

The City Council met in semi-monthly session pursuant to adjournment at 4:30 o'clock P.M. on July 15, 2024. 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 Daryl Beltman, Rod De Boer, Daron De Jong, and Bret Walinga

Members Absent: Council member Olivia Chapman

Staff: Earl Woudstra, Janet Brown, Kurt Frederes, Jim Pottebaum, Brad De Jong, Ryan McEwen, and Kent Anderson

Guests: Doug Calsbeek, Dan Tracy, Jared Weber, Alison Kamp, Esther Diekevers, Melanie Witt, Marty Guthmiller, Deb Bishop, Mike Hofman, Kathy Alons, Jennie Droog, Bruce Vander Stelt, Russ Adams, Tony Vande Brake, Amy Jungers, Laura Vander Stelt, Deb Rensink, Kenton Vore, Kim Van Peurse, Kley De Jong, Tim Zeutenhorst, Dan Roghair, Grace De Boer Brown, Barry Brown, Caleb and Beth Witt, Mark Scallon, Luther, Stella, Oliver, and Sarah Hofmeyer, Dana Visser, Ben Kamp and Mitchell Van Otterloo

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

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

Reissuance of \$3,315,000 Hospital Revenue Bonds (Orange City Area Health System Project) Series 2023B (the "Bonds"): A motion was made by Council member Daron De Jong and duly seconded by Council member Daryl Beltman adopting a resolution approving and authorizing the reissuance of the Bonds in an aggregate principal amount of \$3,315,000. On call of the roll motion carried. The vote was as follows: AYES: Daron De Jong, Daryl Beltman, Rod De Boer, Bret Walinga; NAY: None. The resolution was assigned number 7-15-24-2108 and appears in the official resolution book. Records are kept in Appendix 21.

The Board of Trustees then voted. On call of the roll motion carried. The vote was as follows: AYES: Russ Adams, Kathy Alons, Chris Immeker, Amy Jungers, Tim Zeutenhorst; NAYS: None.

A motion was made by Council member Rod De Boer and duly seconded by Council member Bret Walinga approving the other documents and matters related to the Bonds. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Bret Walinga, Daryl Beltman, Daron De Jong; NAYS: None.

The Board of Trustees then voted. On call of the roll motion carried. The vote was as follows: AYES: Russ Adams, Kathy Alons, Chris Immeker, Amy Jungers, Tim Zeutenhorst; NAYS: None.

Approval of Minutes: The minutes of the July 1, 2024 council meeting were presented. A motion was made by Council member Rod De Boer and duly seconded by Council member Daryl Beltman approving said minutes as published. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Daryl Beltman, Daron De Jong, Bret Walinga; NAYS: None.

Financial Report: The monthly financial report for June 2024, representing cash balances for all funds was presented, whereupon it was therefore moved by Council member Bret Walinga and duly seconded by Council member Daron De Jong approving the monthly financial report as published. On call of the roll motion carried. The vote was as follows: AYES: Bret Walinga, Daron De Jong, Daryl Beltman, Rod De Boer; NAYS: None.

Amending the Code of Ordinances Chapter 165, Subsection 165.06 – General Description of Commercial Use Types: This being the time and place as advertised a public hearing was held to consider amending the Code of Ordinances for the addition of Veterinary Hospital definition to subsection 165.06 - General Description of Commercial Use Types which will eliminate large animals from the Veterinary Clinic use in the C-1, General Commercial District. The Mayor called for comments from members of the audience. Dr. Laura Vander Stelt

shared it cleans up the wording and she is fine with the change. 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 Bret Walinga approving the first reading of proposed Ordinance No. 851, which adds the Veterinary Hospital definition to subsection 165.06 – General Description of Commercial Use Types. On call of the roll motion carried. The vote was as follows: AYES: Daron De Jong, Bret Walinga, Daryl Beltman, Rod De Boer; NAYS: None.

A motion was made by Council member Daron De Jong and duly seconded by Council member Rod De Boer to waive the second and third readings for proposed Ordinance No. 851. On call of the roll motion carried. The vote was as follows: AYES: Daron De Jong, Rod De Boer, Daryl Beltman, Bret Walinga; NAYS: None.

A motion was made by Council member Bret Walinga and duly seconded by Council member Rod De Boer to adopt Ordinance No. 851, which adds the Veterinary Hospital definition to subsection 165.06 – General Description of Commercial Use Types. On call of the roll motion carried. The vote was as follows: AYES: Bret Walinga, Rod De Boer, Daryl Beltman, Daron De Jong; NAYS: None.

Amending the Code of Ordinances to Provide for Permitting Process for Chickens in the R-1 Low Density Residential District: This being the time and place as advertised a public hearing was held to consider amending the Code of Ordinances to provide for a permitting process for chickens in the R-1 Low Density Residential District. Kurt Frederes reviewed the proposed ordinance, highlighting the removal of Council being able to grant an exception to allow livestock; requiring a permit to have chickens; will need adjacent property owner approval; maximum of six female chickens; enclosures must be 10' from the property line and 25' from a neighboring principal structure. Kurt also noted that one written objection to allowing chickens was filed by Ken Meendering. Rod questioned if there is a required height of the fence and if the chicken house could be required to be placed closer to the owner than the neighbor. Daryl asked where the existing allowable areas are for chickens and if some properties could be rezoned to RS-1. Kurt responded two lots by the new elementary school and properties west of the cemetery down 7th Street, the Dutch Colony Addition was grandfathered in originally. Kurt also shared P&Z will not rezone just one lot. City Attorney Brad De Jong explained he modeled the ordinance after the City of Algona, incorporated the items reviewed at the last meeting, and added neighbor consent. The Mayor then called for comments from members of the audience. Sarah Hofmeyer shared they have six chickens that are clean, and the eggs are better than store bought. Jared Weber pointed out his concerns with the proposed ordinance – getting neighbor consent, the fee, and would like to have the option for a variance on the location of the chicken house. Esther Diekevers would like the Council to drop the issue of chickens and address loose dogs, getting signatures from neighbors will cause issues, feels the Council is overstepping their authority. Allison Kamp shared the chickens provide the best eggs, her kids care for them, she would need to get 17 signatures since she lives next to a condo, her kids are nosier than chickens. Dan Tracy asked what the current ordinance is. Brad responded they are not allowed in R-1. Dan shared he has chickens everywhere in his neighborhood and they end up on his deck, pecking at his grandchildren and himself, he feels amending the current ordinance is rewarding broken laws, neighbor consent needs to be a larger area than just adjacent, next someone will want their own milk and have a goat, feels this is setting a bad precedent. Caleb Witt stated if everyone keeps their chickens in their yards it will solve the complaints, feels this is way overblown, there is a way to do it right, what about dogs and fireworks that neighbors don't have to consent to. Luther Hofmeyer said his neighbors do not have issues with his chickens, glad the Council is working towards allowing chickens, the location of his current chicken shed is 3' from the property line. Grace De Boer Brown shared that chickens provide an ecosystem and that she has been intentional not to bother her neighbors. Glenda Grossman said they have had chickens for 23 years, she doesn't want to ask her neighbors for permission, we live in an ag community, people can be respectful and responsible with chickens and dogs. Deb Bishop expressed it's hard to ask any neighbor what to do on her property, other property owners don't ask to have pools, shoot fireworks, have security cameras, the City should spend more time enforcing dog ordinances, any enclosure stipulations should also apply to dogs and cats, she would like to use whatever materials to build her henhouse. Dan Tracy expressed that if the City enforced the existing ordinances none of them would be present today, he doesn't feel getting signatures from neighbors is punitive, everyone here with chickens has broken the law, be a good neighbor and ask permission to have chickens. Caleb Witt responded laws are made to be broken and changed. The Mayor then closed the time for the public hearing.

Daryl shared he is not excited about the depth of the ordinance, he understands the reason for asking permission, R-1 does not allow for animals and there are areas available that do, there is a small percentage of the population here asking for the change, enforcement will be a

nightmare, not in favor of making exceptions to the current ordinance which will affect the whole town. Bret asked if there could be a two-year trial ordinance, feels the need to find common ground. Brad responded the ordinance could include a review in two years, then whoever is on the Council at that time would need to review it. Rod agreed that the enforcement part will be a struggle, we will be sending employees out to count chickens, not the best use of our resources. Daron asked if neighbor approval could only apply if it is closer than 25'. Earl asked what guidance the Council has for staff, are there any recommended changes to be made to the proposed ordinance. He also stated that more emails and calls have been received from citizens opposed to allowing chickens. Mayor De Haan also shared she has received many more emails against chickens. A motion was made by Council member Rod De Boer and duly seconded by Council member Daron De Jong to table the first reading of proposed Ordinance No. 852, which would provide for a permitting process for chickens in the R-1 Low Density Residential District, until the next meeting when the full Council is present. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Daron De Jong, Daryl Beltman, Bret Walinga; NAYS: None.

Memorandum of Understanding for Retail Development Partnership: A motion was made by Council member Bret Walinga and duly seconded by Council member Rod De Boer approving the Memorandum of Understanding for Retail Development Partnership between the City, OCDC, and the Chamber. The memorandum is hereto attached and therefore made a part of these minutes. On call of the roll motion carried. The vote was as follows: AYES: Bret Walinga, Rod De Boer, Daryl Beltman, Daron De Jong; NAYS: None.

Resolution Proposing to Dispose of City Owned Property: A motion was made by Council member Rod De Boer and duly seconded by Council member Daron De Jong adopting a resolution proposing to dispose of City owned property known as Lots 1-4 of Industrie Centrum West First Addition. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Daron De Jong, Daryl Beltman, Bret Walinga; NAYS: None. The resolution was assigned number 7-15-24-2109 and appears in the official resolution book.

Alcohol Licenses: A motion was made by Council member Daron De Jong and duly seconded by Council member Bret Walinga approving the 5-day Special Class C Alcohol Licenses from Lucky Wife Wine Slushies Inc. for inside Jade & Beck on July 27 and from the Chamber for Smoke Off 2024 on September 7 and a renewal application from Los Tulipanes for a Class C Retail Alcohol License. On call of the roll motion carried. The vote was as follows: AYES: Daron De Jong, Bret Walinga, Daryl Beltman, Rod De Boer; NAYS: None.

Administrative Reports:

Scheduled Meetings/Important Dates:

August 5	Council Meeting, 4:30 P.M.
August 19	Council Meeting, 4:30 P.M.
September 3	TUESDAY , Council Meeting, 4:30 P.M.
September 16	Council Meeting, 4:30 P.M.
October 7	Council Meeting, 4:30 P.M.
October 21	Council Meeting, 4:30 P.M.

Oral reports: Earl reported work has started on the parking lot and on the 2nd Street and Delaware Avenue street project; the parks department has been spraying for bugs at areas where they are holding group events but no full community effort is being planned; has been good cooperation for the use of ball fields with MOC and OCCS; working for public assistance for flood damage done at the Dunlop Wildlife Pond; Matt and Ed have been interviewing for the new gas employee; will be advertising soon for the street employee; reviewing some applications and the job for the Parks Supervisor position. Ryan provided an update on the Crittenton study; the taskforce will be deciding who will manage the daycare. Kurt shared that online permitting and code enforcement is live on the City's website, which will require the name of person submitting a complaint and stated that he doesn't drive around looking for nuisances.

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 Daryl Beltman and duly seconded by Council member Daron De Jong to adjourn. On call of the roll motion carried. The vote was as follows: AYES: Daryl Beltman, Daron De Jong, Rod De Boer, Bret Walinga; NAYS: None. Adjournment time was 5:51 o'clock P.M.

ATTEST: _____
Janet Brown, City Clerk