with the permit schedule, the Final Plans and Specifications need to be submitted to IDNR by March 1, 2019 and constructed by December 1, 2020 with these improvements operational and in full compliance with the new permit by January 1, 2021.

In summary, staff is recommending approval of this resolution and Engineering Services Agreement with Fox Engineering Associates, Inc. If approved, Fox Engineering would immediately begin working on the preliminary and final design of the improvements only. All tasks beyond the design phase would be subject to the required IDNR approvals and SRF loan approval.

ATTACHMENTS: Resolution, Agreement for Professional Engineering Services
REPORT PREPARED BY: Public Works Department
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve resolution

I. ORDINANCES – None

J. CLAIMS

1. Abstract of Bills No. 2020.

Schiebout moved to approve, seconded by Peterson.

On roll call the vote was:

AYES: Schiebout, Peterson, De Jong, Van Stryland.

NAYS: None.

Motion carried.

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

Comments were received and addressed.

L. CLOSED SESSION – None

M. ADJOURNMENT

There being no further business claiming their attention, Schiebout moved to adjourn, seconded by De Jong.

On roll call the vote was:

AYES: Schiebout, De Jong, Van Stryland, Peterson.

NAYS: None.

Motion carried.

Meeting adjourned at 7:45 p.m.