



# CITY OF PELLA

## CITY COUNCIL OFFICIAL MINUTES

February 15, 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 6:03 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 sixty-six members of the general public attended in person.

One staff member and sixteen members of the general public attended via conference call.

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

1. Approval of Tentative Agenda.

Item D-4-a was pulled from the consent agenda.

Bandstra moved to approve the tentative agenda as amended, seconded by Sporrer.

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

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

No comments were received.

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

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 February 1, 2022
2. Report of Committees
  - a. Policy and Planning Minutes for February 1, 2022

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

ABSENT: None

OTHERS: City staff and visitors

The Policy and Planning meeting began at 6:30 p.m.

The first item was a discussion regarding peddler permit design review requirements. Council member Branderhorst requested to consider removing the design requirements for peddlers who operate within the Oskaloosa Street corridor. Currently, peddlers, solicitors, and transient merchants must have an approved design permit for the vehicle/structure used for selling merchandise. The design must be consistent with the Design Review District Design Manual parameters which state peddlers operating in excess of 30 days per calendar year are required to have a Dutch theme on their vehicle/structure.

In addition, potential peddlers need to be aware of the following requirements:

- Must operate within commercially zoned districts
- Selling must occur on private, not public, property
- If selling in a parking lot, the business' off-street parking requirements must not be reduced below the required number of spaces

Before the discussion began, Branderhorst stated that she would be abstaining from discussion due to a conflict of interest.

City Administrator Nardini provided historical information, explaining that his understanding of why this requirement exists is to extend the same design guidelines to peddlers as those required of brick-and-mortar restaurants who invested in the community by complying with design requirements on their buildings.

Scott and Heather Amos, owners of My Eatzz! + Amos Flava' Barbeque Sauce were in attendance to share their experience as food truck owners. They shared that the requirement to modify very expensive food trucks to meet the current Dutch theme requirements for peddlers is discouraging potential peddlers from doing business in Pella. They also shared that their goal is to bring people to Pella by offering variety, not to take away from other brick-and-mortar restaurants.

All Council members who spoke were in favor of waiving the Dutch theme requirement, only within the Oskaloosa Street corridor, for peddlers who operate in excess of 30 days for the remainder of 2022. Staff was directed to seek input from the Community Development Committee before presenting this item to Council for formal consideration. Mayor DeWaard requested that if this item is ultimately approved, that it is revisited at the end of 2022. Additionally, Council members Bandstra and De Jong requested that the fee structure for peddler permits is also reviewed by comparing with neighboring communities.

The next item on the agenda was a discussion regarding designation of the official newspaper. Iowa Code requires cities to designate an official newspaper for legal publications on an annual basis. The Des Moines Register has been the City of Pella's official newspaper since May of 2020.

Iowa Code Section 618.3 outlines four requirements that must be met in order to be designated as an official newspaper for legal publications. Those requirements include:

1. Is a newspaper of general circulation that has been published at least once a week for at least 50 weeks per year within the area and regularly mailed through the post office of entry for at least two years.
2. Has a list of subscribers who have paid, or promised to pay, at more than a nominal rate, for copies to be received during a stated period.
3. Devotes at least 25% of its total column space in more than one-half of its issues during any 12-month period to information of a public character other than advertising.
4. Is paid for by at least 50% of the persons or subscribers to whom it is distributed.

The Des Moines Register, the Oskaloosa Herald, and the Marion County Express have all requested to be the City of Pella's official newspaper for 2022 legal publications. Prior to designating an official newspaper in 2021, staff consulted with the City Attorney who determined that the Oskaloosa Herald did not meet the first Iowa Code criteria as their newspaper had been in circulation within the City of Pella for less than two years. The Oskaloosa Herald and the Marion County Express will meet this Iowa Code criteria in June 2022; at that time, both entities will be eligible to be designated as the official newspaper. Should Council wish to change to a different newspaper than the Des Moines Register, staff recommends that this designation is for an effective date of June 1, 2022, to adhere with state code requirements as outlined in Iowa Code Section 618.3(1) and to allow sufficient time to ensure a smooth transition.

Steve Woodhouse, owner of the Marion County Express, was in attendance and informed Council that he has a physical office at 904 Washington Street in Pella. Furthermore, Woodhouse explained that he is in the process of joining the Iowa Newspaper Association, which enhances public access to legal publications.

Bandstra stated that he would like to support the newspaper that promotes Pella the most, and he feels that is the Marion County Express. Branderhorst agreed, expressing her support of the Marion County Express.

At the end of the meeting, staff was directed to place the official newspaper designation on a future agenda for formal consideration. The meeting adjourned at 7:09 p.m.

Respectfully submitted:

Mandy Smith  
City Clerk

### 3. Petitions and Communications

#### a. Special Event Permit Request for Gene Van Wyk 5K Run

**BACKGROUND:** The family of Gene Van Wyk is requesting a special event permit for the annual Gene Van Wyk 5K run on Saturday, April 16, 2022, from 8:00 to 11:45 a.m. The proposed race route remains the same as prior year's events, as outlined on the attached map. No road closures have been requested.

All pertinent City departments have reviewed this application and comments are attached. The fee and insurance certificate have been received. Staff is recommending approval of this special event permit as submitted.

**ATTACHMENTS:** Application, Map, Department Comments

**REPORT PREPARED BY:** City Clerk

**REVIEWED BY:** City Administrator

**RECOMMENDATION:** Approve special event permit

#### b. Special Event Permit Request for Klompen Classic

##### i. Resolution No. 6388 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS KLOMPEN CLASSIC"

**BACKGROUND:** Crossroads of Pella has requested a special event permit for the annual Klompen Classic scheduled for Wednesday, May 4, 2022, from 5:00 to 9:00 p.m. This annual 5K event generates funds to support Crossroads programs that serve thousands of local children and families year-round.

This year, Crossroads is proposing to utilize the same race route as their 2021 event, as outlined on the attached map. A resolution is included with this request closing the following street segments for the event:

West 1st Street between Liberty and Independence  
Broadway between Liberty and Independence  
Independence Street between W 1st and Main  
Main Street between Independence and Elm  
Maple Street between Main and Hazel  
Elm Street between Main and Hazel  
Hazel Street between Maple and Elm  
Union Street between Main and W 2nd

While the resolution notes that the above street segments will be closed from 5:00 to 9:00 p.m. during the event, the roads will be re-opened once the race has completed; this is anticipated to be prior to 9:00 p.m.

All pertinent City departments have reviewed this application and comments are attached. The fee and insurance certificate have been received. Staff is recommending approval of this special event permit and associated resolution.

**ATTACHMENTS:** Resolution, Application, Map, Department Comments

**REPORT PREPARED BY:** City Clerk

**REVIEWED BY:** City Administrator

**RECOMMENDATION:** Approve special event permit and associated resolution

### 4. Administration Reports

#### a. Item pulled from the agenda

## **E. PUBLIC HEARINGS**

### **1a. Public Hearing regarding the Fiscal Year 2023 Maximum Property Tax Dollars.**

No written or oral comments were received.

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

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

BACKGROUND: This resolution approves the fiscal year (FY) 2023 maximum property tax dollars. As background, Iowa Code 384.15A requires cities to hold a public hearing regarding the maximum property tax dollars on an annual basis. Additionally, because the proposed budget includes tax revenues which exceed 102% of the current year collections, the proposed resolution must be approved by a 2/3 majority of the Council.

The proposed budget includes maximum property tax collection of \$6,358,270, which is 2.58% higher than the collection in the current FY. This notice sets the maximum tax rate as \$10.02601 per \$1,000 of assessed valuation for all non-debt service-related levies. Inclusion of the debt service levy of \$0.17399 brings the total levy amount to \$10.20, which would continue this levy rate for the 21st consecutive year.

Furthermore, the State of Iowa limits the city's ability to tax property. Based on the current formula, the City could raise the levy rate an additional \$0.80 per \$1,000, bringing the levy rate to \$11.00 per \$1,000 of taxable value. This would increase the annual tax amount for a \$200,000 home by nearly \$90 and generate roughly \$500,000 in annual property tax revenues.

ATTACHMENTS: Resolution, Max Levy Notice  
REPORT PREPARED BY: Finance Department  
REPORT REVIEWED BY: City Administrator, City Clerk  
RECOMMENDED ACTION: Approve resolution

### **1b. Resolution No. 6389 entitled, "RESOLUTION APPROVING FISCAL YEAR 2023 MAXIMUM PROPERTY TAX DOLLARS."**

Hopkins moved to approve, seconded by Sporrer.

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

## **F. PETITIONS & COMMUNICATIONS**

### **1. Special Event Permit Request for Deja Vu Consignments Anniversary.**

Branderhorst moved to approve, seconded by De Jong.

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

BACKGROUND: Deja Vu Consignments, located at 630 Washington Street, is requesting a special event permit on Friday, February 18, 2022, from 11:00 a.m. to 7:00 p.m. An inclement weather date of Tuesday, February 22, 2022, has also been requested. The purpose of this event is to celebrate Deja Vu Consignment's eight-year anniversary. If approved, the promoter will host a food truck to provide free samples from 11:00 a.m. to 1:00 p.m. Additionally, meals will be available to purchase from the food truck between 5:00 and 7:00 p.m. A map is attached which outlines where the food truck is proposed to be parked during the event.

All pertinent City departments have reviewed this application and comments are attached. The insurance certificate has been received. At the time of packet publication, the fee was still pending; therefore, staff recommends conditional approval of this special event permit pending receipt of the applicable fee.

ATTACHMENTS: Application, Map, Department Comments  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Conditional approval of special event permit pending receipt of fee

### **2a. Special Event Permit Request for Pella Opera House Unspoken Concert Bus Parking.**

De Jong moved to approve, seconded by Branderhorst.

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

BACKGROUND: Pella Opera House, located at 611 Franklin Street, is requesting a special event permit on Friday, March 25, 2022, from 2:00 a.m. to 11:59 p.m. The purpose of this request is to reserve 10 parking spaces on the northwest side of East 1st Street, between Franklin Street and Liberty Street, for the purpose of parking a tour bus for the Unspoken Concert which is scheduled to be held at the Pella Opera House. It is important to note that none of these parking spaces are designated for handicapped parking uses; therefore, this request will not negatively affect the availability of handicapped parking during this event.

All pertinent City departments have reviewed this application and comments are attached. The insurance certificate has been received. At the time of packet publication, the fee was still pending; therefore, staff recommends conditional approval of this special event permit pending receipt of the applicable fee.

ATTACHMENTS: Resolution, Application, Map, Department Comments  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Conditional approval of special event permit pending receipt of fee

### **2b. Resolution No. 6390 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS PELLA OPERA HOUSE UNSPOKEN CONCERT BUS PARKING."**

Branderhorst moved to approve, seconded by Hopkins.

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

3a. Special Event Permit Request for Roubaix Spring Classic.

De Jong moved to approve, seconded by Hopkins.

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

BACKGROUND: Zealous Racing is requesting a special event permit to host Roubaix Spring Classic, a self-supported bicycle race, on Saturday, April 23, 2022, from 10:00 a.m. to 3:00 p.m. Set-up is requested to begin at 9:00 a.m. with take down complete by 4:00 p.m. If approved, the promoter is requesting to start and finish the race at Iowa Bike Co. on Franklin Street. The full 100km race route is included as a memo attachment. Included with this request is a resolution closing four parking spaces in front of Iowa Bike Co. on Franklin Street, as outlined on the attached map. No street closures have been requested.

All pertinent City departments have reviewed this application and comments are attached. The fee has been received. At the time of packet publication, the insurance certificate was still pending; therefore, staff recommends conditional approval of this special event and associated resolution pending receipt of the insurance certificate.

ATTACHMENTS: Resolution, Application, Map, Department Comments

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Conditionally approve special event and associated resolution pending receipt of certificate of insurance

3b. Resolution No. 6391 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS ROUBAIX SPRING CLASSIC."

Hopkins moved to approve, seconded by Sporrer.

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

4. Designation of Official Newspaper.

Branderhorst moved to designate the Des Moines Register as the official newspaper for legal publications through May 31, 2022, and designate the Marion County Express as the official newspaper for legal publications effective June 1, 2022, through December 31, 2022, seconded by De Jong.

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

BACKGROUND: The purpose of this item is to designate the City of Pella's official newspaper for 2022. Council discussed this item during the Policy and Planning meeting on February 1st, directing staff to place this item on a future agenda for formal consideration. As further background, Iowa Code requires cities to designate an official newspaper for legal publications on an annual basis. The Des Moines Register has been the City of Pella's official newspaper since May of 2020. The Register has not missed any legal publications during this time; this is important to note as missed publications often result in rescheduling public hearings, ultimately delaying consideration of important items.

Iowa Code Section 618.3 outlines four requirements that must be met in order to be designated as an official newspaper for legal publications. Those requirements include being a newspaper of general circulation that has been published at least once a week for at least 50 weeks per year within the area and regularly mailed through the post office of entry for at least two years.

As Council is aware, the Des Moines Register, Marion County Express, and Oskaloosa Herald have requested to be the City of Pella's official newspaper for 2022, as shown on the attached letters. Prior to designating an official newspaper in 2021, staff consulted with the City Attorney who determined that the Oskaloosa Herald did not meet Iowa Code 618.3(1) until June of 2022, when they will have been in general circulation within the City of Pella for two years. It is staff's understanding that as of June of 2022, the Marion County Express will also have been in general circulation within the City of Pella for two years, meeting Iowa Code criteria.

During the February 1st Policy and Planning meeting, Council expressed a desire to change from the Des Moines Register to the Marion County Express for legal publications. Additionally, the Marion County Express has informed staff that they are now members of the Iowa Newspaper Association, which enhances online public access to legal publications without requiring a paid subscription. Staff recommends that this designation is for an effective date of June 1, 2022, to adhere to state code requirements, specifically Iowa Code 618.3(1), as well as to allow time to ensure a smooth transition to a new provider.

ATTACHMENTS: Letters from the Des Moines Register, Marion County Express, Oskaloosa Herald

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Designate the following as the official newspapers for legal publications:

- Des Moines Register through May 31, 2022
- Marion County Express effective June 1, 2022, through December 31, 2022

**G. RESOLUTIONS**

1. Resolution No. 6392 entitled, "RESOLUTION ACCEPTING THE FISCAL YEAR 20/21 ANNUAL AUDIT."

Bandstra moved to approve, seconded by Branderhorst.

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

BACKGROUND: This resolution accepts the FY 20/21 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 \$119,188,444 (net position).
- The assets and deferred outflows of resources of the City's governmental activities exceeded liabilities and deferred inflows of resources by \$58,173,709.
- Assets and deferred outflows of resources of the business type activities exceeded liabilities and deferred inflows of resources by \$61,014,735.
- Revenues for governmental activities exceeded expenses by \$3,004,159.
- Within the City's business type activities, FY 20/21 revenues exceeded expenditures by \$3,827,225, which was primarily a result of a one-time refund of 10% of the utility's power supply by the City's power supplier to assist with the impact of the COVID-19 pandemic.
- As of June 30, 2021, the general fund had an unassigned fund balance of \$3,626,834 or working capital of nearly 47% of annual expenditures.

The FY 20/21 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

2. Resolution No. 6393 entitled, "A RESOLUTION AUTHORIZING THE SETTING OF A HEARING ON A PROPOSAL TO TRANSFER REAL PROPERTY OWNED BY THE CITY OF PELLA, IOWA TO THE PELLA COMMUNITY SCHOOL DISTRICT."

Branderhorst moved to approve, seconded by De Jong.

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

BACKGROUND: This resolution establishes March 1, 2022, as the public hearing date to consider the proposal to transfer approximately 7.3 acres of the northern portion of Caldwell Park, as shown on the attached map, to the Pella Community School District. As background, this portion of Caldwell Park mainly consists of existing tennis courts. The school district has informed staff that they would like to remove the existing courts for the purpose of building new outdoor tennis courts on this site. It is important to note that the general public would still be able to utilize the outdoor tennis courts after they are constructed.

In summary, staff is recommending approval of this resolution which simply establishes the public hearing date of March 1, 2022, to consider this proposal to transfer real property and directs staff to publish the notice of hearing.

ATTACHMENTS: Resolution, Map, Public Hearing Notice  
REPORT PREPARED BY: City Clerk  
REPORT REVIEWED BY: City Administrator  
RECOMMENDED ACTION: Approve resolution

3. Resolution No. 6394 entitled, "RESOLUTION APPROVING PARTICIPATION IN THE MID-IOWA PLANNING ALLIANCE FOR COMMUNITY DEVELOPMENT FOR FISCAL YEARS 2022 AND 2023."

De Jong moved to approve, seconded by Hopkins.

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

BACKGROUND: This resolution is in support of the city joining the Mid-Iowa Planning Alliance (MIPA) for Community Development for fiscal years 2022 and 2023. MIPA supports economic development in Boone, Dallas, Jasper, Marion, Polk, Story and Warren counties. By joining MIPA, the city will have access to professional planning and programming. In addition, membership includes the following services:

- Grant writing and administration
- Comprehensive economic development strategy
- Technical assistance

It is important to note that the fee for MIPA membership for the remainder of fiscal year 2022 as well as the full 2023 fiscal year is \$1,962.

Summary: In summary, staff believes joining MIPA will help foster economic development. In addition, joining MIPA will provide the city with valuable services and networking that we are not able to attain on our own.

ATTACHMENTS: Resolution, MIPA letter  
REPORT PREPARED BY: Planning and Zoning Director  
REPORT REVIEWED BY: City Administrator, City Clerk  
RECOMMENDED ACTION: Approve resolution

4. Resolution No. 6395 entitled, "RESOLUTION ORDERING CONSTRUCTION OF THE FURNISHING OF 15 KV MEDIUM VOLTAGE POWER CABLE, AND FIXING A DATE FOR HEARING THEREON AND TAKING OF BIDS THEREFOR."

De Jong moved to approve, seconded by Hopkins.

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

BACKGROUND: This resolution sets the public hearing date of April 5, 2022, and authorizes the taking of bids for 15 kV medium voltage power cable for use in the ABC Feeder Cable Replacement project. As background, this project is a consolidation of the following three separate circuits that fed from the old power plant to 4,160-volt substations that have since been removed from service:

1. Substation A: formerly located at the present-day Molengracht Canal alley
2. Substation B: fed the substation on Monroe Street between Main and Broadway
3. Substation C: previously located at Hazel Street/Vermeer Road

Each of these circuits were installed into a modular concrete duct bank along E. 1st Street in the 1960s when the 4,160-volt substations were constructed.

The 1960s era cable is operating far beyond its useful life and has experienced several cable faults in recent years. With each fault, the cable is further degraded, thus becoming less reliable. This project involves the replacement of the 1960s era underground cable utilizing the concrete duct bank along E. 1st, Main, and Franklin Streets to the corresponding substation sites. The three separate circuits will be consolidated into one to simplify switching and to allow empty conduit for future installation of a substation bus tie. The new cable will be a modern cable that is much safer than the outgoing cable.

If approved, the following timeline will apply to this project:

March 22, 2022 Bid letting at 2:00 p.m.  
April 5, 2022 Public hearing to receive bids and consider award of contract

The estimated cost is \$264,880 for the materials (350 MCM 15 kV Primary Power Cable). It is important to note that \$280,000 has been included in the fiscal year 2022 budget for this Capital Improvement Project.

ATTACHMENTS: Resolution, Bid Specifications, Notice of Public Hearing and Letting  
REPORT PREPARED BY: Electric Department  
REPORT REVIEWED BY: City Administrator, City Clerk  
RECOMMENDED ACTION: Approve resolution

5. Resolution No. 6396 entitled, "RESOLUTION APPROVING ORDERING THE PREPARATION OF PLANS AND SPECIFICATIONS, FORM OF CONTRACT, NOTICE OF HEARING AND NOTICE OF LETTING, SETTING DATE FOR PUBLIC HEARING, AUTHORIZING THE TAKING OF BIDS, AND AUTHORIZING BID OPENING FOR THE BOS LANDEN DRIVE RECONSTRUCTION PROJECT."

Hopkins moved to approve, seconded by Sporrer.

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

BACKGROUND: This resolution establishes March 15, 2022, as the public hearing date and authorizes staff to seek bids for the Bos Landen Drive Reconstruction project. As background, this street segment begins at Highway T-15, extending east approximately 1,300 LF. This roadway has serious undermining due to the steepness of the street causing premature failure and collapsing of the paving. This reconstruction project will include several storm water cut off walls with an extensive tiling system to prevent future undermining of the subgrade. Once these improvements are completed, the entire 1,300 LF street segment will be repaved.

The City's engineer on this project, Garden & Associates, will handle the bid process and provide construction phase services for the project. The engineer's opinion of probable costs is \$617,807.

If approved, the project's critical dates are listed below:

March 3, 2022	Bid letting
March 15, 2022	Public hearing to receive bids and award of contract
April 10, 2022	Notice to proceed (approximate)
Final Completion	40 working days

ATTACHMENTS: Resolution, Engineer's Opinion of Probable Costs, Notice of Hearing, Notice to Bidders, Project Map

REPORT PREPARED BY: Public Works Department

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Approve resolution

6. Resolution No. 6397 entitled, "RESOLUTION APPROVING ORDERING THE PREPARATION OF PLANS AND SPECIFICATIONS, FORM OF CONTRACT, NOTICE OF HEARING AND NOTICE OF LETTING, SETTING DATE FOR PUBLIC HEARING, AUTHORIZING THE TAKING OF BIDS, AND AUTHORIZING BID OPENING FOR THE 250TH AVENUE RECONSTRUCTION PROJECT."

De Jong moved to approve, seconded by Branderhorst.

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

BACKGROUND: This resolution establishes March 15, 2022, as the public hearing date and authorizes staff to seek bids for the 250th Avenue Reconstruction project. As background, Vermeer Corporation paved 250th Avenue in the early 1980s with their own crews. Some of the pavement is only 4" thick and hasn't stood up as well under heavy truck traffic. The new pavement involved as part of this reconstruction project will continue to be a rural section 24' wide 8" thick concrete with load transfer baskets, improved 4' gravel shoulders and increased radiuses at the intersection.

The City's engineer on this project, Garden & Associates, will handle the bid process and provide construction phase services for the project. The engineer's opinion of probable costs is \$429,776.

If approved, the project's critical dates are listed below:

March 3, 2022	Bid letting
March 15, 2022	Public hearing to receive bids and award of contract
April 14, 2022	Notice to proceed (approximate)
Final Completion	30 working days

ATTACHMENTS: Resolution, Engineer's Opinion of Probable Costs, Notice of Hearing, Notice to Bidders, Project Map

REPORT PREPARED BY: Public Works Department

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Approve resolution

7. Resolution No. 6398 entitled, "RESOLUTION APPROVING ENGAGEMENT LETTERS WITH D.A. DAVIDSON FOR UNDERWRITING OR PLACEMENT AGENT SERVICES."

De Jong moved to approve, seconded by Hopkins.

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

BACKGROUND: This resolution approves two engagement letters with D.A. Davidson. As background, over the past several years, the city has contracted with D.A. Davidson to provide financial services related to various debt issuances. As the city begins the process of fulfilling its obligation for additional funding for the Prairie Ridge Commercial project as well as potential recreational/Community Center projects, staff recommends the Council consider approving engagement letters for financial services for each project.

The attached engagement letters include the following services:

Review and evaluate the proposed terms of the offering and the Notes

Develop a marketing plan for the offering, including identification of potential investors

Assist in the preparation of the official statement and other offering documents

Contact potential investors, provide them with offering-related information, respond to their inquiries and, if requested, coordinate their due diligence sessions

If the Notes are to be rated, assist in preparing materials to be provided to securities ratings agencies and in developing strategies for meetings with the ratings agencies

Consult with counsel and other service providers with respect to the offering and the terms of the Notes

Inform the Issuer of the marketing and offering process

Negotiate the pricing, including the interest rate, and other terms of the Notes

Obtain CUSIP number(s) for the Notes and arrange for their DTC book-entry eligibility

Plan and arrange for the closing and settlement of the issuance and the delivery of the Notes

Perform such other usual and customary underwriting services as may be requested by the Issuer

As payment for the services rendered, the engagement letter includes a fee of 0.875% of the total projected par amount, payable upon issuance. It should be noted that D.A. Davidson has committed to focusing on the distribution of the Notes to local institutions, similar to the previous issuances.

In order to keep these projects on track, staff recommends approval of this resolution and engagement letters.

ATTACHMENTS: Resolution, Prairie Ridge Commercial Engagement Letter, Recreation/Performing Arts Engagement Letter  
REPORT PREPARED BY: Finance Director  
REVIEWED BY: City Administrator, City Clerk  
RECOMMENDATION: Approve resolution

8. Resolution No. 6399 entitled, "RESOLUTION APPROVING CHANGE ORDER NO. 1, CHANGE ORDER NO. 2 (FINAL QUANTITY ADJUSTMENT), AND ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE EAST INTERCHANGE INFRASTRUCTURE IMPROVEMENTS – LIFT STATION."

De Jong moved to approve, seconded by Branderhorst.

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

BACKGROUND: This resolution approves change order no. 1, change order no. 2 (final quantity adjustment), and accepts the public improvements for the East Interchange Infrastructure Improvements – Lift Station. As background, Council approved a construction contract for this project with Synergy Contracting on January 19, 2021. This project generally consisted of all labor, materials, and equipment necessary to construct a submersible lift station and associated improvements. The lift station is located on 250th Avenue south of Iowa Highway 163, as outlined on the attached map.

Change Order No. 1: This change order increases the construction contract by \$6,955.42 to modify the water line installation method and materials from open cut copper, as originally indicated in the plan documents, to boring Municipex. This change was necessary due to site conditions as the new street was already paved when the water line was installed.

Change Order No. 2 (Final Quantity Adjustment): Change order no. 2 decreases the construction contract due to the following final quantity adjustments:

Eliminate the wet well lining due to a product and scheduling oversight	(\$13,000.00)
Additional 7" PCC pavement	2,937.00
Less 8" sanitary sewer – open cut	(2,464.00)
Additional 2" water service	<u>1,795.50</u>
Total change order no. 2	<u>(\$10,731.50)</u>

Contract Summary: If approved, below is an updated contract summary:

Original contract	\$696,709.00
Change order no. 1	6,955.42
Change order no. 2	<u>(10,731.50)</u>
Final contract amount	<u>\$692,932.92</u>

Acceptance of Project: The project engineer, Veenstra & Kimm, is recommending acceptance of the project and believes the project was completed in accordance with the approved plans and specifications. Staff is in agreement with the engineer's opinion; therefore, staff is recommending approval of this resolution approving change order no. 1, change order no. 2 (final quantity adjustment), and accepting public improvements constructed by Synergy Contracting. If approved, the retainage amount of \$34,646.65 will be held for 30 days.

ATTACHMENTS: Resolution, Engineer's Cert. of Completion, Change Order No. 1 and No. 2, Map  
REPORT PREPARED BY: Public Works Department  
REPORT REVIEWED BY: City Administrator, City Clerk  
RECOMMENDED ACTION: Approve resolution

**H. CLAIMS**

1. Abstract of Bills No. 2097.

Branderhorst moved to approve, seconded by De Jong.

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

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

No comments were received.

**J. POLICY AND PLANNING**

From 6:37 to 8:51 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. Discussion regarding Pella Community Ambulance
2. Update regarding the Library Policy Committee

**K. 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 8:52 p.m.