

OSCEOLA CITY COUNCIL

Tuesday, March 21, 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, March 21, 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, Thomas Bahls and Doug Gay (Via Phone). Jose Vargas was absent. 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, Miles Murphy, Rod Clarke, Crystal Hansen, Austin Taylor and others that didn't sign in.

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

Mayor read the Young Child Proclamation dedicating the week of April 1st through April 7th.

Motion by Fotiadis and second by Hooper to approve Appointment of Miles Murphy to the Airport Management Commission to complete the unexpired term of Ryan Lundquist (expires 6/30/2025). Roll call vote: Gay, aye; Fotiadis, aye; Hooper, aye; Bahls, aye; motion carried.

Motion by Fotiadis and second by Hooper to approve Appointment of Stacey Manternach to Golf Course Management Commission (12/31/2025); roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Bahls, aye; motion carried.

Motion by Fotiadis and second by Hooper to approve Appointment of Deb Yorba to the Osceola Library Board to complete the unexpired term of Jose Vargas (expires 12/31/2024). Roll call vote: Gay, aye; Fotiadis, aye; Hooper, aye; Bahls, aye; motion carried.

There were comments during open forum.

Motion by Fotiadis and second by Hooper too approve resolution 2023-09 approving the Voluntary Annexation of Property – LeMar Koethe/Marco Properties Clarke Community School District; roll call vote: Gay, aye; Fotiadis, aye; Hooper, aye; Bahls, aye; motion carried.

RESOLUTION 2023-09

RESOLUTION APPROVING THE VOLUNTARY ANNEXATION OF PROPERTY – LeMAR KOETHE/MARCO PROPERTIES CLARKE COMMUNITY SCHOOL DISTRICT WHEREAS, the City of Osceola, State of Iowa, is a duly organized municipal corporation, and ;WHEREAS, the City of Osceola, Iowa has received Applications for Voluntary Annexation from LeMar Koethe/Marco Properties and Clarke Community School District 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: ALL OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 72 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CLARKE COUNTY, IOWA LYING EAST OF THE RIGHT OF WAY OF INTER-STATE HIGHWAY #35, (FORMERLY INTERSTATE ROAD NO. 02); EXCEPT THE FOLOWING AREA LYING IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4 SW1/4) OF SECTION SEVEN (7), TOWNSHIP SEVENTY-TWO (72) NORTH, RANGE TWENTY-SIX (26) WEST, AND IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4 NE1/4) OF SECTION THIRTEEN (13), TOWNSHIP SEVENTY-TWO (72) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P M., CLARKE COUNTY, IOWA, BEING DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE NORTHWEST CORNER OF SAID SECTION EIGHTEEN (18); THENCE SOUTH 00°18'55" WEST (ALL BEARINGS BASED ON GRID NORTH IOWA STATE PLANE COORDINATE SYSTEM SOUTH ZONE), A DISTANCE OF 599.54

FEET, ON THE WEST LINE OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION EIGHTEEN (18) TO THE EASTERLY RIGHT-OF-WAY OF INTERSTATE HIGHWAY 35 (FORMERLY INTERSTATE ROAD NUMBER 02) AS RECORDED IN BOOK 65 ON PAGE 505, OFFICE OF THE CLARKE COUNTY RECORDER, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 32°57'52" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY OF INTERSTATE 35, A DISTANCE OF 713.36 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION SEVEN (7); THENCE NORTH 32°57'52" EAST ON THE EASTERLY RIGHT-OF-WAY OF SAID INTERSTATE HIGHWAY 35 A DISTANCE OF 255.21 FEET; THENCE SOUTH 17°10'50" WEST, A DISTANCE OF 224.33 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION SEVEN (7); THENCE SOUTH 17°10'50" WEST A DISTANCE OF 191.05 FEET; THENCE SOUTH 00°34'45" WEST A DISTANCE OF 941.62 FEET; THENCE SOUTH 43°33'01" EAST, A DISTANCE OF 228.29 FEET TO A POINT BEING 40.00 FEET NORMALLY DISTANT NORTHERLY OF CLAY STREET EXTENDED (FORMERLY SECONDARY ROAD CENTERLINE); THENCE NORTH 89°49'25" EAST, A DISTANCE OF 30.63 FEET ON THE NORTH RIGHT-OF-WAY LINE OF CLAY STREET TO THE WESTERLY LINE OF PARCEL "B" IN THE NORTHWEST QUARTER OF SAID SECTION EIGHTEEN (18), (AS RECORDED IN BOOK 43 ON PAGE 365, OFFICE OF THE CLARKE COUNTY RECORDER); THENCE SOUTH 00°5'55" WEST, A DISTANCE OF 40.01 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION EIGHTEEN (18); THENCE SOUTH 89°49'25" WEST, A DISTANCE OF 137.86 FEET TO STA. 178+69 OF CLAY STREET; THENCE NORTH 00°10'35" WEST, A DISTANCE OF 60.00 FEET TO THE NORTH RIGHT OF-WAY LINE OF CLAY STREET; THENCE SOUTH 89°49'23" WEST A DISTANCE OF 447.74 FEET ON THE NORTH RIGHT-OF-WAY LINE OF CLAY STREET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION EIGHTEEN (18), SAID POINT BEING 60.00 FEET NORMALLY DISTANT NORTHERLY OF CLAY STREET EXTENDED (FORMERLY SECONDARY ROAD CENTERLINE); THENCE NORTH 79°17'03" WEST, A DISTANCE OF 374.80 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID INTERSTATE HIGHWAY 35, SAID POINT BEING 100.00 FEET NORMALLY DISTANT FORM CENTERLINE OF THE NORTHBOUND LANE OF SAID INTERSTATE HIGHWAY 35, THENCE NORTH 31°39'27" EAST, A DISTANCE OF 708.72 FEET ALONG SAID EASTERLY RIGHT-OF-WAY TO THE POINT OF BEGINNING. AND ALL OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER LYING EAST OF INTER-STATE HIGHWAY #35 OF SECTION 7, TOWNSHIP 72 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CLARKE COUNTY, IOWA. AND ALL OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 72 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CLARKE COUNTY, IOWA. AND ALL OF THE SOUTHEAST QUARTER, EXCEPT THE EAST 66 FEET OF THE SOUTH 169.71 FEET OF SAID SOUTHEAST QUARTER; ALL IN SECTION 7, TOWNSHIP 72 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CLARKE COUNTY, IOWA. AND THE EAST SIXTY-SIX (66) FEET OF THE SOUTH 169.71 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4) OF SECTION SEVEN (7), TOWNSHIP SEVENTY-TWO (72) NORTH, RANGE TWENTY-FIVE (25) WEST OF THE 5TH P. M., 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. Upon passage of this resolution, the zoning for the annexed property shall be referred back to the Planning and Zoning Commission for study and a recommendation for action. 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 Bahls and second by Bahls and second by Hooper to approve resolution 2023-10 setting Public Hearing for proposed creation of the B-1H Zoning District; roll call vote: Gay, aye; Fotiadis, aye; Hooper, aye; Bahls, aye; motion carried.

Resolution 2023- 10

TO FIX A TIME AND A DATE FOR A PUBLIC HEARING FOR THE PROPOSED CREATION OF THE B-1H ZONING DISTRICT.

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 April 4, 2023 at 7:00 PM to inform the public on the proposed creation of the B-1H Zoning District. 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.

There was not action taken at this time regarding Chapter 69.07 titled Prohibited Parking pertaining to storage of commercial vehicles.

Ty Wheeler – City Administrator update Council on various projects.

Britanee Ward – City Clerk informed Council the Osceola Municipal Golf Course Clubhouse will open April 3rd.

Council had nothing to report at this time.

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

- a. Bills & Claims; Bills & Claims paid per Chapter 7 in City Ordinance;
- b. Council Minutes: March 7th
- c. Liquor License: Keller's (New); Alley Bowl
- d. CDBG Drawdown 20-WS-036 #18 \$20,542.00
- e. Contract 2 Pay Estimate 17 - \$74,159.28 – OLP Construction LLC
- f. AJ Pettry 5 year Anniversary from 29.02 to 29.82. (03/06/2018)

The following Claims were paid:

ACCESS SYSTEM ,Services, 161.18;AD-VANCE CHEMICAL CO. LTD ,Supplies, 185.9;ALLIANT ENERGY ,Utilities, 10987.32;AUSTIN TAYLOR ,Services, 80;BSN SPORTS INC ,Supplies, 1100;BYRON JIMMERSON ,Services, 127.2;CANON FINANCIAL SERVICES INC ,Services, 62.67;CARD SERVICES - CITY CREDIT ,Services/Supplies, 1463.35;CHRIS MANN ,Services, 80;CASEYS BUSINESS MASTERCARD ,Fuel, 3147.16;CINTAS CORPORTATION (PW) ,Services, 58.43;CIT SEWER SOLUTIONS ,Services, 7552.8;CLARKE CO AUDITOR ,Services, 1959.46;CLARKE ELECTRIC COOP ,Utilities, 7072.23;CLAY WAUGH ,Services, 80;DEMCO INC ,Supplies, 67.63;DES MOINES REGISTER ,Services, 79.96;DIRECTV ,Utilities, 179.13;DON'S JONS LLC ,Services, 555;DUST PROS JANITORIAL ,Services, 1219.5;EAST WEST BOOKS ,Supplies, 357.84;ECOSYSTEMS INC ,Services, 4400;ELLIOTT OIL CO. ,Fuel, 131.04;FELD FIRE ,Services, 2319.31;FRIDAY INS. CO. ,Insurance, 217039;GALLS LLC ,Supplies, 1388.77;GILBERTS TRUE VALUE HOME CENTER ,Supplies, 24.16;GLOBAL PAYMENTS ,Services, 410.87;HIGHWAY LUMBER ,Supplies, 50.17;HOMETOWN HOUSING, USA ,Services, 25000;HOTSY CLEANING SYSTEMS ,Supplies, 905.95;HY-VEE FOOD STORES ,Supplies, 344.51;IA ASSN OF MN. UTILITIES ,Utilities, 500;IDEAL READY MIX CO. ,Services, 2203.1;IOWA DEPARTMENT OF AGRICULTURE & LAND ST ,Services, 9;IOWA DEPARTMENT OF REVENUE ,Tax, 5766.61;IOWA DIVISION OF LABOR ,Services, 175;IOWA GOLF ASSOCIATION ,Services, 440;IOWA ONE CALL ,Services, 22.5;J P AUTO ,Supplies, 272.31;KD TIRES, LLC ,Services, 166;KIRKHAM MICHAEL & ASSOCIATES ,Services, 6312.93;LESLIE GARDENS ,Services, 330;LINDA PERSELS ,Services, 1451.66;MARC ELCOCK ,Services, 2500;MEDIACOM ,Utilities, 972.62;MENARDS ,Supplies, 56.42;MET LIFE ,Insurance, 3178.81;MICROBAC LABORATORIES, INC ,Services, 100;MID AMERICA BOOKS ,Supplies, 167.6;MIDWEST BREATHING AIR SYSTEMS ,Services, 195;MIDWEST OFFICE TECH. CO. ,Services, 177.32;NORTH CENTRAL LABORATORIES OF WISCONSIN ,Supplies, 286.49;OLP CONSTRUCTION LLC ,Project, 74159.28;O'REILLY AUTOMOTIVE INC. ,Supplies, 16.97;OSCEOLA FARM

& HOME - ALL ,Supplies, 56.97;PAYROC LLC ,Services, 30.94;RUSTY'S AUTO SALES & SER ,Services, 1436.42;SAM LLC ,Services, 2400;SIMMERING-CORY| IOWA CODIFICATION ,Services, 450;SIRWA ,Utilities, 55.12;SIX FIFTEEN GRAPHICS ,Supplies, 37.5;SOLUTIONS ,Supplies, 154.89;SYMMETRY ENERGY SOLUTIONS ,Utilities, 3765.59;US CELLULAR ,Utilities, 117.96;USA BLUEBOOK ,Supplies, 78.51;UTILITY EQUIPMENT CO. ,Supplies, 591;VERIZON ,Utilities, 400.62;WINDSTREAM ,Utilities, 755.56;ZIMCO SUPPLY CO. ,Supplies, 992.4; Grand Total ,, 399373.64;Checks: 298832 -298900 ,, ;EFT: 000738 - 000741 ,, ;Fund Recap: ,, ;1 ,General Fund, 26621.98;33 ,Golf Course, 2352.72;110 ,Road Use Tax Fund, 11680.63;112 ,Employee Benefits, 2682.91;307 ,Airport Turnarounds 2022, 6312.93; 317 ,Sewer Plant, 74159.28;350 ,ARP Fund (American Rescue), 25000;610 ,Sewer Utility Fund, 33524.19; ,, 399373.64

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

Motion by Fotiadis and second by Bahls to enter into close session Closed Session Pursuant to 21.5(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: Gay, aye; Fotiadis, aye; Hooper, aye; Bahls, aye; motion carried. Motion by Hooper and second by Bahls exit out of close session; roll call vote: Gay, aye; Fotiadis, aye; Hooper, aye; Bahls, aye; motion carried.

Motion by Fotiadis and second by Hooper to direct staff to investigate the acquisition of a Hanger at the Osceola Municipal Airport. In the same motion authorize staff to investigate improvements and/or redevelopment of City owned buildings around the square. Roll call vote: Gay, aye; Fotiadis, aye; Hooper, aye; Bahls, aye; motion carried.

There being no further business, motion by Bahls and second by Hooper to adjourn the meeting at 8:30 PM. All voting aye, motion carried.

Thomas Kedley - Mayor

Attest:

Britanee Ward – City Clerk
Website: osceolaia.net