

**OSCEOLA CITY COUNCIL**

Tuesday, July 17, 2018

Regular Meeting

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

The City Council met on Tuesday, July 17, 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: Douglas Gay, Dave Walkup, Dan Hooper, Dennis Page and George Fotiadis. City Staff present were Ty Wheeler–City/Administrator/Clerk, Britanee Ward – Accounting Manager/Assistant City Clerk and Marty Duffus – Police Chief. Also present were: Mary DeLong, Denny Adair, Willard Delong, Joan Hodges, Rod Clark Bill Trickey, Michael Keller, Matt Stoll, Ed Stoll, Tom Anderson and others didn't sign in.

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

Tom Andersen wanted to Thank the City for their support during the Fourth of July festivities. Joan Hodges expressed her concerns about fireworks shooting off in town. Denny Adair also expressed his concerns about fireworks and informed council on his personal damage. Bill Trickey update Council on various projects. Mickey Thomas expressed his concern regarding the road on the dam on grand lake.

Mayor wanted to update Council on going over fireworks and to thank all the volunteers for the fourth of July of the celebration.

Motion by Fotiadis and second by Gay to open public hearing regarding the proposed vacation of all the open alleys in Block 5 of East Osceola; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. No one spoke during public hearing, There were two letters one for the closure and another for against the one half of it. Motion by Fotiadis 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 Walkup to approve the first reading of the closure of the alley ( all the West half alley and the North/South Alley in block 5 of East Osceola); roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, abstained; Page, aye; motion carried.

Motion by Fotiadis and second by Hooper to open public hearing regarding proposed sale of City owned property; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. Michael Keller asked about the 301 South Kossuth not getting a bid what the options were for it now. No one else spoke during open forum. 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 resolution 2018-37 authorizing sale of City Owned Real Estate:

500 Block W McLane Parcel 01330 & 01331-	Felipe Rosales- \$4000
215 E Pearl-	St. Bernard Church- \$8,001
721 Roosevelt Blvd-	Jamie Hutzell- \$4,000
331 W Clay-	Felipe Rosales- \$3,000
301 S Kossuth-	No Bids

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

Resolution 2018- 37 RESOLUTION AUTHORIZING SALE OF CITY OWNED REAL ESTATE. WHEREAS, the City Council of the City of Osceola owns five parcels of property; and, WHEREAS, the City Council desires to dispose of the property; and, WHEREAS, the City Council passed a resolution scheduling a public hearing for July 17, 2018 where public could comment on the proposed sale of property; and, WHEREAS, the City Council authorized the sale of property through the sealed bid process; and, WHEREAS, the City Council received the following bids for each property: 500 Block W McLane Parcel 01330 & 01331 ; Felipe Rosales- \$4000; Daniel Barajas- \$2,000

Miles & Mary Murphy- \$1500; 215 E Pearl; St. Bernard Church- \$8,001; Dwight Clark- \$3,000; Edward Stoll- \$1,261; 721 Roosevelt Blvd; Jamie Hutzell- \$4,000; 331 W Clay Felipe Rosales- \$3,000; 301 S Kossuth; No Bids Received, NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OSCEOLA that the following bids be accepted:

500 Block W McLane Parcel 01330 & 01331- 215 E Pearl- 721 Roosevelt Blvd- 331 W Clay- 301 S Kossuth-	Felipe Rosales- \$4000 St. Bernard Church- \$8,001 Jamie Hutzell- \$4,000 Felipe Rosales- \$3,000
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FURTHERMORE, BE IT RESOLVED the city clerk is hereby directed to convey each property by Quit Claim Deed upon receipt of payment.

Motion by Fotiadis and second by Walkup to approve the second reading; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. Motion by Page and second by Walkup to waive the third reading; roll call vote: Fotiadis, aye; Gay, nay; Walkup, aye; Hooper, nay; Page, aye; motion carried.

ORDINANCE NO. 592 AN ORDINANCE AMENDING THE CITY OF OSCEOLA CODE OF ORDINANCES BY ADDING A NEW SECTION 55.17 THERETO ENTITLED "URBAN CHICKENS" RELATING TO THE KEEPING OF CHICKENS WITHIN THE CITY OF OSCEOLA. BE IT ENACTED by the City Council of the City of Osceola, Iowa: SECTION 1. SECTION MODIFIED. Chapter 55 of the Code of Ordinances of the City of Osceola, Iowa is hereby amended by adding Section 55.17 thereto entitled "Urban Chickens" relating to the keeping of chickens within the City of Osceola: Chapter 55.17 Urban Chickens

1. Definitions
  - a. Chicken- shall mean a member of the subspecies Gallus gallus domesticus, a domesticated fowl.
  - b. Urban Chicken- shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.
  - c. Permitting Officer- shall mean the City Administrator or designee
  - d. Tract of Land- shall mean property or a zoned lot that has one single family dwelling located on that property or zoned lot.
  - e. Single Family Dwelling- A building designed for or occupied exclusively by one family.
  - f. Permitted Tract of Land- shall mean that tract of land as identified by the application upon which a permit is granted for keeping chickens pursuant to this Chapter.
  - g. Permittee- shall mean an applicant who has been granted a permit to raise harbor or keep chickens pursuant to this Chapter.
2. Permit Required
  - a. Permit Required- no person shall raise, harbor or keep chickens within the City of Osceola without a valid permit obtained from the Permitting Officer under the provisions of this Chapter.
  - b. Application- In order to obtain a permit, an applicant must submit a completed application on forms provided by the Permitting Officer and paying all fees required by this Chapter.
  - c. Requirements- The requirements to this receipt of a permit include:
    - i. All requirements of this Chapter are met;
    - ii. All fees for the permit are paid in full;
    - iii. All judgments in the City's favor and against the applicant have been paid in full
    - iv. The tract of land to be permitted shall contain only one Single Family Dwelling occupied and used as such by the permittee.
    - v. The applicant has provided notice to the residents of all immediately adjacent dwellings of the applicant's intent to obtain a permit.
  - d. Issuance of Permit- If the Permitting Officer concludes as a result of the information contained in the application that the requirements for a permit have been met, then the Officer shall issue the permit.
  - e. Permit Fee- A fee of \$25 shall be charged at the time of issuance.
  - f. Permit Duration- a permit shall be valid for a two year period. After two years, the permittee shall apply for a renewal of the permit. A permit renewal shall be granted following a re-inspection and remittance of the \$25 permit fee.
  - g. Denial, suspension, revocation, non renewal- The Permitting Officer may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds

- i. False statements on any application or other information or report required by this section to be given by the applicant;
- ii. Failure to pay any application, penalty, re inspection or reinstatement fee required by this section or city council resolution;
- iii. Failure to correct deficiencies noted in notices of violation in the time specified in the notice;
- iv. Failure to comply with the provisions of an approved mitigation/remediation plan by the Permitting Officer, or designee
- v. Failure to comply with an provision of this Chapter.
- h. Notification- a decision to revoke, suspend, deny or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for the action.
  - i. Effect of revocation, etc.- When an application for a permit is denied, or when a permit is revoked, the application may not re-apply for a new permit for a period of 1 year from the date of the denial or revocation.
  - j. Appeals. No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard is given the applicant or holder of the permit. In any instance where the Permitting Officer had denied, revoked, suspended, or not renewed a permit, the applicant or holder of Urban Chicken may appeal the decision to the City Council within ten (10) business days of receipt by the applicant or holder of the permit of the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing the decision of the City Council shall be final. The decision of the Permitting Officer which is not appealed in accordance to this Chapter shall be deemed final action.
- 3. Number and type of chickens allowed.
  - a. The maximum number of chickens allowed is six (6) per tract of land regardless of how many dwelling units are on the tract.
  - b. Only female chickens (hens) are allowed.
- 4. Zoning Districts Allowed
  - a. Permits will be granted only tor tracts of land located in R-1 and R-2 zoning districts.
- 5. Non-commercial use only
  - a. A permit shall not allow the permittee to engage in chicken breeding or fertilizer production for commercial purposes.
- 6. Enclosures
  - a. Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.
  - b. Enclosures must be kept in a clean dry, odor-free, neat and sanitary condition at all times.
  - c. Henhouses, chicken tractors and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
  - d. Henhouses and chicken tractors
    - i. Henhouses and chicken tractors shall be designed to provide safe and healthy living conditions for the chickens with a minimum of four (4) square feet per bird while minimizing adverse impacts to other residents in the neighborhood.
      - 1. A Henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one (1) inch openings.
      - 2. The materials used in making a henhouse or chicken tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouse and chicken tractors shall be well maintained.
    - ii. Henhouses, chicken tractors and chicken pens shall only be located in the rear yard.
    - iii. Henhouses, chicken tractors and chicken pens must be located at least ten (10) feet from the property line and at least twenty-five (25) feet from any adjacent residential dwelling, church, school or place of business.
  - e. Any enclosed chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.
- 7. Odor and noise impacts
  - a. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land.

- b. Noise from chickens shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity.
8. Predators, rodents, insects and parasites
- a. The permittee shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by the city.
9. Feed and water
- a. Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.
10. Waste storage and removal
- a. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored on the permitted tract of land. The henhouse, chicken tractor, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.
11. Chickens at large
- a. The permittee shall not allow the permittee's chickens to roam off the permitted tract of land. No dog or cat or other domesticated animal which kills a chicken off the permitted tract of land will, for that reason alone, not be considered a dangerous or aggressive animal or the city's responsibility to enforce its animal control provisions.
12. Unlawful Acts
- a. It shall be unlawful for any person to keep chickens in violation of any provision of this Chapter or any other provision of the Osceola Code of Ordinances.
- b. It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on property in violation of the provisions of this article.
- c. No person shall keep chickens inside a single family dwelling unit, multi family dwelling units or rental unit.
- d. No person shall slaughter chickens within the city of Osceola.
- e. No person shall keep a rooster.
- f. No person shall keep chickens on a vacant or uninhabited tract of land.
13. Nuisances. Any violation of the terms of this Chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated und the general nuisance abatement provisions of the Osceola Code of Ordinances.
14. Any persons having received prior authorization to raise, harbor, or keep chickens shall be permitted to continue in the same manner as was approved by the City Council until such a time when either the chickens are no longer being raised, harbored, or kept at the property or when the property is sold. 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.

Motion by Hooper and second by Fotiadis to approve the second reading Ordinance Chapter 52 of the Code of Ordinances Pertaining to Excessive Vegetation; roll call vote: Fotiadis, aye; Gay, nay; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Walkup to approve resolution 2018-38 Setting Public Hearing For The Proposed Amendment To Chapter 166.08 (1) Of The City Of Osceola Code Of Ordinances Titled B-1 General Business District Permitted Use; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Resolution 2018-38 TO FIX A TIME AND A DATE FOR A PUBLIC HEARING FOR THE PROPOSED AMENDMENT TO CHAPTER 166.08 (1) OF THE CITY OF OSCEOLA CODE OF ORDINANCES TITLED B-1 GENERAL BUSINESS DISTRICT PERMITTED USES. THE CITY COUNCIL OF THE CITY OF OSCEOLA, IA HEREBY RESOLVES that: Section 1. A Public Hearing will be held as part of the regularly scheduled City Council meeting on August 7, 2018 at 7:00 PM to inform the public on the proposed amendments to the City of Osceola Zoning Ordinance by adding "Mental Health Access Center" as a permitted use. Section 2. The City Clerk is hereby directed to give notice of the proposed hearing, setting forth the purpose, the time when and place where the hearing will be held, by publication at least once and not less than 4 nor more than 20 days before the date of the hearing, in a legal newspaper which has a general circulation in the City.

Motion by Fotiadis and second by Gay to approve the Professional Service Agreement for the Hwy 34 At-Grade Crossing (school crossing); roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

There was no action taking at this time regarding 216 West Webster.

Motion by Walkup and second by Gay to approve the plat of survey for Parcel A in the Commercial Addition; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Gay and second by Walkup to proceed forward with the Police's recorder management system update; 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.

Fotiadis had concerns regarding fish at West Lake. Gay asking about getting live streaming. Walkup stating the City is looking pretty good. Hooper had concerns regarding grass and parking in the front yard. Page had concerns regarding election signs.

Motion by Page and second by Hooper to approve the consent agenda: Council Minutes July 3<sup>rd</sup> ; Liquor License: None. and the following claims:

ACCESS SYSTEM, Services, 198.26 ; AGRILAND FS - MURRAY, Services, 1109.63 ; ALLIANT ENERGY, Utilities, 10901.67 ; AMAZON.COM CREDIT, Supplies, 198.17 ; ATLANTIC BOTTLING CO., Supplies, 197 ; BAKER & TAYLOR ENTERTAINMENT, Supplies, 121.3 ; BAUER BUILT, Services 1168.56 ; BUD JONES CONSTRUCTION, Services, 13966.05 ; CARD SERVICE CENTER, Services, 402.57 ; CASEY'S GENERAL STORES, INC., Fuel, 3094.05 ; CHAT MOBILITY, Utilities, 239.93 ; CINTAS CORPORTATION, Services, 58.14 ; CLARKE ELECTRIC COOP, Utilities, 5477.31 ; CORE & MAIN, Supplies, 194 ; CORE-MARK MIDCONTINENT INC., Supplies, 1212.02 ; COUNTRY CONCRETE, Services, 4756.5 ; COUNTRY WOMAN, Supplies, 19.98 ; CR SERVICES, Services, 152.39 ; CURTUS JACOBSEN, Reimb, 11.57 ; D & D PEST CONTROL, Services, 30 ; DIAMOND OIL CO, Fuel, 744.48 ; DIRECTV, Services, 147.39 ; DONNA PHILLIPS, Services, 240 ; DUST PROS JANITORIAL, Services, 1683.2 ; ELECTRONIC ENGINEERING, Services, 270.56 ; ELLIOTT OIL CO., Fuel, 29.23 ; FELD FIRE, Services, 413.6 ; FLEETSIDE FORD, Services, 101.32 ; FLOWERS N MORE, Services, 45 ; GILBERTS TRUE VALUE HOME CENTER, Supplies, 250.48 ; HACH COMPANY, Supplies, 54.79 ; HARD ROCK CAR WASH, Services, 100 ; HIGHWAY LUMBER, Supplies, 456.45 ; HY-VEE FOOD STORES, Supplies, 841.05 ; IDEAL READY MIX CO., Supplies, 10044 ; IMWCA, Dues, 6629 ; IOWA COMMUNICATIONS NETWORK, Services, 13.13 ; IOWA LEAGUE OF CITIES, Services, 2550 ; IOWA ONE CALL, Services, 53.1 ; IOWA WORKFORCE DEVELOPMENT, Services, 3613.06 ; J P AUTO, Supplies, 137.78 ; JBC CUSTOM VINYLs, Supplies, 40 ; KD TIRES, LLC, Services, 15 ; KEYSTONE LABORATORIES, INC, Services, 2684.73 ; KRISTA WOODARD, Reimb, 62.86 ; LYLE PERSELS, Reimb, 21.93 ; MARC ELCOCK, Services, 3094 ; MARY JANES FARM, Services, 19.95 ; MEDIACOM, Utilities, 271.57 ; MID-IOWA HEATING & AIR CONDITIONING, Services, 235 ; MIDWEST BREATHING AIR SYSTEMS, Services, 174.75 ; MIDWEST OFFICE TECH. CO., Services, 213.88 ; MUNICIPAL SUPPLY INC, Supplies, 5.35 ; NORTH CENTRAL LABORATORIES OF WISCONSIN, Supplies, 128.04 ; O'REILLY AUTOMOTIVE INC., Supplies, 45.58 ; OSCEOLA CHAMBER MAINSTREET, Services, 12500 ; OSCEOLA FARM & HOME - ALL, Supplies, 463.99 ; PENGUIN RANDOM HOUSE LLC, Supplies, 393.75 ; POOL TECH, Supplies, 585.08 ; RACO MANUFACTURING & ENGINEERING CO, Supplies, 375 ; RECORD HERALD, Services, 21 ; RECORDED BOOKS, Services, 181.2 ; RYCHNOVSKY LAWN & LANDSCAPE, Services, 221 ; SCHILDBERG CONST. CO., Services, 1532.2 ; SERVICE TECHS INC, Services, 157.46 ; SIRWA, Utilities, 54.6 ; SOLUTIONS, Supplies, 519.29 ; SPOKE COMMUNICATIONS, LLC, Services, 170 ; STATE HYGENIC LABORATORY-AR, Services, 472.5 ; SUMMIT COMPANIES, Supplies, 260 ; TASTE OF HOME, Supplies, 19.47 ; TRENTON DENNEY, Services, 525 ; UNITYPOINT CLINIC, Services, 605 ; VAN METER INC, Services, 356.93 ; VERIZON, Utilities, 280.07 ; WILDER'S TRUCK SERVICE, Services, 607.35 ; WINDSTREAM, Utilities, 1436.07 ; ZIEGLER INC, Services, 53805 ; , Grand Total , 154481.32 ; Check 290081-290160, , Fund Recap: 1, General, 45874.42 ; 101, Insurance, 10242.06 ; 110, Road Use Tax, 69195.35 ; 610, Sewer , 30169.49 ; , Grand Total , 155481.32 ;

There being no further business, motion by Fotiadis and second by Hooper to adjourn the meeting at 8:25 PM. All voting aye, motion carried.

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Thomas J. Kedley – Mayor

Attest:

UNOFFICIAL