



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

November 21, 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: Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Dr. Spencer Carlstone, Dave Hopkins. Absent: Mark De Jong.

City Administrator Mike Nardini, City Attorney Emily Duffy (from 6:00 p.m. to 7:11 p.m.), and City Clerk Mandy Smith were present.

Ten staff members and twenty-eight members of the general public attended in person.

Fourteen members of the general public attended via conference call.

B. MAYOR'S COMMENTS

1. Approval of Tentative Agenda.

Branderhorst moved to approve, seconded by Bandstra.

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

2. Reappointment of Corey Westra to the Board of Adjustment.

Hopkins 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 Corey Westra to serve on the Board of Adjustment. Corey has served on the Board since 2019, attending 32 of the 37 meetings held during his term. Corey is a lifelong resident of Pella, only living in Elkhart, Iowa, for two years while serving in the military. He holds a B. A. degree in Exercise Science from Central College and a Master of Science in High Education Administration from Southern New Hampshire University. He retired as a First Sergeant from the Army after 22 years of service. His military foreign assignments included deployments to Kuwait, Kosovo, and Afghanistan. Mr. Westra's military experience allowed him to support civil authorities in response to multiple domestic incidents, most recently Hurricane Harvey and Hurricane Irma. Since departing the Army, Corey has been employed with Centurion Stone of Iowa as a Senior Project Manager. If approved, Corey's new five-year term would expire on January 1, 2029.

ATTACHMENTS: None

REPORT PREPARED BY: Deputy City Clerk

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Approve reappointment

3. Reappointment of Lorinda Bradley to the Historic Preservation Commission.

Branderhorst moved to approve, seconded by Hopkins.

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

BACKGROUND: Mayor DeWaard would like to reappoint Lorinda Bradley to the Historic Preservation Commission (HPC). Lorinda has served on the HPC since 2021, attending 17 of the 22 meetings held during her term. She has a PhD in Art History and Archaeology, specializing in American architecture and design. She currently works as the National Register Coordinator for the Iowa State Historic Preservation Office. Lorinda and her husband own one of the earlier homes built in Pella and she has enjoyed researching its history while working on home renovations. If approved, Lorinda's new three-year term would expire on January 1, 2027.

ATTACHMENTS: None

REPORT PREPARED BY: Deputy City Clerk

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Approve reappointment

4. Reappointment of Rhonda Kermode to the Historic Preservation Commission.

Hopkins 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 Rhonda Kermode to the Historic Preservation Commission (HPC). Rhonda has served on the HPC since 2015, attending all 32 meetings held during her term. She previously served on the Ad Hoc Historic Preservation Committee in 2014 and has experience with window restoration and other preservation issues, along with knowledge of historic tax credits and grants. If approved, Rhonda's new three-year term would expire on January 1, 2027.

ATTACHMENTS: None

REPORT PREPARED BY: Deputy City Clerk

REPORT REVIEWED BY: City Administrator

RECOMMENDED ACTION: Approve reappointment

5. Appointment of Ann Visser to the Planning and Zoning Commission.

Branderhorst moved to approve, seconded by Hopkins.

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

BACKGROUND: Mayor DeWaard would like to appoint Ann Visser to the Planning and Zoning Commission. Ann served on this Commission from 2012 to June 2023, attending 45 of the 51 meetings held during her most recent term. Ann has lived in Pella for over 30 years and has volunteered at the Vermeer Windmill, the hospital, the food shelf, and the basket shop. She is a retired English/journalism teacher. If approved, Ann would assume the remainder of the vacant term, which is set to expire on May 1, 2024.

ATTACHMENTS: None

REPORT PREPARED BY: Deputy City Clerk

REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve appointment

6. Appointment of Bob Zylstra to the Community Development Committee.

Hopkins 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 Bob Zylstra to fill a vacancy on the Community Development Committee (CDC). Bob grew up in Pella but lived elsewhere during most of his professional career, living in a variety of cities in the U.S. and overseas. Most recently, he owned and operated Ring-O-Matic in Pella and is now retired. Bob hopes to use his range of experiences to help Pella on its path to improve the quality of life for our residents and to make our town more business friendly. He has a particular interest in maintaining our historic Dutch charm for the benefit of our citizens and to enhance our appeal to tourists. If approved, Bob would assume the remainder of the vacant term, which is set to expire on August 1, 2024.

ATTACHMENTS: None
REPORT PREPARED BY: Deputy City Clerk
REVIEWED BY: Cit Administrator
RECOMMENDATION: Approve appointment

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

Four comments were received.

D. APPROVAL OF CONSENT AGENDA

Branderhorst 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 November 6, 2023
2. Report of Committees
 - a. Policy and Planning Minutes for November 6, 2023

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

ABSENT: Lynn Branderhorst

OTHERS: City staff and visitors

The Policy and Planning meeting began at 6:30 p.m. The only agenda item was continued discussion about the downtown sound system. The City Council reviewed a drafted sound system use agreement in September. During that meeting, Council requested a few revisions to the agreement. The revised agreement now includes the following items:

- Available for use, with a \$25 daily fee, when not reserved for Tulip Time.
- Zones available for public use include Zone 1 (south side of the Tulip Toren) and Zone 10 (stage on the north side of the Tulip Toren).
- The system is available for use only with an approved special event permit.
- Events planning to broadcast copyrighted music must have a license to do so.
- The event organizer must receive training on the use of the system prior to their event.

Historically, the system has been utilized to broadcast music throughout the downtown area to provide ambiance. No guidelines were in place and the individual accessing the system was responsible for music selection. To continue broadcasting music while ensuring content control, staff presented the following recommendations to Council:

- Between June 1st and December 26th of each year, music will be provided in zone 1 and zone 6 (Franklin Street) every Thursday through Saturday, from 10:00 a.m. to 7:00 p.m.
- The City will obtain the appropriate music licenses at an estimated cost of \$25 to \$80 per month.
- The City Council will approve general music playlists/stations in different genres.
- City staff will be responsible for operating the system.

As a result of tourist traffic in early spring months, Council requested to begin playing music in zones 1 and 6 sooner than June 1st. Community Services Director Jeanette Vaughan responded that the Tulip Time system set-up begins weeks prior to the festival, and it's unknown how their set-up needs may impact playing music at the same time. Mayor DeWaard asked if it was possible to add another zone when playing ambient music. Vaughan responded that she would research the logistics of expanding what zones broadcast music.

At the end of the discussion, staff was directed to proceed with placing this item on a future agenda for formal consideration.

The meeting adjourned at 6:43 p.m.

Respectfully submitted:

Mandy Smith
City Clerk

3. Petitions and Communications

a. New Class B Retail Alcohol License for Dollar General Store #23989

BACKGROUND: Dolgencorp, LLC, DBA Dollar General Store # 23989 located at 710 Liberty Street, has applied for a new class B retail alcohol license. The term of the new license is 12 months and, if approved, would expire on December 7, 2024.

The application has been completed online with the state, and staff is recommending approval.

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

b. Special Event Permit Request for Christmas Sing Along

BACKGROUND: The Pella Historic Downtown Retail Group is requesting a special event permit to host a Christmas Sing Along on the back side of the Tulip Toren. The event is requested to occur on Saturday, December 2, 2023 from 1:00 to 3:00 p.m. If approved, set-up would begin at noon with take down completed by 3:30 p.m. No street or parking space closures have been requested.

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.

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

c. Special Event Permit Request for Sinterklaas Parade

i. Resolution No. 6636 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS SINTERKLAAS PARADE"

BACKGROUND: The Pella Historical Society has requested a special event permit for the Sinterklaas Parade scheduled on Saturday, December 2, 2023, from 9:45 to 11:15 a.m. Set up is requested to begin at 9:30 a.m. with take down completed by 11:30 a.m. As background, this annual event celebrates the community's Dutch heritage and consists of a strolling Volks parade and brief program on the Tulip Toren. Included with this request is a resolution closing Franklin Street from Broadway Street to E 1st Street from 10:00 to 11:00 a.m. the day of the event.

All pertinent city departments have reviewed this application and comments are attached. The insurance certificate has been received. At the time of Council packet publication, the fee was still pending; therefore, staff recommends conditional approval of this special event and associated resolution pending receipt of the special event permit fee.

ATTACHMENTS: Resolution, Application, Map, Department Comments
REPORT PREPARED BY: City Clerk
REVIEWED BY: City Administrator
RECOMMENDATION: Conditional approval pending receipt of fee

4. Administration Reports

a. Urban Renewal Report for Fiscal Year 2023

BACKGROUND: Annually, the city is required to file an Urban Renewal Report with the State of Iowa. The purpose of the report is to increase the transparency of local government reporting of tax increment financing (TIF) districts. The report provides a snapshot of each TIF district for the fiscal year showing such elements as valuations by class, total increment collected, projects within each TIF district, and the debt associated with each urban renewal area.

The attached Urban Renewal Report is for the fiscal year ended June 30, 2023.

The report identifies a TIF fund balance of \$348,199 as of June 30, 2023.

ATTACHMENTS: Urban Renewal Report
REPORT PREPARED BY: Finance Director
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve Urban Renewal Report

b. Resolution No. 6637 entitled, "RESOLUTION APPROVING THE STREET FINANCE REPORT FOR FISCAL YEAR ENDING JUNE 30, 2023"

BACKGROUND: This resolution approves the City's street finance report for the fiscal year (FY) ending on June 30, 2023. In summary, FY 22/23 revenues total \$5,017,647 and expenditures total \$4,146,650

As background, according to the Iowa Code, cities are required to file an annual street finance report with the Iowa Department of Transportation in order to receive road use tax funds.

A breakdown of the revenues and expenditures can be found on page 8 of the attached Street Finance Report.

ATTACHMENTS: Resolution, Street Finance Report
REPORT PREPARED BY: Finance Director
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve resolution

E. PETITIONS & COMMUNICATIONS

1. Fred Kreykes and Mark Wiskus, Wonder Spelen representatives, presented their funding request to Council. No formal Council action was taken.

BACKGROUND: Representatives with Wonder Spelen will be in attendance to present the attached funding request to Council.

ATTACHMENTS: Wonder Spelen Presentation
REPORT PREPARED BY: City Administration
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Seeking Council direction

F. RESOLUTIONS

1. Resolution No. 6638 entitled, "RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR DINGEMAN INDUSTRIAL PARK."

Bandstra moved to approve, seconded by Sporrer.

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

BACKGROUND: This resolution accepts the public improvements for Dingeman Industrial Park, which is being developed by Jeff Dingeman. As background, Garden & Associates has submitted a letter certifying the public improvements have been completed and comply with the City's standards for public infrastructure. The developer and contractors have provided the appropriate maintenance bonds.

If approved, the following improvements will be added to the City's infrastructure assets:

- 350 LF of 31' street
- 502 LF of 8" sanitary sewer
- 400 LF of 8" water mains and two fire hydrants (IRUA-private water)
- 31 of 15" storm sewers and two intakes
- 108 LF of 18" storm sewer

In summary, staff recommends approval of this resolution accepting the Dingeman Industrial Park public improvements as outlined above.

Furthermore, this resolution directs staff to release the performance bonds that were provided to allow recording of the final plat.

ATTACHMENTS: Resolution, Engineer's Letter of Certification, Map of Subdivision
REPORT PREPARED BY: Public Works Department

2. Resolution No. 6639 entitled, "RESOLUTION ENTERING INTO A 28E AGREEMENT WITH THE PELLA COMMUNITY SCHOOL DISTRICT AND PELLA CHRISTIAN SCHOOLS TO PROVIDE SCHOOL RESOURCE OFFICER SERVICES."

Hopkins moved to approve, seconded by Sporrer.

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

BACKGROUND: This resolution approves a 28E Agreement with the Pella Community School District (PCSD) and Pella Christian Schools for the Police Department to provide School Resource Officer (SRO) services within the school facilities. As background, the PCSD and Pella Christian Schools are requesting to formally establish this program to provide law enforcement and related services within their facilities to maintain an atmosphere where staff and students feel safe.

Agreement Terms

Below is an overview of the terms included as part of the proposed 28E Agreement:

- Assignment: the SRO will be assigned to PCSD and Pella Christian Schools' facilities for eight hours per day during the school year.
- Reassignment: the Police Department may temporarily reassign the SRO to other duties on holidays, vacations, training activities, emergencies, or other occasions as agreed upon by the parties.
- Term: The agreement is effective September 1, 2023, through August 30, 2024. The agreement will automatically renew annually unless terminated by either party with thirty days' written notice.

- Fees: Under this agreement, the PCSD is responsible for paying 50% of the actual annual cost of the SRO (including actual wages and benefits).

Pella Christian Schools shall pay the PCSD its applicable pro rata share of the cost of the SRO for time the SRO spends at Pella Christian Schools. In summary, staff is recommending approval of this resolution and 28E Agreement with the PCSD and Pella Christian Schools to provide SRO services. The PCSD, Pella Christian Schools, and the City of Pella recognize the benefits of the SRO program particularly to students. The agreement under consideration formalizes a relationship which has been proven both positive and successful during previous years. It is important to note that the proposed agreement has been reviewed by the City Attorney. Finally, the 28E Agreement was approved by PCSD and Pella Christian Schools at past board meetings.

ATTACHMENTS: Resolution, 28E Agreement
REPORT PREPARED BY: Chief of Police
REPORT REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve resolution

3. Resolution No. 6640 entitled, "RESOLUTION APPROVING ENGINEERING SERVICES AGREEMENT WITH GARDEN & ASSOCIATES, LTD. FOR THE UNION STREET RECONSTRUCTION PROJECT."

Hopkins moved to approve, seconded by Sporrer.

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

BACKGROUND: This resolution approves an engineering services agreement with Garden & Associates for the Union Street Reconstruction project. As background, this road segment begins at E 3rd Street, extending east to Morningside Dr, as shown on the attached map. This project includes 25' back of curb to back of curb; new sanitary sewer, storm sewer and intakes; water main and new fire hydrants.

Garden & Associates has worked with the City of Pella on many street projects including back to brick alley projects, University, Hazel, Broadway, Washington, Jefferson, Oskaloosa, Elm, Lincoln, Neil Drive/218th, and Prairie. Garden & Associates has been very competitive in price, professional in all aspects of their product delivery, and provides excellent service. In addition, staff believes their fees are reasonable in relation to the scale of the project.

The estimated breakdown of the not-to-exceed engineering fees is listed below:

Preliminary and Final Design	\$25,000
Construction Administration, Observation and Staking	38,500
Add Easement Services	<u>1,500</u>
Total Engineering Services	<u>\$65,000</u>

Staff estimates the preliminary construction cost estimate for the project is \$341,250; this figure will be revised and expanded in greater detail by the engineer. The funding source for the project will be Road Use Tax funds. If approved, construction is estimated to begin in spring of 2024.

In summary, staff recommends approval of this resolution and agreement as outlined above.

ATTACHMENTS: Resolution, Engineering Services Agreement, Map
REPORT PREPARED BY: Public Works Department
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve resolution

4. Resolution No. 6641 entitled, "RESOLUTION APPROVING DOWNTOWN SOUND SYSTEM USE AGREEMENT."
Sporrer moved to approve, seconded by Hopkins.

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

BACKGROUND: The purpose of these resolutions are to approve a use agreement for the downtown sound system and to adjust the Community Services fees to include use of the downtown sound system. As background, after discussing the revised agreement on November 6, 2023, Council directed staff to proceed with placing a resolution on a future agenda for formal consideration.

Downtown Sound System Use Agreement

The full use agreement, which is included as a memo attachment, is also summarized below:

- Available for use when not reserved for Tulip Time.
- \$25 daily fee for use of the system.
- Zones available for public use include Zone 1 which provides sound for the south side of the Tulip Toren and Zone 10 which provides sound for the stage on the north side of the Tulip Toren.
- The system is available for use only with an approved special event permit.
- Events planning to broadcast copyrighted music must be licensed and demonstrate to the city that they have a current license.
- The event organizer must receive training on the proper use of the system prior to their event.

Broadcasting Music

Music will also be broadcast to provide ambiance to the downtown with the City maintaining control over the content as follows:

- Between June 1st and December 26th of each year, musical ambiance will be provided in the following zones every Thursday through Saturday, from 10:00 a.m. to 7:00 p.m.:

Zone 1: Franklin Street south of Central Park

Zone 6: Main Street east of Central Park

Zone 6: Franklin Street between Main Street and East 1st Street

- The City will engage the services of a music provider that holds the appropriate licenses.
- General music playlists or stations in different genres that are family friendly will be rotated to provide variety and to ensure appropriateness for the season and time of day.
- City staff will be responsible for the operation of the system.

In summary, these resolutions approve the downtown sound system agreement and revised Community Services fees, including the addition of a daily fee to use the downtown sound system. If approved, the new fee schedule would be effective immediately.

ATTACHMENTS: Resolution No. 6641, Sound System Use Agreement, Resolution No. 6642

REPORT PREPARED BY: Community Services

REPORT REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Approve resolutions

5. Resolution No. 6642 entitled, "RESOLUTION APPROVING COMMUNITY SERVICES FEES." Bandstra moved to approve, seconded by Hopkins. On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

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."

Branderhorst moved to table ordinance no. 1033. Motion died for lack of second.

Hopkins moved to place ordinance no. 1033 on its third reading, seconded by Sporrer.

On roll call the vote was:

AYES: 4 (Hopkins, Sporrer, Bandstra, Carlstone)

NAYS: 1 (Branderhorst)

Motion carried.

Hopkins moved that ordinance no. 1033 be adopted, seconded by Sporrer.

On roll call the vote was:

AYES: 4 (Hopkins, Sporrer, Bandstra, Carlstone)

NAYS: 1 (Branderhorst)

Motion carried.

Mayor DeWaard declared the ordinance duly passed and adopted.

BACKGROUND: This ordinance updates the definition of "Adult Cabaret" in Section 165.24.1(A)(2)(e) of the Pella Zoning Code. This ordinance does not expand or further restrict the allowable zoning districts for commercial Adult Cabaret uses within the City of Pella.

Currently, under the City's zoning code, Adult Cabaret is listed as a commercial use type within Adult Entertainment Services. It is important to note, commercial Adult Entertainment uses, which includes Adult Cabaret, are allowed by special use permit (SUP) in M-1 Limited Light Industrial zoning districts and M-2 Heavy Industrial zoning districts. This means before an Adult Cabaret commercial business can open in Pella, it must receive a SUP from the City's Board of Adjustment. The SUP requirement is intended to help ensure land use compatibility between an Adult Cabaret business and any abutting/adjacent property owners. Before the Board of Adjustment can issue a SUP, it is required to conduct a public hearing and make a finding that the proposed special use does not impact the land use compatibility of neighboring property owners. Furthermore, to help achieve land use compatibility, the Board of Adjustment can make restrictions to an Adult Cabaret business, such as a limitation of operating hours. Finally, in the event of non-compliance with a SUP, the Board of Adjustment can revoke the permit.

The proposed ordinance changes the definition of Adult Cabaret to identify certain prohibited conduct rather than specific individuals. This change is recommended by the City Attorney and is intended to rectify concerns about the constitutionality of the current definition, which could lead to First Amendment legal issues. 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."

In summary, the City Attorney is recommending approval of the attached ordinance which updates the zoning 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. 2139.
Branderhorst moved to approve, seconded by Bandstra.
On roll call the vote was: AYES: 5, NAYS: None. Motion carried.

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

Five comments were received.

J. POLICY AND PLANNING

From 7:11 p.m. to 7:39 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. Local Option Redistribution Proposal
2. Urban Chickens
3. Designation of an Official Newspaper for 2024

K. ADJOURNMENT

There being no further business claiming their attention, Hopkins moved to adjourn, seconded by Bandstra.
On roll call the vote was: AYES: 5, NAYS: None.

Motion carried. Meeting adjourned at 7:40 p.m.