



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

May 17, 2022

A. CALL TO ORDER BY MAYOR AND ROLL CALL

The City Council of the City of Pella, Iowa, met in regular session at the Public Safety Complex (614 Main Street) at 6:00 p.m., Mayor Don DeWaard presiding. Council members present were: Mark De Jong, Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Dr. Spencer Carlstone, Dave Hopkins. Absent: None.

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

Nine staff members and twenty-three members of the general public attended in person.

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

B. MAYOR'S COMMENTS

1. Approval of Tentative Agenda.

Bandstra moved to approve, seconded by De Jong.

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

2. Reappointment of Dayrel Gates to the Library Board of Trustees.

Hopkins moved to approve, seconded by Sporrer.

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

BACKGROUND: Mayor DeWaard would like to reappoint Dayrel Gates to serve a second term on the Library Board of Trustees. Dayrel previously served on the Board from July 2002 to June 2008. Dayrel has lived in Pella for over 20 years. He has attended 18 of the 19 meetings held since he rejoined the Board in 2020. If approved, Dayrel's second term would begin July 1, 2022 and expire June 30, 2025.

ATTACHMENTS: None

REPORT PREPARED BY: Library Director

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Approve the reappointment

3. Reappointment of Suzy Card to the Library Board of Trustees.

De Jong moved to approve, seconded by Hopkins.

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

BACKGROUND: Mayor DeWaard would like to reappoint Suzy Card to serve a second term on the Library Board of Trustees. Suzy is the UniServ Director for the Iowa State Education Association and a former teacher. She and her husband reside in Pella. Suzy has attended 29 of the 35 meetings held since she joined the Board in 2019. If approved, Suzy's second term would begin July 1, 2022 and expire on June 30, 2025.

ATTACHMENTS: None

REPORT PREPARED BY: Library Director

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Approve the reappointment

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

Comments were received and addressed.

D. APPROVAL OF CONSENT AGENDA

Bandstra moved to approve the consent agenda, seconded by De Jong.

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 May 3, 2022

2. Report of Committees

- a. Policy and Planning Minutes for May 3, 2022

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

ABSENT: Lynn Branderhorst

OTHERS: City staff and visitors

The Policy and Planning meeting began at 6:29 p.m.

The first item on the agenda was a discussion regarding a drafted ordinance establishing a city ambulance service. On April 5, 2022, Council approved a resolution authorizing staff to proceed with the necessary steps to initiate a transfer of Pella Community Ambulance assets and employees to a city service. The drafted ordinance is the first step in that process.

Council reviewed the following items that were included in the drafted ordinance:

- The service would be under the general supervision of the Ambulance Chief who would report to the City Administrator.
- A temporary advisory board would be established to assist with the transition and oversee the initial operations of the service through December 31, 2022. The board would consist of six members appointed by the Mayor, subject to City Council approval. Ambulance Chief Greg Higginbotham recommended that the current Pella Community Ambulance Board be appointed to this advisory board due to their familiarity with the service.

- Service fees will be established through resolution and would be required to cover the service's operating costs. Higginbotham informed Council that the city wouldn't be eligible to recoup funds from the Ground Emergency Medical Transportation (GEMT) program, which helps with reimbursements for certain patients, until 2025. City Administrator Mike Nardini mentioned that Council will be reviewing budgetary items for the ambulance service, including a drafted service fees resolution, during future Policy and Planning meetings.
- The drafted ordinance that was discussed stated that until September 30, 2022, the ambulance service would continue to serve areas outside of the corporate limits. After that date, any service provided outside the city limits would be through agreements approved by the City Council. Bandstra requested to extend this date to December 31, 2022. Lake Prairie Township Trustee Steve Van Wyk shared regarding their financial and levy limitations which makes it difficult to financially support the ambulance service.

At the end of the discussion, staff was directed to modify the ordinance to change the timeframe for serving areas outside of corporate limits to December 31, 2022. This ordinance will be placed on a future agenda for formal consideration.

The next item on the agenda was a discussion regarding sidewalk extensions. Council discussed the following proposed sidewalk locations:

- Country Club Drive
- Hazel Street north of Elm Street
- East University Street from Central Drive to West 5th Street
- Main Street from Elm Street to Brentwood Drive

All options discussed would be affected by utilities that are placed in the public right-of-way; however, the difficulty of moving each item varies per situation. For example, light poles are relatively easy to move whereas electrical boxes and transformers are not. These costs would be subsequently considered at the design stage for each project when more accurate costs can be derived.

According to legal counsel, the construction cost for new sidewalks can be funded by either the city or assessed to the abutting property owner. In 2006, Council approved a Sidewalk Master Plan Completion Policy which assessed the cost of new sidewalks to the abutting and adjacent property owners. Subsequently, legal counsel determined that only abutting (not adjacent) property owners can be assessed for the cost to install new sidewalks.

At the end of the discussion, staff was directed to identify how many street segments in the city are lacking sidewalks. In addition, staff was directed to draft an updated policy to address whether sidewalk extensions should be city projects or projects that are assessed to abutting property owners.

The next item on the agenda was a discussion regarding continuation of the sidewalk inspection program. In 2018 and 2019, the northeast and northwest quadrants underwent inspection with defective sidewalk panels having repairs completed. Due to the pandemic and staff limitations, the sidewalk inspection program was not conducted in 2020 or 2021.

Below is the proposed timeline that was reviewed:

- May 15, 2022: Sidewalk inspection begins for the southwest quadrant.
- June 15, 2022: Property owners notified of defective sidewalks requiring replacement.
- October 31, 2022: Deadline for property owners to voluntarily replace defective panels.
- June 2023: Contractor completes repairs to all remaining defective sidewalk panels.
- June to July 2023: City completes assessment proceedings.

At the end of the discussion, staff was directed to proceed with resuming the sidewalk inspection program with the southwest quadrant (south of Washington Street and west of Main Street), utilizing a contractor to complete the initial sidewalk inspections. Staff estimates the cost for a contractor to conduct the initial sidewalk inspections to be approximately \$5,500 to \$6,000.

The meeting adjourned at 7:31 p.m.

b. Civil Service Commission Minutes for March 2, 2022

Present: Marty Racheter, Commission Chair; Curtis Baugh, Commission Member (via phone); Keith Van Gent, Commission Member; Stacey Bone, City of Pella Human Resources Director; Marcia Slycord, Secretary to the Commission and Police Administrative Services Manager

The meeting was called to order at 3:59 p.m. by Commission Chair Racheter.

During the Civil Service Commission meeting on Monday, February 28, 2022, two police officer candidates were presented to the Commission following the Pella Police Department candidate written examination, physical fitness assessment and staff panel interview. Both candidates were interviewed and certified by the Civil Service Commission to be presented to the City Council.

Following a secondary review of the scores, it was noted that the "overall" score of the candidate Zachary Merrill did not attain a 70% average. Based on historical records, candidates that did not attain a 70% average on the Civil Service Commission panel interview were not certified. The verbiage in the 2022 Police Officer Recruitment process document approved by the Civil Service Commission on January 17, 2022, states the following: "Civil Service Commission Panel Interview. Applicants who pass both the POST, physical fitness assessment and staff panel interview shall be ranked, and then participate in the Civil Service Commission panel interview process. Candidates must score a 70% on the interview assessment to move forward in the process."

Van Gent moved to certify Chase Poston, seconded by Baugh. All members voted aye; motion approved.

Following a discussion regarding the scores attained by Zachary Merrill from the process on Monday, February 28, 2022, Van Gent moved to only certify Chase Poston and not certify Zachary Merrill, seconded by Baugh. All members voted aye; motion approved.

There being no further business to come before the commission, the meeting adjourned at 4:51 p.m.

Respectfully submitted, Marcia Slycord, Secretary to the Commission

c. Airport Committee Minutes for March 25, 2022

Members Present: Matt Hutchinson, Rick Gritters, Eric Recker, Jeff Bollard, Ted Zylstra, Trevor Nikkel

Members Absent: None

Others Present: Denny Buyert, Shane Vande Voort

Approval of Minutes: December 17, 2021 minutes reviewed.

Motion to approve Gritters, Support Zylstra

Regional Airport Update – Iowa Supreme Court decision on 28E not expected until June

Discussion on expansion of ramp space and the need for parking of transient planes.

Motion by Nikkel: Request to the city to approve the full ramp extension 150' for the full length at local standards per ACIP data sheet and include tie downs Support-Recker Motion passed unanimous.

Airport Managers report to the committee-Shane Vande Voort:

Equipment Update: New pickup with new plow is here and in use. We have installed a communications radio that was previously purchased, but not installed in the other pickup. Now all three pieces of snow removal equipment have strong communication radios for safety. A new plow operator did some damage to the big truck plow, but public works has it fixed.

FBO operations: Classic Aviation remains busy. We are looking for flight instruction, pilot service, avionics, and line service help.

Hangar and ramp space: In day-to-day operation of the airport our two biggest challenges continue to be lack of hangar space and lack of any designated parking area on the existing ramp. The committee has recognized these needs and recommended action, however due to the proposed regional airport these projects are not eligible for state and federal funding, and city council has not been willing to fund them locally. I'm encouraged that ramp expansion and hangar space is being included in budget discussions, but can't emphasize enough that ramp expansion must include designated parking spaced for aircraft to arrive and depart without being moved.

Special Events: Tulip Time Flight breakfast. Interest is high in the annual event and the United Methodist Church is ready to serve breakfast with a slightly altered menu. Due to our help situation, we will likely need more volunteer help than we have in the past. The Cirrus Owners and Pilots Association plans to hold a two-day Pilot Proficiency Program with an emphasis in aircraft ownership and maintenance at PEA in August 2022. Ground training will be available one day and flight training the next and the event is expected to draw up to 25 airplanes and 50 attendees.

Iowa Airports Conference: The annual Iowa airport conference will take place April 12-14 in Iowa City. I hope to make it and would welcome any committee members who would want to come along.

Adjourn: Motion by Recker, Support Gritters Passed unanimously

Next regular meeting will take place on April 29th, 2022 7am

d. Planning and Zoning Commission Minutes for March 28, 2022

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

APPROVAL OF TENTATIVE AGENDA: Motion by Visser, second by Jahner to approve the tentative agenda. Motion carried 8-0.

APPROVAL OF MINUTES: Motion by Visser, second by Chiarella to approve the minutes of the February 28, 2022 meeting. Motion carried 8-0.

NEW BUSINESS PROPOSED:

Dave Hopkins (RAVE Property Management) submitted a preliminary plat for seven parcels along Bos Landen Drive. The 2.47-acre site is currently undeveloped and is conditionally zoned Multiple-Family Residential (R3). The property is conditionally zoned R3. The district intended to provide locations primarily for multiple-family housing, with supporting and appropriate community facilities. It also permits some non-residential uses to permit the development of mixed-use neighborhoods. The site would consist of seven residential lots. Stormwater, parking, loading, a mowed path, and other attendant facilities are also proposed for the site. Chapter 170.06.2 tasks the Planning and Zoning Commission to review the proposed preliminary plat for conformance with the City's Comprehensive Plan. The Comprehensive Plan's Future Land Use Map identifies this site as Low-Density Residential. The proposed use complies with this designation. The Comprehensive Plan also calls for increased housing in the community, which this project helps satisfy. The proposed preliminary plat satisfies pertinent City Code and is consistent with the Comprehensive Plan. Staff recommended approval of the preliminary plat as submitted. The applicant, Dave Hopkins, was present to speak in favor of the preliminary plat and to answer questions from the Commission. Hopkins indicated that he intends to build single-family attached homes on the property. Planning and Zoning Director Gerald Buydos stated that additional lots will need to be created so that the properties can be sold as such. The applicant then decided to have his application tabled by the Commission for consideration at a future meeting.

Motion by Jahner, second by Canfield to table the preliminary plat. Motion carried 8-0.

Consider an Amended Site Plan Application, Submitted by Doug Attema, to Construct Two Warehouses With An Office, at 311 SE Ninth Street. Doug Attema submitted an amended site plan application to construct a warehouse with an office at 311 SE Ninth St. The previous site plan was approved on August 23, 2021. The proposed buildings will be approximately 7,680 square feet with approximately 15,000 square feet of paved parking. The property is currently zoned Limited/Light Industrial (M1). The M1 district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility. According to the Zoning Ordinance, the proposed land use is classified as Warehousing (Enclosed), which is defined as "uses including storage, distribution and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses and van and storage companies." The proposed land use is permitted by right in the City's M1 zoning district. Chapter 165.36(F)(3) requires the proposed site plan to conform to the City's Comprehensive Plan. The Future Land Use Map of the Comprehensive Plan identifies this site for "General Industrial" land uses. Staff believes the proposal meets the community's goals listed in the Comprehensive Plan and complies with the Future Land Use Map.

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

Motion by Johnson, second by Jahner to approve the site plan as submitted. Motion carried 8-0.

Consider a Site Plan Application, Submitted by Pella Corporation, to Construct Paved Parking at 102 Main Street. Pella Corporation submitted a site plan application to construct paved parking as part of their campus at 102 Main Street. The proposed project will consist of approximately 15,000 square feet of paved parking. The property is currently zoned Heavy Industrial (M2). The M2 district per code "...is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility." According to the Zoning Ordinance, the proposed land use is best defined as a parking lot and accessory to the industrial uses on the property. Chapter 165.36(F)(3) requires the proposed site plan to conform to the City's Comprehensive Plan. The Future Land Use Map of the Comprehensive Plan identifies this site for "General Industrial" land uses. Staff believes the proposal meets the community's goals listed in the Comprehensive Plan and complies with the Future Land Use Map. Staff believes the proposed site plan meets the requirements of the City's zoning code and is consistent with the City's Comprehensive Plan. Therefore, staff recommended the site plan be approved as submitted.

Motion by Jahner, second by Chiarella to approve the site plan as submitted. Motion carried 8-0.

OTHER BUSINESS / WORK SESSION

Work Session to Discuss Residential Parking Requirements in the Central Business District

At the City Council Policy and Planning meeting on September 7, 2021, City Council directed this item to be studied by the Planning and Zoning Commission for potential action.

The purpose of this discussion item is to review off-site parking requirements in the Central Business District (CBD) for residential uses.

According to the City's zoning code, the following requirements are in place regarding residential parking in the CBD:

- Off-street parking shall be provided for any new building constructed, for new uses or conversions of existing buildings, or for enlargements of existing structures.

- Any use within the CBD, other than residential, is exempt from the requirement to provide off-street parking.

- Single-family residential units must provide two spaces per dwelling unit on site.

- Residential uses are not allowed in the basement or ground floor, only on the second level or above.

At the Planning and Zoning Commission meeting on October 25, 2021, the Commission suggested recommendations to modify the code. To date, City staff has been working with the City Attorney and City Administration to review the recommendations:

The Planning and Zoning Commission recommended the following modifications:

1. Downtown parking. Here are the recommendations for staff to bring back for a possible code change:

a. Research creating an "owner-occupied" waiver for parking downtown. This would be for an individual that lives and works in a building they own. They would not need to provide any onsite or off-site parking. Need to verify legality.

b. Change code to require only one onsite parking space per residential dwelling unit conversion in downtown. This is for pre-existing buildings only.

- c. Allow residential conversion units to be able to lease one space off-site, if one cannot be provided on-site.
- d. For new apartment/multifamily construction, rewrite the code to require one on-site parking space for studio/one-bedroom apartments and two on-site parking spaces for apartments with two or more bedrooms.

The City Attorney has reviewed these recommendations and suggested the following:

"With respect to the owner-occupied regulation, that type of parking regulation would not be recommended."

"Zoning restrictions or conditions that limit the use of land based on the identity or status of the owner or occupant of the land generally are held invalid by the courts. Zoning regulation that limits the use of land based on race, economic status, age, blood relationship, or identity of the user or owner may be held invalid on either due process or equal protection grounds as an arbitrary restriction unrelated to any legitimate public purpose." 5 Rathkopf's The Law of Zoning and Planning § 81:4 (4th ed.)

"This type of prohibition would apply to regulations which treat owner-occupied housing differently from tenant-occupied housing. The proposed parking regulation should apply to single-family homes, regardless of whether they are owner-occupied or rental units."

In summary, staff provided the Planning and Zoning Commission updated information regarding a recommendation that was put forward. No action was required.

Buydos explained that the owner-occupied waiver will be stricken from the recommendation that is given to the City Council, per the City Attorney's opinion.

Work Session to Review Planning and Zoning Commission Procedural Rules

The City of Pella Planning and Zoning Commission Procedural Rules govern the conduct of the Commission. Staff asked the Commission to review them for familiarity and to determine whether any changes should be made. The rules may be amended through a resolution by a majority vote of the entire Commission.

Following review, the Commission decided that no changes to the Procedural Rules are necessary. The Procedural Rules will be reviewed by the Commission on an annual basis going forward.

Buydos asked the Commission to be careful when making motions, so that they are stated clearly and do not allow room for misinterpretation.

Next Meeting Date: The next regular Planning and Zoning Commission meeting is scheduled for April 25, 2022.

Other: Buydos reported that Chick-fil-A has applied for a building permit. Additionally, Smash Park is on pace to hopefully be open for Tulip Time.

Adjourned at 7:47 p.m.

e. Community Development Committee Minutes for April 13, 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, Wayne Stienstra, Caryn Van Hemert, Dennis Vander Beek, and Christi Vander Voort; absent: Linda Groenendyk and Shelly Rikken. 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: Cody suggested moving item E-3 (consideration of a design permit for Van Gorp Corporation) to the first item of new business, as the applicant was present. Motion by Stienstra, second by Kiser to approve the amended agenda. Motion carried 8-0.

APPROVAL OF MINUTES: Motion by Brummel, second by Vander Beek to approve the minutes from the March 9, 2022 meeting. Motion carried 8-0.

Motion by Henry, second by Brummel to approve the minutes from the March 23, 2022 meeting. Motion carried 8-0.

NEW BUSINESS

Consider a Design Permit Application to Paint the Exterior of Van Gorp Corporation, Located at 1410 Washington St.

Van Gorp Corporation submitted a design permit application to paint its main facility at 1410 Washington Street. The property is zoned Light/Limited Industrial (M1) and is located within the Gateway Corridor (GC) overlay district. A summary of the requested project is provided below.

Proposed Project:

1. Paint the metal portions of the facility gray (either Benjamin Moore's Kendall Charcoal HC-166 or Charcoal Slate HC-178) at 1410 Washington Street to increase visual appeal.

In evaluating this design application, staff confirmed the design contains colors from the Pella Color Palette and meets the requirements listed in the Design Review District Design Manual. Therefore, staff recommended the design permit application be approved as submitted.

Joe Canfield was present to represent to Van Gorp Corporation and to answer questions from the Committee. Stienstra suggested painting the trim on top of the annex building black, to provide contrast from the proposed gray. Canfield agreed to do so.

Motion by Stienstra, second by Henry to approve the design permit with the condition that the trim on the top of the annex building is painted black. Motion carried 8-0.

Consider Proposed Changes to Peddler Permit Requirements

At the March 9, 2022, meeting, the CDC held a work session to discuss modifying 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 Central Business District (CBD, Commercial - Mixed Use Urban Center (CUC), Community Commercial (CC), and Commercial - Planned Development (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

After the CDC meeting on March 9, 2022, several alternatives were discussed for modifying the Peddler Permit process. Below are the highlights of the discussion in addition to staff recommendations:

1. Elimination of Dutch Theme requirement and CDC review for applications in the CUC, CC and CPD zones that are under 30 days in length. Staff review only.
2. Applications within the CBD would still be subject to the Dutch Theme requirement and CDC review.
3. Applications over 30 days in length would require CDC review for siting, parking, seating, lighting, and signs in CC, CUC, CPD, Limited/Light Industrial (M1), Heavy Industrial (M2) and public and private properties.
4. Add new zoning districts to allow Peddler Permits: M1 and M2 zones, Institutional (INS) zone. Must follow all pertinent rule and regulations as CUC, CC and CPD zones. No Dutch theme requirement.
5. Allow Peddler Permits on specific public property outside of the CBD: Caldwell Park, New Pella School District tennis complex, Pella Sports Park, Bos Landen Golf Course.

6. Allow Peddler Permits in parking lots outside the CBD. Site setup must not remove more than 10% of required parking for the existing establishment(s).

Following discussion, the Committee agreed with the six listed changes, with the addition of requiring Dutch design for peddlers fronting Washington Street, from West 16th Street to downtown Pella.

Motion by Henry, second by Van Hemert to recommend approval of the proposed changes (one through six listed above) to the Peddler Permit requirements, with the addition of requiring Dutch design review for peddlers fronting Washington Street, from West 16th Street to downtown Pella, as well as strongly recommending that Council consider a comprehensive review of Peddler Permit requirements. Motion carried 8-0.

Consider a Sign Permit Application for 11 Signs, Submitted by Clayton Signs for Chick-fil-A, Located on Goldenrod Court. Chick-fil-A proposed four wall signs, four window signs, two menu boards, and an elevated monument sign for their new restaurant on Goldenrod Court. As per the direction of the CDC, the sign permits were submitted to the entire CDC for consideration. After evaluating this permit application, staff found that the proposed signs comply with the regulations in the Zoning Ordinance and recommended approval of the signs as submitted.

Motion by Vander Voort, second by Henry to approve the sign permits as submitted. Motion carried 8-0.

OTHER BUSINESS / WORK SESSION

Work Session to Review the Community Development Committee Procedural Rules

The City of Pella CDC Procedural Rules govern the conduct of the Committee. Staff asked the Committee to review them for familiarity and to determine whether any changes should be made. The rules may be amended through a resolution by a majority vote of the entire Committee. It was suggested that Rule 19 be changed to state that the concurring vote of the majority of the membership present shall be necessary to decide on any matter upon which it is required to pass.

Kiser asked whether background checks are performed on Committee members. Staff said no; background checks are not performed on members of the City's boards and commissions.

Cody asked the Committee to familiarize themselves with Rule 37, which states, "Committee members shall not communicate with applicants outside of the Committee's scheduled meeting regarding design review applications or if they do said communication shall be disclosed to the Committee at the next regular meeting."

Henry suggested amending Rule 22 of the Procedural Rules to state that Sign Subcommittee members have three business days to reply to staff with a decision on whether to approve sign applications. Zoning Analyst Jared Parker suggested removing reference to an alternate Sign Subcommittee member in Rule 22, as the Sign Subcommittee currently has three regular members and passage of a sign permit currently requires two yeas to pass. Parker also suggested adding the Design Subcommittee to the Procedural Rules as well.

Staff will note proposed changes to the meeting location as well as changes to reflect current staff titles in the Procedural Rules.

Staff will draft a resolution for consideration by the Committee to amend the Committee's Procedural Rules with the agreed upon changes at the next regular meeting.

Next Meeting Dates: A special meeting is scheduled for April 27, 2022, to discuss potential Design Manual updates. The next regular meeting is scheduled for May 11, 2022.

Other:

Cody mentioned that she has heard that Starbucks is looking to come to Pella. Vander Voort stated she had heard that a Vietnamese restaurant will be opening in town. Staff confirmed that a Vietnamese/Thai restaurant plans to open at 905 W. 16th St.

In response to a question from Kiser, Buydos explained that land north of Hazel Street and Country Club Drive was recently rezoned with the intent to become the Timberview subdivision. This housing development is proposed to have a mix of single-family and single-family attached homes. In response to a question from Stienstra, Buydos explained that access from the proposed subdivision to Main Street has been discussed but has not been finalized.

Adjourned at 7:00 p.m.

3. Petitions and Communications

a. Renewal of Cigarette/Tobacco/Nicotine/Vapor Permits for Casey's General Store #2598, Casey's General Store #2694, Casey's General Store #3566, Dollar General #23989, Hy-Vee Food Store, Hy-Vee Wine & Spirits

BACKGROUND: Permits are required for the retail sale of all tobacco products. All current permits expire June 30, 2022 and renewals will be valid until June 30, 2023.

The following businesses have applied for renewal of their cigarette/tobacco/nicotine/vapor permits:

Casey's General Store #2598	414 S Clark Street
Casey's General Store #2694	2421 Washington Street
Casey's General Store #3566	509 Main Street
Dollar General #23989	710 Liberty Street
Hy-Vee Food Store	118 SE Ninth
Hy-Vee Wine & Spirits	512 E Oskaloosa Street

Staff is recommending approval as all applications and fees are in order.

ATTACHMENTS: None

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Approve renewal of cigarette/tobacco/nicotine/vapor permits

b. Special Event Permit Request for Pella Middle School Band Concert on the Tulip Toren

BACKGROUND: The Pella Community Schools have requested a special event permit to host a Pella Middle School band concert on the back side of the Tulip Toren. The event is requested to occur on Friday, May 20, 2022 at 10:30 a.m. If approved, set-up would begin at 10:00 a.m. with take down completed by 1:00 p.m.

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

ATTACHMENTS: Application, Department Comments

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Approve special event permit

E. PUBLIC HEARINGS

1a. Public Hearing on Budget Amendment #1 for the FY 21-22 Budget.

No written or oral comments were received.

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

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

BACKGROUND: This resolution approves budget amendment #1 for the fiscal year (FY) 21-22 budget. No increases in taxes or rates will ensue as a result of this amendment as all items will either be covered by offsetting expenditure savings or reserves. This amendment contains a net decrease in fund balance of \$4,244,204. Details of the proposed amendment are included as a memo attachment and summarized below:

Revenues

- Other City Taxes: \$169,024. This amount represents a net increase in the collection of local option sales tax and hotel/motel tax.
- Intergovernmental: \$1,006,000. The city received unanticipated grants over the past year largely resulting from federal funding associated with the COVID-19 pandemic in addition to the RISE grant to support the Lely Industrial Park Development.
- Miscellaneous: \$2,018,633. The city received several private grants or reimbursements over the past year including funding for the Police K-9 unit, Central Park Christmas lights, Kiwanis Park improvements, SW sewer trunk, and CBO/development grant.
- Other Financing Sources: \$4,000,000. The city utilized bond proceeds to fund improvements to the wastewater treatment plant and telecom utility. Both bonds were issued on a reimbursement basis, resulting in bond proceeds across multiple fiscal years.

Expenses

- General Governmental: (\$406,213). The City Council approved a one-time payment to assist in development of the Prairie Ridge commercial area. Additionally, the proposed amendment takes into account changes in hotel/motel tax.
- Debt Service: (\$30,725). Debt service for the 2021A general obligation bond was estimated when the budget was completed; this number reflects the actual debt service payments.
- Capital Projects: (\$4,216,123). The city undertook several projects over the past year that were budgeted in FY 20-21 and extended in the current fiscal year. These projects include Kiwanis Park improvements, Bos Landen Drive reconstruction, purchase of Second Christian Reformed Church, Lely Industrial Park improvements, and several street repairs.
- Business Type/Enterprises: (\$6,784,800). Over the past year, the city continued construction of the fiber network, including building completion and outside plant construction. Additionally, the city made several significant capital investments related to development and continuation of construction at the wastewater treatment plant.

Summary: In summary, during the FY 21-22 budget process, several large-scale improvements were still under consideration concerning size and scope. This proposed amendment modifies the current budget to consider the projects and timing associated with those projects. It is important to point out that the city expects to end the year with nearly \$26 million in fund balance; an increase from the projected \$21 million originally included in the budget.

ATTACHMENTS: Resolution, Amendment Detail, Budget Notice

REPORT PREPARED BY: Finance Director

REVIEWED BY: City Administrator, City Clerk

RECOMMENDED ACTION: Approve resolution

1b. Resolution No. 6435 entitled, "RESOLUTION AMENDING THE FY 21-22 ANNUAL BUDGET BY ADOPTING BUDGET AMENDMENT #1."

De Jong moved to approve, seconded by Branderhorst.

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

2a. Public Hearing regarding Public Right-Of-Way Vacation in a Portion of Orchard Drive.

No written or oral comments were received.

De Jong moved to close the public hearing, seconded by Hopkins.

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

BACKGROUND: This ordinance vacates 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 ordinance which vacates the public right-of-way as described above and on the attached plat.

ATTACHMENTS: Ordinance, Vacation Plat

REPORT PREPARED BY: City Administration

REPORT REVIEWED BY: City Administrator, City Clerk

RECOMMENDED ACTION: Approve ordinance

2b. Ordinance No. 1011 entitled, "AN ORDINANCE VACATING 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 place ordinance no. 1011 on its first reading, seconded by Hopkins.

On roll call the vote was: AYES: 6, 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 Branderhorst.

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

Branderhorst moved that ordinance no. 1011 be adopted, seconded by Hopkins.

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

Mayor DeWaard declared the ordinance duly passed and adopted.

F. PETITIONS & COMMUNICATIONS

1. Special Event Permit Request for Nature Walks and Bat Survey at Big Rock Park.

Branderhorst moved to approve, seconded by De Jong.

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

BACKGROUND: The Friends of Big Rock Park have requested a special event permit to host two separate events at Big Rock Park, as outlined below.
Bat Survey: On Friday, June 10, 2022, the promoter is requesting to hold an official bat survey starting at 8:00 p.m. If approved, members of the public would be invited to attend and watch as the bat survey occurs. The promoter expects this portion of the event would conclude no later than 1:00 a.m. on Saturday, June 11.

Nature Walks: On Saturday, June 11, 2022, the promoter is requesting to hold a series of nature walks with the scientists who are conducting the Big Rock Park environmental survey. If approved, this portion of the event would be held from 10:00 a.m. to 3:00 p.m.

Summary: All pertinent city departments have reviewed this application and comments are attached. The fee and insurance certificate have been received. Staff is recommending approval of this event.

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

G. RESOLUTIONS

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

De Jong moved to remove this item from the table, seconded by Sporrer.

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

De Jong moved to conditionally approve the preliminary plat with the following conditions: the developer is not able to sell Outlot A, Outlot B, Lot 1, or Lot 2 until all required public improvements are constructed for the 12th Street extension to the northerly border of Lot 1 and Lot 2; only one building permit is able to be issued for the preliminary plat until all required public infrastructure is installed per City Code; no building permits will be issued for Lot A; Lot A cannot be combined with another parcel for development; Lot A will be transferred to the City of Pella once W. 12th Street is constructed and accepted as a public improvement by the City Council, seconded by Bandstra.

De Jong moved to amend his motion to remove Lot 1 from the first condition, seconded by Bandstra.

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

De Jong moved to conditionally approve the preliminary plat with the following conditions: the developer is not able to sell Outlot A, Outlot B, or Lot 2 until all required public improvements are constructed for the 12th Street extension to the northerly border of Lot 1 and Lot 2; only one building permit is able to be issued for the preliminary plat until all required public infrastructure is installed per City Code; no building permits will be issued for Lot A; Lot A cannot be combined with another parcel for development; Lot A will be transferred to the City of Pella once W. 12th Street is constructed and accepted as a public improvement by the City Council, seconded by Bandstra.

On roll call, the vote was:

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

NAYS: 1 (Hopkins)

Motion carried.

BACKGROUND: Jeff Dingeman has submitted a revised preliminary plat to subdivide two parcels (approximately 16.13 acres) into two developable lots. The proposed plat also includes two outlots, and a lot for dedication/ reservation of street right-of-way (ROW). The subject property is located at the northern terminus of 12th Street as shown on the attached map. It is important to note that this preliminary plat is different than the plat that Council tabled during their meeting on April 5, 2022.

The preliminary plat submitted by the applicant proposes to construct a cul-de-sac in lieu of extending W. 12th Street to the northern edge of the applicant's property as required by the City Code sections 170.11, 170.11.1, 170.11.2, 170.11.3(F), 170.11.3(H), 170.11.5(C), 170.11.5(E), and 170.13.1. The Planning and Zoning Commission reviewed the revised preliminary plat on May 11, 2022, conditionally approving the preliminary plat on a 4-2 vote. Staff believes the intention of the Commission's recommendation was to allow the applicant to construct an industrial building on the site and defer the required extension of W. 12th Street until further development on the property occurs.

Staff believes allowing applicants to defer required public improvements is a policy issue and should be considered carefully by the City Council. The reason for this position is absent an approved policy, it is difficult from staff's perspective to know what conditions would be necessary for an applicant to have the ability to defer required public improvements. This uncertainty could likely lead to unintended consequences in the future. As a result, if Council would like to provide applicants the ability to defer required improvements, staff would recommend that the City Council either change the subdivision code or adopt a policy which outlines the conditions necessary for deferral of public improvements.

Pella City Code Requirements for Subdivision Plats: The subdivision ordinance states that the Planning and Zoning Commission shall review the preliminary plat for conformance with the Comprehensive Plan as well as zoning and subdivision ordinances. Preliminary plats are required whenever the subdivider of any tract or parcel of land within the platting jurisdiction of the city wishes to make a subdivision. The preliminary platting process allows the Commission the opportunity to review the overall layout of the lots and street pattern, as well as compliance with all applicable city infrastructure and code requirements.

Land Conditions and Characteristics:

Current Zoning Classification: The property is currently zoned Limited/Light Industrial (M1) and Agricultural (A1). The M1 zoning district is intended for establishments engaged in the manufacture or processing of finished products from previously prepared materials including processing, fabrication, assembly, treatment, and packaging of such products entirely within an enclosed structure, and incidental storage, sales,

and distribution. These establishments are characterized by having no major external environmental effects such as noise, odor, smoke, and vibrations across property lines and utilizing screening for storage areas as defined in Section 165.31. The A1 zoning district identifies agricultural use types that include the on-site production and harvesting and processing of plant and animal products.

Adjacent zoning districts surrounding the subject property are as follows:

ADJACENT ZONING DISTRICTS

North: Agricultural (A1); South: Community Commercial (CC); East: Agricultural (A1); West: Agricultural (A1) and Limited/ Light Industrial (M1).

Proposed Land Use: The proposed land use is "Light Industrial" which is defined as the on-site extraction, storage, manufacture, assembly, processing, or production of goods by nonagricultural methods, and the storage and distribution of products.

Lot Requirements: The developer has indicated an intent to subdivide the parcels into two individual lots and one outlot. Staff reviewed the proposed subdivision and confirmed that the proposed lots meet all minimum lot requirements for the M1 zoning district.

Required Improvements: According to City Code section 170.12, before the final plat of any area shall be accepted, the subdivider is required to make and install all public improvements identified in City Code section 170.13.

Listed below is a summary of the required improvements for the proposed preliminary plat:

Public Streets: Currently, W. 12th Street terminates at the southern boundary of this parcel. Based on staff's review, we believe the City Code requires the preliminary plat to show the continuation of W. 12th Street from the existing southerly property edge to the northerly property edge. The reason this extension is needed is to serve subsequent developments to the north. Improvements need to consist of a fully dedicated ROW to the northern property boundary and partially constructed street improvements to the northern end of Lots 1 & 2. Staff believes terminating W. 12th Street at the southern portion of this property would limit the extension of utilities north of this parcel which will likely be needed for future development. Listed below are the City Code provisions which require/recommend extension of W. 12th Street:

170.11 MINIMUM STANDARDS OF DESIGN. No subdivision plat shall be approved by either the Commission or by the City Council unless it can be demonstrated that it meets or exceeds the design standards and standard specifications.

1. Acre Subdivision. Whenever the area is divided into lots containing one or more acres and the land could eventually be re-subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets shall be opened which will permit a logical arrangement of smaller lots.

2. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provision for the continuation of the streets in adjoining subdivisions, or for a proper intersection where said streets in the new subdivision shall connect therewith, or their proper projection where adjoining property is not subdivided insofar as they may be necessary for public requirements.

3. Streets. All streets shall conform as nearly as possible to the Comprehensive Plan and to the Design Standards and Standard Specifications

F. Dead-End Streets. Dead-end streets are prohibited.

H. Street System Connectivity. Streets shall be designed to extend to property lines where the adjacent property could be developed in the future.

I. Cul-de-sacs. Cul-de-sacs shall generally be discouraged. Maximum cul-de-sac length shall be 600 feet for the length of the street ending in a cul-de-sac.

5. Lots.

C. Direct access from a street shall be provided for all lots. Access driveways shall be positioned in accordance with the Design Standards.

E. Larger than normal lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate re-subdivision with provision for adequate utility connections for such resubdivision. Dedication of easements or public right-of-way for future openings and extensions of such streets may be required.

170.13 REQUIRED IMPROVEMENTS.

1. Streets. The Subdivider shall grade and improve all new streets between the property lines within the subdivided area. The paving on such new streets shall be built according to the Design Standards.

Staff comment: Staff believes City Code requires the extension of W. 12th Street to the northern end of Lots 1 & 2. As a result, we do not believe the proposed cul-de-sac on the southern portion of this plat meets City Code requirements. Furthermore, staff does not believe there is a valid topographical condition on the property which would necessitate waiver of the W. 12th Street extension.

Storm Sewer and Drainage: The subdivider shall construct all storm water management structures including, but not limited to, storm sewers, drains, inlets, manholes, and drainage conveyances, to provide for the adequate removal of all surface drainage according to the Design Standards and Standard Specifications. Engineering calculations, including references to support all assumptions and recommendations, shall accompany all storm water management systems designs.

Staff comment: As stated previously, staff believes the applicant is required to extend W. 12th Street and the associated public utilities to the northern end of Lots 1 & 2. Since the applicant is not proposing this extension, we do not believe they have satisfied the requirements under City Code. The proposed development includes the installation and utilization of both overland flowage easements and storm sewers. In addition, the proposed development includes the construction of one retention pond to support the retention and drainage for the subdivision. Based on the calculations provided by the developer and confirmed by the city's engineering consultant and Public Works department, staff believes the storm water management plan meets the city's requirements for the preliminary plat.

Secondary Storm Sewer: Subdividers must provide a secondary storm sewer system with access to the system from all lots in a subdivision. The city's engineering consultant may grant a waiver to this requirement based on the zoning of the subdivision or the topography or other site characteristics of each lot. Proposed secondary storm sewer system designs, including locations of conduit, grading, drainageways, and outlets, must be shown on the preliminary plat.

Staff comment: Secondary storm sewer is required for this subdivision and draining into the retention basin (Outlot A). The city's engineering consultant and Public Works Department have both reviewed and found that the preliminary plat meets this requirement.

Sanitary Sewer: The subdivider shall construct sanitary sewers in conformance with the Design Standards and Standard Specifications. The subdivider shall provide a connection for each lot to the sanitary sewer. The sanitary sewer shall be in operation prior to occupancy of any building.

Staff comment: The developer will connect and extend a 10-inch line to serve the end of the cul-de-sac. It is important to note that this line will connect to the city's existing sanitary sewer.

Water Mains and Fire Hydrants: The subdivider shall install water mains and fire hydrants in the subdivided area. The installation of water mains and fire hydrants shall be made prior to the street pavement construction and shall be in conformance with the Design Standards and Standard Specifications.

Staff comment: As stated previously, staff believes the applicant is required to extend W. 12th Street and the associated public utilities to the northern end of Lots 1 & 2. Since the applicant is not proposing this extension, we do not believe they have satisfied the requirements under City Code. As it pertains to this plat, an eight-inch water main is to be installed by the developer along Lot 1 and will connect to an existing eight-inch water main located at the current terminus of 12th Street. A 20-foot water main easement on Lot 1 will extend water services 190 feet north of the cul-de-sac. The preliminary plat will include a fire hydrant at the northern terminus of the cul-de-sac to provide the subdivision with adequate fire protection.

Sidewalks: Property owners shall install a four-foot-wide concrete sidewalk along each lot frontage on a street or cul-de-sac prior to the issuance of an occupancy permit for the structure on the lot. Sidewalks shall be installed in accordance with the Design Standards and Standard Specifications.

Staff comment: The plat does not show the sidewalks; however, sidewalks are a condition of approval and will be installed in accordance with City standards at one foot from the property lines, in the ROW.

Erosion Control Measures: The subdivider shall construct and maintain erosion and sediment control measures in accordance with the Design Standards.

Staff comment: The subdivider has indicated that an overland flowage easement has been designed to meet the requirements by both the city's engineering consultant and Public Works Director.

Comprehensive Plan

City Code section 170.06(2) requires the Planning and Zoning Commission to review the preliminary plat for conformance with the Comprehensive Plan, including the Future Land Use Map. The Future Land Use Map identifies this site for "Low-Density Residential" land uses, which is appropriate for projects with densities up to four units per acre. Because the site was identified for residential use, the City Council conditionally approved the applicant's rezoning request on July 21, 2020. Specifically, Council approved the removal of allowable M1 zoning uses from the property because of their potential conflicts with future abutting and adjacent residential properties. Furthermore, Council required design standards and additional screening requirements for the industrial properties to lessen the impact to potential new residential developments adjacent to and abutting this site. This also underscores why it is important that W. 12th Street be extended in the future, as it could help facilitate additional residential development for the city which is a key strategic goal of the Comprehensive Plan.

Additionally, staff has attached the applicant's original rezoning application as submitted in July 2020. The application included a concept plan that showed the extension of W. 12th Street. This emphasizes that the applicant was aware of the requirements to extend W. 12th Street before the property was rezoned.

Furthermore, the Comprehensive Plan recommends the avoidance of single access cul-de-sacs. Listed below is criteria #1 of the Basic Principles for Streets as stated in the Comprehensive Plan:

"New streets should line up with existing streets and connect new development to existing neighborhoods using multiple entrances. Single access cul-de-sacs should be avoided unless environmental factors preclude other options."

Planning and Zoning Commission Recommendation

During their meeting on May 11, 2022, the Planning and Zoning Commission conditionally approved the preliminary plat on a 4-2 vote with the condition that Outlot A, Outlot B, Lot 1, and Lot 2 are not sold until all required public improvements are constructed for the 12th Street extension to the northerly border of Lots 1 and 2 as depicted in the Dingeman Subdivision - Plat 1, citing Iowa Code 354.8. The plat, as designed, has an improved cul-de-sac at the existing end of W. 12th Street with future ROW to be dedicated to the City of Pella; however, no infrastructure is needed on that ROW until the above condition triggers it.

As previously stated, staff believes the intention of the Commission's recommendation was to limit development on the property until all required public improvements are installed; however, staff believes the following recommendations, which we believe are in line with the Commission's intention, should be added:

1. Limit the number of building permits which can be issued for the preliminary plat to one, until all required public infrastructure is installed as required by City Code.

The reason staff is proposing this further clarification is that it would be very difficult to track land sales as the trigger for the installation of public improvements. For instance, the city would likely not be aware of the transfer of property between two private parties; therefore, what would occur if there was a sale of the property on this site and the required infrastructure was not installed? For this reason, staff believes the limitation of building permits issued is a necessary condition.

2. No building permits will be issued for Lot A (the area identified as the future W. 12th Street extension) and this parcel cannot be combined with another parcel for development. In addition, this parcel will be transferred to the City of Pella once W. 12th Street is constructed and accepted as a public improvement by the City Council.

The reason for this condition is the extension of W. 12th Street is required under City Code; therefore, Council should ensure safeguards are in place which allow W. 12th Street to be extended in the future.

Secondly, the transfer of this future ROW should only occur once W. 12th Street is constructed and accepted by the City Council. The reason for this is accepting ROW before the construction of W. 12th Street could be a liability issue for the city.

Summary and Council Options

As previously stated, the deferral of public improvements is a policy decision that Council should consider carefully. Listed below are the options Council has in consideration of this preliminary plat:

1. Conditionally approve the preliminary plat subject to the conditions established by the Planning and Zoning Commission.

2. Conditionally approve the preliminary plat subject to the conditions established by the Planning and Zoning Commission plus the two additional conditions recommended by staff which are:

a. Limit the number of building permits issued for the preliminary plat to one until all required public infrastructure is installed per City Code.

b. No building permits will be issued for Lot A (the area identified as the future W. 12th Street extension) and this parcel cannot be combined with another parcel for development. In addition, this parcel will be transferred to the City of Pella once W. 12th Street is constructed and accepted as a public improvement by the City Council.

3. Deny the preliminary plat.

ATTACHMENTS: Resolution, Application, Revised Preliminary Plat, 12th Street Photo, 12th Street Infrastructure, Aerial Map, Rezoning Application

REPORT PREPARED BY: Planning and Zoning Director

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Staff will not be making a recommendation on this preliminary plat because Council has not adopted a policy which establishes guidelines and criteria for the deferral of public improvements.

2. Resolution No. 6436 entitled, "RESOLUTION APPROVING CHANGE ORDER NO. 3 AND ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE KIWANIS PARK IMPROVEMENTS PROJECT."

De Jong moved to approve, seconded by Branderhorst.

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

BACKGROUND: This resolution approves change order no. 3 and accepts the public improvements for the Kiwanis Park Improvements project. As background, in 2019, Council approved a partnership agreement with Wonder Spelen to construct the following improvements at Kiwanis Park: an all-inclusive playground, off-street parking, restroom facilities, shelter house, Yalp Sona arch, sidewalks, and fencing. As part of this agreement, the city's financial contribution towards the project totaled \$361,500. In 2021, Council awarded a contract to Hooyer Construction for construction of these improvements.

Change order no. 3 increases the construction contract by \$3,958.49 to upgrade restroom locks for improved emergency access as well as to add storm sewer outlet culvert guards for safety purposes.

If approved, listed below is a summary of the final contract:

Original contract	\$ 1,182,072.25
Change order no. 1	134,426.72
Change order no. 2	189,173.20
Change order no. 3	<u>3,958.49</u>
Total revised contract	<u>\$ 1,509,630.66</u>

Acceptance of Project: The engineer for the project, Snyder & Associates, is recommending acceptance of the project and believes the project was completed in accordance with the approved plans and specifications. Staff is in agreement with the engineer's recommendation.

ATTACHMENTS: Resolution, Engineer's Recommendation Letter, Change Order No. 3
REPORT PREPARED BY: Community Services Department
REPORT REVIEWED BY: City Administrator, City Clerk
RECOMMENDED ACTION: Approve resolution

3. Resolution No. 6437 entitled, "RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO CONVEY REAL PROPERTY TO PELLA REGIONAL HEALTH CENTER, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF."

Bandstra moved to approve, seconded by Sporrer.

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

BACKGROUND: This resolution sets June 21, 2022 as the public hearing date regarding the proposed conveyance of the property in the portion of Orchard Drive located south of Monroe Street, as shown on the attached plat. As background, Pella Regional Health Center has requested to purchase this property, totaling 4,595 square feet, which abuts their current property. It is important to note that the City Council is in the process of vacating this public right-of-way, included as agenda items E-2-a and E-2-b.

The purchase price for the property under consideration totals \$2,297.50, which is based on the city's policy of \$0.50 per square foot for former public right-of-way. In addition, Pella Regional Health Center will be responsible for reimbursing the city's legal fees.

In summary, staff is recommending approval of this resolution which simply establishes June 21, 2022 as the public hearing date to consider the conveyance of property to Pella Regional Health Center.

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

4. Resolution No. 6438 entitled, "RESOLUTION APPROVING ORDERING THE PREPARATION OF PLANS AND SPECIFICATIONS, FORM OF CONTRACT, NOTICE OF HEARING AND NOTICE OF LETTING, SETTING DATE FOR PUBLIC HEARING, AUTHORIZING THE TAKING OF BIDS, AND AUTHORIZING BID OPENING FOR THE OLD CITY HALL ALLEY RECONSTRUCTION PROJECT."

Branderhorst moved to approve, seconded by Hopkins.

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

BACKGROUND: This resolution establishes June 21, 2022, as the public hearing date and authorizes staff to seek bids for the Old City Hall Alley Reconstruction project. As background, this project involves complete reconstruction of the east/west alley which extends from Broadway Street to Main Street, as shown on the attached map. The reconstruction includes new six-inch concrete pavement with a brick overlay (consistent with the Oost Poort Alley reconstruction), complete replacement of the eight-inch public sanitary sewer, new storm sewer, and new intakes.

The project engineer, Garden & Associates, will handle the bid process and provide construction phase services for the project. The engineer's opinion of probable costs is \$450,203.50.

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

June 14, 2022 Bid letting
June 21, 2022 Public hearing to receive bids and award of contract
Bid Alternate 1 Notice to proceed issued July 18, 2022 with final completion November 18, 2022
Bid Alternate 2 Notice to proceed issued May 8, 2023 with final completion August 8, 2023

In summary, staff recommends approval of this resolution establishing June 21, 2022 as the public hearing date and authorizing staff to seek bids for the Old City Hall Alley Reconstruction project.

ATTACHMENTS: Resolution, Engineer's Opinion of Probable Costs, Notice of Hearing, Notice to Bidders, Project Map
REPORT PREPARED BY: Public Works Department
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve resolution

5. Resolution No. 6439 entitled, "RESOLUTION APPROVING ORDERING THE PREPARATION OF PLANS AND SPECIFICATIONS, FORM OF CONTRACT, NOTICE OF HEARING AND NOTICE OF LETTING, SETTING DATE FOR PUBLIC HEARING, AUTHORIZING THE TAKING OF BIDS, AND AUTHORIZING BID OPENING FOR THE PRAIRIE STREET IMPROVEMENTS PROJECT."

Branderhorst moved to approve, seconded by Sporrer.

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

BACKGROUND: This resolution establishes June 21, 2022, as the public hearing date and authorizes staff to seek bids for the Prairie Street Improvements project. As background, this road segment begins at Truman Road, extending north approximately 1,100 LF to South Street, as shown on the attached map. This roadway is currently a rural section gravel road with ditches. The project will include new storm sewer and intakes and the new pavement will be 31' wide, eight-inches thick, concrete curb and gutter with baskets.

The project engineer, Garden & Associates, will handle the bid process and provide construction phase services for the project. The engineer's opinion of probable costs is \$736,153.

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

June 14, 2022 Bid letting
June 21, 2022 Public hearing to receive bids and award of contract
July 1, 2022 Notice to proceed (approximate)
October 31, 2022 Final completion 80 working days from written notice to proceed

In summary, staff recommends approval of this resolution establishing June 21, 2022 as the public hearing date and authorizing staff to seek bids for the Prairie Street Improvements project.

ATTACHMENTS: Resolution, Engineer's Opinion of Probable Costs, Notice of Hearing, Notice to Bidders, Project Map
REPORT PREPARED BY: Public Works Department
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve resolution

6. Resolution No. 6440 entitled, "RESOLUTION APPROVING ORDERING THE PREPARATION OF PLANS AND SPECIFICATIONS, FORM OF CONTRACT, NOTICE OF HEARING AND NOTICE OF LETTING, SETTING DATE

FOR PUBLIC HEARING, AUTHORIZING THE TAKING OF BIDS, AND AUTHORIZING BID OPENING FOR THE PRAIRIE RIDGE WEST SANITARY SEWER PROJECT.”

De Jong moved to approve, seconded by Branderhorst.

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

BACKGROUND: This resolution establishes June 21, 2022, as the public hearing date and authorizes staff to seek bids for the Prairie Ridge West Sanitary Sewer project. As background, this project includes all labor, material, and equipment to construct 5,112 linear feet of 12-inch diameter sanitary sewer in open cut installation, excavation, backfill, manhole connection to existing sewer, and miscellaneous associated work, including cleanup. The Prairie Ridge West sanitary sewer is located north of West Washington (Highway G-28), west of Fifield Road, as shown on the attached map.

The project engineer, Veenstra & Kimm, will handle the bid process and provide construction phase services for the project. The engineer’s opinion of probable costs is \$977,174.

On August 3, 2021, the City Council approved a cost sharing agreement with RDP Holdings for this project. As part of this agreement, RDP Holdings is responsible to pay the total project costs up to \$900,000. In the event the actual cost exceeds \$900,000, the agreement states the parties agree to work together to address the cost overruns. The full agreement is included as a memo attachment for Council’s review.

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

June 8, 2022	Bid letting
June 21, 2022	Public hearing to receive bids and award of contract
July 1, 2022	Notice to proceed (approximate)
Final completion	150 calendar days from written notice to proceed

ATTACHMENTS: Resolution, Engineer’s Opinion of Probable Costs, Notice of Hearing, Notice to Bidders, Project Map, RDP Holdings Cost Sharing Agreement

REPORT PREPARED BY:	Public Works Department
REVIEWED BY:	City Administrator, City Clerk
RECOMMENDATION:	Approve resolution

H. 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.”

Branderhorst moved to place ordinance no. 1009 on its second reading, seconded by Hopkins.

On roll call the vote was:

AYES: 5 (Branderhorst, Hopkins, Sporrer, Bandstra, Carlstone)

NAYS: 1 (De Jong)

Motion carried.

It was moved by Branderhorst 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: 5 (Branderhorst, Hopkins, Sporrer, Bandstra, Carlstone)

NAYS: 1 (De Jong)

Motion carried.

Branderhorst moved that ordinance no. 1009 be adopted, seconded by Hopkins.

On roll call the vote was:

AYES: 5 (Branderhorst, Hopkins, Sporrer, Bandstra, Carlstone)

NAYS: 1 (De Jong)

Motion carried.

Mayor DeWaard declared the ordinance duly passed and adopted.

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. 1012 entitled, "AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PELLA, IOWA, FOR THE PURPOSE OF ADDING A NEW CHAPTER 39, ESTABLISHING A CITY AMBULANCE SERVICE."

Bandstra moved to place ordinance no. 1012 on its first reading, seconded by Branderhorst.

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

BACKGROUND: This ordinance amends City Code by adding a new chapter 39 establishing a city ambulance service. After discussing this ordinance during the Policy and Planning meeting on May 3, 2022, Council directed staff to place the ordinance on a future agenda for formal consideration. As further background, on April 5, 2022, Council approved a conditional resolution of support that authorized staff to proceed with the transfer of Pella Community Ambulance assets and employees to a city service. Listed below is an overview of the items included in the attached ordinance:

- Organizational Structure. The Ambulance Service would be under the general supervision of the Ambulance Chief who subsequently reports to the City Administrator.
- Temporary Advisory Board. For the remainder of 2022, a temporary advisory board would be established to oversee the initial operations of the Ambulance Service. This board will consist of six members who will be appointed by the Mayor, subject to Council approval. This advisory board would automatically dissolve on January 1, 2023.
- Service Outside City Limits. Currently, the Pella Community Ambulance serves areas outside of the city limits of Pella. The attached ordinance authorizes the Ambulance Service to continue to serve areas outside of the corporate limits through December 31, 2022. After that date, any service provided by the Ambulance Service outside the city limits would be through agreements approved by the City Council.
- Fees. Ambulance Service fees will be established through a resolution adopted by the City Council. The fees established would be required to cover the operating costs of the Ambulance Service.

Summary: Staff recommends approval of the attached ordinance which adopts a new City Code Chapter establishing a city ambulance service.

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

I. CLAIMS

1. Abstract of Bills No. 2103.

Branderhorst moved to approve, seconded by De Jong.

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

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

No comments were received.

K. POLICY AND PLANNING

From 7:34 p.m. to 7:49 p.m., Council adjourned to the Policy and Planning meeting to discuss city-owned property which could be transitioned for private use, with no formal Council action taken.

L. ADJOURNMENT

There being no further business claiming their attention, Bandstra moved to adjourn, seconded by Hopkins.

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

Meeting adjourned at 7:50 p.m.