



# CITY OF PELLA

## CITY COUNCIL OFFICIAL MINUTES

November 6, 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 from 6:23 p.m. to 6:45 p.m.), Dave Hopkins.

Absent: Lynn Branderhorst.

City Administrator Mike Nardini, City Attorney Emily Duffy, and City Clerk Mandy Smith were present.

Ten staff members and thirty-one members of the general public attended in person.

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 Sporrer.

On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

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

One comment was received.

### **D. APPROVAL OF CONSENT AGENDA**

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

On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

The following items were approved:

1. Approval of Minutes
  - a. Official Council Minutes for October 17, 2023
2. Report of Committees
  - a. Policy and Planning Minutes for October 17, 2023

PRESENT: Mayor Don DeWaard, Mark De Jong, Liz Sporrer, Lynn Branderhorst, Calvin Bandstra

ABSENT: Dr. Spencer Carlstone, Dave Hopkins

OTHERS: City staff and visitors

The Policy and Planning meeting began at 6:48 p.m. The only item on the agenda was a discussion about submitting a request to the Federal Aviation Administration (FAA) to update the Pella Municipal Airport's Airport Layout Plan (ALP). An ALP is a long-range planning document which is intended to identify needed aviation capital improvements over a twenty-year period. This document is necessary to secure FAA funding for aviation enhancements. The current year budget includes \$350,000 for this purpose; staff proposed utilizing 90% FAA entitlement funds and 10% local funds.

The City of Pella is currently working with the City of Oskaloosa to build the South Central Regional Airport. If for any reason the regional airport does not proceed, the City of Pella will need to be prepared to make significant improvements at our current airport. The first step in planning for improvements is an update to the ALP. If the FAA approves this request, it will take approx. three to four months to secure an engineering firm before starting an update. Staff believes we will have a better understanding of the status of the proposed regional airport within that same timeframe.

Shane Vande Voort, Pella Airport Manager and Fixed Base Operator, spoke in favor of proceeding with updating the ALP as soon as possible, explaining it is very hard to operate successfully without a plan. Vande Voort encouraged Council to follow recommendations made by the Airport Committee including paving the airport entrance road which is currently gravel.

Bandstra asked how busy Pella's airport is compared to Oskaloosa's. Vande Voort responded that the Pella Municipal Airport is the 11th busiest airport in Iowa, further noting that a state report calculated the local economic impact of Pella's airport at \$7 million per year. In comparison, the same report calculated the economic impact of Oskaloosa's airport at only \$2 million annually.

Trevor Nikkel, a member of the Airport Committee, spoke in favor of proceeding with updating the ALP and supporting necessary improvements at the Pella Municipal Airport.

At the end of the discussion, Council directed staff to submit a request to the FAA to update the Pella Municipal Airport ALP.

The meeting adjourned at 7:04 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

- b. Airport Committee Minutes for August 25, 2023

Members Present: Matt Hutchinson, Rick Gritters, Jeff Bollard, Ann Frost, Trevor Nikkel, Eric Recker

Members Absent: Joel Weiler

Others Present: Emily Hawk, John Bandstra

Approval of Minutes: June 30, 2023 reviewed and amended as requested.

Motion to approve Recker, Support Gritters - Passed unanimously

Agenda Items:

No update on SCRAA activity

Discussion on future Pella Hangar and difficulties moving forward without an ALP

Discussion on Quarterly updates – Ann will send sample(s) to a smaller group to get the process started

Airport managers' report to the committee - As reported by Shane Vande Voort

Managers Statement: As the airport manager, a person who is by contract responsible for the maintenance and operation of the Pella Municipal Airport, I can state that a work session with the airport committee, city leadership, and elected officials is needed to discuss the Pella Municipal Airport's role in the Federal and state aviation system, its role in our local community, and its 20+ year plan for maintenance, growth, and capital improvements. This work session has long been requested and recent events have reinforced the need.

Equipment Update: We are still down to a rental mower and the updated delivery date on the new mower is November. This is inefficient and costly to the city and to the FBO, and could have been avoided by including the committee and airport manager in the budget process. We now have parts for the rotary broom and repairs will begin soon as my staff has time.

FBO operations: Pella remains an active facility and an attractive destination and we are working hard as an FBO to meet airport user's expectations. No business can run effectively without short and long term plans and Classic Aviation, as the airport's aviation services provider needs to be involved and informed of short and long term plans for the Pella Municipal Airport.

Hangar and ramp space: The supreme court ruled the regional airport 28E agreement unconstitutional June 24, 2022. The hangar space issue at the airport is serious and needs to be done in accordance with a viable airport masterplan, on which work has not begun. As a reminder I am not asking for an FBO hangar due to FBO growth. I am asking for the same size hangar that Grinnell provided their FBO in 1988. If a long-requested 100'x100' hangar were built, Pella would still be providing less hangar space to their FBO than that provided at Newton, Grinnell, Marshalltown, and Oskaloosa.

Special Events: We are in discussions to host a safety or Instructor/DPE meeting before the end of the year.

Project and focus on improvement: I'm working on a list of urgently needed improvements including Terminal remodel (including carpet, windows, and restroom accessibility issues, shop hangar door replacement, t-hangar door repairs, concrete repair, and runway light retrofitting to modern bulbs.

Adjourn: Motion by Bollard, Support Nikkel; Passed unanimously

Next regular meeting will take place on September 28th, 2023 7am

### c. Historic Preservation Commission Minutes for September 11, 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: Bruce Boertje, Lorinda Bradley, Rhonda Kermode, and Lila Turnbull; absent: Don André. Staff present: Planning and Zoning Director Gerald Buydos and the Deputy City Clerk. No members of the public attended the meeting.

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

APPROVAL OF MINUTES: Motion by Boertje, second by Turnbull to approve the minutes from the August 14, 2023 meeting. Motion carried 4-0.

#### OTHER BUSINESS/WORK SESSION:

Work Session to Discuss the Proposed McClatchey Mill Historic District and Upcoming Meeting with Property Owners

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. The Commission also discussed the upcoming meeting they plan to hold with property owners in the proposed district, which is tentatively scheduled for October 2, 2023, at 6:00 p.m. at the Public Safety Complex. A letter to the property owners, drafted by Chairperson Kermode, will be mailed on September 12, 2023.

Boertje, Bradley, and Kermode will work on compiling information for inclusion in a PowerPoint presentation.

Boertje reported that he has been approached by several more property owners in the proposed McClatchey Mill Historic District and that one property owner has shared his abstract with him.

Work Session to Discuss the Historic Fire Station

The HPC received a proposal from Jennifer Price, a Historic Preservation Consultant with Price Preservation Research, to prepare an application to nominate the historic fire station to the National Register of Historic Places, at a cost of \$5,100. HPC Vice-Chair Bruce Boertje reported at the June 12, 2023 HPC meeting that he has found a donor that would be willing to contribute \$2,100. Staff reported that they are working with City Administration to schedule a Policy and Planning session during the September 19, 2023 City Council meeting so that City Council can discuss the proposal. Boertje stated that he plans to attend the meeting as a representative of the HPC.

Work Session to Discuss the Certified Local Government Program

Planning and Zoning Director Gerald Buydos reported that discussion of the Certified Local Government (CLG) program will be held during a future City Council Policy and Planning session, but that it has not yet been scheduled for an agenda.

Kermode requested that, if the City has further concerns about becoming a CLG, to make a list so that she can address them. Buydos said he will pass along Kermode's request to City Administration. Buydos asked Kermode to provide him with the minimum responsibilities that the City would undertake as a CLG.

Staff stated that the last time the Iowa State Preservation Historic Office presented to City Council regarding the CLG program, was on February 4, 2020. Staff will email a link to the video from that meeting to the Commission.

Work Session to Discuss Adding a Representative for the Scholte Garden Historic District to the Historic Preservation Commission  
At the August 14, 2023 HPC meeting, the Commission discussed adding a representative for the Scholte Garden Historic District to the HPC. City Code Chapter 33.02 states, "The Historic Preservation Commission consists of five (5) members who are citizens of the City and interested in serving in matters pertaining to historic preservation. If the City has adopted a Historic District Overlay Zone ordinance, then membership shall include at least one member that is a resident from each historic district with each district member being added in addition to the initial five (5) members up to an absolute committee size of nine (9)."

At that meeting, the Commission directed staff to talk to the City Administrator and Mayor about adding a representative for the Scholte Garden Historic District to the HPC. Staff reported that the Mayor was emailed for guidance about this matter, but staff has not yet received a response.

Other: Kermode reported that she sent an email to Central College President Mark Putnam regarding the house located at 906 Independence St., but that she has not received a response. She stated that she emailed Mayor Don DeWaard to let him know that she reached out to Putnam.

Buydos reported that the owner of 836 Main St. was referred to Wayne Stienstra to possibly help rehabilitate the existing front door and doorframe of the building instead of replacing it with a modern door.

The Commission discussed the former Bailey House, located at 722 Broadway St.

The Commission discussed a property located at 606 E. First St. that had recently sold, which the new owner may plan to demolish and build a small home on the property. Staff told the Commission that the new owner was told that the house is not located in a historic district, so a demolition permit for the property would not need to be reviewed by the HPC before being approved.

Bradley stated that she thinks prospective owners of historic homes that approach the City should be told about the potential eligibility for historic tax credits. Kermode suggested that staff refer those individuals to the HPC for further information.

Next Meeting Date: The next regular HPC meeting is scheduled for October 9, 2023.

Adjourned at 6:04 p.m.

#### d. Community Services Board Minutes for September 15, 2023

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

Absent: Nathan Guess, Kayla Stehlik

Staff: Jeanette Vaughan, Alex Meyers, Chandler Nunnikhoven, Dyan Parker, Brenda Ross

Three members of the public attended the meeting.

12:06pm Community Services Director Jeanette Vaughan called the meeting to order.

Minutes - Motion by Schwerdtfeger, seconded by Van Zante to approve the Community Services Board Meeting minutes of June 16, 2023. Motion carried 4-0.

Discussion Items

Wonder Spelen Statue – Vaughan discussed a donation for a proposed statue from the Pella Garden Club and the Wonder Spelen group to finish Phase I of the park. The board asked about determination of the location and safety of kids playing on or around the statue. Vaughan stated the statue is a bronze arch being held up by two kids playing. There is a similar statue at a park in Indianola. Board present did not have any objections to proceeding with the installation.

12:10pm Mike Lyons joined the meeting via Microsoft Teams

Department Updates:

Aquatics/Alex Meyers

- Hired a new Assistant Aquatics Manager - Zach Nunnikhoven.
- All regular programming at indoor pool: Preseason swim team, aerobics, lap swim, open swim, and swim lessons.
- Staff troubleshooting leak in the adventure river, all in house tests have not resulted in finding the leak. Staff scheduled a contractor to come at the end of the month that specializes in leak detection in pools.
- Outdoor pool is being winterized.

Parks/Chandler Nunnikhoven

- Still continue to water annuals.
- Tulip bulb order has been finalized. Staff has been working with multiple vendors to get bulbs. Drought issues in Holland has affected what bulbs are available.
- Federated Fellowship has volunteered to spread playground mulch at Fountain Hills this weekend.
- Interviewing for a Parks full-time position that has been open since March. Hoping to fill before fall.
- A large hard maple tree in SW corner of Central Park across from Jaarsma Bakery needs to be removed. Staff has seen the tree declining in health but will also reach out to DNR for confirmation but there is evidence that the tree is becoming rotten on the inside. A linden tree is the Klokkenspel plaza also lost a larger limb and Staff will have IDNR check that tree as well. Board questioned if the trees would be replaced. Nunnikhoven reported that they have already selected replacement trees.

Art & Rec/Brenda Ross

- Art Classes started Sept 5 with all after school classes full. Still have openings in Art with Me and Homeschool on Monday & Tuesday.
- Currently have 65 1st/2nd graders registered for Little Tyke Flag Football that will be held Saturday Oct 7, 14, 21 & 28. Looking for a part-time person to run this program. It is for 3 hours a week for the 4- week program.
- 555 Pre-K thru 6th grade children are registered for soccer with 100 volunteer coaches, some volunteers are coaching 2 teams.
- 170 3rd/6th grade children registered for flag football with 29 volunteer coaches, both programs run for 8 weeks ending the week of Oct 9th.
- Adult Co-ed Softball ended the season on August 26th with a tournament which was won by the Co-Liners Team.
- USP has started practicing for Cinderella with performances in December.
- USP hosted Pella's Got Talent the end of August with approximately 100 in attendance.
- The boiler passed inspection at the end of August; however, we are required to install an emergency stop button outside of the boiler room. Gritters has been contacted to complete the work. It has been ok'd to fill and get ready for heat this fall/winter.

Golf & Athletic Fields/Jeanette Vaughan for Kevin Vos

- Soccer irrigation system repairs - repaired VFD drive, intake lines and valves, electric solenoid & adapters. It is partially working but not fully automatic. Spent over \$15,000 putting band aid repairs in the last year.
- Between PSP & PSC, there are 20 soccer fields & 1 flag football field to maintain this fall.
- PSC entrance gravel road graded & dust control applied.
- PSP will be hosting 3 high school cross country meets this fall with potential to add XC all-star meet in November.
- Golf staff making improvements to the practice area short game facilities. Renovating fairway #8 to creeping bentgrass surface.
- Staff are working on a new golf cart lease. The current lease ends February 2024.
- Central College fall golf season golf has started.
- The Bos conference center project is moving forward. Adding an alarm system to the elevator and finishing up painting.
- Seasonal staff reduced dramatically due to school resuming. Working on hiring vacant groundskeeper position.

General Update/Jeanette Vaughan

- October 3rd Council meeting is tentative scheduled to discuss the Rec Center Project, Community Center Project and University Street Extension Project.
- Vaughan will be out of the country during our October meeting so Ross will be leading the meeting. Copies of the current budget will be distributed soon so board members can review before the budget discussions at the November meeting.
- New Finance Director Brian Weuve is on board at City Hall, we will keep to our regular budget schedule unless we hear different.

Open Discussion:

Update on Community Center Project – Van Zante asked for an update on the project. Vaughan stated there are weekly meetings with Schemmer. At this week's meeting Vaughan and Ross reviewed each door in the facility via 3D scans to determine if doors and/or locksets should be kept or replaced. Access control to the building was also discussed. Structural engineers will start work next. Substrate testing was completed at the SE corner of the building yesterday. This is to determine whether or not a new addition can be constructed in this area. Schemmer is on track to have the 50% cost estimate done by the end of October.

Update on Rec Center Project – Fyfe asked about the proposed start date and if it would affect track meets at the Sports Park. Vaughan noted that construction drawings have not yet started and at least 3 months is needed for those to be completed so track meets this fall will not be affected.

Pickleball Courts – Schwerdtfeger requested an update on the Kiwanis pickleball/tennis courts. Vaughan noted that both the Kiwanis and Caldwell court repair projects were bid earlier in the summer with no bids received for Kiwanis and on 1 bid coming in for Caldwell which was \$10,000 over budget. Nunnikhoven revised the bid packet with longer bid time and construction period. Nunnikhoven found another company to also send a packet to. Bids due October 10th. If there are no quotes received within the budget, the project will be included in upcoming budget discussions.

Other Business/Public Forum – Comments were received regarding the use of the sound system speakers on the square. Vaughan responded that a use policy was being discussed at the next Council meeting. Comments and questions were received regarding the irrigation system at the Soccer Complex. Vaughan reviewed the city departments budget process. Schwerdtfeger noted that the board is always supportive of repair projects.

Adjournment: Motion by Fyfe, seconded by Van Zante to adjourn the Community Services Board Meeting. Motion carried 5/0.  
The next meeting is scheduled for Friday, October 20, 2023, at noon in room 206, in the Community Center.  
Meeting adjourned at 12:50pm.  
Respectfully submitted:  
Dyan Parker

e. **Board of Adjustment Minutes for September 18, 2023**

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

**CHAIRPERSON'S COMMENTS**

Approval of the Tentative Agenda: Motion by Vander Wert, second by Vander Meiden to approve the tentative agenda. Motion carried 6-0.

APPROVAL OF MINUTES: Motion by Nunnikhoven, second by Kious to approve the minutes from August 21, 2023. Motion carried 6-0.

**PUBLIC HEARINGS**

Consider a Variance Request from Levi Marx to Construct a Deck Within the Rear Yard Setbacks of 515 Union St.

Levi Marx submitted a variance application for the property located at 515 Union St. The applicant requested a variance to construct a deck within the rear yard setback. City Code Table 165.12-2 indicates that all properties in the Two-Family Residential (R2) District have a 35-foot rear yard setback. Should the variance be approved, the rear setback would become 3' 6".

While staff understands the desire for the restoration of a previous deck, 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, three, four, and seven; ergo, staff believes 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. No written comments were received.

The applicant, Levi Marx, and the property owner, Neala Veenstra, were present to speak in favor of the variance and to answer questions from the Board. Veenstra explained that the previous deck was removed in 2022 in order to perform structural repairs to the home's foundation. She stated the ground had not settled from that work until spring of 2023. She explained that the proposed deck would be rebuilt in the same location and the same size as the previous deck.

A neighbor to Veenstra, Ron Rozenboom, was present to speak in favor of the variance and stated that he had no issue with the deck. Vander Meiden asked that, if the house burned down, whether it would be able to be built back in its current configuration. Zoning Analyst Jared Parker explained that the house is currently considered legal nonconforming as it does not meet current code. A structure that is rebuilt would need to comply with the current codes. If certain setback requirements are not able to be met, then the owner could request a variance from the Board of Adjustment.

Motion by Vander Meiden, second by Nunnikhoven to close the Public Hearing as no further comments were received. Motion carried 6-0.

Motion by Vander Meiden, second by Nunnikhoven to approve the variance request, due to the substandard-sized lot, with the condition that the deck is rebuilt using a cantilever design with the posts of the deck placed six feet from the house and cantilevered the additional two feet. Motion carried 6-0.

Consider a Variance Request from Brian Simpson to Construct an Attached Pergola Within the Rear Yard Setback of 1804 W. Third St.

Brian Simpson submitted a variance application for the property located at 1804 W. Third St. The applicant requested a variance to construct an attached pergola within the rear yard setback. City Code Table 165.12-2 indicates that all properties in the Low Density Single-Family Residential (R1) District have a 40-foot rear yard setback. Should the variance be approved, the rear setback would become 26'.

While staff understands the desire for the addition, 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; ergo, staff believes 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. No written comments were received.

Jennifer Simpson, the property owner, was present to speak in favor of the variance and to answer questions from the Board. She explained that the proposed pergola will be attached to the roofline and will only extend over the existing patio. The purpose will be to provide shade to the patio. She further explained that the pergola would not be permanent and could be removed. The posts will be located on the existing patio.

In response to a question from Nossaman, staff explained that if the pergola were not attached to the home, it would need to be located at least 10 feet away from the primary structure as an accessory structure.

Motion by Nunnikhoven, second by Kious to close the Public Hearing as no further comments were received. Motion carried 6-0.

Motion by Nossaman, second by Nunnikhoven to approve the variance request as submitted, due to it not causing any more perceived harm to adjacent properties than an allowed standalone pergola located 10 feet way from the primary structure. Motion carried 6-0.

Next Meeting Date: The next meeting is scheduled for October 16, 2023.

Adjourned at 6:29 p.m.

f. **Historic Preservation Commission Minutes for October 2, 2023**

Chairperson Kermode called the Historic Preservation Commission (HPC) to order in the Public Safety Complex at 6:00 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. Sixteen members of the public attended the meeting.

APPROVAL OF TENTATIVE AGENDA: Motion by André, second by Boertje to approve the tentative agenda. Motion carried 5-0.

APPROVAL OF MINUTES: Motion by André, second by Bradley to approve the minutes from the September 11, 2023 meeting. Motion carried 5-0.

**OTHER BUSINESS/WORK SESSION**

Work Session to Discuss the Proposed McClatchey Mill Historic District

The HPC was interested in conducting a public informational session regarding the establishment of a local historic district in the McClatchey Mill area. The purpose of the meeting was to provide property owners and the public with the opportunity to learn more about local historic districts and discuss the requirements, process, and benefits of forming a 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. HPC members gave a presentation providing information about local historic districts, as well as the history of the neighborhood, followed by a time for questions and comments from members of the public.

Diane Holm asked that a different name for the proposed historic district be considered. She suggested naming it after Sunken Gardens Park or the Tuttle Cabin. Boertje explained the reasoning for the proposed name, as the McClatchey Mill was the reason that many of the homes were built in this area. Sunken Gardens Park, nor Tuttle Cabin, are currently included in the proposed district.

Steve Theune asked for clarification on the building permit review process for property owners within a local historic district. The Commission explained that the HPC would only review projects that require a building permit, such as new structures or additions, as well as demolition. Permits are not required for paint color, landscaping, siding, roofs, windows, et cetera. To date, permits for a fence and an

addition in the Collegiate Neighborhood Historic District have been approved by the HPC. There is no additional cost for this review- just the cost of the building permit itself. Should the HPC deny approval of the proposed project, the applicant would be able to appeal the decision to the City Council. The Commission explained that, so long as the work being done fits the character of the neighborhood, it should be approved.

The Commission briefly explained tax credit opportunities that property owners might be eligible for, should they own property in a local historic district. The Commission plans to hold another meeting with property owners in the future that will provide further information on this subject.

Jim Mueller questioned how the properties in a local historic district might become listed on the National Register of Historic Places.

Bradley explained that homeowners could complete the application requirements themselves, or they could hire a consultant.

Karen Bokhoven questioned whether a house would need to be rebuilt the same way it was, should it be destroyed by an event such as a fire. Bradley explained that the owner would be encouraged to not rebuild an identical structure because this could create a false sense of history. However, the property owner would be encouraged to build a home that fits the character of the neighborhood.

Lisa Larson asked whether the porch that was recently built on her home would have been approved by the HPC. Boertje said that he is happy that she replaced the porch, as he feels it is a neat architectural detail of Larson's home. The Commission could not definitively say that it would have been approved, as they were not involved in reviewing the building permit application.

Boertje said that he welcomes anyone to share their home's abstract with him, as he learns a lot about properties through reading them.

Mueller asked for a copy of the presentation from this meeting. Staff will email the PowerPoint presentation to those who requested it.

Theune mentioned that some of Pella's streets originally had different names. Boertje said the Pella Preservation Trust has discussed adding the original street names below the current street names on signage in the city.

Kim Mulch stated that he is excited about the prospect of forming a local historic district in this area and that the McClatchey Mill Historic District name is fitting.

Mueller asked whether the local historic district designation would apply to non-residential structures, such as the barn on his property.

Bradley explained that it depends whether the structure has been determined to be a contributing or non-contributing structure. In Mueller's case, the barn would be considered a contributing structure. Mulch has a pergola on his property that would be considered non-contributing.

Larson asked what the benefit is to be part of a local historic district rather than just listed as an individual home. Bradley explained that being part of a historic district creates a larger resource base and opens up all homes in the district to tax credit opportunities. Individual homes are subject to a higher threshold of historic importance and integrity as well. Planning and Zoning Director Gerald Buydos explained that the creation of a historic district also creates a sense of place.

Lisa Zylstra stated that Columbus Street, in her neighborhood, is tree-lined with many old trees located in the right-of-way. She said part of the charm of the street is the trees and asked whether homeowners would be permitted to plant new ones in the right-of-way if the existing trees were to die. Boertje explained that the existing trees are grandfathered in and are allowed to remain in the right-of-way. Planning and Zoning Director Gerald Buydos explained that, due to underground utility needs, new trees are unfortunately not permitted to be planted in the right-of-way.

Theune questioned whether property owners in a local historic district might be subject to a special assessment for something such as the construction of brick roads. Buydos stated that he is not aware of special assessments specifically for historic districts and that voters would have to vote in favor of one.

Mueller asked about the process for amending the ordinance for the historic district. Buydos explained that an amendment to the ordinance, such as a change in the district's boundaries, would require public hearings, during which property owners would have an opportunity to make statements either in support of or against the ordinance amendment.

Kermode stated that petitions were being passed around during the meeting for those who would like to sign in favor or opposition to the historic district. She asked that property owners in attendance think about speaking with their neighbors about signing the petition.

Brian Zylstra asked about the expected time frame to establish the local historic district. André stated that the Collegiate Neighborhood Historic District took approximately two years from start to finish. Ultimately, it depends on how much interest there is from property owners and how long it takes to get the required number of signatures.

Notification will be sent to property owners about the next meeting regarding this potential historic district. Kermode thanked property owners for their attendance at the meeting.

Next Meeting Date: The next regular HPC meeting is scheduled for October 9, 2023.

Adjourned at 7:41 p.m.

### 3. Petitions and Communications

#### a. Renewal of Class C Retail Alcohol License with Outdoor Service and Catering for Central College

BACKGROUND: Central College, located at 812 University Street, has applied for renewal of their class C retail alcohol license with outdoor service and catering privileges. The term of the new license is 12 months and, if approved, would expire on November 30, 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 renewal

#### b. Special Event Permit Request for Light Up a Life

##### i. Resolution No. 6630 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS LIGHT UP A LIFE"

BACKGROUND: Pella Regional Health Center has requested a special event permit for their annual memorial service, Light Up a Life. This event is scheduled on Tuesday, December 5, 2023, from 6:00 to 7:30 p.m. The promoter is requesting an inclement weather date of Tuesday, December 12, 2023.

As background, Pella Regional Health Center hosts an annual memorial service for the community to remember loved ones who have passed away. This event consists of lit trees placed on the Comfort House's front porch. A resolution is included with this request to close Union Street from the alley west of the Comfort House to E. 2nd Street from 4:00 to 8:30 p.m. during the event.

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 special event permit and resolution.

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

c. **Renewal of Class E Retail Alcohol License and Approval to Enroll in the Automatic Renewal Program for Casey's General Store #3566**

BACKGROUND: Casey's Marketing Company, DBA Casey's General Store #3566 located at 509 Main Street, has applied for renewal of their class E retail alcohol license. The term of the new license is 12 months and, if approved, would expire on November 30, 2024.

Additionally, the applicant is requesting to enroll in the automatic renewal program. As background, pursuant to Iowa Code sections 123.35(2), 123.35(3), and 123.35(4), the Iowa Alcoholic Beverages Division (ABD) began offering an automatic renewal program to class E retail alcohol license holders effective January 1, 2023. Class E retail alcohol licenses are most typically held by grocery, liquor, and convenience stores and allow for the sale of alcoholic liquor for off-premises consumption in original unopened containers. If an applicant chooses to enroll in this program, they can automatically renew their license annually without local authority approval. It is important to note that there are a variety of situations in which applicants would be unenrolled from the automatic renewal program including a suspended/revoked license, civil penalty, pending administrative proceeding, and if the local authority notifies the ABD that the automatic renewal should not occur as further review of the business or premises is warranted.

The application has been completed online with the state, and staff is recommending approval of both the renewal and enrollment in the automatic renewal program.

ATTACHMENTS: None  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Approve renewal of the alcohol license and enrollment in the automatic renewal program

**E. PETITIONS & COMMUNICATIONS**

1. **New Special Class C Retail Alcohol License for R & R White House Enterprises LLC, DBA The Wijn House.**  
Bandstra moved to conditionally approve the alcohol license pending receipt of dram shop certification, seconded by Sporrer.

On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

BACKGROUND: Due to a change in ownership, R & R White House Enterprises LLC, DBA The Wijn House at 615 Franklin Street, has applied for a new special class C retail alcohol license effective January 1, 2024. The term of the new license is 12 months and, if approved, would expire December 31, 2024. The application has been completed online with the state. At the time of Council packet publication, the application was pending dram shop verification; therefore, staff recommends conditional approval of this new alcohol license pending receipt of dram shop certification.

ATTACHMENTS: None  
REPORT PREPARED BY: City Clerk  
REVIEWED BY: City Administrator  
RECOMMENDATION: Conditional approval of license pending receipt of dram shop certification

**F. RESOLUTIONS**

1. **Resolution No. 6631 entitled, "RESOLUTION APPROVING AMENDED AND RESTATED AGREEMENT UNDER IOWA CODE CHAPTER 28E BETWEEN WAVERLY COMMUNICATIONS UTILITY; THE MUNICIPAL COMMUNICATIONS UTILITY OF THE CITY OF CEDAR FALLS; THE COMMUNICATIONS UTILITY OF BELLEVUE, IOWA; INDIANOLA MUNICIPAL UTILITIES; VINTON MUNICIPAL COMMUNICATIONS UTILITY; CITY OF PELLA MUNICIPAL TELECOMMUNICATIONS UTILITY; NEW HAMPTON MUNICIPAL COMMUNICATIONS UTILITY; AND WATERLOO TELECOMMUNICATIONS UTILITY PROVIDING FOR JOINT OWNERSHIP AND USE OF CERTAIN FACILITIES AND RELATED MATTERS."**

Hopkins moved to approve, seconded by Sporrer.

On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

BACKGROUND: Two resolutions are on the agenda for consideration related to an Internet Protocol (IP) Video Headend. As background, a Video Headend is a master facility for receiving television signals from satellites and distribution of those signals over an IP system. Currently, there are eight municipal telecommunications which are parties to these agreements and the facilities are managed by the Municipal Communications Utility of the City of Cedar Falls (CFU). The purpose of these resolutions and agreements is to allow the Waterloo Telecommunications Utility to join the Agreements for the joint operation of IP Video Headend services. As further background, the Pella City Council initially entered into these agreements on September 1, 2020.

Agreement for Joint Ownership and Maintenance of IP Video Headend

The key changes in the amended 28E Agreement are the inclusion of the Waterloo Telecommunications Utility as well as the following items:

- The City of Pella's cost allocation percentage for operations and capital cost decreased from 11.64% to 6.96%. Please note, this percentage is based on the number of properties passed.
- The term of the agreement was increased from August 2025 to October 2026.

Agreement Regarding Financial Arrangements

This agreement is intended to address the financial buy-in fee of the Waterloo Telecommunications Utility. Through this agreement, the City of Pella will receive a reimbursement of \$48,931.65 for prior capital investments. Once all members have signed the agreements, payment to Pella will be as follows:

IP Video Headend Equipment, Minerva, Network DVR	\$33,089.86
Existing CFU Owned Video Infrastructure	<u>15,841.79</u>
Total	<u>\$48,931.65</u>

In summary, staff recommends approval of both resolutions. Staff believes it is more economical to join an existing video headend than to construct one to serve our customer base. Furthermore, CFU has the necessary staff and a proven track record of successfully operating a video headend. Finally, the proposed agreements have been reviewed by the City's legal counsel.

ATTACHMENTS: Resolution 6631, 28E Agreement Regarding Joint Ownership, Resolution 6632, Agreement Regarding Financial Arrangements  
REPORT PREPARED BY: City Administration  
REPORT REVIEWED BY: City Administrator, City Clerk  
RECOMMENDED ACTION: Approve resolutions

2. Resolution No. 6632 entitled, “RESOLUTION APPROVING AGREEMENT BETWEEN THE MUNICIPAL COMMUNICATIONS UTILITY OF THE CITY OF CEDAR FALLS; WAVERLY COMMUNICATIONS UTILITY; THE COMMUNICATIONS UTILITY OF BELLEVUE, IOWA; INDIANOLA MUNICIPAL UTILITIES; VINTON MUNICIPAL COMMUNICATIONS UTILITY; CITY OF PELLA MUNICIPAL TELECOMMUNICATIONS UTILITY; NEW HAMPTON MUNICIPAL COMMUNICATIONS UTILITY; AND WATERLOO TELECOMMUNICATIONS UTILITY REGARDING FINANCIAL ARRANGEMENTS.”  
Hopkins moved to approve, seconded by Sporrer.  
On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

3. Resolution No. 6633 entitled, “RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR THE ENHANCE IOWA GRANT FOR THE PELLA REC CENTER PROJECT.”  
Bandstra moved to approve, seconded by Sporrer.  
On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

BACKGROUND: This resolution authorizes staff to submit an application for the Enhance Iowa grant, for the Pella Rec Center project, through the Iowa Economic Development Authority (IEDA). As background, Enhance Iowa grant funds are for the purpose of assisting projects that provide recreational, cultural, entertainment, and educational attractions.

Long-Term Facilities Plan: In April of 2022, the City Council approved a long-term facilities plan totaling \$45 million. The plan included construction of an indoor recreation facility and renovation of the existing Community Center. The base plan approved by Council included City funds in the amount of \$22 million as well as raising an additional \$23 million towards the plan. Listed below is an initial composition of the City funds:

Local Option Sales Tax Bond	\$17,000,000
City Cash Contributions	<u>5,000,000</u>
Total City Funding Sources	<u>\$22,000,000</u>

City’s Local Match of Funds: The Enhance Iowa grant requires a local match from the City of Pella. For purposes of this grant, staff is proposing using \$16.5 million as the intended local match for the Pella Rec Center. Below is an overview of the proposed local match, which is subject to financing:

Council previously approved Long-term Facility Plan contribution	\$22,000,000
Estimated Cost of the Pella Community Center	<u>(5,500,000)</u>
Proposed Local Match for the Pella Rec Center	<u>\$16,500,000</u>

In summary, staff is recommending approval of this resolution which authorizes submission of an application for the Enhance Iowa grant for the Pella Rec Center project in the amount of \$1.0 million. It is important to note that this resolution states that the City’s financial commitments are subject to financing and the City of Pella awarding a construction bid for the proposed indoor recreation center.

ATTACHMENTS: Resolution  
REPORT PREPARED BY: City Administration  
REVIEWED BY: City Administrator, Finance Director, Community Services Director, City Clerk  
RECOMMENDATION: Approve resolution

**G. ORDINANCES**

1. Ordinance No. 1033 entitled, “AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY AMENDING SEC. 165.24, FOR THE PURPOSE OF REVISING THE DEFINITION OF AN ADULT CABARET.”

Hopkins moved to place ordinance no. 1033 on its second reading, seconded by Sporrer.  
On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

BACKGROUND: This ordinance updates the definition of “Adult Cabaret” in Section 165.24.1(A)(2)(e) of the Pella Zoning Code. As background, the City Attorney has recommended that the City of Pella update the definition within the Adult Entertainment section of the Zoning Code to clarify the meaning of “Adult Cabaret.” The current definition of “Adult Cabaret” in Zoning Code Section 165.24.1(A)(2)(e) provides:

e. “Adult cabaret” means a cabaret which features go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers. The proposed definition would state:

- e. “Adult cabaret” means any commercial establishment that as a substantial or significant portion of its business provides any of the following:
  1. Persons who appear nude; or
  2. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the performance or simulation of “specified sexual activities.”

It is important to note that this recommendation is intended to rectify concerns about the constitutionality of the current definition. Specifically, the concern is that the current language identifies certain individuals rather than specific prohibited conduct. Furthermore, this ordinance simply updates the zoning definition and does not modify the allowable zoning districts for the definition.

In summary, the City Attorney is recommending approval of the attached ordinance which updates the definition of “Adult Cabaret”. The Planning and Zoning Commission unanimously approved this ordinance during their meeting on September 25th.

ATTACHMENTS: Ordinance  
REPORT PREPARED BY: Planning and Zoning Director  
REVIEWED BY: City Administrator, City Attorney, City Clerk  
RECOMMENDATION: Approve ordinance

**H. CLAIMS**

1. Abstract of Bills No. 2138.

Bandstra moved to approve, seconded by De Jong.  
On roll call the vote was: AYES: 4, NAYS: None. Motion carried.

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

Four comments were received.

Carlstone joined via phone at 6:23 p.m.

**J. POLICY AND PLANNING**

From 6:30 p.m. to 6:36 p.m., Council adjourned to the Policy and Planning meeting to hold a discussion regarding the revised downtown sound system use agreement, with no formal Council action taken.

**K. EXEMPT SESSION**

1. At 6:37 p.m., Hopkins moved to enter into exempt session pursuant to Iowa Code Chapter 21.9 to discuss employment conditions of employees not covered by collective bargaining agreements, seconded by Sporrer.

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

Council reconvened to open session at 6:43 p.m.

In open session, De Jong moved to approve Resolution No. 6634 entitled, "RESOLUTION APPROVING A POLICY FOR POLICE OFFICER SALARY AFTER COMPLETION OF IOWA LAW ENFORCEMENT ACADEMY," seconded by Hopkins.

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

In open session, Sporrer moved to approve Resolution No. 6635 entitled, "RESOLUTION APPROVING A POLICY FOR COST OF LIVING ADJUSTMENT BONUS FOR AFFECTED EMPLOYEES," seconded by Hopkins.

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

**L. 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 6:45 p.m.