

OSCEOLA CITY COUNCIL

Tuesday, January 17, 2017

Regular Meeting

The City Council met on Tuesday, January 17, 2017 at 7:00 p.m. for a Regular scheduled meeting. The meeting was called to order by Mayor Thomas J. Kedley. With the following present: Council Members: George Fotiadis, Dave Walkup, Dan Hooper, and Dennis Page. Doug Gay was absent. City Staff present were Ty Wheeler– City/Administrator/Clerk, Britanee Ward – Accounting Manager/Assistant City Clerk and Marty Duffus – Police Chief. Also present were: Derek Lumsden, Phil Coe, Shayla Hembry, Bill Trickey, Robert Johson, Ryleigh Luce, Ann Diehl, Samantha Cowling, Stephanie Howard, Josh Stephenson, Donnie McCuddin, Devesh Desai, Kaylee Snyder and others that didn't sign in.

Motion by Hooper and second by Page to approve the agenda; roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Bill Trickey update the Council on the CCDC Board meeting.

Mayor updates Council on the activities within the City.

Motion by Page and second by Walkup to approve the board Appointment of Phil Coe to the Historic Preservation Commission. Roll Call Vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Hooper and second by Page to approve appointing Dave Walkup to the Chamber Market Analysis Grant Committee; roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Senior Center reports to Council their financials for the past year. There was no action at this time regarding the Senior Center.

Motion by Fotiadis and second by Walkup to open the public hearing regarding the amendment to the City Code pertaining to neglected animals; roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. There were no written or verbal comments. Motion by Hooper and second by Page to close the public hearing; roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Hooper to approve the first reading of the amendment to ordinance 55.02 titled "Animal Neglect"; roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Page and second by Walkup to waive the second and third reading of Ordinance Amendment; roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Ordinance No. 570 AN ORDINANCE AMENDING CHAPTER 55 OF THE CITY OSCEOLA CODE OF ORDINANCE. BE IT ENACTED by the City Council of the City of Osceola, Iowa: SECTION 1. SECTION MODIFIED. Chapter 55 of the City of Osceola, Iowa Code of Ordinances is hereby amended by addition the following sections: **55.17** DISPOSITIONAL PROCEEDINGS. Instances of Animal Neglect or Livestock Neglect pursuant to Chapter 55.02 and 55.03 may be handled in accordance with following: 1. Upon a petition brought by the City, a court in the county where an animal is maintained by a responsible party or a City shall determine if the animal is a threatened animal and order its disposition after a hearing. A. The matter shall be heard within ten days from the filing of the petition for disposition by the City. B. If the animal has been rescued, the court may order that the animal be placed under the custody of the City and maintained in the same manner as a rescued animal under section 717B.5 of the Code of Iowa. C. The court may continue the hearing for up to thirty days upon petition by the responsible party. However, the court shall not grant a continuance unless the animal is maintained by the City. The responsible party must post a bond or other security with the City as a condition of the continuance. The amount of the bond or other security shall be determined by the court, which shall not be more than the amount sufficient to provide maintenance of the animal for thirty days. The court may grant a subsequent continuance upon petition by the responsible party. The continuance shall be for not more than thirty

days. The responsible party must post a new bond or security as a condition of the subsequent continuance in the same manner as the original bond or security or as otherwise ordered by the court. However, the court shall order the immediate disposition of the animal if the animal is permanently distressed by disease or injury to a degree that would result in severe or prolonged suffering. 2. The hearing to determine if the animal is a threatened animal for purposes of disposition shall be a civil proceeding. If the case is related to a criminal proceeding, the disposition shall not be part of that proceeding and shall not be considered a criminal penalty imposed on a person found in violation of this chapter. 3. If the court determines that an animal is not a threatened animal, the court shall order that the animal be returned to the custody of the responsible party. If the court determines that an animal is a threatened animal, the court shall order the City to dispose of the threatened animal in any manner deemed appropriate for the welfare of the animal. In addition, all of the following apply: A. The court may order the responsible party to pay an amount which shall not be more than the dispositional expenses incurred by the City. The court may also award the City court costs, reasonable attorney fees and expenses related to the investigation and prosecution of the case, which shall be taxed as part of the costs of the action. B. If a bond or other security was posted as a condition for a continuance of a disposition hearing as provided in this section, the City may use the posted amount to offset the City's dispositional expenses. C. If any moneys are realized from the disposition of a threatened animal, the moneys shall be used to offset the City's dispositional expenses before satisfying indebtedness secured by any security interest in or lien on the threatened animal. D. If the threatened animal is owned by more than one responsible party, the amount required to offset the City's dispositional expenses shall be prorated among the responsible parties based on the percentage of interest owned in the threatened animal attributable to the responsible parties as the threatened animal's titleholders. For purposes of this paragraph, a responsible party who does not own an interest in the threatened animal shall be deemed to be an owner holding a percentage interest in the animal equal to the largest percentage interest held by a landowner who is attributed an interest as the threatened animal's titleholder. If the responsible party is a landowner, the City may submit the amount to reimburse the City for its dispositional expenses to the clerk of the county board of supervisors who shall report the amount to the county treasurer. If the threatened animal is owned by more than one landowner, the amount shall be prorated among the landowners based on the percentage of interest owned in the threatened animal attributable to each landowner as the animal's titleholders. The amount shall be placed upon the tax books, and collected with interest and penalties after due, in the same manner as other unpaid property taxes. The county shall reimburse a city within thirty days from the collection of the property taxes. 4. A threatened animal that is ordered by a court to be destroyed under this section shall be destroyed only by euthanasia as defined in section 162.2 of the Iowa Code.

(Code of Iowa, Ch. 717B.4) 55.18 RESCUE OF THREATENED ANIMALS. The City may provide for the rescue of an animal as follows: 1. The rescue must be made by a law enforcement officer having cause to believe that the animal is a threatened animal after consulting with a veterinarian licensed pursuant to chapter 169 of the Code of Iowa. The law enforcement officer may rescue the animal by entering on public or private property, as provided in this subsection. The officer may enter onto property of a person to rescue the animal if the officer obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States. 2. If an animal is rescued pursuant to this section, the local authority shall provide for the maintenance of the animal. The local authority may contract with an animal care provider for the maintenance of the animal. The local authority shall provide the responsible party for the animal with notice of the rescue. The notice may be accomplished by doing any of the following: A. Delivering written notice to the responsible party's last known address by the United States postal service or personal service. B. Posting a notice in a conspicuous place at the location where the animal was rescued. C. The notice shall state that the animal has been rescued by the local authority pursuant to this section. 3. Within ten days after the date that an animal is rescued, the City shall initiate a dispositional proceeding pursuant to section 717B.4 of the Code of Iowa. 4. The City shall pay the animal care provider for the animal's maintenance regardless of proceeds received from the disposition of the animal or any reimbursement ordered by a court, pursuant to section 717B.4 of the Code of Iowa. (Code of Iowa, Ch. 717B.5) SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional. SECTION 3. WHEN

EFFECTIVE. This Ordinance shall be effective upon its final passage, approval, and publication. Roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Page to approve resolution 2017-04 A RESOLUTION APPROVING APPLICATION(S) FOR TAX ABATEMENT UNDER THE CITY-WIDE URBAN REVITALIZATION PLAN BE IT RESOLVED, that application from the following persons for the following projects be approved by the City Council of Osceola, Iowa and that they be forwarded to the County Assessor, for the physical review of the improvements, after the issuance of a building permit by the Zoning Administrator if required and not already secured.

Name	Property Address	Type of Improvement
Courtney Wright	400 S Fillmore	Multi-Res Remodel

Roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

There was no action regarding State Revolving Fund Loan application for the Old Plant Pump Station and Force Main Sewer Project.

Motion by Hooper and second by Page to approve

RESOLUTION NO. 2017- 05 RESOLUTION ORDERING CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS, APPROVING PRELIMINARY PLANS, AND FIXING A DATE FOR HEARING THEREON AND TAKING OF BIDS THEREFOR WHEREAS, it is deemed advisable and necessary to construct certain public improvements described in general as CDBG WASTEWATER SYSTEM IMPROVEMENTS - OLD PLANT PUMP STATION AND FORCE MAIN, and has caused to be prepared preliminary plans, specifications and form of contract, together with estimate of cost, on file in the office of the Clerk for public inspection, for the construction of said public improvements, and said preliminary plans, specifications and form of contract are deemed suitable for the making of said public improvements; and WHEREAS, before said preliminary plans, specifications, form of contract and estimate of cost may be adopted, and contract for the construction of the public improvements entered into, it is necessary, pursuant to Division VI of Chapter 384 of the Code of Iowa, to hold a public hearing and to advertise for bids, NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OSCEOLA, IOWA: Section 1. That it is hereby determined that it is necessary and advisable to construct certain public improvements described in general as CDBG WASTEWATER SYSTEM IMPROVEMENTS - OLD PLANT PUMP STATION AND FORCE MAIN, in the manner set forth in the preliminary plans and specifications and form of contract, above referred to, the cost thereof to be paid in accordance with the provisions as set out in the posted Notice to Bidders, said public improvements being more generally described as follows: CDBG WASTEWATER SYSTEM IMPROVEMENTS – OLD PLANT PUMP STATION AND FORCE MAIN Construct CDBG Wastewater System Improvements – Old Plant Pump Station and Force Main including all labor, materials and equipment necessary to construct comminution/screening structure, wet well, valve chamber, meter pit, Parshall flume, standby generator, and ancillary equipment including all piping, pumps and controls; approximately 2,423 Linear Feet of 18-inch force main in open cut, 232 Linear Feet of 18-inch trenchless force main in casing pipe, 3,794 Linear Feet of 24-inch, 30-inch and 36-inch sanitary sewer in open cut, manholes, 750 Linear Feet of 6-inch trenched water main, 250 Linear Feet of 6-inch trenchless water main, excavation and backfill, surface restoration, erosion control, testing, mobilization, traffic control and miscellaneous work, including cleanup. Section 2. That the amount of bid security to accompany each bid shall be in an amount which shall conform to the provisions of the notice to bidders approved as a part of said specifications; and, BE IT FURTHER RESOLVED, that the Clerk be and is hereby directed to post notice to bidders at least once in a relevant contractor plan room service with statewide circulation, and in a relevant construction lead generating service with statewide circulation, and on an internet site sponsored by either the City or statewide association that represents the City. Posting shall not be less than thirteen clear days nor more than forty-five days prior to February 23, 2017, which is hereby fixed as the date for receiving bids. Said bids are to be filed prior to 2:00 P.M. on said date; and, BE IT FURTHER RESOLVED, that bids shall be received and opened at a public meeting as provided in the public notice and the results of said bids shall be considered at a meeting of this Council on March 7, 2017, at

7:00 o'clock P.M.; and, BE IT FURTHER RESOLVED, that the City Clerk is hereby designated as the authority to receive and open said bids on behalf of the City of Osceola, Iowa; and, BE IT FURTHER RESOLVED, that the Clerk be and is hereby directed to publish notice of hearing once in the Osceola Sentinel-Tribune, a legal newspaper, printed wholly in the English language, published at least once weekly and having general circulation in this City. Publication shall not be less than four clear days nor more than twenty days prior to the date hereinafter fixed as the date for a public hearing on the final plans, specifications, form of contract and estimate of cost for said project, said hearing to be at 7:00 o'clock P.M. on March 7, 2017. Roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Ty Wheeler – City Administrator/Clerk updated council on the status of ongoing projects, and activities.

Council wanted to Thank the City street department for their work with the ice on Monday.

Fotiadis had nothing to report. Walkup wanted to remind Council about the Annual Dinner. Hooper had nothing to report. Page feels that the City is moving in the right direction.

Motion by Hooper and second by Page to approve the consent agenda: Council Minutes: January 3rd ; Liquor License: La Corona (BC0030348); Hy-Vee Store (LC0041576); Lakeside Hotel & Casino (LE0001226); Wal-Mart Supercenter (LE0001422; d. 2016 Street Improvements Pay Est #5- \$41,286.05 and following claims:

Agrivision, Supplies, 163.22 ; Alliant Energy, Utilities, 10567.22 ; Amazon.Com Credit, Supplies, 409.81 ; Baker & Taylor Entertainment, Supplies, 790.94 ; Bauer Built, Supplies, 459.6 ; Better Homes & Gardens, Supplies, 5.99 ; Bobs Auto Supply, Supplies, 142.75 ; Casey's General Stores, Inc., Fuel , 1879.85 ; Cengage Learning, Supplies, 92.96 ; Chat Mobility, Utilities, 541.57 ; Chesnut Lawn & Landscape, Services, 25 ; City Of Murray, Services, 3132.42 ; City Of Woodburn, Services, 1044.14 ; Clarke Co. Landfill Comm, Services, 116.12 ; Clarke Co. Reservoir Comm., Lost, 80306.47 ; Clarke Electric Coop, Utilities, 5269.5 ; Creston Publishing Company, Publication , 63 ; D & D Pest Control, Services, 85 ; Diamond Oil Co, Fuel , 605 ; Directv, Services, 130.43 ; Donna Phillips, Services, 240 ; Dust Pros Janitorial, Services, 595 ; Elliott Oil Co., Fuel , 188.26 ; Hach Company, Supplies, 238.83 ; Highway Lumber, Supplies, 12.59 ; Hy-Vee Food Stores, Supplies, 108.68 ; Iowa Communications Network, Services, 2.15 ; Iowa League Of Cities, Services, 20 ; Iowa State University, Services, 50 ; Ipromoteu, Supplies, 298.5 ; J P Auto, Supplies, 270.17 ; J P Auto - Street, Supplies, 88.55 ; J P Auto - Waste Water, Supplies, 85.99 ; Jackson Electric, Services, 1045 ; Jetco Inc, Services, 448.1 ; Kd Tires, Llc, Services, 115 ; Koch Brothers, Inc, Supplies, 63.24 ; Lacial Equipment Inc., Supplies, 498.34 ; Leslie Gardens, Services, 3906.36 ; Linda Persels, Services, 1287.5 ; Madeline Cappel , Reimb, 25 ; Mainstay Systems Inc., Services, 177 ; Marc Elcock, Services, 3406 ; Mediacom, Services, 271.1 ; Mid America Books, Supplies, 18.95 ; Midwest Office Tech. Co., Services, 70.05 ; Mother Earth News, Services, 17 ; Newton Overhead Doors, Services, 3011.74 ; O'reilly Automotive Inc., Supplies, 56.99 ; Osceola Farm & Home, Supplies, 33.15 ; Pitney Bowes, Postage, 212.4 ; Recorded Books, Services, 235.4 ; Reminisce, Services, 19.98 ; Robinsons Co., Supplies, 55.63 ; Short Construction, Inc, Services, 520.71 ; Sicog, Services, 1500 ; Sirwa, Utilities, 33 ; Solutions, Supplies, 631.52 ; South Central Iowa Landfill Agency, Services, 5000 ; Toyne Inc, Services, 166.76 ; Trans-Iowa Equipment, Inc, Services, 64.37 ; Truck Equipment Inc., Services, 104.3 ; Upstart, Supplies, 382.51 ; Verizon, Utilities, 240.06 ; Wilder's Truck Service, Services, 94.48 ; Windstream, Utilities, 1136.78 ; , Grand Total , 132878.13 ;Fund Recap: 001, General , 38681.01 ; 110, Road Use Tax , 4674.12 ; 115, Lost , 80306.47 ; 610, Waste Water , 9216.53 ; Grand Total , 132878.13. Check Numbers: 287209-287276.

Chapter 7 Claims/Achs:

Payroll ,12.09.16, 26185.25; Payroll ,12.16.16, 19440.24; Treasurer state of Iowa, Withholdings, 6887; IPERS, Withholdings, 24495.18; AFLAC, Withholdings, 617.55; Collection Service Center, Withholdings, 1920.9; EFTPS, Withholdings, 40365.98; Dennis Page,287147 Payroll, 81.32; George Fotiadis,287148 Payroll, 92.35; Mutual of Omaha,287149 Insurance, 610.21; Teamster,287151 Insurance, 180; United Healthcare,287152 Insurance, 2409.8; Met Life,287157 Insurance, 2258.69; Sternquist,287159 Project, 4166655.75; Clarke Co Reservoir,287154 LOST, 121072.38; IRS,287177 Payroll, 949; Linda Persels,287156 Airport , 1287.5; Mutual of Omaha,287158 Insurance, 140.6; United Healthcare,287160 Insurance, 58488.78; Payroll ,12.23.16, 25812.19; Payroll ,12.30.16, 19539.11; Imagetek ,EFT Storage, 245.5; State of Iowa, Sales Tax EFT, 4539; ,Grand Total , 4524274.28; Fund Recap; General , 68476.57; Road Use Tax, 15274.2; Employee Benefits, 139323.69; LOST, 121072.38; Project , 4166655.75; Sewer Utility , 13471.69; Grand Total , 4524274.28;

November Revenue:

General, 201474.12; Road Use, 54986.99; Trust/Agency, 3506.5; Special, 121072.38; TIF, 1506.82; Debt, 36890.06; Capital, 0; Permanent, 39.78; Proprietary, 111278.6; TOTAL BALANCE, 530755.25;

December Revenue:

General, 209556.81; Road Use, 45576.89; Trust/Agency, 84074.84; Special, 88143.51; TIF, 3874.84; Debt, 39960.23; Capital, 0; Permanent, 301.38; Proprietary, 126435.01; TOTAL BALANCE, 597923.51;

Roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

There being no further business, motion by Fotiadis and second by Walkup to adjourn the meeting at 7:54 PM. All voting aye, motion carried.

Thomas J. Kedley – Mayor

Attest:

Britanee Ward – Accounting Manager/ Assistant City Clerk

2016 Wages:

Adams Walker, \$ 4420 ; Addison Mark, \$ 5626.5; Allen Michael, \$ 63039.75; Benda Eddie, \$ 41190.69; Buddenhagen Isabella, \$ 1716; Clark Tobey, \$ 42200.92; Clark Corey, \$ 601.18; Clark Corey, \$ 747.89; Coe Jarrod, \$ 906.59; Coe Judy, \$ 32916.48; Cooper Daniel, \$ 42296.34; Crawford Gabriel, \$ 2501.13; Crawford Cady, \$ 378.25; Decker Leia, \$ 1288; Denly Mark, \$ 33047.12 ; Douglas Brett, \$ 50354.45; Duffus Martin, \$ 70965.48; Duffus Robin, \$ 42327.31; Farlow Jacob, \$ 37292.4; Fitzpatrick Adam, \$ 48202.97; Fotiadis George, \$ 1550; Fry Amanuel, \$ 1236; Fry Dalton, \$ 430.44; Fry Fanuel, \$ 1208; Fry Michael, \$ 2690.55; Fry Michael, \$ 46894.92; Fry Nelson, \$ 906.59; Garner Dave, \$ 7951.5; Gay Douglas, \$ 1500; Gilbert Savannah, \$ 3718.75; Giza Jefferey, \$ 9270.83; Glenn Colton, \$ 2182.5; Graff Myron, \$ 41722.58; Harmsen Zach, \$ 42250.48; Harmsen Mitchell, \$ 2576.15; Heath Maddison, \$ 1861.5; Henry Michael, \$ 2034.44; Hewitt Cullen, \$ 9461.01; Hollinger Kahlan, \$ 1912; Hooper Dan, \$ 1552; Hurley Robert, \$ 51702.08; Hurley Robert, \$ 220.04; Jacobsen Curtus, \$ 55087.44; Jimmerson Byron, \$ 2205.18; Kedley Thomas, \$ 3600; Keller Bryce, \$ 2037.81; Keller Mackenzie, \$ 2512; Kent Cody, \$ 978.66; Kent Timber, \$ 1624; Kjellsen Jack, \$ 1316; Leonard David, \$ 39834.47; Lust Timothy, \$ 9268.56; Maher Jesse, \$ 515.81; Mann Christopher, \$ 256.11; Mason Joyce, \$ 7170.42; May Allyssa, \$ 4488.75; May Ariella, \$ 3850.5; May Douglas, \$ 4597.15; Mayhew Michelle, \$ 218.5; Mayhew Coleen, \$ 536.5; Mccuddin Donald, \$ 2339.84; Mccuddin Donald, \$ 60119.33; Mcdonough Lonna, \$ 10798.01; Moore Hannah, \$ 1500; Moore Garrett, \$ 1854.22; Morgan Troy, \$ 1802.65; Nold Elizabeth, \$ 12018.96; Olson Meredyth, \$ 1224; Page Dennis, \$ 1550; Pettit Earnest, \$ 1787.96; Pettit Earnest, \$ 53476.55; Porter Nathan, \$ 1142.65; Potter Garry, \$ 53783.15; Riddle Timothy, \$ 58275.22; Rumley Tyson, \$ 45590.29; Sandel Matt, \$ 318.63; Scanlan Diedra, \$ 22301.6; Selsor Shane, \$ 43875.22; Short Kailey, \$ 740; Simpson Hunter, \$ 5418; Smith Kacie, \$ 1406.65; Smith Zachary, \$ 53803.26; Smith Michael, \$ 1364; Snyder Levi, \$ 1652; Spencer Conner, \$ 3766.5 ; Stuva Belinda, \$ 4697.75; Swartz Laura, \$ 603.5; Taylor Austin, \$ 1175.92; Taylor Jass, \$ 2596; Taylor Shane, \$ 34729.44; Thomas Bryce, \$ 1506.59; Thomas Richard, \$ 53980.25; Vangundy Katelynn, \$ 470; Vangundy Kalliann, \$ 1394.27; Walker Jerald, \$ 52070.54 ; Walkup David, \$ 1552; Walsh John, \$ 43960.8 ; Ward Britanee, \$ 42985.02; Werner Thomas, \$ 42883.19 ; Wheeler William, \$ 82798.1 ; Wilkins Richard, \$ 561 ;Wilson Kyle, \$ 1531. 85; Wishon Grant, \$ 1810.5; Woodard Krista, \$ 21736.32 ; Zimmerman Baily, \$ 3229.89; Zimmerman Solanna, \$ 3044.31