



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

August 15, 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, Calvin Bandstra, Dr. Spencer Carlstone (via phone), Dave Hopkins. Absent: Lynn Branderhorst. City Administrator Mike Nardini and City Clerk Mandy Smith were present. Eight staff members and fifteen 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 Hopkins.
On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

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

No comments were received.

D. APPROVAL OF CONSENT AGENDA

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

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

The following items were approved:

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

PRESENT: Mayor Don DeWaard, Mark De Jong, Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Dr. Spencer Carlstone (via phone), Dave Hopkins

ABSENT: None

OTHERS: City staff and visitors

The Policy and Planning meeting began at 7:17 p.m. The first item on the agenda was continued discussion regarding regulations for mobile food units. Mobile food unit operators are currently considered peddlers under City Code Chapter 122. Peddlers are only allowed to operate on private, not public, property located within a commercial zoning district. With the exception of peddlers who are operating within the Oskaloosa Street corridor, peddlers must have an approved design permit for the vehicle/structure that merchandise is sold from, and peddlers exceeding 30 days per calendar year are required to have a Dutch theme.

Council member Branderhorst, Council member Sporrer, Planning & Zoning Director Gerald Buydos, and City Clerk Mandy Smith have formed specific recommendations on potential City Code changes to the peddler permit process for mobile food units. The specific recommendations are below:

- Create the following definition for mobile food units that is consistent with Iowa Code: "Any type of food or beverage establishment that is readily movable, which either operates up to three consecutive days at one location or returns to a home base of operation at the end of each day."
- Unless operating under a special event permit, mobile food units are recommended to be permitted to operate on private, not public, property zoned commercial (CBD, CUC, CC, CPD), industrial (M1, M2), or institutional (INS).
- Mobile food units are recommended to be exempt from the design review requirement unless operating in the Central Business District (CBD) or in commercial zoning on Washington Street (from Highway 163 to the CBD).
- Mobile food units would be required to complete an application including submitting a premise permit completed by the property owner, a site plan showing the specific location of operation, and their Mobile Food Unit License issued by the State of Iowa.
- The requirement to conduct a background check and fingerprinting by the Police Department is recommended to be waived for mobile food units.
- No changes to the fees which are currently paid as a peddler are proposed at this time.

Council member De Jong questioned whether the proposed changes would affect Thursdays in Pella special events. Smith responded that mobile food vendors operating under special event permits will not be impacted by these changes as special event vendors are not subject to obtaining a separate permit under City Code Chapter 122.

Council member Hopkins inquired if the fee structure should be increased as a different method of regulation. Branderhorst stated that the committee did not recommend changing the fee structure as this new process still necessitates vendor compliance with state licensing requirements.

Staff informed Council that it is possible additional changes may be necessary to the current City Code language to fully incorporate the new definition of "Mobile Food Unit". At the end of the discussion, staff was directed to have the City Attorney review the proposed changes as presented. Once review is complete, an ordinance will be placed on a future agenda for formal Council consideration.

The next agenda item was a review of the process to update the Comprehensive Plan, Zoning Code, and Subdivision Ordinance. The Comprehensive Plan was last updated in 2014. Plan updates usually occur every seven to ten years, depending on growth. The Zoning Code dates to the 1970s, with a major update in the 1980s, and modifications almost every year since. This document needs a rewrite to bring it up

to date and into conformance with the Comprehensive Plan. The Subdivision Ordinance should also be reviewed for alignment with the Comprehensive Plan and Zoning Code.

Staff proposed issuing a Request for Proposals for a consultant to lead this update process. Additionally, staff recommended forming a committee for the purpose of reviewing/ ranking all proposals received, and ultimately recommending a consultant to City Council for consideration. The committee would consist of staff, City Council members, and Planning & Zoning Commission members.

Once a consultant has been selected, a Technical Advisory Committee (TAC) will work in conjunction with the consultant and staff to create the updated documents. The TAC would include citizens, City Council members, Planning & Zoning Commission members, and potentially other Board or Committee members. The TAC will be responsible for recommending the final product to the Planning & Zoning Commission and City Council for approval; the tentative timeline for plan adoption is December 2024.

Council member Bandstra suggested quantifying the Comprehensive Plan's 2014 strategic goals and objectives to identify what has or hasn't been achieved. Mayor DeWaard expressed agreement with Bandstra, stating that an analysis of progress on past goals and objectives is a crucial exercise prior to beginning the update process.

DeWaard asked the Council members to contact him if they are interested in serving on the TAC.

The meeting adjourned at 7:29 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

b. Planning and Zoning Commission Minutes for June 26, 2023

Chairperson Teri Vos called the Planning and Zoning Commission to order at 6:00 p.m. in the Public Safety Complex. Members present were: Sarah Buchheit, Joe Canfield, Julio Chiarella, Tom Johnson, Bob Smith, Marc Vande Noord, Ann Visser, and Teri Vos; absent: Cathy Haustein. Staff present: Planning and Zoning Director Gerald Buydos, Zoning Analyst Jared Parker, and the Deputy City Clerk. Sixteen members of the public attended the meeting.

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

APPROVAL OF MINUTES: Motion by Johnson, second by Vande Noord to approve the minutes of the May 22, 2023 meeting. Motion carried 8-0.

PUBLIC HEARINGS

Consider a Rezoning Application Submitted by Russ Van Wyk to Change the Zoning of 112 E. 3rd St. from Heavy Industrial (M2) to Community Commercial (CC)

Russ Van Wyk submitted a rezoning application for 112 E. Third St. to change the zoning from Heavy Industrial (M2) to Community Commercial (CC) to construct a residential dwelling. The subject property is located along the east side of East Third Street. Property zones surrounding the site include CC and M2.

Staff believes that, while there may be some conflicts, the proposal is mostly in line with the City's Comprehensive Plan. As a result, staff recommended approval of the rezoning request.

Convened Public Hearing on the proposed rezoning. No written comments were received.

Canfield asked whether the City would consider updating the zoning of the residential properties in the area of 112 E. 3rd St. that are zoned M2. Planning and Zoning Director Gerald Buydos said this could be addressed during a future Comprehensive Plan update. He further explained that residential uses are permitted in CC zones.

Dale Klyn, a neighbor to the south of 112 E. 3rd St. spoke against the rezoning and stated that he believes this would be spot zoning and should not be allowed. Buydos explained that the rezoning request is not spot zoning, as the property currently abuts property that is also zoned CC.

Motion by Visser, second by Canfield to close the public hearing as no further comments were received. Motion carried 8-0.

Motion by Canfield, second by Vande Noord to approve the rezoning request as submitted. Motion carried 8-0.

Consider an Application to Form the Scholte Garden Historic District

Visser stated she would abstain from voting on this item, as she is a property owner in the proposed historic district.

Historic Preservation Commission (HPC) members approved a request for 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 (SGHD), 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.

As background, 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 and that have been designated as a historic district by the City Council pursuant to this ordinance. To qualify for designation as a historic district, the subject area must contain abutting pieces of property under diverse ownership that meet the following approval 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.

Chapter 165.13.5 of the Pella City Code specifies the requirements to form a historic district. In order for the City 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 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.

If the SGHD is approved and formally established, the following activities would be subject to design review standards:

1. New construction of single or two-family homes or new accessory buildings for any single family or two-family homes in the historic districts.
2. Additions to existing structures in the historic districts which require a building permit.
3. Alterations to existing structures in the historic districts which require a building permit or demolition permit.
4. Alterations to existing structures in the historic districts 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 then be conducted by the Community Development Committee first and then these same properties would also be subject to design review under the proposed historic district overlay zone.

If approved, City Code requires the HPC to use the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" for structures within the historic district overlay zone. This differs from the standards in the Collegiate Historic District where non-contributing structures are reviewed using the "Dutch Residential Design Review District Guidelines". The reason for this change is to conform with Certified Local Government program requirements. Under the proposed ordinance, only new residential structures in the Gateway Corridor would be reviewed under the "Dutch Residential Design Review District Guidelines."

It is important to point out the 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.

If approved, City Code requires a public hearing and review by the City Council. This process follows the same requirements as all zoning amendments. The proposed historic district is tentatively scheduled for a public hearing and consideration at the August 1, 2023 City Council meeting. This application was approved by the HPC on April 17, 2023.

The application to form the SGHD meets the minimum application requirements for consideration and has been approved by the appropriate parties at the State of Iowa.

Buydos introduced members of the HPC who were in attendance.

Convened Public Hearing on the proposed historic district. No written comments were received.

Canfield asked HPC Chairperson Rhonda Kermode whether she has seen any issues with the existing local historic district, the Collegiate Neighborhood Historic District. Kermode replied no; both building permits that have come before HPC for review in the district (a fence and addition) have been approved.

Chiarella expressed that he thought the word "Pella" should be used in the name of the historic district.

Smith said he thinks it makes sense to include the parcels on the east side of Broadway Street and the west side of Main Street in the SGHD, but does not believe the parcels on the west side of Broadway Street and the east side of Main Street are necessary to include in the historic district. In its current form, he said the local historic district is oversized and is not something he could support.

Kermode explained the HPC's reasoning for not using the Dutch Residential Design Review Guidelines in the SGHD, as the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" have been in existence for many years and would allow for the City to join the Certified Local Government (CLG) program. She further explained that by becoming a CLG, the City could have access to certain grants and training opportunities.

Kermode explained that HPC Vice-Chair Bruce Boertje spent a lot of time researching the homes in the district to include with the application to the State of Iowa, which was determined to be eligible for the National Register of Historic Places, should that designation be sought.

Wayne Stienstra, owner of two properties in the proposed SGHD, spoke in favor of the historic district and of the protections the district will provide to his neighborhood. For example, any new structures built in the district would have to fit in with the character of the existing homes.

Bill White, a property owner in the proposed SGHD, spoke against the historic district. He said he believes his property values will decline and his property maintenance costs will increase.

Don André, a member of the HPC and a property owner in the Collegiate Neighborhood Historic District, stated that his property values have increased since his home was included in a local historic district. He repeated Kermode's statement that the HPC has approved both building permits that have been applied for in the Collegiate Neighborhood Historic District.

Vande Noord asked for confirmation that minor maintenance on a property would not be affected by the local historic district designation.

Buydos stated that painting, landscaping, roof replacement, et cetera would not require HPC approval. Vande Noord said he believes it's a misconception that property owners will have to seek approval from the HPC for everything they do to their property.

Scott Vos, a property owner in the proposed district, said his home currently has vinyl siding and asked, in the instance that his siding would need replaced, whether he would be required to replace it with a different type of siding. Buydos stated no; the City of Pella does not require a building permit for siding.

Boertje spoke in favor of the SGHD and stated that he researched the properties in the proposed district and disagreed with Smith's statement that the district contains too many properties with not much in common. He explained that Dominie Hendrik Scholte had a well-maintained garden which people chose to build around. Then, once Scholte's garden was sold off in lots, they became some of the most desirable lots in Pella that were built on by some of Pella's most prestigious residents. Even the newer homes built in the area show the desirability of the neighborhood.

Stienstra stated that there is currently a home in the proposed district that is sale pending and that he understands it has increased in value quite a bit in the last five years, so he does not think property values decrease in historic neighborhoods. Johnson stated that the increase in property values could be contributed to the current housing market as property values across the entire city have increased.

Motion by Smith, second by Canfield to close the public hearing as no further comments were received. Motion carried 7-0 (Visser abstained).

Buchheit said that she has met with a property owner, who she understands has a home in a historic district, and the property is in very poor condition and should probably be demolished. She said that the property owner said he is unable to demolish it because of its location and is unable to restore the home. André explained that if the home is located in a historic district, the property owner would first need to apply for a demolition permit, which would be reviewed by the HPC. Buydos stated that the HPC can choose to either approve or deny the demolition permit. The applicant could make a statement of economic hardship and appeal, which would be reviewed by the City Council to either approve or deny.

Buydos explained that the application to form the SGHD will move forward for consideration by the City Council, regardless of whether the Planning and Zoning Commission chooses to approve or deny it. The Planning and Zoning Commission makes recommendations, but the final decision would come from the City Council.

Smith confirmed that, if the Planning and Zoning Commission recommends approval, the City Council would only need a simple majority to approve the historic district. However, should the Planning and Zoning Commission recommend denial, the City Council would then need a super majority in order to approve it.

Vos stated she feels like the Planning and Zoning Commission can ultimately move the application for the SGHD forward, since the City Council is the deciding authority on the matter.

Motion by Canfield, second by Vande Noord to approve the historic district request as submitted and recommend approval to the City Council. On roll call the vote was: ayes: Canfield, Vande Noord, Chiarella, Vos; nays: Buchheit, Johnson, and Smith. Motion carried 4-3 (Visser abstained).

Work Session to Discuss Updates to the Comprehensive Plan, Zoning Code, and Subdivision Code

As part of the City Council approved budget for FY 23/24 is an allocation to update Pella's Comprehensive Plan and Zoning Code. In addition, the Subdivision Ordinance may also be updated.

The purpose of this work session was to review the general outline of the process the City will be going through with updates to the Comprehensive Plan, Zoning Code and Subdivision Ordinance.

The City of Pella's Comprehensive Plan was last updated in 2014. Normal updates can be anywhere from seven to 10 years in length, but some can push the vision out 20 years. One of the major determinations is growth. The City of Pella is experiencing growth and therefore the Comprehensive Plan should be looked at and updated. The Zoning Code dates to the 1970s, with a major update in the 1980s, and

modifications almost every year since. This document needs a comprehensive rewrite to bring it up-to-date and into conformance with the new Comprehensive Plan. The Subdivision Ordinance also should have a comprehensive rewrite to bring it into conformance with the goals and policies of the updated Comprehensive Plan.

The proposed consultant hiring process will be as follows: The City will issue a Request for Proposals (RFP) on the items. This may include only one, or possibly all three. A Review Committee of staff and Planning and Zoning Commission members will review the proposals and rank them. Presentations may be requested of the top firms to the Review Committee. A final consultant will be recommended by the Review Committee to the City Council to retain.

The Comprehensive Plan update process proposed may be as follows: The consultant will propose a timeline and general details for the process. A Technical Advisory Committee (TAC) will work in conjunction with the consultant and staff to create the document. The TAC will be made up of citizens, Planning and Zoning Commission members, and potentially City Council members and/or other Board and Committee members of the City. The TAC will recommend the final product to the Planning and Zoning Commission for hearing and ultimately to the City Council for approval.

Buydos explained that he is hoping to have a consultant on board sometime this fall so that the update process can begin in 2024.

Next Meeting Date: The next regular Planning and Zoning Commission meeting is scheduled for July 24, 2023.

Other: Visser reported that she was resigning from the Planning and Zoning Commission, effective immediately, as she will no longer be able to attend meetings regularly. The Commission and staff thanked her for her years of service.

Adjourned at 7:19 p.m.

3. Petitions and Communications

a. Renewal of Class C Retail Alcohol License for El Charro Mexican Grill

BACKGROUND: Ramirez MX Food Inc, DBA El Charro Mexican Grill at 514 Main Street, has applied for renewal of their class C retail alcohol license. The term of the new license is 12 months and, if approved, would expire on September 3, 2024. The application has been completed online with the state. Staff is recommending approval.

ATTACHMENTS: None
REPORT PREPARED BY: City Clerk
REVIEWED BY: City Administrator
RECOMMENDATION: Approve license renewal

b. Special Event Permit Request for Pella CROP Walk

BACKGROUND: The Pella CROP Walk Board has requested a special event permit for the Pella CROP Walk scheduled for Sunday, October 8, 2023 from 2:00 to 3:30 p.m. Set-up is requested to begin at 1:00 p.m. with take down complete by 4:30 p.m.

As background, this annual event involves a 5K walk for the purpose of raising funds and awareness for world hunger. If approved, the walk would begin and end at the Tulip Toren, following the same route as the Klompen Classic in reverse direction, as shown on the attached map. It is important to note that attendees would be walking on the sidewalks; therefore, no street closures are requested as part of this event. All pertinent city departments have reviewed this application and comments are attached. The fee and certificate of insurance have been received. Staff is recommending approval of this special event permit as submitted.

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

c. Special Event Permit Request for Music at the Pub

BACKGROUND: The Cellar Peanut Pub, located at 629 Franklin Street, has applied for a special event permit to extend their outdoor service area to host live music on Saturday, August 26, 2023, from 1:00 p.m. to 11:45 p.m. This application is consistent with requests from the applicant for previous events. If approved, set-up would begin at 1:00 p.m. on August 25th with take down completed by 5:00 p.m. on August 27th.

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

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

Summary: All pertinent city departments have reviewed this application and comments are attached. The special event permit fee and certificate of insurance have been received. Staff recommends conditional approval of this special event permit contingent upon Council approval of a temporary liquor license outdoor service extension (agenda item D-3-d).

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

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

BACKGROUND: The Cellar Peanut Pub, located at 629 Franklin Street, has applied for a temporary outdoor service extension on their class C retail alcohol license on August 26, 2023. The purpose of this request is to extend their outdoor service area to host live music. This request is consistent with requests from the applicant for previous events.

As background, the State of Iowa Alcoholic Beverages Division (ABD) requires that an outdoor service area must be a designated area adjacent to the licensed premises. The Cellar Peanut Pub currently has an approved outdoor service area that extends from their garage south approximately 10 feet. The applicant is requesting to temporarily extend this outdoor service area further south to the alleyway, as shown on the attached map. This area would be enclosed with a temporary three-foot-tall fence, which meets ABD requirements. Patrons wishing to sit outside must walk through already established and staffed entrances to access the outdoor service area. It should be noted that this temporary outdoor service extension is located on city-owned property; therefore, a special event permit would also need to be approved to accommodate this request.

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

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

E. PETITIONS & COMMUNICATIONS

1. Renewal of Special Class C Retail Alcohol License for Tamory Hall.

Hopkins moved to approve, seconded by Sporrer.

On roll call the vote was:

AYES: 4 (Hopkins, Sporrer, De Jong, Bandstra)

NAYS: None

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

Motion carried.

BACKGROUND: Tamory Hall, at 616 Franklin Street, Suite 201, has applied for renewal of their special class C retail alcohol license. The term of the new license is 12 months and, if approved, would expire on August 31, 2024. The application has been completed online with the state. Staff is recommending approval.

ATTACHMENTS:	None
REPORT PREPARED BY:	City Clerk
REVIEWED BY:	City Administrator
RECOMMENDATION:	Approve license renewal

F. CLAIMS

1. Abstract of Bills No. 2133.

Bandstra moved to approve, seconded by Hopkins.

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

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

Four comments were received.

H. POLICY AND PLANNING

From 6:12 p.m. to 6:18 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. Beggar's Night/Trick or Treat Scheduling in 2023
2. Pella Ambulance Update

I. ADJOURNMENT

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

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

Meeting adjourned at 6:19 p.m.