



# CITY OF PELLA

## CITY COUNCIL OFFICIAL MINUTES

January 15, 2019

### **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, Lynn Branderhorst, Harold Van Stryland, Bruce Schiebout. Absent: Tony Bokhoven, Larry Peterson. City Administrator Mike Nardini and City Clerk Mandy Smith were present. Six staff members and forty members of the general public signed the register.

### **B. MAYOR'S COMMENTS**

1. Announce Policy and Planning meeting following the regular Council meeting to discuss:
  - a. Parking in the Central Business District

2. Approval of Tentative Agenda.

Van Stryland moved to approve, seconded by De Jong.

On roll call the vote was:

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

NAYS: None.

Motion carried.

3. Appointment of Kisha Jahner to the Planning and Zoning Commission.

Schiebout moved to approve, seconded by Branderhorst.

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: Mayor Mueller would like to appoint Kisha Jahner to fill a vacancy on the Planning and Zoning Commission created as a result of Craig Agan's retirement as a Marion County Supervisor. Kisha would serve as the Marion County Board of Supervisor's representative on the Planning and Zoning Commission. The Board of Supervisors approved this appointment during their meeting on January 2, 2019. Kisha would complete Craig's five-year term which is set to expire on May 1, 2023.

ATTACHMENTS: None

REPORT PREPARED BY: Planning and Zoning

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve the appointment

4. Appointment of Ted Zylstra to the Airport Committee.

Van Stryland moved to approve, seconded by De Jong.

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: Mayor Mueller would like to appoint Ted Zylstra to the Airport Committee to fill a vacancy created by the resignation of Randy Borgerding. Ted is a lifelong resident of the area and has a long history of interest in aviation. He learned to fly with instruction by Classic Aviation, with his first solo flight in 1994. Ted has owned and flown aircraft from the Pella Municipal Airport for more than 20 years. Ted is a semi-retired agent and former owner of Tulip City Agency Ltd. In addition, Ted served many years on the Pella City Council, including a term as Mayor. Ted and Nancy, his wife of 50 years, reside at 1531 West Third Street. If approved, Ted would complete Randy's six-year term which is set to expire on January 1, 2023.

ATTACHMENTS: None

REPORT PREPARED BY: City Administration

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve the appointment

5. Oath of Office for New Police Officer Kody Roos.

BACKGROUND: Kody Roos has accepted a position as a sworn full-time police officer with the City of Pella. Kody is a 2013 graduate of Dordt College where he majored in criminal justice and was a member of the campus security staff. Kody is a First Lieutenant in the Iowa Air National Guard holding the position of Director of Equal Opportunity. He is married and the father of two children.

ATTACHMENTS: Oath of Office  
REPORT PREPARED BY: Robert A. Bokinsky, Chief of Police  
REVIEWED BY: CITY ADMINISTRATOR  
CITY CLERK  
RECOMMENDATION: Administer Oath of Office

6. Proclamation Commemorating January 20-26, 2019 as School Choice Week in the City of Pella.

BACKGROUND: This proclamation recognizes January 20-26, 2019 as School Choice Week in the City of Pella. As background, School Choice Week is celebrated across the country by millions of students, parents, educators, schools, and organizations to raise awareness of the need for effective educational options. The City of Pella is home to a number of excellent education options from which parents can choose for their children.

ATTACHMENTS: Proclamation  
REPORT PREPARED BY: City Administration  
REPORT REVIEWED BY: CITY ADMINISTRATOR  
CITY CLERK  
RECOMMENDATION: Issue proclamation

7. Announce closed session pursuant to Iowa Code Chapter 21.5 1(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property.

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

Comments were received and addressed.

**C. APPROVAL OF CONSENT AGENDA**

Van Stryland moved to approve the consent agenda, seconded by Schiebout.

On roll call the vote was:

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

NAYS: None.

Motion carried.

The following items were approved:

- 1. Approval of Minutes
  - a. Official Council Minutes for January 2, 2019
  - b. Official Council Work Session Minutes for January 8, 2019
- 2. Report of Committees
  - a. Policy and Planning Minutes for January 2, 2019

PRESENT: Mayor Pro Tem Mark De Jong, Tony Bokhoven, Lynn Branderhorst, Harold Van Stryland, Bruce Schiebout  
ABSENT: Mayor James Mueller, Larry Peterson  
OTHERS: City staff and visitors

The Policy and Planning meeting began at 7:24 p.m. The only item on the agenda was a discussion regarding annexation requirements and road upgrade standards for a section of 218th Avenue extending from Neil Drive to the entrance of the Shady Brook subdivision.

Only 24% of this road segment is within our corporate limits. However, if the City would annex the City's soccer complex, a majority of this street segment would be within the corporate limits. The City may not be able to annex the soccer complex without annexing four additional properties to prevent creating an 'island' which is not allowed under state law. The only way to proceed with this project without annexing the additional four properties is to have an agreement with Marion County that defines the scope of the project and allocates financial responsibilities based upon the percentage of the project within each jurisdiction.

Council discussed road upgrade standards and costs ranging from \$378,300 for a 24' wide asphalt road (6" thick with 2' gravel shoulders and culverts) to \$1,012,500 for a 31' wide concrete major collector street meeting City standards. These estimates are calculated based on 1,450 linear feet which would pave 218th Avenue extending from Neil Drive to the entrance of the Shady Brook subdivision. Council expressed an interest to proceed with budgeting for an asphalt road.

At the end of the discussion, staff was directed to send letters regarding annexation to the four property owners who are currently not located within the corporate limits. The property owners would have a deadline of February 1, 2019 to return the letters requesting voluntary annexation. This will allow enough time for staff to prepare this item for discussion during the budget work sessions on February 11-12, 2019.

The meeting adjourned at 7:54 p.m.

Respectfully submitted:

Mandy Smith  
City Clerk

b. **Planning and Zoning Commission Minutes for November 26, 2018**

Vice-Chairperson Vos 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 Haustein, Robin Pfalzgraf, Gary Van Vark, Ann Visser, and Teri Vos. Absent: Mark Groenendyk, Dave Landon, and Ervin Van Wyk. Staff present: City Administrator Mike Nardini, Zoning Administrator Bryce Johnson, and Deputy City Clerk Cynthia Vaske. Eight members of the public were in attendance.

**APPROVAL OF TENTATIVE AGENDA**

Motion by Visser, second by Canfield to approve the tentative agenda. Motion carried 8-0.

**APPROVAL OF MINUTES**

Motion by Pfalzgraf, second by Van Vark to approve the minutes of the October 22, 2018 meeting. Motion carried 8-0.

**PUBLIC HEARINGS**

Consider a 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)

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 Community Commercial (CC) to Institutional (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 institutional zoning.

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 Institutional zoning districts. In addition, both of these uses are allowed by right in our CC zoning districts as well. 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 Institutional 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.

Convened Public Hearing on the rezoning request.

Motion by Van Vark, second by Visser to enter one written comment into the public record. Motion carried 8-0.

As no further comments were received, the public hearing was closed.

Motion by Canfield, second by Van Vark to approve the rezoning request on the condition that zoning uses for the parcel be limited to "Religious Assembly" uses. Motion carried 8-0.

Consider a Rezoning Application Submitted by Brumark Properties, INC. to Amend the Zoning Classification of Two Properties from Heavy Industrial (M2) to Community Commercial (CC).

Brumark Properties has submitted an application to rezone properties at 100 Carson Street and 308 South Street from Heavy Industrial (M2) to Community Commercial (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 M-2 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.

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.

Convened Public Hearing on the rezoning request. Dave Erickson, with Brumark Properties, spoke in favor of the rezoning. As no further comments were received, the public hearing was closed.

Motion by Visser, second by Pfalzgraf to approve the rezoning request as submitted. Motion carried 8-0.

Consider an Ordinance to Vacate an Alley Right-of-Way Running Through the 700 Block Between Independence and Peace Streets RDP Holdings LLC (413 Main Street) and First Baptist Church of Pella (709 Independence Street) are requesting the vacation of the alley right-of-way running north/south adjacent to their properties. This request is for the complete vacation of the alley between Independence and Peace Streets. The subject 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.

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.

Convened Public Hearing on the vacation request.

Motion by Visser, second by Agan to enter three written comments into the public record. Motion carried 8-0.

Canfield asked whether ownership of the vacated right-of-way would go to the adjacent property owner. Nardini said that once the alley is vacated, the City will continue to have ownership of it. However, there is a request for the sale of the alleyway which will be considered by the City Council.

With no further comments received, the public hearing was closed.

Motion by Haustein, second by Canfield to approve the vacation request as submitted. Motion carried 8-0.

## NEW BUSINESS PROPOSED

Consider a Site Plan to Construct a 115,187 Square-Foot Building Located at the Vermeer Corporate Campus  
Vermeer Corporation has submitted a site plan to construct a new 116,000-square-foot engineering facility north of their internal east/west service road. A majority of the subject property site is currently vacant; however, a small portion of the area is used as outdoor storage for their manufacturing equipment and building materials. The proposed development will be used for offices and manufacturing land uses with supplemental granular and hard surfaced areas for parking and outdoor storage.

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.

Van Vark asked where the storm water will go on the site. Garden & Associates, LTD President Brad Uitermarkt replied that the storm water from the site will pass under the roadway to the north down an existing drainage way and be stored in an existing detention basin.

Motion by Van Vark, second by Chiarella to approve the site plan as submitted. Motion carried 8-0.

Consider a Site Plan to Construct a 19,840 Square-Foot Mixed-Use Warehouse and Office Building at 797 240th Place

Gary Willemssen has submitted a site plan to construct a 19,840-square-foot warehouse at 797 240th Place. It is important to note that the applicant chose to phase the development of this property with the first phase being approved by the Planning and Zoning Commission on June 13, 2017. The proposed development will be utilized for warehousing and indoor storage land uses with a supplemental surfaced parking area.

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 Visser to approve the site plan as submitted. Motion carried 8-0.

## OTHER BUSINESS/PUBLIC FORUM

### Work Session to Discuss Event Venue Land Uses

The purpose of this work session is to discuss a zoning request made by City Council to evaluate Commercial Event Venue land uses in the Central Business District (CBD) zoning district. As background, staff has received three requests in the last 12 months from business owners to allow private event venues such as wedding receptions, conference meetings, and other private event gatherings. Currently, the City Code does not have a good definition for these type of events, and as a result, business owners have been denied in their requests to host these activities in the CBD. Based on input from the Commission, staff will draft an ordinance on Commercial Event Venue land uses for consideration at a future Commission meeting.

Van Vark asked how the Pella Opera House is able to host private events. Nardini replied that the Opera House likely has a grandfathered event use. Additionally, it is an accessory use. Canfield said there may be safety concerns with older buildings used for event venues. Nardini explained that would be taken into consideration during the building permit process. Vos asked about outdoor events, such as weddings, that occur at the Scholte House. Nardini replied that is likely a grandfathered use, similar to the Opera House.

### Other

Nardini said potential items for consideration at future meetings are a housing development site plan, a proposed rural housing subdivision, and a work session on event venue land uses. There will also be preliminary planning for an update to the City's Comprehensive Plan.

Adjourned at 8:15 p.m.

## c. Library Board Minutes for December 11, 2018

I. Call To Order: President Praveen Mohan called the meeting to order at 4:01 p.m. Board members present were: Angela Adam, Verlan Den Adel, Brenda Huisman, Jane Koogler, Praveen Mohan, Kenny Nedder, and Rachel Sparks. Library Director Wendy Street was present. All board members were present.

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 November 2018 minutes prior to the meeting. Angela moved to approve the November minutes as written. Verlan seconded the motion. The minutes were unanimously approved.

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

VI. Unfinished Business: There was no unfinished business.

### VII. New Business:

- a. FY2019/20 Budget – All Board members received the FY 2019/20 Budget prior to the meeting. After discussion, Verlan moved to approve the budget as prepared. Rachel seconded the motion. The budget was unanimously approved.

VIII. President's Report and Announcements: The president did not have a report.

### IX. Director's Report:

- a. City Facility Study – The facility study was not discussed at the Nov. 20 Council meeting and has not been rescheduled as far as I know.
- b. Staff in-service day – The library will be closed on Friday, Dec. 7 for our annual staff in-service day. We will have a presentation on "Defusing Tense Situations," an American Sign Language workshop, and our regular monthly staff meeting. Scheider Chem-Dry is scheduled to clean 18 upholstered easy chairs.
- c. Adventure passes – The Friends of the Library graciously agreed to fund the Adventure Pass program. Unfortunately, a pass to Living History Farms was not available, so we substituted the Des Moines Botanical Center and the Brenton Skating Plaza. We will begin promoting this new service as soon as everything is set up, which should be later this month.
- d. Grant from Theisen's – We used the Theisen's grant to purchase a Code-a-pillar, an Anki Cozmo robot, a travel microscope, and a Snap Circuits kit. They will be available for checkout soon.
- e. NARCAN in libraries – After further researching the Narcanc for Libraries program, we decided not to pursue it. The shelf life of the Narcanc is only 18-24 months and we were required to have a licensed medical professional take responsibility for the storage and administration of the product.
- f. Pella Community Foundation Endowment – The Friends of the Library established an endowment for the library with the Pella Community Foundation in 2009. The endowment balance is currently \$33,731. Once a year, the PCF allows a 5% distribution from the fund. This year, that amount is \$1,687. When the fund was established, the Library Board directed me to not take a distribution until the amount was "significant" or until we had a specific project for the funds. Do you want to continue this practice or begin taking the distributions? After a discussion on the options Kenny motioned to postpone distributions until a specific project was identified for the funds. Jane seconded the motion. The motion to postpone the distribution unanimously passed.
- g. Friends of the Library
  - A plaque was created to document the commissioning of the quilted artwork. A recommended placement for the plaque was presented by Wendy. The recommendation stood as presented.

- Wendy reviewed the desire to establish a memorandum of understanding between the Library Board of Trustees and the Friends of the Library.
  - Wendy reviewed the option to support liaisons from the Friends of the Library attending the Board of Trustees meeting and vice versa.
- h. Building and grounds
- The touch table screen was shattered on Nov. 13. The estimate to repair it is over \$5,000. A new table is roughly \$10,000. At this point, staff do not recommend repairing or replacing the touch table.
  - The lower hooks and the automatic door closers were installed in the handicap stalls in the public bathrooms, so we are now compliant with the ADA checklist.
  - The sensory tipi has been removed for cleaning. Someone smeared butter on the floor and there is another suspicious stain.
- i. Statistics
- FaxScan24: 11 faxes sent
  - Mobile print service: 13 users sent 54 jobs totaling 134 pages
  - Hoopla:
    - i. 487 total circs borrowed by 231 patrons
    - ii. Average of 2.1 circs per patron
    - iii. 108 patrons used all 3 checkouts
    - iv. Average price per circulation: \$2.09
    - v. 48 patrons were blocked by the budget caps
- j. Upcoming events
- December 12 at 3:00 p.m.: Early Out Movie
  - December 12 at 6:30 p.m.: Coloring for Adults
  - December 17 and 18 at 10:30 a.m.: Holiday Story Time
  - December 17 at 6:30 p.m.: L.E.M.M.I.N.G.S. (Teen Program) Holiday Movie on the big screen with audience participation!
  - December 31 at 11:30 a.m.: Noon Year's Eve. Families join us for a Noon Year's Eve countdown! We will have an activity/craft and dance party.
- X. Trustee training reports:
- a. Innovative Libraries Online Conference – January 17 – Praveen encouraged all to register for this online library conference. Wendy will look into room availability to see if we could attend together in the library.
- XI. Committee reports:
- a. Governance & Policy:
- i. Reviewed Board Ethics Policy – The policy was updated to include age as a group not to discriminate against. Praveen moved to approve the change as presented. Kenny seconded the motion. The change to the Board Ethics Policy was unanimously approved.
- XII. Adjournment: President Praveen Mohan adjourned the meeting at 5:09 p.m. The next regularly scheduled Board Meeting is scheduled for January 8, 2019.

### 3. Petitions and Communications

- a. **Renewal of Class C Liquor License with Class B Wine Permit and Sunday Sales for Pella Opera House**  
 BACKGROUND: The Pella Opera House Commission, DBA Pella Opera House at 611 Franklin Street, has applied for renewal of their Class C Liquor License with Class B Wine Permit and Sunday sales privileges. The term of the new license is 12 months and would expire on January 30, 2020. The application has been completed online with the state and is pending dram shop certification. Staff is recommending approval pending dram shop certification.
- ATTACHMENTS: Application  
 REPORT PREPARED BY: City Clerk  
 REVIEWED BY: CITY ADMINISTRATOR  
 CITY CLERK
- RECOMMENDATION: Approve renewal pending dram shop certification

## D. ORDINANCES

1. 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."

Schiebout moved to place ordinance no. 953 on its third reading, seconded by De Jong.

On roll call the vote was:

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

NAYS: None.

Motion carried.

Schiebout moved that ordinance no. 953 be adopted, seconded by De Jong.

On roll call the vote was:

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

NAYS: None.

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

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

## **E. \*PUBLIC HEARINGS**

### **1a. Public Hearing on Amending the Planned Unit Development for the Property at 413 Main Street.**

Four 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 Schiebout.

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: This proposed ordinance would amend the zoning regulations established by the Planned Unit Development (PUD) previously adopted by the City Council. The PUD ordinance is being amended at the request of the developer, RDP Holdings, to accommodate the proposed mixed-use development which is located on approximately 2.89 acres at 403 Main Street, 413 Main Street, and 400 Broadway Street, also known as the former Webster School site.

Zoning District Modifications

The proposed ordinance requires the development to be in conformance with the base CUC zoning district except for the modifications previously approved as part of the original PUD. Since the approval of the original PUD, the developer has chosen to subdivide the subject property, which creates rear yards. This is important to note because the original PUD agreement did not address rear yard setbacks. Therefore, staff is proposing to amend the previously approved PUD by reducing the rear yard setback from 20 feet to zero feet, as shown within the attached ordinance. Additionally, the PUD amendment includes a portion of the existing alley which is currently in the process of vacation.

Staff Recommendation

Staff believes the proposed ordinance meets the requirements of the City's Zoning Code. In addition, staff also believes the proposed ordinance does not impact conformance with the City's Comprehensive Plan. Therefore, staff is recommending approval of the proposed ordinance which would formally amend the development regulations for the proposed development. Finally, it is important to note that the Planning and Zoning Commission unanimously approved this PUD amendment at their meeting on January 7, 2019.

ATTACHMENTS: Ordinance, Exhibit A, Exhibit B-1 and B-2, Location Map, Written Comments  
REPORT PREPARED BY: CITY ADMINISTRATION  
REPORT REVIEWED BY: CITY ADMINISTRATOR  
CITY CLERK  
RECOMMENDATION: Approve ordinance

### **1b. Ordinance No. 954 entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY AMENDING THE PUD PLAN FOR PROPERTY LOCATED AT 413 MAIN STREET, CITY OF PELLA, MARION COUNTY, IOWA."**

Schiebout moved to place ordinance no. 954 on its first reading, seconded by De Jong.

On roll call the vote was:

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

NAYS: None.

Motion carried.

### **2a. Public Hearing on the Conveyance of Real Property to First Baptist Church of Pella.**

No written or oral comments were received.

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

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: This resolution approves and authorizes the conveyance of property to First Baptist Church. As background, the property under consideration is the northern 130 feet of the north/south alley located between Independence and Peace Streets in original block 70. The remaining southern portion of this alley was previously vacated in 1950 due to the construction of Webster School.

It is important to note, the City Council is in the process of vacating the northern portion of this alley, which is under consideration as agenda item D-1.

Staff is recommending approval of this resolution which conveys this property to First Baptist Church for the amount of \$4,940. In addition, this resolution gives the Mayor and City Clerk authorization to sign the purchase agreement and all conveyance documents for the property.

ATTACHMENTS: Resolution, Retracement Plat of Survey, Purchase Agreement  
REPORT PREPARED BY: City Administration  
REPORT REVIEWED BY: CITY ADMINISTRATOR  
CITY CLERK  
RECOMMENDED ACTION: Approve resolution

2b. Resolution No. 5940 entitled, "RESOLUTION APPROVING AND AUTHORIZING THE CONVEYANCE OF REAL PROPERTY TO FIRST BAPTIST CHURCH OF PELLA."

Schiebout moved to approve, seconded by De Jong.

On roll call the vote was:

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

NAYS: None.

Motion carried.

3a. Public Hearing on the Conveyance of Real Property to RDP Holdings, 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, Branderhorst, Van Stryland.

NAYS: None.

Motion carried.

BACKGROUND: This resolution approves and authorizes the conveyance of property to RDP Holdings, LLC. As background, the property under consideration is the southern 20 feet of the northern 150 feet of the north/south alley located between Independence and Peace Streets in original block 70. The remaining southern portion of this alley was previously vacated in 1950 due to the construction of Webster School.

It is important to note, the City Council is in the process of vacating the northern portion of this alley, which is under consideration as agenda item D-1.

Staff is recommending approval of this resolution which conveys this property to RDP Holdings for the amount of \$760. In addition, this resolution gives the Mayor and City Clerk authorization to sign the purchase agreement and all conveyance documents for the property.

ATTACHMENTS: Resolution, Retracement Plat of Survey, Purchase Agreement  
REPORT PREPARED BY: City Administration  
REPORT REVIEWED BY: CITY ADMINISTRATOR  
CITY CLERK  
RECOMMENDED ACTION: Approve resolution

3b. Resolution No. 5941 entitled, "RESOLUTION APPROVING AND AUTHORIZING THE CONVEYANCE OF REAL PROPERTY TO RDP HOLDINGS, LLC."

Schiebout moved to approve, seconded by Van Stryland.

On roll call the vote was:

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

NAYS: None.

Motion carried.

4a. Public Hearing on the Conveyance of Real Property that is Located South of the Intersection of Liberty Street and W 4<sup>th</sup> Street.

No written or oral comments were received.

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

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: This resolution approves and authorizes the conveyance of the property located south of the intersection of Liberty Street and W 4<sup>th</sup> Street (lot 4 in original block 52). As background, this property contains a detached garage which is associated with the residence located at 1111 Liberty Street. A recent title search showed that the owners of 1111 Liberty Street purchased the property in question in 2006. However, the land was then transferred to the City of Pella by Pella Railroad Property in May of 2009. The City Attorney believes that the deed from Pella Railroad Property did not lawfully convey the property to the City.

In order to clear up the chain of title, and allow the owners to sell their property, the City Attorney is recommending the City conveys the land to the owners of 1111 Liberty Street.

In summary, staff is recommending approval of this resolution which approves and authorizes disposal of property located south of the intersection of Liberty Street and W 4<sup>th</sup> Street.

ATTACHMENTS: Resolution, Quit Claim Deed  
REPORT PREPARED BY: City Administration  
REVIEWED BY: CITY ADMINISTRATOR  
CITY CLERK  
RECOMMENDATION: Approve resolution

4b. Resolution No. 5942 entitled, "RESOLUTION APPROVING AND AUTHORIZING THE DISPOSAL OF CITY PROPERTY LOCATED SOUTH OF THE INTERSECTION OF LIBERTY STREET AND W 4th STREET IN THE CITY OF PELLA."

Schiebout moved to approve, seconded by De Jong.

On roll call the vote was:

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

NAYS: None.

Motion carried.

**F. PETITIONS & COMMUNICATIONS**

1. Facility Needs Assessment Preliminary Results. Lucas Casey and Brian Bergstrom, representatives of Short Elliott Hendrickson, Inc., presented the preliminary results to Council. No formal Council action was taken.

BACKGROUND: Representatives with Short Elliott Hendrickson, Inc. (SEH) will be in attendance to discuss the preliminary results of the Facility Needs Assessment.

ATTACHMENTS: None  
REPORT PREPARED BY: City Administration  
REVIEWED BY: CITY ADMINISTRATOR  
CITY CLERK  
RECOMMENDATION: Seeking Council guidance

2. Pella Municipal Airport Transition Plan. Jerry Searle, representative of HDR, Inc., presented the drafted transition plan to Council. No formal Council action was taken.

BACKGROUND: Jerry Searle of HDR, Inc. will be in attendance to the discuss the Pella Municipal Airport Transition Plan. The purpose of this Plan is to address needed improvements at the Pella Municipal Airport while the regional airport is being constructed. Please note, this Plan was necessary due to the delays the regional airport project has experienced since June of 2017.

Listed below are the improvements being recommended by HDR:

Wildlife Fence	\$ 411,700
Runway Rehabilitation	1,330,600
Hanger Relocation	200,000
Apron Expansion/Tie-downs	185,200
Entrance Road Improvements	<u>120,600</u>
Total	<u>\$ 2,248,100</u>

ATTACHMENTS: Proposed Transition Plan  
REPORT PREPARED BY: City Administration  
REVIEWED BY: CITY ADMINISTRATOR  
CITY CLERK  
RECOMMENDATION: Seeking Council guidance

**G. PLANNING & ZONING ITEMS** – None

**H. ADMINISTRATION REPORTS**

1. Requesting Council to set the Public Hearing for Approval of the FY 19-20 Annual Budget. Schiebout moved to set the public hearing date of March 5, 2019, seconded by Van Stryland.

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: Staff requests permission to set March 5, 2019 as the public hearing date for approval of the FY 19-20 Budget.

ATTACHMENTS: None  
REPORT PREPARED BY: City Administration  
REVIEWED BY: CITY ADMINISTRATOR  
CITY CLERK  
RECOMMENDATION: Set March 5, 2019 as the public hearing date for approval of the FY 19-20 Budget

## **I. RESOLUTIONS**

1. Resolution No. 5943 entitled, "RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE SUNKEN GARDENS WINDMILL RENOVATION PROJECT."

Schiebout moved to approve, seconded by De Jong.

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: This resolution accepts the public improvements for the Sunken Gardens Windmill Renovation Project. As background, on June 5, 2018, the City entered into a contract with Hooyer Construction for this project.

As Council is aware, this project consisted of the following improvements:

- Complete renovation of the exterior of the structure to include brick foundation cleaning and repair, new siding, roof, deck, windows, and concrete walkway.
- Addition of a door to allow for public access to the outside deck.
- Complete renovation of the interior of the structure to include access ladders and platforms, new and updated electric, interior siding, cleaning and sealing block and concrete.

Listed below is a summary of the contract.

Original Contract	\$214,000.00
Change Orders - n/a	0.00
Final Contract Amount	\$214,000.00

The engineer for the project, Klingner & Associates, is recommending acceptance of the project and believes the project was completed in accordance with the approved plans and specifications.

ATTACHMENTS: Resolution, Engineer's Acceptance Letter

REPORT PREPARED BY: Community Services Department

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve resolution

2. Resolution No. 5944 entitled, "RESOLUTION ACCEPTING THE FISCAL YEAR 17/18 ANNUAL AUDIT."

De Jong moved to approve, seconded by Schiebout.

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: This resolution accepts the FY 17/18 annual audit. As background, the City of Pella is required by Iowa Code to conduct an audit by an independent accounting firm on an annual basis. The accounting firm of Van Maanen, Sietstra, Meyer & Nikkel, PC conducted this audit and will be in attendance to present their findings to Council.

Highlights for the year include the following:

- An unmodified opinion was given on the financial statements.
- The assets and deferred outflows of resources of the City of Pella exceeded its liabilities and deferred inflows of resources at the close of the fiscal year by \$109,085,994 (net position).
- The assets and deferred outflows of resources of the City's governmental activities exceeded liabilities and deferred inflows of resources by \$52,838,308.
- Assets and deferred outflows of resources of the business type activities exceeded liabilities and deferred inflows of resources by \$56,247,686.
- For FY 17/18, revenues for governmental activities exceeded expenses by \$1,148,984.
- Within the City's business type activities, FY 17/18 expenditures exceeded revenues by \$505,679. This is largely due to the roughly \$3.5 million associated with depreciation of capital assets.
- As of June 30, 2018, the general fund had an unassigned fund balance of \$2,819,895 or working capital of nearly 45% of annual expenditures.

The FY 17/18 audit is on file in the City Clerk's office and the Pella Public Library.

ATTACHMENTS: Resolution, Auditor's Report

REPORT PREPARED BY: Finance Director

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve resolution

3. Resolution No. 5945 entitled, "RESOLUTION APPROVING 28E AGREEMENT WITH MARION COUNTY EXCLUDING SECONDARY ROAD RIGHT-OF-WAY FROM THE VOLUNTARY ANNEXATION OF TERRITORY TO THE CITY OF PELLA AND RATIFYING THE APPROVAL OF SUCH VOLUNTARY ANNEXATION."

Van Stryland moved to approve, seconded by Branderhorst.

On roll call the vote was:

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

NAYS: None.

Motion carried.

BACKGROUND: This resolution approves a 28E Agreement with Marion County. As background, Council approved the annexation of 167 acres of land, which is located to the west of Pella, on December 4, 2018. In order to complete this annexation, a 28E Agreement with Marion County

must be approved which excludes the secondary road right-of-way for Washington Street/Highway G-28 from the voluntary annexation. It is important to note, the resolution and 28E Agreement were drafted by the Ahlers Law Firm.

ATTACHMENTS: Resolution, 28E Agreement  
REPORT PREPARED BY: City Administration  
REVIEWED BY: CITY ADMINISTRATOR  
CITY CLERK  
RECOMMENDATION: Approve resolution

## **I. CLAIMS**

1. Abstract of Bills No. 2023.  
Schiebout moved to approve, seconded by De Jong.  
On roll call the vote was:  
AYES: Schiebout, De Jong, Branderhorst, Van Stryland.  
NAYS: None.  
Motion carried.

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

One comment was received and addressed.

## **L. CLOSED SESSION**

1. At 8:28 p.m., Van Stryland moved to enter into closed session pursuant to Iowa Code Chapter 21.5 1(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property, seconded by De Jong.  
On roll call the vote was:  
AYES: Van Stryland, De Jong, Branderhorst, Schiebout.  
NAYS: None.  
Motion carried.  
At 8:40 p.m., Van Stryland moved to reconvene to regular session, seconded by Branderhorst.  
On roll call the vote was:  
AYES: Van Stryland, Branderhorst, Schiebout, De Jong.  
NAYS: None.  
Motion carried.  
No action was taken regarding this closed session.

## **M. ADJOURNMENT**

There being no further business claiming their attention, De Jong moved to adjourn, seconded by Schiebout.  
On roll call the vote was:  
AYES: De Jong, Schiebout, Branderhorst, Van Stryland.  
NAYS: None.  
Motion carried.  
Meeting adjourned at 8:44 p.m.