

## OSCEOLA CITY COUNCIL

Tuesday, September 3, 2024

Regular Meeting

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

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

The City Council met on Tuesday, September 3, 2024 at 7:00 p.m. for a Regular scheduled meeting. The meeting was called to order by Mayor Pro-Tem George Fotiadis. Thomas J. Kedley was absent until around 8:12 PM. With the following present: Council Members: Dan Hooper, Thomas Bahls (arrived at 7:10 PM), Sonya Hicks, and Jose Vargas. City Staff present were Ty Wheeler–City- Administrator, Britanee Ward – City Clerk, 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, Brandon Hildreth, Duane Mercer, Luci Sullivan, Jon Sullivan.

Motion by Vargas and second by Hooper to approve the agenda, roll call: Hooper, aye; Vargas, aye; Hicks, aye; Fotiadis, aye; motion carried.

Mayor Pro tem had nothing to report.

Motion by Hooper and second by Hicks to approve the reappointment of Phil Higgins to the Airport Management Commission; roll call vote: Hooper, aye; Hicks, aye; Vargas, aye; Fotiadis, aye; motion carried.

No one spoke during open forum.

Motion by Hooper and second by Hicks to approve the special events permit for Downtown Spooktacular; roll call vote: Hooper, aye; Hicks, aye; Vargas, aye; Fotiadis, aye; motion carried.

Motion by Hooper and second by Vargas to approve the special events permit for Wine Walk; roll call vote: Hooper, aye; Hicks, aye; Vargas, aye; Fotiadis, aye; motion carried.

Motion by Hooper and second by Hicks to open the public hearing the Amendment to the City of Osceola Code of Ordinances Pertaining to Noise and Parking; roll call vote: Hooper, aye; Hicks, aye; Vargas, aye; Fotiadis, aye; motion carried. Colter Wright, Brandon Hildreth, and Duane Mercer had concerns regarding the ordinance, Luci Sullivan was in favor of the ordinance after hearing the reading. There were no other comments, motion by Hooper and second by Hicks to close the public hearing roll call vote: Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; Fotiadis, aye; motion carried.

Motion by Hooper and second by Vargas to approve the first reading of the Amendment to the City of Osceola Code of Ordinances Pertaining to Noise and Parking; roll call vote: Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried.

Motion by Hooper and second by Bahls to open public hearing for the Amendment to the City of Osceola Code of Ordinances Pertaining to Adult Entertainment Nuisances; roll call vote: Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; Fotiadis, aye; motion carried. There was no comments during public hearing. Motion by Hooper and second by Bahls to close public hearing; roll call vote: Hooper, aye; Hicks, aye; Bahls, aye; Vargas, aye; Fotiadis, aye; motion carried.

Motion by Hooper and second by Bahls to approve the first reading for the Amendment to the City of Osceola Code of Ordinances Pertaining to Adult Entertainment Nuisances; roll call vote: Hooper, aye; Hicks, aye; Bahls, aye; Vargas, aye; Fotiadis, aye; motion carried. Motion by Hooper and second by Hicks to waive the second and third reading of for the Amendment to the City of Osceola Code of Ordinances Pertaining to Adult Entertainment Nuisances; roll call vote: Hooper, aye; Bahls, nay; Hicks, aye; Vargas, aye; Fotiadis, aye; motion carried.

Ordinance 672:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF

OSCEOLA, IOWA, BY ADDING A NEW SECTION PERTAINING TO ADULT ESTABLISHMENT NUISANCES Be It Enacted by the City Council of the City of Osceola, Iowa: SECTION 1. NEW SECTION. Chapter 50 of the Code of Ordinances of Osceola, Iowa, is amended by adding a new Section 50.14 entitled, ADULT ESTABLISHMENTS, which is hereby adopted to read as follows:50.14 ADULT ESTABLISHMENTS. 1. As used in this section, “adult establishment” means any business that provides nude or topless dancing or operates any other adult-oriented business. 2. A public safety nuisance exists when it is established by clear and convincing evidence that an owner, manager, employee, contemporaneous patron, or guest of an adult establishment commits any of the following acts either on the premises or in any parking lots or areas, including but not limited to public rights-of-way, adjacent to the premises: A. Unlawfully discharges a firearm or uses an offensive weapon, as defined in Section 724.1 of the Code of Iowa, regardless of whether it inflicts injury or death. B. Assaults another person with a dangerous weapon as defined in Section 702.7 of the Code of Iowa resulting in injury or death. C. Engages in a riot as defined in Section 723.1 of the Code of Iowa on three or more dates within a 12-month period to which the police respond and disperse a crowd. The participants need not be the same persons for each incident. 3. When the City Attorney believes a serious threat to the public safety exists, the City Attorney or any other attorney on behalf of the City Attorney, may file a suit in equity in the district court without bond seeking abatement of the public safety nuisance arising from an adult establishment. (Code of Iowa, Sec. 657.12) 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 in effect from and after its final passage, approval and publication as provided by law. Passed and approved by the Council on the 3rd day of September, 2024.

Motion by Hooper and second by Bahls to open public hearing for the Amendment to the City of Osceola Code of Ordinances Pertaining to Electronic Meetings; roll call vote: Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; Fotiadis, aye; motion carried. There was no written or verbal comments during public hearing. Motion by Hooper and second by Bahls to close the public hearing; roll call vote; Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried.

Motion by Hooper and second by Bahls to approve the first reading of for the Amendment to the City of Osceola Code of Ordinances Pertaining to Electronic Meetings; roll call vote: Fotiadis, aye; Hooper, aye; Hicks, aye; Bahls, aye; Vargas, aye; motion carried. Motion by Hooper and second by Vargas to waive the second and third reading of for the Amendment to the City of Osceola Code of Ordinances Pertaining to Electronic Meetings. Roll call vote: Fotiadis, aye; Hooper, aye; Hicks, aye; Bahls, aye; Vargas, aye; motion carried.

Ordinance 673:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OSCEOLA, IOWA, BY AMENDING PROVISIONS PERTAINING TO ELECTRONIC MEETINGS Be It Enacted by the City Council of the City of Osceola, Iowa: SECTION 1. SECTION MODIFIED. Section 5.06 of the Code of Ordinances of the City of Osceola, Iowa, is repealed and the following adopted in lieu thereof: 5.06 MEETINGS. All meetings of the Council, any board or commission, or any multimembered body formally and directly created by any of the foregoing bodies shall be held in accordance with the following: 1. Definitions. The following terms are defined for use in this section. A. “Closed session” means a meeting to which all members of the public do not have access as allowed by Section 21.5 of the Code of Iowa. B. “Hybrid meeting” means a meeting involving both remote participation and in-person participation by members. (Code of Iowa, Sec. 21.8(4)(a)) C. “Open session” means a meeting to which all members of the public have access. (Code of Iowa, Sec. 21.2(3)) D. “Remote participation” means real-time participation by a remotely located individual in a meeting which is being held in a different physical location using integrated audio, video, and other digital tools. (Code of Iowa, Sec. 21.8(4)(b)) E. “Reasonable notice” means advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if not such office exists, at the building in which

the meeting is to be held. (Code of Iowa, Sec. 21.4(1))F. “Teleconference participation” means participation using audioconference tools involving multiple participants in at least two separate locations. (Code of Iowa, Sec. 21.8(4)(c))G. “Virtual meeting” means a meeting involving real-time interaction using integrated audio, video, and other digital tools, in which participants do not share a physical location. (Code of Iowa, Sec. 21.8(4)(d)) 2. Notice of Meetings. Reasonable notice of the time, date, and place of each meeting and its tentative agenda shall be given. (Code of Iowa, Sec. 21.4)

3. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law. (Code of Iowa, Sec. 21.3)

4. Minutes. Minutes shall be kept of all meetings showing the date, time, and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection. (Code of Iowa, Sec. 21.3)

5. Closed Session. A closed session may be held only by affirmative vote of either two-thirds of the body or all of the members present at the meeting and in accordance with Chapter 21 of the Code of Iowa. (Code of Iowa, Sec. 21.5)

6. Cameras and Recorders. The public may use cameras or recording devices at any open session. (Code of Iowa, Sec. 21.7)

7. Electronic Meetings. A governmental body shall provide for hybrid meetings, teleconference participation, virtual meetings, remote participation, and other hybrid options for the members of the governmental body to participate in official meetings. A governmental body conducting a meeting pursuant to this subsection shall comply with all of the provisions of Chapter 21 of the Code of Iowa. (Code of Iowa, Sec. 21.8)

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 Bahls and second by Hooper to open public hearing for the Amendment to the City of Osceola Code of Ordinances Pertaining to Operating Budget Preparation.; roll call vote; Fotiadis, aye; Hooper, aye Bahls, aye; Hicks, aye; Vargas, aye; motion carried. There was no written or verbal comments during the public hearing. Motion by Hooper and second by Bahls to close the public hearing; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried.

Motion by Hooper and second by Hicks to approve the first reading for the Amendment to the City of Osceola Code of Ordinances Pertaining to Operating Budget Preparation; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried. Motion by Bahls and second by Hicks to waive the 2<sup>nd</sup> & 3<sup>rd</sup> reading; roll call vote: Fotiadis, aye; Hooper, aye; Hicks, aye; Bahls, aye; Vargas, aye; motion carried.

Ordinance 674:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OSCEOLA, IOWA, BY AMENDING PROVISIONS PERTAINING TO OPERATING BUDGET PREPARATION Be It Enacted by the City Council of the City of Osceola, Iowa: SECTION 1. SUBSECTION MODIFIED. Subsection 4 of Section 7.05 of the Code of Ordinances of the City of Osceola, Iowa, is repealed and the following adopted in lieu thereof: 4. Annual Statement. (Code of Iowa, Sec. 24.2A(2))

A. On or before 4:00 p.m. on March 5 of each year, the City shall file, with the Department of Management, a report containing all necessary information for the Department of Management to compile and calculate amounts required to be included in the statement mailed under Paragraph B.

B. Not later than March 15, the County Auditor, using information compiled and calculated by the Department of Management shall send to each property owner or taxpayer within the County, by regular mail, an individual statement containing all of the required information as provided under Section 24.2(2)(B)(1-10) of the Code of Iowa. C. The Department of Management shall prescribe the form for the report required under Paragraph A, the statements to be mailed under Paragraph B, and the public hearing notice required under Paragraph D.

D. The Council shall set a time and place for a public hearing on the City’s proposed property tax amount for the budget year and the City’s information included in the statements under Paragraph B. The proposed property tax hearing shall be set on a date on or after March 20 of the budget year immediately preceding the budget year for which the tax is being proposed. At the hearing, the Council shall receive oral or written testimony

from any resident or property owner of the City. This public hearing shall be separate from any other meeting of the Council, including any other meeting or public hearing relating to the City's budget, and other business of the City that is not related to the proposed property tax amounts and the information in the statements shall not be conducted at the public hearing. After all testimony has been received and considered, the governing body may decrease, but not increase, the proposed property tax amount to be included in the City's budget. (1) Notice of the public hearing shall be published not less than 10 nor more than 20 days prior to the hearing, in a newspaper published at least once weekly and having general circulation in the City. However, if the City has a population of 200 or less, publication may be made by posting in three public places in the City.

(2) Notice of the hearing shall also be posted and clearly identified on the City's internet site for public viewing beginning on the date of the newspaper publication and shall be maintained on the City's internet site with all such prior year notices.

(3) Additionally, if the City maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on a date no later than the date of publication of the notice. (4) Failure of a newspaper to publish a required notice under this paragraph shall not be considered a failure of a political subdivision to provide required notice under this paragraph if all of the following conditions are met: a. Notice of the public hearing was provided to each property owner and each taxpayer within the political subdivision in statements required under Subsection 2, Paragraph B. b. The political subdivision can demonstrate to the county auditor that the political subdivision provided sufficient time for the newspaper to publish the notice.

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 in effect from and after its final passage, approval and publication as provided by law.

Motion by Hooper and second by Vargas to open the public hearing for the Amendment to the City of Osceola Code of Ordinances Pertaining to Publication of Minutes; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried. There was no written or verbal comments during public hearing. Motion by Hooper and second by Bahls to close the public hearing; roll call vote: Fotiadis, aye; Hooper, aye; Hicks, aye; Bahls, aye; Vargas, aye; motion carried.

Motion by Hooper and second by Vargas to approve the first reading of for the Amendment to the City of Osceola Code of Ordinances Pertaining to Publication of Minutes; roll call vote; Fotiadis, aye; Hooper, aye; Hicks, aye; Bahls, aye; Vargas, aye; motion carried. Motion by Hooper and second by Hicks to waive the second and third reading; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried.

Ordinance 675:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OSCEOLA, IOWA, BY AMENDING PROVISIONS PERTAINING TO PUBLICATION OF MINUTES Be It Enacted by the City Council of the City of Osceola, Iowa: SECTION 1. SECTION MODIFIED. Section 18.03 of the Code of Ordinances of the City of Osceola, Iowa, is repealed and the following adopted in lieu thereof: 18.03 PUBLICATION OF MINUTES. Within 15 days following a regular or special meeting of the Council, the Clerk shall cause the minutes of the proceedings of the Council, including the total expenditure from each City fund, to be delivered to a newspaper of general circulation in the City for publication. The publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claims. (Code of Iowa, Sec. 372.13(6))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 in effect from and after its final passage, approval and publication as provided by law.

Motion by Bahls and second by Hooper to open the public hearing the Amendment to the City of Osceola Code of Ordinances Pertaining to Pedestrians' Right-Of-Way. roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried. Clarification what controlled traffic controls meant. There was no written or verbal comments during public hearing. Motion by Hooper and second by Vargas to close the public comment; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried.

Motion by Hooper and second by Bahls to approve first reading of the Amendment to the City of Osceola Code of Ordinances Pertaining to Pedestrians' Right-Of-Way. roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried. Motion by Hooper and second by Vargas to waive the second and third reading of the Amendment to the City of Osceola Code of Ordinances Pertaining to Pedestrians' Right-Of-Way. roll call vote: Fotiadis, nay; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried.

Ordinance 676:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OSCEOLA, IOWA, BY AMENDING PROVISIONS PERTAINING TO PEDESTRIANS' RIGHT-OF-WAY Be It Enacted by the City Council of the City of Osceola, Iowa: SECTION 1. SECTION MODIFIED. Section 60.02 of the Code of Ordinances of the City of Osceola, Iowa, is repealed and the following adopted in lieu thereof: 60.02 DEFINITIONS. Where words and phrases used in the Traffic Code are defined by State law, such definitions apply to their use in said Traffic Code and are hereby adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings:

1. "Business District" means the territory contiguous to and including the following designated streets:
  - A. Main Street (Highway 69) from Webster Street to East Grant Street
  - B. Fillmore Street from Webster Street to Cass Street
  - C. Washington Street from Fillmore Street to Adams Street
  - D. Jefferson Street from Fillmore Street to Adams Street
2. "MPH" means miles per hour.
3. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
4. "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
5. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
6. "Pedestrian" means a person afoot or a person using a pedestrian conveyance. (Code of Iowa, Sec. 321.1(51))
7. "Pedestrian conveyance" means any human-powered device by which a pedestrian may move other than by walking or by which a pedestrian may move another person, including but not limited to a wheelchair, stroller, skateboard, scooter, or other similar device. Pedestrian conveyance also includes an electric personal assistive mobility device and any other device used to move a person sitting or standing on the device regardless of whether the device is powered by an electric motor, so long as the electric motor produces less than 750 watts. Pedestrian conveyance does not include a bicycle. (Code of Iowa, Sec. 321.1(51A))
8. "Residence district" means the territory contiguous to and including a highway not comprising a business, suburban, or school district, where 40 percent or more of the frontage on such a highway for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business. (Code of Iowa, Sec. 321.1(63))
9. "School district" means the territory contiguous to and including a highway for a distance of 200 feet in either direction from a schoolhouse. (Code of Iowa, Sec. 321.1(70))
10. "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or

discharging passengers.

11. "Stop" means when required, the complete cessation of movement.

12. "Stop" or "stopping" means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.

13. "Suburban district" means all other parts of the City not included in the business, school, or residence districts.

(Code of Iowa, Sec. 321.1(78))

14. "Traffic control device" means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

15. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. Vehicle does not include:

A. Any device moved by human power, including a low-speed electric bicycle.

B. Any device used exclusively upon stationary rails or tracks.

C. Any personal delivery device operated pursuant to Chapter 321O of the Code of Iowa.

D. Any integral part of a truck tractor or road tractor which is mounted on the frame of the truck tractor or road tractor immediately behind the cab and which may be used to transport persons and property, but which cannot be drawn upon the highway by the truck tractor or another motor vehicle.

E. Any steering axle, dolly, auxiliary axle, or other integral part of another vehicle which in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle. (Code of Iowa, Sec. 321.1(90))

SECTION 2. SECTION MODIFIED. Section 65.05 of the Code of Ordinances of the City of Osceola, Iowa, is repealed and the following adopted in lieu thereof: 65.05 PEDESTRIANS' RIGHT-OF-WAY. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to so yield to a pedestrian or a person riding a bicycle crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection. (Code of Iowa, Sec. 321.327)

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.

Motion by Hooper and second by Hicks to open public hearing for the Amendment to the City of Osceola Code of Ordinances Pertaining to Bond Requirements; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried. There was no written or verbal comments during public hearing. Motion by Hooper and second by Bahls to close the public hearing; roll call vote; Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried.

Motion by Hooper and second by Bahls to approve the first reading of the Amendment to the City of Osceola Code of Ordinances Pertaining to Bond Requirements; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried. Motion by Bahls and second by Vargas to waive the second and third reading the Amendment to the City of Osceola Code of Ordinances Pertaining to Bond Requirements; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried.

Ordinance 677:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OSCEOLA, IOWA, BY AMENDING PROVISIONS PERTAINING TO BOND REQUIREMENTS Be It Enacted by the City Council of the City of Osceola, Iowa:

SECTION 1. SECTION MODIFIED. Section 5.02 of the Code of Ordinances of the City of Osceola, Iowa, is repealed and the following adopted in lieu thereof: 5.02 BONDS. Surety bonds are provided in accordance with the following: 1. Required. The Council shall provide by resolution for a surety bond or blanket position bond running to the City and covering the Mayor, Clerk, Treasurer, and such other officers and employees as may be necessary and advisable except as allowed in Subsection 5. (Code of Iowa, Sec. 64.13)

2. Bonds Approved. Bonds shall be approved by the Council. (Code of Iowa, Sec. 64.19)

3. Bonds Filed. All bonds, after approval and proper record, shall be filed with

the Clerk. (Code of Iowa, Sec. 64.23(6)) 4. Record. The Clerk shall keep a book, to be known as the "Record of Official Bonds" in which shall be recorded the official bonds of all City officers, elective or appointive. (Code of Iowa, Sec. 64.24(1)(a)) 5. Insurance Policy in Lieu of Bond. In lieu of a bond, a public officer required to obtain a bond pursuant to Chapter 64 of the Code of Iowa may obtain an insurance policy in an amount not less than the amounts required of a bond. (Code of Iowa, Sec. 64.3) 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 in effect from and after its final passage, approval and publication as provided by law.

Motion by Hooper and second by Hicks to open public hearing Amendment to Chapter 99 of the City Code of Ordinances Pertaining to Rates and Charges. Roll call vote; Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried. There was no written or verbal comment. Motion by Hooper and second by Vargas to close the public hearing; roll call vote; Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried.

Motion by Hooper and second by Hicks to approve the first reading of Amendment to Chapter 99 of the City Code of Ordinances Pertaining to Rates and Charges. Roll call vote; Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried

Motion by Hooper and second by Vargas to approve the second reading of the Ordinance Vacating a portion of the 600 Block of E Webster Street; Roll call vote; Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried. Motion by Hooper and second by Hicks to waive the third reading; Roll call vote; Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried.

Ordinance 678:

ORDINANCE NO. 677

AN ORDINANCE PROVIDING FOR THE VACATION AND CONVEYANCE OF PUBLIC ROW IN THE CITY OF OSCEOLA, IOWA. BE IT ORDAINED by the City council of Osceola, Iowa: SECTION I. PURPOSE. The purpose of this Ordinance is to vacate and convey the described right-of-way and thereby relieve the City of Osceola, Iowa, of the responsibility of its maintenance and supervision, and to promote the orderly development of Osceola, Iowa. SECTION II. FACTS FOUND The Council of the City of Osceola, Iowa hereby makes the following findings:

**DESCRIPTION - PARCEL N:**

**That part of Vacated Webster Street lying in the Northeast Quarter of the Southeast Quarter of Section 17, Township 72 North, Range 25 West of the 5th P.M., City of Osceola, Clarke County, Iowa, described as follows;**

**Beginning at the Northwest corner of Vacated Webster Street with said point being at the intersection of the North line of Vacated Webster Street with the West line of said Northeast Quarter of the Southeast Quarter; thence South 00 degrees 10 minutes 44 seconds East, 33.00 feet along said West line of the Northeast Quarter of the Southeast Quarter to the Centerline of said Vacated Webster Street; thence North 89 degrees 44 minutes 39 seconds East, 119.90 feet along said Centerline; thence North 00 degrees 15 minutes 18 seconds West, 33.00 feet to the North line of said Vacated Webster Street; thence South 89 degrees 44 minutes 39 seconds West, 119.85 feet to the Point of Beginning, having an area of 0.09 Acres.**

**DESCRIPTION - PARCEL P:**

**That part of Vacated Webster Street lying in the Northeast Quarter of the Southeast Quarter of Section 17, Township 72 North, Range 25 West of the 5th P.M., City of Osceola, Clarke County, Iowa, described as follows;**

**Beginning at the Northwest corner of Parcel K, recorded in Book 45 Page 296, said point being on the South line of said Vacated Webster Street; thence South 89 degrees 44 minutes 39 seconds West, 49.86 feet along said South line to the West line of said Northeast Quarter of the Southeast Quarter; thence North 00 degrees 10 minutes 44 seconds West, 33.00 feet along said West line to the Centerline of said Vacated Webster Street; thence North 89 degrees 44 minutes 39 seconds East, 119.90 feet along said Centerline; thence South 00 degrees 15 minutes 18 seconds East, 33.00 feet to said South line of Vacated Webster Street; thence South 89 degrees 44 minutes 39 seconds West, 70.08 feet to the Point of Beginning, having an area of 0.09 Acres.**

a. The described street is not needed for the use of the public. b. The street is presently not open and it would be better used if vacated and conveyed to the adjoining landowners. c. The vacation of said street will not deny owners of property abutting on the street reasonable access to their property. d. The City Council has published notice of the intended vacation once in a newspaper published in and having general circulation in the City and said publication appearing not less than four nor more than twenty days before the date set for the hearing. e. The abutting landowners have petitioned the City Council to vacate and convey said area. f. There have been no objections filed in City Hall or with any city personnel. g. The City will retain a perpetual easement for municipal utility, franchise utility, and snow storage use. SECTION III. VACATION The following described Public ROW is hereby declared vacated: SECTION IV. CONVEYANCE This Ordinance hereby authorizes conveyance of said property to the adjacent proprietors by Quit Claim Deed. Any and all Quit Claim Deeds executed by the said Mayor and City Clerk subsequent to the effective date of this date of this Ordinance, conveying, or purporting to convey, all or any portion of the alley vacated herein, shall be conclusively presumed to be a conveyance to an eligible purchaser of the named grantee to so purchase said land and shall not be subject to attack nor contesting.

Motion by Hooper and second by Hicks to approve the profession services for a pedestrian trail crossing on W Clay over I-35 subject with funding from CCDC; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried.

Mayor Kedley arrived at 8:12 PM.

Ty Wheeler – City Administrator – Report on various projects updates.

Britanee Ward – City Clerk had nothing to report.

Marty Duffus – Police Chief – had nothing to report.

Council had nothing to report at this time.

Motion by Fotiadis and second by Hooper to approve the Consent Agenda:

- a. Bills & Claims; Bills & Claims paid per Chapter 7 in City Ordinance
- b. Council Minutes: August 20th
- c. Liquor License: None.
- d. CDBG Façade Drawdown #10: \$32,492.00
- e. CDBG Façade Drawdown #11: \$33,617.00

The following Claims were paid:

Name ,Invoice Desc,Check Amount;

AFLAC ,Employee Deductions,328.5; AGRILAND FS - MURRAY ,P&R: SUPPLIES,834.12;AHLERS & COONEY PC ,CITY: SERVICES,932.5; ALLIANT ENERGY ,STREET: UTILITIES,3047.14;AMAZON CAPITAL SERVICES ,GOLF COURSE: SUPPLIES,231.81;ANDREW CONSTRUCTION CO. ,CITY: SERVICES,27986.31;ARMAND ADVERTISING LLC ,POLICE: SUPPLIES,818.59; BSN SPORTS INC ,P&R: SUPPLIES,30;BUD JONES CONSTRUCTION ,WWTP: SERVICES,5908.58;CARD SERVICE CENTER ,FIRE: SUPPLIES,184.93; CARD SERVICES - CITY CREDIT ,WWTP: SUPPLIES,43.6;CARQUEST OF OSCEOLA ,POLICE: SUPPLIES,79.9;CHALLENGER TEAMWEAR ,P&R: SUPPLIES,98.05;CINTAS CORPORTATION (PW) ,STREET: SUPPLIES,27.93; CINTAS-SERVICES (GOLF) ,GOLF COURSE: SERVICES,59.54;CITY OF MURRAY ,CITY: SERVICES,2981.94;CITY OF WOODBURN ,CITY: SERVICES,993.98;CLARKE CO RECORDER ,CITY: SERVICES,12; CLARKE CO. TREASURER ,CITY: SERVICES,11349.62;CLARKE COUNTY ANIMAL SHELTER ,CITY: SERVICES,2000;CLARKE COUNTY SHERIFF ,POLICE: SERVICES,3227.5;COLLECTION SERVICE CENTER ,CHILD SUPPORT,2226.25;CORE-MARK US LLC ,GOLF COURSE: SUPPLES,577.78; COUNTRY CONCRETE ,STREET: SERVICES,4013.5;CRESTON PUBLISHING COMPANY ,CITY: SERVICES,1199.77;DENCO CORP ,STREET: SUPPLIES,25207.84;DIAMOND OIL CO ,WWTP: SUPPLIES,969.09; DIAMOND VOGEL PAINT CEN. ,STREET: SUPPLIES,504.99; DON'S JONS ,P&R: SERVICES,555;COSYSTEMS INC ,WWTP: SERVICES,22650;



EFTPS ,FEDERAL WITHHOLDING,55415.9;FAREWAY STORES ,GOLF COURSE: SUPPLIES,712.21;FAREWAY STORES ,GOLF COURSE: SUPPLIES,705.2;FAREWAY STORES ,GOLF COURSE: SUPPLIES,143.54;  
FLEETSIDE FORD ,WWTP: SERVICES,100.55;FRANKS DESIGN GROUP PC ,CITY: SERVICES,36267.63;GILBERTS TRUE VALUE HOME CENTER ,GOLF COURSE: SUPPLIES,1138.72;GOLDEN EAGLE DISTRIBUTING ,GOLF COURSE: SUPPLIES,325.75;HIGHWAY LUMBER ,STREET: SUPPLIES,18977.33;  
HY-VEE FOOD STORES ,FIRE: SUPPLIES,164.44;IDEAL READY MIX CO. ,STREET: SUPPLIES,34359.25;IMWCA ,CITY: SERVICES,8262;INFOMAX OFFICE SYSTEMS ,CITY: SERVICES,62;IOWA BEVERAGE ,GOLF COURSE: SUPPLIES,405.5;IOWA PEACE OFFICERS ASSOCIATION ,POLICE: SERVICES,330;IPERS ,IPERS - MONTHLY CONTRIB,34412.04;  
J P AUTO ,FIRE: SUPPLIES,19.26;JESSICA GRAVES ,REFUND,40;JIM'S SANITATION& TRUCK REPAIR ,CITY: SERVICES,37379.22;JOHNSON BROTHERS OF IOWA ,GOLF COURSE: SUPPLIES,151.6;LEXIPOL ,FIRE: SERVICES,1285.44;MARC ELCOCK ,CITY: SERVICES,1500;MEDIACOM ,CITY: UTILITIES,642.91;MET LIFE ,CITY: INSURANCE,3827.4;MIDWEST OFFICE TECH. CO. ,FIRE: SERVICES,46.8;MILES MURPHY ,REFUND,1240;MOSHER CONSTRUCTION LLC ,AIRPORT: SERVICES,2887.62;MUTUAL OF OMAHA ,CITY PORTION LIFE INSURANCE,666.53;NORTH CENTRAL LABORATORIES OF WISCONSIN ,WWTP: SUPPLIES,528.23;OSCEOLA FARM & HOME ,P&R: SUPPLIES,407.91;OSCEOLA WATER WORKS ,GOLF COURSE: UTILITIES,4895.53;PEPSICO BEVERAGE SALES LLC ,GOLF COURSE: SUPPLIES,321.51;PITNEY BOWES ,CITY: SERVICES,199.92;PODIUM INK ,CITY: SUPPLIES,689;REYNOLDSON VAN WERDEN & RENOLDSON L.L.P. ,CITY: SERVICES,180;SARAH MAYHEW ,SERVICES,330;SCHILDBERG CONST. CO. ,WWTP: SUPPLIES,841.19;SICOG ,CITY: SERVICES,1492;SOLUTIONS ,CITY: SERVICES,899.47;SPOKE COMMUNICATIONS LLC ,CITY: SERVICES,300;  
TEESNAP ,GOLF COURSE: SERVICES,768.58;TIMBER RIDGE COUNTRY MARKET ,GOLF COURSE: SUPPLIES,21.6;TREASURER ST. OF IOWA ,STATE INCOME TAX,8465;US CELLULAR ,CITY: UTILITIES,964.21;USA BLUEBOOK ,WWTP: SUPPLIES,6579.06;VAN-WALL EQUIPMENT INC. ,P&R: SUPPLIES,33105.32;VEENSTRA & KIMM INC. ,CITY: SERVICES,82990.16;  
WELLMARK - CITY OF OSCEOLA ,CITY: SERVICES,71917.17;WINDSTREAM ,POLICE; UTILITIES,756.97;ZIMCO SUPPLY CO. ,P&R: SUPPLIES,325;  
,Grand Total ,577527.43;EFT: 001210-001229 ,,;Check Numbers: 301667-301736 ,,;  
Fund Recap: ,,;1 ,General,143377.67;33 ,Golf Course,13756.93;101 ,Insurance,8262;  
110 ,Road Use Tax ,100022.13;112 ,Employee Benefits,36617.32;312 ,CDBG Faceade,37759.63;313 ,Building Trades House ,28031.89;315 ,Downtown ,16388.26;  
317 ,Sewer Plant ,17950;321 ,Recirculation ,48383.5;610 ,Waste Water,55060.928;  
800 ,Health Insurance,71917.17; ,Grand Total ,577527.428;

There being no further business, motion by Fotiadis and second by Hooper to adjourn the meeting at 8:28 PM. All voting aye, motion carried.

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Thomas J. Kedley - Mayor

Attest:

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Britanee Ward- Case – City Clerk

Website: osceolaia.net