



# CITY OF PELLA

## CITY COUNCIL OFFICIAL MINUTES

April 19, 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 fifty-two members of the general public attended in person.

Two staff members and thirteen members of the general public attended via conference call.

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

1. Approval of Tentative Agenda.

Branderhorst moved to approve, seconded by De Jong.

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

2. Mayor DeWaard introduced Pella Police Department Canine, Ellie.

BACKGROUND: Mayor DeWaard would like to introduce Ellie who has accepted the canine position at the Pella Police Department. She recently graduated from Tree Town Kennels in Forest City after completing 200 hours of intense training with her handler, Senior Officer Hunter Boertje. Attaining Dogs for Law Enforcement (DLE) Certification is quite an accomplishment. Ellie's primary duties will be drug detection, tracking, and community socialization. Additionally, Ellie will visit local schools and other public venues. She is excited to experience her first Tulip Time and Thursdays in Pella. In her spare time, Ellie likes to play ball and chase cats.

ATTACHMENTS: None  
REPORT PREPARED BY: Chief of Police  
REVIEWED BY: City Administrator, City Clerk

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

Comments were received and addressed.

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

Bandstra voiced the following concerns regarding the Planning and Zoning Commission minutes for February 28, 2022: a Commission member abstained from a vote without providing a reason and comments in the minutes seem to be personal opinions rather than a review for compliance with City Code. Bandstra suggested that the Planning and Zoning Commission may benefit from training to review what their role is.

Branderhorst moved to approve the consent agenda, seconded by Sporrer.

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 April 5, 2022
2. Report of Committees
  - a. Policy and Planning Minutes for April 5, 2022

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

ABSENT: Dave Hopkins

OTHERS: City staff and visitors

The Policy and Planning meeting began at 8:40 p.m.

The first item on the agenda was a discussion regarding a drafted ordinance, largely modeled after the City of Clive, which would modify the powers and duties of the Library Board of Trustees. City Code Chapter 22 provides the Library Board of Trustees with the authority to direct and control all library affairs. The Pella Public Library is the only city department under the authority of a separate board. Other departments report to the City Administrator who reports to the City Council.

The drafted ordinance, which has been reviewed by the city's legal counsel, maintains most sections of the current City Code Chapter 22 except for the following changes:

- The Board would no longer have exclusive control of library affairs.
- The Board would have the authority to adopt library policies; the City Council could change adopted policies by passage of a resolution.
- The Library Director would report solely to the City Administrator with the Board providing recommendations and advice regarding the control and supervision of library staff.
- Council would have exclusive control of all library expenditures.
- The Board could make recommendations to Council regarding contracting with other libraries.
- Persons aggrieved by a Board decision would be able to file an appeal with the City Council.

While this ordinance would modify the authority of the Library Board of Trustees, it does not change any First Amendment protections that exist for library materials and patrons. If the City Council were to exercise more control over the library, it would be restricted by the same Constitutional protections that currently apply to the Board regarding removal or relocation of library materials.

In response to a question from De Jong, City Administrator Nardini informed Council that according to the Iowa Library Association, only two mid-sized libraries in Iowa (Clive and North Liberty) have a similar organizational structure to the drafted ordinance.

De Jong stated that he has experienced decades of the library running smoothly; therefore, he does not see any reason to change the model. Sporrer expressed agreement with De Jong.

In January, a committee was formed to further review the library's Collection Development Policy as it relates to access of mature content by minors. Bandstra recalled that this committee discovered there would be legal challenges regarding removal of books from circulation, regardless of whether the library was under the control of the Library Board of Trustees or the City Council. Carlstone agreed by stating that no matter who the local authority is, they will still be subjected to state and federal law.

Branderhorst stated that the difference with this ordinance is that all city departments would be on an equal playing field with elected officials responsible for their oversight. Mayor DeWaard stated that Council's oversight currently includes who is appointed to serve on the Library Board of Trustees as the Mayor appoints, and Council approves, these members to their terms.

At the end of the discussion, Mayor DeWaard stated that the question before Council is whether they would like to initiate a public referendum at this time as the drafted ordinance requires a successful referendum before it could be adopted. Council members De Jong, Sporrer, Bandstra, and Carlstone stated that they are not in favor of proceeding with advancing a referendum for this drafted ordinance; therefore, this item will not be presented for a formal vote.

The next item on the agenda was a discussion regarding a drafted ordinance intended to regulate indecent exposure. Due to the fact that state nudity laws generally pertain to pubic and genital areas, Branderhorst drafted an ordinance that regulates buttocks and nipples of female breasts. Any violation of the drafted ordinance would be a municipal infraction punishable by a \$250 fine for the first offense. Bandstra stated he is in favor of the ordinance, but he would like language to be added to exempt limited or minimum exposure when an individual is in the process of undressing/dressing within locker rooms or restrooms.

Sporrer questioned the specific definition of buttocks. Police Chief McSheehy explained that this drafted ordinance is for the purpose of addressing intentional crimes rather than accidents. McSheehy stated that the drafted ordinance should be looked at from the perspective of the individuals' intent. If intent is present in a situation, clear factors will exist rather than a swimsuit that doesn't fit right.

Branderhorst stated that she drafted the ordinance along with Chief McSheehy and the City Attorney; as such, she is in support of the drafted ordinance as presented.

Mayor DeWaard stated that he is in support of the drafted ordinance as it does not put undue pressure on our Community Services staff. By proceeding with an ordinance, potential situations would instead be handled by the Police Department as a civil crime issue.

Sporrer stated that she is in support of the ordinance, and she agreed with Bandstra regarding the need to add language exempting limited or minimum exposure when an individual is in the process of undressing/dressing within locker rooms or restrooms. Furthermore, Sporrer stated she feels that the wording "any part of the human buttocks" is too loosely defined. Mayor DeWaard responded stating that the Pella Aquatic Center already has a swim attire policy that does not allow patrons to wear thongs.

De Jong contacted Aquatic Center staff to see if they have had issues since the swim attire policy was revised; staff stated they have not had problems. De Jong does not feel that the drafted ordinance is necessary because since the swim attire policy was revised, it has been going well.

A citizen inquired if the drafted ordinance would apply to other property such as city parks. Bandstra clarified that this ordinance would not only apply to city property, but also private property that is in public view.

At the end of the discussion, staff was directed to add language to the ordinance exempting limited or minimum exposure when an individual is in the process of undressing/dressing within locker rooms or restrooms. Once this language has been added, the drafted ordinance will be placed on an agenda for formal consideration.

The meeting adjourned at 9:28 p.m.

Respectfully submitted:

Mandy Smith  
City Clerk

## b. Planning and Zoning Commission Minutes for February 28, 2022

As both the Vice-Chairperson and Chairperson were absent for this meeting, the Commission elected an Acting Chairperson from the commissioners in attendance.

Motion by Visser, second by Pfalzgraf to elect Jahner as Acting Chairperson for this meeting. On roll call the vote was: ayes: Visser, Pfalzgraf, Buchheit, Chiarella, Haustein, and Johnson; nays: none; abstain: Jahner. Motion carried 6-0-1.

Acting Chairperson Jahner called the Planning and Zoning Commission to order at 7:00 p.m. in the Public Safety Complex. Members present were: Sarah Buchheit, Julio Chiarella, Cathy Haustein, Kisha Jahner, Tom Johnson, Robin Pfalzgraf, and Ann Visser; absent: Joe Canfield, Mark Groenendyk, and Teri Vos. Staff present: Zoning Director Gerald Buydos, Zoning Analyst Jared Parker, and the Deputy City Clerk. Twenty-two members of the public were present.

APPROVAL OF TENTATIVE AGENDA: Motion by Visser, second by Johnson to approve the tentative agenda. Motion carried 7-0.

APPROVAL OF MINUTES: Motion by Pfalzgraf, second by Visser to approve the minutes of the December 27, 2021 meeting. Motion carried 7-0.

### PUBLIC HEARINGS:

Consider a Rezoning Application for the Subdivision Known as Timberview

ATI Group submitted a rezoning application for a 108.41-acre parcel at the end of Hazel Street to change the zoning from Agricultural (A1) and Low-Density Single-Family Residential (R1) to Moderate-Density Single-Family Residential (R1A) for a new single-family residential neighborhood. The subject property is located at the northern terminus of Country Club Drive and Hazel Street and has an existing farmhouse and outbuildings on the property.

The proposed zoning for this property is R1A. This district is intended for moderate-density residential neighborhoods, characterized by single-family dwellings on moderately large lots with supporting community facilities and urban services. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with carrying capacity of infrastructure. Property zones surrounding the site include Low-Density Single-Family Residential (R1), Moderate-Density Single-Family Residential (R1A), Institutional (INS), and Agricultural (A1).

Any potential conflicts which can be resolved through project design, landscaping, buffering, and screening will be addressed through the site planning process.

Staff believes the proposed rezoning aligns with a key strategic priority of the Comprehensive Plan, which is economic development and additional housing units. In addition, staff also believes the conditions associated with this rezoning request address potential land use compatibility issues. As a result, staff recommended approval of the rezoning request.

Convened Public Hearing on the proposed rezoning.

One written comment was received and included in the meeting packet. A second written comment was received and distributed to the Commission.

Motion by Pfalzgraf, second by Visser to enter the written comment that was not included in the packet into the public record. Motion carried 7-0.

Wayne Stienstra voiced concerns he has about the rezoning, including his concern that traffic levels will increase and that the zoning should remain R1, as is listed in the Comprehensive Plan. Additionally, he stated that he believes a site plan should be submitted prior to consideration of the rezoning request.

Ann Summitt, a resident of Hazel Street, voiced concerns she has about the rezoning. She said the current street is a dead end and she has concerns that, during the construction of the Timberview subdivision, the road will likely be blocked with construction vehicles, thus limiting emergency vehicle access. She also mentioned concerns about safety with increasing traffic, as many children live in the neighborhood. She also questioned whether the Iowa Department of Natural Resources (DNR) will be contacted regarding the waterways on the property. Buydos explained that the site plan process is when environment implications of the project would be examined. Summitt asked whether a street connecting the proposed subdivision to North Main Street would be constructed prior to initial construction of the development. Buydos said no, not at this time.

McClure Engineering Company Project Manager Caleb Smith said that the Timberview subdivision will ultimately connect Country Club Drive and Hazel Street and explained the developer's intent to be a good neighbor to the residents that live on those streets. He further explained that any necessary permits from the Iowa DNR will be acquired. One reason they would like to rezone the property to R1A is to provide flexibility in the product type that will be offered based on the market needs of the community. This will allow them to develop the property most effectively.

Pfalzgraf asked whether the majority of the homes will be duplexes. Buydos explained that the subdivision is currently planned to have 176 total homes with 80% being single-family homes and 20% being single-family attached homes. He further explained that single-family attached homes are separately sold, unlike duplexes. Pfalzgraf expressed concern that the influx of housing from this development may oversaturate the market. She is also concerned that the concept plan may change once the rezoning has been approved. Buydos explained that the Commission will have the ability to either approve or deny the site plan when the site plan comes before the Commission for consideration. Pfalzgraf noted that the property subject to the rezoning is located in her neighborhood, and that she also has concerns regarding the increased traffic and the safety of children who live in the area.

Haustein asked what advantage this rezoning would bring to the City. Buydos explained that the subdivision would help satisfy the City's housing needs, as there is a small inventory of homes available for purchase. Haustein said she believes R1 zoning is valuable and is not in favor of changing it.

Visser asked whether the homes will be priced as entry-level homes. She said the homes at Prairie Ridge were originally supposed to be priced as entry-level homes, but ended up with higher price points. ATI Partner and Chief Executive Officer BJ Stokesbary explained that the homes in Prairie Ridge saw increased costs due to material and labor price increases. Thirty-five lots in the Prairie Ridge development have been sold, as well as the townhome parcel. For Timberview, the single-family attached homes are planned to be zero-entry homes with no basement and geared toward individuals 55 and older. The rest of the single-family homes will be market rate housing, such as what is found in the Bos Ridge and Fountain Hills developments.

Brian Van Haaften said he would like to see the existing barn on the Timberview property encompassed into the development. Additionally, he would like to see sidewalks constructed on Hazel Street and Country Club Drive before construction begins in the development. He would also like to see that the home values of existing homes on the adjacent streets are respected in relation to the homes built in Timberview.

Motion by Pfalzgraf, second by Johnson to close the public hearing as no further comments were received. Motion carried 7-0.

In response to a question from the Commission, Buydos explained that if the rezoning is ultimately approved by the City Council, then the applicant will come back to the Commission with a plan that shows the product type, lot layout, sidewalks, sewer, water, and drainage.

Motion by Johnson, second by Chiarella to approve the rezoning application as submitted. On roll call the vote was: ayes: Johnson, Chiarella, Buchheit, and Jahner; nays: Haustein, Pfalzgraf, and Visser. Motion carried 4-3.

#### NEW BUSINESS PROPOSED

Consider a Preliminary Plat Application to Subdivide Parcels 1455200205 and 1455200225 into Two Parcels, an Outlot, and a Public Cul-de-Sac, Located on West 12th Street

Jeff Dingeman submitted a preliminary plat to subdivide two parcels (approximately 16.13 acres) into two lots and one outlot for industrial uses. The subject property is located at the terminus of 12th Street. On July 21, 2020, City Council adopted an ordinance to rezone this property to Limited/Light Industrial (M1) and Agricultural (A1). The proposed land use will be "Light Industrial" which is defined as the on-site extraction, storage, manufacture, assembly, processing, or production of goods by nonagricultural methods, and the storage and distribution of products. The developer has indicated an intent to subdivide the parcel into two individual lots and one outlot. Staff reviewed the proposed subdivision and confirmed that the proposed lots meet all minimum lot requirements for the M1 zoning district.

According to Chapter 170.12, before the preliminary plat of any area shall be accepted and recorded, the subdivider is required to make and install all public improvements located in Chapter 170.13. The City has determined that public improvements need to be provided for with this subdivision. Namely, that the continuation of 12th Street is provided from the existing southerly property edge to the northerly property edge to serve subsequent developments to the north and not terminate 12th Street in a cul-de-sac. Improvements need to consist of a fully dedicated right-of-way to the northern property boundary and partially constructed street improvements to the northern end of Lot 2. The ending of 12th Street in a cul-de-sac will limit the extension of storm sewer, sanitary sewer, and water infrastructure to properties north of this parcel and serve future City expansion. Ending 12th Street in a cul-de-sac will leave 11th Street as the only other northerly extension of infrastructure in this area.

Chapter 170.06(2) requires the Planning and Zoning Commission to review the preliminary plat for conformance with the Comprehensive Plan, including the Future Land Use Map. The Future Land Use Map of the Comprehensive Plan identifies this site for "Low-Density Residential" land uses, which is appropriate for projects with densities up to four units per acre. Staff believes the proposal meets the community's goals listed in the Comprehensive Plan and complies with the Future Land Use Map based on previous City land use and zoning actions.

The preliminary plat has been revised to reflect City of Pella staff and consultant comments. Staff found the preliminary plat meets the minimum requirements of the zoning ordinance but does not conform the requirements of the City's subdivision ordinance regarding infrastructure. Based upon these findings, staff recommended the preliminary plat be denied as submitted.

The applicant, Jeff Dingeman, was present and spoke in favor of the preliminary plat and answered questions from the Commission.

Discussion ensued among Dingeman, staff, and the Commission.

Motion by Pfalzgraf, second by Visser to approve the preliminary plat as submitted. Motion carried 7-0.

Upon further discussion, an alternative proposal was made. Johnson suggested approving the cul-de-sac as proposed and extending the right-of-way north. Dingeman consulted with his engineer regarding the proposal. In response to a question from Dingeman, Buydos said the right-of-way could potentially be vacated, if another street were to provide access in the future.

Motion by Pfalzgraf, second by Visser to amend her motion so that the cul-de-sac ends at Lot A and gives the City of Pella right-of-way to the northerly portion of the property. Motion carried 7-0.

Motion by Pfalzgraf, second by Visser to approve the amended motion. Motion carried 7-0.

Consider a Site Plan Application to Construct a New Building for Office and Accessory Use at 2004 Hempstead Drive

Marc Vande Noord submitted a site plan application to construct a flex space facility at 2004 Hempstead Dr. The proposed building will total 11,200 square feet with approximately 14,250 square feet of paved parking. According to the Zoning Ordinance, the proposed land use is classified as General Office use, which is defined as "use of a site for business, professional, or administrative offices who may invite clients from both local and regional areas. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; or professional offices." The proposed land use is permitted by right in the City's CC zoning district.

Chapter 165.36(F)(3) requires the proposed site plan to conform to the City's Comprehensive Plan. The Future Land Use Map of the Comprehensive Plan identifies this site for "Low-Density Residential" land uses. However, economic development is a priority in the

Comprehensive Plan and the property is appropriately zoned for the use already. Staff believes the proposal meets the community's goals listed in the Comprehensive Plan and complies with the Future Land Use Map.

Staff believes the proposed site plan meets the requirements of the City's zoning code and is consistent with the City's Comprehensive Plan. Therefore, staff recommended the site plan be approved as submitted.

Motion by Pfalzgraf, second by Johnson to approve the site plan as submitted. Motion carried 7-0.

Consider a Site Plan Application to Construct a Chick-Fil-A Restaurant, Located on Goldenrod Court in the Prairie Ridge Development HR Green, Inc. submitted a site plan application for a new development project to construct a Chick-fil-A drive-through restaurant in Prairie Ridge. The property is located directly across from Smash Park on Goldenrod Court. The property is zoned Community Commercial (CC) and is located within the Gateway Corridor (GC) Overlay District. A summary of the requested project is provided below.

1. Construct a new 5,000-square-foot drive-through restaurant with 92 indoor seats and 24 outdoor seats.
2. Restaurant will have a double drive-through with a 39-car stack.
3. Project will provide 86 parking spaces.

Staff believes the proposed site plan meets the requirements of the City's zoning code and is consistent with the City's Comprehensive Plan. Therefore, staff recommended the site plan be approved as submitted.

Pfalzgraf asked whether the drive-through layout will cause any issues. Buydos said no, the drive-through orders are taken sequentially and customers will merge like a zipper. Chick-fil-A Development Manager Jason Hill explained that there will be ample opportunity for cars from the two drive-through lanes to merge after receiving their food. Additionally, there will be a couple of parking spaces that customers can pull out of line and park in while waiting for their food orders. Pfalzgraf stated this is a project that is being excitedly awaited by many in the community and thanked Chick-fil-A for bringing the restaurant to Pella.

Haustein asked whether there is any concern regarding Chick-fil-A Chairman Dan Cathy's efforts regarding the Equality Act. Buydos explained that is not something that staff takes into consideration when reviewing site plan applications.

Jahner stated that she believes Chick-fil-A will be a draw to Marion County and thanked Chick-fil-A for their investment in Marion County and the City of Pella.

Motion by Johnson, second by Pfalzgraf to approve the site plan as submitted. On roll call the vote was: ayes: Johnson, Pfalzgraf, Buchheit, Chiarella, Jahner, and Visser; nays: none; abstain: Haustein. Motion carried 6-0-1.

Consider a Preliminary Plat Application to Subdivide Parcel 1630705500 into 6 Lots and One Outlot, Located on Peace Street and Broadway Street in the South Main Development

South Main, LLC submitted a preliminary plat to subdivide one parcel (approximately 0.99-acres) into six buildable lots with one outlot. The subject property is located at 412 Broadway Street, on the corner of Broadway and Peace Streets. Previously, both the Planning and Zoning Commission and City Council have approved multiple actions on the property known as South Main. This preliminary plat is needed to implement the product change that was recently approved by both the Commission and City Council.

The proposed development is intended to be a signature mixed-use development by providing a unique, high-quality housing product. The specific product for these lots will be single-family attached units sold separately. Overall, the development contains a mix of housing units with price points allowing for a diverse buyer pool. In addition, the development will contain high-end housing finishes, a courtyard, and extensive landscaping. Staff has reviewed the proposed subdivision and confirmed that the proposed lots meet all minimum lot requirements of the Planned Unit Development and Commercial Mixed-Use Urban Corridor zoning districts.

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

The Future Land Use Map of the Comprehensive Plan targets the proposed site for Commercial and Civic/Public use. This designation was attributed to the site formerly being used by Central College. In addition, the Land Use Compatibility Matrix of the Comprehensive Plan indicates the high-density residential development is "basically compatible" with the adjacent commercial and nearby residential land uses. Staff finds the preliminary plat meets the minimum requirements of the zoning ordinance and subdivision ordinance, while also conforming to the City's Comprehensive Plan. Based upon the findings, staff recommended the preliminary plat be approved as submitted.

Motion by Chiarella, second by Pfalzgraf to approve the preliminary plat as submitted. Motion carried 7-0.

Consider a Site Plan Application to Construct New Tennis Courts and a Parking Lot at Pella High School, Located on the Corner of University Street and E. 8th Street

Pella Community Schools submitted a site plan application to construct tennis courts along University Street. The proposed buildings will total 1,080 square feet with approximately 133,956 square feet of impervious surfacing in the largest configuration. There are three proposed site plans being presented. Plan A includes eight tennis courts, Plan B has 10, and Plan C has 12.

According to the Zoning Ordinance, the proposed land use is classified as Parks and Recreation, which is defined as "publicly owned and operated parks, playgrounds recreation facilities and open spaces." The proposed land use is permitted by right in the City's R2 zoning district.

Staff believes the proposed site plans all meet the requirements of the City's zoning code and is consistent with the City's Comprehensive Plan. Therefore, staff recommend the site plans be approved as submitted.

Garden & Associates Professional Engineer Erin Van Roekel explained that University Street will be straightened a little in front of the tennis courts. A trail will also run along the north side of the street. Parking along East 8th Street will be removed when the parking lot is installed. There will still be parking along Farmer Street.

Motion by Pfalzgraf, second by Buchheit to approve the site plan as submitted. Motion carried 7-0.

#### OTHER BUSINESS / WORK SESSION

Elect Commission Chairperson and Vice-Chairperson for 2022

On an annual basis, the Planning and Zoning Commission is required to select a Chair and Vice-Chair from its membership. All members of the Commission are eligible to serve in these roles. The primary role of the Chair is to conduct the Planning and Zoning Commission meetings in accordance with the Planning and Zoning Procedural Rules. In the absence of the Chair, the Vice-Chair will serve as the Chair during the Planning and Zoning meetings. In addition to the above responsibilities, both positions will serve in a liaison role for staff.

Motion by Pfalzgraf, second by Visser to elect Vos as Chairperson for 2022. Motion carried 7-0.

Motion by Johnson, second by Visser to elect Canfield as Vice-Chairperson for 2022. Motion carried 7-0.

Next Meeting Date: The next regular Planning and Zoning Commission meeting is scheduled for March 28, 2022.

Adjourned at 8:44 p.m.

3. Petitions and Communications

a. Special Event Permit Request for Thursdays in Pella

i. Resolution No. 6427 entitled, "RESOLUTION TEMPORARY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS THURSDAYS IN PELLA"

BACKGROUND: The Pella Area Community and Economic (PACE) Alliance has requested a special event permit for Thursdays in Pella on all Thursday evenings during the months of June and July. The events are scheduled to occur from 6:00 to 9:00 p.m. with set-up starting at 3:00 p.m. and take down completed by 9:30 p.m.

As background, Thursdays in Pella events are designed to provide a forum for awareness of community resources and opportunities while also promoting the PACE Alliance and its members. During the events, themed family-friendly activities are planned in and around Central Park including music and games. Consistent with 2021 events, the food vendors are proposed to be located on the east side of the 800 block of Broadway Street.

Included with this request is a resolution closing the following street segments during each event:

June 2	800 block of Broadway Street
June 9	800 block of Broadway Street, 600 block of Franklin Street, 700 block of Franklin Street
June 16	800 block of Broadway Street
June 23	800 block of Broadway Street
June 30	800 block of Broadway Street, 600 & 700 block of Franklin Street, 800 block of Main Street, and Main Street from Franklin Street to the alley south of Franklin Street
July 7	800 block of Broadway Street
July 14	800 block of Broadway Street
July 21	800 block of Broadway Street and 700 block of Franklin Street
July 28	800 block of Broadway Street and 700 block of Franklin Street

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, Maps, Department Comments
REPORT PREPARED BY:	City Clerk
REVIEWED BY:	City Administrator
RECOMMENDATION:	Approve special event permit and resolution

b. Special Event Permit Request for Tulip Time 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 7, 2022 from 7:00 a.m. to 1:00 p.m. 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 6th at 5:00 p.m. with take down completed by Saturday, May 7th at 5:00 p.m. 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.

c. Special Event Permit Request for The Cellar Peanut Pub Tulip Time

BACKGROUND: The Cellar Peanut Pub, located at 629 Franklin Street, has applied for a special event permit to extend their outdoor service area to provide additional outdoor seating during Tulip Time. This application is consistent with requests from the applicant for previous Tulip Time events. The applicant is requesting to have this outdoor area open beginning May 4, 2022 at noon through May 7, 2022 at 11:45 p.m. Set-up is requested to begin on Monday, May 2nd with take down completed by Monday, May 9th.

Extension of the Outdoor Service Area: The Cellar Peanut Pub currently has an approved outdoor service area that extends from their garage south approximately 10 feet. The applicant is requesting to temporarily extend this outdoor service area further south to the alleyway, as shown on the attached map, during this event. It should be noted that this location is city-owned property; therefore, this special event permit would need to be approved in order to accommodate the request.

Fencing: Consistent with their 2021 event, the promoter is proposing to utilize a portable three-foot-tall fence to fully enclose the outdoor service area, meeting requirements of the Iowa Alcoholic Beverages Division.

Summary: All pertinent city departments have reviewed this application and comments are attached. The special event permit fee and certificate of insurance have been received. Additionally, it is staff's understanding that the Historical Society is supportive of this request as shown on the attached letter. Staff is recommending conditional approval of this special event permit upon approval of a liquor license outdoor service extension (agenda item D-3-d).

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

d. Temporary Outdoor Service Extension on a Class C Liquor License for The Cellar Peanut Pub

BACKGROUND: The Cellar Peanut Pub, located at 629 Franklin Street, has applied for a temporary outdoor service extension on their class C liquor license starting May 4, 2022 through May 7, 2022. The purpose of this request is to allow additional space to accommodate an increase in customers during Tulip Time.

As background, the State of Iowa Alcoholic Beverages Division (ABD) requires that an outdoor service area must be a designated area adjacent to the licensed premises. The Cellar Peanut Pub currently has an approved outdoor service area that extends from their garage south approximately 10 feet. The applicant is requesting to temporarily extend this outdoor service area further south to the alleyway, as shown on the attached map. This area would be enclosed with a temporary three-foot-fence, which meets the Iowa ABD requirements.

Patrons wishing to sit outside must walk through already established and staffed entrances to access the outdoor service area. It should be noted that this temporary outdoor service extension is located on city-owned property; therefore, a special event permit would also need to be approved to accommodate this request.

The application has been completed online with the state and, at the time of Council packet publication, is pending dram shop certification. Staff is recommending conditional approval of this temporary outdoor service extension upon approval of a special event permit (agenda item D-3-c) and upon receipt of dram shop certification.

ATTACHMENTS: Map  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Conditional approval of the temporary outdoor service extension as outlined

**e. Temporary Class C Liquor License with Outdoor Service for The Cellar Peanut Pub**

BACKGROUND: The Cellar Peanut Pub has applied for a temporary class C liquor license with outdoor service privileges. The applicant is requesting to serve alcoholic beverages on Saturday, April 30, 2022, from 6:00 to 10:00 p.m., for a King's Day event within an enclosed and clearly marked location in the Historical Village at 507 Franklin Street.

This request is in alignment with previous events held at the Historical Society. As noted on the attached letter from the Historical Society, this event will be limited to those age 21+.

The application has been completed online with the state and, at the time of Council packet publication, is pending dram shop certification; therefore, staff is recommending conditional approval of this temporary liquor license pending dram shop certification.

ATTACHMENTS: Letter from the Historical Society, Map  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Conditionally approve temporary license pending dram shop certification

**f. Temporary Class C Native Wine Permit with Outdoor Service for The Wijn House**

BACKGROUND: The Wijn House has applied for a temporary class C native wine permit with outdoor service privileges. The applicant is requesting to serve wine on Saturday, April 30, 2022, from 6:00 to 10:00 p.m., for a King's Day event within an enclosed and clearly marked location in the Historical Village at 507 Franklin Street.

This request is in alignment with previous events held at the Historical Society. As noted on the attached letter from the Historical Society, this event will be limited to those age 21+.

The application has been completed online with the state and, at the time of Council packet publication, is pending dram shop certification; therefore, staff is recommending conditional approval of this temporary liquor license pending dram shop certification.

ATTACHMENTS: Letter from the Historical Society, Map  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Conditionally approve temporary license pending dram shop certification

**g. Set May 17, 2022 as the Public Hearing Date for Amending the FY 21-22 Budget**

BACKGROUND: Staff requests permission to set May 17, 2022 as the public hearing date for amending the fiscal year 21-22 budget. The reason for the amendment is to adjust timing differences for capital improvement projects and to adjust accounts that may be over or underfunded. All adjustments will be covered by additional revenues or existing funds; therefore, there will not be an increase in taxes or fees as a result of the amendment.

ATTACHMENTS: None  
REPORT PREPARED BY: Finance Director  
REVIEWED BY: City Administrator, City Clerk  
RECOMMENDATION: Set May 17, 2022 as the Public Hearing Date for Amending the FY 21-22 Budget

**h. Renewal of Class C Liquor License with Sunday Sales and Catering for Buenas Corporation DBA Cantaritos**

BACKGROUND: Buenas Corporation, DBA Cantaritos at 1205 Washington Street, has applied for renewal of their class C liquor license with Sunday sales and catering privileges. The term of the new license is 12 months and, if approved, would expire on June 3, 2022.

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 the liquor license renewal pending receipt of dram shop certification.

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

**i. Temporary Class C Liquor License with Outdoor Service 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 4, 2022, from 5:00 to 10:30 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 Light the Night Gala, which was approved by Council on March 1, 2022.

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 receipt of dram shop certification.

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

**E. RESOLUTIONS**

**1. Resolution No. 6425 entitled, "RESOLUTION APPROVING PRELIMINARY PLAT FOR DINGEMAN SUBDIVISION – PLAT 1."**

This resolution was tabled at the April 5, 2022 Council meeting. Due to a lack of motion, it remained tabled.

2. Resolution No. 6428 entitled, "RESOLUTION APPROVING CHANGE ORDER NO. 5 WITH WRH, INC. FOR THE WASTEWATER TREATMENT PLANT 2019 UPGRADES."

De Jong moved to approve, seconded by Hopkins.

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

BACKGROUND: This resolution approves change order no. 5 to the construction contract with WRH, Inc. for improvements to the Wastewater Treatment Plant. As background, Council awarded this contract to WRH on February 4, 2020. The improvements involved in this project are necessary to meet the new Iowa Department of Natural Resources permit and schedule.

Change Order No. 5: If approved, change order no. 5 increases the contract with WRH by \$1,606 for masonry work adjustments including updating the estimated quantities in the contract price with the actual field verified quantities.

Contract Summary

If approved, listed below is the updated contract summary:

Original contract	\$ 5,998,000.00
Change order no. 1	49,930.57
Change order no. 2	21,594.17
Change order no. 3	(12,803.91)
Change order no. 4	(1,508.92)
Change order no. 5	<u>1,606.00</u>
Total revised contract	<u>\$ 6,056,817.91</u>

Summary: In summary, staff is recommending approval of change order no. 5 which increases the contract price by \$1,606.00. Furthermore, this change order does not modify the project's substantial completion date of November 9, 2021.

ATTACHMENTS: Resolution, Change Order No. 5

REPORT PREPARED BY: Public Works Director

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Approve resolution

3. Resolution No. 6429 entitled, "RESOLUTION APPROVING AIRPORT ENGINEERING SERVICES AGREEMENT FOR THE APRON EXPANSION AT THE PELLA MUNICIPAL AIRPORT."

Bandstra moved to approve, seconded by Hopkins.

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

BACKGROUND: This resolution approves an engineering services agreement with Garden & Associates for the Apron Expansion at the Pella Municipal Airport. Due to additional corporate jet traffic, the existing apron has become very congested at times causing delays. Additionally, the existing apron does not allow for any transient aircraft to park without shuffling planes.

This project includes a base bid for 100' wide by 530' long 7" thick PCC pavement. The project also includes a bid alternate to add an additional 50' in width extending the full 530' length.

Garden & Associates' proposed fees for the agreement are as follows:

Surveying, design, bidding services	\$ 24,000
Construction staking, inspection, admin	38,400
Additional services (permits)	<u>3,500</u>
Total engineering services	<u>\$ 65,900</u>

The estimated cost for the Apron Expansion base bid is \$576,000.

Funding for this engineering agreement will be provided from general funds.

If approved, the project's engineering and design will be completed in the next 75 days.

ATTACHMENTS: Resolution, Map, Engineering Agreement, Written Comment

REPORT PREPARED BY: Public Works Director

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Approve resolution

4. Resolution No. 6430 entitled, "RESOLUTION APPROVING CONSTRUCTION CONTRACT AND BOND FOR THE FURNISHING OF 15 KV MEDIUM VOLTAGE POWER CABLE."

De Jong moved to approve, seconded by Hopkins.

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

BACKGROUND: This resolution approves the construction contract and performance bond with Wesco Distribution for furnishing 15 kV medium voltage power cable. As background, on April 5, 2022, Council awarded a contract for this project to Wesco in the amount of \$286,881.98. This contract is for materials only as city staff will be handling the installation of the power cable.

As further background, this project is the first step of a larger initiative to drastically reduce faults, increase reliability, and increase the versatility of our electric distribution system. This project intends to remove the old 1960s era cable from service and replace three feeders with one modern cable system. The approximate delivery date of these materials is November 21, 2022.

In summary, the resolution under consideration approves the construction contract and performance bond with Wesco Distribution. It is important to note that the City Attorney has reviewed these documents and staff is recommending approval.

ATTACHMENTS: Resolution, Contract, Performance Bond

REPORT PREPARED BY: Electric Department

REPORT REVIEWED BY: City Administrator, City Clerk

RECOMMENDED ACTION: Approve resolution

5. Resolution No. 6431 entitled, "RESOLUTION APPROVING A TECHNICAL SERVICES AGREEMENT WITH NEWCOM TECHNOLOGIES TO PROVIDE ENGINEERING SERVICES FOR THE PELLA TO INDIANOLA FIBER TRANSPORT NETWORK PROJECT."

Branderhorst moved to approve, seconded by Hopkins.

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

BACKGROUND: This resolution approves a technical services agreement with NewCom Technologies to provide professional consulting services for design and procurement of infrastructure to construct and operate a fiber transport network connecting Pella Fiber to Indianola Municipal Utilities (IMU). The City Council approved a 28E Agreement with IMU for this project on March 15, 2022.

Pella Fiber Transport Lines

The Pella Fiber system currently owns one transport line which connects to our internet service provider (ISP), Cedar Falls Municipal Utilities (CFU), in Grinnell. In addition, Pella Fiber leases a backup transport line which connects to our ISP in downtown Des Moines. It is important to note that two transport lines were included in the bond issue for Pella Fiber. The fiber transport network connection with IMU would allow Pella Fiber to have joint ownership of a transport line which would ultimately connect to CFU in downtown Des Moines. This would provide the utility with two owned transport lines to our ISP resulting in increased reliability and capacity to serve the community.

NewCom Technologies is headquartered in Des Moines, Iowa and has extensive experience in municipal telecommunications. NewCom designed the fiber optic networks for both Pella Fiber and IMU.

Scope of Services: The proposed scope of services as part of this agreement includes the design of the fiber optic network and integrated equipment, preparation of the public improvement and construction bid documents in coordination with the Ahlers & Cooney law firm, as well as construction observation services.

Proposed Fees: Listed below is a summary of the estimated engineering fees associated with this project. Please note that the design fees and construction observation services are based per linear foot, calculated on approx. 44 miles of the fiber network.

Engineering design fees	\$ 206,090.18
Construction observation services	252,402.58
Permit application fees	<u>3,500.00</u>
Total	<u>\$ 461,992.76</u>

Per the 28E Agreement with IMU, each party will be responsible for 50% of the engineering costs, with the City of Pella’s share estimated at \$231,000.

In summary, staff is recommending approval of this technical services agreement with NewCom Technologies to provide fiber network design engineering services to construct and operate a fiber transport network connecting Pella to IMU. The agreement has been reviewed by the City Attorney. In addition, staff from IMU have reviewed and approved the proposed engineering contract.

ATTACHMENTS: Resolution, Technical Services Agreement with Exhibit A, Non-Disclosure  
 REPORT PREPARED BY: City Administration  
 REPORT REVIEWED BY: City Administrator, City Clerk  
 RECOMMENDED ACTION: Approve resolution

**F. CLAIMS**

1. Abstract of Bills No. 2101.  
 Branderhorst moved to approve, seconded by De Jong.  
 On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

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

Bandstra informed Council that the Wonder Spelen inclusive playground was the feature story in the March 2022 Kiwanis Magazine which is distributed internationally.

**H. POLICY AND PLANNING**

From 6:32 p.m. to 8:16 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 Long-Term Facilities Plan
2. Discussion Regarding Police Department Lateral Officer Hiring Bonus
3. Discussion Regarding Indecent Exposure Drafted Ordinance
4. Discussion Regarding Drafted Ordinance Temporarily Waiving Design Permit Requirement for Peddler Permits within the Oskaloosa Street Corridor

**I. ADJOURNMENT**

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

Meeting adjourned at 8:17 p.m.