



# CITY OF PELLA

## CITY COUNCIL OFFICIAL MINUTES

May 3, 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, Calvin Bandstra, Dr. Spencer Carlstone, Dave Hopkins. Absent: Lynn Branderhorst. City Administrator Mike Nardini and the Deputy City Clerk were present. Ten staff members and twenty-one members of the general public attended in person. Twelve members of the general public attended via conference call.

### B. MAYOR'S COMMENTS

1. Approval of Tentative Agenda.

Hopkins moved to approve, seconded by Sporrer.

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

2. Appointment of Nathan Wolff to the Civil Service Commission.

De Jong moved to approve, seconded by Sporrer.

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

BACKGROUND: Mayor DeWaard would like to appoint Nathan Wolff to the Civil Service Commission to fill a vacancy. If approved, Nathan would replace Keith Van Gent who will not be seeking reappointment for his term which expired on April 1, 2022.

Nathan is a Central College graduate and has been heavily involved in coaching within the community. He is a former Pella Police Officer, serving for more than seven years, and he is currently employed at Vermeer Corporation as a sales training specialist. Nathan enjoys spending time outdoors with his wife and two daughters.

If approved, Nathan's new four-year term would expire on April 1, 2026.

ATTACHMENTS: None  
REPORT PREPARED BY: Police Department  
REPORT REVIEWED BY: City Administrator, City Clerk  
RECOMMENDATION: Approve appointment

3. Reappointment of Tom Johnson to the Planning and Zoning Commission.

Bandstra moved to approve, seconded by De Jong.

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

BACKGROUND: Mayor DeWaard would like to reappoint Tom Johnson to serve another term on the Planning and Zoning Commission. Tom has served on the Commission since 2020; he has attended 15 of the 17 Commission meetings held during his term. He has been serving as the Vice President of Finance and Administration/Treasurer at Central College for the past seven years and has spent nearly 30 years working in higher education administration. Tom plans to retire from Central College on May 31, 2022.

Tom is very involved in the community, serving on the Pella Golf and Country Club Board, the Pella Historical Society Board of Directors, and as a member of the Downtown Development Council. He has also participated on several planning committees including the Streetscape Design and Pella Fiber. If approved, Tom's term would expire on May 1, 2027.

ATTACHMENTS: None  
REPORT PREPARED BY: Deputy City Clerk  
REVIEWED BY: City Administrator, City Clerk  
RECOMMENDATION: Approve the reappointment

4. Creation of Ad Hoc Committee for Indoor Recreation Center.

Bandstra moved to approve, seconded by Sporrer.

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

BACKGROUND: Mayor DeWaard would like to appoint an ad hoc Indoor Recreation Center Committee. 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 included building a new indoor recreation center. To ensure public input throughout construction of the indoor recreation center, Mayor DeWaard requested to create an ad-hoc committee. The committee will be tasked to work closely with the project architect and engineer during the planning and construction phases of the project.

The following individuals are being recommended and have agreed to serve on the ad hoc committee:

- Jaime Schiferl, PCD Group Fitness Manager
- Doug Diers, Shoot-It Basketball Academy President
- Lindsay Brandt, Pella Tennis Association Program Director and Board President
- Laura Nicholson, Pella Community School District Freshman Volleyball Coach
- Jennie Hedrick-Rozenberg, Central College Head Triathlon Coach, head swim coach for South East Aquatics, and swim coach for the City of Pella
- Andrea Dana, Iowa Dance/Drill Team Association Executive Director
- Russ Goodman, Central College Assistant Women's Soccer Coach
- Joe Ritzert, Pella Wrestling Club
- Sarah Turnbull, parent of a special needs child
- Nate Guess, member of the Community Services Board
- Representative from Fields for our Future (TBD)

• Dr. Spencer Carlstone, City Council Member  
The City Administrator and Community Services Director would provide staff support to the committee.  
ATTACHMENTS: None  
REPORT PREPARED BY: City Clerk  
REPORT REVIEWED BY: City Administrator  
RECOMMENDATION: Approve appointments

### **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 Hopkins.

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

The following items were approved:

1. Approval of Minutes
  - a. Official Council Minutes for April 19, 2022
2. Report of Committees
  - a. Policy and Planning Minutes for April 19, 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 6:32 p.m.

The first item on the agenda was a discussion regarding the long-term facilities plan. Goals of the plan include improving the quality of life in the community, attracting new citizens, and increasing the city's tax base. During the meeting, a \$45 million base plan was reviewed which considers the estimated minimum investments needed to build a new indoor recreation center and maintain service levels currently provided by the Community Center. The financial contributions of the plan include:

- \$22 million city contribution (includes \$17 million from the local option sales and services tax).
- \$23 million contribution by other governmental entities/private donations.

Michael Maloney with D.A. Davidson presented information regarding long-term capital planning and potential funding sources. Maloney informed Council that utilization of local option sales and services tax (LOSST) revenues is the priority for securing a future revenue stream. Maloney reviewed the action steps for proceeding with financing which begins with determining what the targeted projects are as well as their cost estimates. Extension of the LOSST would require a public referendum.

Council adjourned for a brief recess from 7:25 p.m. to 7:29 p.m.

To ensure public input throughout construction of the new indoor recreation center, Mayor DeWaard stated that he would like to create an ad hoc committee to work closely with the architect and engineer.

DeWaard announced that a few of the large area corporations have committed to contribute \$12 million collectively towards the previously referenced minimum need of \$23 million from other governmental entities/private donations.

At the end of the discussion, staff was directed to proceed with the following items:

- Distribute a request for proposals for engineering services for a new indoor recreation center.
- Continue fundraising efforts with major project partners and other governmental entities.
- Establish a detailed timeline for renewal of the LOSST with the goal of holding a referendum in September of 2022. The size and scope of potential projects would need to be defined by July.

The next item on the agenda was a discussion regarding the Police Department's request to implement a sign-on bonus to attract qualified certified applicants. The department is requesting to leverage the savings of attracting a certified officer against the expense of training a recruit officer as new recruits must attend the Iowa Law Enforcement Academy (ILEA) which is a direct city expense of approximately \$7,000. The department currently has two officer vacancies and predicts an additional two vacancies before the end of the calendar year. A sign-on bonus program would provide an incentive for certified officers to apply, and certified officers can provide solo-status manpower up to 10 months sooner than a recruit.

Below, and on the following page, is an overview of the proposed sign-on bonus eligibility:

- In-state applicants would be eligible for a \$6,000 bonus with: current ILEA certification, completion of a field training program, two years' professional law enforcement experience, and no more than a 180-day break in service.
- Out-of-state POST-certified applicants would be eligible for a \$4,000 bonus with: three years' professional law enforcement experience, no more than a 180-day break in service, and completion of ILEA certification through examination process (direct city expense of approximately \$2,000).
- The sign-on bonus would be paid in two installments:
  1. 50% upon completion of the field training and probationary period (six months post hire).
  2. 50% following completion of the second year of service.

Bandstra stated that he is in support of higher sign-on bonus amounts that reflect the opportunity cost. Hopkins agreed with Bandstra, reiterating that the cost to the city is far higher than \$7,000 for a new recruit. DeWaard recommended that the department proceeds with the sign-on bonus amounts as proposed as they could always be reconsidered and increased later.

At the end of the discussion, staff was directed to proceed with offering the sign-on bonus within the Police Officer recruitment process that will be initiated within a week. Council expressed their support of staff determining the appropriate amount of the bonuses. The sign-on bonus program will be presented for formal approval as part of the annual personnel policy amendments.

The next item on the agenda was continued discussion regarding a draft ordinance which is intended to regulate indecent exposure for body parts not covered under current state law. As nudity laws in Iowa generally pertain to pubic and genital areas, this ordinance was drafted to regulate exposure of the buttocks or nipples of female breasts.

During the Policy and Planning meeting on April 5, 2022, staff was directed to add language to the ordinance to address situations when individuals are in the process of undressing or dressing within locker rooms or restrooms. As a result, the city's legal counsel recommended adding the following language:

Exceptions to this section shall include:

When the conduct occurs in the routine use of restrooms, locker rooms, and similar facilities.

Sporrer stated that she is still struggling with the wording "any part of the human buttocks." De Jong agreed, stating he finds that wording unenforceable. Police Chief McSheehy responded that he has discussed the proposed wording with his staff, and he feels confident that they

can reason out what the intent of a situation is to determine if someone was purposely disrobing as compared to an accidental situation or result of a poor clothing choice.

At the end of the discussion, staff was directed to proceed with placing the drafted ordinance as presented, without further wording changes, on a future agenda for formal consideration.

The last item on the agenda was continued discussion regarding a draft ordinance which waives design permit requirements for peddlers operating within the Oskaloosa Street corridor. For the purposes of this ordinance, the Oskaloosa Street corridor includes all properties which about Oskaloosa Street between the intersections of Main/Oskaloosa and SE 16th/Oskaloosa. If approved, this waiver would be in effect from June 1, 2022 through December 31, 2022.

The drafted ordinance would only waive the design permit requirement within the identified corridor; all other requirements in City Code chapter 122 would still apply to potential peddlers.

At the end of the discussion, staff was directed to proceed with placing the drafted ordinance as presented on a future agenda for formal consideration.

The meeting adjourned at 8:16 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

## b. Community Services Board Minutes for January 21, 2022

Present: Stephen Fyfe, Nathan Guess, Mike Lyons, Amanda Schwerdtfeger, Glenn Steimling, Arvin Van Zante

Absent: Lauri Amelse,

Staff: Jeanette Vaughan, Chandler Nunnikhoven, Dyan Parker, Brenda Ross, Kevin Vos

12:04pm Community Services Director Jeanette Vaughan called the meeting to order

Minutes - Motion by Schwerdtfeger, seconded by Guess to approve the Community Services Board Meeting minutes of November 19, 2021.

Motion carried 6-0

Vaughan informed the Board that there has been a request by City Council to see draft minutes of all Board and Commission minutes. Vaughan said the new process would be for the Community Services Board draft minutes to be sent out to the Board by end of the day on the Monday following the Board meeting. Any comments should be submitted to Vaughan by Thursday of the same week. Vaughan will then submit the draft minutes to the City Clerk who will share them with Council. The Board will officially approve the minutes at the next regular meeting.

Discussion Items

Lease Agreements – Ross outlined the submitted 2022 user agreements. 10 total agreements including 8 USSSA Teams, Pella Soccer Club and Pella Little League. All user fees remained the same as last year. This year to assist Pella Little League as they go through a challenging transition on their Board, Ross will create the game schedule for all teams excluding Babe Ruth and Majors softball. Ross stated that it is our understanding that for league play, other than Babe Ruth and Majors softball, Pella teams will only play other Pella teams. Van Zante asked about cost difference of \$120/team USSA teams versus \$20/person Little League. Ross noted USSA reservations are for one practice per week and Little League's covers weekly practices and games.

Motion by Van Zante, second by Fyfe to approve lease agreements from 7 USSSA Teams, Pella Soccer Club, and Pella Little League. Motion carried 6-0

City Update – Vaughan summarized the Arts/Culture Center building discussion held at the Tuesday, January 4 City Council meeting. The concept and dollar amounts presented are to aid the City Council in their overall facility discussions during the upcoming strategic planning work sessions. Work Sessions are scheduled for Tuesday, Jan 25 and Wednesday, Jan 26 from 5:30pm to 9:00pm in Council Chambers. Guess inquired which date would include discussion on the community center and recreation facility and what role the Community Services Board would take in these projects. Vaughan said general information would be at the first meeting with the main discussion likely taking place at the second meeting. Vaughan will confirm the agenda with the City Clerk and email the meeting information to the Board. Vaughan stated that depending on the outcome of the strategic planning meeting it was her understanding that a committee would be formed to work on the layout and amenities of any new facilities.

Open Discussion:

Fyfe inquired if anything had been released regarding the Big Rock environmental study. Vaughan noted it is a 2-year study, with one year remaining. Schwerdtfeger stated the girl scouts tested water in various places around our area and Big Rock's creek water was by far the worst. Vaughan stated that the creek is fed by various residential area storm water and field run off so this is not surprising especially in times when the creek is low. Guess said that he visited Big Rock during a warm day in December and said it was very busy at that time.

Department Updates:

Parks/Chandler Nunnikhoven

- Heavy snow removal last weekend, winds and drifting were challenging.
- Annuals flower bid packet sent out last week.
- Staff preparing to build ice at the Caldwell rink. Warm temps melted the first attempt.
- Repair and maintenance of snow equipment.

Art & Rec/Brenda Ross

- On Wednesday, Jan 10th at 7am a homeless person was found sleeping at the bottom of the steps by the old clothing bank. Police were called.
- The Art room floors has been waxed and painted. Class will start week of Jan 24th.
- The emergency phone in the elevator is now working.
- Water line broke in storage room off of gym. It is now fixed.
- Little League has asked if our department will compile a game schedule for each age division for this year only, as they will not be playing teams from other town, except for Babe Ruth and Major Softball.
- The draw for fields times for USSSA teams in on Tuesday February 1st.

Golf & Athletic Fields/Kevin Vos

- Snow removal at parks, soccer complex, sports park and golf course.
- Planning for turf maintenance programs, purchasing supplies for golf course and athletic fields.
- Equipment maintenance.

Aquatics/Jeanette Vaughan for Meyers

- Currently hiring lifeguards and swimming instructors.
- December private swimming lessons went well. January group lessons have started.

Adjournment

Motion by Steimling, seconded by Van Zante to adjourn the Community Services Board Meeting. Motion carried 6-0

The next meeting is scheduled for Friday, February 18, 2022 at noon in room 206, in the Community Center.

Meeting adjourned at 12:33 pm.

Respectfully submitted:

Dyan Parker

### c. Community Development Committee Minutes for March 9, 2022

Chairperson Cody called the Community Development Committee (CDC) to order in the Memorial Building at 5:30 p.m. Members present were: Jerry Brummel, Patsy Cody, Nancy Henry, Mike Kiser, Shelly Riggen, Dennis Vander Beek, and Christi Vander Voort; absent: Linda Groenendyk, Wayne Stienstra, and Caryn Van Hemert. Staff present: Planning and Zoning Director Gerald Buydos, Zoning Analyst Jared Parker, and the Deputy City Clerk. One member of the public was in attendance.

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

#### PUBLIC FORUM

Chris Meyers was present and spoke in favor of relaxing Dutch design requirements for Peddler Permits outside of the Central Business District (CBD). He also said he is also in favor of allowing Peddler Permits on private and public property. He mentioned that it might be beneficial to permit food trucks at the Pella Sports Park or at Caldwell Park for a pickleball tournament.

Immediately before the start of the meeting, Meyers gave staff an email from Keegan Van Maanen in support of eliminating the Dutch themed requirement for Peddler Permits in the Commercial – Mixed Use Urban Center (CUC), Community Commercial (CC), Commercial – Planned Development (CPD), and CBD zones. This letter will be scanned and emailed to the Committee.

APPROVAL OF MINUTES: Motion by Riggen, second by Henry to approve the minutes from the February 23, 2022 meeting. Motion carried 7-0.

#### OTHER BUSINESS / WORK SESSION

##### Work Session to Discuss Peddler Permit Requirements

The purpose of this work session was to discuss the requirements of the Peddler Permit process - specifically, the location requirements and that the applicant is subject to design review through the CDC and Dutch architecture requirements.

##### Current Requirements for Peddler Permits

##### Section 123.03

Peddlers, solicitors, and transient merchants are permitted only in the CBD, CUC, CC, and CPD commercial zoning districts. Any peddler, solicitor or transient merchant must have an approved design permit for his or her cart, wagon, trailer, or other vehicle or structure from which merchandise is sold. Design of said vehicle or structure shall be consistent with the Design Review District Design Manual parameters for peddlers. A Design Permit application is required if a cart, wagon, trailer or other vehicle or structure will be used for a period exceeding thirty (30) days, consecutive or nonconsecutive, in one calendar year and are required to have a Dutch theme.

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

- Selling must occur on private, not public, property
  - Selling can only occur in commercial zoning districts (CBD, CUC, CC, CPD)
  - If selling in a parking lot, the business' off-street parking requirements could not be reduced below the required number of spaces
- Staff sought the CDC's input regarding regulations for Peddler Permits and to provide direction to City Council.

For discussion purposes, staff proposed the following topics for possible modification to the Peddler Permit process:

1. Elimination of Dutch theme requirement and CDC review for applications in the CUC, CC, and CPD zones.
2. Applications within the CBD would still be subject to Dutch theme requirements and CDC review.
3. Allow Peddler Permits on public and private property outside of the CBD.
4. Allow Peddler Permits in parking lots outside the CBD.

Henry asked whether mobile dog groomers that go from home to home to perform their services would require a Peddler Permit. Planning and Zoning Director Gerald Buydos stated that is something staff will need to research.

Buydos mentioned that for Peddler Permits issued for less than 30 days, the only items that the CDC can look at are signs and lighting, per the City Attorney's opinion. Parking must be on hard surfaces or gravel and not on grass or dirt.

Vander Voort mentioned that food trucks have been requested by local employers as an amenity for their employees, as many employees do not have a long enough lunch break to drive to a restaurant downtown.

Riggen suggested allowing Peddler Permits over 30 days without Dutch design to only operate in places that are located off of the main corridors. Riggen defined the corridors as Main Street from Oskaloosa Street north to Elm Street, Washington Street from Vermeer Corp. to Casey's on the west side of town, Oskaloosa Street from Main Street to the City of Pella limits, and Clark Street. She said she is concerned with the visibility of food trucks as people drive through town.

Vander Beek suggested paving part of South Park for food truck parking and allowing food trucks to park there.

As food trucks tend to operate on circuits, going from town to town, several individuals on the Committee stated they do not think it is appropriate to require a food truck that also operates in Knoxville, Iowa or Oskaloosa, Iowa to require Dutch design elements. Cody noted that the food trucks themselves also double as signage.

Vander Voort mentioned that food trucks are also a way for some vendors to test the market to gauge the popularity of their products before committing to opening a brick and mortar store in town.

Following discussion, the Committee proposed the following:

- Allow Peddler Permits outside of the CBD to not have Dutch design
- Allow an exception for Peddler Permits to be permitted at Bos Landen Golf Course Clubhouse, as well as at the tennis courts at Caldwell Park
- Allow Peddler Permits in Limited/Light Industrial (M1) and Heavy Industrial (M2) zoning districts. This would permit businesses such as Pella Corporation and Vermeer Corporation to have food trucks in their parking lots.

The CDC chose to table a decision until the special meeting scheduled for March 23, 2022. Staff will send out draft minutes from this meeting to the Committee so that they can be prepared to come back with recommendations and make a decision at the next meeting.

Motion by Brummel, second by Riggen to table this item until the March 2022 meeting. On roll call the vote was: ayes: Brummel, Riggen, Cody, and Vander Voort; nays: Henry, Kiser, and Vander Beek. Motion carried 4-3.

Riggen said that she was told that the City of Pella's Peddler Permit fees are higher than other cities' fees. Buydos explained that the fees are approved by City Council.

Buydos asked the Committee members to reach out to him if they have any questions, so that he can provide them with an answer prior to the next meeting.

The CDC also proposed making a determination on the maximum number of Peddler Permits that could be granted to a single location at any one time. Buydos estimated that five parking spaces may be needed per food truck.

#### Other

Cody inquired about the Spirit of Pella and that group's ideas for enhancements to areas of Pella. She asked when the CDC would be brought into those discussions. Vander Voort explained that the Spirit of Pella is currently waiting on approval of a cost sharing agreement from City Council. Buydos stated that if funding is approved, then the Spirit of Pella will have to seek CDC approval for items that fall under the Committee's purview. Vander Voort explained that the Spirit of Pella has discussed having a mural painted downtown, but the group does not yet have a rendering from the artist.

Buydos reported that the Planning and Zoning Commission approved the site plan for Chick-fil-A and staff has approved a plat of survey for the restaurant. He stated that signage for the restaurant will eventually come before the Committee and asked whether it is the wish of the CDC to have just the Sign Subcommittee approve the signage or the full CDC. After some discussion, it was decided to have the signage brought before the full CDC for consideration.

Henry asked whether the expected three-day turnaround on approval for signage by the Sign Subcommittee could be modified to three business days. Buydos suggested bringing the CDC's Procedural Rules before the Committee at the April 13, 2022 meeting for review and potential modification. The timeline for signage review could be modified at that point.

Next Meeting Dates: A special CDC meeting is scheduled for March 23, 2022 to discuss Design Manual updates. The Commission will also consider Peddler Permit design requirements.

The next regular meeting is scheduled for April 13, 2022.

Adjourned at 7:03 p.m.

#### d. Historic Preservation Commission Minutes for March 14, 2022

Chairperson Kermode called the Historic Preservation Commission (HPC) to order in the Memorial Building at 5:00 p.m. Members present were: Don André, Bruce Boertje, Lorinda Bradley (arrived at 5:01 p.m.), Rhonda Kermode, and Lila Turnbull. Staff present: Planning and Zoning Director Gerald Buydos and the Deputy City Clerk. No members of the public attended the meeting.

APPROVAL OF TENTATIVE AGENDA: Motion by André, second by Boertje to approve the tentative agenda. Motion carried 4-0.

APPROVAL OF MINUTES: Motion by Turnbull, second by André to approve the minutes from the February 14, 2022 meeting. Motion carried 4-0.

OTHER BUSINESS/WORK SESSION: Discussion of the Proposed Scholte Garden Historic District

Bradley arrived at 5:01 p.m.

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

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

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

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

Kermode reported that she had visited the Marion County Courthouse to research information about the proposed historic district. André reported that he was told the State of Iowa requires that only one site inventory form be completed for each historic district and not one form for each structure. The Commission will also need to determine which structures are contributing versus non-contributing, as well as the style of the homes. Bradley and André volunteered to work on identifying the architectural style of each home. Boertje will work on compiling a narrative on the history of the district.

Work Session to Review the Historic Preservation Commission Procedural Rules

The City of Pella HPC's Procedural Rules govern the conduct of the Commission. As the rules have not been amended since their adoption in 2015, staff asked the Commission to review them for familiarity and to determine if any changes should be made.

The Commission decided to update the Procedural Rules with the following minor changes: the Memorial Building at 829 Broadway Street will replace the Public Works Conference Room at 100 Truman Road as the Commission's usual meeting location, as well as removing references to the Building Official and replacing them with the Deputy City Clerk. Additionally, references to the City Planner will be removed and replaced with the Planning and Zoning Director.

Motion by André, second by Boertje to direct staff to draft a resolution for consideration by the Commission to amend the Commission's Procedural Rules with the agreed upon changes at a future meeting. Motion carried 5-0.

Other

Bradley introduced herself to the Commission, as this was the first meeting she attended since her appointment.

Boertje reported that he had found some historical Pella Chronicle articles identifying various efforts to create sister city relationships between Pella and other communities including Muna, Mexico; Bicha, Russia; and Pignon, Haiti. It is unknown whether any of these relationships were official and/or still exist. Buydos explained his experience working with sister cities and what those relationships typically entail.

Kermode stated that a report on the historic fire station was emailed to the Committee. She mentioned the possibility of having another consultant, possibly a structural engineer, look at hose tower, as it needs repaired. She mentioned that it might be a good time to look into the City becoming a Certified Local Government (CLG), which might help with those repairs. Buydos said he is waiting on a response from the State regarding the City's historic preservation ordinance and whether it fits the required CLG criteria.

Buydos inquired about the significance of an old apple barn located off of north Main Street. Boertje explained that it was built to store apples for a former apple orchard.

Buydos reported that he gave the Commission's recommendation to the City Administrator and Mayor DeWaard regarding the City becoming a supporting sponsor of the 2022 Iowa Economic Development Authority's Iowa Downtown Conference. Kermode mentioned that her friend's application to host a panel discussion at the conference regarding sustainability through preservation had, unfortunately, not been accepted.

Next Meeting Date: The next meeting is scheduled for April 11, 2022.

Adjourned at 6:03 p.m.

#### e. Board of Adjustment Minutes for March 21, 2022

Chairperson Westra called the Board of Adjustment to order at 6:00 p.m. in the Public Safety Complex. Members present were: Kristi Kious, Vince Nossaman, Jaci Nunnikhoven, Susan Reiter, Merlan Rolffs, Lyle Vander Meiden, and Corey Westra; absent: Mike Vander Wert. Staff present: Planning and Zoning Director Gerald Buydos, Zoning Analyst Jared Parker, and the Deputy City Clerk. No members of the public attended the meeting.

CHAIRPERSON'S COMMENTS

Approval of the Tentative Agenda: Motion by Vander Meiden, second by Reiter to approve the tentative agenda. Motion carried 7-0.

APPROVAL OF MINUTES: Motion by Nossaman, second by Nunnikhoven to approve the February 21, 2022 minutes. Motion carried 7-0.

PUBLIC HEARINGS

Consider a Special Use Permit (SUP) Request to Construct a Roof-Mounted Solar Panel Array at 502 Washington Street

SunPro Solar sought to construct a solar array on the roof of 502 Washington Street. Under Chapter 165.26.5 of the Zoning Code, all solar arrays over 100 square feet on residential lots require an SUP. Staff believes the proposed use agrees with the zoning code and recommended approval as submitted.

Convened Public Hearing on the SUP request. No written comments were received.

Motion by Reiter, second by Nossaman to close the Public Hearing as no comments were received. Motion carried 7-0.

Motion by Reiter, second by Nunnikhoven to approve the SUP request as submitted. Motion carried 7-0.

#### NEW BUSINESS

Consider a Recommendation to Modify the City of Pella Municipal Code Regarding the Installation of Solar Energy Systems

The Board of Adjustment, at the February 21, 2022, meeting, requested that staff investigate the possibility of modifying the City of Pella Municipal Code to allow certain solar energy systems to be exempt from the SUP system currently in place.

Current Pella Municipal Code, Section 165.26.5, requires all solar energy systems with arrays over 100 square feet on residential lots being constructed in the City to come before the Board for approval of an SUP. As the push for renewable energy increases, solar systems are becoming more prevalent in the area. The requirement for an SUP for each system can be very time intensive.

This modification of the Municipal Code was reviewed by the City Attorney. She has provided the following information:

“There is no specific solar panel siting statute under state law. In general, Iowa Code section 414.3(1) provides all zoning regulations “shall be made in accordance with a comprehensive plan and designed to: “promote reasonable access to solar energy.” Allowing solar panels to be installed as a permitted use under a building permit rather than an SUP approved by the Board of Adjustment would generally seem to be consistent with the directive to “promote reasonable access to solar energy.” Several other communities in Iowa allow solar panel installation under some form of a building permit process. Finally, there is no state law which would prohibit the City from amending its ordinance to change solar panel installation requests from a special use to a building permit application under its zoning code.”

Currently the code has two options to process solar energy systems:

1. Solar Energy System-Minor: For systems under 100 square feet, allows the Zoning Administrator and Building Official to approve.

2. Solar Energy System: For systems over 100 square feet, requires the Board to approve an SUP.

Listed below are the staff suggested modifications for the Pella Municipal Code, Section 165.26.5, regarding the installation of solar systems:

1. All residential roof mount solar energy systems, regardless of square foot size, are no longer required to have an SUP granted by the Board of Adjustment. Residential roof mount systems will be treated as a Solar Energy System – Minor. Exceptions are as follows:

a. Any roof mount residential solar energy system over 100 square feet in the Central Business District (CBD) will require an SUP.

b. Any residential roof mount solar energy system over 100 square feet on properties fronting a Gateway Corridor will require an SUP.

c. Any residential ground mount solar energy system over 100 square feet will require an SUP.

2. Non-Residential Solar Energy Systems over 100 square feet will continue to require SUP approval by the Board of Adjustment.

Staff requested that the Board of Adjustment review the proposed code modifications and make a recommendation to City Council to modify Chapter 165.26.5 as described.

Rolffs questioned whether buildings with unique roofs, such as flat roofs or mansard roofs, should be a factor when considering whether an SUP should be required. In response to a question from Vander Meiden, Planning and Zoning Gerald Buydos explained that the Board could choose to have solar energy system SUPs come before the Board for multi-family residences. Staff will research requiring an SUP for roof-mounted solar energy systems over 100 square feet for multi-family structures.

Following discussion, the Board decided to table this item.

Motion by Vander Meiden, second by Reiter to table this item. Motion carried 7-0.

#### OTHER BUSINESS

Work Session to Review the Board of Adjustment Procedural Rules

The City of Pella Board of Adjustment Procedural Rules govern the conduct of the Board. As the rules have not been amended since their adoption in 2008, staff asked the Board to review them for familiarity and to determine whether any changes should be made. Following review, the Board decided that no changes to the Procedural Rules are necessary. The Procedural Rules will be reviewed by the Board on an annual basis going forward.

Next Meeting Date: The next meeting is scheduled for April 18, 2022.

Adjourned at 6:47 p.m.

## f. Community Development Committee Minutes for March 23, 2022

Chairperson Cody called the Community Development Committee (CDC) to order in the Memorial Building at 5:35 p.m. Members present were: Patsy Cody, Linda Groenendyk, Nancy Henry (arrived at 6:19 p.m.), Shelly Riggen, Dennis Vander Beek; absent: Jerry Brummel, Mike Kiser, Wayne Stienstra, Caryn Van Hemert, and Christi Vander Voort. Staff present: Planning and Zoning Director Gerald Buydos, Zoning Analyst Jared Parker, and the Deputy City Clerk. Two members of the public were in attendance.

APPROVAL OF TENTATIVE AGENDA: A quorum of CDC members was not present, so no action was taken on this item.

APPROVAL OF MINUTES: A quorum of CDC members was not present, so no action was taken on this item.

#### NEW BUSINESS

Consider Proposed Changes to Peddler Permit Requirements

A quorum of CDC members was not present, so no action was taken on this item. This item will be considered by the Committee at the meeting on April 13, 2022.

#### OTHER BUSINESS / WORK SESSION

Work Session to Discuss Potential Design Manual Updates

On April 29, 2021, the CDC appointed four committee members (Kiser, Riggen, Vander Beek, and Van Hemert) to a subcommittee to review the Design Review District Design Manual for potential updates. The purpose of this work session was to hear from SHYFT Collective, which has been hired as a consultant to work with the Committee and staff to update the Design Manual. The City Council will need to approve proposed updates to the manual prior to implementation.

SHYFT Collective Senior Project Architect Kurt Hagge and the Committee discussed the map that was sent out prior to the meeting, which depicts a proposed tier system for design guidelines in Pella. Tier I would be Historic Dutch, Tier II would be Intermediate Dutch, and Tier III would be Modern Dutch. There was some discussion over whether to use the word contemporary in lieu of the word modern. Riggen suggested extending Tier I out further along the main corridors in town. Hagge will modify the proposed map for further discussion by the Committee at a future meeting.

The CDC, Hagge, and staff reviewed the Committee's Pinterest page, where members have pinned images of buildings with various architectural elements that they believe are good representations of what they would like to see on commercial buildings built in Pella. The Committee also reviewed with Hagge the list of architectural elements he compiled for Historic Dutch and Modern Dutch tiers. Planning and Zoning Director Gerald Buydos proposed having separate lists for each tier, in order to assist applicants in understanding which architectural elements are required based on their property's location.

Also discussed was a proposed list of design criteria for each of the three tiers. Hagge will look into glass tinting. Some discussion was had on historic buildings that have had windows covered up. Cody suggested that Committee members drive around Pella to look at different elements on buildings. Hagge invited Committee members to take photos of buildings in town that they think are good or bad examples of specific elements and to email them to staff. He also asked the Committee to give thought to the corridors to determine the extent to which the Historic Dutch tier should be extended along those streets (Main Street, Washington Street, Oskaloosa Street, and Clark Street).

Other

Cody asked the Committee to review the Peddler Permit memo before the next meeting and to be ready to consider that item on April 13, 2022.

Next Meeting Date: The next regular meeting is scheduled for April 13, 2022.

Adjourned at 7:45 p.m.

### 3. Petitions and Communications

#### a. Temporary Outdoor Service Privilege on a Class C Liquor License for Dutch 200 Bowl & Grill

**BACKGROUND:** Dutch 200 Bowl & Grill, located at 204 SE 9th Street, has applied for a temporary outdoor service privilege on their class C liquor license to host a bike night on Friday, May 13, 2022 from 6:30 to 10:00 p.m. As background, this request is consistent with bike nights or car shows held at this same location in 2021.

**Outdoor Service Area:** 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 applicant is proposing the outdoor service area would extend from their building, encompassing their entire parking lot, as outlined on the attached map. This area would be enclosed with a temporary rope fence, which meets the Iowa ABD requirements. The outdoor service area is located completely on private property.

**Off-Street Parking Requirement:** According to City Code, this business is required to provide 56 paved off-street parking spaces on their property. The requested outdoor service area would not allow customer parking within the entire parking lot; therefore, the business is requesting to offer off-street parking on two adjacent grass lots. Written permission for their property to be utilized for this purpose has been provided by the property owner; this item is included as a memo attachment.

Prior to approving this request in 2021, staff obtained guidance from the City Attorney regarding the uniqueness of providing customer parking on an adjacent grass lot. The City Attorney believes the Zoning Administrator has the authority to authorize temporary off-site grass parking; however, staff recommends this authorization is conditional upon Council approving the temporary outdoor service privilege on the liquor license. If Council approves the temporary outdoor service privilege on the applicant's liquor license for this event, the Zoning Administrator would temporarily allow parking of customer vehicles on the adjacent grass lots, in accordance with City Code section 165.29.1(E).

**Summary:** In summary, the application for a temporary outdoor service privilege on this liquor license has been completed online with the state. The Zoning Administrator's authorization to allow temporary off-site grass parking for the date of this event would be contingent upon Council's approval of the temporary outdoor service privileges for the same date.

**ATTACHMENTS:** Map, Event Flyer, Property Owner Permission

**REPORT PREPARED BY:** City Clerk

**REVIEWED BY:** City Administrator, Planning and Zoning Director, Police Chief

**RECOMMENDATION:** Approve temporary outdoor service privilege on applicant's liquor license

## **E. PUBLIC HEARING**

### 1a. Public Hearing regarding Fuel Oil Storage Tank Enclosure Project Bids.

No written or oral comments were received.

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

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

**BACKGROUND:** These resolutions adopt the plans, specifications, form of contract, estimate of costs, and awards the contract for the Fuel Oil Storage Tank Enclosure project. As background, the City of Pella receives between \$855,924 and \$1,050,556 annually from Missouri River Energy Services (MRES) due to our Reserve Capacity Agreement (RCA). Simply having our diesel plant output available makes the city eligible to receive this payment. The plant was originally constructed as a summer peaking plant to cut the city's demand during the hottest summer days. However, now that our plant is registered with Mid-Continent Independent System Operator (MISO) as a Voltage and Local Reliability (VLR) asset, it is expected to be available all year round.

The 2017-2018 North American Cold Wave was a three-week period of extreme cold temperatures, causing many generators to shut down across the MISO footprint. During this time, MISO called upon many reserve resources to operate, only to be met with several failures. Pella had planned ahead, knowing that our plant could not operate in extreme temperatures, and made our plant unavailable for this period.

Feedback received from MRES included a desire to make our plant available for future extreme cold weather events. The main weakness of our plant to the extreme cold is our outdoor fuel oil storage containment. Fuel oil tends to gel when introduced to extreme cold. It is then unable to pass through lines and filters, starving the generator, making it inoperable. After discussing options with an engineer, it was determined that building an enclosure around the city's existing 25,000-gallon tanks would be the most effective method to heat the fuel oil. There are also some thermal improvements planned for inside the plant through this project. Finally, there may be some minor change orders to add additional indoor protections to the day fuel tank units, which will keep the project under budget.

The bid opening for the project was held on April 19, 2022. The following bids were received:

Bidder	Total
Hooyer Construction	\$517,900
Jensen Builders	\$647,120

The project engineer's opinion of probable costs for this project was \$1,500,000. After reviewing the bid proposals and checking references, the project engineer, DGR, recommends awarding the contract to the lowest responsive, responsible bidder, Hooyer Construction, in the amount of \$517,900.

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

May 17, 2022	City Council approval of contract and performance bond
May 18, 2022	Construction start date
August 26, 2022	Building foundation complete
March 31, 2023	Substantial completion
April 28, 2023	Final completion

In summary, staff is recommending approval of the following items on the agenda:

- Resolution No. 6433 adopting the plans, specifications, form of contract, and estimate of costs for this project.
- Resolution No. 6434 awarding the contract for this project to Hooyer Construction in the total amount of \$517,900.

**ATTACHMENTS:** Resolution No. 6433, Report of Opening of Bids, Resolution No. 6434  
Engineer's Recommendation Letter, Engineer's Bid Tab

**REPORT PREPARED BY:** Electric Department

**REPORT REVIEWED BY:** City Administrator, City Clerk

**RECOMMENDED ACTION:** Approve resolutions

1b. Resolution No. 6432 entitled, "RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST FOR THE FUEL OIL STORAGE TANK ENCLOSURE."

Hopkins moved to approve, seconded by De Jong.

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

1c. After consideration of Construction Bids, De Jong moved to approve Resolution No. 6433 entitled, "RESOLUTION MAKING AWARD OF CONSTRUCTION CONTRACT FOR THE FUEL OIL STORAGE TANK ENCLOSURE," seconded by Hopkins.

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

**F. 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.

BACKGROUND: This resolution was tabled at the City Council meeting on April 5, 2022, for the purpose of allowing time for city staff to meet with the applicant to clarify potential amendments to the preliminary plat prior to consideration by Council. Following the meeting with the applicant, it was determined the applicant's revised plat did not contain all of the proposed changes by the Planning and Zoning Commission. In addition, the plat contained additional modifications which were not previously reviewed by the Commission. As a result, it was determined that the applicant's revised plat should be reviewed by the Commission. During their meeting on April 25, 2022, the Commission tabled the revised preliminary plat to seek advice from legal counsel. Staff is in the process of arranging a special meeting for the Commission during the week of May 9th; therefore, staff recommends this item remain tabled until it is reviewed by the Commission. In addition, the staff memo and supporting attachments in the Council packet have not been modified to-date, and remain the same from April 5, 2022.

2. Resolution No. 6434 entitled, "RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSED VACATION OF THE PUBLIC RIGHT-OF-WAY IN THE PORTION OF ORCHARD DRIVE LOCATED SOUTH OF MONROE STREET AND BETWEEN LOTS 15 AND 16 OF THE MONROE ADDITION IN THE CITY OF PELLA."

Bandstra moved to approve, seconded by Hopkins.

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

BACKGROUND: This resolution sets May 17, 2022 as the public hearing date regarding the proposed vacation of the public right-of-way in the portion of Orchard Drive located south of Monroe Street, as shown on the attached plat. As background, Pella Regional Health Center is requesting this vacation which runs north/south adjacent to their property. This proposed vacation, which ends at the Pella Regional Health Center property, is approximately 92 feet in length. No utilities have indicated the presence of infrastructure in the affected right-of-way, nor did any utilities object to the right-of-way being vacated.

In summary, staff is recommending approval of this resolution which simply establishes May 17, 2022 as the public hearing regarding the proposed vacation of the public right-of-way as described above and on the attached plat.

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

**G. ORDINANCES**

1. Ordinance No. 1009 entitled, "AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PELLA, IOWA BY ADOPTING A NEW SECTION 41.14 RELATING TO INDECENT EXPOSURE OR CONDUCT."

Hopkins moved to place ordinance no. 1009 on its first reading, seconded by Bandstra.

On roll call the vote was:

AYES: 4 (Hopkins, Bandstra, Carlstone, Sporrer)

NAYS: 1 (De Jong)

Motion carried.

It was moved by Bandstra that the statutory rule requiring said ordinance to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, seconded by Hopkins.

On roll call the vote was:

AYES: 3 (Bandstra, Hopkins, Carlstone)

NAYS: 2 (Sporrer, De Jong)

Motion failed.

BACKGROUND: This ordinance amends City Code by adopting section 41.14 relating to indecent exposure or conduct. After discussing this ordinance during the Policy and Planning meeting on April 19, 2022, Council directed staff to place the ordinance on a future agenda for formal consideration.

As background, nudity laws in Iowa generally pertain to pubic and genital areas. As a result, an elected official has requested that Council consider a nudity ordinance that regulates buttocks and nipples of female breasts. Numerous Iowa cities have already adopted similar nudity ordinances in regards to buttocks and nipples of female breasts. Listed below is a brief summary of the various nudity ordinances:

- The following cities have nudity ordinances referring to a woman's nipple, the areola, full breast, and anus of a male or female: Ankeny, Cedar Rapids, Cummings, Des Moines, West Branch, West Des Moines, and Windsor Heights.
- Council Bluffs has a nudity ordinance similar to those above; however, it also references the anus or buttocks of a male or female.

• The following cities have nudity ordinances that read similar to Iowa Code 709.9 adding references to buttocks, female breasts, and additional sex act: Indianola, Iowa City, and West Burlington.

• The following cities have ordinances referring to public nudity: Nevada, North Liberty (includes references to breast and buttocks), Ottumwa, Steamboat Rock.

Summary: Staff recommends approval of the attached ordinance which adopts a new City Code section relating to indecent exposure or conduct. The ordinance has been reviewed by the city's legal counsel. Finally, it is important to note that any violation of this ordinance would be a municipal infraction which is punishable by a \$250 fine for the first offense.

ATTACHMENTS: Ordinance  
REPORT PREPARED BY: City Administration  
REVIEWED BY: City Administrator, City Clerk  
RECOMMENDATION: Approve ordinance

2. Ordinance No. 1010 entitled, "AN ORDINANCE AMENDING SECTION 122.03 OF THE CITY CODE OF THE CITY OF PELLA, IOWA, FOR THE PURPOSE OF TEMPORARILY REMOVING THE REQUIREMENT TO OBTAIN A DESIGN PERMIT TO OPERATE AS A PEDDLER WITHIN THE OSKALOOSA STREET CORRIDOR."

De Jong moved to place ordinance no. 1010 on its first reading, seconded by Sporrer.

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

It was moved by Bandstra that the statutory rule requiring said ordinance to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, seconded by Carlstone.

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

Bandstra moved that ordinance no. 1010 be adopted, seconded by Hopkins.

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

Mayor DeWaard declared the ordinance duly passed and adopted.

BACKGROUND: This ordinance amends City Code to temporarily remove the requirement to obtain a design permit to operate as a peddler within the Oskaloosa Street corridor. After discussing this ordinance during the Policy and Planning meeting on April 19, 2022, Council directed staff to place the ordinance on a future agenda for formal consideration.

Current Requirements for Peddler Permits

Peddler permit requirements are outlined in City Code Chapter 122. Currently, peddlers are permitted to operate only in commercial zoning districts (CBD, CUC, CC, CPD). Peddlers must have an approved design permit for their vehicle/structure that they use for selling merchandise. The design must be consistent with the Design Review District Design Manual parameters for peddlers. Peddlers exceeding 30 days per calendar year (consecutive or nonconsecutive) are required to have a Dutch theme. In addition, potential peddlers need to be aware of the following requirements:

- Selling must occur on private, not public, property.
- If selling in a parking lot, the off-street parking requirements must be reviewed by the Planning and Zoning staff to ensure they are not reduced below the required number of spaces.

Ordinance Temporarily Removing Design Permit Requirements

If approved, this ordinance would be in effect starting June 1, 2022 through December 31, 2022. It is important to note that all other requirements for peddlers, as outlined in City Code Chapter 122, would remain in effect. The only aspect that would be waived under this ordinance is the requirement to obtain a design permit to operate within the Oskaloosa Street corridor. For the purposes of this ordinance, the corridor includes properties which abut Oskaloosa Street between the intersections of Main/Oskaloosa and SE 16th/Oskaloosa, as outlined on the attached map.

Summary: Staff recommends approval of the attached ordinance which temporarily removes the requirement to obtain a design permit to operate as a peddler within the Oskaloosa Street corridor from June 1, 2022 through December 31, 2022.

ATTACHMENTS: Ordinance, Map  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Approve ordinance

## **H. CLAIMS**

1. Abstract of Bills No. 2102.

De Jong moved to approve, seconded by Hopkins.

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.

## **J. POLICY AND PLANNING**

From 6:29 p.m. to 7:31 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 Drafted Ambulance Service Ordinance
2. Discussion regarding Sidewalk Extensions
3. Discussion regarding Sidewalk Inspection Program

Council adjourned for a brief recess from 7:32 p.m. to 7:39 p.m.

**K. CLOSED SESSION**

1. At 7:39 p.m., Hopkins moved to enter into closed session pursuant to Iowa Code Chapter 21.5 1(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property, seconded by Sporrer.  
On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

Council reconvened to open session at 8:09 p.m.

No action was taken regarding this closed session.

**L. ADJOURNMENT**

There being no further business claiming their attention, Hopkins moved to adjourn, seconded by Sporrer.  
On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

Meeting adjourned at 8:10 p.m.