

## NOTICE AND CALL OF COUNCIL MEETING

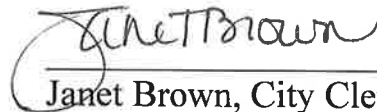
Governmental Body:	The City Council of the City of Orange City, Iowa
Date of Meeting:	November 7, 2022
Time of Meeting:	4:30 o'clock P.M.
Place of Meeting:	Council Chambers, City Hall, 125 Central Ave SE Orange City, Iowa

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. Council resignation and appointment process
6. Approval of minutes
7. Public hearing on the disposal of City property
  - Resolution ratifying and authorizing disposal of municipally owned property
8. Public hearing on the rezoning of property
  - Resolution approving rezoning
9. Public hearing on the matter of adoption of plans, specifications, form of contract and estimate of costs for the construction of the Puddle Jumper Park
  - Adopt plans, specifications, form of contract and estimate of cost
  - Consideration of bids and award of contract

10. Mutual aid fire protection with Alton
11. RIDES contract FY24
12. Knight Center 28E Agreement appointment
13. Beer permit renewal application
14. Resolution proposing vacation and disposal of alley
15. Resolution ordering SW Wellfield generator and installation
16. Closed session per Iowa Code Section 21.5c, litigation
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  
November 7, 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. Steve Roesner has submitted his resignation as a member of the City Council. We are grateful for the 20 years of service that Steve has provided. According to Iowa Code the City has 60 days to make an appointment or consider an election. Council would need to approve a motion to make an appointment and make this information available to the public. We would set the November 21 meeting as the date for the appointment to be made.
6. The minutes of the October 17, 2022 council meeting are enclosed for your review. Exhibit 1
7. City Council will hold a public hearing to consider the disposal of City owned real estate adjacent to lot 9 in the Puddle Jumper Trail 10<sup>th</sup> Addition. Sale of lot would be \$13,028.00 to J Schenzel Construction. Exhibit 2
8. City Council will hold a public hearing to discuss the request of VO Living & Storage, LLC (Mitch Van Otterloo) to rezone the property located at 505 7<sup>th</sup> St. SW and adjacent property from R-1/Low Density Residential to R-2, Medium to High Residential. The request was denied by Planning and Zoning with a vote of 3-2. City Council would need to approve the rezoning by resolution. Exhibit 3
9. On November 3 bids were received for the civil portion of the Puddle Jumper Park project. Engineer's estimates for this portion were a base of \$521,383 and Alternate 1 for \$28,166 and Alternate 2 for \$77,088. Alternate 1 provided for curb and gutter parking, and concrete for the handicap stalls, the remainder of the lot would be crushed rock. Alternate 2 would complete the entire parking lot in concrete.

Cleveringa Excavating provided the low bid of \$536,083.95 for the base and \$40,977 for Alternate 1 and \$109,145.00 for Alternate 2. Vander Pol Excavating had bids of \$629,042.05 for the base, \$42,746.50 for Alternate 1, and \$86,227.25 for Alternate 2.

Management recommends approval of the low bid for the base and Alternate 1 from Cleveringa Excavating for a total of \$577,060.95. Previously the Council had approved \$491,550 for the equipment and safety surface purchase and installation, for a total of \$1,068,610.95 for the entire project. In May the Council had rejected a bid of \$1,553,599 for the entire project. A total savings of \$484,988.05 by making adjustments to the project and going through a re-bid process.

10. Iowa Code Section 28E.31 provides for contracts for mutual aid of fire department by another. The proposed contract for mutual aid expands the mutual aid to any structure fire within the fire district which is party to the agreement. The execution of this agreement also aids in improving the points allocated in the ISO rating. Exhibit 4

11. The Regional Transit Authority dba RIDES is a private, not-for-profit organization serving 9 northwest Iowa counties. RIDES is funded in part by the Iowa DOT with State Transit Assistance (STA) funds and Federally by the Federal Transit Administration (FTA). The local portion of funding is determined by a formula that considers ridership and miles traveled. Orange City participates in the local program and is requested to provide \$15,000 for FY24 for this service. For FY ending June 30, 2022, RIDES provided 3,289 rides within Orange City with a cost of operation of \$78,587.
12. JoAnn Weber has agreed to serve on the Knight Center 28E Board of Control as a representative of the City of Orange City. She will be joining Mayor De Haan, Councilman Vande Brake, and Earl Woudstra on the Board.
13. We have received a renewal application for a Class B Beer permit as submitted by CityView Golf. Everything is in order.
14. Lee Van Kley and Michael Toering are requesting the vacation of the alley lying between Lot 1 and 8. The alley will be divided between the noted adjacent property owners. The City will retain a 16' easement and due to retaining a 16' easement there will be no fees for the vacation. The Council can consider the action to vacate after a public hearing at the November 21, 2022 Council Meeting. This public hearing date needs to be set by resolution. Exhibit 5
15. To provide additional reliability to our water supply, we have been working with our engineers to install a generator at the existing SW Wellfield. This project was budgeted, and plans & specs have been sent to bidders. We anticipate acting on the bids and holding a public hearing at the Nov. 21 council meeting.
16. We will enter a closed session to discuss litigation.
17. Administrative reports:

Scheduled Meetings:

November 21	Council Meeting, 4:30 P.M.
November 30	Strategic Planning Session, 9:00 A.M. PWEC
December 5	Council Meeting, 4:30 P.M.
December 8	Employee Recognition Dinner, PWEC
December 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

Council Meeting  
October 17, 2022

The City Council met in semi-monthly session pursuant to adjournment at 4:30 o'clock P.M. on October 17, 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, Tony Vande Brake

Members Absent: None

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

Guests: Mike Hofman, Doug Calsbeek, Mitch Van Otterloo, Dale Pluim, Ruth Roghair, Darrell Van Klompenburg, and Hannah Odell

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 the following were heard. Darrell Van Klompenburg and Ruth Roghair presented information and shared concerns about conditions and record keeping for portions of the cemetery. They suggested that a committee be established and contributions be collected to address these concerns.

Approval of Minutes: The minutes of the October 3, 2022 council meeting were presented. A motion was made by Council member Tony Vande Brake and duly seconded by Council member Rod De Boer approving said minutes as published. 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.

Financial Report: The monthly financial report for September 2022, 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 September 20, 2022 through October 17, 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.

Public Hearing on the Vacation and Disposal of City Property – Alley: This was the time and place as advertised to hold a public hearing to consider the disposal of City owned real estate known as the alley in Block 4, West First Addition at the request of Jim Clemens, who lives at 102 Iowa Ave SW. The Mayor called for comments from members of the audience and no one was heard speaking for or against the proposed disposal. Steve shared that he is opposed to giving the land to the property owners to the west of the alley that Jim Clemens is requesting to purchase, he feels those homeowners should be required to pay something. 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 vacating and authorizing the disposal of the alley in Block 4, West First Addition. The east 16'x123' to Jim Clemens for \$1,143.00; the remainder of the alley will be disposed to the surrounding property owners – Matt Van Schouwen, Carol Oolman, and Doug De Zeeuw while maintaining a 16 foot public easement. On call of the roll motion carried. The vote was as follows: AYES: Daron De Jong, Tony Vande Brake, Aaron Beadner, Rod De Boer; NAYS: Steve Roesner. The resolution was assigned number 10-17-22-2044 and appears in the official resolution book.

Resolution Proposing Disposal of City Property – Lot in Puddle Jumper 10<sup>th</sup> Addition:  
A motion was made by Council member Aaron Beadner and duly seconded by Council member Tony Vande Brake adopting a resolution proposing the disposal of City property

adjacent to Lot 9 Puddle Jumper Trail 10<sup>th</sup> Addition to J Schenzel Construction. The proposed lot would be sold for \$13,028.00, along with three adjoining lots for the construction of three multifamily residences. 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. The resolution was assigned number 10-17-22-2045 and appears in the official resolution book.

Explorer Trail 28E Agreement: A motion was made by Council member Tony Vande Brake and duly seconded by Council member Rod De Boer approving the Explorer Trail 28E Agreement with the City of Sioux Center and Sioux County. 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.

Retail Encouragement Loan Application for Jade & Co.: A motion was made by Council member Aaron Beadner and duly seconded by Council member Daron De Jong approving the Retail Encouragement Loan Application as submitted by Marie Hofmeyer for the new Jade & Co. building. The project will qualify for the maximum of \$8,550 for the 1500 square feet of retail. 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.

Consider Setting Public Hearing on the Rezoning of Property: A request was made to the Planning and Zoning Commission by VO Living & Storage, LLC (Mitch Van Otterloo) to rezone the property located at 505 7<sup>th</sup> St. SW and adjacent property from R-1/Low Density Residential to R-2, Medium to High Density Residential. The request was denied with a vote of 3-2 by Planning and Zoning. Mitch requested to bring the request to City Council without Planning and Zoning's recommendation. Mitch shared the surrounding area that already is R-2, the need for housing for grad students and professors. Dale Pluim, representing the Planning and Zoning Commission shared the perspective from the commission and not wanting to spot zone. After some discussion, a motion was made by Council member Daron De Jong and duly seconded by Council member Steve Roesner adopting a resolution setting a public hearing for 4:30 P.M. on November 17, 2022 to consider the rezoning of this property. On call of the roll motion carried. The vote was as follows: AYES: Daron De Jong, Steve Roesner, Aaron Beadner, Rod De Boer; NAYS: Tony Vande Brake. The resolution was assigned number 10-17-22-2046 and appears in the official resolution book.

Ordinance No. 840 Amending Chapter 75, All-Terrain Vehicles and Snowmobiles: This ordinance will bring the City Code up to date with the new laws of the State of Iowa for the permitting and usage of all-terrain vehicles. A motion was made by Council member Tony Vande Brake and duly seconded by Council member Rod De Boer approving the first reading of proposed Ordinance No. 840, amending Chapter 75, All-Terrain Vehicles and Snowmobiles. 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.

A motion was made by Council member Daron De Jong and duly seconded by Council member Tony Vande Brake to waive the second and third readings of proposed Ordinance No. 840. 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.

A motion was made by Council member Rod De Boer and duly seconded by Council member Aaron Beadner adopting Ordinance No. 840, amending Chapter 75, All-Terrain Vehicles and Snowmobiles. 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.

Street Department Position: A motion was made by Council member Daron De Jong and duly seconded by Council member Aaron Beadner approving the hiring of Breckin Bomgaars as a Street Department Mechanic. 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.

Encroachment Agreement: NuStar Pipeline was requesting the Encroachment Agreement for the two places that the Southwest Wellfield water main will cross their pipeline. City Attorney Brad De Jong is still reviewing this agreement and is not recommending approval at this time. No official action was taken.

Employee Recognition Dinner: A motion was made by Council member Rod De Boer and duly seconded by Council member Tony Vande Brake that in recognition of efforts of employees of the City of Orange City the Council would like to hold an employee recognition dinner on December 8, 2022 and give a gift of appreciation. 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.

Administrative Reports:

Scheduled Meetings:

November 7	Council Meeting, 4:30 P.M.
November 21	Council Meeting, 4:30 P.M.
November 30	Strategic Planning Session, 9:00 A.M. PWEC
December 5	Council Meeting, 4:30 P.M.
December 8	Employee Recognition Dinner, PWEC
December 19	Council Meeting, 4:30 P.M.

Oral reports: Earl reported on the award ISG received for the community development plan; holding interviews for the Community Development Director position this week; discussing 14<sup>th</sup> Street plans; will discuss cemetery at the upcoming planning session; tree replacements happening downtown; Center for Healthy Living Steering Committee meeting this week. Brad shared OC21 is the 501c3 for the Orange City Development Corporation, which could be used for a conduit for donations for the cemetery but not as a managing entity.

Council Comments: The Mayor called for comments from members of the Council and the following were heard. Tony thanked Mike for his work with the Woudstra's Meat Market smoking competition.

Adjournment: No further business appearing it was therefore moved by Council member Rod De Boer and duly seconded by Council member Tony Vande Brake to adjourn. 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. Adjournment time was 5:42 o'clock P.M.

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Deb De Haan, Mayor

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

# PLAT OF SURVEY

## INDEX LEGEND:

PART OF: SE1/4-SW1/4, ALL IN LOT 1 OF PARCEL 'F',  
SECTION 4-94-44

CURRENT PROPRIETOR: CITY OF ORANGE CITY  
SURVEY REQUESTED BY: CITY OF ORANGE CITY

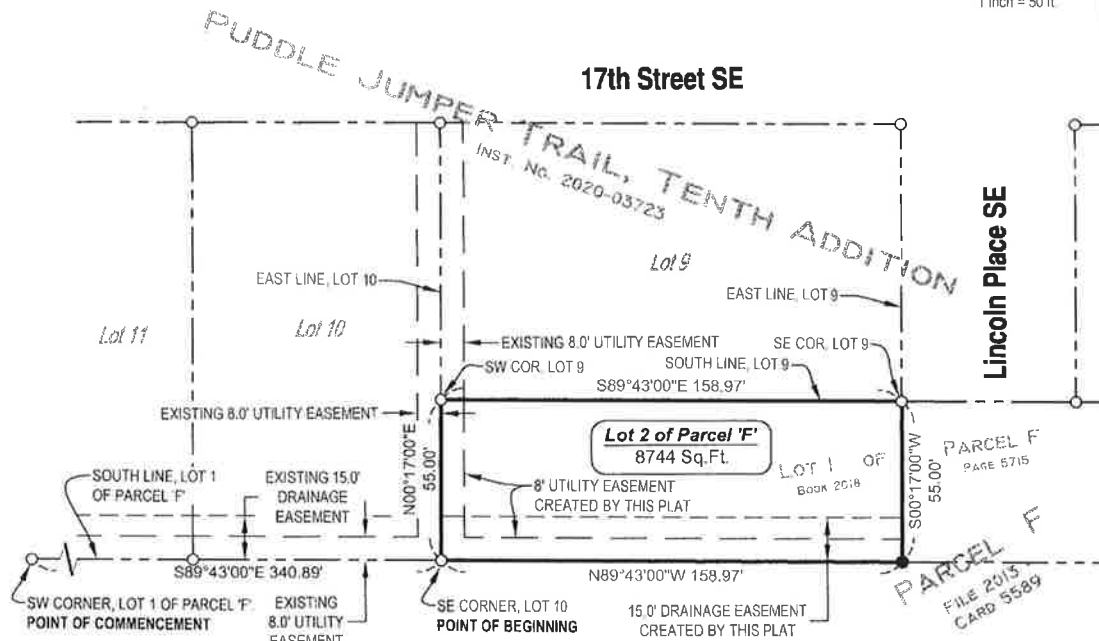
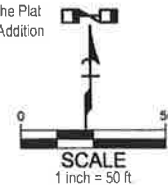
PREPARED BY AND RETURN TO:  
David A. Lamberton, DGR Engineering, 6115 Whispering Creek Dr.,  
Sioux City, IA 51106 (712) 266-1554 dave.lamberton@dgr.com

Number: 2022-05661  
BK: 2022 PG: 5661  
Recorded: 9/30/2022 at 12:21:03.0 PM  
County Recording Fee: \$7.00  
Iowa E-Filing Fee: \$3.13  
Combined Fee: \$10.13  
Revenue Tax:  
Jessica Kooiker RECORDER  
Sioux County, Iowa

## LEGEND

- FOUND 1/2" REBAR w/  
ORANGE CAP #15746
- SET 1/2" x 30" REBAR w/  
ORANGE CAP #15746

All bearings are referenced to the Plat  
of Puddle Jumper Trail, Tenth Addition

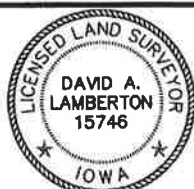


## DESCRIPTION OF LOT 2 OF PARCEL 'F':

That portion of Lot 1 of Parcel 'F' as defined by Plat of Survey recorded at File 2018 - Card 5715 lying in the SE1/4-SW1/4 of Section 4, Township 94 North, Range 44 West of the 5th P.M., City of Orange City, Sioux County, Iowa, described as follows:

Commencing at the southwest corner of said Lot 1 of Parcel 'F'; thence South 89°43'00" East along the south line of said Lot 1 for a distance of 340.89 feet to the southeast corner of Lot 10 of Puddle Jumper Trail, Tenth Addition to said Orange City and to the Point of Beginning; thence North 00°17'00" East along the east line of said Lot 10 for a distance of 55.00 feet to the southwest corner of Lot 9 in said Addition; thence South 89°43'00" East along the south line of said Lot 9 for a distance of 158.97 feet to the southeast corner of said Lot 9; thence South 00°17'00" West along the southerly extension of the east line of said Lot 9 for a distance of 55.00 feet to the south line of said Lot 1 of Parcel 'F'; thence North 89°43'00" West along said south line for a distance of 158.97 feet to the Point of Beginning, containing 8,744 square feet, more or less, subject to easements, if any, of record or apparent.

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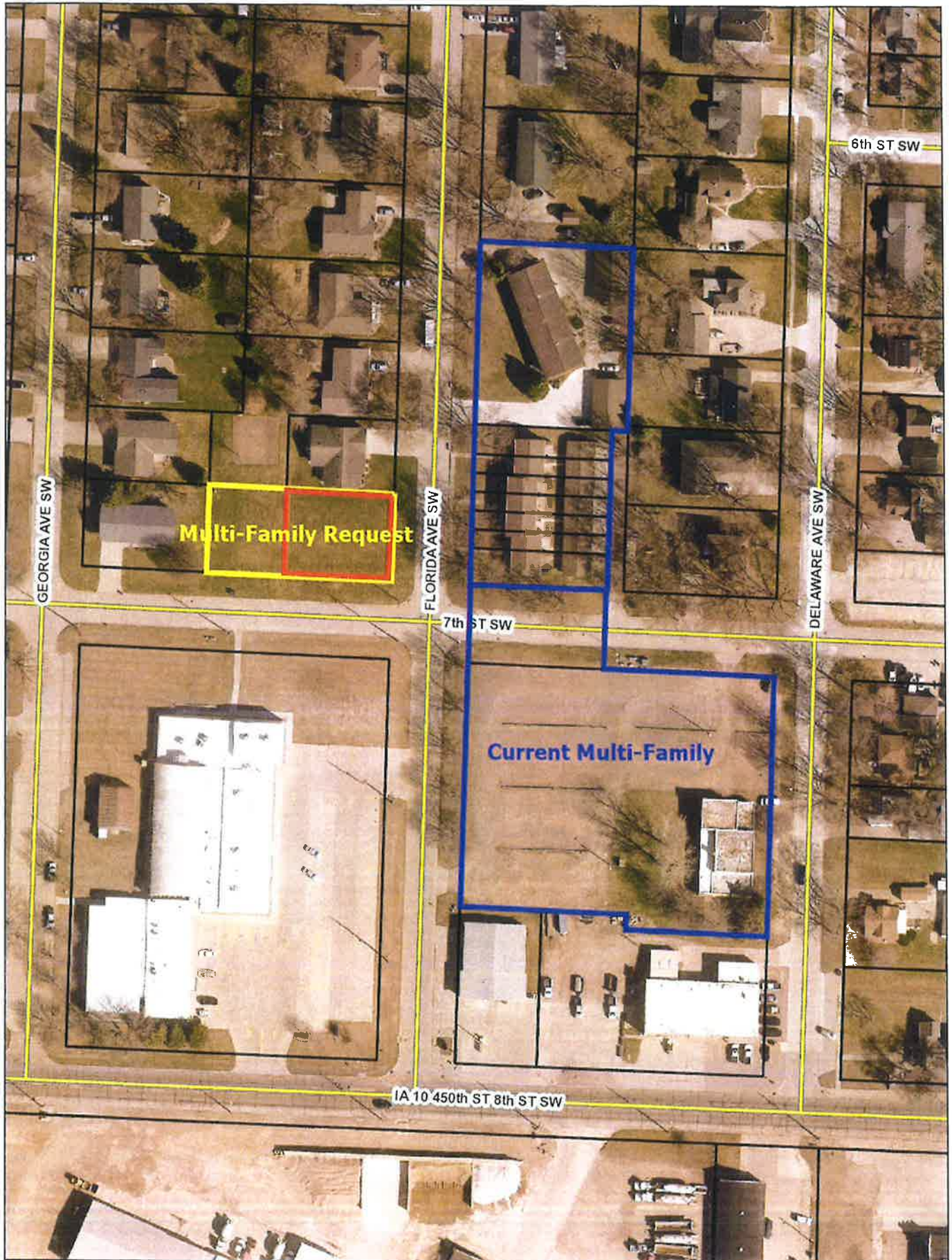
I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision, and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

DAVID A. LAMBERTON License No. 15746 DATE 9/30/22  
My license renewal date is December 31, 2022  
Pages or sheets covered by this seal: 1 of 1

Drawn by: DAL  
Checked by: DAL  
Date of Field Survey: 09/28/2022  
Project No. 272119  
Sheet No. 1 of 1

Drawing # - P:\02272119\dwg\272119 ip01.dwg









MICHELE ROSENBOOM  
DESIGN

## South Elevation - Showing 2 color options



LIGHT ON DARK

DARK ON LIGHT

**CONTRACT FOR AUTOMATIC MUTUAL AID IN FIRE PROTECTION  
BETWEEN THE FIRE DISTRICTS OF ORANGE CITY, IOWA AND FIRE  
DISTRICTS OF ALTON, IOWA PURSUANT TO IOWA CODE  
SECTION 28E.31**

**Whereas**, the Incorporated City of Orange City, Iowa and the Incorporated City of Alton, Iowa each have fire departments which provide mutual aid to each community; and

**Whereas**, it would be beneficial for safety and health of the citizens of the respective communities and the preservation of property within their respective Fire Districts to provide for automatic aid in event of a structure fire in either Fire District; and

**Whereas**, Iowa Code Section 28E.31 provides for contracts for mutual aid of fire department by another.

**Therefore**, it is hereby agreed between the Fire District of Orange City, Iowa and the Fire District of Alton, Iowa as follows;

1. **Purposes of Agreement.** The purpose of this agreement is to provide additional personnel and equipment to the district in which a structure fire occurs. It is the intent of this agreement that in the event of unforeseen circumstances, that all parties act in a spirit of harmony and cooperation for the benefit of the citizens being served, to effectuate the purposes of this agreement.

2. **Services Supplied in Mutual Aid.** In case a structure fire occurs within either fire district, which is a party to this agreement, the other community shall automatically provide mutual aid as follows;

a. The Orange City Fire District includes the City of Orange City and rural sections and townships. The Alton Fire District includes the City of Alton and rural sections and townships.

b. The Parties shall make arrangements so that, upon report of a structure fire, the dispatch shall automatically notify the fire department of the other community.

c. The community providing automatic aid under this agreement shall the provide additional equipment as follows:

1) If a structure fire occurs in Orange City fire district, the Alton Fire Department shall provide an Engine Company with 6 firefighters 4 of which shall be air-pak equipped and trained.

2) If a structure fire occurs in Alton fire district, the Orange City Fire Department shall provide a Ladder Company with 8 firefighters 6 of which shall be air-pak equipped, Rescue unit with 6 of which 4 shall be air-pak equipped and trained.

d. The parties agree that their respective fire departments shall maintain apparatus, equipment, apparatus licenses and insurance coverage as necessary to meet the classification of the Insurance Services Office.

e. The parties acknowledge that calls within each city's jurisdiction shall take precedence to supplying automatic aid to the community in event that multiple calls are received.

f. The respective fire departments shall use best efforts to promptly notify the other department if the assistance provided for in this agreement is not required at a particular incident.

**3. Control of Joint Operations.** This agreement shall not be construed to create a separate legal entity. Instead, operations under this agreement shall be the respective communities. Pursuant to Iowa Code Chapter 28E. 31 (3) the chief or highest-ranking officer of the Jurisdiction where the structure fire occurs shall maintain control of the incident in accordance with the provisions of Iowa Code Chapter 102.

**4. Financing of Joint Operations.** The parties do not anticipate any additional purchases of equipment or facilities, or hiring of personnel, to effectuate the purposes of this agreement, and therefore any costs incidental to this agreement shall be financed through the respective budgets of each fire department of the parties to this agreement.

**5. Compensation for Services.** No compensation shall be paid to a responding fire department of either city by the other city under this agreement, other than the mutual promises to assist in return as needed.

**6. Agreement not Limiting.** This agreement shall not limit or prevent either community from providing additional equipment to either of the two communities which are a party to this agreement or to any other community, under any situation which may arise, including but limited to: non-structure fires, larger structure fires requiring more than basic services provided under this automatic mutual aid agreement, or mutual aid to other communities. The decision to provide or retain additional resources shall remain with the local fire department as is currently practiced under the mutual aid agreements which the parties hereto have previously entered.

**7. Hold Harmless.** The parties to this agreement agree to hold each other and their respective fire departments and personnel harmless from any claims or causes of action or damages for failure to respond adequately to calls for any reason, including, but not limited to, communications failures, water supply shortages, weather difficulties, mechanical failure, volunteer manpower shortages or the need to respond to multiple calls for service.

**8. Term of Agreement.** This agreement shall remain in effect for the term expiring on December 31, 2027. Thereafter, this agreement shall automatically renew on an annual basis for successive one-year terms unless either party provides notice of termination as provided below.

**9. Termination of Agreement.** This agreement may be terminated by either party upon 60 days written notice to the other party.

**10. Notices.** All notices to be given pursuant to this agreement shall be mailed by regular mail to the City Clerk of the respective city.

Dated this 27<sup>th</sup> day of September, 2022

City of Alton

City of Orange City

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Dan Vande Griend, Mayor

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Deb De Haan, Mayor

APPROVED:

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Laurie Tentinger, Deputy Clerk

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Janet Brown, City Clerk

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Quintin Van Es, Fire Chief

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Dennis Vander Wel, Fire Chief



