

## NOTICE AND CALL OF COUNCIL MEETING

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

Date of Meeting: May 2, 2022

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. Southwest Well Watermain Project
  - Public hearing to consider plans, specifications, form of contract, and estimate of costs
  - Consideration of bids and award of contract
7. Gelderland Addition
  - Public hearing
  - Resolution to accept final plat
8. Second reading of proposed Ordinance No. 836 adding 165.34 Mixed Use Overlay to City Code of Ordinances, Chapter 165, Zoning Regulations

9. Second reading of proposed Ordinance No. 837 considering division of revenues for the MOC-FV Elementary School Urban Renewal Plan
10. Separation Agreement and Release
11. Accounts Receivable Specialist/Office Assistant position
12. Resolution of support for the Destination Iowa Grant Application
13. Lease Agreement with Northwestern College for Jaycee Park
14. Liquor/Wine/Beer License renewal application
15. Set public hearing date to consider fiscal year 2021-2022 budget amendment
16. Order construction of the Puddle Jumper Playground Project and set public hearing date
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, City Clerk of the  
City of Orange City, Iowa

COUNCIL MEETING  
AGENDA NOTES  
May 2, 2022

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 April 18, 2022 council meeting are enclosed for your review. Exhibit 1
6. We received three bids for the Southwest Well Field Pipeline construction project. The low bidder was Vander Pol Excavating with a base bid of \$4,543,459.82. The engineer's estimate was \$5,200,000. Our engineer from DGR, Dan Nebelsick, is reviewing the bids and will be attending the council meeting to discuss the bid results and project. We recommend holding the public hearing to consider the plans and specifications, form of contract, and estimate of cost; and awarding the bid to Vander Pol Excavating.
7. This is the published time and place to hold a public hearing before considering approval of the proposed final plat of the Gelderland Addition. Planning and Zoning is recommending that the Council approve the Final Plat of this subdivision. Zoning of the Plat will be 7 Lots of R-2, Medium to High Density Residential and 19 lots R-1, Low Density Residential. Exhibit 2
8. This is the second reading of Ordinance No. 836 to consider the addition of Section 165.34, Mixed Use Overlay Zone to Chapter 165, Zoning Regulations in the City Code. Council has the right to wave the third reading of the Ordinance.
9. This is the second reading of Ordinance No. 837 to consider the division of revenues for the MOC-FV Elementary School Urban Renewal Plan. Council has the right to wave the third reading of the Ordinance.
10. The Council needs to approve of the final payout for accumulated benefits for Barb Ramsey per the payout agreement that was drafted by Aaron Hilligas and has been signed by Barb.
11. Shawn Lancaster has agreed to accept the offer for the Accounts Receivable – Office Assistant position. Full time employment positions require final approval by the City Council. Shawn will begin her duties on May 9 and will be reporting to Janet Brown.
12. We are considering submitting a grant application to the Iowa Economic Development Authority for a Destination Iowa Grant for Puddle Jumper Park. The application will include all proposed elements for the park including the inclusive play area, splash pad, walking paths, dog park, disc golf, sand volleyball, pickleball, restrooms and shelter. The grant is for 40% of project costs, and the City would need to guarantee the 60% match. To date we have received \$20,000 from Orange City Betterment, \$10,000 from Sioux County Community Foundation, \$2,500 in donation. Unfortunately, we heard from the Wellmark Foundation that our grant application was not awarded.

We have previously designated \$300,000 from MRES rebate and up to \$700,000 in GO Bond funding. We will also keep working to secure additional donations. We continue to work with Diamond-Vogel on the lease agreement for their parcel. A successful grant would allow us to complete the entire proposed park over the next two years. Exhibit 3

The Council also needs to be aware that we are working with the City of Sioux Center and Sioux County on a proposed regional trail project. It may not be in our best interest to submit two applications. We will need to discuss our highest priority.

13. Northwestern College is interested in making improvements, and possible replacement of the tennis courts in Jaycee Park. The lease agreement would allow for them to make the improvements and provide ongoing maintenance of the courts. We considered a property trade or exchange, but due to the original construction of the park and tennis courts being a part of federal LWCF program, the lease agreement was a better option. Exhibit 4
14. We have received an application for a Special Class C Liquor License for The Roadhouse for a 5 day license (May 18-22) for their 125 Central Ave NE location. Everything is in order.
15. Each year we need to amend the budget for unexpected revenues and expenditures in our City funds. See the enclosed exhibit for the proposed amendments. The Council needs to set a public hearing for May 16, 2022. Exhibit 5
16. Plans for the Puddle Jumper Playground Project are out to contractors with bids due on May 12. We need to set a public hearing for the May 16 meeting to consider the plans and specifications in anticipation of awarding the project.
17. Administrative reports:

Scheduled Meetings:

May 16	Council Meeting, 4:30 P.M.
May 19-21	Tulip Festival
June 6	Council Meeting, 4:30 P.M.
June 20	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](mailto:earlw@orangecityiowa.com)**

Council Meeting  
April 18, 2022

The City Council met in semi-monthly session pursuant to adjournment at 4:30 o'clock P.M. on April 18, 2022. 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, Jim Pottebaum, Kurt Frederes, Mark Gaul, Kent Anderson, and Matt Van Schouwen

Guests: Mike Hofman, John Slegers, Doug Calsbeek, Marlin Vollink, Nancy Jansen, Gregory Will, and Isaiah Robinson

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

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

Approval of Minutes: The minutes of April 4, 2022 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 March 2022, representing cash balances for all funds was presented, whereupon it was therefore moved by Council member Steve Roesner 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: Steve Roesner, Tony Vande Brake, Rod De Boer, Daron De Jong, Aaron Beadner; NAYS: None.

Monthly Bills: A Summary of Warrants report listing bills from March 22, 2022 through April 18, 2022 was presented. A motion was made by Council member Rod De Boer and duly seconded by Council member Aaron Beadner approving the monthly bills, subject to audit. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Aaron Beadner, Daron De Jong, Steve Roesner, Tony Vande Brake; NAYS: None.

Commercieel Centrum Urban Renewal Plan: This being the time and place as advertised a public hearing was held to consider the proposed Commercieel Centrum Urban Renewal Plan. The Mayor opened the time for the public hearing. No one was heard speaking for or against the proposed plan. No written objections were filed. The Mayor then closed the time for the public hearing.

A motion was made by Council member Rod De Boer and duly seconded by Council member Steve Roesner adopting a resolution determining an area of the City to be an economic development area, and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for urban renewal projects; and adopting the Commercieel Centrum Urban Renewal Plan. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Steve Roesner, Aaron Beadner, Daron De Jong, Tony Vande Brake; NAYS: None. The resolution was assigned number 4-18-22-2002 and appears in the official resolution book. Records are kept in Appendix 20.

MOC-FV Elementary School Urban Renewal Plan: This being the time and place as advertised a public hearing was held to consider the proposed MOC-FV Elementary School Urban Renewal Plan. The Mayor opened the time for the public hearing. No one was heard speaking for or against the proposed plan. No written objections were filed. The Mayor then closed the time for the public hearing.

A motion was made by Council member Steve Roesner and duly seconded by Council member Rod De Boer adopting a resolution determining an area of the City to be an economic development area, and that the rehabilitation, conservation, redevelopment, development or a

combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for urban renewal projects; and adopting the MOC-FV Elementary School Urban Renewal Plan. On call of the roll motion carried. The vote was as follows: AYES: Steve Roesner, Rod De Boer, Aaron Beadner, Daron De Jong, Tony Vande Brake; NAYS: None. The resolution was assigned number 4-18-22-2003 and appears in the official resolution book. Records are kept in Appendix 20.

A motion was made by Council member Tony Vande Brake and duly seconded by Council member Daron De Jong approving the first reading of proposed Ordinance No. 837, an ordinance for the division of revenues under Section 403.19, Code of Iowa, for the MOC-FV Elementary School Urban Renewal Plan. 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.

Not to Exceed \$500,000 Taxable General Obligation Annual Appropriation Capital Loan Notes: This being the time and place as advertised a public hearing was held to consider the Not to Exceed \$500,000 Taxable General Obligation Annual Appropriation Capital Loan Notes. The Mayor opened the time for the public hearing. No one was heard speaking for or against the proposed Notes. No written objections were filed. The Mayor then closed the time for the public hearing.

A motion was made by Council member Rod De Boer and duly seconded by Council member Daron De Jong adopting a resolution instituting proceedings to take additional action on the Notes. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Daron De Jong, Aaron Beadner, Tony Vande Brake, Steve Roesner; NAYS: None. The resolution was assigned number 4-18-22-2004 and appears in the official resolution book. Records are kept in Appendix 20.

\$500,000 Taxable General Obligation Annual Appropriation Capital Loan Notes, Series 2022A: A motion was made by Council member Aaron Beadner and duly seconded by Council member Daron De Jong adopting a resolution approving and authorizing a form of Loan Agreement and authorizing and providing for the issuance, and levying a tax to pay the Notes. 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. The resolution was assigned number 4-18-22-2005 and appears in the official resolution book. Records are kept in Appendix 20.

Amend City Code of Ordinances: Chapter 165, Zoning Regulations, Sections 165.34, Mixed Use Overlay: This being the time and place as advertised a public hearing was held to consider amending the City Code of Ordinances by adding Section 165.34, Mixed Use Overlay to Chapter 165, Zoning Regulations. The Mayor opened the time for the public hearing. Kurt reviewed the concept and areas that could potentially qualify for this use. No one was heard speaking for or against the proposed amendment. Steve would like to make sure we maintain enough control to keep from having undesirable housing. Kurt responded that each request would need to be approved by the Planning and Zoning Commission and then Council. No written objections were filed. The Mayor then closed the time for the public hearing.

A motion was made by Council member Steve Roesner and duly seconded by Council member Rod De Boer approving the first reading of proposed Ordinance No. 836, an ordinance amending the City Code of Ordinances by adding Section 165.34, Mixed Use Overlay to Chapter 165, Zoning Regulations. On call of the roll motion carried. The vote was as follows: AYES: Steve Roesner, Rod De Boer, Aaron Beadner, Daron De Jong, Tony Vande Brake; NAYS: None.

Commercieel Centrum Addition: This being the time and place as advertised a public hearing was held to consider the final plat of the Commercieel Centrum Addition. The Mayor opened the time for the public hearing. Kurt reviewed the plan. Marlin Vollink inquired about access to the lots from Highway 10 and drainage. Mark responded there is the Tallahassee entrance and one between lots 11 and 12. The plat shows two detention areas. No written objections were filed. The Mayor then closed the time for the public hearing.

A motion was made by Council member Daron De Jong and duly seconded by Council member Tony Vande Brake adopting a resolution accepting the final plat of the Commercieel Centrum Addition. 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. The resolution was assigned number 4-18-22-2006 and appears in the official resolution book.

Set Date for Public Hearing for Approval of the Plat of the New School Addition: A motion was made by Council member Daron De Jong and duly seconded by Council member

Rod De Boer setting 4:30 o'clock P.M. on May 2, 2022 as the time for a public hearing to consider the final plat of the new school addition. On call of the roll motion carried. The vote was as follows: AYES: Daron De Jong, Rod De Boer, Aaron Beadner, Steve Roesner, Tony Vande Brake; NAYS: None.

Citizens had the opportunity to submit name ideas for the new school addition. The City received over 90 names. One idea was to start using Dutch provinces. It was the consensus of the Council to name this addition the Gelderland Addition. Two of the streets in this subdivision will be named Arnhem Drive and Appledorn Court after two of the largest cities in Gelderland.

Liquor/Wine/Beer License Renewal Application: A motion was made by Council member Aaron Beadner and duly seconded by Council member Daron De Jong approving the renewal application for a Class E Liquor/Class B Wine/Class C Beer License as submitted by Fareway. 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.

Order Construction of the Southwest Wellfield Raw Watermain Project and Set Public Hearing Date: A motion was made by Council member Daron De Jong and duly seconded by Council member Aaron Beadner ordering the construction of the Southwest Wellfield Raw Watermain Project and setting 4:30 o'clock P.M. on May 2, 2022 as the time for a public hearing to consider the plans and specifications in anticipation of awarding the project. On call of the roll motion carried. The vote was as follows: AYES: Daron De Jong, Aaron Beadner, Rod De Boer, Steve Roesner, Tony Vande Brake; NAYS: None.

Administrative Reports:

Scheduled Meetings:

May 2	Council Meeting, 4:30 P.M.
May 16	Council Meeting, 4:30 P.M.
May 19-21	Tulip Festival
June 6	Council Meeting, 4:30 P.M.
June 20	Council Meeting, 4:30 P.M.

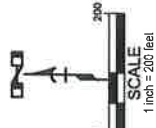
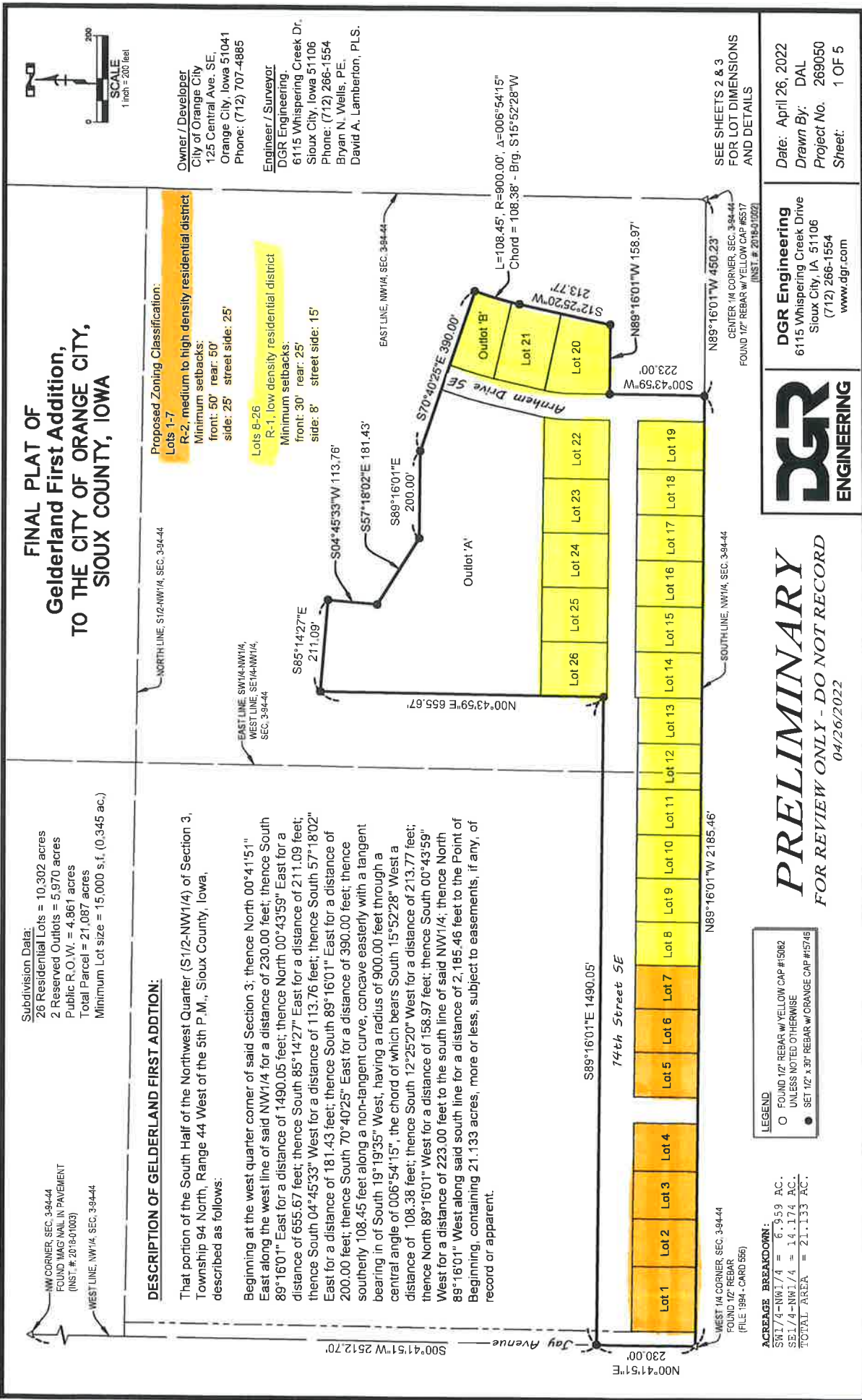
Oral reports: Earl shared that fundraising for the Puddle Jumper Park will begin, received \$10,000 from the Sioux County Community Foundation, submitted a grant request to Wellmark, and will submit one to Destination Iowa; considering applying for a grant for the regional trails project with Sioux Center and Alton; since we are below average moisture will begin the first phase of a water watch; Tom Jeanery meet and greet on April 30 at Stadscentrum; taking applications for the open office position; will advertise for an additional police officer soon; Jake starts the academy on May 3; new Council photos are on the website.

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

Adjournment: No further business appearing it was therefore moved by Council member Aaron Beadner and duly seconded by Council member Tony Vande Brake to adjourn. On call of the roll motion carried. The vote was as follows: AYES: Aaron Beadner, Tony Vande Brake, Daron De Jong, Rod De Boer, Steve Roesner; NAYS: None. Adjournment time was 5:20 o'clock P.M.

\_\_\_\_\_  
Deb De Haan, Mayor

ATTEST: \_\_\_\_\_  
Janet Brown, City Clerk



**FINAL PLAT OF Gelderland First Addition, TO THE CITY OF ORANGE CITY, SIOUX COUNTY, IOWA**

**Subdivision Data:**  
 26 Residential Lots = 10.302 acres  
 2 Reserved Outlots = 5.970 acres  
 Public R.O.W. = 4.861 acres  
 Total Parcel = 21,087 acres  
 Minimum Lot size = 15,000 s.f. (0.345 ac.)

NW CORNER, SEC. 394-44  
 FOUND MAG. NAIL IN PAVEMENT  
 (INST. # 2018-01003)  
 WEST LINE, NW1/4, SEC. 394-44

**DESCRIPTION OF GELDERLAND FIRST ADDITION:**

That portion of the South Half of the Northwest Quarter (S1/2-NW1/4) of Section 3, Township 94 North, Range 44 West of the 5th P.M., Sioux County, Iowa, described as follows:

Beginning at the west quarter corner of said Section 3; thence North 00°41'15" East along the west line of said NW1/4 for a distance of 230.00 feet; thence South 89°16'01" East for a distance of 1490.05 feet; thence North 00°43'59" East for a distance of 655.67 feet; thence South 85°14'27" East for a distance of 211.09 feet; thence South 04°45'33" West for a distance of 113.76 feet; thence South 57°18'02" East for a distance of 181.43 feet; thence South 89°16'01" East for a distance of 200.00 feet; thence South 70°40'25" East for a distance of 390.00 feet; thence southerly 108.45 feet along a non-tangent curve, concave easterly with a tangent bearing in of South 19°19'35" West, having a radius of 900.00 feet through a central angle of 006°54'15"; the chord of which bears South 15°52'28" West a distance of 108.38 feet; thence South 12°25'20" West for a distance of 213.77 feet; thence North 89°16'01" West for a distance of 158.97 feet; thence South 00°43'59" West for a distance of 223.00 feet to the south line of said NW1/4; thence North 89°16'01" West along said south line for a distance of 2,185.46 feet to the Point of Beginning, containing 21.133 acres, more or less, subject to easements, if any, of record or apparent.

**Proposed Zoning Classification:**  
 Lots 1-7  
 R-2, medium to high density residential district  
 Minimum setbacks:  
 front: 50' rear: 50'  
 side: 25' street side: 25'

Lots 8-26  
 R-1, low density residential district  
 Minimum setbacks:  
 front: 30' rear: 25'  
 side: 8' street side: 15'

**Owner / Developer**  
 City of Orange City  
 125 Central Ave. SE,  
 Orange City, Iowa 51041  
 Phone: (712) 707-4885

**Engineer / Surveyor**  
 DGR Engineering,  
 6115 Whispering Creek Dr.,  
 Sioux City, Iowa 51106  
 Phone: (712) 266-1554  
 Bryan N. Wells, P.E.  
 David A. Lamberton, PLS.

SEE SHEETS 2 & 3  
 FOR LOT DIMENSIONS  
 AND DETAILS

Date: April 26, 2022  
 Drawn By: DAL  
 Project No. 269050  
 Sheet: 1 OF 5

**DGR Engineering**  
 6115 Whispering Creek Drive  
 Sioux City, IA 51106  
 (712) 266-1554  
 www.dgr.com



**PRELIMINARY**  
 FOR REVIEW ONLY - DO NOT RECORD  
 04/26/2022

**LEGEND**  
 ○ FOUND 1/2" REBAR W/ YELLOW CAP #5082  
 UNLESS NOTED OTHERWISE  
 ● SET 12" x 30" REBAR W/ ORANGE CAP #57416

**ACREAGE BREAKDOWN:**  
 SW1/4-NW1/4 = 6.939 AC.  
 SE1/4-NW1/4 = 14.1174 AC.  
 TOTAL AREA = 21.133 AC.



**RESOLUTION NO. 5-2-22-2008**

**RESOLUTION OF SUPPORT ENDORSING THE PLAN OF A PARK PROJECT  
IN ORANGE CITY, TO PROVIDE FOR MATCHING FUNDS, AND THE  
PROJECT'S MAINTENANCE AND OPERATION**

WHEREAS, officials of the City of Orange City, Iowa consider public parks to be of utmost importance to the region by providing the region with recreation and fitness opportunities as well as the possibilities of economic and community development; and

WHEREAS, as a condition to receiving a State grant for a park project in the City of Orange City, the State of Iowa requires a sponsor resolution that endorses the project, certifies the availability of matching funds, and assures the maintenance of the completed project for a minimum of 20 years; and

WHEREAS, the City of Orange City has incorporated park projects into its future planning; and

WHEREAS, the Destination Iowa Application documents have been prepared and are deemed to be in the best interests of the citizens of the City of Orange City.

NOW, THEREFORE, BE IT RESOLVED that the City of Orange City, Iowa:

1. Endorses the proposed park project and authorizes the submittal of the attached Application documents.
2. Certifies the availability of local matching funds.
3. Assures the ongoing maintenance and care of the park.
4. Authorizes the City Administrator to sign the grant application materials and related grant documents if a grant is awarded.

Passed and approved this 2nd day of May, 2022.

CITY OF ORANGE CITY, IOWA

---

Deb De Haan, Mayor

ATTEST:

---

Janet Brown, City Clerk

## LAND LEASE

THIS LEASE ("Lease") is made between the Incorporated City of Orange City, Iowa ("Lessor"), whose address for the purpose of this Lease is 125 Central Avenue SE, Orange City, IA 51041, and Northwestern College ("Lessee"), whose address for the purpose of this Lease is 101 7<sup>th</sup> Street SW, Orange City, Iowa 51041.

### THE PARTIES AGREE AS FOLLOWS:

1. **PREMISES AND TERM.** Lessor leases to Lessee the following real estate situated in Sioux County, Iowa (the "Real Estate"):

*The East 475 feet of: Lots 29 and 30 and the North 16 feet of Lot 31, Garfield Addition to the Incorporated City of Orange City, Iowa,*

and containing 1.27 acres, more or less, possession by Lessee to commence on July 1, 2022, and end on June 30, 2122.

2. **RENT.** Lessee agrees to pay to Lessor \$1.00 per year for each year of the approved Lease.

Rent is to be paid to Lessor at the address above or at such other place as Lessor may direct in writing on or before July 1 of each year that this Lease is in force.

3. **APPROVED USES.** Lessee will have priority use of the Real Estate for educational programs and athletic practices and competition. Real Estate will be open for public recreational use at times approved by the Lessee.

4. **PROPER HUSBANDRY.** Lessee shall do what is reasonably necessary to maintain the Real Estate for Lessee and public recreational use of the Real Estate as a park portion and tennis courts.

5. **MAINTENANCE.** The Real Estate and tennis courts will be maintained by Lessee. Any changes to the property for construction of new or additional tennis courts will be installed and maintained at the expense of Lessee.

6. **POSSESSION AND CONDITION AT END OF TERM.** At the termination of this Lease, Lessee will relinquish possession of the Real Estate to Lessor. Lessee further agrees to return the Real Estate to its original condition, inclusive of any changes to the property, as of date of execution of this Lease.

7. **TERMINATION OF LEASE.** This Lease shall automatically renew for additional twenty-five (25) year terms upon the same terms and conditions unless either party gives due and timely written notice to the other of an election not to renew the Lease at least six (6) months prior to the conclusion of the Lease term. If Lessee or Lessor violate the terms of this Lease, the other

shall have the right to pursue the legal and equitable remedies to which it is entitled, including, but not limited to, termination of this Lease.

8. **REPAIRS.** Lessee agrees to maintain and, when necessary, make repairs to the Real Estate, including trees, shrubbery, grasses, fences, and tennis courts.

9. **EXPENSES INCURRED WITHOUT CONSENT OF LESSOR.** No expense shall be incurred for or on account of Lessor without first obtaining Lessor's written authorization. Lessee agrees that Lessee will take no actions that might cause a mechanic's lien to be imposed upon the Real Estate.

10. **ATTORNEY FEES AND COURT COSTS.** If either party files suit to enforce any of the terms of this Lease, the prevailing party shall be entitled to recover court costs and reasonable attorney's fees.

11. **CHANGE IN LEASE TERMS.** The conduct of either party, by act or omission, shall not be construed as a material alteration of this Lease until such provision is reduced to writing and executed by both parties as an addendum to this Lease.

12. **LIABILITY.** Lessor will assume no liability for personal injury or property damage occurring on the leased Real Estate, except for intentional or negligent acts of its own or its agents. Further, Lessor will assume no liability and will be held harmless by Northwestern College for any accidents occurring upon the premises. However, Northwestern College will not indemnify or hold Lessor harmless for Lessor's negligent or intentional acts.

13. **CONSTRUCTION.** Words and phrases herein, including the acknowledgment, are construed as in the singular or plural and as the appropriate gender, according to the context.

14. **NOTICES.** The notices contemplated in this Lease shall be made in writing and shall either be delivered in person, or be mailed in the U.S. mail, registered mail, return receipt requested, to the recipient's last known mailing address. The notice of termination is specifically governed by the Code of Iowa.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**LESSOR:**

The Incorporated City of Orange City, Iowa

\_\_\_\_\_  
By: Deb De Haan, Mayor

\_\_\_\_\_  
By: Janet Brown, City Clerk

**LESSEE:**

Northwestern College

\_\_\_\_\_  
By: Greg Christy, President

\_\_\_\_\_  
By: Kent Wiersema, Vice President for Finance

**REVENUES**

**General Fund**

Zoning fees - Rental Program, Eagle Construction, etc	35,000
Local Option Sales Tax	150,000
State Backfill - Commerical	42,000
EMC Insurance - Pool, Police-Vehicle	12,000
Event Center - Increase in Rentals and Bar Sales	80,000
Sale of Fixed Assets- Dollar Fresh Lot \$247K and Street Sweeper Sale to Ireton \$ 50K	297,000

**\$ 616,000**

**Total Revenue**

**\$ 616,000**

**EXPENSES**

**PUBLIC SAFETY**

**Police - 1010**

Salaries & Wages, Part-Time Help	30,000
Clothing Allowance- Police Uniforms- Brent	4,000

**\$ 34,000**

**PUBLIC WORKS**

**Roadway Maintenance- 2010**

Capital Equipment- Street Sweeper	31,000
Capital Equipment- Fence installed along Concord	7,000
Vehicle Repairs - Tire	12,000

**Solid Waste Collection - 2090**

Contract Services- Fees	15,000
-------------------------	--------

**65,000**

**CULTURE & RECREATION**

**Recreation- 4040**

Other Capital Equipment- Ball Field Fencing	25,000
---	--------

**Swimming Pool- 4900**

Other Capital Equipment- Drop Slide	15,000
-------------------------------------	--------

**40,000**

**GENERAL GOVERNMENT**

**Event Center- 6070**

Salaries & Wages- Assistant Manager	32,000
Part-Time Help	22,500
Group Insurance and Benefits	14,000
Repair of Buildings- Concrete pad	5,000
Liquor & Beer Purchases	30,000
Other Capital Equipment- Bar Cooler	8,000

**Exec & Admin- 6020**

Health Insurance	10,000
Workmans Comp	10,000
Elections	1,000
Legal Services - Beck Engineering	25,000
City Hall Improvements	35,000

**\$ 192,500**

**\$ 331,500**