

NOTICE AND CALL OF COUNCIL MEETING

Governmental Body: The City Council of the
City of Orange City, Iowa

Date of Meeting: **Tuesday**, September 8, 2020

Time of Meeting: 4:30 o'clock P.M.

Place of Meeting: Council Chambers, City Hall,
125 Central Ave SE
Orange City, Iowa

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

1. Meeting called to order
2. Opening ceremonies
3. Approval of agenda
4. Citizen comments
5. Approval of minutes
6. Amend City Ordinances Article #17, Section 4, Non-conforming Structures
 - Public hearing
 - First reading of Ordinance No. 821
7. Re-zoning of property
 - Public hearing
 - Resolution approving change of property zoning
8. Resolution requesting reimbursement from the Iowa COVID-19 Government Relief Fund

9. Purchase of MOC/FV School district bus barn
10. Approval of 28E Agreement between MOC/FV Schools, Sioux County, and City of Orange City
11. Resolution setting public hearing for sale of City owned property
12. Approval of Community Growth and Development Plan
13. Consideration of Collective Bargaining Agreement
14. Appointment to Planning and Zoning Board
15. Liquor license renewal application
16. Community Betterment recommendations
17. Administrative reports
18. Council comments
19. Adjournment

This notice is given at the direction of the Mayor pursuant to Chapter 28A, Iowa Code, as amended, and the local rules of said governmental body.

Janet Brown by: Kent Anderson
Janet Brown, City Clerk of the
City of Orange City, Iowa

COUNCIL MEETING
AGENDA NOTES
September 8, 2020

1. The meeting will be called to order by Mayor Deb De Haan at 4:30 o'clock P.M.
2. Opening ceremonies. Pledge of Allegiance to our flag and a moment of silent prayer.
3. The agenda was prepared, posted and distributed in accordance with requirements of the Iowa Open Meeting Act.
4. This time is provided for citizen comments. It is suggested that if someone wishes to speak, we also ask for their residence. This time is intended for residents in the City limits.
5. The minutes of the August 17, 2020 council meeting are enclosed for your review. Exhibit 1
6. An Ordinance amending the Code of Ordinances of the City of Orange City, by amending Title 11, Article #17, Section 4: Nonconforming Structures for the addition of Section E: Exception for existing Single-Family Residential Dwellings. By amending the code, it would allow residential properties to construct additions to their homes. Exhibit 2
7. This is the published time and place to hold a public hearing on the request to change Property Zoning. Request has been made by Dutch Holdings, LLC to re-zone the property from R-1/Low Density Residential to R-2, Medium/ High Density Residential. Planning and Zoning Commission is recommending to the City Council to approve the re-zoning. Exhibit 3
8. Resolution approving and authorizing a request for reimbursement from the Iowa Covid-19 Government Relief Fund for eligible costs related to the Covid-19 public health emergency. This allows the city to receive up to a maximum of \$146,924.90 from the State as part of the federal CARES Act. The first submission to the State will be for costs incurred from March 1, 2020 thru July 31, 2020. A second reimbursement will be submitted in October for costs incurred from August 1 thru September 30, 2020. Exhibit 4
9. The City of Orange City is proposing to purchase the MOC/FV school district bus barn. The reason for the purchase is to gain control of all the property in that area and along Highway 10 in order to create a commercial lot. OCDC currently owns the property directly to the south of the bus barn. The City currently owns the property north of the bus barn. By making the purchase we will be able to create a 3.6 acre commercial lot that we will be able to make available for sale. The price for the bus barn property is \$225,000. Conditions of the sale are that the School district will be able to maintain possession until 02/15/2021. Additionally, OCDC will work with the school district to construct and lease a new bus facility at Industrie Centrum. The goal will be to complete the transaction by 09/30/2020 and OCDC to begin construction on a new bus facility as soon as practical. Exhibit 5
10. Bryan Wells from DGR has been leading the efforts to complete the 28E Agreement between the City of Orange City, MOC-FV Schools, and Sioux County for the shared development of infrastructure for the elementary school project. The agreement defines what costs are applied to each agency, including Jay Avenue and Highway 10 turn lanes, Jay Avenue paving, storm sewer, utility services, 14th Street paving, and site development. Brad De Jong has reviewed the agreement.

If you would like additional information about an agenda item or another issue, that would help you or the council as a whole, please feel free to let me know so I can either get it to you by email or by report at the meeting.

Earl Woudstra

City Office 712-707-4885

Cell phone 712-737-7115

Email earlw@orangecityiowa.com

The City Council met in special session pursuant to adjournment at 4:30 o'clock P.M. on August 17, 2020. A quorum was declared by Mayor Deb De Haan. The meeting was held in the Council Chambers, City Hall, 125 Central Ave SE, Orange City, Iowa.

Members Present: Council members Aaron Beadner, Rod De Boer, Daron De Jong, and Steve Roesner

Members Absent: Council member Tony Vande Brake

Staff: Earl Woudstra, Janet Brown, Mark Gaul, Kent Anderson, Kurt Frederes, Jim Pottebaum, and Matt Van Schouwen

Guests: Mike Hofman, Doug Calsbeek, and John Slegers

Agenda: A motion was made by Council member Rod De Boer and duly seconded by Council member Aaron Beadner approving the tentative agenda, as the official agenda. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Aaron Beadner, Steve Roesner; NAYS: None.

Citizen Comments: This time was provided for citizen comments. No comments were received.

Approval of Minutes: The minutes of August 3, 2020 council meeting were presented. A motion was made by Council member Rod De Boer and duly seconded by Council member Aaron Beadner approving said minutes as published. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Aaron Beadner, Daron De Jong; NAYS: None.

Financial Report: The monthly financial report for July 2020, representing cash balances for all funds was presented, whereupon it was therefore moved by Council member Aaron Beadner and duly seconded by Council member Daron De Jong approving the monthly financial report as published. On call of the roll motion carried. The vote was as follows: AYES: Aaron Beadner, Daron De Jong, Rod De Boer; NAYS: None.

Monthly Bills: A Summary of Warrants report listing bills from July 16, 2020 through August 17, 2020 was presented. A motion was made by Council member Rod De Boer and duly seconded by Council member Daron De Jong approving the monthly bills, subject to audit. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Daron De Jong, Aaron Beadner; NAYS: None.

Set Date for Public Hearing to Amend the City Ordinances of Article #17, Section 4, Non-conforming Structures: A motion was made by Council member Daron De Jong and duly seconded by Council member Aaron Beadner approving setting 4:30 o'clock P.M. on September 8, 2020 as the time for a public hearing to consider amending the City Code to allow for improvements on non-conforming structures in the commercial district. On call of the roll motion carried. The vote was as follows: AYES: Daron De Jong, Aaron Beadner, Rod De Boer; NAYS: None.

Set Public Hearing on Rezoning of Property: A motion was made by Council member Rod De Boer and duly seconded by Council member Aaron Beadner setting 4:30 o'clock P.M. on September 8, 2020 as the time for a public hearing to consider the rezoning of Dutch Holdings, LLC property at 602 and 604 2nd Street SE and 601 3rd Street SE from R-1/Low Density Residential to R-2, Medium/High Density Residential. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Aaron Beadner, Daron De Jong; NAYS: None.

Retail Utility Grant Application: A motion was made by Council member Daron De Jong and duly seconded by Council member Aaron Beadner approving the Retail Utility Grant application as submitted by The Roadhouse, which will be located in the former P's Pizza House. On call of the roll motion carried. The vote was as follows: AYES: Daron De Jong, Aaron Beadner, Rod De Boer; NAYS: None.

Police Department Vehicle Purchase: A motion was made by Council member Daron De Jong and duly seconded by Council member Aaron Beadner approving the purchase of a 2021 Silverado LT from Total Motors for \$40,296 less \$15,500 for the trade in of the 2018 Ford Explorer. On call of the roll motion carried. The vote was as follows: AYES: Daron De Jong, Aaron Beadner, Rod De Boer; NAYS: None.

Council member Steve Roesner entered the meeting at 4:47 o'clock P.M.

Employee Picnic: A motion was made by Council member Rod De Boer and duly seconded by Council member Daron De Jong approving to hold an employee picnic and give a gift of appreciation. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Daron De Jong, Aaron Beadner, Steve Roesner; NAYS: None.

Northern Natural Gas Additional Capacity: Earlier this summer we were able to acquire 149 Dth/day of additional capacity on the NNG pipeline, we had requested 700 Dth/day. This capacity came at no capital cost. Since there were additional requests for capacity than was available, NNG is looking to make improvements to their system to provide this capacity. They have determined that the additional 551 Dth/day will cost \$352,000. While this cost is certainly higher than the previous capacity, it is low compared to other projects they have undertaken. Steve questioned the demand driving the need for the increased capacity and the payback calculation. Matt responded when it is extremely cold everyone's usage is up; a couple of the larger users are Smithfield and Vogel's. The capacity must be there even if we only need one therm of the extra capacity. This project will go online November 2023. A motion was made by Council member Daron De Jong and duly seconded by Council member Rod De Boer approving to proceed with the process to purchase the additional 551 Dth/day. On call of the roll motion carried. The vote was as follows: AYES: Daron De Jong, Rod De Boer, Aaron Beadner, Steve Roesner; NAYS: None.

Administrative Reports:

Scheduled Meetings:

August 19	Employee Picnic, 6:00 P.M.
September 8	Council Meeting, 4:30 P.M. TUESDAY
September 21	Council Meeting, 4:30 P.M.
October 5	Council Meeting, 4:30 P.M.
October 19	Council Meeting, 4:30 P.M.

Oral reports: Earl shared that RIDES is back in service; Jessica Kuehl is the interim OC Arts Director; audit is being done remote this year; Vander Pol is working on the lagoons and crushing rock on the hill; the DOT has delayed the traffic signal project on Lincoln and Hwy 10 until 2021; new roofs on some shelter houses; swimming pool will be open until Labor Day; hoping to have some sandblasting and painting done to the pool after this season.

Council Comments: The Mayor called for comments from members of the Council and the following were heard. Steve asked for an update with the college students coming back and if there is a threat that they could be sent home again due to COVID. Aaron responded they are all coming back, and it is certainly a threat. Earl also shared the schools have many different protocols in place, hybrid options, testing has been done on the college athletes. Steve also commended the thriving farmers market on Saturday morning.

Adjournment: No further business appearing it was therefore moved by Council member Aaron Beadner and duly seconded by Council member Rod De Boer to adjourn. On call of the roll motion carried. The vote was as follows: AYES: Aaron Beadner, Rod De Boer, Daron De Jong, Steve Roesner; NAYS: None. Adjournment time was 5:07 o'clock P.M.

Deb De Haan, Mayor

ATTEST: _____
Janet Brown, City Clerk

ORDINANCE NO. 821

**AN ORDINANCE AMENDING THE CODE OF THE ORDINANCES OF THE CITY OF
ORANGE CITY, IOWA, BY AMENDING TITLE 11, ZONING REGULATIONS,
ARTICLE #17/ NONCONFORMITIES.**

BE IT ENACTED by the City Council of the City of Orange City, Iowa:

TITLE 11. AMEND ARTICLE #17, SECTION 4: NONCONFORMING STRUCTURES.

The Code of Ordinances of the City of Orange City, Iowa, is amended by adding **Section 4(E)** and adopting the following wording stated as follows:

SECTION 4: NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

E. Exception for Existing Single Family Residential Dwellings: Existing, legally established, non-conforming single-family residential dwellings located in non-single family residential zoned districts may make alterations, construct additions to the dwelling so long as they meet the R-1, Low-Density Residential Districts setback regulations and no additional dwelling units are constructed or created. Construction of the dwelling shall start within six (6) months of its approved building permit and shall be completed within one-year of the start of construction. This exception does not apply to mobile homes.

SECTION 2. REPEALER. All ordinance or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof not adjudges invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this ____ day of _____, 2020.

Deb De Haan, Mayor

ATTEST:

Janet Brown, City Clerk



RESOLUTION NO. 9-8-2020-1917
RESOLUTION REQUESTING REIMBURSEMENT FROM THE IOWA COVID-19
GOVERNMENT RELIEF FUND

A resolution by the City of Orange City to request reimbursement for eligible costs related to the COVID-19 public health emergency from the Iowa COVID-19 Government Relief Fund.

WHEREAS, the United States Congress approved the Coronavirus Aid, Relief, and Economic Security (CARES) Act to provide economic relief related to the COVID-19 pandemic.

WHEREAS, Governor Kim Reynolds allocated \$125 million of the State of Iowa's CARES Act funding to local governments for direct expenses incurred in response to the COVID-19 emergency.

WHEREAS, local government funding reimbursements may only be used for necessary expenditures incurred due to the COVID-19 pandemic, were not accounted for in the current fiscal year city budget, were incurred during the time period of March 1, 2020 through December 30, 2020 and have not been reimbursed from other sources.

NOW, THEREFORE BE IT RESOLVED, the City of Orange City requests reimbursement of \$146,924.90 in eligible expenditures in response to the COVID-19 public health emergency.

BE IT FURTHER RESOLVED, the City of Orange City affirms that the above requests for reimbursement follow all formal published Federal and State of Iowa guidance on how the funds should be spent, and understand if the reimbursements are misrepresented, the local government will be liable for any applicable penalty and interest.

HEREBY RESOLVED by the City Council for the City of Orange City on this 8th day of September, 2020.

Deb De Haan, Mayor

Attest: _____
Janet Brown, City Clerk

PLAT OF SURVEY

INDEX LEGEND:

PART OF: SE1/4-SE1/4, SECTION 33-95-44

CURRENT PROPRIETOR:

SURVEY REQUESTED BY: CITY OF ORANGE CITY

PREPARED BY AND RETURN TO:

David A. Lamberton, DGR Engineering, 6115 Whispering Creek Dr.,
Sioux City, IA 51106 (712) 266-1554 dave.lamberton@dgr.com



PARCEL DESCRIPTION:

That portion of the southeast quarter of the southeast quarter (SE1/4-SE1/4) of Section 33, Township 95 North, Range 44 West of the 5th P.M., Orange City, Sioux County, Iowa, described as follows:

Commencing at the southwest corner of said SE1/4-SE1/4; thence North 00°47'48" East along the west line of said SE1/4-SE1/4 for a distance of 47.00 feet to the north line of the Highway 10 right-of-way; thence continuing North 00°47'48" East along said west line for a distance of 540.07 feet; thence South 89°12'12" East for a distance of 291.14 feet to the west line of the Salem Avenue right-of-way; thence South 00°39'09" West along said west line for a distance of 516.85 feet; to the north line of the Highway 10 right-of-way; thence South 71°55'26" West along said north line for a distance of 71.85 feet; thence North 89°11'58" West along said north line for a distance of 224.45 feet to the Point of Beginning, containing 3.600 acres, more or less, subject to easements, if any, of record or apparent.



PRELIMINARY
FOR REVIEW ONLY - DO NOT RECORD
08/14/2020

Drawn by: DAL
Checked by: DAL
Date of Field Survey: 08/11/2020
Project No. 270077
Sheet No. 1 of 1

Drawing # - P-102270077.dwg/270077rpo1.dwg