



# CITY OF PELLA

## CITY COUNCIL OFFICIAL MINUTES

December 18, 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: Tony Bokhoven, Lynn Branderhorst, Harold Van Stryland, Bruce Schiebout, Larry Peterson. Mark De Jong arrived at 7:05 p.m. Absent: None. City Administrator Mike Nardini and City Clerk Mandy Smith were present. Three staff members and eleven 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. Item B-4 was pulled from the agenda.  
Van Stryland moved to approve the tentative agenda as amended, seconded by Bokhoven.  
On roll call the vote was:  
AYES: Van Stryland, Bokhoven, Branderhorst, Schiebout, Peterson.  
NAYS: None.  
Motion carried.
3. Proclamation Recognizing the 50th Anniversary of Municipal Home Rule in Iowa.

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

No comments were received.

### **C. APPROVAL OF CONSENT AGENDA**

Schiebout moved to approve the consent agenda, seconded by Peterson. On roll call the vote was:

AYES: Schiebout, Peterson, Bokhoven, Branderhorst, Van Stryland.  
NAYS: None.  
Motion carried.

The following items were approved:

1. Approval of Minutes
  - a. Official Council Minutes for December 4, 2018
  - b. Official Council Work Session Minutes for December 11, 2018
2. Administration Reports
  - a. Designate the Pella Chronicle as the City of Pella's Official Newspaper for 2019

BACKGROUND: Iowa Code requires the City of Pella to designate an official newspaper for legal publications. The Pella Chronicle has a long relationship with the City and meets all four requirements outlined in the Code of Iowa Chapter 618.3 which include:

1. Is a newspaper of general circulation that has been published at least once a week for at least fifty weeks per year within the area and regularly mailed through the post office of entry for at least two years.
2. Has a list of subscribers who have paid, or promised to pay, at more than a nominal rate, for copies to be received during a stated period.
3. Devotes at least twenty-five percent of its total column space in more than one-half of its issues during any twelve-month period to information of a public character other than advertising.
4. Is paid for by at least fifty percent of the persons or subscribers to whom it is distributed.

Staff recommends designating the Pella Chronicle as the City of Pella's official newspaper for 2019.

ATTACHMENTS: Letter from the Pella Chronicle

REPORT PREPARED BY: City Clerk

REVIEWED BY: CITY ADMINISTRATOR  
CITY CLERK

RECOMMENDATION: Designate the Pella Chronicle as the City of Pella's official newspaper for 2019

De Jong arrived at 7:05 p.m.

## **D. \*PUBLIC HEARINGS**

- 1a. 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.

No written or oral comments were received.

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

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: RDP Holdings, LLC and First Baptist Church are requesting the vacation of the alley running north/south adjacent to their properties. 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 order to approve this request, the proposed vacation must be compatible with the City's Comprehensive Plan and not adversely affect neighboring property owners or the general public. The Comprehensive Plan does not identify the alley right-of-way as a potential thoroughfare road between Independence and Peace Streets. In addition, the only property owners abutting the proposed alleyway vacation are the applicants. Finally, all property owners within 200 feet of the alley were notified of the requested right-of-way vacation.

Staff believes the vacation request is compatible with the City's Comprehensive Plan and does not adversely affect any neighboring property owners or the general public. Therefore, staff recommends the request to vacate this portion of alley right-of-way be approved as submitted. Finally, it is important to note that the Planning and Zoning Commission unanimously approved this vacation request at their meeting on November 26, 2018.

ATTACHMENTS: Ordinance, Map, Property Owner Letters, Retracement Plat of Surveys

REPORT PREPARED BY: Zoning Administrator

REPORT REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDED ACTION: Approve ordinance

- 1b. Ordinance No. 953 entitled, "AN ORDINANCE VACATING AN ALLEY RUNNING NORTH/SOUTH THROUGH THE 700 BLOCK BETWEEN INDEPENDENCE AND PEACE STREETS IN THE CITY OF PELLA."

Van Stryland moved to place ordinance no. 953 on its first reading, seconded by Schiebout.

On roll call the vote was:

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

NAYS: None.

Motion carried.

- 2a. Public Hearing on the Proposal to enter into a Development Agreement with South Main I, LLC.

No written or oral comments were received.

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

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: This resolution approves and authorizes execution of a development agreement between the City of Pella and South Main I, LLC. As background, this proposed project is intended to be a signature mixed-use development for South Central Iowa by providing a unique high-quality housing product. Overall, the development contains 42 housing units with price points allowing for a diverse buyer pool. In addition, the development will contain high-end housing finishes, a courtyard, extensive landscaping, and a community building. The location of the project is the former Webster School site on south Main Street and is approximately three acres in size. The overall estimated cost of the development is approximately \$16.5 million.

Comprehensive Plan Priority Goal: Housing

As the City Council is aware, the Marion County Housing analysis identified the need for an additional 966 housing units through the year 2025 to meet our community's housing needs. All forms of housing were noted as a need in our community. It is important to note that 966 housing units equates to roughly a 15% increase in the number of housing units currently located within our community. In addition, the City's large employers have voiced concerns over the lack of housing and how it could be an impediment to their future growth.

It is also important to note, the City of Pella's Comprehensive Plan identified additional housing as a key priority goal. Furthermore, the Comprehensive Plan prefers infill development, or development that is built on vacant or under-utilized lots in existing neighborhoods. The reason for this recommendation includes making use of existing infrastructure, as well as infill housing gaps by utilizing under used lots which detract from the neighborhood vitality. Finally, the Comprehensive Plan provided, as an example, an infill multi-family housing development within a block of this proposed site.

Based on staff's analysis, this proposed development aligns closely with the City's Comprehensive Plan.

Webster Park Urban Renewal Plan

In October of 2018, the City Council adopted the Webster Park Urban Renewal Plan to establish the Webster Park Urban Renewal Area, which encompasses the location of this project. The primary objectives of the plan are to provide opportunities and incentives for redevelopment that promotes blight remediation, as well as, to stimulate private investment in new residential development which enhances the economic vitality of the community.

As a part of the urban renewal adoption process, a consultant evaluated the property in the Webster Park Urban Renewal Area and found that 75% of the Area is considered 'blighted' under Iowa law. One of the blighted properties in the Area is the Webster School site, which is the location of this project.

#### Financial Request by Developer

Due to the complexity of the project, which involves redevelopment of three acres of blighted property, the developer is requesting to receive Economic Development Grants funded through tax increment financing revenues generated by the development. The project is planned to be completed in two phases, with each phase receiving up to 20 years of Economic Development Grants. The development agreement establishes a maximum reimbursement to the developers of \$6.1 million combined for both phases and limits the collection of incremental tax revenues on each phase to a 20-year period of time.

In analyzing this proposed financial arrangement, it is important to keep in mind that the developer is proposing to be reimbursed as property taxes are received from the development. This means the City of Pella would only pay the developer if incremental property taxes are collected from the development. Under this structure, most of the risk of the development is transferred to the developer because the developer will only receive grants equal to the amount of increased property taxes actually generated by the project and collected as tax increment by the City. Furthermore, staff believes the City of Pella can provide services to this new residential development without triggering significant increases in the City's workload.

Finally, it is also important to understand that tax increment financing revenues are only a portion of the total tax revenues paid to the local tax entities. Specifically, the local taxing entities will still receive their debt service levy from this property, and the school district will receive its PPEL and ISPL taxes as well. For example, using our current property tax rates, if the developer receives \$6.1 million in tax increment financing revenues over the next 20 years, they would also be paying over \$7.2 million in total property taxes. This means the local tax entities would receive approximately \$1.1 million in property taxes that they would have not otherwise received from the Webster School property. This is important to consider as this property has been tax exempt since the 1950s.

#### Minimum Assessment Agreement

As a condition of the development agreement, the developer will be required to complete a minimum tax assessment agreement for the project. This agreement establishes the minimum taxable valuation for the project at \$9,076,000 (gross valuation approximately \$16.5 million) and increases by 1.5% on an annual basis. This is a key requirement for the development agreement as it stabilizes the TIF rebate schedule and helps ensure a consistent property tax level for the City of Pella.

#### Key Conditions of the Development Agreement

##### *Term*

The agreement is for a term of up to 20 years on each phase of development, once the City certifies tax financing revenues for the development property. At the latest, the agreement would terminate on December 31, 2044.

##### *Concept Plan*

The proposed development site is required to be developed in accordance with the Agreement's requirements, including the preliminary site plan in Exhibit B-1. This preliminary site plan has been reviewed and approved by the City's engineer and staff. Staff believes this preliminary plan meets the City's site plan requirements and it will undergo further review during the consideration of a formal site plan.

##### *Design Requirements*

The proposed development is required to be designed in accordance with the color renditions as identified in Exhibit B-1, pages B-3 and B-4. It is important to note, this development is intended to be a signature development for the community, and as such, the design of the development incorporates extensive architectural design elements which is key to the marketability of the units. Staff also believes the design is significantly above the requirements under the City Code. Furthermore, staff believes the design will complement and enhance the Main Street Corridor.

##### *Project Completion Date*

The development agreement requires the demolition of the former Webster School to be complete by February 28, 2019. In addition, the developer will be required to build 831 linear feet of 8-inch sanitary sewer mains to serve the development and dedicate this infrastructure to the City of Pella when complete. The estimated cost of this sanitary sewer extension is \$106,000 and is required to be completed by August 31, 2019. At this time staff is unaware of any other public infrastructure required for this development.

The first phase of the residential buildings, generally consisting of buildings 1, 2, and 3 (as identified in Exhibit B-1), is required to be completed by March 31, 2020. The second phase of the project is required to be completed by June 30, 2021.

#### Summary

Staff believes the proposed housing development meets a key goal of the City's Comprehensive Plan, which is to provide additional housing for our community. In addition, this development aligns closely with the City's Comprehensive Plan as it is infill development and utilizes the City's existing infrastructure. Furthermore, the project will eliminate a three-acre parcel of blighted property in our community.

From a financial standpoint, staff believes most of the risk is transferred to the developer, as they will only receive rebate payments if property taxes are paid on the development property. In addition, the local taxing entities will receive property taxes from this property for their tax levies that are excluded from tax increment financing. This is significant because this property has been classified as tax exempt since the 1950s.

Finally, staff believes a development of this size and scale could lead to additional redevelopment in the southern portion of our community. As Council is aware, development is a key aspect of a strong local economy and vibrant community. As a result, staff is recommending approval of this agreement.

ATTACHMENTS:	Resolution, Development Agreement with Exhibits
REPORT PREPARED BY:	City Administration
REPORT REVIEWED BY:	CITY ADMINISTRATOR CITY CLERK
RECOMMENDED ACTION:	Approve resolution

2b. Resolution No. 5929 entitled, "RESOLUTION RATIFYING, CONFIRMING AND APPROVING PUBLICATION OF NOTICE OF PUBLIC HEARING AND APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF PELLA AND SOUTH MAIN I, LLC."

Bokhoven moved to approve, seconded by Branderhorst.

On roll call the vote was:

AYES: Bokhoven, Branderhorst, Van Stryland, Schiebout, 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. 5930 entitled, "RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE AGREEMENT FOR PRIVATE DEVELOPMENT BY AND BETWEEN THE CITY OF PELLA AND BOS RIDGE, LLC."

Schiebout moved to approve, seconded by Van Stryland.

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: This resolution approves and authorizes execution of a first amendment to the development agreement between the City of Pella and Bos Ridge, LLC. As background, Council approved execution of this development agreement with Bos Ridge on January 16, 2018. The project is a 45-lot residential housing subdivision located northwest of the Bos Landen Golf Course and abuts Marion County Highway T-15.

Under the terms of the previously approved agreement, the public improvements were to be constructed and completed by December 31, 2018. However, due to construction delays, the developer is requesting to extend the completion date to June 1, 2019.

In summary, staff is recommending approval of this resolution which approves and authorizes execution of a first amendment to the development agreement with Bos Ridge, LLC.

ATTACHMENTS: Resolution, First Amendment to the Development Agreement  
REPORT PREPARED BY: City Administration  
REVIEWED BY: CITY ADMINISTRATOR  
CITY CLERK  
RECOMMENDATION: Approve resolution

2. Resolution No. 5931 entitled, "RESOLUTION APPROVING THE EXTENSION OF A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR SINGLE OR TWO-FAMILY NEW CONSTRUCTION IN THE OSKALOOSA STREET CORRIDOR."

Branderhorst moved to approve, seconded by Bokhoven.

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: This resolution extends the previously issued moratorium on the issuance of building permits for new single-family and two-family homes (duplexes) in the Oskaloosa Street Corridor. As background, in March of 2018 Council initially approved the moratorium which was in place until November 1, 2018, or until the Council addressed an economic development plan for the corridor, whichever occurred first.

Since the City is still in the process of formulating economic development plans for the Oskaloosa Street Corridor, staff is requesting to extend this moratorium. Specifically, this resolution extends the moratorium on the issuance of building permits for new single-family and two-family homes (duplexes) in the Oskaloosa Street Corridor until November 1, 2019, or until the Council addresses an economic development plan for the corridor, whichever would occur first.

The geographical area covered by the moratorium is described below:

Oskaloosa Street Corridor

On Oskaloosa Street from the intersection of Main Street and Oskaloosa Street to the intersection of Carson Street and Oskaloosa Street.

Staff believes this proposed moratorium extension will provide the City Council with an adequate amount of time to formulate economic development plans for the Oskaloosa Street Corridor. In addition, due to the limited geographical scope of the moratorium, staff does not believe the moratorium will have a significant impact on development.

ATTACHMENTS: Resolution, Exhibit A  
REPORT PREPARED BY: City Administration  
REPORT REVIEWED BY: CITY ADMINISTRATOR  
CITY CLERK  
RECOMMENDATION: Approve resolution

3. Resolution No. 5932 entitled, "RESOLUTION ADOPTING THE DOWNTOWN STREETScape MASTER PLAN."

De Jong moved to approve, seconded by Schiebout.

On roll call the vote was:

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

NAYS: Bokhoven, Branderhorst.

Motion carried.

**BACKGROUND:** This resolution adopts the Downtown Streetscape Master Plan. As background, the Plan was prepared by RDG Planning & Design. In preparing the Plan, RDG was assisted by the community steering committee. This committee consisted of representatives from the City Council, Planning and Zoning Commission, Community Development Committee, Pella Corporation, Vermeer Corporation, Pella Area Community and Economic (PACE) Alliance, Pella Convention and Visitors Bureau, Pella Historical Society, and the Pella Historic Downtown Retail Group. In addition, the consultant held several public input meetings and conducted a community survey.

Listed below is a summary of the Downtown Streetscape Master Plan:

**Reasons for the Streetscape Plan**

The City of Pella is planning on making significant infrastructure improvements in the Central Business District. The improvements are due to aging infrastructure in need of replacement including replacing 90 to 100-year old water and sewer mains, street replacements including the public sidewalk areas, and adding additional storm sewers in the downtown. The reason why the City authorized the Plan was to provide a unified and consistent streetscape design for the City's downtown area. This Plan is intended to be used as a guide when street improvements and enhancements are made in future years.

**Concept Plan**

It is important to note the proposed Plan is a concept plan and does not obligate the City to any projects. Rather, this Plan is intended to provide general guidance for projects when they are considered by the City Council. Furthermore, the Plan is intended to serve as critical linkage for the individual projects, as many of them are interrelated.

Staff also believes it is important to note that this Plan incorporates many of the existing elements in the City's downtown. Therefore, the overall Plan is very similar to what currently exists, however, there are targeted strategic enhancements as highlighted within this memo.

**Geographical Area of the Plan**

The geographical boundaries of the Plan are as follows:

North: Washington Street

South: Liberty Street

East: E. 2nd Street

West: Broadway Street

**Proposed Street Surfaces**

As streets are replaced in the downtown, they will be converted to brick streets. However, the public parking areas will continue to be concrete surfaced. Page 16 of the Plan provides an overview of the individual street projects.

**Street Trees**

As outlined on page 21 of the Plan, street trees will continue to be an integral part of the downtown. However, the trees will be taller and strategically placed to enhance the aesthetics of the downtown while minimizing conflicts with the local business owners. The Plan also recommends four potential tree species for Council's consideration.

**Public Sidewalk Areas**

The Plan recommends an expansion of the public sidewalk area to accommodate outdoor dining options and additional plantings. The plantings will include additional beds and planters and are intended to help soften the hardscape of the downtown. An overall concept of the public sidewalk areas can be found on page 20 of the Plan.

**Safety Enhancements for Public Crosswalks**

The Plan proposes to shorten the distance for the public crosswalk area from 45 to 30 feet. In addition, the Plan proposes to enhance the crosswalk areas to increase public safety while providing additional opportunities for greenspace.

Please note, a preliminary traffic review was conducted on the impact to trucks and their ability to turn in the downtown with the shortened crosswalk areas. It is staff's understanding that the decreased area for the crosswalks should not impact truck traffic.

**Focal Points**

In an effort to increase visitor traffic in the Molengracht area, the Plan recommends installing a focal point at the entrance of the Molengracht on Main Street. In addition, the Plan recommends removing the crosswalk on Main Street, south of Franklin Street, and realigning it with the entrance of the Molengracht. This concept is shown on page 37 of the Plan.

Furthermore, the Plan recommends installing a mural program for the alleys in the City's downtown, which have been very successful in other communities. Examples of the mural program can be found on pages 40-42 of the Plan.

**Wayfinding System**

The Plan proposes to phase out the downtown's directional signage and replace it with a system that uses smart grid technology. The intent of the new system is to make it easier for visitors in our community to find their destinations. In addition, a secondary value of the new system is to provide contextual platforms that target both public and private interests. The proposed wayfinding system can be found on pages 27-35 of the Plan.

**Financial Impact and Implementation Plan**

The overall estimated cost of the Plan is \$16.6 million. In addition, it is important to keep in mind that the Plan will be phased in and done incrementally.

Listed below is the preliminary timeline for the planned improvements:

2019: Oost Poort Alleyway from Main Street to E. 1st Street

2020: Franklin Street from Main Street to E. 2nd Street

2021: Broadway Street from Washington Street to Franklin Street

Franklin Street from Broadway Street to Main Street

2022: Main Street from Washington Street to Liberty Street

Alley from Broadway Street to Main Street

The estimated cost of the above projects is approximately \$10.6 million. During the upcoming budget sessions, Council will be presented with a plan which minimizes the impact on the City's property tax rate for the above projects.

Other Items of Note

The proposed public restrooms in Central Park are not included in this Plan. Please note, the consultant will provide a separate report to the Council on this matter. While public restrooms are not included in this Plan, staff believes the following information is important for discussion purposes:

- The City has received numerous requests from downtown merchants concerning the need for additional restrooms in the downtown, particularly on the eastern side of the square.
- The City has reviewed many options for installing additional public restrooms in the downtown, however, there is not an easy or simple solution to this issue.
- While the Central Park restrooms are not included in this Plan, there was value in having the consultant and steering committee evaluate this option for the following reasons:
  - o A significant amount of public input was received on the proposed restrooms.
  - o The option of installing restrooms in Central Park will serve as a good baseline comparison for other options considered by the City Council. This is because other options for installing public restrooms in the downtown will likely include property acquisition and potential renovations of older buildings.

Summary

In summary, staff is recommending approval of this resolution which adopts the Downtown Streetscape Master Plan. Once again, the Plan does not obligate the City to perform any of the projects listed. Rather, the Plan is intended to provide a uniform design for the proposed public improvements in the City's Central Business District.

ATTACHMENTS: Resolution, Downtown Streetscape Master Plan  
 REPORT PREPARED BY: City Administration  
 REVIEWED BY: CITY ADMINISTRATOR  
 CITY CLERK  
 RECOMMENDATION: Approve resolution

4. Resolution No. 5933 entitled, "A RESOLUTION IN SUPPORT OF THE PROPOSED TERMS TO BE INCLUDED IN AN AGREEMENT FOR PRIVATE DEVELOPMENT BY AND BETWEEN THE CITY OF PELLA AND LELY NORTH AMERICA, INC."

Bokhoven moved to approve, seconded by Schiebout.

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: Lely North America is a subsidiary of Lely Industries (Maasluis, Netherlands) and is a world leader in robotic milking systems. Overall, the Lely corporate framework encompasses activity in more than 40 countries and employs 1,300 people worldwide, including 55 employees within our community. Lely would like to expand their presence by building their North American headquarters in Pella. Lely is planning on constructing a new 150,000 square foot facility which would accommodate additional manufacturing, office, and training space. The estimated cost of the development is expected to be approximately \$15 million and will allow Lely to provide 15 new jobs within our community. In order to encourage Lely to build its North American headquarters in Pella, the Iowa Economic Development Authority (IEDA) will be taking action on a financial incentive package to Lely in the amount of \$724,900 on December 21, 2018, under IEDA's High Quality Jobs Program. In order to secure the state's financial incentive package, Lely is required to have a community local match based on the state's five-year industrial tax abatement schedule. This equates to approximately \$936,000 for the City of Pella to provide as a local match. The City proposes to meet this local match requirement through a combination of offsite public infrastructure improvements and tax increment financing rebates, which would be provided under the terms of a development agreement.

This resolution authorizes the City Administrator to proceed with preparing a development agreement for this project and is subject to a number of conditions stated in the resolution, including but not limited to the following:

- The project will need to be located within the corporate boundaries of the City of Pella.
- The City's support of the project is subject to applicable City legislative requirements, including the project's property being zoned for its intended use, the City approval of formation of an urban renewal area or amendment to an existing urban renewal area that includes the project, and approval of the development agreement by the City Council.
- The IEDA approving the project for tax credits under the High Quality Jobs Program.

Staff is recommending approval of this resolution. In considering this resolution, it is important to realize that Lely has been an outstanding corporate partner for our community. In addition, this development has the potential to expand the City's tax base and strengthen the local economy. Finally, please keep in mind that this resolution provides support of the project that is conditional upon completion of all of the City's legislative requirements and the City Council approving a development agreement, as well as all other conditions set forth in the resolution.

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

5. Resolution No. 5934 entitled, "RESOLUTION ADOPTING CITY OF PELLA IMMIGRATION ENFORCEMENT POLICY."

Peterson moved to approve, seconded by Van Stryland.

On roll call the vote was:

AYES: Van Stryland, Schiebout, De Jong, Bokhoven, Branderhorst.

NAYS: Peterson.

Motion carried.

BACKGROUND: This resolution adopts an Immigration Enforcement Policy for the City of Pella. As background, Senate File 481, "An Act relating to the Enforcement of Immigration Laws and Providing Penalties and Remedies, Including the Denial of State Funds," was signed into law by the Governor on April 10, 2018. The Act requires all state and local enforcement agencies to formalize in writing any unwritten, informal policies related to the enforcement of immigration laws no later than January 1, 2019.

Adoption of this policy states that the City of Pella will fully comply with all legal requests for assistance in the enforcement of federal immigration law. Furthermore, no officer, agent, representative, or employee of the City of Pella shall prohibit or discourage a person who is a law enforcement officer, corrections officer, county attorney, city attorney, or other official who is employed by or otherwise under the direction or control of the City from doing any of the following:

- a. Inquiring about the immigration status of a person under a lawful detention or under arrest.
- b. Doing any of the following with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest, including information regarding the person's place of birth:
  - 1) Sending the information to or requesting or receiving the information from United States citizenship and immigration services, United States immigration and customs enforcement, or another relevant federal agency.
  - 2) Maintaining the information.
  - 3) Exchanging the information with another local entity or a federal or state governmental entity.
- c. Assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance.
- d. Permitting a federal immigration officer to enter and conduct enforcement activities at a jail or other detention facility to enforce a federal immigration law.

In summary, staff is recommending approval of this resolution which adopts an Immigration Enforcement Policy for the City of Pella to comply with Senate File 481.

ATTACHMENTS: Resolution  
 REPORT PREPARED BY: Robert A. Bokinsky, Chief of Police  
 REVIEWED BY: CITY ADMINISTRATOR  
 CITY CLERK  
 RECOMMENDATION: Approve resolution

**I. ORDINANCES**

1. 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."

Schiebout moved to place ordinance no. 951 on its second reading, seconded by Bokhoven.

On roll call the vote was:

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

NAYS: None.

Motion carried.

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

On roll call the vote was:

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

NAYS: None.

Motion carried.

Schiebout moved that ordinance no. 951 be adopted, seconded by Van Stryland.

On roll call the vote was:

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

NAYS: None.

Mayor Mueller declared the motion carried and the ordinance duly passed and adopted.

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

2. 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.”

Branderhorst moved to place ordinance no. 952 on its second reading, seconded by De Jong.

On roll call the vote was:

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

NAYS: None.

Motion carried.

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

On roll call the vote was:

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

NAYS: None.

Motion carried.

Schiebout moved that ordinance no. 952 be adopted, seconded by Peterson.

On roll call the vote was:

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

NAYS: None.

Mayor Mueller declared the motion carried and the ordinance duly passed and adopted.

**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

**I. CLAIMS**

1. Abstract of Bills No. 2021.

Schiebout moved to approve, seconded by De Jong.

On roll call the vote was:

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

NAYS: None.

Motion carried.

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

No comments were received.

**L. CLOSED SESSION** - None

**M. ADJOURNMENT**

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

On roll call the vote was:

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

NAYS: None.

Motion carried.

Meeting adjourned at 9:03 p.m.