



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

August 1, 2023

A. CALL TO ORDER BY MAYOR AND ROLL CALL

The City Council of the City of Pella, Iowa, met in regular session at the Public Safety Complex (614 Main Street) at 6:00 p.m., Mayor Don DeWaard presiding. Council members present were: Mark De Jong, Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Dr. Spencer Carlstone (via phone starting at 6:02 p.m.), Dave Hopkins. Absent: None. City Administrator Mike Nardini and City Clerk Mandy Smith were present. Nine staff members and forty-two members of the general public attended in person. One staff member and six members of the general public attended via conference call.

B. MAYOR'S COMMENTS

1. Approval of Tentative Agenda.

Bandstra moved to approve, seconded by Hopkins.
On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

2. Appointment of Chris Meyers to the Community Development Committee.

De Jong moved to approve, seconded by Sporrer.
On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

BACKGROUND: Mayor DeWaard would like to appoint Chris Meyers to serve on the Community Development Committee. Chris was raised in Pella and graduated from Northwestern College with a Business Administration degree. He previously served on the Historic Preservation Commission and states he is passionate about the unique charm and character of Pella. As a small business owner, he wants to advocate for the advancement of businesses in our community and provide them with the necessary support. Chris believes growing our business districts will help move our community forward. If approved, Chris' new three-year term would expire on August 1, 2026.

ATTACHMENTS: None
REPORT PREPARED BY: Deputy City Clerk
REVIEWED BY: City Administrator, Planning and Zoning Director, City Clerk
RECOMMENDATION: Approve appointment

3. Reappointment of Dennis Vander Beek to the Community Development Committee.

Bandstra moved to approve, seconded by Sporrer.
On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

BACKGROUND: Mayor DeWaard would like to reappoint Dennis Vander Beek to the Community Development Committee (CDC). Dennis has served on the CDC since October 20, 2020. He attended 20 of the 25 meetings held during his most recent term. Dennis serves on the CDC Design Subcommittee which is responsible for reviewing minor design changes to commercial properties. Dennis has resided in Pella his entire life and previously served on the CDC for 12 years, from 2006 to 2018. If approved, Dennis' new three-year term would expire on August 1, 2026.

ATTACHMENTS: None
REPORT PREPARED BY: Deputy City Clerk
REVIEWED BY: City Administrator, Planning and Zoning Director, City Clerk
RECOMMENDATION: Approve reappointment

4. Reappointment of Caryn Van Hemert to the Community Development Committee.

Branderhorst moved to approve, seconded by De Jong.
On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

BACKGROUND: Mayor DeWaard would like to reappoint Caryn Van Hemert to the Community Development Committee (CDC). Caryn has served on the CDC since June 16, 2020 and is the committee's current vice-chair. She attended 19 of the 25 meetings held during her most recent term. Caryn is a registered nurse and has over a decade of experience in interior design. If approved, Caryn's new three-year term would expire on August 1, 2026.

ATTACHMENTS: None
REPORT PREPARED BY: Deputy City Clerk
REVIEWED BY: City Administrator, Planning and Zoning Director, City Clerk
RECOMMENDATION: Approve reappointment

5. Reappointment of Jerry Brummel to the Community Development Committee.

Branderhorst moved to approve, seconded by Bandstra.
On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

BACKGROUND: Mayor DeWaard would like to reappoint Jerry Brummel to the Community Development Committee (CDC). Jerry has served on the CDC since April 3, 2004. He attended 12 of the 25 meetings that were held during his most recent term. Jerry serves on the CDC Sign Subcommittee which reviews, on average, over 100 sign permits each year. Jerry is currently self-employed as a painting contractor. If approved, Jerry's new three-year term would expire on August 1, 2026.

ATTACHMENTS: None
REPORT PREPARED BY: Deputy City Clerk
REVIEWED BY: City Administrator, Planning and Zoning Director, City Clerk
RECOMMENDATION: Approve reappointment

Carlstone joined via phone at 6:02 p.m.

C. CLOSED SESSION

1. At 6:03 p.m., De Jong moved to enter into closed session pursuant to Iowa Code Chapter 21.5 1(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation, seconded by Branderhorst.

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

Council reconvened to open session at 6:21 p.m.

No action was taken regarding this closed session.

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

One comment was received.

E. APPROVAL OF CONSENT AGENDA

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

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

The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for July 18, 2023
2. Report of Committees
 - a. Policy and Planning Minutes for July 18, 2023

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

ABSENT: Dave Hopkins

OTHERS: City staff and visitors

The Policy and Planning meeting began at 6:17 p.m. The first agenda item was an update regarding the Community Center Renovation project. In April of 2023, Council approved an agreement with Schemmer to conduct architectural and engineering services for this project. In May of 2023, a public meeting was held and an online questionnaire was distributed to generate a future use plan for the Community Center. Questionnaire respondents were asked what items would attract them to the Pella Community Center more often. The top three responses, in order, were:

1. Gym space or an indoor kids play space (especially in poor weather).
2. Expanded art programming or increased availability.
3. Importance of preserving historic structures in the community.

During the long-term facilities plan discussion in April of 2022, Council allocated \$5.5 million for a base plan for this project which includes mechanical/electrical/plumbing upgrades, improved accessibility, exterior improvements, renovations to reopen the community gym, and fire protection enhancements. The preliminary cost estimate for the base plan, which was prepared in 2020, is \$4,325,000. Mayor DeWaard asked if the \$5.5 million city allocation is sufficient for the base plan taking inflation into consideration. John Bloom, Architect with Schemmer, responded that the base plan cost estimate still looks reasonable and, moving forward, Schemmer plans to update this estimate.

Bloom presented Council with an overview of the base bid floor plans. Should additional funding over the identified \$5.5 million base plan be acquired, Bloom presented floor plans for a base bid plus which includes a new ADA entrance ramp, access to the gym floor, restroom remodel, new elevator, certified kitchen, flex space, and additional interior remodeling. Bandstra inquired regarding cost estimates for the base plan plus. Bloom informed Council that the new addition is approximately 25,000 square feet; the rough cost estimate is \$1.4 million for the new addition. Interior remodeling costs would be above and beyond this figure. Bloom stated that the fundraising goal was \$3 million to \$5 million. During the next phase of the project, Schemmer will be reviewing and updating the cost estimates.

De Jong inquired about a previous proposal for an addition to the west side of the Community Center facility. Pati Van Zante, member of the Friends of the Pella Community Center (FPCC), responded that the committee determined the west side addition was not feasible.

Carlstone asked if stakeholders have seen the updated floor plans. Amanda Schwerdtfeger responded that Union Street Players is happy about the options presented, especially the base bid plus option.

Sporrer questioned why there is a need for a gym in the Community Center. Arvin and Pati Van Zante, members of FPCC, responded that the group would like to reopen the gym as a recreational space that is not for competitive sports. Additionally, FPCC desires to preserve the character of the building as the gym is the only space original to the building.

As this was an informational update, no direction was given at the conclusion of the discussion. Arvin Van Zante mentioned that FPCC is eager to begin fundraising towards the base plan plus.

The next item on the agenda was an update regarding property tax legislation in the State of Iowa. The state has made changes which will be effective with fiscal year (FY) 24-25 which begins on July 1, 2024. The goal of the legislation, which combines several levies into a combined operating levy, is to bring all levies back to or under the \$8.10 max rate over time. The legislation impacts approximately 80% of the City of Pella's total levy. Specific impacts include the following:

1. The Emergency Operating Levy of \$.27 will be eliminated (approximately \$190,000 per year).
2. If taxable valuations exceed 3%, the General Fund Operating Levy will be reduced as follows:
 - a. Taxable valuations between 3% and 6% equate to a 2% reduction factor.
 - b. Taxable valuations greater than 6% equate to a 3% reduction factor.
 - c. Currently there is no mechanism for raising the operating levy rate in the event of negative or minimal taxable valuations.
3. Legislation allows a one-time catch-up in FY 29 where the operating levy could increase to \$8.10.

City Administration recommended Council focuses on diversifying the General Fund revenue base by:

- Reviewing fees for services provided by the General Fund.
- Reviewing franchise fees for utilities currently operating in the right-of-way.
- Considering potential annexation, with a priority on areas currently receiving city utility service.

In response to a question from Bandstra, Nardini confirmed that debt service is not included in the newly consolidated operational levy. Nardini further explained that, as a result of this legislation change, cities will have less General Funds available for capital projects; therefore, capital projects will most likely end up being debt financed. Branderhorst mentioned additional legislation in place that addresses debt financing. Nardini responded that this legislation increased the maximum non-essential corporate purpose bond levy amount that requires a referendum from \$700,000 to \$1 million.

As this was an informational update, no direction was given at the conclusion of the discussion.

The last agenda item was an update regarding short-term and long-term strategies for funding the Pella Ambulance. Prior to being operated by the City of Pella, Pella Ambulance served Leighton, Lake Prairie and Summit Townships in Marion County, and Black Oak and Richland Townships in Mahaska County. When the City of Pella began operating the ambulance on July 1, 2022, the ambulance continued serving these areas while trying to negotiate a financial contribution to provide ambulance services.

Staff stated it is imperative for all parties to work together to develop an interim plan to fund ambulance services to the rural entities until the respective Boards of Supervisors can make a decision on essential services taxes for their counties. As a result, staff proposed the following items:

1. Staff recommends that our Marion County EMS Advisory Committee representatives and staff advocate for a March 5, 2024, referendum date for a new essential services tax.
2. Staff will meet with the Mahaska County Emergency Management Coordinator to discuss their plans for an essential services tax.
3. In May, the rural entities offered to pay the City of Pella \$36,000 per year for three years of ambulance service (FY 22-23, FY 23-24, and FY 24-25). After reviewing the projected subsidy of approximately \$130,000 to serve the rural areas, Council and staff proposed the following:
 - FY 22-23: rural entities pay \$36,000.
 - FY 23-24: rural entities pay \$66,000.
 - FY 24-25: rural entities pay \$66,000.
 - Conditional upon the rural entities working towards adoption of an essential services tax.

The rural entities are scheduled to consider the above offer during a public meeting in August. Staff sought Council permission to bill the rural entities \$36,000 for ambulance services received in FY 22-23. Furthermore, staff requested that this payment is a requirement for negotiations to continue.

Branderhorst asked if any of the funds remaining when Pella Ambulance transitioned to a city-owned service belonged to the townships.

Nardini responded that it is his understanding that what was left after zeroing out the non-profit was only sufficient to pay for an ambulance replacement. Ambulance Chief Higginbotham informed Council that the townships were paying Pella Ambulance \$1,000 per month until July of 2019, when the payments increased to \$2,000 per month. Payments from the townships ceased in July of 2021 when Pella Ambulance entered negotiations with the City of Pella.

At the end of the discussion, staff informed Council that an update on these items would be provided during a future Policy and Planning meeting after the townships have held their public meeting to consider the City of Pella's financial offer.

The meeting adjourned at 7:33 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

b. Historic Preservation Commission Minutes for June 12, 2023

Chairperson Kermode called the Historic Preservation Commission (HPC) to order in the Planning and Zoning Office at 5:00 p.m. Members present were: Don André, Bruce Boertje, Lorinda Bradley, Rhonda Kermode, and Lila Turnbull; absent: none. Staff present: Planning and Zoning Director Gerald Buydos and the Deputy City Clerk. No members of the public attended the meeting.

APPROVAL OF TENTATIVE AGENDA: Kermode asked that the HPC change the order of the work session items to discuss item G-3 before item G-2. Motion by André, second by Boertje to approve the revised agenda. Motion carried 5-0.

APPROVAL OF MINUTES: Motion by Boertje, second by André to approve the minutes from the May 8, 2023 meeting. Motion carried 5-0.

OLD BUSINESS

Consider a Demolition Permit Application for 906 Independence St., Located Within the Collegiate Neighborhood Historic District (Tabled at the March 13, 2023 Meeting)

Central College submitted an application to demolish the building at 906 Independence St. due to extensive damage, which is located within the Collegiate Neighborhood Historic District. The building would be considered a contributing structure and, as such, the building needs to be reviewed under the standards required by code. The application was tabled by the Commission at its March 13, 2023 meeting. Kermode and André met on March 14, 2023, to tour the building so that André and Kermode could see the extent of the damage firsthand and help determine whether approving the demolition permit would be appropriate or whether the structure could reasonably be salvaged. At the April 17, 2023 meeting, the Commission tabled this item until the Central College Board of Trustees had an opportunity to consider the preservation proposal from the Pella Preservation Trust.

Staff reported that the demolition application was withdrawn by the applicant.

NEW BUSINESS

Consider a Proposal Complete an Application Nominating the Historic Fire Station to the National Register of Historic Places

Kermode received a proposal from Jennifer Price, a Historic Preservation Consultant, to prepare an application to nominate the historic fire station to the National Register of Historic Places. The HPC discussed whether to approve this item to move onto City Council for formal adoption.

Boertje reported that he has found a donor that would be willing to contribute \$2,100 towards the \$5,100 total cost.

Motion by Boertje, second by André to move this item forward to City Administration for discussion with Mayor Don DeWaard and then onto City Council for approval, with the understanding that a private citizen has pledged to pay \$2,100 towards the cost of the nomination. Motion carried 5-0.

OTHER BUSINESS/WORK SESSION

Work Session to Discuss the Proposed McClatchey Mill Historic District

The Commission wanted to have further discussion on the formation of a future potential historic overlay zone called the McClatchey Mill Historic District. This proposed district is located between Lincoln Street and Columbus Street and East First Street and East Second Street and would include 39 properties. A letter drafted by Kermode will be sent to the property owners along with the flyer that was created by Boertje.

The Commission questioned whether the properties at 514 Columbus St. and 215 E. 3rd St. are in violation of any property maintenance code items. Staff will look at the properties to see if any action could be taken.

Work Session to Discuss the Certified Local Government Program

Kermode wanted to have further discussion on the Certified Local Government (CLG) program. The Commission reviewed the changes to the Historic District Overlay Zone ordinance that were suggested by the State of Iowa. These changes would need to be made to the ordinance in order for the City to become a CLG. Should the Commission wish to amend the Collegiate Neighborhood Historic District overlay zone ordinance, it would need to follow a public hearing process, like there was to form the district. The Commission directed staff to write the

ordinance for the proposed Scholte Garden Historic District to follow the requirements of the CLG program. The Commission also directed staff to begin the process of amending the Historic District Overlay Zone ordinance in order for the City to be eligible to become a CLG.

Work Session to Discuss the Proposed Scholte Garden Historic District

HPC members have directed the Planning and Zoning Department to file an application to form a historic district. The name of the proposed district is the Scholte Garden Historic District, which generally includes properties along Main Street and Broadway Street as the east/west border and properties between Lincoln Street and the alley immediately north of Washington Street as the north/south border.

The HPC approved the application for the historic district on April 17, 2023. The Planning and Zoning Commission is tentatively scheduled to hold a public hearing and to consider this item at their meeting on June 26, 2023. Several of the HPC members plan to attend.

Work Session to Discuss Information to Include on the City of Pella's Historic Preservation Commission Website

Kermode suggested including a link on the HPC webpage to a list of properties in the City of Pella that are on the National Register of Historic Places. The Commission will send a list to staff, who will then post it.

Work Session to Discuss the 2023 Preserve Iowa Summit

Kermode and Bradley attended the 2023 Preserve Iowa Summit in Sioux City, Iowa and reported on their experiences and what they learned.

In 2024, the event will be held in Mount Pleasant, Iowa.

Other: Kermode shared with the Commission research she did regarding demolition of homes in historic districts. The Commission questioned whether the building located at 906 Independence St. will eventually be demolished due to neglect, which is not permitted in the Historic District Overlay Zone ordinance. Planning and Zoning Director Gerald Buydos stated he can advise Central College of the ordinance.

Kermode said she will speak with Mayor DeWaard about 906 Independence St.

Next Meeting Date: The next HPC meeting is scheduled for July 10, 2023.

Adjourned at 6:24 p.m.

c. Community Development Committee Minutes for June 14, 2023

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, Allissa Grandia, Nancy Henry, Wayne Stienstra, Dennis Vander Beek, and Christi Vander Voort; absent: Mike Kiser, Shelly Riggen, and Caryn Van Hemert. Staff present: Planning and Zoning Director Gerald Buydos, Zoning Analyst Jared Parker, and the Deputy City Clerk. Five members of the public attended the meeting in person and one attended via telephone.

APPROVAL OF TENTATIVE AGENDA: Motion by Henry, second by Vander Beek to approve the tentative agenda. Motion carried 7-0.

APPROVAL OF MINUTES: Motion by Brummel, second by Vander Beek to approve the minutes from May 10, 2023 meeting. Motion carried 7-0.

NEW BUSINESS

Consider a Design Permit Application to Construct a New Building on the Northwest Corner of West Ninth Street and Washington Street, Submitted by Detroit Architectural Group

Detroit Architectural Group submitted a design permit application for a new building at West Ninth Street and Washington Street. The property is zoned Community Commercial (CC). It is located within the Gateway Corridor (GC) overlay district and in the Transitional Design District. A summary of the requested project is provided below.

Proposed Project:

1. Add a new building
2. Add a dumpster enclosure

The proposed building meets the requirements for the Transitional Design District:

- Major Architectural Elements (two required): Gable and flat roof
- Minor Architectural Elements (three required): Brick bonding, decorative cornice, and a faux hoist beam
- Primary Cladding Material (one required): Brick
- Secondary Cladding Material (one required): Stucco
- Primary Roofing Material (one required): EPDM/TPO

The brick colors match Benjamin Moore's Litchfield Gray (HC-78) and Diamond Vogel's Grantsburg Gray (H101). The colors for the metal match Benjamin Moore's Black (HC-190), Chelsea Gray (HC-168), and Coventry Gray (HC-109)

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

Detroit Architectural Group Principal Beau Wynn was present on behalf of the applicant to speak in favor of the design permit and answer questions from the Committee. When questioned, he stated that leases have not yet been signed for the building. Staff explained to the Committee that the property owner will need to pave the road to the north property line.

Motion by Brummel, second by Stienstra to approve the design permit as submitted. Motion carried 7-0.

Wynn told the Committee that he appreciates the City of Pella's design standards and stated it was a pleasure to put the building's design together for their review.

Consider a Design Permit Application to Construct an Addition to the Building Located at 414 Oskaloosa St., Submitted by Justin Madsen
Justin Madsen submitted a design permit application to build an addition at 414 Oskaloosa Street. The property is zoned CC. It is located within Historical Dutch Design District and the Gateway Corridor. A summary of the requested project is provided below.

Proposed Project: Build an addition to the west side of the current structure at 414 Oskaloosa Street.

As this is an existing building, it predates the new guidelines; however, the current building and the addition meets the criteria for the Historic Dutch Design District.

- Major elements (two required): Gable roof and hipped roof
- Minor elements (three required): Decorative fascia, dormers, sash windows
- Primary Cladding (one required): Brick
- Secondary Cladding (one required): Wood-Look Composite
- Primary Roofing (one required): Architectural Shingles

The addition will continue the dark gray of the roof to match the existing structure. The siding most clearly matches Benjamin Moore's Gloucester Sage (HC-100).

In evaluating this design application, staff confirmed the design contains colors from the Pella Color Palette and meets the requirements listed in the Architectural Design Guidelines. As the existing building and the addition meet the requirements, staff recommended the design permit application be approved as submitted.

The applicant, Justin Madsen, was present to speak in favor of the design permit and to answer questions from the Committee. He explained that the proposed dormers are decorative and will not function as windows. He explained that he chose not to use brick on the addition, due to the difficulty in matching the brick to the existing building, the increased cost for materials, as well as the building looking better, in his opinion, with two different materials.

The existing Dutch gable on the front of the building presented challenges in deciding the placement of the decorative dormers. The Committee discussed the dormers and whether to change the number of them, their size, and/or their location on the roof.

Motion by Stienstra, second by Vander Beek to table the design permit so that Madsen can bring back modified design proposals to include some of the Committee's suggestions, such as a faux door and adding just one larger dormer on the roof over the addition. Motion carried 7-0.

Consider a Design Permit Application to Construct an Addition to the Building Located at 2079 Old Hwy 163, Submitted by Langstraat Auto Body, Inc.

Langstraat Auto Body, Inc. submitted a design permit application to construct an addition at 2079 Old Highway 163. The property is zoned Community Commercial (CC). It is located within the Transitional Design District. A summary of the requested project is provided below.

Proposed Project: Build an addition to the rear of the current structure located at 2079 Old Highway 163.

As this is an existing building, it predates the new design guidelines; however, the current building does meet some of the criteria for the Transitional Design District.

- Major elements (two required): Gable roof and shed roof
- Minor elements (three required): Decorative fascia, faux lanterns, faux shutters)
- The building lacks the requirements for cladding and roofing material
- It is worth noting that the addition in question is in the far rear of the property and is screened by trees on the north, east, and west sides.

The addition will continue the gray color of the siding and the dark gray of the roof to match the existing structure. These appear to match Benjamin Moore's Coventry Gray (HC-169) and Benjamin Moore's Kendall Charcoal (HC-166), respectively.

In evaluating this design application, staff confirmed the design contains colors from the Pella Color Palette and meets some of the requirements listed in the Architectural Design Guidelines. As it is an existing building, and the addition is a continuation of the design of a previously approved building, staff recommended the design permit application be approved as submitted.

Mike Langstraat, the property owner, was present to speak in favor of the design permit and to answer questions from the CDC.

Motion by Brummel, second by Vander Voort to approve the design permit as submitted Motion carried 7-0.

Consider a Design Permit Application to Paint the Exterior of the Structure Located at 904-910 Washington St., Submitted by Realty One Group Impact

Realty One Group Impact submitted a design permit application to paint the exterior of the building located at 904-910 Washington St. The property is zoned Commercial Mixed-Use Urban (CUC). It is located within the Gateway Corridor (GC) overlay district and in the Historic Design District. A summary of the requested project is provided below.

Proposed Project: Paint the exterior of the structure at 904-910 Washington St.

The building is pre-existing and the proposed changes are not structural, as only the paint is being changed. As such, the review is only taking the color change into account.

The building is to be repainted in Diamond Vogel's Mineral Point (H106). This color is explicitly listed in the Pella Color Palette.

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

Realty One Group Impact Broker Associate Dianna Elder was present to speak in favor of the design permit and to answer questions from the CDC.

The Committee discussed having the Design Subcommittee sign off on the paint color, as a sizeable, dried paint sample was not available to review during the meeting. It was decided that staff would use the can of paint provided by Elder to paint a wood sample at the Planning and Zoning Office and, once it was dry the next day, have the Design Subcommittee members view it and give their approval. The Committee also stated that all sides of the building would need to be painted, and not just the front façade. Elder stated she would inform her landlord of this requirement.

Motion by Brummel to table the design permit until the Committee can view a swatch of the proposed paint color and determine whether the applicant intends to paint all sides of the building. The motion died for lack of a second.

Motion by Stienstra, second by Brummel to approve the design permit as submitted with the condition that a dried paint sample is approved by the Design Subcommittee, that all sides of the building are painted (including the siding on the front of the building that is currently a tan color), and that any painting of the exterior doors is approved by the Design Subcommittee. Motion carried 7-0.

Consider a Design Permit Application to Alter the Exterior of the Building Located at 1111 W. 16th St., Submitted by the Pella Community Food Shelf

Pella Community Food Shelf submitted a design permit application to modify the exterior of the building located at 1111 W. 16th St. The property is zoned Community Commercial (CC). It is located within the Gateway Corridor (GC) overlay district and in the Contemporary Design District. A summary of the requested project is provided below.

Proposed Project:

1. Add a garage door and replace minor elements at 1111 W. 16th St., add windows, add awning, add/change shutters, add door.

Signage will be handled through the Sign Subcommittee.

Building Design Review:

As this is an existing building, it predates the new design guidelines; however, the current building does meet some of the criteria for the Contemporary Design District.

- Major Architectural Elements (two required): Gable roof, flat roof
- Minor Architectural Elements (three required): Brick bonding
- Primary Roofing Material (one required): EPDM/TPO Membrane
- As such it is lacking the required cladding and minor architectural requirements normally required in the Contemporary district.

The colors to be utilized for the shutters are Benjamin Moore's Deep Silver, Old Navy, and Dorset Gold. These are similar to Benjamin Moore's Platinum Gray (HC-179) and Hale Navy (HC-154). Dorset Gold is on the approved color palette as HC-8. The new awnings will be black, and the exterior lighting will be kept black. The garage door will be designed to match the exterior walls.

In evaluating this design application, staff confirmed the design contains colors from the Pella Color Palette and meets relevant requirements listed in the Architectural Design Guidelines. The building itself lacks elements required for the Contemporary Design District; however, the building itself predates the requirements and the proposed changes are primarily minor items. Therefore, staff recommended the design permit application be approved as submitted.

Joy Steiner and Melissa Zula with the Pella Community Food Shelf were present to speak in favor of the design permit and answer questions from the CDC.

Motion by Brummel, second by Vander Voort to approve the design permit as submitted with the condition that the shed on the property is also painted to match the building. Motion carried 7-0.

OTHER BUSINESS / WORK SESSION

The Committee discussed having staff look through the book of approved paint colors to ensure none of the samples are missing. If some are missing, staff will acquire the necessary replacements. Staff will also recommend to future applicants, that they provide a piece of wood painted in the proposed paint color(s) they have chosen along with their design permit application for review by the Committee.

Next Meeting Date: The next regular meeting is scheduled for July 10, 2023.

Adjourned at 6:55 p.m.

d. **Board of Adjustment Minutes for June 19, 2023**

Chairperson Westra called the Board of Adjustment to order at 6:00 p.m. in the Public Safety Complex. Members present were: Vince Nossaman, Susan Reiter, Lyle Vander Meiden, Mike Vander Wert, and Corey Westra; absent: Kristi Kiouss and Jaci Nunnikhoven. Staff present: Planning and Zoning Director Gerald Buydos, Zoning Analyst Jared Parker, and the Deputy City Clerk. Seven members of the public attended the meeting.

CHAIRPERSON'S COMMENTS

Approval of the Tentative Agenda: Motion by Vander Wert, second by Reiter to approve the tentative agenda. Motion carried 5-0.

APPROVAL OF MINUTES: Motion by Nossaman, second by Vander Meiden to approve the minutes from May 15, 2023. Motion carried 5-0.

PUBLIC HEARINGS: Consider a Minor Modification Application to Reduce the Minimum Setbacks of the Rear Yard for the Property Located at 414 Oskaloosa St. Justin Madsen submitted a minor modification application to reduce the minimum setback of the rear yard of the property located at 414 Oskaloosa St. to build an addition. The subject property is located within the Community Commercial (CC) zoning district. This request would reduce the minimum north rear yard setback of the CC zone to approximately three feet, which is the distance of the existing northern portion of the building from the property line.

Staff believes the requested minor modification will not have a negative impact on the subject property or neighboring properties and will 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. Staff received no objections to the minor modification. For these reasons, staff believes the minor modification request should be granted and, therefore, recommended approval of the proposal.

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

The applicant, Justin Madsen, was present to speak in favor of the minor modification and to answer questions from the Board. Vander Meiden expressed support for the aesthetic improvements Madsen plans to make to the property.

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

Madsen stated he anticipates replacing the concrete in the parking lot that is in poor condition.

Motion by Vander Meiden, second by Reiter to approve the minor modification as submitted. Motion carried 5-0.

Consider a Variance Request to Construct an Accessory Structure in the Side Yard of the Property Located at 726 218th Pl.

St. Mary Catholic Church submitted a variance application for its property located at 726 218th Place. The applicant requested a variance to permit a detached structure in the side yard when City Code Section 165.30.3 (A) requires that all accessory structures be placed in the rear yard. The purpose of this request is to build a detached shelter.

While the property may present some unique features in the shape and size of its lot, staff does not believe the variance request meets all seven of the criteria required. Staff believes the request particularly fails to meet the requirements of criteria one, two, four, and seven. While staff does recognize that there are features of the property that make construction difficult, it is staff's opinion that this request fails to justify a hardship and meet all seven criteria required in the City's zoning code and, therefore, recommended denial of the variance.

Convened Public Hearing on the variance request. One written comment was received in support of the variance.

Motion by Reiter, second by Vander Wert to enter the written comment into the public record. Motion carried 5-0.

Ryan Huddle, Michael Fries, and Nathan Bierl were present to speak in favor of the variance and to answer questions from the Board. Jaron Vos also voiced his support for the variance.

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

Motion by Nossaman, second by Reiter to approve the variance request with the reasoning that the property is unique in that it is divided between the City of Pella and Marion County. Motion carried 5-0.

Consider a Variance Request from Jaden Vos to Construct an Accessory Structure Between the Front and Rear Building Lines of the Property Located at 1619 Black Creek Ln.

Jaden Vos submitted a variance application for his property located at 1619 Black Creek Ln. The applicant has requested a variance to permit a detached structure in the side yard when City Code Section 165.30.3 (A) requires that all accessory structures be placed in the rear yard.

The purpose of this request is to build a detached garage.

While the property may present some unique features that are not normally present in more conventional lots, staff does not believe the variance request meets all seven of the criteria required. Staff believes the request particularly fails to meet the requirements of criteria one, two, four, and seven. While staff does recognize that there are features of the property that make construction difficult, it is staff's opinion that this request fails to justify a hardship and meet all seven criteria required in the City's zoning code and, therefore, recommended denial of the variance.

Convened Public Hearing on the variance request. One written comment was received in support of the variance.

Motion by Vander Meiden, second by Nossaman to enter the written comment into the public record. Motion carried 5-0.

The applicant's brother, Jaron Vos, was present to speak in favor of the variance and to answer questions from the Board.

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

Motion by Nossaman, second by Reiter to approve the variance request due to the canting of the front property line in relation to the rear plane of the house with the condition that the building stay behind a line parallel with the front lot line that will run through the southeast corner of the house. Motion carried 5-0.

Planning and Zoning Director Gerald Buydos stated that staff will work with the applicant to ensure that the accessory structure is placed on the property in accordance with the Board's motion.

Next Meeting Date: The next meeting is scheduled for July 17, 2023.

Other: Nossaman stated that he and his wife are trying to sell their house and plan to move within the city limits of Pella, which would affect his eligibility to serve as the Marion County extraterritorial jurisdiction representative on the Board. Buydos stated that the date that Nossaman moves into the city limits is the date that he would no longer be eligible to serve on the Board as a Marion County extraterritorial jurisdiction representative. Staff will notify Marion County of the upcoming vacancy.

Adjourned at 7:05 p.m.

3. **Petitions and Communications**

a. **New Special Class C Retail Alcohol License for The Wijn House**

BACKGROUND: The Wijn House, at 615 Franklin Street, has applied for a new special class C retail alcohol license. Currently, The Wijn House holds a class B beer permit with class C native wine permit. The applicant is applying for a different license type due to state legislature changes which reduced the number of retail license classifications, including the applicant's current license types. The special class C retail alcohol license, which the applicant is applying for, allows the sale of wine and beer for on-premises consumption or for off-premises consumption in unopened containers; these permissions are consistent with the applicant's current license. The term of the new license is eight months and, if approved, would expire on May 1, 2024. The application has been completed online with the state. Staff is recommending approval of this license.

ATTACHMENTS: None

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Approve license

b. Special Event Permit Request for Pathways of Pella 5K Walk/Run for Life

BACKGROUND: Pathways of Pella has requested a special event permit for their annual 5K Walk/Run for Life on Saturday, September 30, 2023, from 8:00 to 10:00 a.m. Set-up is requested to begin at 7:00 a.m. with take down ending by 11:00 a.m. This event is proposed to begin and end at Federated Fellowship Church, 309 Roosevelt Road. The 5K route remains the same as past events, as shown on the attached map. No road closures have been requested. Approximately 75 to 100 participants are expected to take part in this annual event which raises financial support for the Pathways of Pella ministry. All pertinent city departments have reviewed this application and comments are attached. The fee and insurance certificate have been received, and approval is recommended.

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

F. PUBLIC HEARINGS

1a. Public Hearing to consider an application to form the Scholte Garden Historic District.

One written comment was received and included in the Council packet.
Five oral comments were received in support of forming the Scholte Garden Historic District.
De Jong moved to close the public hearing, seconded by Branderhorst.
On roll call the vote was: **AYES: 6, NAYS: None. Motion carried.**

BACKGROUND: This ordinance forms the Scholte Garden Historic District. As background, the city's Historic Preservation Commission (HPC) members approved a request to form the Scholte Garden Historic District on April 17, 2023. This historic district generally includes properties along Main Street and Broadway Street as the east/west border and properties between Lincoln Street and the alley immediately north of Washington Street as the north/south border, as shown on the attached map.

Purpose of the Proposed Historic District: Historic district overlay zones are geographically cohesive areas with significant concentrations of buildings and other resources that possess a high degree of historical integrity and convey a distinct sense of time and place. To qualify for designation as a historic district, the subject area must contain abutting pieces of property under diverse ownership that meet the following criteria:

1. Are significant in American history, architecture, archaeology, and culture; and
2. Possess integrity of location, design, setting, materials, workmanship, feeling, and association; and
3. Are associated with events that have been a significant contribution to the patterns of our history; or
4. Are associated with the lives of persons significant in our past; or
5. Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction;
6. Have yielded or may be likely to yield information important in prehistory or history.

Requirements to Form a Historic District: City Code Chapter 165.13.5 specifies the requirements to form a historic district. In order to consider an application for a historic district, the application must contain the following:

1. Signatures of the owners of at least 50% of the total number of parcels of real estate within the proposed district, excluding parcels owned by government bodies.
 2. Signatures of the owners of at least 50% of the total public street frontage area within the proposed district, excluding public street frontage abutting government property.
 3. Supporting documentation so that the Commission can evaluate whether the application to form a historic district meets the ordinance criteria. As currently submitted, the Scholte Garden Historic District application includes the support of 30 of 47 (63.8%) property owners included in the proposed district, which consists of 1,546.5 feet of the 2,690.1 feet (57.5%) of the street frontage in the proposed district.
- Design Review Requirements for a Historic District Overlay Zone: If the Scholte Garden Historic District is approved and formally established, the following activities would be subject to design review standards:
1. New construction of single or two-family homes
 2. New accessory buildings for any single or two-family homes.
 3. Additions to existing structures which require a building permit.
 4. Alterations to existing structures which require a building permit or demolition permit.
 5. Alterations to existing structures which do not require a building permit or demolition permit but are visible from a public street or front of the structure do not require historic review; however, voluntary historic review is encouraged for such alterations. These types of alterations are also exempt from the certificate of appropriateness requirements. Other alterations not visible from the public street or front of the structure, and which do not otherwise need a building permit, shall be exempt from historic review.

For properties with base zoning which permits multi-family, commercial, or other non-residential uses, design review would first be conducted by the Community Development Committee and then these same properties would also be subject to design review under the proposed historic district overlay zone.

Design Review Standards: City Code requires the HPC to use the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" for contributing structures within the historic district overlay zone. For non-contributing structures, the HPC would utilize the "Dutch Residential Design Review District Guidelines." These guidelines are currently used for new single and two-family homes constructed within commercial corridors. Furthermore, these guidelines place a heavy emphasis on requiring the new structure to "fit in with the existing neighborhood." Finally, the guidelines provide flexibility for developers constructing new homes.

It is important to note that City Code provides a process for appeal. Any person aggrieved by any decision of the HPC regarding an application for historic review in a historic district may appeal the action to the City Council.

Historic District Overlay Zone Adoption Process: City Code requires a public hearing by the Planning and Zoning Commission as well as a public hearing and approval by the City Council to adopt a historic district. This process follows the same requirements as all zoning amendments. The Planning and Zoning Commission held a public hearing and approved the Scholte Garden Historic District on June 26, 2023; the motion to approve this district was carried on a 4 to 3 vote.

In summary, the City of Pella has received an application to form the Scholte Garden Historic District. The application meets the minimum requirements for consideration and has been approved by the appropriate parties at the State of Iowa as well as the City of Pella's Historic Preservation Commission and Planning and Zoning Commission.

ATTACHMENTS: Ordinance, Application, Aerial Map, City Code Chapter 165.13.5, Informational Booklet by Bruce Boertje
REPORT PREPARED BY: Planning and Zoning Director
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve ordinance

1b. Ordinance No. 1028 entitled, "AN ORDINANCE DESIGNATING THE SCHOLTE GARDEN NEIGHBORHOOD AS A HISTORIC DISTRICT OVERLAY ZONE UNDER THE JURISDICTION OF THE CITY OF PELLA, MARION COUNTY, IOWA."

Branderhorst moved to place ordinance no. 1028 on its first reading, seconded by Hopkins.
On roll call the vote was: AYES: 6, NAYS: None. 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 Bandstra.

On roll call the vote was:

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

NAYS: 1 (Carlstone)

Motion carried.

Branderhorst moved that ordinance no. 1028 be adopted, seconded by De Jong.

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

Mayor DeWaard declared the ordinance duly passed and adopted.

G. PETITIONS & COMMUNICATIONS

1a. Special Event Permit Request for Pella Historical City Tours during Kermis.

De Jong moved to approve, seconded by Sporrer.

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

BACKGROUND: Pella Historical Museums is requesting a special event permit to host city tours during Kermis, an annual Dutch children's festival. This event is scheduled to occur on Saturday, August 5, 2023. While all aspects of Kermis are held on private property in the Historical Village, Pella Historical is requesting this special event permit for the purpose of hosting city tours similar to those offered during Tulip Time. The tours involve a tractor which pulls an open-air Rotary wagon around town following a route shown on the attached map. If approved, four tours would be held at 10:30 a.m., 11:30 a.m., 12:30 p.m., and 1:30 p.m. Each tour will last 45 to 50 minutes.

The applicant is requesting closure of seven parking spaces on the north side of Franklin Street, across from the Historical Village, from 7:00 a.m. to 4:00 p.m. the day of the event, as shown on the attached map. No street closures are involved with this event.

All pertinent city departments have reviewed this application and comments are attached. The fee and insurance certificate have been received, and approval is recommended.

ATTACHMENTS: Resolution, Application, Tour Route Map, Parking Space Closure Map, Department Comments

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Approve special event permit and resolution

1b. Resolution No. 6608 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS PELLA HISTORICAL CITY TOURS DURING KERMIS."

Hopkins moved to approve, seconded by Sporrer.

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

H. RESOLUTIONS

1. Resolution No. 6609 entitled, "RESOLUTION APPROVING A FIRST AMENDMENT TO THE CITY OF PELLA FLEXIBLE SPENDING PLAN WITH SISCO."

De Jong moved to approve, seconded by Hopkins.

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

BACKGROUND: This resolution approves a first amendment to the City of Pella's Flexible Spending Plan with SISCO. As background, the city adopted this Plan on July 1, 2015. The purpose of the Plan is to provide eligible employees with an optional benefit to pay for qualifying out-of-pocket expenses, such as medical or dental expenses and/or dependent care costs, with tax-free dollars.

Flexible Spending Plan First Amendment: The first amendment under consideration with this resolution would remove all references to a grace period from the Plan Documents. As background, the City of Pella currently allows reimbursement for expenses occurred during the plan year of January 1st to December 31st. If approved, this amendment would not allow expenses occurred after December 31st to be reimbursed as part of the previous plan year. It is important to note that this proposed change is consistent with the way coverage is currently administered; therefore, employees will not experience any process changes as a result of this amendment which is only necessary to formally document and continue the current practice.

Summary: This first amendment to the City of Pella's Flexible Spending Plan with SISCO is for the purpose of formally amending the plan terms to remove all references to a grace period. As this change is already in practice, the necessity for this amendment is to formally document this change.

ATTACHMENTS: Resolution, Flexible Spending Plan Summary Plan Description, First Amendment

REPORT PREPARED BY: Human Resources

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Approve resolution

I. ORDINANCES

1. Ordinance No. 1027 entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY AMENDING THE BOUNDARIES OF THE CC DISTRICT TO INCLUDE THE PROPERTY GENERALLY LOCATED AT 112 EAST THIRD STREET AND DIRECTING THE PLANNING AND ZONING DIRECTOR TO NOTE THE ORDINANCE NUMBER AND DATE OF THIS CHANGE ON THE OFFICIAL ZONING MAP."

Branderhorst moved to place ordinance no. 1027 on its second reading, seconded by Sporrer.

On roll call the vote was:

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

NAYS: None

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

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, De Jong, Carlstone)

NAYS: None

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

Motion carried.

Branderhorst moved that ordinance no. 1027 be adopted, seconded by De Jong.

On roll call the vote was:

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

NAYS: None

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

Motion carried.

Mayor DeWaard declared the ordinance duly passed and adopted.

BACKGROUND: Russ Van Wyk has submitted a rezoning application for 112 East Third Street to change the zoning from Heavy Industrial (M2) to Community Commercial (CC). The purpose of this request is to construct a single-family dwelling.

CURRENT ZONING: The subject property is currently zoned M2. This 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.

PROPOSED ZONING: The proposed zoning for this property is CC. This district accommodates a variety of commercial uses, some of which have significant traffic or visual effect. These districts may include commercial uses which are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring 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. Property zones surrounding the site include Community Commercial (CC) and Heavy Industrial (M2), as shown on the attached map of current zoning for this property.

REZONING PETITION: City Code 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." A rezoning petition was not received with this application.

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 as Low-Density Residential.

Surrounding the property on the Future Land Use Map includes a combination of Low-Density Residential and Commercial/Mixed Use.

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 1 (incompatible) to 5 (completely compatible).

North and West: Commercial/Mixed Use: 2

South and East: Low-Density Residential: 5

The proposed Low-Density Residential use is outlined in yellow on the attached Future Land Use Map. Any potential conflicts which can be resolved through project design, landscaping, buffering, and screening, can be addressed through the building permit process. The less compatible uses are buffered from the property by an alley and East Third Street.

It should also be noted, staff believes the proposed rezoning aligns with a key strategic priority of the Comprehensive Plan, which is housing.

SUMMARY AND STAFF RECOMMENDATION: Staff believes that, while there may be some conflicts, the proposed rezoning is mostly in line with the Comprehensive Plan. As a result, staff is recommending approval of the rezoning request. Finally, it is important to note that the Planning and Zoning Commission unanimously approved this rezoning request on June 26, 2023. Finally, it is important to note that the applicant has requested waiver of the third reading of this ordinance.

ATTACHMENTS: Ordinance, Rezoning Application, Aerial Map, Current Zoning Map, Future Land Use Map

REPORT PREPARED BY: Zoning Analyst

REVIEWED BY: City Administrator, City Clerk, Planning and Zoning Director

RECOMMENDATION: Approve the ordinance

I. CLAIMS

1. Abstract of Bills No. 2132.
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)

Three comments were received.

L. POLICY AND PLANNING

From 7:17 p.m. to 7:29 p.m., Council adjourned to the Policy and Planning meeting to hold a discussion regarding the following items, with no formal Council action taken:

1. Mobile Food Unit Proposed Changes
2. Update to the Comprehensive Plan, Zoning Code, and Subdivision Ordinance

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 7:30 p.m.