



# CITY OF PELLA

## CITY COUNCIL OFFICIAL MINUTES

May 4, 2021

### 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, Bruce Schiebout, Dave Hopkins. Absent: None.

City Administrator Mike Nardini and City Clerk Mandy Smith were present. Four staff members and five members of the general public signed the register.

Due to heightened public health risks associated with the COVID-19 pandemic, this meeting was also broadcast via conference call. Four members of the general public attended the conference call.

### B. MAYOR'S COMMENTS

1. Announce Policy and Planning meeting following the regular Council meeting to discuss:
  - a. Bos Ridge Development Screening Request
2. Approval of Tentative Agenda.  
Item B-4/L-1 was pulled from the agenda.  
Bandstra moved to approve the tentative agenda as amended, seconded by Hopkins.  
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.
3. Proclamation Declaring May 17, 2021 as Neurofibromatosis Awareness Day and May 2021 as Neurofibromatosis Awareness Month in the City of Pella.  
BACKGROUND: This proclamation declares May 17, 2021 as Neurofibromatosis Awareness Day and the month of May 2021 as Neurofibromatosis Awareness Month in the City of Pella.  
ATTACHMENTS: Proclamation  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator
4. Item pulled from the agenda.

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

No comments were received.

### C. APPROVAL OF CONSENT AGENDA

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

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 20, 2021
2. Report of Committees
  - a. Policy and Planning Minutes for April 20, 2021  
PRESENT: Mayor Don DeWaard, Mark De Jong, Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Bruce Schiebout, Dave Hopkins  
ABSENT: None  
OTHERS: City staff and visitors  
The Policy and Planning meeting began at 8:50 p.m. The first agenda item was a discussion regarding a request from property owners abutting a gravel private drive north of the 700 block of Washington Street. The property owners are requesting for the City to obtain ownership of the private drive as they believe there is uncertainty regarding who owns it. Based on staff research, it appears the abutting property owners were deeded a right-of-way access deed to this property in 1893.  
The City Attorney has stated that if the City Council accepts this property, it should be designated as a public alley, open to public access pursuant to Iowa Code Section 364.12(2). Traditionally, developers are required to upgrade streets/alleys to SUDAS and City Code standards before acceptance. In this situation, the property owners are requesting the City to take ownership of the gravel private drive which does not meet City standards. The Public Works Department has concerns accepting a dead-end alley as it is questionable what benefits would be provided to public transportation. In addition, snow removal is a major concern for several reasons, including that the dead-end alley does not meet minimum turn around requirements.  
Presently, there are at least 30 known private/shared drives within our corporate limits. In response to a question from the Mayor, Bob Zylstra, an abutting property owner, explained they believe their private drive should be differentiated from others within the corporate limits due to the location being in close proximity to the Central Business District (CBD). Council members considered the possibility of turning the private drive into a pedestrian passageway that could be utilized to connect Scholte Gardens to Sunken Gardens.  
At the end of the discussion, Council directed City Administration to contact the Historical Society to gain understanding regarding their long-term plans for the former Wells Fargo property and to see if they would be willing to partner with the City on possible future projects

in this area. Additionally, due to the potential for future requests of this nature, staff was directed to draft a policy that would address the criteria for acceptance of private drives. At a minimum, the policy should address the following: findings required for acceptance of private drives, infrastructure standards and requirements, financial responsibility of abutting or adjacent property owners, and deed conveyance requirements.

Finally, Council members informed the property owners that the Council is not in a position to make a decision regarding transfer of ownership of this private drive until they have additional information regarding the long-term plans for the former Wells Fargo property. Having this knowledge will assist with ensuring future decisions and potential projects would provide benefit to the general public. The next item on the agenda was a discussion regarding parking in the CBD during the 2021 construction season. On May 10, the Oost Poort Alley project is scheduled to begin, which includes closure of the 80-space public parking lot located at the corner of East 1st and Washington Street. Staff informed Council that they believe ample public parking is available, specifically around the Second Christian Reformed Church, to account for the parking needs during this time.

Council member De Jong asked about overnight parking availability for citizens residing in apartments in the CBD. Public Works Director Denny Buyert will be holding a meeting with those affected by this construction project in early May. At that time, he will work directly with those citizens to provide additional options such as providing parking tags to allow overnight parking in spaces that are not currently marked as 48-hour parking.

The last item on the agenda was a discussion regarding a proposed amendment to the City's purchasing policy. The purpose of this policy is to establish purchasing procedures for all City departments and to ensure a competitive bidding process is used to procure the best quality goods and services at the lowest possible prices. The Fire Department is requesting to utilize cooperative purchasing to acquire their new pumper truck as they believe this method will result in the lowest purchasing price. Cooperative purchasing, which occurs when an organization or other governmental entity undertakes the competitive bidding process, allowing qualifying entities to purchase from their contracts, is not currently an approved process under the City's purchasing policy. As a result of the Fire Department's request, staff worked with the City Attorney to draft an amendment to the policy to allow cooperative purchasing. During the City Attorney's review, additional revisions were identified which are necessary to comply with recent amendments to state code. These items affected the following policy sections: definitions, bid security bonds, public notice, bid thresholds, and emergency purchases.

At the end of the discussion, staff was directed to proceed with placing the proposed amendment to the City's purchasing policy on the May 4, 2021, Council agenda for formal consideration.

The meeting adjourned at 10:12 p.m.

Respectfully submitted:

Mandy Smith  
City Clerk

## b. Library Board Minutes for January 12, 2021

I. Call to Order: President Brenda Huisman called the meeting to order at 4:05 p.m. Board members present were: Suzy Card, Nathan Copeland, Darath Fisher, Dayrel Gates, Kristi Leonard, and Kenny Nedder. Library Director Mara Strickler was present. Due to heightened public health risks associated with the COVID-19 pandemic, accommodations were made to broadcast this meeting via Zoom video conference.

II. Recognition of Visitors and Visitor Comments: there were no visitors present.

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

IV. Disposition of Minutes: all Board members received copies of both the December 2020 regular and December 2020 Special meeting minutes prior to the meeting. Nathan moved to approve the December regular meeting minutes as amended. Suzy seconded the motion. The minutes were unanimously approved. Krisi moved to approve the December special meeting minutes as written. Darath seconded the motion. The minutes were unanimously approved.

V. Approval of Bills: all Board members received the January list of bills prior to the meeting. After a brief discussion and questions regarding the bills, Kenny moved to approve the January bills. Nathan seconded the motion. The bills were unanimously approved.

VI. Unfinished Business:

a. Review of service models and COVID-19 – Mara provided an update to the current activities related to the impact of COVID-19 on the Library services.

- The current reduced occupancy and mask mandates are working with minimal pushback.
- No changes to the programming model are planned until after a future review at the end of March.
- An outdoor children's activity is being planned for July including possible safe alternative venues in case of inclement weather. Mara asked for feedback on the current approach and timing. The Board is in support of this approach and requests that any contracts include options for alternative dates, locations, and/or an out clause.
- Mara will be reviewing a supplemental budget request for a UV sanitizer with the city manager tomorrow.

b. Pella Community Memory Database Advisory Board – Mara provided an update on the activities to form the advisory board. Three members have confirmed their interest in serving. Darath will serve as the Library Board representative on the advisory board.

VII. New Business:

a. Planning: Strategic Plan Update – Mara provided an update on the progress towards meeting the objectives of the strategic plan. She reviewed the available metrics. She updated the board that a survey did not go out to collect feedback as planned last year due to the transition between directors. She is working on starting the survey up again to capture results from this year. Mara reminded the board that a new strategic plan will be developed at the beginning of the next financial year.

VIII. President's Report and Announcements: President Brenda encouraged everyone to sign-up for the upcoming ILOC online conference.

IX. Director's Report:

a. Pella Community Grant Foundation Applications – Funded!

- Pella Community Storybook Walk granted \$1,200 (fully funded) by a partnership between the Pella Public Library and Community Services
- Hooray for Hoopla granted \$5,000 (fully funded) by an application submitted by the Friends of the Pella Public Library. Our thanks to the Pella Community Foundation for their support!

b. Pella Christian Winterim Intern – We were pleased to welcome an intern from Pella Christian Schools during the first week of January over their Winterim session. The intern assisted in the Youth Department with inventory of materials, story-time and display of materials. The student had planned to complete an internship at the Library last year but was unable to do so due to illness; we were happy to have her assistance and be a part of her educational experience.

c. Statistics:

- Fax24: 5 faxes sent in December

- Adventure Passes: 5 passes checked out in December
  - i. 0 to the Blank Park Zoo
  - ii. 0 to the Botanical Gardens of Des Moines
  - iii. 3 to Brenton Skating Plaza
  - iv. 0 to the Pella Historical Society
  - v. 1 to the Science Center of Iowa
- Hoopla: 596 total circulations borrowed by 264 unique patrons, average circulation per patron: 2.3, average price per circulation: \$1.94, total monthly cost: \$1,154.14.
- d. January Take/Make – The staff continue to plan modified programming due to the pandemic; big thanks to Miss Katie, our Winterim intern, and Miss Carol for their work supplying take/make programming to the community. As of 1/6/21, 49 individuals are signed up to take part in January’s Youth take/make program which will include the following family games: upcycle puzzle, spoons, photo scavenger hunt, pasta pick-up.
- e. Upcoming events: <https://pellalibrary.libcal.com/calendar/main?cid=8842&t=m&d=0000-00-00&cal=8842&inc=0>
- X. Trustee training reports: Mara reviewed upcoming training opportunities:
  - a. Innovative Libraries Online Conference (ILOC): Thursday, January 21, 2021 6:30 pm – 7:30 pm (Themes: Equity, Diversity, Inclusion)
  - b. Marion County Board of Directors Meeting: Thursday, September 9, 2021 6:00 pm – 8:00 pm (CE Provided by State Library Consultant: Maryann Mori)
- XI. Committee reports:
  - a. Personnel Committee: There was no committee report.
  - b. Policy Committee:
    - i. Personal Appearance policy – Board members received a copy of the Personal Appearance policy. Minor changes were proposed to align with the city policy. Nathan moved to continue with the policy as proposed. Suzy seconded the motion. The motion was unanimously approved.
    - ii. Photo Release policy – Board members received a copy of the Photo Release policy. Major changes were proposed moving from an opt-out to an opt-in policy. Kenny moved to adopt the policy as proposed. Brenda seconded the motion. The motion was unanimously approved.
- XII. Adjournment: President Brenda Huisman adjourned the meeting at 5:01 p.m. The next regularly scheduled Board Meeting is scheduled for February 9, 2021.

### c. Library Board Minutes for February 9, 2021

- I. Call to Order: President Brenda Huisman called the meeting to order at 4 p.m. Board members present were: Suzy Card, Nathan Copeland, Darath Fisher, Dayrel Gates, and Kristi Leonard. Library Director Mara Strickler was present. Kenny Nedder was absent. Due to heightened public health risks associated with the COVID-19 pandemic, accommodations were made to broadcast this meeting via Zoom video conference.
- II. Recognition of Visitors and Visitor Comments: there were no visitors present.
- III. Approval of Agenda: the February meeting agenda was received by all Board members prior to the meeting. There were no changes to the agenda. The agenda stood as presented.
- IV. Disposition of Minutes: all Board members received the January 2021 meeting minutes prior to the meeting. Dayrel moved to approve the January minutes as written Kristi seconded the motion. The minutes were unanimously approved.
- V. Approval of Bills: All Board members received the February list of bills prior to the meeting. After a brief discussion and questions regarding the bills, Brenda moved to approve the February bills. Dayrel seconded the motion. The bills were unanimously approved. Additional bills were added on Feb. 9, 2021.
- VI. Unfinished Business:
  - a. Review of service models and COVID-19 – Changed sign due to the Governor’s recent proclamation to required by CDC and health dept. More push back from a patrons’ about wearing facemasks. (tried to show a paper that has an exemption due to religion, Mara consulted with City Attorney about how staff should respond) Another person walked away from staff member when asked to wear a mask. Will ask two times, then give the patron a document (see Mara for document) Keeping it at 40 patrons at a time.
  - b. Pella Community Memory Database Advisory Board – Darath on the committee, met last week, talked about the priorities, reviewing what gets the most hits, web design. Feedback has been positive. Funding only goes to the end of August 2021.
- VII. New Business:
  - a. Board Recruitment: demographics, existing gaps in Board membership – 2 terms coming to an end, Brenda (wanting to stay on) and Kenny (leaving the board), need a male and resident within the city. What specific skills are we needing on the board. Person of color or emerging under-represented population, generational-younger members (20-30 year old), medical professionals, communication skills. Bring a name of a potential board member to next month’s meeting.
  - b. Survey Review – Questions of how the response to Covid-19 was a good question. How are these questions used-did they guide the Board? If not, should we add more questions that give use guidance. Do we want to inform strategic plan, inform staff, find gaps in service. Add a single comment field for people to add feedback. Add a question using the capital projects-rank them. Option to leave personal contact information, also if they want to serve on the Library Board or Friends Board.
- VIII. President’s Report and Announcements:
  - a. Notes – Covered the recruitment, complimented the library on what it has to offer to all people of Pella
- IX. Director’s Report:
  - a. Wowbrary - Wowbrary is a nonprofit service that provides free customizable weekly email newsletters and RSS feeds about recent acquisitions and Library programs. Wowbrary also offers social media posts and book rivers. The cost to a Library of our size is \$500. Staff feel that this will be a very positive addition to the Library’s website and help us communicate with our patrons. We plan to complete an agreement with Wowbrary this month. Add board members to the list to receive it.
  - b. FOL Board Vacancies – The Friends of the Library are seeking community members to serve on their Board as President, Secretary, and Social Media Coordinator. This a 2-year commitment and terms begin 4/1/21. Please refer any recommendations to the Director. Many thanks to outgoing Board members: Jennifer Smart, Robin Martin, and Jaime Adrian for their work on the FOL Board and their support of the Pella Public Library. (7 on the Board)
  - c. Statistics
    - Fax24: 4 faxes sent in January
    - Adventure Passes: 9 passes checked out in January
      - i. 1 to the Blank Park Zoo
      - ii. 2 to the Botanical Gardens of Des Moines
      - iii. 1 to Brenton Skating Plaza
      - iv. 1 to the Pella Historical Society
      - v. 4 to the Science Center of Iowa

- Hoopla: 674 total circulations borrowed by 264 unique patrons; average circulation per patron: 2.5; average price per circulation: \$1.99; total monthly cost: \$1,339.15.

d. Library Upcycle – In recognition of Earth Day (4/22), the Library is planning a program called Upcycle Challenge which will be on display in the Library in April. The program will offer Library upcycle kits (receipt tape rolls, scotch and book tape rolls and toilet paper rolls, CDs, stickers from the middle of CD/DVD labels (white circles), and DVD cases) for community members to turn into their own work of art. Miss Carol has also solicited submissions from various local artists; many thanks to those artists taking part in this creative opportunity.

e. Upcoming events: <https://pellalibrary.libcal.com/calendar/main?cid=8842&t=m&d=0000-00-00&cal=8842&inc=0>

f. Canopy had around 57 views, look at promoting it.

X. Trustee training reports:

a. Innovative Libraries Online Conference (ILOC): Thursday, January 21, 2021 (Equity, Diversity, Inclusion-Keynote looking at trying to recruit, very interactive with audience, recruiting strategies and resources, pairing a new recruit with a mentor)

b. Marion County Board of Directors Meeting: Thursday, September 9, 2021 (CE Provided by State Library Consultant: Maryann Mori)

XI. Committee reports:

a. Personnel Committee: No committee report

b. Policy Committee:

i. Meeting Room policy – Board members received a copy of the Personal Room policy. Minor changes to neutralize gender pronouns were proposed. Brenda moved to continue with the policy as proposed. Kristi seconded the motion was unanimously approved.

ii. Collection Development policy – Board members received a copy of the Collection Development policy. Kristi moved to continue with the policy unchanged. Nathan seconded the motion was unanimously approved. Page 3, #5 change, changed “her” to “their”.

XII. Adjournment: President Brenda Huisman adjourned the meeting at 5:00 p.m. The next regularly scheduled Board Meeting is scheduled for March 9, 2021.

#### d. Library Board Minutes for March 9, 2021

I. Call to Order: President Brenda Huisman called the meeting to order at 4:01 p.m. Board members present were: Suzy Card, Darath Fisher, Dayrel Gates, and Kristi Leonard. Library Director Mara Strickler was present. Kenny Nedder and Nathan Copeland, was absent. Due to heightened public health risks associated with the COVID-19 pandemic, accommodations were made to broadcast this meeting via Zoom video conference.

II. Recognition of Visitors and Visitor Comments: there were no visitors present.

III. Approval of Agenda: the March meeting agenda was received by all Board members prior to the meeting. The agenda stood as presented with the additions with a slight change in the order of New Business.

IV. Disposition of Minutes: all Board members received the February 2021 meeting minutes prior to the meeting. Brenda moved to approve the February minutes as written – (as amended). Suzy seconded the motion. The minutes were unanimously approved. Darath's name was misspelled in the minutes.

V. Approval of Bills: all Board members received the March list of bills prior to the meeting. After a brief discussion and questions regarding the bills, Brenda moved to approve the March bills. Kristi seconded the motion. The bills were unanimously approved.

VI. Unfinished Business:

a. Review of service models and COVID-19 – first staff employee tested positive for Covid-19, encouraging staff to use masks and social distance, continue requiring masks for all patrons.

b. Board Recruitment: demographics, existing gaps in Board membership–contacted members in the community–put the library board service with description on the back and have them ready, send names to Mara

c. Survey Review–Made corrections on 16 & 17–see survey. It will be ready to send out by the end of the month.

VII. New Business:

a. Plans for National Library Week: Social Media Campaign – April 4-10, posts on trustees, photos at the library entrance and on-line, selfies or record a message about why you're on the Library Board or what about the Library are important by March 26th.

b. Review City financial policy and status of G&M funds – Board reviews policy in odd years, been the same since 2009. Statute: 12B.10-municipal investments; objectives-1. safety, 2. liquidity, 3. return on investment; allowed investments and prohibited investments; investments reviewed on a regular basis by city council. Library Board oversees three memorial funds, 150 Funds are only used for educational purposes. Included in the annual audit each year. Van Gorp Trust (Fund 152)- \$50,000 used for repair/maintenance for Library, Fund 151 is unrestricted-primary gift and memorial fund used. deposited into 151 Fund Gift and Memorial-can carry it over, Enrich Iowa Fund, Inter Direct State Aid dependent on accreditation-need to be spent within the fiscal year.

c. State Funding – Table until next month

VIII. President's Report and Announcements: The president did not have a report.

IX. Director's Report:

a. Library Staffing - Vivian Koolstra has announced her retirement; Vivian has been with the Library for just over 30 years, Vivian is our longest serving Assistant and has been an exemplary employee. Dawn Van Berkum will be transitioning into Vivian's position. We are currently accepting applications for Dawn's current position. We will be holding a recognition of Vivian on Friday, 4/23 (her last day) from 8:30 am – 9:30 am; please join us! Go to the back service entrance if you attend.

b. FOL Board Vacancies – The Friends of the Library are seeking community members to serve on their Board as President, Secretary, and Social Media Coordinator. This a 2-year commitment and terms begin 4/1/21. Please refer any recommendations to the Director. Many thanks to outgoing Board members: Jennifer Smart, Robin Martin, and Jaime Adrian for their work on the FOL Board and their support of the Pella Public Library.

c. Statistics

- Fax24: 2 faxes sent in February

- Adventure Passes: 9 passes checked out in February

i. 1 to the Blank Park Zoo

ii. 3 to the Botanical Gardens of Des Moines

iii. 0 to Brenton Skating Plaza

iv. 0 to the Pella Historical Society

v. 5 to the Science Center of Iowa

- Hoopla: 680 total circulations borrowed by 271 unique patrons; average circulation per patron: 2.5; average price per circulation: \$1.85; total monthly cost: \$1,254.61

d. Library Upcycle – In recognition of Earth Day (4/22), the Library is planning a program called Upcycle Challenge which will be on display in the Library in April. The program will offer Library upcycle kits (receipt tape rolls, scotch and book tape rolls and toilet paper rolls, CDs, stickers from the middle of CD/DVD labels (white circles), and DVD cases) for community members to turn into their own work of art. Miss Carol has also solicited submissions from various local artists; many thanks to those artists taking part in this creative opportunity.

e. Upcoming events: <https://pellalibrary.libcal.com/calendar/main?cid=8842&t=m&d=0000-00-00&cal=8842&inc=0>

X. Trustee training reports: Opportunities this summer to see, Darath participated in a program on new Trustee Handbook.

a. Marion County Board of Directors Meeting: Thursday, September 9, 2021 (CE Provided by State Library Consultant: Maryann Mori)

XI. Committee reports: There were no committee reports.

a. Personnel Committee:

b. Policy Committee:

XII. Adjournment: President Brenda Huisman adjourned the meeting at 5:12 p.m. The next regularly scheduled Board Meeting is scheduled for April 13, 2021.

#### e. Community Development Committee Minutes for March 10, 2021

Chairperson Brummel called the Community Development Committee (CDC) to order in the Public Safety Complex at 5:30 p.m. Members present were: Jerry Brummel, Patsy Cody, Linda Groenendyk, Nancy Henry, Mike Kiser, Lowell Olivier-Shaw (via phone), Wayne Stienstra, Caryn Van Hemert, Dennis Vander Beek, and Christi Vander Voort. Staff present: Assistant City Administrator Corey Goodenow, Code Enforcement Officer Jared Parker, and the Deputy City Clerk. Due to heightened public health risks associated with the COVID-19 pandemic, accommodations were made to broadcast this meeting via conference call. Nine members of the public joined the conference call.

APPROVAL OF TENTATIVE AGENDA: Motion by Cody, second by Groenendyk to approve the tentative agenda. Motion carried 10-0.

APPROVAL OF MINUTES: Motion by Van Hemert, second by Stienstra to approve the minutes from the October 14, 2020 meeting. Motion carried 10-0.

NEW BUSINESS:

Consider a Design Permit Application to Construct a Drive-Through Coffeehouse at 2010 Washington St.

Scooter's Coffee is proposing a new building at 2010 Washington Street. The building itself has been adapted from the company's standard building design by adding a gable, gooseneck lighting, faux shutters, and ensuring colors match the Pella Color Palette.

The building is predominantly a sandy tone, dark gray, with red highlights. The applicant has stated that they would prefer to use their own standard colors, but the following historic colors are similar:

- Sherwin-Williams' Skyline Steel SW 1015
- Sherwin-Williams' Inkwell SW 6992
- Benjamin Moore's Heritage Red HC-181

These colors appear to meet the Pella Color Palette requirements.

The building's design includes a gable, a set of faux shutters, gooseneck lighting, and has been altered from the company's traditional layout to better comply with Pella's design requirements. In evaluating this design application, staff finds the proposed application meets the requirements listed in the Design Review District Design Manual. Therefore, staff recommends the application be approved as submitted. Color and material samples were distributed for the Committee's review.

Cody indicated her support for the proposed design. Hood-Rich Architecture Principal Architect Billy Timmons was present via phone to answer questions from the CDC and to speak in favor of the design permit. He explained that the proposed canopy will provide shelter for customers when ordering during inclement weather. Stienstra expressed his reservations about the canopy's design. Van Hemert said she likes the proposed canopy and building design. Henry stated that the proposed canopy appears to fit within the branding of Scooter's Coffee. Cody said she appreciates the applicant's efforts in providing a complete application with the color elevations and material samples. Scooter's Coffee Construction Manager Dan Forslund was present via phone on behalf of the applicant and spoke in favor of the design permit.

Motion by Van Hemert, second by Vander Voort to approve the design permit as submitted. Motion carried 10-0.

Consider a Design Permit Application to Alter the Exterior Facades of the Existing Structure Located at 405 Truman Rd.

Bruxvoort's Decorating Center has submitted a design permit application to alter the building located at 405 Truman Road, known as the former Pella Recreation Center Fieldhouse. The Committee last reviewed this at the April 8, 2020 meeting where it was referred to an ad hoc subcommittee. Since then, staff has received verbal confirmation that the subcommittee appears to approve of the changes, but the authority for final approval was reserved by the full CDC.

The building is predominantly a sand color, with dark green trim along the bottom with stone accents. These colors appear to meet the Pella Color Palette requirements.

This site poses a unique challenge. The building was constructed while part of the Limited/Light Industrial (M1) zone, but later rezoned to Community Commercial (CC). Per Chapter 165.16.7, "[a]ny land rezoned to a commercial zoning district or annexed into the corporate limits as a commercial zoning district shall be concurrently rendered part of the DR [Design Review] Overlay District." Therefore, the Committee is challenged with the task of giving a metal, machine shed-style building a Dutch architecture treatment.

Efforts have been made on the part of the applicant to comply with design standards, while receiving verbal approval from the ad hoc subcommittee. Staff welcomes the Committee's opinion on the current design of the building.

Stienstra and Cody said the final design looks very nice.

Motion by Cody, second by Henry to approve the design permit as submitted. Motion carried 10-0.

OTHER BUSINESS / PUBLIC FORUM: Annual Election of Officers: On an annual basis, the Community Development Committee is required to select a Chairperson and Vice-Chairperson from its membership. Per 165.16.3 of the Zoning Ordinance, the Chairperson can be reelected each year provided no more than three consecutive years have been served. All members are eligible to serve in these roles.

The current Chairperson is: Jerry Brummel (3 years served)

The current CDC Vice-Chairperson is: Mike Kiser

CDC Design Subcommittee members: Lowell Olivier-Shaw, Wayne Stienstra, Caryn Van Hemert

CDC Sign Subcommittee members: Jerry Brummel, Patsy Cody, Caryn Van Hemert

Committee members will be nominated from the floor. All positions will be held for one year.

Motion by Henry, second by Vander Voort to appoint Cody as Chairperson and Van Hemert as Vice-Chairperson; to appoint Stienstra, Vander Beek, and Vander Voort to the Design Subcommittee; and to appoint Van Hemert, Brummel, and Cody to the Sign Subcommittee for 2021. Motion carried 10-0. The decision was made to also have Henry shadow the Sign Subcommittee and be included in sign permit application distribution emails.

Other: Cody and Van Hemert explained the ongoing signage issues with Vision 4 Less, which shares a building with EyeCare Partners, P.C. In response to a question from Cody, Code Enforcement Jared Parker explained that the number of wall signs for a building is determined based on the number of businesses located within the building.

Next Meeting Date: The next regular meeting is scheduled for April 14, 2021.

Adjourned at 6:05 p.m.

#### f. Board of Adjustment Minutes for March 15, 2021

Chairperson Vander Meiden called the Board of Adjustment to order at 6:00 p.m. in the Public Safety Complex. Members present were: Vince Nossaman (via phone), Jaci Nunnikhoven, Merlan Rolffs (via phone), Lyle Vander Meiden, and Corey Westra; absent: Kristi Kiou, Susan Reiter, and Mike Vander Wert. Staff present: Assistant City Administrator Corey Goodenow, Code Enforcement Officer Jared Parker,

and the Deputy City Clerk. Due to heightened public health risks associated with the COVID-19 pandemic, accommodations were made to broadcast this meeting via conference call. Seven members of the public joined the conference call.

CHAIRPERSON'S COMMENTS: Approval of the Tentative Agenda: Motion by Nossaman, second by Rolffs to approve the tentative agenda. Motion carried 5-0.

APPROVAL OF MINUTES: Motion by Rolffs, second by Westra to approve the October 19, 2020 minutes. Motion carried 5-0.

**PUBLIC HEARINGS:**

Consider a Variance Request to Construct a Building within the Required Minimum Setback of the Rear Yard at 908 Roosevelt Road. The applicant, Kurt De Jong, is the owner of 908 Roosevelt Road. The applicant requests a variance from the rear yard setback requirement in Table 165.12-3 to accommodate the construction of a new building for his business. The zoning for the property in question is Light Industrial (M1), which requires a rear yard setback of 25 feet. The lot itself is triangular and presents a challenge to construct a building within the appropriate setbacks on the east side of the property. The applicant has requested a variance to construct a new building into the 25-foot rear yard setback, which, if approved, would create a new setback of 10 feet along the entire rear stretch of the property, as depicted in the application.

While staff believes the location and configuration of the lot may be unusual, the request does not appear to meet the requirements of criterion #4, which requires "...demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice." Additionally, staff does not believe the request meets the requirements of criterion #7, which states, "...the owner has been deprived of all beneficial or productive use of the land." Staff does recognize that there are severe limitations on the property due to its shape and the bulk regulations affecting setbacks. However, it is the opinion of staff that this request fails to meet all seven criteria required in the City's zoning code and recommends denial of the variance.

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

The applicant, Kurt De Jong, was present via phone to answer questions from the Board and to speak in favor of the variance. He explained his intent to construct a building on the east side of the lot, so that he would have room for potential future construction on the west side. The building would be used as a shop for De Jong Door Service. He also explained that the present locations of a light pole, fire hydrant, and utility box on the lot would make an alternate orientation of the building and driveway challenging.

Vander Meiden inquired whether there are any requirements for green space on the lot. Code Enforcement Officer Jared Parker replied that there is a requirement of 10 percent.

De Jong mentioned that the proposed orientation of his building would also allow for better signage visibility for his business from the road. Motion by Westra, second by Nunnikhoven to close the Public Hearing as no further comments were received. Motion carried 5-0.

Motion by Westra, second by Rolffs to deny the variance request. On roll call the vote was ayes: Westra, Rolffs, Nunnikhoven; nays: Nossaman and Vander Meiden. The variance was denied.

Consider a Minor Modification Request to Reduce the Minimum Setback of the Side Yard at 2086 Idaho Drive

Rick Place has submitted a minor modification application to reduce the minimum setbacks of the side yard at the property located at 2086 Idaho Drive to replace a deck with an addition. The subject property is located within the Light Industrial (M1) zoning district. This request would reduce the side yard setback of the M1 zone from the standard minimum of 25 feet to eight feet. In this case, the applicant is requesting the following minor modification: "Allow an addition to an existing legal nonconforming structure to extend no closer to the property line than an adjoining portion of the existing structure (Sect. 165.43.3.H.1.d)."

Staff believes the requested minor modification will not have a negative impact on the subject property or neighboring properties and would not increase the amount of people or vehicles within the neighborhood. Staff also believes the proposal would maximize the owner's use of the property while still complying with City Code. For these reasons, staff believes the minor modification request should be granted and, therefore, is recommending approval of the proposal.

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

The applicant, Rick Place, was present via phone to answer questions from the Board and to speak in favor of the minor modification request.

Assistant City Administrator Corey Goodenow explained that the existing deck is a legal non-conforming structure.

Motion by Nunnikhoven, second by Westra to close the Public Hearing as no further comments were received. Motion carried 5-0.

Motion by Nunnikhoven, second by Westra to approve the minor modification request as submitted. Motion carried 5-0.

Consider a Minor Modification Request to Increase the Maximum Height of an Accessory Structure at 1542 Shady Brook Ln.

Troy Seekamp, owner of 1542 Shady Brook Ln., has submitted a minor modification application to increase the maximum height of an accessory structure to store a camper and a boat. The subject property is zoned Low-Density Single-Family Residential (R1). The zoning code limits an accessory structure's height to a maximum of 15 feet. If the minor modification is approved, the maximum permitted height of the detached garage would become 20 feet. The applicant is requesting the following minor modification: "Increase the maximum height of a detached garage in the residential districts to 20 feet or the height of the principal structure, whichever is less, as measured at the midpoint of the roof slope halfway between the top of the sidewall and peak of the structure."

A minor modification to increase the maximum height of an accessory structure from 15 feet to 20 feet would not have a negative effect on the subject site or adjacent properties. The structure would be located well behind the primary structure and is on a significantly larger lot than the surrounding properties. As this should not adversely affect the neighborhood, adjacent properties, or the subject site, staff recommends approval of the minor modification.

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

Motion by Westra, second by Nunnikhoven to close the Public Hearing as no further comments were received. Motion carried 5-0.

Motion by Rolffs, second by Westra to approve the minor modification request as submitted. Motion carried 5-0.

**NEW BUSINESS: Election of Chairperson and Vice-Chairperson for 2021:** On an annual basis, the Board of Adjustment is required to select a Chairperson and Vice-Chairperson from its membership. All members are eligible to serve in these roles. The primary role of the Chairperson is to conduct the Board of Adjustment meetings in accordance with the Board of Adjustment's Procedural Rules. In the absence of the Chairperson, the Vice-Chairperson will serve as the Chairperson during the Board of Adjustment meetings. In addition to the above responsibilities, both positions will serve in liaison roles for staff.

The following member is the existing Chairperson: Lyle Vander Meiden

The following member is the existing Vice-Chairperson: Mike Vander Wert

Board members will be nominated from the floor. Both positions will be held for one year.

Motion by Nossaman, second by Rolffs to elect Westra as Chairperson for 2021. Motion carried 5-0.

Motion by Nossaman, second by Westra to elect Nunnikhoven as Vice-Chairperson for 2021. Motion carried 5-0.

**OTHER BUSINESS/PUBLIC FORUM:** Next Meeting Date: The next meeting is scheduled for April 19, 2021.

Adjourned at 7:05 p.m.

**g. Planning and Zoning Commission Minutes for April 5, 2021**

Chairperson Canfield called the Planning and Zoning Commission to order at 7:00 p.m. in the Public Safety Complex. Members present were: Joe Canfield, Julio Chiarella, Cathy Haustein (via phone), Kisha Jahner, Tom Johnson, Dave Landon, Robin Pfalzgraf (via phone), Ann

Visser, and Teri Vos (via phone); absent: Mark Groenendyk and Julie Heerema Mueller. Staff present: City Administrator Mike Nardini, Code Enforcement Officer Jared Parker, and the Deputy City Clerk. Due to heightened public health risks associated with the COVID-19 pandemic, accommodations were made to broadcast this meeting via conference call. One member of the public attended the meeting in person and 13 individuals joined the conference call.

APPROVAL OF TENTATIVE AGENDA: Motion by Landon, second by Visser to approve the tentative agenda. Motion carried 9-0.

APPROVAL OF MINUTES: Motion by Visser, second by Jahner to approve the minutes of the March 22, 2020 meeting. Motion carried 9-0.

NEW BUSINESS PROPOSED:

Consider a Rezoning Application for Land Along 218th Place to Change the Zoning from Agricultural (A1) and Community Commercial (CC) to Limited/Light Industrial (M1)

(Tabled at the February 22, 2021 Planning & Zoning Meeting)

Bruce Schiebout has submitted a conditional rezoning application for a 9.66-acre parcel along 218th Place to change the zoning from A1 (Agricultural) and CC (Community Commercial) to M1 (Limited/Light Industrial). The subject property is currently utilized for agricultural purposes.

While there are currently no properties zoned M1 that abut the property, there are a significant number of properties with an M1 designation in the vicinity.

In addition, to address land compatibility issues, the applicant has agreed to the following conditions:

1. Conditional Uses: The applicant proposes conditions on the M1 district for the site, removing several intensive uses that would otherwise be permitted in M1. These uses to be disallowed include: Clubs (Recreational), Clubs (Social), Day Care (Limited), Day Care (General), Postal Facilities, Food Sales (Convenience), Cocktail Lounge, Kennels, Restricted Business (Adult Entertainment), Recycling Collection, Recycling Processing, Recycling Processing Limited, and Tattoo Parlor.

2. The applicant has agreed to Type 'A' screening requirements for the development.

3. The applicant has agreed to design standards for any buildings constructed on-site, including gables and one minor design element as outlined in the City's Design Review District Design Manual. Additionally, the building elevations indicate a brick façade, which is one of the preferred major materials included in the manual. The elevations for Building 1 have been included as an attachment to this memo and meet the proposed design standards.

4. To maintain the zoning of M1, Building 1, which is an office building, must be built in 2021. In addition, Buildings 2 and 3, which will have trade services uses, must be completed within five years of a Certificate of Occupancy being issued for Building 1.

There are several properties south of Washington Street in close proximity to this site which are zoned M1. As a result, staff does not believe this request constitutes spot zoning.

Staff believes that the restriction on uses, as well as a timeline for building the structures to ensure the maintenance of the zoning, is reasonable and would prevent future non-conformance with the property, while simultaneously ensuring that the uses on the lot have a negligible, if at all, negative impact on neighboring properties. Therefore, staff is recommending this ordinance be approved as submitted.

Motion by Landon, second by Johnson to take from the table the agenda item so that it may be considered by the Commission. Motion carried 9-0.

Canfield stated that the proposed layout of the development looks good, in his opinion, and aligns with the Comprehensive Plan.

Motion by Landon, second by Chiarella to approve the ordinance as submitted. Motion carried 9-0.

Consider a Site Plan Amendment for Fareway Stores, Inc. to Allow for a Drive-Through Coffeehouse at 2010 Washington Street  
Fareway Stores, Inc., in partnership with Scooter's Coffee, has proposed building a drive-through coffeehouse on the property located at 2010 Washington Street in the far south side of the Fareway grocery store parking lot. The proposed amendment to the site plan, originally approved by the Planning and Zoning Commission on September 29, 1998 and by the Pella City Council on October 6, 1998, would allow for the construction of a 557-square-foot structure with an additional disturbed area of 11,300 square feet.

The proposed site plan amendment satisfies pertinent City Code and is consistent with the Comprehensive Plan. Staff recommends approval of the site plan amendment as submitted.

Chiarella suggested the applicant consider including an additional driveway exit for Scooter's Coffee.

Motion by Jahner, second by Chiarella to approve the site plan as submitted. Motion carried 9-0.

Consider a Site Plan for an Aircraft Hangar at 2119 Fifield Road

Weiler Transportation, Inc. has proposed building a hangar on the property located at 2119 Fifield Road. The main structure proposed shall be 10,000 square feet. The developer for this site is proposing a hangar for storing an airplane.

The proposed site plan meets the minimum zoning requirements. Additionally, staff believes that the proposed site plan complies with the Comprehensive Plan by fostering an economic environment that supports and attracts quality business, industry, and tourism. Therefore, staff recommends approval of the site plan as submitted.

Jahner noted that the application for the site plan did not have a signature from the applicant. Staff will have Megan Weiler Green sign the application.

Motion by Landon, second by Chiarella to approve the site plan as submitted. Motion carried 9-0.

OTHER BUSINESS / PUBLIC FORUM / WORK SESSION: Next Meeting Date: The next regular Planning and Zoning Commission meeting is scheduled for April 26, 2021. City Administrator Mike Nardini stated that the agenda for that meeting may include a site plan for a new commercial development at Prairie Ridge and a work session for an Urban Renewal Plan.

Adjourned at 7:30 p.m.

### 3. Petitions and Communications

#### a. Special Event Permit Request for Brown Bag Book Club

BACKGROUND: The Pella Public Library has requested a special event permit to host their Brown Bag Book Club in the West Market Park's south shelter house from noon to 1:00 p.m. on the following dates:

- Thursday, May 27, 2021 (rain date of Friday, May 28, 2021)
- Thursday, June 24, 2021
- Thursday, July 29, 2021
- Thursday, August 26, 2021

As background, the Brown Bag Book Club is an adult discussion group that meets for the purpose of discussing specific book titles.

Refreshments are not served during these events, as participants are encouraged to bring their lunches with them.

All pertinent City departments have reviewed this application and comments are attached. Staff is recommending conditional approval of this special event with the understanding that if orders or guidelines are issued prohibiting events like this due to the COVID-19 pandemic, this event will not be able to occur.

ATTACHMENTS: Application, Department Comments

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Conditional approval as outlined above

## **D. PUBLIC HEARINGS** – None

## **E. PETITIONS & COMMUNICATIONS**

1. Special Event Permit Request for Lake Red Rock Balloonfest.

Sporrer moved to approve, seconded by De Jong.

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

BACKGROUND: The Red Rock Army Corps of Engineers and the Pella Convention and Visitors Bureau have requested a special event permit to host the Lake Red Rock Balloonfest at the Pella Sports Park on July 10, 2021. The event is proposed to be held from 1:00 to 10:00 p.m. with set-up beginning at 5:30 a.m. and take down completed by 11:30 p.m.

As background, while the Lake Red Rock Balloonfest events are scheduled to occur July 9 through July 11, the promoter is requesting to utilize the Pella Sports Park only for the Saturday events. If approved, approximately 40 hot air balloon pilots would launch from the Sports Park with the goal of floating over Pella. Events at the Sports Park would include a band, concession vendors, and a Balloon Night Glow after dusk, as shown on the attached map.

All pertinent City departments have reviewed this application and comments are attached. The fee and insurance certificate have been received. Staff is recommending conditional approval of this special event with the understanding that if orders or guidelines are issued prohibiting events like this due to the COVID-19 pandemic, this event will not be able to occur.

ATTACHMENTS: Application, Map, Department Comments  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Conditional approval as outlined above

## **F. PLANNING & ZONING ITEMS** – None

## **G. ADMINISTRATION REPORTS** – None

## **H. RESOLUTIONS**

1. Resolution No. 6287 entitled, “RESOLUTION AMENDING THE CITY OF PELLA’S PURCHASING POLICY.”  
Branderhorst moved to approve, seconded by De Jong.

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

BACKGROUND: This resolution approves an amendment to the City’s purchasing policy as discussed during the Policy and Planning meeting on April 20, 2021. As background, the City’s purchasing policy is utilized to establish purchasing procedures for all City departments. The policy ensures utilization of a competitive bidding system and process to ensure the City obtains the best quality goods and services at the lowest possible price.

Recently, the Pella Fire Department received approval to purchase a new pumper truck. The Department has indicated that it is common practice to utilize cooperative purchasing for this type of equipment as this method typically results in the lowest purchasing price. Under a cooperative purchasing model, organizations band together to bid on products and services competitively to increase purchasing power. Cooperative purchasing is currently not an approved process for the procurement of goods and services underneath the City of Pella’s purchasing policy; therefore, the policy would need to be amended before the Fire Department could purchase the new pumper truck using this method.

Proposed Amendment: While reviewing the purchasing policy, which was last amended in January of 2012, the following needed updates were identified, primarily based on recent amendments to state code:

Definitions: The proposed amendment would change the definition section to match the current definitions for “public improvement” and “under the control of a governmental entity” as outlined in state code. The Legislature amended these definitions during the 2018 legislative session.

Bid Security Bonds: The proposed amendment would limit the bid security bond amount to 10%, which is the maximum amount as set by Iowa Code Section 26.8.

Public Notice: Iowa Code Section 26.3(1), which addresses public notice requirements, was amended by the State of Iowa and now requires posting on relevant contractor plan sites. This proposed amendment would meet the updated public notice requirement.

Bid Thresholds: The proposed amendment would update the City’s bidding thresholds to meet state code requirements.

Emergency Purchases: This amendment incorporates Iowa Code Chapter 384.103(2) which requires an emergency declaration and a certificate from a professional engineer certifying emergency repairs are necessary when forgoing the purchasing policy in the event of an emergency.

Cooperative Purchasing: This amendment would allow the City to participate in cooperative purchasing, commonly known as joint purchase agreements, in which an organization or other governmental entity periodically undertakes the competitive bidding process and allows qualifying entities to purchase from the resulting contracts.

In summary, staff is recommending approval of this resolution amending the City’s purchasing policy, which was last amended in 2012. The proposed amendment under consideration would update the policy to match state code amendments in addition to adding a section to allow cooperative purchasing. The Pella Fire Department has requested this procurement method as the preferred method for the purchase of a new pumper truck.

ATTACHMENT: Resolution, Updated Purchasing Policy  
REPORT PREPARED BY: City Administration  
REPORT REVIEWED BY: City Administrator, City Clerk  
RECOMMENDED ACTION: Approve resolution

2. Resolution No. 6288 entitled, “RESOLUTION APPROVING A LEASE AGREEMENT WITH LIBERTY STREET KITCHEN FOR THE RENTAL OF 1,179 SQUARE FEET OF THE MOLENGRACHT PLAZA FOR OUTDOOR DINING.”

Sporrer moved to approve, seconded by Hopkins.

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

BACKGROUND: This resolution approves a lease agreement with Liberty Street Kitchen (LSK) for rental of a portion of the Molengracht Plaza for outdoor dining. As background, staff received a request from LSK, located in the Molengracht Plaza, to lease 1,179 square feet outside of their

establishment for two separate outdoor dining areas connected by a walkway. It is important to note, we have leased a portion of this space for this same purpose since 2011.

Below are highlights of the lease agreement:

- LSK will pay \$589.50 (\$0.50 per square foot for 1,179 square feet).
- The term of the lease is from May 5, 2021 to October 31, 2021.
- Hours of operation are limited to between 6:00 a.m. and 12:00 midnight.
- LSK may play quiet music which does not disturb those utilizing adjoining publicly owned space. The purpose of playing the music is to add to the atmosphere, and the same music that is played inside the restaurant is played in the outdoor space. This arrangement was in place during previous leases in this location with no complaints reported since this item was added in 2012.
- The City has the authority to utilize the space for special events or other City functions during the contract period.

Finally, it is important to note that placement of temporary railings, furniture, and accessories are subject to the approval of the Community Development Committee. There are no changes to the layout, furniture or railings from the previous year. The previously approved seating plan, identifying the outdoor area layout, is summarized below:

- Patio Dining Area: approximately 8 ft. x 54 ft.

This is the same general area utilized from 2011 to 2018 under a previous lease agreement.

Fenced-in area with one main path of entry, 5 tables, and seating for 20.

- Patio Lounge Area: approximately 16 ft. x 26 ft.

Fenced-in area with two paths of entry, lounge couches/chairs, and seating for 12-14.

- Walkway: approximately 10 ft. x 26 ft.

This area will not be fenced, allowing public foot traffic from the north and south.

In summary, staff is recommending approval of this lease agreement with LSK for rental of a portion of the Molengracht Plaza for outdoor dining.

ATTACHMENTS: Resolution, Lease Agreement with Map

REPORT PREPARED BY: Community Services Department

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Approve resolution

### 3. Resolution No. 6289 entitled, "RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR PRAIRIE RIDGE SANITARY SEWER LIFT STATION."

Schiebout moved to approve, seconded by Hopkins.

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

BACKGROUND: This resolution accepts the public improvements for the Prairie Ridge Sanitary Sewer Lift Station, which is being developed by PR Dev, LLC. As background, Klingner & Associates has certified that these public improvements are substantially complete and comply with the approved plans and the City's standards for public infrastructure, as shown on the attached letter. On December 15, 2020, the developer submitted a performance bond in the amount of \$650,000 to cover construction costs of the lift station to allow for the release and recording of Prairie Ridge Plat 1 and Plat 2. The developer is now responsible to provide a performance bond in the amount of \$5,000 for the remaining minor work to be completed on the sanitary sewer lift station punch list.

In summary, staff is recommending conditional approval of this resolution which accepts the Prairie Ridge Sanitary Sewer Lift Station public improvements and releases the \$650,000 performance bond. Approval is conditional upon receipt of a \$5,000 performance bond from the developer and subsequent approval of the performance bond by the City Attorney.

ATTACHMENTS: Resolution, Engineer's Letter of Certification

REPORT PREPARED BY: Public Works Department

REPORT REVIEWED BY: City Administration, City Clerk

RECOMMENDATION: Conditional approval of the resolution as outlined above

### 4. Resolution No. 6290 entitled "RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSED VACATION OF A PUBLIC UTILITY EASEMENT."

Bandstra moved to approve, seconded by De Jong.

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

BACKGROUND: This resolution sets May 18, 2021 as the public hearing date for the vacation of a platted 10-foot wide public utility easement. As background, the centerline of this easement is located on the boundary line between lots 4 and 5 of the View Pointe plat. Furthermore, the easement currently has no utilities located in the entire area. Lots 4 and 5 have basically merged into one site and are now a part of the new View Pointe development, as shown on the attached map.

In summary, staff is recommending Council set May 18, 2021 as the public hearing date on the proposed vacation of a public utility easement.

ATTACHMENTS: Resolution, Map, Vacation of Easement Document, Public Hearing Notice

REPORT PREPARED BY: Public Works Director

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Approve resolution

## I. ORDINANCES

### 1. Ordinance No. 990 entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY GENERALLY LOCATED AT 503 MAIN STREET, CITY OF PELLA, MARION COUNTY, IOWA."

Branderhorst moved to place ordinance no. 990 on its third reading, seconded by Sporrer.

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

Schiebout moved that ordinance no. 990 be adopted, seconded by Branderhorst.

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

Mayor DeWaard declared the ordinance duly passed and adopted.

BACKGROUND: This proposed ordinance would amend the zoning district of three vacant properties located at or near 503 Main Street to a Planned Unit Development (PUD). If approved, the base zoning district would remain Commercial - Mixed Use Urban Center (CUC). The

developer for this site is proposing the Pella Market, which is intended to be similar to the Gateway Market in Des Moines. According to the developer, the proposed Pella Market will offer the very best fresh food and exceptional service by providing produce essentials, freshly baked artisan breads, world-class grocery, a collection of the finest cheeses, unique wines, chef-crafted meals-to-go, and educational food and wine experiences for their customers. The Café will serve breakfast, lunch, and dinner offering catering and boxed lunches of the same great quality found in the market.

Listed below is background information on the proposed PUD ordinance:

**Planned Unit Developments:** Planned Unit Developments are designed to allow for comprehensively planned projects which provide for innovative and imaginative approaches to urban design and land development. A PUD is a negotiated contract for land development between the private developer and the public governmental entity. This differs from the traditional approach to land development wherein the developer develops land pursuant to minimum standards previously adopted by the government. A PUD permits flexible variation from established land regulations as contained in zoning districts and in platting and subdivision requirements. The developer, with City staff guidance, Planning and Zoning (P&Z) Commission review, and Council approval, may develop its own guidelines for the best development of the land in question. As a result, some requirements of the PUD will be greater than the City's zoning code. In addition, there will be some variations from the zoning code to accommodate the development. The overall intent of the PUD is to enhance land use compatibility with the existing neighborhood.

A considerable amount of site planning work has taken place for this proposed PUD. The plan was reviewed by professional engineers and City staff. This review included public safety issues, traffic concerns, and an infrastructure analysis. Overall, the planning for the development was completed in a comprehensive manner and in accordance with City Code.

**Current Zoning:** The existing zoning for the property is CUC. The CUC zoning district recognizes the mixed-use character of urban entry corridors into Pella's downtown, including Washington Street and Main Street, which contain a combination of residential, commercial, and office uses. These entry corridors include special aesthetic and sign design standards, which will help enhance their status as principal entrances and arterials into Pella's downtown, and to maintain their character as urban streets. The proposed Pella Market is an allowed use under the current zoning for the district.

**Proposed Zoning:** The base zoning for the PUD will remain CUC. However, as Council may be aware, the location of this site is within the Webster Park Urban Renewal Plan (URP). As background, the primary objectives of this URP were to provide opportunities and incentives that promote blight remediation. Furthermore, this area was previously declared as a 'blighted area' by the City Council. This is important as when redevelopment occurs in blighted areas, zoning requirements are often relaxed. In this case, the developer is proposing an enhanced building design in exchange for flexibility in minimum lot areas and setbacks. Finally, it is important to note, the only use allowed on this site is the Pella Market as described on the previous page, which is also an allowable use under the City's zoning code.

**Traffic and Parking Review:** In addition to the item noted above, the proposed PUD ordinance allows the developer to satisfy their 38 on-site parking space requirements with the off-site parking lot directly south of Independence Street. Through an agreement, the Pella Market will have access to non-exclusive parking spaces which are currently owned by South Main and the First Baptist Church (see Ordinance Exhibit E – Parking Agreement). It is important to note that this parking proposal was reviewed by our engineer, Veenstra & Kimm (V&K), in terms of capacity and pedestrian safety/access to the site. According to V&K, several recent studies that evaluated parking in 'downtown' areas have concluded that actual parking utilization is less than traditional standards. Overall, V&K concluded that for most periods of the day, the 14 on-site parking spaces would be adequate for the Pella Market. In addition, V&K reviewed and determined this proposal satisfactory as it applies to pedestrian traffic. As outlined in the attached letter, V&K recommends that the City monitors the amount of pedestrian traffic from the non-exclusive parking spaces after the Pella Market opens. A future determination regarding the need for a potential mid-block pedestrian crossing would be made based on the amount of actual traffic.

**Comprehensive Plan:** Staff believes the proposed Pella Market aligns closely with a key strategic goal of the Comprehensive Plan, which is economic development. Specifically, the Comprehensive Plan noted a 'gap' exists for food and beverage establishments. Staff believes the proposed Pella Market will help address this shortage in the community and will be a nice compliment to the new South Main development. Furthermore, the Comprehensive Plan has identified this section of Main Street as a commercial corridor and economic development area for the City.

**Planning and Zoning Commission Review:** At their meeting on March 22, 2021, the P&Z Commission stated the proposed PUD was in alignment with the City's Comprehensive Plan; however, the Commission recommended, on a 7-2 vote, to strike section 3(A) of the ordinance, design review standards, meaning the developer would be required to comply with design review standards in Pella City Code Section 165.16, 165.17, and 165.18. These code sections require review and issuance of a design permit by the Community Development Committee. The reason for the amendment was the Commission was concerned about the precedence of waiving design standards. It is important to note that the waiver of design review standards, as written in this proposed ordinance, is consistent with the Webster Park PUD ordinance. The Webster Park PUD ordinance, for the South Main development, was considered and approved by the P&Z Commission and City Council in 2018. The South Main development is located directly south of the properties under consideration for this proposed Pella Market PUD ordinance. Specifically, the Webster Park PUD ordinance waived design standards for the residential uses in the development. In addition, commercial uses are allowed in building 4 of the development, and those standards were also waived in the Webster Park PUD ordinance. While staff recognizes the importance of the design review process noted by the P&Z Commission, the developer has indicated they have spent a significant amount of funds on the design of the building and they would like to proceed with the construction phase of the development. As a result, they have requested to proceed with the proposed PUD ordinance, including section 3(A) waiving design review standards for the development. In addition, it is important to keep in mind that through the City's design review process, applicants can appeal Community Development Committee decisions to the City Council; therefore, this matter could still be presented to the City Council even if the proposed building was subject to design review standards. Listed below is the applicable section of City Code: Pella City Code Section 165.16(5) states that "Any person denied a building/design permit by the Building Official pursuant to the recommendations of the Committee (CDC) may appeal the denial within thirty (30) days after notification of the denial to the City Council."

Taking into consideration the appeal process for design permits, the City's zoning code ultimately defers matters of design consideration to the City Council for the final decision, which staff believes is accomplished through the inclusion of Exhibit B-1 through Exhibit B-8 of the proposed ordinance.

**Staff Recommendation:** According to the City Attorney, the P&Z Commission must make one of the following recommendations to the City Council on Planned Unit Developments: Pella City Code Section 165.14(3)(d) states that "The Commission shall recommend either: approval as filed; approval subject to specific conditions as listed; or denial." In addition, the City Attorney stated that the City Code provides final authority regarding Planned Unit Developments to the City Council. Furthermore, since the P&Z Commission did not deny the proposed ordinance, the City Attorney does not believe a super majority of Council is required to pass the ordinance with section 3(A) included.

In summary, since it appears questionable if the development will proceed if there are significant changes proposed to the design of the building, staff is recommending proceeding with the ordinance which includes section 3(A). Staff believes the proposed ordinance meets the requirements of the City's zoning code. In addition, staff believes the proposed ordinance is consistent and in conformance with the City's Comprehensive Plan, as detailed above. Therefore, staff recommends approval of the proposed ordinance.

ATTACHMENTS: Ordinance with Exhibits, Engineer's Letter, Aerial Map, Written Comment  
REPORT PREPARED BY: City Administration  
REVIEWED BY: City Clerk  
RECOMMENDATION: Approve ordinance as submitted

2. Ordinance No. 991 entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY CONDITIONALLY AMENDING THE BOUNDARIES OF THE M1 DISTRICT TO INCLUDE THE PROPERTY LEGALLY DESCRIBED IN "EXHIBIT A" AND DIRECTING THE PLANNING AND ZONING DIRECTOR TO NOTE THE ORDINANCE NUMBER AND DATE OF THIS CHANGE ON THE OFFICIAL ZONING MAP."

De Jong moved to place ordinance no. 991 on its second reading, seconded by Bandstra.

On roll call the vote was:

AYES: 5 (De Jong, Bandstra, Hopkins, Sporrer, Branderhorst)

NAYS: None

ABSTAIN due to a conflict of interest: 1 (Schiebout)

Motion carried.

It was moved by De Jong 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 Branderhorst.

On roll call the vote was:

AYES: 5 (De Jong, Branderhorst, Bandstra, Hopkins, Sporrer)

NAYS: None

ABSTAIN due to a conflict of interest: 1 (Schiebout)

Motion carried.

De Jong moved that ordinance no. 991 be adopted, seconded by Branderhorst.

On roll call the vote was:

AYES: 5 (De Jong, Branderhorst, Bandstra, Hopkins, Sporrer)

NAYS: None

ABSTAIN due to a conflict of interest: 1 (Schiebout)

Motion carried.

Mayor DeWaard declared the ordinance duly passed and adopted.

**BACKGROUND:** Bruce Schiebout has submitted a conditional rezoning application for a 9.66-acre parcel along 218th Place to change the zoning from A1 (Agricultural) and CC (Community Commercial) to M1 (Limited/Light Industrial). The subject property is currently utilized for agricultural purposes.

**CURRENT ZONING:** The subject property is currently zoned A1 and CC. The A1 district provides for and preserves the agricultural and rural use of land, while accommodating very low density residential development generally associated with agricultural uses. In addition, land included in the Urban Reserve in the Comprehensive Plan should be retained in the A1 district to prevent premature or inappropriate development. CC districts accommodate a variety of commercial uses, some of which have significant traffic or visual effect. These districts may include commercial uses oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts when adjacent to residential areas, thus requiring the provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts.

**PROPOSED ZONING:** The proposed zoning for this property is M1. This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities. Properties to the south on either side of 218th Place, as well as one on the southeast corner, are zoned CC. A1 zoning encompasses the subject site on the northwest, north, and east sides. While there are currently no properties zoned M1 that abut the property, there are a significant number of properties with an M1 designation in the vicinity.

In addition, to address land compatibility issues, the applicant has agreed to the following conditions:

1. Conditional Uses: The applicant proposes conditions on the M1 district for the site, removing several intensive uses that would otherwise be permitted in M1. These uses to be disallowed include: Clubs (Recreational), Clubs (Social), Day Care (Limited), Day Care (General), Postal Facilities, Food Sales (Convenience), Cocktail Lounge, Kennels, Restricted Business (Adult Entertainment), Recycling Collection, Recycling Processing, Recycling Processing Limited, and Tattoo Parlor.
2. The applicant has agreed to Type 'A' screening requirements for the development.
3. The applicant has agreed to design standards for any buildings constructed on-site, including gables and one minor design element as outlined in the City's Design Review District Design Manual. Additionally, the building elevations indicate a brick façade, which is one of the preferred major materials included in the manual. The elevations for Building 1 have been included as an attachment to this memo and meet the proposed design standards.
4. To maintain the zoning of M1, Building 1, which is an office building, must be built in 2021. In addition, Buildings 2 and 3, which will have trade services uses, must be completed within five years of a Certificate of Occupancy being issued for Building 1.

REZONING PETITION: City Code section 165.38.2(F) recommends that the applicant submit a rezoning petition “duly signed by the owners of 50 percent of the area of all real estate included within the boundaries of said tract as described in said petition and duly signed by the owners of 50 percent of the area of all real estate lying outside of said tract but within 300 feet of the boundaries of the said tract. Both of the foregoing percentage signature requirements are for advisory purposes only, and failure to obtain either or both of the required percentages shall not prevent continuance of the permit application.” The applicant indicated that he contacted adjacent landowners; a rezoning petition was not received with this application.

SPOT ZONING CONCERNS: There are several properties south of Washington Street in close proximity to this site which are zoned M1. As a result, staff does not believe this request constitutes spot zoning. For Council’s review, adjacent properties are zoned A1 and CC:

North – A1, South – CC, East – AA and CC, West – A1

COMPREHENSIVE PLAN: City Code Section 165.04 notes that the City “intends [the] Zoning Ordinance and any amendments to it shall be consistent with the City’s Comprehensive Plan.” The Comprehensive Plan’s Future Land Use Map identifies the subject site and the area surrounding it as High and Medium Density Residential. Surrounding the property on the Future Land Use Map is a combination of Commercial and Low Density Residential. Table 1.5 of the Comprehensive Plan, the Land Use Compatibility Matrix, assigns compatibility scores to different land use pairs. The matrix scores range from one (incompatible) to five (completely compatible). When considering the intended use and the surrounding uses of the properties, the proposed agricultural use will mirror much of the surrounding property and be, therefore, completely compatible. The proposed M1 use will abut a commercial use to the south, which is labeled as a four, or basically compatible. To the east, west, and north the proposed M1 district will abut existing agricultural uses, which is labeled as a three, or potential conflicts which can be resolved through project design, landscaping, buffering, and screening, which will be addressed through the site planning process. It should also be noted that staff believes the proposed rezoning aligns with a key strategic priority of the Comprehensive Plan, which is economic development.

STAFF RECOMMENDATION: Staff believes that the restriction on uses, as well as a timeline for building the structures to ensure the maintenance of the zoning, is reasonable and would prevent future non-conformance with the property, while simultaneously ensuring that the uses on the lot have a negligible, if at all, negative impact on neighboring properties. Therefore, staff is recommending this ordinance be approved as submitted. Finally, it is important to note that the Planning and Zoning Commission unanimously approved the ordinance at their meeting on April 5, 2021.

ATTACHMENTS: Ordinance with Exhibits, Aerial Map, Zoning Map, Future Land Use Map, Application, Building #1 Elevations  
REPORT PREPARED BY: Planning and Zoning Department  
REVIEWED BY: City Administration, City Clerk  
RECOMMENDATION: Approve the ordinance

## **I. CLAIMS**

1. Abstract of Bills No. 2078.  
Branderhorst moved to approve, seconded by Hopkins.  
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

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

No comments were received.

## **L. CLOSED SESSION**

1. Item pulled from the agenda.

## **M. 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 6:31 p.m.