

## OSCEOLA CITY COUNCIL

Tuesday, January 3, 2023

Regular Meeting

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

\*<http://osceolaia.net/>\*

The City Council met on Tuesday, January 3, 2023 at 7:00 p.m. for a Regular scheduled meeting. The meeting was called to order by Mayor Thomas Kedley. With the following present: Council Members: George Fotiadis, Dan Hooper, and Thomas Bahls, and Doug Gay (VIA Phone) . City Staff present were Ty Wheeler–City- Administrator, Britanee Ward – City Clerk and Marty Duffus – Police Chief. All Council Meetings are streamed on the City's Website during Council meeting. The following were at the meeting: Colter Wright and Miles Murphy.

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

Colter Wright expressed his concerns regarding a few ordinances not being enforced. No one else spoke during open forum.

Motion by Fotiadis and second by Bahls to approve resolution 2023-01 approving the voluntary annexation of property for United Farmers Cooperative; roll call vote: Gay, aye; Fotiadis, aye; Hooper, aye; Bahls, aye; motion carried.

### **Resolution 2023-01**

RESOLUTION APPROVING THE VOLUNTARY ANNEXATION OF PROPERTY – UNITED FARMERS COOPERATIVE WHEREAS, the City of Osceola, State of Iowa, is a duly organized municipal corporation, and; WHEREAS, the City of Osceola, Iowa has received an Application for Voluntary Annexation from United Farmers Cooperative for property located adjacent to the City of Osceola corporate limits within Clarke County, Iowa, and shown on the map identified as Exhibit "A" attached hereto and made a part hereof and legally described as follows: THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 72 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN; EXCEPT THE SOUTH 810.2 FEET OF THE WEST 780 FEET OF SAID SOUTHEAST QUARTER; AND EXCEPT THE SOUTH 200 FEET OF SAID SOUTHEAST QUARTER ALL LOCATED IN CLARKE COUNTY, IOWA.

WHEREAS, such property collectively adjoins the City as required by Chapter 368, Code of Iowa, and; WHEREAS, all required notification has been carried out pursuant to Chapter 368, code of Iowa, and; WHEREAS, it is in the best interests of the City and public that said property be annexed to the City of Osceola, at this time. BE IT THEREFORE RESOLVED, by the City Council of the City of Osceola as follows:

SECTION 1. The Application for Voluntary Annexation is hereby approved and said property described above shall be annexed to the City of Osceola Iowa, in accordance with Chapter 368, code of Iowa, and such property shall hereinafter become and be part of the City of Osceola, Iowa. SECTION 2. Said property described herein shall be zoned I-1 Light Industrial so that it may be consistent with the adjacent property inside the corporate city limits. SECTION 3. The Mayor and the City Clerk are hereby authorized and directed to prepare and execute all documents necessary for this annexation and are directed to file the same as required by the Code of Iowa.

Motion by Fotiadis and second by Bahls to open public hearing regarding Prohibited Parking from 2 am to 5 am in the Central Business District; roll call vote: Gay, aye; Fotiadis, aye; Hooper, aye; Bahls, aye; motion carried. Miles Murphy asked Council about another option to the permitted parking downtown to the inner side of the council for overnight parking over permit parking. There were no other comments. Motion by Hooper and second by Fotiadis to close the public hearing; roll call vote; Gay, aye; Fotiadis, aye; Hooper, aye; Bahls, aye; motion carried.

Motion by Fotiadis and second by Bahls to approve the first reading of the proposed Prohibited Parking from 2 am to 5 am in the Central Business District amendment; roll call vote: Gay, aye; Fotiadis, aye; Hooper, aye; Bahls, aye; motion carried.

Motion by Fotiadis and second by Hooper to approve the third reading of Regarding the Ordinance Amending Chapter 55 of the City of Osceola Code of Ordinances pertaining to Animal Protection and Control. Roll call vote: Gay, aye; Fotiadis, aye; Hooper, aye; Bahls, aye; motion carried.

### **Ordinance 564**

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 55.16 of the City of Osceola, Iowa Code of Ordinances is repealed and the following adopted in lieu thereof: 55.16 NUMBER OF ANIMALS. No person shall harbor or maintain more than three domesticated-adult dogs and/or three domesticated-adult cats without first obtaining a permit from the City of Osceola. The permit applicant shall demonstrate that conditions for the animals' wellbeing are not in violation of Chapter 55.02 of the City of Osceola Code of Ordinance, that no such conditions are present that would compromise public safety, and that no such conditions are present which would constitute a public nuisance pursuant to Chapter 50 of the City of Osceola Code of Ordinances. The fee for such permit shall be \$25 and shall be renewed annually. Any number of cats which are exclusively confined within a residential dwelling are exempt from permitting. If nuisance conditions develop at a property where a permit has been issued; or, a violation occurs pursuant to Chapter 55 or Chapter 56 of the City of Osceola Code of Ordinances, said permit shall be revoked and the permit holder shall be ordered to remove all the animals from the residence or premises. Upon the failure of the permit holder to follow orders issued by the City of Osceola, appropriate action may be pursued in the courts either to enforce the order of the City of Osceola and/or to correct the conditions and/or to abate the nuisance. SECTION 2. NEW SECTION. The Code of Ordinances of the City of Osceola, Iowa, 55.12 is amended by adding a new subsection 1, entitled TRAP-NEUTER-RETURN, which is hereby adopted to read as follows: 1. "Trap-Neuter-Return"- The City may, upon resolution, adopt a 'Trap- Neuter-Return' program, also known as 'TNR' program, for the humane management of free roaming cats. For the purposes of this ordinance, free roaming cats include any feral, stray or community cat which spends most of its time outdoors and where there is no claim of ownership. SECTION 3. NEW SECTION. The Code of Ordinances of the City of Osceola, Iowa, 55 is amended by adding a new section 55.22, entitled FEEDING COMMUNITY CATS, which is hereby adopted to read as follows: 55.22 FEEDING COMMUNITY CATS. It shall be unlawful for any person to intentionally place or leave food at a property primarily for the purpose of feeding feral, stray, or community cats. Any such conditions shall be considered a nuisance and shall be abated in the same manner as found in Chapter 50 of the City of Osceola Code of Ordinances. This ordinance shall not apply to the feeding of domesticated animals where access by community cats is incidental and unauthorized. SECTION 4. 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 5. WHEN EFFECTIVE. This Ordinance shall be effective upon its final passage, approval, and publication.

Ty Wheeler – City Administrator update Council on various projects.

Britanee Ward – City Clerk had nothing to report at this time.

Council & Mayor wanted to Wish everyone Happy New Year.

Motion by Hooper and second by Fotiadis to approve the consent agenda:

- a. Bills & Claims; Bills & Claims paid per Chapter 7 in City Ordinance;
- b. Council Minutes: December 20th
- c. Liquor License: None

The following Claims were paid:

AFLAC ,Insurance, 328.5;AGRILAND FS - MURRAY ,Fuel, 1917.72;AIR SOLUTIONS ,Services, 371;ALL STAR PRO GOLF ,Supplies, 330.78;ALLIANT ENERGY ,Utilities, 4644.01;BANTA ABSTRACT COMPANY ,Services, 575;BOB'S CUSTOM TROPHIES ,Supplies, 76.95;CARD SERVICE CENTER ,Services, 1070;CARD SERVICES - CITY CREDIT ,Supplies, 30.72;CARQUEST OF OSCEOLA ,Supplies, 8.3;CITY OF MURRAY ,Services, 2895.51;CITY OF WOODBURN ,Services, 965.17;CLARKE COUNTY CLERK OF COURT ,Services, 370;CLARKE COUNTY DEV. CORP. ,Services, 25844.02;COLLECTION SERVICE CENTER ,Payroll, 1431.65;CRESTON PUBLISHING COMPANY ,Publication, 819.41;DENIS WEISER ,Reimb, 444.03;DUST PROS JANITORIAL ,Services, 100.75;EFTPS ,Payroll, 44519.35;FAREWAY STORES ,Supplies, 7.38;FLEETSIDE FORD ,Services, 57.6;GALLS PARENT HOLDINGS, LLC ,Supplies, 97.63;GILBERTS TRUE VALUE HOME CENTER ,Supplies, 60.05;HIGHWAY LUMBER ,Supplies, 3841.98;HY-VEE - HANDWRITTEN CHECKS ,Supplies, 129.79;HY-VEE FOOD STORES ,Supplies, 183.61;IACME ,Services, 100;IACP ,Services, 190;IMWCA ,Insurance, 5339;IOWA ONE CALL ,Services, 36.9;IPERS ,Insurance, 30994.89;J P AUTO ,Supplies,

286.85;JIM'S SANITATION& TRUCK REPAIR ,Services, 34700.12;MAINSTAY SYSTEMS OF IOWA LLC ,Services, 177;MARC ELCOCK ,Services, 2500;MEDIACOM ,Utilities, 548.04;MET LIFE ,Insurance, 3178.81;MICROBAC LABORATORIES, INC ,Services, 7555.81;MIDWEST BREATHING AIR SYSTEMS ,Services, 825.2;MOTOROLA SOLUTIONS ,Services, 6009;MUTUAL OF OMAHA ,Insurance, 642.59;NEW PIG ,Supplies, 225.52;NORTH CENTRAL LABORATORIES OF WISCONSIN ,Supplies, 148.4;OSCEOLA FARM & HOME - ALL ,Supplies, 313.33;OSCEOLA WATER WORKS ,Utilities, 125.02;RACOM CORP ,Services, 815;RELIANT FIRE APPARATUS, INC. ,Services, 3954.86;RUSTY'S AUTO SALES & SER ,Supplies, 172.43;SISCO FLEX - CITY OF OSCEOLA ,Insurance, 50;SOLUTIONS ,Services, 227.88;SPOKE COMMUNICATIONS, LLC ,Services, 300;TREASURER ST. OF IOWA ,Tax, 7352;UNIFIED CONTRACTING SERVICES ,Services, 52497.74;US CELLULAR ,Utilities, 1023.15;USA BLUEBOOK ,Supplies, 124.48;WELLMARK - CITY OF OSCEOLA ,Insurance, 58483.08;WINDSTREAM ,Utilities, 324.63;ZIEGLER INC ,Supplies, 587.72;Grand Total ,, 310930.36;Checks: 298521 - 298573 ,, ;EFT: 000690 - 000698 ,, ;Fund Recap: ,, ;1 ,General Fund, 156628.82;32 ,UR Building Fund, 575;33 ,Golf Course, 3395.47;101 ,Liability, Property Tax, 5339;110 ,Road Use Tax Fund, 7575.12;112 ,Employee Benefits, 31433.78;135 ,Urban Renewal Fund, 25844.02;610 ,Sewer Utility Fund, 21656.07;800 ,Self Insurance, 58483.08; ,, 310930.36

Roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Bahls, aye; motion carried

There being no further business, motion by Hooper and second by Fotiadis to adjourn the meeting at 8:12 PM. All voting aye, motion carried.

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Thomas Kedley - Mayor

Attest:

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Britanee Ward – City Clerk  
Website: [osceolaia.net](http://osceolaia.net)