

**TITLE 1  
POLICY AND ADMINISTRATION  
ARTICLE 0  
CHARTER**

10.1 TITLE. This article may be cited as the charter of the City of New Hampton, Iowa.

10.2 FORM OF GOVERNMENT. The form of government of the City of New Hampton, Iowa, is the mayor-council form of government. (Code of Iowa, 1999, §372.4)

10.3 POWERS AND DUTIES. The council and mayor and other city officers have such powers and shall perform such duties as are authorized or required by state law and by the ordinances, resolutions, rules and regulations of the city.

10.4 NUMBER AND TERM OF COUNCIL. The council consists of two (2) council members elected at large and one council member from each of four (4) wards as established by the city code, each elected for a term of four (4) years. (Code of Iowa, 1999, §372.4)

10.5 TERM OF MAYOR. The Mayor is elected for a term of four (4) years. (Code of Iowa, 1999, §376.2)

10.6 COPIES ON FILE. The clerk shall keep an official copy of the charter on file with the official records of the clerk, and the secretary of state, and shall keep copies of the charter available at the clerk's office for public inspection. (Code of Iowa, 1999, §372.1)

**EDITOR'S NOTE**

Ordinance No. 499 adopting a charter for the City of New Hampton, Iowa, was passed and approved by the council on the 3rd day of December, 1976, and published in the New Hampton Tribune, New Hampton, Iowa.

**ARTICLE 1  
CODE OF ORDINANCES**

11.1 TITLE. This code of ordinances shall be known and may be cited as the City Code of the City of New Hampton, Iowa, 1999.

11.2 DEFINITIONS. Terms used in this city code, unless specifically defined otherwise in another section shall have the meanings prescribed as follows:

1. "City": shall mean the City of New Hampton, Iowa.
2. "County": shall mean Chickasaw County, Iowa.
3. "State": shall mean the State of Iowa.

4. "Council": shall mean the city council of New Hampton, Iowa.
5. "Clerk": shall mean the city clerk of New Hampton, Iowa.
6. "Person": shall mean an individual, firm, partnership, domestic or foreign corporation, company, associate or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.
7. "Ordinances": shall mean the ordinances of the City of New Hampton, Iowa, as embodied in the Code of Ordinances, ordinances not repealed by the ordinance adopting the Code of Ordinances, and those enacted hereafter.
8. "City Code": shall mean the latest edition of the Code of Ordinances of the City of New Hampton, Iowa as amended.
9. "Code": shall mean the specific division, chapter or article in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
10. "Measure": shall mean an ordinance, resolution, motion or an amendment to any of them.
11. "Statutes, Laws": shall mean the latest edition of the Code of Iowa, as amended.
12. "Preceding", "Following": shall mean next before and next after, respectively.
13. "Property": shall include real property, and tangible and intangible personal property unless clearly indicated otherwise.
14. "Property Owner": shall mean a person owning private property in the city as shown by the county auditor's plats of the city or other public records.
15. "Occupant, Tenant": applied to a building or land shall include any person who occupies the whole or a part of such building or land, whether alone or with others.
16. "Year": shall mean a calendar year.
17. "Fiscal Year": shall mean a year commencing July 1 and ending the following June 30.
18. "Month": shall mean a calendar month.
19. "Writing, Written": shall include printing, typing, lithe graphing, or other mode of representing words and letters.

20. "Oath": shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn".
21. "Public Property": shall mean any and all property owned by the city or held in the name or on behalf of the City by any of the departments, commissions or agencies within the city government.
22. "Public Place": shall include in its meaning, but is not restricted to, any city owned open place, such as parks and squares.
23. "Public Way": shall include any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
24. "Street": shall mean and include any public way, highway, street, avenue, boulevard, parkway, or other public thoroughfare, and each of such words shall include every other of them, and unless otherwise indicated in the text, shall include the entire width between property lines of property owners.
25. "Alley": shall mean a public right-of-way, other than a street, affording secondary means of access to abutting property.
26. "Sidewalk": shall mean that portion of the street between the edge of the traveled way, surfacing, or traveled way, surfacing, or curb line and the adjacent property line.
27. "Administrative Agency": shall mean an agency established by the City for any City purpose or for the administration of any City facility, except a Board established to administer a municipal utility, zoning commission, and a zoning board of adjustment, or any other agency which is controlled by State law. An administrative agency may be designated as a board, board of trustees, commission, or by another title. If an agency is advisory only, such a designation must be included in its title.

11.3 RULES OF CONSTRUCTION. In the construction of the city code the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the council or repugnant to the context of the provisions.

1. Tense: words used in the present tense include the future.
2. "May": confers a power.
3. "Must": states a requirement.
4. "Shall": imposes a duty.
5. Gender: the masculine gender shall include the feminine and neuter genders.

6. Interpretation: all general provisions, terms, phrases, and expressions contained in the city code shall be liberally construed in order that the true intent and meaning of the council may be fully carried out.

11.4 AMENDMENTS. All ordinances, which amend, repeal or in any manner affect the city code shall include proper reference to title, division, chapter, article, section and subsection to maintain an orderly codification of ordinances of the city. (Code of Iowa, 1999, §380.2)

11.5 CATCHLINES AND NOTES. The catchlines of the several sections of the city code, titles, headings (chapter, division, article, section and subsection), editor's notes, cross references and state law references, unless set out in the body of the section itself, contained in the city code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

11.6 ALTERING CODE. It is unlawful for any person to change or amend by additions or deletions, any part or portion of the city code, or to insert or delete pages, or portions thereof, or to alter or tamper with the city code in any manner whatsoever which will cause the law of the city to be misrepresented thereby. (Code of Iowa, 1999, §718.5)

11.7 STANDARD PENALTY. Unless another penalty is expressly provided for by the City Code for any particular provision, section or chapter, any person failing to perform a duty, or obtain a license required by, or violating any provision of the City Code, or any rule or regulation adopted herein by reference shall be guilty of a simple misdemeanor and, upon conviction, shall be subject to a fine of not more than six hundred twenty five dollars (\$625.00).

11.8 SEVERABILITY. If any section, provision or part of the city code is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the city code as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

11.9 FAILURE TO APPEAR. Any person who willfully fails to appear in court as specified by the citation shall be guilty of a simple misdemeanor. Where a defendant fails to make a required court appearance, the court shall issue an arrest warrant for the offense of failure to appear, and shall forward the warrant and the original citation to the Clerk of Court. The Clerk of Court shall enter a transfer to the issuance agency on the docket and shall return the warrant with the original citation attached to the law enforcement agency which issued the original citation for enforcement of the warrant. Upon arrest of the defendant, the warrant and the original citation shall be returned to the court and the offenses shall be heard and disposed of simultaneously.

**ARTICLE 2**  
**OFFICERS AND EMPLOYEES**

12.1 OATHS. The oath of office shall be required and administered in accordance with the following:

1. Qualify for Office. All elected officers and the following appointed officers shall qualify for office by taking the prescribed oath: (Code of Iowa, 1999, §63.1)

- A. City Clerk.
- B. Deputy City Clerk.
- C. Peace Officer.
- D. Fire Chief.
- E. Zoning Administrator.
- F. City Attorney.
- G. Members of all boards, commissions, or bodies created by law.

2. Prescribed Oath. The prescribed oath is: "I, (name), do solemnly swear that I will support the constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in New Hampton as now or hereinafter required by law." (Code of Iowa, 1999, §63.10)

3. Officers Empowered to Administer Oaths. The following are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective office:

- A. The Mayor.
- B. The Clerk, or the Deputy Clerk, in the absence of the Clerk.
- C. Members of all boards, commissions or bodies created by law.  
(Code of Iowa, 1999, §78.2)

12.2 BONDS. Surety bonds shall be provided in accordance with the following:

1. Required. The council shall provide by resolution for a surety bond running to the city and covering the mayor, clerk, treasurer and such other officers and employees as may be necessary and advisable. (Code of Iowa, 1999, §64.13)

2. Surety. Any association or corporation which does the business of insuring the fidelity of other, and which has authority by law to do business in this state, shall be accepted as surety upon any bonds required.

3. Bonds Approved. The council shall approve bonds. (Code of Iowa, 1999, §64.19)

4. Bonds Filed. All bonds, after approval and proper record, shall be filed with the clerk. (Code of Iowa, 1999, §64.23)

5. Record. The clerk shall keep a book, to be known as the "Record of Official Bonds" in which shall be recorded the official bonds of all city officers, elective or appointive. [Code of Iowa, 1999, §64.24(3)]

12.3 DUTIES: GENERAL. Each municipal officer shall exercise the powers and perform the duties prescribed by law and city code, or as otherwise directed by the council unless contrary to state laws or city charter. [Code of Iowa, 1999, §372.13 (4)]

12.4 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to inspection by the public upon request. (Code of Iowa, 1999, §22.2)

12.5 TRANSFER TO SUCCESSOR. Each officer shall transfer to his successor in office all books, paper, records, and documents and property in his custody and pertaining to his office. [Code of Iowa, 1999, §372.13 (4)]

12.6 OPEN MEETINGS. All meetings of the council, any board or commission, or any multimember body formally and directly created by any of the foregoing bodies shall be held in open session unless closed sessions are expressly permitted by law. [Code of Iowa, 1999 §821.3]

12.7 CONFLICT OF INTEREST. A city officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for his city, unless expressly permitted by law. A contract entered into in violation of this section is void. The provisions of this section do not apply to: (Code of Iowa, 1999, §362.5)

1. Compensation of Officers. The payment of lawful compensation of a city officer or employee holding more than one city office or position, the holding of which is not incompatible with another public office or is not prohibited by law. [Code of Iowa, 1999, §362.5(1)]

2. Investment of Funds. The designation of a bank or trust company as a depository, paying agent, or for investment of funds. [Code of Iowa, 1999, §362.5 (2)]

3. Stock Interests. Contracts in which a city officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection seven (7) this section, or both, if the contracts are made by competitive bid, publicly invited and opened, and if the remuneration of employment will not be directly affected as a result of the contract and if the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid requirement of this subsection shall not be required for any contract for professional services not customarily awarded by competitive bid. [Code of Iowa, 1999, §362~5 (5)]

4. Newspaper. The designation of an official newspaper. [Code of Iowa, 1999,

§362.5 (6)]

5. Existing Contracts. A contract in which a city officer or employee has an interest if the contract was made before the time he was elected or appointed, but the contract may not be renewed. [Code of Iowa, 1999, §362.5 (7)]

6. Volunteers. Contracts with volunteer firemen or civil defense volunteers. [Code of Iowa, 1999, §362.5 (8)]

7. Corporations. A contract with a corporation in which a city officer or employee has an interest by reason of stockholdings when less than five (5) percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer of employee or the spouse or immediate family of such officer or employee. [Code of Iowa, 1999, §362.5 (9)]

8. Contracts made by a city, upon competitive bid in writing, publicly invited and opened. [Code of Iowa, 1985, Section 362.4 (4)]

9. Contracts for the purchase of goods or services which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed accumulative total purchase price of \$1,500.00 in the fiscal year. [Code of Iowa, 1999, §362.5 (10)]

12.8 DONOR REPORTING OF GIFTS. A donor of a gift to an elected or appointed official or to an employee of the city, or the spouse, or to minor child of an elected or appointed official or employee of this city, or to a firm of which the elected or appointed official or the employee of the city is a partner, or to a corporation of which the elected or appointed official or the employee of the city holds ten percent or more of the stock either directly or indirectly, shall disclose in writing on the form developed by the Secretary of State the nature, amount, date, and name of the donor, and the name of the donee of a gift or gifts made by the donor which gift or gifts exceeds fifteen dollars in cumulative value in any one calendar day. However, the donor need not report food and beverage provided for immediate consumption in the presence of the donor.

By the fifteenth day of the month following the month in which the gift was received, a copy of the report disclosing the gift or gifts shall be filed by the donor, with the Chickasaw County Auditor.

12.9 DEFINITION OF GIFT: As used in this article, "gift" has the same definition as provided in §68B.2 of the Iowa Code.

12.10 REPORTING FOR GROUP EVENTS. Expenses for food, beverage, registration, and scheduled entertainment at group events to which all members of either house or both houses of the general assembly have been invited and where an elected or appointed official or employee of this city has been invited, shall be reported by the donor for each such event. The donor shall report the date, location, and total expense incurred by the

donor or donors. By the fifteenth day of the month following the month in which the group event occurred, a copy of the report shall be filed by the donor with the Chickasaw County Auditor.

12.11 THRESHOLD. The threshold provided herein for the required reporting of certain gifts is not intended as the legal limit for the acceptance or donation of gifts, which is provided for in Chapter 68B of the Iowa Code.

12.12 TERMS OF APPOINTED OFFICERS. The terms of all appointed officers that are not otherwise fixed by law or ordinance shall be two (2) years, such terms expiring at the time of the organizational meeting of the council in January following the regular municipal election and the appointment of a successor.

12.13 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting his resignation in writing to the clerk so that it shall be properly recorded and considered. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which he was elected if during that time, the compensation of the office has been increased. [Code of Iowa, 1999, §372.13 (9)]

12.14 REMOVAL OF APPOINTED OFFICERS. Except as otherwise provided by state or city law, all persons appointed to city office may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed in the office of the clerk, and a copy shall be sent by certified mail to the person removed who, upon request filed with the clerk within thirty (30) days of the date of mailing the copy, shall be granted a public hearing before the council on all issues connected with the removal. The hearing shall be held within thirty (30) days of the date the request is filed, unless the person removed requests a later date. (Code of Iowa, 1999, §372.15)

12.15 VACANCIES. A vacancy in an elective city office during a term of office shall be filled by the council, within thirty (30) days after the vacancy occurs, for the balance of the unexpired term unless a special election is sooner held to fill the office or the remaining balance of the unexpired term. Such an election shall be called if the council is presented with a petition so requesting in accordance with state law. When a vacancy occurs in an appointed office, it must be filed by the appointing authority. [Code of Iowa, 1999, §372.13 (2)]

12.16 POWERS AND DUTIES. The powers and duties of the mayor shall be as follows:

1. Chief Executive Officer. He shall supervise all departments of the city and give direction to department heads concerning the functions of the departments. He shall have the power to examine all functions of the municipal departments, their records and to call for special reports from department heads at any time. [Code of Iowa, 1999, §372.14 (1)]

2. Presiding Officer. He shall act as presiding officer at all regular and special



council meetings. The mayor pro tem shall serve in this capacity in the mayor's absence. [Code of Iowa, 1999, §372.14 (1 & 3)]

3. Special Meetings. He shall call special meetings of the council when he deems such meetings necessary to the interests of the city. [Code of Iowa, 1999, §372.14(1)] 8

4. Mayor's Veto. He may sign, veto or take no action on an ordinance, amendment or resolution passed by the council. However, the mayor may not veto a measure if he was entitled to vote on the measure at the time of passage. If he exercises his veto power, he must explain the reason for such veto to the council at the time of the veto. The council may override the mayor's veto by a two-thirds majority of the council members. [Code of Iowa, 1999, §380.5, 380.6 (2)]

5. Reports to Council. He shall make such oral or written reports to the council at the first meeting of every month as required. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for council action.

6. Negotiations. He shall represent the city in all negotiations properly entered into in accordance with law or ordinance. He shall not represent the city where this duty is specifically delegated to another officer by law or ordinance.

7. Contracts. He shall, whenever authorized by the council, sign all contracts on behalf of the city.

8. Professional Services. He shall, upon order of the council, secure for the city such specialized and professional services not already available to the city. In executing the order of the council he shall conduct himself in accordance with the city code and the laws of the State.

9. Licenses and Permits. He shall sign all licenses and permits which have been granted by the council, except those designated by law or ordinance to be issued by another municipal officer.

10. Nuisances. He shall order in writing, to be removed at public expense, any nuisance for which no person can be found responsible and liable. The order to remove said nuisances shall be carried out by the police chief.

11. Absentee Officer. He shall make appropriate provision that duties of any absentee officer be carried on during such absence.

12.17 APPOINTMENTS. The mayor shall appoint the following officials; subparagraphs 3-9 require the approval of a majority of the council:

1. Mayor Pro Tem.

2. Police Chief.

3. Cemetery Board of Trustees.
4. Electric Utility Board of Trustees.
5. Planning and Zoning Commission.
6. Zoning Board of Adjustment.
7. Library Board of Trustees.
8. Airport Commission.
9. Tree Board.  
(Code of Iowa, 1999, §372.4)

12.18 COMPENSATION. The salary of the mayor shall be \$650.00 per month, effective January 1, 2008. [Code of Iowa, 2007, §372.13(8)]

12.19 VOTING. While the city is operating with an even number of council members, the mayor may vote to break a tie vote on motions not involving ordinances, resolutions or appointments made by the council alone. (Code of Iowa, 1999, §372.4)

12.20 VICE PRESIDENT OF COUNCIL. The mayor pro tem shall be vice president of the council. [Code of Iowa, 1999, §372.12 (3)]

12.21 MAYOR PRO TEM'S POWERS AND DUTIES. Except for the limitations otherwise provided herein, the mayor pro tem shall perform the duties of the mayor in cases of absence or inability of the mayor to perform his duties. In the exercise of the duties of his office the mayor pro tem shall not have power to employ or discharge from employment officers or employees that the mayor has the power to appoint, employ or discharge without the approval of the council. [Code of Iowa, 1999, §372.14 (3)]

12.22 VOTING RIGHTS. The mayor pro tem shall have the right to vote as a member of the council. [Code of Iowa, 1999, §372.14(3)]

12.23 COMPENSATION. If the mayor pro tem performs the duties of the mayor during his absence or disability for a continuous period of fifteen (15) days or more, the mayor pro tem may be paid for that period such compensation as determined by the council, based upon his performance of the mayor's duties and upon the compensation of the mayor. [Code of Iowa, 1999, §372.13(8)]

12.24 POWERS AND DUTIES OF COUNCIL. The powers and duties of the council shall include, but are not limited to the following:

1. General. All powers of the city are vested in the council except as otherwise

provided by law or ordinance. [Code of Iowa, 1999, §364.2 (1)]

2. Wards. By ordinance, the council may divide the city into wards, which shall be as nearly equal as practicable to the ideal population determined by dividing the number of wards to be established into the population of the city, while maintaining wards composed of contiguous territory as compact as practicable. [Code of Iowa, 1999, §372.13 (7)]

3. Fiscal Authority. The council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvement or repairs which may be specially assessed. [Code of Iowa, 1999, §364.2 (1), 384.16 & 384.38 (1)]

4. Public Improvements. The council shall make all orders for the doing of work, or the making or construction of any improvements, bridges, or buildings. When the estimated total cost of a public improvement exceeds the sum of \$25,000.00, the council shall advertise for sealed bids for the proposed improvement by publishing a notice to bidders, as provided by section 362.3 of the Iowa Code, except that the notice may be published more than 20 days, but not more than 45 days before the date for filing bids. (Code of Iowa, 1999, § 364.2, §384.96)

5. Contracts. No council shall make or authorize any contract with an individual, partnership or corporation or pay any claim for services rendered on city property by such an individual, partnership or corporation which has not filed with the clerk, certificates of insurance or copies of policies of insurance, currently in force, which provide Worker's Insurance for all employees of the individual, partnership or corporation and full liability insurance with minimum coverage of \$500,000.00. If at any time during the performance of this contract, the policy of insurance, or a similar policy, shall cease to be effective, the contract shall be voidable at the instance of the council.

6. Employees. The council shall authorize, by resolution, the number, duties and compensation of employees not otherwise provided for by state law or the city code. [Code of Iowa, 1999, §372.13 (4)]

7. Records. The council shall maintain records of its proceedings. [Code of Iowa, 1999, §372.13 (5)]

8. Setting Compensation for Elected Officers. By ordinance, the council shall prescribe the compensation of the mayor, council members, and other elected city officers, but a change in the compensation of the mayor shall not become effective during the term in which the increase is adopted, and the council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December immediately following a regular city election. A change in the compensation of council members shall become effective for all council members at the beginning of the term of the council members elected at the election next following the

adoption of the increase in compensation. [Code of Iowa, 1999, §372.13(8)]

9. Permit Fee. The council may establish by resolution fees for any permits provided for by ordinance for which a fee is not specifically established.

12.25 EXERCISE OF POWER. The council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner: [Code of Iowa, 1999, §364.2(1)]

1. Approved Action by Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the council members. A motion to spend public funds in excess of ten thousand dollars (\$10,000.00) on any one project, or a motion to accept public improvements and facilities upon their completion also requires an affirmative vote of not less than a majority of the council members. Each council member's vote on an ordinance, amendment or resolution must be recorded. Passage of a motion requires an affirmative vote of not less than a majority of votes cast on the measure. (Code of Iowa, 1999, §380.4)

2. Overriding Mayor's Veto. Within thirty (30) days after the mayor's veto, the council may re-pass the ordinance or resolution by a vote of not less than two-thirds of the council members, and the ordinance or resolution becomes effective upon re-passage and publication. [Code of Iowa, 1999, §380.6 (2)]

3. Measures Become Effective. Measures passed by the council, other than motions, become effective in one of the following ways.

A. If the mayor signs the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure. [Code of Iowa, 1999, §380.6 (1)]

B. If the mayor vetoes a measure and the council re-passes the measure after the mayor's veto, a resolution becomes effective immediately upon re-passage, and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure. [Code of Iowa, 1999, §380.6 (2)]

C. If the mayor takes no action on the measure a resolution becomes effective fourteen (14) days after the date of passage and an ordinance or amendment becomes law when published, but not sooner than fourteen (14) days after the day of passage, unless a subsequent effective date is provided with the measure. [Code of Iowa, 1999, §380.6 (3)]

12.26 MEETINGS. Meetings of the council shall be as follows:

1. Regular Meetings. The regular meetings of the council shall be on the first and

third Mondays of each month at 7:00 o'clock p.m. in the Council Chambers at City Hall. If such day shall fall on a legal holiday the meeting shall be held on the next succeeding day at the same time unless a different day or time is determined by the council.

2. Special Meetings. Special meetings shall be held upon call of the mayor or upon the written request of a majority of the members of the council submitted to the clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the council. A record of the service of notice shall be maintained by the clerk. Any private citizen who requests a special meeting that is held shall first pay the sum of \$250.00 to assist in defraying the expenses for the same. [Code of Iowa, 1999, §372.13 (5)]

3. Quorum. A majority of all council members is a quorum. [Code of Iowa, 1999, §372.13 (1)]

4. Rules of Procedure. The council shall determine the rules of its own proceedings by resolution and the clerk shall keep such rules on file for public inspection. [Code of Iowa, 1999, §372.13 (5)]

5. Compelling Attendance. Any three (3) members of the council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.

6. Notice of Meetings. The council shall give reasonable notice of the time, date and place of each meeting, and its tentative agenda. [Code of Iowa, 1999, §21.4]

7. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and the vote of each member present shall be made public on issues where the roll was called, and in all cases negative votes and abstentions shall be made public. [Code of Iowa, 1999, §21.3]

8. Closed Session. All meetings are open sessions unless a closed session is permitted for the reasons set forth in Section 21.5 of the Iowa Code, and if authorized by affirmative public vote of either two-thirds of the members of the Council or all of the members present at the meeting.

9. Cameras and Recorders. The public may use cameras or recording devices at any open session. [Code of Iowa, 1999, §21.7]

10. Electronic Meetings. A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Section 21.8 of the Iowa Code.

12.27 APPOINTMENTS. The council shall appoint the following officials and prescribe

their powers, duties, compensation and term of office:

1. City Clerk.
2. City Attorney.
3. Zoning Administrator.
4. Water and Wastewater Administrator.

12.28 COMPENSATION. The salary of each Council member shall be \$125.00 per month, effective January 1, 2008. In addition, a Council member shall receive \$30.00 for attending specified out of town meetings for which the member is not otherwise compensated and which has been designated by Council resolution as a meeting approved for compensation. [Code of Iowa, 2007, §372.13 (8)]

12.29 CITY CLERK'S APPOINTMENT. At its first meeting in January following the regular city election the council shall appoint by majority vote a city clerk to serve for a term of two (2) years. [Code of Iowa, 1999, §372.13 (3)]

12.30 POWERS AND DUTIES: GENERAL. The clerk, or in the absence or inability of the clerk to act, the deputy clerk, shall have the powers and duties as provided in this article, the city code and the law.

12.31 RECORDING AND PUBLICATION OF MEETING MINUTES. The clerk shall attend all regular and special council meetings and within fifteen (15) days following a regular or special meeting shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed, a summary of all receipts and the gross amount of the claims approved. [Code of Iowa, 1999, §372.13 (6)]

12.32 RECORDING MEASURES CONSIDERED. The clerk shall promptly record each measure considered by the council, with a statement where applicable indicating whether the mayor signed, vetoed or took no action on the measure, and whether the measure was re-passed after the mayor's veto. [Code of Iowa, 1999, §380.7 (13)]

12.33 PUBLICATION. The clerk shall cause to be published all ordinances, enactments, proceedings and official notices requiring publication as follows:

1. Time. If notice of an election, hearing, or other official action is required by the city code or law, the notice must be published at least once, not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, unless otherwise provided by law. [Code of Iowa, 1999, §362.3(1)]
2. Manner of Publication. A publication required by the city code or law must be in a newspaper published at least once weekly and having general circulation in the city. [Code of Iowa, 1999, §362.3 (2)]

12.34 AUTHENTICATION. The clerk shall authenticate all such measures, except motions, with the clerk's signature, certifying the time and manner of publication when required. [Code of Iowa, 1999, §380.7 (3)]

12.35 CERTIFY MEASURES. The clerk shall certify all measures establishing any zoning district, building lines, or fire limits and a plat showing the district, lines, or limits to the recorder of the county containing the affected parts of the city. (Code of Iowa, 1999, §380.11)

12.36 RECORDS. The clerk shall maintain the specified city records in the following manner:

1. Ordinances and Codes. The clerk shall maintain copies of all effective city ordinances and codes for public use. [Code of Iowa, 1999, §372.13 (5)]
2. Custody. The clerk shall have custody and be responsible for the safekeeping of all writings or documents in which the city is a party in interest unless otherwise specifically directed by law or ordinance. [Code of Iowa, 1999, §372.13 (3)]
3. Maintenance. The clerk shall maintain all city records for at least five (5) years, except that ordinances, resolutions, council proceedings and records and documents relating to real property transactions or bond issues must be maintained permanently. Bonds and coupons may be destroyed after two (2) years from the retirement of debt and a record of destruction shall be placed with the original bond record. [Code of Iowa, 1999, §372.13 (3 & 5)]
4. Provide Copy. The clerk shall furnish upon request to any municipal officer a copy of any record, paper or public document under the clerk's control when it may be necessary to such officer in the discharge of his duty. The clerk shall furnish a copy to any citizen when requested upon payment of the fee set by council resolution. The clerk shall, under the direction of the mayor or other authorized officer, affix the seal of the corporation to those public documents or instruments which by ordinance and city code are required to be attested by the affixing of the seal. [Code of Iowa, 1999, §372.13 (4 & 5), and 380.7 (4), Chapter 22]
5. Filing of Communications. The clerk shall keep and file all communications and petitions directed to the council or to the city generally. The clerk shall endorse thereon the action of the council taken upon matters considered in such communications and petitions. [Code of Iowa, 1999, §372.13 (3)]

12.37 ATTENDANCE AT MEETINGS. At the direction of the council the clerk shall attend meetings of committees, boards and commissions. The clerk shall record and preserve a correct record of the proceedings of such meetings. [Code of Iowa, 1999, §372.13 (3)]

12.38 ISSUE LICENSES AND PERMITS. The clerk shall issue or revoke licenses and permits when authorized by this code, and keep a record of licenses and permits issued which shall show date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit and purpose for which issued. [Code of Iowa, 1999, §372.13 (3)]

12.39 NOTIFY APPOINTEES. The clerk shall inform all persons appointed by the mayor or council to offices in the city government of their position and the time at which they shall assume the duties of their office.

12.40 ELECTIONS. The clerk shall accept the nomination petition of a candidate for a city office for filing if on its face it appears to have the requisite number of signatures and it is timely filed. The clerk shall deliver all nomination petitions to the county commissioner of elections not later than five (5) o'clock p.m. on the day following the last day on which nomination petitions can be filed. (Code of Iowa, 1999, §376.4)

12.41 CITY SEAL. The city seal shall be in the custody of the clerk and shall be attached by the clerk to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The city seal shall be circular in form, in the center of which shall be the words "NEW HAMPTON, IOWA" and around the margin the words "OFFICIAL CITY SEAL".

12.42 TREASURY DUTIES OF CLERK. The treasury duties of the clerk shall be as follows:

1. Custody of Funds. The clerk shall be responsible for the safe custody of all funds of the city which shall be in the manner provided by law, and as the council directs, and consistent with the City's Investment Policy.
2. Record of Funds. The clerk shall keep the record of each fund separate.
3. Record Receipts. The clerk shall keep an accurate record of all money or securities received by the clerk on behalf of the city and specify the date, from whom, and for what purpose received.
4. Record Disbursements. The clerk shall keep an accurate account of all disbursements, money or property, specifying date, to whom and from what fund paid.
5. Special Assessments. The clerk shall keep a separate account of all money received by the clerk from special assessments.
6. Deposit Funds in Bank. The clerk shall, upon receipt of monies to be held in his custody and belonging to the city, deposit the same in banks selected by the council in amounts not exceeding monetary limits authorized by the council.
7. Bank Reconciliation. The clerk shall reconcile bank statements with his books and



certify monthly to the council the balance of cash and investments of each fund and amounts received and disbursed.

8. Debt Service. The clerk shall keep a register of all bonds outstanding and record of all payments of interest and principal.

9. Depository Declaration. The clerk shall determine the anticipated level of bank deposits for making the depository declaration to the State Treasurer as required by Chapter 453, Code of Iowa, 1999.

12.43 ATTORNEY FOR CITY. The city attorney shall act as attorney for the city in all matters affecting the city's interest and appear on behalf of the city before any court, tribunal, commission or board. The city attorney shall prosecute or defend all actions and proceedings when so requested by the mayor or council. [Code of Iowa, 1999, §372.13 (4)]

12.44 POWER OF ATTORNEY. The city attorney shall sign the name of the city to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the city shall be bound upon the same. [Code of Iowa, 1999, §372.13 (4)]

12.45 ORDINANCE PREPARATION. The city attorney shall prepare those ordinances which the council may desire and direct to be prepared and report to the council upon all such ordinances before their final passage by the council and publication. [Code of Iowa, 1999, §372.13 (4)]

12.46 REVIEW AND COMMENT. The city attorney shall, upon request, make a written report to the council and interested department heads, giving his opinion on all contracts, documents, resolutions, or ordinances submitted to him or coming under his notice. [Code of Iowa, 1999, §372.13 (4)]

12.47 OPINION ON CONTRACTS. The city attorney shall, at the request of the council, offer a written opinion on and recommend alterations pertaining to contracts involving the city before they become binding upon the city. [Code of Iowa, 1999, §372.13(4)]

12.48 PROVIDE LEGAL OPINION. The city attorney shall give his legal opinion in writing upon all questions of law relating to city matters upon request submitted by the council, mayor, any board or the head of any city department. [Code of Iowa, 1999, §372.14 (4)]

12.49 ATTENDANCE AT COUNCIL MEETINGS. The city attorney shall attend meetings of the council at the request of the mayor or council. [Code of Iowa, 1999, §372.13 (4)]

12.50 PREPARE DOCUMENTS. The city attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the city.

[Code of Iowa, 1999, §372.13 (4)]

12.51 TRANSMISSIONS TO SUCCESSOR. The city attorney shall transmit to his or her successor a summary of all cases pending in which the city is interested, as well as all books, papers, and documents in his or her possession that belong to the city.

12.52 APPOINTMENT AND COMPENSATION OF CITY ATTORNEY. The city attorney shall be appointed by a majority vote of the council to serve for a term of two years. The council shall, by resolution, establish an annual salary for the city attorney, which shall be full compensation for all trials in Magistrate Court involving violations or enforcement of city ordinances, for attendance at meetings of the council, and the city's boards and commissions, for consultations with department heads or members of commissions, for drafting legal documents to which the city is a party, and for preparation of ordinances and resolutions. The city attorney shall receive an additional fee for all other services provided other than those specified above, including, but not limited to, representation in District Court matters, formal labor grievances and union contract negotiations, and negotiations involving matters of community development. Additional services shall be based upon an hourly rate approved by the council by resolution, and all such additional services shall be passed upon and paid in the same manner as other claims.

12.53 APPOINTMENT OF AN ECONOMIC DEVELOPMENT DIRECTOR. Upon the recommendation of the Screening Committee, the council shall appoint an economic development director. The council, by resolution, shall establish the compensation for the economic development director and also the additional budgetary requirements of the director.

12.54 REPORTS. The mayor shall supervise the activities of the director, and the director shall make such written and oral reports to the council of his or her activities as the council requests.

12.55 GENERAL GOALS. The activities of the economic development director are focused on orderly economic growth of the city. It is the function of the director to maintain and assist existing business, commercial, industrial, and agricultural enterprises; to aid in the expansion of said enterprises; and to promote and recruit additional business, industry, agriculture, and tourism for the New Hampton Community.

12.56 DUTIES. It shall be the duty of the economic development director to encourage and solicit new business and industrial enterprises to locate in New Hampton; to aid in the promotion, development and expansion of existing commercial and business enterprises in New Hampton; to encourage the traveling public to visit the New Hampton area; to advise, consult, and cooperate with existing and prospective business and commercial enterprises; to consult and cooperate with local, state, and federal governmental bodies and area educational facilities; to acquaint the people of the area with the businesses and industries located within the community and also with the recreational opportunities existing in the community; to encourage closer cooperation

among the various industries, businesses, and residents of the city and area; to coordinate the economic development functions of the council, industrial development commission, the Chamber of Commerce, and all other civic organizations; to collect and disseminate all pertinent information available regarding the business, industrial, agricultural, and recreational opportunities of the New Hampton area; to become informed of, apply for, and obtain grants in furtherance of the goals stated above or which are in the best interests of the city; and to do such other and further acts as shall, in the judgment of the council and mayor, be necessary and proper in fostering and promoting the economic welfare of the City of New Hampton.

12.57 SCREENING COMMITTEE. Whenever a vacancy exists in this office, the mayor shall organize a screening committee to review applicants for the position of the economic development director. The mayor will chair this committee and shall recommend to the council for approval a member of the council as a member of the committee. The Light Plant Trustees, the Industrial Development Commission, and the Chamber of Commerce shall also each appoint one member of this committee from each of their respective memberships.

12.58 ADVISORY BOARD. A board is hereby created to advise and assist the economic development director in meeting the goals and carrying out the duties that are set forth above. The mayor shall chair this board and, with the approval of the council, shall appoint a member of the council to it. The Light Plant Trustees, The Industrial Development Commission, and the Chamber of Commerce shall also each appoint one member to this advisory board from each of their respective memberships.

### **ARTICLE 3 NOMINATING PROCEDURES**

13.1 PURPOSE. The purpose of this article is to designate the method by which candidates for elective municipal offices in the City of New Hampton, Iowa, shall be nominated.

13.2 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa, 1999, as amended. The required procedures, as they apply to this municipality, are set forth in detail in this article to better inform the electorate. (Code of Iowa, 1999, §376.3)

13.3 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City of New Hampton, Iowa, may be made by nomination paper or papers signed by not less than twenty-five (25) eligible electors, residents of the City of New Hampton, Iowa. (Code of Iowa, 1999, §45.1)

13.4 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.

(Code of Iowa, 1999, §45.2)

13.5 PREPARATION OF PETITION. Each petitioning voter shall add to his signature his residence address, and date of signing. Before filing said petition, there shall be endorsed thereon or attached thereto the affidavit of at least one (1) of the signers of said petition, which affidavit or affidavits shall show:

1. Name and Residence. The name and residence (including street and number, if any) of said nominee, and the office to which he is nominated.
2. Qualified Voter. That each of said signers are qualified voters of the State and entitled to vote for such nominee for such office.
3. Voluntary Signature. That each of said petitioners voluntarily signed said petition.

Such petition when so verified shall be known as a nomination paper. (Code of Iowa, 1999, §45.3)

13.6 FILING PRESUMPTION WITHDRAWALS OBJECTIONS. The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.

#### **ARTICLE 4 FISCAL MANAGEMENT**

14.1 PURPOSE. The purpose of this article is to establish policies and provide for rules and regulations governing the management of the financial affairs of the city.

14.2 FINANCE OFFICER. The city clerk shall be the finance and accounting officer of the city and shall be responsible for the administration of the provisions of this article.

14.3 CASH CONTROL. To assure the proper accounting and safe custody of monies the following shall apply:

1. Deposit of Funds. All monies or fees collected for any purpose by any city officer shall be deposited through the office of the clerk. If any of said fees are due to an officer, they shall be paid to him by check drawn by the clerk and approved by the council only upon such office making adequate reports relating thereto as required by law, ordinance or council directive. (Code of Iowa, 1999, §721.2(2))
2. Bank Deposits. All monies belonging to the city shall be promptly deposited in banks or other institutions selected by the council in amounts not exceeding the authorized depository limitation established by the council.

14.4 FUND CONTROL. The clerk shall establish and maintain separate and distinct funds in accordance with the following:

1. Revenues. All monies received by the city shall be credited to the proper funds as required by law, ordinance or resolution.
2. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance or resolution, was properly budgeted, and supported by a claim approved by the council.
3. Emergency Fund. No transfer may be made from any fund to the emergency fund. [IAC, 1999, 545 (384,388), §2.5 (3)]
4. Debt Service Fund. Except where specifically prohibited by state law, monies may be transferred from any other city fund to the debt service fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment. [IAC, 1999, 545 (384, 388) §2.5 (3)]
5. Projects Fund. The Council may direct the Clerk to establish and maintain a separately identifiable project fund for all revenues and expenditures that are with regard to any major improvement for essential or general corporate purposes.
6. Capital Improvements Reserve Fund. Except where specifically prohibited by state law, monies may be transferred from any city fund to the capital improvements reserve fund. Such transfers must be authorized by the original budget or a budget amendment. [IAC, 1999, 545 (384, 388) §2.5 (4)]
7. Utility and Enterprise Funds. The governing body of a city utility, combined utility system, city enterprise or combined city enterprise which has a surplus in its fund may transfer such surplus to any other city fund, except the emergency fund, by resolution. A surplus shall be defined in accordance with generally accepted accounting principles as promulgated by the American Institute of Certified Public Accountants. No transfer shall be made that is in violation of state law or rules of the city finance committee. [IAC, 1999, 545 (384,388), §2.5 (5)]
8. Balancing of Funds. The clerk shall reconcile the fund accounts at the close of each month and submit a report thereof to the council.

14.5 OPERATING BUDGET PREPARATION. The annual operating budget of the city shall be prepared in accordance with the following:

1. Proposal Prepared. The clerk shall be responsible for preparation of the annual budget detail, for review and adoption by the mayor and council in accordance with directives of the mayor and council.
2. Boards and Commissions. All boards, commissions and other administrative

agencies of the city that are authorized to prepare and administer budgets must submit their budget proposals to the clerk for inclusion in the proposed city budget in such form as may be required by the council.

3. Submission to Council. The clerk shall submit the completed budget proposal to the council each year at such time as specified by the council.
4. Council Review. The council shall review the proposed budget and may make any adjustments in the budget which it deems appropriate before accepting such proposal for publication, hearing and final adoption.
5. Notice of hearing. Upon adopting a proposed budget the council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than four (4) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the county auditor. [Code of Iowa, 1999, §384.16 (3)]
6. Copies of Budget on File. No later than ten (10) days before the public hearing the clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the mayor and clerk and at the city library. [Code of Iowa, 1999, §384.16 (2)]
7. Adoption and Certification. After the hearing, the council shall adopt, by resolution, a budget for at least the next fiscal year and the clerk shall certify the necessary tax levy for the next fiscal year to the county auditor and the county board of supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the county auditor. [Code of Iowa, 1999, §384.16 (5)]

#### 14.6 CAPITAL BUDGET PREPARATION. (Reserved for Future Use)

14.7 BUDGET AMENDMENTS. A city budget finally adopted for the following fiscal year becomes effective July 1 and constitutes the city appropriation for each program and purpose specified therein until amended as provided by this section. (Code of Iowa, 1999, §384.18)

1. Program Increase. Any increase in the amount appropriated to a program must be prepared, adopted and subject to protest in the same manner as the original budget. [IAC, 1999, 545 (384, 388)]
2. Program Transfer. Any transfer of appropriation from one program to another must be prepared, adopted and subject to protest in the same manner as the original budget. [IAC, 1999, 545 (384, 388)]
3. Sub-program Transfer. Any transfer of appropriation from one sub-program to

another must be approved by resolution of the council. [IAC, 1999, 545 (384, 388)]

4. Activity Transfers. The clerk shall have the authority to adjust, by transfer or otherwise, the appropriation allocated to activities within a program or sub-program provided, however no such transfer shall be made between departmental activities without council approval, and further provided that when such adjustments in any one activity aggregate one thousand (1,000) dollars or ten (10) percent of the amount appropriated, whichever is greater, no further adjustments shall be made without approval by resolution of the council. All such transfers shall be reported in writing at the next regular meeting of the council following the transfer and recorded in the minutes for the information of the council and general public. [IAC, 1999, 545 (384, 388)]

14.8 INVESTMENT OF FUNDS. The clerk shall advise the council on investments and shall invest city monies not immediately needed at interest in accordance with council directives, the City's investment policy, and the requirements of Chapter 12B & 12C, Code of Iowa, 1999.

14.9 ACCOUNTING. The accounting records of the city shall consist of not less than the following:

1. Books of Original Entry. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.
2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.
3. Checks. Checks shall be pre-numbered and signed by the clerk following council approval, except as provided by subsection 5 hereof.
4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program, sub-program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.
5. Immediate Payment Authorized. The council may by resolution authorize the clerk to issue checks for immediate payment of amounts due which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include but is not limited to payment of utility bills, contractual

obligations, payroll and bond principal and interest.

6. Utilities. The clerk shall perform and be responsible for accounting functions of the municipally owned utilities under the control and management of the Utility Board of Trustees.

14.10 FINANCIAL REPORTS. The clerk shall prepare and file the following financial reports:

1. Monthly Reports. There shall be submitted to the council at the second meeting of each month a report showing the activity and status of each fund, program, sub-program and activity for the preceding month.

2. Annual Report. Not later than October first of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the city, and all expenditures, the current public debt of the city, and the legal debt limit of the city for the current fiscal year. A copy of the annual report must be furnished to the auditor of state. (Code of Iowa, 1999, §384.22)

14.11 CONTINGENCY ACCOUNT. Whenever the council shall have budgeted for a contingency account, such an account shall be established in the accounting records but no claim shall be paid from such an account. Contingency accounts may be drawn upon only by council resolution directing a transfer to a specific purpose account within its fund and program and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

14.12 UNAUTHORIZED EXPENDITURE. No city official or employee, or any person acting under color of such office or employment, shall knowingly make any contract or authorize any expenditure known by him or her to be in excess of that authorized by law. [Code of Iowa, 1999, §721.2 (1)]

## **ARTICLE 5 UNIFORM BILLING AND COLLECTION PROCEDURE**

15.1 PURPOSE. It is the purpose of this chapter to provide for uniform practices and policies with regard to billing, collection and enforcement of payment of all charges which are presented to consumers in, through and by the city's single billing statement. A consumer shall mean, in addition to any person receiving services from the city, the owner of the property served, and as between such parties, the duties, responsibilities, liabilities, and obligations hereafter imposed, shall be joint and severable.

15.2 STATEMENT OF POLICY. It is expressly declared to be the policy of the city:

1. Cash basis. To provide, and to operate its municipal water, sewer and solid waste collection services only on a current, cash payment basis;



2. Credit Prohibited. To refrain from and avoid extending credit to consumers of these services;
3. Collection. To effect prompt collection of all delinquent accounts based upon the provision of these services;
4. Terminate Service. To terminate service to consumers where:
  - A. There is no reasonable likelihood that the city will be paid for such services.
  - B. The continued provision of such services will entail undue extension of credit from the city to consumers.

15.3 MONTHLY BILLING. The Clerk shall compile and deliver to consumers monthly billings based on an actual meter reading taken each month.

15.4 PAYMENT DUE. Payment for service rendered in the amount as determined by the rates established for each type of service billed shall be due and payable as follows:

- (a) Meters read by the 5th day of the month shall be billed by the 10th and due and payable on or before the 30th day of the month in which billed.
- (b) Meters read by the 15th day of the month shall be billed by the 20th and shall be due and payable on or before the 10th day of the following month.
- (c) Meters read by the 25th day of the month shall be billed by the 30th and due and payable on or before the 20th day of the following month.

15.5 DELINQUENCY. Bills not paid when due shall be deemed delinquent unless later payment is permitted under other provisions herein.

15.6 PENALTY. A penalty of one and one-half (1 1/2) percent of the amount of any delinquent bill shall be added to, and collected with, the principal amount of such bill to compensate the city for the costs of extra processing and handling necessitated by late payment. No delinquent bill shall be deemed paid until such late payment penalty has been likewise paid.

15.7 DISCONNECT NOTICE. If the delinquent bill remains unpaid through the date in the month of mailing when bills normally become delinquent, as hereinbefore provided, the clerk shall immediately deliver to the delinquent consumer a "DISCONNECT NOTICE." Said notice shall be delivered by the United States Postal Service in the city, addressed to the consumer at his last known address, with all postage fully pre-paid.

15.8 FORM OF NOTICE. A notice substantially in the form as contained in "APPENDIX A" to the City Code of New Hampton, Iowa, shall be deemed sufficient to meet the requirements of Section 15.7 above.

15.10 PAYMENT PRIOR TO MAILING FINAL BILL. The provisions regarding DISCONNECT NOTICE, and Hearing, shall not apply where, prior to the mailing of a DISCONNECT NOTICE, the consumer submits by mail payment of the entire delinquent bill, but not payment of any penalty accrued by reason of the last payment. In such cases the amount of the penalty shall be added to, and included in, the principal amount of the city bill for the month next following receipt of payment.

15.11 HEARING REQUESTED. If a hearing has been requested by the consumer prior to 4:30 p.m. on the last day of the month in which the Notice of Discontinuance of Service is mailed the city shall not terminate and discontinue service on said last day of the month unless a hearing has been held, and the termination and discontinuance of service has been approved, as herein otherwise provided, at least twenty-four (24) hours prior to the date and time of termination. Upon receiving a request for a hearing the clerk shall immediately: (1) take any necessary steps to stay the termination of service; (2) schedule a hearing, in accordance with the provisions of this chapter and any applicable administrative rules, for the earliest practicable date and time; (3) notify the consumer and the mayor, in writing, of the date and time the hearing is to be held. If necessary, the termination of services may be delayed for a maximum period of fifteen (15) days after the end of any month, to permit the scheduling and holding of a hearing.

15.12 ACTION BY HEARING BOARD. Following a hearing scheduled upon the request of the consumer the hearing board may approve termination of service if; (1) the hearing board determines that there is no reasonable likelihood that the city will be paid for services previously rendered, and determined that there is no valid ground for excusing payment; (2) the hearing board determines that the continued provision of services will entail the undue extension of credit to the consumer in the future, based on the lack of any realistic prospect that the consumer will be able to pay future city bills when due; (3) the hearing board determines that the consumer's failure to pay occurred without any valid reason or excuse, was the result of bad faith on the consumer's part, and indicates the likelihood that the consumer will continue, similarly, to refuse to pay city bills in the future. The hearing board shall disapprove termination of service if: (1) the hearing board determines that there is a valid ground for excusing payment for services previously rendered; (2) the hearing board determines that payment in full has been received by the city, and that there is valid ground for excusing delinquent payment, or that the consumer's delinquency was due to unique circumstances such that the delinquency is unlikely to recur in the immediate future; (3) the hearing board determines that, although termination is justified, it would result in extreme and unwarranted hardship for the consumer or the consumer's dependents, in the circumstances. The hearing board shall not disapprove termination under ground (3) above unless it also makes detailed findings as to the nature of the circumstances preventing termination, and makes a determination as to the probable maximum duration of such circumstances.

15.13 HEARING BOARD ESTABLISHED. There is here with and hereby created a body to be known as the City of New Hampton, Iowa Discontinuance of Service Hearing Board. The membership of the hearing board shall consist of: the mayor; the chairman of

the finance committee of the council, and another member of the council to be designated by the mayor separately for each session of the hearing board, on a rotating basis. The clerk shall be ex-officio the secretary of the hearing board, and shall keep records of the hearing board. The powers and duties of the hearing board shall be as follows:

1. Conduct Hearings. To conduct all Discontinuance of Service Hearings provided or required under this chapter or hereafter required by any federal or state law or regulation or judicial decision.
2. Terminate Service. To approve or unapprove the termination of service to consumers under the standards established by this chapter; and to establish and enter into payment plan agreements with delinquent consumers as herein provided.
3. Rules and Policies. To supplement the provisions of this chapter, and the policies herein enunciated, and any rules and procedures hereafter established for the hearing board by resolution of the council, by adopting, implementing and maintaining administrative rules and policies in keeping with its duties.
4. Records. To make and keep, as records of the city, complete records of each hearing which it conducts, including any evidence presented, the basis for any determinations made, the nature of any such determinations, and all other material matters concerning the business of the hearing board.
5. Investigation. To receive, weigh and determine evidence, and to conduct investigations as required by its duties.

15.14 HEARING BOARD PROCEDURES. The council may establish, alter or amend by resolution the rules and procedures governing the conduct of hearings by the hearing board.

15.15 SERVICE DISCONTINUED. If the total arrears owed to the city have not been paid, and if no request for a hearing has been received by the clerk's office by 5:00 p.m. on the date of disconnection as stated in the Notice of Discontinuance of Service mailed to the consumer, the City shall discontinue and terminate service on the first day after the stated date of disconnection. Any time after service has been discontinued; the city may collect, in advance, a standard reconnection charge before recommencing services, which charge shall be set by resolution.

15.16 BAD CHECKS. If a consumer's check is dishonored (returned unpaid) by the bank upon which it was drawn, the consumer shall receive a notice informing said consumer that this check has been dishonored by the bank upon which it was drawn and that a service charge is assessed for handling in a stated amount equal to the maximum allowed by state law. If the check has not been made good 8:00 a.m. on the fifth day after the notice was sent or delivered, the service may be terminated. In the event more than two (2) checks of a consumer are dishonored by the bank upon which they were drawn, within a six (6) month period, the city clerk shall demand that future payments for service

rendered must be made by cash, post office money order, bank draft or certified check.

15.17 DEPOSITS. A deposit intended to guarantee payment of bills for service will be required of all applicants for service unless the applicant has a credit history with the city indicating that prior billings have been timely paid, or unless the applicant produces a letter of credit satisfactory to the Clerk. Deposits paid will be refunded if the customer subsequently presents a satisfactory letter of credit. The total deposit for any customer for a place which has previously received service shall not be greater than the highest billing of service for the place in the previous 12 month period. The deposit for a customer for a place that has not previously received service shall be the customer's projected one month usage as determined by the city for electrical service and 90 days projected usage for water and sewer as determined by the city. A deposit shall be refunded after 12 consecutive months of prompt payment, which may be eleven timely payments and one automatic forgiveness of late payment. Interest at a rate determined by resolution of the Light Plant Board of Trustees and by the Council will be paid on deposits from the date of deposit to the date of refund or the due date of any bill to which the deposit is applied. Date of refund is the date on which the refund or notice of refund is forwarded to the customer's last known address. A new or additional deposit may be required of a current customer who has not made a deposit or whose deposit has been refunded or is found to be inadequate. The new or additional deposit shall insure a total deposit equal to the highest monthly billing for service during the previous 12 month period and shall apply to customers who make two late payments in a 12 month period, not including one automatic forgiveness of late payment.

15.18 LIEN ON PROPERTY. The amount of the bills for services provided shall constitute a lien upon the property served. If payment is not made when due, the amount shall be collected in the same manner as a property tax.

## **ARTICLE 6 AMORTIZATION OF SPECIAL ASSESSMENT DEFICIENCIES**

16.1 PURPOSE. The purpose of this chapter is to establish the period of amortization for public improvements for which there are special assessment conditional deficiencies as provided by law. (Code of Iowa, 1999, §384.63)

16.2 AMORTIZATION PERIOD ESTABLISHED GENERALLY. The period of amortization for public improvement projects for opening, establishing or grading streets, the construction of Portland cement concrete or asphalt concrete street improvements, storm sewers, sanitary sewers, water mains, pedestrian underpasses, and overpasses, sewage pumping stations, disposal or treatment plants, drainage conduits, channels and levees, street lighting, parking facilities, and appurtenant facilities, is hereby established as ten (10) years, to be calculated commencing from the date of adoption by the council of the resolution accepting the completed public improvements. (Code of Iowa, 1999, §384.63)

16.3 AMORTIZATION PERIOD FOR SIDEWALKS, MINOR STREET WORK, AND

REMOVAL OF TREES. The period of amortization, to be computed in the same manner as established in Section 16.2 hereof, is hereby established as seven (7) years for sidewalks and three (3) years for the repair of street grading, street surfacing with oil, gravel, oil and gravel or chloride, or for the removal of diseased or dead trees. (Code of Iowa, 1999, §384.63)

16.4 CHANGES AND AMENDMENT. In any instance where the council determines that the useful life of a public improvement should be for a different time period than hereinabove established, the council may so provide for such period by amendment hereto, prescribing the appropriate amortization period as may be applicable to these specific public improvements.

## **ARTICLE 7 BOUNDARIES**

17.1 CORPORATE LIMITS. The corporate limits of the city as of January 1, 1985 are described as follows:

Beginning at the Northwest corner of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 6, Township 95, Range 12, thence East to the Northeast corner of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 6, thence South to the Northwest Corner of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 7, Township 95, Range 12, thence East to the Northeast corner of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 7, thence South to the Southeast corner of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 7, thence East to the Northeast corner of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 7, thence South to the Southeast corner of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 7, thence East 20 rods, thence South 40 rods, thence West 20 rods, thence south to the Southeast corner of Section 7, thence east to the Northeast corner of the NW  $\frac{1}{4}$  of Section 17, Township 95, Range 12, thence South to the center of Section 17, thence West to the point of intersection of the Northeasterly right-of-way of the Chicago Great Western Railroad and the South line of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 18, Township 95, Range 12, thence Northeasterly along the said Railroad right of way to the intersection of said right-of-way and the West line of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 18, Township 95, Range 12, thence North to a point 100 feet South of the North line of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 7, Township 95, Range 12, thence West to a point on the West line of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 7, Township 95, Range 12, 100 feet South of the Northwest corner thereof, thence South to the Southeast corner of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 18, Township 95, Range 12, thence West to the Southwest corner of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 13, Township 95, Range 13, thence North to a point 127 feet North of Quarter line of Section 12, Township 95, Range 13, thence North 89 degrees 59 feet West 1218.83 feet, thence North 5 degrees 54 feet East 1138.96 feet to the South right-of-way line of County Road, thence West to the Southwest corner of the E  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Section 12, Township 95 Range 13 thence North to the Northwest corner of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 12, Township 95, Range 13, thence East 66 feet, thence South 200 feet, thence East 450 feet, thence North 200 feet thence East to the Southwest corner of the SW  $\frac{1}{4}$  of Section 1, Township 95, Range 13, thence North to the Northwest corner of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 1, Township 95, Range 13, thence East to the intersection of the Southwest

right-of-way line of the Chicago Great Western Railroad and the North line of the S ½ of the NE ¼ of Section 1, Township 95, Range 13, thence Southwesterly on said right way line to Northeast corner of the NE ¼ of the SE ¼ of Section 1, Township 95, Range 13, thence East to the point of beginning.

17.2 DIVISION INTO PRECINCTS. The city is divided into four precincts as follows:  
[Code of Iowa, 1999, §372.4, 372.13(7)3]

(1) First Precinct. All that part of the City of New Hampton located east and north of the following boundary: Commencing at the intersection of North Linn Avenue and the corporate limits, thence South along the center line of Linn Avenue to its intersection with the center line of Gardner Street, thence east along the center line of Gardner Street to its intersection with the center line of Walnut Avenue, thence South along the center line of Walnut Avenue to its intersection with the center line of Washington Street, thence East along the center line of Washington Street to the center line of Chestnut Avenue, thence South along the center line of Chestnut Avenue to its intersection with the center line of Spring Street, thence East along the center line of Spring Street to its intersection with the center line Locust Avenue, thence North along the center line of Locust Avenue, to its intersection with the center line of Main Street, thence East along the center line of Main Street to its intersection with the center line of First Avenue, thence South along the center line of First Avenue to its intersection with the center line of Spring Street, thence East along the Center line of spring Street through Mikkelson Park to its intersection with the center line of Main Street, thence East along the center line of Main Street to the east Corporate Limits.

(2) Second Precinct. All that part of the City of New Hampton located west and north of the following boundary: Commencing at the intersection of North Linn Avenue and the corporate limits, thence South along the center line of Linn Avenue to its intersection with the center line of Gardner Street, thence east along the center line of Gardner Street to its intersection with the center line of Walnut Avenue, thence South along the center line of Walnut Avenue to its intersection with the center line of Washington Street, thence East along the center line of Washington Street to its intersection with Chestnut Avenue, thence South along the center line of Chestnut Avenue to its intersection with Hamilton Street, thence West along the center line of Hamilton Street to its intersection with the center line of Broadway Avenue, thence North along the center line of Broadway Avenue to its intersection with the center line of Spring Street, thence West along the center line of Spring Street to its intersection with the center line of Western Avenue, thence North along the center line of Western Avenue to its intersection with the center line of Main Street, thence West along the center line of Main Street to the West corporate limits.

(3) Third Precinct. All that part of the City located West and South of the following boundary: Commencing at the intersection of West Main Street and the West corporate limits, thence East along the center line of Main Street to its intersection with Western

Avenue, thence South along the center line of Western Avenue to its intersection with the center line of Spring Street, thence East along the center line of Spring Street to its intersection with the center line of Broadway Avenue, thence South along the center line of Broadway Avenue to its intersection with the center line of Hamilton Street, thence East along the center line of Hamilton Street to its intersection with the center line of Chestnut Avenue, thence South along the center line of Chestnut Avenue to its intersection with the center line of Harrison Street, thence East along the center line of Harrison Street to its intersection with the center line of Locust Avenue, thence South along the center line of Locust Avenue to the South corporate limits, thence west to the center line of Linn Avenue, thence South to the center line of 220<sup>th</sup> Street, thence East to the Northeast corner of the W1/4, of the NE1/4 of Section 19 of New Hampton Township, thence South to the Center line of 225<sup>th</sup> Street, thence West to the center line of South Linn Avenue and the corporate limits.

(4) Fourth Precinct. All that part of the City of New Hampton located East and South of the following boundary: Commencing at the intersection of the East corporate limits and the center line of East Main Street, thence West along East Main Street to its intersection with the center line of the entrance to Mikkelson Park, thence South along the center line of the street servicing Mikkelson Park to its intersection with Spring Street, thence West along the center line of Spring Street to its intersection with the center line of First Avenue, thence North along the center line of First Avenue to its intersection with the center line of Main Street, thence West along the center line of Main Street to its intersection with the center line of Locust Avenue, thence South along the center line of Locust Avenue to its intersection with the center line of Spring Street, thence West along the center line of Spring Street to its intersection with the center line of Chestnut Avenue, thence South along the center line of Chestnut Avenue to its intersection with Harrison Street, thence East along the center line of Harrison Street to its intersection with the center line of Locust Avenue, then south along the center line of locust Ave tot he South corporate limits, thence to the center line of Linn Avenue, thence South to the center line of 220<sup>th</sup> street, thence East tot he Northeast corner of the W1/4 of the NE ¼ of Section 19 of New Hampton Township, thence South to the center line of 225<sup>th</sup> Street, thence West to the center line of South Linn Avenue and the corporate limits.

17.3 VOTING WARDS. The city is divided into four (4) voting wards whose boundaries are coterminous with the boundaries established for precincts.

## **ARTICLE 8 PARTIAL PROPERTY TAX EXEMPTION FOR INDUSTRIAL IMPROVEMENTS**

18.1 PARTIAL EXEMPTION. A partial exemption is provided from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate and the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to Section 427A.1, subsection (1), paragraph e. of the 1999 Code of Iowa.

18.2 DEFINITIONS.

1. "New Construction": shall mean new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the city council upon the recommendation of the Iowa Development Commission. The exemption shall also apply to new machinery and equipment assessed as real estate pursuant to Section 427A.1 (1) (e) of the Iowa Code unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

2. "Actual Value Added": shall mean that the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means that actual value as determined by the assessor as of January 1st of each year for which the exemption is received.

18.3 AMOUNT OF EXEMPTION. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

1. For the first year, seventy-five (75) percent.
2. For the second year, sixty (60) percent.
3. For the third year, forty-five (45) percent.
4. For the fourth year, thirty (30) percent.
5. For the fifth year, fifteen (15) percent.

The granting of the exemption under this section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

18.4 PROCEDURE. An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the local assessor by February 1st of the assessment year in which the value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the director of revenue.



A person may submit a proposal to the city council to receive prior approval for eligibility for a tax exemption on new construction. The city council, by ordinance may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the zoning plans for the city. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the city council to approve or reject.

18.5 RIGHT TO REPEAL. When in the opinion of the city council continuation of the exemption granted by this act ceases to be of benefit to the city, the city council may repeal the ordinance authorized by Section 18.1, but all existing exemption shall continue until their expiration.

18.6 LIMITATION ON EXEMPTION. A property tax exemption under this article shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law, and may be granted only upon approval by council resolution if the same property is part of an approved tax increment financing project.

## **ARTICLE 9 URBAN RENEWAL AREAS AND TAX INCREMENT FINANCING**

19.1 URBAN RENEWAL AREAS. The New Hampton Urban Renewal Plan includes an urban renewal area - commercial and an urban renewal area - industrial, and these project areas include the lots and parcels within the boundaries described as follows:

Urban Renewal Area - Commercial.

Beginning at the intersection of Walnut Avenue and Gardner Street; then South on Walnut Avenue to Court Street; then East on Court Street to Pleasant Hill Avenue; then South on Pleasant Hill Avenue to Hamilton Street; then West on Hamilton Street to Linn Street; then North on Linn Street to Main Street; then West on Main Street to Broadway; then North on Broadway to the Soo Line Railroad Right-of-way; then Northeasterly along the Railroad Right-to-way to Locust Avenue; then South on Locust Avenue to Gardner Street; then West on Gardner Street to the Point of Beginning.

AND (1990 TIF Amendment #1)

Beginning at the intersection of Hamilton Street and Walnut Avenue; thence South on Walnut Avenue to Logan Street; thence west on Logan Street to Linn Avenue; thence South on Linn Avenue to the corporate limits; then West and North along the corporate limits to a point at which the west corporate limits as extended intersect Wilson Street; thence East on Wilson to Sheakley Avenue; thence South on Sheakley Avenue to Garfield Street; thence East on Garfield Street to Broadway; thence North on Broadway

to Hamilton Street; thence East on Hamilton Street to the point of beginning.

AND (1993 TIF Amendment #2)

All that part of the N ½ of the NE ½ and the SW ¼ of the NE ¼ lying north of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way and all the E ½ of the NW ¼ lying east of New Hampton Industrial Park Addition and north of the Chicago, Milwaukee, St. Paul and Pacific Railroad Right-of-way, all in Section 12, Township 95 North, Range 13 West of the 5th P.M., Chickasaw County, Iowa;

AND

Parcel J in the SE ¼ of the NW ¼ of Section 12, Township 95 North, Range 13 West of the 5th P.M.;

AND

Right way of the Chicago, Milwaukee, St. Paul and Pacific Railroad which is adjacent to and which connects the two parcels of property described above;

AND

Beginning at a point 348 feet West of the center of Section 12, Township 95 North, Range 13 West of the 5th P.M., said point being on the South Line to the NW ¼ of the said section, thence 300 feet North 1 degree 55' West, thence 180 feet North 89 degrees 52' West, thence South 300 feet to a point 174 feet West of beginning on the South line of the NW ¼ of said section and thence 174 feet East to the point of beginning, all in the South 300 feet of the East 2/3 of Lot 3 of the Subdivision of Lot 2 of the Irregular Survey of the SE ¼ of the NW ¼ of Section 12, Township 95 North, Range 13, West of the 5th P.M. in Chickasaw County, Iowa, subject to all legally granted easements for highway purposes;

AND

Commencing at a point that is West 522 feet and North 4 degrees 25' West 300 feet from the center of Section 12, Township 95 North, Range 13, West of the 5th P.M., thence North 4 degrees 25' West 43 feet; thence North 89 degrees 43' East 188.97 feet; thence South 1 degree 55' East 43 feet, thence North 89 degrees 52' West 187.09 feet to the point of beginning, containing 0.19 acres more or less.

AND (1996 TIF Amendment #3)

Lot One (1), Block Two (2), Thompson's Addition, and the south eight (8) feet of the East 66 feet of what was formerly an alley running in an easterly and westerly direction through the center of Block Two(2), Thompson's Addition and the South 132 feet of the West Thirty-three (33) feet of what was formerly Grant Street;

AND

Lots Two (2), Three (3), Four(4), Five(5),Six (6), and Seven (7),in Block Two (2), Thompson's Addition;

AND

Lot eight(8), Block Two (2), Thompson's Addition, and the north eight (8) feet of the east sixty-six (66) feet of alley adjacent to said Lot eight (8) on the south thereof and the west thirty-three (33) feet of Grant Street adjacent to Block Two (2), except the South 132 feet thereof;

AND

Commencing at the Southwest (SW) corner of Lot Four (4), Block Two (2), Thompson's Addition, thence North a distance of 264 feet, thence west a distance of forty-three (43) feet, thence south a distance of 264 feet, thence east a distance of forty-three (43) feet to the point of beginning;

AND

The east four (4) rods of the Southwest quarter (SW  $\frac{1}{4}$ ) of the Southeast Quarter (SE  $\frac{1}{4}$ ) of the Southeast  $\frac{1}{4}$ ), except the North twenty-two (22) rods of Section One (1); Township Ninety-five (95) North, range thirteen (13)

AND

Lots nine (9) and twelve (12) of Boos Brothers' Subdivision Number One;

AND

Lot One (1) of Kountry Addition Number One, and that part of Lot Two (2) of Kountry Addition Number One, which commences Twenty-five (25) feet South of the Southwest (SW) corner of Lone one (1) of said addition, thence 190 feet East parallel to the South Line of said lot one (1), thence North to the North line of Lot Two(2), thence West to the Northeast (NE) Corner of Lot One (1), thence South 125.0 feet to the Southeast Corner of Lot One (1), thence West 140.0 feet to the Southwest (SW) Corner of Lot One (1), thence south twenty-five (25) feet to the point of beginning;

AND

The east five (5) feet of the South 200 feet and the east 113 feet of the North 175.6 feet of Lot two (2), Kountry Addition Number One;

AND

The west 51.4 feet of the East 164.4 feet of the North 140 feet of Lot two (2) of Kountry Addition Number One;

And

The west eighty (80) feet of the South 225.6 feet of Lot two (2) of Block One (1), Kountry Addition Number One;

AND

The west 100 feet of the East 300 feet of the South 175 feet of Lot Three (3) of Kountry Addition Number One;

AND

The East 200 feet of the South 120 feet of Lot Three (3), Kountry Addition Number One;

AND

Part of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section One (1), commencing at a point Sixty (60) feet north and 250 feet west of the SE Corner of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , thence west 108 feet, thence north 200 feet, thence east 108 feet, thence south 200 feet to the point of beginning, except the west fifty-four (54) feet thereof;

AND

The east 161.6 feet of the west 241.6 feet of the south 235.6 feet of Lot two (2) (except commencing twenty-five (25) feet south and eighty (80) feet East o the SW corner of Lot one (1) Kountry Addition Number One, thence east 110 feet, thence north ten (10) feet, thence west 110 feet, thence south ten (10) feet to the point of beginning) all in Block One (1), Kountry Addition Number One;

AND

The east 250 feet of the south 435.6 feet of the SW  $\frac{1}{4}$  of the se  $\frac{1}{4}$  of Section One (1), except the East Ninety-two (92) feet thereof and except the north 185.6 feet thereof;

AND

The north 185.6 feet of the south 435.6 feet of the east 250 feet of the SW  $\frac{1}{4}$  of the se  $\frac{1}{4}$  of Section One (1);

AND

The north 200 feet of the south 250 feet of the east ninety-two (92) feet of the SW ¼ of the se ¼ of Section One (1);

AND

Commencing at a point One (1) Rod west of the SW corner of the se ¼ of the se ¼ of Section One (1), thence east on hundred (100) feet, thence north 435.6 feet, thence west one hundred (100) feet, thence south 435.6 feet to the place of beginning.

AND

Commencing at the SW corner of the SE ¼ of the SE ¼ of Section One (1), thence 116.5 feet east to the point of beginning (which point of beginning lies upon the south line of Section One (1), thence north 435.6 feet, thence east 150 feet, thence south 435.6 feet, thence west 150 feet to the point of beginning, except the east 2.5 feet of said tract;

AND

Commencing at the SW Corner of the SE ¼ of the SE ¼ of Section One (1), thence North 90 degrees 00' east on the Section Line 264.00 feet to the point of beginning; thence North 02 degrees 55' 10" west 435.6 feet; thence north 90 degrees 00' east 122.5 feet; thence south 02 degrees 55' 10" east 435.60 feet; thence south 90 degrees 00' west 122.50 feet to the point of beginning;

AND

Part of the SE ¼ of the SE ¼ of Section One (1), beginning Eighteen (18) rods North and eight (8) rods west of the SE corner of the SW ¼ of the se ¼, of the se ¼, thence south eighteen (18) rods, thence west to a point 386.5 feet east of the SW corner of the se ¼ of the se ¼ of the se ¼ of Section One (1). Thence north eighteen (18) rods, thence east to the point of beginning;

AND

The east eight (8) rods of the SW ¼ of the SE ¼ of the se ¼ except the north twenty-two (22) rods and except the east four (4) rods of the east eight (8) rods of the south eighteen (18) rods of Section One (1).

AND (1998 TIF Amendment #4)

An area bounded by North Pleasant Hill Street on the East, corporate limits on the North, Highway 63 on the West, INM (Soo Line) Railroad right-of-way on the South.

AND

Lots A, B, C, D, E, F, G, H, and S, formerly a part of the Chicago, Milwaukee, St. Paul and Pacific Railroad Co., in the NE ¼ of the NE ¼ of Section 12, Township 95 North, Range 13 West of the 5th P.M. in the City of New Hampton, Chickasaw County, Iowa

AND

An area annexed by the City in 1997 on the South side of New Hampton described as: The S ½ of the SE ¼ and the S ½ of the N ½ of the SE ¼ OF Section 13, Township 95 North, Range 13 West of the 5th P.M. (except commencing at the Northeast Corner of the S ½ of the N ½ of the SE ¼ of said section, thence West 375 feet, thence South 700 feet, thence East 375 feet, thence North 700 feet to the place of beginning and except a parcel of land described in a survey filed in the office of the Chickasaw County Recorder in Book 122 of Deeds, page 73-74, and except the west 42 Rods of the SW ¼ of the SE ¼ and the West 42 Rods of the S ½ of the N ½ of the SE ¼, all in Section 13, Township 95 North, Range 13 West of the 5th P.M.)

Commencing at the Northeast Corner of the S ½ of the N ½ of the SE ¼, thence West 375 feet, thence South 110 feet, thence East 150 feet, thence North 50 feet, thence East 225 feet, thence North 60 feet to point of beginning, all in Section 13, Township 95 North, Range 13 West of the 5th P.M.

The South 150 feet of the North 210 feet of the East 375 feet of the North 700 feet of the S ¾ of the E ½ of the SE ¼ of Section 13, Township 95 North, Range 13 West of the 5th P.M. therefrom the North 50 of the West 150 feet, and subject to highway.

The East 375 feet of the South 490 feet of the North 700 feet of the S ¾ of the E ½ of the SE ¼ of Section 13, Township 95 North, Range 13 West of the 5th P.M.

and (1998 Addition - Ordinance #736)

All of the S ½ of the NE ¼ and the NE ¼ of the SE ¼ of Section One, Township 95 North, Range 13 West of the 5th P.M. that lies east of the westerly boundary of the former railroad right-of-way.

And (1999 Addition – Ordinance #742)

Parcel D of the Survey of the E ½ of the SW ¼ of Section 1, Township 95 North, Range 13 West of the 5<sup>th</sup> P.M., Chickasaw County, Iowa, as shown in Book 169, Page 290, in the office of the Recorder of Chickasaw County, Iowa.

And (2003 Addition – Ordinance #766)

Commencing at a point 60 feet West of the NE corner of the NE ¼ of the NE ¼ of Section 24, Township 95 North, Range 13 West of the 5<sup>th</sup> P.M. in Chickasaw County, Iowa, thence West 425 feet, thence South 391 feet, thence East 160 feet,

thence South 19 feet, thence East 265 feet, thence North 410 feet to the point of beginning

AND

That part of the SE ¼ of Section 13, Township 95 North, Range 13 West of the 5<sup>th</sup> P.M., Chickasaw County, Iowa, described as follows: Beginning at the SE corner of said SE ¼; thence N 88°48'10" W 363.00 feet along the Sly line of said SE ¼; thence N 00°00'00" E 128.00 feet along a line parallel with the E line of said SE ¼; thence N 37°40'20" E 62.17 feet; thence N 00°00'00" E 350.00 feet along a line parallel with said E line of the SE ¼; thence S 88°48'10" E 48.00 feet along a line parallel with said Sly line of the said SE ¼; thence N 00°00'00" E 126.31 feet along a line parallel with said E line of the SE ¼; thence N 87°52'50" E 277.12 feet to a point on said E line of the SE ¼, said point being 670.34 feet N of said SE Corner of the SE ¼; thence S 00°00'00" W 670.34 feet to the point of beginning; containing 4.93 acres, subject to existing public highway r-o-w across the E 75.0 feet thereof. The area includes the full right-of-way of all streets forming the boundary.

And Urban Renewal Area – Melrose East (Ordinance #777 Aug. 1, 2005)

Melrose East, a subdivision in the South Half of Section 7, Township 95 North, Range 12 West of the 5<sup>th</sup> P.M., Chickasaw County, Iowa, and more particularly described as follows:

Beginning at the South Quarter Corner of said Section; Thence North 00°-40'29" West (Record Bearing), 393.50 feet along the East Line of the Southwest Quarter of said Section 7 to a Northeasterly Line of Parcel Y in said Section and the Point of Beginning; Thence North 39°-49'-14" West, 403.05 feet along said Northeasterly Line; Thence North 70°-36'17" East, 174.52 feet; Thence North 20°-57'-23" East, 152.74 feet; Thence North 03°-51'-07" West, 153.37 feet; Thence North 09°-30'18" West, 157.63 feet; Thence North 18°-56'-52" West, 445.23 feet; Thence North 04°-37'-58" West, 317.83 feet to the South Right-of-Way Line of Hamilton Street; Thence North 88°-37'-10" East 529.72 feet, along said South Right-of-Way Line to the Northwest Corner of Lot 1, Block 1 of Leishman's Addition to the City of New Hampton; Thence South 00°-52'-12" East 533.96 feet along the West Line of said Addition and the extension thereof to a Corner of Lot 1, Block 1 of Tank's 4<sup>th</sup> Addition to the City of New Hampton; Thence South 88°-36'-50" West 3.00 feet; Thence South 00°-52'-12" East 55.83 feet; Thence North 88°-36'-50" East 3.00 feet to the Northwest Corner of Lot 1, Bower's Addition to the City of New Hampton; Thence South 00°-44'-46" East 114.16 feet along the West Line of Said Bower's Addition; Thence South 88°-38'-23" West 304.77 feet to the West Line of the Southwest Quarter of the Southeast Quarter of said Section; Thence South 00°-40'29" East 22.50 feet along said West Line; Thence North 88°-38'-23" East 217.93 feet to the West Line of Block 3, Tank's 2<sup>nd</sup> Addition to the City of New Hampton;

Thence South 00°-19'-50" East 330.15 feet along said West Line to the West Line of Block 1, Tank's 3<sup>rd</sup> Addition to the City of New Hampton; Thence South 00°-02'-17" East 762.66 feet along said West Line and the extension thereof to an Easterly Line of Parcel Y in said Section; Thence North 39°-49'-14" West 328.04 feet to the Point of Beginning, containing 14.185 acres, Subject to easements of record.

And

Urban Renewal Area – New Hampton Assisted Living (Ord. #769 Jan. 20, 2004)

Parcel BB in Parcel V in the Southwest Quarter of the Southeast Quarter of Section 7, Township 95 North, Range 12 West of the 5<sup>th</sup> P.M., City of New Hampton, Chickasaw County, Iowa, and more particularly described as follows:

Commencing at the Northeast Corner of said Quarter-Quarter Section: Thence South 00° -38' -00" West (Record Bearing) 430.02 feet along the East Line of said Quarter-Quarter Section to the extension of the North Line of Parcel U in said Quarter-Quarter Section; thence South 89° -59' -15" West 235.01 feet along said North Line of Parcel U and the extension thereof and the North Line of Parcel W in said Quarter-Quarter Section to the Northwest Corner of said Parcel W and the Point of Beginning; Thence continuing South 89° -59' -15" West 202.01 feet to the Northwest Corner of said parcel V; Thence South 00° -38' -00" West 118.00 feet along the West Line of said Parcel V; Thence North 89° -59' -15" East 202.01 feet to the West Line of said Parcel W; Thence North 00° -38' -00" East 118.00 feet along said West Line to the Point of Beginning, containing 23,836 square feet (0.547 acre), subject to easements of record

Urban Renewal Areas Amendment (Ord #823, July 18, 2011)

Parcel U of the survey of the SW ¼ of the SE ¼ of Section 7, Township 95 North, Range 12 West of the 5<sup>th</sup> P.M. in the City of New Hampton, as shown on Book 165, page 270 in the office of the Chickasaw County Recorder, AND

Parcel W in Parcel V in the SW ¼ of the SE ¼ of Section 7, Township 95 North, Range 12 West of the 5<sup>th</sup> P.M. in the City of New Hampton, as shown on Book 169, page 183 in the office of the Chickasaw County Recorder

And

Urban Renewal Area – Steinlage Addition (Ord. #782 June 5, 2006)

Lots 1 through 7 and Lots A, B and C of the Steinlage Addition to the City of New Hampton, Chickasaw County, Iowa

Urban Renewal Area - Industrial.



The SW ¼ of the SE ¼ lying West of Canty Avenue (except Lots 10, 11 and 12 Boos' Brothers Subdivision Number One) and the NW ¼ of the SE ¼ (except the East 204.07 feet thereof and except the South 100 feet of the East 670.07 feet) all in Section 1, Township 95 North, Range 13 West of the 5th P.M., Chickasaw County, Iowa.

All of that area generally known as the New Hampton Industrial Park which is a part of Lot No. 1 of the Irregular Survey of the SE ¼ of the NW ¼ of Section 12 and a part of the NE ¼ of the NW ¼ of Section 12. All in Township 95 North, Range 13 West of the 5th P.M. Chickasaw County, Iowa, lying within the following described boundary:

Beginning at a point which is 50 feet south of the Northline of the NE ¼ of the NW ¼ of said Section 12 and 516 feet East of the West line of the NE ¼ of the NW ¼ of said Section 12, thence North 89° 24' 30" East along a line which is parallel with the North line of said NE ¼ of the NW ¼ a distance of 482.75 feet to a point which is described as being 50 feet South & 337.1 feet West of the N ¼ corner of said Section 12; thence South 2° 51' East (assumed basis of bearings) a distance of 295.93 feet; thence South 2° 18'30" East along a line which is described as being 337.1 feet West of and parallel with the East line of the NW ¼ of said Section 12 a distance of 1,617.16 feet to the Northwesterly right of way line of the C. M. St. P. & P. Railroad; thence South 57° 49' 10" West along the northwesterly right of way of the railroad a distance of 1,140.99 feet to the West line of said Lot No. 1; thence North 2° 34' 30" West along the West line of said Lot 1 and the West line of the NE ¼ of the NW ¼ of said Section 12 a distance of 1,961.32 feet to a point which is 600 feet south of the Northwest corner of the NE ¼ of the NW ¼, of said Section 12; thence North 89° 24' 30" East parallel with the North line of said NE ¼ of the NW ¼ a distance of 516 feet; thence North 2° 34' 30" West parallel with the West line of the NE ¼ of the NW ¼ a distance of 550 feet to the point of beginning.

Containing 44.06 acres.

AND

The NW ¼ of the SE ¼ (except the East 204.07 feet) in Section 7, Township 95 North, Range 13 West of the 5th P.M., Chickasaw County, Iowa.

AND

A part of the NW ¼ of the NW ¼ ; of Section 12, Township 95 North, Range 13 West of the 5th P.M., in Chickasaw County, Iowa, described as follows:

Begin at a point on the East line of the said NW ¼ of the NW ¼ which bears S 02° 30" E 50.00 feet from the Northeast corner of the said NW ¼ of the NW ¼; thence continue S 02° 30" E 938.69 feet; thence S87° 30" W 100.00 feet; thence N 02° 30" W938.77 feet; thence N 87° 36" E 100.00 feet to the point of beginning; except the North 550.00 feet of the East 34.00 feet thereof.

AND

The South 550 feet of the North 600 feet of the East 34 feet of the NW ¼ of the NW ¼ and the South 550 feet of the North 600 feet of the West 516 feet of the NE ¼ of the NW ¼ ; except the North 200 feet of the East 450 feet thereof, all in Section 12, Township 95 North, Range 13 West of the 5th P.M., in Chickasaw County, Iowa.

AND

Begin at the Northwest corner of said Lot 3; thence S 02°-34' 30" E along the West line of said Lot 3, a distance of 219.61 feet; thence N 87° 30" E 515.78 feet to a point on the West line of Bailey Street; thence N 02° 30" W along the said Westline of Bailey Street 202.00 feet to a point on the North line of said Lot 3; thence S 89° 30" W along the North line of said Lot 3, 516.10 feet to the point of beginning, containing 2.50 acres.

AND

A part of Lot 3 of the New Hampton Industrial Park in the City of New Hampton, Chickasaw County, Iowa described as beginning at a point on the West line of said Lot 3 being S 02° 30" E 219.6 feet from the Northwest corner of said Lot 3; thence continue S02° 30" E 169.08 feet; thence N 87° 30" E515.78 feet; thence N 02° 30" W 169.08 feet; thence S 87° 30" W 515.78 feet to the point of beginning, containing 2.00 acres.

AND (1998 Addition to Industrial TIF Area) (Ordinance #733)

Beginning on Highway 18 at a line 100' East of the property line of Tri/Mark., then South to County Road 210TR, then West to Kenwood Avenue, then North to Highway 18, then East to the point of beginning. Except the West 411.80' of the N 376' and the W 370' of the S 275'.

Urban Renewal Area – Industrial Park South

The S ½ of the NW Fr ¼ and the South 40 acres of the N ½ of the NW ¼ and the W ¼ of the NE ¼ of Sectin 19, Township 95, Range 12 West of the 5<sup>th</sup> P.M.

**19.2 TAXES DIVIDED IN URBAN RENEWAL PROJECT AREAS.** The taxes levied on the taxable property in the Urban Renewal Project Areas known as the New Hampton Urban Renewal Project Area, as legally described in Section 19.1, by and for the benefit of the State of Iowa, City of New Hampton, County of Chickasaw, New Hampton Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereafter provided.

**19.3 BASE PERIOD TAXES.** The portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing

property in said Urban Renewal Project Areas upon the total sum of the assessed value on the assessment roll of January 1, 1989, being the first day of the calendar year preceding the effective date of this Ordinance, shall be allocated to and when collected be paid into the Fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid.

That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 1992 Addition to the Urban Renewal Area – Commercial, as shown on the assessment roll as of January 1, 1991, shall be allocated to and when collected, be paid into the fund for the respective taxing districts as taxes by or for said taxing district into which all other property taxes are paid.

That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 1993 Addition to the Urban Renewal Area – Commercial, as shown on the assessment roll as of January 1, 1992, shall be allocated to and when collected, be paid into the fund for the respective taxing districts as taxes by or for said taxing district into which all other property taxes are paid.

That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 1996 Addition to the Urban Renewal Area – Commercial, as shown on the assessment roll as of January 1, 1995, shall be allocated to and when collected, be paid into the fund for the respective taxing districts as taxes by or for said taxing district into which all other property taxes are paid.

That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 1998 Addition to the Urban Renewal Area – Commercial, as shown on the assessment roll as of January 1, 1997, shall be allocated to and when collected, be paid into the fund for the respective taxing districts as taxes by or for said taxing district into which all other property taxes are paid.

That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 1998A Addition to the Urban Renewal Area – Commercial, as shown on the assessment roll as of January 1, 1997, shall be allocated to and when collected, be paid into the fund for the respective taxing districts as taxes by or for said taxing district into which all other property taxes are paid.

That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 1998 Addition to the Urban Renewal Area – Industrial, as shown on the assessment roll as of January 1, 1997, shall be allocated to and when

collected, be paid into the fund for the respective taxing districts as taxes by or for said taxing district into which all other property taxes are paid.

That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 1999 Addition to the Urban Renewal Area – Commercial, as shown on the assessment roll as of January 1, 1998, shall be allocated to and when collected, be paid into the fund for the respective taxing districts as taxes by or for said taxing district into which all other property taxes are paid.

That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area (Industrial Park South Urban Renewal Area), as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in the following paragraph, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance (1-20-03), but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area Amendment (2003 Addition), as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area Amendment (2003 Addition) on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area Amendment to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of

Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area Amendment, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area Amendment exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

The portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area Amendment. As used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area (Melrose East Urban Renewal Area), as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area (Melrose East Urban Renewal), except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the

Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) The portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) As used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

**19.4 TAX INCREMENT FUND.** That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in paragraph 19.3 of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

**19.5 COLLECTION OF TAXES IN URBAN RENEWAL AREA.** All taxes levied and collected upon the taxable property in the Urban Renewal Project Areas shall be paid into the funds of the taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes unless or until the total assessed valuation of the taxable property in said Urban Renewal Project Areas shall exceed the total assessed value of the taxable property in said Urban Renewal Project Areas on the date of adoption of this Ordinance.

**INTENT AND REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section

403.9(1) of the Code of Iowa, as amended, with respect to the division of taxes from property within the Urban Renewal Project Areas as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law, it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.9(1) of the Code of Iowa with reference to said Urban Renewal Project and the territory therein.

## **ARTICLE 9A REVITALIZATION AREA**

19A.1 REVITALIZATION AREA. In accordance with Chapter 404 of the Iowa Code and consideration of the recitations set out in the preamble of Ordinance #691, all property within the corporate boundaries of the City of New Hampton is hereby designated as a revitalization area under Chapter 404, and shall be known as the New Hampton Revitalization Area.

Beginning on Highway 18 at a line 100' East of the property line of Tri/Mark., then South to County Road 210TR, then West to Kenwood Avenue, then North to Highway 18, then East to the point of beginning. Except the West 411.80' of the N 376' and the W 370' of the S 275'.

AND

The S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  and the S  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  OF Section 13, Township 95 North, Range 13 West of the 5th P.M. (except commencing at the Northeast Corner of the S  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of said section, thence West 375 feet, thence South 700 feet, thence East 375 feet, thence North 700 feet to the place of beginning and except a parcel of land described in a survey filed in the office of the Chickasaw County Recorder in Book 122 of Deeds, page 73-74, and except the west 42 Rods of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  and the West 42 Rods of the S  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$ , all in Section 13, Township 95 North, Range 13 West of the 5th P.M.)

Commencing at the Northeast Corner of the S  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$ , thence West 375 feet, thence South 110 feet, thence East 150 feet, thence North 50 feet, thence East 225 feet, thence North 60 feet to point of beginning, all in Section 13, Township 95 North, Range 13 West of the 5th P.M.

The South 150 feet of the North 210 feet of the East 375 feet of the North 700 feet of the S  $\frac{3}{4}$  of the E  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 13, Township 95 North, Range 13 West of the 5th P.M. therefrom the North 50 of the West 150 feet, and subject to highway.

The East 375 feet of the South 490 feet of the North 700 feet of the S  $\frac{3}{4}$  of the E  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 13, Township 95 North, Range 13 West of the 5th P.M.