



# CITY OF PELLA

## CITY COUNCIL OFFICIAL MINUTES

January 18, 2022

### **A. CALL TO ORDER BY MAYOR AND ROLL CALL**

The City Council of the City of Pella, Iowa, met in regular session at the Public Safety Complex (614 Main Street) at 6:00 p.m., Mayor Don DeWaard presiding. Council members present were: Mark De Jong, Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Dr. Spencer Carlstone, Dave Hopkins. Absent: None.

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

Eight staff members and thirty-three members of the general public attended in person.

Fourteen members of the general public attended via conference call.

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

1. Approval of Tentative Agenda.

Branderhorst moved to approve, seconded by Bandstra.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

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

One comment was received and addressed.

### **D. APPROVAL OF CONSENT AGENDA**

Sporrer was appointed to serve as the second City Council liaison for the purpose of further reviewing the library's Collection Development Policy as it relates to access of mature content by minors. This appointment occurred after the Policy and Planning meeting on January 4, 2022 adjourned; therefore, it is not reflected in the corresponding meeting minutes. Bandstra asked that this change be noted in the City Council meeting minutes for January 18, 2022.

De Jong moved to approve the consent agenda, seconded by Branderhorst.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

The following items were approved:

1. Approval of Minutes
  - a. Official Council Minutes for January 4, 2022
2. Report of Committees
  - a. Policy and Planning Minutes for January 4, 2022

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

ABSENT: None

OTHERS: City staff and visitors

The Policy and Planning meeting began at 6:49 p.m. The first item on the agenda was a review of the Pella Public Library's organizational structure and Collection Development Policy. As background, the library has received several expressions of concern related to its purchase of the book *Gender Queer: A Memoir* by Maia Kobabe. After reviewing these concerns on December 14, 2021, the Board of Trustees unanimously voted to retain this book in the adult section of the library as they felt that the Collection Development Policy was followed when the book was acquired. Subsequently, concerns were received during the City Council meeting on December 21, 2021. At that time, Council requested that this item was placed on a future agenda for discussion.

The library is intended to serve as a community resource by providing books and materials to support informational, educational, and recreational reading and learning. Under Chapter 22 of the City Code, the Board of Trustees is responsible for all library affairs which includes setting library policies. Board members are appointed by the Mayor with City Council approval.

The Collection Development Policy, which is based on American Library Association guidance, states:

- "The Library upholds the right of the individual to access information, even though the content may be controversial or unacceptable to others"
- "No material shall be excluded because of the political, social, or religious views expressed"
- "The reading and viewing activity of children is ultimately the responsibility of parents"
- "The Board of Trustees delegates the selection and acquisition of library materials to the Library Director"

The policy outlines a method for voicing concerns regarding library materials. Through this process, individuals meet with the Library Director to discuss their concerns. Those seeking further action have the ability to appeal for a hearing with the Board of Trustees. The Board is the final authority in determining whether an item is appropriate to be included in the library collection.

In response to a question from Council, Library Director Mara Strickler stated that being a member of the American Library Association (ALA) provides access to information and helps support the goal of meeting the needs of an entire community. Strickler informed Council that the ALA is equivalent to any other professional organization.

During discussion, Council members De Jong, Bandstra, and Carlstone requested that the Board of Trustees conducts further research regarding how access to this book could be restricted as they feel that the book should not be accessible to children.

Branderhorst shared that she is concerned that the book under discussion depicts pornography according to Iowa Code. Furthermore, Branderhorst proposed that a City Council representative be appointed to the Library Board of Trustees, similar to having representation on the Pella Area Community and Economic Alliance Board of Directors. Council member Sporrer shared that one of the Board of Trustees' goals for this year was to be more involved with the City Council; therefore, Branderhorst's proposal would align with the Board's goals.

Council member Hopkins stated that he would like to have more discussion to figure out if there is a policy or procedure that would help find an acceptable middle-ground solution on this polarizing issue.

Sporrer expressed agreement with the Board's decision to retain the book in the adult section of the library. Furthermore, Sporrer stated she feels it's important to ensure access to the book is not limited or censored. She expressed that while her preference is not to make any changes to the Board's decision, she feels there is enough merit to review the Policy.

At the end of the discussion, due to the quantity of concerns received regarding this matter, Council requested that the Board of Trustees further reviews the Collection Development Policy specifically as it relates to currently not restricting access or checkout of mature content by minors. To facilitate communication with the Board of Trustees, Mayor DeWaard designated Branderhorst to be the City Council liaison for this process.

The next item on the agenda was a review of the City Council procedural rules. The purpose of the rules is to establish guidelines for conducting meetings that are efficient yet allow for orderly participation and sharing of ideas and opinions. Mayor DeWaard reviewed rule 8, preparation of the agenda, reminding Council members that should they have concerns with how the agenda is presented, they are welcome to contact the Mayor to discuss the concerns. At the end of the discussion, staff was directed to place the rules, as presented without modifications, on a future agenda for formal consideration.

In response to a concern raised regarding the delay between when board/commission meetings occur and when the corresponding meeting minutes are presented in the Council packet, City Administrator Nardini informed Council that staff will begin emailing drafted minutes before they are approved by the respective board/commission. The current practice of placing approved meeting minutes on the City Council's consent agenda will continue as is with no changes.

Bandstra requested that staff memos for board/commission reappointments begin including attendance details for the appointed individual's entire term.

The meeting adjourned at 7:58 p.m.

Respectfully submitted:

Mandy Smith  
City Clerk

#### b. Historic Preservation Commission Minutes for November 8, 2021

Chairperson Kermode called the Historic Preservation Commission (HPC) to order in the Memorial Building at 5:00 p.m. Members present were: Don André, Bruce Boertje, Rhonda Kermode, and Lila Turnbull. Staff present: Planning and Zoning Director Gerald Buydos and the Deputy City Clerk. Two members of the public attended the meeting.

##### APPROVAL OF TENTATIVE AGENDA

Motion by André, second by Boertje to approve the tentative agenda. Motion carried 4-0.

##### APPROVAL OF MINUTES

Motion by Boertje, second by André to approve the minutes from the October 11, 2021 meeting. Motion carried 4-0.

##### OTHER BUSINESS/WORK SESSION/PUBLIC FORUM

##### Discussion of the Proposed Scholte Garden Historic District

The City of Pella Historic Preservation Commission recently held informational sessions with property owners in the proposed Scholte Garden Historic District. Signatures from owners of property on Broadway Street, as well as Main Street, have been received and calculated determining support of the proposed historic district. The rules to determine property and frontage support are as follows:

A. The process to rezone areas as a historic district shall follow the requirements of Chapter 165.38 of the City of Pella's zoning code. In addition to the requirements of this code section, the application to rezone property for a historic overlay district must contain signatures of the owners of at least 50% of the total number of parcels of real estate within the proposed district, excluding parcels owned by government bodies, provided that each parcel, within the meaning of this subsection, shall constitute a separate parcel for property tax assessment purposes, as shown in the records of the county assessor on the date of the filing of the petition. Furthermore, the application must also contain signatures of owners of at least 50% of the total public street frontage area within the proposed district, excluding public street frontage abutting governmental property. An application to rezone areas as a historic district can be submitted by the City of Pella, the Historic Preservation Commission, the Planning and Zoning Commission, or a property owner from the proposed district.

The Scholte Garden Historic District consist of 47 parcels. Of the 47 parcels, 30 property owners have signed as supporting the district, which equates to 63.8%. The 30 property owners also own 1,546.5 feet of frontage, which equates to 57.5%.

To date, staff has not received any further signatures and a completed Historic District Designation Application has not yet been submitted for consideration by the Commission.

Kermode thanked Carol Loynachan for her work gathering signatures on Main Street. She also thanked Planning and Zoning Director Gerald Buydos for the spreadsheet of information provided in the Commission's meeting packet.

Buydos explained the next step is to complete the Historic District Designation Application. Boertje agreed to provide staff with a flash drive of photos of homes in the proposed historic district, which will then be included with the information that is ultimately submitted to the State of Iowa for review.

##### Certified Local Government Update from Staff

Buydos explained that he has run into difficulty accessing the State's online system to have the City of Pella's historic preservation ordinance reviewed to see if it meets the State's requirements for participating in the Certified Local Government (CLG) program. Kermode said she thought that the ordinance had already been reviewed by the State back in 2020. She said she will look through her emails to see if she can find those communications.

Other: Kermode shared photos with the Commission of metal historic district signage from Waxahachie, Texas that were shared with her by Chris Meyers.

Next Meeting Date: The next meeting is scheduled for December 13, 2021.

Adjourned at 5:34 p.m.

#### c. Community Development Committee Minutes for November 10, 2021

Chairperson Cody called the Community Development Committee (CDC) to order in the Public Safety Complex at 5:30 p.m. Members present were: Patsy Cody, Linda Groenendyk, Mike Kiser, Shelly Rikken, Wayne Stienstra, Caryn Van Hemert, Dennis Vander Beek, and Christi Vander Voort; absent: Jerry Brummel and Nancy Henry. Staff present: Planning and Zoning Director Gerald Buydos, Code Enforcement Officer Jared Parker, and the Deputy City Clerk. Two members of the public were in attendance.

##### APPROVAL OF TENTATIVE AGENDA

Motion by Groenendyk, second by Stienstra to approve the tentative agenda. Motion carried 8-0.

##### APPROVAL OF MINUTES

Motion by Van Hemert, second by Rikken to approve the minutes from the September 8, 2021 meeting. Motion carried 8-0.

## NEW BUSINESS

Consider a Design Permit Application for The Curiosity Shop Located at 622 Franklin St.

Tricia Staff proposed new exterior design for her business, The Curiosity Shop, located at 622 Franklin St. The applicant also proposed new signage, a new awning, and new exterior paint. The applicant worked with Chairperson Cody regarding the new changes prior to submitting the design application. As the building itself already includes brick as the primary exterior material and has a dormer, it continues to meet the design criteria.

Currently, the building is predominantly white brick and stucco, with a dark awning. The applicant requested to paint the building primarily in Caviar (SW-6990), the door Rookwood Red (SW-2802), and the window trim Bryant Gold (HC-7). These colors are on the Pella Color Palette, with the exception of Caviar. It is worth noting that Benjamin Moore's Black (HC-190), which is on the Pella Color Palette, has a similar red, green, blue (RGB) value (R: 50, G: 50, B: 51) to Caviar's (R:49 G:48 B:49).

The proposed awning is a burgundy, which appears to be similar to the Rookwood Red listed above. These colors appear to meet the Pella Color Palette requirements.

The building's design already includes elements that comply with Pella's design requirements. In evaluating this design application, staff found the proposed application meets the requirements listed in the Design Review District Design Manual. Therefore, staff recommended the application be approved as submitted.

The applicant, Tricia Staff, was present to speak in favor of the design permit and to answer questions from the Committee. Van Hemert said she likes Staff's choice of colors for the building.

Motion by Van Hemert, second by Stienstra to approve the design permit as submitted. Motion carried 8-0.

Consider One Shingle Sign, One Wall Sign, and Three Window Sign Permit Applications for The Curiosity Shop Located at 622 Franklin St. Tricia Staff proposed three window signs, a shingle sign, and an externally lit wall sign for her business, The Curiosity Shop, located at 622 Franklin St. As the building's design permit had not yet been approved by the CDC, the sign permits were submitted to the entire CDC.

After evaluating these sign permit applications, staff found that the proposed signs comply with the regulations in the Zoning Ordinance and recommended approval as submitted.

Staff, the applicant, was present to speak in favor of the sign permits and to answer questions from the Committee. She explained that the tacks on the wall sign will be decorative, not functional, and will be burnished metal.

Motion by Van Hemert, second by Vander Voort to approve all sign permits for 622 Franklin St. as submitted. Motion carried 8-0.

Cody thanked the applicant for the work put into the design and sign permit applications.

## OTHER BUSINESS / PUBLIC FORUM

Riggen mentioned that on the first Fridays of the month, some of the businesses downtown are open later than usual. She said it was asked at a Pella Historic Downtown Retail group meeting what stores could use to let customers know that they are open, in lieu of a lighted sign. She said one business owner had suggested using a flag or something similar. Cody said there was a business that faced a similar issue and ended up putting a wooden open/closed sign in their window. Van Hemert asked whether the businesses could use the sandwich board signs on the sidewalk in front of businesses to let customers know that they are open. Zoning Analyst Jared Parker explained that businesses with sandwich boards would still need to go through the sign permit process to ensure they of a permissible size and in the correct location. Riggen stated that sandwich board signs may not be visible to customers driving by. Stienstra stated that Scooter's Coffee has a lighted sign. Parker stated he would look into that, as they are not permitted. Riggen said she will have the business owner provide the Committee with an example of the type of flag or sign they would like to install. Kiser suggested that any approved open/closed signs for businesses be uniform in design.

Work Session to Discuss Sign Regulations for Visible Freeway Signs

Vander Beek left at 6:03 p.m.; he returned at 6:04 p.m.

This work session was regarding ground and elevated signs visible from Highway 163. The sign code for the City of Pella dictates the allowable size and number of signs permitted in the City that front or are viewed from the freeway. Currently, the sign code allows one freestanding externally lit ground sign to be a maximum of 45 square feet when located 100 feet from the right-of-way. This decreases to 22.5 square feet when the sign is internally lit.

The sign code also allows a maximum of one 60-foot-high pole sign (freestanding elevated sign) for food, fuel, and lodging uses located within a 1,600-foot radius of the Highway 163 interchanges at Washington Street, Clark Street, and the County line.

Recently, staff received an application for a freestanding ground sign for Lely, Inc. The sign would be internally lit and front Highway 163. The sign has a maximum height of 10' 4" and a length of 86' 6". Staff calculated the square footage two different ways. The outline of the sign equates to 735+ square feet, while the letters themselves calculate out to 212+ square feet. The City of Pella's sign code only allows 22.5 square feet for an internally lit sign.

Noting that several jurisdictions in central Iowa allow for freeway signs to be in the 100+ square foot range, a possible amendment could be that freestanding ground signs that face the freeway would be allowed up to 200 square feet, not taller than 10 feet in height, and only one per parcel. Additional signs could possibly be allowed if the frontage is exceptionally large.

Tall signs and very large signs have traditionally been viewed as contrary to the City's zoning ordinance and gateway zoning districts. The City of Pella has also placed underground the majority of the overhead power lines to reduce visual clutter. In addition, the Iowa Department of Transportation (DOT) provides "Services Available" signs before freeway exits. Businesses can sign up for this program at the Iowa DOT website.

In consideration of allowing additional square footage of freestanding ground signs visible from the freeway and the Iowa DOT Sign Program, staff would recommend that elevated freeway signs be eliminated from the sign code.

Staff advised the Committee on potential code changes regarding regulations for visible freeway signs.

Cody asked whether existing freestanding elevated signs, like Dairy Queen's, would have to be removed. Planning and Zoning Director Gerald Buydos said no, the existing signs would be grandfathered in.

Van Hemert stated her support for the proposed Lely sign. She asked whether the Committee could regulate colors of the lighted signs. Buydos explained that the City Attorney's opinion is that colors are content based and, as such, the City cannot regulate colors. Parker explained that neon signs are still prohibited.

Buydos explained that there would be spacing requirements for the signs so that they could not be placed close together. One of these signs would be permitted per parcel with a spacing requirement of 300 feet. A joint sign for adjacent parcels with small frontages would be permitted.

Buydos stated that the Lely sign would be designed to dim at night, per Iowa DOT regulations. Overall, the Committee indicated support for the proposed sign regulations.

Other

Vander Voort asked how the City could make the kiosks around town more recognizable so that they could be better utilized. Buydos said staff will look into which City department has jurisdiction over the kiosks.

Buydos reported that he was successful in tentatively getting the Iowa DOT to agree to the City of Pella putting a "Welcome to Pella" sign on the bridge south of exit 40 on Highway 163 and south of Washington Street. He stressed that the potential sign does not yet have funding.

Next Meeting Date: The next regular meeting is scheduled for December 8, 2021.

Adjourned at 6:44 p.m.

#### d. Library Board of Trustees Minutes for December 14, 2021

I. Call to Order: President Brenda Huisman called the meeting to order at 4:00 p.m. Board members present were Suzy Card, Nathan Copeland, Darath Fisher, Kristi Leonard, Dayrel Gates and Matt Van Gelder. Library Director Mara Strickler was present. Meeting held at the Public Safety Complex (City Council Chambers).

II. Approval of Agenda: The December meeting agenda was received by all Board members prior to the meeting. There were no changes to the agenda. The agenda stood as presented.

Nathan motioned for December's meeting agenda to be approved as presented, Kristi seconded the motion. Motion was unanimously approved.

III. Recognition of Visitors and Visitor Comments:

2 Library staff members and 44 members of the general public attended in person. Additional visitors may have been present however only 44 names were listed on the Visitor Attendance Sheet.

9 members of the general public attended via conference call.

Brenda Huisman addressed the audience and instructed all visitors would be provided 3 minutes to present their comments for the Board to hear.

27 visitors provided comments regarding the book "Gender Queer" an illustrated memoir by Maia Kobabe. Community statements included comments both for and against retaining the book at the library.

Brenda Huisman addressed the audience one final time to confirm all visitors present were provided an opportunity to comment.

No further comments were provided

Brenda instructed the public the Board would proceed as planned and complete two agenda items prior to addressing the Expressions of Concern hearing.

IV. Disposition of Minutes: All Board members received the November 9, 2021 meeting minutes prior to the meeting.

There were no changes to the November minutes. The minutes stood as presented.

Suzy motioned for November's meeting minutes be approved as presented, Dayrel seconded the motion. Motion was unanimously approved.

All Board members received the special November 29, 2021 meeting minutes prior to the meeting.

There were no changes to the special November 29th minutes. The minutes stood as presented.

Brenda motioned for November 29th's meeting minutes be approved as presented, Matt seconded the motion. Motion was 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, Brenda motioned for the December bills be approved as presented, Kristi seconded the motion. Motion was unanimously approved.

Discussion:

Mara – Large expense for the annual magazine subscriptions

Suzy – Q: Have we considered Pella fiber for the library's internet provider? Mara: yes, unfortunately service is not available for the library currently. Discussions will continue with Pella Fiber for future quoting. Expectation is the price will be lower than current provider.

Brenda – Q: What is the charge for Midwest tape? Mara: This is the billing for Hoopla.

VI. Unfinished Business:

Hearings regarding Expression of Concern, for the book "Gender Queer" an illustrated memoir by Maia Kobabe: Kelli Kruid. Shared concerns for the book being visually focused, specifically a "graphic novel" vs. a "narrative". Called for the removal of the book or that it be placed behind the counter for the protection of children.

Hearing on Expression of Concern, regarding the book "Gender Queer" an illustrated memoir by Maia Kobabe: Ivette Shover. Believes the book is pornography. Shared concerns to protect children from this book. Shared a belief that Pella has a standard and this book does not meet that standard.

Board deliberation

Brenda asked for Library staff's perspective. Mara read a prepared statement to the Board. Shared a public library's responsibility to deliver Intellectual Freedom. Removal of the book would constitute limiting access. Library staff received a patron request for the book. Staff agreed the book met the library's policy, 6.1 Collection Development. When book was received, community standards were considered and the book, Gender Queer, was placed in the adult reading section. Staff research found other libraries catalogue the book in the YA/Teen section. The placement of the book in the adult section is consistent with previously established standards around language and imagery.

The library provides diverse materials for all ages and interests. As a result, parents/guardians need to guide children where to find materials that fit their interests and maturity. Ultimately setting appropriate boundaries for their children. Library staff do not serve in loco parentis. Gender Queer does contain some explicit content however it does not violate Iowa Law or Library policy. Gender Queer addresses issues of gender identity, sexual identity, family dynamics, consent, and body dysmorphia all contribute to substantive content of the narrative and demonstrate the literary value. Gender Queer has been well reviewed and has clear narrative and meet standards for both artistic and literary merit. Removal of the title would open the door to removal of many other established works.

Chris Brown, Assistant Library Director, shared. Perspective on obligation of service: Pella serves all patrons regardless of age, religion, gender identity, or sexual orientation. Iowa confidentiality laws and professional ethics as a Librarian. Differences between a school and a library's obligations. Specifically, schools take on legal responsibilities for children "loco parentis"; (Latin) in the place of a parent. Libraries do not have this right/responsibility and therefore need parental support within the library.

Several Board members shared:

Thanks to all community members who attended and shared their personal concerns, whether for or against the retention of the book  
Thanks to staff for providing their professional service and review of Iowa Law and Library Policies.

Brenda and Darath Stated questions they heard:

What is educational (in the book, Gender Queer)?

Why should the book stay?

What do we hope (to gain) by having it on our shelves?

Should this book be treated differently because of its pictorial/graphic nature vs. being written?

Could the access be changed? Online only, be held behind the counter, not be knee height or below for smaller children to simply grab off the shelf. What are community standards and how are these determined?

How could it be determined if this book violated community standards?

Kristi:

Heard several terms that are defined differently per person: What is educational to one person, may not be for another. What is helpful to one, may not be helpful to another. What is considered family to one, may not be considered family to another.

The library is welcoming and inclusive for all.

Promotes civil dialogue and conversation between people.

Appreciated the many different perspectives viewed, shared, and listened to (by the Board) from the community.

Suzy

Did this book get its due process? Disheartened that concerns were expressed by people who did not read the whole book  
After reading the book herself did not see the claims of pedophilia.  
Based on 30 yrs in education, this book would help many kids that are struggling with their identity.

Nathan

Shared the responsibility of the Board is to review and approve Library policies.  
Library policies have been in place for some time and are reviewed/changed to align with the changing community standards.  
Shared the State Library helps guide libraries and their Boards on best practices

Kristi

Apologized for her early departure due to a previously scheduled commitment (Kristi left at 5:40 p.m.)

Brenda

Following review of Library Policy 6.1: Collection Development, all Expression of concern letters, the Director's letter to patrons who sent Expression of Concern, Iowa code 728, and continuous conversation with the Library Director; the Collection Development policy was followed.

Regarding the Expression of Concern's claim the book has obscene material, Brenda read Iowa Code Chapter 728, section 728.1 subsection 5 and stated the book, Gender Queer is a memoir and does not lack "serious literary" value.

Brenda concluded by sharing Chapter 728, section 728.7 – Exemptions for public libraries and educational institutions.

Dayrel

"The author's story was enlightening and an experience I had never thought to ask about, and I found the book to have value."  
Some of the complaints were taken out of context and did not consider the book as a whole.

Matt

This book was not something he would normally read without having to go through an Expression of Concern hearing.  
The Board and Library serve the whole community and people here tonight found merit in the book.  
Further personal research found there are many people who have found something about themselves through reading the book.

Darath

Feel torn as a parent and as a Board member. As a parent I can relate to those who expressed concern about the pictorial elements of the book. As a member of the Board, I need to look at the book to determine if the book falls within the current policies.

Bigger issue at hand is not about the book, but about our policies. However, this is not what the group needs to decide tonight.

As best as I can tell, I believe the decisions made on this book fell in-line with the library's current policies.

Nathan

Meeting's purpose is to decide on the Expression of Concerns for the book, and to hear the community's comments.

Comments provided may result in future changes to policy.

Q: Is there any precedence to an Expression of Concern resulting in a change to policy? Mara – Not that she is aware of, this is the first Expression of Concern dealt with at the library.

Mara and Brenda asked the Board if there was any further questions or information needed to proceed with a decision.

Following deliberation of the requested Expression of Concerns, comments and questions by community members, library staff statements, review of Library policies and State Law the board had reach a conclusion.

Suzy presented the motion to retain the book, "Gender Queer", in the adult section as the Board has found Library policy 6.1 Collection Development was followed, Dayrel seconded the motion. Yea(s) – Matt, Dayrel, Nathan, Suzy, Darath, and Brenda; Nay(s) – none; Absent – Kristi.

Darath presented a motion to table all remaining agenda items until the next Board meeting on January 11, 2022, Nathan seconded the motion. Motion was unanimously approved.

XII. Adjournment: President, Brenda H. adjourned the meeting at 6:06 p.m. The next regularly scheduled Board Meeting is scheduled for January 11, 2022. Location: Public Safety Complex (City Council Chambers).

### 3. Petitions and Communications

#### a. Renewal of Class C Liquor License with 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 Sunday sales privileges. The term of the new license is 12 months and, if approved, would expire on January 30, 2023. The application has been completed online with the state and, at the time of packet publication, is pending dram shop certification. Staff is recommending conditional approval pending the receipt of dram shop certification.

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

#### b. Renewal of Class E Liquor License with Class C Beer Permit (Carryout Beer), Class B Wine Permit, and Sunday Sales for Casey's General Store #2694

BACKGROUND: Casey's Marketing, DBA Casey's General Store #2694 located at 2421 Washington Street, has applied for renewal of their class E liquor license with class C beer permit (carryout beer), class B wine permit, and Sunday sales privileges. The term of the new license is 12 months and, if approved, would expire on March 19, 2023. The application has been completed online with the state, and staff is recommending approval.

ATTACHMENTS: None  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Approve renewal

#### c. Renewal of Class E Liquor License with Class B Wine Permit and Class C Beer Permit (Carryout Beer) for Fareway Stores, Inc. #995

BACKGROUND: Fareway Stores, Inc. #995, located at 2010 Washington Street, has applied for renewal of their class E liquor license with class B wine permit and class C beer permit (carryout beer). The term of the new license is 12 months and, if approved, would expire on March 21, 2023. The application has been completed online with the state, and staff is recommending approval.

ATTACHMENTS: None  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Approve renewal

4. Resolution No. 6375 entitled, "RESOLUTION APPROVING CITY COUNCIL PROCEDURAL RULES"

BACKGROUND: This resolution approves the City Council Procedural Rules. The rules were initially adopted in 2002 to establish guidelines for conducting City Council meetings that are efficient yet allow for orderly participation and sharing of ideas and opinions. The rules are reviewed and approved every other January, following the municipal election.

It is important to note that Council reviewed the rules during their meeting on January 4, 2022. After review, Council directed staff to place the rules as they stand, without change from the last revision dated December 15, 2020, on a future agenda for formal consideration.

ATTACHMENTS: Resolution, City Council Procedural Rules  
REPORT PREPARED BY: City Administration  
REPORT REVIEWED BY: City Administrator, City Clerk  
RECOMMENDED ACTION: Approve resolution

**E. PUBLIC HEARINGS**

1a. Public Hearing regarding Sanitary Sewer CIPP Lining Project Bids.

No written or oral comments were received.

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

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: This resolution approves the plans, specifications, form of contract, estimate of costs, accepts bids, and awards the contract for the Sanitary Sewer CIPP Lining project. As background, this project includes pre-rehabilitation sewer cleaning inspection, lining of sewer pipes, removal of protruding service connections, and associated sanitary sewer work. Various areas were included as part of the base bid as well as an alternate bid.

Base Bid: The areas included in the base bid are described below and outlined on the attached map:

- Molengracht Alley from Main to E. 1st
- Main Street from Franklin to Liberty
- W. 3rd Street extending 250 feet south from Franklin
- Oost Poort Alley extending 86 feet south
- Prairie Street from South to Oskaloosa
- Carson Street from Huber to University
- E 2nd Street from Peace to Huber
- Huber Street extending 270 feet west from E 2nd

Alternate Bid: The additional areas included in the alternate bid are described below and outlined on the attached map:

- Washington Street extending 380 feet west from W 2nd
- W 2nd Street from Washington to Franklin

The bid opening for the project was held on January 6, 2022. Four bids were received as follows:

Contractor	Base Bid	Alternate Bid	Base + Alternate
Municipal Pipe Tool	\$109,749.00	\$27,508.50	\$137,257.50
Hydro-Klean	\$118,339.78	\$26,591.78	\$144,931.56
Insituform Technologies	\$128,398.00	\$26,717.80	\$155,115.80
Visu-Sewer	\$134,180.10	\$34,034.25	\$168,214.35

After reviewing the bid proposal and checking references, Garden & Associates, the project engineer, recommends awarding the contract to the lowest responsive, responsible bidder, Municipal Pipe Tool, for the base bid and the alternate in the total amount of \$137,257.50. It is important to note that the engineer's opinion of probable costs for the base and alternate bids totaled \$171,964.50.

Summary and Staff Recommendation

In summary, staff is recommending approval of this resolution which approves the plans, specifications, form of contract, estimate of costs, accepts bids, and awards the contract for the base and alternate bids to the low bidder, Municipal Pipe Tool, in the total amount of \$137,257.50.

If approved, below is an overview of the timeline for this project:

February 2022	Approximate notice to proceed issued
May 2022	Approximate final completion (45 working day contract)

The resolution also gives the Public Works Director authorization to issue the notice of award at this time and the notice to proceed once the contract, bonds, insurance certificates, and appropriate permits are in proper order and fully executed.

ATTACHMENTS: Resolution, Engineer's Recommendation, Bid Tabulation, Project Map  
REPORT PREPARED BY: Public Works Department  
REVIEWED BY: City Administrator, City Clerk  
RECOMMENDATION: Approve resolution

1b. Resolution No. 6376 entitled, "RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT, ESTIMATE OF COSTS, RECEIVING OF BIDS AND MAKING AWARD OF CONTRACT FOR THE SANITARY SEWER CIPP LINING PROJECT."

Branderhorst moved to approve, seconded by Sporrer.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

**F. PETITIONS & COMMUNICATIONS**

1. Representatives with the Spirit of Pella presented their funding request. No formal Council action was taken.

BACKGROUND: During this meeting, committee members with the Spirit of Pella will be in attendance to present details regarding their proposed projects and fundraising efforts.

ATTACHMENTS: None  
REPORT PREPARED BY: City Administration  
REVIEWED BY: City Administrator, City Clerk  
RECOMMENDATION: Seeking Council direction

## **G. RESOLUTIONS**

1. Resolution No. 6377 entitled, "RESOLUTION REAPPOINTING KRISTINE STONE AS CITY ATTORNEY FOR THE CITY OF PELLA."

Branderhorst moved to approve, seconded by De Jong.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: This resolution reappoints Kristine Stone as City Attorney for the City of Pella. Kristine has served as the City Attorney for the City of Pella since April of 2018. With a background in municipal law, Kristine joined Ahlers & Cooney in 2017 in the Government Law Practice Area. Her practice focuses on representing cities, counties, utilities, and other public entities in the exercise of their powers and in litigation. In her general municipal practice, she counsels clients in all aspects of their operations such as policy development, risk avoidance, public bidding, public records, open meetings, annexation, eminent domain, and more. She also reviews and prepares contracts, ordinances, agreements, and resolutions.

Prior to joining the Ahlers firm, Kristine served as the City Attorney for the City of Bettendorf from 2013 to 2017 and as an Assistant City Attorney for the City of Ames from 2009 to 2013. As an in-house municipal lawyer, she advised elected officials, department heads, and staff on legal matters, and represented the cities in administrative, district court, and appellate actions. Kristine is originally from the Burlington area and is a graduate of Iowa State University and Drake Law School.

It is also important to note that in the absence of Kristine Stone, the Ahlers law firm has qualified attorneys available to assist the City.

Furthermore, the City of Pella utilizes the Ahlers law firm for economic development and bond counsel services.

If approved, this reappointment is for a two-year term, expiring at the end of 2023.

ATTACHMENTS: Resolution, Engagement Letter  
REPORT PREPARED BY: City Administration  
REPORT REVIEWED BY: City Administrator, City Clerk  
RECOMMENDED ACTION: Approve resolution

2. Resolution No. 6378 entitled, "RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR PRAIRIE RIDGE PLAT 3."

Hopkins moved to approve, seconded by De Jong.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: This resolution accepts the public improvements for Prairie Ridge Plat 3, which is being developed by RDP Holdings and ATI Group. As background, McClure Engineering has certified that the public improvements are substantially complete and comply with the approved plans and the City's standards for public infrastructure, as shown on the attached letter.

If approved, the following improvements will be added to the City's infrastructure assets:

- 664 LF of street network
- 472 LF of 8" sanitary sewer and manholes
- 709 LF of 10" sanitary sewer and manholes
- 22 LF of 18" storm sewer
- 648 LF of 24" storm sewer
- 63 LF of 30" storm sewer
- 609 LF of 36" storm sewer
- 208 LF of 48" storm sewer
- 15 intakes/manholes
- 1,215 LF of 8" secondary storm sewers

Minor punch list items have been completed and maintenance bonds have been submitted for the above referenced public improvements.

Staff is recommending approval of this resolution accepting the Prairie Ridge Plat 3 public improvements.

ATTACHMENTS: Resolution, Engineer's Letter of Certification  
REPORT PREPARED BY: Public Works Department  
REPORT REVIEWED BY: City Administration, City Clerk  
RECOMMENDATION: Approve resolution

3. Resolutions and Motion related to Reprecincting as a result of the 2020 Census

BACKGROUND: These agenda items are related to reprecincting as a result of the 2020 Census. As background, during the meeting on December 21, 2021, Council approved agreements with Marion County to establish precincts of incorporated and unincorporated territory and authorized staff to submit reprecincting paperwork to the Secretary of State for review. After their review, the Secretary of State is requesting that an agreement be established with Mahaska County to account for the five individuals that reside in the census block that is located within the City of Pella's corporate limits within Mahaska County.

The following items are on the Council agenda for consideration to rectify this situation:

Agenda Item G-3-a: Resolution No. 6379 Establishing Mahaska County Precinct Two

This resolution establishes Mahaska County Precinct Two, comprised of an incorporated population of five residents of the City of Pella and an unincorporated population of 1,627 individuals who are residents of Black Oak Township, Richland Township, and Scott Township in Mahaska County. A map of this area is included as Exhibit 1 to the Agreement for Council's review. It is important to note that the 1,627 individuals residing outside of city limits will not be eligible to vote in city elections. Finally, the Mahaska County Board of Supervisors is scheduled to consider this agreement on January 17, 2022.

Agenda Item G-3-b: Resolution No. 6380 Amending the Agreement Establishing Pella Precinct 1

This resolution amends the previously approved agreement with Marion County which established Pella Precinct 1. This amendment makes the following changes:

- Reduces the incorporated population from 2,603 residents to 2,598 residents (a reduction of five which are now accounted for in the previously referenced Mahaska County agreement)
- Adopts an updated Exhibit A (map) which more clearly excludes the Mahaska County census block

It is important to note that the unincorporated population of 39 individuals who are residents of Lake Prairie Township in Marion County will not be eligible to vote in city elections. Finally, the Marion County Board of Supervisors is scheduled to consider this amendment on January 25, 2022.

Agenda item G-3-c: City Reprecincting Worksheet

This motion authorizes the City Clerk to sign and submit the attached amended Reprecincting Worksheet to the Secretary of State for certification.

In summary, staff is recommending approval of these resolutions approving and authorizing agreements with Mahaska and Marion County to establish or amend precincts of incorporated and unincorporated territory to satisfy requirements of the Secretary of State. Staff also recommends approval of the motion which authorizes the City Clerk to sign and submit the necessary documentation to the Secretary of State.

ATTACHMENTS: Resolution No. 6379, Mahaska County Precinct Two Agreement with Map (Ex. 1)  
Resolution No. 6380, Pella Precinct 1 Agreement with Map (Ex. A), Amended City Reprecincting Worksheet  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Approve resolutions and motion

- a. Resolution No. 6379 entitled, "RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN MAHASKA COUNTY AND THE CITY OF PELLA TO ESTABLISH MAHASKA COUNTY PRECINCT TWO, A PRECINCT OF INCORPORATED AND UNINCORPORATED TERRITORY."  
Bandstra moved to approve, seconded by Branderhorst.  
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.
- b. Resolution No. 6380 entitled, "RESOLUTION APPROVING AN AMENDED AND RESTATED MEMORANDUM OF AGREEMENT BETWEEN MARION COUNTY AND THE CITY OF PELLA TO ESTABLISH PELLA PRECINCT 1, A PRECINCT OF INCORPORATED AND UNINCORPORATED TERRITORY."  
Sporrer moved to approve, seconded by Hopkins.  
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.
- c. Branderhorst moved to authorize the City Clerk to sign and submit the amended Reprecincting Worksheet to the Secretary of State, seconded by De Jong.  
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

#### **H. CLAIMS**

1. Abstract of Bills No. 2095.  
Branderhorst moved to approve, seconded by Bandstra.  
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

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

Comments were received and addressed.

#### **J. POLICY AND PLANNING**

From 7:01 p.m. to 8:05 p.m., Council adjourned to the Policy and Planning meeting to hold a discussion regarding the following items, with no formal Council action taken:

1. Overview of City Council Strategic Planning Work Sessions
2. Discuss Performing Arts Center and Community Center Options

Council adjourned for a brief recess from 8:05 p.m. to 8:13 p.m.

#### **K. CLOSED/EXEMPT SESSION**

1. At 8:13 p.m., De Jong moved to enter into exempt session pursuant to Iowa Code Chapter 21.9 to discuss employment conditions of employees not covered by collective bargaining agreements, seconded by Sporrer.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

Council reconvened to open session at 8:20 p.m.

In open session, Sporrer moved to approve Resolution No. 6381 entitled, "RESOLUTION AMENDING INFECTIOUS DISEASE ACTION PLAN/POLICY RELATED TO THE COVID-19 PUBLIC HEALTH CRISIS," seconded by Hopkins.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

2. At 8:21 p.m., Bandstra 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: 6, NAYS: None. Motion carried.

Council reconvened to open session at 8:36 p.m.

No action was taken regarding this closed session.

#### **L. ADJOURNMENT**

There being no further business claiming their attention, Hopkins moved to adjourn, seconded by Sporrer. On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

Meeting adjourned at 8:37 p.m.