



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

December 5, 2023

A. CALL TO ORDER BY MAYOR AND ROLL CALL

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

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

Nine staff members and sixteen members of the general public attended in person.

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

B. MAYOR'S COMMENTS

1. Approval of Tentative Agenda.

Sporrer moved to approve, seconded by Bandstra.

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

2. Reappointment of Glenn Steimling to the Community Services Board.

Branderhorst moved to approve, seconded by De Jong.

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

BACKGROUND: Mayor DeWaard would like to reappoint Glenn Steimling to the Community Services Board. Glenn has served on this Board since 2015. He is the Associate Professor of Kinesiology at William Penn University. Glenn has over 35 years of experience in sport, recreation, and aquatics as a practitioner and educator. He has attended 17 of the 21 meetings held during his current term. If approved, Glenn's new three-year term would expire on December 31, 2026.

ATTACHMENTS: None
REPORT PREPARED BY: Community Services Department
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve reappointment

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

One comment was received.

D. APPROVAL OF CONSENT AGENDA

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

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

The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for November 21, 2023
2. Report of Committees
 - a. Policy and Planning Minutes for November 21, 2023

PRESENT: Mayor Don DeWaard, Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Dr. Spencer Carlstone, Dave Hopkins

ABSENT: Mark De Jong

OTHERS: City staff and visitors

The Policy and Planning meeting began at 7:11 p.m.

The first agenda item was a discussion regarding a proposed local option redistribution agreement with the City of Knoxville and Marion County. Under the current redistribution agreement, which expires on December 31, 2023, Marion County redistributes 8% of county wide local option sales and services tax (LOSST) to Pella (approximately \$440,000 per year) and 4% to Knoxville. These redistribution percentages were based on the actual generation of the LOSST. When this agreement was negotiated in 2011, Pella generated 54% of LOSST in Marion County and Knoxville generated 40%.

During this meeting, staff presented a proposal for a new redistribution agreement that would align with the new term of the Pella LOSST, beginning on January 1, 2024, through December 31, 2043. Based on the generation of LOSST in 2022, the City of Pella generates 64% of LOSST in Marion County and the City of Knoxville generates 28%. In order for the City of Pella to receive at least 60% of the LOSST it generates, our redistribution percentage would need to be 12%. In conversations with representatives of Marion County, staff is under the impression that it would be difficult for the County to increase the redistribution rate in the next two years due to budgetary constraints. As a result, staff proposed the following redistribution amount for the City of Pella:

- Years 1 and 2: 8%
- Years 3 and 4: 10%
- Years 5 through 20: 12%

At the end of the discussion, staff was directed to proceed with presenting the redistribution agreement proposal to Marion County as outlined above.

The next item on the agenda was a discussion regarding urban chickens. Currently, the only zoning district which allows keeping of chickens in Pella is agricultural (A1). City Administrator Mike Nardini presented an overview of the requirements of Ankeny's recently adopted urban chicken ordinance. Nardini reviewed the projects that the Planning and Zoning Commission is scheduled to undertake over the next year. At the end of the discussion, Council indicated they would not like to further explore urban chickens at this time.

The last item on the agenda was a discussion regarding designation of an official newspaper for 2024 legal publications. Iowa Code requires cities to designate an official newspaper annually. Iowa Code Section 618.3 outlines the following requirements that must be met in order to be designated as an official newspaper for legal publications:

1. Is a newspaper of general circulation that has been published at least once a week for at least fifty weeks per year within the area and regularly mailed through the post office of entry for at least two years.
2. Has a list of subscribers who have paid, or promised to pay, at more than a nominal rate, for copies to be received during a stated period.
3. Devotes at least twenty-five percent of its total column space in more than one-half of its issues during any twelve-month period to information of a public character other than advertising.
4. Is paid for by at least fifty percent of the persons or subscribers to whom it is distributed.

The Marion County Express has been the City of Pella's official newspaper for legal publications since June 1, 2022. Staff has received requests from the Marion County Express, the Des Moines Register, and the Oskaloosa Herald to be the City of Pella's official newspaper for 2024.

Council member Branderhorst expressed support for continuing with the Marion County Express as it is local, affordable, and accessible to citizens. Council member Sporrer stated she would like to designate the Oskaloosa Herald from a professional standpoint. At the end of the discussion, staff was directed to place designation of an official newspaper for 2024 legal publications on the December 5th Council agenda for formal consideration. During that meeting, staff will ask for a motion regarding which newspaper to designate before a vote is taken.

The meeting adjourned at 7:40 p.m.

Respectfully submitted:

Mandy Smith
City Clerk

b. Historic Preservation Commission Minutes for October 9, 2023

Chairperson Kermode called the Historic Preservation Commission (HPC) to order in the Planning and Zoning Office at 5:01 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. One member of the public attended the meeting.

APPROVAL OF TENTATIVE AGENDA: Kermode said that item F-5 would be moved before item F-1. Motion by André, second by Boertje to approve the tentative agenda. Motion carried 5-0.

APPROVAL OF MINUTES: Motion by Turnbull, second by André to approve the minutes from the October 2, 2023 meeting. Motion carried 5-0. Work Session to Discuss 906 Independence St.

Central College had submitted an application to demolish the building at 906 Independence St. due to extensive damage, which is located within the Collegiate Neighborhood Historic District. The building would be considered a contributing structure and, as such, the building would need to be reviewed under the standards required by code. The application was tabled by the Commission at its March 13, 2023 meeting. Kermode and André met on March 14, 2023, to tour the building so that they could see the extent of the damage firsthand and help determine whether approving the demolition permit would be appropriate or whether the structure could reasonably be salvaged. At the April 17, 2023 meeting, the Commission tabled this item until the Central College Board of Trustees had an opportunity to consider a preservation proposal from the Pella Preservation Trust. Prior to the June 12, 2023 HPC meeting, the applicant withdrew their demolition permit application. The Commission wanted to discuss the condition of this building further.

Boertje reported that he, Kermode, Bob Zylstra, and Shawn Thomas plan to meet with Central College President Mark Putnam. He said that Pella Preservation Trust plans to make an offer to Central College on the house. Bradley stated that if the house remains at its original location, the owner could potentially be eligible for State of Iowa tax credits for qualified expenditures.

Work Session to Discuss the Proposed McClatchey Mill Historic District

The Commission had 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 meeting with property owners in the proposed district, which was held on October 2, 2023. The discussion discussed additional properties that they may like to see included in the proposed district.

Following discussion, the Commission decided that their next regular meeting, which is scheduled for November 13, 2023 will also serve as the next meeting with property owners in the proposed district. Kermode will draft a letter for staff to mail to the property owners, and the Commission will decide whether to expand the proposed district to include additional properties.

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. A Policy and Planning session was held with City Council on September 19, 2023 to discuss the proposal. At the end of the discussion, Council expressed agreement in proceeding with nominating the historic fire station to the National Register of Historic Places.

Buydos told Boertje that the City will need a check from the donor for their pledged amount.

Work Session to Discuss the Certified Local Government Program

Staff reported that there were no further updates on this item from the City Administration.

Work Session to Discuss the Upcoming ELEVATE PELLA Session That is Being Hosted by Spirit of Pella

The HPC received an invitation to attend the first quarterly ELEVATE PELLA session, which is being hosted by Spirit of Pella and will be held on October 12, 2023. Boertje, André, and possibly Kermode plan to attend. The Commission discussed several HPC achievements to highlight during the upcoming session.

Buydos left at 6:22 p.m.

Staff will ask Public Works Director Denny Buyert about the timeline for the installation of the street signs for the Collegiate Neighborhood Historic District. Street signs will also need to be discussed for the recently established Scholte Garden Historic District as well.

Next Meeting Date: The next regular HPC meeting is scheduled for November 13, 2023.

Adjourned at 6:25 p.m.

c. Community Services Board Minutes for October 20, 2023

Present: Amanda Schwerdtfeger, Kayla Stehlik, Glenn Steimling, Arvin Van Zante

Absent: Stephen Fyfe, Nathan Guess, Mike Lyons

Staff: Brenda Ross, Dyan Parker, Kevin Vos

One member of the public attended the meeting.

12:04pm Community Services, Business and Community Center Manager, Brenda Ross called the meeting to order.

Minutes - Motion by Van Zante, seconded by Steimling to approve the Community Services Board Meeting minutes of September 15, 2023.

Motion carried 4-0.

Discussion Items

CIP Project Review - Ross reviewed the current CIP projects and asked if there were any questions regarding the projects listed.

Schwerdtfeger asked for an update of the Kiwanis Court Repairs Project. Ross noted one bid was received but it was over budget. Staff is

looking into alternative crack filler options. Vaughan has sent the information to the City's finance department for review and could possibly have a reply by the November Community Services board meeting.

Park Hours Discussion – Ross presented the current park hours and asked for input regarding the posting of park hours. Currently Big Rock Park and the Sports Park have signs posted with operation hours from dawn to dusk or sunrise to sunset. A general discussion regarding hours of operations depending on time of year and park location/amenities. The board recommended the park hours should be posted to allow law enforcement to act, if necessary, with loitering and overnight camping or parking.

Wonder Spelen Phase II – A request was received to begin the process for Phase II of the Wonder Spelen playground. Ross reviewed the additional play equipment and ramps, along with a Buddy Bench. The board liked all the new amenities. Van Zante questioned who is supposed to provide maintenance of the facility. Would it be possible to create a maintenance trust fund? Steimling questioned if Wonder Spelen should fund all the maintenance or could the city match. Schwerdtfeger asked if the installation would close the park and if so, how long? Staff will address these questions at the next meeting.

Department Updates:

Golf & Athletic Fields/Kevin Vos

- Soccer complex irrigation is partially operating, but only manually. Soccer fields have been overseeded and fertilized. Looking into leveling the soccer fields. Aerifying grounds within the next 3 weeks.
- High school XC events at Pella Sports Park– October 16 – JV meet, October 18 – 3A state qualifier, October 19 – 2A state qualifier. The high school XC all-star meet on 11/4.
- Golf irrigation repairs, fertilization and pesticide apps, greens aerification
- Golf events – October 14 Bos Revenge, October 20 – Central College Alumni
- Golf through Sept 30: Rounds – 13,094, Events – 23 events.
- Golf through Sept 30: YTD 2023 season passes – 90 sold, also selling 2024 season passes – 9 sold.
- Conference center project – painting, carpet & tile being installed, front door has been installed, shower tile installed, waiting on fire alarm system plans and up to date ventilation system per code. Projecting a December finish date.
- Sports Park currently has routine maintenance on all fields.
- Staff are helping plant tulips.

Art & Rec/Brenda Ross

- The E-stop button for emergency shut off for the boilers has been installed.
- The Council forum hosted by PACE was held Oct 5th in the auditorium.
- The boilers were put back together and started on Oct 10th.
- Youth flag football and soccer finished the week of Oct 9th.
- Little Tyke Football will continue Oct 21st & 28th.

Parks/Brenda Ross for Chandler Nunnikhoven

- Removal of annuals and planting tulips are underway. Around 120,000 tulips will be planted this year.
- We welcomed Dylan Parsons as the new Park Maintenance technician on October 9th. This fills our position that has been vacant since March.
- Staff will be mowing/collecting leaves as time and weather allows over the next few weeks.
- Several sidewalk repairs took place in West Market Park as part of the City's sidewalk inspection program.

Aquatics/Brenda Ross for Alex Meyers

- The leak has been found in the Adventure River. We are working with public works for a repair.
- October swim lessons started Tuesday 10/17. We are offering nineteen group lessons and eight private lessons.
- REC swim team will start November 13.

Open Discussion:

Aquatic Leak – Van Zante asked for an update on the pool leak. Ross noted that a company from Indiana was able to find the leak in the Adventure River after a week of searching. Staff will repair the leak. Stehlik asked about the chance of reoccurrence. Vos noted it could naturally occur any place, but it should not with this bolt again.

Adjournment – Motion by Stehlik, seconded by Schwerdtfeger to adjourn the Community Services Board Meeting. Motion carried 4-0.

The next meeting is scheduled for Friday, November 17, 2023, at noon in room 204, in the Community Center.

Meeting adjourned at 12:31pm.

3. Petitions and Communications

a. Renewal of Special Class C Retail Alcohol License with Outdoor Service for Links Bos Landen Hotel & Spa of Pella

BACKGROUND: Pella Hospitality LLC (DBA Links Bos Landen Hotel & Spa of Pella) at 2508 Bos Landen Drive has applied for renewal of their special class C retail alcohol license with outdoor service privileges. 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. At the time of Council packet publication, the application was pending dram shop certification; 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 pending receipt of dram shop certification

4. Resolution No. 6643 entitled, "RESOLUTION APPROVING A 28E AGREEMENT FOR TOBACCO, ALTERNATIVE NICOTINE AND VAPOR PRODUCT ENFORCEMENT IN THE CITY OF PELLA"

BACKGROUND: This resolution approves a 28E Agreement with the Iowa Department of Revenue for the purpose of tobacco, alternative nicotine, and vapor product enforcement in the City of Pella. Under the terms of the agreement, the Pella Police Department is required to conduct covert compliance checks at each tobacco, alternative nicotine, and vapor product retailer. The Pella Police Department has participated in the program for 15 years and receives \$75 per business compliance check. If approved, the term of the agreement would be from November 1, 2023 through June 30, 2024.

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

E. PETITIONS & COMMUNICATIONS

1. Branderhorst moved to designate the Marion County Express as the official newspaper for 2024 City of Pella legal publications, seconded by De Jong.

On roll call the vote was:

AYES: 4 (Branderhorst, De Jong, Carlstone, Hopkins)

NAYS: 2 (Bandstra, Sporrer)

Motion carried.

BACKGROUND: The purpose of this item is to designate an official newspaper for 2024 legal publications. After discussing this item during the Policy and Planning meeting on November 21st, Council directed staff to place this item on a future agenda for formal consideration. As background, Iowa Code requires the City of Pella to designate an official newspaper for legal publications on an annual basis. Iowa Code Section 618.3 outlines four requirements that must be met in order to be designated as an official newspaper for legal publications. Those requirements include:

1. Is a newspaper of general circulation that has been published at least once a week for at least fifty weeks per year within the area and regularly mailed through the post office of entry for at least two years.
2. Has a list of subscribers who have paid, or promised to pay, at more than a nominal rate, for copies to be received during a stated period.
3. Devotes at least twenty-five percent of its total column space in more than one-half of its issues during any twelve-month period to information of a public character other than advertising.
4. Is paid for by at least fifty percent of the persons or subscribers to whom it is distributed.

The Marion County Express has been the City of Pella's official newspaper for legal publications since June 1, 2022. Staff has received requests from the Marion County Express, the Des Moines Register, and the Oskaloosa Herald to be the City of Pella's official newspaper for 2024. The letters received are included as memo attachments.

During this meeting, staff will be seeking a motion from Council regarding which newspaper Council would like to designate as the official newspaper for 2024 legal publications.

ATTACHMENTS: Letter from Marion County Express, Letter from Des Moines Register, Letter from Oskaloosa Herald
REPORT PREPARED BY: City Clerk
REVIEWED BY: City Administrator
RECOMMENDATION: Seeking Council direction

F. RESOLUTIONS

1. Resolution No. 6644 entitled, "RESOLUTION APPROVING CHANGE ORDER NO. 2 (FINAL QUANTITY ADJUSTMENT) AND ACCEPTING THE 2022 SIDEWALK REPAIR PROJECT."

Bandstra moved to approve, seconded by Sporrer.

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

BACKGROUND: Two resolutions are on the agenda which approve change order no. 2 (final quantity adjustment) and accept the 2022 Sidewalk Repair Project as well as order preparation of the final plat and schedule of assessments. As background, in 2018, Council approved a sidewalk inspection program which divided the City of Pella into quadrants allowing a complete sidewalk inspection every four years. The 2022 program focused on the southwest quadrant of the City, resulting in the identification of 773 defective sidewalk panels, 53 of which were adjacent to City property. Staff notified affected property owners about the requirement to make repairs by December 27, 2022, further stating if repairs were not made, the City would complete the repairs and assess the cost to the individual properties. Ultimately, 121 individual property owners, with 297 defective panels, elected to allow the City to make repairs to their panels. On April 4, 2023, Council approved a contract with Den Adel Concrete to conduct the repairs to the defective panels. Change order no. 1 was approved on July 18, 2023, for the purpose of adding City-owned sidewalk panels to the project.

Resolution No. 6644 – Change Order No. 2 and Project Acceptance

Staff has confirmed that this project has been completed in accordance with the plans, specifications, and contract. As a result, staff is recommending approval of change order no. 2, which decreases the contract for final quantity adjustments. If approved, below is an updated contract summary:

Original contract	\$95,480
Change order no. 1	16,244
Change order no. 2	<u>(22,661)</u>
Final contract amount	<u>\$89,063</u>

Resolution No. 6645 – Schedule of Assessments

Under Iowa Code, a city may accumulate invidious assessments for repair and replacement of sidewalks and may certify the assessments to the county treasurer following guidelines outlined in Iowa Code Section 384. As a result, staff is recommending approval of resolution no. 6645 which orders the schedule of assessments. If approved, a summary of the guidelines and a proposed timeline is listed below:

- December 5, 2023: Council accepts the project by resolution and orders preparation of final plat and schedule of assessments against each property by resolution.
- December 12, 2023: Assessment plat and schedule filed in the office of the City Clerk.
- December 19, 2023: Formal approval of the assessment schedule by resolution.
- December 20, 2023: Certificate of levy of assessments filed with the Marion County Treasurer.
- December 29, 2023: Notice of assessment is published for the first time.
- January 4, 2024: Notice of assessment is mailed to affected property owners.
- January 5, 2024: Notice of assessment is published for second and final time.
- January 22, 2024: Notify county treasurer of those assessments that have been paid in full.

In summary, staff is recommending approval of these resolutions approving change order no. 2 (final quantity adjustments), accepting the 2022 Sidewalk Repair Project, and ordering preparation of the final plat and schedule of assessments for the project.

ATTACHMENTS: Resolution No. 6644, Change Order No. 2, Resolution No. 6645
REPORT PREPARED BY: Planning and Zoning Department
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve resolutions

2. Resolution No. 6645 entitled, "RESOLUTION ORDERING PREPARATION OF FINAL PLAT AND SCHEDULE OF ASSESSMENTS FOR THE 2022 SIDEWALK REPAIR PROJECT."

Bandstra moved to approve, seconded by Hopkins.

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

G. CLAIMS

1. Abstract of Bills No. 2140.

Branderhorst moved to approve, seconded by Hopkins.

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

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

One comment was received.

Mayor DeWaard issued a proclamation thanking Liz Sporrer for four years of service as an At-Large City Council member.

I. ADJOURNMENT

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

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

Meeting adjourned at 6:18 p.m.