

OSCEOLA CITY COUNCIL

Tuesday, October 16, 2018
Regular Meeting

*You may view all Resolutions at City Hall or at City's Website. *

The City Council met on Tuesday, October 16, 2018 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: Dave Walkup, Dan Hooper, Doug Gay, Dennis Page and George Fotiadis. City Staff present were Ty Wheeler–City/Administrator/Clerk, Britanee Ward-Case – Accounting Manager/Assistant City Clerk and Marty Duffus – Police Chief. Also present were: Matt Stoll, Donnie McCuddin, Sondra Moanum, Leonard Weiss, Rod Clark, Cheyenne Harris, Marie White and others that didn't sign in.

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

No one spoke during open forum.

Mayor informed council of some events that he attend and the excitement of Osceola hopefully getting an intern. Mayor gave the Oath of Office to Leonard Weiss and Joseph Lekwa for the Fire Department.

Mason Adams and David Vollmar with Alliant Energy informed Council the

Motion by Fotiadis and second by Walkup to approve the Gas Facilities Extension Agreement with Alliant Energy; Roll Call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Gay and second by Page to open the public hearing for the Rezoning of Parcel 'K' from R-2 to R-2 (PUD); Roll Call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. There were no written or verbal comments during public hearing. Motion by Hooper and second by Gay to close the public hearing; Roll Call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Gay to approve the first reading of the Ordinance rezoning Parcel 'K' from R-2 to R-2 (PUD); Roll Call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Fred Dowie of Autumn Ridge Development and Dan DeCamp with Abaci Consulting presented to Council the layout of the development and answered various question Council had.

Motion by Page and second by Fotiadis to waive the second and third reading of the Ordinance rezoning Parcel 'K' from R-2 to R-2 (PUD). Roll Call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

ORDINANCE NO. 596 AN ORDINANCE CHANGING THE ZONING OF CERTAIN PROPERTY FROM "R-2" ONE-TWO FAMILY TO "R-2" ONE-TWO FAMILY PUD. Be It Enacted by the City Council of Osceola, Iowa: Section I. Property described as follows: PARCEL 'K' OF THE SW FRACTIONAL ¼ OF THE NW FRACTION ¼ OF SECTION 18-72-25, CITY OF OSCEOLA, CLARKE COUNTY, IOWA Said property is currently zoned "R-2" One-Two Family and is hereby rezoned "R-2" One-Two Family PUD. Section II. 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.

Motion by Fotiadis and second by Gay to approve the development of a private drive for the Autumn Ridge development; Roll Call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Page to open public hearing for the 2018A Urban Renewal Amendment; Roll Call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. There were no written or verbal comments during the public hearing. Motion by Hooper and second by Page to close the public hearing; Roll Call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Hooper and second by Page to approve the resolution 2018-47 2018A Urban Renewal Amendment; Roll call vote: Page, aye; Hooper, aye; Walkup, aye; Gay, aye; Fotiadis, aye; Motion carried.

RESOLUTION NO. 2018-47

A resolution to approve 2018A Urban Renewal Plan Amendment for the Osceola Urban Renewal Area

WHEREAS, the City Council of the City of Osceola, Iowa (the “City”) has created the Osceola Urban Renewal Area (the “Urban Renewal Area”) and has approved an urban renewal plan for the Urban Renewal Area; and

WHEREAS, Chapter 403 of the Code of Iowa requires that, before a city approves any new urban renewal project, or adds property to an urban renewal area, a city must amend the existing urban renewal plan to include that new project or new property; and

WHEREAS, an amendment to the urban renewal plan for the Urban Renewal Area (the “2018A Urban Renewal Plan Amendment”) has been prepared which describes new urban renewal projects that will use incremental property tax revenues to make a grant to The Village day care center and to provide incentives for new development in the City’s Industrial Park; and

WHEREAS, notice of a public hearing by the City Council of the City on the proposed 2018A Urban Renewal Plan Amendment was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Council has conducted said hearing; and

WHEREAS, copies of the 2018A Urban Renewal Plan Amendment, notice of public hearing and notice of a consultation meeting with respect to the urban renewal plan amendment were sent to Clarke County and the Clarke Community School District; the consultation meeting was held and responses to any comments or recommendations received following the consultation meeting were made as required by law; and

NOW, THEREFORE, It Is Resolved by the City Council of the City of Osceola, Iowa, as follows:

Section 1. It is hereby determined by this City Council as follows:

A. The 2018A Amendment to the Urban Renewal Plan for the Osceola Urban Renewal Area conforms to the general plan of the City;

B. The economic development projects described in the 2018A Amendment to the Urban Renewal Plan for the Osceola Urban Renewal Area are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 2. The 2018A Amendment to the Urban Renewal Plan for the Osceola Urban Renewal Area, attached hereto and made a part hereof, is hereby in all respects approved.

Motion by Fotiadis and second by Hooper to open public hearing vacation of the East/West Alley in Block 1 of East Osceola; Roll Call vote: Fotiadis, aye; Gay, aye;

Walkup, aye; Hooper, aye; Page, aye; motion carried. There were no written or verbal comments. Motion by Gay and second by Hooper to close the public hearing, Roll Call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Page and second by Fotiadis to approve the first reading; Roll Call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Hooper and second by Page to approve the third reading of the proposed Ordinance Amendment Permitting Golf Carts on City Streets;

Ordinance No. 597

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OSCEOLA, IOWA, PERTAINING TO GOLF CARTS

BE IT ENACTED by the City Council of the City of Osceola, Iowa:

SECTION 1. SECTION DELETED. Chapter 62.01 (27) titled “Section 321.247- Golf cart operation on City streets.” of the Code of Ordinances of the City of Osceola, Iowa is hereby deleted.

SECTION 2. SECTION ADDED. Chapter 78 titled “Operation of Golf Carts On City Streets” is hereby adopted in its intirety as follows:

CHAPTER 78

OPERATION OF GOLF CARTS ON CITY STREETS

78.01 Purpose

78.02 Definition

78.03 Requirements and Restrictions

78.04 Operation Prohibited in Certain Locations

78.05 Permit Required

78.06 Violations

78.01 PURPOSE. Iowa code Section 321.247 grants authority to the City of Osceola to permit the operation of golf carts on the roadways under the City’s jurisdiction subjection to certain restrictions contained herein. The City Council desires to authorize the use of golf carts but to regulate them to enhance the health, safety and welfare of the citizens of Osceola.

78.02 DEFINITION. “Golf Cart” is defined as a motorized vehicle with three or four wheels that is not designed to be operated at a speed of more than twenty-five miles per hour (25 m.p.h.), whose purpose can include, but is not limited to, the playing of golf and is generally designed to carry persons including the driver.

78.03 REQUIREMENTS AND RESTRICTIONS. The following use, operational requirements and restrictions are adopted:

1. A golf cart must be operated on a street by persons who are:
 - a. At least sixteen (16) years of age
 - b. Possess a valid driver’s license
2. Individuals who are allowed by this chapter to operate golf carts on the City streets shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic code of the City applicable to the driver of a vehicle, except as to those provision which by their nature can have no application.
3. The golf cart shall be equipped with a slow moving vehicle sign, a bicycle safety flag, and operating brakes.
4. Golf carts shall be driven as close as practical to the right hand edge of any street, except when executing a left turn.

5. Golf carts shall operate in single file.
6. Golf carts shall not be operated on any city sidewalk, walking path, trail or any other part of the City ROW not designated for vehicle traffic.
7. No golf cart shall be permitted to carry any number of passengers over its design capacity.
8. Golf carts shall only operate from sunrise to sunset.

78.04 OPERATION PROHIBITED IN CERTAIN LOCATIONS

1. Golf carts may cross, but shall not operate on the following city streets:
 - a. McLane Street from east city limits to west city limits
 - b. Main Street from north city limits to south city limits
 - c. All of Southwest Blvd
 - d. All of College Drive
 - e. All of E Eddy Saylor Parkway
 - f. Warren Avenue from its intersection at the northern most boundary line of the Railroad ROW, south to its terminus.
 - g. West Clay Street from its intersection at North Clarke Street to the west city limits

78.05 PERMIT REQUIRED

1. It shall be the duty of the owner of the golf cart to register the golf cart at City Hall. The owner or operator shall pay an annual administrative fee of \$25 and prior to the issuance of the permit. All permits must be renewed annually. The owner shall file proof of insurance prior to being issued a permit, showing liability coverage in an amount not less than one hundred thousand dollars per person or three hundred thousand dollars per accident, or three hundred thousand dollars combined single limit. Permits shall be void upon sale of the golf cart.

78.06 VIOLATIONS. A violation of the provisions of this chapter shall be punishable by a civil penalty in the amount of one hundred dollars (\$100) and revocation of permit to operate.

SECTION 3. 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.

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

Motion by Fotiadis and second by Page to approve the third reading of the proposed Ordinance Amendment pertaining to solid waste containers in the public right-of-way;

Ordinance No. 598

AN ORDINANCE AMENDING CHAPTER 105.11 OF THE CODE OF ORDINANCES OF THE CITY OF OSCEOLA, IOWA, BY AMENDING PROVISIONS PERTAINING TO THE DISPOSAL OF SOLID WASTE

BE IT ENACTED by the City Council of the City of Osceola, Iowa:

SECTION 1. SECTION MODIFIED. Section 105.11 of the Code of Ordinances of the City of Osceola, Iowa is hereby amended by moving subsection 5 to subsection 6 and inserting a new subsection 5 as shown below:

5. Storage of Containers. It shall be unlawful for any residential solid waste or recycling container to be stored in the public right of way for more than 24 hours after collection has occurred. All residential containers must be stored on private property in a secure location.
6. Violations. Admitted violations imposed by this Code of Ordinances may be charged upon a simple notice of a fine payable at the office of the Police Department. The simple notice of a fine shall be in the amount of fifty dollars (\$50) for all first violations, one hundred dollars (\$100) for all second violations and one hundred fifty (\$150) for all subsequent violations thereafter. *(Ord. 583 – May 18 Supp.)*

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.

Roll Call vote: Fotiadis, aye; Gay, nay; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Hooper and second by Page to approve the proposal from Visu-Sewer for the lining of the sewer main on N Main Street between Clay and Logan; Roll Call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Walkup and second by Fotiadis for the approval of the host and intern from Clarke Community School District; Roll Call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Page to be the custodian of the funds for Lauren's bark park; Roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried

There was no action at this time regarding Chapter 167.04 (2) title Permanent Parking to Be Provided.

Motion by Fotiadis and second by Page to move the regular schedule meeting to November 7th; Roll Call vote: Fotiadis, aye; Gay, aye; Walkup, nay; Hooper, aye; Page, aye; motion carried. Motion by Fotiadis and second by Page to revise motion to move the regular schedule meeting to November 8th due to lack of possibility of quorum; Roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Ty Wheeler – City Administrator/Clerk update council on upcoming and ongoing projects.

Fotiaids had concerns regarding the sidewalk in the Meadows. Gay had nothing to report. Walkup remind Council there is a comp plan for a reason. Hooper had concerns regarding sidewalk by the underpass. Page was wondering if there was a possibility of connect sidewalk to Q Pond.

Motion by Hooper and second by Page to approve the consent agenda: Council Minutes September 18th ; Liquor License: None. The following claims:

A-1 WINDOW SERVICE,Services,60;ALLIANT ENERGY,Utilities,9934.26;BLAKELY TREE SERVICE,Services,700;BOB BARKER COMPANY INC.,Services,529.86;BUD JONES CONSTRUCTION,Services,2110;CAPITAL CITY EQUIPMENT CO.,Services,176.02;CARQUEST OF OSCEOLA,Supplies,454.8;CASEY'S GENERAL STORES, INC.,Fuel,2830.37; CENTRAL PUMP & MOTOR, LLC,Services,800.31;CHAT OBILITY,Utilities,229.93;CHESNUT LAWN & LANDSCAPE,Services,1960;CLARKE CO. LANDFILL COMM,Services,443.62;CLARKE COMMUNITY SCHOOLS,Services,1000;CLARKE COUNTY ANIMAL SHELTER,Services,8000; CLARKE ELECTRIC COOP,Utilities,5445.45;COYOTE CREEK LLC,Services,1500; CR SERVICES,Services,132.21;CRESTON PUBLISHING OMPANY,Publication,296.96;D & D PEST CONTROL,Services,55;DANNCO INC.,Services,234.8;DIAMOND OIL CO,Fuel,1227.55; DIRECTV,Services,147.39;DONNIE MCCUDDIN,Reimb,81;DUAYNE FLETCHER,REimb,33.9;DUST PROS JANITORIAL,Services,1480;ECHO ELECTRIC SUPPLY,Supplies,89.75;ELLIOTT OIL CO.,Fuel,83.95;EQUIPMENT MANAGEMENT COMPANY,Services,418;FALLER, KINCHELOE & CO,Services,5000;FAREWAY STORES,Supplies,9.98;FELD FIRE,Services,1336.83;FLEETSIDE FORD,Services,1591.03;FRIDAY INS. CO.,Insurance,403;GILBERTS TRUE VALUE HOME CENTER,Supplies,169.02;HACH COMPANY,Supplies,300.97;HEIMAN FIRE EQUIP.,Supplies,241.7;HIGHWAY LUMBER,Supplies,1912.98;HUSSMANN CORP/TAYLOR IND,Supplies,1580.31;HYDRO-KLEAN,Supplies,209.4;HY-VEE FOOD STORES,Supplies,1684;IDEAL

READY MIX CO.,Services,920.63;IMWCA,Dues,2840;INTERSTATE CHEMICAL COMPANY INC.,Services,231;IOWA CITY/COUNTY MANAGEMENT ASSOC,Services,150;IOWA ONE CALL,Services,67.5;J P AUTO,Supplies,43.08;JAKE FARLOW,Reimb,48.02;JETCO INC,Services,1255.75;KD TIRES, LLC,Services,145;KEYSTONE LABORATORIES, INC,Services,2076.19; & M AG SERVICE,Services,51.25;MAINSTA SYSTEMS INC.,Services,177; MARC ELCOCK,Services,5000;Mark Binning,Utilities,25;MEDIACOM,Services,70.13; MIDWEST ALARM SERVICES,Services,727.39;MIDWEST OFFICE TECH. CO.,Services,207.95;MPH INDUSTRIES, INC,Services,79.12;MUNICIPAL SUPPLY INC,Supplies,202.8;NORTH CENTRAL LABORATORIES OF WISCONSIN,Supplies,128.04;OSCEOLA FARM & HOME - ALL,Supplies,586.5; PETTY CASH,Petty Cash,145.73;PROGRESSIVE STRUCTURES LLC,Project,10000; SCHILDBERG CONST. CO.,Services,2102.28;SERVICE TECHS INC,Services,205.7; SIRWA,Utilities,49.2;SNYDER PLUMBING,Services,1543.32;SOLUTIONS,Supplies,2182.51;SPOKE COMMUNICATIONS, LLC,Services,170;STAR EQUIPMENT LTD,Supplies,40.8;SUMMIT COMPANIES,Supplies,315;TOM WERNER,Reimb,40.35;TRUCK EQUIPMENT INC.,Services,25155; UNIFIED CONTRACTING SERVICES,Services,523.41;USA BLUEBOOK,Supplies,494.95;VEENSTRA & KIMM INC.,Services,103322.42;VERIZON,Utilities,280.07;WASH & WEIGH,Services,39;WATER ENVIRONMENT FED,Dues,285;WILDER'S TRUCK SERVICE,Services,287.9;WINDSTREAM,Utilities,1591.04;ZIMMER & FRANCESCON,Services,4810;Grand Total ,223510.38;Checks: 290631-290715Fund Recap: 1,General ,51035.62;32,UR Building ,1500;101,Insurance,3243;110,Road Use ,33398.36; 335,Old Plant Main Force Main ,106000;610,Sewer ,28333.4;Grand Total ,223510.38;

Claims paid on 10/09/2018

ALLIANT ENERGY,Utilities,3346.65;CENTERPOINT ENERGY,Utilities,722.45; CITY OF MURRAY,Services,3124.34;CITY OF WOODBURN,Services,1041.45; CLARKE CO. RESERVOIR COMM.,Lost,66116.82;COREY CLARK,Reimb,80; COUNTRY CONCRETE,Services,8720;FLEETSIDE FORD,Services,47527; FRIDAY INS. CO.,Reimb,25;IDEAL READY MIX CO.,Services,29041; INTERNATIONAL CODE COUNCIL,Services,135;JIM'S SANITATION& TRUCK REPAIR,Services,30677.16;KEMPER BENEFITS,Insurance,1365.55;KIMBALL MIDWEST,Services,872.44;KIRKHAM MICHAEL & ASSOCIATES,Services,5179.5; LINDA PERSELS,Services,1416.25;LOGAN CONTRACTORS SUPPLY,Services,1313.91;MEDIACOM,Utilities,545.44;MET LIFE,Insurance,2374.27; MIDWEST OFFICE TECH. CO.,Services,42.8;MUTUAL OF OMAHA,Insurance,245.38;MUTUAL OF OMAHA BANK ATIRACREDIT,Services,2575.33;POWERPLAN,Services,1766.74;PROGRESSIVE STRUCTURES LLC,Project,8717.5;SECRETARY OF STATE, PAUL PATE,Services,30;UHS PREMIUM BILLING,Insurance,38043.2;US CELLULAR,Utilities,757.96;ZIEGLER INC,Services,1429; ,Grand Total ,257232.14;Check Numbers: 290602-290630,Fund Recap: 1,General ,41582.89; 110,Road use Tax ,90875.17; 112,Employee Benefits,35493.13; 115,Lost,66116.82; 300,Airport Land ,5179.5; 335,Old Plant force Main ,8717.5;610,Sewer ,9267.13; Grand Total 257232.14;

Motion by Fotiadis and second by Hooper to enter into 23. Closed Session pursuant to Iowa Code 21.5 (1) (j): To Discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. Motion by Fotiadis and second by Hooper to exit close session; Roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Page to purchase 204 N Main in the amount of \$6,000; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

There being no further business, motion by Hooper and second by Page to adjourn the meeting at 9:08 PM. All voting aye, motion carried.

Thomas J. Kedley – Mayor

Attest:

Britanee Ward-Case – Accounting Manager/ Assistant City Clerk
Website: osceolaia.net