



# CITY OF PELLA

## CITY COUNCIL OFFICIAL MINUTES

April 4, 2023

### **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 (via phone from 6:00 p.m. to 6:19 p.m.).

Absent: None.

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

Ten staff members and twenty-two members of the general public attended in person.

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

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

1. Approval of Tentative Agenda.

Bandstra moved to approve, seconded by Sporrer.

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

2. Oath of Office for New Police Officer Hunter Embray.

BACKGROUND: Hunter Embray has accepted a position as a sworn full-time police officer with the City of Pella. Mr. Embray consistently excelled in the competitive police officer testing process at the Pella Police Department. Mr. Embray is a native of Marion County, graduating from Twin Cedars High School. He attended Marshalltown Community College and has an associate of arts degree.

ATTACHMENTS: Oath of Office  
REPORT PREPARED BY: Shane McSheehy, Chief of Police  
REVIEWED BY: City Administrator, City Clerk  
RECOMMENDATION: Administer Oath of Office

3. Oath of Office for New Police Officer Victor Garcia.

BACKGROUND: Victor Garcia has accepted a position as a sworn full-time police officer with the City of Pella. Mr. Garcia consistently excelled in the competitive police officer testing process at the Pella Police Department. Mr. Garcia grew up in Cedar Rapids, Iowa, and graduated from Central College with a Bachelor of Arts degree in Linguistics/Spanish.

ATTACHMENTS: Oath of Office  
REPORT PREPARED BY: Shane McSheehy, Chief of Police  
REVIEWED BY: City Administrator, City Clerk  
RECOMMENDATION: Administer Oath of Office

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

Three 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 March 21, 2023
- b. Official Council Minutes for March 28, 2023
- c. Official Council Minutes for March 29, 2023

2. Report of Committees

- a. Policy and Planning Minutes for March 21, 2023

PRESENT: Mayor Don DeWaard, Mark De Jong (via phone), 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 7:37 p.m.

The first item on the agenda was an update regarding the architect selection for the Community Center Renovation project. Five proposals were submitted in response to a request for proposals. The Council appointed ad hoc committee reviewed and scored all proposals, inviting the top two firms to present to the committee. After the presentations, the committee is recommending that the city proceeds with hiring Schemmer. The proposed engineering fees are 7.5% of the project budget, or approx. \$375,000 based on the preliminary budget. The proposed funding source for this contract is cash reserves. At the end of the discussion, staff was directed to proceed with placing this project contract with Schemmer on a future Council agenda for formal consideration.

The next item on the agenda was a discussion regarding the Southside Beautification project. In 2019, Civil Design Advantage conducted master planning services for a 2.75-acre site located in the 500 block of Oskaloosa Street. This location is the site of the city's former coal power plant that was deconstructed in 2014. The project includes tulip fields, historical story-telling signage and sculptures, landscaping, a multi-purpose trail system, gathering areas, off-street parking, and a plan for tour bus traffic.

During the meeting, staff presented the results of an environmental assessment that was conducted at the project site. Lab analysis of soil samples indicated levels of arsenic and lead that exceeded the Iowa Department of Natural Resources (IDNR) Statewide Standard. Based on the laboratory results and regulatory standards, Impact7G believes that the detected soil contamination represents minimal risk to human health and the environment; therefore, Impact7G does not recommend further investigation or remedial actions.

In response to a question from Council member Bandstra, Community Services Director Jeanette Vaughan stated that the IDNR will not provide documentation that says the site is safe to build on. The IDNR has resources and programs for brownfield sites; however, the test results from Impact7G do not indicate that this site is anywhere close to that level.

Council member Branderhorst, a member of the Southside Beautification ad hoc committee, mentioned that the project's master plan includes removing and replacing 12-18" of the current soil with nutrient rich soil. Branderhorst added that the remaining soil would be encapsulated, and eradication efforts are able to be implemented through specific plantings, including tulip bulbs.

Council member Carlstone mentioned that Impact7G's study showed that construction-based contact, including seasonal plantings and park maintenance, is far below the risk ratio threshold. Carlstone stated that he does not believe engaging the IDNR would provide additional reassurance, and that he feels Impact7G's study results are adequate to proceed with the project.

Bandstra asked if funding resources would be available to remove/replace the topsoil if a designation of contamination was obtained through the IDNR's brownfield site resources or programs. Vaughan responded that she would have to research that further.

At the end of the discussion, Council's general consensus was that no additional environmental studies or testing was necessary before proceeding with the project.

The last agenda item was a request from Pella Ambulance to implement a canine therapy program to support Pella's first responders as well as area schools as needed. Ambulance Chief Greg Higginbotham informed Council that Pella Ambulance was selected by Crisis Canines of the Midlands to be part of their therapy program at no cost to the city. Crisis response canines are specifically selected and trained to interact with individuals who are experiencing extreme emotions in the aftermath of a crisis or disaster. If approved, the canine would reside full-time at the Pella Ambulance facility. Higginbotham shared that the specific breed is a Goldendoodle, which is hypoallergenic. At the end of the discussion, Council expressed unanimous support for Pella Ambulance to proceed with participating in this canine therapy program.

The meeting adjourned at 7:56 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

## b. Airport Committee Minutes for February 24, 2023

Members Present: Matt Hutchinson, Rick Gritters, Joel Weiler, Eric Recker, Trevor Nikkel. Members Absent: Jeff Bollard. Others Present: Denny Buyert, Shane Vande Voort.

Approval of Minutes: November 18, 2022 minutes reviewed.

Motion to approve Recker, Support Rick. Passed unanimously.

Report from Matt that Ted Zylstra has declined to enter a new term on the committee. Joel Weiler renewed his 6 year term starting on 1/1/23.

Preliminary Tulip Time planning discussion, no major changes needed aside from a small amount of gravel to fill a low spot in the parking area that caused issues with the rain last year. Plywood will also be needed to span the grate under the entry gate.

Motion by Hutchinson to request a working session with the City Council to discuss and advise on the current state of the airport, with a focus on short term needs to maintain effective operations at PEA regardless of whether or not the SCRA proves to be viable. Support Weiler. Passed unanimously.

To the best of the committee's knowledge the most recent FAA approved ALP for PEA was completed in 1999. Advances in aircraft technology have lowered the number of Category C operations at airports such as PEA and the FAA's stance on instrument approach category requirements has softened which has the potential to significantly lessen the cost and implications of making PEA a viable long-term solution in its current location with the aid of 90/10 FAA funding. The committee also believes that making an educated decision on the future viability of the SCRA is impossible without an up-to-date ALP for PEA. Delaying the creation of a new ALP increases the risk of generating additional expenditures by the City without the aid of FAA funding to maintain effective operations at the Pella Airport.

Motion by Nikkel to recommend the City Council proceed with a new FAA approved ALP for PEA in 2023. Support Recker. Passed unanimously.

Airport managers' report to the committee: February 2023

As reported by Shane Vande Voort

Equipment Update: The equipment has been working well overall this winter. The rotary broom is showing its age and we have parts on order for some needed repairs. The new truck and walk behind snowblower are great and the plow truck is working well. We have and urgent need for a riding mower in the spring and are glad to see it in the proposed budget.

FBO operations: Classic Aviation remains busy, and staffing is still an issue. We are excited to be adding a parts/facilities management specialist next month. As we try to attract and retain mechanics in a competitive environment shop size becomes a major issue. As the airport manager I'm aware and concerned that we don't have nearly as much heated shop space as comparable airports. As the FBO owner I continue to struggle with a lack of additional heated hangar space that we were promised in 2021 and have been working on since 2008. We have seen up to a 40% increase in the cost of part time labor while operating on a fixed contract. Pella remains and active facility and an attractive destination and we are working hard as an FBO to meet airport user's expectations.

Hangar and ramp space: The new ramp is working wonderfully. It does take substantially more effort to plow and if we are eligible for FAA funding for an end loader, I think it should be considered. Hangar space is still a major need and a viable plan for the future of the airport should include adding significant hangar space without losing airport tenants or capacity in the process.

Special Events: Planning should begin for the annual Tulip Time Flight breakfast with an emphasis on auto parking issues that occurred last year.

Project and focus on improvement: DNR mandated modifications to the fuel tanks have been completed. Ongoing consideration of remodeling of the terminal including windows, carpet, and furniture is important.

Iowa Economic Impact study: Although the final version of aviation economic impact study has not yet been released, we want to continue to emphasize that the Draft shows that PEA contributes \$7million in total economic activity, has 23 on airport jobs, 60 job impacts, and 2455 visitors per year.

Preliminary discussion on recommendations to replace Ted Zylstra on the committee were discussed. This will be discussed further at the next meeting as no names were ready to be presented to the Mayor.

Adjourn: Motion by Recker. Support Gritters. Passed unanimously.

Next regular meeting will take place on March 24, 2023 7:00 AM.

### 3. Petitions and Communications

#### a. Special Event Permit Request for the Pella Opera House Black and White Gala

**BACKGROUND:** The Pella Opera House has requested a special event permit to host their annual gala on June 24, 2023, from 5:00 to 10:00 p.m. Set-up is requested to begin at 11:00 a.m. with take down complete by 11:45 p.m. The event is requested to be held in a fenced location on the Klokkenspel Plaza, as shown on the attached map.

The applicant is requesting to host outdoor cocktails and appetizers within the Klokkenspel Plaza prior to the dinner which will be held inside the Opera House. The applicant is also requesting to return to the Klokkenspel after the dinner for dessert and music. These requests are in alignment with previous years' events.

All pertinent city departments have reviewed this application and comments are attached. The fee and insurance certificate have been received. The promoter has rented the Klokkenspel Plaza through the Community Services office. Staff is recommending conditional approval of this special event permit contingent upon approval of a temporary liquor license for this event (agenda item D-3-b).

**ATTACHMENTS:** Application/Map, Department Comments  
**REPORT PREPARED BY:** City Clerk  
**REVIEWED BY:** City Administrator  
**RECOMMENDATION:** Conditional approval of the special event permit as outlined

#### b. Temporary Class C Liquor License with Outdoor Service Privileges for the Pella Opera House

**BACKGROUND:** The Pella Opera House has applied for a temporary class C liquor license with outdoor service privileges. As part of this request, the applicant is proposing to serve alcoholic beverages on June 24, 2023, from 5:00 to 10:00 p.m., within an enclosed and clearly marked location on the Klokkenspel, as outlined on the attached map. This request is in conjunction with a special event permit for the Pella Opera House Black and White Gala, which is included as agenda item D-3-a.

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 of this temporary liquor license pending approval of the associated special event permit and pending receipt of dram shop certification.

**ATTACHMENTS:** Map  
**REPORT PREPARED BY:** City Clerk  
**REVIEWED BY:** City Administrator  
**RECOMMENDATION:** Conditional approval as outlined

#### c. Special Event Permit Request for the Tulip Time Flight Breakfast and Airport Open House

**BACKGROUND:** The Pella Airport Committee has requested a special event permit for their annual Tulip Time Breakfast and Airport Open House on Saturday, May 6, 2023, from 7:00 a.m. to noon. If approved, the event would be held on the Pella Municipal Airport property. Historically, 500 to 1,000 people have attended this annual event which includes breakfast served by the Pella United Methodist Church. The promoter is requesting to begin set-up for the event on Friday, May 5th at 4:30 p.m. with take down completed by Saturday, May 6th at noon. All pertinent city departments have reviewed this application and comments are attached. Staff is recommending approval of this special event permit.

**ATTACHMENTS:** Application/Map, Department Comments  
**REPORT PREPARED BY:** City Clerk  
**REVIEWED BY:** City Administrator  
**RECOMMENDATION:** Approve special event permit

#### d. Special Event Permit Request for Big Rock Park Nature Forays

**BACKGROUND:** The Friends of Big Rock Park have requested a seasonal special event permit to host five nature forays in Big Rock Park, as outlined below:

1. April 15th from 9:30 to 11:30 a.m. Tom Rosberg, Ph.D., Drake University, will hold a session on spring flora.
2. April 23rd from 1:00 to 3:00 p.m. (rain date of April 30th). Paulina Mena, Ph.D., Central College, will hold a session on native bees.
3. April 29th from 9:00 to 11:00 a.m. Russ Benedict, Ph.D., Central College, will hold a session on migratory birds.
4. April 29th from 1:00 to 3:00 p.m. Marla Mertz, Marion County Conservation, and Kristin Siewert, Central College, will hold a session on butterflies and dragonflies.
5. May 20th from 9:00 to 11:00 a.m. Cathy Hausteine, Ph.D. and Nicole Palenske, Ph.D., will hold a session on water testing and survey.

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

**ATTACHMENTS:** Application, Department Comments  
**REPORT PREPARED BY:** City Clerk  
**REVIEWED BY:** City Administrator  
**RECOMMENDATION:** Conditional approval of the special event permit as outlined

#### e. New Class C Retail Alcohol License with Outdoor Service for The Funk, Inc.

**BACKGROUND:** The Funk, Inc., DBA The Funk Lounge at 703 E Oskaloosa Street, has applied for a new class C retail alcohol license with outdoor service. The term of the new license is 12 months. If approved, the license would expire on April 3, 2024.

As background, the Iowa Alcoholic Beverages Division requires liquor license holders to obtain a new license when their ownership type changes. In this specific situation, The Funk, Inc. has submitted this new liquor license application as a result of changing their business ownership from a Limited Liability Corporation (LLC) to a corporation. The same individual who owned The Funk, LLC will also own The Funk, Inc. 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:** Conditional approval pending dram shop certification

### 4. Requesting Council to set April 18<sup>th</sup> as the Public Hearing for Approval of the FY 23-24 Annual Budget

**BACKGROUND:** Staff requests permission to set April 18, 2023, as the public hearing date for approval of the FY 23-24 budget.

**ATTACHMENTS:** None  
**REPORT PREPARED BY:** City Administration  
**REVIEWED BY:** City Administrator, City Clerk  
**RECOMMENDATION:** Approve public hearing date as outlined above

## **E. PUBLIC HEARINGS**

### 1a. Public Hearing regarding the Fiscal Year 2024 Maximum Property Tax Dollars.

No written or oral comments were received.

De Jong 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 maximum property tax dollars for fiscal year (FY) 23-24, which begins on July 1, 2023 and extends to June 30, 2024. As background, Iowa Code requires cities to hold a public hearing regarding the maximum property tax dollars on an annual basis.

The attached max levy notice, which Council directed staff to publish in the Marion County Express on March 24, 2023, includes maximum property tax collection of \$6,509,828, which is 2.38% higher than the collection in the current FY. This notice sets the maximum tax rate as \$10.37381 per \$1,000 of assessed valuation for all non-debt service-related levies. Inclusion of the debt service levy of \$0.32619 brings the total levy amount to \$10.70, an increase of \$0.50 over the current FY. It is important to note that Council is not obligated to levy the maximum amount, rather this public hearing and associated notice simply identify the maximum amount which could be levied.

As discussed in the budget work sessions which were held on March 28th and 29th, staff proposed to maintain the city's property tax rate at \$10.20 per \$1,000 of taxable valuations for FY 23-24. Council will consider this recommendation during the public hearing for approval of the FY 23-24 budget, which is scheduled for April 18th. If Council approves maintaining the existing property tax rate, this will be the 22nd year the rate remains at \$10.20.

In summary, staff recommends approval of this resolution approving the maximum property tax dollars for FY 23-24. Finally, it is important to note that because the proposed budget includes tax revenues which exceed 102% of the current year collections, the resolution must be approved by a 2/3 majority of the Council.

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

### 1b. Resolution No. 6569 entitled, "RESOLUTION APPROVING FISCAL YEAR 2024 MAXIMUM PROPERTY TAX DOLLARS."

De Jong moved to approve, seconded by Branderhorst.

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

## **F. PETITIONS & COMMUNICATIONS**

### 1a. Special Event Permit Request for Vermeer 75<sup>th</sup> Anniversary.

Branderhorst moved to approve, seconded by Carlstone.

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

BACKGROUND: Vermeer Corporation is requesting a special event permit on Thursday, July 13, 2023, from 9:00 a.m. to 8:00 p.m. As part of this permit, Vermeer is requesting to close 250th Avenue, from Vermeer Road extending north to the Yellow Iron Academy, as shown on the attached map. Vermeer is planning to utilize its property on both sides of this street segment to host activities including a variety of food trucks, equipment displays, and activities for Vermeer team members and their families. This street closure would eliminate interactions of pedestrians and vehicle traffic. It is important to note that while the event is not open for members of the public to attend, a special event permit is still needed in order to close a public street segment.

If approved, set-up for this event would occur starting on Wednesday, July 12th at 8:00 a.m. with take down completed by noon on Friday, July 14th.

All pertinent city departments have reviewed this application and comments are attached. The fee and insurance certificate have been received. The promoter has advised staff that traffic will be detoured around Vermeer to the north via signs placed by a signage company. As a result of these items, approval of this special event permit and associated street closure resolution is recommended.

ATTACHMENTS: Resolution, Application, Map, Department Comments  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Approve special event permit and associated resolution

### 1b. Resolution No. 6570 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS VERMEER 75<sup>th</sup> ANNIVERSARY."

De Jong moved to approve, seconded by Carlstone.

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

Hopkins disconnected from the phone at 6:19 p.m.

## **G. RESOLUTIONS**

### 1. Resolution No. 6571 entitled, "RESOLUTION ACCEPTING THE FISCAL YEAR 21/22 ANNUAL AUDIT."

Bandstra moved to approve, seconded by De Jong.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

BACKGROUND: This resolution accepts the FY 21/22 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 \$124,114,113 (net position).
- The assets and deferred outflows of resources of the city's governmental activities exceeded liabilities and deferred inflows of resources by \$62,606,248.

- Assets and deferred outflows of resources of the business type activities exceeded liabilities and deferred inflows of resources by \$61,507,865.
- Revenues for governmental activities exceeded expenses by \$4,432,684.
- Within the city's business type activities, FY 21/22 revenues exceeded expenditures by \$493,130.
- As of June 30, 2022, the general fund had an unassigned fund balance of \$4,582,189 or working capital of nearly 53% of annual expenditures. The FY 21/22 audit is on file in the City Clerk's office and the Pella Public Library.

ATTACHMENTS: Resolution, Auditor's Report  
 REPORT PREPARED BY: City Administration  
 REVIEWED BY: City Administrator, City Clerk  
 RECOMMENDATION: Approve resolution

2. Resolution No. 6572 entitled, "RESOLUTION MAKING AWARD OF CONTRACT FOR THE 2022 SIDEWALK REPAIR PROJECT."

De Jong moved to approve, seconded by Branderhorst.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

BACKGROUND: This resolution awards a contract for the 2022 Sidewalk Repair project to Den Adel Concrete in the total amount of \$95,480. As background, after discussing this project on February 21, 2023, Council directed staff to proceed with publishing a request for quotes (RFQ) for this project.

As further background, sidewalk panels located in the southwest quadrant of the city (the area located generally south of Washington Street and west of Main Street) were inspected in the summer of 2022. This resulted in the identification of 773 defective sidewalk panels, 53 of which were adjacent to city-owned property. In September 2022, affected property owners were notified of the requirement to make repairs by December 27, 2022. The notification also indicated that if repairs were not made, the city would repair the defective panels and assess the cost to the individual properties.

Owner Repair Results: After reinspection, staff found that 385 panels, affecting 157 properties, were still defective and were to be repaired by the city as part of this project.

Request for Quotes

On February 27, 2023, staff issued a RFQ from contractors to perform the required work. The RFQ stated that quoted repairs must follow all city standards for sidewalk repair including drilling and doweling the new panels to the existing sidewalk to prevent future movement and subsequent violations.

Staff directly solicited several local contractors and placed the customary online notices, with three total bids received:

Contractor	4"	6"
Den Adel Concrete	\$15.50 per SF	\$15.50 per SF
Dingeman Concrete Construction, Inc	\$16.80 per SF	\$19.56 per SF
TK Concrete, Inc	\$17.00 per SF	\$20.00 per SF

If awarded to Den Adel Concrete, the cost for either a 4-inch or 6-inch deep 4' x 4' panel would total \$248, as opposed to the prices for the 2019 project of \$184 and \$216 for four-inch and six-inch panels respectively. While this amount is higher than previous years, staff believes these costs are likely competitive and rebidding the project will not result in lower total project cost due to current market conditions.

Finally, it is important to note that the square footage calculation included on the initial RFQ did not include the 53 panels that are the city's responsibility; therefore, these panels will need to be added as part of a change order at a later meeting once the square footage is calculated.

Proposed Assessment and Timeline

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

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

- April 2023: Notice sent to property owners including cost and estimated repair dates.
- September 1, 2023: Den Adel Concrete completes repairs to identified sidewalk panels.
- September 19, 2023: Council sets the amount to be assessed against each property by resolution
- September 25, 2023: Notice of assessment sent to each property owner; property owner has the ability to pay prior to being assessed through property taxes
- September 29, 2023: Notice of assessment is published for the first time
- October 6, 2023: Notice of assessment is published for second and final time
- October 25, 2023: County Treasurer notified of unpaid assessments which will be assessed through property taxes

In summary, staff is recommending approval of this contract with Den Adel Concrete to conduct the 2022 Sidewalk Repair project in the total amount of \$95,480. Based on the current market conditions, staff does not believe rebidding the project would result in lower bid costs. If approved, staff will notify homeowners of the process and indicate anticipated dates of construction. In the spring, repairs would be made, and staff would undertake the legally required process to assess the repairs to the associated property owners. It should be noted, Council can approve assessments in an amount greater than \$500 to be paid in up to ten annual installments.

ATTACHMENTS: Resolution, Bids, Contract  
 REPORT PREPARED BY: Planning and Zoning Department  
 REVIEWED BY: City Administrator, City Clerk  
 RECOMMENDATION: Approve resolution

3. Resolution No. 6573 entitled, "RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CONSENT TO PARTIAL ASSIGNMENT AND ASSUMPTION OF AN AGREEMENT FOR PRIVATE DEVELOPMENT FROM RDP HOLDINGS, LLC TO TRIGEN CFA, LLC."

Carlstone moved to approve, seconded by Sporrer.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

BACKGROUND: This resolution approves and authorizes execution of a consent to partial assignment and assumption of an agreement for private development from RDP Holdings, LLC to Trigen CFA, LLC. Specifically, this partial assignment is for Parcel A of Outlot Y of the Prairie Ridge commercial development, the location of the Chick-fil-A restaurant.

As background on this request, in September of 2021, the City Council approved a development agreement with RDP Holdings for the Prairie Ridge commercial development. Under the terms of the agreement, RDP Holdings can assign its rights and obligations under the agreement subject to City Council approval, which cannot be unreasonably withheld.

RDP Holdings is requesting this assignment because Trigen CFA is the entity operating Chick-fil-A; therefore, the purpose of this request is to align the development agreement between the entity operating the Chick-fil-A restaurant and the City of Pella. It is also important to note, staff

believes this assignment will not increase the city's risk under the development agreement as RDP Holdings would still be obligated in the event of a default for the entire development.

Summary and Staff Recommendation

As stated previously, staff believes the proposed assignment does not increase the city's risk associated with the Prairie Ridge commercial development. In addition, the assignment has been reviewed by the city's legal counsel. As a result, staff is recommending approval of this resolution and associated partial assignment of the development agreement.

ATTACHMENTS: Resolution, Partial Assignment of Development Agreement  
REPORT PREPARED BY: City Administration  
REVIEWED BY: City Administrator, City Clerk  
RECOMMENDATION: Approve resolution

4. Resolution No. 6574 entitled, "RESOLUTION APPROVING ARCHITECTURAL AND ENGINEERING SERVICES AGREEMENT FOR THE COMMUNITY CENTER RENOVATION PROJECT."

Branderhorst moved to approve, seconded by Bandstra.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

BACKGROUND: This resolution approves an architectural and engineering services agreement with Schemmer for the Community Center Renovation project. After discussing this item during the Policy and Planning meeting on March 21, 2023, Council directed staff to place the contract on a future agenda for formal consideration.

As background, during the Policy and Planning meeting on April 19, 2022, Council discussed the long-term facilities plan including a \$45 million base plan which allocated \$5.5 million for improvements to the existing Community Center. The base project will include improving ADA accessibility, replacement of HVAC systems, replacement of windows, roofing repairs, building tuck pointing, and upgrades to plumbing and electrical systems as needed. Provided additional funding over the identified \$5.5 million is acquired through grants, donations, or other sources, Schemmer will also assist with identifying potential alternatives to enhance the project. Listed below is a brief overview of the proposed contract.

Scope of Services and Fees

Schemmer's proposed scope of basic services includes the following:

- Schematic Design Phase to include Preliminary Design
- Design Development Phase
- Cost estimates prepared and updated throughout each phase
- Construction Documents Phase
- Bidding services
- Construction administration

Schemmer's fees for the basic services is 7.5% of construction costs, or approx. \$375,000 based on the preliminary budget.

In summary, staff solicited proposals for architectural and engineering services for the renovation of the existing Community Center building. A sub-committee of the City Council appointed ad hoc Community Center committee conducted interviews of the top two proposals received, ultimately recommending that the city proceeds with Schemmer for this project. As a result, this resolution approves an agreement with Schemmer to conduct architectural and engineering services for the Community Center renovation project. The proposed funding source for this contract is cash reserves.

ATTACHMENTS: Resolution, Architectural and Engineering Services Agreement  
REPORT PREPARED BY: Community Services Director  
REVIEWED BY: City Administrator, City Clerk  
RECOMMENDATION: Approve resolution

**H. CLAIMS**

1. Abstract of Bills No. 2124.

Branderhorst moved to approve, seconded by De Jong.

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

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

No comments were received.

**I. ADJOURNMENT**

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

On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

Meeting adjourned at 6:32 p.m.