

NOTICE AND CALL OF COUNCIL MEETING

Governmental Body:	The City Council of the City of Orange City, Iowa
Date of Meeting:	February 1, 2021
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 for the addition of Title 3, Building Regulations, Chapter 1, Article 4, Rental Housing Units
 - Public hearing
 - Ordinance No. 825
7. Board of Adjustment appointment
8. Dutch front ordinance
9. Unity High School project request
10. Resolution approving Bond Disclosure Policy

11. \$4,435,000 (Dollar Amount Subject to Change) General Obligation Capital Loan Notes
 - Resolution directing the acceptance of a Proposal to Purchase \$4,435,000 (Dollar Amount Subject to Change) General Obligation Capital Loan Notes, Series 2021A
12. General Obligation Refunding Capital Loan Notes, Series 2011B
 - Resolution authorizing the redemption of outstanding General Obligation Refunding Capital Loan Notes, Series 2011B, dated August 23, 2011
13. General Obligation Bonds, Series 2013A
 - Resolution authorizing the redemption of outstanding General Obligation Bonds, Series 2013A, dated January 8, 2013
14. General Obligation Capital Loan Notes, Series 2015A
 - Resolution authorizing the redemption of outstanding General Obligation Capital Loan Notes, Series 2015A, dated April 22, 2015
15. General Obligation Bonds, Series 2016A
 - Resolution authorizing the redemption of outstanding General Obligation Bonds, Series 2016A, dated March 3, 2016
16. Set public hearing for maximum property tax dollars
17. Property acquisition
18. Sioux County Regional Airport Agency Board designees
19. Proposed land agreement
20. Administrative reports

Council Meeting
February 1, 2021
Page 3

21. Council comments

22. 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, City Clerk of the
City of Orange City, Iowa

COUNCIL MEETING
AGENDA NOTES
February 1, 2021

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 January 18, 2021 and January 25, 2021 council meetings are enclosed for your review. Exhibit 1
6. We need to hold a public hearing on the proposed ordinance which adds Article 4, Rental Housing Units, to Title 3, Building Regulations, Chapter 1, Building Code. The purpose of this ordinance is to detail the requirements of a rental housing inspection program. Planning and Zoning has recommended the following ordinance to City Council for approval. Exhibit 2
7. Gary Cleveringa's 5-year appointment to the Board of Adjustment expired on 12-31-2020. Gary is willing to run another 5-year term on the Board of Adjustment with the Mayors recommendation to Council for final approval.
8. The existing Dutch front ordinance expired on December 31, 2020. Management has revamped the ordinance to bring it into compliance with the current practice of enforcement and matching funds. Exhibit 3
9. Unity Christian High has requested support for their proposed building project. During budget discussion the Council had approved of a \$250,000 contribution paid at the rate of \$50,000 per year for 5 years. Funds for this request will come from the sale of Orange City Communication.
10. The Ahlers Law Firm is asking that the Council approve the Bond Disclosure Policy relating to the upcoming bond sale. The purpose of this policy is that the City meets its primary and secondary market disclosure obligations with Securities Exchange Commission. An example is the Official Statement and the Annual Report. Ahlers assisted in putting this policy together for us.
11. We are recommending a General Obligation Bond of \$4,435,000 for the re-financing of some old bonds along with some new monies for the 2020 Street Project. D.A. Davidson will present at the meeting the interest rates for the bonds and then we will consider the letter of intent.
12. As part of a bond re-financing, we need to call the outstanding portion of the General Obligation notes for 2011B. The notice will be sent out upon the Council authorization and occur within the next month.

13. As part of a bond re-financing, we need to call the outstanding portion of the General Obligation notes for 2013A. The notice will be sent out upon the Council authorization and occur within the next month.
14. As part of a bond re-financing, we need to call the outstanding portion of the General Obligation notes for 2015A. The notice will be sent out upon the Council authorization and occur within the next month.
15. As part of a bond re-financing, we need to call the outstanding portion of the General Obligation notes for 2016A. The notice will be sent out upon the Council authorization and occur within the next month.
16. Iowa law requires a public hearing and Council approval on our general government budgets growth from one year to the next. This year our growth in tax dollars is just 1.16% from our current budget to our proposed budget for 2021-2022. Based on our budget discussions, we will be holding our total tax levy at the same amount as this year, which is \$14.46. We would ask you to set the hearing for February 15th. Exhibit 4
17. The property acquisition is for the purchase of three parcels from Leona Noteboom for the Jay Avenue construction project at a cost of \$14,207.00.
18. Each year the Sioux County Regional Airport Agency (SCRAA) asks that each partner governing board approve their appointments for the SCRAA Board. Currently Duane Feekes and Earl are board members and Mark Vogel is our alternate. We recommend keeping it the same.
19. Brandon Mars is requesting to reserve Lots 15,16, and 17 in Puddle Jumper Trail 10th Addition for a proposed 12-Plex. The 12-plex would include 11- 2-bedroom units and 1- 1-bedroom units to be sold. Brandon would like to reserve the land with 0% down until December 31, 2021. Exhibit 5
20. Administrative reports:

Scheduled Meetings:

February 15	Council Meeting, 4:30 P.M.
March 1	Council Meeting, 4:30 P.M.
March 15	Council Meeting, 4:30 P.M.
April 5	Council Meeting, 4:30 P.M.
April 19	Council Meeting, 4:30 P.M.

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 semi-monthly session pursuant to adjournment at 4:00 o'clock P.M. on January 18, 2021. 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, Steve Roesner, and Tony Vande Brake

Members Absent: None

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

Guests: Mike Hofman, John Slegers, Ann Minnick, Rick Droog, Brad Zwart, Wayne Dykstra, Gary Vande Vegte, and Doug Calsbeek

Agenda: A motion was made by Council member Tony Vande Brake 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: Tony Vande Brake, Aaron Beadner, Rod De Boer, Daron De Jong, Steve Roesner; NAYS: None.

Citizen Comments: This time was provided for citizen comments and none were heard.

Approval of Minutes: The minutes of January 4, 2021 council meeting were presented. A motion was made by Council member Rod De Boer and duly seconded by Council member Tony Vande Brake approving said minutes as published. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Tony Vande Brake, Aaron Beadner, Daron De Jong, Steve Roesner; NAYS: None.

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

Monthly Bills: A Summary of Warrants report listing bills from December 22, 2020 through January 18, 2021 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, Steve Roesner, Tony Vande Brake; NAYS: None.

Engagement Agreements with Ahlers & Cooney, P.C.: A motion was made by Council member Aaron Beadner and duly seconded by Council member Tony Vande Brake approving the Engagement Agreements with Ahlers & Cooney, P.C. for their work as Bond Counsel and Disclosure Counsel for the Not to Exceed \$4,550,000 General Obligation Capital Loan Notes, Series 2021 and the Not to Exceed \$1,695,000 Electric Revenue Refunding Capital Loan Notes. On call of the roll motion carried. The vote was as follows: AYES: Aaron Beadner, Tony Vande Brake, Rod De Boer, Daron De Jong, Steve Roesner; NAYS: None. Records are kept in Appendix 19.

Not to Exceed \$4,550,000 General Obligation Capital Loan Notes: This being the time and place as advertised a public hearing was held on the authorization of a Loan Agreement and the issuance of Notes to evidence the obligation of the City thereunder. The Mayor called for comments from members of the audience and no one was heard speaking for or against the proposed Notes. The City Clerk reported that no written objections had been filed. The Mayor then closed the time for the public hearing.

A motion was made by Council member Tony Vande Brake and duly seconded by Council member Steve Roesner adopting a resolution instituting proceedings to take additional action. On call of the roll motion carried. The vote was as follows: AYES: Tony Vande Brake, Steve Roesner, Aaron Beadner, Rod De Boer, Daron De Jong; NAYS: None. The resolution was assigned number 1-18-21-1934 and appears in the official resolution book. Records are kept in Appendix 19.

\$4,435,000 (Dollar Amount Subject to Change) General Obligation Capital Loan Notes,

Series 2021A: A motion was made by Council member Rod De Boer and duly seconded by Council Member Tony Vande Brake adopting a resolution approving the Preliminary Official Statement. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Tony Vande Brake, Aaron Beadner, Daron De Jong, Steve Roesner; NAYS: None. The resolution was assigned number 1-18-21-1935 and appears in the official resolution book. Records are kept in Appendix 19.

Not to Exceed \$1,695,000 Electric Revenue Refunding Capital Loan Notes: This being the time and place as advertised a public hearing was held to consider the authorization of Loan Agreement and the issuance of Notes to evidence the obligation of the City thereunder. The Mayor called for comments from members of the audience and no one was heard speaking for or against the proposed Notes. The City Clerk reported that no written objections had been filed. The Mayor then closed the time for the public hearing.

A motion was made by Council member Aaron Beadner and duly seconded by Council member Rod De Boer adopting a resolution instituting proceedings to take additional action. On call of the roll motion carried. The vote was as follows: AYES: Aaron Beadner, Rod De Boer, Daron De Jong, Steve Roesner, Tony Vande Brake; NAYS: None. The resolution was assigned number 1-18-21-1936 and appears in the official resolution book. Records are kept in Appendix 19.

Department Reports: This time was provided for Kurt Frederes, representing Code Enforcement, and Jim Pottelbaum, representing the Police Department, to discuss with the Council accomplishments and priorities of their departments as the Council prepares for budget time. No official action was taken.

Organization Reports: Appearing before the Council to provide an update was Ann Minnick, representing the Dutch Heritage Boosters and Mike Hofman and Rick Droog, representing the Tulip Festival/Chamber. No official action was taken.

Unity High School Project Update/Request: Appearing before the Council to provide an update on the Unity High School Project were Wayne Dykstra, Brad Zwart, and Gary Vande Vegte. Unity is proposing an addition of a gym, science labs, and a bus barn, along with some renovations of locker rooms, etc. at a cost of approximately \$6,500,000. They are requesting a five year pledge of \$50,000/year from the City. No official action was taken.

Boundary Service Plan and Agreement with Southern Sioux County Rural Water System: A motion was made by Council member Tony Vande Brake and duly seconded by Council member Rod De Boer approving the Boundary Service Plan and Agreement with Southern Sioux County Rural Water System for the purchase of water rights for the new MOC-FV Elementary School and housing development area. The agreement has been reviewed by the USDA, US Bank, and City Attorney Brad De Jong. The City will pay Southern Sioux County Rural Water System \$22,500 for ten years for the water rights to this territory. On call of the roll motion carried. The vote was as follows: AYES: Tony Vande Brake, Rod De Boer, Aaron Beadner, Daron De Jong, Steve Roesner; NAYS: None.

Resolution in Connection with the 2018 Street Improvements Project: Due to an oversight at Plum Publishing the second publication of the Notice of Filing Plat and Schedule of Assessments was not published on December 17, 2020. According to State Code the Council may correct the levy by resolution and may reassess and relevel. A motion was made by Council member Aaron Beadner and duly seconded by Council member Rod De Boer adopting a resolution correcting levy of special assessments and authorizing reassessment and relevel. On call of the roll motion carried. The vote was as follows: AYES: Aaron Beadner, Rod De Boer, Daron De Jong, Steve Roesner, Tony Vande Brake; NAYS: None. The resolution was assigned number 1-18-21-1937 and appears in the official resolution book. Records are kept in Appendix 17.

Liquor License Renewal Applications: A motion was made by Council member Tony Vande Brake and duly seconded by Council member Daron De Jong approving the renewal application for a Special Class C Liquor License as submitted by 88 Chinese Restaurant and for a Class C Liquor License as submitted by Landsmeer Golf Course. On call of the roll motion carried. The vote was as follows: AYES: Tony Vande Brake, Daron De Jong, Aaron Beadner, Rod De Boer, Steve Roesner; NAYS: None.

Planning and Zoning Commission Appointment: Upon recommendation of Mayor De Haan, a motion was made by Council member Daron De Jong and duly seconded by Council member Tony Vande Brake approving the appointment Scott Heemstra for another 5-year term to the Planning and Zoning Commission. Joe Ivy has also resigned from the Commission since

he is moving out of town. On call of the roll motion carried. The vote was as follows: AYES: Daron De Jong, Tony Vande Brake, Aaron Beadner, Rod De Boer, Steve Roesner; NAYS: None.

Set Date for Public Hearing to Amend the City Ordinances for the Addition of Title 3, Building Regulations, Chapter 1, Article 4, Rental Housing Units: A motion was made by Council member Steve Roesner and duly seconded by Council member Aaron Beadner setting 4:30 o'clock P.M. on February 1, 2021 as the time for a public hearing to consider the addition of the Rental Housing Units to the City Code. On call of the roll motion carried. The vote was as follows: AYES: Steve Roesner, Aaron Beadner, Rod De Boer, Daron De Jong, Tony Vande Brake; NAYS: None.

Retail Encouragement Grant Application: A motion was made by Council member Rod De Boer and duly seconded by Council member Tony Vande Brake approving the Retail Encouragement Grant application of Joie Floral Designs which is owned by Lindsay Millard and will be located in the Hawkeye Building. Lindsay will have 2,214 square feet of retail sales space and qualifies for up to \$12,619.80 for a three year forgivable loan. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Tony Vande Brake, Aaron Beadner, Daron De Jong, Steve Roesner; NAYS: None.

Retail Utility Grant Applications: A motion was made by Council member Aaron Beadner and duly seconded by Council member Daron De Jong approving the Retail Utility Grant applications of New Life Nutrition, New Life Fitness, and New Life Tanning. The businesses are owned by Jill Verduin and are located in the Highway 10 Plaza, in the former Game Day Liquor, Anytime Fitness, and Après Soleiel locations. On call of the roll motion carried. The vote was as follows: AYES: Aaron Beadner, Daron De Jong, Rod De Boer, Steve Roesner, Tony Vande Brake; NAYS: None.

Administrative Reports:

Scheduled Meetings:

January 25	Special Council Meeting, 4:00 P.M.
February 1	Council Meeting, 4:30 P.M.
February 15	Council Meeting, 4:30 P.M.
March 1	Council Meeting, 4:30 P.M.
March 15	Council Meeting, 4:30 P.M.

Oral reports: No reports.

Council Comments: The Mayor called for comments from members of the Council and none were heard.

Fiscal Year 2021-2022 Budget Discussions – General Funds: Management presented a draft copy of the general funds proposed budget for the 2021-2022 fiscal year. The proposal included statement of changes in fund balances, sources and uses of working capital, statement of changes in retained earnings and line item detail of revenues and expenditures for the general funds. Also identified were tax levies for the proposed budget year and previous years. A lengthy discussion followed with no official action taken.

Adjournment: No further business appearing it was therefore moved by Council member Tony Vande Brake and duly seconded by Council member Rod De Boer to adjourn. On call of the roll motion carried. The vote was as follows: AYES: Tony Vande Brake, Rod De Boer, Aaron Beadner, Daron De Jong, Steve Roesner; NAYS: None. Adjournment time was 8:26 o'clock P.M.

Deb De Haan, Mayor

ATTEST: _____
Janet Brown, City Clerk

Council Meeting
January 25, 2021

The City Council met in special session pursuant to adjournment at 4:00 o'clock P.M. on January 25, 2021. 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 Tony Vande Brake

Members Absent: Council member Steve Roesner

Staff: Earl Woudstra, Kent Anderson, Matt Van Schouwen, and Mark Gaul

Guests: Doug Calsbeek and John Slegers

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

Fiscal Year 2021-2022 Budget Discussions – Utility Funds: The Mayor and Council reviewed updated budget information from the general funds and reviewed the utility funds. No official action was taken.

Adjournment: No further business appearing it was therefore moved by Council member Aaron Beadner and duly seconded by Council member Daron De Jong to adjourn. On call of the roll motion carried. The vote was as follows: AYES: Aaron Beadner, Rod De Boer, Daron De Jong, Tony Vande Brake; NAYS: None. Adjournment time was 6:34 o'clock P.M.

Deb De Haan, Mayor

ATTEST: _____
Janet Brown, City Clerk

ORDINANCE NO. 825

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ORANGE CITY, IOWA, BY THE ADDITION OF ARTICLE 4, RENTAL HOUSING UNITS, TO TITLE 3, BUILDING REGULATIONS, CHAPTER 1, BUILDING CODE

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

SECTION 1. New Article. The Municipal Code of the City of Orange City, Iowa is hereby amended by adding the following new Article 4 of Chapter 1 Building Code, Title 3 Building Regulations, as follows:

ARTICLE 4 - RENTAL HOUSING UNITS

- 4.01 PURPOSE. It is the purpose of this ordinance to detail the requirements of a rental housing inspection program. To protect, preserve and promote the physical health and social wellbeing of the people. To prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate rental dwellings for the purpose of maintaining adequate sanitation and to protect the life safety and possessions of the people.
- 4.02 DEFINITIONS. For the purpose of this Rental Housing Units Ordinance, certain terms and words are hereby defined:
1. Rental unit: Any building or portion thereof which is allowed to be occupied by one or more persons as a dwelling space which includes one or more of the following activities: sleeping, eating, or general habitation. As a condition of occupying the space, the renter or renters exchange cash or other valuable considerations for the right to occupy the space.
 2. Exempt Rentals: Rental units that are inspected by a certified third-party inspection organization will not require an inspection from the City of Orange City. The Code Enforcement Department of the City of Orange City will maintain a list of all rental units that are exempt from the inspection requirements of this ordinance.
 3. Vacation/Guest House: A vacation/guest house is defined as a furnished apartment, house, dwelling unit, or professionally managed condominium complex rented out on a temporary basis to guest or guests.
 4. Newly Constructed Units: Any unit that has been newly constructed within the last year.
 5. Violation: A violation of all applicable building codes that if allowed to remain as found would constitute an immediate threat to the safety of those living in the rental unit. (Examples of major violations could include but are not limited to: improper venting of combustion air, missing or inoperable smoke detectors, improper electrical wiring or equipment, lack of or damaged water heater, or lack of required egress)

6. Tenant/Renter: A person or group occupying a rental unit.
7. Owner/Landlord: Person or persons who are responsible for the renting or leasing of rental units which shall include the owners of such property or their designated representative.
8. Owner's Representative: A person who is appointed by a rental property owner to act as the property manager. The Owner's representative should be able to provide a City inspector access to the entire property for inspections and be at least 18 years old.

4.03 ENFORCEMENT. The Code Enforcement Department or persons designated are responsible for the enforcement of this chapter.

4.04 PERMIT REQUIRED. Any person or entity wishing to engage in the renting of dwelling units within the City limits of the City of Orange City shall first obtain a rental permit from the City. This permit shall be deemed to be a public record and shall be made available to the public upon request.

1. No owner/landlord shall rent or lease any rental unit or any portion of a rental unit to a tenant/renter until a valid rental permit has been issued by the City of Orange City for the rental unit being rented.
2. It is the responsibility of the owner/landlord to ensure that the rental unit has been inspected and granted a rental permit. Failure to obtain a rental permit or renew a rental permit after a prior rental permit has expired will result in a notice being sent to the property owner that the rental unit is not in compliance and can no longer be rented to a tenant/renter until a new permit is issued.
3. Rental units that are found to be *exempt rentals* are required to be registered as exempt rentals with the City of Orange City.
4. Rental units that are found to be *newly constructed units* must be registered before they are occupied. The final inspection of the building permit process will serve as the first inspection of the rental inspection program.
5. Failure by an owner/landlord to obtain a rental permit for any rental units within 90 days of adoption of this policy will result in the rental unit being in violation of this ordinance and the rental unit can no longer be rented to a tenant/renter until a rental permit is obtained for said rental unit. The owner/landlord may also be assessed fines or municipal ordinance infraction penalties due to the failure to obtain a rental permit on a timely basis.
6. Rental permits will be valid for only one building. For properties that have multiple buildings on site, a permit will be required for each building on the property.
7. A rental permit or the renewal of a rental permit may be denied or revoked if the property owner has one or more rental units in which the property has been cited for

violations of this ordinance or any other provisions of the Orange City Building Code. Prior violations that have been corrected shall not be counted as a prior violation for purposes of this section. If the rental property has three(3) or more violations within a 12-month period, the City shall, in its sole and absolute discretion, deny or revoke the rental permit.

8. Owner/Landlord may appeal the denial or revocation of a rental permit per the procedure set out in Section 13 below.

4.05. PERMIT APPLICATION PROCESS/PERMIT FEES. The owner/landlord of each rental unit shall register that rental unit with the City by filling out an application for a Rental permit approved by the Code Enforcement Department. A rental permit shall be renewed every five(5) years. Owners shall pay a permit/renewal fee of one hundred dollars(\$100) per unit plus an additional fifteen dollars(\$15) for each rental unit in excess of one(1) per building, subject to the following:

1. On the date of adoption of this Rental Housing Ordinance the following discounts from the above fees will be applicable:
 - a. If the owner/landlord registers a rental unit within 60-days of adoption of this ordinance, the permit fee will be discounted by 50%.
 - b. If the owner/landlord registers a rental unit within 90-days of adoption of this ordinance the permit fee will be discounted by 25%.
2. The owner/landlord shall pay an additional fifty dollar (\$50) late permit fee for any rental unit which is not registered within the time frame set forth above.

4.06 EXPIRATION OF PERMIT. Every rental permit issued by the Code Enforcement Department under the provisions of this policy shall be valid for five(5) years. Permits that are revoked as herein provided shall be null and void at time of revocation. Owners/landlords shall have 30 days from the date of expiration of the rental permit term to renew the rental permit. If at the end of the 30-day renewal period, the permit has not been renewed, the rental dwelling is then no longer considered an eligible rental. The owner/landlord can no longer rent said rental to a tenant and the owner/landlord must re-apply for a rental permit for said rental unit.

4.07 TRANSFER OF OWNERSHIP. If ownership of a rental property is transferred to a new owner/landlord, the new owner/landlord shall apply for a new rental permit no later than 30 days following date of closing of purchase. No refunds will be given to the original property owners for the previously paid rental permit. If the new owner/landlord does not register the rental property within the first 30-days of renting the property, the new owner/landlord shall not be able to rent the rental property to a tenant/renter until a new rental permit is obtained and will have to pay a late fee of fifty dollars (\$50) in addition to the registration fee when registering the rental property.

- 4.08 **RENTAL INSPECTION.** The Code Enforcement Department shall inspect all rental units being offered as a rental in the City of Orange City every five(5) years. As part of the revolving inspection process the Code Enforcement Department may require, that a re-inspection be held at a time sooner than five(5) years if concerns or violations were found during previous inspections or the Code Enforcement Department receives complaints of possible Building Code violations of a rental unit during the five (5) year term.

Inspections of a rental unit shall be subject to the following terms and conditions:

1. The City shall notify the owner/landlord of its intent to inspect a rental unit at least 15-days prior to a scheduled inspection. It is the owner/landlord's responsibility to notify the tenants of the date/time of inspection prior to the inspection.
2. Inspections shall not be conducted without the property owner or owner's representative present unless owner or owner's representative gives their permission to the City to inspect without them being present prior to the inspection.
3. Inspections shall be consistent with the applicable building codes adopted by the City of Orange City.
4. All fees are to be collected before inspection at time of application.
5. If the inspector arrives at the time scheduled and no person is available to show the premises to him/her, the owner/landlord shall pay a fifty dollar(\$50.00) "no show" fee.
6. Items not inspected as part of this ordinance include but are not limited to:
 - a. Asbestos
 - b. Lead based paint
 - c. Complaints between tenants
 - d. Rental agreements

- 4.09 **RIGHT OF ENTRY.** If it is necessary for a code official to conduct an inspection in order to enforce the provisions of this code and, in doing so, requires access to the rental. The inspector may enter the rental at reasonable times to inspect or to perform duties imposed by this policy. If such rental is occupied the inspector shall present credentials to the occupant before entry. If entry is refused the inspector shall have recourse to the remedies provided by law to secure entry, including, but not limited to, obtaining an administrative search warrant to search the rental unit.

- 4.10 **VIOLATIONS.** Whenever a property or portion of a property being governed by the provisions of this chapter is found to have a violation of the City of Orange City Building Code, the Code Enforcement Department may order repairs to remedy the violation. A written letter setting out the corrective work necessary to remedy the major violations shall be delivered to owner/landlord by certified mail and/or hand delivery. The Code Enforcement Department may order that the occupancy of the rental unit subject to a violation finding be discontinued and vacated until the violation is corrected. Notice to

vacate and/or removal of tenants shall be carried out according to Iowa law.

The owner/landlord shall be given 30-days from date of receipt of the letter to complete the necessary repairs to remedy the violation or submit an appeal of the Code Enforcement Officer's determination of a violation per Section 13 below. At the end of the said 30-day time period, if the necessary repairs to remedy the violation are not completed and no appeal has been taken, the owner/landlord shall be assessed a fee a fee of \$100 per violation. If repairs are not completed in the mentioned time frame the code enforcement officer can grant an extension given a reasonable explanation for completion of violations.(See Section 11: Additional Housing Fees for violations).

4.11 ADDITIONAL HOUSING INSPECTION FEES.

1. Certificate of Compliance. (Included in Housing Permit)
2. New Construction- Certificate of Compliance. (Included with Building Permit)
3. Failure to Correct/Repair Violation
(See Section 10: Violations (1)) \$100.00
4. Inspection fee for every additional inspection,
including but not limited to: court request, attorney
requested, progress inspection at request of
owner/manager and/or City Council. \$50.00 per unit
5. Failure to keep appointment, arrange for inspection,
or provide entry for scheduled inspection. \$50.00 per unit
6. Housing Appeals \$100.00

4.12 METHOD OF SERVICE. The notice of violation will be in the form of a letter sent by certified mail or hand delivery to the owner/landlord or owner's representative.

4.13 APPEALS. If an owner/landlord submits a timely appeal of the Code Enforcement Department's determination of a violation and/or required action to remedy the violation, said appeal shall be submitted to a City Council subcommittee consisting of members of the City Council appointed by the Mayor.

The findings of the subcommittee shall be conclusive, and if the subcommittee finds that a violation has occurred and/or the corrective work is reasonable and necessary to remedy the violation, the owner/landlord shall then have 30 days from the date of the subcommittee's ruling to complete the necessary corrective work and further be subject to the penalties provided for in this ordinance for failure to timely complete the corrective work in the event the corrective work is not completed within the 30-day time period.

- 4.14 SUSPENSION OR REVOCATION. The Code Enforcement Department may revoke or suspend the rental permit whenever provided by this ordinance or in the event that any information provided by the property owner or owner's representative is found to be inaccurate.
- 4.15 REMOVAL OF TENANTS. The Code Enforcement Department may seek removal of tenants if violations are not corrected after proper notice of violations and time to correct violations is given. In the event that it becomes necessary for the Code Enforcement Department to proceed with removal procedures, all legal fees and actual associated costs with the action shall be paid in full by the owner/landlord or owner's representative. Occupancy of any kind on that property shall not be allowed until all fines and fees are paid in full.
- 4.16 NO WARRANTY BY CITY. By enacting and undertaking to enforce this ordinance, the City Council, its agents, and employees do not warrant or guarantee the safety, fitness, or suitability of any dwelling in the City of Orange City. Owners and occupants should take whatever steps they deem necessary or appropriate to protect their interests, health, safety, and welfare.

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 by the City Council of the City of Orange City on this _____ day of _____, 2021.

Deb De Haan, Mayor

ATTEST:

Janet Brown, City Clerk

ORDINANCE NO. 826

AN ORDINANCE AMENDING THE CODE OF THE ORDINANCES OF THE CITY OF ORANGE CITY, IOWA, BY REPEALING TITLE 3, BUILDING REGULATIONS, CHAPTER 1, BUILDING CODE, ARTICLE 2, DUTCH FRONT, IN ITS ENTIRETY

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

SECTION 1. CHAPTER REPEALED. The Code of Ordinances of the City of Orange City, Iowa, is amended by repealing Title 3, Building Regulations, Chapter 1, Building Code, Article 2, Dutch Front, in its entirety and adopting the following in lieu thereof.

ARTICLE 2 – DUTCH FRONT

- 2.01 TITLE. This ordinance shall be known and may be cited and referred to as the "Dutch Front Ordinance".
- 2.02 INTERPRETATION OF STANDARDS. The provisions of this Dutch Front Ordinance shall be considered as either guidelines or recommendations. Where provisions of law or other rules or regulations or ordinances imposes a greater restriction, those provisions shall control.
- 2.03 DEFINITIONS. For the purpose of this Dutch Front Ordinance, certain terms and words are hereby defined:
1. Orange City Business District: All areas which have been zoned commercial by Ordinance of the City of Orange City, both the General Commercial District and the Highway Commercial District.
 2. Dutch Front Committee: The Dutch Front Committee as established by the Orange City Council.
 3. Dutch Theme: The philosophy in keeping with 16th – 19th Century Dutch architecture as developed by the Dutch Front Committee.
 4. Person: As pertaining to this Dutch Front Ordinance, any association, organization, trust or company, its or their successor or assigns or agent.
- 2.04 PURPOSE. The purposes of this ordinance are to promote the development and preservation of 16th – 19th Century Dutch architecture in the Orange City Business District in a manner consistent with the history and life of Orange City and the Dutch theme of this Ordinance; to develop, maintain and promote the atmosphere and charm of a Dutch community in an integrated shopping, living, entertainment, and recreation environment for visitors and the people of Orange City. To provide funding incentives to property owners to develop Dutch themed store fronts and adjacent properties.

2.05 APPLICATION OF THIS ORDINANCE.

1. The recommendations for construction prescribed by this Ordinance in the Orange City Business District, whether consisting of maintenance, repair, alterations, modifications, or painting of any buildings, signs, graphics, visual displays, outdoor furniture or fixtures, shall apply as follows:
 - a. To any and all new construction of structures.
 - b. To pre-existing structures requiring a zoning permit for improvements.
 - c. Any structure occupied or to be occupied by any governmental body may be excluded from recommendations of this Ordinance by the Council.
 - d. Any pre-existing structure of historical or architectural significance which is or is to be developed in a manner consistent with such historical or architectural significance may be excluded by the Council.
2. Whenever a building or appurtenance or open space adjacent thereto is subject to this Ordinance, such work is recommended to be consistent with the architectural style of the previously approved Dutch Theme.
3. Nothing herein shall be construed as an attempt to regiment architecture to the extent of prohibiting modern technological styling of materials which would be in sympathy with the purposes of this Ordinance.
4. The owner or occupant of any existing structure in the Orange City Business District which is to be re-constructed, repaired, altered, modified, painted or re-painted including any sign, graphic, visual display, outdoor furniture, fixtures or other appurtenances thereto, whether a zoning permit is required or not, is encouraged to seek guidance from the Dutch Front Committee for integrating Dutch themes into their project.

2.06 GENERAL REGULATIONS.

1. All activities, public or private, and all uses of property, public or private, within the Orange City Business District are strongly encouraged to voluntarily abide by the provisions of this Ordinance.
2. Conforming with the provisions of this Ordinance are also strongly encouraged for areas not in the Orange City Business District but which abut the Iowa Highway 10 corridor and the Albany Avenue corridor. It is recognized that certain areas along these corridors are not zoned Commercial but adhering to the principles of this Ordinance will greatly enhance the Dutch Theme and overall purpose of the Ordinance and may qualify for financial assistance.

2.07 DUTCH FRONT COMMITTEE.

1. There is hereby created an advisory committee to be known as the Dutch Front Committee which shall consist of five (5) members. The Committee will include the City Zoning Compliance Officer, the Chamber of Commerce Director, a City Council member, and two at-large members of the community. The members of the committee shall choose from among themselves a person to act as chairperson. The Committee shall meet as is required to carry out the intent of this Ordinance.
2. The Committee shall act in an advisory capacity only, and shall have no power to bind the City by contract or otherwise. It shall be the function of the Committee to advise the Council concerning all applications for matching funds within the Orange City Business District and other corridor areas and to act in an advisory capacity to the Council and the Mayor in all matters pertaining to the development of the Dutch Themes in the Orange City Business District and corridor areas.

2.08 ZONING PERMITS AND MATCHING FUND APPLICATIONS.

1. Whenever application is made for a zoning permit to construct, alter, modify, or repair any building within the Orange City Business District or previously defined corridor areas, the Zoning Compliance Officer shall recommend review of the plans by the Dutch Front Committee to voluntarily meet the intent of the Ordinance.

The Committee shall review the proposed plans and specifications, so far as they relate to the proposed appearance, colors, texture, materials and architectural design of the exterior, including the front, side, rear and roof of said building, and also including all parts of the building that are in a visual line from all areas or any alterations, modifications, or repair, or any court yard, fence or dependency thereof.

The Committee shall also review the proposed plans and specifications, so far as they relate to the placement, alteration, modifications, repair of any signs, graphic, visual display, outdoor furniture or fixtures with respect to the appearance, colors, texture, materials and architectural and design factors of the sign, visual display, outdoor furniture or fixtures, including all parts of same that are visible from all areas.

2. The Committee shall provide the Council with pertinent information to enable the Council to fully consider applications for matching funds for both pre-existing and new buildings, as follows:
 - A. Owners indication of the amount willing to be spent on the building front.
 - B. To what extent has the building owner consulted with design/construction individuals to determine any possibilities within the parameters of private and matching funds.

2.09 FINANCIAL ASSISTANCE GUIDELINES.

1. The Council, by separate action, may provide for financial assistance to owners or occupants of new or pre-existing structures within the Orange City Business District, which shall be available upon such terms, and conditions as may be developed thereunder in conjunction with the Dutch Front Committee.
2. All applications for funding of Dutch Front projects shall be submitted to the Committee and the City Council. Funding of any project will be dependent upon available funds and budget decisions by the Council, which considers said applications. The City Council may, at its discretion, provide matching funds in an amount appropriate with the size and scope of the entire project.
3. The Council shall pay no more than a 50% match of actual exterior costs for approved Dutch Theme treatments when completed with a maximum City contribution of \$75,000.
4. The Orange City business district Dutch Front Program shall be available to building owners until December 31, 2025
5. The City Council may, at its discretion, also grant additional matching funds per project to offset a portion of the cost of architects/contractor design expenses. Any additional funds shall be limited to no more than 1% or less of the actual cost of the approved Dutch Front.
6. In the event that the previously constructed Dutch store front is in need of maintenance and/or repair the City Council may, at its discretion, provide matching funds in an amount appropriate with the size and scope of the project. The Council shall pay no more than a 50% match of the actual cost of maintenance and repair with a maximum City funding of \$5,000 within a 5 year period.
7. In the event a store owner wishes to renovate his/her Dutch front to another Dutch style, the City Council may, at its discretion, provide matching funds in an amount appropriate with the size and scope of the project. Matching funds provided by the City Council shall pay no more than a 25% match of the actual cost to renovate the Dutch front with a maximum City funding of \$15,000. The store owner must submit an application for this grant and go through the same application process as required for matching funds for a new construction Dutch front grant.
8. The process for handling a Dutch Front application requesting matching funds by an owner shall follow these steps:
 - A. The building owner engages a contractor/architect to draw up a detailed proposed front. Preliminary cost estimates are compiled for Committee review.

- B. The proposal and estimates are submitted to the Committee and final approval is given by the Committee when the Ordinance requirements are met.
- C. The Committee recommends the Council provide funding if appropriate.
- D. Council agrees to a maximum amount of City matching funds.
- E. The front is constructed as authorized.
- F. Construction costs are invoiced for approval by the City.
- G. The City issues a matching amount check up to the amount authorized by the Council.

2.10 DENIAL OF FINANCIAL ASSISTANCE AND APPEAL PROCESS

- 1. If the Committee recommends denial of financial assistance, the Zoning Compliance Officer shall notify the applicant that said application is not eligible for funding and the reasons therefore. The Zoning Compliance Officer may proceed with funding request upon amendment of the application to conform with the recommendations of the Committee.
- 2. Any person denied matching funds by the Zoning Compliance Officer pursuant to the recommendation of the Committee under the condition of this Ordinance may appeal said denial to the Council.
- 3. This Ordinance is intended to give owners and developers flexibility while strongly encouraging the policies contained within the Dutch Front Ordinance.

SECTION 2. REPEALER. All ordinances or parts of ordinances 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 the ordinance as a whole or any section, provision or part thereof not adjudged 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 by the City Council of the City of Orange City on this _____ day of _____, 2021.

Deb De Haan, Mayor

ATTEST:

Janet Brown, City Clerk

NOTICE OF PUBLIC HEARING - CITY OF ORANGE CITY - PROPOSED PROPERTY TAX LEVY

Fiscal Year July 1, 2021 - June 30, 2022

The City Council will conduct a public hearing on the proposed Fiscal Year City property tax levy as follows:

Meeting Date: 2/15/2021 **Meeting Time:** 04:30 PM **Meeting Location:** 125 Central Avenue SE

At the public hearing any resident or taxpayer may present objections to, or arguments in favor of the proposed tax levy. After adoption of the proposed tax levy, the City Council will publish notice and hold a hearing on the proposed city budget.

City Website (if available)
www.orangecityiowa.com

City Telephone Number
(712) 707-4885

	Current Year Certified Property Tax 2020 - 2021	Budget Year Effective Property Tax 2021 - 2022	Budget Year Proposed Maximum Property Tax 2021 - 2022	Annual % CHG
Regular Taxable Valuation	210,908,583	219,667,736	219,667,736	
Tax Levies:				
Regular General	1,708,360	1,708,360	1,779,309	
Contract for Use of Bridge	0	0		
Opr & Maint Publicly Owned Transit	0	0		
Rent, Ins. Maint. Of Non-Owned Civ. Ctr.	0	0		
Opr & Maint of City-Owned Civic Center	28,473	28,473	29,655	
Planning a Sanitary Disposal Project	0	0		
Liability, Property & Self-Insurance Costs	82,254	82,254	74,000	
Support of Local Emer. Mgmt. Commission	0	0		
Emergency	0	0		
Police & Fire Retirement	0	0		
FICA & IPERS	103,500	103,500	62,000	
Other Employee Benefits	0	0		
Total Tax Levy	1,922,587	1,922,587	1,944,964	1.16
Tax Rate	9.11574	8.75225	8.85412	

Explanation of significant increases in the budget:
Capital Equipment and Improvements for FY 22.

If applicable, the above notice also available online at:

www.orangecityiowa.com

*Total city tax rate will also include voted general fund levy, debt service levy, and capital improvement reserve levy.

**Budget year effective property tax rate is the rate that would be assessed for these levies if the dollars requested is not changed in the coming budget year

